

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 78390**

This is to certify that: EUNICE TYLER  
762 LEE CREEK RD  
LEADORE, ID 83464

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 74-1656            | WR/DECREED          | 4/1/1920             | 0.200 cfs             | N/A                     | N/A               | 10.0               | SPRINGS       |
| 74-286             | WR/DECREED          | 11/5/1909            | 6.400 cfs             | N/A                     | N/A               | 265.9              | MILL CREEK    |
| 74-288A            | WR/DECREED          | 9/25/1909            | 2.800 cfs             | N/A                     | N/A               | 71.3               | MILL CREEK    |
| 74-289             | WR/DECREED          | 9/25/1909            | 6.400 cfs             | N/A                     | N/A               | 193.3              | MILL CREEK    |
| 74-7320            | WR/LICENSE          | 6/1/1990             | 0.370 cfs             | N/A                     | N/A               | 117.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 74-1656               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 74-286                | NO           | YES        | YES        | NO             | NO                   | NO                   |
| 74-288A               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 74-289                | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 74-7320               | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 74-1656                | 74-1656                          | 0.200 cfs            | N/A                    | 10.0              | 575.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 74-286                 | 74-286                           | 6.400 cfs            | N/A                    | 265.9             | 575.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 74-288A                | 74-288A                          | 2.800 cfs            | N/A                    | 71.3              | 575.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 74-289                 | 74-289                           | 6.400 cfs            | N/A                    | 193.3             | 575.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 74-7320                | 74-7320                          | 0.370 cfs            | 413.6 af               | 117.0             | 575.0              | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>16.170 cfs</b>    | <b>N/A</b>             | <b>N/A</b>        | <b>575.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

SUPPORT DATA

IN FILE # 74-286

Transfer No. 78390

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 78390

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 2nd day of August, 2013.

  
Water Resources Program Manager

**WATER RIGHT NO. 74-7320****As Modified by Transfer No. 78390**

In accordance with the approval of Transfer No. 78390, Water Right No. 74-7320 is now described as follows:

**Right Holder:** EUNICE TYLER  
762 LEE CREEK RD  
LEADORE, ID 83464

**Priority Date:** 6/1/1990

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 4/15        | to 10/15  | 0.370 cfs             | 409.5 af                |
| STOCKWATER            | 1/01        | to 12/31  | 0.070 cfs             | 4.1 af                  |
|                       |             |           | 0.370 cfs             | 413.6 af                |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      SENW                      Sec 18 Twp 16N Rge 25E LEMHI County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE  |     |     |      | NW |    |    |      | SW   |      |      |    | SE   |      |    |    | Totals |
|-----|-----|-----|-----|-----|-----|------|----|----|----|------|------|------|------|----|------|------|----|----|--------|
|     |     |     | NE  | NW  | SW  | SE   | NE | NW | SW | SE   | NE   | NW   | SW   | SE | NE   | NW   | SW | SE |        |
| 16N | 24E | 13  |     |     | 3.  | 23.8 |    |    | 39 | 23.3 | 26.4 | 36.8 |      |    | 36.7 | 39   |    |    | 228.0  |
| 16N | 24E | 14  |     |     |     | 8.7  |    |    |    |      |      |      |      |    |      |      |    |    | 8.7    |
| 16N | 25E | 7   |     |     |     |      |    |    |    |      |      |      |      |    |      |      |    | 36 | 36     |
| 16N | 25E | 8   |     |     |     |      |    |    |    |      |      |      | 26.9 |    |      |      |    |    | 26.9   |
| 16N | 25E | 17  |     |     |     |      |    | 1. |    |      |      |      |      |    |      |      |    |    | 1      |
| 16N | 25E | 18  | 16. | 36. | 40. |      |    |    | 41 | 40.  | 32.3 | 33.7 |      |    |      | 35.4 |    |    | 274.4  |

Right Acre Limit: 117.0

POU Total Acres: 575.0

**PLACE OF USE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 16N | 24E | 13  |    |    | X  | X  |    |    | X  | X  | X  | X  |    |    | X  | X  |    |    |        |
| 16N | 24E | 14  |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 16N | 25E | 7   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |
| 16N | 25E | 8   |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 16N | 25E | 17  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |
| 16N | 25E | 18  | X  | X  | X  |    |    |    | X  | X  | X  | X  |    |    |    | X  |    |    |        |

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 117 acres within the authorized place of use in a single irrigation season.

Transfer No. 78390

**WATER RIGHT NO. 74-7320**  
**As Modified by Transfer No. 78390**

**CONDITIONS OF APPROVAL**

2. Rights 74-7320, 74-286, 74-288A, 74-1656 and 74-289 when combined shall not exceed the irrigation of 575 acres.
3. Use of water under this right will 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. 74Q.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
5. 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 place of use.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

**WATER RIGHT NO. 74-286****As Modified by Transfer No. 78390**

In accordance with the approval of Transfer No. 78390, Water Right No. 74-286 is now described as follows:

**Right Holder:** EUNICE TYLER  
762 LEE CREEK RD  
LEADORE, ID 83464

**Priority Date:** 11/4/1909

**Source:** MILL CREEK

**Tributary:** LEMHI RIVER

**BENEFICIAL USE**  
IRRIGATION

**From** 3/15 **To** 11/15

**Diversion Rate**  
6.400 cfs  
6.400 cfs

**LOCATION OF POINT(S) OF DIVERSION**

MILL CREEK L2 (SENE) Sec 15 Twp 16N Rge 24E LEMHI County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE  |     |     |      | NW |    |    |      | SW   |      |      |    | SE   |      |    |    | Totals |
|-----|-----|-----|-----|-----|-----|------|----|----|----|------|------|------|------|----|------|------|----|----|--------|
|     |     |     | NE  | NW  | SW  | SE   | NE | NW | SW | SE   | NE   | NW   | SW   | SE | NE   | NW   | SW | SE |        |
| 16N | 24E | 13  |     |     | 3.  | 23.8 |    |    | 39 | 23.3 | 26.4 | 36.8 |      |    | 36.7 | 39   |    |    | 228.0  |
| 16N | 24E | 14  |     |     |     | 8.7  |    |    |    |      |      |      |      |    |      |      |    |    | 8.7    |
| 16N | 25E | 7   |     |     |     |      |    |    |    |      |      |      |      |    |      |      |    | 36 | 36     |
| 16N | 25E | 8   |     |     |     |      |    |    |    |      |      |      | 26.9 |    |      |      |    |    | 26.9   |
| 16N | 25E | 17  |     |     |     |      |    | 1. |    |      |      |      |      |    |      |      |    |    | 1      |
| 16N | 25E | 18  | 16. | 36. | 40. |      |    |    | 41 | 40.  | 32.3 | 33.7 |      |    |      | 35.4 |    |    | 274.4  |

Right Acre Limit: 265.9

POU Total Acres: 575.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 265.9 acres within the authorized place of use in a single irrigation season.
2. Rights 74-7320, 74-286, 74-288A, 74-1656 and 74-289 when combined shall not exceed the irrigation of 575 acres.
3. Use of water under this right will 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. 74Q.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

**WATER RIGHT NO. 74-286**  
**As Modified by Transfer No. 78390**

**CONDITIONS OF APPROVAL**

5. 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 place of use.
6. 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. 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.

**WATER RIGHT NO. 74-288A**  
**As Modified by Transfer No. 78390**

In accordance with the approval of Transfer No. 78390, Water Right No. 74-288A is now described as follows:

**Right Holder:** EUNICE TYLER  
 762 LEE CREEK RD  
 LEADORE, ID 83464

**Priority Date:** 9/25/1909

**Source:** MILL CREEK

**Tributary:** LEMHI RIVER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 2.800 cfs<br>2.800 cfs       |

**LOCATION OF POINT(S) OF DIVERSION**

MILL CREEK                      L2 (SENE)                      Sec 15 Twp 16N Rge 24E LEMHI County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE  |     |     |      | NW |    |    |      | SW   |      |      |    | SE   |      |    |    | Totals |
|-----|-----|-----|-----|-----|-----|------|----|----|----|------|------|------|------|----|------|------|----|----|--------|
|     |     |     | NE  | NW  | SW  | SE   | NE | NW | SW | SE   | NE   | NW   | SW   | SE | NE   | NW   | SW | SE |        |
| 16N | 24E | 13  |     |     | 3.  | 23.8 |    |    | 39 | 23.3 | 26.4 | 36.8 |      |    | 36.7 | 39   |    |    | 228.0  |
| 16N | 24E | 14  |     |     |     | 8.7  |    |    |    |      |      |      |      |    |      |      |    |    | 8.7    |
| 16N | 25E | 7   |     |     |     |      |    |    |    |      |      |      |      |    |      |      |    | 36 | 36     |
| 16N | 25E | 8   |     |     |     |      |    |    |    |      |      |      | 26.9 |    |      |      |    |    | 26.9   |
| 16N | 25E | 17  |     |     |     |      |    | 1. |    |      |      |      |      |    |      |      |    |    | 1      |
| 16N | 25E | 18  | 16. | 36. | 40. |      |    |    | 41 | 40.  | 32.3 | 33.7 |      |    |      | 35.4 |    |    | 274.4  |

Right Acre Limit: 71.3

POU Total Acres: 575.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 71.3 acres within the authorized place of use in a single irrigation season.
2. Rights 74-7320, 74-286, 74-288A, 74-1656 and 74-289 when combined shall not exceed the irrigation of 575 acres.
3. Use of water under this right will 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. 74Q.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Transfer No. 78390

**WATER RIGHT NO. 74-288A**  
**As Modified by Transfer No. 78390**

**CONDITIONS OF APPROVAL**

5. 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 place of use.
6. 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. 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.

**WATER RIGHT NO. 74-289****As Modified by Transfer No. 78390**

In accordance with the approval of Transfer No. 78390, Water Right No. 74-289 is now described as follows:

**Right Holder:** EUNICE TYLER  
762 LEE CREEK RD  
LEADORE, ID 83464

**Priority Date:** 9/25/1909

**Source:** MILL CREEK

**Tributary:** LEMHI RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

3/15

**To**

to 11/15

**Diversion Rate**

6.400 cfs

6.400 cfs

**LOCATION OF POINT(S) OF DIVERSION**

MILL CREEK

L2 (SENE)

Sec 15 Twp 16N Rge 24E LEMHI County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE  |     |     |      | NW |    |    |      | SW   |      |      |    | SE   |      |    |    | Totals |
|-----|-----|-----|-----|-----|-----|------|----|----|----|------|------|------|------|----|------|------|----|----|--------|
|     |     |     | NE  | NW  | SW  | SE   | NE | NW | SW | SE   | NE   | NW   | SW   | SE | NE   | NW   | SW | SE |        |
| 16N | 24E | 13  |     |     | 3.  | 23.8 |    |    | 39 | 23.3 | 26.4 | 36.8 |      |    | 36.7 | 39   |    |    | 228.0  |
| 16N | 24E | 14  |     |     |     | 8.7  |    |    |    |      |      |      |      |    |      |      |    |    | 8.7    |
| 16N | 25E | 7   |     |     |     |      |    |    |    |      |      |      |      |    |      |      |    | 36 | 36     |
| 16N | 25E | 8   |     |     |     |      |    |    |    |      |      |      | 26.9 |    |      |      |    |    | 26.9   |
| 16N | 25E | 17  |     |     |     |      |    | 1. |    |      |      |      |      |    |      |      |    |    | 1      |
| 16N | 25E | 18  | 16. | 36. | 40. |      |    |    | 41 | 40.  | 32.3 | 33.7 |      |    |      | 35.4 |    |    | 274.4  |

Right Acre Limit: 193.3

POU Total Acres: 575.0

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 193.3 acres within the authorized place of use in a single irrigation season.
2. Rights 74-7320, 74-286, 74-288A, 74-1656 and 74-289 when combined shall not exceed the irrigation of 575 acres.
3. Use of water under this right will 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. 74Q.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

**WATER RIGHT NO. 74-289**  
**As Modified by Transfer No. 78390**

**CONDITIONS OF APPROVAL**

5. 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 place of use.
6. 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. 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.

**WATER RIGHT NO. 74-1656****As Modified by Transfer No. 78390**

In accordance with the approval of Transfer No. 78390, Water Right No. 74-1656 is now described as follows:

**Right Holder:** EUNICE TYLER  
762 LEE CREEK RD  
LEADORE, ID 83464

**Priority Date:** 3/31/1920

**Source:** SPRINGS

**Tributary:** WALTER CREEK

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
|------------------------------|--------------------|------------------|------------------------------|
| IRRIGATION                   | 03/15              | to 11/15         | 0.200 cfs                    |
| STOCKWATER                   | 01/01              | to 12/31         | 0.020 cfs                    |
|                              |                    |                  | 0.200 cfs                    |

**LOCATION OF POINT(S) OF DIVERSION**

SPRINGS                      SESW                      Sec 13 Twp 16N Rge 24E LEMHI County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE  |     |     |      | NW |    |    |      | SW   |      |      |    | SE   |      |    |    | Totals |
|-----|-----|-----|-----|-----|-----|------|----|----|----|------|------|------|------|----|------|------|----|----|--------|
|     |     |     | NE  | NW  | SW  | SE   | NE | NW | SW | SE   | NE   | NW   | SW   | SE | NE   | NW   | SW | SE |        |
| 16N | 24E | 13  |     |     | 3.  | 23.8 |    |    | 39 | 23.3 | 26.4 | 36.8 |      |    | 36.7 | 39   |    |    | 228.0  |
| 16N | 24E | 14  |     |     |     | 8.7  |    |    |    |      |      |      |      |    |      |      |    |    | 8.7    |
| 16N | 25E | 7   |     |     |     |      |    |    |    |      |      |      |      |    |      |      |    | 36 | 36     |
| 16N | 25E | 8   |     |     |     |      |    |    |    |      |      |      | 26.9 |    |      |      |    |    | 26.9   |
| 16N | 25E | 17  |     |     |     |      |    | 1. |    |      |      |      |      |    |      |      |    |    | 1      |
| 16N | 25E | 18  | 16. | 36. | 40. |      |    |    | 41 | 40.  | 32.3 | 33.7 |      |    |      | 35.4 |    |    | 274.4  |

Right Acre Limit: 10.0

POU Total Acres: 575.0

**PLACE OF USE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 16N | 24E | 13  |    |    | X  | X  |    |    | X  | X  | X  | X  |    |    | X  | X  |    |    |        |
| 16N | 24E | 14  |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 16N | 25E | 7   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |
| 16N | 25E | 8   |    |    |    |    |    |    |    |    |    |    | X  |    |    |    |    |    |        |
| 16N | 25E | 17  |    |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |        |
| 16N | 25E | 18  | X  | X  | X  |    |    |    | X  | X  | X  | X  |    |    |    | X  |    |    |        |

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 10 acres within the authorized place of use in a single irrigation season.

Transfer No. 78390

**WATER RIGHT NO. 74-1656**  
**As Modified by Transfer No. 78390**

**CONDITIONS OF APPROVAL**

2. Rights 74-7320, 74-286, 74-288A, 74-1656 and 74-289 when combined shall not exceed the irrigation of 575 acres.
3. The annual diversion volume for stockwater purposes under this right shall not exceed 4.1 acre feet.
4. Use of water under this right will 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. 74Q.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
6. 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 place of use.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.