

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 37-2473A
Date Received: 9/15/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES L MATTHIESEN Phone: (208)726-8087
PO BOX 2540
KETCHUM ID 83340

2. Date of Priority: 06/24/1946

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	17E	23	NE SE	BLAINE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.04	7.7

7. Total Quantity Appropriated is:

0.04 C.F.S. and/or 7.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	17E	23	NE	SE	IRRIGATION	2.2
Section Acres						2.2
Total Acres						2.2

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion under Right Nos.

37-02473A/B/C/D/E/F/G/H/J and K.

A measuring device of a type acceptable to the Department shall be installed and permanently maintained across Dip Creek at a point where the creek enters the right holders property located within NESE, S23, T05N, R17E.

The total diversion rate from the wells shall not exceed flow of Dip Creek measured at the point identified above and is further limited to those times when water is available to fill Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K.

Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K when combined shall not exceed a total combined rate of diversion of 0.86 cfs, a total combined annual volume of 175.0 af, nor the total combined irrigation of 26 acres.

Right No. 37-02473A is diverted and used within Lot 1, Dip Creek Ranch Subdivision.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

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.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

11/21/2006

NOTICE OF ERROR
REPLY

DEC 13 2006

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: 12/13/2006

Water right number: 37-2473A
CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340
Telephone Number: (208)726-8087

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:

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

DATE: 12/12/2006 SIGNATURE: Charles L. Matthiesen
Please print your name: CHARLES L. MATTHIESEN

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 14 2006

09/19/2006

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

RIGHT NUMBER: 37-2473A

NAME AND ADDRESS: CHARLES L MATTHIESEN
PO BOX 2540
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
7.70 AFY

A measuring device of a type acceptable to the Department shall be installed and permanently maintained across Dip Creek at a point where the creek enters the NESE, S23, T05N, R17E, and the total combined diversion rate from the points of diversion for the following rights shall not exceed the flow of Dip Creek measured at the point identified above. Combined rights: 37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H, 37-2473J, and 37-2473K.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation purposes.

PRIORITY DATE: 06/24/1946

POINT OF DIVERSION: T05N R17E S23 NESE Within BLAINE County

Right No. 37-2473A is diverted within Lot 1, Dip Creek Ranch Subdivision.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	0.040 CFS 7.70 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T05N R17E S23 NESE 2.20
2.2 ACRES TOTAL

Right No. 37-2473A is used within Lot 1, Dip Creek Ranch Subdivision.

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

The right holder shall accomplish the change authorized by this transfer by December 31, 2001.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from the authorized point of diversion for this right.

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

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.



Idaho Department of Water Resources

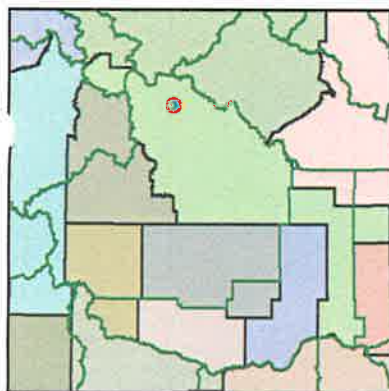
SRBA Recommendation:

37-2473A

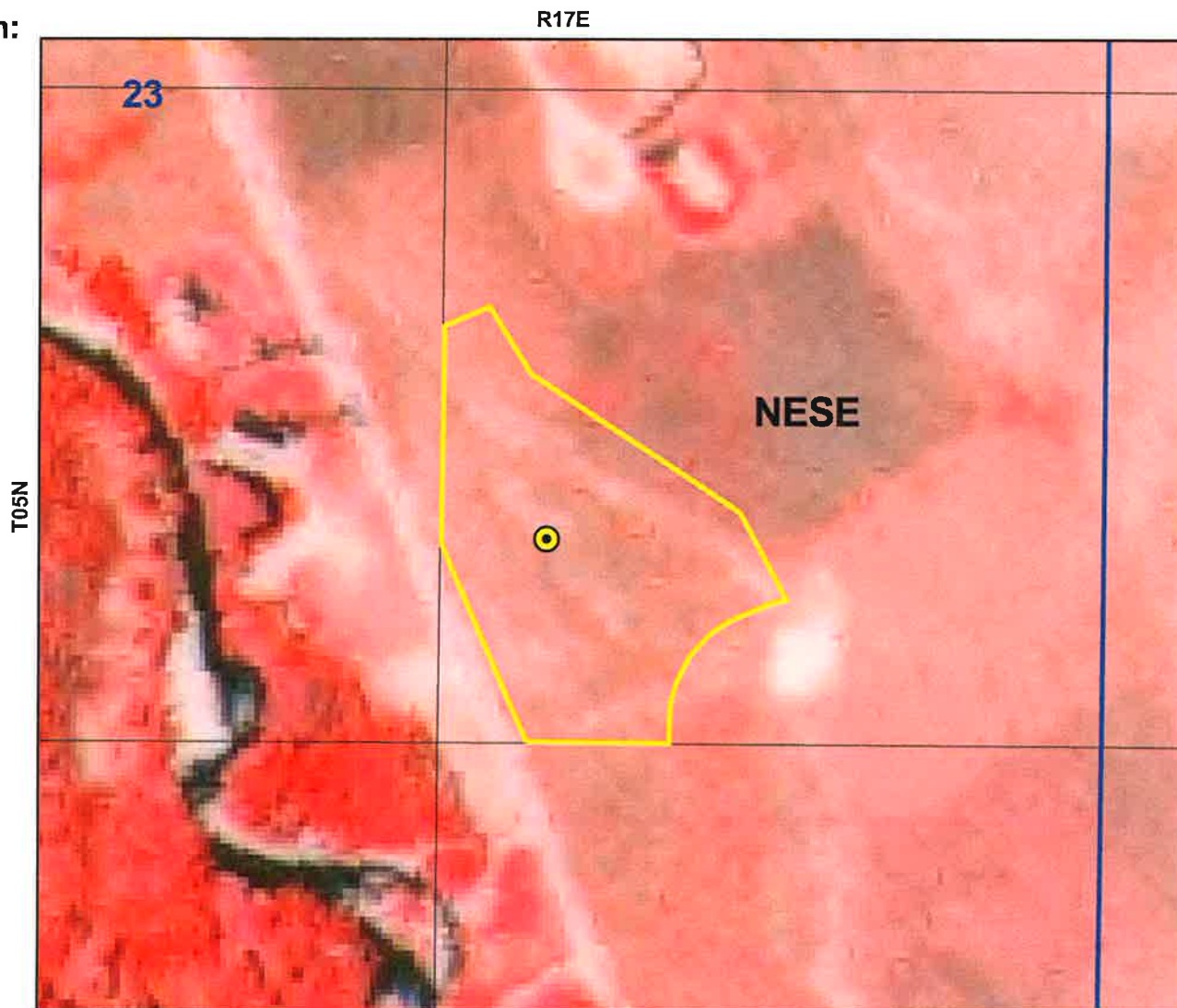
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

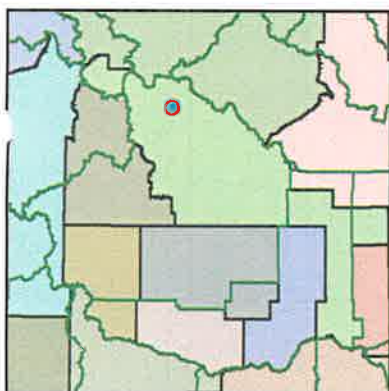
SRBA Recommendation:

37-2473A

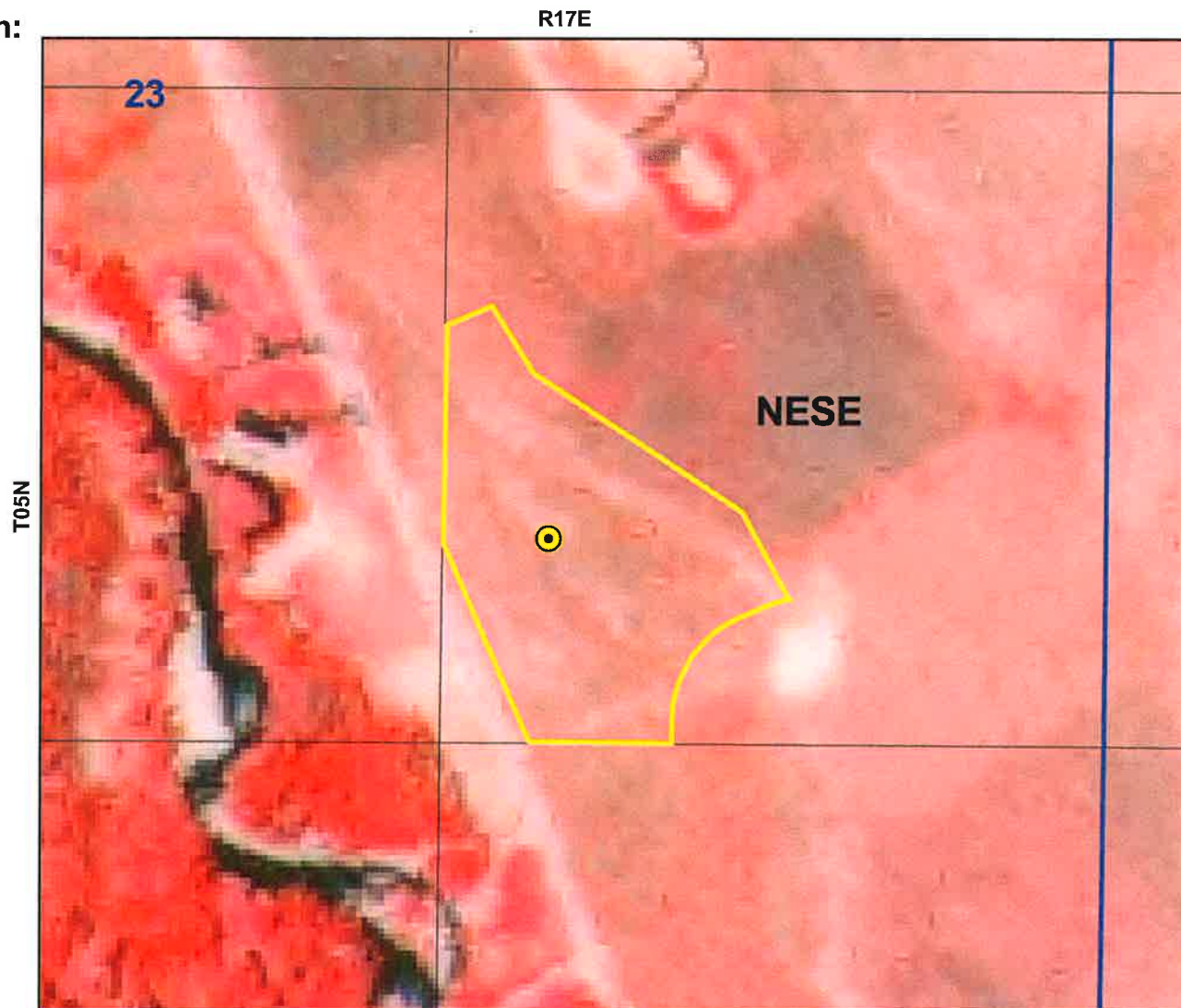
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles

Prepared by E. NORQUES
On Tuesday, September 19, 2006
1987/88 Aerial Photography

Charles L Matthiesen
P. O. Box 2540
20 Moose Lane
Ketchum, Idaho 83340
Telephone (208) 726-8087
Cell (208) 720-3652
Fax (208) 726-5685
e-mail cmatthiesen@cox.net

December 12, 2006

Dr. David R. Tuthill
Administrator
Water Management Division
Idaho Department of Water Resources
322 Front Street
Boise, Idaho 83720-0098

Dear David:

On Monday, December 4, 2006, at the Sun Valley public IDWR meeting I had the pleasure of meeting you and discussing some issues with the water rights I have. The specific area of my concern was the list of small surface water streams in Basin 37 that shall have their water rights administered separately from all other water rights. I was concerned that Dip Creek was not included in the list. We discussed that Dip Creek flows throughout the year and the surface water sinks into the ground before entering the Big Wood River. At no time does the surface water of Dip Creek cross State Highway 75 and enter the Big Wood River.

The water rights that have been issued for Dip Creek are: 37-2473A, 37-2473B, 37-2473C, 37-2473D, 37-2473E, 37-2473F, 37-2473G, 37-2473H, and 37-2473K. I believe these are the only water rights issued on Dip Creek.

Dip Creek lies within the boundaries of T5N, R17E, Section 23 and Section 24

I have enclosed four exhibits to help identify Dip Creek and the current pertinent information.

Exhibit 1 shows the Dip Creek area along Hwy 75 from Eagle Creek to Lake Creek. Also depicted is the approximate watershed boundary for Dip Creek.

Exhibit 2 shows on a USGS computer generated map the USGS location of Dip Creek and a sketch of the current Dip Creek. Please note that the first culvert under Hwy 75 is approximately one mile downhill from the area that Dip Creek normally sinks into the ground.

Exhibit 3 is a greater detail of Exhibit 2. The USGS map shows Dip Creek flowing into the Big Wood River. I believe these maps are based on 1963 data. I have no knowledge of the area at that time. The first time I saw Dip Creek was 1968, and I purchased the property in the early 1970's. By then Hwy 75 had been significantly improved and there were no culverts on Hwy 75 where, or near the location identified on the USGS map. The current approximate surface flow of Dip Creek, on private property, is indicated by a red line on the map. The approximate location of four ponds that Dip Creek flows through is also depicted. The "wetland/groundwater recharge" identified on the map is the area where the surface water of Dip Creek normally sinks into the ground and the surface flow stops. Occasionally during the spring snowmelt period the surface water of Dip Creek will flow south from the wetland area. In April or May I have never witnessed the flow ever reaching the culvert under Hwy 75 (Shown in Exhibit 2).

Exhibit 4 is an IDWR satellite picture of the Dip Creek area. I assume the photograph was taken in the summer of 2005. The picture shows Dip Creek flowing into the picture from the upper right corner. The water flows through the four ponds and is discharged into the wetland area next to Hwy 75. During the summer months water right 37-08855 is used to pump up to 3.0 cfs through the pond system. This water mixes with the Dip Creek water and is discharged at the same location as the Dip Creek water. The additional water is the cause of any water leaving the ground water recharge area and traveling

COPIED
JAN 16 2007

December 12, 2006

parallel to HWY 75. Even with this additional flow the surface water stops/sinks one or two hundred yards south of the recharge area, and does not reach the Big Wood River. I have observed that when the water right 37-08855 is not being used, leaving just the natural flow of Dip Creek, the surface flow does not leave the groundwater recharge area.

I recall we agreed that the insignificant flow of Dip Creek (normally less than 1 cfs) was the reason for not including Dip Creek in the current list. I believe we also agreed that because IDWR has issued water rights on Dip Creek, it should be included in the list.

Sincerely,



Charles L. Matthiesen

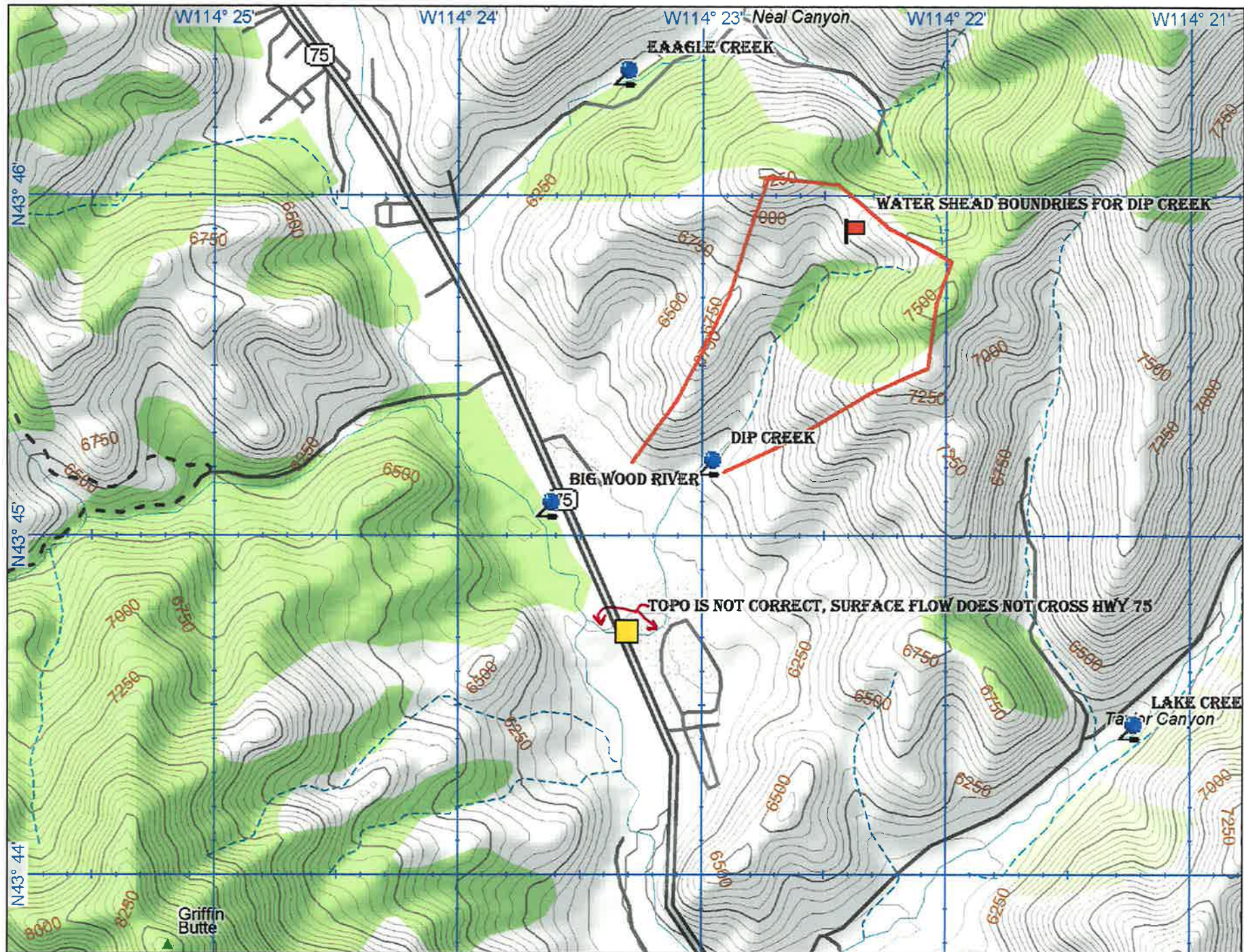
COANNED

JAN 16 2007

Exhibit 1

JAN 16 2007

CE:NNJ



2007年1月16日



2,000 ft

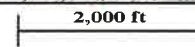
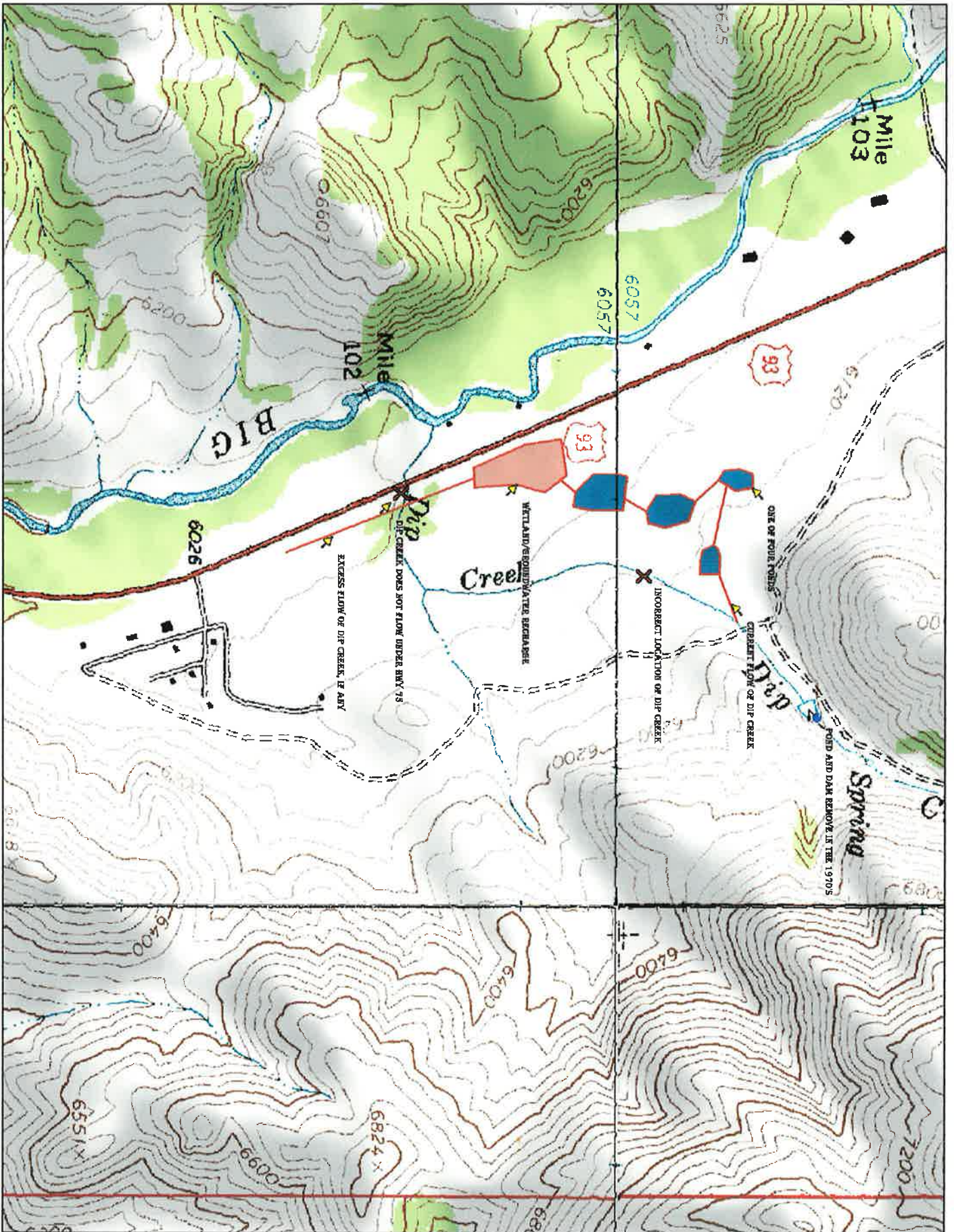
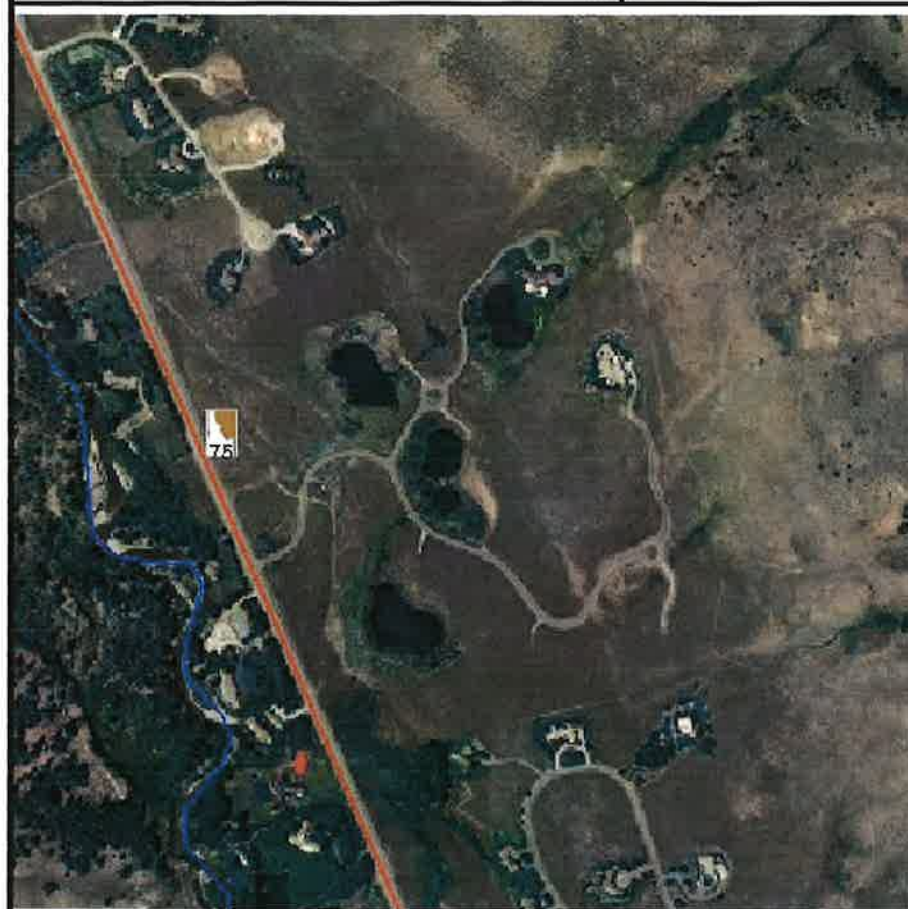


Exhibit 3

RECEIVED
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Dip Creek



Legend

Major Roads

-  Interstate
-  U.S. Highway
-  State Highway
-  Other
-  Lakes
-  Major Rivers
-  Cities
-  Counties
-  State
-  High Res. Color (NAIP)

SCANNED

JAN 16 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K
Priority: 06/24/1946

This is to certify that: **CHARLES L MATTHIESEN**
PO BOX 2540
KETCHUM ID 83340

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

TRANSFER NO. 4867
WATER RIGHT NO. 37-02473A

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 23, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	NESE 2.2			2.2
Total number of acres irrigated:				2.2

TRANSFER NO. 4868
WATER RIGHT NO. 37-02473B

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 23, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	NESE 2.2			2.2
Total number of acres irrigated:				2.2

**TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K**

**TRANSFER NO. 4869
WATER RIGHT NO. 37-02473C**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	NWSW 2.2			2.2
Total number of acres irrigated:				2.2

**TRANSFER NO. 4870
WATER RIGHT NO. 37-02473D**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 23, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	NESE 1.1			1.1
24	NWSW 1.1			1.1
Total number of acres irrigated:				2.2

**TRANSFER NO. 4871
WATER RIGHT NO. 37-02473E**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 23, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	SESE 2.2			2.2
Total number of acres irrigated:				2.2

**TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K**

**TRANSFER NO. 4872
WATER RIGHT NO. 37-02473F**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	SWSW 2.2			2.2

Total number of acres irrigated: 2.2

**TRANSFER NO. 4873
WATER RIGHT NO. 37-02473G**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	SWSW 2.2			2.2

Total number of acres irrigated: 2.2

**TRANSFER NO. 4874
WATER RIGHT NO. 37-02473H**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	NWSW 2.2			2.2

Total number of acres irrigated: 2.2

**TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K**

**TRANSFER NO. 4875
WATER RIGHT NO. 37-02473J**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.04 CFS	7.7 AF

SOURCE: GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 24	NWSW 2.2			2.2
Total number of acres irrigated:				2.2

GROUNDWATER SUBTOTAL:	<u>0.36 CFS</u>	<u>69.3 AF</u>
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**TRANSFER NO. 4876
WATER RIGHT NO. 37-02473K**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.12 CFS	21.7 AF
FIRE PROTECTION	01/01 to 12/31	0.38 CFS	
FIRE PROTECTION ST	01/01 to 12/31		25.1 AF
AESTHETIC	01/01 to 12/31	0.38 CFS	58.9 AF
AESTHETIC STORAGE	01/01 to 12/31		25.1 AF
DIVERSION TO STORA	01/01 to 12/31	0.50 CFS	
Totals		0.50 CFS	105.7 AF

SOURCE: DIP CREEK

TRIBUTARY OF: BIG WOOD RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 24, Township 05N, Range 17E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 17E 23	NESW 3.1	SESE 1.5		4.6
24	NWSW 1.6			1.6
Total number of acres irrigated:				6.2

PLACE OF USE: FIRE PROTECTION & AESTHETIC, same as IRRIGATION use

SURFACE WATER SUBTOTAL:	<u>0.50 CFS</u>	<u>105.7 AF</u>
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TRANSFER TOTAL:	<u>0.86 CFS</u>	<u>175.0 AF</u>
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**TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K**

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- * 3. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion under Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K.
- * 8. A measuring device of a type acceptable to the Department shall be installed and permanently maintained across Dip Creek at a point where the creek enters the right holder's property located within NESE, S23, T05N, R17E.
- * 9. The total diversion rate from the wells shall not exceed flow of Dip Creek measured at the point identified above and is further limited to those times when water is available to fill Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K.
10. Right Nos. 37-02473A/B/C/D/E/F/G/H/J and K when combined shall not exceed a total combined rate of diversion of 0.86 cfs, a total combined annual volume of 175.0 af, nor the total combined irrigation of 26 acres.
11. Right No. 37-02473A is diverted and used within Lot 1, Dip Creek Ranch Subdivision.
12. Right No. 37-02473B is diverted and used within Lot 2, Dip Creek Ranch Subdivision.
13. Right No. 37-02473C is diverted and used within Lot 3, Dip Creek Ranch Subdivision.
14. Right No. 37-02473D is diverted and used within Lot 4, Dip Creek Ranch Subdivision.
15. Right No. 37-02473E is diverted and used within Lot 5, Dip Creek Ranch Subdivision.
16. Right No. 37-02473F is diverted and used within Lot 6, Dip Creek Ranch Subdivision.
17. Right No. 37-02473G is diverted and used within Lot 7, Dip Creek Ranch Subdivision.
18. Right No. 37-02473H is diverted and used within Lot 8, Dip Creek Ranch Subdivision.

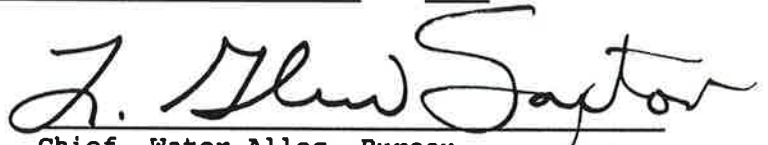
Redundant?

TRANSFER NOS. 4867/4868/4869/4870/4871/4872/4873/4874/4875 & 4876
WATER RIGHT NOS. 37-02473A/B/C/D/E/F/G/H/J & K

CONDITIONS OF APPROVAL AND REMARKS

19. Right No. 37-02473J is diverted and used within Lot 9, Dip Creek Ranch Subdivision.
20. Right No. 37-02473K is diverted and used for ponds and the surrounding irrigation within Dip Creek Ranch Subdivision.

Dated this 31st day of December, 1996


Chief, Water Alloc. Bureau