

Conditions for Martin Creek Decreed Rights (Circle C Ranch v Anderson)

Table showing the original decreed rights with priority dates and amounts decreed:

Basin	Sequence	Suffix	Priority Date	Diversion Rate (cfs)	Diversion Rate (inches)
78	267		5/1/1889	0.300	15
78	268		5/1/1895	1.500	75
78	269		5/1/1892	0.300	15
78	270		5/1/1895	0.600	30

A summary of the “conditions” in the decree:

Condition 1: When the available water in Martin Creek equals 135 inches, rights 78-267 and 78-268 get 90 inches, and rights 78-269 and 78-270 get 45 inches. This condition is stating that when there is enough water in Martin Creek to fulfill the rights, they get to divert the amount of water decreed.

Condition 2: When the available water in Martin Creek is less than 135 inches but more than 30 inches, right 78-267 gets 15 inches and right 78-269 gets 15 inches. The amount of water above 30 inches is then split with 5/7 going to right 78-268, and the other 2/7 going to right 78-270. This is the 5/1/1895 water, and the split is consistent with the portion of 1895 water that was owned by each land owner.

Condition 3: When the available water in Martin Creek is less than 30 inches, right 78-267 gets 15 inches, and right 78-269 gets any remainder. This is consistent with the senior right being filled, and the junior right getting any water in excess what is authorized for the senior right.

Condition 4: When the available water in Martin Creek is less than 15 inches, right 78-267 gets it all. This is consistent in that when only the senior right can be satisfied, the senior right gets all of the available water.

There is no need to include any of these conditions in the SRBA partial decrees.