



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

December 22, 2010

NEW UNION DITCH COMPANY
PO BOX 31
EAGLE ID 83616

RE: Water Right No. 63-146

Dear Water Right Holder:

Enclosed is a copy of an approved Application for Extension of Time to Avoid Forfeiture for the above referenced water right. Please note that resumption of beneficial use of water for this right shall occur on or before **July 1, 2017**.

Please notify the Department as soon as you resume use of water under this right. If you have not notified the Department sixty (60) days prior to the resumption deadline, the Department will send you a Resumption of Use Notice by certified mail.

Section 42-248, *Idaho Code*, requires water right owners to maintain current ownership and address records on file with the Department. Please refer to www.idwr.idaho.gov or contact any office of the Department for the proper form to file a change of ownership of water right and/or a change in address of the owner. Please contact this office at 208-334-2190 if you have any questions concerning this matter.

Sincerely,

A handwritten signature in black ink that reads "John Westra". Below the signature, the word "For:" is written in a smaller, handwritten font.

John Westra
Manager, Western Region

Enclosures

RECEIVED

SEP 21 2012

DEPARTMENT OF
WATER RESOURCES

Form 42-222(4) Rev. 06/12
FEE \$70.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 24 2012

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

WATER RESOURCES
WESTERN REGION

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

1. Water Right No. 63-148 (one right per application)
☒ Attach a copy of the water right record, available at <http://www.idwr.idaho.gov>, Water Right Transfers, Step 1, or by contacting any Department office.
2. Applicant New Union Ditch Company Phone (208) 939-8476
3. Are you the current water right holder of record? Yes ☒ No ☐
☐ If no, provide documentation of your authority to sign on behalf of the right holder -- OR -- attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
4. Mailing address ☒ Same as water right record -- OR -- complete the following information:
Address P. O. Box 31 City Eagle
State ID Zip code 83616 Email _____
5. Give the last date water was beneficially used 2012 (see attachment)
6. Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.
Attach additional documentation if needed.
See attachment

The information contained in this application is true to the best of my knowledge.

Signature of applicant or authorized agent

Gary Heikes, President

Print name (and title, if applicable)

Sept. 19, 2012

Date

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

Oct. 9, 2012

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby
APPROVE said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before JULY 1, 2017.

Signed this 26th day of February, 2013

John Westra
Title: Western Regional Manager

Stamped received ☒ Fee received by STATE OFFICE

Date 9/21/12

Receipt # C096020

\$100

SCANNED

FEB 01 2013

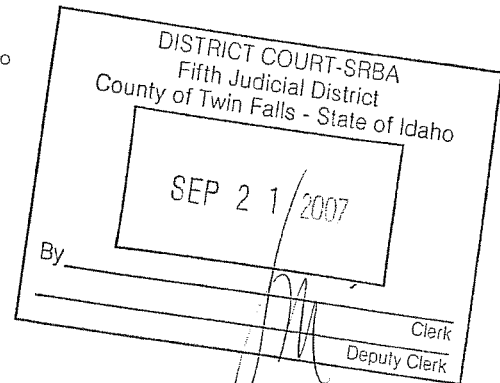
The SRBA partial decree for water right 63-146 was entered on September 21, 2007. The service area for the NUDC is an area that has rapid urbanization occurring since the start of the SRBA on November 19, 1987. The water master records for delivery of this water right for 2011 indicate no more than 8.0 cfs of the 13.76 cfs were delivered. NUDC does not want to lose any of water right 63-146 due to non-use.

For a number of years, NUDC has been working actively with other water users and has obtained transfers of 63-146 for continued but changed uses within the NUDC service area. NUDC also intends to place the portion of water right 63-146 that is not in current use by its shareholders into the IWRB water supply bank. It is the intent of NUDC to make every effort to continue full use of water right 63-146 within the Boise River drainage.

SCANNED
FEB 01 2013

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-00146



NAME AND ADDRESS: NEW UNION DITCH CO LTD
PO BOX 31
EAGLE, ID 83616
SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 13.76 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1865
POINT OF DIVERSION: T04N R01E S23 LOT 1 (NESE) Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	13.73 CFS
	Groundwater Recharge	03-01 TO 11-15	0.03 CFS
			4.60 AFY

Diversion for irrigation and groundwater recharge 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: Groundwater Recharge Within Ada County
T04N R01E S16 NENW

This right is limited to the irrigation of 686.5 acres within the boundary of the New Union Ditch Company Limited in a single

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

PLACE OF USE (continued)

irrigation season.

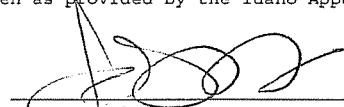
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk 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