

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4369

WATER RIGHT NUMBER: 37-4369

After Mitigation

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUN VALLEY LAND & MINERALS INC PO BOX 1959 SUN VALLEY, ID 83353 (208) 726-4113
Representative	BROCKWAY ENGINEERING PLLC C/O ERICK POWELL 2016 N WASHINGTON ST STE 4 TWIN FALLS, ID 83301 (208) 736-8543
Attorney	LAWSON LASKI CLARK & POGUE PLLC 675 SUN VALLEY RD STE A PO BOX 3310 KETCHUM, ID 83340 (208) 725-0055

Priority Date: 07/01/1939

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION STORAGE	01/01	to 12/31		99.70 AF
MITIGATION	01/01	to 12/31		2.30 AF
<u>Total Diversion:</u>				102.00 AF

Location of Point(s) of Diversion

DEER CREEK	NW1/4NW1/4NE1/4	Sec. 34, Twp 03N, Rge 17E, B.M.
BLAINE County		
DEER CREEK	SE1/4SW1/4SE1/4	Sec. 27, Twp 03N, Rge 17E, B.M.
BLAINE County		

Place of Use

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	17E	27															X	X	
03N	17E	34		X															

MITIGATION same as RECREATION STORAGE

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Conditions of Approval:

1. N11 The volume of water decreed for this water right is not a determination of historical beneficial use.
2. The right holder shall construct and maintain a structure(s) to allow passage of fish from the natural stream channel downstream of the outflow of the lowermost pond to the natural stream channel above the uppermost pond.
3. 020 Use of water under this right may be affected by agreements between the protestants and the right holder.
4. The combined storage volume of the four (4) ponds shall not exceed 99.7 af for the storage of water within three (3) existing ponds and one (1) new pond to be excavated and developed.
5. E51 Right Nos. 37-2446 and 37-4369 are limited to a total combined diversion rate of 10.0 cfs.
6. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. 220 The surface area of the reservoirs established in connection with this right shall not exceed 11.8 acres.
8. 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.
9. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
10. T07 The right holder shall accomplish the change authorized by transfer 68545 within three (3) years of the date of this approval.
11. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
12. T08 Failure of the right holder to comply with the conditions of transfer 68545 is cause for the Director to rescind approval of the transfer.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
10		
Combined Water Rights: 37-2446 , 37-4369		