

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: A63-00208
Date Received: 3/02/1990
Receipt No: W010352
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWER CENTERPOINT DITCH CO. 208-459-4579
Address: C/O FRAN EBBERS, SECRETARY
21990 BOISE RIVER RD.
CALDWELL, ID 83605

2. Date of Priority: JUN 01, 1879

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	04W	12	NW	NE	NW		CANYON

5. Description of diverting works:
DIV. DAM IN RIVER W/HEADGATE AND CANAL, DIV. VIA LATERALS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	2	NW	NW		IRR	6.0
			SW	NW		IRR	27.0

A63-00208

Page 1

Date: 03/02/90

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	04W	2	SE		NW		IRR	2.0
			NE		SW		IRR	18.0
			NW		SW		IRR	39.0
			Section Acres 92.0					
		3	NE		NE		IRR	19.0
			NW		NE		IRR	24.0
			SW		NE		IRR	39.0
			SE		NE		IRR	39.0
			NE		NW		IRR	28.0
			NW		NW		IRR	32.0
			SE		NW		IRR	39.0
			NE		SW		IRR	39.0
			NE		SE		IRR	38.0
			NW		SE		IRR	39.0
			Section Acres 336.0					
		4	NE		NE		IRR	27.0
			NW		NE		IRR	30.0
			NW		NW		IRR	31.0
			Section Acres 88.0					
		5	NE		NE		IRR	30.0
			NW		NE		IRR	32.0
			SW		NE		IRR	3.0
			Section Acres 65.0					
05N	04W	32	SE		NE		IRR	10.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	32.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres 202.0					
		33	NE		SW		IRR	20.0
			NW		SW		IRR	28.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04W	33	NW	SE		IRR	20.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	248.0
		34	NW	SW		IRR	10.0
			SW	SW		IRR	34.0
			SE	SW		IRR	8.0
						Section Acres	52.0
						Total Acres	1083.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

NO.'S A63-20563, A63-00171, A63-00177, A63-20566, A63-05022.

14. Remarks:

AKA WATER RIGHT NO. 73 IN THE BOISE RIVER WATER DELIVERY SYSTEM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

RIVERSIDE IRR. DIST.

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

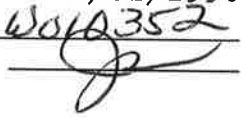
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00208

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IRRIGATION	03/15	11/15	4.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION.

10. Place of Use: SAME AS A63-05022.

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
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11. Place of use in counties:

A63-00208

Page 1

Date: 02/02/90

MICROFILMED

AUG 17 1992

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

13. Other Water Rights Used:

NO.'S A63-20563, A63-00171, A63-00177, A63-20566, A63-05022.

14. Remarks:

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15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.

Decree Plaintiff

vs

RIVERSIDE IRR. DIST.

Decree Defendant

16. Signature(s)

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Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am SECRETARY of
Title
LOWER CENTERPOINT DITCH, that I have signed the foregoing
Organization
document in the space below as SECRETARY of
Title
LOWER CENTERPOINT DITCH and that the statements contained in the
Organization
foregoing document are true and correct.

Liam Ebbers
Signature of Authorized Agent

Sec. Lower Centerpoint Ditch
Title and Organization

March 2, 1990
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 2ND day
of March 19 90
Seal

Jan Shurtle
Notary Public

Residing at Meridian ID
My Commission Expires 9-14-94

08/17/2006

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: September 29, 2006

Water right number: 63-208

LOWER CENTERPOINT DITCH CO

C/O DARELL CHRISTENSEN

22273 BOISE RIVER RD

CALDWELL ID 83607

Telephone Number: (208)459-7126

RECEIVED

SEP 27 2006

Department of Water Resources
Adjudication Bureau

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Place of use

2. Describe the changes you wish to make in the proposed recommendation:

Acres -- See map to Davidle Favreau

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 9-25-06

SIGNATURE: Darell D. Christensen

Please print your name: Darell D. Christensen

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

SEP 27 2006

08/17/2006

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

RIGHT NUMBER: 63-208

NAME AND ADDRESS: LOWER CENTERPOINT DITCH CO
C/O DARELL CHRISTENSEN
22273 BOISE RIVER RD
CALDWELL ID 83607

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.000 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: 06/01/1879

POINT OF DIVERSION:
T04N R04W S12 NENW 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	4.000 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:

965

923 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 Right Nos. 63-171, 63-177, 63-5022, 63-20563 and 63-20566 can be used to irrigate up to 923 acres within the boundary of the Lower Centerpoint 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.

This right is designated as No.73 in the Stewart Decree and the Boise Water Distribution Report.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

LXI.

That the defendant the NEW DRY CREEK DITCH COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise river, diverted from a point on the north bank of said river in SW 1/4 of SE 1/4 of sec. 24, T. 4 N. R. 1 E. B.M., for use upon the lands lying under its canal system, in the following amounts, from the following dates;

63 0205 1566 inches, from June 1, 1879, and hereby designated as Right No. 72.

63 0206 761 inches, from June 1, 1886, and hereby designated as Right No. 93.

63 0207 393 inches, from June 1, 1888, and hereby designated as Right No. 97.

And be adjudged to pay \$190.40 costs in addition to the costs incurred by it.

LXII.

That the defendant D. MUMFORD be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in NW 1/4 of SE 1/4 of Sec. 12, and in SE 1/4 of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon the SW 1/4 of SE 1/4, NE 1/4 of SE 1/4, SE 1/4 of NE 1/4, and lot 1, Sec. 3, and NW 1/4 of SW 1/4, and lot 8, Sec. 2, all in T. 4 N. R. 4 W. B.M., in the following amount and from the following date;

63 0208 200 inches, from June 1, 1879, and hereby designated as Right No. 73.

And be adjudged to pay \$14.00^{costs} in addition to the costs incurred by him.

LXIII.

That the defendant SMITH STOCKTON be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river in the SE 1/4 of Sec. 18, T. 5 N. R. 5 W. B.M., for use upon the SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, NW 1/4 of SE 1/4 and SW 1/4 of NE 1/4 of Sec. 8, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0209 T.P.D. 10388 inches, from June 1, 1880; and hereby designated as Right No. 74.

And be adjudged to pay \$6.16 costs in addition to the costs incurred by him.

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

939-6219 between 4:30 and 9:00 P.M. or leave message

c: City of Eagle & Idaho Department of Water Resources

MICROFILMED
OCT 02 1996