

10/15/2006

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

RIGHT NUMBER: 37-4D

NAME AND ADDRESS: MARY ANN KNIGHT
PO BOX 217
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.510 CFS
6.700 AFY

Right 37-4D is limited to the total diversion rate of 0.14 cfs at the head of District 45 canal, and a rediversion rate of 0.06 cfs from the canal.

The portion of Right 37-4D used for conveyance losses in the Big Wood River is 0.19 cfs, and in the District 45 canal is 0.08 cfs.

A portion of Right 37-4D shall continue to be diverted at a rate of 0.18 cfs into the Hiawatha Canal in the SWNW, S20, T03N, R18E to mitigate the change authorized under Transfer 5528.

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T01N R18E S13 NWSENE Rediversion Within BLAINE County

T02N R18E S36 SWNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.510 CFS 6.70 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R18E S13 SWNE 1.90

1.9 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.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

Approval of Transfer 5528 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall accomplish the change authorized by this transfer within one (1) 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.

The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of both the diversion from Big Wood River and the redirection from the District 45 canal.



Idaho Department of Water Resources

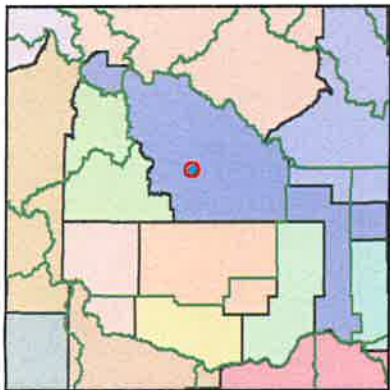
SRBA Recommendation:

37-4D

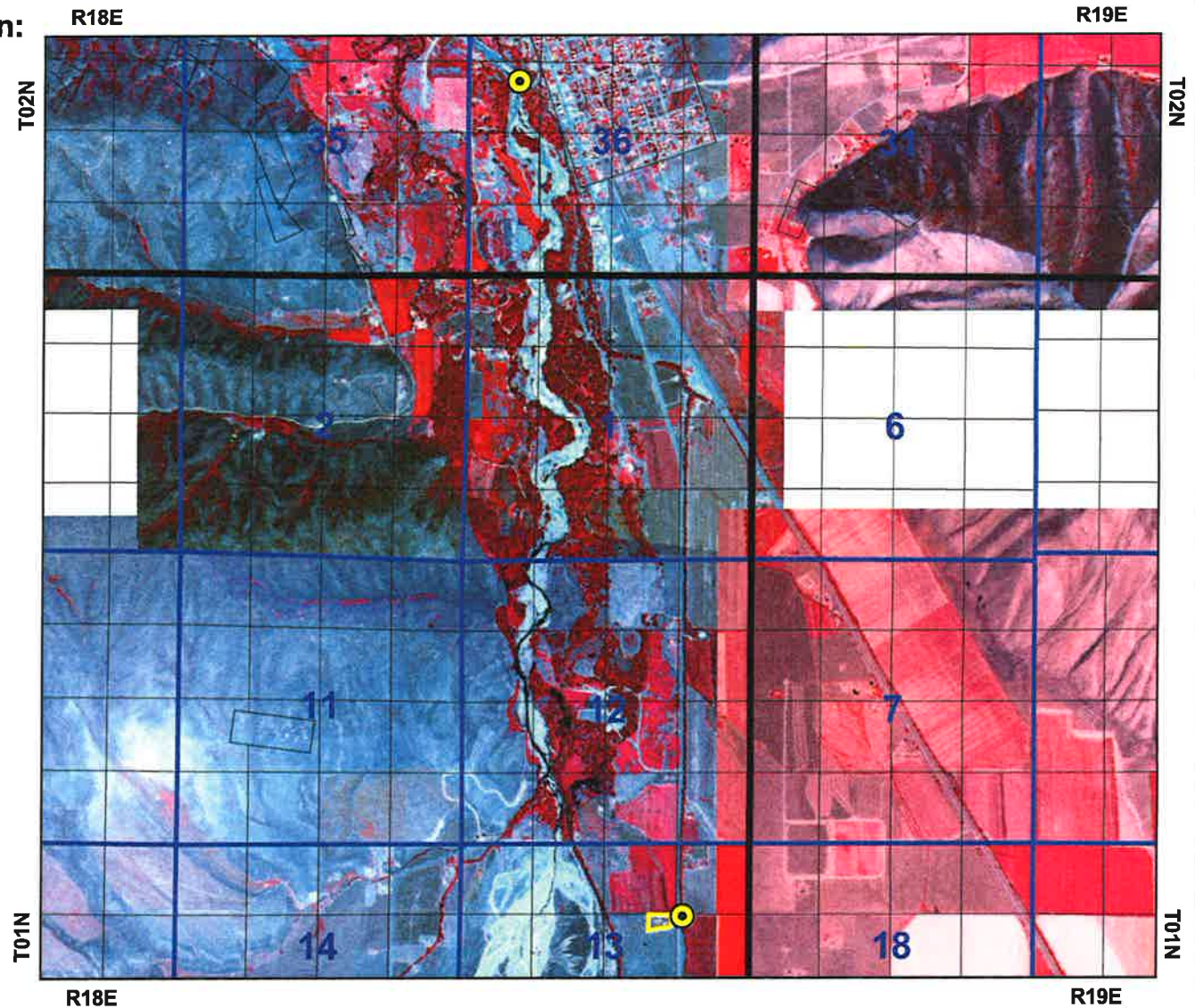
(Irrigation)

Legend

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

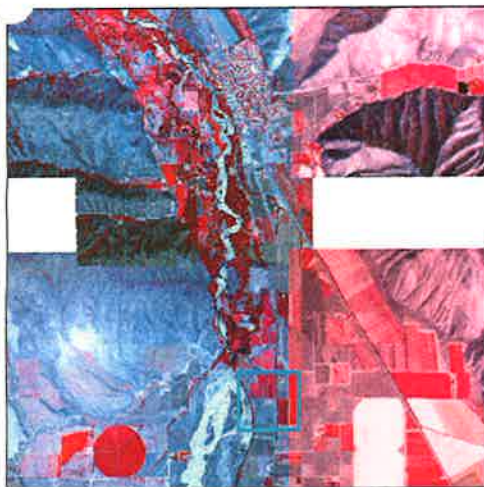


Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Tuesday, October 17, 2006
1987/88 Aerial Photography

37-4D





Idaho Department of Water Resources

SRBA Recommendation:

37-4D

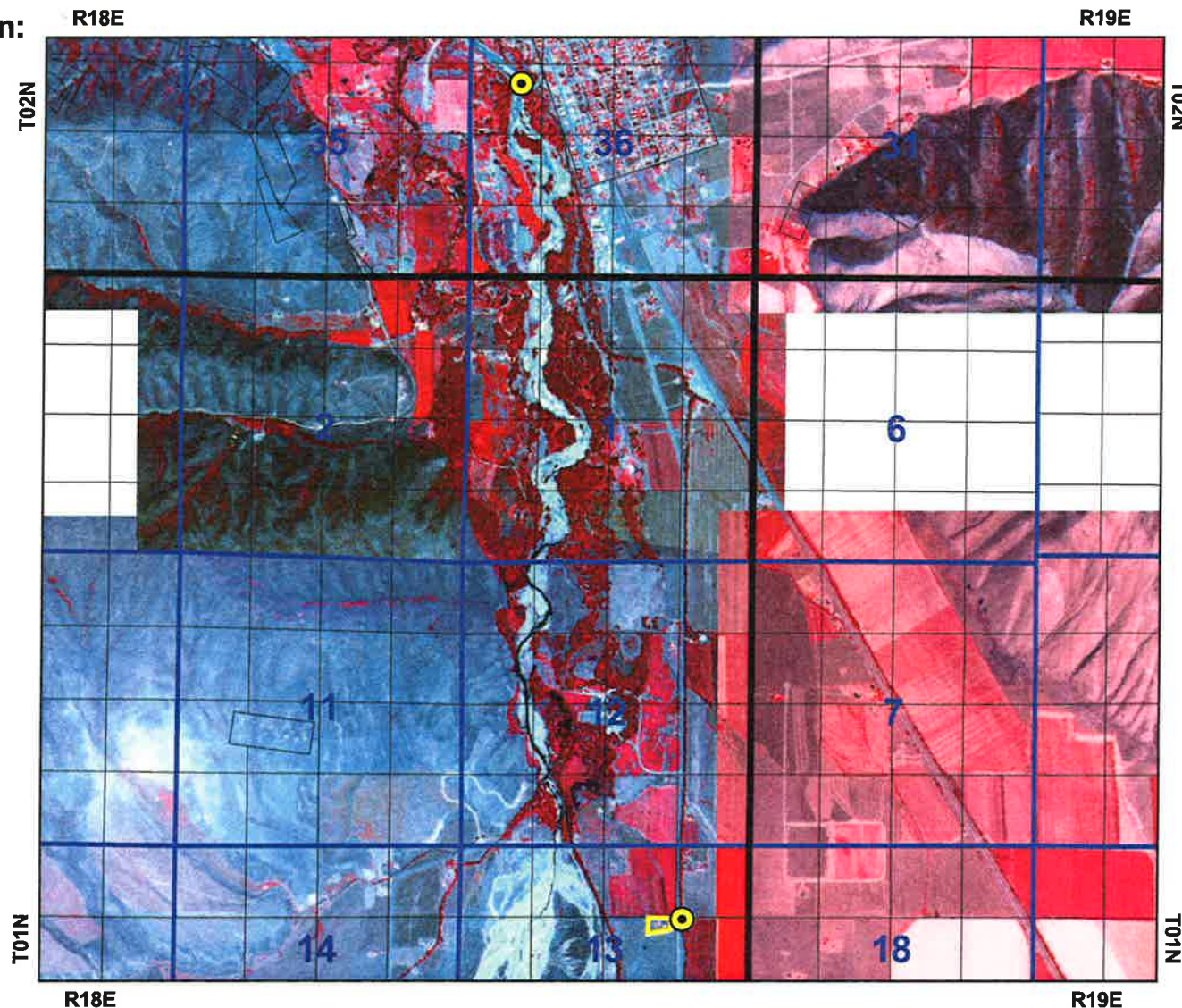
(Irrigation)

Legend

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Blaine County
IDWR Basin 37

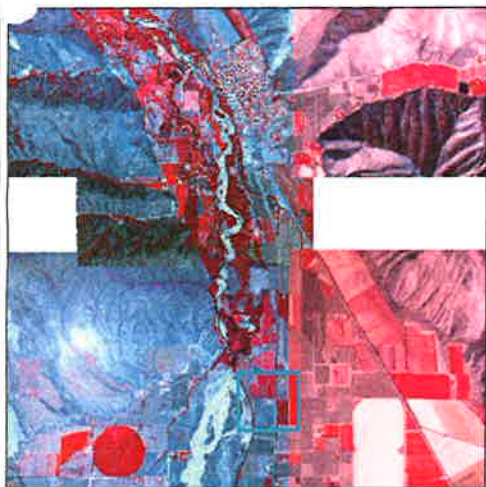


0 1 2 Miles



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37-4D



Investigator's Notes

File: See File for claim number
Name: Mary Ann Knight
Investigator: Robin D. Wells, P.E.
Field Date: Sept 2, 2005

To Reach:

Mary Ann Knight's maiden name is Buhler. The Buhler farm was originally on the east side of Highway 75 on the north end of Hailey. The farm was originally surface irrigated by stream and flood water from natural sources to the north west of the property. Because of uncontrolled flooding during summer and winter through the property, there were several efforts to control the source of flooding above the property, through the property, and below the property.

Injections wells and ditches were installed below the property by the city, ditches were constructed on the property for drainage and irrigation on the property, and supply to the property was moved to a canal on high ground to the east of the original Buhler farm. After an initial sale of the farm, the property was sold and traded among estate developers beginning about 1985; there have been eight (8) phases of housing development and the current project is phase nine (9).

The soil in this area is very permeable. Most lawns and yards are sprinkler irrigated; some with wells; but there is also a subdivision diversion for various properties that still use canal water; commonly pressurized for sprinkler application. The subdivision POD is situated behind the home of James M. Kuehn, 114 Butter Cup Road, Hailey, Idaho 83333 (1-208-788 5046). To Reach the subdivision POD, proceed East on McKurcher Road (north Hailey stop light on Highway 75) one-half mile then turn left (north) on Buttercup to the Kuehn address.

The diversion has a State of Idaho ID Tag# AO-016204 and a GPS position was taken at the outfall of the POD (GPS#206 43° 32.621' N 114° 19.164' W). See Photo 1 and 2.

Note that the Buhler Farm was a place of irrigation beneficial use before 1951 when an air photo was taken. Photo 3 shows a processed copy of this air photo dating from 1951. Married Mary Ann Knight sold the property and reserved most of the water rights as a condition of sale. The unreserved water of that sale is the flow that comes from the "subdivision POD" described above.

The Knights did not immediately purchase property and due to ignorance of Idaho Water Law, lost most of the right when property was later purchased south of Bellevue at the current address of Mrs. Knight. Much of the usable flow after IDWR decision was consumed in river and canal losses.

The current water right is diverted from the Wood River into the Hiawatha Canal which then carries water to the current Knight property. The control structure on the Wood River has a State of Idaho Tag, AO 011767 (GPS204 - 43° 27.895' N 114° 15.820' W). To reach this diversion, from Highway 75 in south Hailey, turn west on River View Drive and proceed for 0.15 mile, then turn right (north) on River Drive and proceed 0.23 miles. River Drive curves to the west and crosses the Hiawatha Canal. There is a paved turn circle on River Drive. Proceed north 0.62 miles from the circle on a gravel road ending at the Hiawatha diversion works. See Photo 4.

The diversion head gate for the Knight property has no Tag. Its location is GPS205 (43° 25.360' N 114° W 1150 15.125' W). It is on the east side of Highway 75 (obscured by trees) near the Knight driveway (address above). Photo 5 shows north east corner of the Knight property with property line. Photo 6 shows a view from the canal diversion, west to the property head quarters.

Owner prefers that north half of property (next to house, out buildings and corals) be specified as potentially irrigated ground (south of farm yard and house) if water supply were available during season.

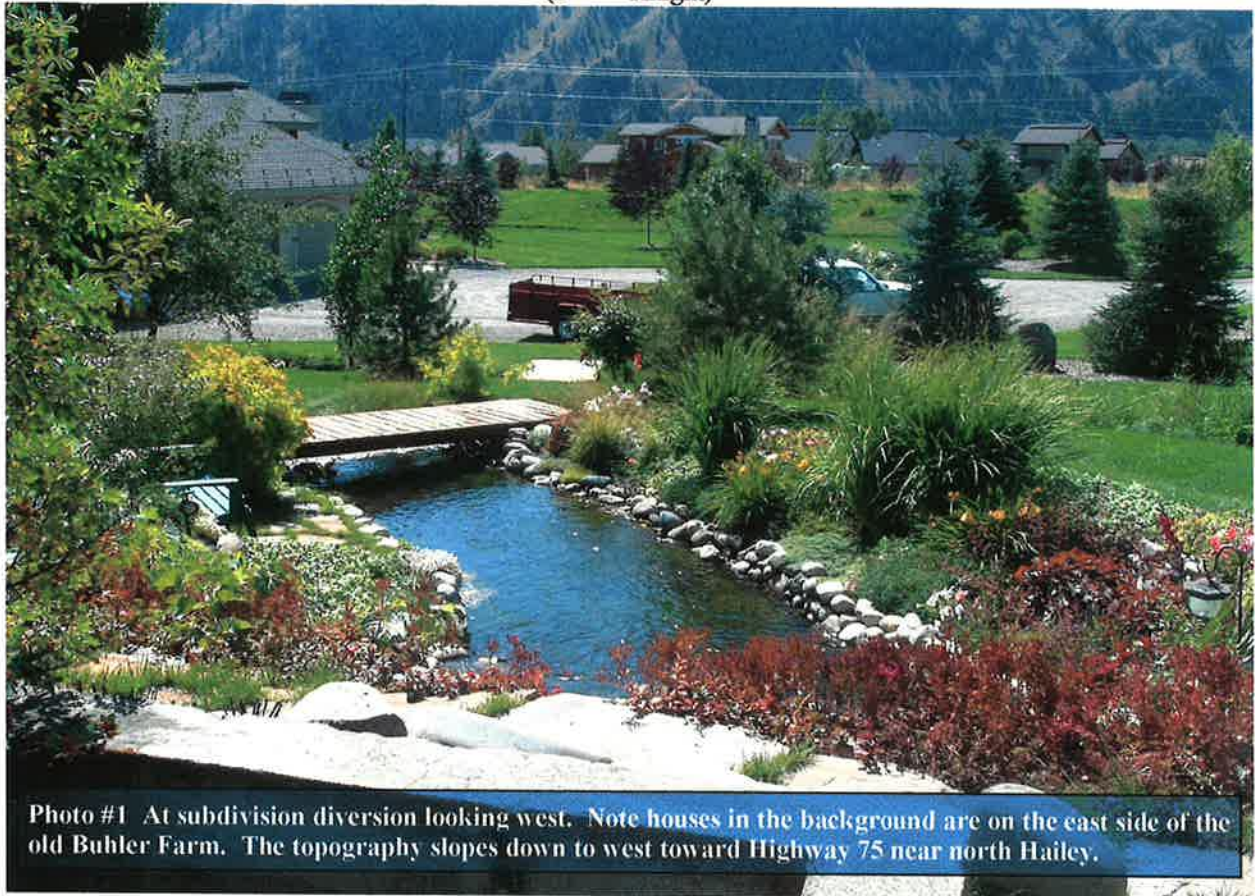


Photo #1 At subdivision diversion looking west. Note houses in the background are on the east side of the old Buhler Farm. The topography slopes down to west toward Highway 75 near north Hailey.

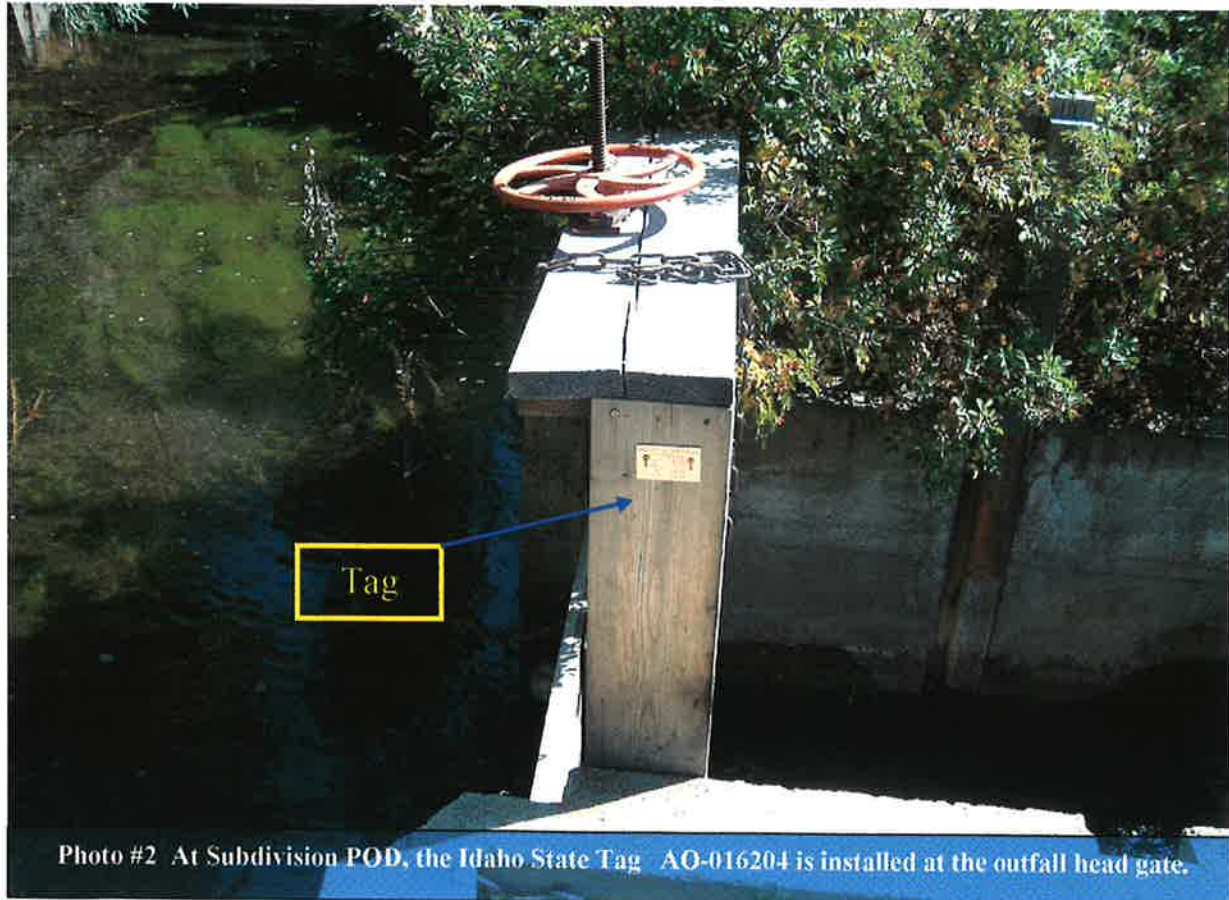
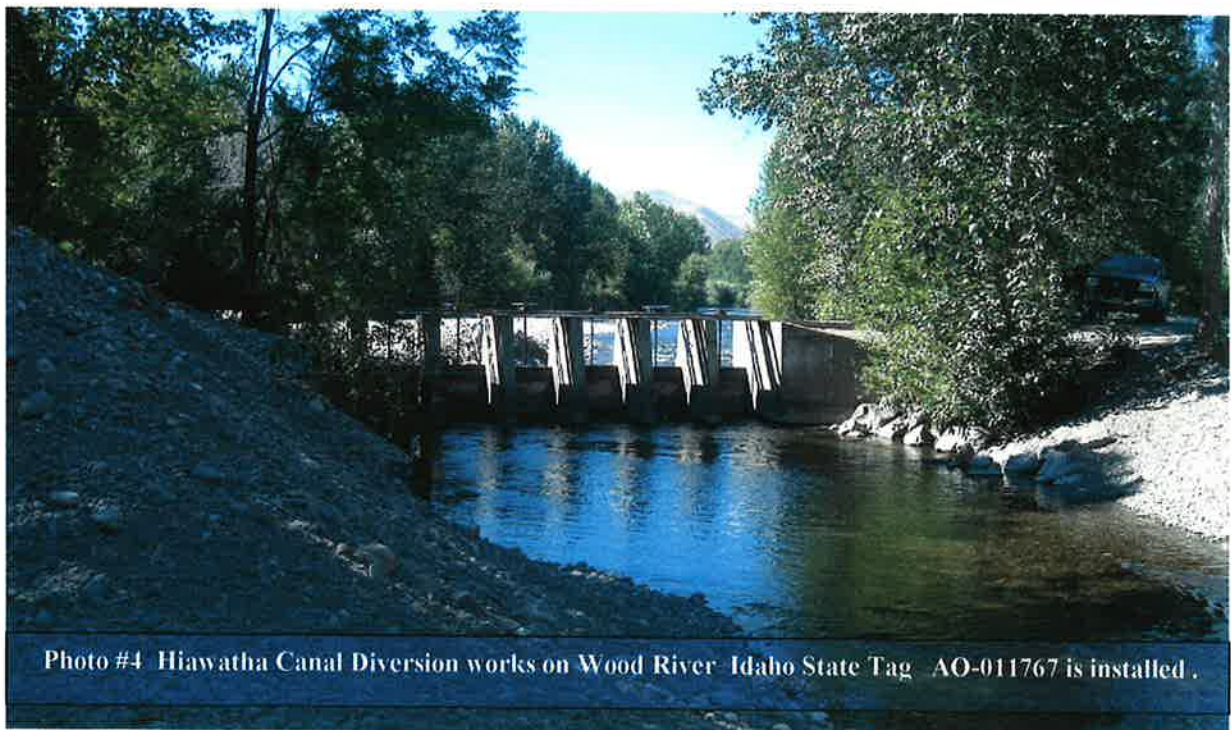
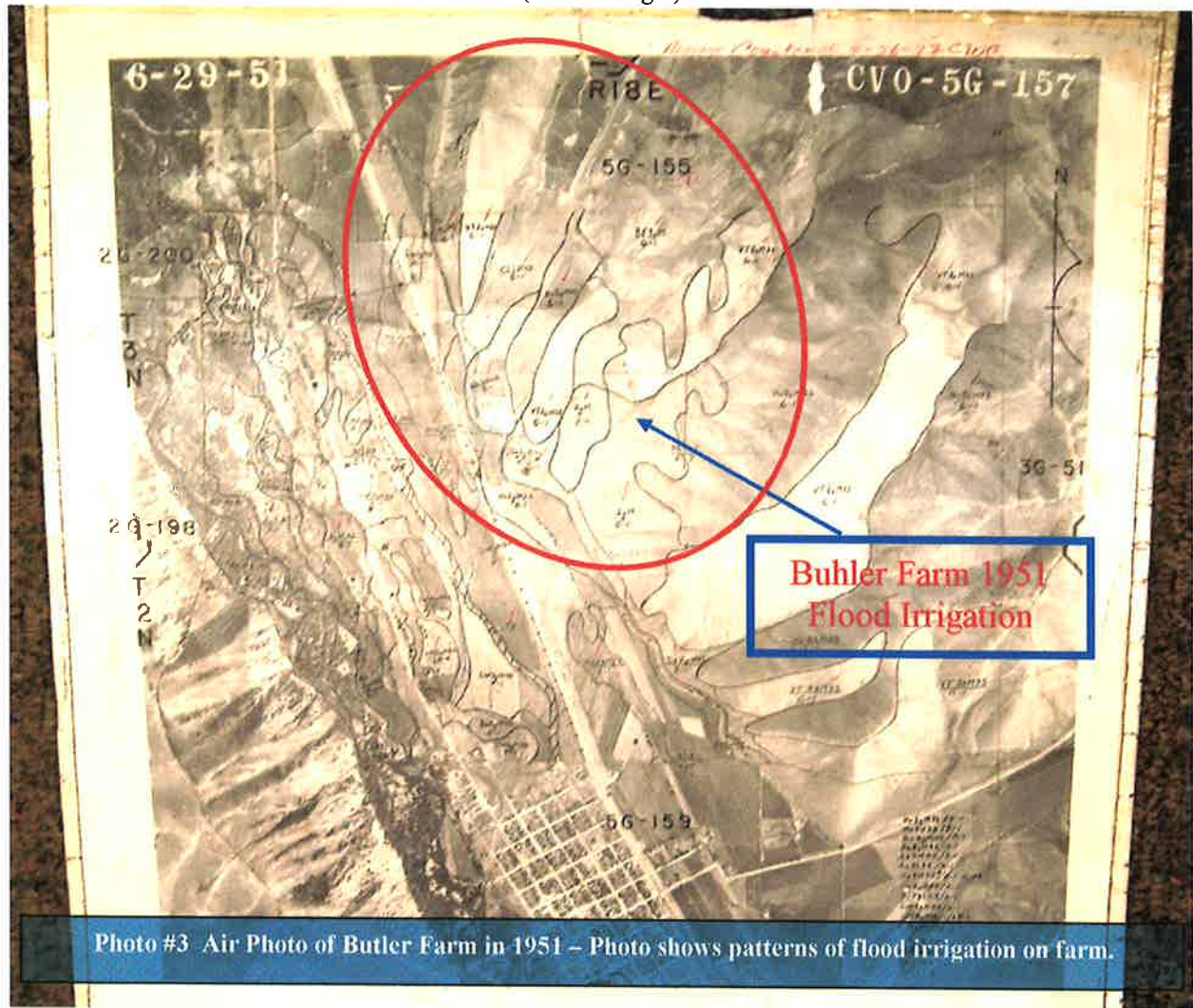
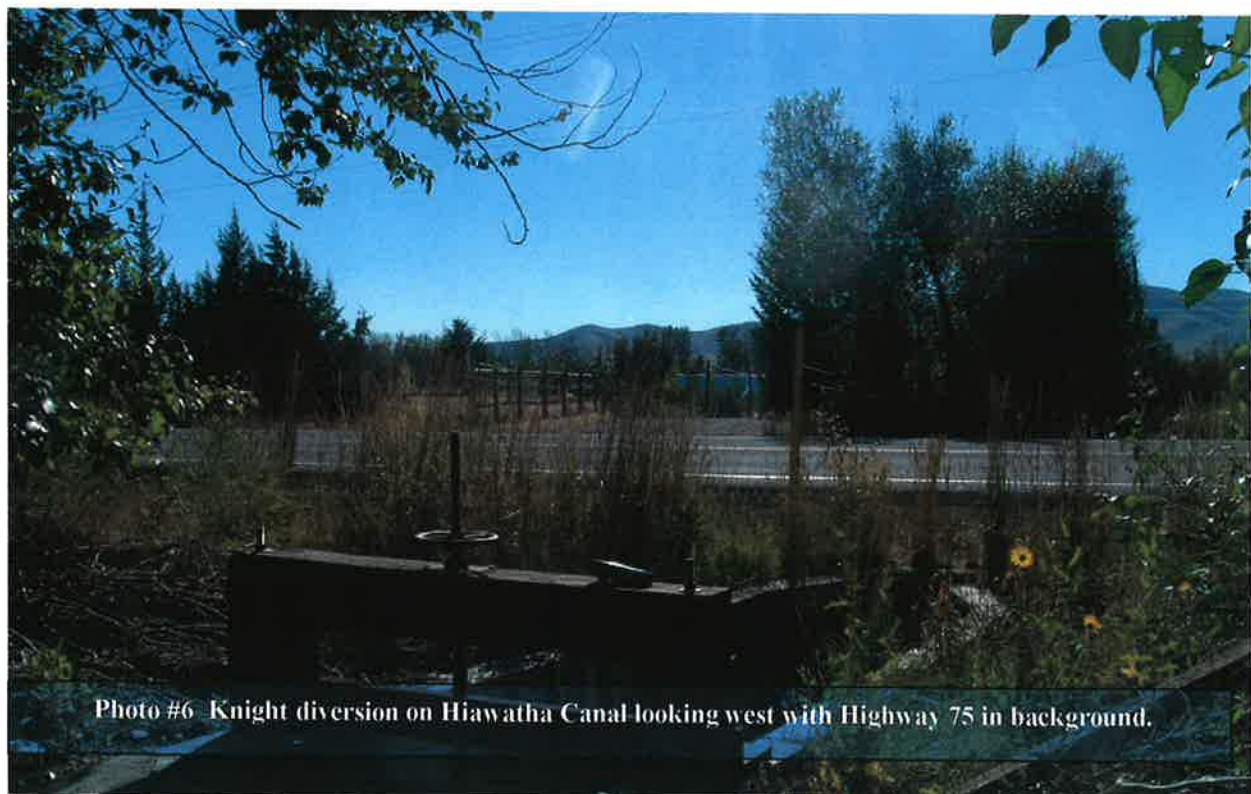
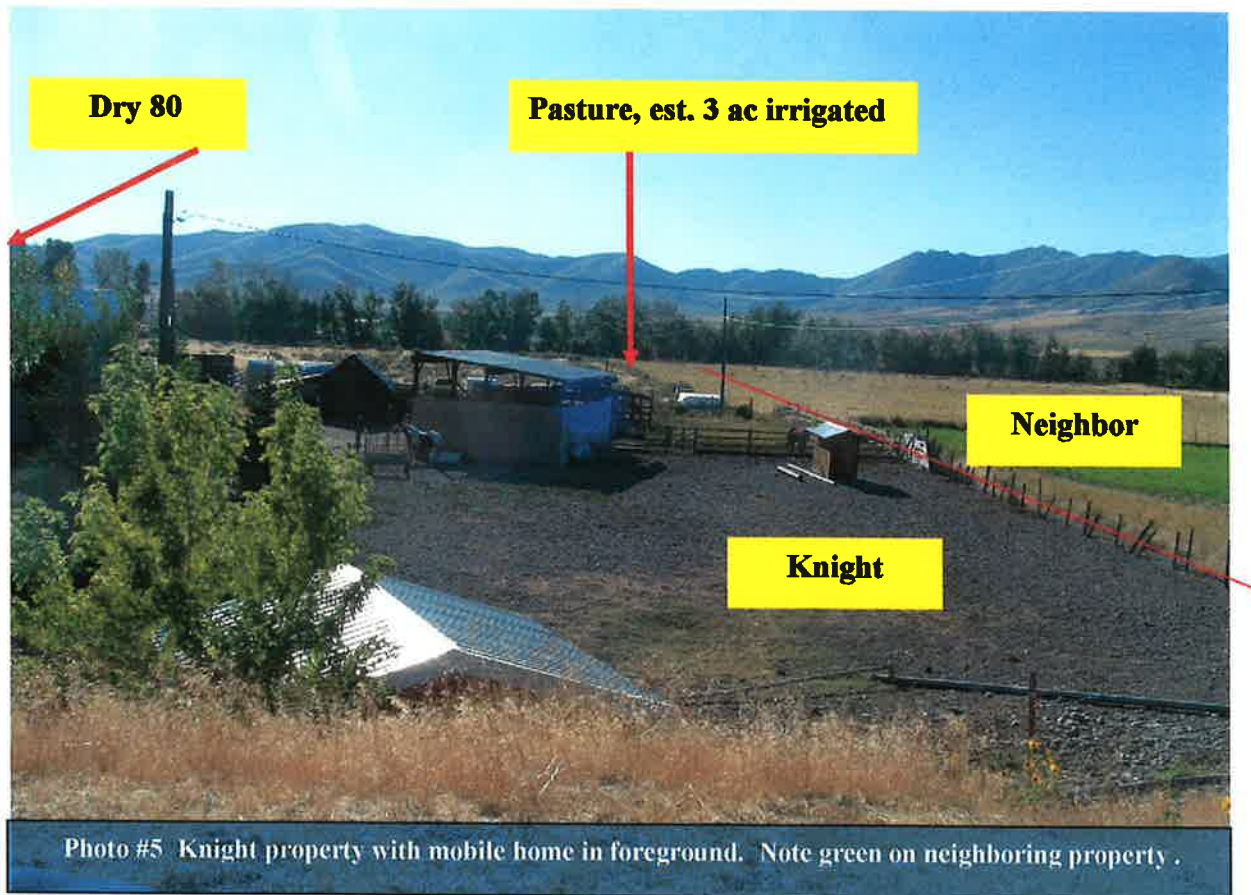


Photo #2 At Subdivision POD, the Idaho State Tag AO-016204 is installed at the outfall head gate.





END