

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: A43-07295
Date Received: 7/ 8/1993
Receipt No: Batch Stars Payment
Received By: ADM 8/31/93

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO 208-327-7900
Address: IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720

2. Date of Priority: JUL 1, 1988

3. Source: CIRCLE CREEK Trib. to: RAFT RIVER
NORTH CREEK CIRCLE CREEK
SOUTH CREEK CIRCLE CREEK
CENTER CREEK CIRCLE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
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Beginning Point of Instream Flow

15S	24E	24		SW	NW		CASSIA
15S	24E	25		NW	SW		CASSIA
15S	24E	25		SE	SW		CASSIA
15S	24E	31	NE	NW	NW		CASSIA

Ending Point of Instream Flow

15S	24E	31	NE	NW	NW		CASSIA
15S	24E	31	SE	NW	NW		CASSIA
15S	24E	32	NE	SW	NE		CASSIA

5. Description of diverting works:
INSTREAM FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINIMUM INSTREAM FLOW	01/01	12/31	3.000		

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
RECREATION AND AESTHETICS

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	23E	24	NE		SW		MIF	
			NW		SW		MIF	
			SE		SW		MIF	
		25	NE		NE		MIF	
			NW		NE		MIF	
			SE		NE		MIF	
			NE		SW		MIF	
			NW		SW		MIF	
			SW		SW		MIF	
			SE		SW		MIF	
			NW		SE		MIF	
			SW		SE		MIF	
			SE		SE		MIF	
		36	SW		NE		MIF	
			SE		NE		MIF	
			NE		NW		MIF	
			SE		NW		MIF	
	24E	30	SW		NW		MIF	
			NW		SW		MIF	
			SW		SW		MIF	
		31	SW		NE		MIF	
			SE		NE		MIF	
			NE		NW		MIF	
			NW		NW		MIF	
			SW		NW		MIF	
			SE		NW		MIF	
		32	SW		NE		MIF	
			SW		NW		MIF	
			SE		NW		MIF	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE MINIMUM STREAMFLOW REACHES AND AMOUNTS ARE DEFINED AS
FOLLOWS:

14. Remarks: Continued

SUBREACH "A" ENCOMPASSES APPROXIMATELY TWO (2) MILES OF CIRCLE CREEK, BEGINNING IN THE NENWNW, S31, T15S, R24E, AT THE CONFLUENCE OF NORTH CREEK AND CENTER CREEK, AND EXTENDING DOWNSTREAM TO THE EASTERN BOUNDARY OF THE NESWNE, S32, T15S, R24E. FROM 1/01 TO 12/31 1.5 CFS.

SUBREACH "B" ENCOMPASSES APPROXIMATELY TWO (2) MILES OF NORTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SWNW, S24, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CENTER CREEK, LOCATED IN THE NENWNW, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

SUBREACH "C" ENCOMPASSES APPROXIMATELY ONE (1) MILE OF CENTER CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SESW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH NORTH CREEK, LOCATED IN THE NENWNW, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

SUBREACH "D" ENCOMPASSES APPROXIMATELY ONE AND ONE-HALF (1 1/2) MILES OF SOUTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE NSW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CIRCLE CREEK LOCATED IN THE SENWNW, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

UPON THE FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOWS ON CIRCLE CREEK AND ITS TRIBUTARIES, SUCH MEASURING DEVICES SHALL BE PERMANENTLY INSTALLED AS SPECIFIED BY IDWR.

THE DIRECTOR RETAINS JURISDICTION TO REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS PERMIT AND SUBSEQUENT LICENSE. ANY PERSON SEEKING REVIEW AND AMENDMENT OF THE PERMIT OR LICENSE SHALL FILE A REQUEST WITH THE BOARD WHICH REQUEST SHALL INCLUDE THE AMENDMENT SOUGHT, THE REASONS FOR THE AMENDMENT AND A STATEMENT OF THE CHANGE IN CIRCUMSTANCES SINCE THE PERMIT OR LICENSE WAS ISSUED OR LAST REVIEWED THAT MERIT A REVIEW OF THE PERMIT OR LICENSE. A COPY OF THE PETITION SHALL BE SERVED UPON THE DIRECTOR OF IDWR. THE BOARD MAY PETITION THE DIRECTOR FOR AN AMENDMENT TO THE PERMIT OR LICENSE. THE PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF PUBLIC INTEREST SUPPORTING THE PROPOSED AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND SPECIFIC PERSONS OR PARTIES KNOWN TO BE INTERESTED IN THE PROPOSED CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE PERMIT OR SUBSEQUENT LICENSE SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSON OR PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT AMENDMENT OF THE PERMIT OR LICENSE WOULD BE IN THE PUBLIC INTEREST.

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Chairman _____ of
Title
Idaho Water Resource Board _____, that I have signed the foregoing
Organization
document in the space below as _____ Chairman _____ of
Title
Idaho Water Resource Board _____ and that the statements contained in the
Organization
foregoing document are true and correct.

F. Dave Rydalch
Signature of Authorized Agent
F. DAVE RYDALCH, Chairman
Idaho Water Resource Board
Title and Organization

July 29, 1993
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of July 19 93

Dally Manger
Notary Public

Seal

Residing at Boise ID
My Commission Expires 11-14-1998

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 43-07295

RECEIVED

JUL - 5 2002

NAME AND ADDRESS: IDAHO WATER RESOURCE BOARD
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE, ID 83720

Department of Water Resources

RECEIVED

JUL 10 2002

Department of Water Resources
Southern Region

SOURCE: CIRCLE CREEK
CENTER CREEK
NORTH CREEK
SOUTH CREEK

TRIBUTARY: RAFT RIVER
NORTH CREEK
CIRCLE CREEK
CIRCLE CREEK

QUANTITY: 1.50 CFS

SUBREACH A: RATE OF FLOW: 1.5 CFS SUBREACH B: RATE OF FLOW:
0.5 CFS SUBREACH C: RATE OF FLOW: 0.5 CFS SUBREACH D: RATE
OF FLOW: 0.5 CFS

PRIORITY DATE: 07/01/1988

POINT OF DIVERSION: T15S R23E S24 NESWNW (Instream Beginning Point) Within Cassia County
S25 NWNWSW (Instream Beginning Point)
NESESW (Instream Beginning Point)
R24E S31 LOT 1 (SENWNW) (Instream Ending Point)
LOT 1 (SENWNW) (Instream Ending Point)
LOT 1 (SENWNW) (Instream Beginning Point)
LOT 1 (NENWNW) (Instream Ending Point)
S32 NESWNE (Instream Ending Point)

THE MINIMUM STREAM FLOW REACHES AND AMOUNTS ARE DEFINED AS
FOLLOWS: SUBREACH A: THE REACH ENCOMPASSES APPROXIMATELY TWO
MILES OF CIRCLE CREEK, BEGINNING IN THE NWNW, S31, T15S, R24E,
AT THE CONFLUENCE OF NORTH CREEK AND CENTER CREEK, AND EXTENDING
DOWNSTREAM TO THE EASTERN BOUNDARY OF THE SWNE, S32, T15S, R24E.

RATE OF FLOW: 1.5 CFS SUBREACH B: THE REACH ENCOMPASSES
APPROXIMATELY TWO MILES OF NORTH CREEK, BEGINNING AT THE
STREAM'S INCEPTION, LOCATED IN THE SWNW, S24, T15S, R23E, AND
EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CENTER CREEK,
LOCATED IN THE NWNW, S31, T15S, R24E. RATE OF FLOW: 0.5 CFS
SUBREACH C: THE REACH ENCOMPASSES APPROXIMATELY ONE MILE OF
CENTER CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN
THE SESW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS
CONFLUENCE WITH NORTH CREEK, LOCATED IN THE N, S31, T15S, R24E.

RATE OF FLOW: 0.5 CFS SUBREACH D: THE REACH ENCOMPASSES APPROXIMATELY
ONE AND ONE-HALF MILES OF SOUTH CREEK, BEGINNING AT THE STREAM'S
INCEPTION, LOCATED IN THE NWSW, S25 T15S, R23E, AND EXTENDING
DOWNSTREAM TO ITS CONFLUENCE WITH CIRCLE CREEK LOCATED IN THE
NWNW, S31, T15S, R24E. RATE OF FLOW: 0.5 CFS

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Minimum Stream Flow	01-01 TO 12-31	1.50 CFS

USE OF WATER UNDER THIS RIGHT SHALL BE NON-CONSUMPTIVE.

PLACE OF USE:

PLACE OF USE IS WITHIN THE REACH BETWEEN THE BEGINNING INSTREAM
POINTS AND THE ENDING INSTREAM POINTS DESCRIBED FOR THE POINTS
OF DIVERSION FOR THIS RIGHT.

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

THE DIRECTOR RETAINS JURISDICTION TO REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS RIGHT. THE BOARD, UPON RECEIVING A REQUEST, OR UPON ITS OWN INITIATIVE, MAY PETITION THE DIRECTOR FOR AN AMENDMENT TO THE RIGHT. THE PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF PUBLIC INTEREST SUPPORTING THE PROPOSED AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND SPECIFIC PERSONS OR KNOWN INTERESTED PARTIES OF THE PROPOSED CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE RIGHT SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSONS OR PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT THE AMENDMENT O RIGHT WOULD BE IN THE PUBLIC INTEREST.

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

VH
05/10/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-7295

STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE ID 83720
Telephone Number: (208)327-7900

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/30/01

SIGNATURE: Bill Graham

Please print your name: Bill Graham

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

RECEIVED

MAY 31 2001

Department of Water Resource
Southern Region

02/08/2001

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

RIGHT NUMBER: 43-7295

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
BOISE, ID 83720

SOURCE:	CENTER CREEK	TRIBUTARY:	NORTH CREEK
	CIRCLE CREEK		RAFT RIVER
	NORTH CREEK		CIRCLE CREEK
	SOUTH CREEK		CIRCLE CREEK

QUANTITY: 1.5 CFS

SUBREACH A:	RATE OF FLOW:	1.5 CFS
SUBREACH B:	RATE OF FLOW:	0.5 CFS
SUBREACH C:	RATE OF FLOW:	0.5 CFS
SUBREACH D:	RATE OF FLOW:	0.5 CFS

PRIORITY DATE: 07/01/1988

POINT OF DIVERSION:	T15S R23E S24	NESWNW	Beginning of Stream Flow	Within CASSIA County
	T15S R23E S25	NWNWSW	Beginning of Stream Flow	Within CASSIA County
	T15S R23E S25	NESESW	Beginning of Stream Flow	Within CASSIA County
	T15S R24E S31 LOT 1	NENWNW	End of Stream Flow	Within CASSIA County
	T15S R24E S31 LOT 1	SENWNW	Beginning of Stream Flow	Within CASSIA County
	T15S R24E S31 LOT 1	SENWNW	End of Stream Flow	Within CASSIA County
	T15S R24E S31 LOT 1	SENWNW	End of Stream Flow	Within CASSIA County
	T15S R24E S32	NESWNE	End of Stream Flow	Within CASSIA County

THE MINIMUM STREAM FLOW REACHES AND AMOUNTS ARE DEFINED AS FOLLOWS:

SUBREACH A: THE REACH ENCOMPASSES APPROXIMATELY TWO MILES OF CIRCLE CREEK, BEGINNING IN THE NWNW, S31, T15S, R24E, AT THE CONFLUENCE OF NORTH CREEK AND CENTER CREEK, AND EXTENDING DOWNSTREAM TO THE EASTERN BOUNDARY OF THE SWNE, S32, T15S, R24E. RATE OF FLOW: 1.5 CFS

SUBREACH B: THE REACH ENCOMPASSES APPROXIMATELY TWO MILES OF NORTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SWNW, S24, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CENTER CREEK, LOCATED IN THE NWNW, S31, T15S, R24E. RATE OF FLOW: 0.5 CFS

SUBREACH C: THE REACH ENCOMPASSES APPROXIMATELY ONE MILE OF CENTER CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SESW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS

CONFLUENCE WITH NORTH CREEK, LOCATED IN THE NWNW, S31, T15S, R24E. RATE OF FLOW: 0.5 CFS

SUBREACH D: THE REACH ENCOMPASSES APPROXIMATELY ONE AND ONE-HALF MILES OF SOUTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE NWSW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CIRCLE CREEK LOCATED IN THE NWNW, S31, T15S, R24E. RATE OF FLOW: 0.5 CFS

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINIMUM STREAM FLOW	01-01 12-31	1.50 CFS

USE OF WATER UNDER THIS RIGHT SHALL BE NON-CONSUMPTIVE.

PLACE OF USE:

PLACE OF USE IS WITHIN THE REACH BETWEEN THE BEGINNING INSTREAM POINTS AND THE ENDING INSTREAM POINTS DESCRIBED FOR THE POINTS OF DIVERSION FOR THIS RIGHT.

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.

THE DIRECTOR RETAINS JURISDICTION TO REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS RIGHT. THE BOARD, UPON RECEIVING A REQUEST, OR UPON ITS OWN INITIATIVE, MAY PETITION THE DIRECTOR FOR AN AMENDMENT TO THE RIGHT. THE PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF PUBLIC INTEREST SUPPORTING THE PROPOSED AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND SPECIFIC PERSONS OR KNOWN INTERESTED PARTIES OF THE PROPOSED CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE RIGHT SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSONS OR PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT THE AMENDMENT OF THE RIGHT WOULD BE IN THE PUBLIC INTEREST.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

WATER FOR RECREATION AND AESTHETICS

Hancock, Vikie

From: Shaff, Don
Sent: Thursday, February 08, 2001 11:25 AM
To: Hancock, Vikie
Cc: Jones, Doug
Subject: RE: 43-7295 Minimum Streamflow

No thanks, Vikie. I used the License File and completed the eCVR and Verified the Recommendation here. I let Doug and Cindy know I had completed the review.

Thanks for checking,

Don

dshaff@idwr.state.id.us

208/327-7932

-----Original Message-----

From: Hancock, Vikie
Sent: Thursday, February 08, 2001 11:01 AM
To: Shaff, Don
Subject: 43-7295 Minimum Streamflow

Don,

I have the above claim for Minimum Streamflow in the name of the Idaho Water Resource Board. When Cindy Bird was down, she asked Doug about this claim, and he said that he thought you were taking care of these. Is that true? And if so, do you want me to send the claim file to you with Carter?

Vikie

Hancock, Vikie

From: McHugh, Candice
Sent: Wednesday, December 13, 2000 2:46 PM
To: Hancock, Vikie
Subject: RE: 43-7295

No reason that I can think of right now. Sounds like you have a good handle on it. Of course, if we get an objection, I'll be reminded why I was supposed to be involved (ha). Anyway, I think you can go ahead with your recommendations. Thanks

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

-----Original Message-----

From: Hancock, Vikie
Sent: Tuesday, December 12, 2000 9:11 AM
To: McHugh, Candice
Subject: 43-7295

Candice,

The above claim is in the name of the St of Id Water Resource Board, and it is for minimum streamflow on a reach of Circle Creek. Priority 1988. I wanted to give you a heads up on this just in case there is something that I'm not aware of in regard to the issue. There are two BU claims on Circle Creek in the vicinity of the minimum stream flow. One of the claimed POU's is in the exact reach of the state's minimum stream flow - 43-4173. There was a review done of this claim pre-SRBA based upon the Statutory claim that our SRBA BU claim is based upon. The stat claim was for 5.46 cfs and I have lowered that to 4.64 in my SRBA recommendation based upon acres found irrigated. I did measure the diversions, but at the time, end of June, the claimant said that I had already missed his peak flow and so what I measured was not an accurate reflection of the water available. It did appear to me that this was true at the time. Proof of priority for this claim, and the one directly downstream of it, it definately circumstantial, but I am fairly comfortable that the 1885 date is close to the development date for these claims, as they are both old homesteads. I am also fairly sure that, no matter what the quantity I measured, the ranch has historically used all the water available to them to irrigate the pasture. Is there any reason you need to review this with me?

Vikie

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

06/16/00 15:08:25
Page 1

Water Right Number - R43-07295

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
STATE OF IDAHO

1 - IDAHO WATER RESOURCE BOARD
2 - STATEHOUSE MAIL
3 -
City- BOISE
Phone - 208-327-7900
State- ID Zip- 83720

*** K - ALSO KNOWN AS ***
WATER RESOURCE BOARD

1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- ID Zip- 0

Priority Date - - - +
07/01/1988

Region - - - +
17 SOUTHERN

Stage - - - +
L - LICENSE

Status - - - +

Source - - - - - +
CIRCLE CREEK
NORTH CREEK
SOUTH CREEK
CENTER CREEK
RAFT RIVER
CIRCLE CREEK
CIRCLE CREEK
CIRCLE CREEK

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
15S	23E	24	SW NW	B	(31)	CASSIA	NORTH CR
		25	NW SW	B	(31)	CASSIA	SOUTH CR
			SE SW	B	(31)	CASSIA	CENTER CR
24E	31		NE NW NW	B	(31)	CASSIA	CIRCLE CR
			NE NW NW	E	(31)	CASSIA	NORTH CR & CENTER CR
			SE NW NW	E	(31)	CASSIA	SOUTH CR
		32	NE SW NE	E	(31)	CASSIA	CIRCLE CR

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
34	MINIMUM INSTREAM FLOW	01/01	12/31		3.000	
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +						
					3.000	0.0

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	23E	24	SW NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	24	NE SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	24	NW SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	24	SE SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	24	SW SE			34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	NE NE			34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	NW NE			34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	SE NE			34	MINIMUM INSTREAM FLOW	(31) CASSIA

Water right number - R43-07295

Prefix Translation: RESEARCH

+ - - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
15S	23E	25	NE SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	25	NW SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	25	SW SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	25	SE SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	25	NW SE			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	25	SW SE			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	25	SE SE			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	36	SW NE			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	36	SE NE			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	36	NE NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	23E	36	SE NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	30	SW NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	30	NW SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	30	SW SW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	31	SE NE			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	31	SE NE			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	31	NE NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	31	NW NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	31	SW NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	31	SE NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	32	SW NE			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	32	SW NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	
15S	24E	32	SE NW			34	MINIMUM INSTREAM FLOW	(31) CASSIA	

Total Acres:

+ - - - - - Diversion Means - INSTREAM FLOW

+ - - - - - Non-Irrigation Use -

+ - - - - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

EXP WATER FOR RECREATION AND AESTHETICS

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

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.

+ - - - - - Decree Plaintiff - - - - - +

+ - - - - - Decree Defendant - - - - - +

+ - - - - - Decree Date - - - - - +

00/00/0000

Water right number - R43-07295

Prefix Translation: RESEARCH

+ - - - - - Comments - - - - - +
Date: 06/16/2000 User Id: VHANCOCK Subject: SUBREACH INFORMATION FROM ORIGINAL REMARKS

THE MINIMUM STREAMFLOW REACHES AND AMOUNTS ARE DEFINED AS FOLLOWS:
SUBREACH "A" ENCOMPASSES APPROXIMATELY TWO (2) MILES OF CIRCLE CREEK, BEGINNING IN THE NENMU, S31, T15S, R24E, AT THE CONFLUENCE OF NORTH CREEK AND CENTER CREEK, AND EXTENDING
R24E. FROM 1/01 TO 12/31 1.5 CFS.
SUBREACH "B" ENCOMPASSES APPROXIMATELY TWO (2) MILES OF NORTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SEMU, S24, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CENTER CREEK, LOCATED IN THE NENMU, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

SUBREACH "C" ENCOMPASSES APPROXIMATELY ONE (1) MILE OF CENTER CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SEMU, S24, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH 1/01 TO 12/31 0.5 CFS.
SUBREACH "D" ENCOMPASSES APPROXIMATELY ONE AND ONE-HALF INCEPTION, LOCATED IN THE NWSU, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CIRCLE CREEK LOCATED IN THE SEMU, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

UPON THE FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOWS ON CIRCLE CREEK AND ITS TRIBUTARIES, SUCH MEASURING DEVICES SHALL BE PERMANENTLY INSTALLED AS SPECIFIED BY IDWR.

THE DIRECTOR RETAINS JURISDICTION TO REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS PERMIT AND SUBSEQUENT LICENSE. ANY PERSON SEEKING REVIEW AND AMENDMENT OF THE PERMIT OR LICENSE SHALL FILE A REQUEST WITH THE BOARD WHICH REQUEST SHALL INCLUDE THE AMENDMENT TO THE PERMIT OR LICENSE. A COPY OF THE PETITION SHALL BE SERVED UPON THE INTEREST SUPPORTING THE PROPOSED AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND SPECIFIC PERSONS OR PARTIES KNOWN TO BE INTERESTED IN THE PROPOSED CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE PERMIT OR SUBSEQUENT LICENSE SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSON OR PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT AMENDMENT OF THE PERMIT OR LICENSE WOULD BE IN THE PUBLIC INTEREST.

Date: 06/16/2000 User Id: VHANCOCK Subject: RECOMMENDATION
POD RANGE LEGALS CORRECTED FROM 24 TO 23. SOURCES AS CLAIMED AND INCLUDED AS THEY ARE REFERENCED IN LICENSED REMARKS. POU ADDED PER MAP AND INCLUDED AS REFERENCED IN LICENSED REMARKS. SEE CVR.

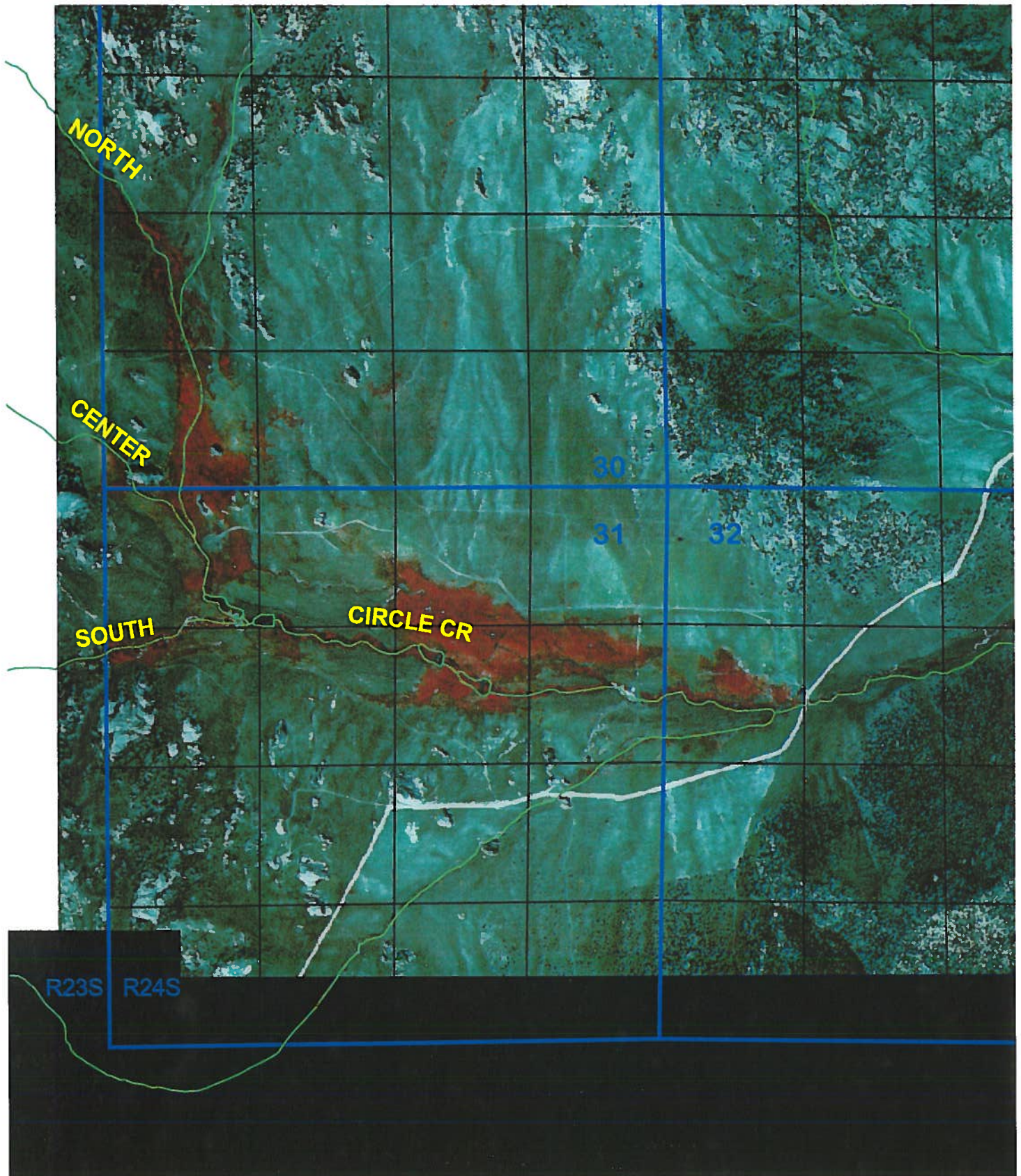
+ - - - - - Audit Fields - - - +
06/16/00 VHANCOCK+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

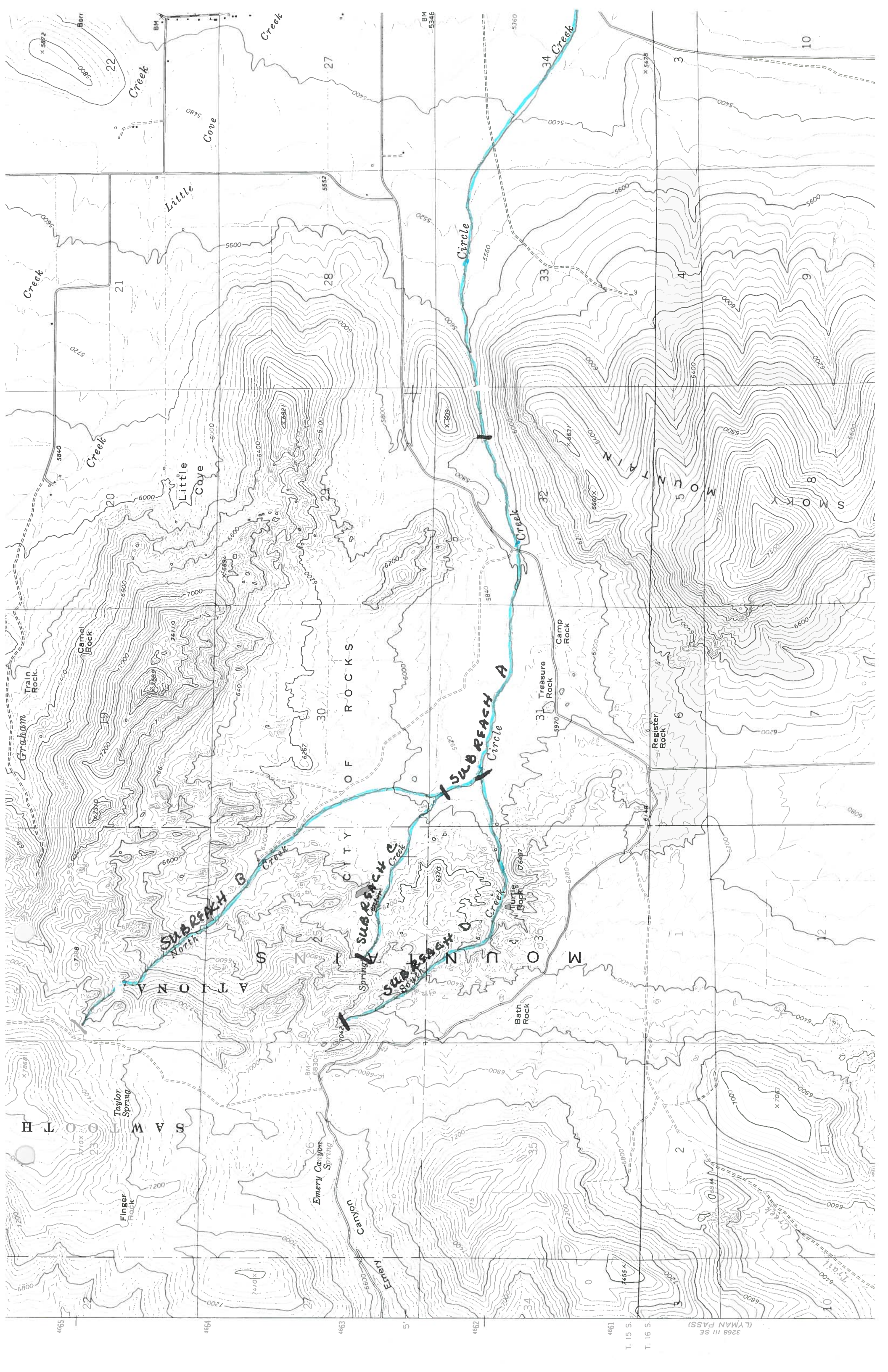
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/31/1993	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C028584	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

FILE NOTES

CLAIM NO(S): 43-07295

TWP 15S, RNG 23E & 24E





AJ5808NP
(0D-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/15/00 13:27:36
Page 1

Water Right Number - A43-07295

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
STATE OF IDAHO

*** K - ALSO KNOWN AS ***
WATER

1 - IDAHO WATER RESOURCE BOARD
2 - STATEHOUSE MAIL
3 -
City- BOISE
Phone - 208-327-7900
State- ID Zip- 83720
1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- ID Zip- 0

Priority Date - 07/01/1988

Region - 17 SOUTHERN

Stage - P - PERMIT

License

Status -

Source -
CIRCLE CREEK
NORTH CREEK
SOUTH CREEK
CENTER CREEK

no lic? no claimed

Tributary -
RAFT RIVER
CIRCLE CREEK
CIRCLE CREEK
CIRCLE CREEK

Tw n Rng Sec Tract Lot Rflg County Point of Diversion Diversion Name

15S 23E 24E

24 25

SW NW NW SW NW SW

B B B

(31) CASSIA - NORTH
(31) CASSIA - South
(31) CASSIA - center

Diversion Name

15S 24E

31

NE NW NW NE NW NW

B B B

(31) CASSIA - Circle
(31) CASSIA - North & center
(31) CASSIA - South
(31) CASSIA - circle

32

NE NW NW

E E E

(31) CASSIA - circle

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

34 - MINIMUM INSTREAM FLOW

01/01

12/31

3.000

- Total Div. Rate - 3.000 - Total Div. Volume - 3.000 - Total Div. Capacity - 3.000 - Total Consumptive Use - 0.0 - KW Usage -

Tw n	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	23E	24	SW NW	24	24	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	24	NW SW	24	24	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	24	SE SW	24	24	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	NE NE	25	25	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	NW NE	25	25	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	SE NE	25	25	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	NW NE	25	25	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	SE NE	25	25	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	NW NE	25	25	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA
15S	23E	25	SE NE	25	25	MINIMUM INSTREAM FLOW	34	MINIMUM INSTREAM FLOW	(31) CASSIA

Water right number - A43-07295

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Place of Use - - - - -						+ - - - - -	
Twn	Rng	Sec	Tract	Lot	Acres	Code	County
15S	23E	25	SE SW			34	(31) CASSIA
15S	23E	25	~~NW SE~~			34	(31) CASSIA
15S	23E	25	SW SE			34	(31) CASSIA
15S	23E	25	SE SE			34	(31) CASSIA
15S	23E	25	SW NE			34	(31) CASSIA
15S	23E	36	SE NE			34	(31) CASSIA
15S	23E	36	NE NW			34	(31) CASSIA
15S	23E	36	SE NW			34	(31) CASSIA
15S	24E	30	NW NW			34	(31) CASSIA
15S	24E	30	SW SW			34	(31) CASSIA
15S	24E	30	SW SE			34	(31) CASSIA
15S	24E	31	SW NE			34	(31) CASSIA
15S	24E	31	SE NE			34	(31) CASSIA
15S	24E	31	NE NW			34	(31) CASSIA
15S	24E	31	NW NW			34	(31) CASSIA
15S	24E	31	SW NW			34	(31) CASSIA
15S	24E	31	SE NW			34	(31) CASSIA
15S	24E	32	SW NE			34	(31) CASSIA
15S	24E	32	SW NW			34	(31) CASSIA
15S	24E	32	SE NW			34	(31) CASSIA

+ - - - - - Diversion Means - INSTREAM FLOW

+ - - - - - Non-Irrigation Use - RECREATION AND AESTHETICS

+ - - - - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -

GEN

THE MINIMUM STREAMFLOW REACHES AND AMOUNTS ARE DEFINED AS FOLLOWS:

SUBREACH "A" ENCOMPASSES APPROXIMATELY TWO (2) MILES OF CIRCLE CREEK, BEGINNING IN THE NENMW, S31, T15S, R24E, AT THE CONFLUENCE OF NORTH CREEK AND CENTER CREEK, AND EXTENDING DOWNSTREAM TO THE EASTERN BOUNDARY OF THE NESWE, S32, T15S, R24E. FROM 1/01 TO 12/31 1.5 CFS.

SUBREACH "B" ENCOMPASSES APPROXIMATELY TWO (2) MILES OF NORTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SNW, S24, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CENTER CREEK, LOCATED IN THE NENMW, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

SUBREACH "C" ENCOMPASSES APPROXIMATELY ONE (1) MILE OF CENTER CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SESW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH NORTH CREEK, LOCATED IN THE NENMW, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

SUBREACH "D" ENCOMPASSES APPROXIMATELY ONE AND ONE-HALF (1 1/2) MILES OF SOUTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE NWSW, S25, T15S, R23E, AND EXTENDING

Comments

Prefix Translation: ADJUDICATION CLAIM

DOWNSTREAM TO ITS CONFLUENCE WITH CIRCLE CREEK LOCATED IN THE
SENNA, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

UPON THE FUTURE FINDING AND ORDER OF THE IRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOWS ON CIRCLE CREEK AND ITS TRIBUTARIES, SUCH MEASURING DEVICES SHALL BE PERMANENTLY INSTALLED AS SPECIFIED BY IDR.

THE DIRECTOR RETAINS JURISDICTION TO REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS PERMIT AND SUBSEQUENT LICENSE. ANY PERSON SEEKING REVIEW AND AMENDMENT OF THE PERMIT OR LICENSE SHALL FILE A REQUEST WITH THE BOARD WHICH REQUEST SHALL INCLUDE THE AMENDMENT SOUGHT, THE REASONS FOR THE AMENDMENT AND A STATEMENT OF THE CHANGE IN CIRCUMSTANCES SINCE THE PERMIT OR LICENSE WAS ISSUED OR LAST REVIEWED THAT MERIT A REVIEW OF THE PERMIT OR LICENSE. A COPY OF THE PETITION SHALL BE SERVED UPON THE DIRECTOR OF IDWR. THE BOARD MAY PETITION THE DIRECTOR FOR AN AMENDMENT TO THE PERMIT OR LICENSE. THE PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF PUBLIC INTEREST SUPPORTING THE PROPOSED AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND SPECIFIC PERSONS OR PARTIES KNOWN TO BE INTERESTED IN THE PROPOSED CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE PERMIT OR SUBSEQUENT LICENSE SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSON OR PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT AMENDMENT OF THE PERMIT OR LICENSE WOULD BE IN THE PUBLIC INTEREST.

```

- - Old Water Right Numbers - -
- - No Old Water Right Numbers found.

```

Conditions of Approval - -
No Conditions of Approval found.

+	+	-	-	-	-	Decree	-	-	-	+
+						Defendant				+

09/16/93 SHAFF

- - -Comments- -
No Comments Found

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-	39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-	
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-	
Claim Received Date	- 08/31/1993	Last Amended Date	- 00/00/0000	Temporary Right	- P	
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-	
Licensed Date	- 00/00/0000	Receipt Number	- C028584	Federal/State Indicator	- S	
		POU Ownership Flag	- Y	Presumption Flag	-	
		Name Connector	-	Notice of Error Flag	-	

State of Idaho
Department of Water Resources

50505

WATER RIGHT LICENSE

OCT 18 1994

Department of Water Resources
Southern Region Office
Priority: July 1, 1988

WATER RIGHT NO. 43-07295

This is to certify, that STATE OF IDAHO

IDAHO WATER RESOURCE BOARD

STATEHOUSE MAIL

BOISE ID 83720

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 1, 1988; and
has submitted Proof of Beneficial Use on January 13, 1994. A minimum stream flow in

CIRCLE CREEK

tributary to RAFT RIVER

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE</u>
MINIMUM INSTREAM FLOW	01/01 to 12/31	1.50 CFS Subreach A
MINIMUM INSTREAM FLOW	01/01 to 12/31	0.50 CFS Subreach B
MINIMUM INSTREAM FLOW	01/01 to 12/31	0.50 CFS Subreach C
MINIMUM INSTREAM FLOW	01/01 to 12/31	0.50 CFS Subreach D

LOCATION OF MINIMUM FLOW REACHES:

Beginning of Subreach A	NWNW , Sec. 31, Township 15S, Range 24E
End of Subreach A	SWNE , Sec. 32, Township 15S, Range 24E
Beginning of Subreach B	SWNW , Sec. 24, Township 15S, Range 23E
End of Subreach B	NWNW , Sec. 31, Township 15S, Range 24E
Beginning of Subreach C	SESW , Sec. 25, Township 15S, Range 23E
End of Subreach C	NWNW , Sec. 31, Township 15S, Range 24E
Beginning of Subreach D	NWSW , Sec. 25, Township 15S, Range 23E
End of Subreach D	NWNW , Sec. 31, Township 15S, Range 24E

CASSIA County

CONDITIONS/REMARKS:

1. This right is subject to all prior water rights.
2. Use of water under this right shall be non-consumptive.
3. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Circle Creek and its tributaries, such measuring devices shall be permanently installed as specified by the Department.
4. Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with the priority of the water right dated earlier than 07/01/88, the priority of this right.

43-07295

WATER RIGHT LICENSE

WATER RIGHT NO. 43-07295

CONDITIONS/REMARKS:

5. The Director retains jurisdiction to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

6. The minimum stream flow reaches and amounts are defined as follows:

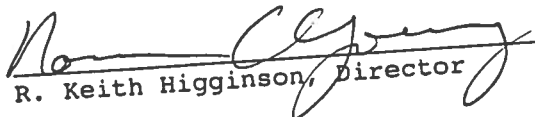
Subreach A: The reach encompasses approximately two miles of Circle Creek, beginning in the NWNW, S31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream to the eastern boundary of the SWNE, S32, T15S, R24E. Rate of Flow: 1.5 cfs

Subreach B: The reach encompasses approximately two miles of North Creek, beginning at the stream's inception, located in the SWNW, S24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Subreach C: The reach encompasses approximately one mile of Center Creek, beginning at the stream's inception, located in the SESW, S25, T15S, R23E, and extending downstream to its confluence with North Creek, located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Subreach D: The reach encompasses approximately one and one-half miles of South Creek, beginning at the stream's inception, located in the NWSW, S25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the NWNW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

This license is issued pursuant to the provisions of Section 42-219, Idaho Code
Witness the seal and signature of the Director, affixed at Boise, this 11TH
day of OCTOBER, 1994.

Acting for  R. Keith Higginson, Director

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/15/00 13:30:17
Page 1

Water Right Number - 43-07295

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
STATE OF IDAHO

1 - IDAHO WATER RESOURCE BOARD
2 - STATEHOUSE MAIL
3 -
City- BOISE
Phone - 208-327-7900

State- ID Zip- 83720

Priority Date - 07/01/1988

Region - 17 SOUTHERN

Stage - L - LICENSE

Status -

Source - CIRCLE CREEK

Tributary - RAFT RIVER

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
15S	23E	24	SW NW	B	(31)	CASSIA	SUBREACH B			
		25	NW SW	B	(31)	CASSIA	SUBREACH D			
			SE SW	B	(31)	CASSIA	SUBREACH C			
24E	31		NW NW	B	(31)	CASSIA	SUBREACH A			
			NW NW	E	(31)	CASSIA	SUBREACH B			
			NW NW	E	(31)	CASSIA	SUBREACH C			
			NW NW	E	(31)	CASSIA	SUBREACH D			
		32	SW NE	E	(31)	CASSIA	SUBREACH A			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
34	MINIMUM INSTREAM FLOW	01/01	12/31		3.000	

Total Div. Rate - 3.000 Total Div. Volume - 3.000 Total Div. Capacity - 3.000 Total Consumptive Use - 0.0 KW Usage -

Tw	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
+ - - Diversion Means -									
+ - - Non-Irrigation Use -									
+ - - Other Rights for Same Use -									
+ - - Remarks -									

GEN
Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Circle Creek and its tributaries, such measuring devices shall be permanently installed as specified by the Department.
Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file

Water right number - 43-07295

Prefix Translation:

WATER RIGHT

+ - - - - - Remarks - - - - - +

issued by the Director under provisions of Chapter 2, Title 42, Idaho Code, with the priority of the water right dated earlier than 07/01/88, the priority of this right.

The Director retains jurisdiction to review and amend any and all parameters of this right. The Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to the right. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or known interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the right should be amended in the public interest. The burden of proof at the hearing shall be upon the persons or parties seeking the amendment to establish that the amendment of the right would be in the public interest.

The minimum stream flow reaches and amounts are defined as follows:

Subreach A: The reach encompasses approximately two miles of Circle Creek, beginning in the MNMW, S31, T15S, R24E, at the confluence of North Creek and Center Creek, and extending downstream to the eastern boundary of the SWNE, S32, T15S, R24E. Rate of Flow: 1.5 cfs

Subreach B: The reach encompasses approximately two miles of North Creek, beginning at the stream's inception, located in the SHNW, S24, T15S, R23E, and extending downstream to its confluence with Center Creek, located in the MNMW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Subreach C: The reach encompasses approximately one mile of Center Creek, beginning at the stream's inception, located in the SESW, S25, T15S, R23E, and extending downstream to its confluence with North Creek, located in the MNMW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

Subreach D: The reach encompasses approximately one and one-half miles of South Creek, beginning at the stream's inception, located in the NMSW, S25, T15S, R23E, and extending downstream to its confluence with Circle Creek located in the MNMW, S31, T15S, R24E. Rate of Flow: 0.5 cfs

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
027 - Use of water under this right shall be non-consumptive.

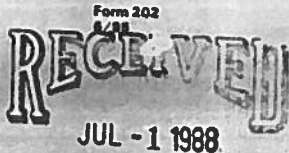
+ - - - - - Decree Plaintiff - - - - - + - - - - - Decree Defendant - - - - - +

00/00/0000

Prefix Translation: WATER RIGHT

+	-	Audit Fields -	11/08/88	BALDWIN	01/08/92	CURTIS	01/25/94	COMMENTS	02/09/94	COMMENTS	08/02/94	SCURTIS
			08/02/94	SCURTIS								

Water Rights Dates and Flags Area			
Proof Due Date	01/01/1996	Field Exam Made	00/00/0000
Approved/Denied	00/00/0000	Protested Date	00/00/0000
Proof Made Date	01/13/1994	Hearing Date	00/00/0000
Exam to S.O. Date	00/00/0000	Verified Date	00/00/0000
Order Show Cause	00/00/0000	Receipt Number	S003624
Licensed Date	10/11/1994	Appl Received	07/01/1988
Presumption Flag	-	Name Connector	-
SRBA Decreed Flag	-		



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 43-07295

JUL - 1 1988

To appropriate the public waters of the State of Idaho

Department of Water Resources Name of applicant Idaho Water Resource Board Phone 334-7900
Post office address Statehouse Mall, Boise, ID 83270

2. Source of water supply Circle Creek which is a tributary of Raft River
downstream terminus

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Govt. Lot
Sec. 32 Township 15S. Range 24E. B.M. Cassia County; additional
upstream termini are the headwaters of North, Center and South creeks
points of diversion if any: in Sec. 24 & 25, T15S., R23E., Cassia County, Idaho
(see attachment for description of sub-reaches.)

4. Water will be used for the following purposes:

sub-reach	Amount <u>9 cfs</u> for <u>recreational</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive)
A	(cfs or acre-feet per annum) and aesthetic
sub-reach	Amount <u>3 cfs</u> for <u>recreational</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive)
B	(cfs or acre-feet per annum) and aesthetic
sub-reach	Amount <u>3 cfs</u> for <u>recreational</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive)
C	(cfs or acre-feet per annum) and aesthetic
sub-reach	Amount <u>3 cfs</u> for <u>recreational</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive)
D	(cfs or acre-feet per annum) and aesthetic

5. Total quantity to be appropriated is (a) 9 cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. N/A

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ Inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
N/A years (minimum 1 year).

ATTACHMENT TO PAGE 1, QUESTION #4

SUB-REACH A - From NE SW NE, Sec. 32, T.15S., R.24E., upstream to SE NW NW, Sec.31, T.15S., R.24E., commonly known as Circle Creek

SUB-REACH B - From NE NW NW, Sec 31, T.15S., R.24E., upstream to SW SW NW, Sec. 24, T.15S., R.23E., commonly known as North Creek.

SUB-REACH C - From SW NW NW, Sec. 31, T.15S., R.24E., upstream to SW SE SW, Sec. 25, T.15S., R.23E., commonly known as Center Creek

SUB-REACH D - From SE NW NW, Sec. 31, T.15S., R.24E., upstream to SE NW SW, Sec 25, T.15S., R.23E., commonly known as South Creek

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other, describe fully. recreational & aesthetic

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15S.	23E.	24									X	X		X					
15S.	23E.	25	X	X		X					X	X	X	X		X	X	X	
15S.	23E.	36			X	X	X			X							X	X	X
15S.	24E.	31			X	X	X	X	X	X									
15S.	24E.	30							X			X	X						
15S.	24E.	32			X				X	X									

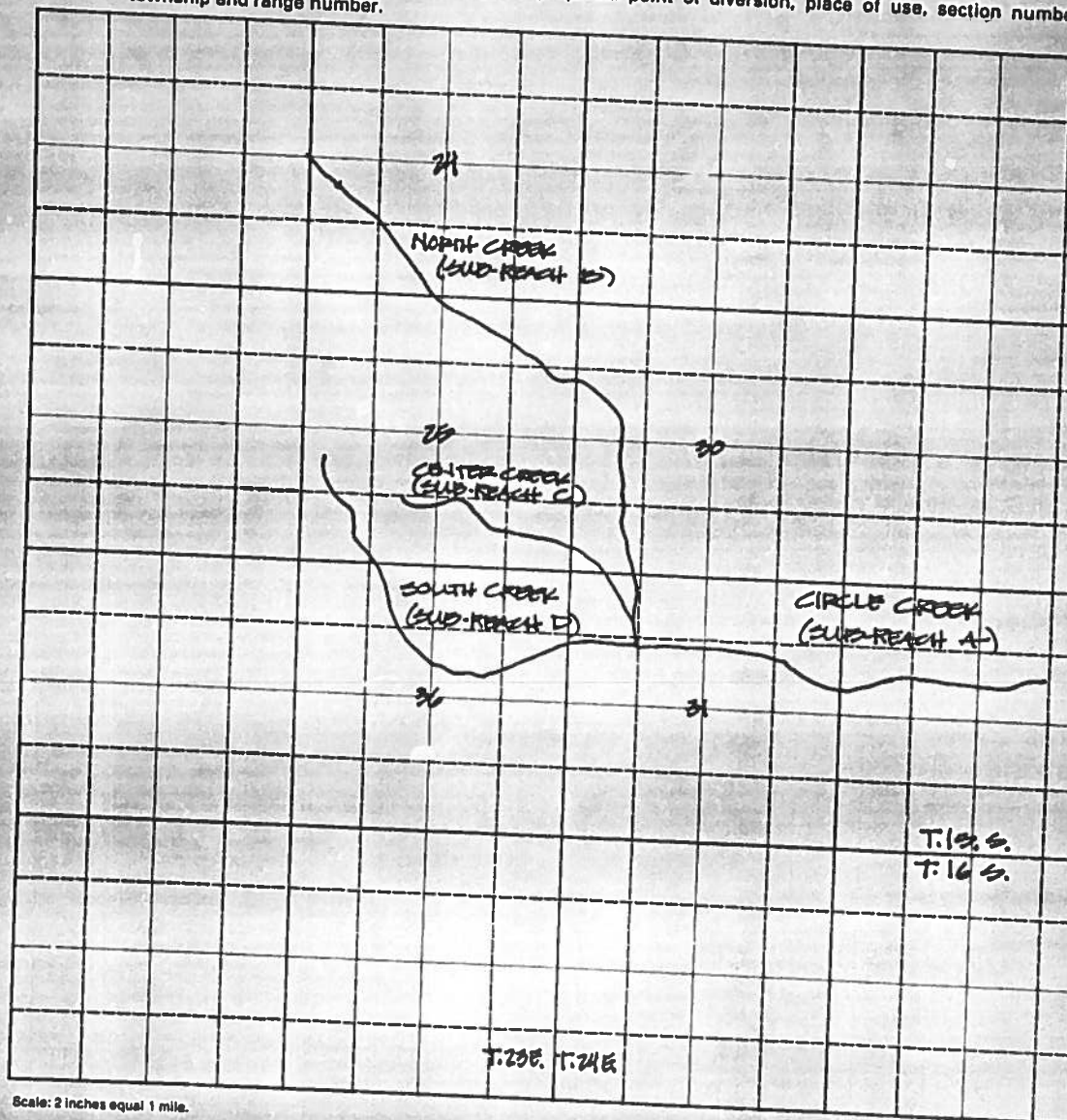
Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

- 11. a. Who owns the property at the point of diversion? IDPR & USFS at upstream termini, BLM at
- b. Who owns the land to be irrigated or place of use? downstream terminus
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: _____

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



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

[Signature]
 (Applicant)

LAST: WATER
ADDRESS: X
CITY: X
PHONE NUMBER: 208-000-0000
OWNER CODE: K
FIRST: ID ZIP: 0

LAST: STATE OF IDAHO
ADDRESS: IDAHO WATER RESOURCE BOARD
CITY: STATEHOUSE MAIL
PHONE NUMBER: 208-327-7900
STATE: ID ZIP: 83720

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE FIELD EXAMINER
Y

CLAIM REMARKS: THE MINIMUM STREAMFLOW REACHES AND AMOUNTS ARE DEFINED AS FOLLOWS:
SUBREACH "A" ENCOMPASSES APPROXIMATELY TWO (2) MILES OF CIRCLE CREEK, BEGINNING IN THE NENMNM, S31, T15S, R24E, AT THE CONFLUENCE OF NORTH CREEK AND CENTER CREEK, AND EXTENDING DOWNSTREAM TO THE EASTERN BOUNDARY OF THE NESWNE, S32, T15S, R24E. FROM 1/01 TO 12/31 1.5 CFS.
SUBREACH "B" ENCOMPASSES APPROXIMATELY TWO (2) MILES OF NORTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SHNW, S24, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CENTER CREEK, LOCATED IN THE NENMNM, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.
SUBREACH "C" ENCOMPASSES APPROXIMATELY ONE (1) MILE OF CENTER CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SESW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH NORTH CREEK, LOCATED IN THE NENMNM, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.
SUBREACH "D" ENCOMPASSES APPROXIMATELY ONE AND ONE-HALF (1 1/2) MILES OF SOUTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE NMSW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CIRCLE CREEK LOCATED IN THE SENMNM, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.
UPON THE FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOWS ON CIRCLE CREEK AND ITS TRIBUTARIES, SUCH MEASURING DEVICES SHALL BE PERMANENTLY INSTALLED AS SPECIFIED BY IDWR.
THE DIRECTOR RETAINS JURISDICTION TO REVIEW AND AMEND ANY AND

CLAIM REMARKS (CONT'D):

ALL PARAMETERS OF THIS PERMIT AND SUBSEQUENT LICENSE. ANY PERSON SEEKING REVIEW AND AMENDMENT OF THE PERMIT OR LICENSE SHALL FILE A REQUEST WITH THE BOARD WHICH REQUEST SHALL INCLUDE THE AMENDMENT SOUGHT, THE REASONS FOR THE AMENDMENT AND A STATEMENT OF THE CHANGE IN CIRCUMSTANCES SINCE THE PERMIT OR LICENSE WAS ISSUED OR LAST REVIEWED THAT MERIT A REVIEW OF THE PERMIT OR LICENSE. A COPY OF THE PETITION SHALL BE SERVED UPON THE DIRECTOR OF IDMR. THE BOARD MAY PETITION THE DIRECTOR FOR AN AMENDMENT TO THE PERMIT OR LICENSE. THE PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF PUBLIC INTEREST SUPPORTING THE PROPOSED AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND SPECIFIC PERSONS OR PARTIES KNOWN TO BE INTERESTED IN THE PROPOSED CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE PERMIT OR SUBSEQUENT LICENSE SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSON OR PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT AMENDMENT OF THE PERMIT OR LICENSE WOULD BE IN THE PUBLIC INTEREST.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: X

PHONE NUMBER: () - -

DATE OF FIELD EXAM: X

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

Out Review of license

A. AJ CLAIM: # A43-07295 PRIORITY DATE: 07-01-1988 STAGE: P
B. HR RECORD: # 43-07295 PRIORITY DATE: 07-01-1988 STAGE: P

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N() 5
IF YES EXPLAIN.

NOTES:

As listed

RECOMMENDED PRIORITY DATE:
07-01-1988

REVIEWED BY

[Signature]

DATE

6-15-2000

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A43-07295	15S	24E	24		SW	NW		CASSIA
A43-07295	15S	24E	25		NW	SW		CASSIA
A43-07295	15S	24E	25		SE	SW		CASSIA
A43-07295	15S	24E	31	NE	NW	NW		CASSIA
A43-07295	15S	24E	31	NE	NW	NW		CASSIA
A43-07295	15S	24E	31	SE	NW	NW		CASSIA
A43-07295	15S	24E	32	NE	SW	NE		CASSIA

Capling Beach

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX A43-10311 R PREFIX R43-10311

MR RECORDS IN SAME 40 ACRE TRACT

43-02563
43-04173

SOURCE: CIRCLE CREEK

NORTH CREEK
SOUTH CREEK
CENTER CREEK

TRIB: RAFT RIVER

CIRCLE CREEK
CIRCLE CREEK
CIRCLE CREEK

B. MR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
43-07295	15S	24E	32	NE	SW	NE		CASSIA
43-07295	15S	24E	31	NE	NW	NW		CASSIA
43-07295	15S	24E	31	SW	NW	NW		CASSIA
43-07295	15S	24E	31	SE	NW	NW		CASSIA

OTHER MR RECORDS WITH SAME MR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX NONE A43-04173 R PREFIX NONE

SOURCE: CIRCLE CREEK

TRIB: RAFT RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N) DATABASE EXAMINER
Y Y
DUE TO SOURCE DISCREPANCY? (Y/N) Y

*2 sub-merged
and at NW NW
PT sec 31*

As claimed, are below. There is
for maximum flow.

[illegible]

DATE: 6-15-2008

Note - license identifies one source - Little Creek - but identifies named streams North, Center & South as Subtractos B, C & D respectively in remarks. Naming all four creeks as sources is consistent with 1884 procedure, will facilitate querying in the database, and does not overreach the bounds of the license as all 4 creeks are identified as sources by the legal descriptions of beginning & ending points of wetlands use.

A. ROOT WATER RIGHT NUMBERS: A43-07295

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
15S	23E	24	NE	SW		WATER	A43-07295 /	43-07295 /			
15S	23E	24	NW	SW		WATER	A43-07295 /	43-07295 /			
15S	23E	24	SE	SW		WATER	A43-07295 /	43-07295 /			
15S	23E	25	NE	NE		WATER	A43-07295 /	43-07295 /			
15S	23E	25	NW	NE		WATER	A43-07295 /	43-07295 /			
15S	23E	25	SE	NE		WATER	A43-07295 /	43-07295 /			
15S	23E	25	NE	SW		WATER	A43-07295 /	43-07295 /			
15S	23E	25	NW	SW		WATER	A43-07295 /	43-07295 /			
15S	23E	25	SW	SW		WATER	A43-07295 /	43-07295 /			
15S	23E	25	SE	SW		WATER	A43-07295 /	43-07295 /			
15S	23E	25	NW	SE		WATER	A43-07295 /	43-07295 /			
15S	23E	25	SW	SE		WATER	A43-07295 /	43-07295 /			
15S	23E	25	SE	SE		WATER	A43-07295 /	43-07295 /			
15S	23E	36	SW	NE		WATER	A43-07295 /	43-07295 /			
15S	23E	36	SE	NE		WATER	A43-07295 /	43-07295 /			
15S	23E	36	NE	NW		WATER	A43-07295 /	43-07295 /			
15S	23E	36	SE	NW		WATER	A43-07295 /	43-07295 /			
15S	24E	30	SW	NW		WATER	A43-07295 /	43-07295 /			
15S	24E	30	NW	SW		WATER	A43-07295 /	43-07295 /			
15S	24E	30	SW	SW		WATER	A43-07295 /	43-07295 /			
15S	24E	30	SW	SW		NICHOLSON, A. E.	A43-04173 /40.0	- /			
15S	24E	31	SW	NE		WATER	A43-07295 /	43-07295 /			
15S	24E	31	SW	NE		NICHOLSON, A. E.	A43-04173 /40.0	43-04173 /40.0			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
15S	24E	31	SE	NE		WATER	A43-07295 /	43-07295 /			
			SE	NE		NICHOLSON, A. E.	A43-04173 /38.0	43-04173 /38.0			
15S	24E	31	NE	NW		WATER	A43-07295 /	43-07295 /			
			NE	NW		NICHOLSON, A. E.	A43-04173 /35.0	43-04173 /35.0			
15S	24E	31	NW	NW		WATER	A43-07295 /	43-07295 /			
			NW	NW		NICHOLSON, A. E.	A43-04173 /20.0	43-04173 /20.0			
15S	24E	31	SW	NW		WATER	A43-07295 /	43-07295 /			
			SW	NW		NICHOLSON, A. E.	A43-04173 /20.0	43-04173 /20.0			
15S	24E	31	SE	NW		WATER	A43-07295 /	43-07295 /			
			SE	NW		NICHOLSON, A. E.	A43-04173 /25.0	43-04173 /25.0			
15S	24E	32	SW	NE		WATER	A43-07295 /	43-07295 /			
15S	24E	32	SW	NW		WATER	A43-07295 /	43-07295 /			
			SW	NW		NICHOLSON, A. E.	A43-04173 /22.0	43-04173 /22.0			
			SW	NW		NICHOLSON, A. E.	A43-10189 /	- /			
15S	24E	32	SE	NW		WATER	A43-07295 /	43-07295 /			
			SE	NW		BANFORD, CLARA CAMPBELL	A43-02047 /10.0				
TOTAL ACRES							A43-07295				

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

Y/N

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: CASSIA
DUE TO POU DISCREPANCY? (Y/N) Y

PRESUMPTION FLAG:

NOTES:

9/14 100 co memorandum (filed)

RECOMMENDATIONS:

TOTAL ACRES:

9/14

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A43-07295 MINIMUM INSTREAM FLOW	FROM 01-01 TO 12-31	3,000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3,000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
43-07295 MINIMUM INSTREAM FLOW	FROM 01-01 TO 12-31	3,000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3,000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DUE TO WATER-USE DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
	DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	N	<u>W</u>
	DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	N	<u>W</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y(✓) N()
Y() N() Explain in notes, below.

NOTES:

As weinseid

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 3.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y ☒ FIELD
DATABASE EXAMINER *AL*

As license of

B.

FLOW MEASUREMENT

MEASUREMENT METHOD 10/17, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-04173	NORTH CREEK SOUTH CREEK CIRCLE CREEK DRY CREEK	NICHOLSON, A. E.	6.260	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A43-07295	MINIMUM INSTREAM FLOW	WATER	FROM 01-01 TO 12-31	3.000 CFS	
A43-10189	DOMESTIC	NICHOLSON, A.E.	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

7/17

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()
Use of water under this permit shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file issued by the Director under provisions of Chapter 2, Title 42, I.C., with a priority date of the water right dated earlier than 7/1/88, the priority date of this permit.
Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flows on Circle Creek and its tributaries, such measuring devices shall be permanently installed as specified by the Dept.
The Director retains jurisdiction to review and amend any and all parameters of this permit and subsequent license. Any person

seeking review and amendment of the permit or license shall file a request with the Board which request shall include the amendment sought, the reasons for the amendment and a statement of the change in circumstances since the permit or license was issued or last reviewed that merit a review of the permit or license. A copy of the petition shall be served upon the Director of the Dept. of Water Resources. The Board may petition the Director for an amendment to the permit or license. The petition must set forth any significant change in circumstances and evidence of public interest supporting the proposed amendment. The Director will notify the general public and specific persons or parties known to be interested in the proposed change, and conduct a hearing for the purpose of determining whether the permit or subsequent license should be amended in the public interest. The burden of proof at the hearing shall be upon the person or parties seeking the amendment to establish that amendment of the permit or license would be in the public interest.

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
MINIMUM INSTREAM FLOW	01-01 12-31	DATABASE EXAMINER 3.000	DATABASE EXAMINER	DATABASE EXAMINER 0.0
TOTAL FOR THIS RIGHT		3.000		0.0

REVIEWED BY:

[Signature]

DATE:

6-15-2000

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-07295

DATABASE 3.000

EXAMINER

CFS

TOTAL DIVERSION RATE OF WR SPLITS

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

- A43-07295

3.000

-

43-07295

3.000

TOTAL CFS

3.000

3.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

NOTES:

12/17

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

10-15-2000

NAME OF FIELD EXAMINER: V. Hancock

TITLE:

See 11th Review Sheet

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:37
07/27/94

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A43-07295
388

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

SUBREACH "C" ENCOMPASSES APPROXIMATELY ONE (1) MILE OF CENTER

Remarks:

CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE SESU, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH TO NORTH CREEK, LOCATED IN THE NENMW, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

SUBREACH "D" ENCOMPASSES APPROXIMATELY ONE AND ONE-HALF (1 1/2) MILES OF SOUTH CREEK, BEGINNING AT THE STREAM'S INCEPTION, LOCATED IN THE NMSW, S25, T15S, R23E, AND EXTENDING DOWNSTREAM TO ITS CONFLUENCE WITH CIRCLE CREEK LOCATED IN THE SENMW, S31, T15S, R24E. FROM 1/01 TO 12/31 0.5 CFS.

UPON THE FUTURE FINDING AND ORDER OF THE DIRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MINIMUM FLOWS ON CIRCLE CREEK AND ITS TRIBUTARIES, SUCH MEASURING DEVICES SHALL BE PERMANENTLY INSTALLED AS SPECIFIED BY IDWR.

THE DIRECTOR RETAINS JURISDICTION TO REVIEW AND AMEND ANY AND ALL PARAMETERS OF THIS PERMIT AND SUBSEQUENT LICENSE. ANY PERSON SEEKING REVIEW AND AMENDMENT OF THE PERMIT OR LICENSE SHALL FILE A REQUEST WITH THE BOARD WHICH REQUEST SHALL INCLUDE THE AMENDMENT SOUGHT, THE REASONS FOR THE AMENDMENT AND A STATEMENT OF THE CHANGE IN CIRCUMSTANCES SINCE THE PERMIT OR LICENSE WAS ISSUED OR LAST REVIEWED THAT MERIT A REVIEW OF THE PERMIT OR LICENSE. A COPY OF THE PETITION SHALL BE SERVED UPON THE DIRECTOR OF IDWR. THE BOARD MAY PETITION THE DIRECTOR FOR AN AMENDMENT TO THE PERMIT OR LICENSE. THE PETITION MUST SET FORTH ANY SIGNIFICANT CHANGE IN CIRCUMSTANCES AND EVIDENCE OF PUBLIC INTEREST SUPPORTING THE PROPOSED AMENDMENT. THE DIRECTOR WILL NOTIFY THE GENERAL PUBLIC AND SPECIFIC PERSONS OR PARTIES KNOWN TO BE INTERESTED IN THE PROPOSED CHANGE, AND CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE PERMIT OR SUBSEQUENT LICENSE SHOULD BE AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSON OR PARTIES SEEKING THE AMENDMENT TO ESTABLISH THAT AMENDMENT OF THE PERMIT OR LICENSE WOULD BE IN THE PUBLIC INTEREST.

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag: