

08/17/2006

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

RIGHT NUMBER: 63-21361

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: 28.600 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: 10/01/1887

POINT OF DIVERSION:

T04N R03W S7 SESW Rediversion Within CANYON County
T04N R03W S17 SENW Within CANYON County
T04N R04W S12 NESE Rediversion Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	28.600 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

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 when combined with Rights No. 63-222D, 63-223K, 63-3572, 621362, 63-21363 and 63-32241 can be used to irrigate up to 2990 acres within the boundary of the Eureka Ditch Company No. 2.

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

This right is designated as No. 96 in the Stewart Decree and the Boise Water Distribution Report.

LXXVIII.

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

63 0230 Trans. .30 Tra. .40 7-34,35,50,477,483
4953 inches, from Oct. 17, 1884. and hereby designated as Right No. 92.

63 0231 7-45,50,34
3672 inches, from June 1, 1891; and hereby designated as Right No. 122.

And be adjudged to pay \$603.75 costs in addition to the costs incurred by it.

LXXIX.

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

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

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

LXXX.

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

63 0233 Trans. 2.00 P.D. Trans. 1475 210
2390 inches, from Oct. 1, 1887. and hereby designated as Right No. 96.

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

T-62 P.D. 3
36 P.D. 36-A
47 P.D. 48
48 P.D. 48
111 P.D. 48
790 P.D. 48
38 P.D. 48
P.D. 48
P.D. 48
P.D. 48

Minneapolis

JUN 21 1936

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: A63-21361
Date Received: 3/02/1990
Receipt No: W010350
Received By: REH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUREKA DITCH CO. NO. 2 208-459-4798
Address: C/O ROBERT T. ROBERTSON
23483 CENTER POINT RD.
CALDWELL, ID 83605

2. Date of Priority: OCT 01, 1887

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	03W	7	SE	SW		R	CANYON
		17	SE	NW			CANYON
	04W	12	NE	SE		R	CANYON

5. Description of diverting works:
WEIR, HEADGATES, DITCHES, GRAVITY FLOWS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	28.600		

7. Total Quantity Appropriated is:
28.600 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 04N	Range 04W	Section 1	1/4 NE	of 1/4 NE	Lot	Use IRR	Acres 20.0
						Section Acres	20.0
		3	SW	NW		IRR	39.0
			NE	SW		IRR	20.0
			NW	SW		IRR	34.0
			SW	SW		IRR	36.0
			SE	SW		IRR	39.0
			NW	SE		IRR	2.0
			SW	SE		IRR	30.0
						Section Acres	200.0
		4	SW	NE		IRR	34.0
			SE	NE		IRR	38.0
			NE	NW		IRR	36.0
			SW	NW		IRR	39.0
			SE	NW		IRR	38.0
			NE	SW		IRR	38.0
			NW	SW		IRR	34.0
			SW	SW		IRR	37.0
			SE	SW		IRR	37.0
			NE	SE		IRR	36.0
			NW	SE		IRR	38.0
			SW	SE		IRR	37.0
			SE	SE		IRR	38.0
						Section Acres	480.0
		5	NW	NE		IRR	7.0
			SW	NE		IRR	17.0
			SE	NE		IRR	40.0
			NE	NW		IRR	38.0
			NW	NW		IRR	34.0
			SW	NW		IRR	39.0
			SE	NW		IRR	39.0
			NE	SW		IRR	9.0
			NW	SW		IRR	39.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NE	SE		IRR	37.0
			NW	SE		IRR	35.0
			SW	SE		IRR	38.0
			SE	SE		IRR	39.0
						Section Acres	487.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	6	NE		NE		IRR	37.0
			NW		NE		IRR	37.0
			SW		NE		IRR	39.0
			SE		NE		IRR	35.0
			NE		NW		IRR	36.0
			NW		NW		IRR	36.0
			SW		NW		IRR	37.0
			SE		NW		IRR	38.0
			NE		SW		IRR	40.0
			SE		SW		IRR	20.0
			NE		SE		IRR	34.0
			NW		SE		IRR	37.0
			SW		SE		IRR	38.0
			SE		SE		IRR	34.0
							Section Acres	498.0
		7	NE		NE		IRR	35.0
			SE		NE		IRR	20.0
							Section Acres	55.0
		8	NE		NE		IRR	39.0
			NW		NE		IRR	35.0
			SW		NE		IRR	37.0
			SE		NE		IRR	37.0
			NE		NW		IRR	34.0
			NW		NW		IRR	36.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
			NE		SE		IRR	37.0
			NW		SE		IRR	37.0
							Section Acres	368.0
		10	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	18.0
			SE		NE		IRR	35.0
			NE		NW		IRR	38.0
			NW		NW		IRR	36.0
			SW		NW		IRR	26.0
			SE		NW		IRR	38.0
			NE		SW		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
04N	04W	10	NW	SW		IRR	28.0	
			SW	SE		IRR	37.0	
			SE	SE		IRR	37.0	
					Section Acres			406.0
		11	SW	NW		IRR	35.0	
			SE	NW		IRR	32.0	
			NE	SW		IRR	38.0	
			NW	SW		IRR	38.0	
					Section Acres			143.0
		31	SW	SW		IRR	40.0	
			SE	SW		IRR	29.0	
			SW	SE		IRR	35.0	
			Section Acres			104.0		
36	SW	SW		IRR	25.0			
	SE	SW		IRR	35.0			
	SW	SE		IRR	36.0			
			Section Acres			96.0		
			Total Acres			2857.0		

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

A63-00223K,-21361,-21362,-21363,-0222D,-03572.

14. Remarks:

THIS CLAIM IS COMBINED FROM A63-00233D AND N.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

RIVERSIDE IRR. DIST.

Decree Defendant

A63-21361

Page

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Date: 03/02/90

MICROFILMED

SEP 03 1992

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 Secretary/Treasurer
Title
Eureka Ditch Co #2, that I have signed the foregoing
Organization
document in the space below as Sec/Treas. of
Title
Eureka Ditch Co #2 and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Sec/Treas.
Title and Organization

March 2nd 1990
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of MAR 19 90

Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994

Water Right Number - 63-00233D

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ROSENBERGER

C. H.

1 -
2 -
3 -City-
Phone -

State- Zip-

CARTRIGHT

JOHN W.

1 -
2 -
3 -City-
Phone -

State- Zip-

*** O - ORIGINAL OWNER ***
AMERICAN DITCH CO.1 -
2 -
3 -City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
10/01/1887 14 D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BOISE RIVER SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)+ - - Code Description Period From Period To Diversion Rate Diversion Volume +
01 - IRRIGATION 1.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.000+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

MICROFILMED
SEP 03 1992

Water right number - 63-00233D Adj. flag translation: Standard Water Right Number

+ - - - - - Remarks - - - - - +
TRANS. 62.
P/D SE, S12, T4N, R2W, EUREKA DITCH.
P/U LAND UNDER AMERICAN DITCH SYSTEM.

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
FARMERS COOP DITCH CO. RIVERSIDE IRR. DIST. 01/18/1906

+ - - Audit Fields - 07/08/85 05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 07/08/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 63
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - P
Decree Date - 01/18/1906		

MICROFILMED
SEP 03 1992

Water Right Number - 63-00233N

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
AMERICAN DITCH CO.1 -
2 -
3 -
City- State- Zip-
Phone -+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
10/01/1887 14 D - DECREED+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
BOISE RIVER SNAKE RIVER+ - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

04N 03W 7 SE SW 7 (27) CANYON

+ - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

27.600

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
27.600+ - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

04N	03W	17				01	IRRIGATION	(27) CANYON
04N	03W	18				01	IRRIGATION	(27) CANYON
04N	03W	19				01	IRRIGATION	(27) CANYON
04N	04W	2				01	IRRIGATION	(27) CANYON
04N	04W	3				01	IRRIGATION	(27) CANYON
04N	04W	4				01	IRRIGATION	(27) CANYON
04N	04W	5				01	IRRIGATION	(27) CANYON
04N	04W	6				01	IRRIGATION	(27) CANYON
04N	04W	7				01	IRRIGATION	(27) CANYON
04N	04W	8				01	IRRIGATION	(27) CANYON
04N	04W	9				01	IRRIGATION	(27) CANYON
04N	04W	10				01	IRRIGATION	(27) CANYON
04N	04W	11				01	IRRIGATION	(27) CANYON
04N	04W	12				01	IRRIGATION	(27) CANYON
04N	04W	13				01	IRRIGATION	(27) CANYON
04N	04W	14				01	IRRIGATION	(27) CANYON
04N	05W	1				01	IRRIGATION	(27) CANYON

Total Acres:

MICROFILMED
SEP 03 1992

Water right number - 63-00233N

Adj. flag translation: Standard Water Right Number

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +
 TRANS. 47 SUPERCEDED BY TRANS. 171 EUREKA DITCH.

+ - - - - - Conditions of Approval - - - - - +
 No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +
 FARMERS COOP DITCH CO.

+ - - - - Decree Defendant - - - +
 RIVERSIDE IRR. DIST.

+ - Decree Date - +
 01/18/1906

+ - - Audit Fields - 02/11/86

05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Start Work Date - 00/00/0000	Verified Date - 07/01/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 63
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended - T
Decree Date - 01/18/1906		

MICROFILMED
 SEP 03 1992