

MEMORANDUM

TO: File

FROM: Monica Van Bussum

RE: 74-1025B, 74-1025E, 74-1025F and 74-15888 recommendations and merging

DATE: November 5, 2009

Chris Bromley, Deputy Attorney General, and I spoke at length with Annette Daskalos today regarding the above-mentioned recommendations. Annette file an objection to 74-1025B, but it will also influence 74-1025E and 74-15888. This memorandum reflects my understanding of the resolution discussed during our phone conversation.

Currently, 74-1025E is in the names of Boswell and Trail. We have processed a change of ownership and will be filing an NCAP with the SRBA Court to change the claimant name from Boswell/Trail to Daskalos. That should be filed in the coming days.

After this NCAP is processed, 74-1025B and 74-1025E will both be in the name of Daskalos. In the interest of keeping things simple, we will be combining 74-1025B and 74-1025E into 74-1025F in the name of Daskalos. 74-1025F will constitute the "base" right, or decreed right, appurtenant to the Daskalos lands. 74-15888 will be the enlargement of 74-1025F.

I have prepared recommendations for 74-1025F and 74-15888 and attached them to this memorandum.

11/05/2009

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

RIGHT NUMBER: 74-1025F

NAME AND ADDRESS: SPIRO DASKALOS
1560 FOOTHILLS VILLAGE DR
HENDERSON NV 89012

ANNETTE DASKALOS
1560 FOOTHILLS VILLAGE DR
HENDERSON NV 89012

SOURCE: LEMHI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 1.150 CFS

The rights listed below are limited to a total combined diversion rate of 1.15 cfs. Combined Right Nos.: 74-1025F & 74-15888.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:

T18N R24E S9 SWSW Within LEMHI County

The following rights are diverted through point(s) of diversion described above: 74-1025F & 74-15888.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.150 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T18N R24E S09	NWNW	27.50	T18N R24E S09	SWNW	19.00
T18N R24E S09	NWSW	16.00			
62.5 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 62.5 acres in a single irrigation season. Combined Right Nos.: 74-1025F & 74-15888.

This right is limited to the irrigation of 38.3 acres within the place of use described above in a single irrigation season.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right No. 74-15888 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

This right is a combination of old Right Nos. 74-1025B and 74-1025E.

11/05/2009

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

RIGHT NUMBER: 74-15888

NAME AND ADDRESS: ANNETTE DASKALOS
1560 FOOTHILLS VILLAGE DR
HENDERSON NV 89012

SPIRO DASKALOS
1560 FOOTHILLS VILLAGE DR
HENDERSON NV 89012

SOURCE: LEMHI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.310 CFS

The rights listed below are limited to a total combined diversion rate of 1.15 cfs. Combined Right Nos.: 74-1025F & 74-15888

PRIORITY DATE: 03/15/1983

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T18N R24E S9 SWSW Within LEMHI County

The following rights are diverted through point(s) of diversion described above: 74-1025F & 74-15888.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.310 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T18N R24E S09	NWNW	27.50	T18N R24E S09	SWNW	19.00
T18N R24E S09	NWSW	16.00			
62.5 ACRES TOTAL					

The rights listed below are limited to the irrigation of a combined total of 62.5 acres in a single irrigation season. Combined Right Nos.: 74-1025F & 74-15888.

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. Section 42-1412(6), Idaho Code.

This right is based upon an enlargement of Right No. 74-1025F pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 24.2 acres within the place of use described for this right.