

12/02/2006

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

RIGHT NUMBER: 63-32524

NAME AND ADDRESS: CANYON COUNTY WATER CO LTD
C/O BETHA FOSTER
PO BOX 11
STAR ID 83669

SOURCE: UNNAMED DRAINS

TRIBUTARY: BOISE RIVER

QUANTITY: 52.500 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION:

T04N R02W S3 NESWNW Within CANYON County

T04N R02W S5 SENESW Rediversion Within CANYON County

T04N R02W S9 SWNENW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

52.500 CFS

PLACE OF USE:

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 drainage water can be used to irrigate up to 995 acres within the boundaries of the Canyon County Water Co Ltd.

This right remains 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 or manner of wasting it, or to recapture it.

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 - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32524 V1

WATER RIGHT NUMBER: 63-32524 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANYON COUNTY WATER CO LTD C/O BETHA FOSTER PO BOX 11 STAR, ID 83669 (208)455-1735
Attorney	RINGERT CLARK CHARTERED S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 04/01/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAINS	BOISE 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	52.500 CFS	
<u>Total Diversion:</u>		52.500 CFS	

Location of Point(s) of Diversion

UNNAMED DRAINS	SE1/4NE1/4SW1/4	Sec. 5,	Twp 04N,	Rge 02W, B.M.
CANYON County	(Rediversion)			
UNNAMED DRAINS	NE1/4SW1/4NW1/4	Sec. 3,	Twp 04N,	Rge 02W, B.M.
CANYON County				
UNNAMED DRAINS	SW1/4NE1/4NW1/4	Sec. 9,	Twp 04N,	Rge 02W, B.M.
CANYON County				

Place of UseConditions of Approval:

1. This drainage water can be used to irrigate up to 995 acres within the boundaries of the Canyon County Water Co Ltd.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.
3. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32524 V1

4. G16 This right remains 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 or manner of wasting it, or to recapture it.
5. 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.

Remarks:Comments:

1. jshurte 12/2/2006 Pts of diversion

Comment: I am listing the pts of diversion as the Harvey Waste Check in Sec. 3 and the Watts Check No. 2 in Sec. 9 which are combined and rediverted via the Shiley Check in Sec. 5. It then flows directly into the Canyon County Town ditch for distribution to the 995 acres claimed.

2. jshurte 12/2/2006 Priority date

Comment: See comments in 63-32523. This is also drainage water that is being filed on in addition to the 150 cfs mentioned in 63-32523 and has the same priority as 63-32523.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/2/2006 1:39:48 PM	jshurte			Active
Priority Date	12/2/2006 1:40:58 PM	jshurte			Active
POD	12/2/2006 1:53:18 PM	jshurte			Active
Source	12/2/2006 1:53:45 PM	jshurte			Active
POU	12/2/2006 1:59:26 PM	jshurte			Active
Use	12/2/2006 1:59:49 PM	jshurte			Active
Season	12/2/2006 2:00:12 PM	jshurte			Active
Quantity	12/2/2006 2:06:10 PM	jshurte			Active
Summary			12/02/2006	jshurte	Active

Water Right(s)

63-32524

IDAHO DEPT OF WATER RESOURCES

1987 Photography

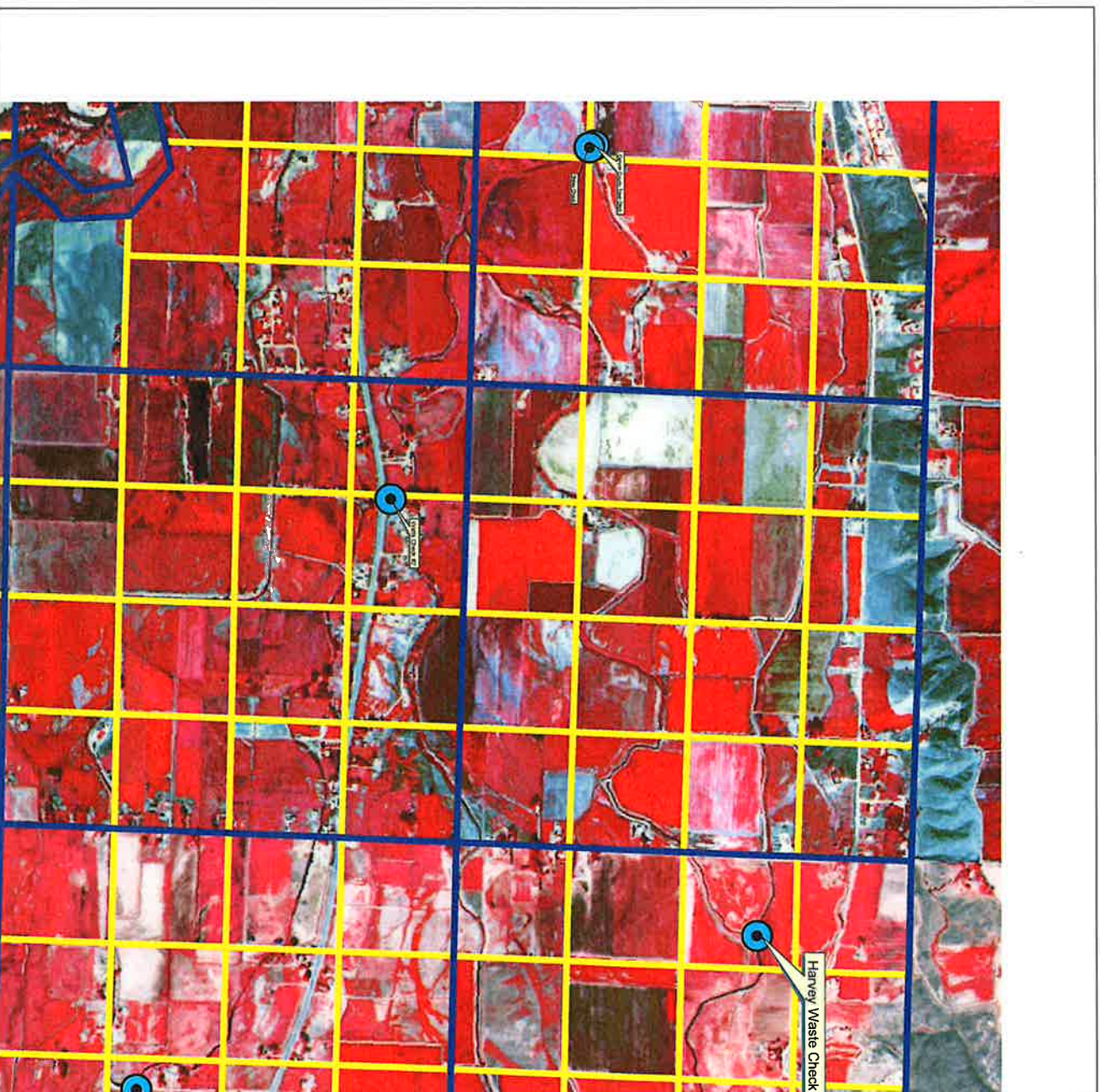
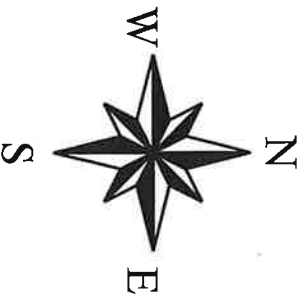
Date: December, 2006

● *Pt of Diversion*

□ *Place of Use*

□ *1/4 1/4 Lines*

□ *Section Lines*



Water Right(s)

63-32524

IDAHO DEPT OF WATER RESOURCES

1987 Photography

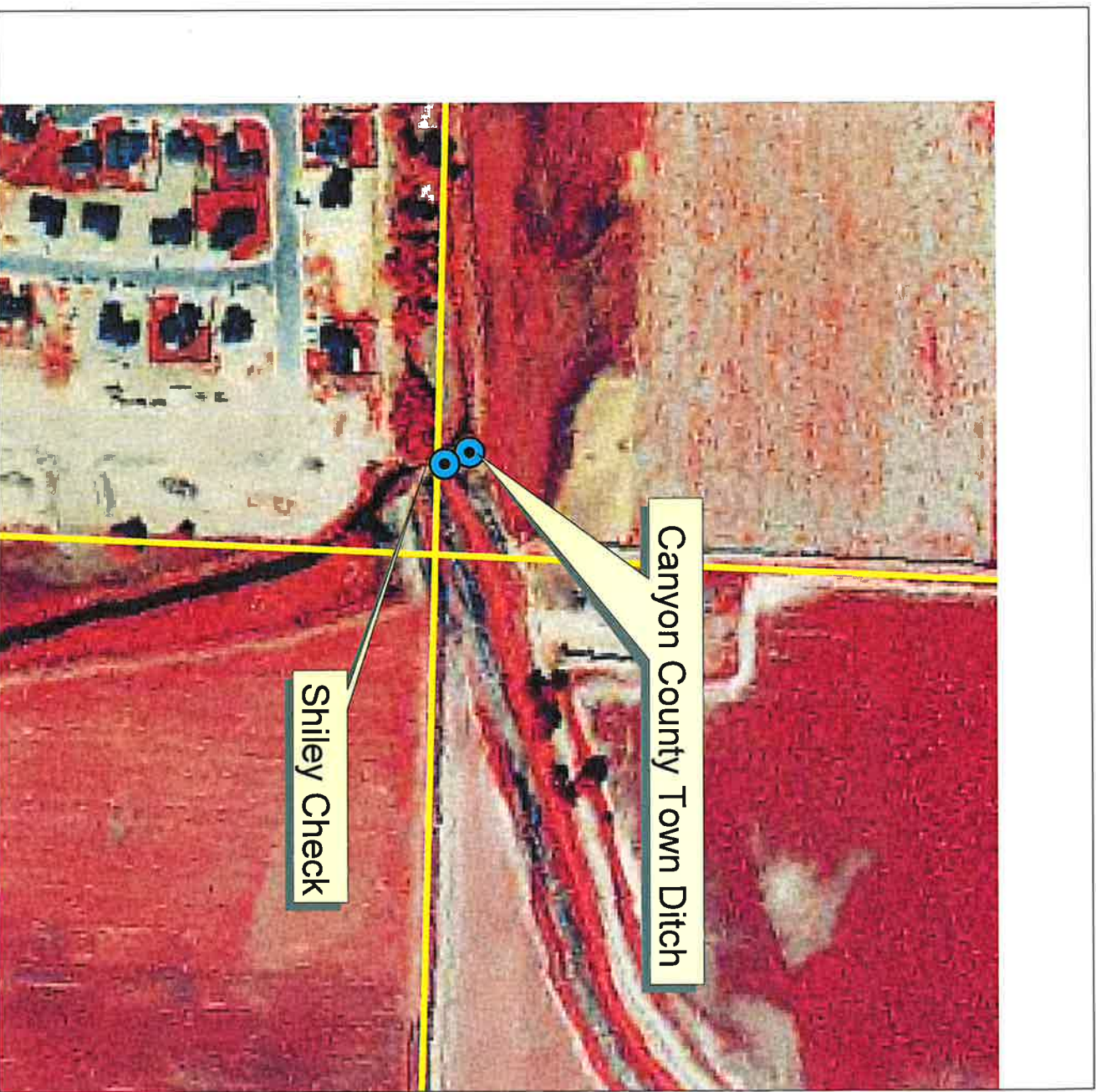
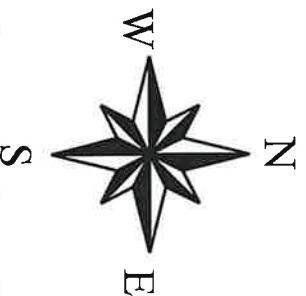
Date: December, 2006

● **Pt of Diversion**

Place of Use

114114 Lines

Section Lines



Water Right(s)

63-32524

IDAHO DEPT OF WATER RESOURCES

1987 Photography

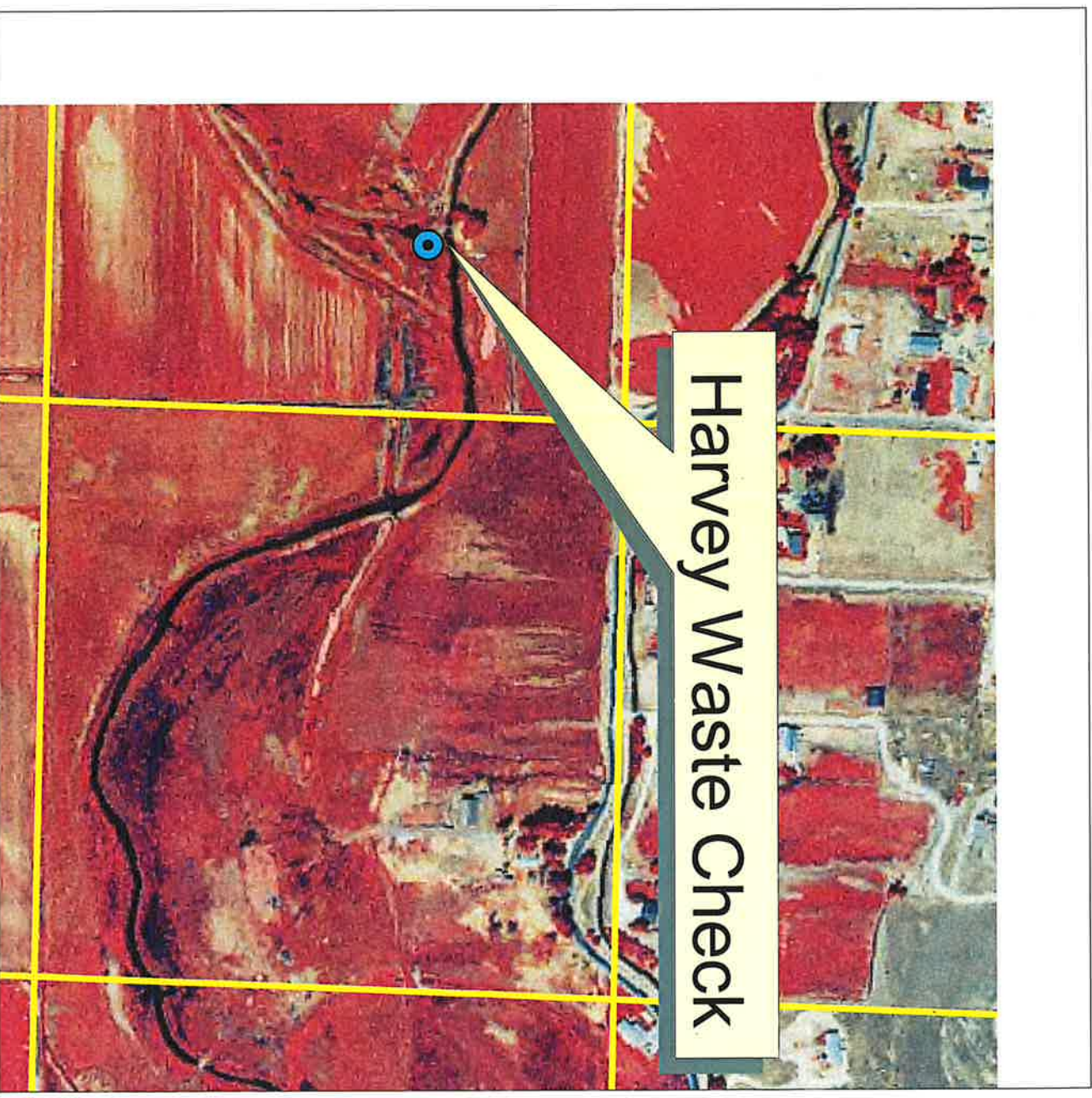
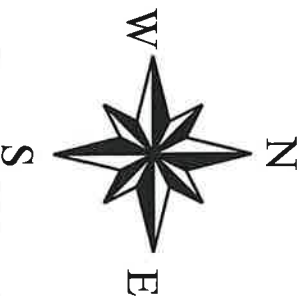
Date: December, 2006

● **Pt of Diversion**

□ **Place of Use**

□ **1/4 1/4 Lines**

□ **Section Lines**



Water Right(s)

63-32524

IDAHO DEPT OF WATER RESOURCES

1987 Photography

Date: December, 2006

● Pt of Diversion



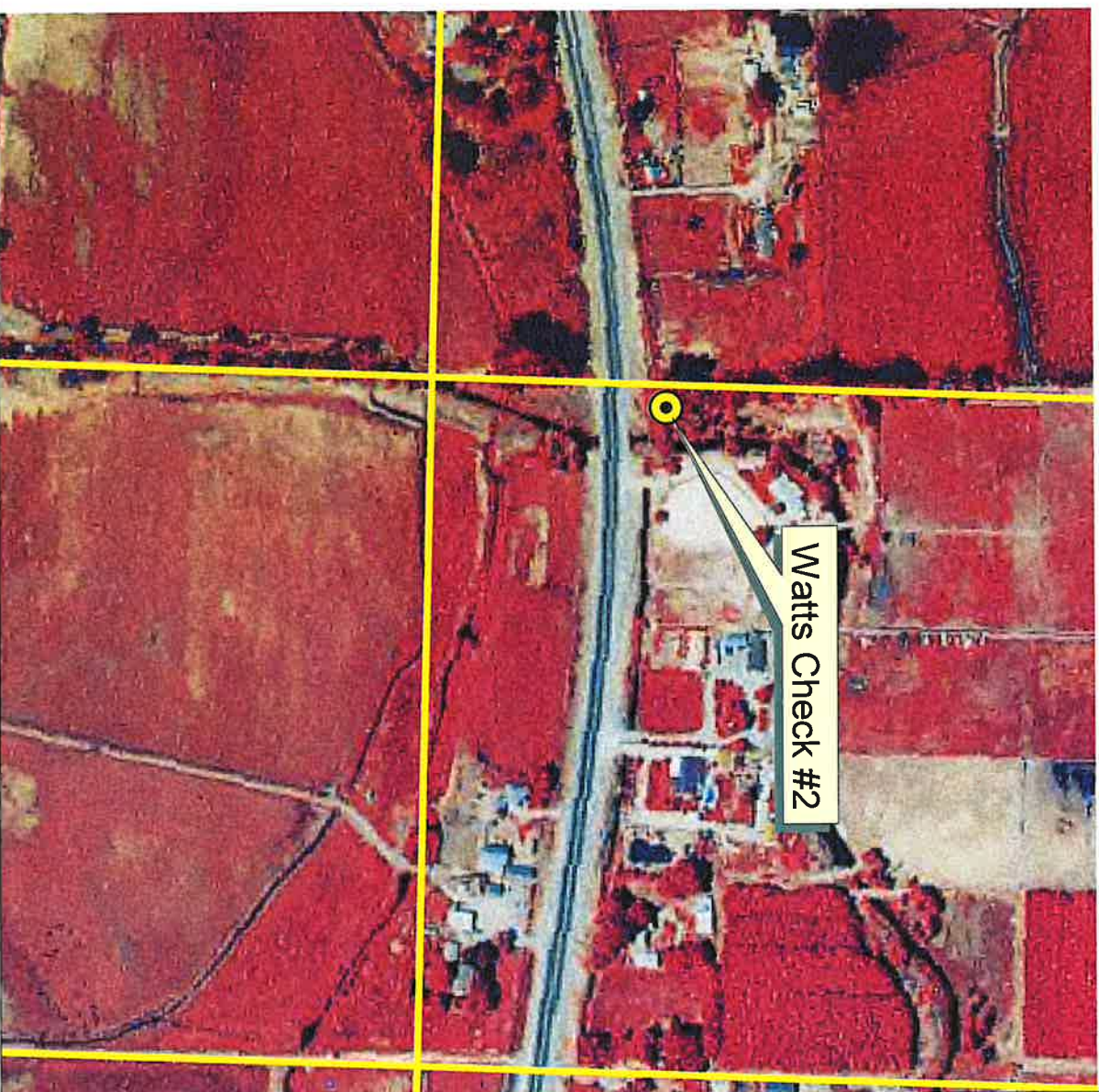
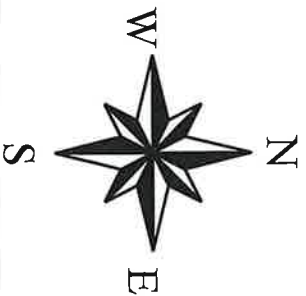
Place of Use



114114 Lines



Section Lines



RECEIVED

OCT 19 2006

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

October 18, 2006

Jan Shurte
Idaho Department of Water Resources
Western Regional Offices
2735 Airport Way
Boise, Idaho 83705

Re: Canyon County Water Company

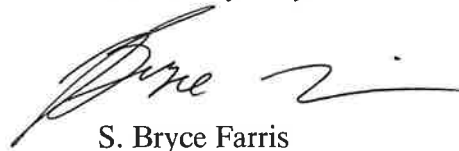
Dear Jan:

Enclosed please the original and copy of two Notices of Claim to a Water Right, that I am filing on behalf of Canyon County Water Company. Please conform the copy of each Notice and return them to me in the enclosed pre-paid, self-addressed envelope. A check in the amount of \$200.00 for the filing fees is also included.

Also, enclosed please find a aerial photo with the diversion points marked for your reference.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions or comments regarding this matter.

Yours very truly,



S. Bryce Farris

SBF:kw
Enclosures

cc: CCWC

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 63-32524
Date Received: 10/19/2006
Receipt No: W034807
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CANYON COUNTY WATER CO LTD Phone: (208)455-1735
C/O BETHA FOSTER
PO BOX 11
STAR ID USA 83669

2. Date of Priority: 04/01/1923

3. Source: UNNAMED DRAINS Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02W	5	SE NE SW	CANYON	R
04N	02W	3	NE SW NW	CANYON	
04N	02W	9	NE NW NW	CANYON	

5. Description of diverting works:

The point of diversion described in paragraph 4 above is a re-diversion of water from two other points of diversion. These are the Harvey Waste located at 4N, 2W, Sec. 3, NESWNW, and the Watts 2 Check located at 4N, 2W, Sec. 9, NENWNW. These two points of diversion divert water to a drain which is re-diverted at the Shiley Check into Canyon County Water Company, Town Ditch. The Town Ditch quantity is determined by the highwater mark on a cement flume below the wood gate which releases water into the Town Ditch. This cement flume is 7 ft wide by 4 ft high with a highwater mark of 30 inches. Rate of flow in the flume is 3 feet per second.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.
IRRIGATION	03/01	11/15	52.5

ACTUALLY
LOCATED IN
THE SWNENW
S. 9

7. Total Quantity Appropriated is:
52.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

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:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: 63-163, 63-179B, 63-21761, 63-21762

14. Remarks:

The place of use for 52.5 cfs is 995 acres in the Canyon County Water Company service area. See aerial photograph for points of diversion and re-diversion to the Town Ditch. This claim is also supported by the Affidavits of Melvin Watkins and Eugene Muller filed in support of Drainage District No. 2 claims, copies of which are attached hereto.

15. Basis of Claim: Beneficial Use

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

ALB-32524

Date Received

10-19-06

Receipt Number

W034807

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 19 2006

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Canyon County Water Company Phone (208) 455-1735

Mailing Address P.O. Box 11, Star, Idaho Zip 83669

2. Date of Priority (Only one (1) per claim) April 1, 1923

3. Source of water supply (a) Unnamed Drain
which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4 N Range 2 W Section 5,
SE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any: See description of diversions set forth in paragraph 5 below.

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. The point of diversion described in paragraph 4 above is
a re-diversion of water from two other points of diversion. These are the Harvey Waste located at T4N, R2W,
Section 3, NE 1/4, SW 1/4, NW 1/4, and the Watts 2 Check located at T4N, R2W, Section 9, NE 1/4, NW 1/4,
NW 1/4. These two points of diversion divert water to a drain which is re-diverted at the Shiley Check into the
Canyon County Water Company, Town Ditch. The Town Ditch quantity is determined by the highwater mark
on a cement flume below the wood gate which releases water into the Town Ditch. This cement flume is
7 feet wide by 4 feet high with a highwater mark of 30 inches. Rate of flow in the flume is 3 feet per second.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 03-01 to 11-15 amount 52.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 52.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use: See paragraph 14.

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 995

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

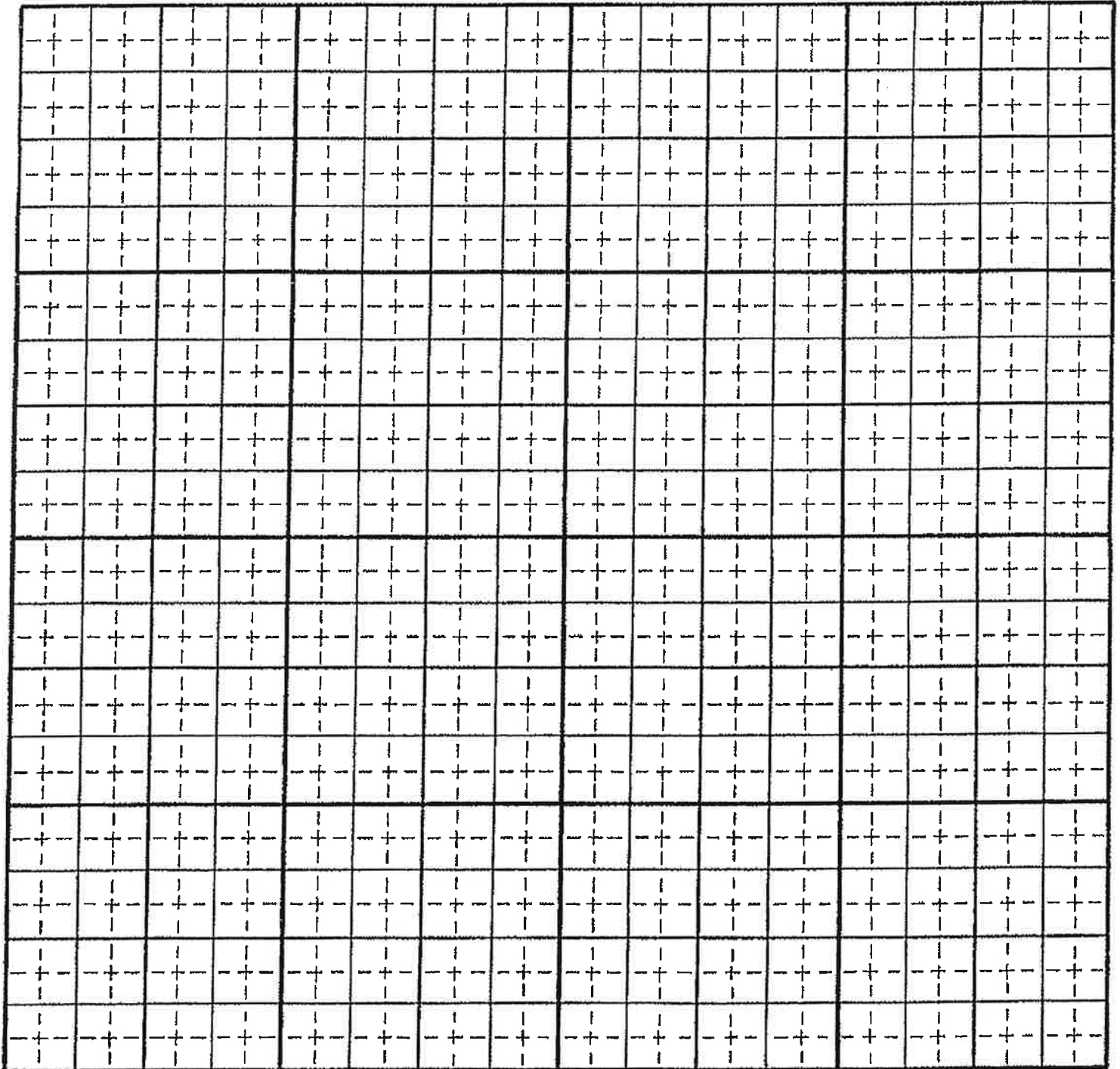
13. Describe any other water rights used at the same place and for the same purposes as described above.
63-163, 63-179B, 63-21761, 63-21762 or None ()

14. Remarks: The place of use for 52.5 cfs is 995 acres in the Canyon Counter Water Company service area.
See aerial photograph for points of diversion and re-diversion to the Town Ditch. This claim is
also supported by the Affidavits of Melvin Watkins and Eugene Muller filed in support of
Drainage District No. 2 claims, copies of which are attached hereto.

Last Name Canyon County Water Co. Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Canyon County Water Co. Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am V-President Title
of Canyon County Water Co. Organization, that I have signed the foregoing
document in the space below as V-President Title of Canyon County Water Co. Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent James L Payne
Title and Organization V-President Date 10-17-06

State of Idaho/or Idaho }
County of Ada } SS.

Subscribed and sworn (or affirmed) before me this 17th day of October 2006



Notary Public Kim A. White

Residing at Boise, Idaho

My Commission Expires 2/10/10

Please Print Name

17. Notice of Appearance:

Notice is hereby given that, Bryce Farris will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Bryce Farris

Address 455 S. Third Street, P.O. Box 2773, Boise, ID 83701

Date 10/18/06

Last Name Canyon County Water Co. Ident. Number _____

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
Indent. Number _____
Date Received _____
Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant(s) Drainage District No. 2 of Ada County Phone (208) 342-4591

Mailing Address c/o Bryce Farris, Ringert Clark Chartered, P.O. Box 2773, Boise, Idaho Zip 83701

2. Date of Priority only (1) per claim) March 12, 1923

3. Source of water supply (a) Surface and subsurface seepage and percolating waters developed by Claimant's drainage system.

which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 _____ 1/4, Govt. Lot, _____ B.M., County of _____

See Exhibit A

Additional points of diversion if any: See Exhibit A

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Ect). Including the dates of any changes or enlargement in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. see Exhibit A.

Last Name Drainage District No. 2 Ident. Number _____

6. Water is claimed for the following purposes:

For irrigation purposes from 3/15 to 11/15 amount 50 cfs or _____
(both dates are inclusive) (cfs) (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 50 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre fee per annum.

9. Non-Irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater Type and number of livestock Ect.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE EXHIBIT A																

Total number of acres irrigated See Exhibit A

11. In which county (ies) are lands listed above as place of use located? Ada and Canyon Counties

12. Do you own the property listed above as place of use? Yes _____ No X

13. Describe any other water rights used a the same place and for the same purposes as described above.
_____ or None ()

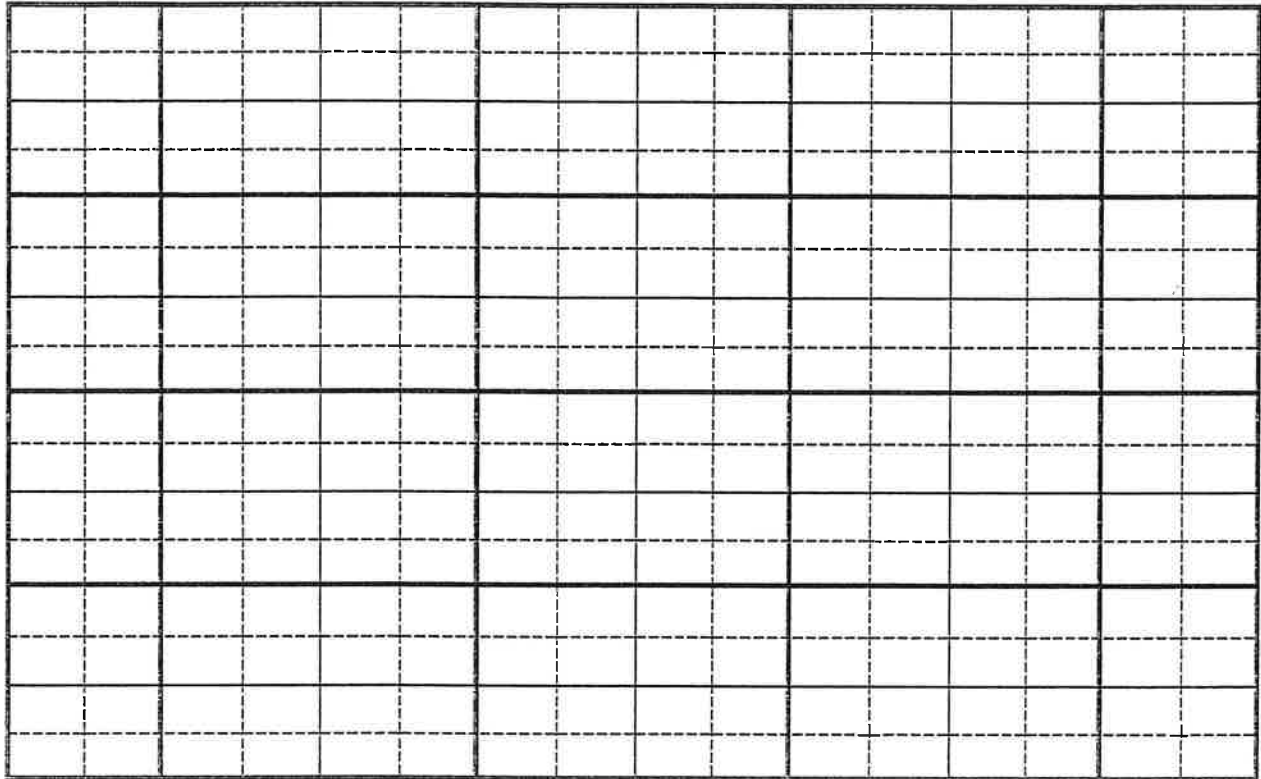
14. Remarks:

See Exhibit A

Form No. 42-1409 (2) a 9/88 (Internet)

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

SCALE: 2 inches equal 1 mile. Draw plan in ink. See Exhibit A



Last Name _____ Drainage District No. 2 _____ Ident. Number _____

15. Basis or Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number See Exhibit A

Court Case Number Decree Date

Plaintiff vs 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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing documents are true and correct.

Signature or Claimant (s) Date

Date

For Organizations: I do solemnly swear or affirm that I am Chairman Sec.
Title

of Drainage District No. 2, that I have signed the foregoing

Organization
document in the space below as Chairman Sec. of Drainage District No. 2
Title organization

and that the statements contained in the foregoing document are true and correct.

Signed of Authorized Agent B. James Monaghan

Title and Organization Chairman, Drainage District No. 2 Date 10/04/06

State of Idaho/or Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day of October 20 06.



Notary Public Kimi A. White

Residing at Boise, Idaho

My Commission Expires 04/01/10

16. Notice of Appearance:

Notice is hereby given that I, S. Bryce Farris will be acting as attorney at law on behalf of the claimant signing above, and all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature S. Bryce Farris

Address 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701

Date 9/19/06

EXHIBIT A

Claimant is a drainage district organized and existing by virtue of the laws of the State of Idaho, Title 42, Chapter 29, since 1918 and consisting of more than 29,000 acres in Ada and Canyon County. Claimant's drainage system, ditches, check gates and headgates have drained, developed and collected surface and subsurface water within the statutory boundaries of Claimant since 1922.

Claimant has the statutory authority to file upon and appropriate, "waters created or made available for irrigation purposes, by the construction of drainage works within" its boundaries pursuant to I.C. § 42-2902. The water which is the subject of this claim is water that is drained, developed and collected in Claimant's drainage system and then directly discharges into the irrigation delivery systems of Canyon County Water Company, Middleton Mill Ditch Company and Middleton Irrigation Association and then is used for irrigation purposes by said organizations/canal companies within their respective boundaries. Based upon this historic/beneficial use, Claimant claims the following conditions and remarks relative to the elements of this water right:

1. Source and Points of Diversion. The source of this water right is the Claimant's drainage system which discharges drainage/waste water into:
 - a. Star Feeder, which provides water to Middleton Mill Ditch Company and Middleton Irrigation Association, and is located in the NW1/4, SW1/4, SW1/4 of Section 5, T.4N, R.1W; and
 - b. Watts Check, which provides water to Canyon County Water Company, and is located in the SW1/4, SE1/4, SE1/4 of Section 10, T.4N, R.2W.
2. Place of Use and Quantity. The place of use for 36.5 cfs of this water right, which is from the Star Feeder diversion of this water right, is for the irrigation of 5,193 acres served by Middleton Mill Ditch Company and Middleton Irrigation Association. The place of use for 13.5 cfs of this water right, which is from the Watts Check diversion for this water right, is for the irrigation of 1,916 acres served by Canyon County Water Company.

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

)
) WATER RIGHT NUMBER 63- _____

)
) AFFIDAVIT ESTABLISHING USE OF
) WATER RIGHT NO. 63- _____
)

STATE OF IDAHO)

) ss

COUNTY OF ADA)

Eugene Muller, after being duly sworn upon oath, deposes and states as follows:

1. My name is Eugene Muller. I am 78 years old this year and live at 320 North Palmer Lane, Eagle ID 83616. I have lived at this location all of my life. I have farmed my property and I am familiar with the farming on the adjoining property in the area of Eagle, Star and Middleton, Idaho. In fact, my entire life I have been involved in the farming practice and I have been familiar with irrigation and drainage facilities located in the Eagle, Star and Middleton areas.

2. I have served on the board of Drainage District #2 for more than thirty years and I previously served on the Middleton Mill and Middleton Irrigation board for a period of five years.

3. I am familiar with the drains and facilities of Drainage District #2 and the irrigation diversions and facilities for most, if not all, of the irrigation entities located in the Eagle, Star and Middleton areas. Specifically, I am familiar with the diversions and facilities for Canyon County Ditch Company and Middleton Mill and Middleton Irrigation.

4. Ever since I can remember, Drainage District #2 has operated and maintained numerous drains which generally flow from east to west. Some drains begin as far east as Boise,

Idaho. Most of Drainage District #2's drains, which are located on the north side of the Boise River, eventually discharge into the Boise River. I am aware that Drainage District #2 has water rights relating to the amount of water that is collected/developed in the drains and then returned to the Boise River. I am also aware that each of the irrigation entities that lie within the boundaries of Drainage District #2 get a proportional credit for the water that is developed in the drains and returned to the Boise River.

5. I am also aware of certain drains of Drainage District #2 which do not return directly to the Boise River, but rather discharge into the irrigation systems of Canyon County Ditch Company and Middleton Mill and Middleton Irrigation. For instance, ever since I can remember, there has been a diversion structure know as the "Star Feeder." The Star Feeder is a diversion structure where water developed in Drainage District #2's drain is diverted/discharged/delivered to the Middleton Mill and Middleton Irrigation system. The Middleton Mill and Middleton Irrigation to its shareholders. This is water that, since my earliest memory, or seventy plus years ago, has been discharged directly to the Middleton Mill and Middleton Irrigation system and is not part of the water that is discharged to the Boise River.

6. I am also familiar with similar diversion systems known as the "Watts Check" and "Shiley Check." Just as with the Star Feeder, since my earliest memory, or seventy plus years ago, I can recall the Watts Check and the Shiley Check as locations where the drains from Drainage District #2 are discharged directly to the irrigation facilities of the Canyon County Ditch Company and the Middleton Mill and Middleton Irrigation, respectively. These water developed in Drainage District #2's drains, then discharged into the irrigation facilities at the Watts Check and Shiley Check and the delivered to the respective canal company's shareholders for irrigation purposes. The water

developed in the drains and discharged at the Watts and Shiley Checks is above and beyond the water that is developed in the drains and returned to the Boise River.

Eugene Muller
EUGENE MULLER

Sworn to and subscribed before me this 12th day of December, 2005.



Kimi A. White
Notary Public for Idaho
Residing in Boise, Idaho.
My Commission Expires: 04/01/10

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

)
) WATER RIGHT NUMBER

)
) AFFIDAVIT ESTABLISHING USE OF
) WATER RIGHT NO.
)

STATE OF IDAHO)

) ss

COUNTY OF ADA)

Harold Hadley, after being duly sworn upon oath, deposes and states as follows:

1. My name is Harold Hadley.
2. I live at 11102 West Floating Feather Road, Star, Idaho, 83669.
3. I was born February 25, 1912.
4. I am generally familiar with the diversion and use of water in Drainage District No. 2's drains, and I am familiar with the diversion and use of water collected in what is commonly referred to as the Star Feeder.
5. I recall that the Drainage District # 2 drain was dug in approximately 1920 when I was in the third grade. What has become know as the Star Feeder was built a year, or possibly two after the drain was dug and from that point, the drain water is fed to the Middleton Mill and Middleton Irrigation facilities. The year I was married, 1935, the Star Feeder was measured twice a week by the river master, which I observed as I walked by, and it ran between 2500 and 3500 miners' inches.

Harold Hadley
Harold Hadley

Sworn to and subscriber before me this 24th day of January, ~~2005~~ 2006

Kari Rosti



Notary Public for Idaho

Residing in ada, Idaho

My Commission Expires: 6/6/2009

1. My name is Melvin Watkins.
2. I live at 10669 Highway 44, Middleton, Idaho, 83644. I have lived at this address since my birth .
3. I served 18 years on the Boise River Advisory Board and was chairman Water District #63 for 12 years. I also served on the board of Canyon County Ditch Company for 33 years.
4. I am generally familiar with the diversion and use of water in Drainage District No. 2's drains, and I am familiar with the use and diversion of water collected in what is commonly referred to as the Shiley Check into the Canyon County Ditch Company facilities through the Hartley Ditch. I recall the Shiley Check was installed in Drainage District #2 between the years 1921-1922 to accomplish the diversion of water to the Canyon County Ditch Company facilities.
5. Before that time, the Hartley Ditch was fed by small drains and ditches which drained various swamp lands east of the Shiley Check.

6. I am also generally familiar with the diversion and use of water collected in what is commonly referred to as the Watts Check which is comprised of several concrete structures, generally located south of Highway 44 and west of Eel Lane. It was installed before my time in what is now called the Lawrence Kennedy Drain for the purpose of feeding water into the Canyon County Ditch Company facilities.
7. It should be noted that the Watkins Ditch, which is now part of the Watts Check facilities, was originally diverted out of the Boise River. In 1913, we changed the point of diversion from the Boise River to the Watts Check.
8. I am also generally familiar with the diversion and use of water collected in what is also commonly referred to as part of the Watts Check located both north and south of Highway 44 and approximately one quarter mile east of Duff Lane. This facility was constructed between the years 1920 – 1922.

M. A. Watkins

Melvin Watkins

Sworn to and subscriber before me this 13 day of MARCH 2005

Becky L. Anderson

Notary Public for Idaho

Residing in Coeur Idaho

My Commission Expires: 5-21-09

