

12/14/2007

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

RIGHT NUMBER: 73-87

NAME AND ADDRESS: JIMMIE L DOWTON
HC 62 BOX 2320
MAY ID 83253

MARIA ELENA DOWTON
HC 62 BOX 2320
MAY ID 83253

SOURCE: MUD SPRING CREEK
PAHSIMEROI RIVER

TRIBUTARY: PAHSIMEROI RIVER
TRIBUTARY: SALMON RIVER

QUANTITY: 7.190 CFS
0.70 AFY

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 05/01/1900

POINT OF
DIVERSION:

T15N R21E S17 NESESE Within CUSTER County
T15N R21E S21 SENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	01/01 12/31	0.70 AFY
AESTHETIC STORAGE	01/01 12/31	0.70 AFY
IRRIGATION	04/01 10/31	7.190 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S16	SWSW	4.60	T15N R21E S17	NESW	26.00
T15N R21E S17	SESW	1.90	T15N R21E S17	NWSE	17.00
T15N R21E S17	SWSE	35.00	T15N R21E S17	SESE	24.70
T15N R21E S20	NENE	25.00	T15N R21E S20	NWNE	2.60
T15N R21E S21	NENW	1.20	T15N R21E S21	NWNW	34.00
T15N R21E S21	SWNW	0.90	T15N R21E S21	SENW	2.20

WILDLIFE STORAGE in CUSTER County

T15N R21E S17 SESE

AESTHETIC STORAGE in CUSTER County

T15N R21E S17 SESE

175.1 ACRES TOTAL

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This 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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This right authorizes the diversion of an annual total of 0.7 acre-foot to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation from the pond.

The pond established by the storage of water under this right shall not exceed a total capacity of 0.3 acre-foot or a total surface area of 0.2 acre.

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. 73.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

01/08/2007

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

RIGHT NUMBER: 73-87

NAME AND ADDRESS: JIMMIE L DOWTON
HC 62 BOX 2320
MAY ID 83253

MARIA ELENE DOWTON
HC 62 BOX 2320
MAY ID 83253

SOURCE: MUD SPRING CREEK
PAHSIMEROI RIVER

TRIBUTARY: PAHSIMEROI RIVER
TRIBUTARY: SALMON RIVER

QUANTITY: 7.190 CFS
0.700 AFY

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION:

T15N R21E S17 NESESE Within CUSTER County

T15N R21E S21 SENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	01/01 12/31	0.70 AFY
AESTHETIC STORAGE	01/01 12/31	0.70 AFY
IRRIGATION	04/01 10/31	7.190 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T15N R21E S16	SWSW	4.60	T15N R21E S17	NESW	26.00
T15N R21E S17	SESW	1.90	T15N R21E S17	NWSE	17.00
T15N R21E S17	SWSE	35.00	T15N R21E S17	SESE	24.70
T15N R21E S20	NENE	25.00	T15N R21E S20	NWNE	2.60
T15N R21E S21	NENW	1.20	T15N R21E S21	NWNW	34.00
T15N R21E S21	SWNW	0.90	T15N R21E S21	SENW	2.20

WILDLIFE STORAGE in CUSTER County

T15N R21E S17 SESE

AESTHETIC STORAGE in CUSTER County

T15N R21E S17 SESE

175.1 ACRES TOTAL

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

01/08/2007

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

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This 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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This right authorizes the diversion of an annual total of 0.7 acre-foot to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation from the pond.

The pond established by the storage of water under this right shall not exceed a total capacity of 0.3 acre-foot or a total surface area of 0.2 acre.

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. 73.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

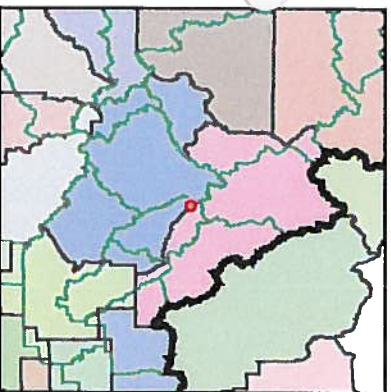


SRBA Recommendation:

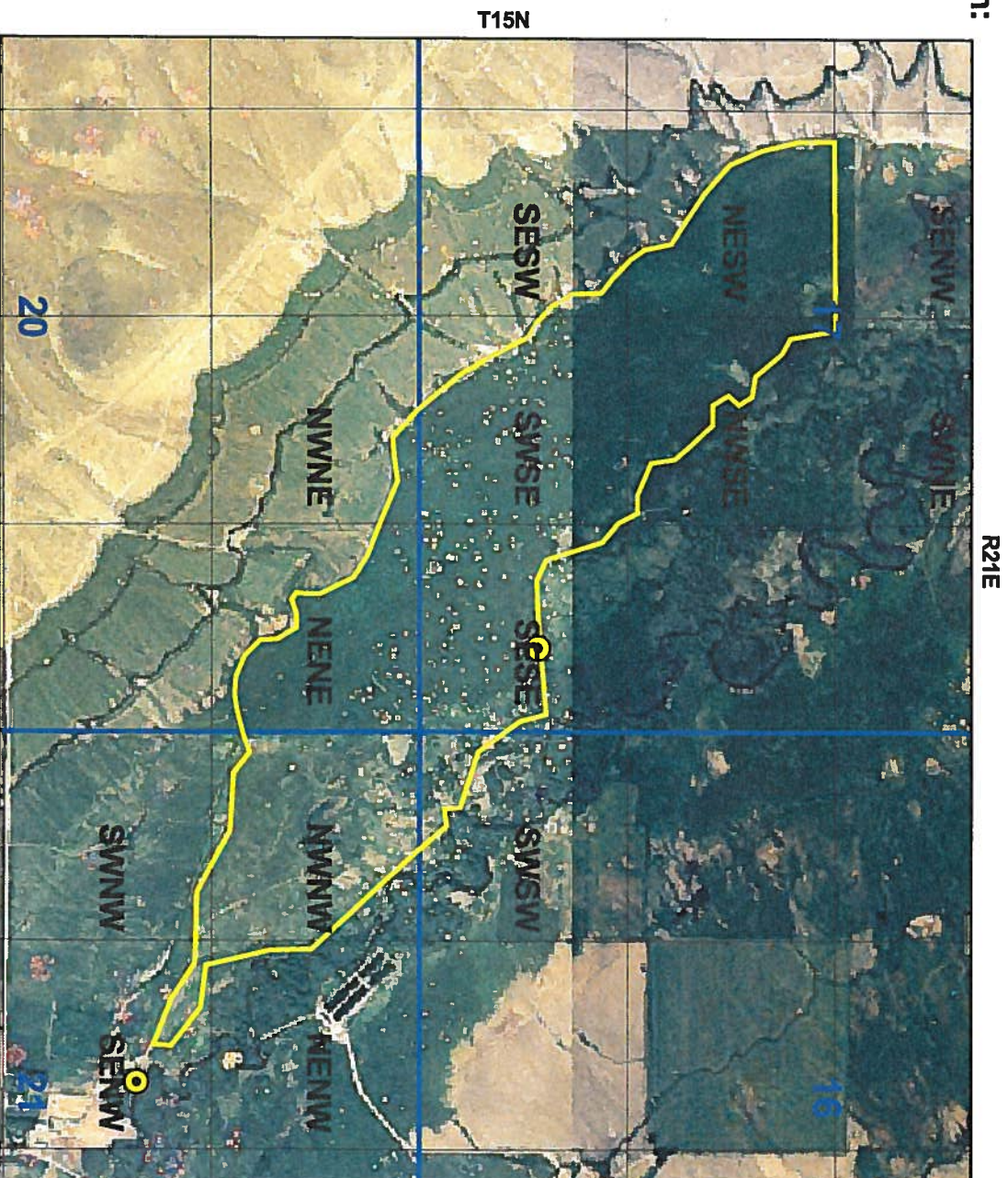
73-87
(Irrigation)

Legend

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



Lemhi, Custer Counties
IDWR Basin 73



Prepared by C. Saxton
On Monday, January 8, 2007
1987/88 Aerial Photography

Adjudication Recommendation Report 73-87 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CATHERINE FRASER

Current Owner JIMMIE L DOWTON
HC 62 BOX 2320
MAY, ID 83253
(208)876-4264

Original Owner MARY ROBERTSON

Current Owner	, ID MARIA ELENE DOWTON HC 62 BOX 2320 MAY, ID 83253 (208)876-4264
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Original Owner ALEX MC DONALD
921 RUSH RD
EAGLE, ID 83616
(208) 353-1571

Basis: Decreed

Status: Active

Tributary

MUD SPRING CREEK
PAHSIMEROI RIVER

PAHSIMEROI RIVER
SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31		0.70 AF
AESTHETIC STORAGE	01/01 to 12/31		0.70 AF
IRRIGATION	04/01 to 10/31	7.190 CFS	
	Total Diversion:	7.190 CFS	0.70 AF

Location of Point(s) of Diversion

PAHSIMEROI RIVER CUSTER County	SE1/4NW1/4	Sec. 21, Twp 15N, Rge 21E, B.M.
MUD SPRING CREEK CUSTER County	NE1/4SE1/4SE1/4	Sec. 17, Twp 15N, Rge 21E, B.M.

Place of Use

WILDLIFE STORAGE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-87 V1

AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	21E	17																X	

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	21E	16											4.6						4.6
15N	21E	17								26.0			1.9		17.0	35.0	24.7		104.6
15N	21E	20	25.0	2.6															27.6
15N	21E	21					1.2	34.0	.9	2.2									38.3

Total Acres: 175.1

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2. 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.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. This right authorizes the diversion of an annual total of 0.7 acre-foot to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation from the pond.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 0.3 acre-foot or a total surface area of 0.2 acre.
7. R05 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. 73.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-87 V1

Comments:

1. rbrown 2/22/2005 POU
Comment: Updated Shape
2. rbrown 2/22/2005 POU
Comment: Updated PLS
3. rbrown 2/22/2005 POU
Comment: Updated Shape
4. rbrown 2/22/2005 POU
Comment: Updated PLS
5. rbrown 2/22/2005 POU
Comment: Historical place of use was found to be between the existing ditch (Flat ditch from P-8) and a natural side channel of the Pahsimeroi River.
6. rbrown 2/22/2005 POD
Comment: Updated shape
7. rbrown 2/22/2005 POD
Comment: Updated shape
8. rbrown 2/22/2005 POD
Comment: Updated shape
9. rbrown 8/23/2006 Source and POD
Comment: are added to represent the development of the Mud ditch (73-4007B) during the pendency of the Hamilton v Swendsen decree.
10. csaxton 1/8/2007 NOE Review
Comment: Reviewed POU per NOE Request. Cannot change POU as requested in NOE, but did amend recommendation to reflect approved TR 72361. This included a change in POD, source, diversion rate, and POU.

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: S
 Owner Name Connector: OR
 Water District Number: 73
 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>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-87 V1

Priority Date	2/22/2005 1:19:39 PM	rbrown	Active
POD	2/22/2005 1:20:06 PM	rbrown	Active
Source	2/22/2005 3:20:10 PM	rbrown	Active
POU	2/22/2005 3:35:05 PM	rbrown	Active
Use	2/22/2005 3:35:19 PM	rbrown	Active
Season	2/22/2005 3:35:38 PM	rbrown	Active
Quantity	2/22/2005 3:36:15 PM	rbrown	Active
Summary		02/22/2005 rbrown	Active
Summary		01/08/2007 csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Priority Date	2/22/2005 1:19:40 PM	rbrown	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	2/22/2005 1:20:06 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	2/22/2005 3:20:10 PM	rbrown	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	2/22/2005 3:35:20 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-87 V1

Quantity	2/22/2005 3:36:15 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	2/22/2005 3:37:15 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	1/8/2007 9:45:19 AM	csaxton	Updated PLS
POU	1/8/2007 10:02:31 AM	csaxton	Updated shape for Active POU
POU	1/8/2007 10:02:40 AM	csaxton	Updated PLS for Active POU
Summary	1/8/2007 10:06:55 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	1/8/2007 9:44:58 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-87 V1

POU	2/22/2005 3:35:06 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the Decree or License have a POU? (Yes) 7. Is there evidence that there has been a change in the POU? (No) 8. Can the claim be verified as an accomplished transfer? (No) 9. Does the claim include an enlargement in the POU? (No) 12. Was a transfer filed? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 9 - Description for Question 13 - True
Season	2/22/2005 3:35:39 PM	rbrown	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	8/23/2006 2:50:18 PM	rbrown	Updated shape
POD	8/23/2006 2:50:30 PM	rbrown	Updated PLS

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72361

This is to certify that: JIMMIE L DOWTON
HC 62 BOX 2320
MAY ID 83253
(208)876-4264

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
73-87	AJC/Decreed	05/01/1900	7.20 cfs	N/A	175.4	N/A	PAHSIMEROI RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
73-87	NO	NO	YES	YES	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
73-87	73-87	7.19 cfs	N/A	N/A	175.1		N/A	N/A	N/A	N/A
COMBINED TOTALS		7.19 cfs	N/A	N/A	175.1		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of March, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 73-87
As Modified by Transfer No. 72361

In accordance with the approval of Transfer No. 72361, Water Right No. 73-87 is now described as follows.

Right Holder: JIMMIE L DOWTON
 HC 62 BOX 2320
 MAY ID 83253

Priority Date: May 01, 1900

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	7.19 CFS	
AESTHETIC STORAGE	01/01	to 12/31		0.7 AF
WILDLIFE STORAGE	01/01	to 12/31		0.7 AF
			7.19 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER NESESE Sec. 17 Twp 15N Rge 21E CUSTER County

PAHSIMEROI RIVER SENW Sec. 21 Twp 15N Rge 21E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 21E 16											4.6						4.6
15N 21E 17									26.0			1.9		17.0	35.0	24.7	104.6
15N 21E 20	25.0	2.6															27.6
15N 21E 21					1.2	34.0	.9	2.2									38.3

Total Acres: 175.1

PLACE OF USE: AESTHETIC STORAGE and WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 21E 17																X	

CONDITIONS OF APPROVAL

1. The pond established by the storage of water under this right shall not exceed a total capacity of 0.3 acre-foot or a total surface area of 0.2 acre.
2. This right authorizes the diversion of an annual total of 0.7 acre-foot to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation from the pond.

WATER RIGHT NO. 73-87
As Modified by Transfer No. 72361

CONDITIONS OF APPROVAL

3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 3rd day of March, 20 04

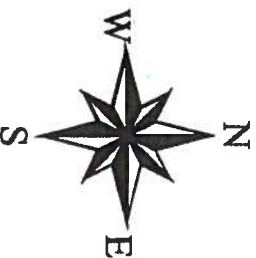

Chief, Water Allocation Bureau

Dowton, 73-87

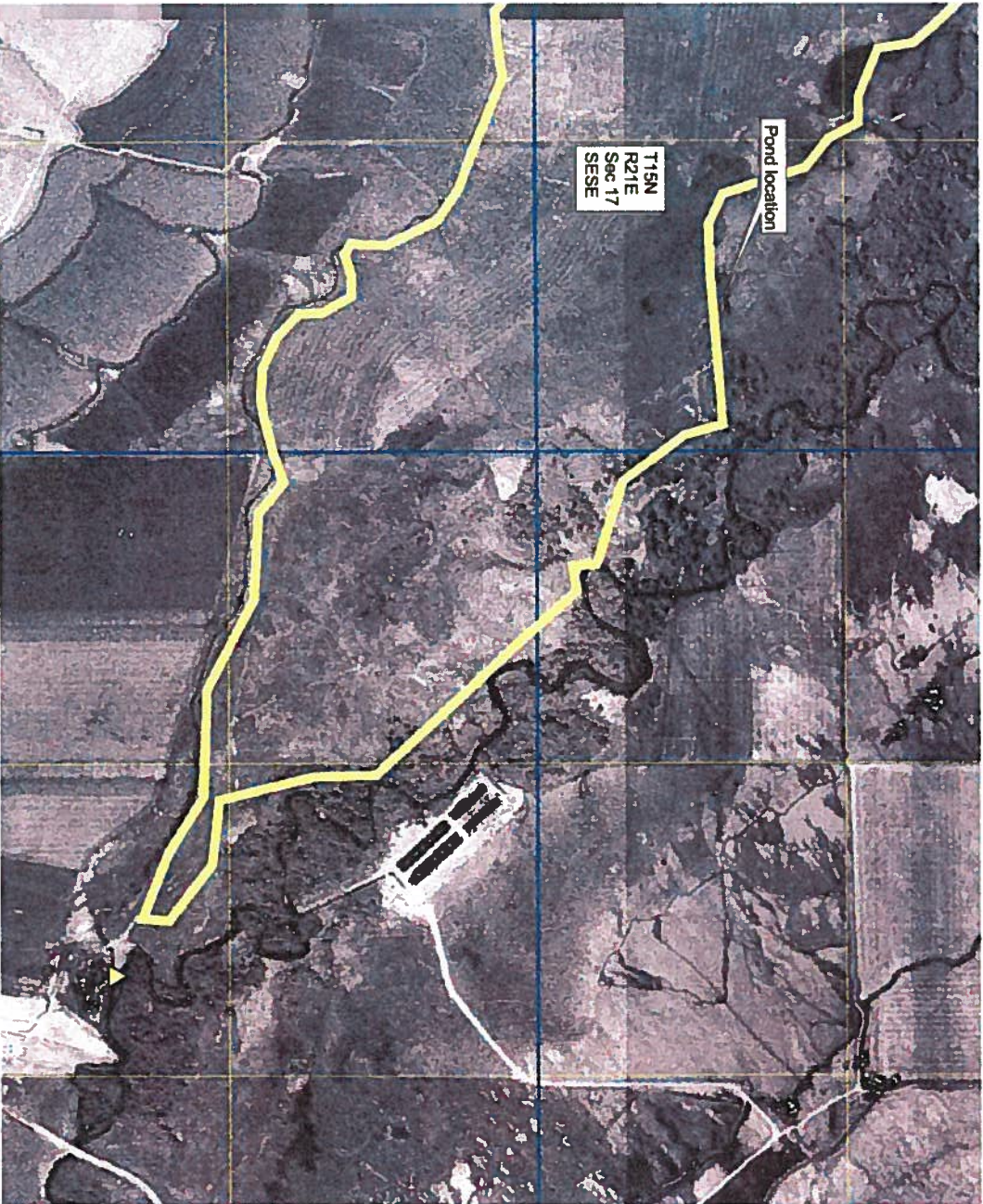


0.2 0 0.2 0.4 Miles

TPHJR
2004



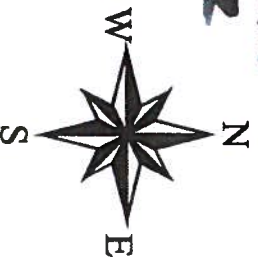
Dowton, 73-87

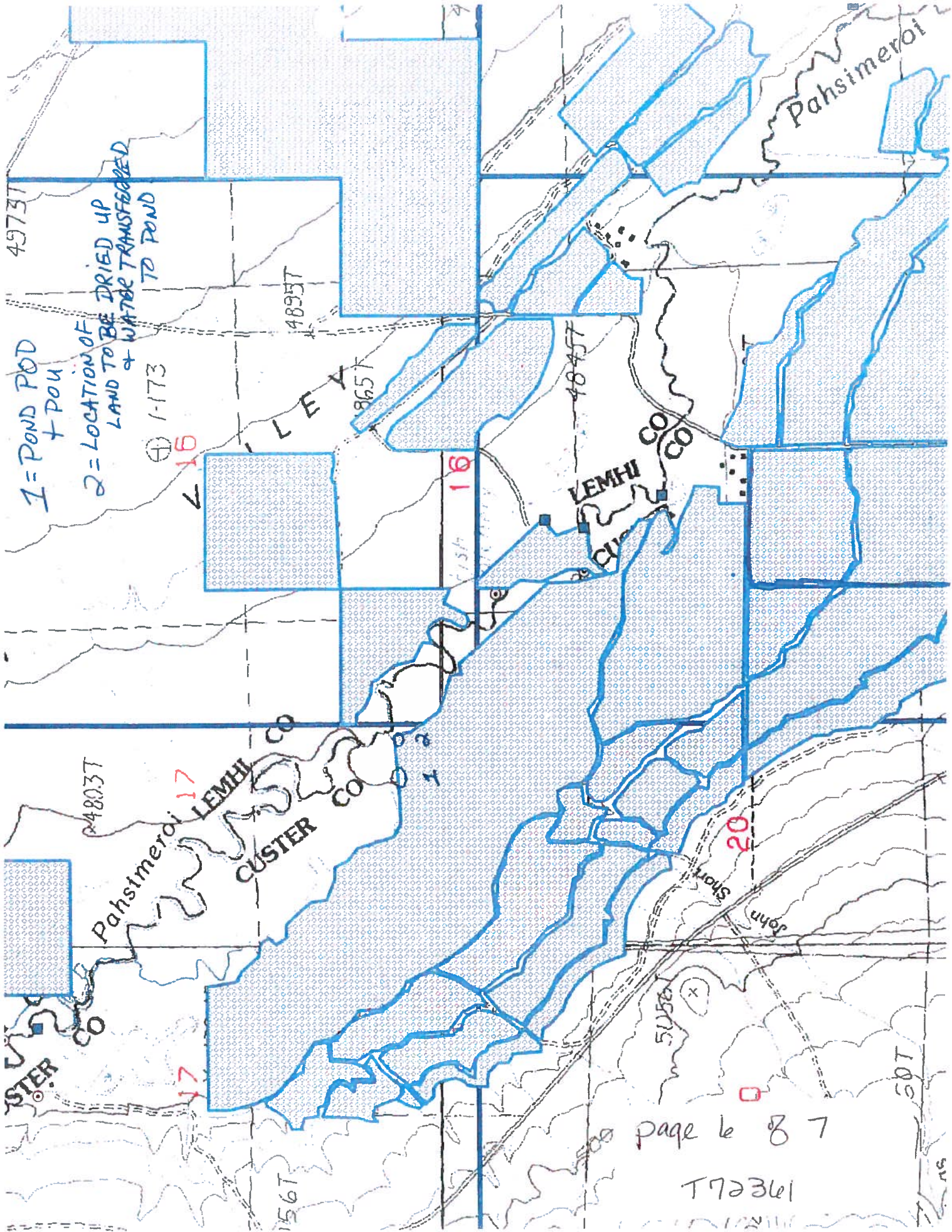


0.3 0 0.3 0.6 Miles

△ 73-87.pod.shp
73-87.shp
Sections
QA

TOUR
1992





page 6 of 7
T72361

08/23/2006

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

RIGHT NUMBER: 73-87

NAME AND ADDRESS: JIMMIE L DOWTON
HC 62 BOX 2320
MAY ID 83253

MARIA ELENE DOWTON
HC 62 BOX 2320
MAY ID 83253

SOURCE: MUD SPRING CREEK
PAHSIMEROI RIVER

TRIBUTARY: PAHSIMEROI RIVER
TRIBUTARY: SALMON RIVER

QUANTITY: 7.200 CFS

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION:

T15N R21E S21 SENW Within CUSTER County
T15N R21E S27 NENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	7.200 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T15N R21E S16	SWSW	4.60	T15N R21E S17	NESW	26.00
T15N R21E S17	SESW	1.90	T15N R21E S17	NWSE	17.00
T15N R21E S17	SWSE	35.00	T15N R21E S17	SESE	25.00
T15N R21E S20	NENE	25.00	T15N R21E S20	NWNE	2.60
T15N R21E S21	NENW	1.20	T15N R21E S21	NWNW	34.00
T15N R21E S21	SWNW	0.90	T15N R21E S21	SENW	2.20

175.4 ACRES TOTAL

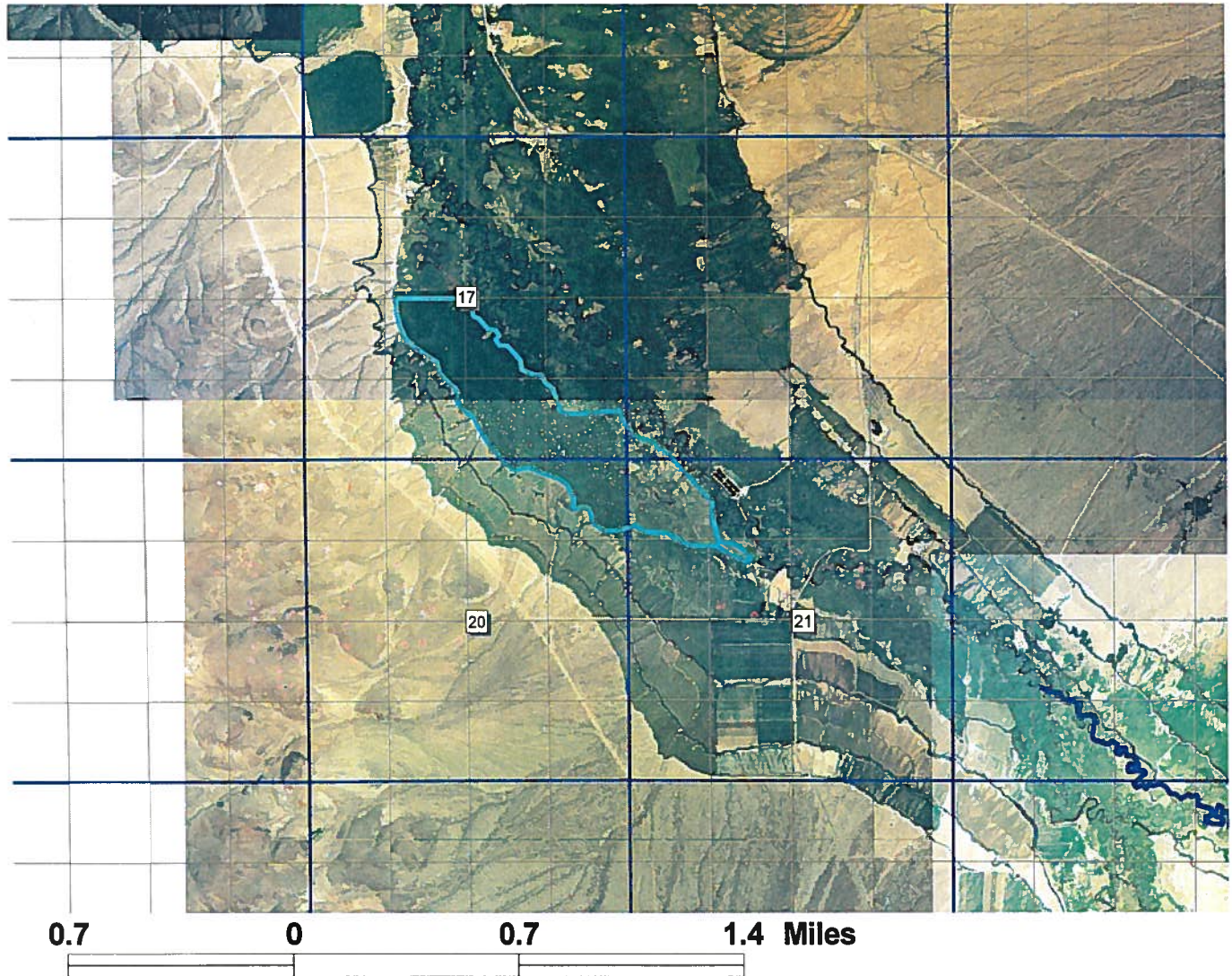
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Idaho Dept. of Water Resources

Water Right No. 73-87



prepared by:

GIS/Remote Sensing

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83702
- 208. 327.4800 -

Roxanne Brown
February 22, 2005
1988 True Color Photography

 73-00087



02/22/2005

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

RIGHT NUMBER: 73-87

NAME AND ADDRESS: JIMMIE L DOWTON
HC 62 BOX 2320
MAY ID 83253

MARIA ELENE DOWTON
HC 62 BOX 2320
MAY ID 83253

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 7.200 CFS

PRIORITY DATE: 05/01/1900

POINT OF DIVERSION:

T15N R21E S21 SENW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	7.200 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T15N R21E S16	SWSW	4.6	T15N R21E S17	NESW	26.0
T15N R21E S17	SESW	1.9	T15N R21E S17	NWSE	17.0
T15N R21E S17	SWSE	35.0	T15N R21E S17	SESE	25.0
T15N R21E S20	NENE	25.0	T15N R21E S20	NWNE	2.6
T15N R21E S21	NENW	1.2	T15N R21E S21	NWNW	34.0
T15N R21E S21	SWNW	0.9	T15N R21E S21	SENW	2.2

175.4 ACRES TOTAL

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: Decreed

WATER RIGHT NO. 73-87
As Modified by Transfer No. 73707

In accordance with the approval of Transfer No. 73707, Water Right No. 73-87 is now described as follows.

Right Holder: JIMMIE L DOWTON And/Or
 MARIA ELENE DOWTON
 HC 62 BOX 2320
 MAY ID 83253

Priority Date: May 01, 1900

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
WILDLIFE STORAGE	01/01 to	12/31		0.7 AF
AESTHETIC STORAGE	01/01 to	12/31		0.7 AF
IRRIGATION	04/01 to	10/31	7.19 CFS	
			7.19 CFS	0.7 AF

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER NESESE Sec. 17 Twp 15N Rge 21E CUSTER County
 PAHSIMEROI RIVER SENW Sec. 21 Twp 15N Rge 21E CUSTER County

PLACE OF USE: WILDLIFE STORAGE and AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	X
15N 21E 17																	

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 21E 17									27.0			36.0			11.0	39.0	132.0
15N 21E 20	29.0	38.0	24.0	38.0	26.0								13.5				168.5
15N 21E 21						2.0	40.0	18.0		34.0	36.0						130.0

Total Acres: 430.5

CONDITIONS OF APPROVAL

EXP 1. The right holder shall accomplish the change authorized by this transfer within one-year of the date of this approval. *no. 73707 by Sept. 6, 2008.* ✓

EXP 2. 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. 73. ✓

Gen. 3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. ✓

WATER RIGHT NO. 73-87
As Modified by Transfer No. 73707

CONDITIONS OF APPROVAL

- EXP 4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. ✓
- Q+Y 5. The pond established by the storage of water under this right shall not exceed a total capacity of 0.3 acre-foot or a total surface area of 0.2 acre. ✓
- EXP 6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). ✓
- Q+Y 7. This right authorizes the diversion of an annual total of 0.7 acre-foot to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation from the pond. ✓
- POU-I 8. This right is limited to the irrigation of 175.1 acres within the place of use described above in a single irrigation season. ✓
- EXP 9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game. ✓
- EXP 10. This right does not grant any right-of-way or easement across the land of another. ✓
- EXP 11. Water is delivered through P-8. ✓
- POU-I 12. Rights 73-86C, 73-86D, 73-87, 73-96A, 73-96B, 73-97A and 73-10058 when combined shall not exceed the irrigation of 430.5 acres. ✓
- Q+Y 13. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above. ✓

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of SEPTEMBER, 20 07



Administrator, Water Management Division

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 73-87
Date Received: 1/11/1990
Receipt No: E011629
Received By:

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

1. Name of Claimant(s)

JIMMIE L DOWTON Phone: (208)876-4264

HC 62 BOX 2320
MAY ID USA 83253

2. Date of Priority: 05/01/1900

3. Source: PAHSIMEROI RIVER , PAHSIMEROI RIVER Trib. to: SALMON RIVER , SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	21E	17	NE SE SE	CUSTER	
15N	21E	21	SE NW	CUSTER	

5. Description of diverting works:

POD for Pond

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	7.19	
WILDLIFE STORAGE	01/01	12/31		0.7
AESTHETIC STORAGE	01/01	12/31		0.7

7. Total Quantity Appropriated is:
7.19 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
15N	21E	16	SW	SW	IRRIGATION	4.6
					Section Acres	4.6
15N	21E	17	NE	SW	IRRIGATION	26
			SE	SW	IRRIGATION	1.9
			NW	SE	IRRIGATION	17
			SW	SE	IRRIGATION	35
			SE	SE	IRRIGATION	24.7
			SE	SE	AESTHETIC STORAGE	
			SE	SE	WILDLIFE STORAGE	
					Section Acres	104.6
15N	21E	20	NE	NE	IRRIGATION	25
			NW	NE	IRRIGATION	2.6
					Section Acres	27.6
15N	21E	21	NE	NW	IRRIGATION	1.2
			NW	NW	IRRIGATION	34
			SW	NW	IRRIGATION	0.9
			SE	NW	IRRIGATION	2.2
					Section Acres	38.3
					Total Acres	175.1

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

The pond established by the storage of water under this right shall not exceed a total capacity of 0.3 acre-foot or a total surface area of 0.2 acre.

This right authorizes the diversion of an annual total of 0.7 acre-foot to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation from the pond.

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. 73.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

15. Basis of Claim: Decreed

16. Signature(s)