

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: **A63-00161L**
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: MAY 1, 1866

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:

OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, 63-00286,
63-00288B, 63-00259, 63-00258B, 63-00124B, 63-00125B, 63-00126B,
63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00239B, 63-00239C,
63-00161L, 63-00261, 63-00263.

ADDRESS CHANGED PER CLAIMANT REQUEST 6/30/97.

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

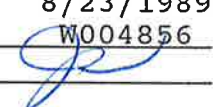
10-51-99

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: **A63-00161L**
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 HERFORD DR.
EAGLE, ID 83616

2. Date of Priority: MAY 1, 1866

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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.

MICROFILMED

AUG 14 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	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

MICROFILMED

AUG 14 1992

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

MICROFILMED
 AUG 14 1992

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		
		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

MICROFILMED

AUG 14 1992

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:

OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, 63-00286,
63-00288B, 63-00259, 63-00258B, 63-00124B, 63-00125B, 63-00126B,
63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00239B, 63-00239C,
63-00161L, 63-00261, 63-00263.

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: _____

MICROFILMED
AUG 14 1992

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 _____

MICROFILMED
AUG 14 1991

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: A63-00161L
Date Received: ~~6/16/1989~~ 8/23/89
Receipt No: 4004856
Received By: [Signature] DE JAL

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: MAY 01, 1866

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
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11. Place of use in counties:

A63-00161L

Page 1

Date: 08/23/89

MICROFILMED
AUG 14 1992

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

OTHER WATER RIGHTS USED: 63-00206, 63-00207, 63-00286, 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, 63-00205.

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 Pres of _____ Title

New Dry Creek Ditch Co Ltd, that I have signed the foregoing Organization

document in the space below as Pres of _____ Title

New Dry Creek Ditch Co Ltd and that the statements contained in the Organization

foregoing document are true and correct.

Steve 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

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

RECEIVED

JAN 24 1995

WATER RESOURCES
WESTERN REGION

**Re: Lost River Estates
94-73-PDR/94-41-ZC**

Dear Mr. Nickel:

The purpose of the New Dry Creek Ditch Company (NDCDCo.) is to provide the continuing flow of water to our shareholders. New development is in no way to impede this delivery, or add to the expense of providing this service.

The delivery canal and maintenance road easement must be fenced from the development. The fencing must be a minimum of 6 feet high and of a non-burnable material. No bike path, greenbelt, bridle path or other public use will be allowed within the easement. This is to guard against unauthorized tampering with the headgate system and to protect the public from the water velocity associated with the canal and the headgates.

No landscaping will be allowed to infringe upon the canal's easement. Grass will be allowed within a ten foot setback from the outside of the easement road and the opposite canal bank.

Bridges to be constructed across the canal must have the written approval of Ada County Highway District and the NDCDCo. No round culverts are accepted without the written approval of the NDCDCo. NDCDCo feels the two entrances from Park Road are unnecessary and should be abandoned or reduced to one canal crossing with an additional entrance to the development being supplied via Curlew Court being extended to Beacon Light Road.

No storm drain water, heatpump water, or any wastewater will be allowed to be discharged into the delivery canal. Water shares shall be retained for irrigation of the development. The homeowner's association will be responsible for paying the annual water assessment and managing the water delivery within the development's boundaries.

Sincerely,


Lynne Sedlacek, Bookkeeper
1200 Hereford Drive
Eagle, ID 83616

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

c: City of Eagle & Idaho Department of Water Resources

MICROFILMED

SEP 27 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

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.

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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

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: 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

3

2

1

T04N, R01E

11

12

7

8

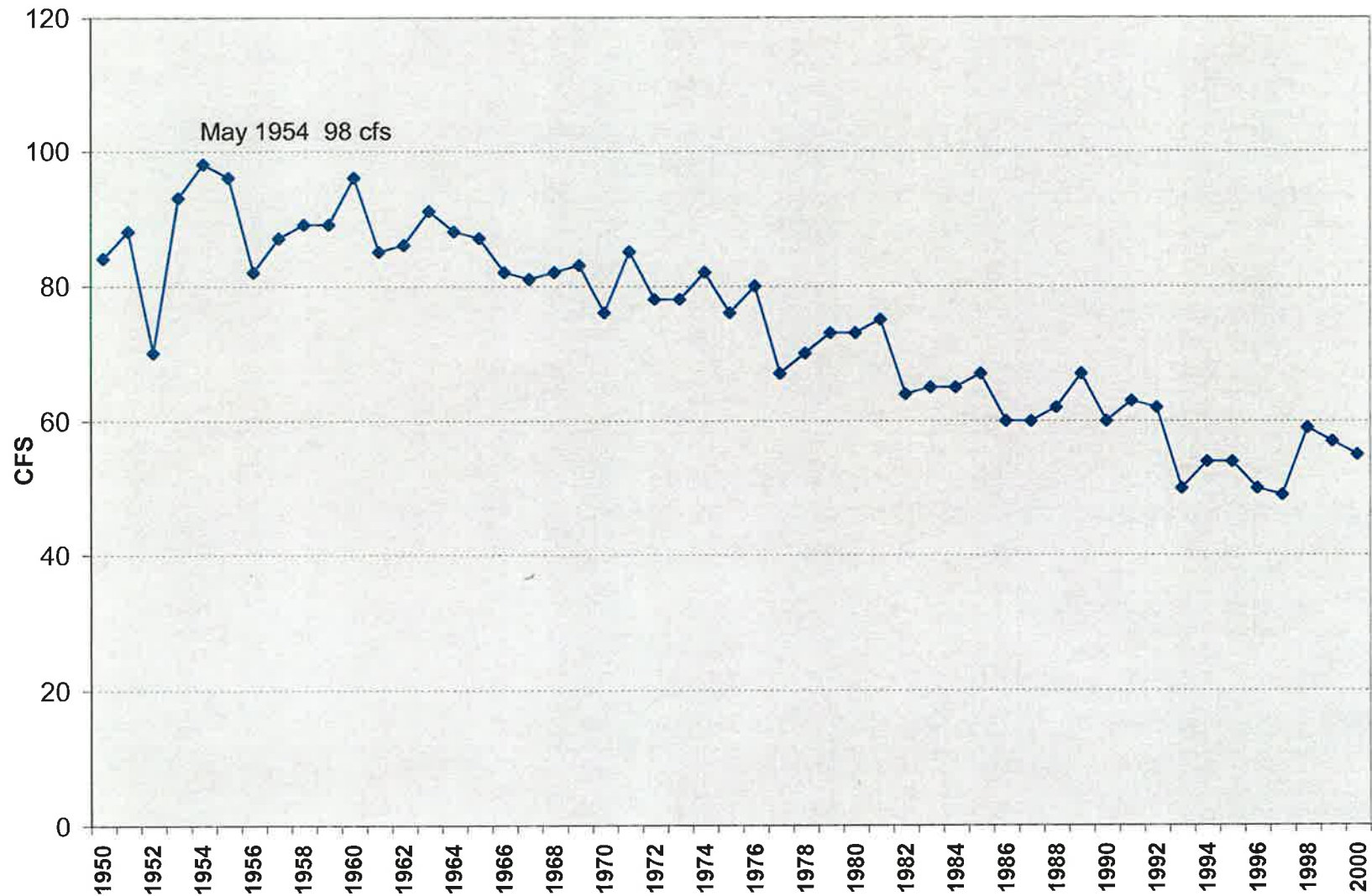
9

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 " } 9580
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 "
	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 Engle? 75ac
2. Boundary?
3. New-acre limit = 2571 + any additions
4. 161L - (Supreme court decision)

DD# ~~4~~
85A - ?



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

SETTLERS IRRIGATION DISTRICT
POINT OF DIVERSION
LICENSE 63-2080

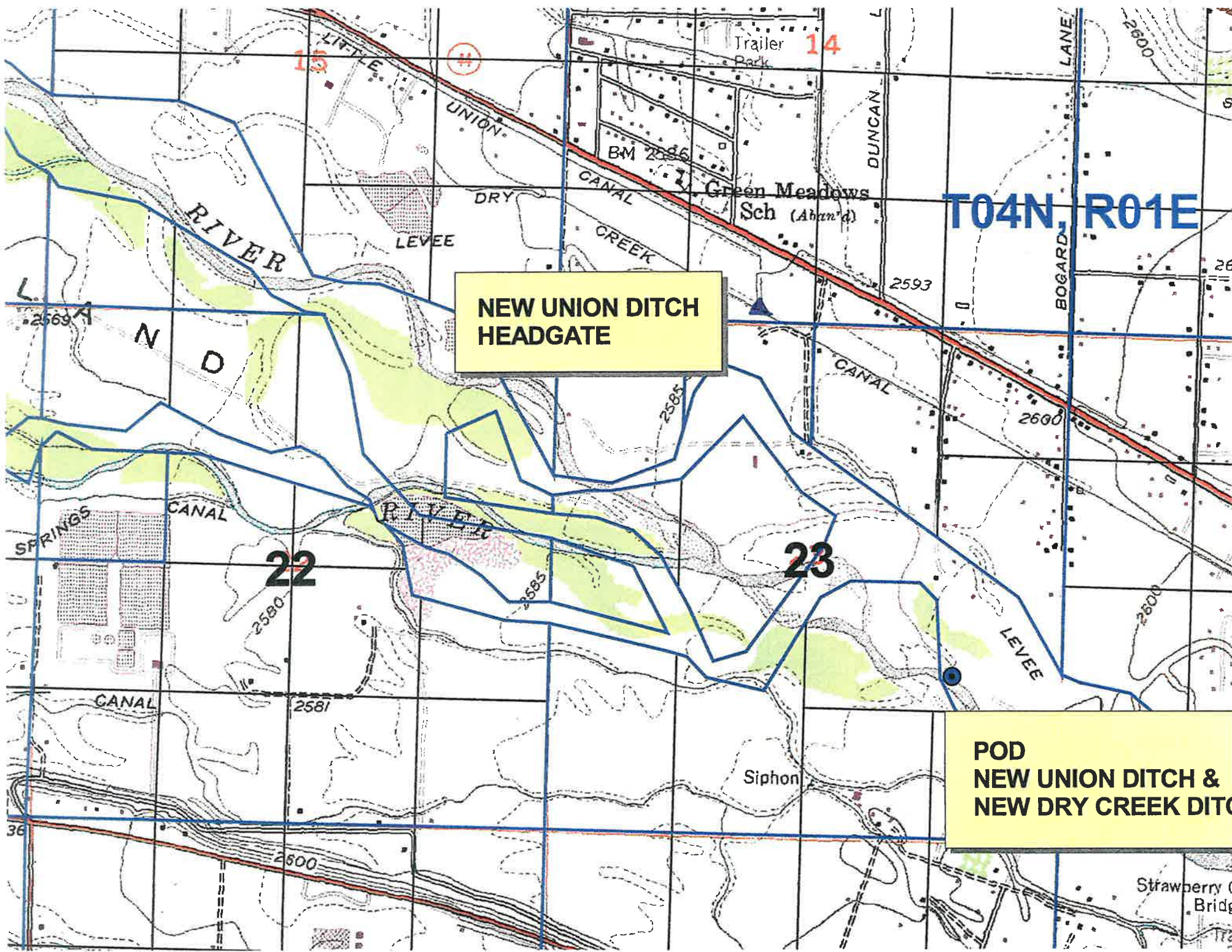
T04N, R01E

SETTLERS IRRIGATION DISTRICT

PAD search ~~#2~~ #N, 1E, 23, NESE

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rate(cfs)	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	10348		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



**NEW UNION DITCH
HEADGATE**

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

T04N R01E

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	124B & 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.

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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	~~3614~~	~~D~~	~~License~~	Active	~~12/9/1940~~		BOISE RIVER	IRRIGATION FROM	NEW DRY CREEK DITCH CO (Current)	wrAdjudicationClaim
63	~~3618~~	~~C~~	~~Permit~~	Active	~~1/1/1955~~		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 = shown @ Quarter Circle DJ
2581.8 x .02 = 51.64 cfs
Delivery loss = $\frac{10.45}{62.09}$ cfs

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY		AMOUNT DECREED				TOTAL SEC. FT.
			NO.	DATE	STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	INCHES	
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 125B

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

101L

205

206

258B

263

286

288B

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	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	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

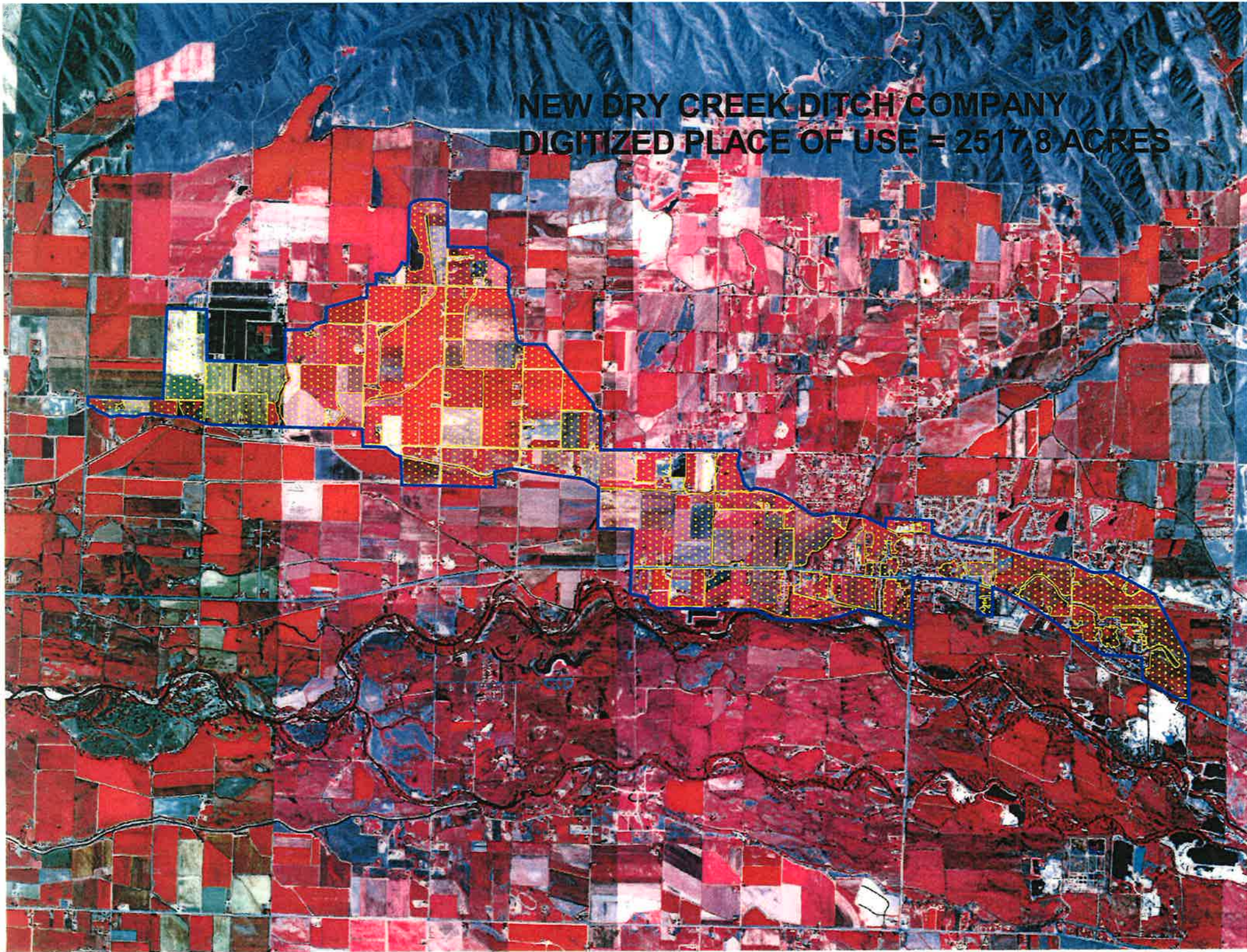
**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	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	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	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	3.8
Claim	63 198AA	BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8																3.8	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	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	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	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	3.8
Claim	63 285	BALLENTYNE DITCH CO LTD.	BOISE RIVER	04N01E8																3.8	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

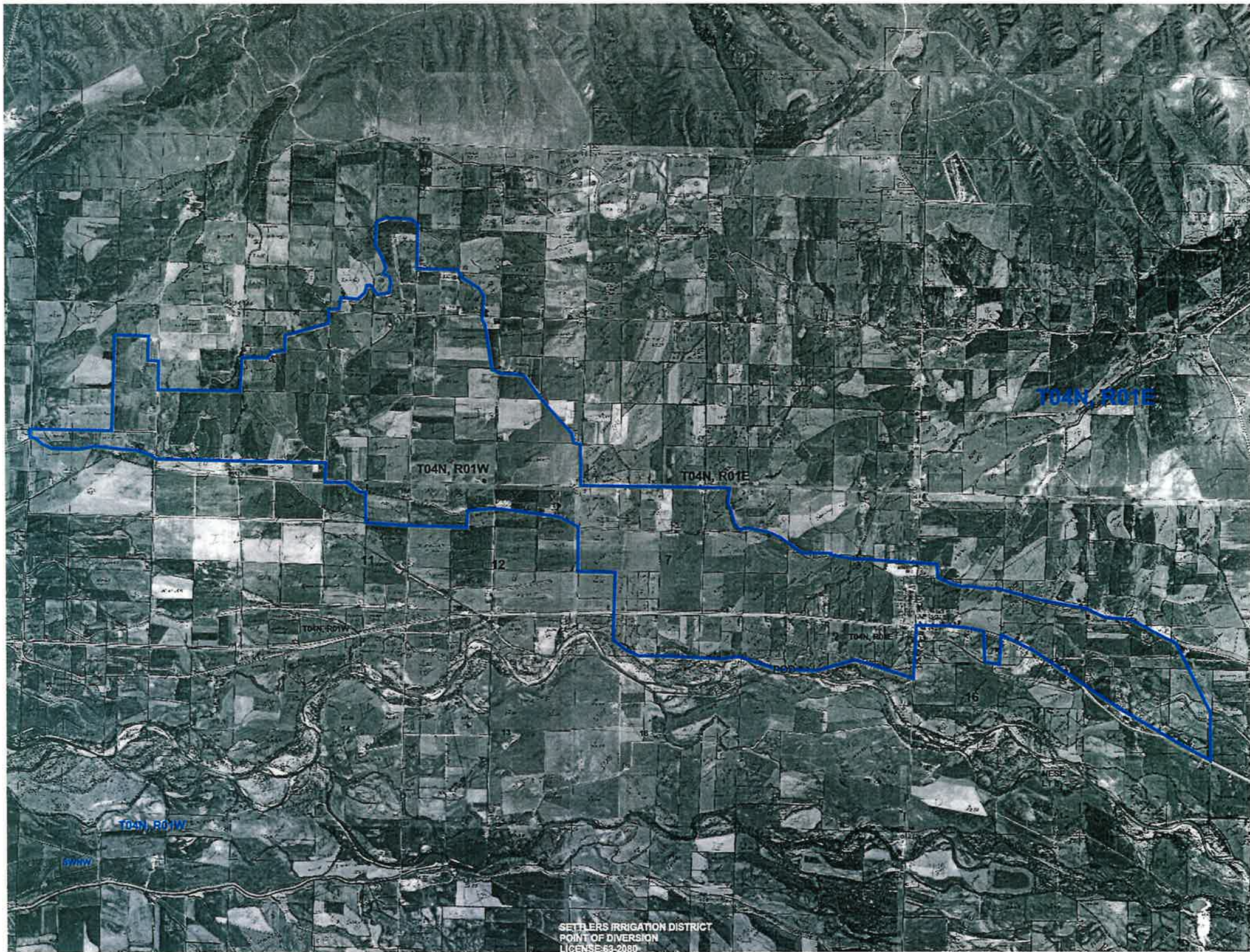
**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	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	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 1523B	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 1746B	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 739B	VIOLA MOHR,	GROUND WATER	04N01E9										0.5							0.5
Claim	63 7405	M GERTRUDE WOODS, WILLIS E WOODS,	GROUND WATER	04N01E9										1							1

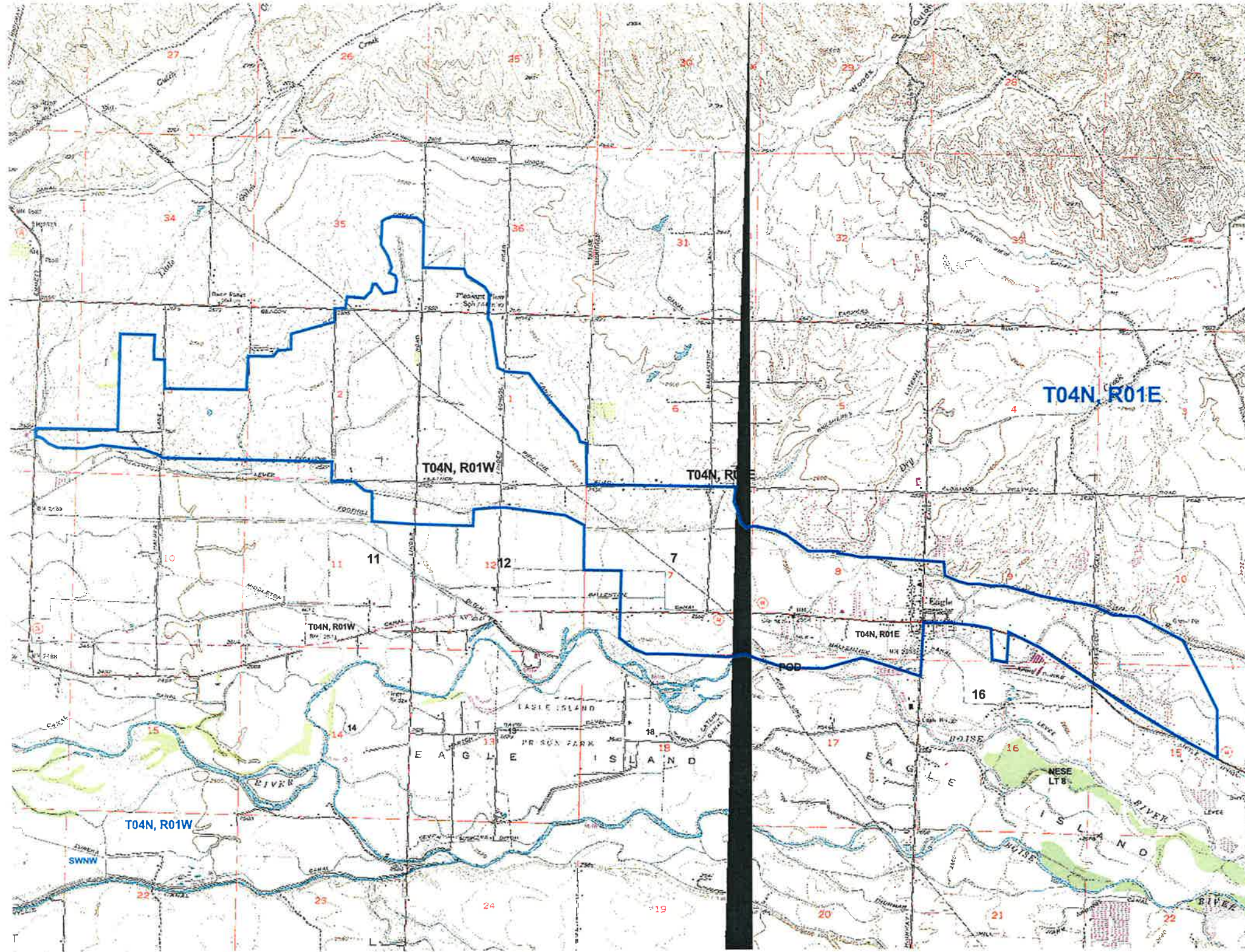
**NEW DRY CREEK DITCH COMPANY
DIGITIZED PLACE OF USE = 2517.8 ACRES**







SETTLERS IRRIGATION DISTRICT
POINT OF DIVERSION
LICENSE 63-2080



T04N, R01E

T04N, R01W

T04N, R01E

T04N, R01W

T04N, R01E

T04N, R01W

SWNW

T

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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

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

2007 AUG 7 PM 12 28

In Re SRBA

Case No. 39576

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

Water Right 63-00161L

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

PRIORITY DATE: 05/01/1966

POINT OF DIVERSION: T04N R01E S23 NESE Within Ada County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	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 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

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho AUG - 7 2007 By _____ Clerk _____ Deputy Clerk
--

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

DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
FILED
2007 DEC 12 PM 3 22

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-00161L

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

PRIORITY DATE: 05/01/1866

POINT OF DIVERSION: T04N R01E S23 NESE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	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:

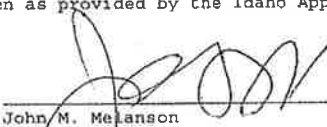
2964 ACRES TOTAL
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2964 ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY.
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 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 _____

2007 AUG 1 PM 11 07

RECEIVED

AUG 02 2007

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. 63-161L
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

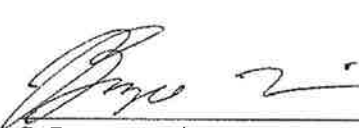
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

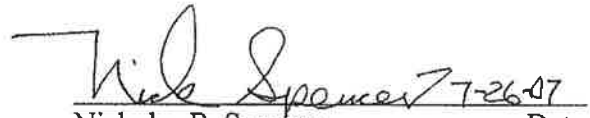

Date

STANDARD FORM 5 - 63-161L

IDWR Concurrence:


Jan Shurte
Adjudication Supervisor

Date


Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

Date

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:

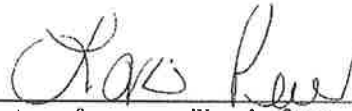
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

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

RIGHT NUMBER: 63-161L

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

PRIORITY DATE:

05/01/1866

POINT OF DIVERSION:

T04N R01E S23 NESE
Within ADA County

PURPOSE 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.

SF5 Right No. 63-161L

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, 63-205, 63-206, 63-31778, 63-258B, 63-31806, 63-263, 63-286, 63-288B, 63-28977, 63-146, 63-31937
WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-161
THIS RIGHT WAS DESIGNATED AS NO 30 IN THE STEWART DECREE AND THE RECORDS OF THE BOISE RIVER WATER MASTER.

SF5 Right No. 63-161L



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



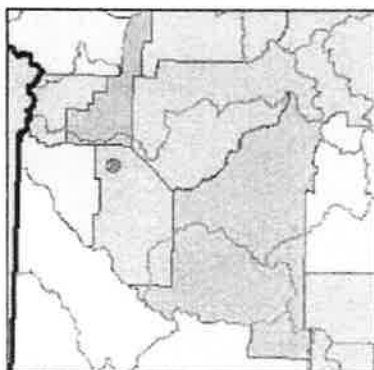
Townships



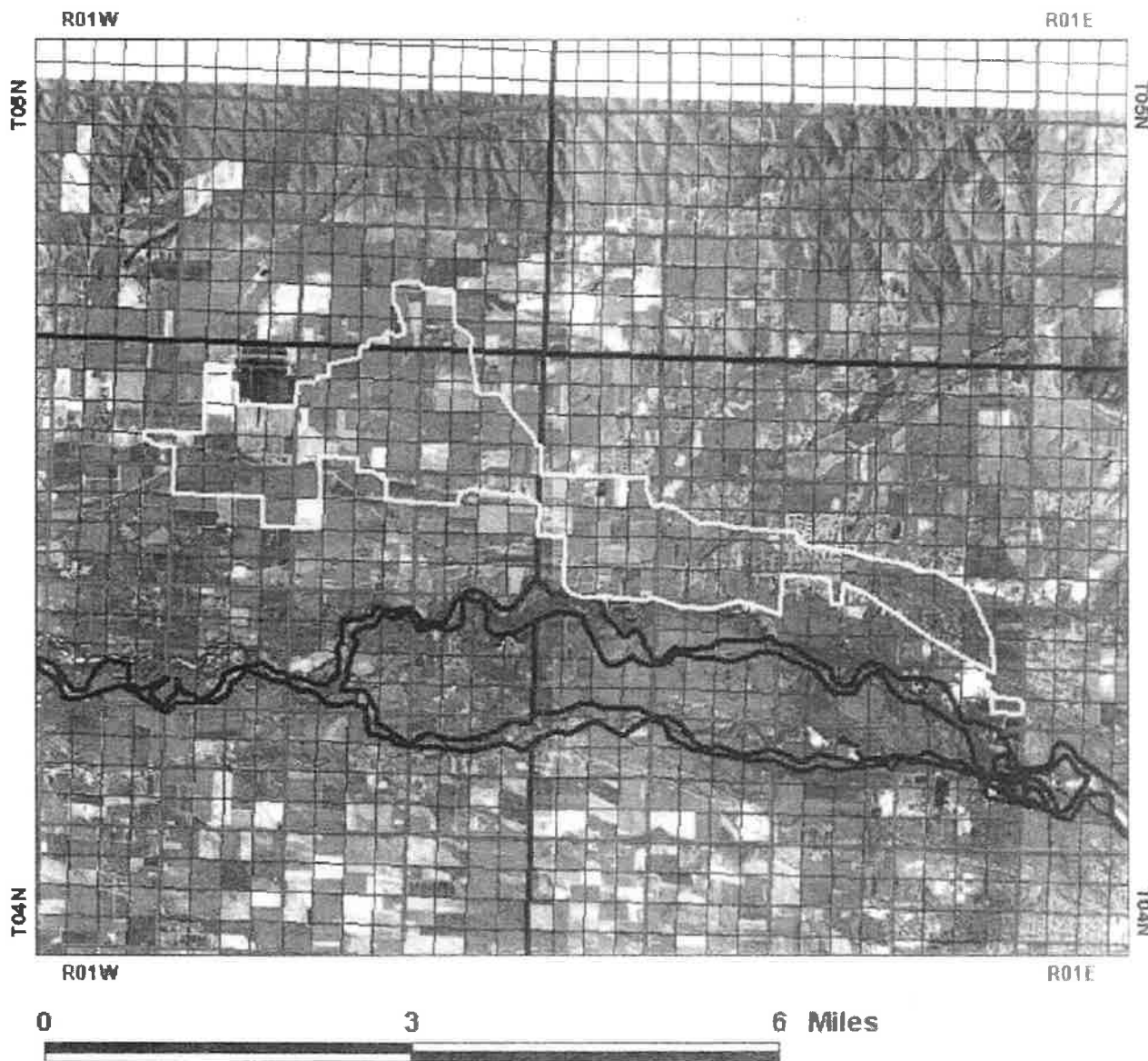
PLS Sections



Quarter Quarters



Ada County
IDWR Basin 63



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

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

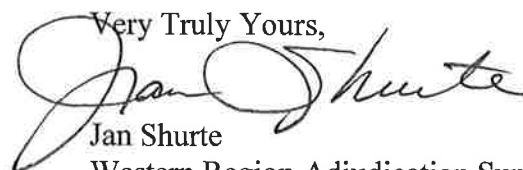
RE: Subcase Nos. 63-125K, 63-126G, 63-161L, 63-205, 63-206, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778 and 63-31806 – New Dry Creek Ditch Co

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

575 Mailed
7-6-7 J

**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. 63-161L**
)
)
) **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

STANDARD FORM 5 – 63-161L

IDWR Concurrency:

Jan Shurte
Adjudication Supervisor

Nicholas B. Spencer
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: 63-161L

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

PRIORITY DATE:

05/01/1866

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, 63-205, 63-206, 63-31778, 63-258B, 63-31806, 63-263, 63-286, 63-288B, 63-28977, 63-146, 63-31937 WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-161
THIS RIGHT WAS DESIGNATED AS NO 30 IN THE STEWART DECREE AND THE RECORDS OF THE BOISE RIVER WATER MASTER.

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 63-161L

(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 10 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.

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, 2009



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

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 20th, 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

06/15/2005

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

RIGHT NUMBER: 63-161L

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

PRIORITY DATE: 05/01/1866

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.

THIS RIGHT WAS DESIGNATED AS NO 30 IN THE STEWART DECREE AND THE RECORDS OF THE BOISE RIVER WATER MASTER.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-205, 63-206, 63-31778, 63-258B, 63-31806, 63-263, 63-286, 63-288B, 63-28977, 63-146, 63-31937

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-161

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: 63-161L

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

*Agreed - the step down remark
has been removed.*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
QUANTITY: The condition reducing the decreed quantity by 75% during times of shortage, and then by 60% if the natural flow is unable to satisfy the 75% reduction of the decreed water rights containing this same condition.
2. Describe the changes you wish to make in the proposed recommendation:
QUANTITY: The condition should be removed.
3. Give a brief explanation as to why you disagree with these portions:
In Farmers' Co-operative Ditch Company v. Riverside Irrigation District, Ltd., 16 Idaho 525, 536 (1909) the Supreme Court of Idaho noted that Stewart Decree Nos. 2 and 30 "have been properly established and decreed and are hereby affirmed." A petition for rehearing was filed in this case because "the former opinion of this court must be so modified as to make the new trial apply to acreage tracts and not to the irrigation of certain town lots, street sprinkling, parking purposes, sewerage, domestic and power purposes." Id at 539. The question of the duty of water for acreage purposes was determined at the new trial. The condition which we are requesting to be removed resulted from the new trial referenced in Farmers' Co-operative Ditch Company. However, Stewart Decree Nos. 2 and 30 were not part of this new trial, as noted in the above mentioned case, because those two rights were used for the irrigation of certain town lots, street sprinkling, parking purposes, sewerage, domestic and power purposes. Therefore, the condition is not applicable to water right no. 161L.

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

DATE: 6/22/05

SIGNATURE: *S. Bryce Farris*

Please print your name: S. Bryce Farris

IDWR Western Regional Office, 2735 Airport Way, Boise, ID 83705-5082, (208) 334-2190

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: 63-161L

See 63-1254

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:

S. Bryce Farris

Please print your name:

S. Bryce Farris

MEMORANDUM

**TO: DAVE TUTHILL, JAN SCHURTE, MEL SCHULTE, SUSAN
HAMLIN-NYGARD**

FROM: NICK SPENCER

RE: UNCUTTABLE RIGHTS IN BOISE RIVER

DATE: JUNE 7, 2005

Our decision to place the step-down remark on the Jacobs and Perrault/Johnson rights in order to place the burden on the local legal community to search for the missing court ruling making these two rights "uncuttable" has paid off. Jerry Kiser has provided us an explanation that seems credible to me. Based on this explanation I recommend that the step-down remark be removed from these two rights. Jerry Kiser's analysis is explained below.

The "missing" language is found in the 1909 supreme court decision on appeal of the Stewart Decree, Farmers' Cooperative Ditch Co. v. Riverside Irr. Dist., 16 Idaho 525, 102 P. 481 (1909). This is the case where the supreme court remanded the case back to Judge Stewart for a determination of the duty of water.

On page 536 of that decision, the supreme court expressly addresses the two rights in question, which it notes are listed as "Allotment No. 2" (Jacobs) and "Allotment No. 30" (Perrault and Johnson). It describes the purpose of these rights and notes they are to be remanded for determination of a duty of water, using the following language:

These two water rights are used primarily for sale, rental, and distribution for municipal and domestic purposes, and the sprinkling of streets and lawns and irrigating trees and shrubbery and flushing sewers in Boise City. These allotments, numbered 2 and 30, have been properly established and decreed and are hereby affirmed. But the duty of water to be used under such allotments, and the necessity for its application and the extent of its use, will be subjects of examination on a new trial in establishing the duty of water to be used and applied under these respective priorities.

Id. Thus the two rights were to be remanded back to the trial court for a determination of the duty of water. However, immediately following this decision, the supreme court appended its decision on a petition for rehearing of its decision. In its decision on the petition for rehearing the court modified its original order on remand. It stated as follows:

[T]he former opinion of this court must be so modified as to make the new trial apply to acreage tracts and not to the irrigation of certain town lots, street sprinkling, parking purposes, sewerage, domestic and power purposes. On a re-examination of the record, we conclude that the judgment of the trial court should be affirmed except as to the question of the duty of water for the irrigation and cultivation of agricultural lands and acreage tracts. The question of duty of water for acreage purposes is the only question to be determined in a new trial as far as the duty of water is concerned.

Id. at 539-540. In other words, it was only the *irrigation* rights that were remanded back to the trial court. The non-irrigation rights were affirmed as they were described in the original Stewart Decree; they were not remanded back to the trial court. Thus the Jacobs, and Perrault/Johnson rights, not being irrigation rights, were affirmed rather than remanded back to the trial court. Since they were not remanded back to the trial court they were not among the group of rights before Judge Bryan when he entered the order for the step-down provision. Thus they were not—and are not—subject to that step-down provision. They are “uncuttable.”

I find Jerry Kiser’s analysis persuasive. Please let me know what you think.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161L V1

WATER RIGHT NUMBER: 63-161L V1

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

Priority Date: 05/01/1866
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 Use

Conditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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 63-161L 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 WAS DESIGNATED AS NO 30 IN THE STEWART DECREE AND THE RECORDS OF THE BOISE RIVER WATER MASTER.
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE.
3. Explanatory WATER IS DELIVERED THROUGH THE NEW DRY CREEK DITCH.
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125K, 63-126G, 63-205, 63-206, 63-31778, 63-258B, 63-31806, 63-263, 63-286, 63-288B, 63-28977, 63-146, 63-31937
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2517.8 ACRES WITHIN THE BOUNDARY OF THE NEW DRY CREEK DITCH COMPANY.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-161

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 completeClaim No(s) 63-1614Owner: New Dry Creek Ditch Phone No. See 63-1258 H

Current Address: _____

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

Accompanied by: Dana Rudy**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: 5-1-1866 = same as decree

(If priority date, based on your exam, seems questionable, explain below.)

Source: Boise River Tributary to Sage 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:

See 63-125B

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

See 63-125Bk**OVERLAP REVIEW**

Other water rights with the same point of diversion:

See 63-125B⁴

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:

Limited to ^{2709.5} ~~2574.8~~ acres within the boundary of New Dry G. Duck Co.			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: See 63-1258 H

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
No.

Delivery System Narrative: See 63-1258 H

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

See 63-1258 H for additional information

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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

DATE EXAM CONDUCTED: 11/1/2018
FIELD EXAMINER: Meel Schulte

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161L

WATER RIGHT NUMBER: 63-161L

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CONSUMERS WATER CORP
	BOISE, ID
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Original Owner	JOSEPH PERRAULT
	BOISE, ID

Priority Date: 05/01/1866

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	/ to /	0.540 CFS	
	<u>Total Diversion:</u>	0.540 CFS	

Location of Point(s) of Diversion

BOISE RIVER

Place of Use

IRRIGATION Within ADA County

T04N R01W S03	SWSW	T04N R01W S03	SESW
T04N R01W S04	SESE		

Conditions of Approval:Remarks:

1. General WATER CARRIED IN NEW DRY CREEK DITCH.
TRANS. 713.
P/D S24, T4N, R1E.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161L

WATER RIGHT NUMBER: 63-161L

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

Priority Date: 05/01/1866

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 63-161L

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 OTHER WATER RIGHTS USED: 63-00205, 63-00206, 63-00207, 63-00286, 63-00288B, 63-00259, 63-00258B, 63-00124B, 63-00125B, 63-00126B, 63-00124D, 63-00125D, 63-00126D, 63-00238, 63-00239B, 63-00239C, 63-00161L, 63-00261, 63-00263.
ADDRESS CHANGED PER CLAIMANT REQUEST 6/30/97.

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

63-161L

(15)
(15)

XXVIII.

That the defendants JOSEPH PERRAULT and RICHARD Z. JOHNSON be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Walling, or Boise valley Water Ditch, for use upon the town lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 2500 inches, from May 1, 1866; and hereby designated as Right No.

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No. And be adjudged to pay \$875.00 costs in addition to the costs incurred by them.

~~XXXX~~. XXXX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 W. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 13, and SE 1/4 of SE 1/4 of Sec. 12, T. 4 N. R. 2 W. B.M., in the following amount and from the following date;

63 0163 130 inches, from June 1, 1866; and hereby designated as Right No. And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

~~XXXX~~. XXXX.

That the defendants FRANK L. LEONARD, EDNA E. LEONARD, J. S. D. MANVILLE and ESTATE OF ALBERT SHERWIN, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in Lot G, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the N. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

63 0164 175 inches, from June 1, 1866. and hereby designated as Right No.

And be adjudged to pay \$12.25 costs in addition to the costs incurred by them.

MICROFILMED

JUN 21 1996

split here 63-161

63-161 as decreed = 50 cfs

63-161 $\rightarrow$ A $\rightarrow$ BV = 1.97 cfs $\rightarrow$ claimed as 161A @ 2.0 cfs.

T654 $\rightarrow$ B $\rightarrow$ BW = .03 cfs (A) = .03

T694 $\rightarrow$ C = .68 cfs (A) = .68

T701 $\rightarrow$ D $\rightarrow$ E = 2.0 (A) = 2.0

T702 $\rightarrow$ F $\rightarrow$ G = .60 (A) = .60

T712 $\rightarrow$ H $\rightarrow$ J = .90 (A) = .20

T713 $\rightarrow$ K $\rightarrow$ L = .54 (A) = .54

T720 $\rightarrow$ M $\rightarrow$ N = 1.34 (A) = 1.34

T737 $\rightarrow$ P $\rightarrow$ Q = 1.10 (A) = .60

T739 $\rightarrow$ R $\rightarrow$ T = .15 (A) = .15

T753 $\rightarrow$ U $\rightarrow$ V = .46 (A) = .46

T754 $\rightarrow$ W $\rightarrow$ X = .40 (A) = .40

T823 $\rightarrow$ Y $\rightarrow$ AA

T823 $\rightarrow$ AB

AA = 6.0 cfs (A) = 6.0

AB $\rightarrow$ AC = .48 (A) = .48

T829 $\rightarrow$ AD $\rightarrow$ AE = .20

T873 $\rightarrow$ AF $\rightarrow$ AG = .10

T890 $\rightarrow$ AH $\rightarrow$ AJ = .10 (A) = .10

BA = .12 cfs (A) = .12

BB $\rightarrow$ BC = .20

T906 $\rightarrow$ AK $\rightarrow$ AL = .20 (A) = .20

T917 $\rightarrow$ AM $\rightarrow$ AN = .025 (A) = .025

T918 $\rightarrow$ AP $\rightarrow$ AQ = .05

T991 $\rightarrow$ BH $\rightarrow$ BJ = 1.0

T1007 $\rightarrow$ BK $\rightarrow$ BL = 2.0 (A) = 2.0

T1010 $\rightarrow$ BM $\rightarrow$ BN = 2.82 (A) = 2.82

T1011 $\rightarrow$ BP $\rightarrow$ BQ = .60 (A) = .60

T1017 $\rightarrow$ BR $\rightarrow$ BT = 2.0 (T1074) (A) = 2.0

T1035 $\rightarrow$ BU = 21.715 (T1038) (A) = 21.715

A63-161 BV claims a split of 63-161 BL

WR total = 49.82

AJ total = 47.02

63-161 L

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 713

THIS IS TO CERTIFY That CONSUMERS' WATER CORPORATION, through W. W. Howell, Vice-President, of Boise, Idaho, is the owner of and using a certain water right, bearing priority date of May 1, 1866, for 2500 inches, or 50 cubic feet per second, of the waters of Boise River, County of Ada, State of Idaho, decreed to Joseph Perrault and Richard Z. Johnson, by decree of Judge George H. Stewart, of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, bearing date of January 18, 1906, in the case of

FARMERS' COOPERATIVE DITCH COMPANY,

Plaintiffs,

vs.

RIVERSIDE IRRIGATING DISTRICT, ET AL.,

Defendants,

(Being Right No. 30 of the above decree), being appurtenant to the following described lands, situate, lying and being in Water District No. 12-A, County of Ada, and State of Idaho, to-wit:

Town lots and agricultural lands lying under what is known as the Walling Ditch, or Boise Valley Water Ditch, or Consumers' Canal, in Sections 11, 12, 13 and 14, Township 3 North, Range 2 East, B.M., and Sections 28, 29, 32, 33 and 34, Township 4 North, Range 2 East, B.M.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at page 410 thereof.

That the said Consumers' Water Corporation has become the owner of said water right through means conveyance.

and that now, upon the application of CONSUMERS' WATER CORPORATION, through W. W. Howell, Vice-President, of Boise, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 27 inches (or 0.54 cubic foot per second) of the waters of Boise River from the lands above described is HEREBY ABANDONED, and the tracts of land to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall be made appurtenant by this certificate, for a more efficient and economical distribution and use of applicant's water right, are described as follows, to-wit:

South half of Southwest quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) Section 3; and
Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Section 4; All in Township 4 North, Range 1 West, B.M.

Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

27 inches, or 0.54 cubic foot per second, with
date of priority of May 1, 1866.

That the water right hereby transferred has heretofore been conducted to the first above described lands through what is known as the Walling Ditch, or Boise Valley Water Ditch, or Consumers' Canal, with point of diversion in Section 24, Township 3 North, Range 2 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the New Dry Creek Ditch, with point of diversion in Section 24, Township 4 North, Range 1 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 11th day of June, A. D. 1947.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

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

T05N, R01W

35

36

T04N, R01W

2

1

T04N, R01E

11

12

7

8

9

17

T04N, R01E

