

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

RIGHT NUMBER: 22-7507

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.140 CFS
549.50 AFY

The rights listed below are limited to a total combined diversion rate of 10.85 cfs. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

PRIORITY DATE: 06/28/1985

POINT OF
DIVERSION:

T06N R40E S28 SWSESW Within MADISON County
T06N R40E S33 SENESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.140 CFS 549.50 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S32	NENE	38.00	T06N R40E S32	SENE	40.00
T06N R40E S32	NESE	40.00	T06N R40E S32	SESE	39.00

157 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 - License

This right does not grant any right-of-way or easement across the land of another.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The following rights are diverted through points of diversion described above: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

12/31/2008

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

RIGHT NUMBER: 22-7507

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.140 CFS
549.500 AFY

10.85 The rights listed below are limited to a total combined diversion rate of
cfs. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147,
22-11149.

PRIORITY DATE: 06/28/1985

POINT OF DIVERSION:

T06N R40E S28 SWSESW Within MADISON County

T06N R40E S33 SENESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.140 CFS
549.50 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S32	NENE	38.00	T06N R40E S32	SENE	40.00
T06N R40E S32	NESE	40.00	T06N R40E S32	SESE	39.00

157 ACRES TOTAL

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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 - License

The following rights are also diverted through points of diversion described above: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.



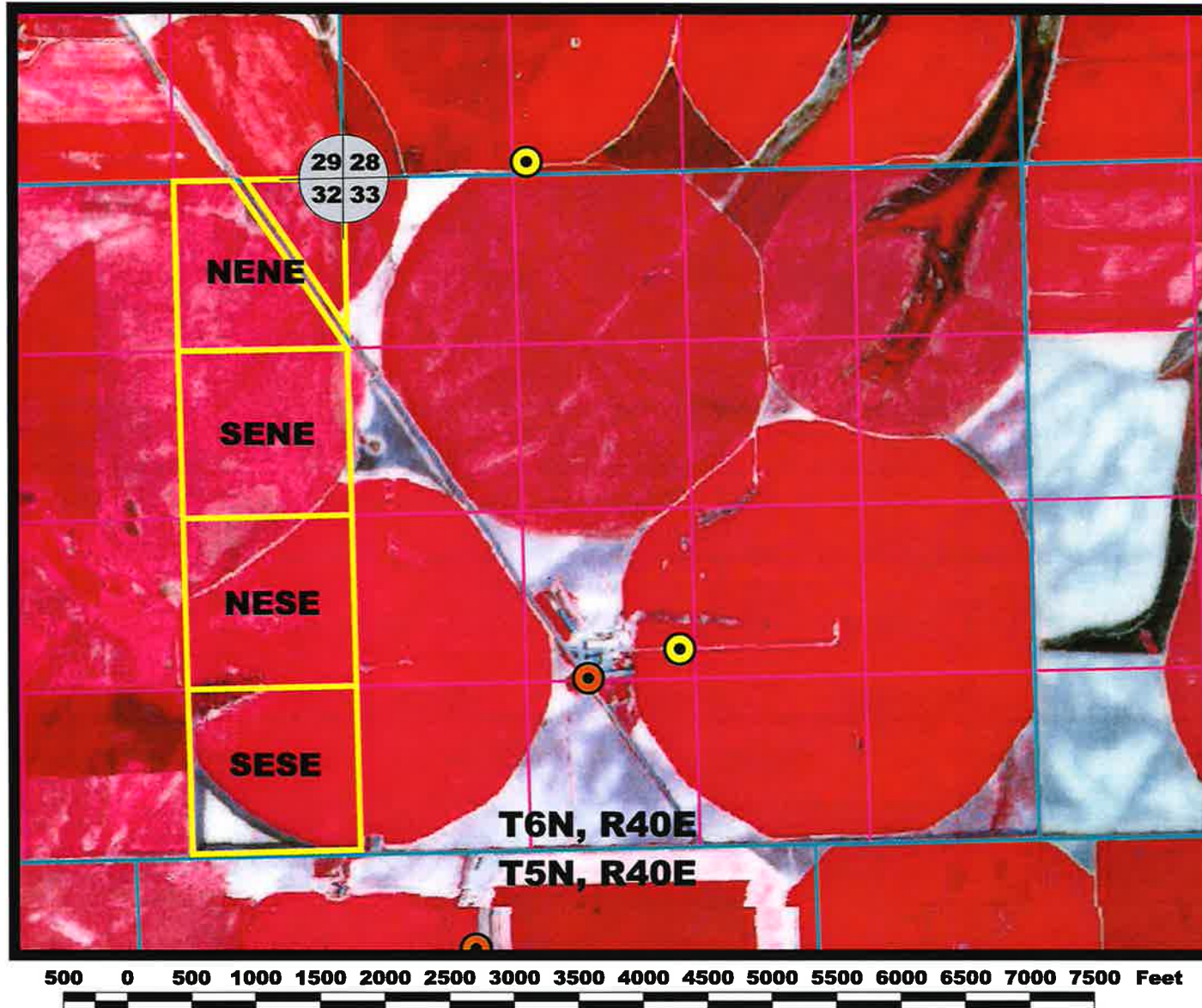
AUG 28 2007

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-7507

Point(s) of Diversion:
T6N, R40E
Sec. 28 SWSESW
Sec. 33 SENESW

Place of Use: (parts of)
T6N, R40E
Sec. 32 E2E2

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: August 2005

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)

Water Rights: 22-7507

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

☐ split of water right

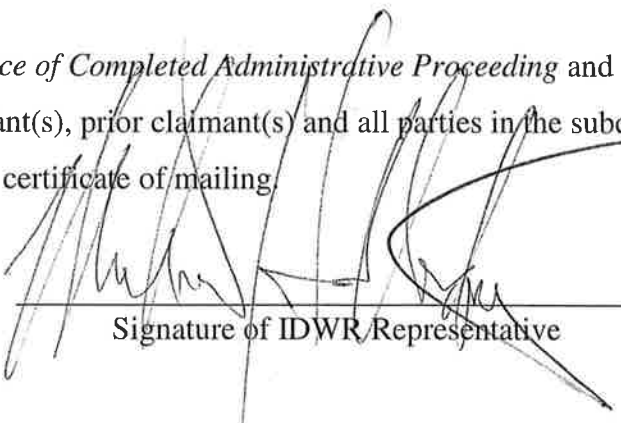
☐ change in ownership

☒ Other-License 10-1-2008

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/23/2009

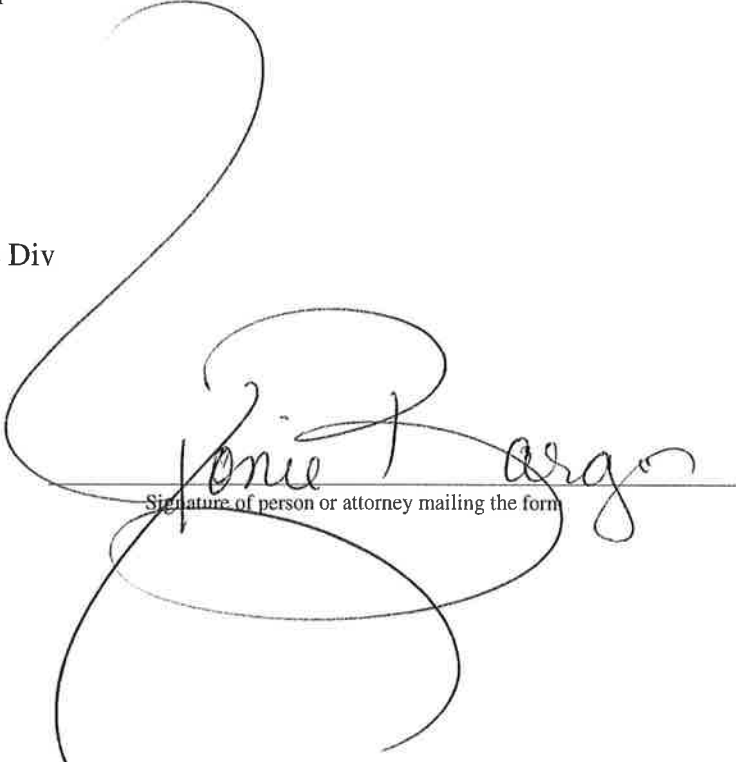


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on April 23, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Richard Smith
PO Box 8
Rexburg ID 83440
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 22-7507

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.140 CFS
549.50 AFY

The rights listed below are limited to a total combined diversion rate of 10.85 cfs. Combined Right Nos.: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

PRIORITY DATE: 06/28/1985

POINT OF
DIVERSION:

T06N R40E S28 SWSESW Within MADISON County
T06N R40E S33 SENESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.140 CFS 549.50 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R40E S32	NENE	38.00	T06N R40E S32	SENE	40.00
T06N R40E S32	NESE	40.00	T06N R40E S32	SESE	39.00

157 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 - License

This right does not grant any right-of-way or easement across the land of another.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The following rights are diverted through points of diversion described above: 22-2184, 22-2230, 22-7075, 22-7507, 22-11147, 22-11149.

The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07507

Priority: June 28, 1985

Maximum Diversion Rate: 3.14 CFS
Maximum Diversion Volume: 549.5 AF

It is hereby certified that RICHARD F SMITH
PO BOX 8
REXBURG ID 83440 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 28, 1985; and has
submitted Proof of Beneficial Use on November 19, 1990. An examination indicates that the works have
a diversion capacity of 10.85 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	3.14 CFS	549.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 28, Twp 06N, Rge 40E, B.M.	MADISON County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 33, Twp 06N, Rge 40E, B.M.	MADISON 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	
06N 40E 32	38.0			40.0									40.0			39.0	157.0

Total Acres: 157.0

CONDITIONS OF APPROVAL

- EXP ✓ 004
EXP ✓ F09
Q ✓ F52
EXP R63
GEN ✓ 048
1. This right does not grant any right-of-way or easement across the land of another.
 2. The following rights are diverted through point(s) of diversion described above: 22-2230, 22-7075, and 22-7507.
 3. Rights 22-2184, 22-2230, 22-7075, and 22-7507 when combined shall not exceed a total diversion rate of 10.85 cfs.
 4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
 5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 1st day of October, 2008.

David F. Tuthill, Jr.
For DAVID F. TUTHILL, JR.
Director

Ruberry, Allen

From: Walker, Kay
Sent: Monday, September 26, 2005 9:03 AM
To: Ruberry, Allen
Subject: RE: 22-7507

Hey, Al... Hope your Monday is going well.

I pulled file 22-7507 and this is what I found.

No field exam has been made on this one yet. I see proof was filed in 1990 but that was the last action taken on it. If you can get Roger to get someone to do the exam I'll try and get it finalized for you. I do have File 22-7418 on my desk to work on. That one is also in the name of Smith. The ownership of the place of use and the land swapping that they did with their neighbor makes it a tough one. I have done an initial review but need to send out a letter to Smith and Webster Brothers to get to the point I can license.

A draft license is usually created by the field examiner when he is writing up the exam. He then sends up the exam and supposedly all the work in GIS and computer is done and all I have to do is review and obtain any amendments that might be required. I wish it was that easy. Never seems to work out that way.

As far as an enlargement claim on a 1985 permit... I think you could process if it happened prior to commencement of SRBA but I can't remember the rules regarding enlargement claims. (Sorry my memory just ain't what it used to be...) I do remember that they can add land but no rate or volume. Be good if the examiner could check on the lands claimed under the enlargement while they are doing the exam of the 160 acres under the permit.

I am back to licensing full time now so hopefully will be able to get to all the licenses you guys want done. Kay

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

From: Ruberry, Allen
Sent: Monday, September 26, 2005 8:39 AM
To: Walker, Kay
Subject: 22-7507

Yooooooooooooo Kay, I'm looking at 22-7507. Appears its a Draft License (Permit).... What exactly is a Draft License anyway? And, when is it going to become a Real License? Further, I have an Enlargement claim (filed 8/23/1988) on it.... can he do that?

have a good day..... al

Water Right No(s). A22-7075 + A22-7507

See Attached photo

GPS DATA:

Tag # 40000300 Location: on divert on mainline
GPS data - 2680746 GPS File # 227075
1403646

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: U.S. Motors Model: _____ Hp: 400
SN: ID# D7003660

PUMP

Make: FMC Propress Model: _____ Disch: _____
SN: P18698

NOTES:

Claimant Richard Smith confirmed P.O. box Mailing address
& phone # is still good. His cell is 390-7000.

Field Exam Date: 6-17-05 Agent: HW Jones

This claim is a Permit - A01

SCANNED
AUG 28 2007

AUG 28 2007

SCANNED

Recommended as permitted.

GBS shows 154°K x 0.02 = 308 cfs (Permit Measure Loop)

IN SESE → Actuator in SWSESW (By GPS).

Permit shows POP

Class 5 Gas POP
in Sec. 28
22-2184/2230.

in Sec. 28

Permit Remark

Remark

APL

A22-7507 & A22-7075

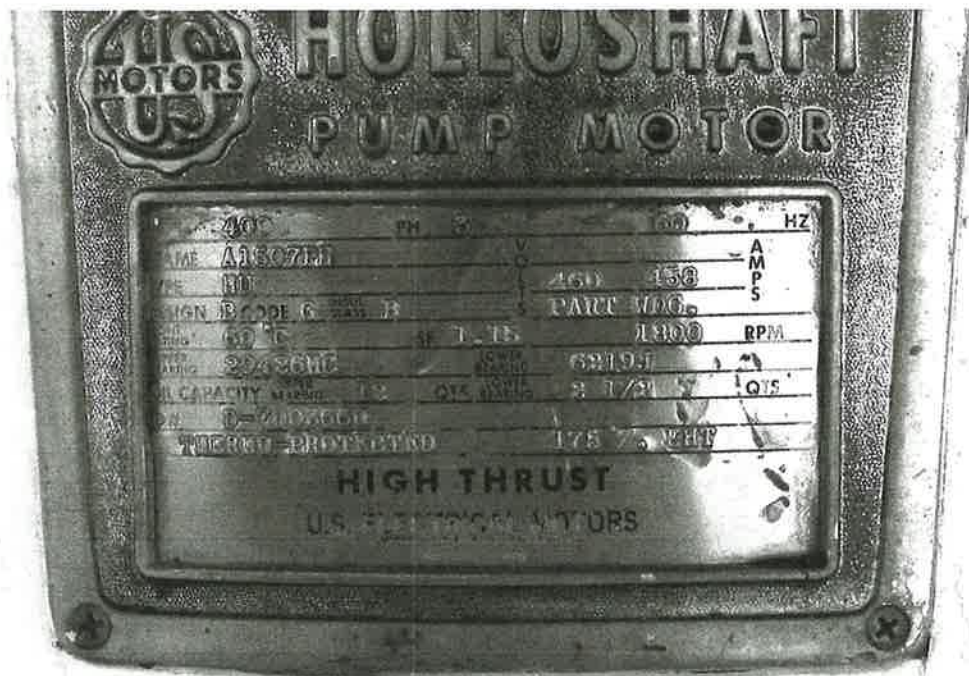


License

Permit

GPS Tag





A22-7507 + A22-7075 Motor tag

Water Right No(s). A22-2184, A22-2230, A22-7507, A22-11147, A22-11149

See Attached photo

GPS DATA:

Tag # A0015901 Location: on metal power panel pole
GPS data - 2681106 GPS File # 222184
1402489

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: U.S. Motors Model: _____ Hp: 500
SN: ID# H07-03107247-61-01

PUMP

Make: Peerless Model: _____ Disch: _____
SN: 201228

NOTES:

Met with claimant Richard Smith on-site. He verified
P.O.U maps + addresses + phone #. His cell is 390-7000.
System is a well + pump thru 10" mainline to pivots.

Field Exam Date: 6-17-2005 Agent: D.W. Jones

SCANNED
AUG 28 2007

CS
Tag



A22-7507 et al, looking South

SCANNED

AUG 28 2007

City of
Greenville

T6N, R40E
TSN, R40E

A22-7507

29 28
32 33

SCANNED
AUG 28 2007

06N40E33

227075

222184

221115

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07507

Proposed Priority: June 28, 1985

Maximum Diversion Rate:

3.20 CFS

This is to certify, that **RICHARD F. SMITH**
P.O. BOX 8
REXBURG, ID 83440

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 11/01

3.20 CFS

160 = 0.02 cfs/ac

LOCATION OF POINT(S) OF DIVERSION:

NESW

Sec. 33, Township 06N, Range 40E

SESE

Sec. 28, Township 06N, Range 40E

MADISON County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

06N 40E 32

NENE 40

SENE 40

NESE 40

SESE 40

160

Total number of acres irrigated:

160

3.5 AF

560 AF

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 1, 1991**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
7. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 3.20 cubic feet per second for each acre of land.

MICROFILMED

DEC 18 1989

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07507

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

14th day of December, 1989.

for *R. Keith Higginson*
R. Keith Higginson, Director

MICROFILMED

DEC 18 1989

MEMO

To: A22-11148 & A22-11150
From: Greg Taylor

This Request for Withdrawal was initiated because the change in the enlargement statutes. Mr. Smith originally filed A22-11148 and A22-11150 based on the 2nd presumption. After the 1994 legislation and subsequent Supreme Court Decision he decided he was better off withdrawing these claims and filing on Permit #22-07507.

A22-07507 has been filed @ Eastern and I gave it the receipt #E001765 that was previously for the numbers above.

A renumbering of the J claims may have been easier and more correct to do originally, but I figured the Request for Withdrawal would leave a way to track the claims.

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: **A22-07507**
Date Received: 2/ 2/1998
Receipt No: E001765
Received By: MT

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

1. Name: RICHARD F SMITH 208-356-4912
Address: PO BOX 8
REXBURG ID 83440

2. Date of Priority: JUN 28, 1985

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	28		SE	SE		MADISON
		33		NE	SW		MADISON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	32	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	40.0

A2207507

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	160.0
					Total Acres	160.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: PERMIT

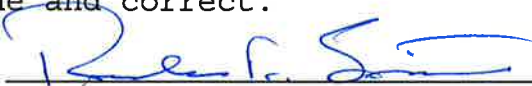
16. Signature(s)

(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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  Date: 2/2/98

Date: _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of Feb. 19 98

Gregory J. Taylor
Notary Public



Residing at Idaho Falls Id

My Commission Expires 3/3/98

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 22-7507

WATER RIGHT NUMBER: 22-7507

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD F SMITH PO BOX 8 REXBURG, ID 83440 (208)356-4912

Priority Date: 06/28/1985

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 28, Twp 06N, Rge 40E, B.M.
MADISON County		
GROUND WATER	NE1/4SW1/4	Sec. 33, Twp 06N, Rge 40E, B.M.
MADISON County		

Place of UseIRRIGATION Within MADISON County

T06N R40E S32	NENE	40.0	T06N R40E S32	SENE	40.0
T06N R40E S32	NESE	40.0	T06N R40E S32	SESE	40.0

Total Acres: 160

Conditions of Approval:

1. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
4. 01G Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

Remarks:

08/31/2005

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

RIGHT NUMBER: 22-7507

NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.200 CFS

Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

PRIORITY DATE: 06/28/1985

POINT OF DIVERSION:

T06N R40E S28 SWSESW Within MADISON County

T06N R40E S33 SESESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	3.200 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T06N R40E S32	NENE	40.0	T06N R40E S32	SENE	40.0
T06N R40E S32	NESE	40.0	T06N R40E S32	SESE	40.0

160 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.

This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

EXPLANATORY MATERIAL: BASIS OF CLAIM - **Permit**

Right No. 22-7075 is also diverted through point of diversion described above in Sec. 28, T6N, R40E. Water Rights 22-2184 and 22-2230 are also diverted through the point of diversion described above in Sec. 33 T6N R40E.