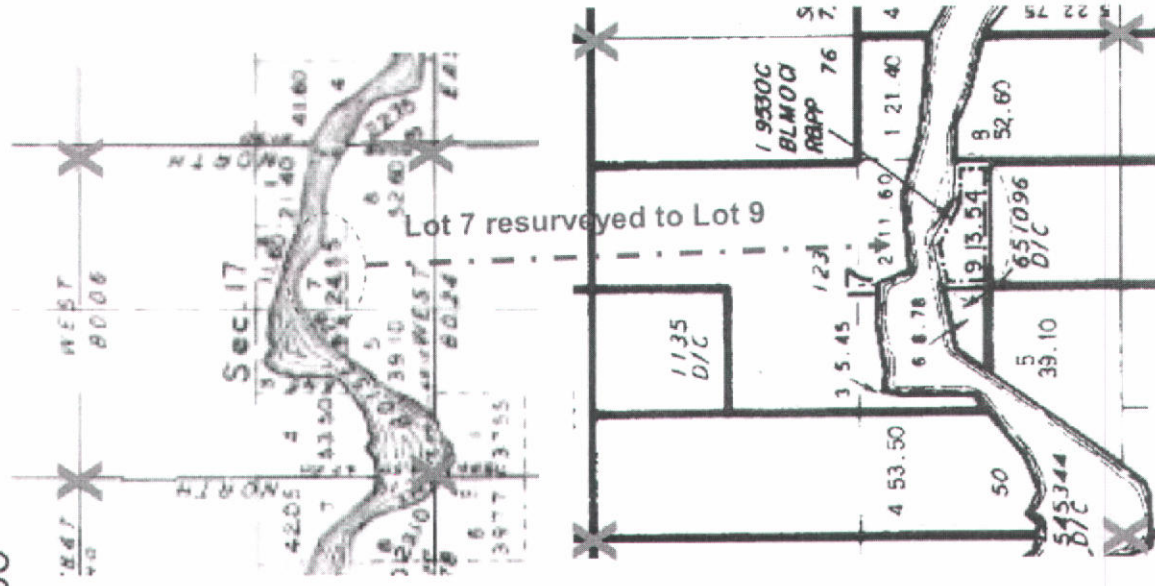


63-00145 & 63-16383



63-00145 & 63-16383

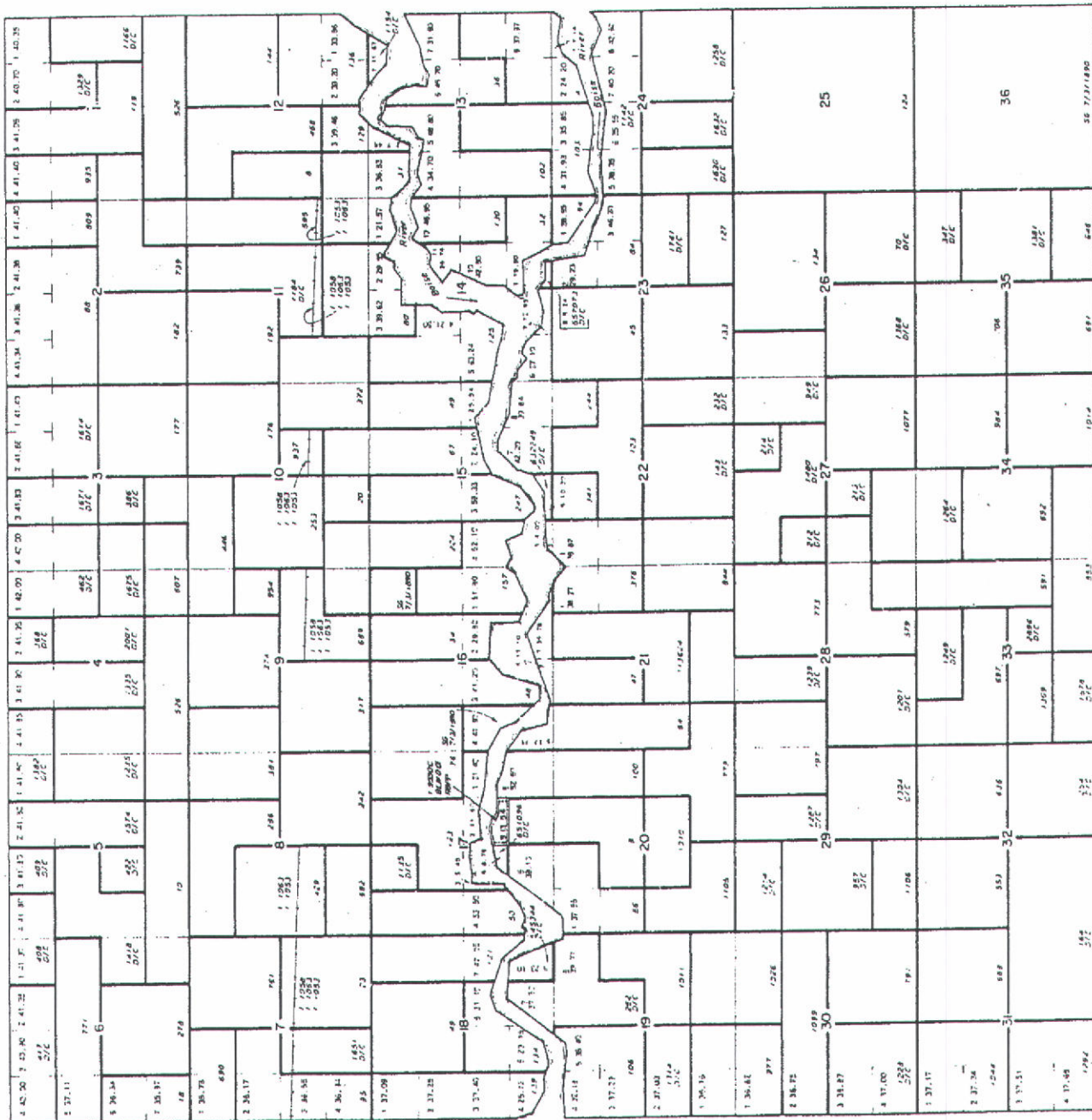


- Remove POU on BLM from data and adjust digital boundary accordingly.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

ADA COUNTY 001
BOISE DISTRICT SEC 3

MT PLAT



INDEX TO SEGREGATED TRACTS				
TRACT NO.	T	R	SEC	SUBDIVISION
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				

DA 26336 S88W A61 8/7/1908
Sec 17: L&T 7

FOR OWNERS EFFECTING DISPOSAL ON USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

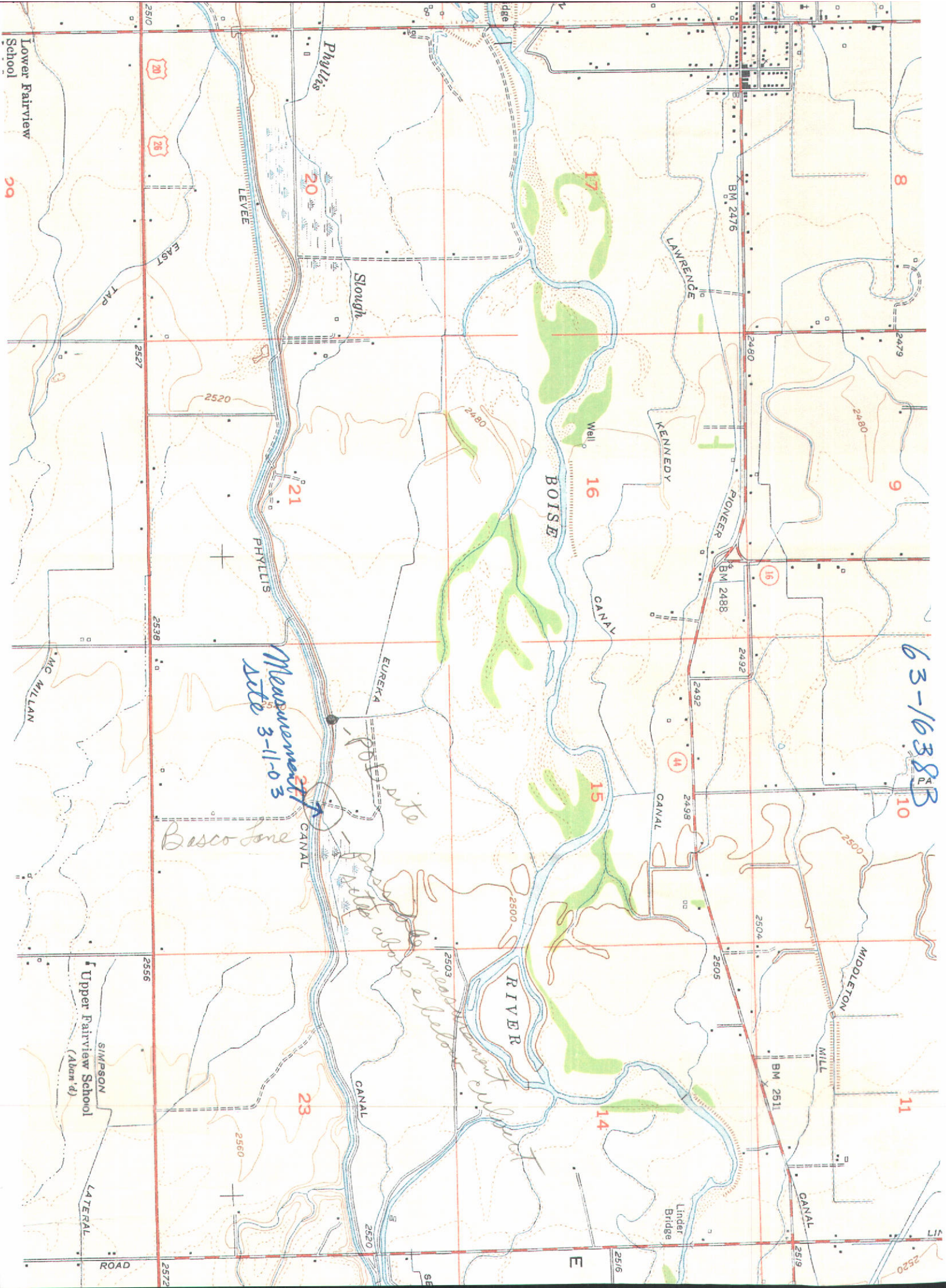
COMMENT TO	CURRENT TO
USE PLATS: 06	

Base Map
T. 4 N
R. 1 W

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used
only for reference. It does not reflect title changes which may have been
made by the landowner since the survey was made. Refer to the original survey for full and correct information.

SCALE in Chains
0 10 20 30 40

Lat. 43° 39' 15" N
Long. 115° 24' 15" W



Lower Fairview School

29

8

9

63-16388B

10

11

17

16

15

14

20

21

23

20

28

2522

2538

2556

2572

EAST TAP

LEVEE

Slough

Phyllis

PHYLLIS

EUREKA

MC MILLAN

Upper Fairview School (Abandoned)

LATERAL

ROAD

BM 2476

BM 2488

BM 2511

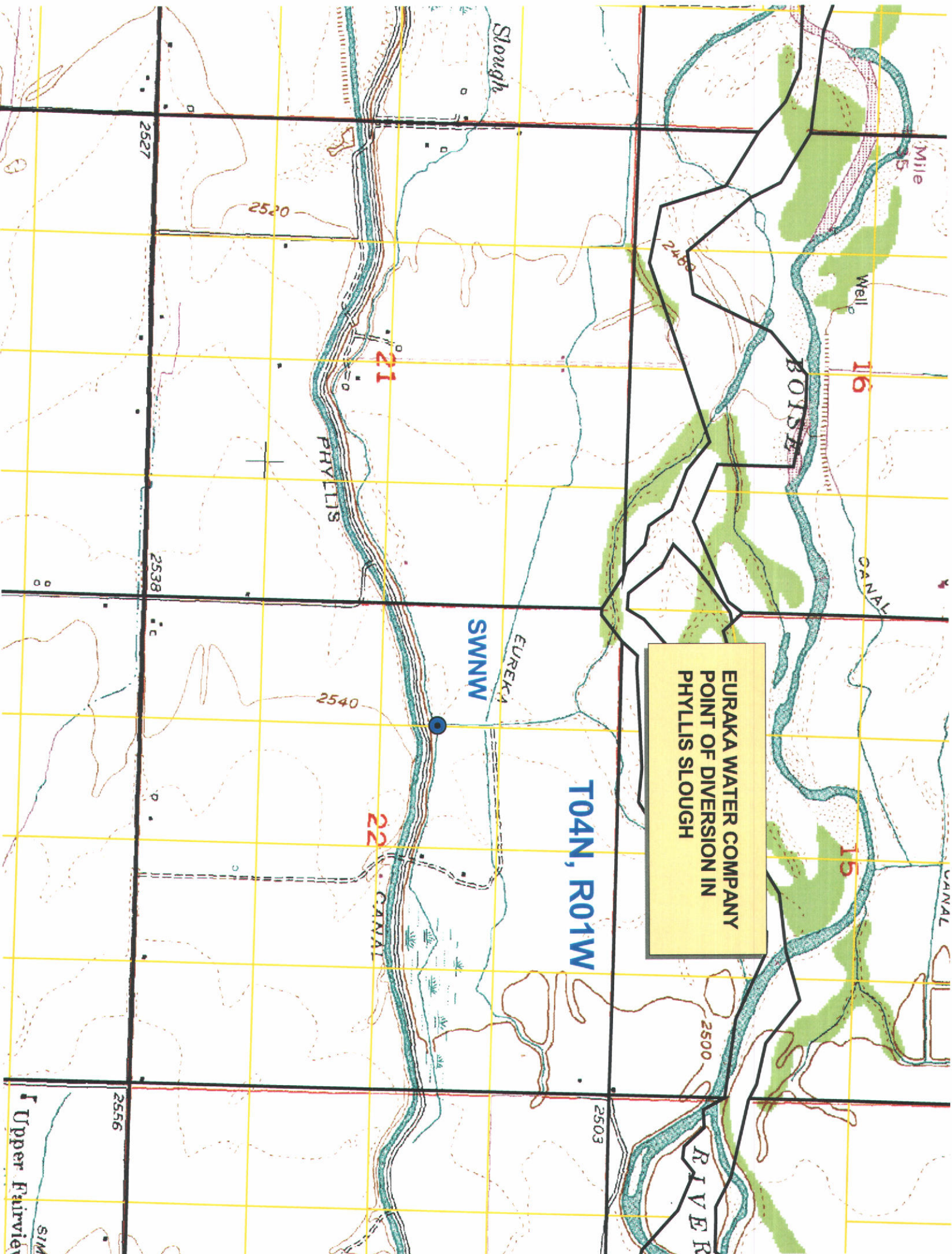
LAWRENCE

KENNEDY

PIONEER

MIDDLETON MILL

Linder Bridge



EURAKA WATER COMPANY
POINT OF DIVERSION IN
PHYLLIS SLOUGH

T04N, R01W

SWNW
EUREKA

15
Mile

Well

16

CANAL

15

RIVER

2503

2500

22

CANAL

2540

PHYLLIS

21

2520

2527

2538

2556

Upper Fairview

SIM

An aerial photograph of a rural landscape, likely in California, showing a patchwork of agricultural fields in various shades of red, brown, and green. A prominent blue wavy line runs vertically through the center of the image, representing a water boundary. To the left of this line, a large area is filled with a red dotted pattern, indicating land under a specific water right or ownership. A smaller, irregularly shaped area in the upper left is also outlined in green. The overall scene depicts a complex water management system overlaid on a traditional agricultural landscape.

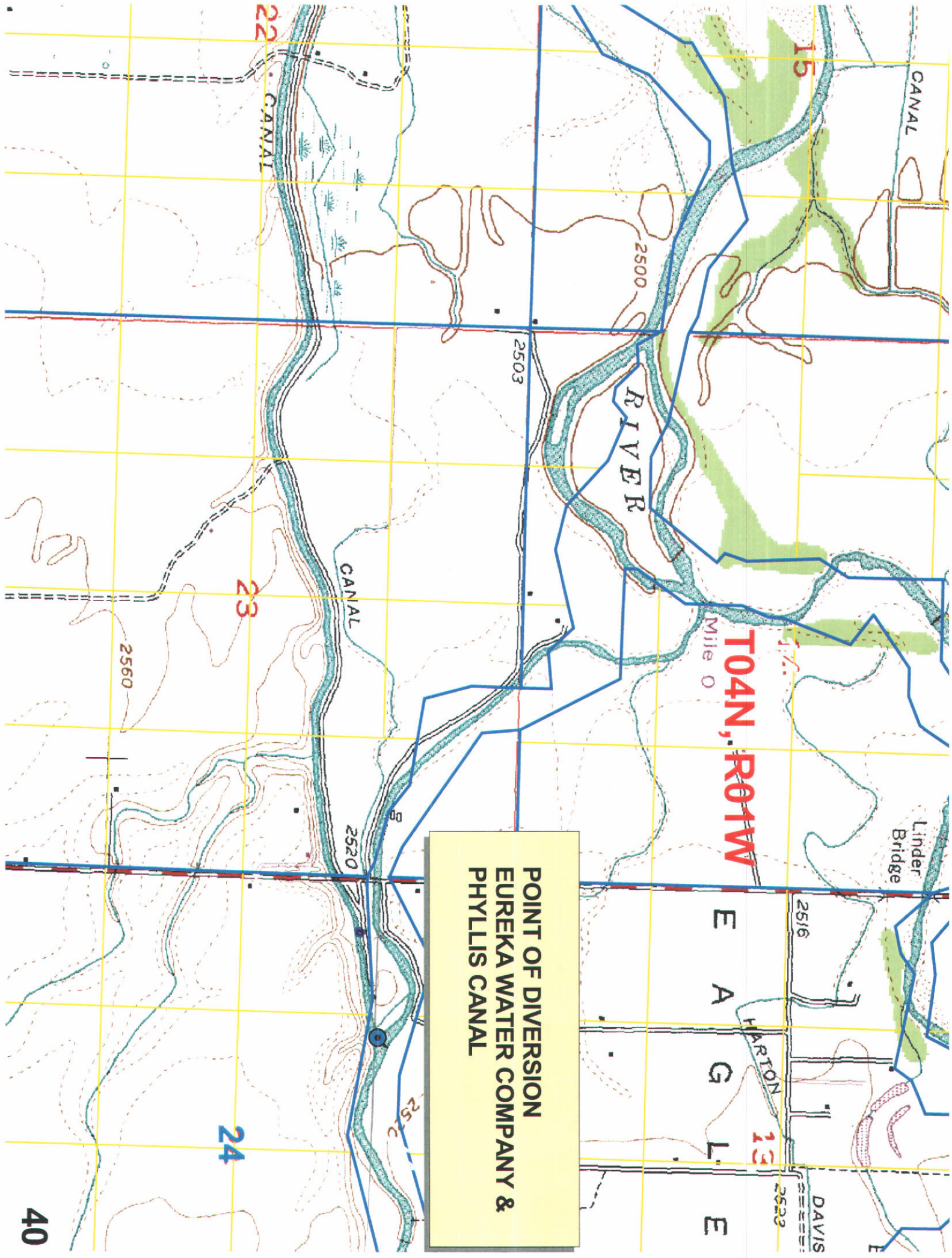
**EUREKA WATER COMPANY
PLACE OF USE & BOUNDARY
DIGITIZED ACRES = 1894.9**

EURAKA WATER COMPANY
PHOTOS DATED 3/11/2003

PHOTO NO. 1



MEASUREMENT SITE
IN PHYLLIS SLOUGH
EAST OF BASCO LAND



POINT OF DIVERSION
EUREKA WATER COMPANY &
PHYLLIS CANAL

T04N, R01W

Mile 0

24

40

EUREKA WATER COMPANY
Preliminary Boundary; draft
1987-88 NAPP Photography
Date Prepared: April 17, 2000
Prepared by: Mark Larson
Idaho Department of Water Resources



T04N02W

T04N01W

BasinNumber	SequenceNum	SplitSuffix	OrganizationName	Agent
63	✓ 145	33.32	EUREKA WATER CO	Mel
63	✓ 16383	20.0	EUREKA WATER CO	Mel

- Base River
- Phyllis Slough

Priority date evidence
Measurement ?

7650 N. Star Rd
Meridian





MICROFILMED

AUG 25 1992

RECEIVED
APR 21 2006
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 63-16383
(insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Eureka Water Co.
Address: 7650 N. Star Road; Meridian, Idaho 83642
Name: c/o Mark Phillips
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

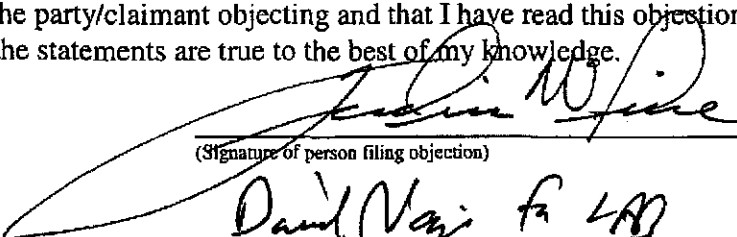
) ss.

County of ADA

)

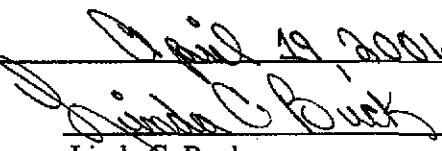
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

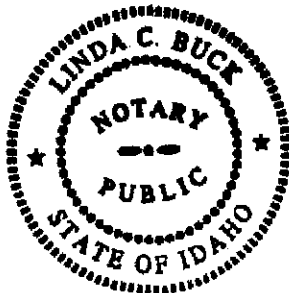
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

David Neri for LAD
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 19, 2006

Linda C. Buck



Notary Public for Idaho

Residing at: Mountain Home,

My Commission Expires: 12-21-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on 4-19-, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

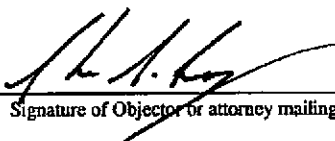
Name: Eureka Water Co.
Address: 7650 N. Star Road; Meridian, Idaho 83642
Name: c/o Mark Phillips
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

12/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-16383
NAME AND ADDRESS: EUREKA WATER CO
C/O MARK PHILLIPS
7650 N STAR RD
MERIDIAN ID 83642

POU on BLM:
-Claimant is not authorized to farm public land.

SOURCE: PHYLLIS SLOUGH TRIBUTARY: BOISE RIVER
QUANTITY: 2.310 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1865
POINT OF DIVERSION: T04N R01W S22 SWNW Within ADA County
PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	2.310 CFS
STOCKWATER	01/01 12/31	0.240 CFS

PLACE OF USE:

1826 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SREA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1826 ACRES WITHIN THE BOUNDARY OF THE EUREKA WATER COMPANY.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WATER IS DELIVERED THROUGH THE EUREKA CANAL.

RightID579154

Place(s) of use:

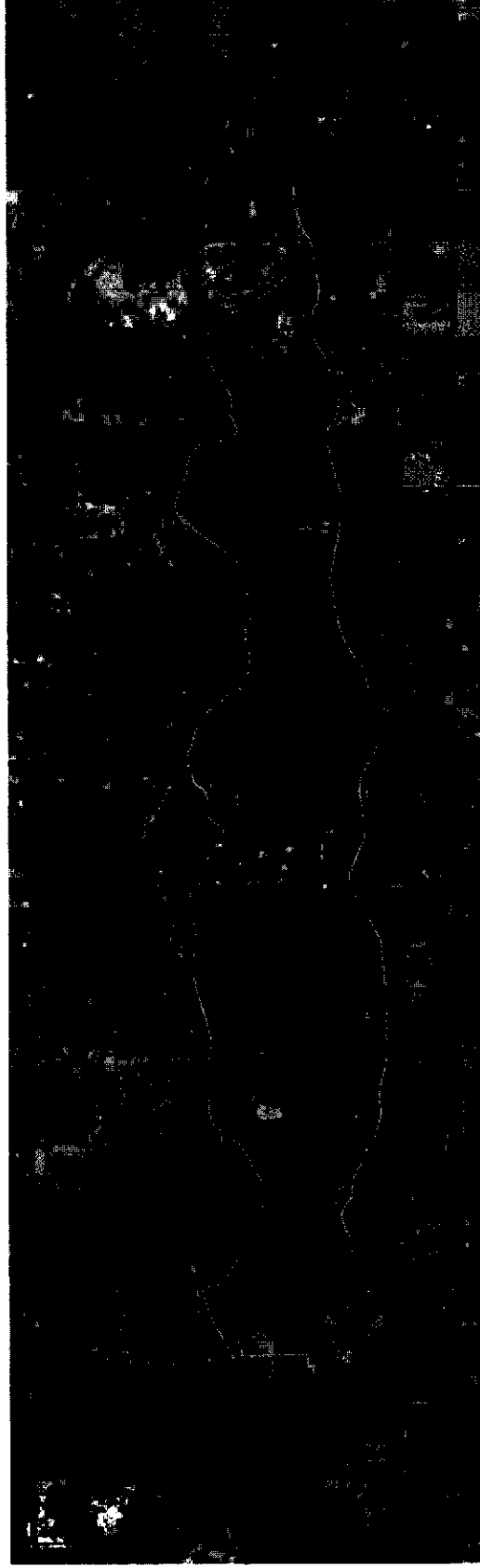
Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	14	6	SWSW		7	SESW							
			8	SWSE										
		15	6	SESW										
			7	SWSE		8	SESE							
		16	3	NESW		4	NWSW		5	SWSW		6	SESW	
			7	SWSE										
		17	7	SESE	BLM	4	NWSW		5	SESW			SWSE	
			8	SESE										
		18	7	NESE		9	SWSE		8	SESE				
		19	6	NENE			NWNE			SWNE			SENE	
			5	NENW		4	NWNW		3	SWNW			SENW	
				NESW										
				NESE			NWSE							
		20		NENE			NWNE			SWNE			SENE	
				NENW		1	NWNW			SWNW			SENW	
				NESW			NWSW							
				NESE			NWSE							
		21	1	NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW							
				NESE			NWSE							
		22		NENE			NWNE			SWNE			SENE	
				NENW		1	NWNW			SWNW			SENW	
		23	2	NWNE			SWNE		3	SENE				
				NENW			NWNW			SWNW			SENW	
		24	5	SWNW										
	02W	13	6	SESW										
			7	SWSE										
		24	1	NENE			NWNE			SWNE			SENE	
				NENW			SENW							
				NESE			NWSE							

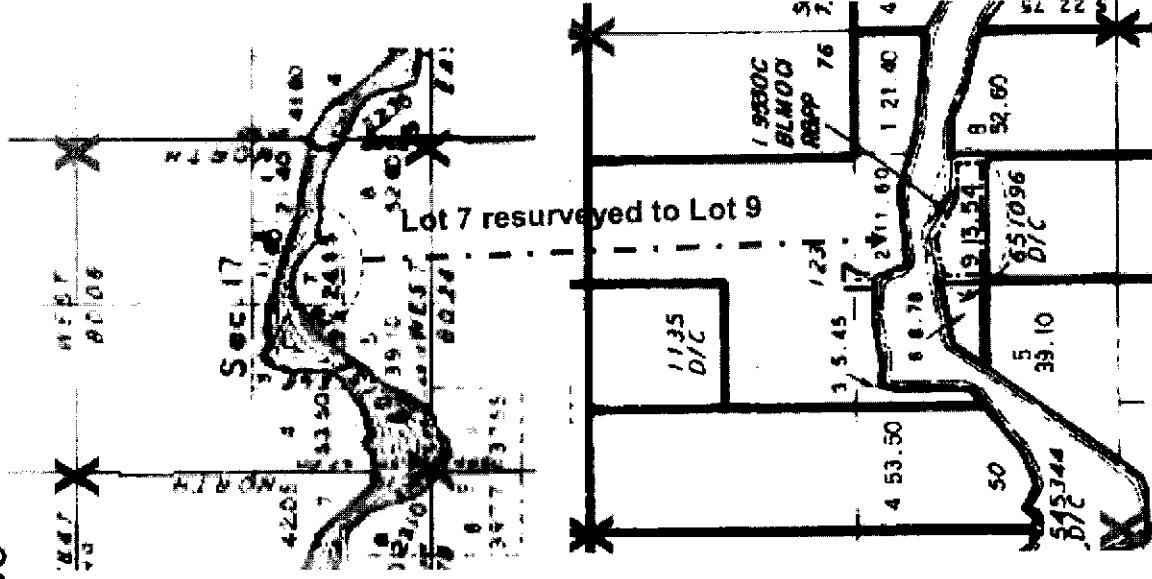
Place of Use Legal Description: STOCKWATER same as IRRIGATION

Note: Lot 7 (NWSE) has been resurveyed to Lot 9 (NWSE)

63-00145 & 63-16383



63-00145 & 63-16383

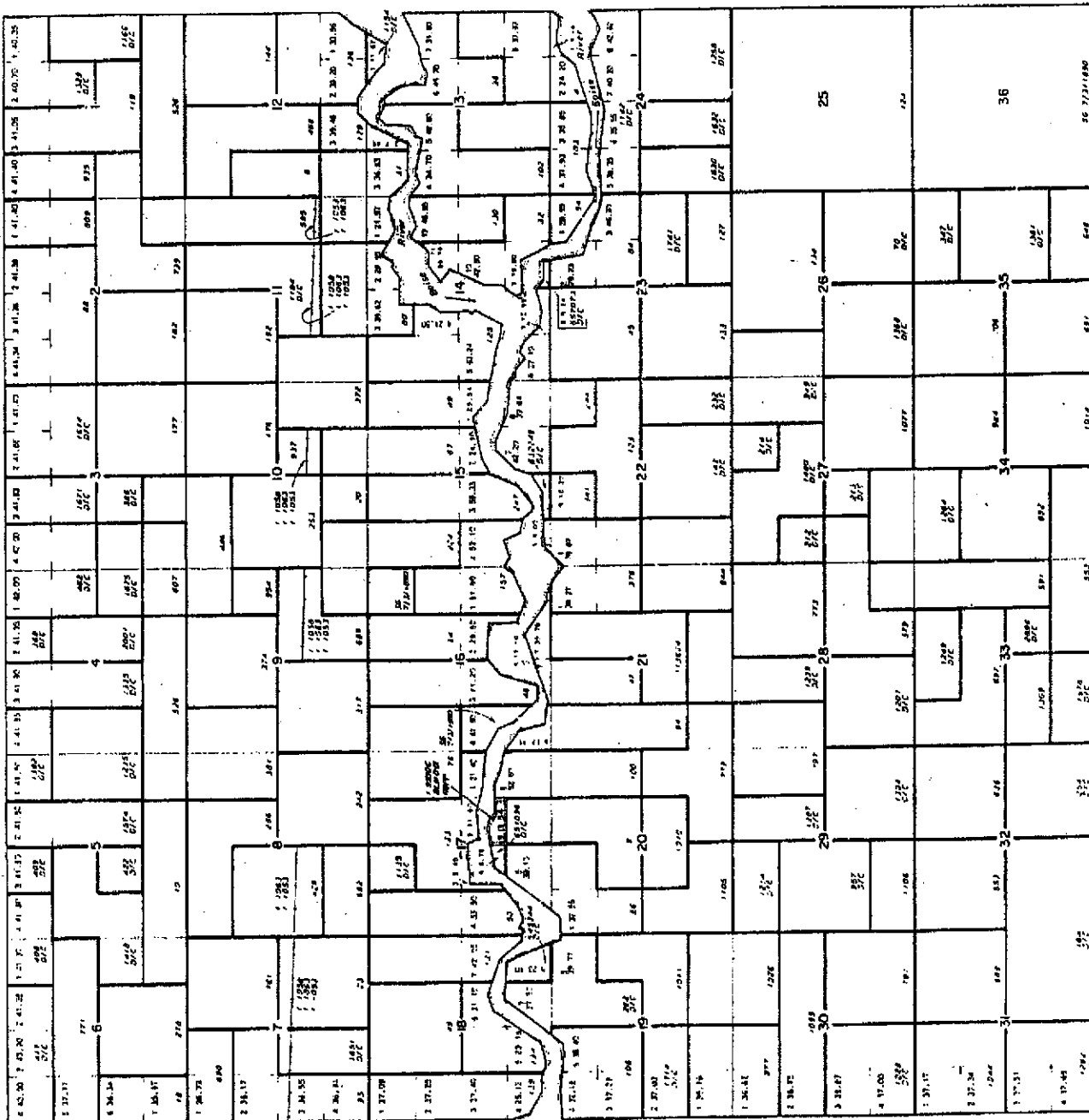


-Remove POU on BLM from data
and adjust digital boundary
accordingly.

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

ADA COUNTY 001
BOISE DISTRICT SEC. 3

MT PLAT



1st 43° 39' 15" N
Long. 115° 22' 15" W

INDEX TO SEGREGATED TRACTS			
TRACT NO.	ACRES	DATE	REMARKS
1	1.00	1/1/00	
2	1.00	1/1/00	
3	1.00	1/1/00	
4	1.00	1/1/00	
5	1.00	1/1/00	
6	1.00	1/1/00	
7	1.00	1/1/00	
8	1.00	1/1/00	
9	1.00	1/1/00	
10	1.00	1/1/00	
11	1.00	1/1/00	
12	1.00	1/1/00	
13	1.00	1/1/00	
14	1.00	1/1/00	
15	1.00	1/1/00	
16	1.00	1/1/00	
17	1.00	1/1/00	
18	1.00	1/1/00	
19	1.00	1/1/00	
20	1.00	1/1/00	
21	1.00	1/1/00	
22	1.00	1/1/00	
23	1.00	1/1/00	
24	1.00	1/1/00	
25	1.00	1/1/00	
26	1.00	1/1/00	
27	1.00	1/1/00	
28	1.00	1/1/00	
29	1.00	1/1/00	
30	1.00	1/1/00	
31	1.00	1/1/00	
32	1.00	1/1/00	
33	1.00	1/1/00	
34	1.00	1/1/00	
35	1.00	1/1/00	
36	1.00	1/1/00	

Q. 26335 SHW AC 8/2/1908
Sec 171 L&P 7

FOR OWNERS EFFECTING DISPOSAL ON USE OF
UNDEVELOPED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

COMMITTEE TO	COMMITTEE TO
MT PLATS 001	

Boise Map
T. 43 N
R. 1 W

WARNING STATEMENT
This plat is the Bureau's Record of Title and should be used
only for the purpose of recording and should not be used
for any other purpose. It is not a warranty of title and does not
guarantee the accuracy of the information contained herein.

SCALE in Chains
0 10 20 30 40

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
WATER IS DELIVERED THROUGH THE EUREKA CANAL.

RECEIVED

JUN 24 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 24, 2005

Water Right Number: 63-16383

EUREKA WATER COMPANY
C/O MARK PHILLIPS
7650 STAR ROAD
MERIDIAN, ID 83642

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
QUANTITY of 2.310 CFS for irrigation use and
PRIORITY DATE of 03/01/1890
2. Describe the changes you wish to make in the proposed recommendation:
The QUANTITY should be 20.0 CFS for irrigation use and the
PRIORITY DATE should be 06/01/1865. - *OK*
3. Give a brief explanation as to why you disagree with these portions:
The quantity should reflect the volume of water diverted and beneficially used by Eureka Water Company from what is known as the Phyllis Slough. Historically, Eureka Water Company has put a minimum of 20 CFS from the Phyllis Slough has been beneficially used for irrigation purposes. *No! measured 2.31 at the most opportune time*
Please see attached copy of Affidavit Establishing Use Of Water Right No. 63-16383 to justify correcting the priority date of this water right.

____ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 6/24/05

SIGNATURE: *[Signature]*

Please print your name: Jon Gould

RECEIVED
JUN 24 2005
WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576) WATER RIGHT NUMBER 63-16383
) AFFIDAVIT ESTABLISHING USE OF
) WATER RIGHT NO. 63-16383
)

STATE OF IDAHO)
) ss
COUNTY OF ADA)

Elias Aldape, after being duly sworn upon oath, deposes and states as follows:

1. My name is Elias Aldape.

2. I am generally familiar with the diversion and use of water pursuant to water right no. 63-16383, and I am familiar with the diversion and use of water collected in what is commonly referred to as the Phyllis Slough into the Eureka Water Company's facilities.

3. I lived and/or owned the property adjacent to the Phyllis Slough and the Eureka Water Company's facilities ever since I was born on March 21, 1920. My father purchased the property where I have lived, and which I now own, in 1912.

4. While the Phyllis Slough was dug and/or enlarged in approximately ^{the 1960s} ~~1969-1970~~, waste water collected at the bottom of the Phyllis Canal and then discharged into Eureka Water Company's facilities ever since I can remember as a boy and ever since my father purchased the property in 1912. I participated in the digging/enlarging of the Phyllis Slough with a drag line sometime around ^{the 1960s} ~~1969-1970~~, but waste water collected and then discharged into the Eureka Water Company's facilities prior to that time. I can remember playing in the waste ditch that is now referred to as the

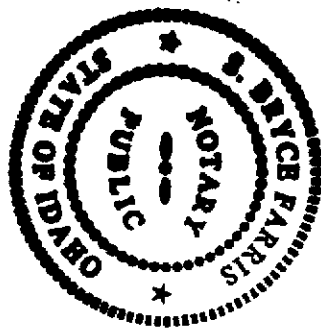
Phyllis Slough ever since I was a little kid.

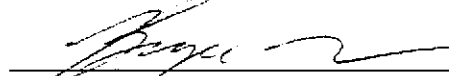
5. I believe that ever since the Phyllis Canal was constructed, which was constructed and existed prior to the time my father purchased the property in 1912, waste water has collected at the bottom of the Phyllis Canal in the area that is now the Phyllis Slough, discharged into the Eureka Water Company's facilities and then was used for irrigation purposes by Eureka Water Company's landowners.

6. I also believe that even before the Phyllis Canal was constructed, since the construction of the Eureka Water Company's facilities which I understand to be 1865, waste water has collected the area that is now the Phyllis Slough, discharged into the Eureka Water Company's facilities and then was used for irrigation purposes by Eureka Water Company's landowners.


ELIAS ALDAPE

Sworn to and subscribed before me this 23rd day of June, 2004.




Notary Public for Idaho
Residing in Boise, Idaho.
My Commission Expires: 7/29/04

RECEIVED

JUN 24 2005

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

June 24, 2005

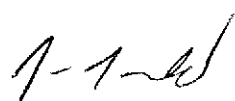
Mel Shulte
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: IDWR Preliminary Recommendations for Eureka Water Company

Dear Mr. Schulte:

Please find the enclosed Notice of Error Reply form in response to your preliminary recommendation for the water right owned by Eureka Water Company along with a copy of the Affidavit Establishing Use of Water Right No. 63-16383. Please contact me if you wish to discuss the proposed corrections to the preliminary recommendation.

Yours very truly,



Jon C. Gould

JCG:kw
Enclosures

cc: client

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-16383 V1

WATER RIGHT NUMBER: 63-16383 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED 455 S 3RD ST PO BOX 2773 BOISE, ID 83701-2773 (208)342-4591
Current Owner	EUREKA WATER CO C/O MARK PHILLIPS 7650 N STAR RD MERIDIAN, ID 83642

Priority Date: 03/01/1890 → 6-1-1865
 Basis: Beneficial Use
 Status: Active

Emended

<u>Source</u>	<u>Tributary</u>
PHYLLIS SLOUGH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	2.310 CFS	
STOCKWATER	01/01 to 12/31	0.240 CFS	
	<u>Total Diversion:</u>	2.310 CFS	

Location of Point(s) of Diversion

PHYLLIS SLOUGH	SW1/4NW1/4	Sec. 22, Twp 04N, Rge 01W, B.M.
ADA County		

Place of Use

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-16383 V1

1. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
2. Explanatory WATER IS DELIVERED THROUGH THE EUREKA CANAL.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1826 ACRES WITHIN THE BOUNDARY OF THE EUREKA WATER COMPANY.

Comments:

Water Supply Bank:

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-16383Owner: Eureka Water Co. Phone No. 286-7020 = Mark Phillips, Pres.Current Address: 7650 N. Star Rd, Mer 83642 859-8726 = cell

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☒ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: Mark Phillips, Elias Aldape and Mike Morris -8-12-02PRIORITY DATE Craig Sinton assisted with measurement on 3-11-03

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1865 = priority date for 63-145

(If priority date, based on your exam, seems questionable, explain below.)

It appears waste water in the Phyllis Slough began to collect after the Phyllis Canal was constructed in 1890 (See attached.)Source: Phyllis Slough Tributary to Boise River

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed:
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			SW	NW	22	4N	1W	Ada	USGS topo during field exam

Description of diverting works

A concrete structure in the slough directs water to a lateral ditch that empties into the Eureka Canal

OVERLAP REVIEW

Other water rights with the same point of diversion: *None*

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

This right is supplemental water to the companies primary right 63-145, a Boise River decreed right.

WATER USES

☒ No change

☐ Different Uses

Use *Irrigation* From *3-1* To *11-15* Amount *2.31* CFS *AFA*

Use *Stockwater* From *1-1* To *12-31* Amount *.24* CFS *AFA*

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME - Groundwater only *NA*

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

☒ No change

☐ Changes Exam found: Domestic # of homes _____ Stock # *1000 range cattle*

Types _____ Additional comments: _____

PLACE OF USE:

☒ No Change

☐ Changes shown below:

Limited to 1826 acres within the boundary of Eureka Water			NE				NW				SW				SE				Totals
Place of Use																			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: Supplemental to 63-145

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: The Phyllis Slough collects seepage from the Phyllis Canal and the bench above the canal. According to Elias Alhage the flow is greatest when the wells are not being pumped on the bench land above the canal. Slough water is diverted via a ditch to the Eureka Canal and then private laterals and ditches, some of the historical place of use for Eureka water is now part of Super Uteig golf course.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
NA					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

See 63-145 for additional information.

The measurement of the flow rate was conducted in early March at the suggestion of Elias Alhage to take advantage of the highest natural annual flows. Elias and his family are long time residents of the area.

Water collects in the Phyllis Slough year around and parallels the Phyllis Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-16383

WATER RIGHT NUMBER: 63-16383

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EUREKA WATER CO 6820 W JOPLIN RD MERIDIAN, ID 83642 (208)442-7100

Priority Date: 06/01/1865
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
PHYLLIS SLOUGH	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	20.000 CFS	
STOCKWATER	1/01 to 12/31	0.240 CFS	
	<u>Total Diversion:</u>	20.000 CFS	

Location of Point(s) of Diversion

PHYLLIS SLOUGH ADA County	NE1/4SW1/4	Sec. 21, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	NW1/4SE1/4	Sec. 21, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	SW1/4NW1/4	Sec. 23, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	NE1/4SE1/4	Sec. 20, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	SW1/4NE1/4	Sec. 23, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	SE1/4NE1/4	Sec. 21, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	SE1/4NE1/4	Sec. 22, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	SE1/4NW1/4	Sec. 23, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	SW1/4NE1/4	Sec. 22, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	NE1/4SE1/4	Sec. 21, Twp 04N, Rge 01W, B.M.
PHYLLIS SLOUGH ADA County	NW1/4SW1/4	Sec. 21, Twp 04N, Rge 01W, B.M.

Mark Phillips
286-7020 - home
859-8720 - cell
Re: delivery system for
Eureka Water

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-16383

PHYLLIS SLOUGH	SE1/4NE1/4	Sec. 23, Twp 04N, Rge 01W, B.M.
ADA County		
PHYLLIS SLOUGH	SW1/4NW1/4	Sec. 22, Twp 04N, Rge 01W, B.M.
ADA County		
PHYLLIS SLOUGH	SE1/4NW1/4	Sec. 22, Twp 04N, Rge 01W, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01W S14	SWSW	6.0	T04N R01W S14	SESW	9.0
T04N R01W S14	SWSE	5.0	T04N R01W S15	SESW	6.0
T04N R01W S15	NESE	2.0	T04N R01W S15	NWSE	2.0
T04N R01W S15	SWSE	19.0	T04N R01W S15	SESE	37.0
T04N R01W S16	NESW	2.0	T04N R01W S16	SWSW	6.0
T04N R01W S16	SESW	20.0	T04N R01W S16	SWSE	20.0
T04N R01W S17	SWSW	3.0	T04N R01W S17	SESW	24.0
T04N R01W S17	NWSE	2.0	T04N R01W S17	SWSE	38.0
T04N R01W S17	SESE	18.0	T04N R01W S18	SWSE	22.0
T04N R01W S18	SESE	8.0	T04N R01W S19	NENE	39.0
T04N R01W S19	NWNE	40.0	T04N R01W S19	SWNE	40.0
T04N R01W S19	SENE	40.0	T04N R01W S19	NENW	36.0
T04N R01W S19 Lot 1	NWNW	22.0	T04N R01W S19 Lot 2	SWNW	8.0
T04N R01W S19	SENE	29.0	T04N R01W S19	NESW	3.0
T04N R01W S19	NESE	25.0	T04N R01W S19	NWSE	19.0
T04N R01W S20	NENE	40.0	T04N R01W S20	NWNE	39.0
T04N R01W S20	SWNE	39.0	T04N R01W S20	SENE	39.0
T04N R01W S20	NENW	39.0	T04N R01W S20	NWNW	38.0
T04N R01W S20	SWNW	40.0	T04N R01W S20	SENE	39.0
T04N R01W S20	NESW	18.0	T04N R01W S20	NWSW	4.0
T04N R01W S20	NESE	3.0	T04N R01W S20	NWSE	11.0
T04N R01W S21	NENE	36.0	T04N R01W S21	NWNE	39.0
T04N R01W S21	SWNE	39.0	T04N R01W S21	SENE	37.0
T04N R01W S21	NENW	40.0	T04N R01W S21	NWNW	39.0
T04N R01W S21	SWNW	38.0	T04N R01W S21	SENE	40.0
T04N R01W S21	NESW	9.0	T04N R01W S21	NWSW	10.0
T04N R01W S21	NESE	4.0	T04N R01W S21	NWSE	12.0
T04N R01W S22	NENE	38.0	T04N R01W S22	NWNE	39.0
T04N R01W S22	SWNE	19.0	T04N R01W S22	SENE	20.0
T04N R01W S22	NENW	40.0	T04N R01W S22	NWNW	36.0
T04N R01W S22	SWNW	23.0	T04N R01W S22	SENE	22.0
T04N R01W S23	NENE	3.0	T04N R01W S23	NWNE	30.0
T04N R01W S23	SWNE	15.0	T04N R01W S23	SENE	11.0
T04N R01W S23	NENW	40.0	T04N R01W S23	NWNW	40.0
T04N R01W S23	SWNW	33.0	T04N R01W S23	SENE	25.0
T04N R02W S13	SESW	2.0	T04N R02W S13	SWSE	15.0
T04N R02W S13	SESE	3.0	T04N R02W S24	NENE	20.0
T04N R02W S24	NWNE	35.0	T04N R02W S24	SWNE	30.0
T04N R02W S24	SENE	30.0	T04N R02W S24	NENW	12.0
T04N R02W S24	SENE	3.0			

Total Acres: 1826

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-16383

Remarks:

1. General LAND IS WITHIN THE SERVICE AREA OF THE EUREKA WATER CO.

Comments:

Dates and Other Information:

Claim Received Date: 7/18/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
Michael J. Doolittle
S. Bryce Farris
David I. Hammerquist
Charles L. Honsinger
Joseph B. Jones
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

June 24, 2004 RECEIVED

JUN 25 2004

WATER RESOURCES
WESTERN REGION

Mel Shulte
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

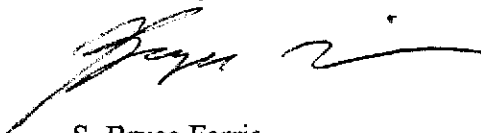
Re: Water Right No. 63-16383

Dear Mel:

Enclosed please find the original signed Affidavit Establishing Use of Water Right No. 63-16383 of Elias Aldape for your review, and to be included into the claim file for the same.

Thank you for your assistance in this matter. Please contact me if you have any questions or comments.

Yours very truly,



S. Bryce Farris

SBF:kw
Enclosure

cc: Mark Phillips

RECEIVED

JUN 25 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE WATER RESOURCES
WESTERN REGION

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) WATER RIGHT NUMBER 63-16383

)
) AFFIDAVIT ESTABLISHING USE OF
) WATER RIGHT NO. 63-16383
)

STATE OF IDAHO)

) ss

COUNTY OF ADA)

Elias Aldape, after being duly sworn upon oath, deposes and states as follows:

1. My name is Elias Aldape.

2. I am generally familiar with the diversion and use of water pursuant to water right no. 63-16383, and I am familiar with the diversion and use of water collected in what is commonly referred to as the Phyllis Slough into the Eureka Water Company's facilities.

3. I lived and/or owned the property adjacent to the Phyllis Slough and the Eureka Water Company's facilities ever since I was born on March 21, 1920. My father purchased the property where I have lived, and which I now own, in 1912.

4. While the Phyllis Slough was dug and/or enlarged in approximately ^{the 1960s} ~~1969-1970~~, waste water collected at the bottom of the Phyllis Canal and then discharged into Eureka Water Company's facilities ever since I can remember as a boy and ever since my father purchased the property in 1912. I participated in the digging/enlarging of the Phyllis Slough with a drag line sometime around ^{the 1960s} ~~1969-1970~~, but waste water collected and then discharged into the Eureka Water Company's facilities prior to that time. I can remember playing in the waste ditch that is now referred to as the

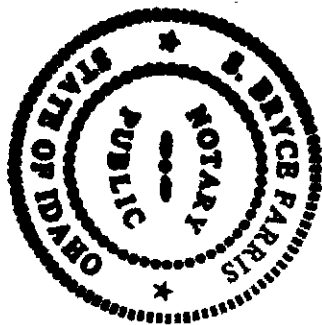
Phyllis Slough ever since I was a little kid.

5. I believe that ever since the Phyllis Canal was constructed, which was constructed and existed prior to the time my father purchased the property in 1912, waste water has collected at the bottom of the Phyllis Canal in the area that is now the Phyllis Slough, discharged into the Eureka Water Company's facilities and then was used for irrigation purposes by Eureka Water Company's landowners.

6. I also believe that even before the Phyllis Canal was constructed, since the construction of the Eureka Water Company's facilities which I understand to be 1865, waste water has collected the area that is now the Phyllis Slough, discharged into the Eureka Water Company's facilities and then was used for irrigation purposes by Eureka Water Company's landowners.

Elias Aldape
ELIAS ALDAPE

Sworn to and subscribed before me this 23rd day of June, 2004.



[Signature]
Notary Public for Idaho
Residing in Boise, Idaho.
My Commission Expires: 7/29/04

63-16383

IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

THE BEGINNING OF THE NEW YORK CANAL

Number 190

March 1972

Irrigated farming started on a substantial scale in Boise Valley the season after gold discoveries in Boise Basin, August 2, 1862, brought a rush of miners to the region. By 1864 farmers occupied all the land near the river that could be irrigated by direct diversion. Canals to water more desert land gradually were dug farther out into the valley, but two decades went by before construction of the major Boise Valley canal got underway. New York capitalists, in search of promising opportunities for large scale investment, undertook that project after 1882.

Mining as well as reclamation entered into the plans of the New York investors. Incorporating the Idaho Mining and Irrigation Company, June 23, 1882, they hoped, through gold production to recover some (if not all) of their cost of building a major canal that would have a permanent future serving potential farm land that existing irrigation systems could not reach. Water not needed for reclamation during the summer could be used to work many miles of Snake River placers. Snake River fine gold was attracting a lot of attention at that time, and if anyone ever had figured out an economical recovery process, a large number of expensive New York canals could have been constructed. (So far, a century of search has failed to provide a suitable process, but that discouraging aspect of the canal project could not be foreseen in 1882. A million or two dollars came from Snake River placers in spite of production difficulties.)

Even without the mining possibilities, the New York Canal project had great merit. Rail transportation was about to reach Boise Valley, and once water was available in the underdeveloped desert lands, plenty of farmers would be on hand to use it. Right from the beginning, the New York Canal was planned on an imperial scale. John H. Burns filed a claim for 3,000 second feet of water, November 13, 1882, and A. D. Foote, the company engineer, located 1,500 more the next year. With a canal capable of handling 4,500 second feet of water, they hoped eventually to irrigate 500,000 acres. In 1883 Foote surveyed a seventy-five mile main canal, along with a system of lateral ditches. By fall he had a truly handsome promotional map of a massive reclamation system for Boise Valley. Provision was made for 5,000 miles of lateral ditches. He had to spend \$4,000 a month to get this work done. Still, it was worth the cost. Without such an elaborate (if over-expensive) survey, investors would not be interested in providing the million or one and a half million dollars required for the initial stage of construction.

Foote did not propose to begin with a canal large enough to deliver 4,500 second feet of water. Still, he located his canal so that, when enlarged to that capacity, a 500,000 acre tract of land requiring that much water could be served. Actually, until large storage reservoirs could be

Oregon Short Line and Nampa. When the Phyllis company resisted this possibility, the New York Canal, along with the Phyllis, appeared to be a fraud of the first magnitude. Only \$500 worth of work had been done on the Phyllis, and the two men equipped with wheel barrows seemed to be making little or no headway in the canyon on the mammoth New York Canal. The Statesman, July 23, 1887, complained that "they could bale out the Pacific ocean as soon [as] they could paw the dirt off this ditch from its beginning to its ending. . ." If a corporation entices innocent men, with or without families, into such a trap [of homesteading desert land for which water is not provided], it should be made to pay the damages which these parties have suffered. . . But judging from the amount of work done on this imaginative canal their exchequer needs to be replenished."

In order to get the New York Canal started the Idaho Mining and Irrigation Company began surveying, February 3, 1888, for a ditch that they could afford to construct. Later that year, the Phyllis Canal enterprise was returned to the parent company, and serious work finally began on the system in the spring of 1890. (Token efforts designed only as work to retain the water right which had been kept up continuously since 1883, at last could be abandoned.) Under contract from the Idaho Mining and Irrigation Company, W. C. Bradbury quickly put the Phyllis Canal into operation. Aside from getting water to farmers who had desert land in the original New York Canal system, this ditch gave the company access (through a short cut) to some of the Snake River placers which also constituted part of their objective. Then in July, 1890, Bradbury began construction of the New York Canal, two years after the original projected completion date.

Bradbury managed to build only six of the sixty miles of the New York Canal project during the year that he worked on the project. By March 1891, a dispute between New York and British bondholders led to termination of funding for the Idaho Mining and Irrigation Company. Some of the subcontractors quit at that point, but Bradbury continued under his sixty mile contract until July. With 200 to 500 men and 100 to 250 teams of horses, Bradbury utilized "every convenience in machinery that was possible." Altogether, he spent \$386,825.81 on the New York Canal. This included \$208,000 of his own funds. His resources exhausted, Bradbury had to quit without a usable canal to justify his efforts. Bradbury had spent \$150,000 in the three mile canyon stretch without actually getting a canal finished there. He had fourteen miles of canal under construction, but less than half of that portion finished when he had to halt work. The completed six miles extended from the head of the valley onto the benches above Boise. The New York Canal now started several miles below the source for water, or to look at the situation another way, quite a number of feet above the nearest possible diversion point in the river. Worse still, the canal ended about three miles from Boise at a spot quite a few miles from most of the lands that were to be watered. Either a high diversion dam or the canyon stretch of the canal (necessary to close the gap from the original diversion point to the section Bradbury had built) could be built only at a lot more expense.

Discouraged by this unfortunate turn of events, A. J. Foote withdrew from the New York Canal project altogether, and started a new Boise City Canal enterprise in 1892, which the city council accepted because of an offer for free water. In the absence of token efforts by two men equipped with wheel barrows in the canyon, C. H. Tompkins had to keep relocating his New

OPEN CHANNEL DISCHARGE MEASUREMENT NOTES A63-16383

1. Name of stream or ditch: PHYLLIS SLOUGH
2. Location: 100 FT UPSTREAM FROM BASCO LN
3. Person conducting measure: MEL SCHULTE
4. Date and time of measure: 03/11/03
5. Accompanied by: CRAIG SAXTON
6. Measuring device size and ID: PYGMY # 090175
7. Spin test OK? Before: Yes After: Yes
8. Purpose of measure: IRRIGATION FLOW

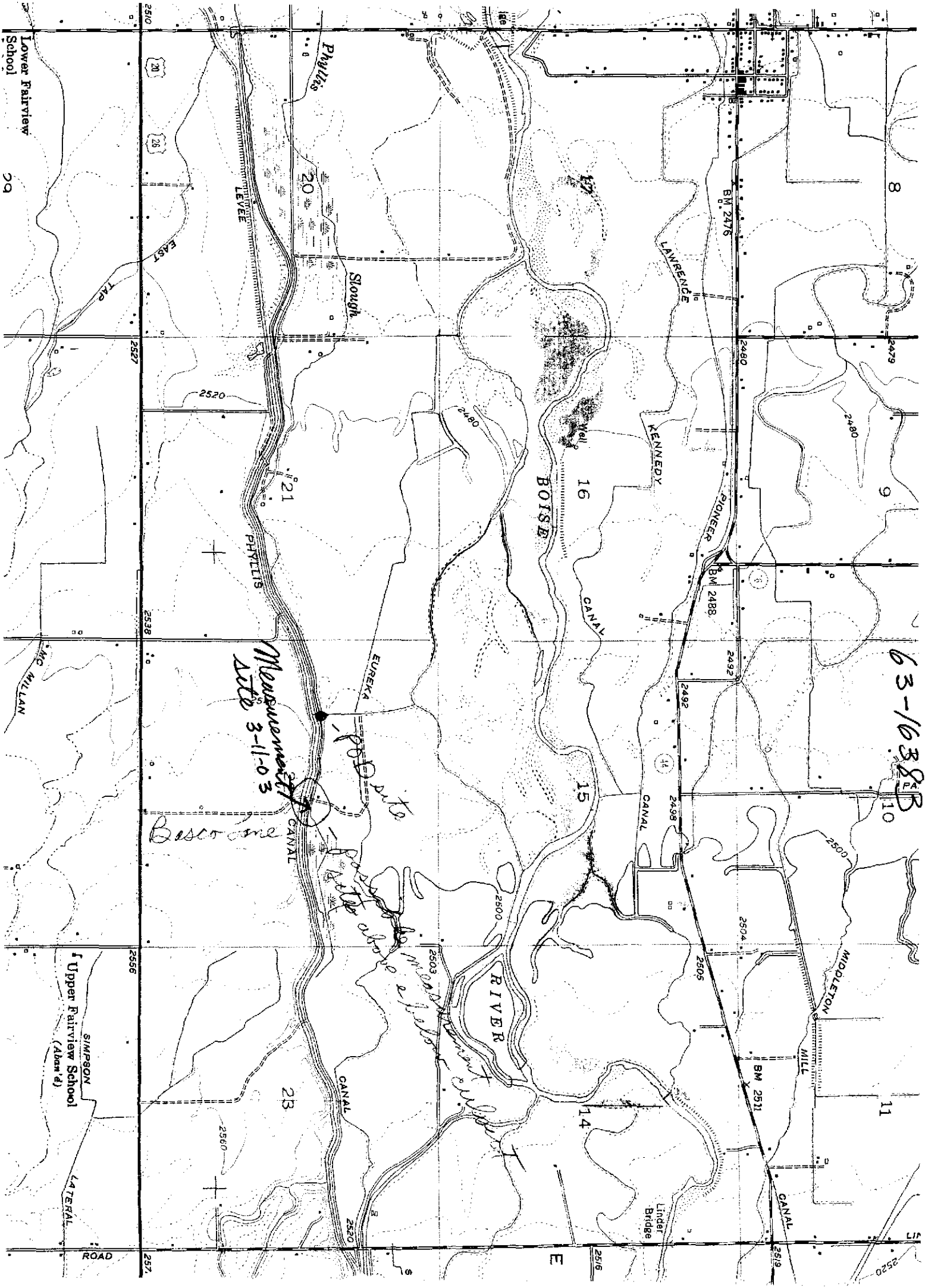
DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
0.00	0.5	0.50	0.6	8	40	0.20	0.05
0.25	0.5	0.75	0.6	14	40	0.35	0.13
0.75	0.5	0.80	0.6	17	40	0.43	0.17
1.25	0.5	0.85	0.6	20	40	0.50	0.21
1.75	0.5	0.90	0.6	22	40	0.55	0.25
2.25	0.5	0.85	0.6	34	40	0.85	0.36
2.75	0.5	0.85	0.6	27	40	0.68	0.29
3.25	0.5	0.85	0.6	39	40	0.98	0.41
3.75	0.5	0.85	0.6	25	40	0.63	0.27
4.25	0.5	0.85	0.6	10	40	0.25	0.11
4.75	0.7	0.85	0.6	4	40	0.10	0.06
5.25							
5.70							

TOT WIDTH 5.7 TOTAL DISCHARGE: 2.31

Water Right No.
(if applicable)

SIGNATURE

63-1638B



Lower Fairview School

29

MC MILLAN

Upper Fairview School (Abandoned)

ROAD

Measurement
date 3-11-03

Bascom

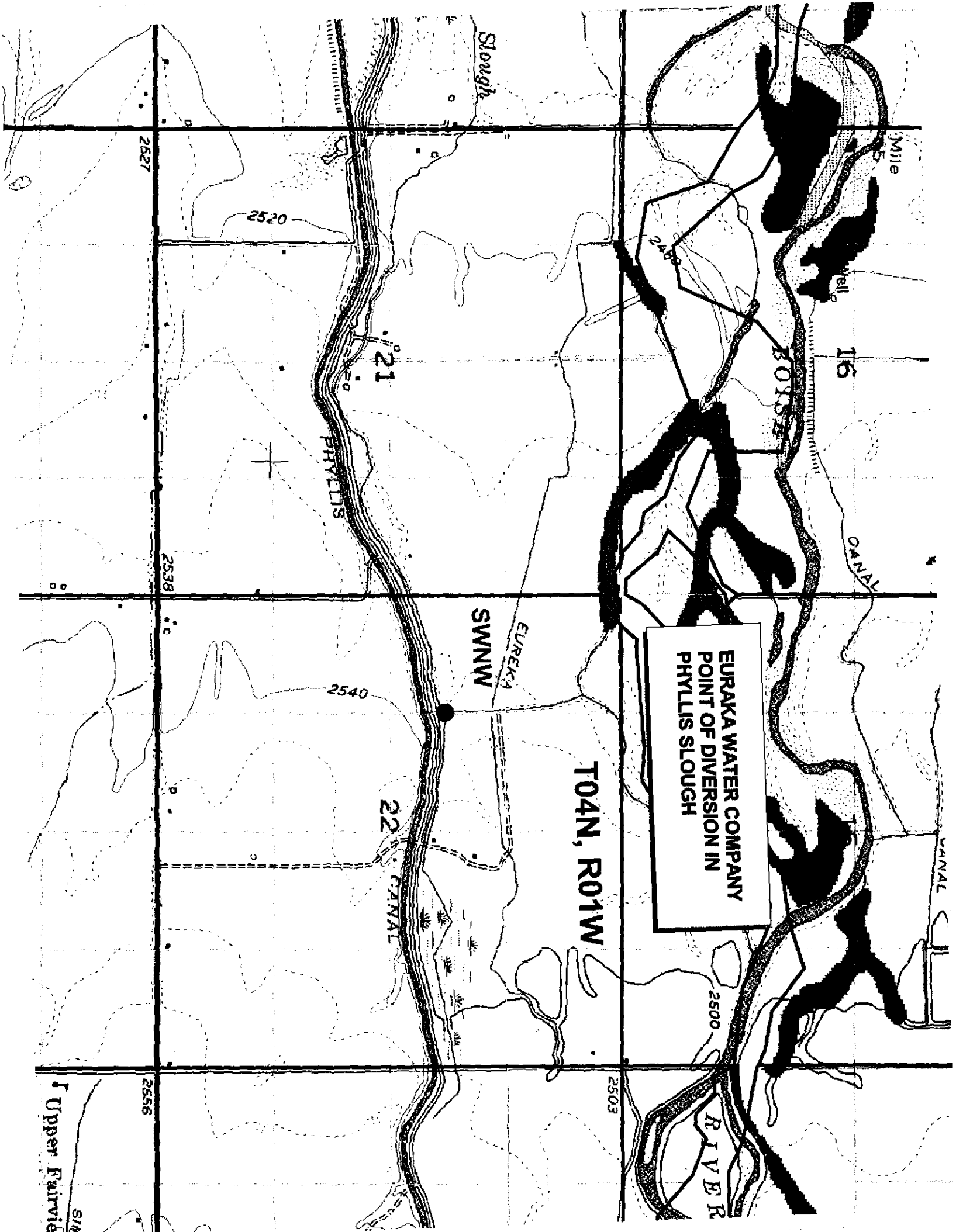
Bascom

Bascom

Bascom

Bascom

Bascom



EUREKA WATER COMPANY
POINT OF DIVERSION IN
PHYLLIS SLOUGH

T04N, R01W

EUREKA
SWNW

22

CANAL

2540

21

PHYLLIS

2520

2527

2538

2556

2503

2500

RIVER

16

CANAL

1/2 Mile

1/2 Mile

CANAL

Upper Fairview
S.W.

EUREKA WATER COMPANY
PLACE OF USE & BOUNDARY
DIGITIZED ACRES = 1894.9

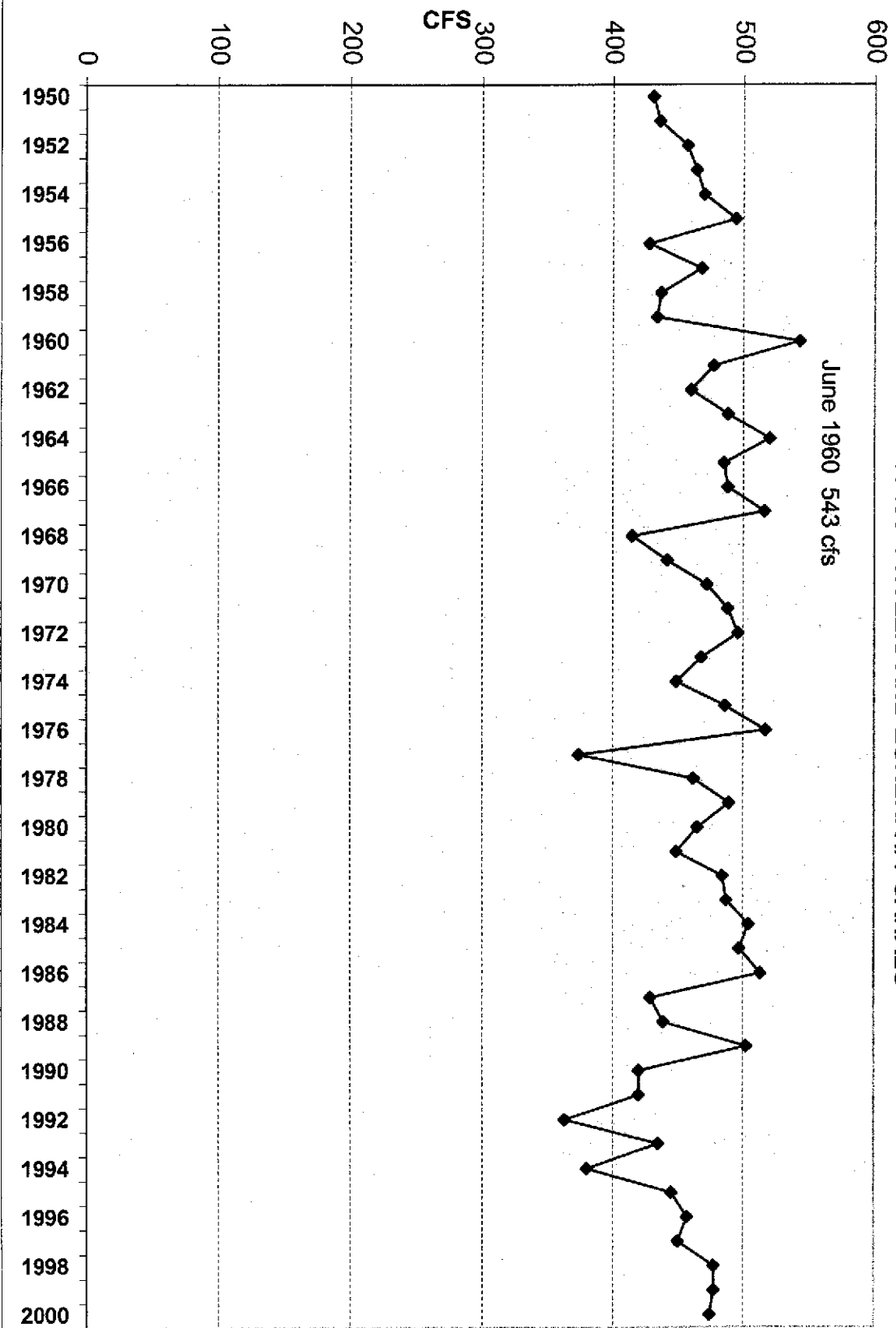
EURAKA WATER COMPANY
PHOTOS DATED 3/11/2003

PHOTO NO. 1



MEASUREMENT SITE
IN PHYLLIS SLOUGH
EAST OF BASCO LAND

MAXIMUM MONTHLY DIVERSION 1950-2000
13209480 PHYLLIS AND EUREKA #1 CANALS



EUREKA WATER COMPANY

ADDITIONAL INFORMATION

DATE: AUGUST 13, 2004

BY: MEL SCHULTE

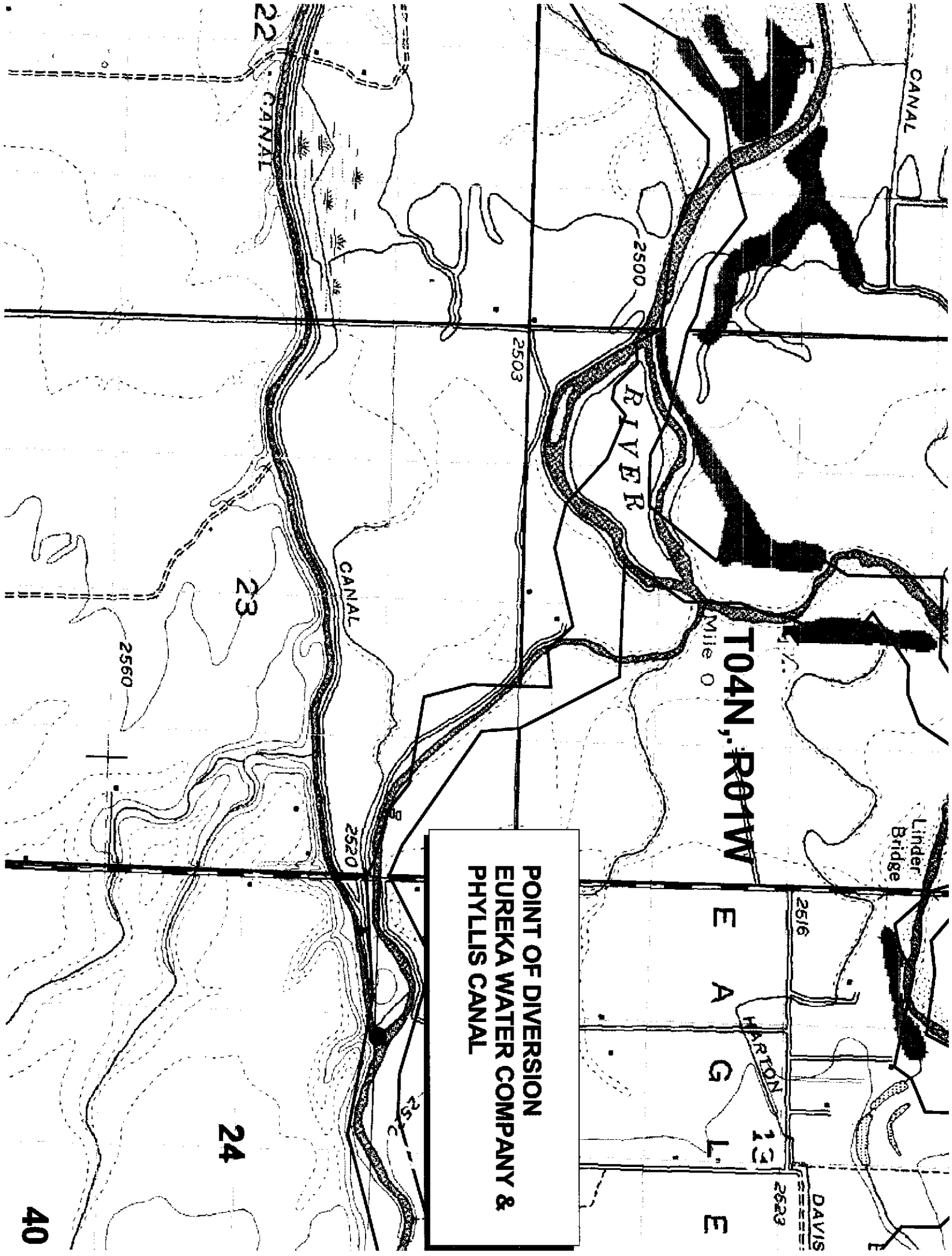
The primary contact is Mark Phillips (286-7020 & 859-8726). The law firm of Ringert & Clark represents them. Bryce Farris was instrumental in obtain the priority date affidavit for 63-16383. We were accompanied by Mike Morris and Elias Aldape during the field exam in August 2002. Mr Aldape is a long time resident of the area and very familiar with the operation of the system and the company.

There are no major issues with Eureka's claims but a couple of matters of interest. Some of the land within their delivery area is now a golf course development that might impact the future use of their water.

The company could have some concern with the diversion rate recommended for claim 63-16383. They claimed 20 cfs and the recommended rate is 2.31 cfs based on a live flow measurement taken 3/11/2003. The measurement was taken in the early Spring on the recommendation of Elias Aldape who said the flow would be at its highest at that time of year before the deep wells were turned on in the fields above the rim to the South of the Phyllis Slough.

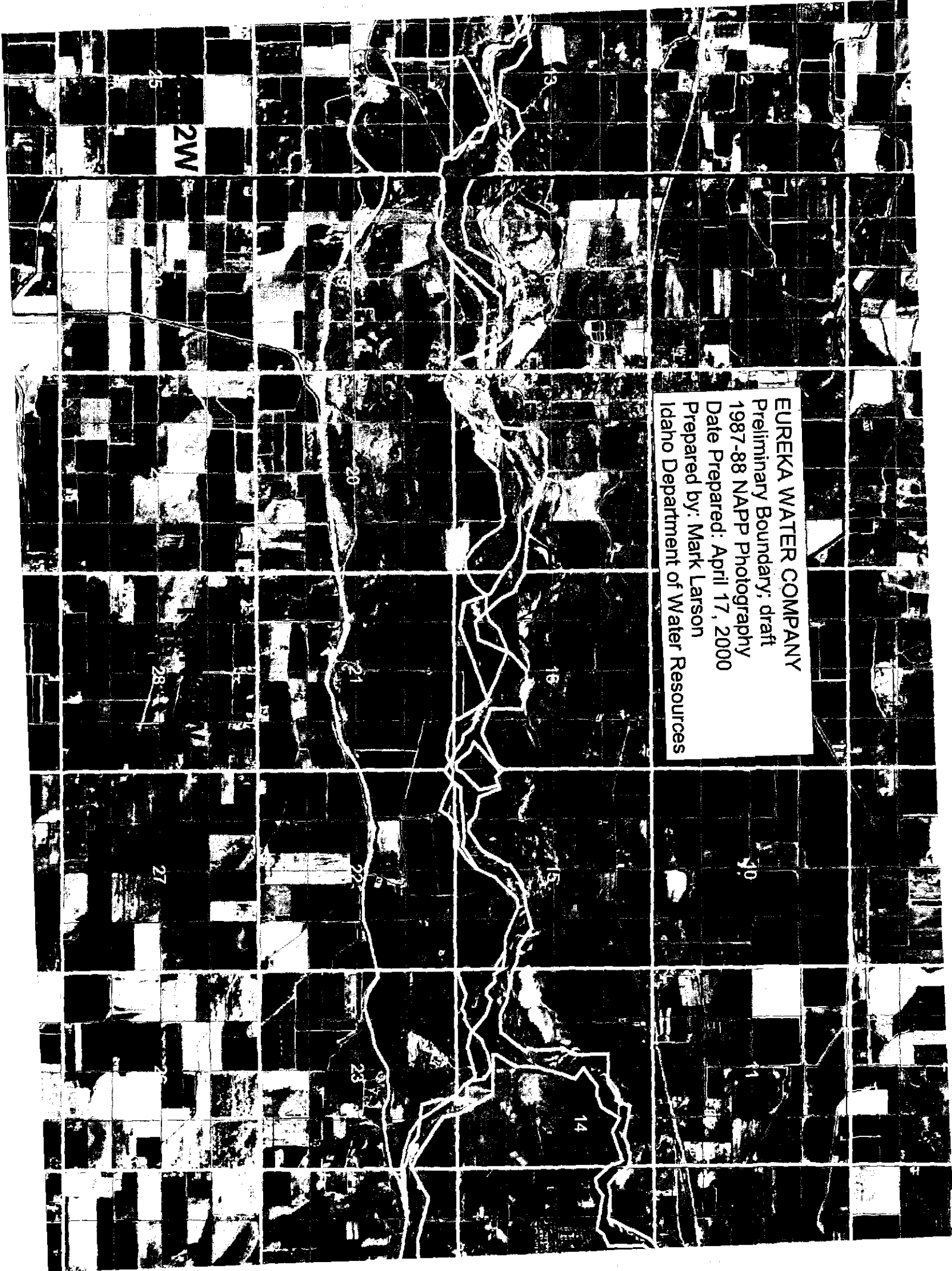
The POD's were determined using GPS.

MTS



POINT OF DIVERSION
EUREKA WATER COMPANY &
PHYLLIS CANAL

EUREKA WATER COMPANY
Preliminary Boundary; draft
1987-88 NAPP Photography
Date Prepared: April 17, 2000
Prepared by: Mark Larson
Idaho Department of Water Resources



63	✓ 145	33.32	EUREKA WATER CO	Mel
63	✓ 16383	20.0	EUREKA WATER CO	Mel

- Base River
- Phyllis Slough

Priority date evidence
Measurement ?

7650 N. Star Rd
Mendocino

Eureka Water Co.
Terry Wickstrom, Sec
286-7749

Mark Phillips
cell - 859-8726
home - 286-7020
7650 N. Star Rd.
Mendocino 93042

10:00 am 8-12-02

Mark Phillips

Mike Morris - Board member

Elias Aldape - "

- 1) discussed evidence of priority
- 2) site for measurement
- 3) left affidavit form.
- 4) Phyllis Slough flows directly into the Eureka Canal in SWNW, S22 - (need to GPS location)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-16383
Date Received: 7/18/1989
Receipt No: C008326
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

EUREKA WATER CO Phone:
C/O MARK PHILLIPS
7650 N STAR RD
MERIDIAN ID USA 83642

2. Date of Priority: 06/01/1865

3. Source: PHYLLIS SLOUGH , Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
04N	01W	21	NE	SW	ADA	
04N	01W	21	NW	SE	ADA	
04N	01W	23	SW	NW	ADA	
04N	01W	20	NE	SE	ADA	
04N	01W	23	SW	NE	ADA	
04N	01W	21	SE	NE	ADA	
04N	01W	22	SE	NE	ADA	
04N	01W	23	SE	NW	ADA	
04N	01W	22	SW	NE	ADA	
04N	01W	21	NE	SE	ADA	
04N	01W	21	NW	SW	ADA	
04N	01W	23	SE	NE	ADA	
04N	01W	22	SW	NW	ADA	
04N	01W	22	SE	NW	ADA	

5. Description of diverting works:

SEEPAGE IS COLLECTED BY A SERIES OF DITCHES & DIVERTED INTO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	20	
STOCKWATER	1/01	12/31	0.24	

7. Total Quantity Appropriated is:
20 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	01W	14	SW	SW		IRRIGATION	6
			SE	SW		IRRIGATION	9
			SW	SE		IRRIGATION	5
						Section Acres	20
04N	01W	15	SE	SW		IRRIGATION	6
			NE	SE		IRRIGATION	2
			NW	SE		IRRIGATION	2
			SW	SE		IRRIGATION	19
			SE	SE		IRRIGATION	37
						Section Acres	66
04N	01W	16	NE	SW		IRRIGATION	2
			SW	SW		IRRIGATION	6
			SE	SW		IRRIGATION	20
			SW	SE		IRRIGATION	20
						Section Acres	48
04N	01W	17	SW	SW		IRRIGATION	3
			SE	SW		IRRIGATION	24
			NW	SE		IRRIGATION	2
			SW	SE		IRRIGATION	38
			SE	SE		IRRIGATION	18
						Section Acres	85
04N	01W	18	SW	SE		IRRIGATION	22
			SE	SE		IRRIGATION	8
						Section Acres	30
04N	01W	19	NE	NE		IRRIGATION	39
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	36
			NW	NW	1	IRRIGATION	22
			SW	NW	2	IRRIGATION	8
			SE	NW		IRRIGATION	29

			NE	SW	IRRIGATION	3
			NE	SE	IRRIGATION	25
			NW	SE	IRRIGATION	19
					Section Acres	301
04N	01W	20	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	39
			SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	39
			NE	NW	IRRIGATION	39
			NW	NW	IRRIGATION	38
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	39
			NE	SW	IRRIGATION	18
			NW	SW	IRRIGATION	4
			NE	SE	IRRIGATION	3
			NW	SE	IRRIGATION	11
					Section Acres	349
04N	01W	21	NE	NE	IRRIGATION	36
			NW	NE	IRRIGATION	39
			SW	NE	IRRIGATION	39
			SE	NE	IRRIGATION	37
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	9
			NW	SW	IRRIGATION	10
			NE	SE	IRRIGATION	4
			NW	SE	IRRIGATION	12
					Section Acres	343
04N	01W	22	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	39
			SW	NE	IRRIGATION	19
			SE	NE	IRRIGATION	20
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	36
			SW	NW	IRRIGATION	23
			SE	NW	IRRIGATION	22
					Section Acres	237
04N	01W	23	NE	NE	IRRIGATION	3
			NW	NE	IRRIGATION	30
			SW	NE	IRRIGATION	15
			SE	NE	IRRIGATION	11
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	33
			SE	NW	IRRIGATION	25
					Section Acres	197
04N	02W	13	SE	SW	IRRIGATION	2
			SW	SE	IRRIGATION	15
			SE	SE	IRRIGATION	3
					Section Acres	20

04N	02W	24	NE	NE	IRRIGATION	20
			NW	NE	IRRIGATION	35
			SW	NE	IRRIGATION	30
			SE	NE	IRRIGATION	30
			NE	NW	IRRIGATION	12
			SE	NW	IRRIGATION	3
Section Acres						130
Total Acres						1826

11. Place of use in counties: ADA, CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

LAND IS WITHIN THE SERVICE AREA OF THE EUREKA WATER CO.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
 _____ Title

_____, that I have signed the foregoing
 _____ Organization
 document in the space below as _____ of
 _____ Title

_____ and that the statements contained in the
 _____ Organization
 foregoing document are true and correct. _____

Signature of Authorized Agent

 Title and Organization

 Date

State of Idaho)
) SS.
 County of _____)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-16383
Date Received: 7/18/1989
Receipt No: 0008326
Received By: CF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUREKA WATER CO. 208-286-7072
Address: C/O FRED KURPJUWEIT
8820 WEST JOPLIN ROAD
MERIDIAN, ID 83642
2. Date of Priority: JUN 01, 1865
3. Source: PHYLLIS SLOUGH Trib. to: BOISE RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	20	✓NE		SE		ADA
		21	✓SE		NE		ADA
			✓NE		SW		ADA
			✓NW		SW		ADA
			✓NE		SE		ADA
			✓NW		SE		ADA
		22	✓SW		NE		ADA
			✓SE		NE		ADA
			✓SW		NW		ADA
			✓SE		NW		ADA
		23	✓SW		NE		ADA
			✓SE		NE		ADA
			✓SW		NW		ADA
			SE		NW		ADA

5. Description of diverting works:
SEEPAGE IS COLLECTED BY A SERIES OF DITCHES & DIVERTED INTO CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	20.000		
STOCKWATER	01/01	12/31	0.240		

A63-16383

Page 1

Date: 07/18/89

MICROFILMED
AUG 25 1992

7. Total Quantity Appropriated is:
20.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 6391.0 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, APPROXIMATELY 1000 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	14	SW	SW		IRR	6.0
			SE	SW		IRR	9.0
			SW	SE		IRR	5.0
						Section Acres	20.0
		15	SE	SW		IRR	6.0
			NE	SE		IRR	2.0
			NW	SE		IRR	2.0
			SW	SE		IRR	19.0
			SE	SE		IRR	37.0
						Section Acres	66.0
		16	NE	SW		IRR	2.0
			SW	SW		IRR	6.0
			SE	SW		IRR	20.0
			SW	SE		IRR	20.0
						Section Acres	48.0
		17	SW	SW		IRR	3.0
			SE	SW		IRR	24.0
			NW	SE		IRR	2.0
			SW	SE		IRR	38.0
			SE	SE		IRR	18.0
						Section Acres	85.0
		18	SW	SE		IRR	22.0
			SE	SE		IRR	8.0
						Section Acres	30.0
		19	NE	NE		IRR	39.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	19	SE	NE		IRR	40.0
			NE	NW		IRR	36.0
			NW	NW	1	IRR	22.0
			SW	NW	2	IRR	8.0
			SE	NW		IRR	29.0
			NE	SW		IRR	3.0
			NE	SE		IRR	25.0
			NW	SE		IRR	19.0
						Section Acres	301.0
		20	NE	NE		IRR	40.0
			NW	NE		IRR	39.0
			SW	NE		IRR	39.0
			SE	NE		IRR	39.0
			NE	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	39.0
			NE	SW		IRR	18.0
			NW	SW		IRR	4.0
			NE	SE		IRR	3.0
			NW	SE		IRR	11.0
						Section Acres	349.0
		21	NE	NE		IRR	36.0
			NW	NE		IRR	39.0
			SW	NE		IRR	39.0
			SE	NE		IRR	37.0
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	38.0
			SE	NW		IRR	40.0
			NE	SW		IRR	9.0
			NW	SW		IRR	10.0
			NE	SE		IRR	4.0
			NW	SE		IRR	12.0
						Section Acres	343.0
		22	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	19.0
			SE	NE		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	22	NE		NW		IRR	40.0
			NW		NW		IRR	36.0
			SW		NW		IRR	23.0
			SE		NW		IRR	22.0
							Section Acres	237.0
		23	NE		NE		IRR	3.0
			NW		NE		IRR	30.0
			SW		NE		IRR	15.0
			SE		NE		IRR	11.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	33.0
			SE		NW		IRR	25.0
							Section Acres	197.0
	02W	13	SE		SW		IRR	2.0
			SW		SE		IRR	15.0
			SE		SE		IRR	3.0
							Section Acres	20.0
		24	NE		NE		IRR	20.0
			NW		NE		IRR	35.0
			SW		NE		IRR	30.0
			SE		NE		IRR	30.0
			NE		NW		IRR	12.0
			SE		NW		IRR	3.0
							Section Acres	130.0
							Total Acres	1826.0

11. Place of use in counties: ADA, CANYON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
STORAGE WATER, 63-00145

14. Remarks:
LAND IS WITHIN THE SERVICE AREA OF THE EUREKA WATER CO.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Vice President of
Title
Eureka Water Co, that I have signed the foregoing
Organization
document in the space below as Vice President of
Title
Eureka Water Co and that the statements contained in the
Organization
foregoing document are true and correct.

Stanley J. Records
Signature of Authorized Agent

Vice President Eureka Water Co
Title and Organization

July 19, 1989
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of July 19 89

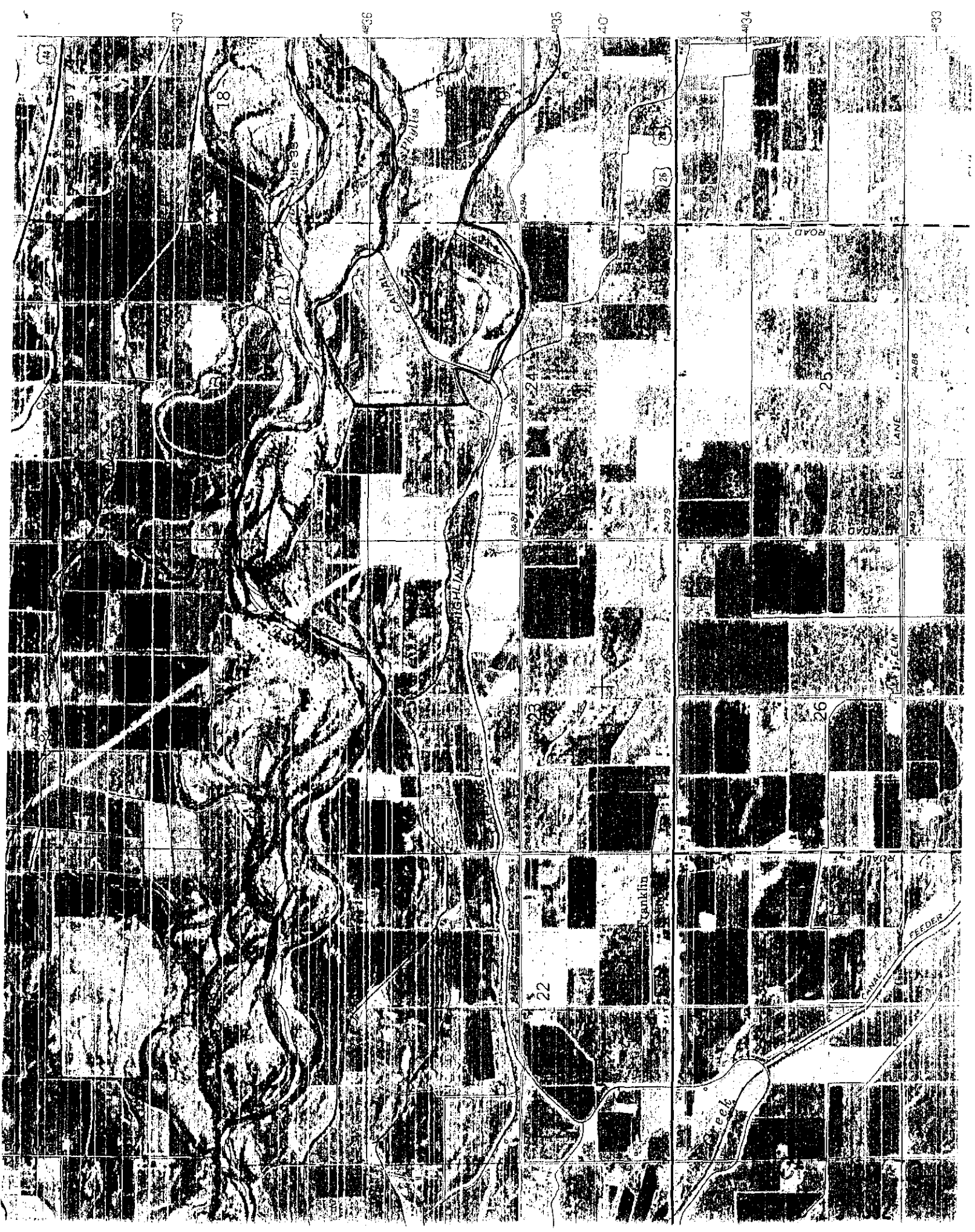
Seal

Carter Fritschle
Notary Public

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994





MICROFILMED

AUG 23 1992