

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32241 V1

WATER RIGHT NUMBER: 63-32241 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EUREKA DITCH CO NO 2 C/O BILL DORAMUS 21766 HOWE RD CALDWELL, ID 83607 (208)454-2303

Priority Date: 07/20/1959
Basis: Beneficial Use
Status: Closed

<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	24.000 CFS	
	<u>Total Diversion:</u>	24.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SE1/4	Sec. 12, Twp 04N, Rge 04W, B.M.
ADA County	(Rediversion)	
BOISE RIVER	SE1/4NW1/4	Sec. 17, Twp 04N, Rge 03W, B.M.
ADA County		
BOISE RIVER	SE1/4SW1/4	Sec. 7, Twp 04N, Rge 03W, B.M.
ADA County	(Rediversion)	

Place 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	04W	3							X			X	X	X		X	X	X	
04N	04W	4			X	X	X		X	X	X	X	X	X	X	X	X	X	
04N	04W	5	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
04N	04W	6	X	X	X	X	X	X	X	X	X			X	X	X	X	X	
04N	04W	7	X			X													
04N	04W	8	X	X	X	X	X	X	X	X					X	X			

IDAHO DEPARTMENT OF WATER RESOURCES

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04N 04W 9	X			X							X		
04N 04W 10	X	X	X	X	X	X	X	X	X	X	X	X	
04N 04W 11			X		X	X	X	X	X	X		X	
04N 05W 1	X	X											
	L 1	L 2											
05N 04W 31									X	X		X	
									L 7				
05N 05W 36										X		X	X

Total Acres: 2990

Conditions of Approval:

1. This right when combined with Rights No. 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, and 63-21363 can be used to irrigate up to 2990 acres within the boundary of the Eureka Ditch Company No. 2.
2. S49 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, 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.
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.
4. 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.

Remarks:Comments:

1. tlake 4/18/2011 9:06:21 AM POD

Comment: PODID 682977 correlated from SpatialDataID 342539 to SpatialDataID 428547

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32241 V1

Water Supply Bank:



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 20, 2011

Hon. Eric Wildman
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase Nos. 63-21363 & 63-32241 (Eureka Ditch Company No. 2)

Dear Judge Wildman:

The Director's Report for Basin 63, Part 3 was filed with the SRBA Court on December 19, 2006. The deadline to file objections was June 20, 2007. Contained in the Director's Report for Basin 63, Part 3 were recommendations for water right numbers 63-21363 & 63-32241. No objections were filed to these water right recommendations and partial decrees were issued on January 15, 2009.

It has recently come to the attention of the Department that the recommendations for these water rights contained a clerical error, wherein the Department inadvertently recommended these water rights with a "step down provision" in the quantity description of these water rights. While this water right claimant does own other water rights wherein this provision is necessary because of a prior decree, these beneficial use rights should not contain this provision.

I am attaching Amended Director's Reports wherein the changes concerning removal of the provision is identified in strikeout format for ease of identification. Also, it should be noted that no changes are being proposed to the digital boundary of these water rights, thus no updated maps or compact disks are included with this filing.

Accordingly, it seems appropriate for the Court to set aside the partial decrees pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure and decree the rights as described in the attached Amended Director's Reports.

I am sending a copy of this letter to the claimant, so that it is aware of this error.

If you should have any questions or comments, please feel free to contact me at (208) 287-4813.

Sincerely,

A handwritten signature in black ink that reads "Nick Spencer".

Nicholas B. Spencer
Deputy Attorney General, IDWR

Enclosures

cc: Eureka Ditch Company No. 2
Jan Shurte
Tim Luke

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

RIGHT NUMBER: 63-32241

NAME AND ADDRESS: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL ID 83607

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 24.000 CFS

~~Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. 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 proceeding 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 proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.~~

PRIORITY DATE: 07/20/1959

POINT OF DIVERSION:

T04N R03W S7 SESW Rediversion Within ADA County

T04N R03W S17 SENW Within ADA County

T04N R04W S12 NESE Rediversion 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	24.000 CFS
Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, 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

This right when combined with Rights No. 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, and 63-21363 can be used to irrigate up to 2990 acres within the boundary of the Eureka Ditch Company No. 2.

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.

*Concl. #183
deleted 5/20/14*

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 - Beneficial Use

08/17/2006

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

RIGHT NUMBER: 63-32241

NAME AND ADDRESS: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL ID 83607

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 24.000 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. 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 proceeding 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 proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 07/20/1959

POINT OF DIVERSION:

T04N R03W S7 SESW Rediversion Within ADA County
T04N R03W S17 SENW Within ADA County
T04N R04W S12 NESE Rediversion 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	24.000 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, 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:

2990 ACRES TOTAL

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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 - Beneficial Use

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 63-32241
Date Received: 2/13/2006
Receipt No: W033886 - \$183⁰⁰
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

FEB 21 2006

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

EUREKA DITCH CO NO 2 Phone: (208)454-2303

C/O BILL DORAMUS
21766 HOWE RD
CALDWELL ID USA 83607

2. Date of Priority: 07/20/1959

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	04W	12	NE	SE		ADA	R
04N	03W	17	SE	NW		ADA	
04N	03W	7	SE	SW		ADA	R

5. Description of diverting works:

Weir, 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	24	

7. Total Quantity Appropriated is:
24 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

Place of use is within the area served by Eureka Ditch Company No. 2.

11. Place of use in counties:

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

13. Other Water Rights Used:

63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: Copy of Water District 6S report page

For Organizations:

I do solemnly swear or affirm that I am William S. Doramus of _____
Title

Eureka Ditch Company #2 that I have signed the foregoing
Organization

document in the space below as President of _____
Title

Eureka Ditch Company #2 and that the statements contained in the
Organization

foregoing document are true and correct. William S Doramus
Signature of Authorized Agent

Eureka Ditch Co. #2 President
Title and Organization

2-21-2006

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 21st

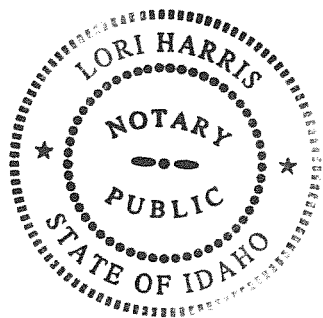
of February 2006

Lori Harris

Notary Public

Residing at Boise, Idaho

My commission Expires 12-8-06



DISCHARGE IN SECOND FLEET OF FOLSE VALLEY CANALS

BY DAVIS DURING THE IRRIGATION SEASON OF 1959, INCLUDING STORAGE

JULY

NAME OF CANAL	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
NEW YORK CANAL	2847	2847	2847	2847	2825	2814	2819	2815	2830	2836	2836	2836	2836	2788	2780	2774	2763	2763	2763	2763	2774	2774	2774	2774	2774	2774	2774	2774	2774	2774	2774
PENITENT/IRY	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
ELIAS (SOUTH BOLD)	15	15	15	15	15	15	15	15	13	13	13	13	13	11	11	11	4	4	5	5	5	5	5	5	5	5	5	5	4	4	4
RIENHART	560	560	571	576	575	574	564	572	564	566	561	570	567	565	565	560	567	559	556	560	565	566	568	568	568	568	568	568	568	568	568
SETTLERS	105	185	185	185	187	189	189	190	190	193	193	193	193	187	185	185	185	185	183	183	183	185	185	185	185	185	185	187	187	185	185
THOMAS MILL	38	38	37	37	35	35	35	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33	33
COUDEN (CONSUMERS)	23	23	22	22	22	22	22	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21	21
ROSE CITY	33	33	33	33	33	33	33	32	32	32	33	33	33	33	33	33	35	35	35	35	34	34	34	34	34	34	34	35	35	34	34
FARMERS UNION & B.V.	259	259	258	258	257	257	255	256	256	256	240	240	240	240	240	240	232	232	230	230	229	229	230	229	230	230	230	231	234	235	235
NEW UNION	15	15	15	15	15	15	15	14	14	16	18	18	18	18	18	18	18	18	18	18	13	13	13	13	13	13	14	14	14	15	15
NEW DRY CREEK	62	62	62	62	66	66	66	66	68	68	68	68	68	68	68	68	64	64	64	64	68	68	68	68	66	66	66	66	66	66	66
BALLANTINE	16	16	16	16	16	16	14	14	14	13	12	12	11	12	12	12	13	13	13	13	14	14	15	16	15	15	16	19	19	19	19
MICELTON CANALS	163	163	156	156	151	153	153	156	156	153	156	153	153	153	151	146	146	148	148	148	148	148	153	153	153	153	151	151	148	151	146
LITTLE PIONEER	52	52	52	52	52	51	50	49	48	47	45	44	43	45	47	47	51	53	53	56	56	59	59	58	58	58	58	58	58	58	54
CANYON COUNTRY	82	74	68	74	76	78	78	78	78	77	77	77	77	77	77	77	76	76	76	76	76	76	76	76	81	84	89	84	82	74	74
FAIRLE ISLAND CANALS	54	54	54	54	54	54	54	54	54	54	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55	55
PHILLIS	422	412	405	403	412	410	408	426	424	436	420	416	393	396	391	384	377	379	386	372	341	378	385	402	402	402	402	402	402	402	402
LOVERA #1	64	57	57	60	61	60	60	60	60	61	61	59	59	55	55	52	54	54	50	48	46	50	54	54	54	54	54	54	54	54	54
CALDWELL HIGH LINE	374	374	374	368	361	368	366	391	400	406	412	416	412	406	406	404	391	387	385	391	391	391	385	376	370	357	354	346	343	343	350
STORCE (FARMERS CO-OP)	374	374	374	368	361	368	366	391	400	406	412	416	412	406	406	404	391	387	385	391	391	391	385	376	370	357	354	346	343	343	350
CAMPBELL	20	20	20	20	20	20	20	18	14	14	14	16	16	18	18	20	20	21	22	23	24	25	25	25	25	25	25	25	21	21	21
SEIBERLING	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
RIVERSIDE #2	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128	128
PIONEER DIXIE	73	73	73	73	73	73	73	73	73	73	73	73	73	73	73	73	76	76	76	76	73	73	73	73	73	73	73	73	73	73	73
ELDERA #2	100	100	100	100	100	100	100	93	93	93	93	93	93	93	93	93	91	105	111	128	128	128	128	117	117	117	117	117	128	128	128
UPPER CENTER POINT	17	17	19	19	21	21	23	25	25	21	16	15	11	9	9	9	13	13	18	18	18	24	24	24	24	24	24	24	26	26	26
LOWER CENTER POINT	19	19	19	19	19	23	23	23	23	23	23	23	23	23	23	23	25	25	25	25	25	25	25	25	25	25	25	25	26	26	26
MISCELLANEOUS	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	30	30	30	30	30	30	30
TOTAL CANAL DISCHARGES	5714	5690	5671	5674	5668	5651	5605	5627	5668	5622	5666	5679	5698	5499	5483	5518	5526	5546	5552	5515	5577	5576	5588	5584	5579	5559	5567	5544	5553	5576	5576
RIVER AT MOUTS	210	220	220	210	220	170	140	140	130	130	130	130	120	380	400	410	250	200	200	200	180	180	180	250	300	330	440	440	440	440	440
TOTALS	5724	5910	5901	5984	5968	5924	5745	5767	5818	5652	5796	5809	5678	5679	5883	5928	5776	5722	5746	5752	5715	5737	5756	5838	5884	5928	5999	6007	5984	6003	6016
																															181120