

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80380

This is to certify that: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL, ID 83607

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-21361	WR/DECREED	10/1/1887	28.600 cfs	N/A	N/A	2990.0	BOISE RIVER
63-21362	WR/DECREED	6/1/1865	1.400 cfs	N/A	N/A	2990.0	BOISE RIVER
63-21363	WR/DECREED	5/11/1950	46.000 cfs	N/A	N/A	2990.0	BOISE RIVER
63-222D	WR/DECREED	6/1/1883	1.700 cfs	N/A	N/A	2990.0	BOISE RIVER
63-223K	WR/DECREED	11/9/1883	18.300 cfs	N/A	N/A	2990.0	BOISE RIVER
63-32241	WR/DECREED	7/20/1959	24.000 cfs	N/A	N/A	2990.0	BOISE RIVER
63-3572	WR/DECREED	1/9/1967	2.600 cfs	N/A	N/A	2990.0	UNNAMED DRAIN

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-21361	NO	NO	NO	YES	NO	NO
63-21362	NO	NO	NO	YES	NO	NO
63-21363	NO	NO	NO	YES	NO	NO
63-222D	NO	NO	NO	YES	NO	NO
63-223K	NO	NO	NO	YES	NO	NO
63-32241	NO	NO	NO	YES	NO	NO
63-3572	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-21361	63-21361	28.600 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-21362	63-21362	1.400 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-21363	63-21363	46.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-222D	63-222D	1.700 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-223K	63-223K	18.300 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-32241	63-32241	24.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-3572	63-3572	2.600 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		122.600 cfs	N/A	N/A	2990.0		N/A	N/A	N/A	N/A

Transfer No. 80380

SUPPORT DATA
IN FILE # 63-222D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80380

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 1ST day of November, 2016.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 63-222D **As Modified by Transfer No. 80380**

In accordance with the approval of Transfer No. 80380, Water Right No. 63-222D is now described as follows:

Right Holder: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL, ID 83607

Priority Date: 6/1/1883

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
1.700 cfs
1.700 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	SENW	Sec 17 Twp 04N Rge 03W CANYON County	
BOISE RIVER	SESW	Sec 7 Twp 04N Rge 03W CANYON County	(R)
BOISE RIVER	NESE	Sec 12 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L1 (NENE)	Sec 6 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L2 (NWNE)	Sec 6 Twp 04N Rge 04W CANYON County	(I)
BOISE RIVER	L1 (NENE)	Sec 1 Twp 04N Rge 05W CANYON County	(R)

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Eureka Ditch Company No. 2.
3. Rights 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363, and 63-32241 when combined shall not exceed the irrigation of 2990.0 acres.
4. Transfer 80380 authorizes injection of water from the Eureka Ditch into the North Drain at T04N R04W Sect 6 Gov't Lt 2 (NWNE) and redirection from the North Drain at T04N R04W Sect 6 Gov't Lt 1 (NENE) and T04N R05W Sect 1 Gov't Lt 1 (NENE). The quantity authorized for redirection from the North Drain is limited to the amount injected and shall not exceed 3.22 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80380

WATER RIGHT NO. 63-222D
As Modified by Transfer No. 80380

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
9. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
10. This right originated as all or part of right no. 88 in the Stewart Decree and the historic Boise River Water Masters records.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-223K

As Modified by Transfer No. 80380

In accordance with the approval of Transfer No. 80380, Water Right No. 63-223K is now described as follows:

Right Holder: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL, ID 83607

Priority Date: 11/9/1883

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
18,300 cfs
18,300 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	SENW	Sec 17 Twp 04N Rge 03W CANYON County	
BOISE RIVER	SESW	Sec 7 Twp 04N Rge 03W CANYON County	(R)
BOISE RIVER	NESE	Sec 12 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L1 (NENE)	Sec 6 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L2 (NWNE)	Sec 6 Twp 04N Rge 04W CANYON County	(I)
BOISE RIVER	L1 (NENE)	Sec 1 Twp 04N Rge 05W CANYON County	(R)

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Eureka Ditch Company No. 2.
3. Rights 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363, and 63-32241 when combined shall not exceed the irrigation of 2990.0 acres.
4. Transfer 80380 authorizes injection of water from the Eureka Ditch into the North Drain at T04N R04W Sect 6 Gov't Lt 2 (NWNE) and redirection from the North Drain at T04N R04W Sect 6 Gov't Lt 1 (NENE) and T04N R05W Sect 1 Gov't Lt 1 (NENE). The quantity authorized for redirection from the North Drain is limited to the amount injected and shall not exceed 3.22 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80380

WATER RIGHT NO. 63-223K

As Modified by Transfer No. 80380

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
9. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
10. This right originated as all or part of right no. 89 in the Stewart Decree and the historic Boise River Water Masters records.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-21361
As Modified by Transfer No. 80380

In accordance with the approval of Transfer No. 80380, Water Right No. 63-21361 is now described as follows:

Right Holder: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL, ID 83607

Priority Date: 10/1/1887

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
28.600 cfs
28.600 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	SENW	Sec 17 Twp 04N Rge 03W CANYON County	
BOISE RIVER	SESW	Sec 7 Twp 04N Rge 03W CANYON County	(R)
BOISE RIVER	NESE	Sec 12 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L1 (NENE)	Sec 8 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L2 (NWNE)	Sec 6 Twp 04N Rge 04W CANYON County	(I)
BOISE RIVER	L1 (NENE)	Sec 1 Twp 04N Rge 05W CANYON County	(R)

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Eureka Ditch Company No. 2.
3. Rights 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363, and 63-32241 when combined shall not exceed the irrigation of 2990.0 acres.
4. Transfer 80380 authorizes injection of water from the Eureka Ditch into the North Drain at T04N R04W Sect 6 Gov't Lt 2 (NWNE) and redirection from the North Drain at T04N R04W Sect 6 Gov't Lt 1 (NENE) and T04N R05W Sect 1 Gov't Lt 1 (NENE). The quantity authorized for redirection from the North Drain is limited to the amount injected and shall not exceed 3.22 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 63-21361
As Modified by Transfer No. 80380

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
9. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
10. This right originated as all or part of right no. 96 in the Stewart Decree and the historic Boise River Water Masters records.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-3572

As Modified by Transfer No. 80380

In accordance with the approval of Transfer No. 80380, Water Right No. 63-3572 is now described as follows:

Right Holder: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL, ID 83607

Priority Date: 1/9/1967

Source: UNNAMED DRAIN

Tributary: DIXIE DRAIN

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

2.600 cfs

2.600 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED DRAIN	SWNE	Sec 10	Twp 04N	Rge 04W	CANYON County	
UNNAMED DRAIN	L1 (NENE)	Sec 6	Twp 04N	Rge 04W	CANYON County	(R)
UNNAMED DRAIN	L2 (NWNE)	Sec 6	Twp 04N	Rge 04W	CANYON County	(I)
UNNAMED DRAIN	L1 (NENE)	Sec 1	Twp 04N	Rge 05W	CANYON County	(R)

CONDITIONS OF APPROVAL

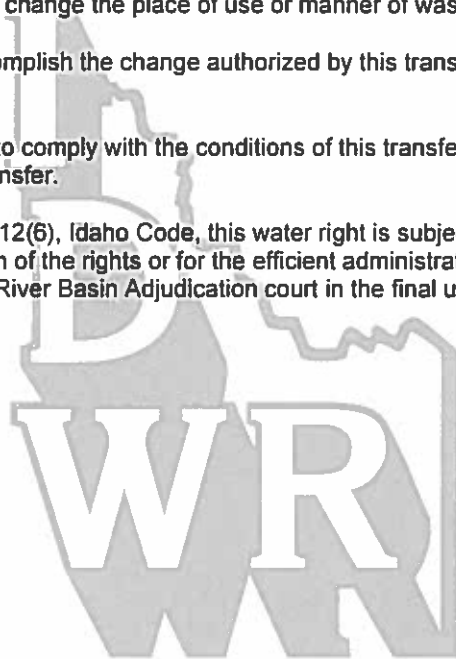
1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Eureka Ditch Company No. 2.
3. Rights 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363, and 63-32241 when combined shall not exceed the irrigation of 2990.0 acres.
4. Transfer 80380 authorizes injection of water from the Eureka Ditch into the North Drain at T04N R04W Sect 6 Gov't Lt 2 (NWNE) and redirection from the North Drain at T04N R04W Sect 6 Gov't Lt 1 (NENE) and T04N R05W Sect 1 Gov't Lt 1 (NENE). The quantity authorized for redirection from the North Drain is limited to the amount injected and shall not exceed 3.22 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Transfer No. 80380

WATER RIGHT NO. 63-3572
As Modified by Transfer No. 80380

CONDITIONS OF APPROVAL

7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 63-21362

As Modified by Transfer No. 80380

In accordance with the approval of Transfer No. 80380, Water Right No. 63-21362 is now described as follows:

Right Holder: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL, ID 83607

Priority Date: 6/1/1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
1.400 cfs
1.400 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	SENW	Sec 17 Twp 04N Rge 03W CANYON County	
BOISE RIVER	SESW	Sec 7 Twp 04N Rge 03W CANYON County	(R)
BOISE RIVER	NESE	Sec 12 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L1 (NENE)	Sec 6 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L2 (NWNE)	Sec 6 Twp 04N Rge 04W CANYON County	(I)
BOISE RIVER	L1 (NENE)	Sec 1 Twp 04N Rge 05W CANYON County	(R)

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Eureka Ditch Company No. 2.
3. Rights 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363, and 63-32241 when combined shall not exceed the irrigation of 2990.0 acres.
4. Transfer 80380 authorizes injection of water from the Eureka Ditch into the North Drain at T04N R04W Sect 6 Gov't Lt 2 (NWNE) and redirection from the North Drain at T04N R04W Sect 6 Gov't Lt 1 (NENE) and T04N R05W Sect 1 Gov't Lt 1 (NENE). The quantity authorized for redirection from the North Drain is limited to the amount injected and shall not exceed 3.22 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80380

WATER RIGHT NO. 63-21362
As Modified by Transfer No. 80380

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.
9. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39578.
10. This right originated as all or part of right no. 24 in the Stewart Decree and the historic Boise River Water Masters records.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-21363

As Modified by Transfer No. 80380

In accordance with the approval of Transfer No. 80380, Water Right No. 63-21363 is now described as follows:

Right Holder: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL, ID 83607

Priority Date: 5/11/1950

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
46,000 cfs
46,000 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	SENW	Sec 17 Twp 04N Rge 03W CANYON County	
BOISE RIVER	SESW	Sec 7 Twp 04N Rge 03W CANYON County	(R)
BOISE RIVER	NESE	Sec 12 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L1 (NENE)	Sec 6 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L2 (NWNE)	Sec 6 Twp 04N Rge 04W CANYON County	(I)
BOISE RIVER	L1 (NENE)	Sec 1 Twp 04N Rge 05W CANYON County	(R)

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Eureka Ditch Company No. 2.
3. Rights 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363, and 63-32241 when combined shall not exceed the irrigation of 2990.0 acres.
4. Transfer 80380 authorizes injection of water from the Eureka Ditch into the North Drain at T04N R04W Sect 6 Gov't Lt 2 (NWNE) and redirection from the North Drain at T04N R04W Sect 6 Gov't Lt 1 (NENE) and T04N R05W Sect 1 Gov't Lt 1 (NENE). The quantity authorized for redirection from the North Drain is limited to the amount injected and shall not exceed 3.22 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80380

WATER RIGHT NO. 63-21363
As Modified by Transfer No. 80380

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-32241
As Modified by Transfer No. 80380

In accordance with the approval of Transfer No. 80380, Water Right No. 63-32241 is now described as follows:

Right Holder: EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL, ID 83607

Priority Date: 7/20/1959

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 03/01 **To** 11/15

Diversion Rate
24.000 cfs
24.000 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER	SENW	Sec 17 Twp 04N Rge 03W CANYON County	
BOISE RIVER	SESW	Sec 7 Twp 04N Rge 03W CANYON County	(R)
BOISE RIVER	NESE	Sec 12 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L1 (NENE)	Sec 6 Twp 04N Rge 04W CANYON County	(R)
BOISE RIVER	L2 (NWNE)	Sec 6 Twp 04N Rge 04W CANYON County	(I)
BOISE RIVER	L1 (NENE)	Sec 1 Twp 04N Rge 05W CANYON County	(R)

CONDITIONS OF APPROVAL

1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. Place of use is within the area served by Eureka Ditch Company No. 2.
3. Rights 63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363, and 63-32241 when combined shall not exceed the irrigation of 2990.0 acres.
4. Transfer 80380 authorizes injection of water from the Eureka Ditch into the North Drain at T04N R04W Sect 6 Gov't Lt 2 (NWNE) and redirection from the North Drain at T04N R04W Sect 6 Gov't Lt 1 (NENE) and T04N R05W Sect 1 Gov't Lt 1 (NENE). The quantity authorized for redirection from the North Drain is limited to the amount injected and shall not exceed 3.22 cfs.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

WATER RIGHT NO. 63-32241

As Modified by Transfer No. 80380

CONDITIONS OF APPROVAL

6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
8. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Eureka Ditch Co No 2
63-222D, 63-223K, 63-3572, 63-21361, 63-21362, 63-21363, and 63-32241

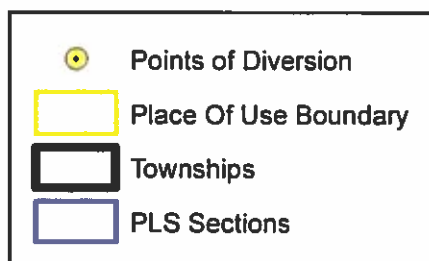
05W 03W

05N

04N

0 0.75 1.5 3 Miles

The USNA-USA Aerial Photography Field Office asks to be credited in derived products





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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

November 1, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL ID 83607

Re: Transfer No: 80380
Water Right No(s): 63-222D , 63-223K , 63-3572, 63-21361, 63-21362, 63-21363, 63-32241

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,



Nick Miller
Western Regional Manager

Enclosure

CC:

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701-2720

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706

ENERGY RESOURCE GROUP LLC
C/O DANA L HOFSTETTER
HAWLEY TROXELL ENNIS HAWLEY LLP
877 MAIN ST STE 1000
PO BOX 1617
BOISE ID 83701-1617

REX R. BARRIE
WATERMASTER OF DISTRICT 63
10769 W STATE ST
PO BOX 767
STAR ID 83669

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80380

Water Right No(s): 63-222D , 63-223K , 63-3572, 63-21361, 63-21362, 63-21363, 63-32241

**EUREKA DITCH CO NO 2
C/O BILL DORAMUS
21766 HOWE RD
CALDWELL ID 83607**

**ENERGY RESOURCE GROUP LLC
C/O DANA L HOFSTETTER
HAWLEY TROXELL ENNIS HAWLEY LLP
877 MAIN ST STE 1000
PO BOX 1617
BOISE ID 83701-1617**

**MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701-2720**

**SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706**

**REX R. BARRIE
10769 W STATE ST
PO BOX 767
STAR ID 83669**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701 A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken.
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.