

BYLAWS
OF
SQUAW CREEK DITCH COMPANY

Sweet, Idaho

An Idaho Nonprofit Corporation

Adopted as amended, March 9, 2020

SQUAW CREEK DITCH COMPANY

Sweet, Idaho

BYLAWS

These Bylaws govern the conduct and affairs of the Squaw Creek Ditch Company (hereafter the “Company”). These Bylaws replace and supersede all previous Bylaws and Amendments of the Company previously adopted. These Bylaws are not intended to conflict with Idaho law (*see* Idaho Code Titles 30 and 42, particularly). To the extent any Bylaw conflicts with Idaho law, the applicable Idaho appellate decision, statute, rule, or regulation shall govern.

ARTICLE I. AUTHORITY AND PURPOSE

1. **Authority.** The Company, formed in 1896, is a privately-formed, Idaho nonprofit ditch company owning, operating, and maintaining water rights and water diversion and distribution works for the benefit of its stockholders. The Company owns Water Right Nos. 65-2379, 65-3043, and 65-3044 serving approximately 1,327 acres as show on Exhibit A attached hereto.
2. **Purpose.** The Company’s primary purpose is to deliver irrigation water via the Squaw Creek Ditch (“Ditch”) to the headgates of its stockholders located within the Company’s service area.
3. **Website.** The Company’s website is: www.squawcreekditch.com. All notices and company documentation shall be archived at the website. The website shall serve as the official public repository for all Company notices and documentation.

ARTICLE II. DITCH DESCRIPTION AND MAINTENANCE

1. **Ditch Description.** The Ditch consists of its bed and banks and all other related works, structures, dams, overflows, checks, main ditch weir, flood gates, flumes, culverts, and measuring devices, as well as all real and personal property rights of every name, nature and description, including any easements owned or historically used by the Company, or which may be acquired or used hereafter by the Company for the purpose of diverting water under the water rights of the Company from the public, or any private, water supply.
2. **Ditch Maintenance.** The Company shall operate, maintain, protect, repair and replace the Ditch and all related works at the Company’s expense. The Company, however, reserves the right to seek repair and replacement cost reimbursement for Ditch and related infrastructure damages caused by the negligent or illegal acts of others, including stockholders.

3. Delivery of Ditch Water. The Company's primary responsibility shall be the delivery of irrigation water to the headgates officially recognized and mapped by the Company. The Company's Headgates Map is found on the Company website. Weather dependent, delivery of irrigation water shall commence on or about April 15th each year, and cease on or about October 15th. The Company is not responsible for the delivery of water beyond the Ditch headgates. The ditches and laterals served by the Ditch headgates are the private property of the lateral water users, which use and dispute resolution is governed by Title 42, Idaho Code (*see* particularly Title 42, Chapters, 11, 12, and 13; *see also*, ARTICLE IX below). Weather and Ditch condition dependent, delivery of stock water to stockholders shall be at the Company's discretion. The Company shall have no responsibility to manage or control drainage or seasonal runoff on or from a stockholder's property.

4. Ditch Right-of-Way. Unless governed by a separate express, recorded easement, the Ditch includes a statutory and prescriptive right-of-way (*i.e.*, easement) under Idaho Code Section 42-1102 and applicable common law generally measuring twenty-five (25) feet wide from top of bank each side of the Ditch in non-hillside/high-fill locations, and twenty-five (25) feet wide from toe of bank in hillside/high-fill locations. The bed of the Ditch measures generally fifteen (15) feet wide, but is not uniform and can vary from location to location.

The Company reserves the right to claim additional reasonable easement area under Section 42-1102 when circumstances (nature, location, and equipment needed for repair or maintenance) warrant. The Ditch easement serves the purposes of Company ingress and egress, water conveyance, and the Company's ongoing operation, inspection, maintenance, repair and replacement of the Ditch and its related works consistent with Idaho Code Section 42-1102.

5. Ditch Obstructions and Trespassing. Anyone seeking to modify, bury, relocate, cross or encroach upon the Ditch and its corresponding right-of-way may only do so in strict accordance with the requirements of Idaho Code Sections 42-1102, 42-1207, and 42-1209, and these Bylaws. Except in the case of a public emergency no landowner or any other person or entity shall temporarily or permanently erect, place, suffer, or permit anything to be placed or located in, on, or under the Ditch or the Ditch right-of-way without the prior express permission of the Company, which written permission shall take the form of a duly executed and recorded license agreement negotiated and prepared at the applicant/landowner's expense. Consistent with Idaho Code Sections 42-1102 and 42-1209, unauthorized encroachments include, without limitation: pipes, rocks, pumps, bridges, planks, walkways, cables, wires, structures, buildings, poles, ramps, corrals, loading chutes, sheds, improvements, equipment, fences, gates, obstructions, or anything blocking and interfering with the Company's free and unobstructed use and passage over the entire width of the Ditch right-of-way. The Company shall review and evaluate shareholder Ditch modification and encroachment requests on a case-by-case basis to determine whether they are compatible and permissible with Ditch operations.

6. Head Gates. No new or existing head gate shall be installed, modified, or maintained in the Ditch without the prior written permission and supervision of the Company. All necessary and reasonable costs of construction, including Company supervision, engineering, and materials, shall be borne by the landowner.

7. Flood Gates and Check Structures. The Company and its personnel shall have the sole and exclusive control and maintenance over the Ditch Floodgates and all check structures/dams located in the channel (within the bed and banks) of the Ditch. Any unauthorized modification, adjustments or tampering with the floodgates or any check structure located within the Ditch channel is strictly prohibited. Further, no one shall place or install any check structure or material (makeshift or otherwise) within the Ditch channel without the prior written permission of the Company.

8. Improvements and Subdivisions. When any land that is being served by a head gate is partitioned, or divided into parcels and the parcels are owned by different persons, before water shall be delivered through the head gate, the owner(s) or subdivider(s) of the land shall be required at their own expense to pay for the engineering and installation of a suitable measuring device capable of measuring the water flowing through the head gate. The construction and type of measuring device shall be approved by the Company prior to selection and installation. Also, the landowner(s) must demonstrate that the measuring device is capable of accurately measuring the flow of water by casual observation of Company's ditch rider.

9. Tiling Ditch. Subject to the provisions herein, no Landowner shall be permitted to cover, enclose, or tile any part of the Ditch without obtaining in advance the prior written approval of the Company consistent with Idaho Code Section 42-1207. *See also*, This Article, Section 5, above.

10. Engineering. Any landowner or developer required to do engineering work under this Article shall:

- i. Obtain plans from a registered professional engineer and submit them to the Company for its approval.
- ii. Tender to the Company a budget for the total estimated cost of retaining the services of a professional to review the plans, supervise the construction, and final inspection.
- iii. Enter into an agreement whereby the Landowner and his successors and assigns agree to maintain the works placed in the Ditch and be responsible for the effects of having placed the works in the Ditch, as well as bear the costs of preparing and recording the agreement at the County Clerk's office.

11. Scarcity of Water. If at any time, there is not sufficient water to supply all stockholders in the Company with the full amount that they are entitled to receive, all stockholder deliveries shall be cut on an equal, pro rata basis.

ARTICLE III. RENTAL POOL

1. Purpose. The Company shall establish a mechanism to create an annual "Rental Pool" for the seasonal rental of stock by and between Company shareholders only. The practical

application of the rental pool is to temporarily adjust water delivery within the Company's water right place of use to allow increased access to those who have a greater need for water. All rental of stock must be approved by the Board in its sole discretion on an annual basis, but in no case shall any such rental:

- i. Be construed as a transfer or conveyance of water rights or Company stock shares,
- ii. Cause any harm to other stockholders or Ditch operations and management,
- iii. Conflict with applicable Idaho Code, or
- iv. Violate the Snake River Basin Adjudication decrees.

2. Rental Pool. The Rental Pool shall consist of Company shares both in good standing and those that are delinquent (*see* ARTICLE VIII). Shareholders having shares to rent (Lessors) and those who wish to rent those shares (Lessees) shall notify the Company of their intended status by February 26th of each year.

3. Rental Pool Fees. The Board shall set a Rental Pool Fee payable as follows:

- i. *Shares in Good Standing.* The Lessee shall pay the Lessor's annual assessment plus an Administrative Fee of \$100 to aid with costs associated with management of the Rental Pool. Payment of the Rental Pool Fees must be made to the Company prior to delivery of water to the Lessee.
- ii. *Delinquent Shares.* The Lessee shall pay the Administrative Fee, plus the Lessor's current annual assessment, plus a negotiated delinquent assessment. Payment of the Rental Pool Fees must be made to the Company prior to delivery of water to the Lessee.

4. Rental Pool Leases. The Board shall compile and publish a current list of potential Lessors and Lessees on the Company website, and review and approve of any proposed rentals by March 31st of each year. The Board may also approve rental pool transactions proposed after March 31st in its sole discretion.

ARTICLE IV. STOCKHOLDER RIGHTS AND STOCK CERTIFICATES

1. Power in Stockholders. Except as otherwise provided in the Company's Articles of Incorporation, these Bylaws, or the laws of the State of Idaho, all authority, rights, and power with respect to the Company shall be vested in the stockholders.

2. Good Standing. Except as otherwise provided in the Company's Articles of Incorporation, these Bylaws, or the laws of the State of Idaho, a stockholder in "good standing"

shall mean a stockholder who is current in payment of his annual assessment fees (*see* ARTICLE VIII).

3. **Right to Vote Shares.** Each stockholder in good standing shall have the right to vote, in person or by proxy, at stockholder meetings and shall be entitled to one vote for each share of stock owned by that individual within the service area.

4. **Right to Inspection.** All books, papers and records of the Company in the hands of any officer of the Company shall be subject to inspection by any officer, director or stockholder in good standing, upon reasonable demand of place and time.

5. **Right to Certificate of Stock.** Current ownership and voting rights in the Company shall be evidenced by certificates of stock (paper or electronic) in a form adopted by the Board of Directors, to be signed by the President and the Secretary, and be attested by the corporate seal. All certificates shall be consecutively numbered. The name of the person owning the shares represented thereby, with the number of such shares and the date of issue, shall be entered on the Company books. All certificates of stock transferred by endorsement thereof shall be surrendered for cancellation and new certificates issued to the purchaser or assignee. Shares of stock shall be transferred only on the books of the Company by the holder or by his/her designee. Each share of company stock shall represent one inch of water.

ARTICLE V. STOCKHOLDER MEETINGS

1. **Annual Meeting.** The annual meeting of the stockholders of the Company shall be held at a designated place and time in Gem County, Idaho, on the 1st Monday of February of each year.

2. **Notice of Annual Meeting.** At least ten (10) days prior to the annual meeting, a notice setting out the time and place of such annual meeting shall be placed on the Company's website and delivered to each stockholder using any of the following options: USPS or any other appropriate electronic service, including robo-calls, social media, and/or emails. Any notice under this paragraph shall be sent to the stockholder at their physical or electronic address as it appears in the Company's database. The shareholder is responsible to ensure the Company has current contact information, including mailing address, main phone number, and email if available.

3. **Quorum and Voting.** For the purpose of electing directors or voting on any matter submitted to a vote at any annual meeting or special meeting, those stockholders in good standing who are present in person or represented by proxy shall constitute a quorum. Those who choose to exercise voting rights by proxy shall provide the Company with a written proxy designating the alternate shareholder voting on the shareholder's behalf, signed and dated by the proxy-giving shareholder, and delivered to the Company prior to the commencement of the annual or any other meeting where voting will occur.

4. **Special Meetings.** Special Meetings of the stockholders shall be held at a designated place and time as determined by the Directors. Such meetings may be called at any

time by the President, any two Directors, or by fifty-one percent (51%) of stockholders in good standing. The Secretary shall send notice to all shareholders as indicated in ARTICLE V.2 at least ten (10) days before such meeting, and such notice shall state the time and place of such meeting and the object thereof. No business shall be transacted at a Special Meeting except as stated in the notice sent to the stockholders, unless by the unanimous, consent of all stockholders, either in person or by proxy, all such stock being represented at the meeting.

5. Order of Business. The following order of business shall be observed at all annual and special meetings of the stockholders so far as is practicable:

- i. Calling the Roll;
- ii. Reading, correction, and approval of minutes of previous meeting;
- iii. Reports of Officers and President;
- iv. Reports of Committees;
- v. Old or Unfinished Business;
- vi. New Business (including Annual Budget and Assessment); and
- vii. Nomination and Election of Directors

ARTICLE VI. DIRECTORS

1. Number and Term. The Company shall have a board of three (3) Directors, elected by the simple majority vote of the stockholders at the annual meeting to manage the affairs of the Company. Board Members shall serve one-year terms.

2. Eligibility. To be eligible to serve on the Board of Directors, an individual must be a shareholder in good standing.

3. Vacancies. Vacancies on the Board of Directors by reason of death, resignation, or other causes, shall be filled by an appointment of the remaining Directors, and any appointee shall hold office for the unexpired term for which they are appointed and until a qualified successor is elected.

4. Meetings and Quorum. Meetings of the Board of Directors shall be held at such times and places as the Board of Directors shall by resolution appoint. A majority of the Directors shall constitute a quorum. Unless a Director requests that minutes be taken, no minutes of meetings without stockholders present shall be required.

5. Powers. The Directors shall perform the general management and control of the business and affairs of the Company and shall exercise all the powers that may be exercised or performed by the corporation, under Idaho law, the articles of incorporation, and these bylaws.

6. **Compensation and Expenses.** The Directors shall receive no pay, salary or wages as a general matter; however, any Director shall be entitled to seek reimbursement for any reasonable costs or expenses suffered or paid by the Director (including time spent on project supervision) as a result of the Company's business subject to the review and discretion of the Board. Any such claim for reimbursement shall be supported by proper evidence of payment (or time spent).

7. **Insurance and Indemnification.** The Company shall purchase and maintain adequate and acceptable insurance for the activities of its directors, officers, and any contractor. Each director and officer of the Company, now or hereafter serving as such, shall be indemnified and held harmless by the Company against any and all claims and liabilities to which he has or shall become subject by reason of serving or having served as a director or officer of the Company, except for claims and liabilities arising out of said director's purposeful misconduct or gross negligence. No director of the Company shall be personally liable to the Company or its stockholders for monetary damages, except for breach of a director's duty of loyalty to the Company or its stockholders, for acts or omissions not in good faith or which involve the intentional misconduct or a knowing violation of the law, for liability under § 30-1-833 of the Idaho Code, or for any transaction from which the director derived an improper personal benefit.

ARTICLE VII. OFFICERS

1. **Introduction.** The officers of the Company shall be appointed by the Directors and serve at their pleasure. The officers shall consist of a President, a Vice-President, a Secretary, a Treasurer, a Ditch Rider, and such other officers as shall from time to time be chosen. The duties set forth below are only for illustrative purposes and may be changed from time to time by the Directors.

2. **President.** The President shall be one of, and selected from, the Board of Directors. The President presides at all meetings of the Directors and stockholders and shall have general charge of, and control over, the affairs of the corporation and be subject to the oversight of the Board of Directors.

3. **Vice-President.** The Vice-President shall be one of, and selected from, the Board of Directors. The Vice President performs such duties as may be assigned by the Board of Directors. In the case of the death, disability or absence of the President, the Vice-President shall perform and be vested with all of the duties and powers of the President.

4. **Secretary.** The Secretary shall have the following duties: countersign all certificates of stock of the Company, keep a record of the minutes of the proceedings of meetings of stockholders and Directors, give notice as required in these Bylaws of all stockholder meetings, maintain record of shareholders' payments and shareholders in good standing and those delinquent, have custody of all books, records, and papers of the company, except such as shall be the charge of some other duly appointed person, create reports as requested by the Directors, keep and reconcile accounts of all monies of the Company received or disbursed in cooperation with the Treasurer, and deposit all monies and valuables in the name of and to the

credit of the Company in such banks and depositories as the Board of Directors shall designate, and other duties as may be assigned from time-to-time by the Directors.

5. **Treasurer.** The Treasurer shall be one of, and selected from, the Board of Directors. The Treasurer shall keep and maintain the Company's main operating checkbook and debit cards, and make all payments on behalf of the Company, with checks over \$500 being approved by one additional Director, create a "Financial Report" for the Annual Meeting, and other duties as may be assigned from time-to-time by the Directors.

6. **Ditch Rider.** The Ditch Rider shall report directly to the Board of Directors and shall operate under its direction and supervision. The Ditch Rider shall be the ordinary, day-to-day operator and manager of the Ditch overseeing the distribution of water to the stockholders. The Ditch Rider shall also be in charge of the seasonal maintenance of the Ditch and serve as the Company's lead investigator and enforcement officer. The Ditch Rider shall have general charge and control over all Ditch maintenance, operations, and functions except the duties designated by law to be performed by the Secretary, Treasurer, or other Company officers.

ARTICLE VIII. ASSESSMENTS, DELINQUENCIES, AND REMEDIES

1. **Introduction.** Monies necessary for maintaining and operating the Company's irrigation system, payment of corporate indebtedness, or any other budgeted purpose the Board determines to be in the best interests of the Company, shall be raised by an annual assessment levied upon stock held by the Company's stockholders in the manner provided by Idaho Code Title 42, Chapter 22, and these Bylaws. In addition to such assessments, the Company may make administrative charges, as well as other reasonable charges to offset related expenses in connection with the diversion, conveyance, drainage or delivery of water to any stockholder or other person or entity with whom the Company may contract. Nothing herein shall be construed to prevent or limit the power of the Company to borrow or enter into appropriate financing agreements.

2. **Annual Assessment.** At the Company's annual meeting, the stockholders in good standing shall meet and determine the Annual Assessment which shall consist of two parts: (1) a per-share operation and maintenance assessment; and (2) a contingency fund account fee ("Account Fee"). The per-share assessment shall be determined by dividing Company's annual operating budget by the number of issued and outstanding shares of the Company. In determining the per-share assessment, the stockholders may take into account existing debt service, delinquent accounts, and other contingencies. In addition to this per-share assessment, each stockholder/landowner shall pay an Account Fee to be determined by the stockholders, for foreseeable or unforeseeable repairs and upkeep of the Ditch, fixtures, irrigation system, and legal liabilities of the Company. Together, the per-share assessment and the Account Fee shall be referred to as the "Annual Assessment."

3. **Annual Assessment Notice and Payment Due Date.** The Notice of Annual Assessment (example attached hereto) shall be delivered to each stockholder via email and/or

USPS postage prepaid. The Annual Assessment shall be due and payable to the Treasurer of the Company as of the 15th day of March of the same year.

4. **Special Assessments.** Monies necessary for non-budgeted matters shall be raised by a special assessment levied upon stock held by the Company's stockholders at a special meeting called for that purpose, as provided in ARTICLE IV of these Bylaws.

5. **Delinquencies and Remedies.**

- i. **Deadline.** Any stockholder who has not made any payment towards the annual assessment by April 15th of each year shall be considered delinquent. In that event, the Secretary shall cause a Notice of Delinquency to be sent to said delinquent stockholder via USPS certified mail, as well as posted at the Company's website, and if so requested by the Board, shall cause said notice to be published in a newspaper of general circulation.
- ii. **Remedies.** In the event the Annual Assessment becomes delinquent, the Company may refuse, without liability, to furnish water to said delinquent stockholder(s) until any delinquent assessment(s) are brought to a current paid status, and with consent, make those delinquent shares available for rent in the ARTICLE III ("Rental Pool"). In addition, the Secretary shall, on or after the 1st day of November and prior to the 1st day of January of each year, file for record with the county recorder of Gem County, a written claim for lien under Idaho Code Section 42-2203. Delinquent assessments shall be charged interest at a rate of twelve percent (12%) per annum from the date first due and payable under Idaho Code Section 42-2208, and the Company shall foreclose upon all liens as provided under Idaho Code Title 42, Chapter 22.

**ARTICLE IX.
LATERAL ASSOCIATIONS**

The Company's responsibility to deliver irrigation water ends at the head gates along the Ditch. In the event of disputes involving delivery of water past the head gate to a lateral, Idaho Code Title 42, Chapter 13 gives stockholders (lateral users) certain rights and remedies, including the right to form a Lateral Association. Stockholders may refer to the Company's website www.squawcreekditch.com for further information about lateral users' rights and responsibilities under Idaho Code.

**ARTICLE X.
MISCELLANEOUS**

1. **Seal.** The corporate seal of the Company shall be a circular seal in a form acceptable to the Board of Directors.

2. Any of these Bylaws may be amended by a majority vote of the stockholders in good standing at any regular meeting or any special meeting called for that purpose.

3. Upon dissolution of the Company, if any, the net assets shall be distributed to stockholders in proportion to each stockholder's equity interest therein.

ARTICLE XI. ATTESTATION

Each of the undersigned do hereby certify that the foregoing Bylaws were duly presented to the stockholders of the Company at the special meeting on March 9, 2020, and that said Bylaws were adopted and approved by the stockholders pursuant to Idaho Code Titles 30 and 42, and the Secretary of the Company was directed to record said Bylaws as provided by Idaho law.

DATED and SIGNED the 3rd day of September, 2020.



Roy Moses
Roy Moses, Director

Eric Fuller
Eric Fuller, Director

Tom Carlsen
Tom Carlsen, Director

Attest:

Jenny Furst
Jenny Furst, Secretary

2004 SEP 24 PM 4:42

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

) ORDER OF PARTIAL DECREE FOR
) IRRIGATION DELIVERY ENTITY
) USING DIGITAL BOUNDARY
) DESCRIPTION; I.C. §§ 42-202B(2), 42-
) 219(2), 42-1411(2)(h)
)
) For Water Right(s): 65-02379,
) 65-03043 & 65-03044
) (Squaw Creek Ditch Co.)
)

I.
FINDINGS AND CONCLUSIONS

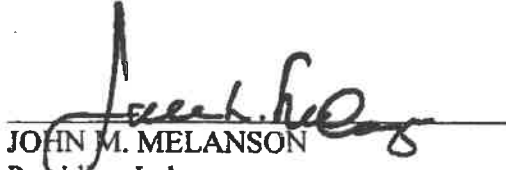
1. On June 11, 2004, a *Special Master's Report and Recommendation* was filed for the above water right(s). No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.
2. The above-captioned water right(s) is/are for an irrigation purpose of use and satisfy one of the following statutory criteria: (1) used in conjunction with an irrigation project where the canals constructed cover an area of twenty-five thousand (25,000) acres or more; (2) the place of use for the water rights is located within an irrigation district organized pursuant to the laws of the state of Idaho; or (3) the water rights are for an irrigation project developed by an association, company, corporation or the United States to divert and deliver or distribute surface water under any annual charge or rental for beneficial use by more than five (5) water users in an area less than twenty-five thousand (25,000) acres.
3. Effective July 1, 2002, the Idaho Legislature approved the use of a Geographic Information System (GIS) for describing the place of use (digital boundary) for water rights meeting the above-stated criteria. See I.C. §§ 42-219(2)(2003) and 42-1411(2)(h)(2003). The GIS mapping technology allows the geographic area encompassing the place of use for a

water right to be particularly identified and visually displayed in a map overlay format through the aid of computer technology. In incorporating a digital boundary into a partial decree, the electronic or digital data is what is actually decreed as opposed to the visually displayed map ultimately generated from the data. The data is stored on a CD-ROM. The Court finds that the GIS mapping technology maintained by IDWR complies with the standards for spatial accuracy set forth in I.C. § 42-202B (2)(2003). *See Notice of Filing Affidavit Of Michael Ciscell Re: Digital Boundary, filed October 17, 2003.*

**II.
ORDER**

1. Therefore, IT IS ORDERED that water right(s) 65-02379, 65-03043 and 65-03044 is/are hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.
2. IT IS FURTHER HEREBY ORDERED that the data comprising the digital boundary shall be stored on a CD-ROM medium, which shall be issued in duplicate original. The SRBA District Court will retain one original together with the original *Partial Decree*, and IDWR will retain the other original. The map depicting the place of use attached to the *Partial Decree* is intended for illustrative purposes only.
3. IT IS FURTHER HEREBY ORDERED that upon request, the claimant can obtain a copy of the CD-ROM from IDWR at no cost, although GIS software will still be required to access the data. Subsequent administrative changes to the place of use shall also be stored in a digital format and kept on file and maintained by IDWR. IDWR shall maintain all computer software and/or hardware necessary for reducing the data to a usable format that is accessible to the general public, including access through the IDWR Internet website (www.idwr.state.id.us) or its successor Uniform Resource Locator (URL).

DATED September 24, 2004.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-02379

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DISTRICT COURT-SRBA
TWIN FALLS CO, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: SQUAW CREEK DITCH CO
C/O ALVIN MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 7.75 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 28.94 CFS. FOR IRRIGATION.
COMBINED RIGHT NOS.: 65-3043 & 65-3044.

PRIORITY DATE: 05/08/1934

POINT OF DIVERSION: T08N R01E S15 SESW Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	7.66 CFS
	Stockwater	01-01 TO 12-31	0.09 CFS

PLACE OF USE: Stockwater Within Gem County
Same as Other use

THE PLACE OF USE IS WITHIN THE BOUNDARIES OF THE SQUAW CREEK
DITCH COMPANY.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1327 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE SQUAW CREEK DITCH
COMPANY. COMBINED RIGHT NOS.: 65-3043 & 65-3044.
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) (2003) and authorized pursuant to I.C. Section 42-1411
(2) (h) (2003). 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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

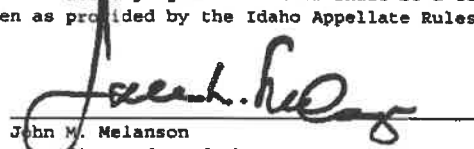
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

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

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-03043

2004 SEP 24 PM 4:42
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED *jm*

NAME AND ADDRESS: SQUAW CREEK DITCH CO
C/O ALVIN MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 18.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 28.94 CFS. FOR IRRIGATION.
COMBINED RIGHT NOS.: 65-2379 & 65-3044.

PRIORITY DATE: 10/02/1893

POINT OF DIVERSION: T08N R01E S15 SESW Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	18.00 CFS
	Stockwater	01-01 TO 12-31	0.09 CFS

PLACE OF USE: Stockwater Within Gem County
Same as Other use

THE PLACE OF USE IS WITHIN THE BOUNDARIES OF THE SQUAW CREEK
DITCH COMPANY.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1327 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE SQUAW CREEK DITCH
COMPANY. COMBINED RIGHT NOS.: 65-2379 & 65-3044.
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) (2003) and authorized pursuant to I.C. Section 42-1411
(2) (h) (2003). 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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

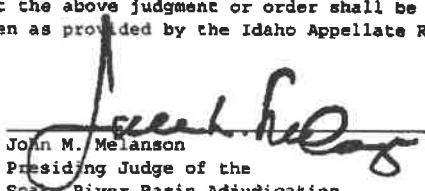
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

This water right shall be administered as being from a
separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

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.



Joan M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 65-03044

2004 SEP 24 PM 4:42
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: SQUAW CREEK DITCH CO
C/O ALVIN MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670

SOURCE: SQUAW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 3.28 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 28.94 CFS. FOR IRRIGATION
COMBINED RIGHT NOS.: 65-2379 & 65-3043.

PRIORITY DATE: 04/01/1899

POINT OF DIVERSION: T08N R01E S15 SESW Within Gem County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	3.28 CFS
	Stockwater	01-01 TO 12-31	0.12 CFS

PLACE OF USE: Stockwater Within Gem County
Same as Other use

THE PLACE OF USE IS WITHIN THE BOUNDARIES OF THE SQUAW CREEK
DITCH COMPANY.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 1327 ACRES IN A SINGLE
IRRIGATION SEASON WITHIN THE BOUNDARIES OF THE SQUAW CREEK DITCH
COMPANY. COMBINED RIGHT NOS.: 65-2379 & 65-3043.
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) (2003) and authorized pursuant to I.C. Section 42-1411
(2) (h) (2003). 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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

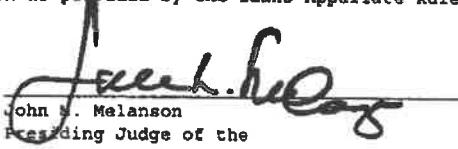
Basin 65 General Provisions No. 3, the Separate Streams
General Provision, does not apply to appropriations of water
after October 18, 1977.

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separate source pursuant to Basin 65 General Provision No. 3.
If the holder of this right seeks to change the right pursuant
to Idaho Code Section 42-222 or successor statute, nothing in
this general provision shall preclude any other person or entity
from demonstrating that such change in use would cause injury to
its water right or from receiving any relief provided by law in
the event of injury.

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 L. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Squaw Creek Ditch Company

Boundary

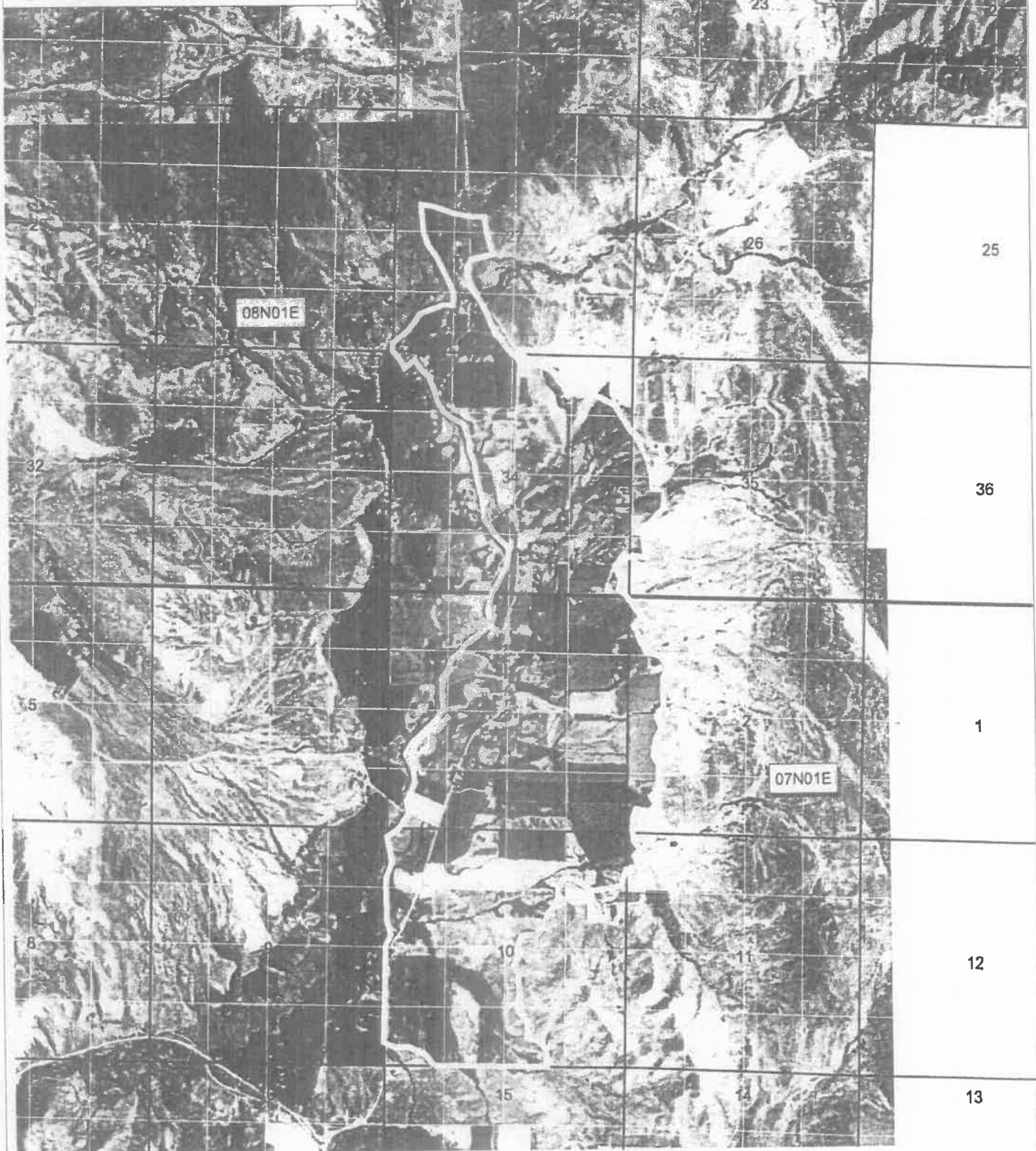
Townships

Sections

Quarter/Quarters



2000 0 2000 4000 Feet



CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF PARTIAL DECREE FOR IRRIGATION DELIVERY ENTITY USING DIGITAL BOUNDARY DESCRIPTION was mailed on September 24, 2004, with sufficient first-class postage to the following:

UNITED STATES OF AMERICA

Represented by:

DAVID W GEHLERT
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATRUAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

SQUAW CREEK DITCH CO
C/O ALVIN MOSES
8975 SWEET OLA HIGHWAY
SWEET, ID 83670
Phone: 208-584-3311

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 9/24/04

FILE COPY FOR 00918

Deputy Clerk

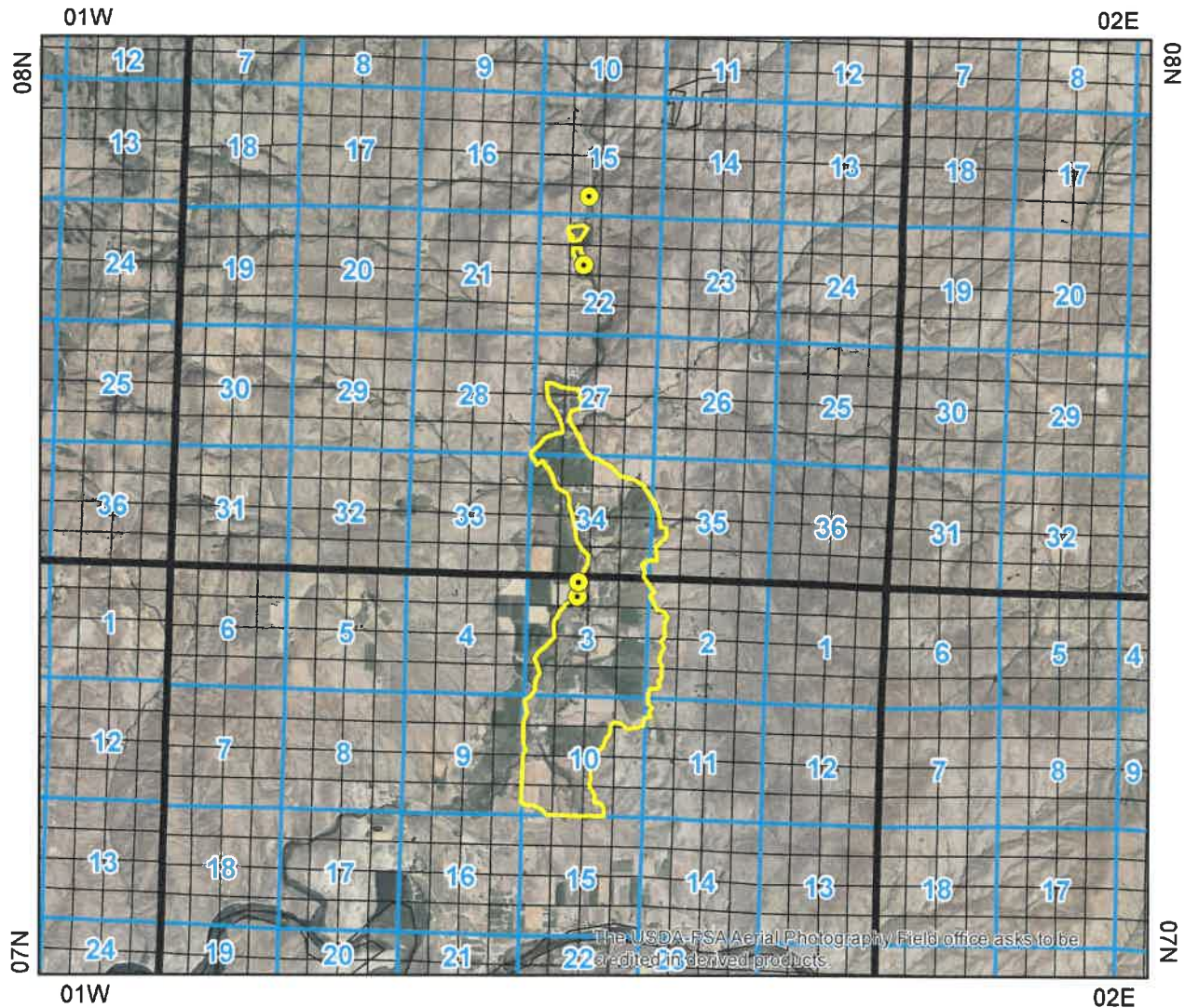
A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

State of Idaho
Department of Water Resources

Water Right

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters

0 0.75 1.5 3 Miles

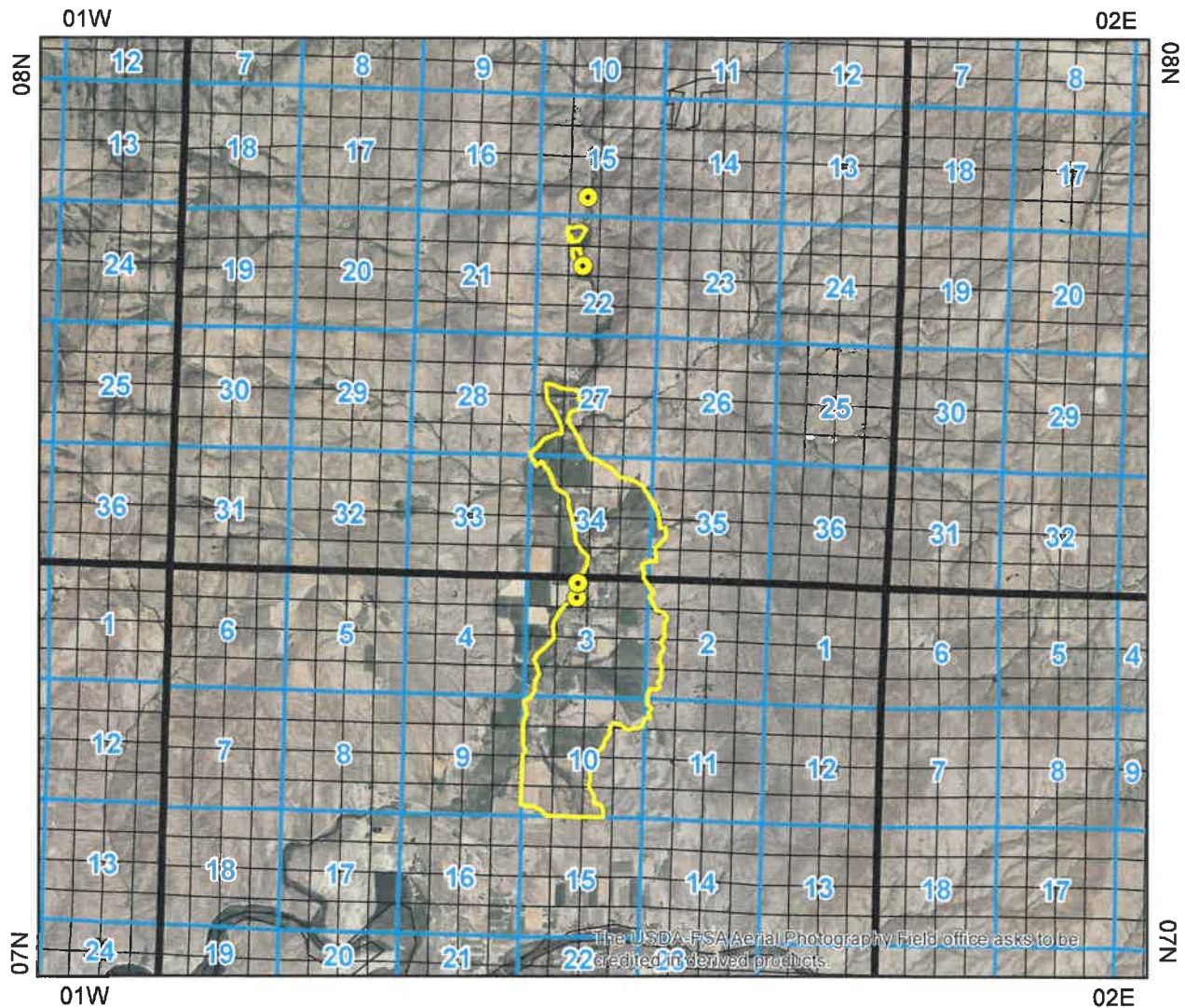


State of Idaho
Department of Water Resources

Water Right

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.75 1.5 3 Miles

