

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/14/2021

Water Right 37-23301

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WESLEY FLACKER 747 E CURLING DR BOISE, ID 83702-1908 (208) 869-8456
Current Owner	PAULA FLACKER 747 E CURLING DR BOISE, ID 83702-1908 (208) 869-8456
Original Owner	REX MC DONALD , ID
Original Owner	JOHN L BAXTER , ID
Previous Owner	BRIAN CLARK PO BOX 428 FAIRFIELD, ID 83327 (208) 764-2507
Previous Owner	JENNIFER J CLARK PO BOX 428 FAIRFIELD, ID 83327 (208) 764-2507

Priority Date: 6/27/1883

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	0.030 CFS	
	<u>Total Diversion</u>		0.030 CFS	

Source and Point(s) of Diversion

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

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01S	14E	3										3.6						3.6
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Right Acre Limit: 2.2

POU Total Acres: 3.6

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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.
3. 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.
4. X27 This right is limited to the irrigation of 2.2 acres within the place of use described above in a single irrigation season.
5. X59 Points of diversion in Sec. 3, T01S, R14E are located within Lots 1 and 11, Mountain View Acres Subdivision.
6. 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.
7. X35 Rights 37-23300 and 37-23301 when combined shall not exceed the irrigation of 3.0 acres within the place of use described above in a single irrigation season..
8. 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.
9. X60 Place of use is located within Lot 2 of Mountain View Subdivision.
10. 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).
11. To mitigate for moving the point of diversion downstream and to prevent injury to senior water right holders, 0.02 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 SWSENE 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.
12. Rights 37-22462, 37-23291, and 37-23301 are limited to a maximum diversion rate of 0.23 cfs at the points of diversion in Sec. 3, T01S, R14E.
13. 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.
14. 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.
15. 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

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above.

Comments:

- | | | | |
|--|-------------|-----------|-------------|
| 1. | jbitzenburg | 6/11/2021 | Split Right |
| This right is the result of split from 37-22462. | | | |
| 2. | jbitzenburg | 6/11/2021 | POU |
| Updated Shape | | | |

Dates and Other Information

Decreed Date: 6/15/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 37B
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

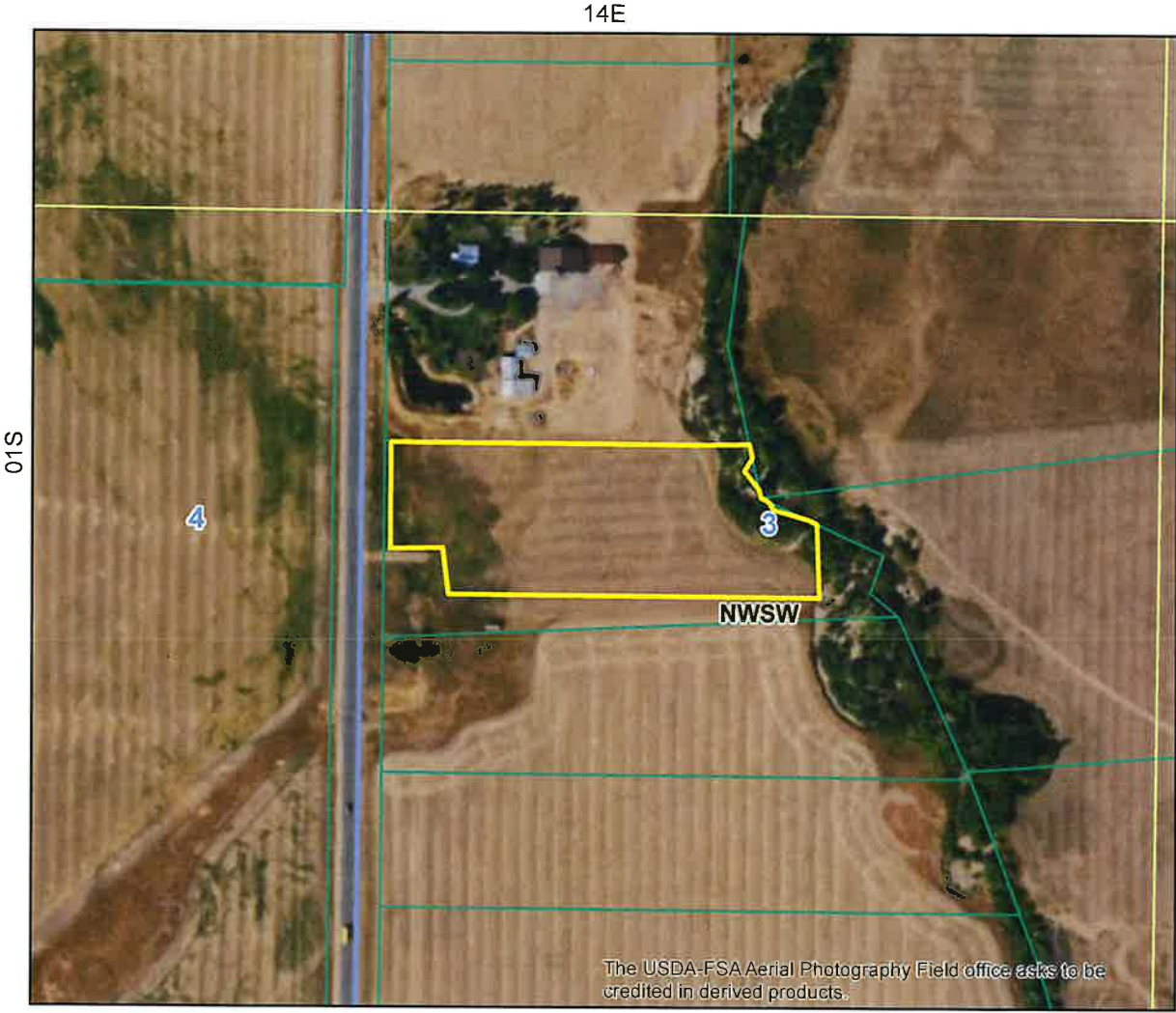
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources

Water Rights 37-23300 and 37-23301



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.035 0.07 0.14 Miles

