

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-8165

**WR report BEFORE ownership change split**

WATER RIGHT NUMBER: 37-8165

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Current Owner     | MAGIC MFG INC<br>716 B E 4900 N<br>BUHL, ID 83316                     |
| Original Owner    | ROBERT A ERKINS<br>PO BOX 108<br>BLISS, ID 83314<br>(208)352-4460     |
| Original Owner    | BERNARDINE M ERKINS<br>PO BOX 108<br>BLISS, ID 83314<br>(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        | 0.500 CFS             | 68.40 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<br>GOODING County | NW1/4SW1/4SE1/4<br>(Rediversion) | Sec. 30, Twp 04S, Rge 13E, B.M. |
| WHITE ARROW HOT SPRING<br>GOODING County | SW1/4NW1/4NE1/4<br>(Rediversion) | Sec. 31, Twp 04S, Rge 13E, B.M. |
| WHITE ARROW HOT SPRING<br>GOODING County | NE1/4NW1/4SE1/4<br>(Injection)   | Sec. 30, Twp 04S, Rge 13E, B.M. |
| WHITE ARROW HOT SPRING<br>GOODING County | NE1/4SE1/4NE1/4                  | Sec. 30, Twp 04S, Rge 13E, B.M. |

Place of Use

IRRIGATION

**SCANNED**  
OCT 04 2012

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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   |        |
|     |     |     |      |      |    |    |    |    |    |    |    |    |    |    | 24.0 |    | 35.0 | 27.0 | 86.0   |
| 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  |    |        |

SCANNED  
OCT 04 2012

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 37-8165

Conditions of Approval:

1. 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.
2. Recreation use is for a pool.
3. 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.
4. 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.
5. Aesthetic use is for a moat.
6. Heating is for 3 homes and a greenhouse facility.
7. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
8. 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.
9. Fish propagation is for 6 raceways and an off-stream pond.
10. 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.
11. 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.
12. 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.
13. 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.
14. X35 Rights 37-810, 37-811, 37-4040, 37-4041 and 37-8165 when combined shall not exceed the irrigation of 133 acres.
15. Commercial use is for a greenhouse facility.

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