

MEMORANDUM

TO: Files 75-4, 75-7, 75-16, 75-17A, 75-17B, 75-17D, 75-19B, 75-19C, 75-19E, 75-26A, 75-114, 75-7563, 75-10075, 75-10076

FROM: Monica Van Bussum

DATE: June 7, 2010

RE: Decisions made while recommending SRBA claims 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, and 75-10075

There is a long and complicated split and administrative history with these water rights and is best explained by one expansive memorandum instead of a memorandum for each right. The purpose of this memo is to explain some of the decisions made while writing Amended Director's Reports for the SRBA Court. These ADRs are due to the court by June 24, 2010.

A secondary purpose of this memo is to serve as future reference to department employees and watermasters trying to determine administration of rights.

The City of Salmon rights can be divided into two general groups, those with completed administrative transfers (Transferred Group) and those that were claimed as apparent accomplished transfers (Accomplished Group). A brief summary of the claims will help identify those in the Transferred Group and the Accomplished Group.

A short history of the City's use of water and the movement of its diversions can be found in the summary written for Special Master Ted Booth prior to the mandatory settlement conference of April 2010 and need not be repeated here.

75-4 and 75-114 (claimed together as 75-10076)

75-114 was transferred in Transfer 3999 in 1992. There are good notes regarding this transfer in the backfile for 75-114. There was no transfer on 75-4. Because of the discrepancy in the administrative history of the rights, IDWR has split claim 75-10076 into its components. 75-4 is part of the Accomplished Group and 75-114 is part of the Transferred Group.

75-7

75-7 is governed by Transfer 3615 and is part of the Transferred Group.

75-17A and 75-17B (claimed together as 75-17D)

The story behind 75-17A and 75-17B is much the same as 75-10076. 75-17A is governed by Transfer 3615 and is part of the Transferred Group. Transfer 1773 governs water right 75-17B. Transfer 1773 was granted in 1974, which is well before the 1987 SRBA cutoff, and was claimed as an apparent

accomplished transfer, so it should be considered part of the Accomplished Group. IDWR has split claim 75-17D into its components. 75-17A is part of the Transferred Group and 75-17B is part of the Accomplished Group.

75-19B and 75-19C (claimed together as 75-19E)

75-19B is governed by Transfer 3615 and 75-19C does not have a completed administrative transfer. Therefore, IDWR has split claim 75-19E into its components. 75-19B is part of the Transferred Group and 75-19C is part of the Accomplished Group.

75-26A

75-26A is an untransferred right and is part of the Accomplished Group.

75-10075 (combined claim for 75-16 and 75-18)

75-10075 claimed all of 75-16 and 75-18. Neither 75-16 or 75-18 was administratively transferred, so there was no need to split the claim into its components. 75-10075 is part of the Accomplished Group.

Summary Table

Basin	Sequence	Suffix	Group	Transfer No., if applicable
75	7		Transferred	3615
75	17	A	Transferred	3615
75	19	B	Transferred	3615
75	114		Transferred	3999
75	4		Accomplished	
75	17	B	Accomplished	1773 (approved 1974)
75	19	C	Accomplished	
75	26	A	Accomplished	
75	10075		Accomplished	

Transferred Group

There are two transfers in this group, Transfer 3615 and Transfer 3999. Transfer 3615 was signed June 10, 1992. Transfer 3999 was signed December 10, 1992. Each of these transfers was approved after the commencement of the SRBA and the transfer must be considered the most recent statement of the water right.

The purpose of these transfers was to change the purpose of use from irrigation (as decreed) to municipal. I spoke with Pam Skaggs in early May 2010 about these transfers. I asked Pam if transfers like this would confirm other elements of the right, such as POD, and she said yes. Because nature of use is such an encompassing change, the approved transfer should be considered as confirmation of the other elements. Transfers 3615 and 3999 only show one POD for the City's rights involved, a POD from T21N, R21E, Section 2, NENE and a source as Jesse Creek.

In short, the rights in the Transferred Group are recommended according to Transfers 3615 and 3999.

Transfer 3999, Season of Use

The application for transfer 3999 shows the season of use as January 1 to December 31. However, in the conditions, the season is limited to April 15 to October 15. I have confirmed with Carter Fritschle, Adjudication Section Manager, that in the 1990s, IDWR policy was to stamp the application for transfer approved and allow the conditions to detail elements of the right(s). Therefore, Transfer 3999 granted a season of use as the irrigation season because the conditions limited the season.

The standard irrigation season has subsequently changed to April 1 to October 31. Our guidance on this issue tells us to recommend the current standard season of use if the season of use of the water right prior to the transfer was not established, equal to, or longer than the current standard. The recommended season of use for 75-114 is the current standard, April 1 to October 31.

Accomplished Group

Transfer 1773 applies to water right 75-17B but was signed in 1974, well before the commencement of the SRBA, so it is possible to include this in the accomplished transfer group under Section 42-1425, Idaho Code. The other water rights in this group do not have transfers applicable.

Volume limits for the accomplished group were calculated in the standard ways:

$$1) \# \text{ days in irrigation season} * 1.9835 * Xcfs = Volume1$$

$$2) Xacres * \frac{Y \cdot AF}{year \cdot ac} = Volume2$$

Y in equation 2 is the field headgate requirement. IDWR policy is to take the smaller volume and apply it as the volume limit for the recommendation. No volume limit was applied for 75-17B because the Transfer 1773 did not apply one.

Source remark for Accomplished Group rights

There is a lengthy source condition for all of the Accomplished Group rights. This condition is meant to assist future department employees and watermasters in administration of these water rights. Through this condition, the department recognizes these accomplished transfers and seeks to avoid injury to junior users upstream in Pollard Canyon Creek and Chipps Creek.

The first paragraph of the condition simply explains in what order the City may exercise their alternate points of diversion. This condition was worked out among the parties (Arrowhead, Edwards and the City). The next two paragraphs seek to further refine this first paragraph.

The second paragraph explains how the priority system must work for delivery. I will take 75-4 as an example. When water rights with 04/01/1894 are fully deliverable at Farmers Ditch, the City must take only from its Jesse Creek source. However, when those water rights are not fully deliverable at Farmers Ditch, the City can pull water from Pollard Canyon Creek and Jesse. And so on into Chipps.

Farmers Ditch was chosen as the point of interest for many reasons. First, it is difficult to unequivocally locate the City's points of diversion prior to the movement of the city water works up into Jesse Creek. The Sanborn maps of the period give some general references to the location. Second, the Farmers Ditch diversion already has in place a measuring device that would ease calculation. Third, the Farmers Ditch diversion is still below the confluence of Jesse and Pollard Canyon Creeks, so it provides a good measuring point for what the City of Salmon would have been delivered before moving its water works further up Jesse Creek.

The third paragraph of this condition provides additional assistance to the watermaster. To determine which water rights in priority, the City's diversions from Jesse Creek must be added to what is available at the Farmers Ditch diversion.

It is important to explain the combined diversion limit condition put on all rights.

Combined diversion limit of 11.6 cfs on all rights

This figure comes from the correspondence regarding licensing 75-7563. Tim Luke conducted a field exam in 1998 and wrote a detailed memo to Shelley Keen in June 1998 regarding those measurements. During this exam, Tim measured 8.9 cfs at the city's plant. In a comment report in 2005, Kay Walker wrote, "I was asked to expedite this license because a transfer has been filed to add a point of diversion to this right. In review of the documents in our file I found the capacity measured in 1998 to be 8.9 cfs. I discussed with Tim Luke who had made the 1998 measurement and he advised me to also check the WD75A records to see what the city normally was delivered. Since this permit was issued in 1991 and proof made in 1992 I reviewed this years of water district records and found the amount delivered in 1991 to be 11.6 cfs for most of the month of June which was a larger amount than any others recorded for these two years. I recommend we use this amount as capacity of this system for this license." Since the capacity of the system in 1991 was 11.6 cfs, the rights should be limited to the capacity at that time.

AMENDED DIRECTOR'S REPORT

**Subcase Nos. 75-4, 75-7, 75-17A, 75-17B, 75-17D, 75-19B, 75-19C,
75-19E, 75-26A, 75-114, 75-10075 & 75-10076**

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

**Prepared by the Idaho Department of Water Resources
Gary Spackman, Interim Director
Jeff Peppersack, Bureau Chief, Water Allocation Bureau**

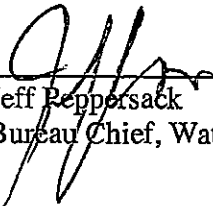
June 22, 2010

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Interim Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to the *Deadline for Amended Director's Report and Supplemental Trial Schedule* issued by Special Master Dolan on June 7, 2010, the Interim Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcases (see attached print-out).



Jeff Peppersack
Bureau Chief, Water Allocation Bureau

CERTIFICATE OF SERVICE

I certify that on _____, 2010, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

CLIVE STRONG
CHIEF, DIVISION OF NATURAL RESOURCES
OFFICE OF THE ATTORNEY GENERAL
PO BOX 44449
BOISE ID 83711-4449

LEMHI COUNTY COURTHOUSE
206 COURTHOUSE DRIVE
SALMON, ID 83467

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

CITY OF SALMON
Represented by:
JOSEPHINE P BEEMAN
409 W JEFFERSON ST
BOISE, ID 83702

EDGAR & MYRTLE EDWARDS

Represented by:

RANDALL C BUDGE

201 E CENTER, STE A2

PO BOX 1391

POCATELLO, ID 83204-1391

ARROWHEAD WATER DISTRICT

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Signature of person delivering form

06/07/2010

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

RIGHT NUMBER: 75-4

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

For purposes of administration of sources for this right, the water shall first be diverted exclusively from the natural flow of Jesse Creek. When Jesse Creek is no longer sufficient for use under the rights in priority and calling for water, the waters of Pollard Canyon Creek may be diverted as necessary to provide the balance of water required pursuant to this right in its priority. Only when the water supply from Jesse and Pollard Canyon Creeks combined is not sufficient for use under the rights in priority and calling for water may water from Chipps Creek be diverted to provide the balance of water required pursuant to this right in its priority.

Water may not be diverted under this right from Pollard Canyon Creek or Chipps Creek when water rights with a priority date of 04/01/1894 are fully deliverable at the Farmers Ditch diversion in T21N, R21E, S01, SWNW. Water may be diverted from Pollard Canyon Creek and Chipps Creek under the guidelines above when water rights with a priority date of 04/01/1894 are not fully deliverable at the Farmers Ditch diversion. At such time, the water for this right will be delivered in proportion to the amount available for all rights with an 04/01/1894 priority date.

The quantity of water diverted for the City of Salmon's Water Treatment Plant in T21N, R21E, S02, Lot 1 (NENE) must be added to the quantity of water available for diversion at the Farmers Ditch diversion to determine the water rights that are in priority.

QUANTITY: 1.200 CFS
210.000 AFY

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6 cfs.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:

T21N R21E S2 NENE Lot 1 Injection Within LEMHI County
T21N R21E S2 NENE Lot 1 Rediversion Within LEMHI County
T21N R21E S2 NENE Lot 1 Within LEMHI County
T21N R21E S2 SWSW Rediversion Within LEMHI County
T21N R21E S2 SWSW Injection Within LEMHI County
T21N R21E S2 SWSW Rediversion Within LEMHI County
T21N R21E S11 NWNW Rediversion Within LEMHI County

The point of diversion in T21N, R21E, S11, NWNW is from Chipps Creek. The point of injection in T21N, R21E, S02, SWSW is into Pollard Canyon Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, SWSW are from Pollard Canyon Creek. The point of injection in T21N, R21E,

S02, Lot 1 (NENE) is into Jesse Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, Lot 1 (NENE) are from Jesse Creek.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	1.200 CFS 210.00 AFY

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

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 point of diversion, place of use and nature of use pursuant to Section 42-1425, Idaho Code.

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. 75A.

06/04/2010

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

RIGHT NUMBER: 75-7

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 4.000 CFS

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114,
75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6
cfs.

The rights listed below are limited to a total combined annual diversion
volume of 700 AF. Combined Right Nos.: 75-7, 75-17A and 75-19B.

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION:

T21N R21E S2 NENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	4/01 10/31	4.000 CFS

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water
supply system as provided for under Idaho Law.

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

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. 75A.

06/07/2010

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

RIGHT NUMBER: 75-17A

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.260 CFS

The rights listed below are limited to a total combined annual diversion volume of 700 AF. Combined Right Nos.: 75-7, 75-17A and 75-19B.

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6 cfs.

PRIORITY DATE: 06/01/1867

POINT OF DIVERSION:

T21N R21E S2 SENENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	1.260 CFS

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

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

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. 75A.

This right is a split from former right 75-17.

06/09/2010

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

RIGHT NUMBER: 75-17B

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

For purposes of administration of sources for this right, the water shall first be diverted exclusively from the natural flow of Jesse Creek. When Jesse Creek is no longer sufficient for use under the rights in priority and calling for water, the waters of Pollard Canyon Creek may be diverted as necessary to provide the balance of water required pursuant to this right in its priority. Only when the water supply from Jesse and Pollard Canyon Creeks combined is not sufficient for use under the rights in priority and calling for water may water from Chipps Creek be diverted to provide the balance of water required pursuant to this right in its priority.

Water may not be diverted under this right from Pollard Canyon Creek or Chipps Creek when water rights with a priority date of 06/01/1867 are fully deliverable at the Farmers Ditch diversion in T21N, R21E, S01, SWNW. Water may be diverted from Pollard Canyon Creek and Chipps Creek under the guidelines above when water rights with a priority date of 06/01/1867 are not fully deliverable at the Farmers Ditch diversion. At such time, the water for this right will be delivered in proportion to the amount available for all rights with an 06/01/1867 priority date.

The quantity of water diverted for the City of Salmon's Water Treatment Plant in T21N, R21E, S02, Lot 1 (NENE) must be added to the quantity of water available for diversion at the Farmers Ditch diversion to determine the water rights that are in priority.

QUANTITY: 0.240 CFS

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6 cfs.

PRIORITY DATE: 06/01/1867

POINT OF DIVERSION:

T21N R21E S2 NENE Lot 1 Injection Within LEMHI County

T21N R21E S2 NENE Lot 1 Within LEMHI County

T21N R21E S2 NENE Lot 1 Rediversion Within LEMHI County

T21N R21E S2 SWSW Rediversion Within LEMHI County

T21N R21E S2 SWSW Injection Within LEMHI County

T21N R21E S2 SWSW Rediversion Within LEMHI County

T21N R21E S11 NWNW Rediversion Within LEMHI County

The point of diversion in T21N, R21E, S11, NWNW, is from Chipps Creek. The point of injection in T21N, R21E, S02, SWSW, is into Pollard Canyon Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, SWSW, are from Pollard Canyon Creek. The point of injection in T21N, R21E, S02, Lot 1 (NENE) is into Jesse Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, Lot 1 (NENE) are from Jesse Creek.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	0.240 CFS

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

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 point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 75-17.

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. 75A.

06/4/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
75-17D	CITY OF SALMON 200 MAIN ST SALMON ID 83467	Parent	Recommended as Right Nos. 75-17A and 75-17B.

06/07/2010

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

RIGHT NUMBER: 75-19B

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.493 CFS

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6 cfs.

The rights listed below are limited to a total combined annual diversion volume of 700 AF. Combined Right Nos.: 75-7, 75-17A and 75-19B.

PRIORITY DATE: 06/01/1868

POINT OF DIVERSION:

T21N R21E S2 NENE Lot 1

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	0.493 CFS

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

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

This right is a split from former right 75-19.

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. 75A.

06/09/2010

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

RIGHT NUMBER: 75-19C

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

For purposes of administration of sources for this right, the water shall first be diverted exclusively from the natural flow of Jesse Creek. When Jesse Creek is no longer sufficient for use under the rights in priority and calling for water, the waters of Pollard Canyon Creek may be diverted as necessary to provide the balance of water required pursuant to this right in its priority. Only when the water supply from Jesse and Pollard Canyon Creeks combined is not sufficient for use under the rights in priority and calling for water may water from Chipps Creek be diverted to provide the balance of water required pursuant to this right in its priority.

Water may not be diverted under this right from Pollard Canyon Creek or Chipps Creek when water rights with a priority date of 06/01/1868 are fully deliverable at the Farmers Ditch diversion in T21N, R21E, S01, SWNW. Water may be diverted from Pollard Canyon Creek and Chipps Creek under the guidelines above when water rights with a priority date of 06/01/1868 are not fully deliverable at the Farmers Ditch diversion. At such time, the water for this right will be delivered in proportion to the amount available for all rights with a 06/01/1868 priority date.

The quantity of water diverted for the City of Salmon's Water Treatment Plant in T21N, R21E, S02, Lot 1 (NENE) must be added to the quantity of water available for diversion at the Farmers Ditch diversion to determine the water rights that are in priority.

QUANTITY: 1.500 CFS
263.000 AFY

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6 cfs.

PRIORITY DATE: 06/01/1868

POINT OF DIVERSION:

T21N R21E S2 NENE Lot 1 Rediversion Within LEMHI County

T21N R21E S2 NENE Lot 1 Injection Within LEMHI County

T21N R21E S2 NENE Lot 1 Within LEMHI County

T21N R21E S2 SWSW Injection Within LEMHI County

T21N R21E S2 SWSW Rediversion Within LEMHI County

T21N R21E S2 SWSW Rediversion Within LEMHI County

T21N R21E S11 NWNW Rediversion Within LEMHI County

The point of diversion in T21N, R21E, S11, NWNW is from Chipps Creek. The point of injection in T21N, R21E, S02, SWSW is into Pollard Canyon Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, SWSW are from Pollard Canyon Creek. The point of injection in T21N, R21E,

S02, Lot 1 (NENE) is into Jesse Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, Lot 1 (NENE) are from Jesse Creek.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	1.500 CFS 263.00 AFY

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

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

This right is a split from former right 75-19.

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. 75A.

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

06/4/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
75-19E	CITY OF SALMON 200 MAIN ST SALMON ID 83467	Parent	Recommended as Right Nos. 75-19B and 75-19C.

06/09/2010

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

RIGHT NUMBER: 75-26A

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

For purposes of administration of sources for this right, the water shall first be diverted exclusively from the natural flow of Jesse Creek. When Jesse Creek is no longer sufficient for use under the rights in priority and calling for water, the waters of Pollard Canyon Creek may be diverted as necessary to provide the balance of water required pursuant to this right in its priority. Only when the water supply from Jesse and Pollard Canyon Creeks combined is not sufficient for use under the rights in priority and calling for water may Chipps Creek be diverted to provide the balance of water required pursuant to this right in its priority.

Water may not be diverted under this right from Pollard Canyon Creek or Chipps Creek when water rights with a priority date of 05/01/1884 are fully deliverable at the Farmers Ditch diversion in T21N, R21E, S01, SWNW. Water may be diverted from Pollard Canyon Creek and Chipps Creek under the guidelines above when water rights with a priority date of 05/01/1884 are not fully deliverable at the Farmers Ditch diversion. At such time, the water for this right will be delivered in proportion to the amount available for all rights with an 05/01/1884 priority date.

The quantity of water diverted for the City of Salmon's Water Treatment Plant in T21N, R21E, S02, Lot 1 (NENE) must be added to the quantity of water available for diversion at the Farmers Ditch diversion to determine the water rights that are in priority.

QUANTITY: 0.300 CFS
52.500 AFY

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6 cfs.

PRIORITY DATE: 05/01/1884

POINT OF DIVERSION:

T21N R21E S2 NENE Lot 1 Within LEMHI County

T21N R21E S2 NENE Lot 1 Rediversion Within LEMHI County

T21N R21E S2 NENE Lot 1 Injection Within LEMHI County

T21N R21E S2 SWSW Rediversion Within LEMHI County

T21N R21E S2 SWSW Injection Within LEMHI County

T21N R21E S2 SWSW Injection Within LEMHI County

T21N R21E S11 NWNW Injection Within LEMHI County

The point of diversion in T21N, R21E, S11, NWNW is from Chipps Creek. The point of injection in T21N, R21E, S02, SWSW is into Pollard Canyon Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, SWSW are from Pollard Canyon Creek. The point of injection in T21N, R21E,

S02, Lot 1 (NENE) is into Jesse Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, Lot 1 (NENE) are from Jesse Creek.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	0.300 CFS 52.50 AFY

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

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

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. 75A.

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

06/09/2010

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

RIGHT NUMBER: 75-114

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.500 CFS
70.000 AFY

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114,
75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6
cfs.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:

T21N R21E S2 NENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	0.500 CFS 70.00 AFY

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water
supply system as provided for under Idaho Law.

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

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. 75A.

06/09/2010

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

RIGHT NUMBER: 75-10075

NAME AND ADDRESS: CITY OF SALMON
200 MAIN ST
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

For purposes of administration of sources for this right, the water shall first be diverted exclusively from the natural flow of Jesse Creek. When Jesse Creek is no longer sufficient for use under the rights in priority and calling for water, the waters of Pollard Canyon Creek may be diverted as necessary to provide the balance of water required pursuant to this right in its priority. Only when the water supply from Jesse and Pollard Canyon Creeks combined is not sufficient for use under the rights in priority and calling for water may Chipps Creek be diverted to provide the balance of water required pursuant to this right in its priority.

Water may not be diverted under this right from Pollard Canyon Creek or Chipps Creek when water rights with a priority date of 06/01/1867 are fully deliverable at the Farmers Ditch diversion in T21N, R21E, S01, SWNW. Water may be diverted from Pollard Canyon Creek and Chipps Creek under the guidelines above when water rights with a priority date of 06/01/1867 are not fully deliverable at the Farmers Ditch diversion. At such time, the water for this right will be delivered in proportion to the amount available for all rights with an 06/01/1867 priority date.

The quantity of water diverted for the City of Salmon's Water Treatment Plant in T21N, R21E, S02, Lot 1 (NENE) must be added to the quantity of water available for diversion at the Farmers Ditch diversion to determine the water rights that are in priority.

QUANTITY: 2.300 CFS
403.000 AFY

Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-7563 and 75-10075 are limited to a total combined diversion rate of 11.6 cfs.

PRIORITY DATE: 06/01/1867

POINT OF DIVERSION:

T21N R21E S2 NENE Lot 1 Within LEMHI County
T21N R21E S2 NENE Lot 1 Rediversion Within LEMHI County
T21N R21E S2 NENE Lot 1 Injection Within LEMHI County
T21N R21E S2 SWSW Within LEMHI County
T21N R21E S2 SWSW Rediversion Within LEMHI County
T21N R21E S2 SWSW Injection Within LEMHI County
T21N R21E S11 NWNW Injection Within LEMHI County

The point of diversion in T21N, R21E, S11, NWNW is from Chipps Creek. The point of injection in T21N, R21E, S02, SWSW is into Pollard Canyon Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, SWSW are from Pollard Canyon Creek. The point of injection in T21N, R21E,

S02, Lot 1 (NENE) is into Jesse Creek. The point of diversion and the point of rediversion in T21N, R21E, S02, Lot 1 (NENE) are from Jesse Creek.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	2.300 CFS 403.00 AFY

PLACE OF USE:

Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.

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

This right is a combination of old Right Nos. 75-16 and 75-18.

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

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. 75A.

06/4/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
75-10076	CITY OF SALMON 200 MAIN ST SALMON ID 83467	Parent	Recommended as Right Nos. 75-4 and 75-114.