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DEPARTMENT OF
WATER RESOURCES

Form 42-222(4) Rev. 06/12
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FEB 17 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

- Water Right No. 63-146 (one right per application)
 Attach a copy of the water right record, available at <http://www.tdwr.idaho.gov>, *Water Right Transfers, Step 1*, or by contacting any Department office.
- Applicant New Union Ditch Company Phone (208) 939-8476
- 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.
- 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 _____
- Give the last date water was beneficially used 2012 (see attachment)
- 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.

[Handwritten Signature]
Signature of applicant or authorized agent
[Handwritten Signature]
Signature of applicant or authorized agent

Gary Heikes, President
Print name (and title, if applicable)
Gary Heikes
Print name (and title, if applicable)

Sept. 19, 2012
Date
Oct. 9, 2012
Date

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 said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before _____

Signed this _____ day of _____, 20____. Title: _____

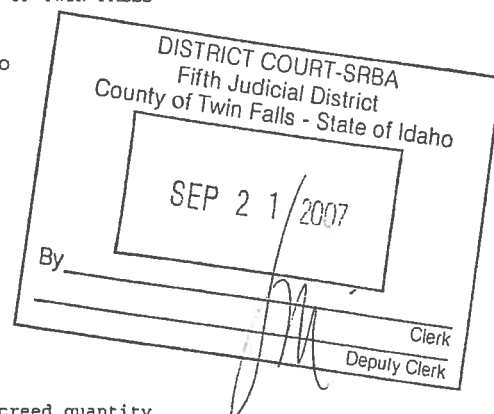
Stamped received Fee received by STATE OFFICE Date 9/21/12 Receipt # C096020
\$100

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.

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

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, January 31, 2013 5:04 PM
To: 'waterdistrict63@qwestoffice.net'
Subject: Application for Extension
Attachments: 63-146.pdf

January 31, 2013

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR, ID 83669-0767

RE: Application for Extension of Time to Avoid Forfeiture of a Water Right. 63-146

Dear Watermaster:

A copy of the above referenced application is enclosed with this email. Please review the application and provide your comments, if any, to this office within 30 days.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within your water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

This office can finish reviewing an unprotested application shortly after the protest period has ended. Your prompt response to this request will ensure your recommendation will be considered. If IDWR has not received your written recommendation within 30 days, IDWR will presume you do not oppose approval of the application.

Sincerely,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, January 31, 2013 8:51 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Legal Ads
Attachments: Ada Cover Letter.docx; Ada Combined Ad.docx

Janice,

Please see the attached ad for publication on 2/7/13 & 2/14/13.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant I
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

January 30, 2013

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No's: 63-33415 & 63-33707
Application for Transfer No's: 78266, 78267 & 78269
Application for Extension of Time No. 63-146

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/25/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33415

D YAMAMOTO DEVELOPMENT LLC

PO BOX 64

KUNA, ID 83634

Points of Diversion SWSW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion SESE S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion NWSW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion SESW S5 T01N R01E ADA County Source GROUND WATER

Points of Diversion NENW S8 T01N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 2.98 CFS

Total Diversion: 2.98 CFS

Date Filed: 8/19/2010

Place Of Use: IRRIGATION

T01N R01E S5 SWNE NWNW SWNW SENW NESW NWSW SWSW SESW NESE NWSE SWSE SESE

T01N R01E S8 NENW NWNW SWNW SENW

Total Acres: 640

Water bearing zone to be appropriated is from 250 to 400 feet.

63-33707

CHARLES MADENFORD FAMILY TRUST

3605 N POLLARD LN

STAR, ID 83669

Point of Diversion NWSW S33 T05N R01W ADA County Source GROUND WATER

Use: AESTHETIC STORAGE

01/01 to 12/31 26 AF

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.25 CFS

Use: RECREATION STORAGE 01/01 to 12/31 26 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 26 AF

Total Diversion: 0.25 CFS 26 AF

Date Filed: 10/19/2012

Place Of Use: AESTHETIC STORAGE, RECREATION STORAGE, WILDLIFE STORAGE

T05N R01W S33 NWSW

Water bearing zone to be appropriated is from 91 to 188 feet.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

New Union Ditch Company of PO Box 31, Eagle, ID, 83616, filed an Application proposing an Extension of Time to Avoid Forfeiture for Water Right No. 63-146 with an 1865 priority from the Boise River totaling 13.76 cfs. The application proposes to cover approximately 5.76 cfs. The balance of the right was last used in 2012. The right serves property located within the boundaries of New Union Ditch Company generally located in the Eagle area. The applicant requests the extension of time due to rapid urbanization of lands within their boundaries. The company does not want to lose any of Rt. 63-146 due to non-use.

PROPOSED CHANGE OF WATER RIGHTS

Jerry L. & Mary Louise Tlucek and Snake River Dairies LLC of 15188 S. Can-Ada Rd., Melba, ID 83641 filed Application No. 78269 to transfer two water rights with 1969 priority dates from ground water totaling 1.41 cfs. The purpose of the transfer is to create a permissible place of use and identify the two existing wells which are to be used for irrigation. Water will be used at the current place of use approximately 1.5 miles north of the Snake River and 1.5 miles east of the Ada & Canyon county lines.

Meridian Joint School District #2, Operations & Maintenance of 1303 E Central Dr., Meridian, ID, 83642 has filed Application Nos. 78266 and 78267 to transfer portions of one water right with a 1969 priority date from ground water totaling 0.80 cfs. The purpose of Transfer 78266 is to move 3 acres of supplemental irrigation water from Rt. 63-31763, appurtenant to Education Campus Subdivision, to Meridian Middle School Campus for supplemental irrigation. The purpose of Transfer 78267 is to move 2.5 acres of supplemental irrigation water from Rt. 63-31763 to Meridian Academy Campus for supplemental irrigation.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights, proposed transfer &/or extension, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp using the above referenced water right no. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of these applications must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 2/25/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 2/7/2013 and 2/14/2013