

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: A63-00286  
Date Received: 8/23/1989  
Receipt No: W004856  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**COPY FOR  
YOUR FILES**

1. Name: NEW DRY CREEK DITCH CO  
Address: C/O DANA PURDY  
5926 W FLOATING FEATHER RD  
EAGLE ID 83616

2. Date of Priority: APR 1, 1897

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      | 01E   | 23      | NE     | SE     |     |     | ADA    |

5. Description of diverting works:  
CONCRETE DIVERSION STRUCTURE IN RIVER, CANAL, 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 | 0.540 |      |        |

7. Total Quantity Appropriated is:  
0.540 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      | 01E   | 7       | NE     | NE  |     | IRR | 25.0  |
|          |       |         | NW     | NE  |     | IRR | 36.0  |
|          |       |         | SW     | NE  |     | IRR | 39.0  |

10. Place of Use: Continued

| Township      | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|-----|----|-----|-----|-----|-------|
| 04N           | 01E   | 7       | SE  |    | NE  |     | IRR | 39.0  |
|               |       |         | NE  |    | NW  |     | IRR | 38.0  |
|               |       |         | NW  |    | NW  |     | IRR | 39.0  |
|               |       |         | SW  |    | NW  |     | IRR | 40.0  |
|               |       |         | SE  |    | NW  |     | IRR | 40.0  |
|               |       |         | NE  |    | SW  |     | IRR | 36.0  |
|               |       |         | SE  |    | SW  |     | IRR | 25.0  |
|               |       |         | NE  |    | SE  |     | IRR | 38.0  |
|               |       |         | NW  |    | SE  |     | IRR | 40.0  |
|               |       |         | SW  |    | SE  |     | IRR | 38.0  |
|               |       |         | SE  |    | SE  |     | IRR | 39.0  |
| Section Acres |       |         |     |    |     |     |     | 512.0 |
|               |       | 8       | NW  |    | NE  |     | IRR | 1.0   |
|               |       |         | SW  |    | NE  |     | IRR | 17.0  |
|               |       |         | SE  |    | NE  |     | IRR | 5.0   |
|               |       |         | NW  |    | NW  |     | IRR | 2.0   |
|               |       |         | SW  |    | NW  |     | IRR | 37.0  |
|               |       |         | SE  |    | NW  |     | IRR | 20.0  |
|               |       |         | NE  |    | SW  |     | IRR | 31.0  |
|               |       |         | NW  |    | SW  |     | IRR | 39.0  |
|               |       |         | SW  |    | SW  |     | IRR | 36.0  |
|               |       |         | SE  |    | SW  |     | IRR | 36.0  |
|               |       |         | NE  |    | SE  |     | IRR | 28.0  |
|               |       |         | NW  |    | SE  |     | IRR | 31.0  |
|               |       |         | SW  |    | SE  |     | IRR | 38.0  |
|               |       |         | SE  |    | SE  |     | IRR | 32.0  |
| Section Acres |       |         |     |    |     |     |     | 353.0 |
|               |       | 9       | SW  |    | NW  |     | IRR | 5.0   |
|               |       |         | NW  |    | SW  |     | IRR | 8.0   |
|               |       |         | SW  |    | SW  |     | IRR | 6.0   |
|               |       |         | SE  |    | SW  |     | IRR | 7.0   |
|               |       |         | NE  |    | SE  |     | IRR | 18.0  |
|               |       |         | NW  |    | SE  |     | IRR | 25.0  |
|               |       |         | SW  |    | SE  |     | IRR | 24.0  |
|               |       |         | SE  |    | SE  |     | IRR | 37.0  |
| Section Acres |       |         |     |    |     |     |     | 130.0 |
|               |       | 10      | NW  |    | SW  |     | IRR | 8.0   |
|               |       |         | SW  |    | SW  |     | IRR | 39.0  |
|               |       |         | SE  |    | SW  |     | IRR | 27.0  |
|               |       |         | SW  |    | SE  |     | IRR | 6.0   |

# 10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
|          |       |         |        |     |     | Section Acres | 80.0  |
|          |       | 15      | NW     | NE  |     | IRR           | 28.0  |
|          |       |         | SW     | NE  |     | IRR           | 24.0  |
|          |       |         | NE     | NW  |     | IRR           | 18.0  |
|          |       |         | NW     | NW  |     | IRR           | 10.0  |
|          |       |         | SE     | NW  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 82.0  |
|          |       | 16      | NE     | NE  |     | IRR           | 3.0   |
|          |       |         |        |     |     | Section Acres | 3.0   |
|          |       | 17      | NE     | NE  |     | IRR           | 9.0   |
|          |       |         | NW     | NE  |     | IRR           | 8.0   |
|          |       |         | NE     | NW  |     | IRR           | 10.0  |
|          |       |         | NW     | NW  |     | IRR           | 5.0   |
|          |       |         |        |     |     | Section Acres | 32.0  |
| 01W      |       | 1       | SW     | NE  |     | IRR           | 18.0  |
|          |       |         | NE     | NW  |     | IRR           | 27.0  |
|          |       |         | NW     | NW  |     | IRR           | 38.0  |
|          |       |         | SW     | NW  |     | IRR           | 38.0  |
|          |       |         | SE     | NW  |     | IRR           | 37.0  |
|          |       |         | NE     | SW  |     | IRR           | 38.0  |
|          |       |         | NW     | SW  |     | IRR           | 38.0  |
|          |       |         | SW     | SW  |     | IRR           | 40.0  |
|          |       |         | SE     | SW  |     | IRR           | 40.0  |
|          |       |         | NW     | SE  |     | IRR           | 39.0  |
|          |       |         | SW     | SE  |     | IRR           | 38.0  |
|          |       |         | SE     | SE  |     | IRR           | 38.0  |
|          |       |         |        |     |     | Section Acres | 429.0 |
|          |       | 2       | NE     | NE  |     | IRR           | 38.0  |
|          |       |         | NW     | NE  |     | IRR           | 38.0  |
|          |       |         | SW     | NE  |     | IRR           | 35.0  |
|          |       |         | SE     | NE  |     | IRR           | 39.0  |
|          |       |         | NE     | NW  |     | IRR           | 26.0  |
|          |       |         | SW     | NW  |     | IRR           | 35.0  |
|          |       |         | SE     | NW  |     | IRR           | 39.0  |
|          |       |         | NE     | SW  |     | IRR           | 40.0  |
|          |       |         | NW     | SW  |     | IRR           | 40.0  |
|          |       |         | SW     | SW  |     | IRR           | 26.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 04N      | 01W   | 2       | SE  |    | SW  |     | IRR           | 16.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 39.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 38.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 39.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 528.0 |
|          |       | 3       | NE  |    | NW  |     | IRR           | 5.0   |
|          |       |         | SE  |    | NW  |     | IRR           | 28.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 37.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 18.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 19.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 23.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 22.0  |
|          |       |         |     |    |     |     | Section Acres | 232.0 |
|          |       | 4       | SE  |    | SE  |     | IRR           | 17.0  |
|          |       |         |     |    |     |     | Section Acres | 17.0  |
|          |       | 10      | NE  |    | NE  |     | IRR           | 38.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 40.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 198.0 |
|          |       | 11      | NE  |    | NE  |     | IRR           | 37.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 6.0   |
|          |       |         | NW  |    | NW  |     | IRR           | 33.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 116.0 |
|          |       | 12      | NE  |    | NE  |     | IRR           | 30.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 26.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 30.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 126.0 |
| 05N      | 01W   | 35      | NE  |    | SE  |     | IRR           | 33.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres  |
|----------|-------|---------|--------|-----|-----|---------------|--------|
| 05N      | 01W   | 35      | NW     | SE  |     | IRR           | 1.0    |
|          |       |         | SW     | SE  |     | IRR           | 11.0   |
|          |       |         | SE     | SE  |     | IRR           | 30.0   |
|          |       |         |        |     |     | Section Acres | 75.0   |
|          |       | 36      | SW     | SW  |     | IRR           | 35.0   |
|          |       |         | SE     | SW  |     | IRR           | 16.0   |
|          |       |         |        |     |     | Section Acres | 51.0   |
|          |       |         |        |     |     | Total Acres   | 2964.0 |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
SEE REMARKS.

14. Remarks:

THIS WATER CARRIED IN THE NEW DRY CREEK CANAL WITH P/D AT INTAKE  
OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, A63-00288B  
63-00263, 63-00259, 63-00261, 63-00258B, 63-00124B, 63-00125B,  
63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00260A,  
63-00239B, 63-00239C, 63-00161L.  
ADDRESS CHANGED PER CLAIMANT REQUEST 6/30/97. LH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

SRBA Case #39576 Subcase #02-10063

Mail this postcard to businesses and people who send you mail.

Please send mail to new address beginning: 05-01-97

Month Day Year

NEW DRY CREEK DITCH CO. / DANA PURDY

My Name (Last name, first name, middle initial)

1200 Hereford Dr.

OLD Complete Street Address or PO Box or Rural Route and RR Box

Apt./Suite #

Eagle,

ID

83616

City or Post Office

State

ZIP or ZIP+4 Code

NEW DRY CREEK DITCH CO. / DANA PURDY

NEW Complete Street Address or PO Box or Rural Route and RR Box

Apt./Suite #

5926 W. FLOATING FEATHER RD.

City or Post Office

State

ZIP or ZIP+4 Code

EAGLE, ID 83616

NEW Telephone Number (Optional)

Account Number (If applicable)

Dana Purdy

Signature

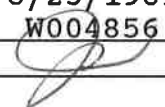
10-51-97

Today's Date: Month Day Year

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: A63-00286  
Date Received: 8/23/1989  
Receipt No: W004856  
Received By: 

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: NEW DRY CREEK DITCH CO. 208-939-6219  
Address: C/O LYNNE SEDLACEK  
1200 HEREFORD DR.  
EAGLE, ID 83616

2. Date of Priority: APR 1, 1897

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      | 01E   | 23      |        | NE     | SE  |     | ADA    |

5. Description of diverting works:  
CONCRETE DIVERSION STRUCTURE IN RIVER, CANAL, 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 | 0.540  |      |        |

7. Total Quantity Appropriated is:  
0.540 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      | 01E   | 7       | NE     | NE  |     | IRR | 25.0  |
|          |       |         | NW     | NE  |     | IRR | 36.0  |
|          |       |         | SW     | NE  |     | IRR | 39.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 04N      | 01E   | 7       | SE  |    | NE  |     | IRR           | 39.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 38.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 39.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 36.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 25.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 38.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 38.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 39.0  |
|          |       |         |     |    |     |     | Section Acres | 512.0 |
|          |       | 8       | NW  |    | NE  |     | IRR           | 1.0   |
|          |       |         | SW  |    | NE  |     | IRR           | 17.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 5.0   |
|          |       |         | NW  |    | NW  |     | IRR           | 2.0   |
|          |       |         | SW  |    | NW  |     | IRR           | 37.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 20.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 31.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 39.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 36.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 36.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 28.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 31.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 38.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 32.0  |
|          |       |         |     |    |     |     | Section Acres | 353.0 |
|          |       | 9       | SW  |    | NW  |     | IRR           | 5.0   |
|          |       |         | NW  |    | SW  |     | IRR           | 8.0   |
|          |       |         | SW  |    | SW  |     | IRR           | 6.0   |
|          |       |         | SE  |    | SW  |     | IRR           | 7.0   |
|          |       |         | NE  |    | SE  |     | IRR           | 18.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 25.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 24.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 37.0  |
|          |       |         |     |    |     |     | Section Acres | 130.0 |
|          |       | 10      | NW  |    | SW  |     | IRR           | 8.0   |
|          |       |         | SW  |    | SW  |     | IRR           | 39.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 27.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 6.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
|          |       |         |     |        |     | Section Acres | 80.0  |
|          |       | 15      | NW  | NE     |     | IRR           | 28.0  |
|          |       |         | SW  | NE     |     | IRR           | 24.0  |
|          |       |         | NE  | NW     |     | IRR           | 18.0  |
|          |       |         | NW  | NW     |     | IRR           | 10.0  |
|          |       |         | SE  | NW     |     | IRR           | 2.0   |
|          |       |         |     |        |     | Section Acres | 82.0  |
|          |       | 16      | NE  | NE     |     | IRR           | 3.0   |
|          |       |         |     |        |     | Section Acres | 3.0   |
|          |       | 17      | NE  | NE     |     | IRR           | 9.0   |
|          |       |         | NW  | NE     |     | IRR           | 8.0   |
|          |       |         | NE  | NW     |     | IRR           | 10.0  |
|          |       |         | NW  | NW     |     | IRR           | 5.0   |
|          |       |         |     |        |     | Section Acres | 32.0  |
| 01W      |       | 1       | SW  | NE     |     | IRR           | 18.0  |
|          |       |         | NE  | NW     |     | IRR           | 27.0  |
|          |       |         | NW  | NW     |     | IRR           | 38.0  |
|          |       |         | SW  | NW     |     | IRR           | 38.0  |
|          |       |         | SE  | NW     |     | IRR           | 37.0  |
|          |       |         | NE  | SW     |     | IRR           | 38.0  |
|          |       |         | NW  | SW     |     | IRR           | 38.0  |
|          |       |         | SW  | SW     |     | IRR           | 40.0  |
|          |       |         | SE  | SW     |     | IRR           | 40.0  |
|          |       |         | NW  | SE     |     | IRR           | 39.0  |
|          |       |         | SW  | SE     |     | IRR           | 38.0  |
|          |       |         | SE  | SE     |     | IRR           | 38.0  |
|          |       |         |     |        |     | Section Acres | 429.0 |
|          |       | 2       | NE  | NE     |     | IRR           | 38.0  |
|          |       |         | NW  | NE     |     | IRR           | 38.0  |
|          |       |         | SW  | NE     |     | IRR           | 35.0  |
|          |       |         | SE  | NE     |     | IRR           | 39.0  |
|          |       |         | NE  | NW     |     | IRR           | 26.0  |
|          |       |         | SW  | NW     |     | IRR           | 35.0  |
|          |       |         | SE  | NW     |     | IRR           | 39.0  |
|          |       |         | NE  | SW     |     | IRR           | 40.0  |
|          |       |         | NW  | SW     |     | IRR           | 40.0  |
|          |       |         | SW  | SW     |     | IRR           | 26.0  |
|          |       |         | SE  | SW     |     | IRR           | 16.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 04N      | 01W   | 2       | NE  |    | SE  |     | IRR           | 39.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 38.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 39.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 528.0 |
|          |       | 3       | NE  |    | NW  |     | IRR           | 5.0   |
|          |       |         | SE  |    | NW  |     | IRR           | 28.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 37.0  |
|          |       |         | SW  |    | SW  |     | IRR           | 18.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 19.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 40.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 23.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 22.0  |
|          |       |         |     |    |     |     | Section Acres | 232.0 |
|          |       | 4       | SE  |    | SE  |     | IRR           | 17.0  |
|          |       |         |     |    |     |     | Section Acres | 17.0  |
|          |       | 10      | NE  |    | NE  |     | IRR           | 38.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 40.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 198.0 |
|          |       | 11      | NE  |    | NE  |     | IRR           | 37.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 6.0   |
|          |       |         | NW  |    | NW  |     | IRR           | 33.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 116.0 |
|          |       | 12      | NE  |    | NE  |     | IRR           | 30.0  |
|          |       |         | NW  |    | NE  |     | IRR           | 26.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 30.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     | Section Acres | 126.0 |
| 05N      | 01W   | 35      | NE  |    | SE  |     | IRR           | 33.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 1.0   |
|          |       |         | SW  |    | SE  |     | IRR           | 11.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres  |
|----------|-------|---------|--------|-----|-----|---------------|--------|
| 05N      | 01W   | 35      | SE     | SE  |     | IRR           | 30.0   |
|          |       |         |        |     |     | Section Acres | 75.0   |
|          |       | 36      | SW     | SW  |     | IRR           | 35.0   |
|          |       |         | SE     | SW  |     | IRR           | 16.0   |
|          |       |         |        |     |     | Section Acres | 51.0   |
|          |       |         |        |     |     | Total Acres   | 2964.0 |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:  
SEE REMARKS.

14. Remarks:

THIS WATER CARRIED IN THE NEW DRY CREEK CANAL WITH P/D AT INTAKE  
OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, A63-00288B  
63-00263, 63-00259, 63-00261, 63-00258B, 63-00124B, 63-00125B,  
63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00260A,  
63-00239B, 63-00239C, 63-00161L.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

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  
\_\_\_\_\_, 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: A63-00286  
Date Received: ~~6/16/1989~~ 8/23/89  
Receipt No: W004856  
Received By: [Signature] DE JH

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: NEW DRY CREEK DITCH CO. 208-939-6302  
Address: C/O ERMA FULLER  
826 W. STATE ST.  
EAGLE, ID 83616

2. Date of Priority: APR 01, 1897

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      | 01E   | 23      | NE     | SE     |     |     | ADA    |

5. Description of diverting works:  
CONCRETE DIVERSION STRUCTURE IN RIVER, CANAL, 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 | 0.540 |      |        |

7. Total Quantity Appropriated is:  
0.540 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
|----------|-------|---------|--------|-----|-----|-----|-------|

11. Place of use in counties:

A63-00286

Page 1

Date: 08/23/89

MICROFILMED

AUG 27 1989

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

13. Other Water Rights Used:  
SEE REMARKS

14. Remarks:

THIS WATER CARRIED IN THE NEW DRY CREEK CANAL WITH P/D AT INTAKE.  
OTHER WATER RIGHTS USED: A63-00205, 63-00206, 63-00207, 63-00288B  
63-00263, 63-00259, 63-00261, 63-00258B, 63-00124B, 63-00125B,  
63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00260A,  
63-00239B, 63-00239C, 63-00161L.

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: 0

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of  
NEW DRY CREEK DITCH Co. that I have signed the foregoing  
Organization document in the space below as PRESIDENT of  
NEW DRY CREEK DITCH Co. and that the statements contained in the  
Organization foregoing document are true and correct.

Armed Kunkle  
Signature of Authorized Agent  
PRES. NEW DRY CREEK DITCH Co  
Title and Organization  
8-23-89  
Date

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 23rd day  
of August 19 89

Seal

Jan Shute  
Notary Public

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

# New Dry Creek Ditch Co., Ltd.

Eagle, Idaho

January 22, 1995

RECEIVED

JAN 24 1995

WATER RESOURCES  
WESTERN REGION

Attn: Shawn Nickel, Planner  
Ada County Development Services  
650 Main Street  
Boise, ID 83702

**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

## NEW DRY CREEK DITCH COMPANY

### ADDITIONAL INFORMATION

DATE: JUNE 8, 2005

BY: MEL SCHULTE

The main contact for New Dry Creek Ditch is their president, Dana Purdy ( 286-9701). He assisted in the review of the boundary and place of use map, the location of their POD and measurements to estimate delivery loss in their canal.

There are no major issues of concern with the New Dry Creek Ditch Company claims except for the number of acres the rights will be limited to in our recommendations as discussed below. They share a POD and canal with New Union Ditch, which might motivate New Union to have an interest in New Dry Creek's recommendations and boundary map. There is an overlap of New Dry Creek's boundary at the extreme West edge with the East boundary of Middleton Irrigation because Circle DJ Ranch is a shareholder of both companies. There is also an overlap with New Union Ditch boundary at the East side of New Dry Creek boundary for the same reason.

The historical boundary and place of use was not easy to ascertain because the historical place of use is an area of rapid residential and commercial development in the Eagle area. A final review of the boundary and place of use was made with Dana Purdy, two board members and Bryce Farris in the offices of Ringert Clark on June 7, 2005.

The acre limitation of 2709.5 acres is less than the 2964 acres claimed and the 3059 acres described in the water master's records. The 2709.5 acre number is based on digitized acres of 2604.5 plus 10 shares allocated to Circle DJ Ranch plus 75 shares within the City of Eagle. Using the 2709.5 acres at an inch per acre makes it necessary to include delivery loss in order to show beneficial use of the companies 62.09 cfs of decreed water. It's interesting to note that the maximum monthly diversions into the New Dry Creek/New Union Ditch canal have shown a continued decline through the years. The declining diversion rates might support what appears to be a reduced number of irrigated acres through the years due to the increased subdivision development in the Eagle area.

New Dry Creeks claim for credited wastewater, 63-17468 was disallowed in favor of Drainage District No 2's right 63-31937. This matter was discussed with New Dry Creek's officers and board by Bryce Farris and does not seem to be a concern for the company.

MTS

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MTS

| 13206090              | HISTORIC DIVERSION OF NEW DRY CREEK AND NEW UNION CANALS |     |     |     |     |     |     |     |     |     | (CFS) |     |     |  |
|-----------------------|----------------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|-----|--|
| W-YR                  | OCT                                                      | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG   | SEP | ANN |  |
| 1950                  | 10                                                       | 0   | 0   | 0   | 0   | 0   | 20  | 81  | 84  | 80  | 65    | 54  | 394 |  |
| 1951                  | 18                                                       | 0   | 0   | 0   | 0   | 0   | 44  | 72  | 86  | 88  | 70    | 55  | 432 |  |
| 1952                  | 18                                                       | 0   | 0   | 0   | 0   | 0   | 20  | 70  | 67  | 70  | 68    | 50  | 364 |  |
| 1953                  | 16                                                       | 0   | 0   | 0   | 0   | 0   | 37  | 75  | 67  | 93  | 72    | 50  | 410 |  |
| 1954                  | 16                                                       | 0   | 0   | 0   | 0   | 0   | 39  | 98  | 77  | 83  | 78    | 57  | 448 |  |
| 1955                  | 20                                                       | 0   | 0   | 0   | 0   | 0   | 3   | 55  | 96  | 88  | 73    | 55  | 390 |  |
| 1956                  | 15                                                       | 0   | 0   | 0   | 0   | 0   | 37  | 68  | 82  | 78  | 80    | 69  | 429 |  |
| 1957                  | 21                                                       | 0   | 0   | 0   | 0   | 0   | 7   | 60  | 87  | 86  | 78    | 57  | 397 |  |
| 1958                  | 18                                                       | 0   | 0   | 0   | 0   | 0   | 20  | 67  | 67  | 89  | 67    | 49  | 377 |  |
| 1959                  | 16                                                       | 0   | 0   | 0   | 0   | 0   | 52  | 81  | 89  | 81  | 88    | 40  | 448 |  |
| 1960                  | 8                                                        | 0   | 0   | 0   | 0   | 0   | 24  | 91  | 96  | 91  | 73    | 62  | 445 |  |
| 1961                  | 20                                                       | 0   | 0   | 0   | 0   | 0   | 29  | 85  | 69  | 55  | 62    | 47  | 366 |  |
| 1962                  | 8                                                        | 0   | 0   | 0   | 0   | 0   | 34  | 72  | 69  | 86  | 75    | 59  | 402 |  |
| 1963                  | 13                                                       | 0   | 0   | 0   | 0   | 0   | 89  | 73  | 91  | 80  | 67    | 52  | 464 |  |
| 1964                  | 8                                                        | 0   | 0   | 0   | 0   | 0   | 27  | 73  | 74  | 88  | 72    | 54  | 395 |  |
| 1965                  | 23                                                       | 0   | 0   | 0   | 0   | 0   | 24  | 86  | 87  | 85  | 72    | 62  | 438 |  |
| 1966                  | 29                                                       | 0   | 0   | 0   | 0   | 0   | 54  | 81  | 82  | 70  | 57    | 55  | 429 |  |
| 1967                  | 23                                                       | 0   | 0   | 0   | 0   | 0   | 15  | 81  | 69  | 81  | 76    | 55  | 401 |  |
| 1968                  | 21                                                       | 0   | 0   | 0   | 0   | 0   | 35  | 81  | 82  | 73  | 60    | 50  | 404 |  |
| 1969                  | 34                                                       | 0   | 0   | 0   | 0   | 0   | 27  | 83  | 81  | 78  | 75    | 57  | 435 |  |
| 1970                  | 23                                                       | 0   | 0   | 0   | 0   | 0   | 24  | 76  | 76  | 73  | 70    | 44  | 385 |  |
| 1971                  | 16                                                       | 0   | 0   | 0   | 0   | 0   | 10  | 83  | 69  | 78  | 85    | 52  | 393 |  |
| 1972                  | 21                                                       | 0   | 0   | 0   | 0   | 0   | 20  | 78  | 59  | 78  | 73    | 35  | 365 |  |
| 1973                  | 11                                                       | 0   | 0   | 0   | 0   | 0   | 35  | 78  | 76  | 72  | 70    | 30  | 372 |  |
| 1974                  | 5                                                        | 0   | 0   | 0   | 0   | 0   | 18  | 76  | 82  | 73  | 76    | 47  | 379 |  |
| 1975                  | 21                                                       | 0   | 0   | 0   | 0   | 0   | 0   | 57  | 76  | 72  | 62    | 55  | 343 |  |
| 1976                  | 20                                                       | 0   | 0   | 0   | 0   | 0   | 10  | 78  | 62  | 80  | 59    | 44  | 352 |  |
| 1977                  | 28                                                       | 0   | 0   | 0   | 0   | 0   | 52  | 57  | 59  | 67  | 63    | 45  | 371 |  |
| 1978                  | 0                                                        | 0   | 0   | 0   | 0   | 0   | 7   | 70  | 66  | 65  | 63    | 35  | 306 |  |
| 1979                  | 16                                                       | 0   | 0   | 0   | 0   | 0   | 12  | 73  | 72  | 73  | 52    | 39  | 337 |  |
| 1980                  | 8                                                        | 0   | 0   | 0   | 0   | 0   | 22  | 60  | 66  | 73  | 65    | 44  | 338 |  |
| 1981                  | 13                                                       | 0   | 0   | 0   | 0   | 0   | 13  | 62  | 49  | 75  | 67    | 44  | 322 |  |
| 1982                  | 11                                                       | 0   | 0   | 0   | 0   | 0   | 5   | 59  | 64  | 49  | 55    | 37  | 280 |  |
| 1983                  | 2                                                        | 0   | 0   | 0   | 0   | 0   | 12  | 50  | 57  | 65  | 59    | 45  | 290 |  |
| 1984                  | 11                                                       | 0   | 0   | 0   | 0   | 0   | 8   | 54  | 57  | 65  | 63    | 40  | 299 |  |
| 1985                  | 15                                                       | 0   | 0   | 0   | 0   | 0   | 20  | 62  | 60  | 67  | 57    | 32  | 313 |  |
| 1986                  | 13                                                       | 0   | 0   | 0   | 0   | 0   | 12  | 54  | 60  | 59  | 46    | 17  | 260 |  |
| 1987                  | 2                                                        | 0   | 0   | 0   | 0   | 0   | 32  | 60  | 59  | 54  | 50    | 40  | 297 |  |
| 1988                  | 13                                                       | 0   | 0   | 0   | 0   | 0   | 12  | 54  | 62  | 59  | 46    | 32  | 277 |  |
| 1989                  | 13                                                       | 0   | 0   | 0   | 0   | 0   | 3   | 65  | 67  | 63  | 55    | 37  | 304 |  |
| 1990                  | 11                                                       | 0   | 0   | 0   | 0   | 0   | 32  | 50  | 52  | 60  | 50    | 37  | 293 |  |
| 1991                  | 8                                                        | 0   | 0   | 0   | 0   | 0   | 17  | 52  | 57  | 63  | 52    | 30  | 280 |  |
| 1992                  | 15                                                       | 0   | 0   | 0   | 0   | 0   | 35  | 62  | 52  | 47  | 42    | 30  | 284 |  |
| 1993                  | 13                                                       | 0   | 0   | 0   | 0   | 0   | 5   | 42  | 50  | 50  | 47    | 37  | 245 |  |
| 1994                  | 16                                                       | 0   | 0   | 0   | 0   | 0   | 27  | 44  | 49  | 54  | 42    | 37  | 269 |  |
| 1995                  | 28                                                       | 0   | 0   | 0   | 0   | 0   | 8   | 39  | 54  | 52  | 44    | 32  | 257 |  |
| 1996                  | 18                                                       | 0   | 0   | 0   | 0   | 0   | 5   | 33  | 50  | 47  | 47    | 30  | 230 |  |
| 1997                  | 16                                                       | 0   | 0   | 0   | 0   | 0   | 17  | 39  | 47  | 49  | 42    | 34  | 244 |  |
| 1998                  | 15                                                       | 0   | 0   | 0   | 0   | 0   | 15  | 29  | 59  | 44  | 42    | 42  | 246 |  |
| 1999                  | 13                                                       | 0   | 0   | 0   | 0   | 0   | 20  | 46  | 54  | 57  | 47    | 37  | 274 |  |
| 2000                  | 31                                                       | 0   | 0   | 0   | 0   | 0   | 27  | 44  | 49  | 55  | 52    | 34  | 291 |  |
| AVERAGE:<br>1950-2000 | 16                                                       | 0   | 0   | 0   | 0   | 0   | 23  | 65  | 68  | 70  | 62    | 44  | 348 |  |

**NEW DRY CREEK DITCH COMPANY  
AMENDED BOUNDARY AND PLACE OF USE  
DIGITIZED ACRES = 2624.5 + 85 = 2709.5**

*Extra*

T05N, R01W

35

36

T04N, R01W

2

1

T04N, R01E

11

12

7

8

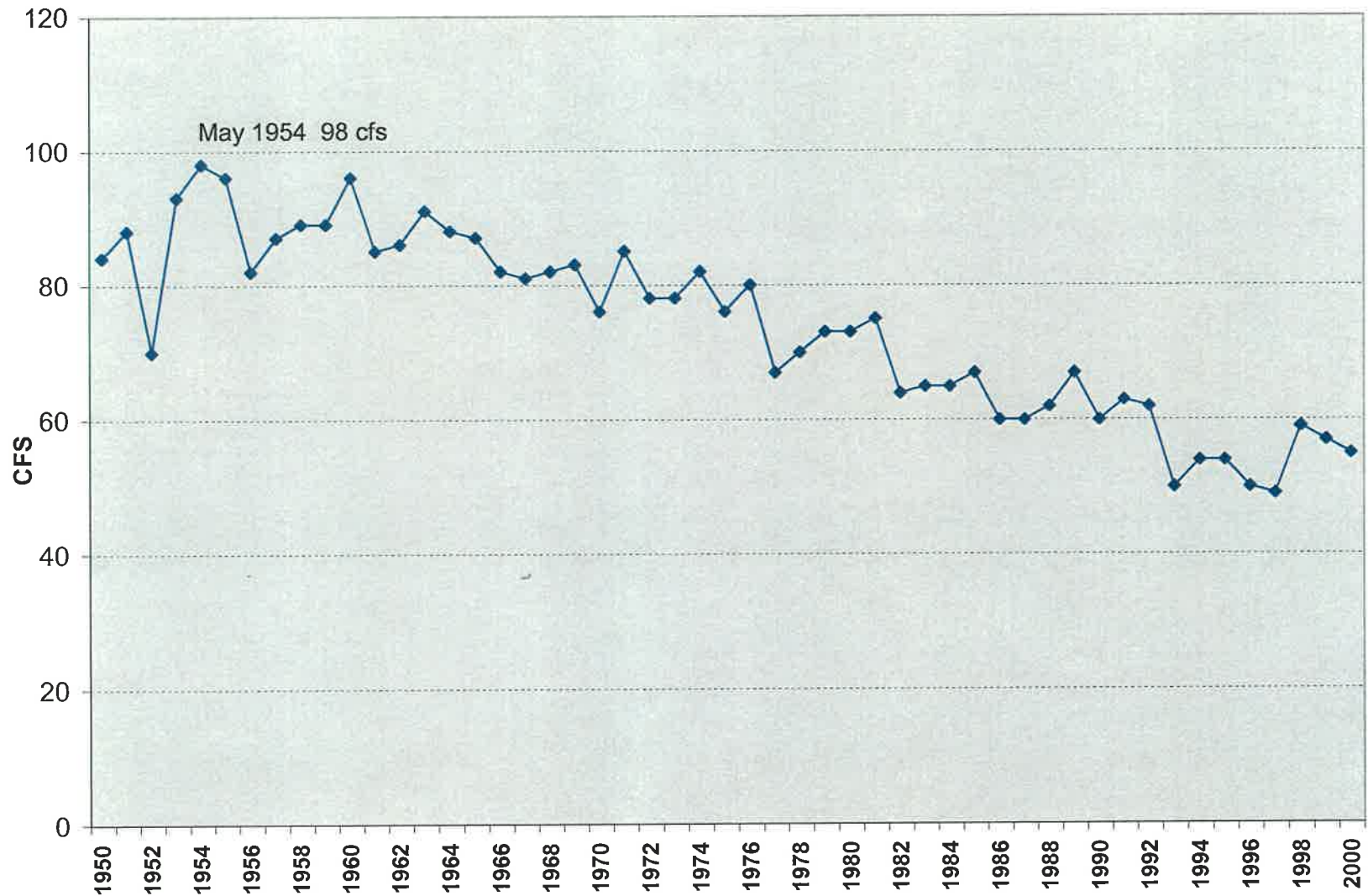
9

17

16

T04N, R01E

**MAXIMUM MONTHLY DIVERSION 1950-2000**  
**13206090 NEW DRY CREEK AND NEW UNION CANALS**



*New Dry Creek = 62.09 cfs*  
*New Union = 13.76 cfs*  
*Total = 75.85 cfs*

## BOISE VALLEY CANALS AND ACREAGE

CHART NO. 12

|                                  |           |                            |               |
|----------------------------------|-----------|----------------------------|---------------|
| AIKEN .....                      | 236 ACRES | ISLAND HIGH LINE .....     | 945 ACRES     |
| ANDREWS .....                    | 1068 "    | LEMP DITCH .....           | 300 "         |
| BALLENTYNE .....                 | 763 "     | LITTLE PIONEER .....       | 1336 "        |
| BAXTER .....                     | 200 "     | LOWER CENTER POINT.....    | 880 "         |
| BOISE CITY .....                 | 1828 "    | MACE & CATLIN .....        | 536 "         |
| BOISE PROJECT BOARD OF CONTROL   |           | MACE & MACE .....          | 80 "          |
| BIG BEND IRRIG. DIST.....        | 1724 "    | MAMMON .....               | 468 "         |
| BOISE-KUNA IRRIG. DIST.....      | 48,629 "  | McCONNEL ISLAND .....      | 1600 "        |
| NAMPA & MERIDIAN IRRIG. DIST.... | 40,304 "  | McMANUS & TEATER .....     | 168 "         |
| NEW YORK IRRIG. DIST.....        | 17,728 "  | MIDDLETON MILL .....       | 4400 "        |
| WILDER IRRIG. DIST.....          | 56,535 "  | MIDDLETON WATER.....       | 5180 " } 9560 |
| TOTAL - BOARD OF CONTROL.....    | 164,920 " | MISCELLANEOUS .....        | 838 "         |
| BOISE VALLEY .....               | 2729 "    | NEW DRY CREEK .....        | 3059 "        |
| BOONE .....                      | 517 "     | NEW UNION .....            | 688 "         |
| BOWMAN-SWISHER.....              | 424 "     | PARMA DITCH .....          | 602 "         |
| BUBB (SOUTH BOISE MUTUAL).....   | 1057 "    | PENITENTIARY .....         | 321 "         |
| *CALDWELL HIGH LINE.....         | 11,917 "  | PIONEER IRRIG. DIST.....   | 23,974 "      |
| CAMPBELL (CANYON DITCH).....     | 802 "     | PIONEER DIXIE.....         | 3000 "        |
| CANYON COUNTY .....              | 3957 "    | RIDENBAUGH .....           | 26,877 "      |
| CAPITAL VIEW .....               | 600 "     | RIVERSIDE IRRIG. DIST..... | 10,645 "      |
| CONWAY-HAMMING.....              | 259 "     | ROEDEL .....               | 160 "         |
| DAVIS & LITTLE DAVIS .....       | 634 "     | ROSSI MILL .....           | 512 "         |
| EUREKA WATER CO. #1 .....        | 1300 "    | SEBREE.....                | 15,500 "      |
| EUREKA DITCH CO. #2 .....        | 2625 "    | SEVEN SUCKERS .....        | 70 "          |
| FARMERS UNION .....              | 8372 "    | SETTLERS .....             | 12,322 "      |
| GRAHAM-GILBERT .....             | 200 "     | SIEBENBERG .....           | 646 "         |
| HAAS.....                        | 367 "     | THURMAN MILL .....         | 1719 "        |
| HART-DAVIS .....                 | 453 "     | UPPER CENTER POINT.....    | 641 "         |
|                                  |           | WARM SPRINGS DITCH .....   | 494 "         |
|                                  |           | TOTAL .....                | 324,239 ACRES |

## DRAINAGE WATER (NOT DIVERTED FROM BOISE RIVER)

|                                  |                   |
|----------------------------------|-------------------|
| BLACK CANYON IRRIGATION DISTRICT | 6,894 ACRES       |
| CALDWELL IRRIGATION DISTRICT     | 755 "             |
| MORELAND & VIAL (DIXIE DRAIN)    | 640 "             |
|                                  | <hr/> 8,289 ACRES |

GRAND TOTAL ..... 332,528 ACRES

THIS ACREAGE IS BASED, IN SOME INSTANCES, UPON ACTUAL SURVEYS, AND IN OTHER CASES UPON THE ACREAGE AS DETERMINED AT THE TIME OF THE STEWART DECREE, AND IS THE BEST INFORMATION AVAILABLE AT THE PRESENT TIME. IT WAS ORIGINALLY COMPUTED FEBRUARY 14, 1941, BUT HAS BEEN REVISED SEVERAL TIMES, PARTICULARLY TO REDUCE RIVER BOTTOM ACREAGES TO CONFORM TO STEWART DECREE ACREAGES AS DETERMINED BY SPECIAL COMMITTEE, AND TO ACCOMMODATE TRANSFERS FROM ONE CANAL OR USER TO ANOTHER.

RIDENBAUGH REPRESENTS OLD LANDS WITHIN THE NAMPA & MERIDIAN IRRIGATION DISTRICT THAT ARE WATERED BY THE OLD RIDENBAUGH RIGHTS IN THE STEWART DECREE. THE BALANCE OF THE NAMPA & MERIDIAN IRRIGATION DISTRICT LANDS ARE INCLUDED UNDER THE BOARD OF CONTROL.

\*3960 ACRES ARE WATERED WITH LIVE WATER. THE BALANCE OF THE WATER COMES FROM SEVERAL DRAINS.

- 1) More acres or shares? City of Eagle? 75ac
2. Boundary?
3. New-acre limit = 2571 + any additions
4. 161L - (Supreme court decision)

DD# ~~4~~  
85A - ?

T04N, R01W

T04N, R01E

2570.8 acres  
without City of Englewood  
and other changes by  
Dana Purdy

SETTLERS IRRIGATION DISTRICT  
POINT OF DIVERSION  
LICENSE 63-2080

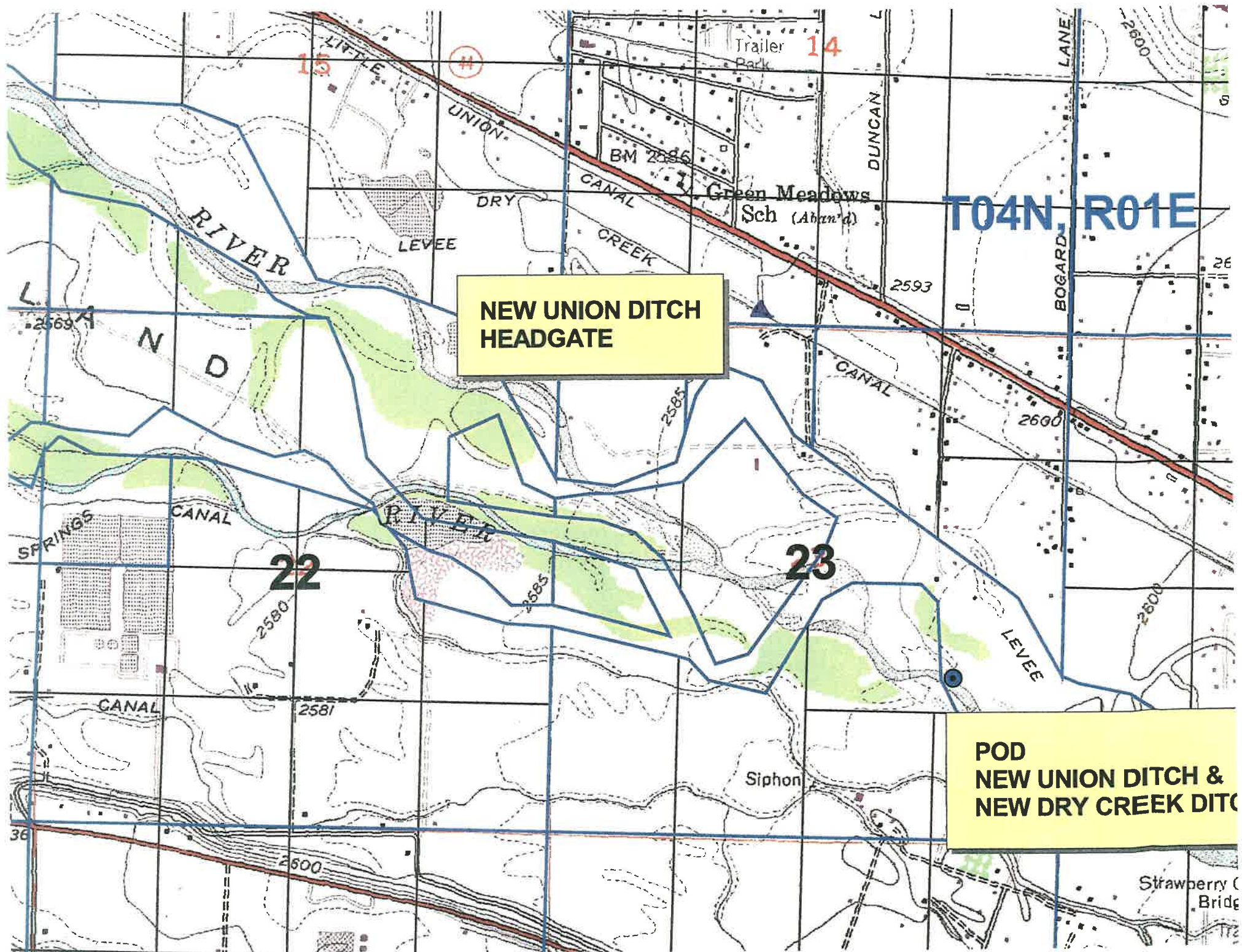
T04N, R01E

SETTLERS IRRIGATION DISTRICT

Pop search ~~42~~ 4N, 1E, 23, NESE

| Basin | Sequence | Suffix | Basin          | Status | Priority Date | Beneficial | Source      | Water Use(s)                                                                       | Source Table                       | Version | Source Table                 |
|-------|----------|--------|----------------|--------|---------------|------------|-------------|------------------------------------------------------------------------------------|------------------------------------|---------|------------------------------|
| 63    | 125      | K      | Decreed        | Active | 1871-06-01    | 1.01       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 126      | G      | Decreed        | Active | 1891-06-01    | 0.48       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 146      |        | Decreed        | Active | 1865-06-01    | 13.76      | BOISE RIVER | GROUND WATER RECHARGE, IRRIGATION                                                  | NEW UNION DITCH CO LTD (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 161      | L      | Decreed        | Active | 1866-05-01    | 0.54       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 205      |        | Decreed        | Active | 1879-06-01    | 31.32      | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 206      |        | Decreed        | Active | 1886-06-01    | 15.22      | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 207      |        | Decreed        | Active | 1888-06-01    | 8.95       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 258      | B      | Decreed        | Active | 1893-05-01    | 0.69       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 263      |        | Decreed        | Active | 1880-06-01    | 1.82       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 286      |        | Decreed        | Active | 1897-04-01    | 0.54       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 288      | B      | Decreed        | Active | 1880-04-01    | 0.44       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 10346    |        | License        | Active | 3/19/1986     | 5.29       | BOISE RIVER | AESTHETIC, AESTHETIC STORAGE, DIVERSION TO STORAGE, RECREATION, RECREATION STORAGE | WOODSS ASSOCIATION (Current Owner) | 1       | wrAdjudicationRecommendation |
| 63    | 28977    |        | Decreed        | Active | 1864-06-01    | 0.4        | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 31778    |        | Decreed        | Active | 1888-06-01    | 8.95       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 31806    |        | Decreed        | Active | 1883-05-01    | 0.68       | BOISE RIVER | IRRIGATION                                                                         | NEW DRY CREEK DITCH CO (Current)   | 1       | wrAdjudicationRecommendation |
| 63    | 31937    |        | Beneficial Use | Active | 7/13/1923     | 100        | WASTE WATER | IRRIGATION                                                                         | DRAINAGE DIST NO 2 (Current)       | 1       | wrAdjudicationRecommendation |

Now 63-31778



| BasinNumber | SequenceNum | SplitSuffix | OrganizationName       | Agent |
|-------------|-------------|-------------|------------------------|-------|
| 63          | ✓ 125       | B           | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 126       | B           | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 161       | L           | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 205       |             | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 206       |             | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 207       |             | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 258       | B           | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 259       |             | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 263       |             | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 286       |             | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 288       | B           | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 17468     |             | NEW DRY CREEK DITCH CO | Mel   |
| 63          | ✓ 28977     | 124/B & D   | NEW DRY CREEK DITCH CO | Mel   |

## NEW DRY CREEK DITCH COMPANY

### ADDITIONAL INFORMATION

DATE: AUGUST 17, 2004

BY: MEL SCHULTE

The main contact for New Dry Creek Ditch is their president, Dana Purdy ( 286-9701). He assisted in the review of the boundary and place of use map, the location of their POD and measurements to estimate delivery loss in their canal.

There are no major issues of concern with the New Dry Creek Ditch Co claims except for the number of acres the rights will be limited to in our recommendations as discussed below. They share a POD and canal with New Union Ditch, which might motivate New Union to have an interest in New Dry Creek's recommendations and boundary map. There is an overlap of New Dry Creek's boundary at the extreme West edge with the East boundary of Middleton Irrigation because Circle DJ Ranch is a shareholder of both companies.

The historical boundary and place of use was not easy to ascertain because the historical place of use is an area of rapid residential and commercial development in the Eagle area.

The acre limitation of 2517.8 acres is less than the 2964 acres claimed. The 2517.8 acre number is based on digitized acres and is open for scrutiny. Using the 2517.8 acres at an inch per acre makes it necessary to include delivery loss in order to show beneficial use of the companies 62.09 cfs of decreed water. The water master's records indicate a place of use of 3059 acres. It's interesting to note that the maximum monthly diversions into the New Dry Creek/New Union Ditch canal have shown a continued decline through the years. The declining diversion rates might support what appears to be a reduced number of irrigated acres through the years due to the increased subdivision development in the Eagle area.

New Dry Creeks claim for credited wastewater, 63-17468 was disallowed in favor of Drainage District No 2's right 63-31937. This matter might be of concern to New Dry Creek's officers and board.

MTS

**Idaho Dept. of Water Resources  
Place of Use Comparison Report**

| Basin | Sequence        | Suffix       | Basis              | Status | Priority Date        | Rate(cfs) | Source      | Water Use(s)    | Owner(s)                         | Source Table        |
|-------|-----------------|--------------|--------------------|--------|----------------------|-----------|-------------|-----------------|----------------------------------|---------------------|
| 63    | 17468           |              | Beneficial Use     | Active | 9/10/1921            | 9.47      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 125             | B            | Decreed            | Active | 1879-06-01           | 1.01      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 126             | B            | Decreed            | Active | 1879-06-01           | 0.48      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 161             | L            | Decreed            | Active | 1866-05-01           | 0.54      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 205             |              | Decreed            | Active | 1879-06-01           | 31.32     | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 206             |              | Decreed            | Active | 1886-06-01           | 15.22     | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 207             |              | Decreed            | Active | 1888-06-01           | 8.95      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 258             | B            | Decreed            | Active | 1893-05-01           | 0.69      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 259             |              | Decreed            | Active | 1883-05-01           | 0.68      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 263             |              | Decreed            | Active | 1880-06-01           | 1.82      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 286             |              | Decreed            | Active | 1897-04-01           | 0.54      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 288             | B            | Decreed            | Active | 1880-04-01           | 0.44      | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | 28977           |              | Decreed            | Active | 1864-06-01           | 0.4       | BOISE RIVER | IRRIGATION      | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | <del>3614</del> | <del>B</del> | <del>License</del> | Active | <del>12/9/1940</del> |           | BOISE RIVER | IRRIGATION FROM | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |
| 63    | <del>3618</del> | <del>G</del> | <del>Permit</del>  | Active | <del>1/1/1955</del>  |           | BOISE RIVER | IRRIGATION FROM | NEW DRY CREEK DITCH CO (Current) | wrAdjudicationClaim |

62.09 = decreed  
9.47 = waste water

71.56 total

2571.8 acres digitized  
10.0 = share @ Quant. Circle D)  
2581.8 x .02 = 51.64 cfs  
Delivery loss = 10.45 cfs  
62.09 cfs

## STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

| NAME OF CANAL | CHANGE IN<br>P. OF D. | TRANSFER | PRIORITY |          | AMOUNT DECREED    |                                  |                 | INCHES | TOTAL<br>SEC. FT. |
|---------------|-----------------------|----------|----------|----------|-------------------|----------------------------------|-----------------|--------|-------------------|
|               |                       |          | NO.      | DATE     | STEWART<br>DECREE | INTERVENORS<br>STEWART<br>DECREE | BRYAN<br>DECREE |        |                   |
| NEW DRY CREEK |                       |          | 72       | 6-1-1879 | 31.32             |                                  |                 | 1566   |                   |
|               |                       |          | 93       | 6-1-1886 | 15.22             |                                  |                 | 761    |                   |
|               |                       |          | 97       | 6-1-1888 | 7.86              |                                  |                 | 393    |                   |
|               |                       |          | 129-A    | 4-1-1897 |                   | .54                              |                 | 27     |                   |
|               |                       |          | 73-A     | 4-1-1880 |                   | .54                              |                 | 27     |                   |
|               |                       |          | 74-A     | 6-1-1880 |                   | 1.816                            |                 | 90.8   |                   |
|               |                       |          | 85-C     | 5-1-1883 |                   | .2232                            |                 | 11.16  |                   |
|               |                       |          | 85-E     | 5-1-1883 |                   | .385                             |                 | 19.25  |                   |
|               |                       |          | 124-A    | 5-1-1893 |                   | .825                             |                 | 41.25  |                   |
|               |                       | 300      | 3)       | 6-1-1864 |                   |                                  |                 |        |                   |
|               |                       | 300      | 54)      | 6-1-1871 | .35               |                                  |                 | 17.5   |                   |
|               |                       | 300      | 120)     | 6-1-1891 |                   |                                  |                 |        |                   |
|               |                       | 301      | 3)       | 6-1-1864 |                   |                                  |                 |        |                   |
|               |                       | 301      | 54)      | 6-1-1871 | 1.54              |                                  |                 | 77     |                   |
|               |                       | 301      | 120)     | 6-1-1891 |                   |                                  |                 |        |                   |
|               | 64                    |          | 102      | 6-1-1888 | .20               |                                  |                 | 10     |                   |
|               | 140                   |          | 85-D     | 5-1-1883 |                   | .07                              |                 | 3.5    |                   |
|               | 151*                  |          | 124-A    | 5-1-1893 |                   | .135*                            |                 | 6.75*  |                   |
|               | 161                   |          | 103      | 6-1-1888 | .65               |                                  |                 | 32.5   |                   |
|               | 174                   |          | 103      | 6-1-1888 | .24               |                                  |                 | 12     |                   |
|               |                       | 713      | 30       | 5-1-1866 | .54               |                                  |                 | 27     |                   |
|               | 1009*                 |          | 73-A     | 4-1-1880 |                   | .10*                             |                 | 5*     | 62.0842           |
|               |                       |          |          |          |                   |                                  |                 |        |                   |
| NEW UNION     |                       |          | 14       | 6-1-1865 | 13.76             |                                  |                 | 688    | 13.76             |

125~~B~~ K was 125 B

126~~B~~ G was 126 ~~B~~

101 L

205

206

258 B

263

286

288 B

28977

17468

31806 → was 259.

31778 → was 207.

146

18785

**Idaho Dept. of Water Resources  
Place of Use Comparison Report**

| Type  | WR #     | Owner                       | Source         | TRS     | NEN | NWNE | SWNE | SENE | NENN | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NENE | NWSE | SWSE | SESE | Total |
|-------|----------|-----------------------------|----------------|---------|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Claim | 63 120G  | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 123C  | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 124Q  | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 125J  | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 125K  | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 126F  | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 126G  | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 134   | HART-DAVIS DITCH CO INC,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      |      |      |      |      | 8    |      |      |      |      |      | 8     |
| Claim | 63 15238 | BALLENTYNE DITCH CO LTD,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      | 40   |      | 40   |      | 40   | 20   | 25   |      |      |      | 165   |
| Claim | 63 161L  | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 164E  | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 165M  | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 17468 | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 195   | BALLENTYNE DITCH CO LTD,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      | 40   |      | 40   | 40   | 20   | 25   |      |      |      |      | 165   |
| Claim | 63 198AA | BALLENTYNE DITCH CO LTD,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      | 40   |      | 40   | 40   | 20   | 25   |      |      |      |      | 165   |
| Claim | 63 198AG | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 205   | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 206   | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 207   | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 234   | BALLENTYNE DITCH CO LTD,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      | 40   |      | 40   | 40   | 20   | 25   |      |      |      |      | 165   |
| Claim | 63 248   | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 258A  | BALLENTYNE DITCH CO LTD,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      | 40   |      | 40   | 40   | 20   | 25   |      |      |      |      | 165   |
| Claim | 63 258B  | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 259   | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 260B  | BALLENTYNE DITCH CO LTD,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      | 40   |      | 40   | 40   | 20   | 25   |      |      |      |      | 165   |
| Claim | 63 263   | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 264   | BALLENTYNE DITCH CO LTD,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      | 40   |      | 40   | 40   | 20   | 25   |      |      |      |      | 165   |
| Claim | 63 285   | BALLENTYNE DITCH CO LTD,    | BOISE RIVER    | 04N01E7 |     |      |      |      |      |      | 40   |      | 40   | 40   | 20   | 25   |      |      |      |      | 165   |
| Claim | 63 286   | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 288B  | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 28977 | NEW DRY CREEK DITCH CO,     | BOISE RIVER    | 04N01E7 | 25  | 36   | 39   | 39   | 38   | 39   | 40   | 40   | 36   |      |      | 25   | 38   | 40   | 38   | 39   | 512   |
| Claim | 63 297   | FARMERS UNION DITCH CO LTD, | BOISE RIVER    | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 8497  | LORICE QUONG, WILLIAM QUONG | GROUND WATER   | 04N01E7 |     |      |      |      |      |      |      |      |      |      |      | 16   |      |      | 10   |      | 26    |
| Claim | 63 21729 | FARMERS UNION DITCH CO LTD, | UNNAMED DRAINS | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 21730 | FARMERS UNION DITCH CO LTD, | UNNAMED DRAINS | 04N01E7 | 15  | 30   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 45    |
| Claim | 63 2406  | DRAINAGE DIST NO 2,         | WASTE WATER    | 04N01E7 | 38  | 39   | 39   | 39   | 39   | 36   | 36   | 40   | 40   | 36   | 19   | 23   | 39   | 39   | 30   | 33   | 565   |

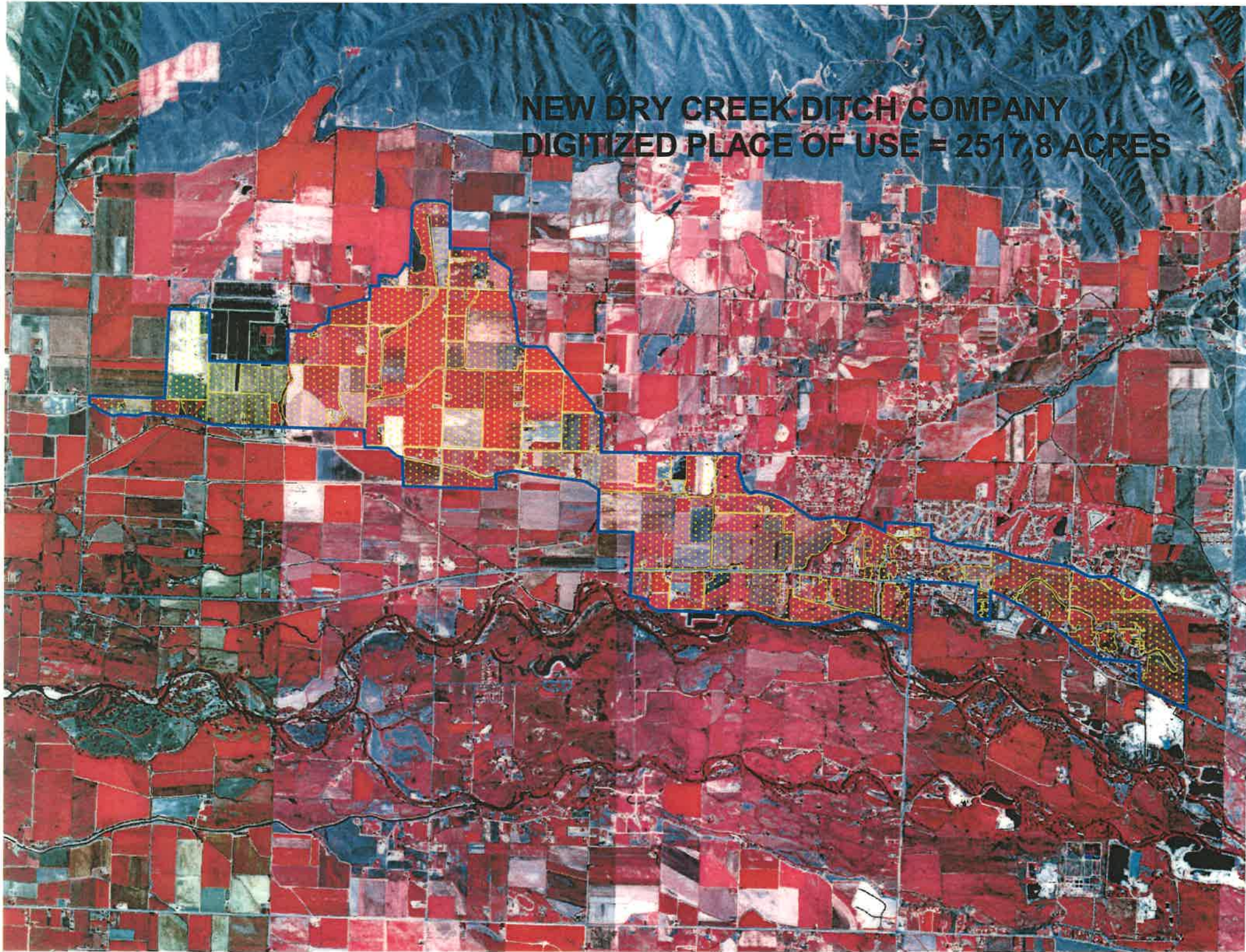
**Idaho Dept. of Water Resources  
Place of Use Comparison Report**

| Type  | WR #     | Owner                                          | Source         | TRS     | NENE | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|-------|----------|------------------------------------------------|----------------|---------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Claim | 63 120G  | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 123C  | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 124Q  | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 125B  | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 125J  | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 126B  | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 126F  | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 15238 | BALLENTYNE DITCH CO LTD,                       | BOISE RIVER    | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8   |
| Claim | 63 161L  | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 164E  | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 165M  | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 17468 | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 195   | BALLENTYNE DITCH CO LTD,                       | BOISE RIVER    | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8   |
| Claim | 63 198AA | BALLENTYNE DITCH CO LTD,                       | BOISE RIVER    | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8   |
| Claim | 63 198AG | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 205   | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 206   | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 207   | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 234   | BALLENTYNE DITCH CO LTD,                       | BOISE RIVER    | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8   |
| Claim | 63 248   | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 258A  | BALLENTYNE DITCH CO LTD,                       | BOISE RIVER    | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8   |
| Claim | 63 258B  | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 259   | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 260B  | BALLENTYNE DITCH CO LTD,                       | BOISE RIVER    | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8   |
| Claim | 63 263   | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 264   | BALLENTYNE DITCH CO LTD,                       | BOISE RIVER    | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8   |
| Claim | 63 285   | BALLENTYNE DITCH CO LTD,                       | BOISE RIVER    | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8   |
| Claim | 63 286   | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 288B  | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 28977 | NEW DRY CREEK DITCH CO,                        | BOISE RIVER    | 04N01E8 |      | 1    | 17   | 5    |      | 2    | 37   | 20   | 31   | 39   | 36   | 36   | 28   | 31   | 38   | 32   | 353   |
| Claim | 63 297   | FARMERS UNION DITCH CO LTD,                    | BOISE RIVER    | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 10071 | DELL SUBDIVISION WATER USERS,                  | GROUND WATER   | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      | 7    |      |      | 7     |
| Claim | 63 10076 | CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINT | GROUND WATER   | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      |      | 5    |      |      | 5     |
| Claim | 63 7908  | EAGLE GLEN HOMEOWNERS ASSN INC,                | GROUND WATER   | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      |      | 3    |      |      |      | 3     |
| Claim | 63 21729 | FARMERS UNION DITCH CO LTD,                    | UNNAMED DRAINS | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 21730 | FARMERS UNION DITCH CO LTD,                    | UNNAMED DRAINS | 04N01E8 | 34   | 25   | 15   | 30   | 20   | 37   | 4    | 12   |      |      |      |      |      |      |      |      | 177   |
| Claim | 63 5048  | ROBERT W MORLEY,                               | UNNAMED SLOUGH | 04N01E8 |      |      |      |      |      |      |      |      |      |      |      | 8    |      |      |      |      | 8     |
| Claim | 63 2406  | DRAINAGE DIST NO 2,                            | WASTE WATER    | 04N01E8 | 38   | 39   | 40   | 40   | 39   | 39   | 40   | 40   | 40   | 40   | 34   | 40   | 39   | 40   | 31   | 31   | 610   |

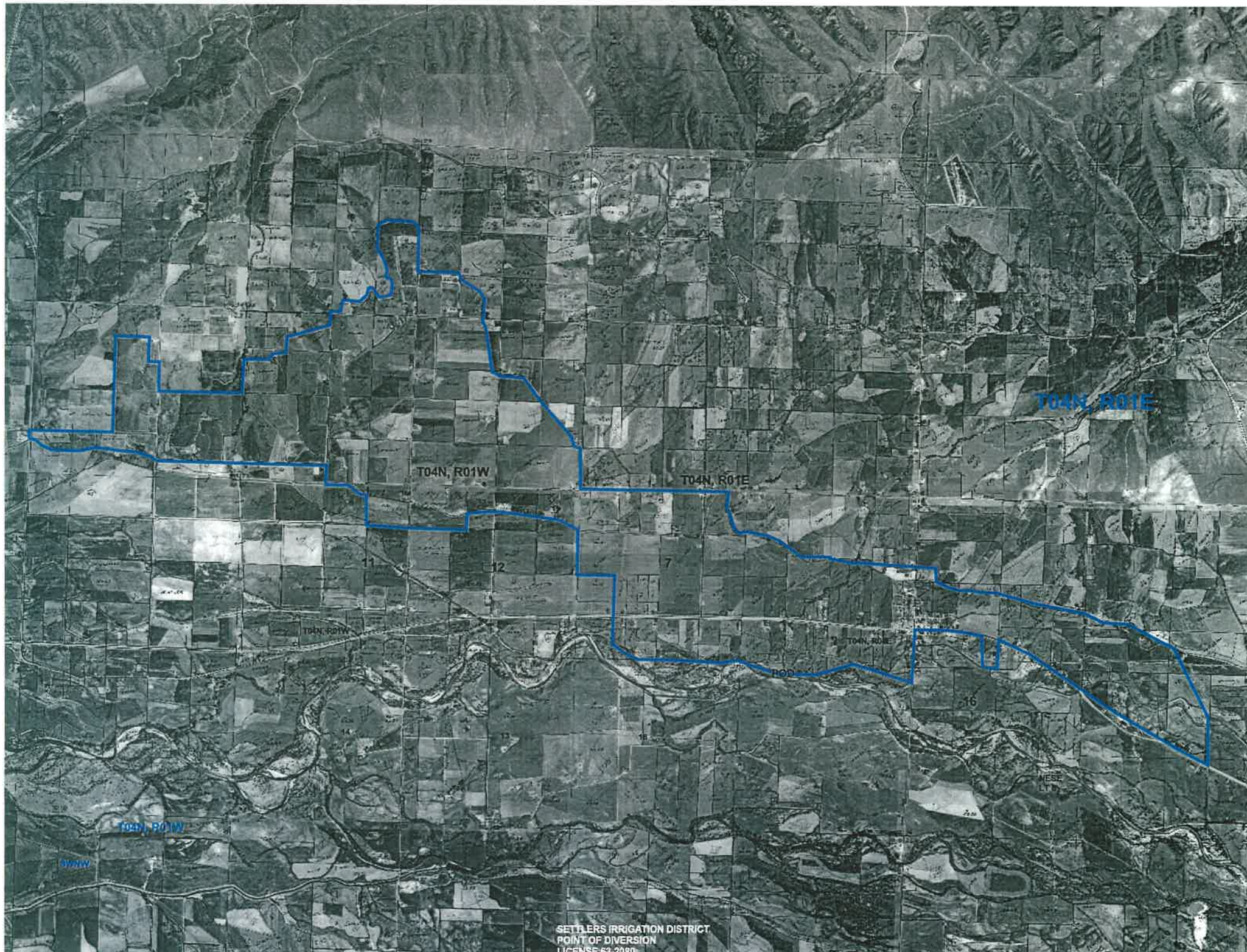
Idaho Dept. of Water Resources  
Place of Use Comparison Report

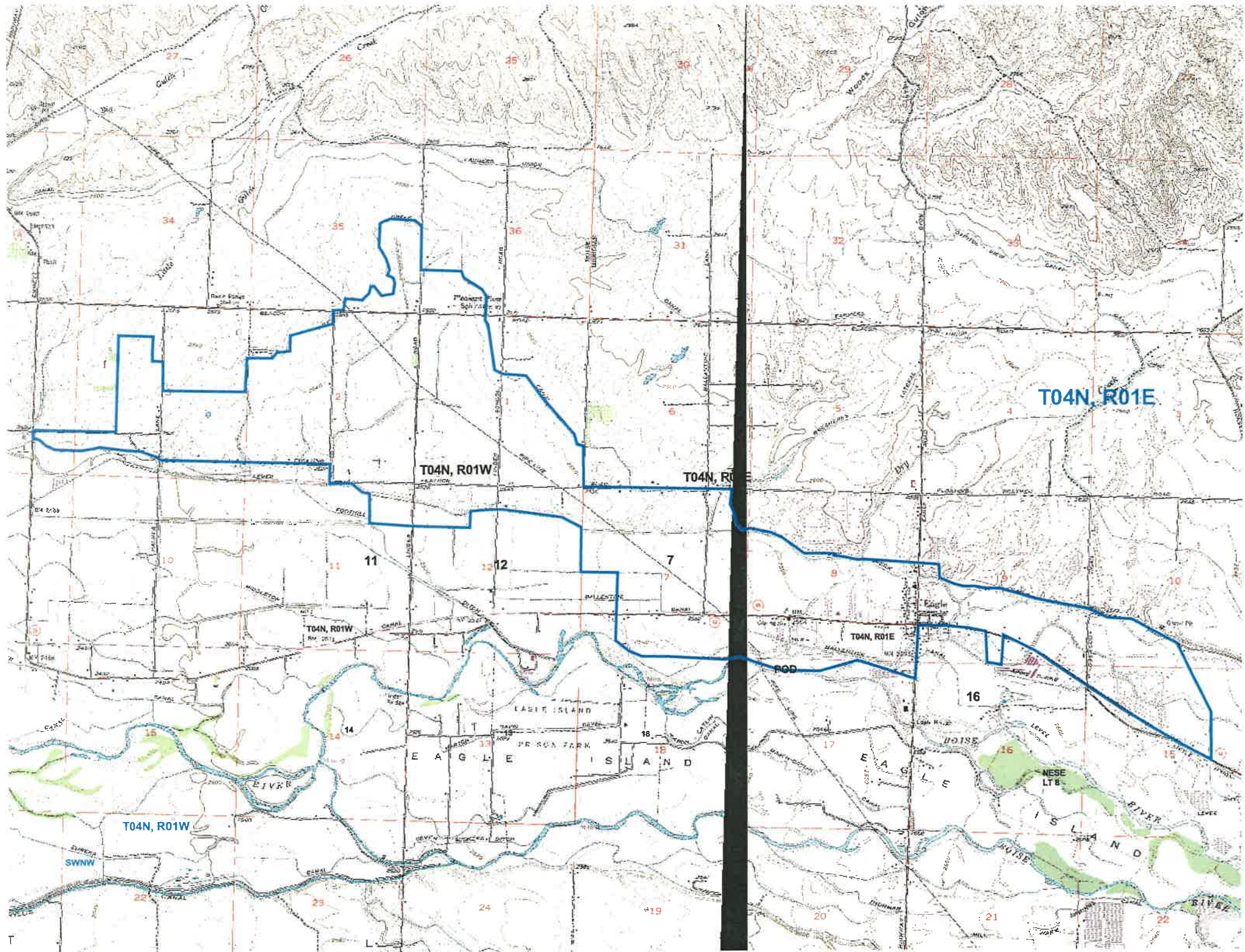
| Type  | WR #     | Owner                                              | Source       | TRS     | NEN | NWNE | SWNE | SENE | NENW | NWNW | SWNW | SENW | NESW | NWSW | SWSW | SESW | NESE | NWSE | SWSE | SESE | Total |
|-------|----------|----------------------------------------------------|--------------|---------|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Claim | 63 120G  | FARMERS UNION DITCH CO LTD,                        | BOISE RIVER  | 04N01E9 | 38  | 12   | 24   | 15   | 35   | 38   |      |      |      |      |      |      | 4    | 8    |      |      | 174   |
| Claim | 63 123C  | FARMERS UNION DITCH CO LTD,                        | BOISE RIVER  | 04N01E9 | 38  | 12   | 24   | 15   | 35   | 38   |      |      |      |      |      |      | 4    | 8    |      |      | 174   |
| Claim | 63 124Q  | FARMERS UNION DITCH CO LTD,                        | BOISE RIVER  | 04N01E9 | 38  | 12   | 24   | 15   | 35   | 38   |      |      |      |      |      |      | 4    | 8    |      |      | 174   |
| Claim | 63 125B  | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 125J  | FARMERS UNION DITCH CO LTD,                        | BOISE RIVER  | 04N01E9 | 38  | 12   | 24   | 15   | 35   | 38   |      |      |      |      |      |      | 4    | 8    |      |      | 174   |
| Claim | 63 126B  | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 126F  | FARMERS UNION DITCH CO LTD,                        | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
| Claim | 63 146   | NEW UNION DITCH CO LTD,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 2    | 2     |
| Claim | 63 15238 | BALLENTYNE DITCH CO LTD,                           | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5   |
| Claim | 63 161L  | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 17468 | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 18785 | NEW UNION DITCH CO LTD,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 2    | 2     |
| Claim | 63 195   | BALLENTYNE DITCH CO LTD,                           | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5   |
| Claim | 63 198AA | BALLENTYNE DITCH CO LTD,                           | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5   |
| Claim | 63 205   | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 206   | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 207   | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 234   | BALLENTYNE DITCH CO LTD,                           | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5   |
| Claim | 63 258A  | BALLENTYNE DITCH CO LTD,                           | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5   |
| Claim | 63 258B  | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 259   | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 260B  | BALLENTYNE DITCH CO LTD,                           | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5   |
| Claim | 63 263   | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 264   | BALLENTYNE DITCH CO LTD,                           | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5   |
| Claim | 63 285   | BALLENTYNE DITCH CO LTD,                           | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5   |
| Claim | 63 286   | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 288B  | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 28977 | NEW DRY CREEK DITCH CO,                            | BOISE RIVER  | 04N01E9 |     |      |      |      |      |      | 5    |      |      | 8    | 6    | 7    | 18   | 25   | 24   | 37   | 130   |
| Claim | 63 16151 | JOSEPH M TOTORA, JOSEPHINE TOTORA, JEANINE L BLAZE | GROUND WATER | 04N01E9 |     |      |      |      |      |      |      |      |      |      |      |      | 4    |      |      |      | 4     |
| Claim | 63 2467  | H LA RUE BEVINGTON, BERNICE E BEVINGTON,           | GROUND WATER | 04N01E9 |     |      |      |      |      |      |      |      |      |      |      |      |      | 1    | 1    |      | 2     |
| Claim | 63 7398  | VIOLA MOHR,                                        | GROUND WATER | 04N01E9 |     |      |      |      |      |      |      |      |      | 0.5  |      |      |      |      |      |      | 0.5   |
| Claim | 63 7405  | M GERTRUDE WOODS, WILLIS E WOODS,                  | GROUND WATER | 04N01E9 |     |      |      |      |      |      |      |      |      | 1    |      |      |      |      |      |      | 1     |

**NEW DRY CREEK DITCH COMPANY  
DIGITIZED PLACE OF USE = 2517.8 ACRES**









T04N, R01E

T04N, R01W

T04N, R01E

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T04N, R01E

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR

Water Right 63-00286

2007 DEC 10 PM 3 23

NAME AND ADDRESS:

NEW DRY CREEK DITCH COMPANY  
C/O DANA PURDY  
5926 W FLOATING FEATHER RD  
EAGLE, ID 83616

SOURCE:

BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY:

0.54 CFS

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE:

04/01/1897

POINT OF DIVERSION:

T04N R01E S23

NESE

Within Ada County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE  
Irrigation

PERIOD OF USE  
03-01 TO 11-15

QUANTITY  
0.54 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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:

2964 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2964 ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

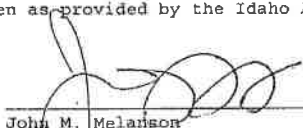
42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
\_\_\_\_\_  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

COPY

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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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 SRBA

Case No. 39576

) Subcase No. 63-286  
)  
)  
)  
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**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

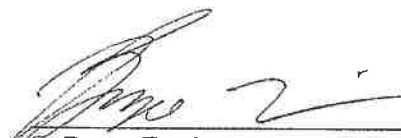
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for New Dry Creek Ditch Co produced by IDWR.**

**CLAIMANT(s)/OBJECTOR(s):**

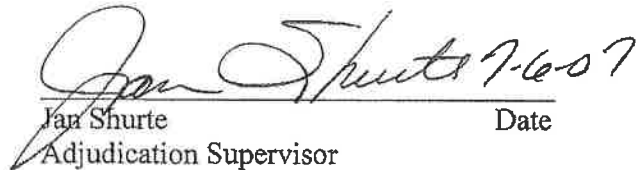
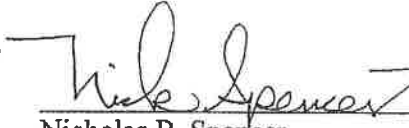
New Dry Creek Ditch Co

  
S. Bryce Farris  
attorney

7/17/07  
Date

STANDARD FORM 5 - 63-286

**IDWR Concurrence:**

|                                                                                   |                                                                                    |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
|  |  |
| Jan Shurte                                                                        | Nicholas B. Spencer                                                                |
| Adjudication Supervisor                                                           | Deputy Attorney General                                                            |
|                                                                                   | Attorney for IDWR                                                                  |
| <u>7-6-07</u>                                                                     | <u>7-26-07</u>                                                                     |
| Date                                                                              | Date                                                                               |

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

RIGHT NUMBER: 63-286

## NAME AND ADDRESS:

NEW DRY CREEK DITCH CO  
C/O DANA PURDY  
5926 W FLOATING FEATHER RD  
EAGLE ID 83616

## SOURCE:

Source:

BOISE RIVER

Tributary:

SNAKE RIVER

## QUANTITY:

0.540 CFS

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 04/01/1897

Pursuant to a call in times of scarcity, this right is senior to Bryan decreed Right No 63-297 and any future splits of this right.

## POINT OF DIVERSION:

T04N R01E S23 NESE  
Within ADA CountyPURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.540 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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.

SF5 Right No. 63-286

PLACE OF USE:

2964 ACRES TOTAL

~~2709.5 ACRES TOTAL~~

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2964 ACRES WITHIN THE  
BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2709.5 ACRES WITHIN THE  
BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY~~

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.

SFF  
NBS

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-161L 63-205, 63-206,  
63-31778, 63-258B, 63-31806, 63-263, 63-288B, 63-28977, 63-146, 63-31937  
THIS RIGHT IS DESIGNATED AS 129A IN THE BOISE RIVER WATER MASTERS  
RECORDS  
WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH

SF5 Right No. 63-286

## CERTIFICATE OF MAILING

I certify that on July 30, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

S. Bryce Farris  
455 S Third St  
PO Box 2773  
Boise, ID 83701-2773

New Dry Creek Ditch Co  
c/o Dana Purdy  
5926 W Floating Feather Rd  
Eagle, ID 83616

IDWR Repository  
P.O. Box 83720  
Boise, ID 83720



Signature of person mailing the form



# New Dry Creek Ditch Co

SRBA Recommendations: 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806

Service Area Boundary  
GIS Place of Use Illustration

## Legend

Service Area



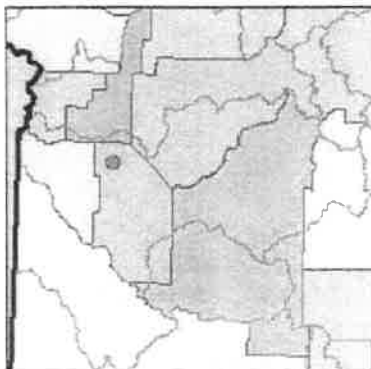
Townships



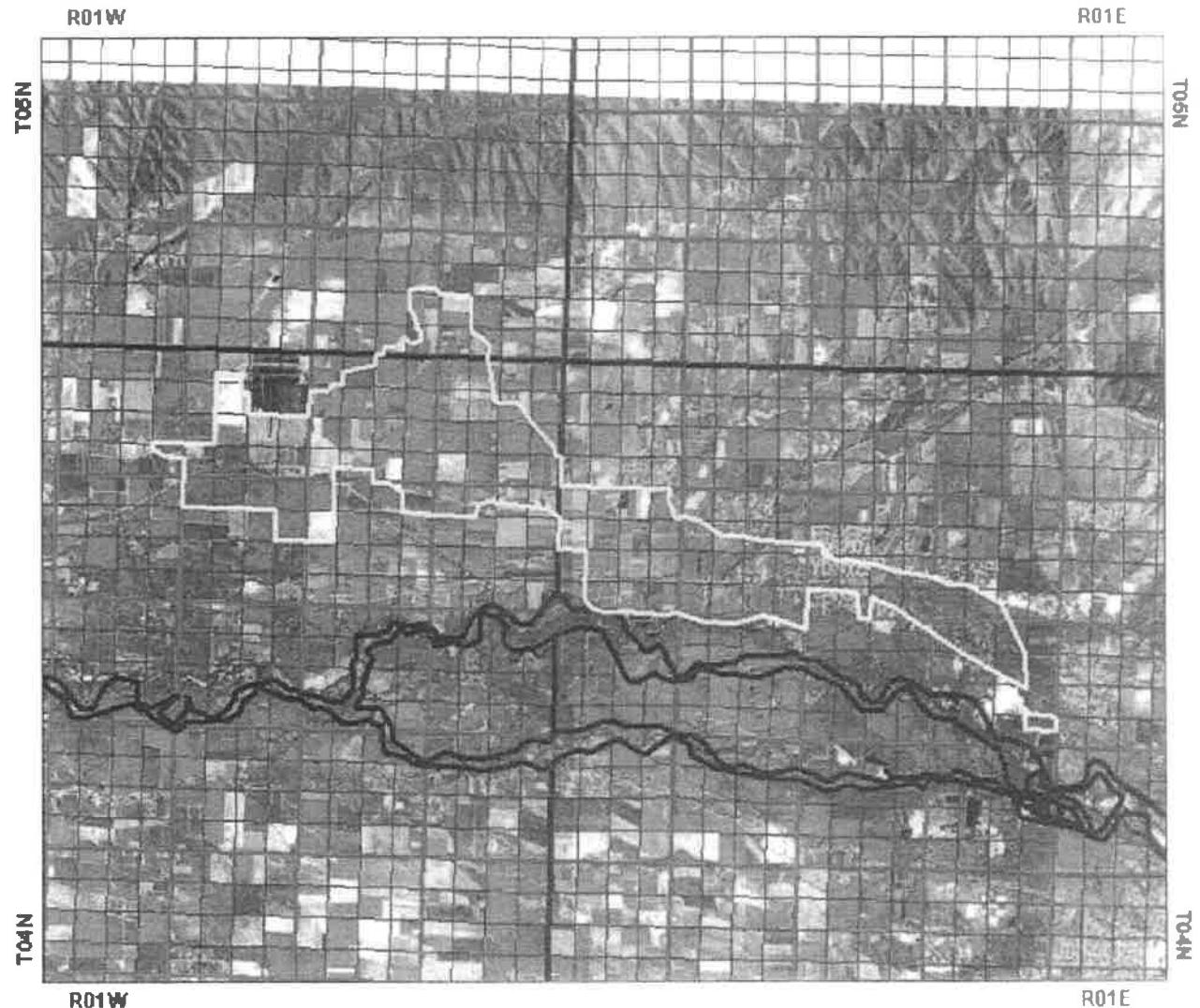
PLS Sections



Quarter Quarters



Ada County  
IDWR Basin 63



0 3 6 Miles

Prepared by S. Egbert  
On Thursday, June 21, 2007  
1987/88 Aerial Photography



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

WESTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

July 6, 2007

S. Bryce Farris  
PO Box 2773  
455 S Third St  
Boise, ID 83701-2773

RE: Subcase Nos. 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778 and 63-31806 – New Dry Creek  
Ditch Co

Dear Bryce:

Enclosed please find Standard Forms 5 (SF5s) for the above-referenced subcases. I have enclosed one CD of the digital boundary for your review

After you have signed and initialed the SF5s, each recommendation page as well as the colored maps, please mail everything to Becky Harvey.

If you have any questions about filing these documents, you can call me at: 208-334-2190 or you may call my paralegal, Becky Harvey, at: 287-4814. Thanks for your assistance and cooperation.

Very Truly Yours,

Jan Shurte

Western Region Adjudication Supervisor

JS/bh

Enclosures

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)  
)  
)  
)  
)  
)  
)

**Subcase No. 63-286**

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

**The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached amended recommendation. The parties and IDWR further agree and stipulate that the attached is an accurate digital depiction of the boundary for New Dry Creek Ditch Co produced by IDWR.**

**CLAIMANT(s)/OBJECTOR(s):**

New Dry Creek Ditch Co

\_\_\_\_\_  
S. Bryce Farris  
attorney

\_\_\_\_\_  
Date

**IDWR Concurrence:**

|                         |      |
|-------------------------|------|
| Jan Shurte              | Date |
| Adjudication Supervisor |      |

|                         |      |
|-------------------------|------|
| Nicholas B. Spencer     | Date |
| Deputy Attorney General |      |
| Attorney for IDWR       |      |

## CERTIFICATE OF MAILING

I certify that on \_\_\_\_\_, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P. O. Box 2707  
Twin Falls, Idaho 83303-2707

2. Copies to:

S. Bryce Farris  
455 S Third St  
PO Box 2773  
Boise, ID 83701-2773

New Dry Creek Ditch Co  
c/o Dana Purdy  
5926 W Floating Feather Rd  
Eagle, ID 83616

IDWR Repository  
P.O. Box 83720  
Boise, ID 83720

---

Signature of person mailing the form

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

RIGHT NUMBER: 63-286

## NAME AND ADDRESS:

NEW DRY CREEK DITCH CO  
C/O DANA PURDY  
5926 W FLOATING FEATHER RD  
EAGLE ID 83616

## SOURCE:

Source:

BOISE RIVER

Tributary:

SNAKE RIVER

## QUANTITY:

0.540 CFS

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

## PRIORITY DATE:

04/01/1897

Pursuant to a call in times of scarcity, this right is senior to Bryan decreed Right No 63-297 and any future splits of this right.

## POINT OF DIVERSION:

T04N R01E S23 NESE  
Within ADA CountyPURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

03/01 11/15

0.540 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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:

2964 ACRES TOTAL

~~2709.5 ACRES TOTAL~~

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2964 ACRES WITHIN THE  
BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY

~~THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2709.5 ACRES WITHIN THE  
BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY~~

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.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-161L 63-205, 63-206,  
63-31778, 63-258B, 63-31806, 63-263, 63-288B, 63-28977, 63-146, 63-31937  
THIS RIGHT IS DESIGNATED AS 129A IN THE BOISE RIVER WATER MASTERS  
RECORDS  
WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH

New Dry Creek Ditch Co.

4-12-07

Met with the Board Members of the New Dry Creek Ditch Co. concerning the addition of the acres in the N1/2N1/2 (160), SENE (40), S. 10; NENE (33), SENE (21.5), S. 11, T4N, R1W, for a total of 254.5 acres. This brings the total acres for New Dry Creek Ditch Company to 2964 acres as originally claimed.

I agreed to map out the new acres, show the 75 acres within the City of Eagle and print a new map for the ditch company records and our records. We will do an SF5 on digital boundaries to the SRBA Court along with the CD showing the new boundaries. The City of Eagle's acre have already been counted in per Mel Schulte's memo dated 6-8-2005, however, the acres were not digitized into the pou.

The addition of the 254.5 acres is also substantiated by the 6-8-2005 memo from Mel Schulte concerning his recommendation where he states that the Quarter Circle DJ Ranch lands under the New Dry Creek Ditch Co overlap on New Dry Creek's map and Middleton Mill Ditch Co's map as both ditch company rights are used on these lands. These lands are the same acres omitted from New Dry Creek Ditch Co's boundaries for the Director's Report yet were indicated on several maps leading up to the final. I feel it was an inadvertent omission and should now be corrected. See maps in file #63-125K.

Jan Shurte  
Water Rights Supervisor

RECEIVED  
APR 21 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 SRBA  
Case No. 39576

A. Subcase 63-286  
(Insert water right no.)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NEW DRY CREEK DITCH COMPANY  
c/o Dana Purdy  
Address: 5926 W. Floating Feather Rd.  
Eagle, Idaho 83616

Daytime Phone: 208-286-9701

Name & Address of Attorney, if any:  
S. Bryce Farris  
Ringert Clark Chartered  
P.O. Box 2773  
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: New Dry Creek Ditch Company  
c/o Dana Purdy  
Address: 5926 W. Floating Feather Rd.  
Eagle, Idaho 83616

SCANNED  
OCT 11 2006

COPY

**D.** I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☐ **Point(s) of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: N/A
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☒ **Place of Use**  
Should be: The place of use lists a total of 2709.5 acres and should be a total of 3104 acres.
10. ☐ **I object because:**
  - ☐ This water right should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION (S):** The place of use should be 3104 total acres within the boundaries of New Dry Creek Ditch Company, which is consistent with the acres and quantity of water that has been previously decreed and historically irrigated.

F.

**VERIFICATION** (must be completed)

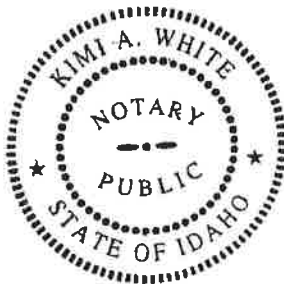
State of Idaho )  
                  ) ss.  
County of Ada )

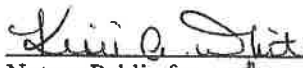
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

  
S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2020



  
Notary Public for Idaho  
Residing at: Basin, Idaho  
My Commission Expires: 04/01/10

### INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### CERTIFICATE OF MAILING

I certify that on April 20<sup>th</sup>, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the Claimant of the water right at the following address:

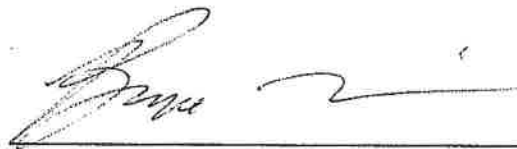
Name: New Dry Creek Ditch Company  
c/o Dana Purdy  
Address: 5926 W. Floating Feather Road  
Eagle, Idaho 83616

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment and Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449



Signature of Objector or attorney  
mailing on Objector's behalf

06/08/2005

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

RIGHT NUMBER: 63-286

NAME AND ADDRESS: NEW DRY CREEK DITCH CO  
C/O DANA PURDY  
5926 W FLOATING FEATHER RD  
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.540 CFS

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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 04/01/1897

Right No

Pursuant to a call in times of scarcity, this right is senior to Bryan decreed 63-297 and any future splits of this right.

POINT OF DIVERSION:  
T04N R01E S23 NESE 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          | 0.540 CFS       |
| Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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:

2709.5 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 IS LIMITED TO THE IRRIGATION OF 2709.5 ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-161L 63-205, 63-206, 63-31778, 63-258B, 63-31806, 63-263, 63-288B, 63-28977, 63-146, 63-31937

THIS RIGHT IS DESIGNATED AS 129A IN THE BOISE RIVER WATER MASTERS RECORDS

RECEIVED

JUN 23 2005

WATER RESOURCES  
WESTERN REGION

**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:** June 24, 2005

Water Right Number: 63-286

63-12511

NEW DRY CREEK DITCH CO  
C/O DANA PURDY  
5926 W FLOATING FEATHER RD  
EAGLE, ID 83616

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):  
Place of use:  
2517.8 ACRES TOTAL
2. Describe the changes you wish to make in the proposed recommendation:  
Place of Use: 3104 ACRES TOTAL
3. Give a brief explanation as to why you disagree with these portions:  
Based on an application of one inch of water to the acre, the total irrigated acres for any given season should be 3104.

\_\_\_\_ I AGREE with this proposed recommendation; no changes need to be made.

DATE:

6/22/05

SIGNATURE:



Please print your name:

S. Bryce Farris

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-286 V1

WATER RIGHT NUMBER: 63-286 V1

|                   |                                                                                                            |
|-------------------|------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                    |
| Current Owner     | NEW DRY CREEK DITCH CO<br>C/O DANA PURDY<br>5926 W FLOATING FEATHER RD<br>EAGLE, ID 83616<br>(208)286-9701 |

Priority Date: 04/01/1897

Basis: Decreed

Status: Active

*Amended*

|               |                  |
|---------------|------------------|
| <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  | 0.540 CFS             |                      |
|                       | <u>Total Diversion:</u> |           | 0.540 CFS             |                      |

Location of Point(s) of Diversion

|             |            |                                 |
|-------------|------------|---------------------------------|
| BOISE RIVER | NE1/4SE1/4 | Sec. 23, Twp 04N, Rge 01E, B.M. |
| ADA County  |            |                                 |

Place of UseConditions 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. 155 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 preceding 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 preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-286 V1

4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; 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:

1. Explanatory THIS RIGHT IS DESIGNATED AS 129A IN THE BOISE RIVER WATER MASTERS RECORDS
2. Priority Date Pursuant to a call in times of scarcity, this right is senior to Bryan decreed Right No 63-297 and any future splits of this right.
3. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
4. Explanatory WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH
5. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-161L 63-205, 63-206, 63-31778, 63-258B, 63-31806, 63-263, 63-288B, 63-28977, 63-146, 63-31937
6. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF <sup>2709.5</sup>~~2517.8~~ ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY

Comments:

Water Supply Bank:

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) 63-286Owner: New Dry Creek Ditch Co. Phone No. See 63-125H

Current Address: \_\_\_\_\_

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER \_\_\_\_\_
- ☒ No change Address
- ☐ NEW ADDRESS \_\_\_\_\_
- ☐ How long owned property? \_\_\_\_\_

Accompanied by: Dana Purdy, President**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 4-1-1897 = deeded date(If priority date, based on your exam, seems questionable, explain below.)  
\_\_\_\_\_  
\_\_\_\_\_Source: Boise River Tributary to Snake River

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☒ No change
- ☐ POD found is different than claimed: \_\_\_\_\_
- ☐ If different, when did POD change? \_\_\_\_\_

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     | NE  | SE  | 23   | 4N   | 1E   | Ada    | USGS map                                  |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

See 63-125K**OVERLAP REVIEW**Other water rights with the same point of diversion: See 63-125K

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

**WATER USES**☒ No change☐ Different Uses

|           |            |          |              |           |           |
|-----------|------------|----------|--------------|-----------|-----------|
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |
| Use _____ | From _____ | To _____ | Amount _____ | CFS _____ | AFA _____ |

**TOTAL VOLUME – Groundwater only**NA

- ☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA
- ☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA
- ☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

**PLACE OF USE:**☐ No Change☒ Changes shown below:

2709.5

*Limited to 2517.8 acres within the boundary of New Dry Creek Ditch*

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: 63-125K

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See 63-125K

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or<br>Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|--------------------------------------|
|                                               |            |    |                  |           |                                      |
|                                               |            |    |                  |           |                                      |

**FLOW MEASUREMENTS:**

Attach appropriate documents

**NARRATIVE/REMARKS/COMMENTS**

Designated as No 129A in water master records.

See 63-125K

Lined area for notes or additional information.

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 3-10-2003

FIELD EXAMINER: See 63-125K

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON.

FARMERS CO-OPERATIVE DITCH COMPANY,  
A corporation,  
Plaintiff,

-vs-

RIVERSIDE IRRIGATION DISTRICT, LTD.,  
et al.  
Defendants,

H. E. PLAIN,

Intervenor,

DECREE.

63-286

This cause duly coming on for hearing upon the Complaint in Intervention of the above named Intervenor, the said Intervenor appearing in person and by Barber & Barber, his attorneys, and no one of the other parties to said action appearing, and the default of each and every of the said parties having been heretofore duly entered herein; the court having seen and understood the pleadings and issues herein and having heard the evidence by said Intervenor adduced, and having made and filed Findings of Fact and Conclusions of Law herein, it is in accordance therewith and by virtue of these premises and of the law, ORDERED, ADJUDGED AND DECREED:

That the said H. E. PLAIN is the owner of the right to divert from the Boise river at the headgate of the New Dry Creek canal, and through the same, with priority as of the 1st day of April, 1897, for use upon the following described lands in Ada county, Idaho, situate, to-wit:

The Southwest Quarter of the Southeast Quarter of Section Two, in Township Four North of Range One West of the Boise Meridian;

sufficient quantity of the waters of said river to properly irrigate said lands under an efficient and economical administration of said waters, not exceeding, however, 27 miners inches, measured under a four inch pressure, the quantity prayed for in the said complaint.

This the 25th day of July, 1921.

Ed. L. Bryan  
District Judge.

By Marie K. Eustace Deputy

Decree # XXII

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-286

WATER RIGHT NUMBER: 63-286

Owner Type                      Name and Address

Current Owner                      H E PLAIN

, ZZ

Priority Date: 04/01/1897

Basis:                      Decreed

Status:                      Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From      To

/ to /

Diversion Rate

0.540 CFS

Annual VolumeTotal Diversion:      0.540 CFSLocation of Point(s) of Diversion

BOISE RIVER

Place of UseIRRIGATION Within ADA County

T04N R01W S02      SWSE

Conditions of Approval:Remarks:

1. General      THIS WATER CARRIED IN THE NEW DRY CREEK CANAL WITH P/D AT INTAKE.

Comments:Dates and Other Information:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-286

WATER RIGHT NUMBER: 63-286

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                    |
|-------------------|------------------------------------------------------------------------------------------------------------|
| Current Owner     | NEW DRY CREEK DITCH CO<br>C/O DANA PURDY<br>5926 W FLOATING FEATHER RD<br>EAGLE, ID 83616<br>(208)286-9701 |

Priority Date: 04/01/1897

Basis: Decreed

Status: Active

| <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            | 3/15 to 11/15           | 0.540 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.540 CFS             |                      |

Location of Point(s) of Diversion

|             |            |                                 |
|-------------|------------|---------------------------------|
| BOISE RIVER | NE1/4SE1/4 | Sec. 23, Twp 04N, Rge 01E, B.M. |
| ADA County  |            |                                 |

Place of UseIRRIGATION Within ADA County

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R01E S07 | NENE | 25.0 | T04N R01E S07 | NWNE | 36.0 |
| T04N R01E S07 | SWNE | 39.0 | T04N R01E S07 | SENE | 39.0 |
| T04N R01E S07 | NENW | 38.0 | T04N R01E S07 | NWNW | 39.0 |
| T04N R01E S07 | SWNW | 40.0 | T04N R01E S07 | SENW | 40.0 |
| T04N R01E S07 | NESW | 36.0 | T04N R01E S07 | SESW | 25.0 |
| T04N R01E S07 | NESE | 38.0 | T04N R01E S07 | NWSE | 40.0 |
| T04N R01E S07 | SWSE | 38.0 | T04N R01E S07 | SESE | 39.0 |
| T04N R01E S08 | NWNE | 1.0  | T04N R01E S08 | SWNE | 17.0 |
| T04N R01E S08 | SENE | 5.0  | T04N R01E S08 | NWNW | 2.0  |
| T04N R01E S08 | SWNW | 37.0 | T04N R01E S08 | SENW | 20.0 |
| T04N R01E S08 | NESW | 31.0 | T04N R01E S08 | NWSW | 39.0 |
| T04N R01E S08 | SWSW | 36.0 | T04N R01E S08 | SESW | 36.0 |
| T04N R01E S08 | NESE | 28.0 | T04N R01E S08 | NWSE | 31.0 |
| T04N R01E S08 | SWSE | 38.0 | T04N R01E S08 | SESE | 32.0 |
| T04N R01E S09 | SWNW | 5.0  | T04N R01E S09 | NWSW | 8.0  |
| T04N R01E S09 | SWSW | 6.0  | T04N R01E S09 | SESW | 7.0  |
| T04N R01E S09 | NESE | 18.0 | T04N R01E S09 | NWSE | 25.0 |
| T04N R01E S09 | SWSE | 24.0 | T04N R01E S09 | SESE | 37.0 |
| T04N R01E S10 | NWSW | 8.0  | T04N R01E S10 | SWSW | 39.0 |
| T04N R01E S10 | SESW | 27.0 | T04N R01E S10 | SWSE | 6.0  |
| T04N R01E S15 | NWNE | 28.0 | T04N R01E S15 | SWNE | 24.0 |
| T04N R01E S15 | NENW | 18.0 | T04N R01E S15 | NWNW | 10.0 |
| T04N R01E S15 | SENW | 2.0  | T04N R01E S16 | NENE | 3.0  |
| T04N R01E S17 | NENE | 9.0  | T04N R01E S17 | NWNE | 8.0  |
| T04N R01E S17 | NENW | 10.0 | T04N R01E S17 | NWNW | 5.0  |
| T04N R01W S01 | SWNE | 18.0 | T04N R01W S01 | NENW | 27.0 |
| T04N R01W S01 | NWNW | 38.0 | T04N R01W S01 | SWNW | 38.0 |
| T04N R01W S01 | SENW | 37.0 | T04N R01W S01 | NESW | 38.0 |

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R01W S01 | NWSW | 38.0 | T04N R01W S01 | SWSW | 40.0 |
| T04N R01W S01 | SESW | 40.0 | T04N R01W S01 | NWSE | 39.0 |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-286

|               |      |      |               |      |      |
|---------------|------|------|---------------|------|------|
| T04N R01W S01 | SESW | 40.0 | T04N R01W S01 | NWSE | 39.0 |
| T04N R01W S01 | SWSE | 38.0 | T04N R01W S01 | SESE | 38.0 |
| T04N R01W S02 | NENE | 38.0 | T04N R01W S02 | NWNE | 38.0 |
| T04N R01W S02 | SWNE | 35.0 | T04N R01W S02 | SENE | 39.0 |
| T04N R01W S02 | NENW | 26.0 | T04N R01W S02 | SWNW | 35.0 |
| T04N R01W S02 | SENW | 39.0 | T04N R01W S02 | NESW | 40.0 |
| T04N R01W S02 | NWSW | 40.0 | T04N R01W S02 | SWSW | 26.0 |
| T04N R01W S02 | SESW | 16.0 | T04N R01W S02 | NESE | 39.0 |
| T04N R01W S02 | NWSE | 38.0 | T04N R01W S02 | SWSE | 39.0 |
| T04N R01W S02 | SESE | 40.0 | T04N R01W S03 | NENW | 5.0  |
| T04N R01W S03 | SENW | 28.0 | T04N R01W S03 | NESW | 37.0 |
| T04N R01W S03 | SWSW | 18.0 | T04N R01W S03 | SESW | 19.0 |
| T04N R01W S03 | NESE | 40.0 | T04N R01W S03 | NWSE | 40.0 |
| T04N R01W S03 | SWSE | 23.0 | T04N R01W S03 | SESE | 22.0 |
| T04N R01W S04 | SESE | 17.0 | T04N R01W S10 | NENE | 38.0 |
| T04N R01W S10 | NWNE | 40.0 | T04N R01W S10 | SENE | 40.0 |
| T04N R01W S10 | NENW | 40.0 | T04N R01W S10 | NWNW | 40.0 |
| T04N R01W S11 | NENE | 37.0 | T04N R01W S11 | NWNE | 6.0  |
| T04N R01W S11 | NWNW | 33.0 | T04N R01W S11 | SWNW | 40.0 |
| T04N R01W S12 | NENE | 30.0 | T04N R01W S12 | NWNE | 26.0 |
| T04N R01W S12 | NENW | 30.0 | T04N R01W S12 | NWNW | 40.0 |
| T05N R01W S35 | NESE | 33.0 | T05N R01W S35 | NWSE | 1.0  |
| T05N R01W S35 | SWSE | 11.0 | T05N R01W S35 | SESE | 30.0 |
| T05N R01W S36 | SWSW | 35.0 | T05N R01W S36 | SESW | 16.0 |

Total Acres: 2964

Conditions of Approval:Remarks:

1. General THIS WATER CARRIED IN THE NEW DRY CREEK CANAL WITH P/D AT INTAKE OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, A63-00288B 63-00263, 63-00259, 63-00261, 63-00258B, 63-00124B, 63-00125B, 63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00260A, 63-00239B, 63-00239C, 63-00161L.  
ADDRESS CHANGED PER CLAIMANT REQUEST 6/30/97. LH

Comments:Dates and Other Information:

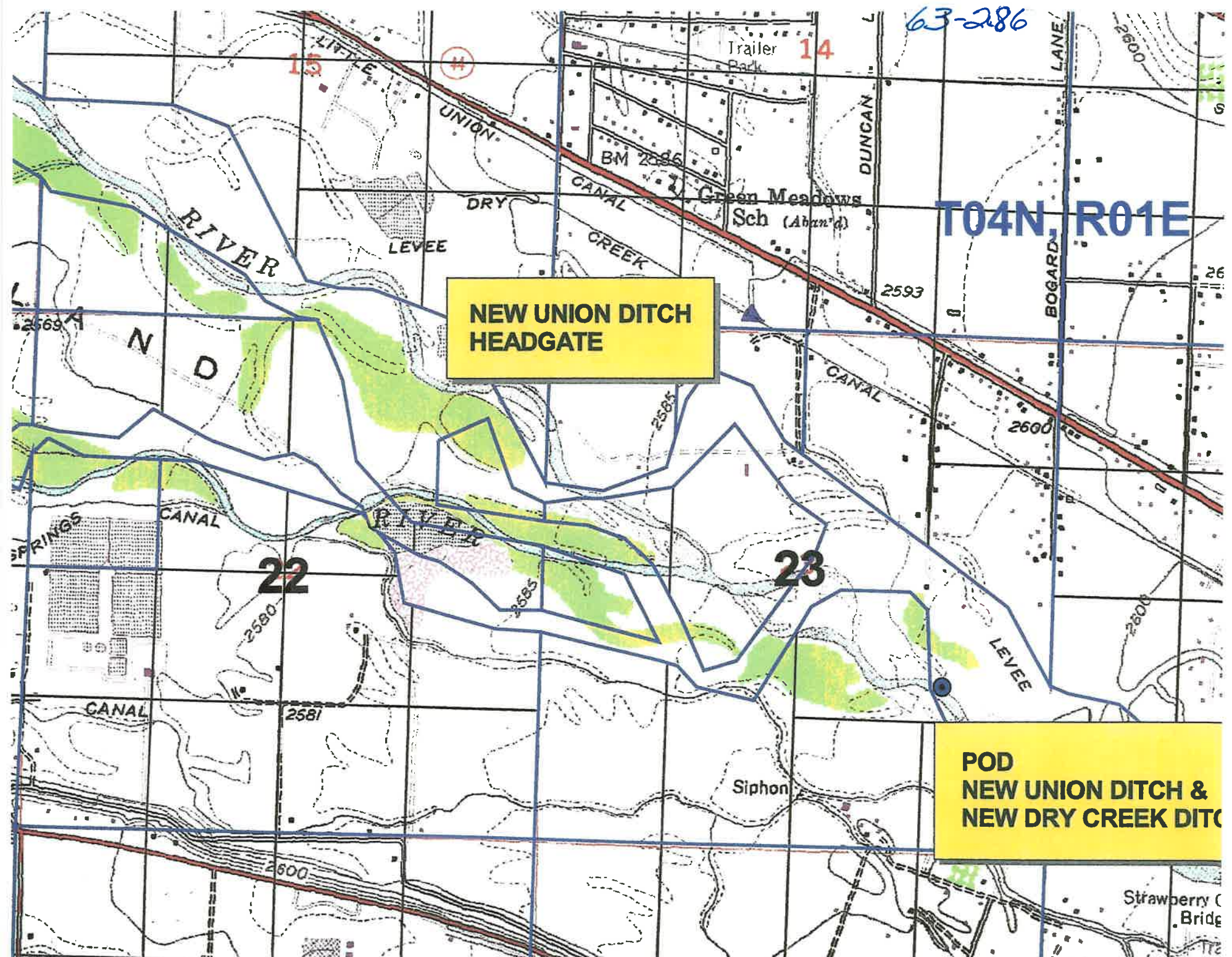
Claim Received Date: 8/23/1989  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

63-286

T04N R01E

**NEW UNION DITCH  
HEADGATE**

**POD  
NEW UNION DITCH &  
NEW DRY CREEK DITCH**



**NEW DRY CREEK DITCH COMPANY  
AMENDED BOUNDARY AND PLACE OF USE  
DIGITIZED ACRES = 2624.5 + 85 = 2709.5**

