

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71069

This is to certify that: EUREKA WATER CO
C/O MARK PHILLIPS
7650 N STAR RD
MERIDIAN ID 83642
(208)939-4558

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-145	WR/Decreed	06/01/1865	33.32 cfs	N/A	N/A	1,826.0	BOISE RIVER
63-16383	WR/Decreed	06/01/1865	2.31 cfs	N/A	N/A	1,826.0	PHYLLIS SLOUGH

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>
63-145	NO	NO	NO	NO	NO	YES
63-16383	NO	NO	NO	NO	NO	YES

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>
63-145	63-145	33.32 cfs	N/A	N/A	1817.9		N/A	N/A	N/A	N/A
63-16383	63-16383	2.31 cfs	N/A	N/A	1817.9		N/A	N/A	N/A	N/A
COMBINED TOTALS		35.63 cfs	N/A	N/A	1817.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of July, 2009

for Shelley W. Keen
Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 63-145

WATER RIGHT NO. 63-145
As Modified by Transfer No. 71069

In accordance with the approval of Transfer No. 71069, Water Right No. 63-145 is now described as follows.

Right Holder: EUREKA WATER CO
C/O MARK PHILLIPS
7650 N STAR RD
MERIDIAN ID 83642

Priority Date: June 01, 1865

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
GROUND WATER RECHARGE	04/01	to 10/31	0.15 CFS	28.4 AF
IRRIGATION	04/01	to 10/31	33.17 CFS	
			33.32 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L6 (NWSENW) Sec. 24, Twp 04N, Rge 01W ADA County

PLACE OF USE: IRRIGATION, see Condition #1

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
04N 01W 17																	X
04N 01W 20	X																

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. This right is limited to the irrigation of 1817.9 acres within the place of use described above in a single irrigation season.
3. 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.

WATER RIGHT NO. 63-145
As Modified by Transfer No. 71069

CONDITIONS OF APPROVAL

4. Rights 63-145 and 63-16383 authorize the diversion of an annual total of 28.4 acre-feet to be used for the replacement of losses caused by evaporation from the ponds authorized under Rights 63-31134, 63-31135, and 63-31136.
5. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control at the point of diversion and at the inflow of the ground water recharge ponds. The right holder shall also maintain measuring devices at all discharge points from the ground water recharge ponds. Water shall not be diverted for irrigation from the recharge ponds at a rate or volume higher than the amount delivered to the ponds less any amount allocated to ground water recharge.
6. 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 lands above.
7. 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 Reservoirs 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.
8. 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. This right is designated as No. 13 in the Stewart Decree and in the Boise River Watermaster records.
10. Water is delivered through the Eureka Canal.
11. The following rights are diverted through point(s) of diversion described above: 63-161BU, 63-166A, 63-167A, 63-224, 63-225, 63-294, 63-295.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-145
As Modified by Transfer No. 71069

CONDITIONS OF APPROVAL

14. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

Dated this 23rd day of July, 2009

Shelley W. Keen
for Chief, Water Allocation Bureau

WATER RIGHT NO. 63-16383
As Modified by Transfer No. 71069

In accordance with the approval of Transfer No. 71069, Water Right No. 63-16383 is now described as follows.

Right Holder: EUREKA WATER CO
 C/O MARK PHILLIPS
 7650 N STAR RD
 MERIDIAN ID 83642

Priority Date: March 01, 1890

Source: PHYLLIS SLOUGH

Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	2.30 CFS	
STOCKWATER	01/01	to 12/31	0.24 CFS	
GROUND WATER	03/01	to 11/15	0.01 CFS	5.1 AF
RECHARGE			2.31 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PHYLLIS SLOUGH SWNW Sec. 22, Twp 04N, Rge 01W ADA County

PLACE OF USE: IRRIGATION, see Condition #1

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01W 14											X L 6	X L 7			X L 8		
04N 01W 15												X L 6			X L 7	X L 8	
04N 01W 16									X L 3	X L 4	X L 5	X L 6			X L 7		
04N 01W 17										X L 4		X L 5			X L 6	X L 7	
04N 01W 18													X L 7		X L 9	X L 8	
04N 01W 19	X L 6	X	X	X	X L 5	X L 4	X L 3	X	X				X	X			
04N 01W 20	X	X	X	X	X	X	X	X	X	X			X	X			
04N 01W 21	X L 1	X	X	X	X	X	X	X	X	X			X	X			
04N 01W 22	X	X	X	X	X	X L 1	X	X									
04N 01W 23		X L 2	X	X L 3	X	X	X	X									
04N 01W 24							X L 5										
04N 02W 13											X L 6				X L 7		
04N 02W 24	X L 1	X	X	X	X			X					X	X			

WATER RIGHT NO. 63-16383
As Modified by Transfer No. 71069

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01W 17																X	
04N 01W 20	X																

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. This right is limited to the irrigation of 1817.9 acres within the place of use described above in a single irrigation season.
3. 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.
4. Rights 63-145 and 63-16383 authorize the diversion of an annual total of 28.4 acre-feet to be used for the replacement of losses caused by evaporation from the ponds authorized under Rights 63-31134, 63-31135, and 63-31136.
5. The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control at the point of diversion and at the inflow of the ground water recharge ponds. The right holder shall also maintain measuring devices at all discharge points from the ground water recharge ponds. Water shall not be diverted for irrigation from the recharge ponds at a rate or volume higher than the amount delivered to the ponds less any amount allocated to ground water recharge.
6. 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 lands above.
7. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
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.

WATER RIGHT NO. 63-16383
As Modified by Transfer No. 71069

CONDITIONS OF APPROVAL

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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right 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.

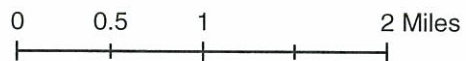
Dated this 23rd day of July, 2009

Shelley W. Keen
for Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 71069
Water Service Area Boundary for Eureka Water Co
Rights: 63-145, 63-16383

July 23, 2009



Legend

-  Eureka Large POU
-  Townships
-  PLS Sections
-  Quarter Quarters

2006 Naip Imagery

