

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8165

WR report AFTER ownership change split

WATER RIGHT NUMBER: 37-8165

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAGIC MFG INC 716 B E 4900 N BUHL, ID 83316
Original Owner	ROBERT A ERKINS PO BOX 108 BLISS, ID 83314 (208)352-4460
Original Owner	BERNARDINE M ERKINS PO BOX 108 BLISS, ID 83314 (208)352-4460

Priority Date: 06/30/1983

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WHITE ARROW HOT SPRING	CLOVER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15	to 11/15	1.930 CFS	532.00 AF
RECREATION	01/01	to 12/31	0.300 CFS	217.20 AF
DOMESTIC	01/01	to 12/31	0.060 CFS	1.80 AF
HEATING	01/01	to 12/31	0.200 CFS	27.40 AF
FISH PROPAGATION	01/01	to 12/31	1.930 CFS	1,397.30 AF
AESTHETIC	01/01	to 12/31	1.930 CFS	1,397.30 AF
COMMERCIAL	01/01	to 12/31	0.250 CFS	106.30 AF
FISH PROPAGATION STORAGE	01/01	to 12/31		1.90 AF
<u>Total Diversion:</u>			1.930 CFS	1,397.30 AF

Location of Point(s) of Diversion

WHITE ARROW HOT SPRING	NW1/4SW1/4SE1/4	Sec. 30, Twp 04S, Rge 13E, B.M.
GOODING County	(Rediversion)	
WHITE ARROW HOT SPRING	SW1/4NW1/4NE1/4	Sec. 31, Twp 04S, Rge 13E, B.M.
GOODING County	(Rediversion)	
WHITE ARROW HOT SPRING	NE1/4NW1/4SE1/4	Sec. 30, Twp 04S, Rge 13E, B.M.
GOODING County	(Injection)	
WHITE ARROW HOT SPRING	NE1/4SE1/4NE1/4	Sec. 30, Twp 04S, Rge 13E, B.M.
GOODING County		

Place of Use

IRRIGATION

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Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	13E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	86.0
															24.0		35.0	27.0	
04S	13E	31	24.0	23.0															47.0

Total Acres: 133

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	13E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	13E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	13E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X									X				

FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	13E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				
04S	13E	31		X															

AESTHETIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	13E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
															X				

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	13E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
						X									X				

FISH PROPAGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04S	13E	30	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																	X		

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Conditions of Approval:

1. Recreation use is for a pool.
2. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. X35 Rights 37-8165 and 37-22782 when combined for heating shall not exceed a total diversion rate of .5 cfs, a total annual maximum diversion volume of 68.4 af.
4. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Aesthetic use is for a moat.
6. Fish propagation storage is for an on-stream pond with a total capacity of 1.0 AF. This right authorizes the storage of 1.0 AF in the pond and 0.9 AF to replace evaporation losses from the pond.
7. Water diverted under this right is injected into and rediverted from an unnamed stream tributary to Clover Creek. The rate and volume of water rediverted from the unnamed stream under this right shall not exceed the rate and volume of water simultaneously injected into the unnamed stream.
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. X35 Rights 37-8165 and 37-22782 when combined shall not exceed a total diversion rate of 1.93 cfs and a total annual maximum diversion volume of 1397.30 af.
10. 132 Domestic use is for 3 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
11. X35 Rights 37-810, 37-811, 37-4040 and 37-8165 when combined shall not exceed a total diversion rate of 2.66 cfs for irrigation purposes.
12. X35 Rights 37-810, 37-811, 37-4040, 37-4041 and 37-8165 when combined shall not exceed the irrigation of 133 acres.
13. Commercial use is for a greenhouse facility.
14. Heating is for 3 homes and a greenhouse facility.
15. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
16. Fish propagation is for 6 raceways and an off-stream pond.
17. SF2 This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.

Remarks:

Comments:

1. mvanbussum 6/23/2011 Version 2

Comment: Created version 2 based on license so we can get this resolved in the SRBA.

2. cfritsch 7/19/2012 Amended Partial Decree

Comment: Condition SF2 added to reflect amended partial decree.

3. tfawcett 10/2/2012 split right

Comment: This right was split into 37-8165 (Magic Mfg Inc) and 37-22782 (Sagebrush Lilly HOA) pursuant to an ownership change.

SCANNED

OCT 04 2012