

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: A63-00223K
Date Received: 3/02/1990
Receipt No: W000350
Received By: RLH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: NOV 09, 1893

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	18.300		

7. Total Quantity Appropriated is:
18.300 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	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? ~~YES~~ NO

13. Other Water Rights Used:

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

14. Remarks:

P/U LANDS UNDER SYSTEM.

TRANS. 171 (ORIGINALLY FOR 21.7 CFS).

0.7CFS UNACCOUNTED FOR WAS ADDED TO THIS CLAIM AS IT IS SHOWN
IN THE WATER DISTRIBUTION BOOK OF BOISE RIVER 1987, PAGE 15.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.

Decree Plaintiff

A63-00223K

Page

vs
4

RIVERSIDE IRR. DIST.

Decree Defendant

Date: 03/02/90

MICROFILMED

AUG 17 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 of
Eureka Pith Co. #2 that I have signed the foregoing
Organization document in the space below as Sec. / treas. of
Eureka Pith 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 My Commission Expires December 8, 1994

Water Right Number - 63-00223K

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***

EUREKA DITCH CO. NO. 2

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - +
11/09/1893+ - - - Region - - - +
14+ - - - Stage - - - +
D - DECREED

+ - - - Status - - - +

+ - - - - Source - - - - +
BOISE RIVER+ - - - - Tributary - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

04N 03W 7 SE SW (27) CANYON

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

01 - IRRIGATION

17.600

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
17.600 18.3 cfs+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
P/U LANDS UNDER SYSTEM.
TRANS. 171 (ORIGINALLY FOR 21.7 CFS).7 cfs unaccounted for was added as
water is delivered and noted in+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found. WATER DISTRIBUTION OF BOISE RIVER+ - - - - Decree Plaintiff - - - +
FARMERS CO-OP DITCH CO.+ - - - - Decree Defendant
RIVERSIDE IRR. DIST.+ - Decree Date - +
01/18/1906

+ - - Audit Fields - 07/01/85

05/01/88 CONVERT

AUG 17 1992

MICROFILMED

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

01/29/90 10:40:50

Page 2

Water right number - 63-00223K

Adj. flag translation: Standard Water Right Number

+ - - - - - 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
AUG 17 1992

08/17/2006

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

RIGHT NUMBER: 63-223K

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: 18.300 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: 11/09/1883

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	18.300 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, 63-3572, 63-21361, 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. 89 in the Stewart Decree and the Boise Water Distribution Report.

Note: There is some
question about whether
the quantity should be
17.6 cfs or 18.3 cfs.
Recommend as 18.3 cfs unless more

Water Right No. 63-223 Stewart Decree for 1085 inches (21.7 cfs) priority 11-9-1883
to Eureka Ditch Co No. 2

Reason for reduction is found.

Suffix Transfers

	85	May 7, 1926	J. C. Bruce changed POD to at NENE Sec 12, T4N, R4W (25 inches) .5 cfs to Eureka Ditch
J	131	Feb 19, 1921 Jan 16, 1932	R. E. McGuire changed POD to Lower Center Point Ditch (35 inches) .7 cfs ✓ Company for at SE, Sec 2, T4N, R4W
K	171	Feb 26, 1943	Raymond Breshears, President of Eureka Ditch Co. (1085 inches) 21.7 cfs Changed POD to SESW Sec 7 T4N, R3W for on 63-233. (17.6 cfs)
C	224	Sept. 3, 1954	J. E. Houston changed POD to SWSW, Sec 34, T4N, R4W (45 inches) .9 cfs into natural slough into Bowman-Swisher Ditch
B	245	June 30, 1958	J. E. Ekberg changed POD to SE, Sec 12, T4N, R4W .6 cfs ✓ through Lower Center Point Ditch
A	287	Jan 18, 1966	J. E. Ekberg changed POD to SE, Sec 12, T4N, R4W 1.4 cfs ✓ through Lower Center Point Ditch
G	289	Mar 18, 1966	Earl Giles changed POD to SE, Sec 12, T4, R4W .5 cfs ✓ through Upper Center Point Ditch.

63-233-- SPLIT INTO 63-0223A & 63-0223D BY TRANS. 287.

63-223A--COMBINED RIGHT - THIS RIGHT AND RIGHT NO.'S 63-00223B AND 63-00223J HAVE BEEN
COMBINED UNDER CLAIM NO. A63-20566 SINCE ALL HAVE THE SAME PRIORITY DATE AND
PLACES OF USE.

63-223D-- SPLIT INTO 63-0223B & 63-0223E BY TRANS. 245.

63-223E-- SPLIT INTO 63-0223C & 63-0223F BY TRANS. 224.

63-223F-- SPLIT INTO 63-0223G & 63-0223H BY TRANS. 289.

63-223H-- SPLIT INTO 63-0223J & 63-0223K BY TRANS. 131.

Rita Warrington
1-19-06

(26)

LXXII.

That the defendant JAMES L. GRAHAM be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on said river on Lot 6, Sec. 22, T. 4 N. R. 1 E. B.M., for use upon the S. 1/2 of NW 1/4 and lot 5 of Sec. 20, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0220
110 inches, from June 1, 1882, and hereby designated as Right No. 85. And be adjudged to pay \$7.70 costs in addition to the costs incurred by him.

LXXIII.

That the defendant FRANCIS M. JOPLIN be, and she is hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE 1/4 of NE 1/4 of Sec. 6, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Slough, for use upon the SE 1/4 of SW 1/4 of Sec. 22, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0221
45 inches, from June 1, 1883, and hereby designated as Right No. 87. And be adjudged to pay \$3.15 costs in addition to the costs incurred by her.

LXXIV.

That the defendant W. A. BLACK be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through the canal now owned by the Riverside Irrigation District, Limited, Canyon County, Idaho, for use upon the E. 1/2 of Sec. 8 and all of Sec. 9, T. 4 N. R. 4 W. B.M., in the following amount and from the following date; and hereby designated as Right No. 88.

63 0222
600 inches, from June 1, 1883. And be adjudged to pay \$42.00 costs in addition to the costs incurred by him.

LXXV.

That the defendant the EUREKA DITCH COMPANY NO. 2 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 near the SE corner of sec. 12, T. 4 N. R. 4 W. B.M., for use upon the lands lying under its canal system, in the following amount and from the following date;

63 0223
1085 inches, from Nov. 9, 1883.; and hereby designated as Right No. 89. and be adjudged to pay \$75.95 costs in addition to the costs incurred by it.

P.D. 85
P.D. 131
P.D. 171
P.D. 224
P.D. 245

JUN 21 1996