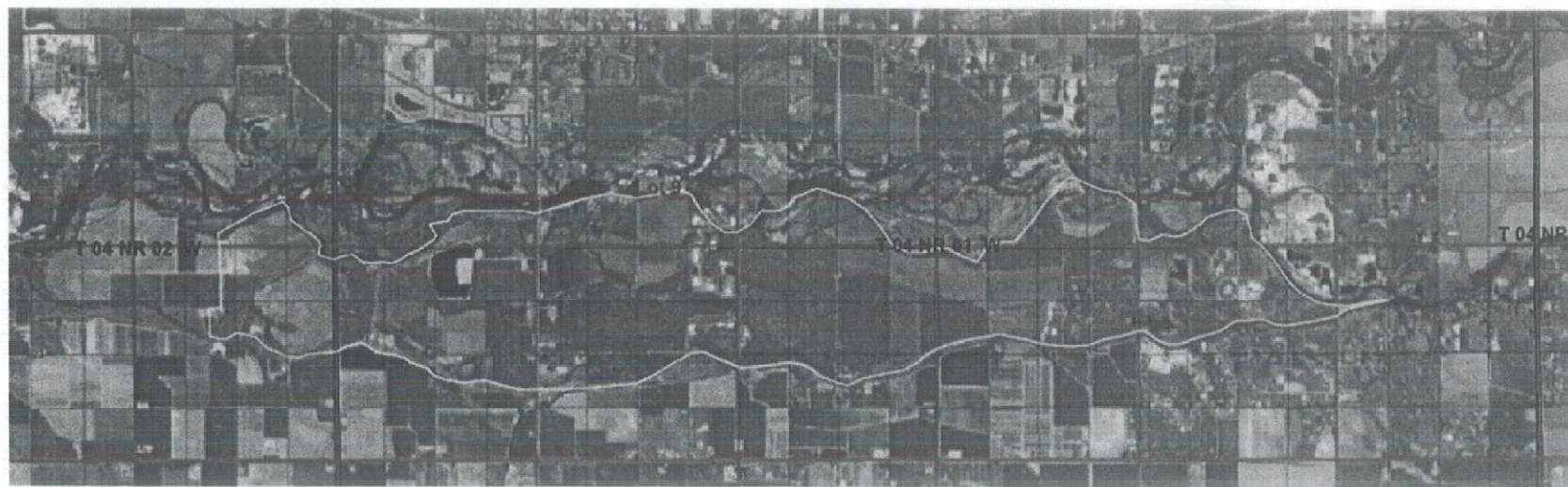
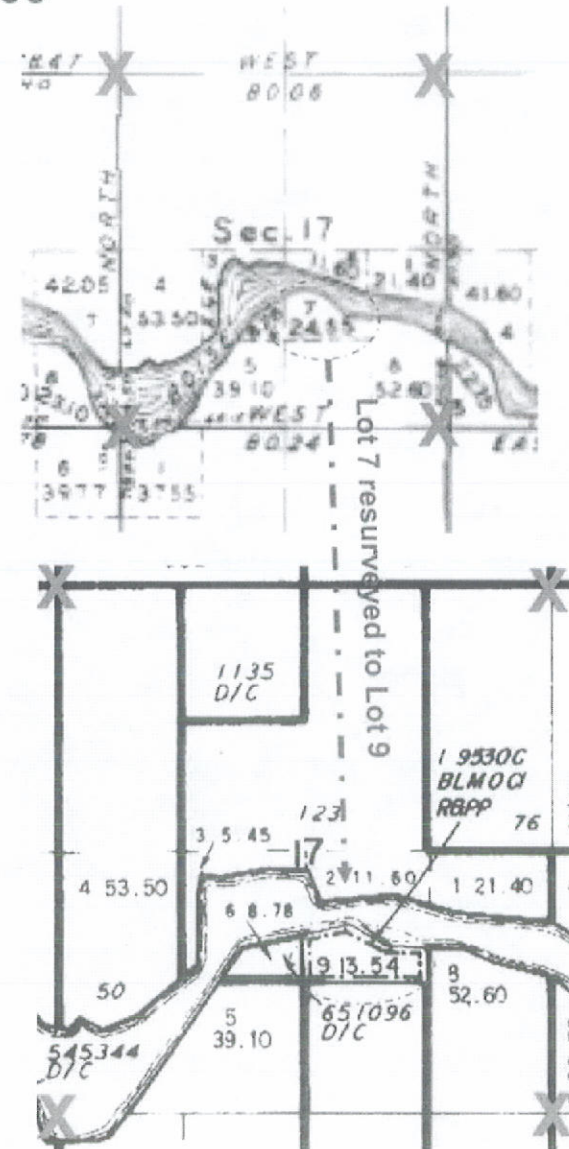
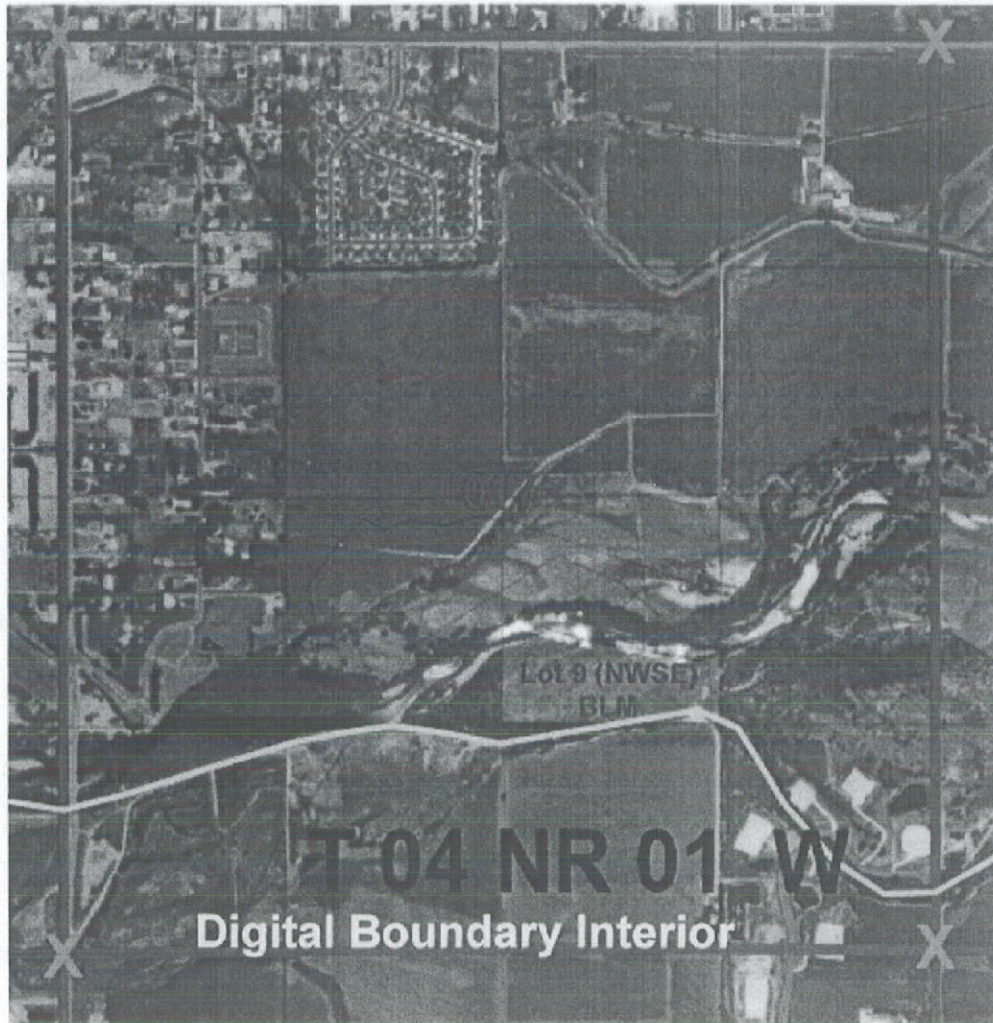


63-00145 & 63-16383



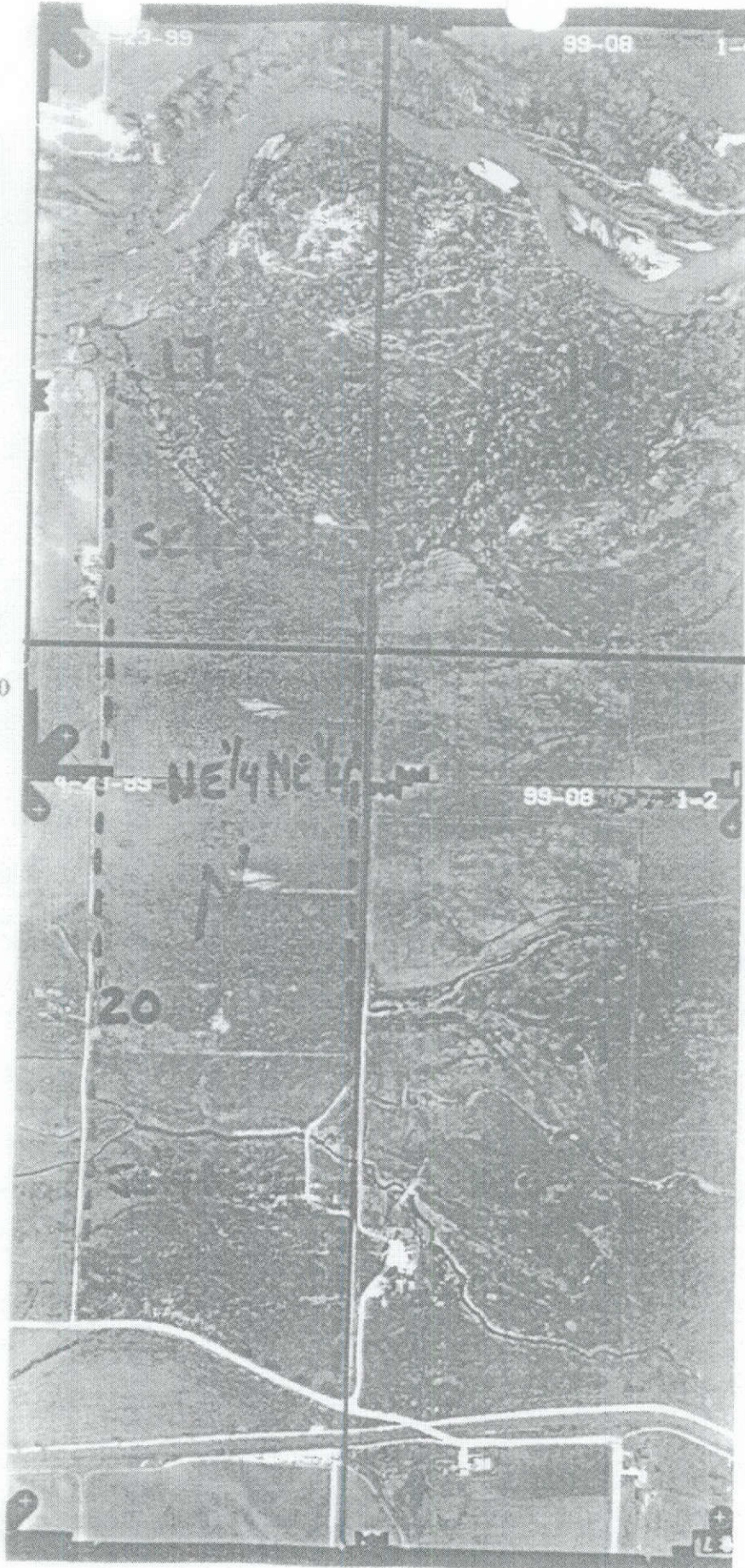
63-00145 & 63-16383



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

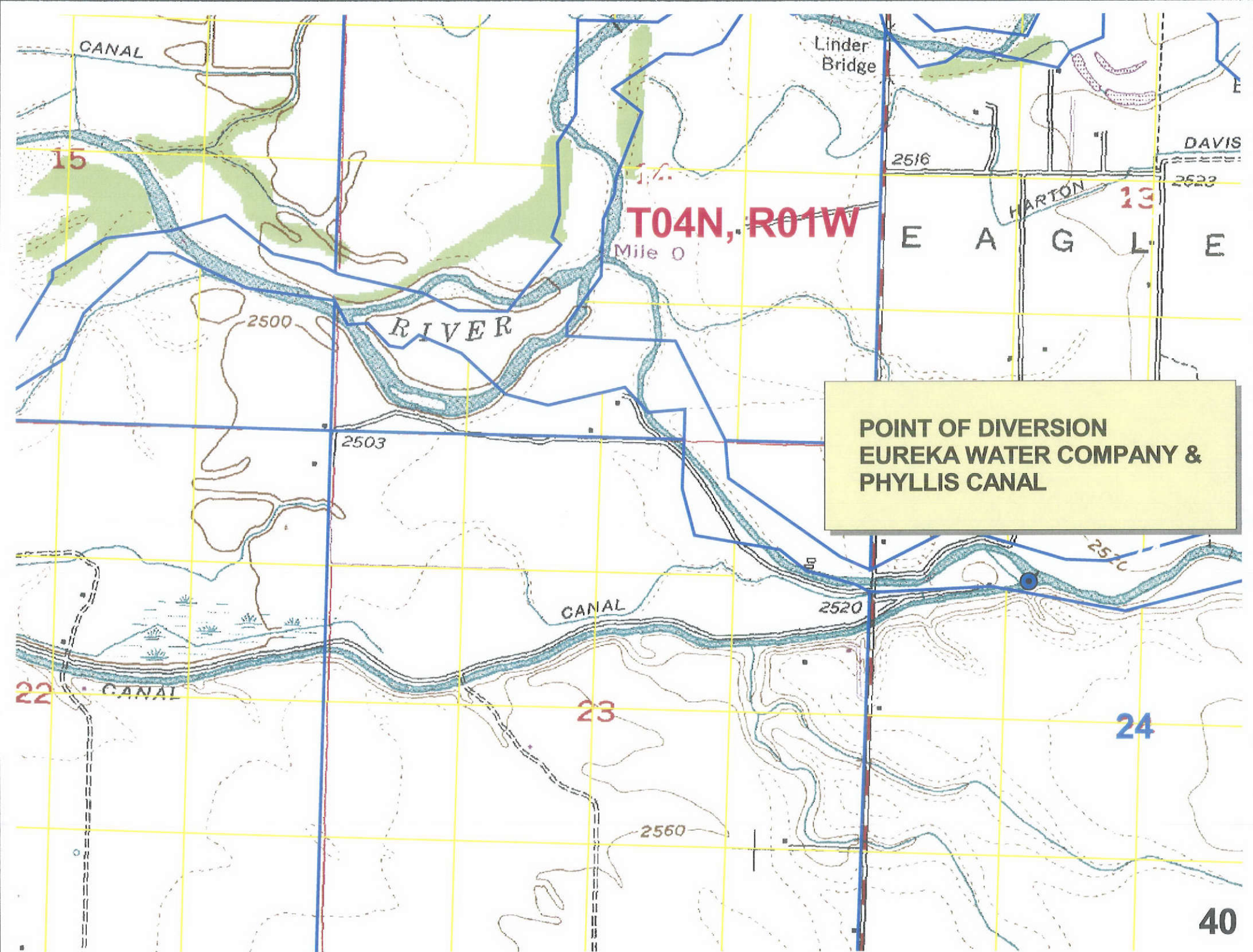
Attachment D to Transfer Application

Stonebriar Property
Portions of Sections 17 & 20
T4N. R1W. B.M.



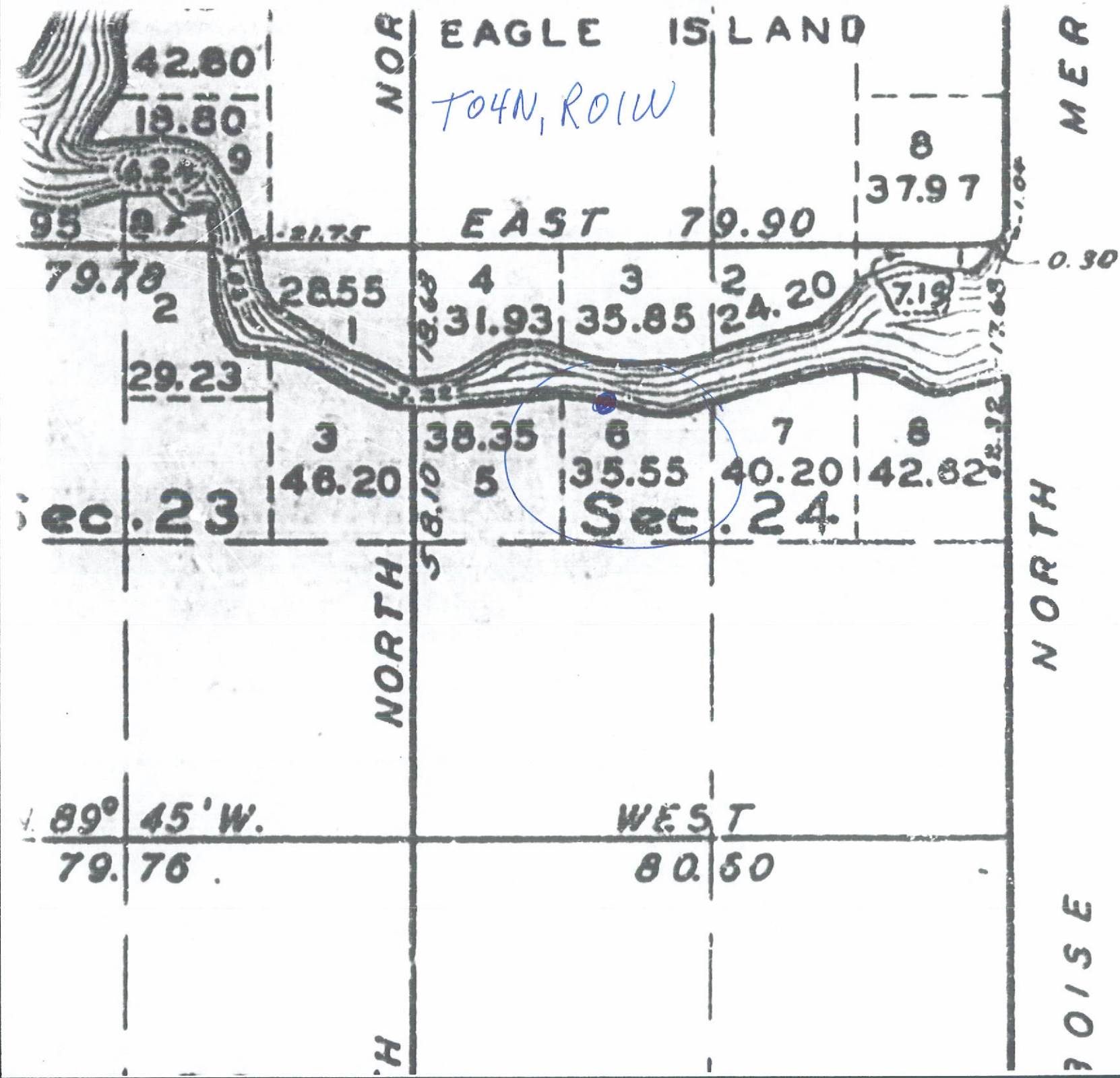
SCANNED
DEC 24 2002

SCANNED
DEC 30 2003



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





63-145

EUREKA WATER COMPANY
PHOTOGRAPHS DATED 8/12/2002

PHOTO #1



POINT OF DIVERSION
FOR THE PHYLLIS CANAL
AND THE EUREKA CANAL
ON THE SOUTH CHANNEL
OF THE BOISE RIVER EAST
OF LINDER ROAD.



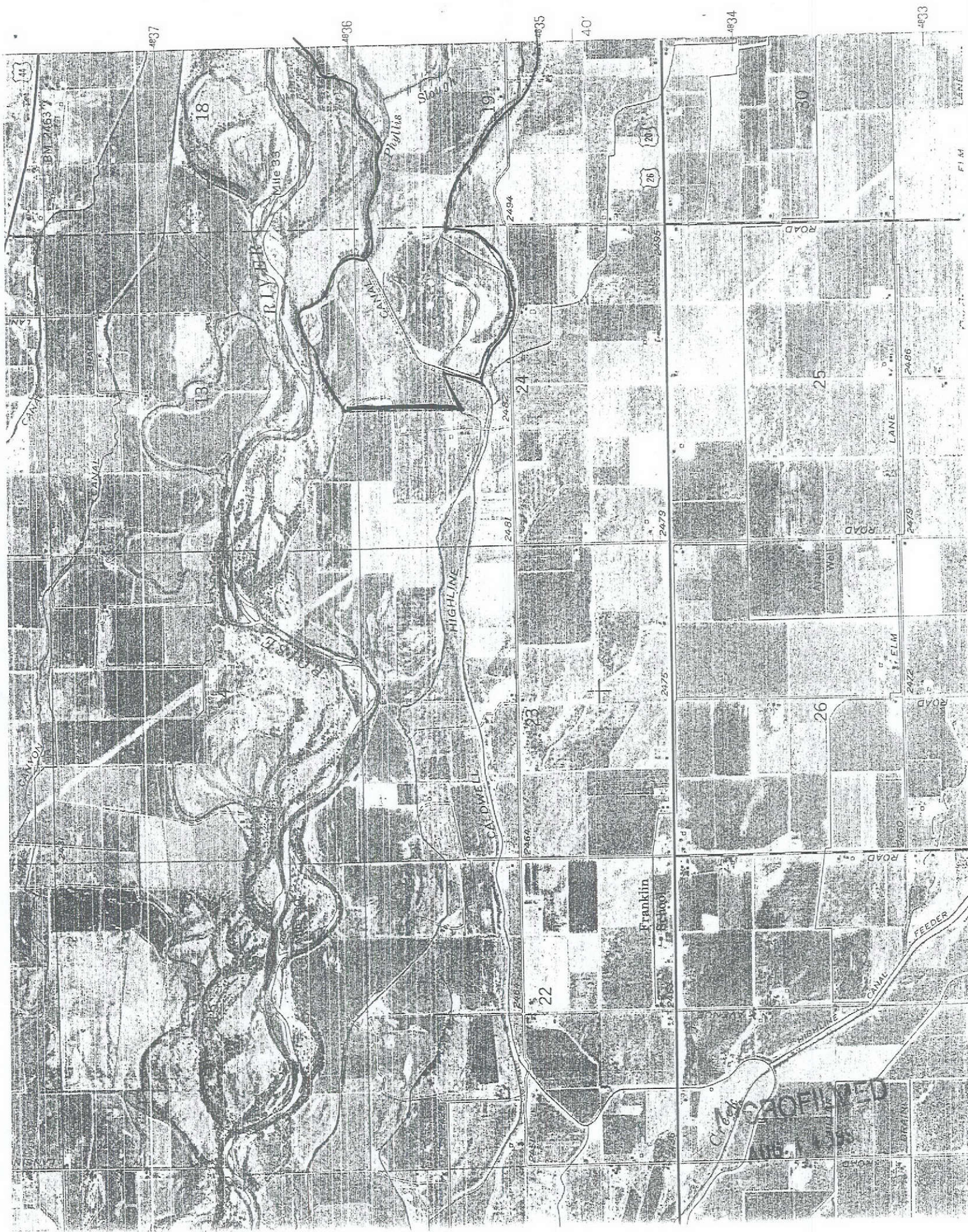
DIVERSION HEADGATE
FROM THE PHYLLIS
CANAL INTO THE
EUREKA CANAL

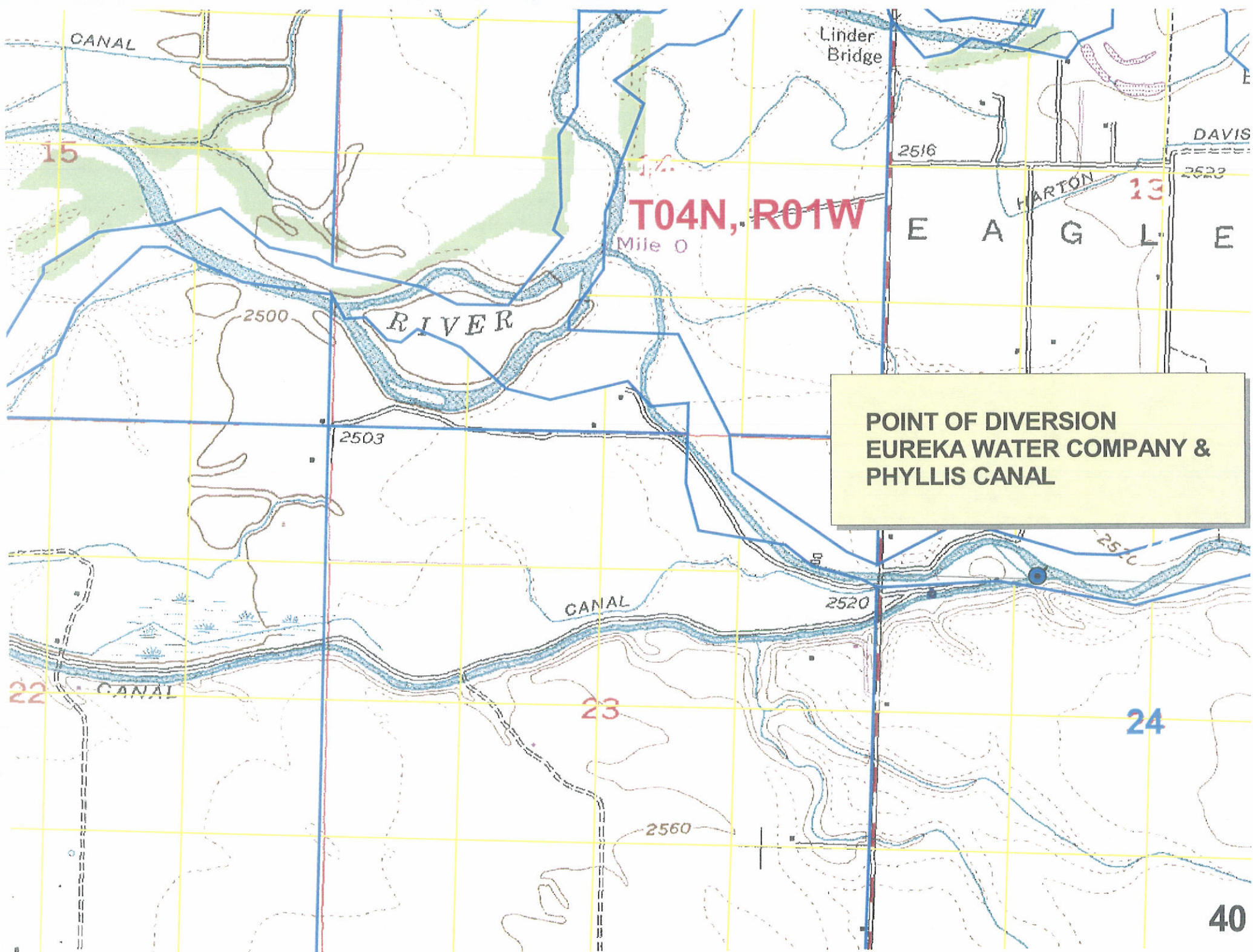
**EUREKA WATER COMPANY
PHOTOGRAPHS DATED 8/12/2002**

PHOTO #3

**EUREKA CANAL
BELOW THE
HEADGATE**







**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

T04N02W

T04N01W

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)

A. Subcase 63-00145
(Insert water right number)

Case No. 39576)

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)

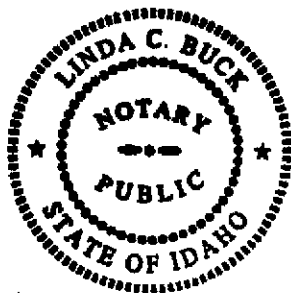
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Fredric W. Price
(Signature of person filing objection)

David Negin for LAB
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 29, 2006
Linda C. Buck
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:

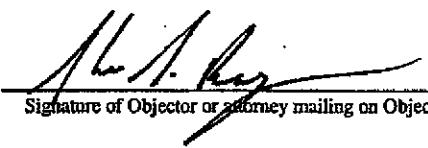
Name: Eureka Water Co.
Address: 7650 N. Star Road; Meridian, Idaho 83642
Name: c/o Mark Phillips
Address: ;
Name: ;
Address: ;
Name: ;
Address: ;

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: 63-145
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: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 33.320 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1855
POINT OF
DIVERSION: T04N R01W S24 NWSEW Lot 6 Within ADA County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	33.320 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39376.

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)(b). 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.

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:

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.

RightID574859

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

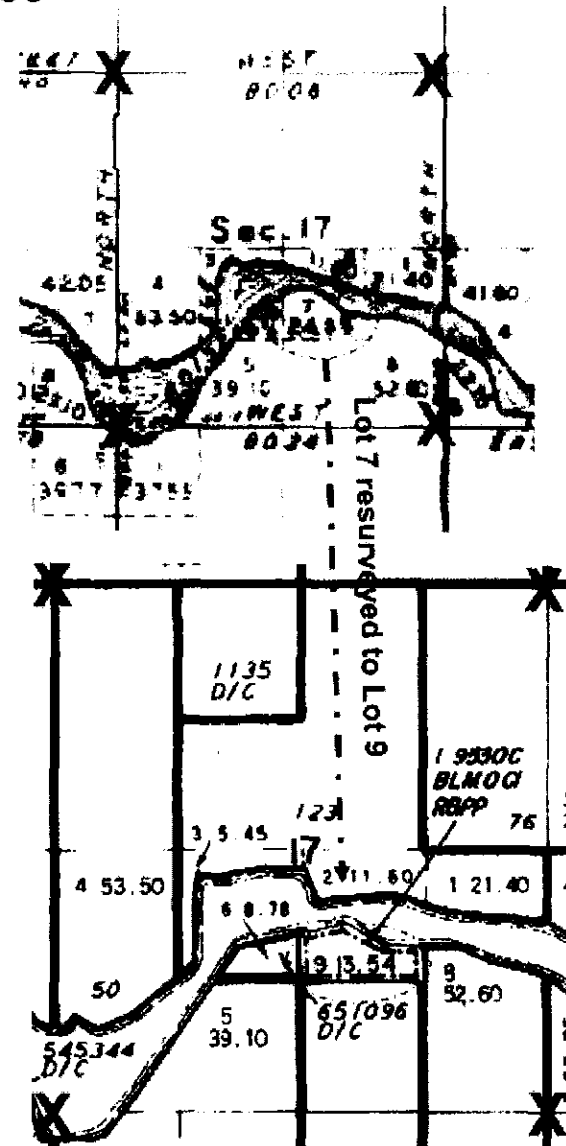
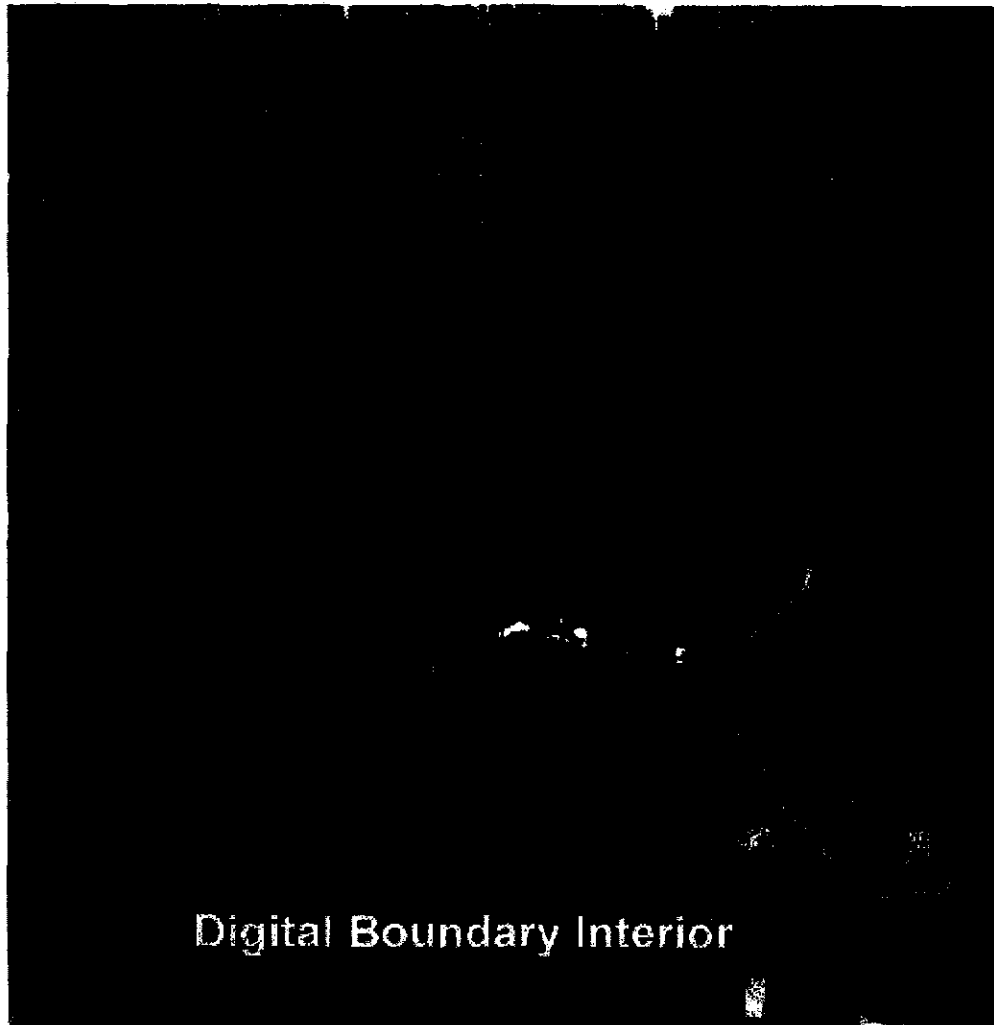
Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	14	6	SWSW		7	SESW							
			8	SWSE										
		15	6	SESW										
			7	SWSE		8	SESE							
		16	3	NESW		4	NWSW		5	SWSW		6	SESW	
			7	SWSE										
		17	7	BLM		4	NWSW		5	SESW			SWSE	
			8	SESE										
	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

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

This is a detailed cadastral map of a portion of the town of New York, New York. The map shows a grid of lots, many of which are labeled with numbers and names. A prominent street, likely Broadway, runs diagonally across the map. The map is titled "TOWN OF NEW YORK" and "NEW YORK, NEW YORK".

The map is divided into a grid of lots, many of which are labeled with numbers and names. The lots are arranged in a grid pattern, with some lots being larger than others. The names of the property owners are written on the lots, and the numbers of the lots are also written. The map is a black and white line drawing, showing the boundaries of the lots and the street.

The map is titled "TOWN OF NEW YORK" and "NEW YORK, NEW YORK". The map shows a portion of the town, with the street running diagonally across it. The lots are labeled with numbers and names, and the map is a detailed line drawing showing the boundaries of the lots and the street.

WARNING STATEMENT

This plot is the Bureau's Record of Title, and should be used only as a graphic display of the membership survey data. No words herein do not reflect title changes which may have been effected by internal movements of assets or other handles of money. Refer to the attached forms for official survey information.

Lat. 23°39' 15"N
Long. 115°24' 15"E

Page 547

下. 4 3
 上. 1 2

[illegible]

NY 25336 Sub A1 8/2/1998
 Sec 17: Col 7

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
------------	------------

USE PLATS OG

05/12/2005

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

RIGHT NUMBER: 63-145

NAME AND ADDRESS: EUREKA WATER CO
C/O MARK PHILLIPS
7650 N STAR RD

MERIDIAN ID 83642

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 33.320 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1865

POINT OF DIVERSION:

T04N R01W S24 NWSENW Lot 6 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	33.320 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

1826 ACRES TOTAL

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

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.

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

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: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-161BU, 63-166A, 63-167A, 63-224, 63-225, 63-294, 63-295.

WATER IS DELIVERED THROUGH THE EUREKA CANAL.

THIS RIGHT IS DESIGNATED AS NO 13 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS

RECEIVED

SEP 04 2002

(Internet)

age 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

Clavens Pursley, LLP

RECEIVED

AUG 29 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

DEC 30 2003

PART 1

APPLICATION FOR TRANSFER OF WATER RIGHT

WATER RESOURCES
WESTERN REGION

Name of applicant Eureka Water Company

Phone (208) 342-4591

Post Office address c/o Daniel V. Steenson, P.O. Box 2773, Boise, ID 83701

cc: Michael Creamer, P.O. Box 2720, Boise, Idaho 83701

I. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use

☒ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Portion of water right associated with 10.5 shares of Eureka stock to be used to offset evaporation from excavated ponds intercepting shallow groundwater. The transfer affects only 0.21 cfs of water right 63-145.

II. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-145	06/01/1865	33.11	Irrigation	3-15 to 11-15
		0.21	Groundwater Recharge	3-15 to 11-15
				to
				to

2. Total amount of water being transferred 0.21 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	24	4N	1W	Ada	Phyllis Canal-Boise River Diversion

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	17															E		
		20	E		E														

COPY

Total acres _____

PART 1**6. General Information:**

- a. Description of diversion system Boise River headgate to Phyllis Canal (of Pioneer Ditch Company) and rediversion from Phyllis Canal into Eureka Canal in NWSWNW Sec. 24, T4NR1W. Portions of Phyllis Slough also used for conveyance of this water. No change proposed in point of diversion or means of delivery to place of use.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes _____ No. x If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:

See Attachment C (narrative).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____.

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this day of _____, 20_____.

SCANNED

DEC 24 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

Right evidenced by:

- a. Decree No. 63-145 Decreed to Eureka Water Company
in case of Farmers Coop. Ditch Company vs. Riverside Irrigation District
dated 1/18/06 in Boise, ID county of Ada
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority 6-1-1865

5. Water is used for the following purpose:

amount 33.32 for Irrigation purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 33.32 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	24	4N	1W	Ada	Phyllis Canal - Boise River Diversion

8. Lands irrigated or place of use: See Attachment B.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres 1826

9. Describe any other water rights used for the same purpose as described above 63-16383

DEC 24 2002

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe See Attachment D.**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED** This does not involve split of right.

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.221 cfs for Irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	NW	24	4N	1W	Ada	Phyllis Canal - Boise River Diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	01W	17																4.5	4.5
		20	5			1													4.5

Total acres 10.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. amount _____ for Balance of water right purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range numbers.

See Attachment E.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

SCANNED

DEC 24 2002

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

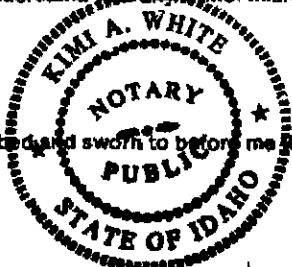
Subscribed and sworn to before me this

16th

day of

August

2000



(Signature of Applicant)

Kimi A. White

(Notary Public)

My commission expires

2/19/04

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by

KH

Date

8/29/02

Protest filed by

Prelim. check by

Fee

100.00

Receipted by

KH

Date

8/29/02

W029646

Published in

Copies of protest forwarded by

Pub. dates

Hearing held by

Date

Watermaster recommendation requested on

Recommended for

☐ approval ☐ denial

rec'd.

by

Copy of transfer sent to lien holder

SCANNED

DEC 24 2002

ATTACHMENT A

Lands Irrigated or Place of Use After Transfer

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	14		SWSW	6		SESW	9						
				SWSE	5									
		15		SESW	6									
				NESE	2		NWSE	2		SWSE	19		SESE	37
		16		NESW	2		SWSW	6		SESW	20			
				SWSE	20									
		17		SWSW	3		SESW	24						
				NWSE	2		SWSE	38		SESE	13.5/4.5			
		18		SWSE	22		SESE	8						
		19		NENE	39		NWNE	40		SWNE	40		SENE	40
				NENW	36	1	NWNW	22	2	SWNW	8		SENE	29
				NESW	3									
				NESE	25		NWSE	19						
		20		NENE	35/5		NWNE	39		SWNE	39		SENE	38/1
				NENW	39		NWNW	38		SWNW	40		SENE	39
				NESW	18		NWSW	4						
				NESE	3		NWSE	11						
		21		NENE	36		NWNE	39		SWNE	39		SENE	37
				NENW	40		NWNW	39		SWNW	38		SENE	40
				NESW	9		NWSW	10						
				NESE	4		NWSE	12						
		22		NENE	38		NWNE	39		SWNE	19		SENE	20
				NENW	40		NWNW	36		SWNW	23		SENE	22
		23		NENE	3		NWNE	30		SWNE	15		SENE	11
				NENW	40		NWNW	40		SWNW	33		SENE	25
	02W	13		SESW	2									
				SWSE	15		SESE	3						
		24		NENE	20		NWNE	35		SWNE	30		SENE	30
				NENW	12		SENE	3						

Total irrigated acres: 1,815.5

Total ground water recharge as mitigation acres: 10.5

ATTACHMENT A

S:\clients\5528\7\Attachment A Revised 4-15-2003.DOC

ATTACHMENT B

Part 1 – Lands Irrigated or Place of Use Per SRBA Claim for 63-145

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	01W	14		SWSW	6		SESW	9						
				SWSE	5									
		15		SESW	6									
				NESE	2		NWSE	2		SWSE	19		SESE	37
		16		NESW	2		SWSW	6		SESW	20			
				SWSE	20									
		17		SWSW	3		SESW	24						
				NWSE	2		SWSE	38		SESE	18			
		18		SWSE	22		SESE	8						
		19		NENE	39		NWNE	40		SWNE	40		SENE	40
				NENW	36	1	NWNW	22	2	SWNW	8		SENE	29
				NESW	3									
				NESE	25		NWSE	19						
		20		NENE	40		NWNE	39		SWNE	39		SENE	39
				NENW	39		NWNW	38		SWNW	40		SENE	39
				NESW	18		NWSW	4						
				NESE	3		NWSE	11						
		21		NENE	36		NWNE	39		SWNE	39		SENE	37
				NENW	40		NWNW	39		SWNW	38		SENE	40
				NESW	9		NWSW	10						
				NESE	4		NWSE	12						
		22		NENE	38		NWNE	39		SWNE	19		SENE	20
				NENW	40		NWNW	36		SWNW	23		SENE	22
		23		NENE	3		NWNE	30		SWNE	15		SENE	11
				NENW	40		NWNW	40		SWNW	33		SENE	25
	02W	13		SESW	2									
				SWSE	15		SESE	3						
		24		NENE	20		NWNE	35		SWNE	30		SENE	30
				NENW	12		SENE	3						

Total Acres: 1,826

ATTACHMENT B

S:\Clients\5528\7\Attachment B - Part 1 Revised 7-15-02.DOC

DEC 24 2002

SCANNED

State of Idaho
Department of Water Resources
Application for Transfer
Narrative

The Transfer proposes to change the nature of use of a portion of Applicant's water right 63-145 placed to beneficial use upon lands within Sections 17 and 20, T4N, R1W, B.M. (the "Stonebriar Property") owned by a shareholder of the Applicant. The shareholder holds ninety shares of capital stock of the Eureka Water Company. Attachment D to the Application, which is a 1999 aerial photo of the Stonebriar Property and adjacent lands, demonstrates the beneficial use of the water for irrigation.

Water Right 63-145 authorizes diversion of natural flow from the Boise River at a rate of 33.32 cfs for irrigation within the Applicant's service area. The Transfer proposes to change the nature of use of 0.21 cfs of Right 63-145 represented by ten and one-half shares of Eureka stock held by Stonebriar from irrigation use to ground water recharge to facilitate the construction of eleven aesthetic ponds with a total surface area of 8.1 acres on the Stonebriar Property. The ponds will intercept and fill with shallow ground water that is tributary to the Boise River, and this Transfer would make the 0.21 cfs available at the pond locations to recharge the exposed groundwater source to the extent of anticipated evaporative losses. The shareholder has submitted three applications for permit with respect to the ponds.¹

The affected portion of the water right will continue to be delivered to the Stonebriar Property via diversion from the Boise River into the Phyllis Canal, redirection therefrom into the Eureka Canal and ultimately via Eureka laterals to the current point of delivery at the Stonebriar Property, where it will be distributed and applied by the shareholder to recharge ground water as described in the permit applications. After the Transfer, 33.11 cfs of water right 63-145 will continue to be diverted and beneficially used for irrigation of lands within the Eureka service area and 0.21 cfs will be authorized for diversion for ground water recharge.

The eleven ponds will be excavated within the currently authorized place of use of water right 63-145 within Sections 17 and 20, T4N, R1W. Eighteen acres historically have been irrigated under the water right within the SE1/4 of the SE1/4 of Section 17. Pond 11, with a total surface area of one acre, will be excavated on uplands immediately north of the slough (see Attachment D on land within the SE1/4SE1/4 of Section 17 that historically has not been irrigated. However, because the pond location is within the same quarter-quarter, and because the landowner/shareholder will be drying up an equivalent acreage within the same quarter-quarter, no change in place of use is sought.

¹ On January 12, 2001, the Applicant's shareholder, Larry R. Shideler, filed three separate applications for permit to appropriate ground water that will be associated with the aesthetic ponds. In those permit applications, Mr. Shideler has proposed using water associated with his shares in Eureka Water Company to offset the evaporative losses from the ponds and thereby mitigate potential impacts of the ponds on the ground water source and the Boise River. This Transfer is intended to facilitate processing and approval of those permit applications, and maintain authorized beneficial use of Eureka Water Company water right appurtenant to the affected acres.

The quantity proposed for transfer under this application is based on the following assumptions:

1. An estimated annual evaporation rate of 44" of water per pond acre per year or 356.40" for 8.1 pond acres.²
2. This evaporative loss will be mitigated by the dry up of 10.5 irrigated acres, calculated as follows: Based on cropping patterns derived from available USDA Farm Services Agency crop reports (1982-1985) and using the highest year (1985), the estimated historical consumptive irrigation requirement³ for the Stonebriar Property is averages 34.25 inches of water per acre per year on 97.8 acres.
 - a. 16.8 acres irrigated as alfalfa/grass hay @ 37.24"/acre/yr = 625.63"
 - b. 54.0 acres pasture grass @ 37.09"/acre/yr = 2002.86"
 - c. 6.7 acres barley @ 25.35"/acre/yr = 169.85"
 - d. 20.3 acres corn @ 27.17"/acre/yr = 551.55"
 - e. $3350"/97.8\text{acres} = 34.25"/\text{acre}$
3. 356.40" of evaporation from 8.1 acres of ponds requires 10.41 (rounded to 10.5) acres of dry up of historically irrigated land to offset evaporative effects.

Of the 10.5 acres of mitigation dry up, 7.1 acres are associated ponds constructed within historically irrigated acres and 3.4 acres are associated with dry up resulting from construction of roads and residences within the historically irrigated acres.⁴

Because water formerly used for irrigation of 10.5 acres of converted lands, including the historical CIR component thereof, will be introduced to the ponds as recharge, there will be no adverse effect on the water resource or other water rights.

Based on the above discussion and assumptions, this Transfer will not result in an enlargement of the water right or cause injury to other water rights because the net acres to which the water right will be applied, and the net consumptive use of water, will not increase.

² Molnau, Myron, Kpordze, Kojo C.S., and Craine, Katherine, L. Monthly Shallow Pond Evaporation in Idaho, ASAE paper PNW 92-111 (1992).

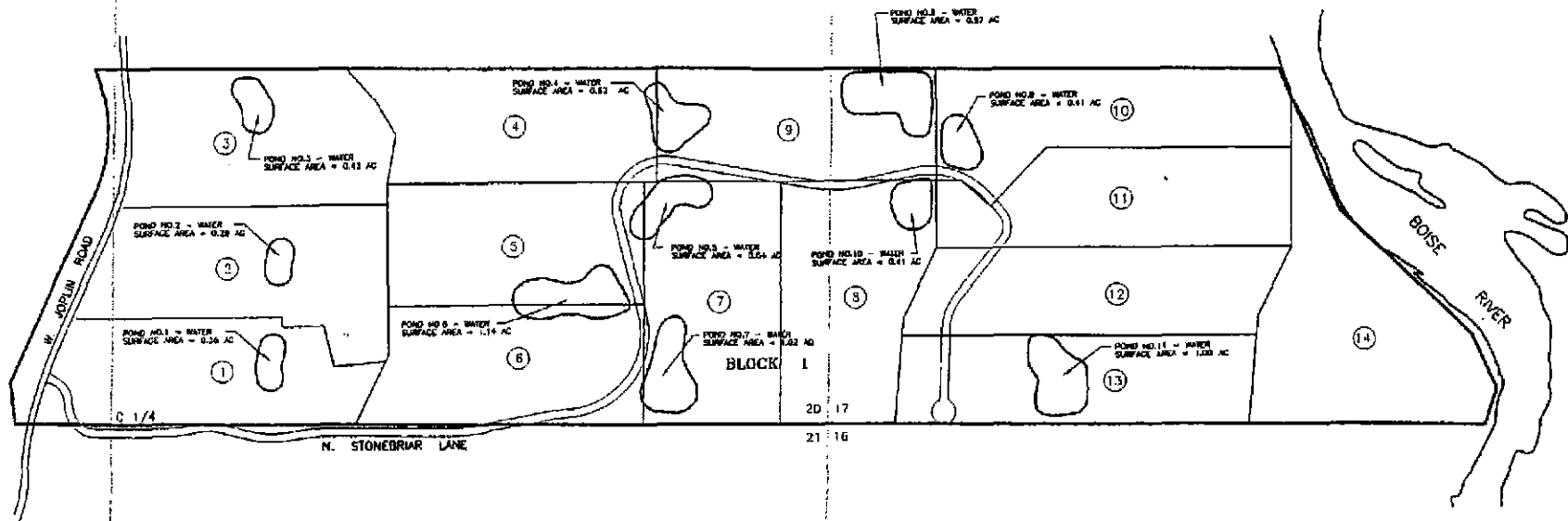
³ R.G. Allen and C.E. Brockway, Estimating Consumptive Irrigation Requirements for Crops in Idaho, University of Idaho (August 1983)(Appendix E— mean IR for Deer Flat Dam).

⁴ Conversion of historically irrigated acres within the Stonebriar Subdivision associated with construction of roads, and with minimum building footprints will total 10.36 acres. This Transfer affects the water rights associated with only 3.4 of these 10.36 road/building pad converted acres.

The Transfer proposes to apply all water under Water Right 63-145 to recognized beneficial uses, and will continue beneficial use of the water right within the Eureka Water Company service area for its shareholders. The Transfer also will permit the development of existing ground water resources for authorized beneficial uses. For these reasons, the Transfer is in the public interest.

STONEBRIAR SUBDIVISION

PORTIONS OF SECTIONS 17 AND 20, T.4N., R.1W., B.M., ADA COUNTY, IDAHO



DEC 29 2002

SCANNED

Attachment E

TOOTHMAN-ORTON ENGINEERING CO.
 ENGINEERS • SURVEYORS • PLANNERS
 9777 CHINDEN BOULEVARD • BOISE, IDAHO 83714-2008
 PHONE: 208-323-2288 • FAX: 208-323-2399
 E-FILE: N:\8073\STONF-POND.DWG DATE: 4/15/02 JOB: 98073-20-000

Attachment D to Transfer Application



Stonebriar Property
Portions of Sections 17 & 20
T4N. R1W. B.M.

SCANNED
DEC 24 2002

SCANNED
DEC 30 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-145 V1

WATER RIGHT NUMBER: 63-145 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: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE 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	33.320 CFS	
	<u>Total Diversion:</u>		33.320 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L6 (NW1/4SE1/4NW1/4)	Sec. 24, 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. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-145 V1

4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 13 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
3. Explanatory WATER IS DELIVERED THROUGH THE EUREKA CANAL.
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-161BU, 63-166A, 63-167A, 63-224, 63-225, 63-294, 63-295.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1826 ACRES WITHIN THE BOUNDARY OF THE EUREKA WATER COMPANY.

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 611282 from SpatialDataID 342559 to SpatialDataID 302641
2. mcase 7/21/2004 POD
Comment: Correlated PODID 611282 from SpatialDataID 342559 to SpatialDataID 302641

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) 63-145Owner: Eureka Water Co. Phone No. 286-7020 = Mark PhillipsCurrent Address: 7650 N. Star Rd., Meridian 83642

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

Accompanied by: Mark Phillips, Elias Aldape**PRIORITY DATE**

- ☒ 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 = same as decree

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

Source: Boise RiverTributary to Snake 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
*	6	NW	SE	NW	24	4N	1W	Ada	

* This appears to be a better legal description because the POD is on the South side

Description of diverting works

Water diverts from the Boise River into the Phyllis Canal.
About 1000' from the POD a concrete headgate takes water to
the Eureka Canal in the NW SW NW 524, 4N, 1W

OVERLAP REVIEW

Other water rights with the same point of diversion: See attached list.

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

No - Pioneer Irrigation District rights

WATER USES

☒ No change

☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 33.32 CFS AFA
Use From To Amount 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 #

Types Additional comments:

PLACE OF USE:

☐ No Change

☒ Changes shown below:

Limited to 1826 acres within the boundary of Eureka ^{Water} Catch Co.			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: 63-16383 supplements this right

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

Different source - waste water

Delivery System Narrative:

The main Euseba Canal has many smaller laterals that divert water to the fields

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

FLOW MEASUREMENTS: None

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as right #13

The place of use is Boise River bottom land that has been partially converted to a golf course. The designated 624 map exceeds the number of acres claimed because of the difficulty in determining how much waste land there could have been. There is no doubt there are sufficient acres to cover the claimed (decreed) diversion rate.

The POD and delivery system for this right and 63-16383
were examined in the field on 8-12-02 with the
assistance of Mark Phillips and Elias Aldape.
There is a transfer pending that could change the # of acres
and diversion rate.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 8-12-2002.

FIELD EXAMINER: Mel Schulte

A63-145 Eureka Water Co.

XII.

That the defendant's [REDACTED],
[REDACTED], be, and they are hereby awarded the use of the waters of
Boise River, diverted from a point on said river near the SE corner
of NW 1/4 of NE 1/4, Sec. 21, T. 4 N. R. 1 E. B.M., for use upon
Lots 2 and 3 in NW 1/4 NE 1/4 and NE 1/4 NW 1/4, and lot 1 in NE 1/4
of NE 1/4, Sec. 20, and lots 3 and 4 in N. 1/2 NW 1/4, Sec. 21, all
in T. 4 N. R. 1 E. B.M., in the following amount and from the follow-
ing date;

63 0144

220 inches, from [REDACTED], and hereby designated as Right No. 12.
And be adjudged to pay \$15.40 costs, in addition to the costs incurred by
them.

XIII.

That the defendant the [REDACTED], a corporation,
be, and it is hereby awarded the use of the waters of Boise River,
diverted at a point on the south side of said river easterly of what
is now the farm of William Simpson in Sec. 23, T. 4 N. R. 1 W. B.M.,
for use upon the lands lying under its canal system, in the following
amount and from the following date;

63 0145

1666 inches, from [REDACTED], and hereby designated as Right No. 13.
And be adjudged to pay \$116.62 costs, in addition to the costs incurred by it.

XIV.

That the defendant the [REDACTED], a corporation,
be, and it is hereby awarded the use of the waters of Boise River,
diverted at a point on the north bank of said river on Lot 2, Sec.
23, T. 4 N. R. 1 E. B. M., for use upon the lands lying under its
canal system, in the following amount and from the following date;

63 0146

688 inches, from [REDACTED], and hereby designated as Right No. 14.
And be adjudged to pay \$48.16 costs, in addition to the costs incurred by it.

XV.

That the defendant the [REDACTED],
a corporation, be, and it is hereby awarded the use of the waters
of Boise River, diverted from said river at the head of the canal of
defendant the farmers' Union Ditch Company, and taken through said

canal to the point of use, for use upon the lands lying under its ca-
nal system, in the following amount and from the following date;

2729 inches, from [REDACTED], and hereby designated as Right No. 15.
And be adjudged to pay \$191.05 costs, in addition to the costs incurred by it.

63 0147

1982
1983

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-145

WATER RIGHT NUMBER: 63-145

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EUREKA WATER CO
	, ID

Priority Date: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	33.320 CFS	
	<u>Total Diversion:</u>	33.320 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L2	Sec. 23, Twp 04N, Rge 01E, B.M.
CANYON County		

Place of UseConditions of Approval:Remarks:

1. General P/U IS LANDS LYING UNDER CANAL SYSTEM.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-145

Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-145

WATER RIGHT NUMBER: 63-145

<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: 06/01/1865

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE 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	33.320 CFS	
	<u>Total Diversion:</u>	33.320 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SW1/4NE1/4NW1/4	Sec. 24, 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	SENW	29.0	T04N R01W S19	NESW	3.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-145

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	SENW	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	SENW	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	SENW	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	SENW	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	SENW	3.0			

Total Acres: 1826

Conditions of Approval:Remarks:

1. General

LAND IS WITHIN THE SERVICE AREA OF THE EUREKA WATER CO.
 5. DESCRIPTION OF DIVERTING WORKS: (CONTINUED) THE WATER IS DIVERTED FROM THE BOISE RIVER INTO THE PHYLLIS CANAL (PIONEER IRRIGATION DISTRICT). A HEADGATE FROM THE PHYLLIS CANAL REDIVERTS WATER INTO THE EUREKA CANAL IN TWN. 4N, RNG. 1W, SEC. 24, NW 1/4 OF THE SW 1/4 OF THE NW 1/4. PORTIONS OF THE PHYLLIS SLOUGH ARE ALSO USED FOR CONVEYENCE OF THIS WATER.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-145

Comments:Dates and Other Information:

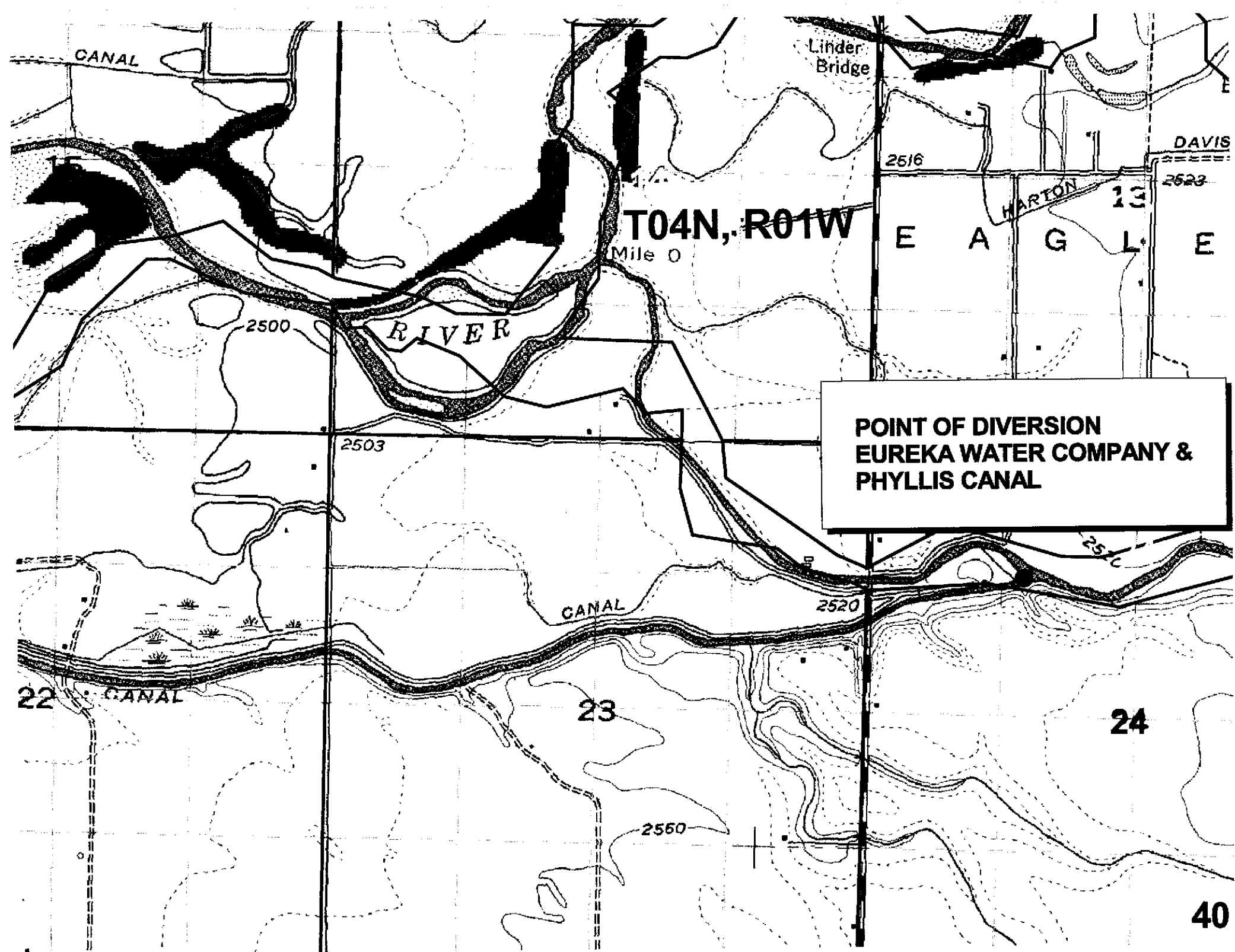
Claim Received Date: 7/18/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number: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

Combined Use Limits:Element Reviewed/Verified Dates:Status

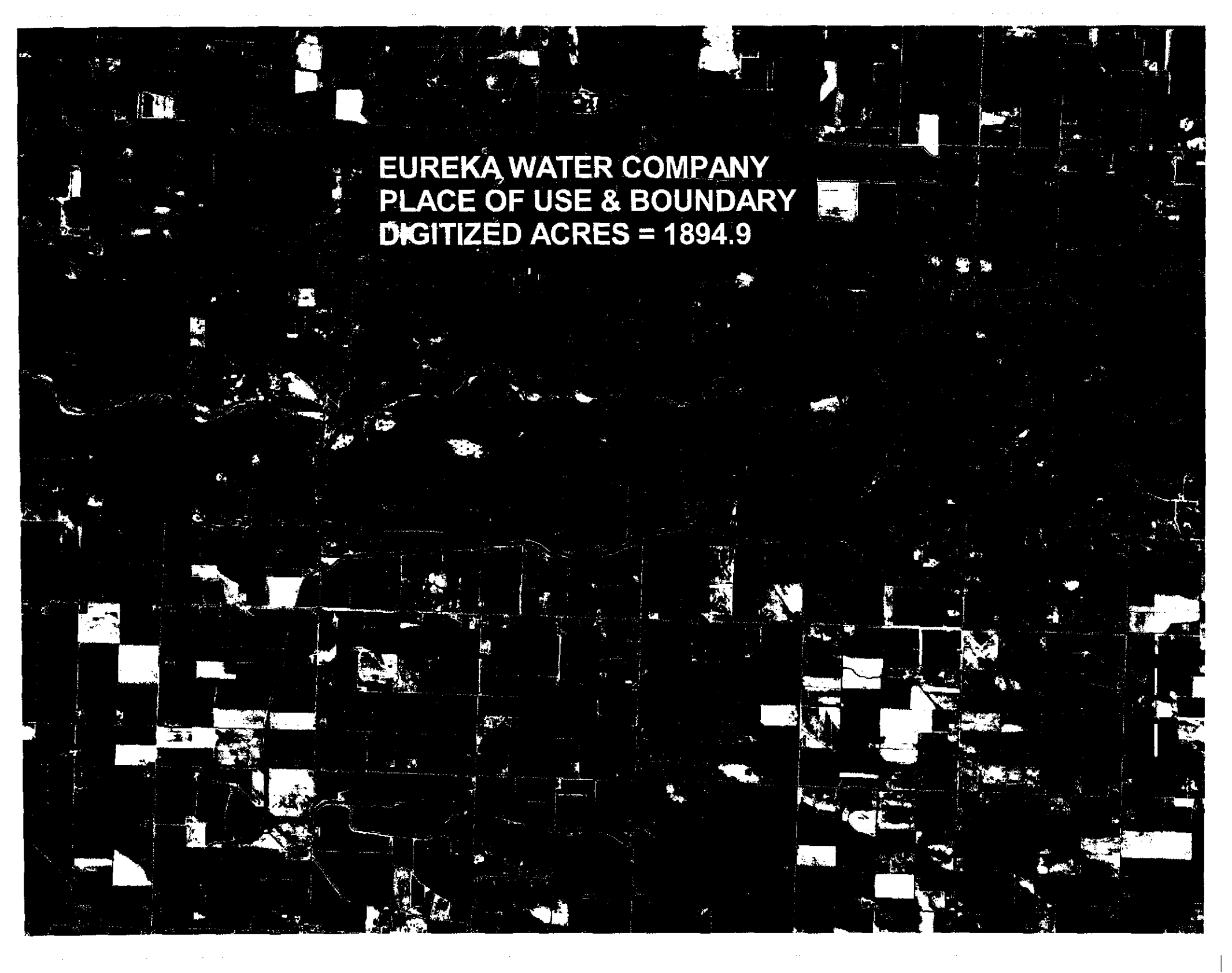
<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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**EUREKA WATER COMPANY
PLACE OF USE & BOUNDARY
DIGITIZED ACRES = 1894.9**



63-145

TO4N, RO1W

8
37.97

EAST 79.90

- 0.30

79.78 152855

4	3	2
31.93	35.85	24.20

7.19

28.23

3
48.20

38.35

6
35.55

7
40.20

42.62

ec. 23

Sec. 24

NORTH

WORK

89° 45' W.

WEST

79. 76

8250

五

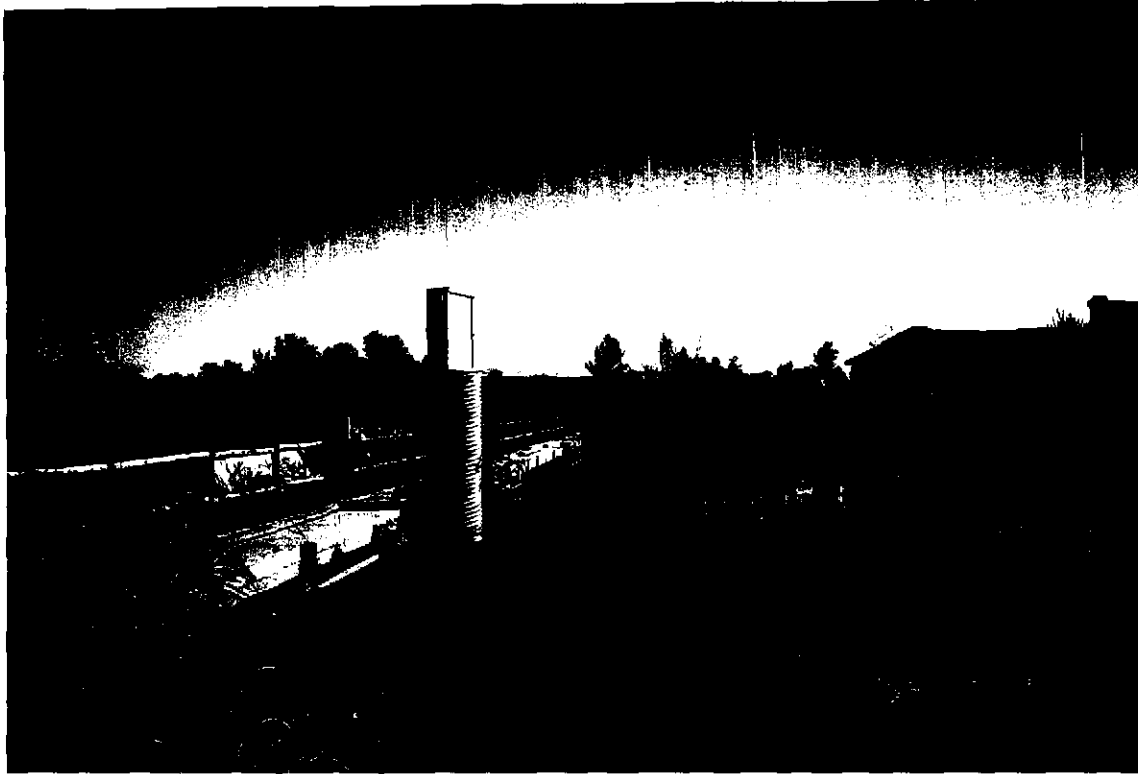
3103

POD - 4N, 1W, 324, NENW

POD	Section	Decree	Date	Acres	Source	Use	Beneficiary
63	145	Decreed	1885-06-01	33.32	BOISE RIVER	IRRIGATION	EUREKA WATER CO (Current)
63	181 BU	Decreed	1888-05-01	21.72	BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)
63	224	Decreed	1890-09-01	200	BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)
63	225	Decreed	4/1/1904	58.34	BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)
63	294	Decreed	4/1/1905	306.50	BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)
63	285	Decreed	4/1/1908	54.5	BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)
63	371	Decreed	1884-06-01	53.1	BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)
Rediversion							
63	3614 A	License	12/8/1940	25582	BOISE RIVER	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	PIONEER IRRIGATION DISTRICT (Current)
Rediversion							
63	3618 A	Permit	1/1/1955	16000	BOISE RIVER	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	PIONEER IRRIGATION DISTRICT (Current)
Rediversion							
63	3618 L	Permit	12/9/1940	2800	BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	EUREKA WATER CO (Current)
Rediversion							
63	5262 A	Statutory Claim	1/13/1911	21018	BOISE RIVER	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	PIONEER IRRIGATION DISTRICT (Current)
63	21706	Beneficial Use	5/1/1958	1	BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)
63	31022	Beneficial Use	3/24/1956	9.22	GROUND-WATER	DOMESTIC, STOCKWATER	KERSTEIN, CHESTER C (Current); KERSTEIN, JO ANN F (Current)

EUREKA WATER COMPANY
PHOTOGRAPHS DATED 8/12/2002

PHOTO #1



POINT OF DIVERSION
FOR THE PHYLLIS CANAL
AND THE EUREKA CANAL
ON THE SOUTH CHANNEL
OF THE BOISE RIVER EAST
OF LINDER ROAD.



DIVERSION HEADGATE
FROM THE PHYLLIS
CANAL INTO THE
EUREKA CANAL

**EUREKA WATER COMPANY
PHOTOGRAPHS DATED 8/12/2002**

PHOTO #3



**EUREKA CANAL
BELOW THE
HEADGATE**

IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

EUREKA CANAL NO. 1

Number 512

1974

The Eureka Canal No. 1 begins on the south side of the Boise River in Section 23, T4N, R1W, and runs in a westerly direction for about six miles. The canal was constructed in the winter of 1863 by George Leggett, Frank Fulton, and Hugh Allen when they appropriated and diverted 5,000 inches under a four-inch pressure. In 1864, these men were mainly raising garden produce and using water from the river to irrigate their gardens. The canal was enlarged each year as more settlers moved into the area. The system of irrigation under the canal was most sub-irrigation.

The Eureka Water Company was incorporated on April 26, 1881. Eleven shares in the new company were issued to William Simpson (2 shares), William Frost (2 shares), Elijah Frost (2 shares), Houston Frost, George Goodrich, William Lewis, R. M. Brennan, and Adam Schindler (one share each). The company also claimed 10,000 inches of water. The headgate measured just under twelve feet with a depth of four feet. The canal was twelve feet across at the bottom.

In 1903, the canal had a capacity of 289.5 second feet and was six miles long with nine miles of laterals. At that time, the canal was watering 1,386 acres. By 1905, there were thirteen landowners under the canal who used water to irrigate 1,937 acres. In 1906, the canal received water right (13) to 1,666 inches of water.

Publications--450 N. 4th Street, Boise, ID 83702--208-334-3428



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

JUNE 6, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

EUREKA WATER CO
7650 N STAR RD
MERIDIAN, ID 83642

Re: Snake River Basin Adjudication (SRBA) claims review

We are currently reviewing the water right claims filed in the SRBA by all ditch companies and irrigation districts in Ada County prior to preparing our recommendations to the SRBA court. Your claims are part of this review process.

One of the end products resulting from the review process mentioned above will be a map for your organization that will include the land irrigated by your water rights and the outer perimeter boundary of the places of use. You may have already reviewed the boundary and place of use for your water rights with an employee of the department. However, if you have not recently reviewed and returned a map to us please call me at the number below as soon as possible. Establishing the most accurate boundary and place of use for your water rights is a very important initial step in our review process.

The total amount of water we will recommend for your water rights will be based on the standard of one inch (0.02 cubic foot per second) per acre for the actual acres irrigated with your water rights as described in your boundary map. However, it is possible to have additional water for delivery loss within your ditch system and additional water for lands that require more water due to the nature of the soils. We might need additional information from you to quantify the amount of water needed for delivery loss within your canal and ditch system. We might also need from you additional data to support and quantify any excess water in addition to one inch per acre for irrigation that might be necessary.

It is our plan to prepare recommendations for your SRBA claims during the summer of 2003. In order to prepare the most accurate recommendations it's imperative that the boundary and place of use map for your organization be completed before we proceed.

If you need additional information or want to discuss these matters in more detail please call me at the number below.

Cordially,

Mel Schulte
Sr. Water Right Agent
208-334-2190

MEMORANDUM

TO: FILE NO. [REDACTED] 63-0223

FROM: TIM LUKE

RE: TRANSFER NUMBERING

DATE: 11-14-89

=====

The water rights data base has several errors in regard to the above numbered rights. These errors were discovered by researching the files and following up to a memo dated 1-22-86 by Dave Tuthill.

Transfer number 1064 has erroneously been assigned to 63-0145 causing a split of the water right number. There should be no split of 63-145. The split should be deleted and the original right re-entered.

The following changes should be made to file no. 63-0223:

1a) 63-0223G: The place of use field should contain the following description: SWNE Sec. 11 T4N, R4W 25 ACRES

b) Line 1 of the remarks section should be deleted and replaced by the following remark:

"TRANS. 289 CHANGED P/D ONLY. TRANS 1064 WAS SUPERCEDED BY TRANS. 289 BUT DESCRIBED P/U.

Lines 2 and 3 should remain as presently entered in data base.

The numbering problem appears to have been the result of the fact the department (formerly Water Reclamation and Water Administration) had a unique system for assigning numbers to transfers whereby one set of numbers was designated for transfers involving points of diversions and a different set of numbers designated for place of use transfers. The transfer filed which resulted in 63-0223G was actually a point of diversion transfer. This transfer though described a specific place of use. The original place of use however was never changed. An order granting transfer no. 1064 (a place of use transfer number) was entered which changed the

point of diversion and appeared to change the place of use. Review of the original transfer application though shows that the applicant, Earl Giles, never intended to change the place of use. The order was prepared and signed but appears to have never been sent out as evidenced by review of the file.

One month after transfer 1064 was prepared, transfer no. 289 was issued. This transfer was issued to change the point of diversion as proposed by the original transfer application. The issuance of transfer 289 was necessitated because of the dual transfer numbering system. Thus, transfer 289 essentially supercedes transfer 1064. Transfer 1064 however does adequately describe the place of use associated with the properly recorded point of diversion.

01 Water Right Number - 63-0145A 02 Old (D) Number - Adj. Flag Translation: STANDARD WATER RIGHT NUMBER

LAST NAME
03001 - EUREKA WATER CO.
03002 - GILESFIRST NAME
04001 -
04002 - EARLORIG. OWNER
05001 - O
05002 - C

06 Add Line 1 - RT. 5

07 Add Line 2 -

08 Add Line 3 -

09 City - CALDWELL

10 State - ID 11 ZIP -

12 Stage - D DECREE

13 Status -

SOURCE
14001 - BOISE R.TRIBUTARY OF
15001 - SNAKE R.

16 Diversion Means -

17 County - 27 CANYON

18 Diversion Capacity - .000

19 Total Diversion Rate - .500

20 Total Diversion Volume - .00

21 Water District - 63

Tract	Sec	Twn	Rng	Lot	Rflg	Stream	Index	Fields
22001 -	23001 - 12	24001 - 04N	25001 - 04W	26001 -	27001 -			
			28001 - 0	0.0	0.0	0.0	0.0	0.0

29 Non-Irrigation Use -

Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 - 01 IRRIGATION	31001 - 04N	32001 - 04W	33001 - 11	34001 - SANE	35001 -	36001 -
						Total Acres: 0

Period From	Period To	Use Code / Use	Water Use	Diversion Rate	Diversion Volume
37001 -	38001 -	39001 - 01 IRRIGATION	40001 -	0.500	41001 - 0.00
37002 -	38002 -	39002 - 43 DOMESTIC	40002 -	0.000	41002 - 0.00

42 Decree Plaintiff Name - FARMERS CO-OP DITCH CO.

43 Decree Defendant Name - RIVERSIDE IRR. DIST.

REMARKS
44001 - THIS WATER TO BE CARRIED IN THE UPPER CENTER POINT DITCH.
44002 - P/D INCOMPLETE IN DECREE.

Approval Conditions: 45001 -

46 Other Rights for Same Use -

DATES	DATES	FLAGS
47 Priority - 1-Jun-1865	55 License -	63 Transfer/Amended - P
48 Proof Due -	56 Appl Received -	64 DLE/Carey Act -
49 Proof Made -	57 Field Exam Made -	65 Flag_1 -

01 Water Right Number - 63-0145B 02 Old (D) Number - Adj. Flag Translation: STANDARD WATER RIGHT NUMBER

LAST NAME
03001 - EUREKA WATER CO.FIRST NAME
04001 -ORIG. OWNER
05001 - C

06 Add Line 1 -

07 Add Line 2 -

08 Add Line 3 -

09 City -

10 State -

11 ZIP -

12 Stage - D DECREE

13 Status -

SOURCE
14001 - BOISE RIVERTRIBUTARY OF
15001 - SNAKE RIVER

16 Diversion Means -

17 County - 01 ADA

18 Diversion Capacity - .000

19 Total Diversion Rate - 32.820

20 Total Diversion Volume - .00

21 Water District - 63

Tract	Sec	Twn	Rng	Lot	Rflg	Stream	Index	Fields
22001 -	23001 -	24001 -	25001 -	26001 -	27001 -			
			28001 -					

29 Non-Irrigation Use -

Use Code / Use	Twn	Rng	Sec	Tract	Acres	Lot
30001 -	31001 -	32001 -	33001 -	34001 -	35001 -	36001 -
						Total Acres: 0

Period From	Period To	Use Code / Use	Water Use	Diversion Rate	Diversion Volume
37001 -	38001 -	39001 - 01 IRRIGATION		40001 - 32.820	41001 - 0.00

42 Decree Plaintiff Name - FARMERS CO-OP DITCH CO.

43 Decree Defendant Name - RIVERSIDE IRR. DIST.

REMARKS
44001 - P/D IN S23, T4N, R1W.
44002 - P/U LANDS UNDER CANAL SYSTEM.
44003 - TRANS. 1064.

Approval Conditions: 45001 -

46 Other Rights for Same Use -

DATES	DATES	FLAGS
47 Priority - 1-Jun-1865	55 License -	63 Transfer/Amended - P
48 Proof Due -	56 Appl Received -	64 DLE/Carey Act -
49 Proof Made -	57 Field Exam Made -	65 Flag 1 -
50 Approve/Denied-	58 Decree - 18-Jan-1906	66 Flag 2 -

----- D A T E S ----- D A T E S ----- F L A G S -----

50 Approve/Denied-
51 Protested -
52 Hearing -
53 Verified - 18-Jun-1985
54 Last Update - 18-Jun-1985

58 Decree - 18-Jan-1906
59 Start Work -
60 Order Show Cause -
61 Date 1 -
62 Date 2 -

66 Flag 2 -
67 Flag 3 -

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company, (a corporation)

Plaintiff,

vs.

D E C R E E.

Riverside Irrigating District, Limited, (a corporation)

et al,

Defendants.

RECEIVED

MAR 7 1969

Department of Reclamation

STEWART DECREE

LXXVIII.

That the defendant the SETTLERS' CANAL COMPANY, Limited, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river at the head of the Government Hay Reservation, in Sec. 9, T. 3 N. R. 2 E. B.M., for use on the lands lying under its canal system, in the following amounts from the following dates;

63 0230 *Trans. .30* *Trans. .40* *T-34, 35, 50, 477, 483*
 4953 inches, from Oct. 17, 1884. and hereby designated as Right No. 92.

63 0231 *T-45, 50, 34*
 3672 inches, from June 1, 1891; and hereby designated as Right No. 122.

And be adjudged to pay \$303.75 costs in addition to the costs incurred by it.

LXXIX.

That the defendants WILLIAM C. YOUNG, LIZZIE YOUNG and ESTELLA YOUNG be, and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE 1/4 of SW 1/4 of Sec. 10, T. 4 N. R. 3 W. B.M., through what is known as the Young ditch, for use upon lands lying under said ditch in sections 15 and 21, T. 4 N. R. 3 W. B.M., in the following amount from the following date;

63 0232
 200 inches, from Jan. 23, 1887. and hereby designated as Right No. 95.

And be adjudged to pay \$14.00 costs in addition to the costs incurred by them.

LXXX.

That the defendant the AMERICAN DITCH ASSOCIATION, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river at or near the SE corner of SW 1/4 of Sec. 16, T. 4 N. R. 3 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date;

63 0233 *Trans. 2.0 P.D.* *Trans. 1475 210*
 2390 inches, from Oct. 1, 1887. and hereby designated as Right No. 96.

And be adjudged to pay \$167.30 costs in addition to the costs incurred by it.

T-62
 36
 47
 48
 111
 790
 38

P.D. 3
 P.D. 36-A
 P.D. 48
 P.D. 148
 P.D. 166
 P.D. 172
 P.D. 224
 P.D. 171

63-0115

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company, (a corporation)

Plaintiff,

vs.

D E C R E E.

Riverside Irrigating District, Limited, (a corporation)

et al,

Defendants.

RECEIVED

MAR 7 1969

Department of Reclamation

STEWART DECREE

MICROFILMED

XII.

That the defendants JAMES L. GRAHAM, FRANK H. GRAHAM and WILLIAM GILBERT, be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river near the SE corner of NW 1/4 of NE 1/4, Sec. 21, T. 4 N. R. 1 E. B.M., for use upon Lots 2 and 3 in NW 1/4 NE 1/4 and NE 1/4 NW 1/4, and lot 1 in NE 1/4 of NE 1/4, Sec. 20, and lots 3 and 4 in N. 1/2 NW 1/4, Sec. 21, all in T. 4 N. R. 1 E. B.M., in the following amount and from the following date;
63 0144
220 inches, from June 1, 1865; and hereby designated as Right No. 12. And be adjudged to pay \$15.40 costs, in addition to the costs incurred by them.

XIII.

That the defendant the EUREKA WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river easterly of what is now the farm of William Simpson in Sec. 23, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;
63 0145 T-222, 222, 1064
1636 inches, from June 1, 1865; and hereby designated as Right No. 13. And be adjudged to pay \$116.62 costs, in addition to the costs incurred by it.

XIV.

That the defendant the NEW UNION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river on Lot 2, Sec. 23, T. 4 N. R. 1 E. B. M., for use upon the lands lying under its canal system, in the following amount and from the following date;
63 0146
688 inches, from June 1, 1865; and hereby designated as Right No. 14. And be adjudged to pay \$48.16 costs, in addition to the costs incurred by it.

XV.

That the defendant the BOISE VALLEY IRRIGATION DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted from said river at the head of the canal of defendant the farmers' Union Ditch Company, and taken through said canal to the point of use, for use upon the lands lying under its canal system, in the following amount and from the following date;
2720 inches, from June 1, 1865; and hereby designated as Right No. 15. And be adjudged to pay \$191.03 costs, in addition to the costs incurred by it.

63 0147

T 1982
1983

MICROFILMED

POD - 4N, 1W, S24, SENW

Path	Resource	Sub	Right	Priority Date	Quantity	Volume	Source	Water Right	Source Title	Version	Source ID
63	161	BU	Decreed	1866-05-01	21.72		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)		wrAdjudicationClaim
63	166	A	Decreed	1866-07-03	15.4		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)		wrAdjudicationClaim
63	167	A	Decreed	1880-10-29	27.6		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)		wrAdjudicationClaim
63	224		Decreed	1890-09-01	200		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)		wrAdjudicationClaim
63	225		Decreed	4/1/1904	56.34		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)		wrAdjudicationClaim
63	294		Decreed	4/1/1905	306.56		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)		wrAdjudicationClaim
63	295		Decreed	4/1/1908	54.5		BOISE RIVER	IRRIGATION	PIONEER IRRIGATION DISTRICT (Current)		wrAdjudicationClaim
63	145		Decreed	1865-06-01	33.32		BOISE RIVER	IRRIGATION	EUREKA WATER CO (Current)		1 wrAdjudicationRecommendation

Pioneer Irr. will be reviewed in 63 part III

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 63-145
Date Received: 7/18/1989
Receipt No: C008308
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: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	24	SW NE NW	ADA	

5. Description of diverting works:

DAM, CONTROL GATES, GRAVITY FLOW CANAL (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	33.32	

7. Total Quantity Appropriated is:
33.32 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	SW	SE	IRRIGATION	20
			NE	SW	IRRIGATION	2
			SW	SW	IRRIGATION	6
			SE	SW	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	IRRIGATION	22
			SW	NW	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.

5. DESCRIPTION OF DIVERTING WORKS: (CONTINUED) THE WATER IS DIVERTED FROM THE BOISE RIVER INTO THE PHYLLIS CANAL (PIONEER IRRIGATION DISTRICT). A HEADGATE FROM THE PHYLLIS CANAL REDIVERTS WATER INTO THE EUREKA CANAL IN TWN. 4N, RNG. 1W, SEC. 24, NW 1/4 OF THE SW 1/4 OF THE NW 1/4. PORTIONS OF THE PHYLLIS SLOUGH ARE ALSO USED FOR CONVEYENCE OF THIS WATER.

15. Basis of Claim: Decreed

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED

MAR 18 2003

WATER RESOURCES
WESTERN REGION

Name(s) of Claimant (please print):

Eureka Water Company

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

Ringert Clark Chartered
455 S. Third Street
P.O. Box 2773
Boise, Idaho 83701-2773
 Attorney's Phone (208) 342-4591

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

ALL WATER RIGHTS AND WATER RIGHT MATTERS IN THE SRBA.

For Individuals:

Authorized signature(s) Date _____

For Organizations:

I am Chairman of Eureka Water Company, and I

Title

Organization

have signed the foregoing document in the space below as

Chairman of EUREKA WATER COMPANY.

Title

Organization

Signature of Authorized Agent W. C. Clark

Title Chairman Date 2/23/03

Organization EUREKA WATER COMPANY

IDWR Use:

Date Received 3-18-03Data Entry JPB 24-03

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: A63-00145
Date Received: 7-18-89 *et*
Receipt No: 0008308
Received By: et 4-20-89

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUREKA WATER CO. 208-286-7072
Address: C/O FRED KURPUWEIT
8820 WEST JOPLIN ROAD
MERIDIAN, ID 83642

2. Date of Priority: JUN 01, 1865

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	24	SW	NE	NW		ADA

5. Description of diverting works:
DAM, CONTROL GATES, GRAVITY FLOW CANAL (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	33.320		

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

8. Total consumptive use is 639/ Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK ALSO WATER FROM CANAL

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

A63-00145

Page 1

Date: 04/17/89

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AUG 14 1992

10. Place of Use: Continued

Township 04N	Range 01W	Section 14	1/4 SW	of 1/4 SE	Lot	Use IRR	Acres 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
			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

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	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
			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

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AUG 14 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	23	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

14. Remarks:

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

5. DESCRIPTION OF DIVERTING WORKS: (CONTINUED)

THE WATER IS DIVERTED FROM THE BOISE RIVER INTO THE PHYLLIS CANAL (PIONEER IRRIGATION DISTRICT). A HEADGATE FROM THE PHYLLIS CANAL REDIVERTS WATER INTO THE EUREKA CANAL IN TWN. 4N, RNG. 1W, SEC. 24, NW 1/4 OF THE SW 1/4 OF THE NW 1/4. PORTIONS OF THE PHYLLIS SLOUGH ARE ALSO USED FOR CONVEYENCE OF THIS WATER.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

MICROFILMED

AUG 14 1991

FARMERS' COOPERATIVE DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRRIGATING DISTRICT,
Decree Defendant

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
Encke Water Co., that I have signed the foregoing
Organization
document in the space below as Vice President of
Title
Encke 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 Encke Water Co.
Title and Organization

July 18, 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 _____

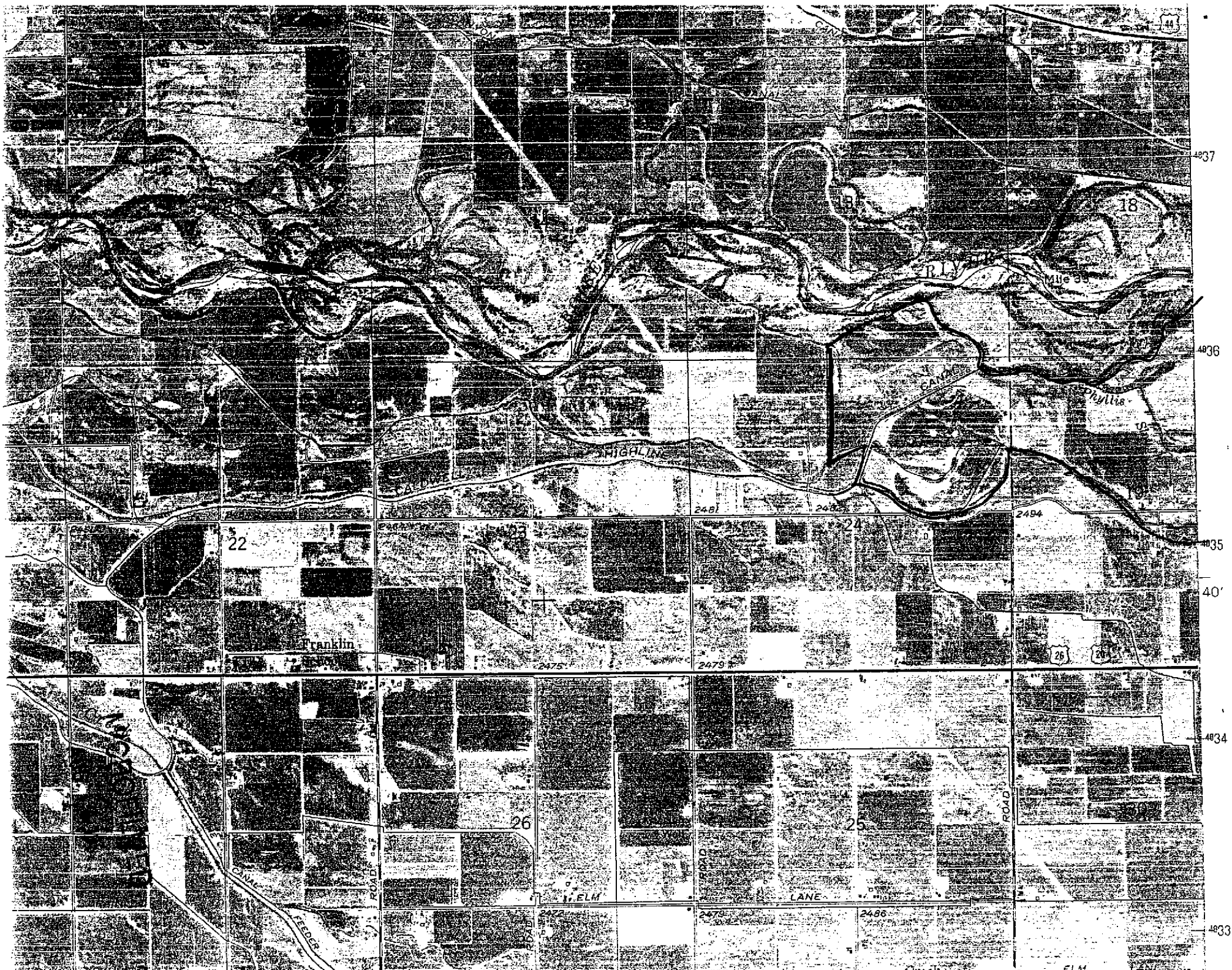
Carter Fritschle, Notary Public

Residing at Eagle, Idaho

My Commission Expires March 21, 1994

MICROFILMED

AUG 14 1992



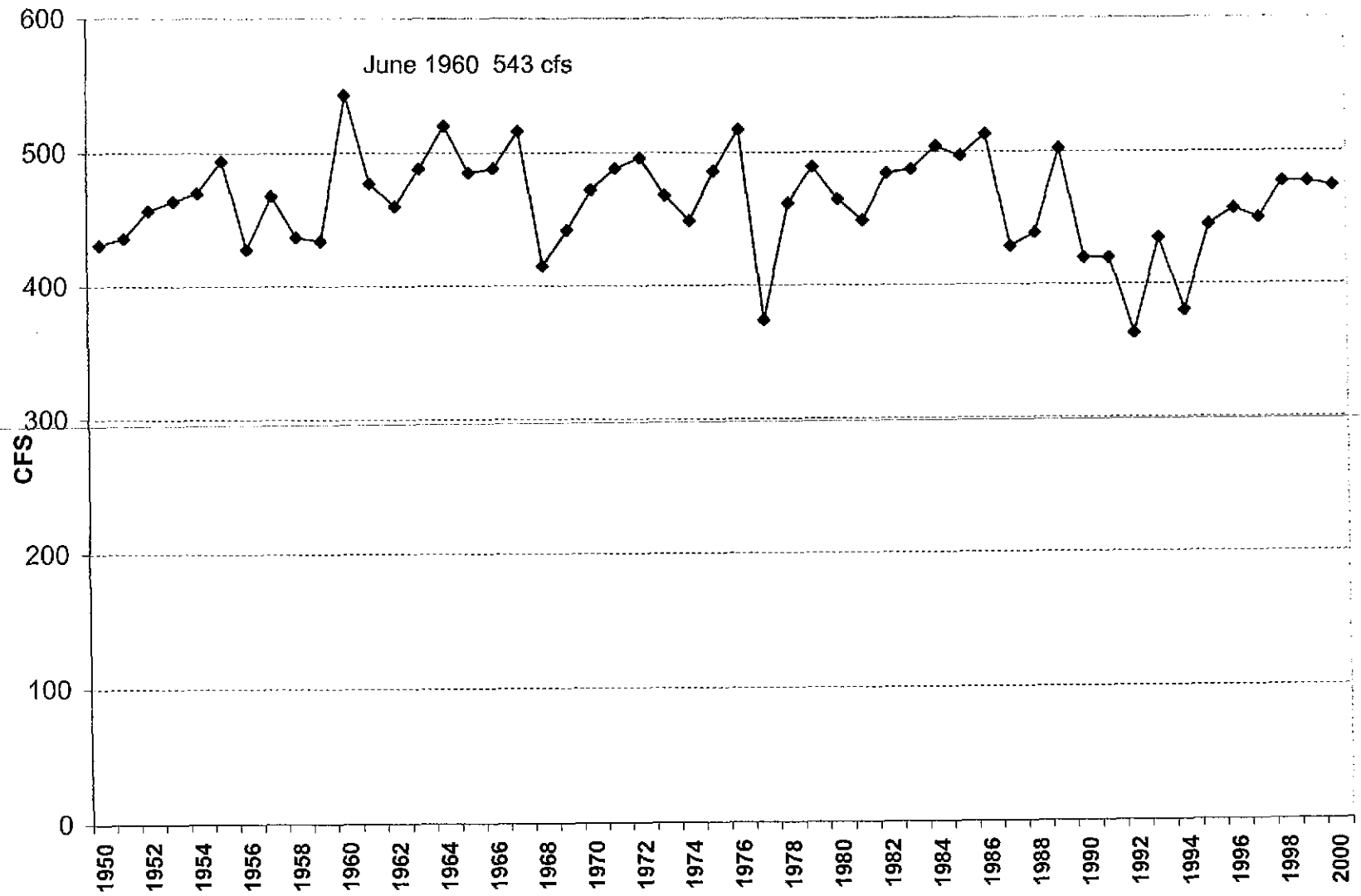


MICROFILMED

AUG 14 1997

MAXIMUM MONTHLY DIVERSION 1950-2000

13209480 PHYLLIS AND EUREKA #1 CANALS



13209480	HISTORIC DIVERSION OF PHYLLIS AND EUREKA #1 CANALS										(CFS)		
W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	46	0	0	0	0	0	237	395	402	431	348	252	2110
1951	85	0	0	0	0	0	232	355	387	436	361	262	2117
1952	91	0	0	0	0	0	86	457	452	423	371	235	2115
1953	76	0	0	0	0	0	252	332	173	464	368	274	1938
1954	94	0	0	0	0	0	291	470	304	450	377	227	2214
1955	76	0	0	0	0	0	49	275	494	394	434	269	1991
1956	70	0	0	0	0	0	274	381	361	428	397	232	2142
1957	67	0	0	0	0	0	54	301	447	468	429	218	1985
1958	75	0	0	0	0	0	153	411	365	437	413	254	2108
1959	83	0	0	0	0	0	304	374	423	434	423	156	2198
1960	33	0	0	0	0	0	255	524	543	498	413	292	2558
1961	96	0	0	0	0	0	168	477	452	429	252	197	2071
1962	31	0	0	0	0	0	181	312	381	460	405	308	2079
1963	65	0	0	0	0	0	94	426	378	488	411	250	2113
1964	75	0	0	0	0	0	124	459	316	520	437	239	2170
1965	62	0	0	0	0	0	266	485	445	475	394	239	2364
1966	59	0	0	0	0	0	390	488	418	439	423	267	2484
1967	76	0	0	0	0	0	185	398	291	516	457	269	2192
1968	50	0	0	0	0	0	207	403	381	415	226	224	1906
1969	16	0	0	0	0	0	259	424	420	442	420	287	2269
1970	89	0	0	0	0	0	230	437	395	472	434	237	2295
1971	60	0	0	0	0	0	160	421	378	454	488	282	2243
1972	78	0	0	0	0	0	190	431	402	496	423	257	2277
1973	111	0	0	0	0	0	170	411	462	468	397	218	2238
1974	16	0	0	0	0	0	108	437	440	449	429	282	2162
1975	57	0	0	0	0	0	72	343	413	486	418	287	2077
1976	89	0	0	0	0	0	118	470	460	517	384	271	2309
1977	81	0	0	0	0	0	208	293	319	374	320	200	1796
1978	8	0	0	0	0	0	109	376	452	462	389	190	1986
1979	88	0	0	0	0	0	96	444	489	460	338	168	2083
1980	49	0	0	0	0	0	173	415	425	465	405	188	2120
1981	93	0	0	0	0	0	148	384	383	449	411	234	2101
1982	65	0	0	0	0	0	99	483	484	444	468	277	2321
1983	8	0	0	0	0	0	163	381	487	447	439	279	2204
1984	68	0	0	0	0	0	148	416	447	504	457	250	2291
1985	86	0	0	0	0	0	230	477	497	467	418	227	2402
1986	91	0	0	0	0	0	213	434	513	480	410	281	2422
1987	76	0	0	0	0	0	269	429	371	416	348	260	2171
1988	57	0	0	0	0	0	255	439	405	369	330	153	2009
1989	36	0	0	0	0	0	155	446	502	462	408	200	2209
1990	46	0	0	0	0	0	324	389	412	420	371	257	2218
1991	37	0	0	0	0	0	218	356	412	420	246	76	1765
1992	24	0	0	0	0	0	237	363	255	218	176	64	1337
1993	0	0	0	0	0	0	57	408	435	410	359	333	2003
1994	96	0	0	0	0	0	313	366	380	364	289	165	1973
1995	0	0	0	0	0	0	153	333	445	394	395	318	2038
1996	91	0	0	0	0	0	200	371	457	454	420	321	2313
1997	128	0	0	0	0	0	319	418	440	450	426	326	2509
1998	146	0	0	0	0	0	242	407	360	477	462	351	2444
1999	86	0	0	0	0	0	276	446	449	477	408	296	2437
2000	93	0	0	0	0	0	217	447	474	376	356	319	2282
AVERAGE: 1950-2000	66	0	0	0	0	0	195	408	413	444	388	245	2160

EUREKA WATER COMPANY

ADDITIONAL INFORMATION

DATE: AUGUST 13, 2004

BY: MEL SCHULTE

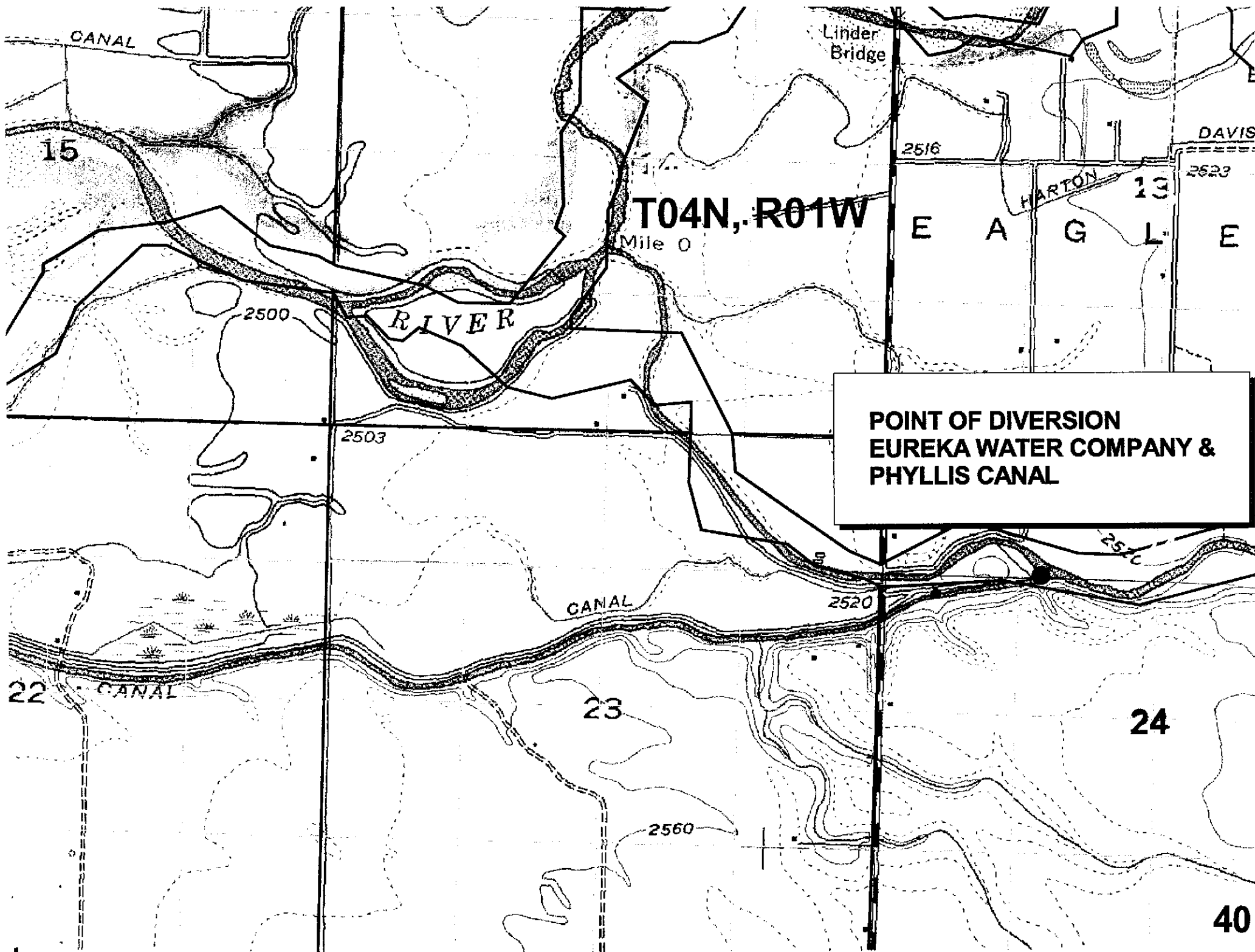
The primary contact is Mark Phillips (286-7020 & 859-8726). The law firm of Ringert & Clark represents them. Bryce Farris was instrumental in obtain the priority date affidavit for 63-16383. We were accompanied by Mike Morris and Elias Aldape during the field exam in August 2002. Mr Aldape is a long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

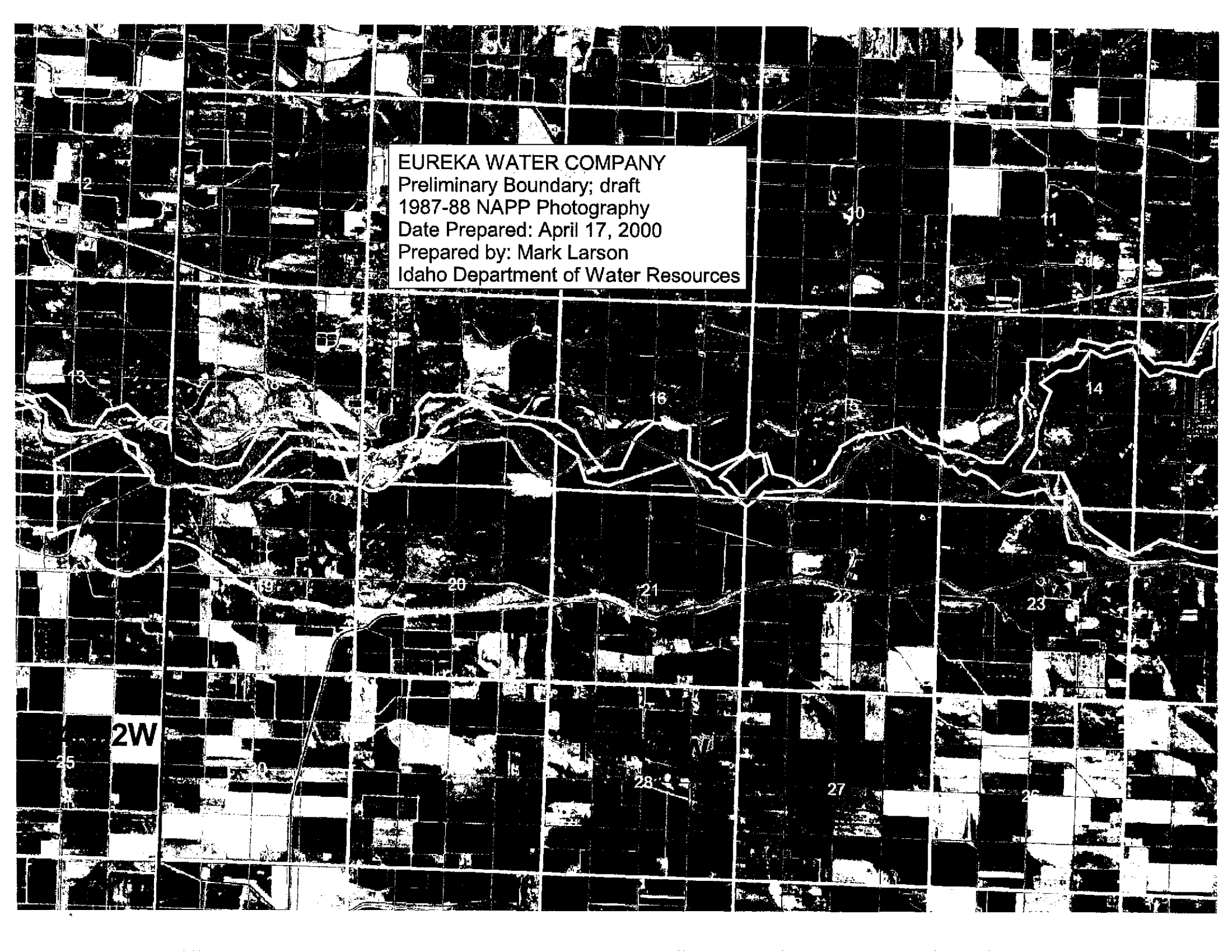
There are no major issues with Eureka's claims but a couple of matters of interest. Some of the land within their delivery area is now a golf course development that might impact the future use of their water.

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





The image is a high-contrast, black and white aerial photograph of a rural landscape, likely agricultural land. A white grid is overlaid on the image, dividing it into numerous rectangular sections. Many of these sections are numbered with white text. The numbers include 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30. A prominent white line, possibly a river or a major road, winds through the landscape, crossing several of the grid sections. In the bottom left corner, the text '2W' is visible. A white rectangular box is positioned in the upper center of the image, containing the following text:

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
63	✓ 16383	20.0

- Base River
Hyllis Slough

7650 W. Star P.D.
Mendocino

Eureka Water Co.
Terry Wickstrom, Sec
286-7749

Mark Phillips
cell - 859-8726
home - 286-7020
7650 N. Star Rd.
Meridian 93642

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)