

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 63-31806
Date Received: 8/23/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NEW DRY CREEK DITCH CO Phone: (208)286-9701
C/O DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE ID USA 83616

2. Date of Priority: 05/01/1883

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	01E	23	NE SE	ADA	

5. Description of diverting works:

Concrete diversion structure in river, canal, headgates, ditches.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.68	

7. Total Quantity Appropriated is:
0.68 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	01E	7	NE	NE		IRRIGATION	25
			SW	NE		IRRIGATION	39
			SE	NE		IRRIGATION	39
			SE	SW		IRRIGATION	25
			NE	SE		IRRIGATION	38
			NW	NE		IRRIGATION	36
			NE	NW		IRRIGATION	38
			NW	NW		IRRIGATION	39
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	36
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	38
			SE	SE		IRRIGATION	39
Section Acres							512
04N	01E	8	NW	SE		IRRIGATION	31
			SE	SW		IRRIGATION	36
			NE	SE		IRRIGATION	28
			SW	SE		IRRIGATION	38
			SE	SE		IRRIGATION	32
			NW	NE		IRRIGATION	1
			SW	NE		IRRIGATION	17
			SE	NE		IRRIGATION	5
			NW	NW		IRRIGATION	2
			SW	NW		IRRIGATION	37
			SE	NW		IRRIGATION	20
			NE	SW		IRRIGATION	31
			NW	SW		IRRIGATION	39
			SW	SW		IRRIGATION	36
Section Acres							353
04N	01E	9	SW	NW		IRRIGATION	5
			NW	SW		IRRIGATION	8
			SW	SW		IRRIGATION	6
			SE	SW		IRRIGATION	7
			NE	SE		IRRIGATION	18
			NW	SE		IRRIGATION	25
			SW	SE		IRRIGATION	24
			SE	SE		IRRIGATION	37
Section Acres							130
04N	01E	10	SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	27
			SW	SE		IRRIGATION	6
			NW	SW		IRRIGATION	8
Section Acres							80
04N	01E	15	NW	NE		IRRIGATION	28

			SW	NE	IRRIGATION	24
			NE	NW	IRRIGATION	18
			NW	NW	IRRIGATION	10
			SE	NW	IRRIGATION	2
					Section Acres	82
04N	01E	16	NE	NE	IRRIGATION	3
					Section Acres	3
04N	01E	17	NE	NE	IRRIGATION	9
			NW	NE	IRRIGATION	8
			NE	NW	IRRIGATION	10
			NW	NW	IRRIGATION	5
					Section Acres	32
04N	01W	1	SW	NE	IRRIGATION	18
			NW	NW	IRRIGATION	38
			NE	SW	IRRIGATION	38
			NE	NW	IRRIGATION	27
			SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	37
			NW	SW	IRRIGATION	38
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NW	SE	IRRIGATION	39
			SW	SE	IRRIGATION	38
			SE	SE	IRRIGATION	38
					Section Acres	429
04N	01W	2	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	38
			SW	NE	IRRIGATION	35
			SE	NE	IRRIGATION	39
			NE	NW	IRRIGATION	26
			SW	NW	IRRIGATION	35
			SE	NW	IRRIGATION	39
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	26
			SE	SW	IRRIGATION	16
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	38
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	40
					Section Acres	528
04N	01W	3	NE	NW	IRRIGATION	5
			SE	NW	IRRIGATION	28
			NE	SW	IRRIGATION	37
			SW	SW	IRRIGATION	18
			SE	SW	IRRIGATION	19
			NE	SE	IRRIGATION	40

			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	23
			SE	SE	IRRIGATION	22
					Section Acres	232
04N	01W	4	SE	SE	IRRIGATION	17
					Section Acres	17
04N	01W	10	SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NE	NE	IRRIGATION	38
			NW	NW	IRRIGATION	40
			NW	NE	IRRIGATION	40
					Section Acres	198
04N	01W	11	NE	NE	IRRIGATION	37
			NW	NE	IRRIGATION	6
			NW	NW	IRRIGATION	33
			SW	NW	IRRIGATION	40
					Section Acres	116
04N	01W	12	NE	NE	IRRIGATION	30
			NW	NE	IRRIGATION	26
			NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	40
					Section Acres	126
05N	01W	35	NE	SE	IRRIGATION	33
			NW	SE	IRRIGATION	1
			SW	SE	IRRIGATION	11
			SE	SE	IRRIGATION	30
					Section Acres	75
05N	01W	36	SW	SW	IRRIGATION	35
			SE	SW	IRRIGATION	16
					Section Acres	51
					Total Acres	2964

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.63-259, 63-260A & 63-261.

15. Basis of Claim: Decreed

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: **A63-00259**
Date Received: 8/23/1989
Receipt No: W004856
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: NEW DRY CREEK DITCH CO
Address: C/O DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE ID 83616

2. Date of Priority: MAY 1, 1883

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	01E	23	NE	SE			ADA

5. Description of diverting works:
CONCRETE DIVERSION STRUCTURE IN RIVER, CANAL, HEADGATES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.680		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	7	NE	NE		IRR	25.0
			NW	NE		IRR	36.0
			SW	NE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01E	7	SE		NE		IRR	39.0
			NE		NW		IRR	38.0
			NW		NW		IRR	39.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	36.0
			SE		SW		IRR	25.0
			NE		SE		IRR	38.0
			NW		SE		IRR	40.0
			SW		SE		IRR	38.0
			SE		SE		IRR	39.0
							Section Acres	512.0
		8	NW		NE		IRR	1.0
			SW		NE		IRR	17.0
			SE		NE		IRR	5.0
			NW		NW		IRR	2.0
			SW		NW		IRR	37.0
			SE		NW		IRR	20.0
			NE		SW		IRR	31.0
			NW		SW		IRR	39.0
			SW		SW		IRR	36.0
			SE		SW		IRR	36.0
			NE		SE		IRR	28.0
			NW		SE		IRR	31.0
			SW		SE		IRR	38.0
			SE		SE		IRR	32.0
							Section Acres	353.0
		9	SW		NW		IRR	5.0
			NW		SW		IRR	8.0
			SW		SW		IRR	6.0
			SE		SW		IRR	7.0
			NE		SE		IRR	18.0
			NW		SE		IRR	25.0
			SW		SE		IRR	24.0
			SE		SE		IRR	37.0
							Section Acres	130.0
		10	NW		SW		IRR	8.0
			SW		SW		IRR	39.0
			SE		SW		IRR	27.0
			SW		SE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
			Section Acres				80.0
		15	NW	NE		IRR	28.0
			SW	NE		IRR	24.0
			NE	NW		IRR	18.0
			NW	NW		IRR	10.0
			SE	NW		IRR	2.0
			Section Acres				82.0
		16	NE	NE		IRR	3.0
			Section Acres				3.0
		17	NE	NE		IRR	9.0
			NW	NE		IRR	8.0
			NE	NW		IRR	10.0
			NW	NW		IRR	5.0
			Section Acres				32.0
	01W	1	SW	NE		IRR	18.0
			NE	NW		IRR	27.0
			NW	NW		IRR	38.0
			SW	NW		IRR	38.0
			SE	NW		IRR	37.0
			NE	SW		IRR	38.0
			NW	SW		IRR	38.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	38.0
			SE	SE		IRR	38.0
			Section Acres				429.0
		2	NE	NE		IRR	38.0
			NW	NE		IRR	38.0
			SW	NE		IRR	35.0
			SE	NE		IRR	39.0
			NE	NW		IRR	26.0
			SW	NW		IRR	35.0
			SE	NW		IRR	39.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	26.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	2	SE		SW		IRR	16.0
			NE		SE		IRR	39.0
			NW		SE		IRR	38.0
			SW		SE		IRR	39.0
			SE		SE		IRR	40.0
							Section Acres	528.0
		3	NE		NW		IRR	5.0
			SE		NW		IRR	28.0
			NE		SW		IRR	37.0
			SW		SW		IRR	18.0
			SE		SW		IRR	19.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	23.0
			SE		SE		IRR	22.0
							Section Acres	232.0
		4	SE		SE		IRR	17.0
							Section Acres	17.0
		10	NE		NE		IRR	38.0
			NW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
							Section Acres	198.0
		11	NE		NE		IRR	37.0
			NW		NE		IRR	6.0
			NW		NW		IRR	33.0
			SW		NW		IRR	40.0
							Section Acres	116.0
		12	NE		NE		IRR	30.0
			NW		NE		IRR	26.0
			NE		NW		IRR	30.0
			NW		NW		IRR	40.0
							Section Acres	126.0
05N	01W	35	NE		SE		IRR	33.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	01W	35	NW	SE		IRR	1.0
			SW	SE		IRR	11.0
			SE	SE		IRR	30.0
			Section Acres				75.0
		36	SW	SW		IRR	35.0
			SE	SW		IRR	16.0
			Section Acres				51.0
			Total Acres				2964.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, 63-00286, 63-00288B, 63-00263, 63-00258B, 63-00124B, 63-00125B, 63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00239B, 63-00239C, 63-00161L.

NOTE: THIS CLAIM IS A COMBINATION OF WATER RIGHT NO'S 63-00259, (.2232 CFS), 63-00260A (.07 CFS) AND 63-00261 (.385 CFS) BECAUSE ALL THREE RIGHTS HAVE THE SAME DATE OF PRIORITY AND SOURCE.
ADDRESS CHANGED PER CLAIMANT REQUEST 6/30/97. LH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

SRBA Case #39576 Subcase #02-10063

Mail this postcard to businesses and people who send you mail.

Please send mail to new address beginning: 05-01-97, |

Month Day Year
NEW DRY CREEK DITCH CO. / DANA PURDY

My Name (Last name, first name, middle initial)

1200 Hereford Dr.

OLD Complete Street Address or PO Box or Rural Route and RR Box

Apt./Suite #

Eagle,

ID

83616

City or Post Office

State

ZIP or ZIP+4 Code

NEW DRY CREEK DITCH CO. / DANA PURDY

NEW Complete Street Address or PO Box or Rural Route and RR Box

Apt./Suite #

5926 W. FLOATING FEATHER RD.

City or Post Office

State

ZIP or ZIP+4 Code

EAGLE, ID 83616

NEW Telephone Number (Optional)

Account Number (If applicable)

Dana Purdy

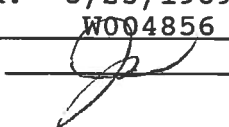
Signature

10/5/09/19/17
Today's Date: Month Day Year

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: A63-00259
Date Received: 8/23/1989
Receipt No: W004856
Received By: 

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

1. Name: NEW DRY CREEK DITCH CO. 208-939-6219
Address: C/O LYNNE SEDLACEK
1200 HEREFORD DR.
EAGLE, ID 83616

2. Date of Priority: MAY 1, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	23		NE	SE		ADA

5. Description of diverting works:
CONCRETE DIVERSION STRUCTURE IN RIVER, CANAL, HEADGATES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.680		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	01E	7	NE	NE		IRR	25.0
			NW	NE		IRR	36.0
			SW	NE		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	7	SE	NE		IRR	39.0
			NE	NW		IRR	38.0
			NW	NW		IRR	39.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	36.0
			SE	SW		IRR	25.0
			NE	SE		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	38.0
			SE	SE		IRR	39.0
					Section Acres		512.0
		8	NW	NE		IRR	1.0
			SW	NE		IRR	17.0
			SE	NE		IRR	5.0
			NW	NW		IRR	2.0
			SW	NW		IRR	37.0
			SE	NW		IRR	20.0
			NE	SW		IRR	31.0
			NW	SW		IRR	39.0
			SW	SW		IRR	36.0
			SE	SW		IRR	36.0
			NE	SE		IRR	28.0
			NW	SE		IRR	31.0
			SW	SE		IRR	38.0
			SE	SE		IRR	32.0
					Section Acres		353.0
		9	SW	NW		IRR	5.0
			NW	SW		IRR	8.0
			SW	SW		IRR	6.0
			SE	SW		IRR	7.0
			NE	SE		IRR	18.0
			NW	SE		IRR	25.0
			SW	SE		IRR	24.0
			SE	SE		IRR	37.0
					Section Acres		130.0
		10	NW	SW		IRR	8.0
			SW	SW		IRR	39.0
			SE	SW		IRR	27.0
			SW	SE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
						Section Acres	80.0
		15	NW	NE		IRR	28.0
			SW	NE		IRR	24.0
			NE	NW		IRR	18.0
			NW	NW		IRR	10.0
			SE	NW		IRR	2.0
						Section Acres	82.0
		16	NE	NE		IRR	3.0
						Section Acres	3.0
		17	NE	NE		IRR	9.0
			NW	NE		IRR	8.0
			NE	NW		IRR	10.0
			NW	NW		IRR	5.0
						Section Acres	32.0
	01W	1	SW	NE		IRR	18.0
			NE	NW		IRR	27.0
			NW	NW		IRR	38.0
			SW	NW		IRR	38.0
			SE	NW		IRR	37.0
			NE	SW		IRR	38.0
			NW	SW		IRR	38.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	38.0
			SE	SE		IRR	38.0
						Section Acres	429.0
		2	NE	NE		IRR	38.0
			NW	NE		IRR	38.0
			SW	NE		IRR	35.0
			SE	NE		IRR	39.0
			NE	NW		IRR	26.0
			SW	NW		IRR	35.0
			SE	NW		IRR	39.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	26.0
			SE	SW		IRR	16.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	2	NE		SE		IRR	39.0
			NW		SE		IRR	38.0
			SW		SE		IRR	39.0
			SE		SE		IRR	40.0
			Section Acres					528.0
		3	NE		NW		IRR	5.0
			SE		NW		IRR	28.0
			NE		SW		IRR	37.0
			SW		SW		IRR	18.0
			SE		SW		IRR	19.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	23.0
			SE		SE		IRR	22.0
			Section Acres					232.0
		4	SE		SE		IRR	17.0
			Section Acres					17.0
		10	NE		NE		IRR	38.0
			NW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			Section Acres					198.0
		11	NE		NE		IRR	37.0
			NW		NE		IRR	6.0
			NW		NW		IRR	33.0
			SW		NW		IRR	40.0
			Section Acres					116.0
		12	NE		NE		IRR	30.0
			NW		NE		IRR	26.0
			NE		NW		IRR	30.0
			NW		NW		IRR	40.0
			Section Acres					126.0
05N	01W	35	NE		SE		IRR	33.0
			NW		SE		IRR	1.0
			SW		SE		IRR	11.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	01W	35	SE	SE		IRR	30.0
						Section Acres	75.0
		36	SW	SW		IRR	35.0
			SE	SW		IRR	16.0
						Section Acres	51.0
						Total Acres	2964.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, 63-00286, 63-00288B, 63-00263, 63-00258B, 63-00124B, 63-00125B, 63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00239B, 63-00239C, 63-00161L.

NOTE: THIS CLAIM IS A COMBINATION OF WATER RIGHT NO'S 63-00259, (.2232 CFS), 63-00260A (.07 CFS) AND 63-00261 (.385 CFS) BECAUSE ALL THREE RIGHTS HAVE THE SAME DATE OF PRIORITY AND SOURCE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

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 _____ 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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A63-00259
Date Received: ~~6/16/1989~~ 9/23/89
Receipt No: 4004856
Received By: [Signature] DE JH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEW DRY CREEK DITCH CO. 208-939-6302
Address: C/O ERMA FULLER
826 W. STATE ST.
EAGLE, ID 83616

2. Date of Priority: MAY 01, 1883

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	01E	23	NE	SE			ADA

5. Description of diverting works:
CONCRETE DIVERSION STRUCTURE IN RIVER, CANAL, HEADGATES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.680		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------

11. Place of use in counties:

A63-00259

Page 1

Date: 08/23/89

MICROFILMEI

ATLAS 8 1/2 X 11

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, 63-00286,
63-00288B, 63-00263, 63-00258B, 63-00124B, 63-00125B,
63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238,
63-00239B, 63-00239C, 63-00161L.

NOTE: THIS CLAIM IS A COMBINATION OF WATER RIGHT NO'S 63-00259,
(.2232 CFS), 63-00260A (.07 CFS) AND 63-00261 (.385 CFS) BECAUSE
ALL THREE RIGHTS HAVE THE SAME DATE OF PRIORITY AND SOURCE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

HUCKBA

Decree Plaintiff

vs

TALLMAN

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

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

New Dry Creek Ditch Co. that I have signed the foregoing Organization

document in the space below as Pres. of _____ Title

New Dry Creek Ditch Co. and that the statements contained in the Organization
foregoing document are true and correct.

Fred Kunkler
Signature of Authorized Agent

Pres New Dry Creek Ditch Co
Title and Organization

8-23-89
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 23rd day

of August 19 89

Seal

Jan Sherte
Notary Public

Residing at Meridian ID

My Commission Expires 9-14-94

New Dry Creek Ditch Co., Ltd.

Eagle, Idaho

January 22, 1995

Attn: Shawn Nickel, Planner
Ada County Development Services
650 Main Street
Boise, ID 83702

RECEIVED

JAN 24 1995

WATER RESOURCES
WESTERN REGION

**Re: Lost River Estates
94-73-PDR/94-41-ZC**

Dear Mr. Nickel:

The purpose of the New Dry Creek Ditch Company (NDCDCo.) is to provide the continuing flow of water to our shareholders. New development is in no way to impede this delivery, or add to the expense of providing this service.

The delivery canal and maintenance road easement must be fenced from the development. The fencing must be a minimum of 6 feet high and of a non-burnable material. No bike path, greenbelt, bridle path or other public use will be allowed within the easement. This is to guard against unauthorized tampering with the headgate system and to protect the public from the water velocity associated with the canal and the headgates.

No landscaping will be allowed to infringe upon the canal's easement. Grass will be allowed within a ten foot setback from the outside of the easement road and the opposite canal bank.

Bridges to be constructed across the canal must have the written approval of Ada County Highway District and the NDCDCo. No round culverts are accepted without the written approval of the NDCDCo. NDCDCo feels the two entrances from Park Road are unnecessary and should be abandoned or reduced to one canal crossing with an additional entrance to the development being supplied via Curlew Court being extended to Beacon Light Road.

No storm drain water, heatpump water, or any wastewater will be allowed to be discharged into the delivery canal. Water shares shall be retained for irrigation of the development. The homeowner's association will be responsible for paying the annual water assessment and managing the water delivery within the development's boundaries.

Sincerely,


Lynne Sedlacek, Bookkeeper
1200 Hereford Drive
Eagle, ID 83616

936-6219 between 4:30 and 9:00 P.M. or leave message

c: City of Eagle & Idaho Department of Water Resources

MICROFILMED
OCT 02 1996

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-31806

NAME AND ADDRESS: NEW DRY CREEK DITCH COMPANY
C/O DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.68 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: 05/01/1883

POINT OF DIVERSION: T04N R01E S23 NESE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.68 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:

2964 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2964 ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK DITCH 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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

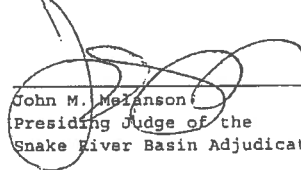
42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



New Dry Creek Ditch Co

SRBA Recommendations: 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806

SBF
NBS

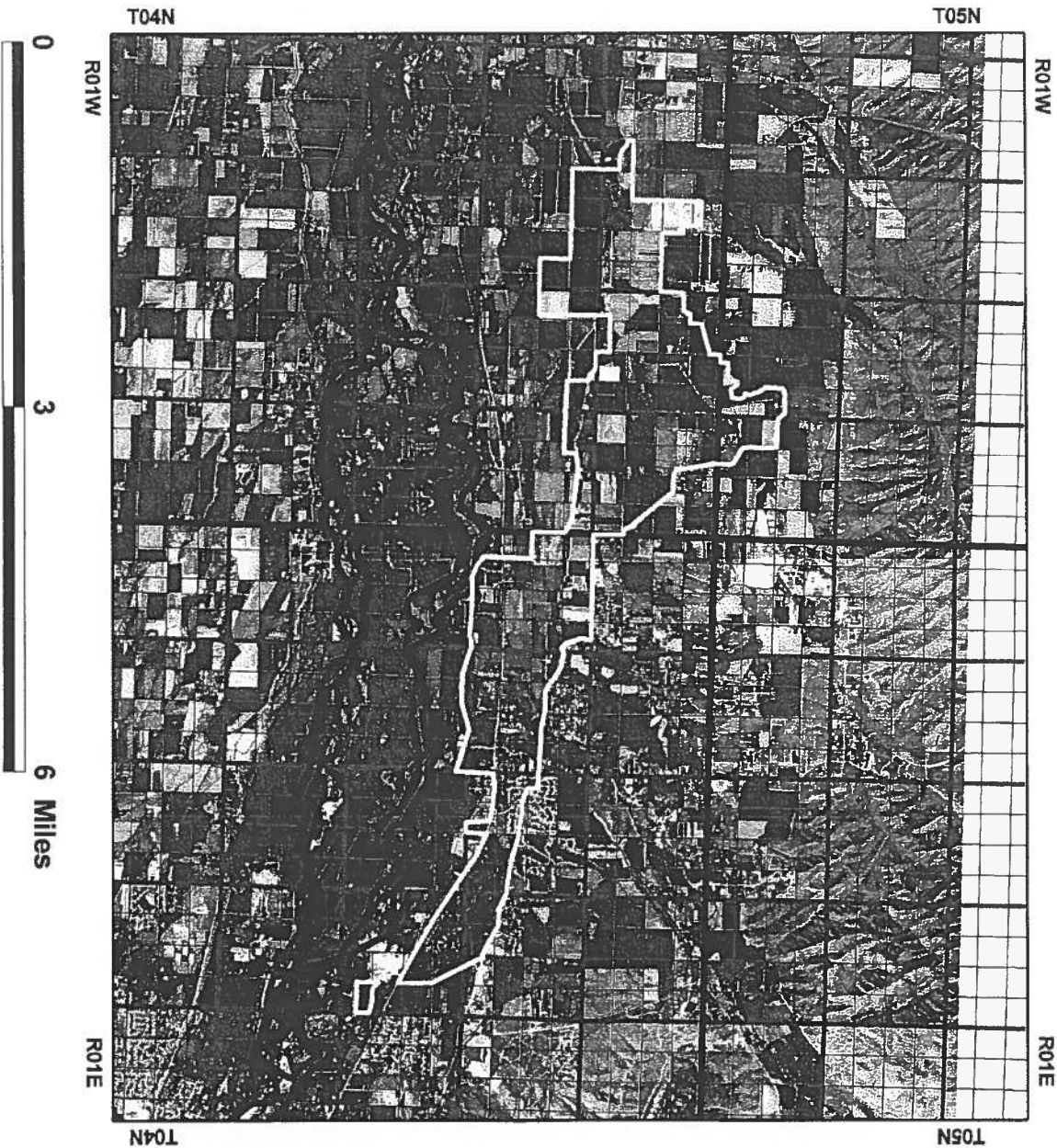
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



Prepared by S. Egbert
On Thursday, June 21, 2007
1987/88 Aerial Photography

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on December 10, 2007, with sufficient first-class postage to the following:

NEW DRY CREEK DITCH COMPANY

Represented by:

S. BRYCE FARRIS

455 S THIRD ST

PO BOX 2773

BOISE, ID 83701-2773

Phone: 208-342-4591

DIRECTOR OF IDWR

PO BOX 83720

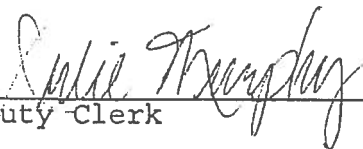
BOISE, ID 83720-0098

ORDER

Page 1 12/10/07

FILE COPY FOR 00221

Deputy Clerk



DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 AUG 7 PM 12 28

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-00125K
(SEE ATTACHED EXHIBIT A)

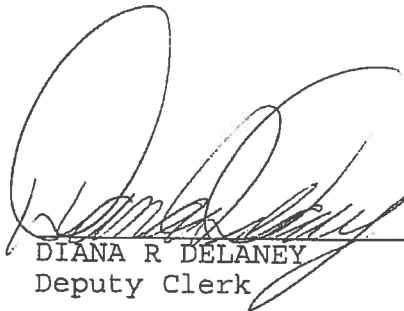
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 07, 2007, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

NEW DRY CREEK DITCH COMPANY

Represented by:
S. BRYCE FARRIS
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
08/07/07

Exhibit A

Subcase Nos:

63-00125K
63-00126G
63-00161L
63-00205
63-00206
63-00258B
63-00263
63-00286
63-00288B
63-28977
63-31778
63-31806

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

DISTRICT COURT - CRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-31806

2007 AUG 7 PM 12 28

NAME AND ADDRESS: NEW DRY CREEK DITCH COMPANY
C/O DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.68 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: 05/01/1883

POINT OF DIVERSION: T04N R01E S23 NESE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.68 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:

2964 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2964 ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK DITCH 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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG - 7 2007	
By _____	Clerk
_____	Deputy Clerk



New Dry Creek Ditch Co

SRBA Recommendations: 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-289, 63-290B, 63-2977, 63-3170, 63-3198B

Service Area Boundary
GIS Place of Use Illustration

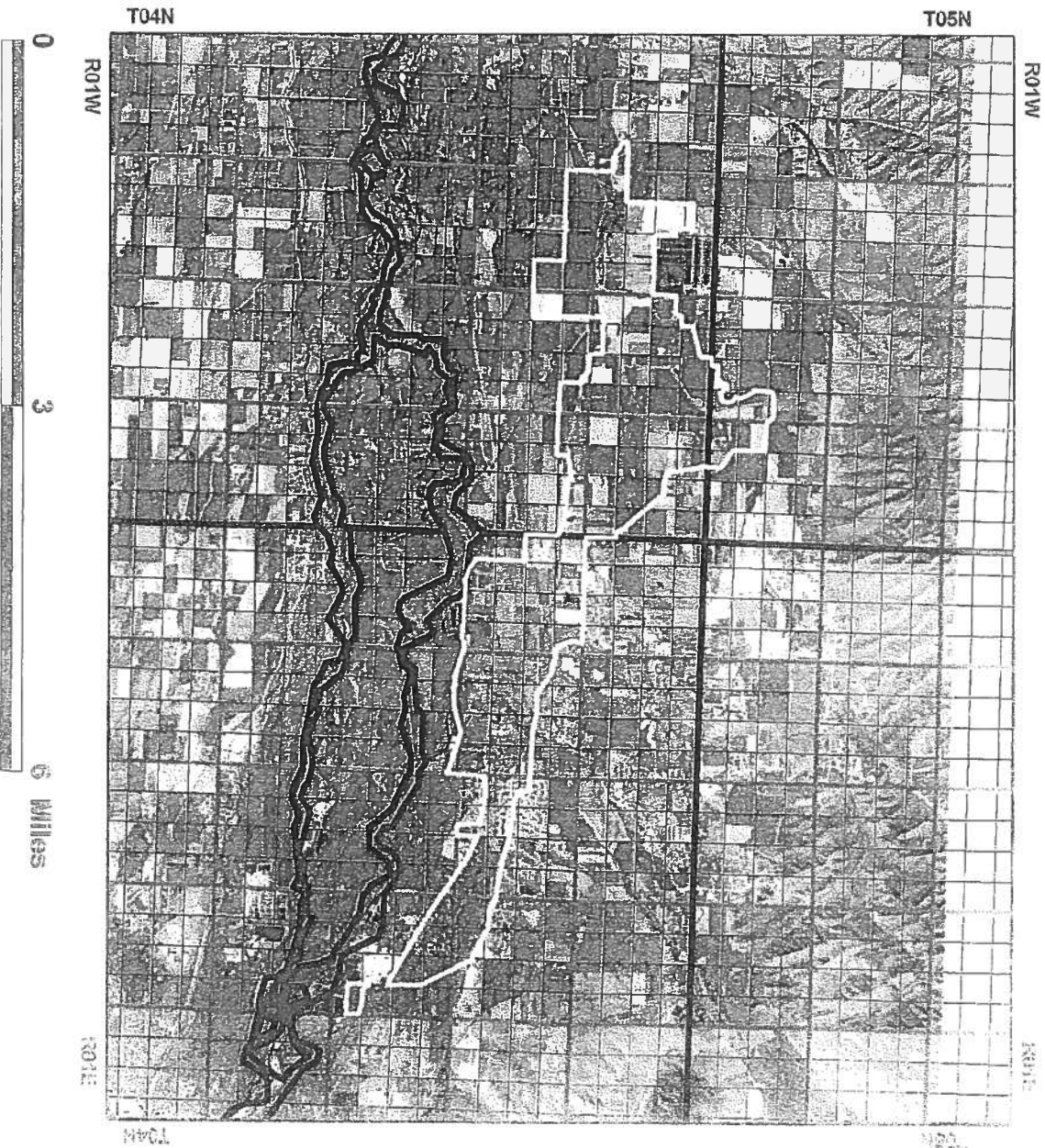
SBF
NBS

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63



Prepared by S. Egbert
On Thursday, June 21, 2007
1987/88 Aerial Photography

2007 AUG 1 AM 11 08

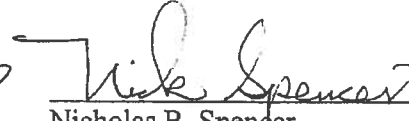
STIPULATED ELEMENTS OF A WATER RIGHT

IDWR Concurrence:



Jan Shurte
Adjudication Supervisor

7-6-07
Date



Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

7-26-07
Date

CERTIFICATE OF MAILING

I certify that on July 30, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

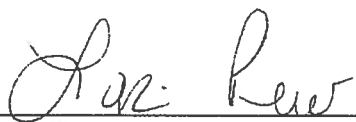
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

S. Bryce Farris
455 S Third St
PO Box 2773
Boise, ID 83701-2773

New Dry Creek Ditch Co
c/o Dana Purdy
5926 W Floating Feather Rd
Eagle, ID 83616

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

SF5 Right No. 63-31806

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

RIGHT NUMBER: 63-31806

NAME AND ADDRESS:

NEW DRY CREEK DITCH CO
C/O DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE ID 83616

SOURCE:

Source:

BOISE RIVER

Tributary:

SNAKE RIVER

QUANTITY:

0.680 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: 05/01/1883

POINT OF DIVERSION:

T04N R01E S23 NESE
Within ADA CountyPURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.680 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:

2964 ACRES TOTAL~~2709.5 ACRES TOTAL~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2964 ACRES WITHIN THE
BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2709.5 ACRES WITHIN THE
BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY~~

SBF


NBS

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: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-31778, 63-263, 63-286, 63-288B, 63-28977, 63-146, 63-31937. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-259, 63-260A, & 63-261. THIS RIGHT WAS DESIGNATED AS NO 85C, 85D & 85E IN THE BOISE RIVER WATER MASTERS RECORDS
WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH



New Dry Creek Ditch Co

SRBA Recommendations: 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806

Service Area Boundary
GIS Place of Use Illustration

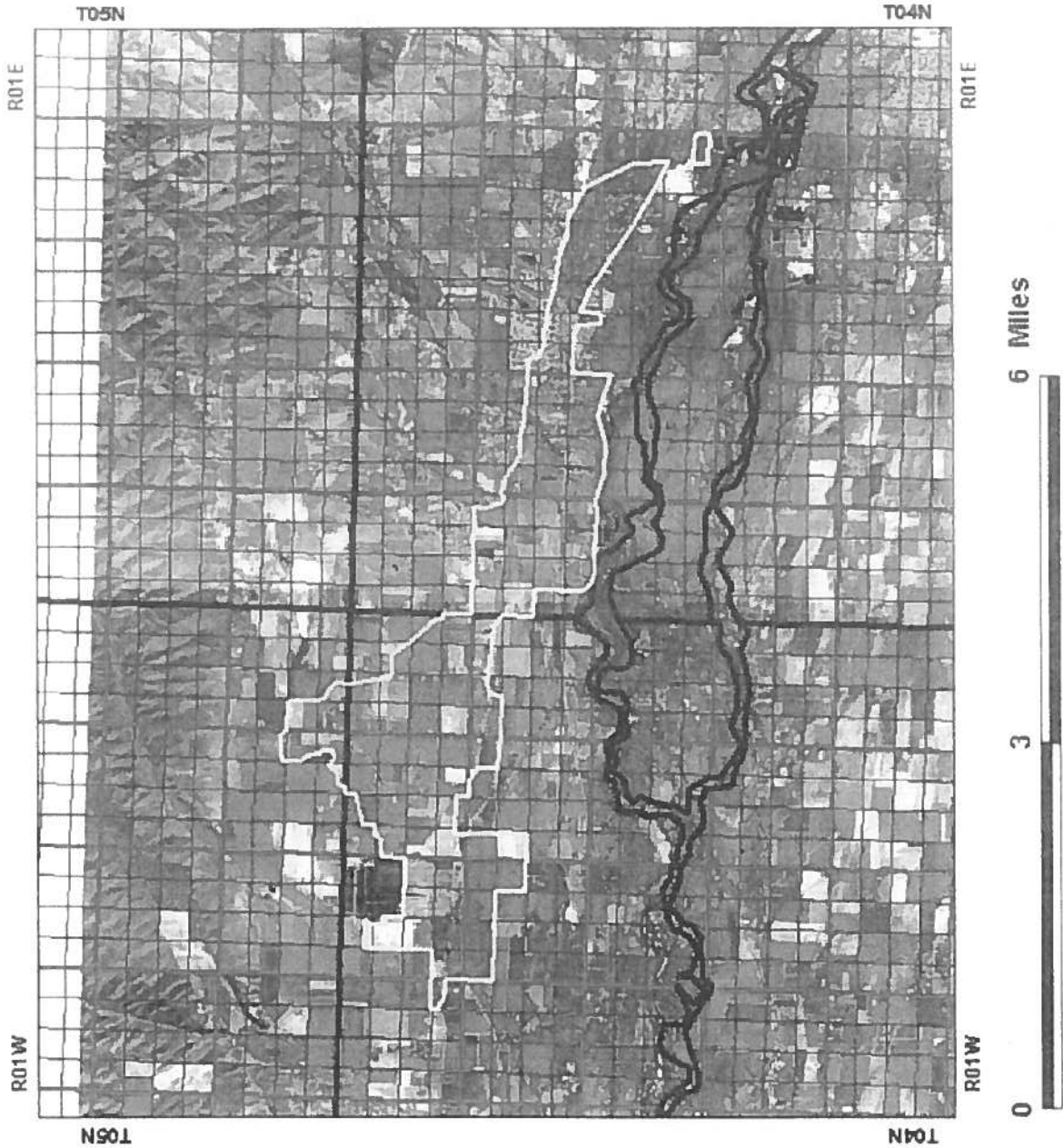
Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63

Prepared by S. Egbert
On Thursday, June 21, 2007
1987/88 Aerial Photography





State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

July 6, 2007

S. Bryce Farris
PO Box 2773
455 S Third St
Boise, ID 83701-2773

RE: Subcase Nos. 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778 and 63-31806 – New Dry Creek Ditch Co

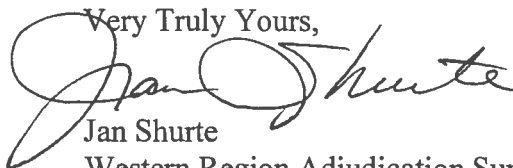
Dear Bryce:

Enclosed please find Standard Forms 5 (SF5s) for the above-referenced subcases. I have enclosed one CD of the digital boundary for your review

After you have signed and initialed the SF5s, each recommendation page as well as the colored maps, please mail everything to Becky Harvey.

If you have any questions about filing these documents, you can call me at: 208-334-2190 or you may call my paralegal, Becky Harvey, at: 287-4814. Thanks for your assistance and cooperation.

Very Truly Yours,



Jan Shurte

Western Region Adjudication Supervisor

JS/bh

Enclosures

IDWR Concurrence:

Jan Shurte Date
Adjudication Supervisor

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

S. Bryce Farris
455 S Third St
PO Box 2773
Boise, ID 83701-2773

New Dry Creek Ditch Co
c/o Dana Purdy
5926 W Floating Feather Rd
Eagle, ID 83616

IDWR Repository
P.O. Box 83720
Boise, ID 83720

Signature of person mailing the form

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

RIGHT NUMBER: 63-31806

NAME AND ADDRESS:

NEW DRY CREEK DITCH CO
C/O DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE ID 83616

SOURCE:

Source:

Tributary:

BOISE RIVER

SNAKE RIVER

QUANTITY:

0.680 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: 05/01/1883

POINT OF DIVERSION:

T04N R01E S23 NESE
Within ADA CountyPURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.680 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:

2964 ACRES TOTAL~~2709.5 ACRES TOTAL~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2964 ACRES WITHIN THE
BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2709.5 ACRES WITHIN THE
BOUNDARY OF THE NEW DRY CREEK DITCH 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: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-161L, 63-205, 63-206,
63-258B, 63-31778, 63-263, 63-286, 63-288B, 63-28977, 63-146, 63-31937
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-259, 63-260A, & 63-261.
THIS RIGHT WAS DESIGNATED AS NO 85C, 85D & 85E IN THE BOISE RIVER
WATER MASTERS RECORDS
WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH

New Dry Creek Ditch Co.

4-12-07

Met with the Board Members of the New Dry Creek Ditch Co. concerning the addition of the acres in the N1/2N1/2 (160), SENE (40), S. 10; NENE (33), SENE (21.5), S. 11, T4N, R1W, for a total of 254.5 acres. This brings the total acres for New Dry Creek Ditch Company to 2964 acres as originally claimed.

I agreed to map out the new acres, show the 75 acres within the City of Eagle and print a new map for the ditch company records and our records. We will do an SF5 on digital boundaries to the SRBA Court along with the CD showing the new boundaries. The City of Eagle's acre have already been counted in per Mel Schulte's memo dated 6-8-2005, however, the acres were not digitized into the pou.

The addition of the 254.5 acres is also substantiated by the 6-8-2005 memo from Mel Schulte concerning his recommendation where he states that the Quarter Circle DJ Ranch lands under the New Dry Creek Ditch Co overlap on New Dry Creek's map and Middleton Mill Ditch Co's map as both ditch company rights are used on these lands. These lands are the same acres omitted from New Dry Creek Ditch Co's boundaries for the Director's Report yet were indicated on several maps leading up to the final. I feel it was an inadvertent omission and should now be corrected. See maps in file #63-125K.

Jan Shurte
Water Rights Supervisor

06/08/2005

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

RIGHT NUMBER: 63-31806

NAME AND ADDRESS: NEW DRY CREEK DITCH CO
C/O DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.680 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: 05/01/1883

POINT OF DIVERSION:
T04N R01E S23 NESE 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	0.680 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:

2709.5 ACRES TOTAL

SCANNED
OCT 11 2006

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2709.5 ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK DITCH 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-31778, 63-263, 63-286, 63-288B, 63-28977, 63-146, 63-31937

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-259, 63-260A, & 63-261.

WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH

THIS RIGHT WAS DESIGNATED AS NO 85C, 85D & 85E IN THE BOISE RIVER WATER MASTERS RECORDS

RECEIVED
JUN 23 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: 63-31806

See 63-1254

NEW DRY CREEK DITCH CO
C/O DANA PURDY
5926 W FLOATING FEATHER RD
EAGLE, ID 83616

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
Place of use:
2517.8 ACRES TOTAL
2. Describe the changes you wish to make in the proposed recommendation:
Place of Use: 3104 ACRES TOTAL
3. Give a brief explanation as to why you disagree with these portions:
Based on an application of one inch of water to the acre, the total irrigated acres for any given season should be 3104.

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

DATE: 6/22/05

SIGNATURE: *S. Bryce Farris*

Please print your name: S. Bryce Farris

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 63-31806

(Insert water right no.)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NEW DRY CREEK DITCH COMPANY
c/o Dana Purdy
Address: 5926 W. Floating Feather Rd.
Eagle, Idaho 83616

Daytime Phone: 208-286-9701

Name & Address of Attorney, if any:

S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

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

Name: New Dry Creek Ditch Company
c/o Dana Purdy
Address: 5926 W. Floating Feather Rd.
Eagle, Idaho 83616

COPY

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: N/A
7. ☐ **Purpose(s) of Use**
Should be: _____.
8. ☐ **Period of Year**
Should be: _____.
9. ☒ **Place of Use**
Should be: The place of use lists a total of 2709.5 acres and should be a total of 3104 acres.
10. ☐ **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 place of use should be 3104 total acres within the boundaries of New Dry Creek Ditch Company, which is consistent with the acres and quantity of water that has been previously decreed and historically irrigated.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

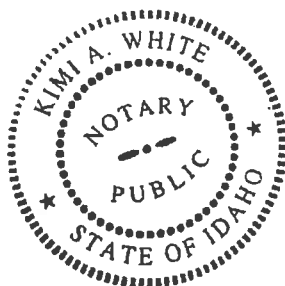
S. Bryce Farris, duly sworn, upon oath, deposes and says:

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.

[Handwritten signature]

S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2020



 Notary Public for _____
 Residing at: _____
 My Commission Expires: _____

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April ^{to} 20, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

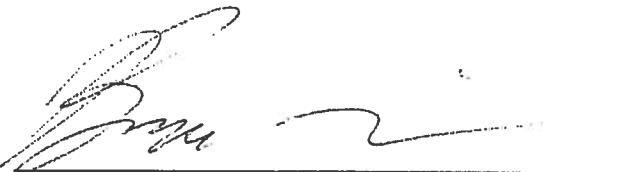
Name: New Dry Creek Ditch Company
c/o Dana Purdy
Address: 5926 W. Floating Feather Road
Eagle, Idaho 83616

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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



Signature of Objector or attorney
mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31806 V1

WATER RIGHT NUMBER: 63-31806 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEW DRY CREEK DITCH CO C/O DANA PURDY 5926 W FLOATING FEATHER RD EAGLE, ID 83616 (208)286-9701

Amended

Priority Date: 05/01/1883
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	0.680 CFS	
	<u>Total Diversion:</u>	0.680 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SE1/4	Sec. 23, Twp 04N, Rge 01E, 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 63-31806 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 WAS DESIGNATED AS NO 85C, 85D & 85E IN 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 NEW DRY CREEK DITCH
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-31778, 63-263, 63-286, 63-288B, 63-28977, 63-146, 63-31937
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF ^{2709.5}~~2517.8~~ ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY
6. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-259, 63-260A, & 63-261.

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) 63-31806Owner: New Dry Creek Ditch Co Phone No. See 63-1258H

Current Address: _____

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

Accompanied by: _____

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: 5-1-1883 = same as decreed.(If priority date, based on your exam, seems questionable, explain below.)

_____Source: Bonnie River Tributary 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? _____

2709.5
2577.8 acres within the boundary of New Dry Creek Ditch Co.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: See 63-125H

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

Delivery System Narrative: See 63-125H

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Combines 63-259, 260 A and 261
Designated as rights 85C, D, E in watermaster records

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-259

WATER RIGHT NUMBER: 63-259

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM HUCKBA
	, ID
Current Owner	LIZZIE HUCKBA
	, ID

Priority Date: 05/01/1883

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	/ to /	0.220 CFS	
	<u>Total Diversion:</u>	0.220 CFS	

Location of Point(s) of Diversion

BOISE RIVER

Place of UseIRRIGATION Within ADA County

T04N R01E S09 SESW 10.0

Total Acres: 10

Conditions of Approval:Remarks:

1. General P/D IN S14, T4N, R1E.
AC. IRR.=10.15.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-260A

WATER RIGHT NUMBER: 63-260A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NEW DRY CREEK DITCH CO C/O ERMA FULLER 826 W STATE ST EAGLE, ID 83616 (208)939-6302
Original Owner	CHARLES H SCHMELZER , ID

Priority Date: 05/01/1883

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.070 CFS	
	<u>Total Diversion:</u>	0.070 CFS	

Location of Point(s) of DiversionPlace of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
04N	01E	9																		
													X							
													L	O						

Total Acres: 2964

Conditions of Approval:Remarks:

1. General NOTE: THIS WATER RIGHT IS COMBINED WITH A63-00261 AND A63-00259 AND IS FILED ON UNDER CLAIM NO. A63-00259.
OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, 63-00286, 63-00288B, 63-00263, 63-00259, 63-00261, 63-00258B, 63-00124B, 63-00125B, 63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00260A, 63-00239B, 63-00239C, 63-00161L.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-261

WATER RIGHT NUMBER: 63-261

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	C W MC CLERG
	, ID
Original Owner	NEW DRY CREEK DITCH CO C/O ERMA FULLER 826 W STATE ST EAGLE, ID 83616 (208)939-6302

Priority Date: 05/01/1883

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.385 CFS	
	<u>Total Diversion:</u>	0.385 CFS	

Location of Point(s) of DiversionPlace of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	8																X	
																		L 0	
04N	01E	17	X																
			L 0																

Total Acres: 2964

Conditions of Approval:Remarks:

- General THIS RIGHT COMBINED WITH WATER RIGHT NO.'S 63-00259 AND 63-00260A AND IS FILED IN THE ADJUDICATION UNDER CLAIM NO. A63-00259.

Comments:Dates and Other Information:

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

LIZZIE HUCKRA AND WILLIAM HUCKRA
wife and husband,

Plaintiffs,

vs.

A. V. Tallman, as watermaster,
having charge of the Distribution
of the Waters of Boise River,
Defendant.

JUDGMENT AND DECREE,

This cause came on for hearing in open court, on the 12th day of April 1920 Hays Martin Cameron & Hays, appearing for the plaintiffs and neither the defendant nor anyone else appearing either in person or by attorney, in opposition to the plaintiffs; the court having heard all of the evidence, and proof adduced herein, and having examined the files and duly considered the same, and being fully advised in the premises, and it appearing therefrom to the satisfaction of the Court;

1. That the summons in this action, together with a copy of the complaint herein, was duly and personally served upon the defendant in this action, and that said defendant has been duly and regularly summoned to answer the plaintiffs complaint in this action; and that the time within which the said defendant may appear herein has expired and that the defendant has made default in that behalf and that the default of said defendant for not appearing and answering under plaintiffs' complaint has been duly and regularly entered herein; that the plaintiffs have caused to be published for four weeks a notice of the pendency and purpose of this action in a newspaper, to-wit: The Caldwell Tribune, as ordered by the Judge of this court which notice contained the title of this court and of this cause and the name of the stream, to-wit: the Boise river, in whose waters the plaintiffs

claim an interest with the date of priority claimed by plaintiffs and the date and short title of the decree heretofore entered fixing the permanent rights of the waters of Boise River; that the time fixed by the Court for the publication of said notice in its said order has expired and no interested party nor any one else has appeared and defended against the rights claimed by the plaintiffs.

NOW, THEREFORE, On motion of Hays Martin, Cameron & Hays, it is ordered, adjudged and decreed as follows:-

That the lands described in plaintiffs' complaint as belonging to the plaintiffs are arid in character and require the application of irrigation water to render them valuable for agricultural purposes, and are what are commonly termed Boise River Bottom lands.

That the quantity of water required for the successful irrigation and cultivation of plaintiffs land for which a water right is hereby decreed, measured at its Point of diversion from Boise River is _____ inches per acre.

That the quantity of water to which the plaintiff is entitled under this decree shall be measured at its point of diversion from Boise River.

That the plaintiffs nor their successors in interest shall have a right to the use of the waters of Boise River herein awarded, except for a beneficial purpose; and that whenever the beneficial use has ceased, such parties shall cease to divert and have no rights to divert said waters.

That the pleadings herein be and the same hereby are amended to conform to the facts as found by the court herein.

That the predecessors in interest of the plaintiffs did appropriate and divert from the waters of Boise River the quantity of water on the date hereinafter stated, such water being

estimated and measured under a four inch pressure and did appropriate and divert such water for a Beneficial use and ever since the date of such appropriation such water has been used by the plaintiffs and predecessors in interest as so diverted and used.

That the plaintiff is entitled to the use of water of Boise River upon the lands mentioned and described in plaintiffs' complaint and is hereby awarded the use of the waters of Boise River diverted at a point on the north side of said river in Section 14, Township 4 North Range 1 East, Boise Meridian, in Ada County, Idaho, for use upon the following described lands in Ada County, Idaho.:-

Commencing at the quarter section corner common to sections nine (9) and sixteen (16) township four (4) north Range one (1) East of Boise Meridian, and running thence South 85° 34' West a distance of Seven and fifty and two-thirds (7.50 2/3) chains to a stone, thence North 0°30' East a distance of 14.79 chains to a stone, thence South 88°58' East a distance of 7.44 chains to a stone thence South a distance of 13.45 chains to an iron pin, the place of beginning. Area, Ten and fifteen hundred-

63 0259

the acres, in the following amount from the following date;
11 inches from May 1st, 1883.

That the plaintiffs shall pay all costs arising under this action.

That the said waters shall be distributed to the plaintiffs in the same manner as though they had had their rights included in that decree adjudicating the waters of Boise River dated January 18, 1906 in that action in the District Court of the Third Judicial District of the State of Idaho in and for Canyon County, entitled "Farmers Co-operative Ditch Company, (a corpor-

ation) plaintiff, vs. Riverside Irrigation District Limited
a corporation et als. defendants."

That the number of inches of water per acre required for
irrigation and hereby decreed and the corresponding total num-
ber of inches of water hereby awarded shall be in accordance with
the duty of water for Boise River Bottom lands as the same shall
be hereafter determined in a suit for the purpose now pending in
this court entitled "Farmers Co-operative Ditch Company (a corpor-
ation) Plaintiff vs. Riverside Irrigation District Limited, a cor-
poration, et als., Defendants." and when the duty of water is
so determined in said suit. on motion of plaintiffs, the blanks
left in this decree for the insertion of the number of inches
shall be filled and completed to accord with the duty of water as
found in said suit.

Dated April 12th, 1920

Ed. L. Bryan, District Judge.

Filed and entered 4/15/20 at 4. P. M.

L. C. Knowlton, Clerk

B. L. Newell, Deputy.

I hereby Certify that the foregoing is a true, full and
correct copy of the original decree filed in the above entitled

STATE OF IDAHO,

County of Canyon, } ss. *clerk*

L. C. Knowlton, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of
Idaho, do hereby certify that the foregoing copy of *Judgment*

(Book 7 Page 355) has been compared by me with the original, and that
it is a correct transcript therefrom, and of the whole of such original *Judgment*

and *Decree* as the same appears
on file in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this *15th*

day of *May* 19*21*

Rose Edwards
Clerk of the District Court and Ex-Officio Recorder.

By *Kathleen H. Edwards* Deputy.

34

Recorded

63-260

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

C. H. Schmelzer

Plaintiff

vs.

JUDGMENT
and Decree,

A. V. Wallman, as Watermaster having
charge of the Distribution of the
Waters of Boise River.

Defendant.

This cause came on for hearing in open court, on the
26th day of January, 1920 Martin & Cameron appearing for the
plaintiff and neither the defendant, nor any one else, appear-
ed either in person or by attorney, in opposition to the
plaintiff; the Court having heard all of the evidence, and
proof adduced herein, and having examined the files, and duly
considered the same, and being fully advised in the premises,
and it appearing therefrom to the satisfaction of the Court;

1. That the summons in this action, together with a copy
of the complaint herein was duly and personally served upon the
defendant in this action, and that said defendant has been duly
and regularly summoned to answer the plaintiffs complaint in this
action; that the time within ^{which} the said defendant may appear here-
in has expired and that the defendant has made default in that
behalf, and that the default of said defendant for not appear-
ing and answering under plaintiffs complaint has been duly and
regularly entered herein; that the plaintiff has caused to be
published for four weeks a notice of the pendency and purpose
of this action in a newspaper, to-wit: The Caldwell Tribune as
ordered by the Judge of this court which notice contained the
title of this court and of this cause and the name of the stream,

C.H. Schmelzer

The particular lands of plaintiff for which a water right is herein granted is that portion of the above described lands owned by plaintiff situated in the SW $\frac{1}{4}$ of Section 9, aforesaid, in the following amount from the following date; 41 inches from May 1st, 1883.

82 of
68 0260
T-P.O. 1140

That the plaintiff shall pay all costs arising under this action.

That the said waters shall be distributed to the plaintiff in the same manner as though they had had their rights included in that decree adjudicating the waters of Boise River dated January 18, 1906, in that action in the District Court of the Third Judicial District of the State of Idaho in and for Canyon County, entitled "Farmers Co-operative Ditch Company (a corporation) Plaintiff Vs. Riverside Irrigation District Limited, a corporation et als. Defendants.

Decree
I
Stewart
Decree

That the number of inches of water per acre required for irrigation and hereby decreed, and the corresponding total number of inches of water hereby awarded shall be in accordance with the duty of water for Boise River Bottom lands as the same shall be hereafter determined in a suit for that purpose now pending in this court entitled "Farmers Co-operative Ditch Company, a corporation Plaintiff, vs. Riverside Irrigation District, Limited, a corporation et als. Defendants". and when the duty of water is so determined in said suit, on motion of plaintiff, the blanks left in this decree for the insertion of the number of inches shall be filled and completed to accord with the duty of water as found in said suit.

Dated Feb. 6th, 1920.

Ed L. Bryan, District Judge.

Filed and Entered 11.30 A.M.

Feb. 6, 1920

L. C. Knowlton, Clerk

B. L. Newell, Deputy

I hereby Certify that the foregoing is a full, true, and correct copy of the original decree filed in the above entitled action.

L. C. Knowlton Clerk.

B. 7-P. 810

compared

STATE OF IDAHO, }
County of Canyon, } ss. *[Signature]*

I, L. C. Knowlton, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Judgment and Decree

(book 7 page 310) has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original.

Judgment and Decree as the same appears
on file in my office.

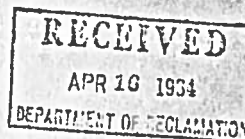
IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 18th day of May 1921 (Ross Edwards)

Rose Edwards
Clerk of the District Court and Ex-Officio Recorder.

By Kovalina Holbick Deputy.

6310260

Affidavit for Change of Point of Diversion of Decreed Water Right



STATE OF IDAHO, } ss.
County of Ada

Chas H Schmijer, being first duly sworn, deposes and says: That his postoffice address is _____; That he is the owner of and using a certain water right, bearing date of priority of May-1-, 1983, for 06 cubic feet per second of the waters of Bose River (Water Dist 12A) County of Ada State of Idaho, decreed to Chas H Schmijer Intervenor by decree of Judge Ed. F. Bryan of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon in the case of Farmer Corp. Ditch Co vs. Riviera Irrigation Ditch Co and decree bearing date of _____, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 12A, in the County of Ada, and State of Idaho, to-wit: S.W. 1/4, S.W. 1/4, Sec. 9, T. 4 N., R. 1 E.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By Decree of Court, Intervenor

That said waters are now diverted from said stream in the S.W. 1/4, N.E. 1/4 of Sec. 16, Twp. 4 N., Range 1 E., and conducted to the above described lands through the Ballantyne ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in S.W. 1/4 of N.E. 1/4, Sec. 23, Twp. 4 N., Range R. 1 E., and thereafter conduct same to the above described land through the New Dry Creek ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows:

Land is too high for Ballantyne Ditch

That no one will be injured by such change and that such change will be made at affiant's own risk.

Charles H Schmijer
Affiant.

Subscribed and sworn to before me this 11th day of April, 1934.

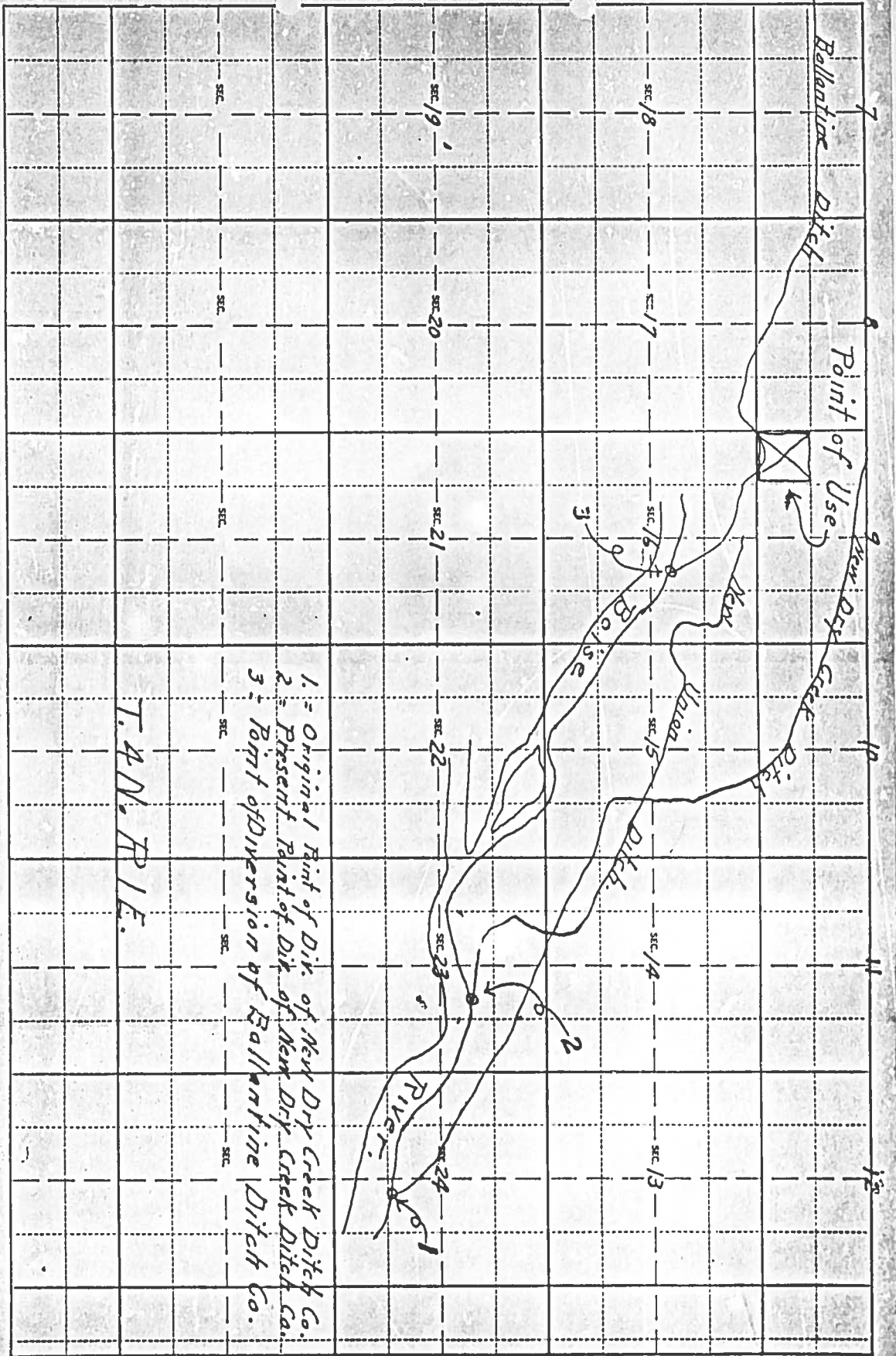
Elmer L. Fox

Notary Public, Residing at Eagle, Idaho.

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

NAME OF APPLICANT

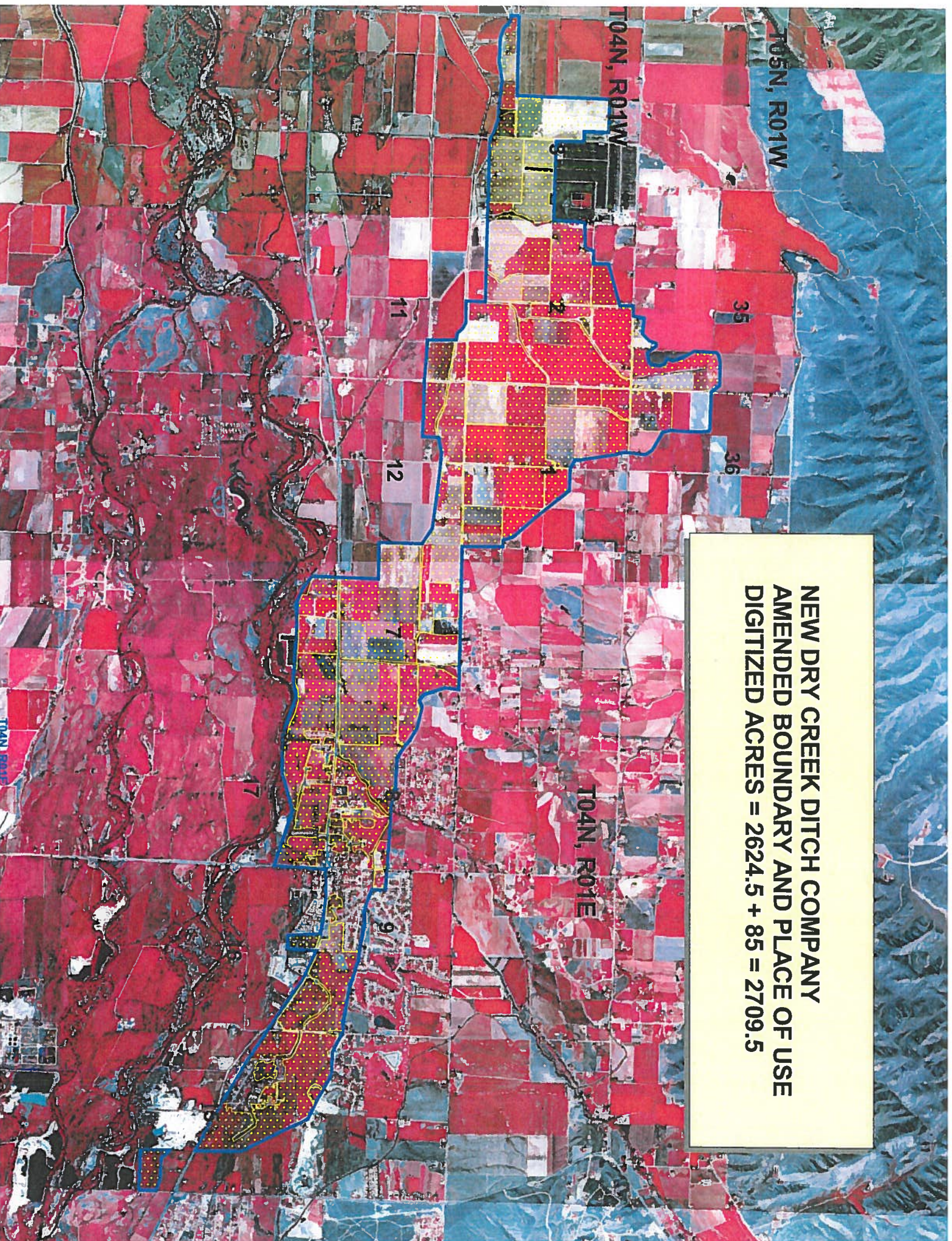
Form No. 0



SCALE: 2 INCHES EQUAL 1 MILE, DRAW PLAN IN INK

BY APPOINTMENT TO THE SECRETARY OF THE INTERIOR

**NEW DRY CREEK DITCH COMPANY
AMENDED BOUNDARY AND PLACE OF USE
DIGITIZED ACRES = 2624.5 + 85 = 2709.5**



NEW DRY CREEK DITCH COMPANY

ADDITIONAL INFORMATION

DATE: JUNE 8, 2005

BY: MEL SCHULTE

The main contact for New Dry Creek Ditch is their president, Dana Purdy (286-9701). He assisted in the review of the boundary and place of use map, the location of their POD and measurements to estimate delivery loss in their canal.

There are no major issues of concern with the New Dry Creek Ditch Company claims except for the number of acres the rights will be limited to in our recommendations as discussed below. They share a POD and canal with New Union Ditch, which might motivate New Union to have an interest in New Dry Creek's recommendations and boundary map. There is an overlap of New Dry Creek's boundary at the extreme West edge with the East boundary of Middleton Irrigation because Circle DJ Ranch is a shareholder of both companies. There is also an overlap with New Union Ditch boundary at the East side of New Dry Creek boundary for the same reason.

The historical boundary and place of use was not easy to ascertain because the historical place of use is an area of rapid residential and commercial development in the Eagle area. A final review of the boundary and place of use was made with Dana Purdy, two board members and Bryce Farris in the offices of Ringert Clark on June 7, 2005.

The acre limitation of 2709.5 acres is less than the 2964 acres claimed and the 3059 acres described in the water master's records. The 2709.5 acre number is based on digitized acres of 2604.5 plus 10 shares allocated to Circle DJ Ranch plus 75 shares within the City of Eagle. Using the 2709.5 acres at an inch per acre makes it necessary to include delivery loss in order to show beneficial use of the companies 62.09 cfs of decreed water. It's interesting to note that the maximum monthly diversions into the New Dry Creek/New Union Ditch canal have shown a continued decline through the years. The declining diversion rates might support what appears to be a reduced number of irrigated acres through the years due to the increased subdivision development in the Eagle area.

New Dry Creeks claim for credited wastewater, 63-17468 was disallowed in favor of Drainage District No 2's right 63-31937. This matter was discussed with New Dry Creek's officers and board by Bryce Farris and does not seem to be a concern for the company.

MTS

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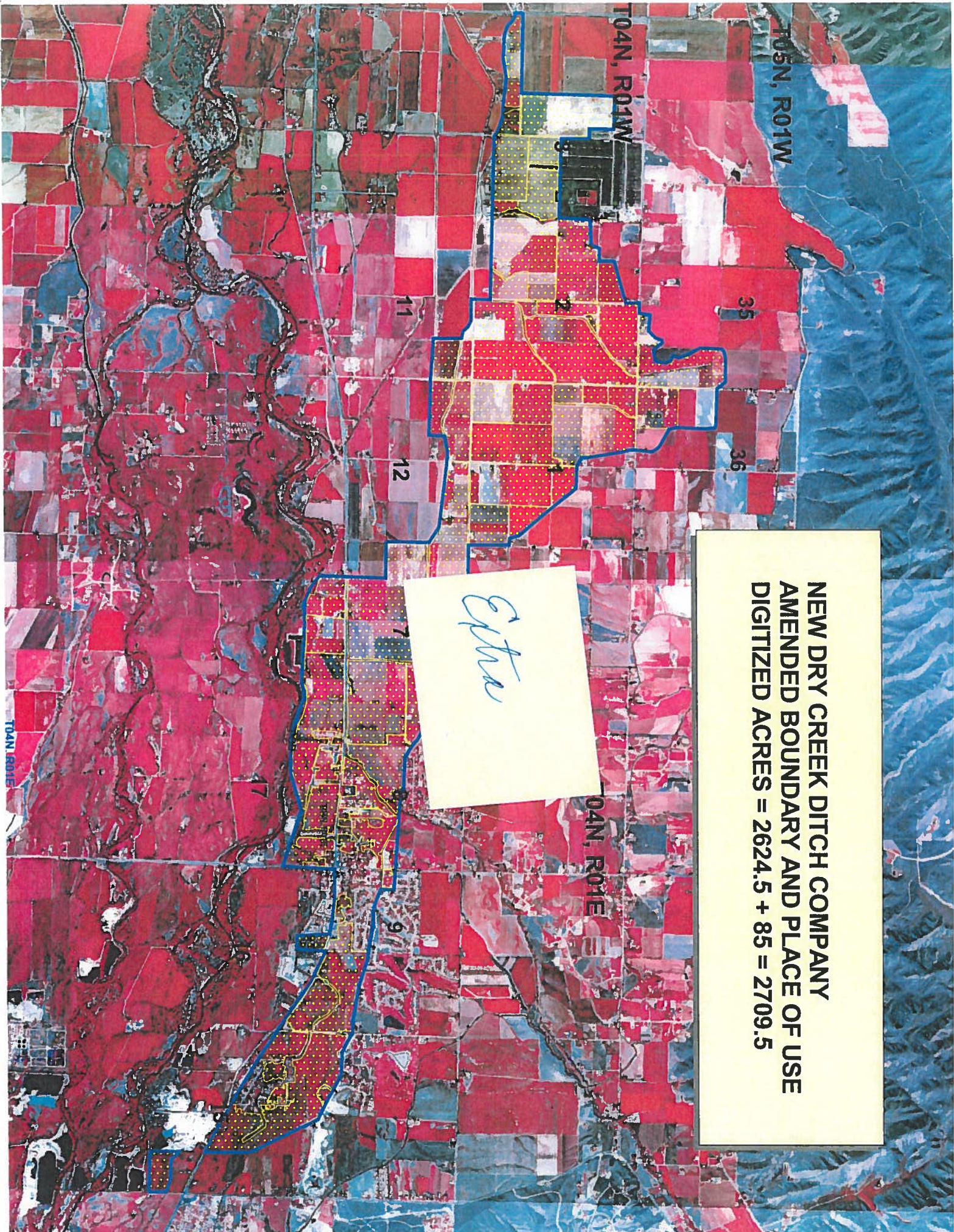
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MTS

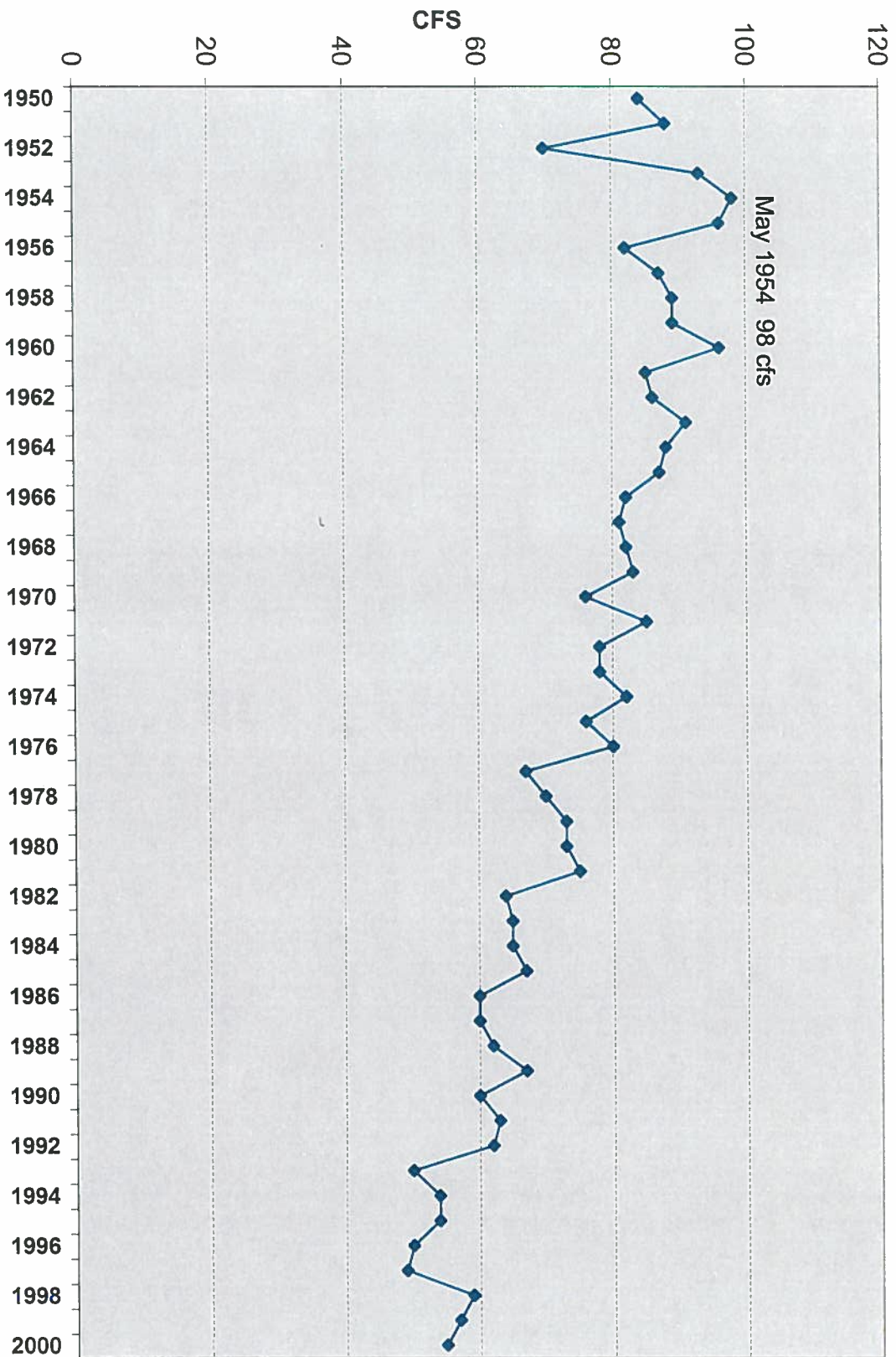
13206090 HISTORIC DIVERSION OF NEW DRY CREEK AND NEW UNION CANALS (CFS)													
W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	10	0	0	0	0	0	20	81	84	80	65	54	394
1951	18	0	0	0	0	0	44	72	86	88	70	55	432
1952	18	0	0	0	0	0	20	70	67	70	68	50	364
1953	16	0	0	0	0	0	37	75	67	93	72	50	410
1954	16	0	0	0	0	0	39	98	77	83	78	57	448
1955	20	0	0	0	0	0	3	55	96	88	73	55	390
1956	15	0	0	0	0	0	37	68	82	78	80	69	429
1957	21	0	0	0	0	0	7	60	87	86	78	57	397
1958	18	0	0	0	0	0	20	67	67	89	67	49	377
1959	16	0	0	0	0	0	52	81	89	81	88	40	448
1960	8	0	0	0	0	0	24	91	96	91	73	62	445
1961	20	0	0	0	0	0	29	85	69	55	62	47	366
1962	8	0	0	0	0	0	34	72	69	86	75	59	402
1963	13	0	0	0	0	0	89	73	91	80	67	52	464
1964	8	0	0	0	0	0	27	73	74	88	72	54	395
1965	23	0	0	0	0	0	24	86	87	85	72	62	438
1966	29	0	0	0	0	0	54	81	82	70	57	55	429
1967	23	0	0	0	0	0	15	81	69	81	76	55	401
1968	21	0	0	0	0	0	35	81	82	73	60	50	404
1969	34	0	0	0	0	0	27	83	81	78	75	57	435
1970	23	0	0	0	0	0	24	76	76	73	70	44	385
1971	16	0	0	0	0	0	10	83	69	78	85	52	393
1972	21	0	0	0	0	0	20	78	59	78	73	35	365
1973	11	0	0	0	0	0	35	78	76	72	70	30	372
1974	5	0	0	0	0	0	18	76	82	73	76	47	379
1975	21	0	0	0	0	0	0	57	76	72	62	55	343
1976	20	0	0	0	0	0	10	78	62	80	59	44	352
1977	28	0	0	0	0	0	52	57	59	67	63	45	371
1978	0	0	0	0	0	0	7	70	66	65	63	35	306
1979	16	0	0	0	0	0	12	73	72	73	52	39	337
1980	8	0	0	0	0	0	22	60	66	73	65	44	338
1981	13	0	0	0	0	0	13	62	49	62	67	44	322
1982	11	0	0	0	0	0	5	59	64	49	55	37	280
1983	2	0	0	0	0	0	12	50	57	65	59	45	290
1984	11	0	0	0	0	0	8	54	57	65	57	40	299
1985	15	0	0	0	0	0	20	62	60	67	57	32	313
1986	13	0	0	0	0	0	12	54	60	59	46	17	260
1987	2	0	0	0	0	0	32	60	59	54	50	40	297
1988	13	0	0	0	0	0	12	54	62	59	46	32	277
1989	13	0	0	0	0	0	3	65	67	63	55	37	304
1990	11	0	0	0	0	0	32	50	52	60	50	37	293
1991	8	0	0	0	0	0	17	52	57	63	52	30	280
1992	15	0	0	0	0	0	35	62	52	63	47	37	284
1993	13	0	0	0	0	0	5	42	50	50	42	37	245
1994	16	0	0	0	0	0	27	44	49	54	42	32	269
1995	28	0	0	0	0	0	8	39	54	52	44	32	257
1996	18	0	0	0	0	0	5	33	50	47	47	30	230
1997	16	0	0	0	0	0	17	39	47	49	42	34	244
1998	15	0	0	0	0	0	15	29	59	44	42	42	246
1999	13	0	0	0	0	0	20	46	54	57	47	37	274
2000	31	0	0	0	0	0	27	44	49	55	52	34	291
AVERAGE : 1950-2000	16	0	0	0	0	0	23	65	68	70	62	44	348

NEW DRY CREEK DITCH COMPANY
AMENDED BOUNDARY AND PLACE OF USE
DIGITIZED ACRES = 2624.5 + 85 = 2709.5

Extra



MAXIMUM MONTHLY DIVERSION 1950-2000
13206090 NEW DRY CREEK AND NEW UNION CANALS



New Dry Creek = 62.09 gpd
New Union = 13.76 gpd
Total = 75.85 gpd

BOISE VALLEY CANALS AND ACREAGE

CHART NO. 12

AIKEN	236 ACRES	ISLAND HIGH LINE	945 ACRES
ANDREWS	1068 "	LEMP DITCH	300 "
BALLENTYNE	763 "	LITTLE PIONEER	1336 "
BAXTER	200 "	LOWER CENTER POINT.....	880 "
BOISE CITY	1828 "	MACE & CATLIN	536 "
BOISE PROJECT BOARD OF CONTROL		MACE & MACE	80 "
BIG BEND IRRIG. DIST.....	1724 "	MAMMON	468 "
BOISE-KUNA IRRIG. DIST.....	48,629 "	MCCONNEL ISLAND	1600 "
NAMPA & MERIDIAN IRRIG. DIST....	40,304 "	MCMANUS & TEATER	168 "
NEW YORK IRRIG. DIST.....	17,728 "	MIDDLETON MILL	4400 "
WILDER IRRIG. DIST.....	56,535 "	MIDDLETON WATER.....	5180 " } 7580
TOTAL - BOARD OF CONTROL.....	164,920 "	MISCELLANEOUS	838 "
BOISE VALLEY	2729 "	NEW DRY CREEK	3059 "
BOONE	517 "	NEW UNION	688 "
BOWMAN-SWISHER.....	424 "	PARMA DITCH	602 "
BUBB (SOUTH BOISE MUTUAL).....	1057 "	PENITENTIARY	321 "
*CALDWELL HIGH LINE.....	11,917 "	PIONEER IRRIG. DIST.....	23,974 "
CAMPBELL (CANYON DITCH).....	802 "	PIONEER DIXIE.....	3000 "
CANYON COUNTY	3957 "	RIDENBAUGH	26,877 "
CAPITAL VIEW	600 "	RIVERSIDE IRRIG. DIST.....	10,645 "
CONWAY-HAMMING.....	259 "	ROEDEL	160 "
DAVIS & LITTLE DAVIS	634 "	ROSSI MILL	512 "
EUREKA WATER CO. #1	1300 "	SEBREE.....	15,500 "
EUREKA DITCH CO. #2	2625 "	SEVEN SUCKERS	70 "
FARMERS UNION	8372 "	SETTLERS	12,322 "
GRAHAM-GILBERT	200 "	SIEBENBERG	646 "
HAAS.....	367 "	THURMAN MILL	1719 "
HART-DAVIS	453 "	UPPER CENTER POINT.....	641 "
		WARM SPRINGS DITCH	454 "

TOTAL 324,239 ACRES

DRAINAGE WATER (NOT DIVERTED FROM BOISE RIVER)

BLACK CANYON IRRIGATION DISTRICT	6,894 ACRES
CALDWELL IRRIGATION DISTRICT	755 "
MORELAND & VIAL (DIXIE DRAIN)	640 "
	8,289 ACRES

GRAND TOTAL 332,528 ACRES

THIS ACREAGE IS BASED, IN SOME INSTANCES, UPON ACTUAL SURVEYS, AND IN OTHER CASES UPON THE ACREAGE AS DETERMINED AT THE TIME OF THE STEWART DECREE, AND IS THE BEST INFORMATION AVAILABLE AT THE PRESENT TIME. IT WAS ORIGINALLY COMPUTED FEBRUARY 14, 1941, BUT HAS BEEN REVISED SEVERAL TIMES, PARTICULARLY TO REDUCE RIVER BOTTOM ACREAGES TO CONFORM TO STEWART DECREE ACREAGES AS DETERMINED BY SPECIAL COMMITTEE, AND TO ACCOMMODATE TRANSFERS FROM ONE CANAL OR USER TO ANOTHER.

RIDENBAUGH REPRESENTS OLD LANDS WITHIN THE NAMPA & MERIDIAN IRRIGATION DISTRICT THAT ARE WATERED BY THE OLD RIDENBAUGH RIGHTS IN THE STEWART DECREE. THE BALANCE OF THE NAMPA & MERIDIAN IRRIGATION DISTRICT LANDS ARE INCLUDED UNDER THE BOARD OF CONTROL.

*3960 ACRES ARE WATERED WITH LIVE WATER. THE BALANCE OF THE WATER COMES FROM SEVERAL DRAINS.



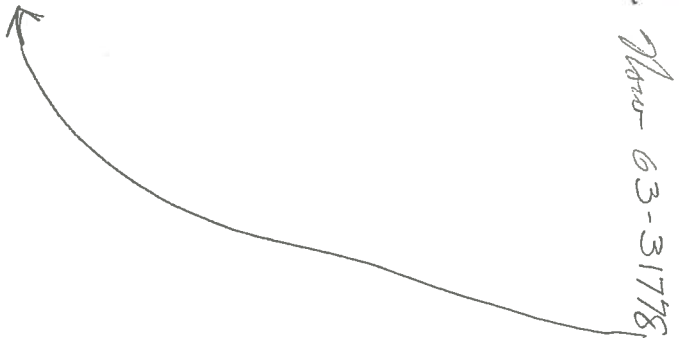
2570, 8 acres
without City of Co
and other changes by
Dana Pridy

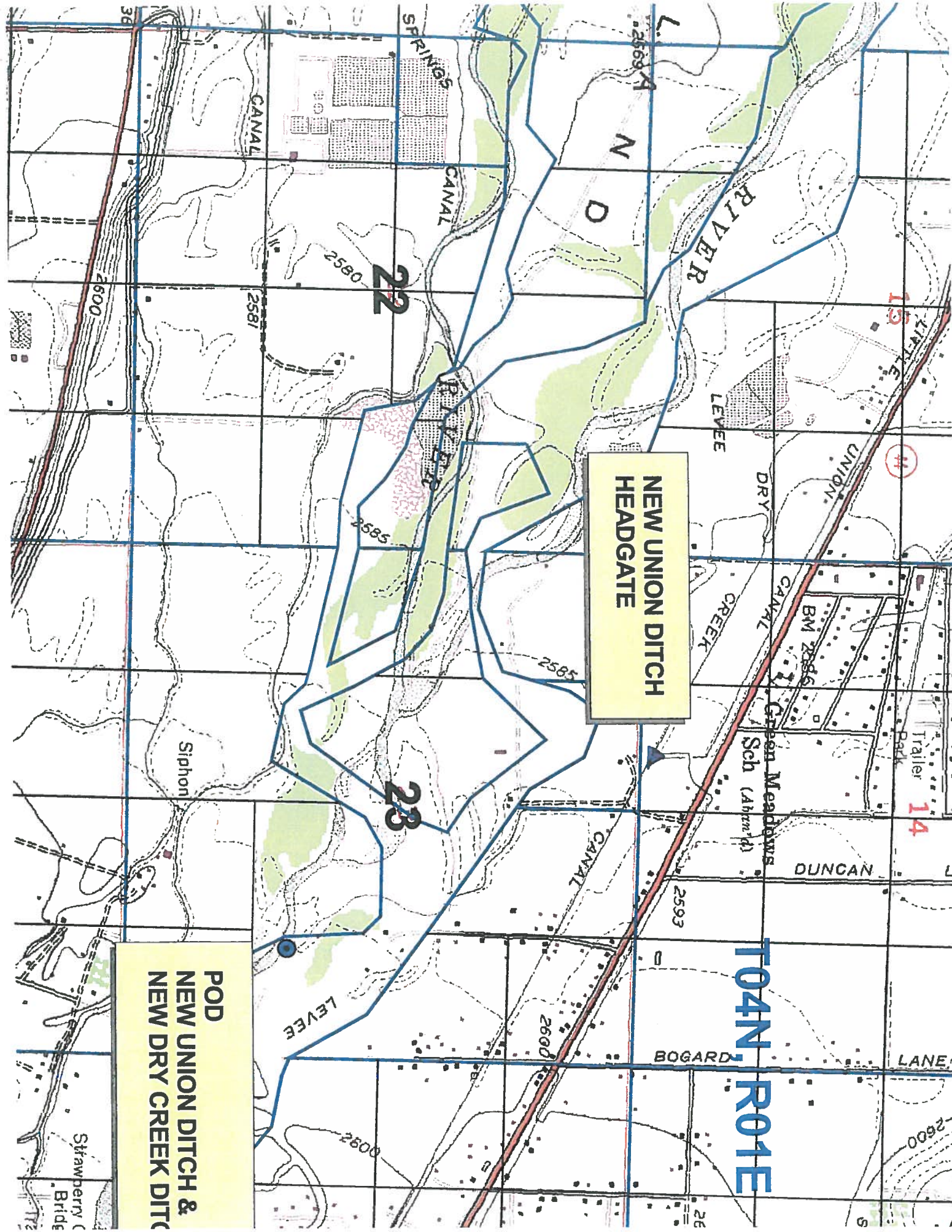
SETTLERS IRRIGATION DISTRICT
POINT OF DIVISION
LICENSE 63-2080

POD search 4N, 1E, 23, NESE

Permit Sequence	Permit	Permit Status	Priority	Permit	Source	Water Use	Source Title	Location	Source Title
63	125K	Decred	Active	1871-06-01	1.01 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	125G	Decred	Active	1891-06-01	0.48 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	146	Decred	Active	1865-06-01	13.76 BOISE RIVER	GROUND WATER RECHARGE, IRRIGATION	NEW UNION DITCH CO LTD (Current)	1	w/AdjudicationRecommendation
63	161L	Decred	Active	1866-05-01	0.54 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	205	Decred	Active	1879-06-01	31.32 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	206	Decred	Active	1885-06-01	15.22 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	207	Decred	Active	1888-06-01	8.95 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	258B	Decred	Active	1893-05-01	0.69 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	263	Decred	Active	1880-06-01	1.82 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	286	Decred	Active	1887-04-01	0.54 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	288B	Decred	Active	1880-04-01	0.44 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	1034B	License	Active	3/19/1985	5.29 BOISE RIVER	AESTHETIC, AESTHETIC STORAGE, DIVERSION TO STORAGE, RECREATION, ASSOCIATION (Current Owner)	WOODS ASSOCIATION (Current Owner)	1	w/AdjudicationRecommendation
63	28977	Decred	Active	1864-06-01	0.4 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	31778	Decred	Active	1888-06-01	8.95 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	31806	Decred	Active	1883-05-01	0.69 BOISE RIVER	IRRIGATION	NEW DRY CREEK DITCH CO (Current)	1	w/AdjudicationRecommendation
63	31937	Beneficial Use	Active	7/13/1923	100 WASTE WATER	IRRIGATION	DRAINAGE DIST NO 2 (Current)	1	w/AdjudicationRecommendation

Now 63-31778





NEW UNION DITCH
HEADGATE

POD
NEW UNION DITCH &
NEW DRY CREEK DITCH

T04N R01E

Basin Number	Sequence Num	Split Suffix	Channel Description	Agent
63	✓ 125B		NEW DRY CREEK DITCH CO	Mel
63	✓ 126B		NEW DRY CREEK DITCH CO	Mel
63	✓ 161L		NEW DRY CREEK DITCH CO	Mel
63	✓ 205		NEW DRY CREEK DITCH CO	Mel
63	✓ 206		NEW DRY CREEK DITCH CO	Mel
63	✓ 207		NEW DRY CREEK DITCH CO	Mel
63	✓ 258B		NEW DRY CREEK DITCH CO	Mel
63	✓ 259		NEW DRY CREEK DITCH CO	Mel
63	✓ 263		NEW DRY CREEK DITCH CO	Mel
63	✓ 286		NEW DRY CREEK DITCH CO	Mel
63	✓ 288B		NEW DRY CREEK DITCH CO	Mel
63	✓ 17468		NEW DRY CREEK DITCH CO	Mel
63	✓ 28977	14/8-0-D	NEW DRY CREEK DITCH CO	Mel

NEW DRY CREEK DITCH COMPANY

ADDITIONAL INFORMATION

DATE: AUGUST 17, 2004

BY: MEL SCHULTE

The main contact for New Dry Creek Ditch is their president, Dana Purdy (286-9701). He assisted in the review of the boundary and place of use map, the location of their POD and measurements to estimate delivery loss in their canal.

There are no major issues of concern with the New Dry Creek Ditch Co claims except for the number of acres the rights will be limited to in our recommendations as discussed below. They share a POD and canal with New Union Ditch, which might motivate New Union to have an interest in New Dry Creek's recommendations and boundary map. There is an overlap of New Dry Creek's boundary at the extreme West edge with the East boundary of Middleton Irrigation because Circle DJ Ranch is a shareholder of both companies.

The historical boundary and place of use was not easy to ascertain because the historical place of use is an area of rapid residential and commercial development in the Eagle area.

The acre limitation of 2517.8 acres is less than the 2964 acres claimed. The 2517.8 acre number is based on digitized acres and is open for scrutiny. Using the 2517.8 acres at an inch per acre makes it necessary to include delivery loss in order to show beneficial use of the companies 62.09 cfs of decreed water. The water master's records indicate a place of use of 3059 acres. It's interesting to note that the maximum monthly diversions into the New Dry Creek/New Union Ditch canal have shown a continued decline through the years. The declining diversion rates might support what appears to be a reduced number of irrigated acres through the years due to the increased subdivision development in the Eagle area.

New Dry Creeks claim for credited wastewater, 63-17468 was disallowed in favor of Drainage District No 2's right 63-31937. This matter might be of concern to New Dry Creek's officers and board.

MTS

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY		AMOUNT DECREED				TOTAL SEC. FT.	
			NO.	DATE	STEWART DECREE	INTERVENORS		INCHES		
						STEWART DECREE	BRYAN DECREE			
NEW DRY CREEK			72	6-1-1879	31.32			1566		
			93	6-1-1886	15.22			761		
			97	6-1-1888	7.86			393		
			129-A	4-1-1897		.54		27		
			73-A	4-1-1880		.54		27		
			74-A	6-1-1880		1.816		90.8		
			85-C	5-1-1883		.2232		11.16		
			85-E	5-1-1883		.385		19.25		
			124-A	5-1-1893		.825		41.25		
		300	3)	6-1-1864						
		300	54)	6-1-1871	.35			17.5		
		300	120)	6-1-1891						
		301	3)	6-1-1864						
		301	54)	6-1-1871	1.54			77		
		301	120)	6-1-1891						
		64		102	6-1-1888	.20			10	
		140		85-D	5-1-1883		.07		3.5	
		151*		124-A	5-1-1893		.135*		6.75*	
		161		103	6-1-1888	.65			32.5	
		174		103	6-1-1888	.24			12	
			713	90	5-1-1866	.54			27	
		1009*		73-A	4-1-1880		.10*		5*	62.0842
NEW UNION			14	6-1-1865	13.76			688	13.76	

125 ~~B~~ K was 125 B

126 ~~B~~ G was 126 ~~B~~

101 L

205

206

258 B

263

286

288 B

28977

17468

31806 → was 259.

31778 → was 207.

146

18785

Type	WR #	Owner	Source	TRS	NENI	NWNE	SWSN	SENE	NNWN	NWNW	SWNW		SENW	NESW	NWSW	SWSW	SESW	NESN	NWSE	SWSE	SESE	Total
Claim 63 120G		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 123C		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 124Q		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 125J		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 125K		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38		39	40	40	36			25	38	40	38	39	512
Claim 63 126F		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30								36								45
Claim 63 126G		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36		8	25	38	40	38	39	512
Claim 63 134		HART -DAVIS DITCH CO INC.	BOISE RIVER	PdNO1E7												8						8
Claim 63 152S8		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40		40	40	40	20	25					165
Claim 63 161L		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 164E		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 165M		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 174A8		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 195		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40		40	40	40	20	25					165
Claim 63 198AA		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40			40	40	20	25					165
Claim 63 198AG		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 205		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 206		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 207		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 234		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40			40	40	20	25					165
Claim 63 248		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 258A		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40		40	40	40	20	25					165
Claim 63 258B		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 259		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 260B		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40		40	40	40	20	25					165
Claim 63 263		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 264		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40		40	40	40	20	25					165
Claim 63 265		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40		40	40	40	20	25					165
Claim 63 285		BALLENTRYNE DITCH CO LTD.	BOISE RIVER	PdNO1E7							40		40	40	40	20	25					165
Claim 63 286		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 288B		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 28977		NEW DRY CREEK DITCH CO.	BOISE RIVER	PdNO1E7	25	36	39	39	38	38	39	40	40	36			25	38	40	38	39	512
Claim 63 297		FARMERS UNION DITCH CO LTD.	BOISE RIVER	PdNO1E7	15	30																45
Claim 63 9497		LOHICE QUONG, WILLIAM QUONG	GROUND WATER	PdNO1E7													16					26
Claim 63 21729		FARMERS UNION DITCH CO LTD.	UNNAMED DRAINS	PdNO1E7	15	30																45
Claim 63 21730		FARMERS UNION DITCH CO LTD.	UNNAMED DRAINS	PdNO1E7	15	30																45
Claim 63 2406		DRAINAGE DIST NO 2.	WASTE WATER	PdNO1E7	38	39	39	39	39	39	36	36	40	40	36	19	23	39	39	30	33	565

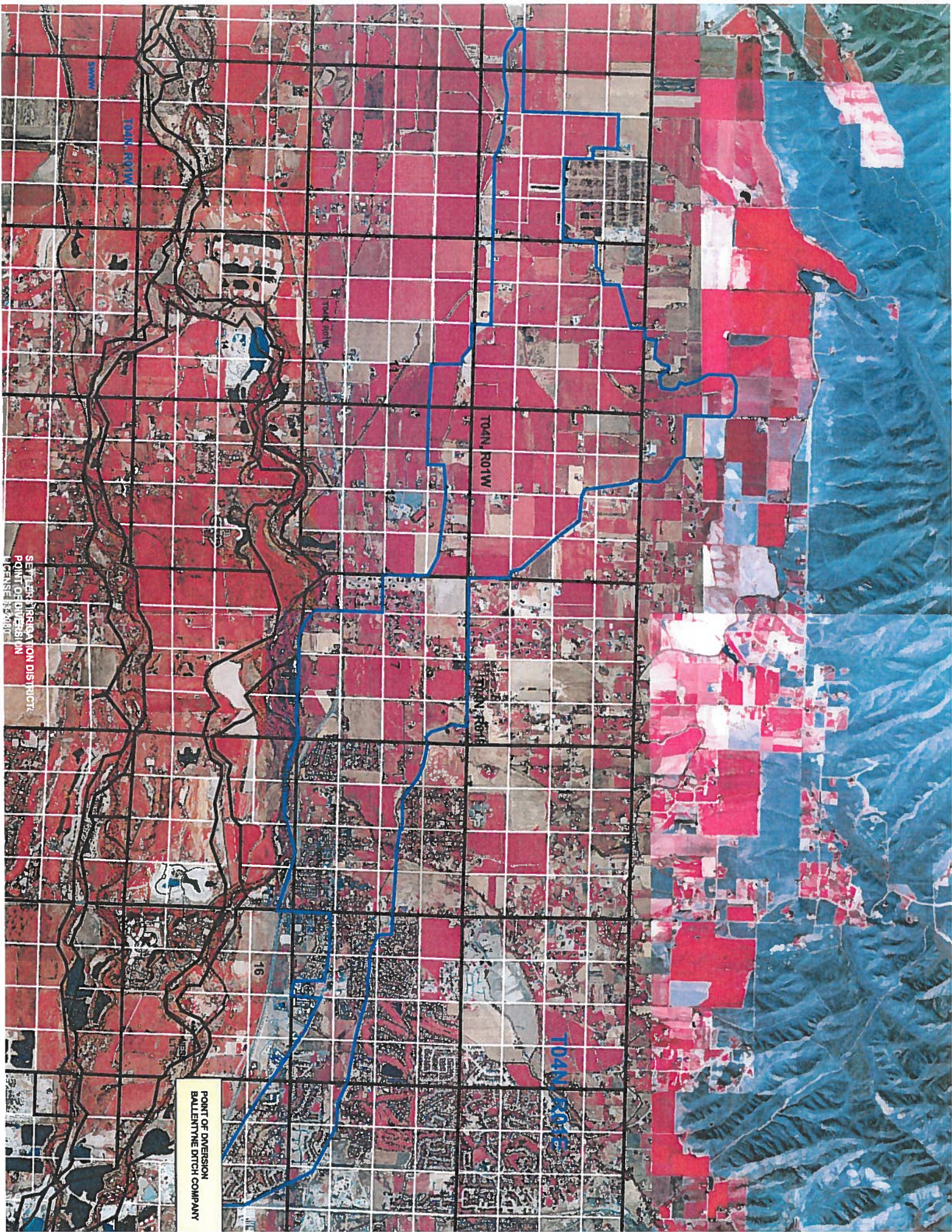
Idaho Dept. of Water Resources
Place of Use Comparison Report

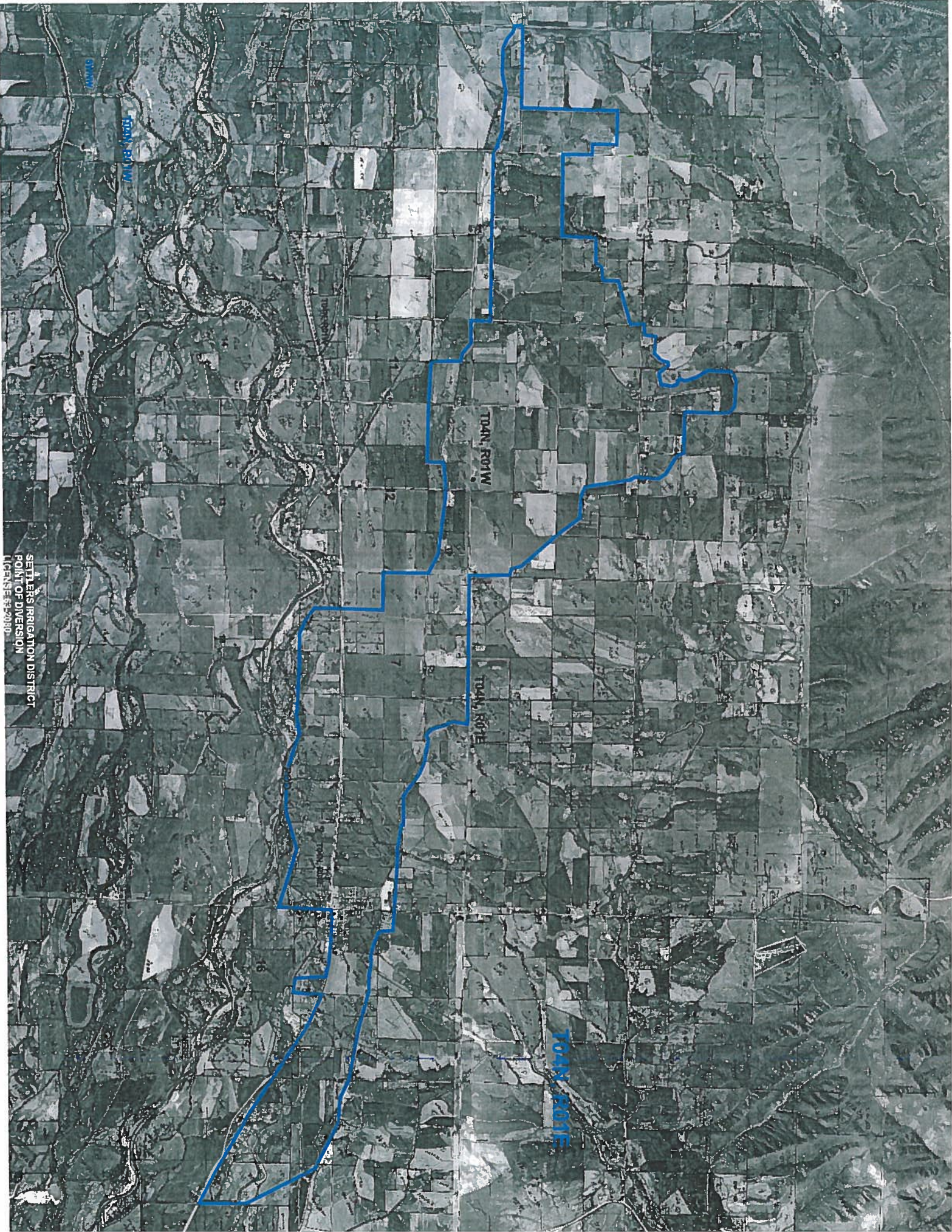
Type	WR #	Owner	Source	TRS	NEN	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESB	NWSE	SWSE	SESE	Total
Claim 63 120G		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 123C		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 124C		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 125B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 125J		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 126B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 126F		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 1523B		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 161L		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 164E		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 165M		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 1746B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 185		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 188AA		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 188AG		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 205		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 206		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 207		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 234		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 248		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 258A		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 258B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 259		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 260B		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 263		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 264		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 285		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 286		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 288B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 28977		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 287		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 10071		DELL SUBDIVISION WATER USERS.	GROUND WATER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 10076		CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINT	GROUND WATER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 7908		EAGLE GLEN HOMEOWNERS ASSN INC.	GROUND WATER	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 21729		FARMERS UNION DITCH CO LTD.	UNNAMED DRAINS	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 21730		FARMERS UNION DITCH CO LTD.	UNNAMED DRAINS	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 5048		ROBERT W MORLEY.	UNNAMED SLOUGH	04N01E8	34	25	15	30	20	37	4	12									177
Claim 63 2406		DRAINAGE DIST NO 2.	WASTE WATER	04N01E8	38	39	40	40	39	40	40	40	40	40	34	40	39	40	31	31	610

Type	WR #	Owner	Source	TFS	NEN	NW	NWS	SSE	NNN	NWN	SW	NW	SSW	NENN	NESW	NWSW	SSWS	NESS	NWSE	SWSE	SESE	Total
Claim 63 120G		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E9	38	12	24	15	35	38									4	8		174
Claim 63 123C		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E9	38	12	24	15	35	38									4	8		174
Claim 63 124Q		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E9	38	12	24	15	35	38									4	8		174
Claim 63 125B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 125J		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E9	38	12	24	15	35	38									4	8		174
Claim 63 126B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 126F		FARMERS UNION DITCH CO LTD.	BOISE RIVER	04N01E9															18	25	24	37
Claim 63 146		NEW UNION DITCH CO LTD.	BOISE RIVER	04N01E9																	2	2
Claim 63 1523B		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E9													9.5					9.5
Claim 63 161L		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 1746B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 1878S		NEW UNION DITCH CO LTD.	BOISE RIVER	04N01E9							2	2									2	2
Claim 63 195		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E9													9.5					9.5
Claim 63 198AA		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E9													9.5					9.5
Claim 63 205		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 206		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 207		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 234		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E9													9.5					9.5
Claim 63 256A		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E9													9.5					9.5
Claim 63 258B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 259		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 260B		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E9													9.5					9.5
Claim 63 263		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 264		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E9													9.5					9.5
Claim 63 265		BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E9													9.5					9.5
Claim 63 266		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 288B		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 28977		NEW DRY CREEK DITCH CO.	BOISE RIVER	04N01E9							5					8	6	7	18	25	24	37
Claim 63 16151		JOSEPH M TOTORA, JOSEPHINE TOTORA, JEANINE L BLAZE	GROUND WATER	04N01E9																	4	4
Claim 63 2467		H LA RUE BEVINGTON, BEFNICE E BEVINGTON,	GROUND WATER	04N01E9													0.5			1	1	2
Claim 63 7398		VIOLA MOHR,	GROUND WATER	04N01E9																		0.5
Claim 63 7405		M GERTRUDE WOODS, WILLIS E WOODS,	GROUND WATER	04N01E9													1					1

**NEW DRY CREEK DITCH COMPANY
DIGITIZED PLACE OF USE = 2517.8 ACRES**







000000

T04N, R01W

T04N, R01W

T04N, R01E

T04N, R01E

SETTLERS IRRIGATION DISTRICT
POINT OF DIVERSION
LICENSE 53-2080

