

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/6/2016

Water Right 37-863E

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Current Owner	EAGLE CREEK IRRIGATION CO C/O EVERETT DAVIS PO BOX 1965 SUN VALLEY, ID 83353
Original Owner	ARTHUR J WINSLOW , ID

Priority Date: 10/6/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EAGLE CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	4.220 CFS	
MITIGATION	04/15	10/31	0.340 CFS	
	<u>Total Diversion</u>		4.560 CFS	

Source and Point(s) of Diversion

EAGLE CREEK	NESWNE	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	NESWNE	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	SWSWNE	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	SWSWNE	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	SWSWNE	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	NENESW	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	NWNWNW	Sec. 13, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	SENWSW	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	SENWSW	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	NENENE	Sec. 14, Twp 05N, Rge 17E,	BLAINE County
EAGLE CREEK	SWNENE	Sec. 14, Twp 05N, Rge 17E,	BLAINE County

Place Of Use

MITIGATION within BLAINE 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	
05N	17E	14															x		

IRRIGATION

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Large POU not Displayed
Total Acres = 131.0

Conditions of Approval:

1. C18 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.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. 188 This right is limited to the irrigation of 131 acres within the boundary of the Eagle Creek Irrigation Company which is comprised of portions of HES 129 and HES 329.
4. U42 Place of use does not include federal public lands.
5. 193 This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-22779. To prevent injury to other water right holders within the Eagle Creek Irrigation System, the Watermaster or ditch rider shall deliver 0.08 cfs for mitigation purpose of Right 37-863E into the High Ditch of the Eagle Creek Irrigation Company, where it shall remain undiverted but provide for conveyance loss in the canal. The remainder of the flow dedicated for mitigation purpose (0.26 cfs) shall remain in the channel of Eagle Creek and be delivered past the last diversion of Eagle Creek Irrigation Company on Eagle Creek to mitigate any injury caused by the pumping of Right 37-22779 on right holders in the Big Wood River. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Right 37-22779. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Right 37-22779 that are being mitigated shall be reduced by the same proportion as the reduction to this right.

Comments:

1. cfritsch 4/15/2011 Large POU Updated
The digital boundary for the service area was updated to resolve the objection.
2. chahn 5/19/2011 SF5
Updated Per SF5-removed per oral agreement of the record on 4-20-2011
3. amerritt 7/14/2014 Mitigation
Converted 12.9 acres irrigation to mitigation pursuant to right 37-22779 approval.
Also updated PLS of POU for irrigation due to GCDB shift.
4. amerritt 7/14/2014 POU
Updated Shape
5. amerritt 7/14/2014 POU
Updated PLS

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Dates and Other Information

Decreed Date: 7/29/2011
Civil Case Number: 39576
Judicial District: FIFTH
Owner Name Connector: And/Or
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 37-863E
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Matthew Anders
Basis of Claim: Decreed
Date Filed: 1/15/2008
Objection Status: Active

Water Supply Bank:

N/A