

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

10/25/2021

Water Right 37-21287 AFTER Ownership Change Split

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRIAN CLARK PO BOX 428 FAIRFIELD, ID 83327 (208) 764-2507
Current Owner	JENNIFER J CLARK PO BOX 428 FAIRFIELD, ID 83327 (208) 764-2507
Original Owner	REX MC DONALD , ID
Original Owner	JOHN L BAXTER , ID
Original Owner	BARBARA L PROCK RT 1 BOX 1345 FAIRFIELD, ID 83327 (208) 764-2287

Priority Date: 6/1/1886

Basis: Decreed

Status: Active

Source
SOLDIER CREEK

Tributary
CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.060 CFS	
	<u>Total Diversion</u>		0.060 CFS	

Source and Point(s) of Diversion

SOLDIER CREEK	SENWSW	Sec. 3, Twp 01S, Rge 14E, CAMAS County
SOLDIER CREEK	NWNWSW	Sec. 3, Twp 01S, Rge 14E, CAMAS County
SOLDIER CREEK	NESESE	Sec. 33, Twp 01N, Rge 14E, CAMAS County

Place Of Use

IRRIGATION within CAMAS County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	14E	3							6.2		8.5	0.5							15.2

Right Acre Limit: 3.3

POU Total Acres: 15.2

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/25/2021

Conditions of Approval:

1. X27 This right is limited to the irrigation of 3.3 acres within the place of use described above in a single irrigation season.
2. X35 Rights 37-22462 and 37-21287 when combined shall not exceed the irrigation of 12.8 acres within the place of use described above in a single irrigation season.
3. To mitigate for moving the point of diversion downstream and to prevent injury to senior water right holders, 0.01 cfs of this right shall remain undiverted in Soldier Creek for conveyance loss. Also, 0.01 cfs shall continue to be diverted into the ditch starting in the NESESE Sec. 33, T01N, R14E for conveyance loss in the ditch to avoid injury to other ditch users as a result of the approval of Transfer No. 71197.
4. Rights 37-21287, 37-23290, 37-23300, 37-23351 and 37-23352 are limited to a maximum diversion rate of 0.14 cfs at the points of diversion in Sec. 3, T01S, R14E.
5. Rights 37-21287, 37-22462, 37-23290, 37-23291, 37-23300, 37-23301, 37-23351 and 37-23352 when combined shall not exceed a total diversion rate of 0.37 cfs at the points of diversion in Sec. 3, T01S, R14E.
6. R63 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.
7. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37-C (presently inactive).
8. R43 In the future, the right holder may be required to 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 the diversions.
9. 029 Approval of Transfer No. 71197 does not authorize the construction or use of any in-stream impoundment, not existing on the date of its approval at the site of the pump diversions, in such a manner that would impede fish migration or that would increase thermal degradation on Soldier Creek. Prior to the diversion and use of water under this approval, the right holder shall screen all pump intakes with 1/4 inch or smaller mesh to prevent entrainment of fish.
10. X59 Points of diversion in Sec. 3, T01S, R14E are located within Lots 1 and 11, Mountain View Acres Subdivision.
11. X60 Place of use is located within Lot 11 of Mountain View Subdivision, and within Lots 7 and 8 Block 2 of Mountain View Too Subdivision.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
15. 223 This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

Comments:

1. jstanton 5/10/2005 POD
Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES
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10/25/2021

2. jstanton Updated shape	1/30/2007	POD
3. jstanton Updated Shape	1/30/2007	POU
4. amerritt Updated Shape	1/25/2008	POU
5. amerritt Updated PLS	1/25/2008	POU
6. jstanton Updated Shape	12/11/2009	POD
7. amerritt This is now an approved transfer, transfer number = 71197	12/16/2009	Transferred Right
8. amerritt Updated Shape	12/17/2009	POU
9. amerritt Updated Shape	12/18/2009	POU
10. amerritt Updated Shape	12/18/2009	POD
11. amerritt This is now an approved transfer, transfer number = 71197	12/18/2009	Transferred Right
12. jbitzenburg Split into 37-23290.	4/16/2021	Split Right
13. jbitzenburg Updated Shape	4/16/2021	POU
14. jbitzenburg Split into 37-23300.	6/11/2021	Split Right
15. jbitzenburg Updated Shape	6/11/2021	POU
16. wmills Split into 37-23351.	10/25/2021	Split Right
17. wmills Updated Shape	10/25/2021	POU

IDAHO DEPARTMENT OF WATER RESOURCES
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Dates and Other Information

Decreed Date: 7/13/2009
Civil Case Number: 39576
Judicial District: FIFTH
Owner Name Connector: AND
Water District Number: 37B
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-21287 ,37-22462		30.7

SubCase:

SubCaseNumber: 37-21287
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

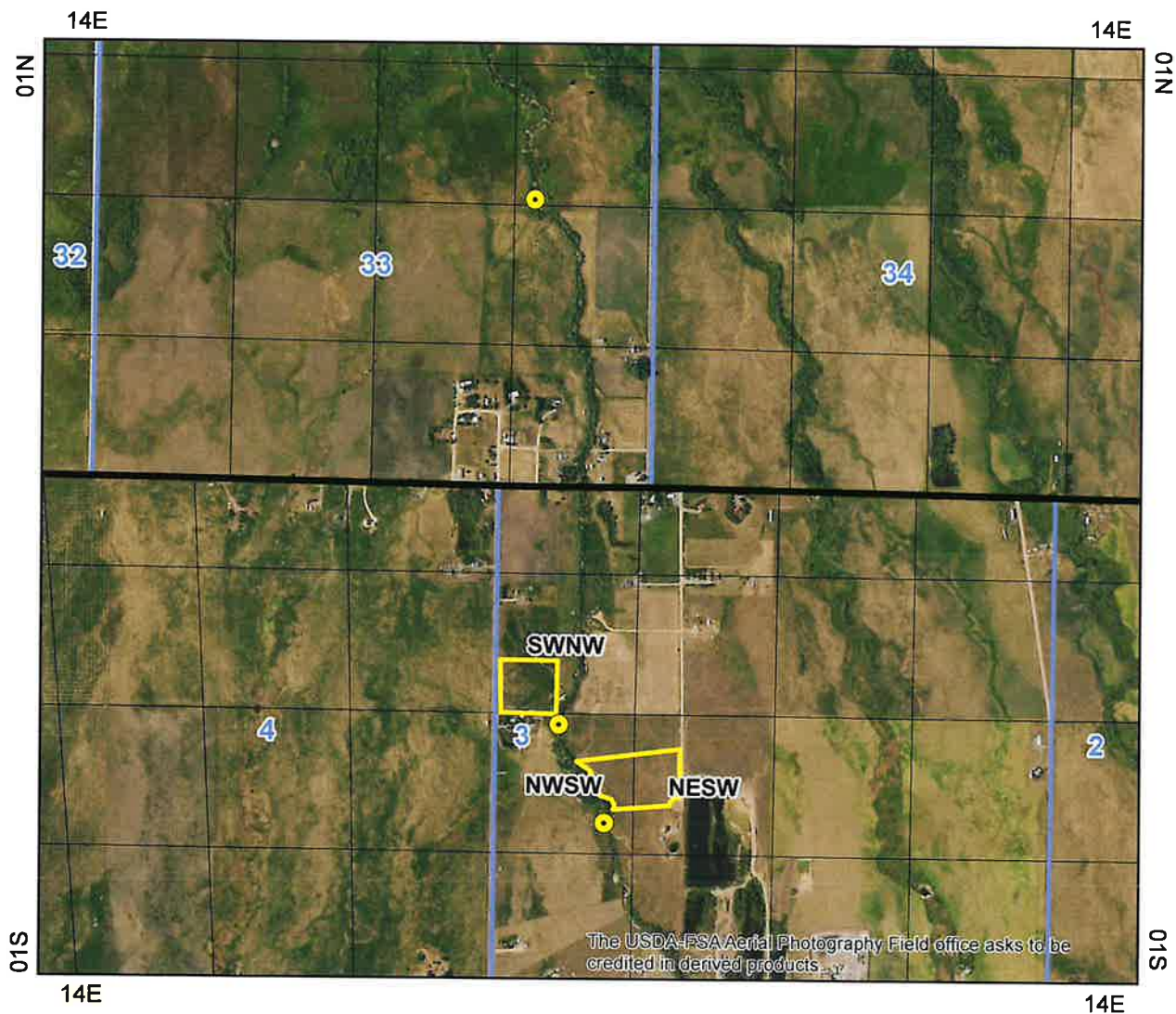
N/A

State of Idaho
Department of Water Resources

Water Right AFTER Ownership Change Split

37-21287

This map depicts the IRRIGATION place of use boundary for this water right and is solely for illustrative purposes.



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

0 0.2 0.4 0.8 Miles



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Water Right 37-21287 BEFORE Ownership Change Split

Owner Type **Name and Address**
 Current Owner BRIAN CLARK
 PO BOX 428
 FAIRFIELD, ID 83327
 (208) 764-2507

Current Owner JENNIFER J CLARK
 PO BOX 428
 FAIRFIELD, ID 83327
 (208) 764-2507

Original Owner REX MC DONALD
 , ID

Original Owner JOHN L BAXTER
 , ID

Original Owner BARBARA L PROCK
 RT 1 BOX 1345
 FAIRFIELD, ID 83327
 (208) 764-2287

Priority Date: 6/1/1886

Basis: Decreed

Status: Active

Source
 SOLDIER CREEK

Tributary
 CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.130 CFS	
	<u>Total Diversion</u>		0.130 CFS	

Source and Point(s) of Diversion

SOLDIER CREEK	SENWSW	Sec. 3, Twp 01S, Rge 14E, CAMAS County
SOLDIER CREEK	NWNWSW	Sec. 3, Twp 01S, Rge 14E, CAMAS County
SOLDIER CREEK	NESESE	Sec. 33, Twp 01N, Rge 14E, CAMAS County

Place Of Use

IRRIGATION within CAMAS County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	14E	3							6.2		8.5	6.0	0.7	9.5					30.9

Right Acre Limit: 6.8

POU Total Acres: 30.9

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Conditions of Approval:

1. X27 This right is limited to the irrigation of 6.8 acres within the place of use described above in a single irrigation season.
2. X35 Rights 37-22462 and 37-21287 when combined shall not exceed the irrigation of 26.1 acres within the place of use described above in a single irrigation season.
3. To mitigate for moving the point of diversion downstream and to prevent injury to senior water right holders, 0.01 cfs of this right shall remain undiverted in Soldier Creek for conveyance loss. Also, 0.01 cfs shall continue to be diverted into the ditch starting in the NESESE Sec. 33, T01N, R14E for conveyance loss in the ditch to avoid injury to other ditch users as a result of the approval of Transfer No. 71197.
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5. Rights 37-21287, 37-22462, 37-23290, 37-23291, 37-23300, and 37-23301 when combined shall not exceed a total diversion rate of 0.37 cfs at the points of diversion in Sec. 3, T01S, R14E.
6. R63 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.
7. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37-C (presently inactive).
8. R43 In the future, the right holder may be required to 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 the diversions.
9. 029 Approval of Transfer No. 71197 does not authorize the construction or use of any in-stream impoundment, not existing on the date of its approval at the site of the pump diversions, in such a manner that would impede fish migration or that would increase thermal degradation on Soldier Creek. Prior to the diversion and use of water under this approval, the right holder shall screen all pump intakes with 1/4 inch or smaller mesh to prevent entrainment of fish.
10. X59 Points of diversion in Sec. 3, T01S, R14E are located within Lots 1 and 11, Mountain View Acres Subdivision.
11. X60 Place of use is located within Lots 9, 10 and 11 of Mountain View Subdivision, and within Lots 7 and 8 Block 2 of Mountain View Too Subdivision.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
15. 223 This water right shall be administered as being from a separate source pursuant to Basin 37 Part 2 General Provision No. 1A. If the holder of this right seeks to change the right pursuant to Idaho Code Sec. 42-222 or successor statute, nothing in this General Provision shall preclude any other person or entity from demonstrating that such a change in use would cause injury to its water right or from receiving relief provided by law in the event of injury.

Comments:

- | | | |
|---------------|-----------|-----|
| 1. jstanton | 5/10/2005 | POD |
| Updated shape | | |

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2. jstanton Updated shape	1/30/2007	POD
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12. jbitzenburg Split into 37-23290.	4/16/2021	Split Right
13. jbitzenburg Updated Shape	4/16/2021	POU
14. jbitzenburg Split into 37-23300.	6/11/2021	Split Right
15. jbitzenburg Updated Shape	6/11/2021	POU

Dates and Other Information

Decreed Date: 7/13/2009

Civil Case Number: 39576

Judicial District: FIFTH

Owner Name Connector: AND

Water District Number: 37B

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

10/25/2021

Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
37-21287 ,37-22462		30.7

SubCase:

SubCaseNumber: 37-21287
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed:
Objection Status:

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right BEFORE Ownership Change Split
37-21287

This map depicts the IRRIGATION place of use boundary for this water right and is solely for illustrative purposes.



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

0 0.2 0.4 0.8 Miles

