

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-21363 V1

WATER RIGHT NUMBER: 63-21363 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: 05/11/1950

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	46.000 CFS	
	<u>Total Diversion:</u>	46.000 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NE1/4SE1/4	Sec. 12, Twp 04N, Rge 04W, B.M.
CANYON County	(Rediversion)	
BOISE RIVER	SE1/4NW1/4	Sec. 17, Twp 04N, Rge 03W, B.M.
CANYON County		
BOISE RIVER	SE1/4SW1/4	Sec. 7, Twp 04N, Rge 03W, B.M.
CANYON 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	X
04N	04W	5	X	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	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. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. 129 This right when combined with Rights No. 63-222D, 63-223K, 63-3572, 63-21361, 621362, and 63-32241 can be used to irrigate up to 2990 acres within the boundary of the Eureka Ditch Company No. 2.
4. 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.

Remarks:Comments:

1. awamtje 6/26/2006 POU

Comment: This claim is based on water delivered over weir, see page A69 of 1988 Water Distribution of Boise River. This claim shows that Eureka Ditch needs the additional 70cfs to be able to deliver the water in the amounts decreed and licensed to the lands irrigated and because of ditch loss also. The water that is not used is returned flows to the Boise River.

2. tluka 4/18/2011 9:06:20 AM POD

Comment: PODID 682974 correlated from SpatialDataID 342539 to SpatialDataID 428547

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21363 V1

Water Supply Bank:

Shurte, Jan

From: Spencer, Nick
Sent: Thursday, June 16, 2011 9:40 AM
To: Shurte, Jan
Subject: RE: Eureka Ditch 63-21363 & 63-32241

Okay, so let me see if I understand correctly: these two rights, having 1950 and 1959 priority dates, are post-Stewart and Bryan Decrees, and therefore are ineligible for the step-down provision. Therefore they are cut simply on the basis of priority. And they are not uncuttable rights, e.g. not slices of the drainage district rights, or the two uncuttable Stewart Decree rights. Is my understanding correct? Thanks. NBS

From: Shurte, Jan
Sent: Thursday, June 16, 2011 9:33 AM
To: Spencer, Nick
Subject: RE: Eureka Ditch 63-21363 & 63-32241

Sorry to be so late on this one. These were two that Tim Luke found and because they were not a part of the Stewart Decree they were not eligible for the Step Down remark. Their priority date of 1950 and 1959 do not come into it except that they will be cut according to those dates. The Eureka ditch also has a Stewart decreed right No. 63-222D which does have the step down remark on it and is eligible for that. Tim found these other two and thought it would be too confusing and not only incorrect to include the step down remarks since they only went on the Bryan and Stewart decrees based on the Court Order of 1932 which historically continued until it became the norm. So, it is a clerical error on the later two rights not in the Boise River decree. That's it.

Hope this helps with Al's question.

Jan

From: Spencer, Nick
Sent: Tuesday, June 07, 2011 9:22 AM
To: Shurte, Jan
Subject: FW: Eureka Ditch 63-21363 & 63-32241

Hi Jan. I am having a middle aged moment here. At least one of these is an uncuttable drainage district right, is it not? How did we designate the uncuttable rights as being uncuttable? Do we have a remark, or is their senior priority in conjunction with their exemption from the step-down provisions enough to make them in effect uncuttable? My recollection is that the court decision that recognized the right of the drainage districts to take water up top in exchange for the water they were putting into the river down below viewed the water as being a type of developed water, and thus in effect uncuttable. Might you be able to refresh my recollection? Thanks. NBS

From: Albert Barker [<mailto:apb@idahowaters.com>]
Sent: Tuesday, June 07, 2011 8:28 AM
To: Spencer, Nick
Subject: Eureka Ditch 63-21363 & 63-32241

Nick-

I don't understand the consequence of this motion to amend the decrees. If you are successful and the Stewart decree cut language is removed, does that mean that rather than sharing in the Stewart decree cuts, that these later rights are administered strictly in priority, and would be entirely cut when the first Stewart cuts are made? Or does it mean that the rights are somehow exempt from any cuts, including the Stewart cuts?

Shurte, Jan

From: Spencer, Nick
Sent: Thursday, June 16, 2011 11:08 AM
To: Albert Barker
Cc: Shurte, Jan
Subject: RE: Eureka Ditch 63-21363 & 63-32241

Hi Al. I checked with Jan about these two. They are post Stewart and Bryan decrees, and therefore not included among the group of rights subject to the step-down provision. However, the step-down provision was inadvertently added to them. The error was recently discovered and efforts are now underway to correct it. Additionally, these rights are not "uncuttable" rights. Therefore they are administered strictly in priority. NBS

From: Albert Barker [<mailto:apb@idahowaters.com>]
Sent: Tuesday, June 07, 2011 8:28 AM
To: Spencer, Nick
Subject: Eureka Ditch 63-21363 & 63-32241

Nick-

I don't understand the consequence of this motion to amend the decrees. If you are successful and the Stewart decree cut language is removed, does that mean that rather than sharing in the Stewart decree cuts, that these later rights are administered strictly in priority, and would be entirely cut when the first Stewart cuts are made? Or does it mean that the rights are somehow exempt from any cuts, including the Stewart cuts?

Albert P. Barker
Barker Rosholt & Simpson LLP
(208) 336-0700

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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, reading "Nick Spencer", is written over the word "Sincerely,".

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: 63-21363

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: 46.000 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: 05/11/1950

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	46.000 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:

*Cond #183 deleted
5/20/11*

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, 63-21361, 621362, 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 - Beneficial Use

08/17/2006

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

RIGHT NUMBER: 63-21363

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: 46.000 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: 05/11/1950

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	46.000 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

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.

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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: A63-21363
Date Received: 3/02/1990
Receipt No: W010350
Received By: Rdh

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: JAN 19, 1906

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	70.000		

7. Total Quantity Appropriated is:
70.000 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	1/4 of 1/4	Lot	Use	Acres
04N	04W	1	NE	NE		IRR	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		
		05N	04W	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? NO

13. Other Water Rights Used:

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

14. Remarks:

THIS CLAIM IS BASED ON WATER DELIVERED OVER WEIR, SEE PAGE A69 OF 1988 WATER DISTRIBUTION OF BOISE RIVER. THIS CLAIM SHOWS THAT EUREKA DITCH NEEDS THE ADDITIONAL 70CFS TO BE ABLE TO DELIVER THE WATER IN THE AMOUNTS DECREED AND LICENCED TO THE LANDS IRRIGATED AND BECAUSE OF DITCH LOSS ALSO. THE WATER THAT IS NOT USED IS RETURNED FLOWS TO THE BOISE RIVER.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Sec/Treasurer of Eureka Ditch Co. #2, that I have signed the foregoing document in the space below as Secretary/Treasurer of Eureka Ditch Co. #2 and that the statements contained in the foregoing document are true and correct.

Robert K. Kuhn
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

AMOUNT DECREED IS 50 CFS (2500 AF)
BEN USE IS --- 70 CFS (3500 AF) AG3-21363 BEN USE CLAIM
(6000 AF) = 120 CFS TOTAL DECREES DATE CLAIMED DAY AFTER
DECREE WAS SIGNED 01/19/1906

Stewart Decree:

The old water rights from the Boise River are included in the decree in the case of FARMERS COOPERATIVE DITCH COMPANY, a Corporation, vs. RIVERSIDE IRRIGATION DISTRICT, LTD., a Corporation, et al, signed by District Judge George H. Stewart, January 18, 1906, commonly referred to as the "Stewart Decree". This case was appealed to the Supreme Court and affirmed as to priorities and acreage, but remanded to the District Court for the sole and only purpose of determining the duty of water. In 1914 testimony was taken before the Court as to the duty of water and was transcribed, which consists of approximately 2,630 typewritten pages. The final decree of the Court as to the duty of water has never been entered. However, Judge E. L. Bryan, Judge of the District Court of the Seventh Judicial District of the State of Idaho, issued a continuing order on May 31, 1919, which is still in effect, providing for the distribution of waters of the Boise River in the following manner, to-wit:

"The various rights, as adjudicated in the so-called "Stewart Decree", shall receive 100 percent, until the natural flow of the waters of the Boise River shall decrease, until all the rights in said decree cannot receive 100 percent, at which time the various rights as adjudicated in the so-called "Stewart Decree" shall first be cut to 75 percent of the amount of water decreed by the "Stewart Decree" as the natural flow of the Boise River decreases, beginning with the latest right and proceeding to the earliest rights in the order fixed in said "Stewart Decree", and after all of the rights shall have been reduced to 75 percent of the amount fixed in the "Stewart Decree", should the natural flow of the waters in the Boise River decrease

DATE OF PROMITY
ONLY WATER STEW. DEGREE/ BEN. USE CLAIM AG 3-21363

16-NOV-87

13211725 EUREKA #2
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1986 TO OCTOBER 1987
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	---	---	---	---	---	0.0	76	103	101	107	102	120
2	---	---	---	---	---	0.0	82	102	101	106	101	117
3	---	---	---	---	---	0.0	88	100	101	104	101	114
4	---	---	---	---	---	0.0	93	100	101	103	104	111
5	---	---	---	---	---	0.0	99	97	101	101	107	107
6	---	---	---	---	---	0.0	105	95	101	101	110	104
7	---	---	---	---	---	0.0	105	92	101	101	112	101
8	---	---	---	---	---	0.0	105	89	101	101	115	101
9	---	---	---	---	---	0.0	105	87	101	101	118	99
10	---	---	---	---	---	0.0	105	84	103	101	118	96
11	---	---	---	---	---	0.0	105	84	106	101	118	94
12	---	---	---	---	---	20	105	87	108	101	118	92
13	---	---	---	---	---	29	105	89	110	101	118	90
14	---	---	---	---	---	37	100	92	113	102	118	87
15	---	---	---	---	---	46	100	95	115	102	118	85
16	---	---	---	---	---	46	100	97	115	103	118	0.0
17	---	---	---	---	---	51	100	100	115	104	118	0.0
18	---	---	---	---	---	56	100	100	115	104	117	0.0
19	---	---	---	---	---	61	100	99	115	105	115	0.0
20	---	---	---	---	---	66	100	97	115	105	114	0.0
21	---	---	---	---	---	71	102	96	115	105	113	0.0
22	---	---	---	---	---	71	103	95	115	105	111	0.0
23	---	---	---	---	---	72	105	93	115	105	110	0.0
24	---	---	---	---	---	73	107	92	114	105	110	0.0
25	---	---	---	---	---	74	108	92	113	105	112	0.0
26	---	---	---	---	---	74	110	94	113	105	113	0.0
27	---	---	---	---	---	75	110	95	112	105	115	0.0
28	---	---	---	---	---	76	110	97	111	104	117	0.0
29	---	---	---	---	---	76	108	98	110	104	118	0.0
30	---	---	---	---	---	76	107	100	110	103	120	0.0
31	---	---	---	---	---	---	105	---	109	102	---	0.0
TOTAL						1120	3143	2840	3375	3201	3398	1518
MEAN						37	101	95	109	103	113	49
MAX						76	110	103	115	107	120	120 cfs
MIN						0.0	76	84	101	101	101	0.0
AC-FT						2221	6234	5632	6694	6350	6740	3010
IRRIGATION YEAR 1987						TOTAL	18594	MEAN	51	AC-FT	36881	

MICROFILMED

SEP 03 1992

BASED ON 1988 WA. DISTRIBUTION OF ROSE RIVER
PAGE 42A

120 CFS
- 50 CFS DECEASED
- 70 CFS BENEFIT

RECEIVED

FEB 27 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-21363
Date Received: 3/2/1990
Receipt No: W010350
Received By:

AMENDED

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: 05/11/1950

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	CANYON	R
04N	03W	17	SE NW	CANYON	
04N	03W	7	SE SW	CANYON	R

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	46	

7. Total Quantity Appropriated is:
46 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:

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 2 page from Water Dist 63 Report page

For Organizations:

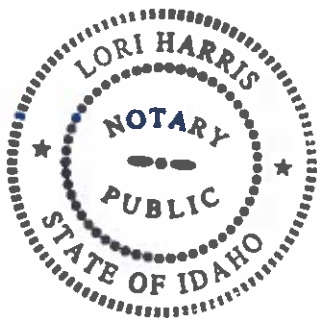
I do solemnly swear or affirm that I am William S. Doramus of
Title
Eureka Ditch Company #2, that I have signed the foregoing
Organization
document in the space below as President of
Title
Eureka Ditch Company #2 and that the statements contained in the
Organization
foregoing document are true and correct. 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 FEET, OF BOISE VALLEY CANALS
BY DAYS DURING THE IRRIGATION SEASON OF 1950, INCLUDING STORAGE.

		MAY																						
No.	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
1.	New York Canal (MC #2)	2819	2796	2785	2701	2723	2684	2572	2589	2584	2589	2668	2617	2607	2746	2746	2784	2813	2751	2757	2729	2769	2763	2700
2.	Penitentiary	4	5	5	4	4	6	6	6	6	6	6	6	6	6	6	7	8	11	11	11	11	12	12
3.	Bubb (South Boise)	12	12	12	12	13	13	13	13	13	13	13	13	13	14	14	14	14	16	16	16	16	18	18
4.	Ridenbaugh	488	488	456	467	464	473	476	466	488	594	511	519	519	517	537	537	544	548	539	542	544	543	542
5.	Settlers	169	163	155	150	145	145	146	138	134	146	159	171	179	187	188	188	189	193	194	197	197	197	198
6.	Thurman Mill	27	27	27	29	29	27	27	27	25	25	25	27	31	31	33	33	33	35	37	41	43	45	45
7.	Cruzen (Consumers)	12	12	12	12	12	12	12	12	12	12	14	17	19	22	22	22	22	22	22	22	22	22	22
8.	Boise City	31	30	30	30	30	30	30	31	31	31	31	31	30	30	29	29	28	28	28	31	31	33	33
9.	Farmers Union & B. V.	205	229	203	180	192	194	191	218	218	217	222	226	231	221	232	240	242	240	240	238	243	243	242
10.	Little Union	14	14	14	14	14	14	14	14	14	14	14	12	12	12	13	13	13	13	14	14	14	14	15
11.	New Dry Creek	54	47	47	47	37	37	37	37	59	59	60	66	72	73	63	76	76	75	77	77	78	78	79
12.	Ballantine	20	20	20	21	21	21	21	21	21	21	21	22	22	22	22	23	23	23	23	24	24	24	24
13.	x Middleton Canals	171	158	146	120	107	156	161	178	183	193	193	193	193	195	199	213	221	226	216	220	220	226	226
14.	Little Pioneer	15	15	15	15	10	10	10	10	21	50	46	46	55	42	36	32	34	38	40	42	49	51	51
15.	Canyon County	74	74	72	72	72	77	77	80	80	80	80	80	80	80	80	80	80	82	82	82	82	85	85
16.	x Eagle Island Canals	52	52	52	52	52	52	52	52	52	52	52	52	52	52	52	53	53	53	53	53	53	53	53
17.	Phyllis	394	354	332	329	332	300	298	298	299	297	304	320	334	347	343	343	346	352	366	367	363	362	368
18.	Eureka #1	36	37	36	36	35	34	35	35	37	41	40	40	40	41	41	38	35	36	36	35	35	34	34
19.	Caldwell High Line	40	40	40	39	39	44	54	54	48	42	42	42	42	42	42	42	48	48	48	48	42	42	42
20.	Sebree (Farmers Coop.)	291	293	295	297	299	301	301	305	305	309	309	329	344	347	347	351	357	358	358	359	359	360	360
21.	Campbell	14	14	14	14	13	13	14	16	16	16	16	18	18	18	18	18	18	18	16	16	16	16	16
22.	Siebenberg	6	6	6	4	4	4	4	4	6	6	6	6	8	8	8	8	8	8	8	12	12	12	12
23.	Riverside #2	166	166	158	158	158	152	152	155	155	161	167	179	179	179	195	197	195	195	219	224	224	224	224
24.	Pioneer Dixie	75	75	83	83	83	89	89	89	89	83	83	71	71	71	67	67	67	65	65	60	60	60	60
25.	Eureka #2	85	85	85	90	90	93	93	93	95	95	98	98	98	98	98	98	98	98	85	85	85	85	85
26.	Upper Center Point	17	19	19	19	21	21	21	21	23	23	23	23	23	23	23	23	23	23	21	21	21	19	19
27.	Lower Center Point	19	21	21	21	21	21	21	19	19	19	19	17	17	17	17	17	17	15	15	15	15	15	17
28.	x Miscellaneous	28	28	28	28	28	28	28	28	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29
	Total Canal Diversions	5338	5280	5168	5044	5048	5051	4955	5009	5060	5129	5252	5269	5324	5469	5500	5572	5634	5601	5628	5606	5657	5665	5611
29.	River at Notus	1480	1730	1540	1250	1330	1640	1790	1760	1680	1590	1490	1420	1320	1650	2170	2460	2740	3030	2760	2680	2820	2970	3120
	Totals	6818	7010	6708	6294	6378	6691	6745	6769	6740	6719	6742	6689	6644	7119	7670	8032	8374	8631	8388	8286	8477	8635	8731

x Middleton Canals include - Middleton Irrigation Association & Middleton Mill Ditch Co.

x Eagle Island Canals include - Lemp Ditch, Conway & Hamming, Thos. Alken, Catlin & Mace, Hart & Davis, Graham & Gilbert, Warm Springs Slough, Joplin & Seven Suckers.

x Miscellaneous Canals include - Meeves, Gossi Mill, Davis, Little Davis & Jacobs or Julia Davis.