

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: A37-07849
Date Received: 7/26/1990
Receipt No: CO18452
Received By: _____

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
BOISE, ID 83720

2. Date of Priority: AUG 26, 1980

3. Source: SILVER CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	21E	20	NW	SE			BLAINE
03S	21E	6	SW	NW	5		BLAINE

5. Description of diverting works:

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	74.000		

7. Total Quantity Appropriated is:
74.000 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
02S	21E	20	NW	SE		MIF	
03S	21E	6	SW	NW	5	MIF	

A37-07849

Page 1

Date: 07/26/90

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11. Place of use in counties: BLAINE
12. Do you own the property listed above as place of use? NO
13. Other Water Rights Used:
14. Remarks:
- PROOF OF INSTREAM B/U SHALL BE SUBMITTED WITHIN 5 YRS AFTER THE PERMIT APPROVAL IS FINALLY EFFECTIVE. THE PROOF SUBMITTED SHALL INCLUDE AT LEAST 3 YRS OF FLOW DATA. THE PROPOSED FREQUENCY OF THE DATA ACCUMULATION MUST BE SUBMITTED TO THE DIRECTOR FOR REVIEW & APPROVAL. THIS MIN. STREAMFLOW PERMIT SHALL BE CONSIDERED IN THE EVALUATION OF APPLICATIONS FOR PERMIT ON SILVER CR. & TRIBS. THE APP. HEREBY APPROVED BY DIRECTOR SHALL BE SUBMITTED TO IDAHO LEGISLATURE BY THE 5TH DAY OF THE NEXT REGULAR LEGIS. SESSION & THE DIRECTOR'S APPROVAL SHALL NOT BECOME FINALLY EFFECTIVE UNTIL APPROVED BY THE LEGISLATURE PURSUANT TO THE PROCEDURE PROVIDED BY SEC. 42-1503, I.C. THE DIRECTOR RETAINS JURISDICTION TO REVIEW & AMEND ANY & ALL PARAMETERS OF THIS PERMIT & SUBSEQUENT LICENSE. PRIOR TO UNDERTAKING A REVIEW OF THE WATER RT., THE DIRECTOR SHALL IDENTIFY THE REASONS FOR EXERCISING RETAINED JURISDICTION UNDER THIS CONDITION, & GIVE NOTICE THEREOF TO THE PUBLIC GENERALLY & TO SPECIFIC PERSONS OR PARTIES KNOWN BY THE DIRECTOR TO BE INTERESTED. THE DIRECTOR SHALL THEREAFTER CONDUCT A HEARING FOR THE PURPOSE OF DETERMINING WHETHER THE MINIMUM STREAMFLOW SHOULD BE MODIFIED OR AMENDED IN THE PUBLIC INTEREST. THE BURDEN OF PROOF AT THE HEARING SHALL BE UPON THE PERSON OR PARTY SEEKING TO ESTABLISH THAT A PARTICULAR PARAMETER OF THE WATER RT. SHOULD BE MODIFIED OR AMENDED TO SATISFY THE PUBLIC INTEREST. REVIEW OF THE WATER RT. UNDER THIS CONDITION MAY NOT OCCUR PRIOR TO 15 YRS. AFTER ISSUANCE OF EITHER THE PERMIT OR THE LICENSE. PENDING A GENERAL READJUDICATION OF THE SILVER CR. STREAM SYSTEM, THE USE OF WATER UNDER THIS PERMIT SHALL RECOGNIZE & ALLOW THE CONTINUED BENEFICIAL DIVERSION, BOTH WITHIN & UPSTREAM FROM THE MIN. FLOW REACH, OF WATER FOR IRRIG. & OTHER PURPOSES UNDER ANY PRIOR EXISTING WATER RT. ESTABLISHED BY DIVERSION & APPLICATION TO A BENEFICIAL USE OR BY APPLICATION, PERMIT OR LICENSE ON FILE OR ISSUED BY THE DIRECTOR UNDER PROVISIONS OF CHAP. 2, TITLE 42, I.C., WITH A PRIORITY OF WATER RT. DATE EARLIER THAN 8/26/80. UPON THE FUTURE FINDING & ORDER OF THE DIRECTOR THAT GAUGING STATIONS ARE REQUIRED TO MAINTAIN THE APPROVED MIN. FLOW ON SILVER CR., SUCH MEASURING DEVICES SHALL BE PERMANENTLY INSTALLED & MAINTAINED AS SPECIFIED BY THE DEPT.
15. Basis of Claim: PERMIT

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FEB 24 1993

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.

[Signature]
Signature of Authorized Agent
Chairman, Idaho Water Resource Board
Title and Organization
8/3/90
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of August 19 90

[Signature]
Notary Public

Seal

Residing at Emmett
My Commission Expires 5/30/92

BEFORE THE WATER RESOURCE BOARD
OF THE STATE OF IDAHO

IN THE MATTER OF THE)
SNAKE RIVER BASIN WATER)
RIGHT ADJUDICATION)

A RESOLUTION TO FILE
ADJUDICATION CLAIMS AND
PAY FILING FEES

WHEREAS, the Snake River Basin Water Right Adjudication has been commenced by order of the Court dated November 19, 1987; and,

WHEREAS, under the provisions of Chapter 15, Title 42, Idaho Code, the Idaho Water Resource Board is the holder of certain instream water rights; and,

WHEREAS, the Idaho Water Resource Board desires to file claims in the Snake River Basin Adjudication for all water right permits held by the Board as provided by Section 42-1421, Idaho Code; and,

WHEREAS, all claims filed with the Director of the Idaho Department of Water Resources as a part of the adjudication must be accompanied by the appropriate filing fee as set out in Section 42-1414, Idaho Code; and,

WHEREAS, by Resolution of June 23, 1989 the Board directed that annual budget requests be made to the Legislature for an appropriation to pay adjudication claim fees for water rights held by the Board and that upon receipt of the necessary funds the Board will file the appropriate adjudication claims; and,

WHEREAS, the Legislature did appropriate \$74,200 to be used by the Board during fiscal year 1991 to pay the first installment of the filing fees for the claims listed below.

NOW, THEREFORE BE IT RESOLVED that the Idaho Water Resource Board, through its Chairman, files the following claims to water rights as part of the Snake River Basin Adjudication and directs the fees for those claims be taken from the money appropriated for that purpose to be paid to the Department of Water Resources.

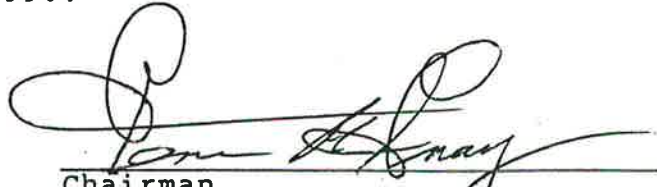
<u>Number</u>	<u>Instream Right</u>
21-07282	Henrys Fork
-36-07820	Blind Canyon Springs
73-07045	Pahsimeroi River
-41-07046	Rock Creek, East Fork
-37-07849	Silver Creek
-37-07919	Big Wood River
-37-07920	Malad River (Big Wood)
22-07370	Bitch Creek
21-07283	Warm River
-41-07074	Rock Creek, East Fork
21-07355	Warm River
65-12733	Payette River, SF & Main
-36-08307	Minnie Miller Springs

FILED
FEB 24 1991

- 36-08330
- 47-08073
- 36-08337
- 36-08374

Crystal Springs
Shoshone Creek
Box Canyon Springs
Crystal Springs

DATED this 3 day of August, 1990.


Chairman
Idaho Water Resource Board

ATTEST 
Secretary

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FEB 24 1993

12/23/2002

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

RIGHT NUMBER: 37-7849

NAME AND ADDRESS: STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0098

SOURCE: SILVER CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 74.000 CFS

PRIORITY DATE: 08/26/1980

POINT OF DIVERSION:

T02S R21E S20 NWSE Begin of Stream Flow Within BLAINE County

T03S R21E S6 SWNW Lot 5 End of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MINIMUM INSTREAM FLOW	1/01 12/31	74.000 CFS

PLACE OF USE:

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: License

The Director retains jurisdiction to review and amend any and all parameters of this right. Prior to undertaking a review of the water right, the Director shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum stream flow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest. Review of the water right under this condition may not occur prior to 15 years after issuance of the license.

Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Silver Creek, such measuring devices shall be permanently installed and maintained as specified by the Department.

T2S
R21E

20

BEG.
POD

4690

SILVER
Creek

4690

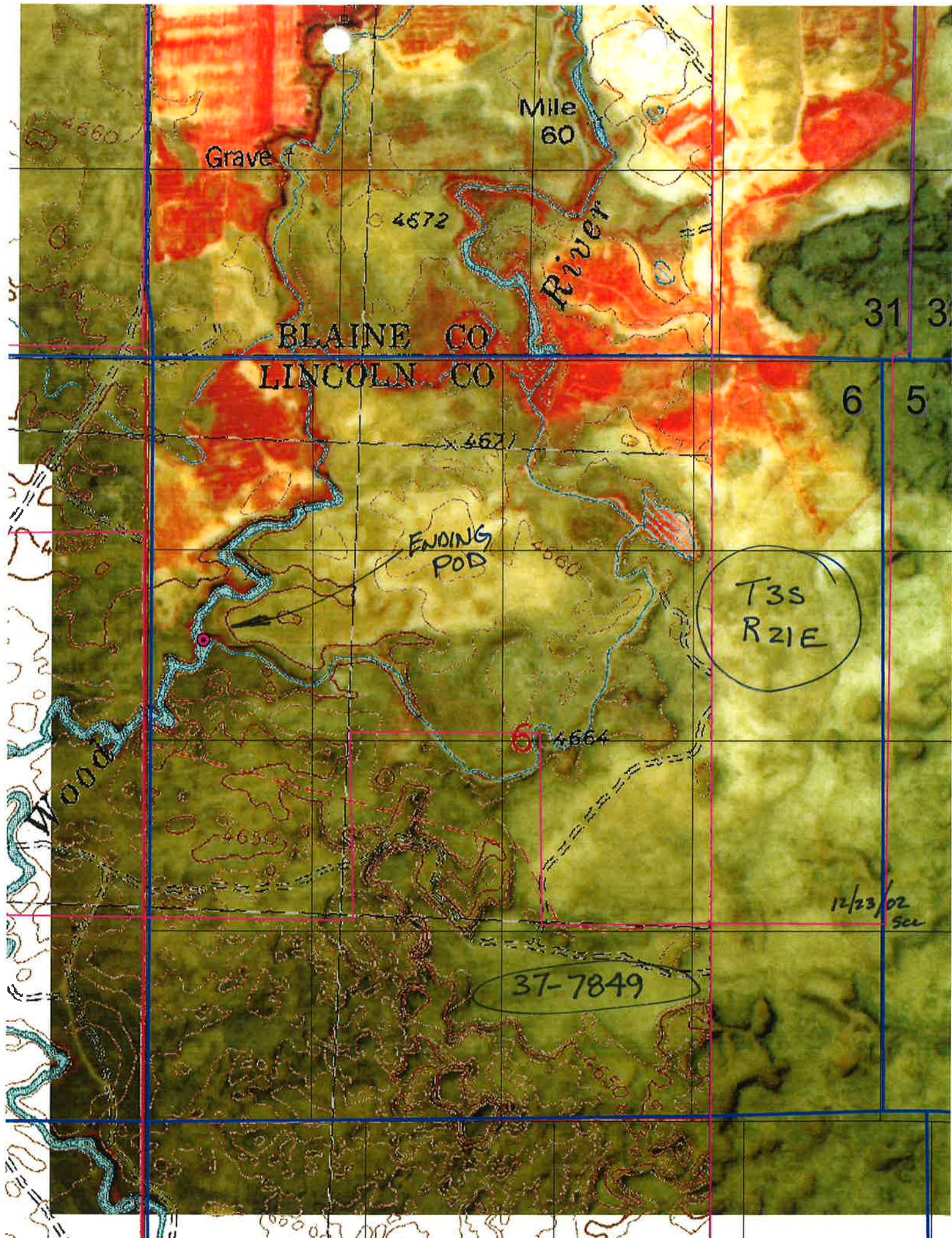
20 21

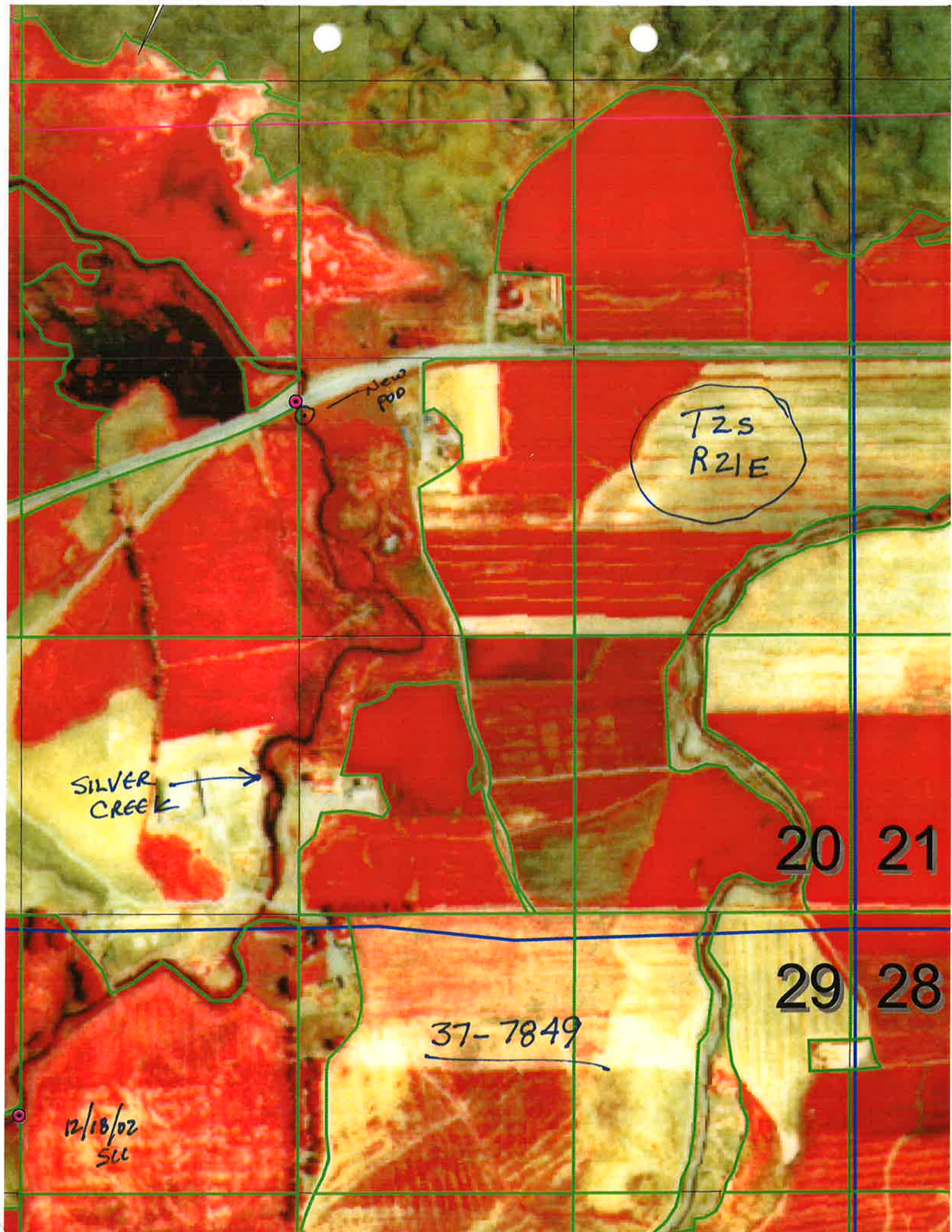
29 28

37-7849

12/18/02
SCC

Wood





New Pond

T2S
R21E

SILVER CREEK

20 21

29 28

37-7849

12/18/02
SLC

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07849

Priority: August 26, 1980

Minimum Stream Flow:

74.00 CFS

This is to certify, that STATE OF IDAHO
IDAHO WATER RESOURCE BOARD
STATEHOUSE
BOISE ID 83720

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 26, 1980; and
has submitted Proof of Beneficial Use on November 14, 1991. A minimum stream flow for:

SILVER CREEK

tributary to LITTLE WOOD RIVER

has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>MINIMUM STREAM FLOW</u>
MINIMUM INSTREAM FLOW	01/01 to 12/31	74.00 CFS

LOCATION OF MINIMUM STREAM FLOW REACH:

Beginning of Stream Flow Reach

NWSE , Sec. 20, Township 02S, Range 21E

End of Stream Flow Reach

Lot 5(SWNW), Sec. 6, Township 03S, Range 21E

BLAINE County

CONDITIONS OF APPROVAL AND REMARKS

1. This right is subject to all prior water rights.
2. Use of water under this right shall be non-consumptive.
3. Use of water under this right is subject to control by the watermaster of State Water District No. 37M.
4. This minimum streamflow shall be considered in the evaluation of applications for permit to appropriate waters from Silver Creek and tributaries filed after 8/26/80.
5. Pending a general readjudication of the Silver Creek stream system, the use of water under this right shall recognize and allow the continued beneficial diversion, both within and up-stream from the minimum flow reach, of water for irrigation and other purposes under any existing water right established by diversion and application to a beneficial use or by application, permit or license on file or issued by the Director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the August 26, 1980 priority date of this right.

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APR 10 1987

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 37-07849

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction to review and amend any and all parameters of this right. Prior to undertaking a review of the water right, the Director shall identify the reasons for exercising retained jurisdiction under this condition, and give notice thereof to the public generally and to specific persons or parties known by the Director to be interested. The Director shall thereafter conduct a hearing for the purpose of determining whether the minimum stream flow should be modified or amended in the public interest. The burden of proof at the hearing shall be upon the person or party seeking to establish that a particular parameter of the water right should be modified or amended to satisfy the public interest. Review of the water right under this condition may not occur prior to 15 years after issuance of the license.
7. Upon the future finding and order of the Director that gauging stations are required to maintain the approved minimum flow on Silver Creek, such measuring devices shall be permanently installed and maintained as specified by the Department.
8. This minimum stream flow is for maintaining wild trout rearing, spawning, and migration.
9. This minimum stream flow reach begins at the point where Silver Creek crosses Highway 93 in the NWSE, S20, T2S, R21E and ends at the confluence with the Little Wood River in Lot 5, S6, T3S, R21E.

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 3rd
day of APRIL, 1992.


KARL J. DREHER, Director

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