

Memorandum

Date: December 20, 2011

To: File 37-8401

From: Craig L. Saxton

Re: Overlap review for 37-8401 - Status of water right record 37-2090

During the licensing review of file 37-8401, the overlap analysis indicated that water right record 37-2090 overlaps the place of use for 37-8401.

The POU described under 37-8401 is currently owned by Donald and Beverly Taber and overlaps the following rights in part.

37-59B	Taber, Donald E	Big Wood River	05/27/1899
37-423	Taber, Donald E	Little Wood River	04/01/1883
37-424	Taber, Donald E	Little Wood River	04/01/1884
37-425	Taber, Donald E	Little Wood River	04/01/1887
37-2090	Anderson, George & Harry	Little Wood River	10/16/1907

Not superseded by Frost Decree:

37-59 (parent), 37-423, 37-424, and 37-425 were decreed in the Frost Decree in December 13, 1909. 37-2090 was licensed on September 13, 1910 to George H. & Harry W. Anderson.

Harry W. Anderson was party to the Frost decree. However, all the decree shows is that he was granted Big Cottonwood Canal Company Shares. No individual rights were decreed to either George or Harry Anderson (Anderson Brothers). Because no other rights for the Anderson Brothers were mentioned in the Frost decree, and because 37-2090 was licensed after the Frost Decree, it appears that 37-2090 was not superseded by the decree.

Although, it could be that the permitted water under 37-2090 was decreed to Big Cottonwood Canal Company and 37-2090 was just being processed on a different path than through the frost decree.

No history of 37-2090 in Backfile:

Transfer 2203 was approved April 4, 1978 to change a POD for overlapping rights 37-59 (part), 37-423, 37-424, and 37-425, but there is no mention of license 37-2090 in the backfile. I have been through the backfiles for all the overlapping rights and I cannot find any mention of 37-2090. It is like it was just ignored or overlooked.

No delivery records for WD 37M:

I looked at the decree books for Water District 37M to see if 37-2090 was accounted for in the deliveries. The Silver Creek and Little Wood Priority book (decree book) dated August 2003, does not include 37-2090. This would indicate that 37-2090 is not delivered or accounted for by the water master of basin 37M.

Not claimed in SRBA:

A search of the database does not indicate that this right has been claimed under a different number as 37-2090 is the only right with its priority date.

There is currently 7.74 cfs is decreed to 327.2 acres under 37-59B¹, 37-423, 37-424, and 37-425. This is 0.024 cfs per acre which is already over the standard inch per acre. If 37-2090 were claimed in the SRBA, it would provide no additional beneficial use on the overlapping place of use because of its Jr. priority.

Conclusion:

This right appears to be lost due to forfeiture, abandoned, or absorbed by a company right. If the water right were still applicable to the property it was licensed to, it would provide no additional beneficial use because it has such a junior priority date compared to the overlapping Frost decree rights. There is no mention of this right in any of the transfer documents that include the other overlapping rights. SRBA review notes for the overlapping rights do not make mention of 37-2090.

I feel that 37-8401 can be licensed without fear of 37-2090 being claimed and recommended as a valid overlapping right.

¹ 37-59B is decree for 4.16 cfs from the Big Wood River but 27% is lost through conveyance. 3.04 cfs is authorized to be re-diverted from Little Wood River.

37 00025	Allen, Calvin S.	120 inches.	27 th Aug.	6, 1902.	Big Wood River.
37 00026	Allred, George	225	10 th May	23, 1885.	" " " TRANS " 1946
37 00027	"	100	15 th June	15, 1886.	" " " TRANS " 1946
37 00028	Alturan Water Co.	100	30 th May	24, 1883.	" " " (From Riley ditch.)
* Anderson, Harry W.					
37 00029	Angel, Mary E.	100	5 th June	1, 1885.	Big Wood River.
37 00030	Arnold, Castro S.	90	10 th June	1, 1885.	Chimney Creek.
37 00031	"	70	16 th June	1, 1889.	" "
37 00032	Arthur, Edward B. and John	100	14 th May	15, 1883.	Little Wood River
37 00033	Ashton, Edward	42	14 th July	1, 1887.	Big Wood River.
37 00034	Babbington, Charles	90	10 th June	1, 1882.	Corral Creek. 773
37 00035	Babbington, Thomas	50	13 th June	1, 1887.	" " " 774
37 00036	Baldwin, Theodore	320	30 th Apr.	23, 1906.	Big Wood River.
37 00037	Ballard, Elmer	60	17 th May	1, 1890.	Soldier Creek.
37 00038	Ballard, Nancy E.	75	14 th May	8, 1887.	" "
37 00039	Ballard, Phillip	100	21 st Aug.	4, 1884.	" " ✓
37 00040	Bannon, Lawrence J.	15	14 th June	1, 1891.	Big Wood River.
37 00041	Bannon, Miles F.	60	17 th June	1, 1887.	" " "
37 00042	"	130	18 th June	1, 1891.	" " "
37 00043	Bannon, Peter	100	15 th June	1, 1891.	" " "
37 00044	Barnett, Fred.	80	32 nd Aug	2, 1909.	" " "
37 00045	Barnett, James	150	24 th July	1, 1896.	" " "
37 00046	Barnett, William	110	22 nd Aug	2, 1909.	" " "
37 00047	Barnum, Guy G.	300	17 th Oct.	31, 1889.	" " "
37 00048	Barr, Martin	200	13 th May	1, 1887.	" " "
37 00049	Baugh, W. H.	210	31 st Apr.	1, 1883.	Little Wood River.
37 00050	Baxter, John L.	135	15 th June	27, 1883.	Soldier Creek.
37 00051	Beallinger, Merritt	100	14 th May	15, 1891.	Big Wood River.
37 00052	Beggs, Joseph B.	130	June 15,	188	" " "

Big Cottonwood Canal Company shares.

gated in one body.

That the use of such large quantities of water per acre for irrigation along the said valley or basin does not deprive claimants to the use of said waters; who divert the same at lower points along said stream, of the use of the water of said stream, by reason of the fact, as above found, of the tendency of such water to return to said stream through springs, seepage and percolation.

12. That the Alturas Water Company purchased, and has since the month of October, 1883, continuously used the right to the use of 100 inches of water, to flow through the so-called Riley ditch, having its source in Big Wood River, during all seasons of the year when it is safe or practicable to run water through the same, for the purpose of supplying the inhabitants of the village of Hailey with water for domestic and other purposes; and that during the Winter season it has for more than twenty-five years last past used a sufficient amount of water from Indian Creek²⁰⁻¹⁰⁻¹⁶ to fill its pipes to the capacity of said pipes, when the same was not needed or required by the parties to whom it was decreed in the said action of Caldwell, et al., vs. Tucker, et al., for the purpose of supplying the inhabitants of the village of Hailey with water for domestic and other purposes; and that said pipes were increased from 7 inches to ten inches in diameter in the year 1907. 20-10-16

13. That the Big Cottonwood Canal Company, a corporation, appropriated and diverted of the waters of Big Wood River 9600 inches of water, on the 27th day of May, 1899, for the irrigation of lands owned by the various stockholders in said corporation, and described as follows, to-wit:

Lands under Big Cottonwood Canal.

Anderson Bros. -- Harry W. and George H.

N 1/2 of NE 1/4, E 1/2 of NW 1/4, Sec. 27, T. 5 S., R. 18 E.,
B. M. N 1/2 of NE 1/4 and SW 1/4 of NE 1/4 of Sec. 33, T. 5 S.,
R. 18 E., B. M. 20 acres in SE corner of SE 1/4 of Sec. 28, T. 5

S., R. 18 E., B. M. NE 1/4 of SE 1/4 of Sec. 32, N 1/2 of SW 1/4 and SE 1/4 of NW 1/4 of Sec. 33; W 1/2 of NW 1/4 of Sec. 34, and SE 1/4 of NE 1/4 of Sec. 33, T. 5 S., R. 18 E., B. M.

L. C. Stiffler.

Lots 1, 2 and 3 of Sec. 30, T. 5 S., R. 17 E., B. M. Also, 13 acres in NE 1/4 of NE 1/4 of Sec. 31, T. 5 S., R. 17 E., B. M.

George M. Brown.

S 1/2 of NE 1/4 of Sec. 13, T. 5 S., R. 18 E., B. M.

R. L. Brown Estate -- Sid Kelly Ranch.

Lot 2 and E 1/2 of NE 1/4 of Sec. 18, T. 5 S., R. 19 E., B. M.

J. W. Dwyer.

Lots 1 and 2 and S 1/2 of NE 1/4 of Sec. 1, T. 6 S., R. 14 E., B. M. Also, Lot 4 of Sec. 31, T. 5 S., R. 15 E., B. M.

Frank R. Gooding.

SW 1/4 and W 1/2 of NW 1/4 of Sec. 8, T. 6 S., R. 15 E., B. M. SE 1/4 and E 1/2 of NE 1/4 of Sec. 6, T. 6 S., R. 15 E., B. M. E 1/2 of NE 1/4, SW 1/4 of NE 1/4, N 1/2 of SE 1/4, and SE 1/4 of SE 1/4 of Sec. 7, T. 6 S., R. 15 E., B. M. E 1/2 of SE 1/4 of Sec. 31, and W 1/2 of SW 1/4 of Sec. 22, T. 5 S., R. 15 E., B. M. NW 1/4 of Sec. 17, T. 6 S., R. 15 E., B. M. E 1/2 of NE 1/4 and NE 1/4 of SE 1/4 of Sec. 18, T. 6 S., R. 15 E., B. M. NW 1/4 of SW 1/4 of Sec. 17, T. 6 S., R. 15 E., B. M.

Thomas H. Gooding.

E 1/2 of NW 1/4 and NE 1/4 of SW 1/4 of Sec. 5, T. 6 S., R. 15 E., B. M. SW 1/4 of SE 1/4 and SE 1/4 of SW 1/4 of Sec. 32, T. 5 S., R. 15 E., B. M. W 1/2 of SW 1/4 of Sec. 1, and SE 1/4, and N 1/2 of SW 1/4, of Sec. 2, T. 6 S., R. 15 E., B. M.

Fred. W. Gooding.

W 1/2 of SE 1/4 and E 1/2 of SW 1/4 of Sec. 21, T. 5 S., R. 15 E., B. M. All of Sec. 1, T. 6 S., R. 17 E., B. M. S 1/2 of SE 1/4 of Sec. 2, T. 6 S., R. 17 E., B. M. SW 1/4 of NE 1/4 and Lot 2, of

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Abbott, George H.	100 inches.	June 18, 1883.	Soldier Creek.
Abbott, William G.	105 "	Mch. 24, 1883.	Big Wood River. (From Riley ditch.)
Adams, Henry W.	150 "	Mch. 10, 1883.	Big Wood River.
Adams, Jacob	150 "	May 1, 1881.	Silver Creek.
" "	125 "	Apr. 1, 1885.	" "
" "	30 "	Apr. 1, 1887.	" "
Adamson, Margaret			(Little Wood River Canal Company shares.)
Ainsworth, James	80 "	Apr. 15, 1884.	Little Wood River.
" "	80 "	June 20, 1883.	" " "
Ainsworth, J. L.	20 "	Apr. 15, 1884.	" " "
" " "	8 "	May 15, 1883.	" " "
Ainsworth, Joseph	72 "	May 15, 1883.	" " "
" "	70 "	Apr. 15, 1884.	" " "
Albrethson, Albert	110 "	May 1, 1883.	" " "
" "	50 "	July 9, 1886.	" " "
* " "	50 "	Apr. 1, 1889.	" " "
" "	20 "	June 30, 1889.	" " "
" "			(Little Wood River Canal Co. shares.)
Albrethson, Martin	200 "	Sept. 1, 1887.	Silver Creek.
" "	50 "	June 17, 1899.	Silver Creek. (Ex- clusive right from pond.)
" "	160 "	Mch. 24, 1883.	Big Wood River. (From Riley ditch.)
Allen, Calvin S.	120 "	Aug. 6, 1902.	Big Wood River.
Ailred, George	225 "	May 23, 1885.	" " "
" "	100 "	June 15, 1886.	" " "
Alturas Water Co.	100 "	Mch. 24, 1883.	" " " (From Riley ditch.)
Anderson, Harry W.			(Big Cottonwood Canal Company shares.)
Angel, Mary E.	150 "	June 1, 1883.	Big Wood River.

JUN 04 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-425

WATER RIGHT NUMBER: 37-425

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD E TABER 312 E 20 N SHOSHONE, ID 83352 (208)886-2427

Priority Date: 04/01/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.200 CFS	
	<u>Total Diversion:</u>	2.200 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER LINCOLN County	SE1/4NE1/4SE1/4	Sec. 32, Twp 05S, Rge 18E, B.M.
LITTLE WOOD RIVER LINCOLN County	NE1/4NW1/4NE1/4	Sec. 33, Twp 05S, Rge 18E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	18E	28															1.1	4.8	5.9
05S	18E	32				9.1									35.0				44.1
05S	18E	33	38.0	18.0	35.0	40.0	6.6		7.4	31.0	9.2	25.0							210.2
05S	18E	34						40.0	27.0										67.0

Total Acres: 327.2

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 327.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-59B, 37-423 & 37-424.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-425

2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. 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.
6. U42 Place of use does not include federal public lands

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 4/30/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Water Right Report 37-59B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD E TABER 312 E 20 N SHOSHONE, ID 83352 (208)886-2427

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.160 CFS	
	Total Diversion:	4.160 CFS	

BIG WOOD RIVER BLAINE County	SW1/4SE1/4NE1/4	Sec. 30,	Twp 02S,	Rge 18E, B.M.
BIG WOOD RIVER BLAINE County	SW1/4NE1/4NE1/4 (Injection)	Sec. 19,	Twp 03S,	Rge 19E, B.M.
BIG WOOD RIVER BLAINE County	SE1/4NW1/4SE1/4 (Injection)	Sec. 25,	Twp 04S,	Rge 19E, B.M.
BIG WOOD RIVER LINCOLN County	SE1/4NE1/4SE1/4 (Rediversion)	Sec. 32,	Twp 05S,	Rge 18E, B.M.
BIG WOOD RIVER LINCOLN County	NE1/4NW1/4NE1/4 (Rediversion)	Sec. 33,	Twp 05S,	Rge 18E, B.M.

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	18E	28															1.1	4.8	5.9
05S	18E	32				9.1									35.0				44.1
05S	18E	33	38.0	18.0	35.0	40.0	6.6		7.4	31.0	9.2	25.0							210.2
05S	18E	34						40.0	27.0										67.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-59B

Total Acres: 327.2

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHT NO.37-425 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 327.2 ACRES IN A SINGLE IRRIGATION SEASON.
2. U42 Place of use does not include federal public lands
3. RIGHT SUBJECT TO 27% CONVEYANCE LOSS; 3.04 CFS CAN BE REDIVERTED FROM LITTLE WOOD RIVER.
4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 295 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-423 & 37-424.
5. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 295 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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. G02 POINT OF INJECTION INTO JIM BYRNS SLOUGH THAT FLOWS INTO THE LITTLE WOOD RIVER. POINT OF REDIVERSION FROM THE LITTLE WOOD RIVER.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 4/30/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND/OR
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-423

WATER RIGHT NUMBER: 37-423

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD E TABER 312 E 20 N SHOSHONE, ID 83352 (208)886-2427

Priority Date: 04/01/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	SE1/4NE1/4SE1/4	Sec. 32, Twp 05S, Rge 18E, B.M.
LINCOLN County		
LITTLE WOOD RIVER	NE1/4NW1/4NE1/4	Sec. 33, Twp 05S, Rge 18E, B.M.
LINCOLN County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	18E	28															1.1	4.8	5.9
05S	18E	32				9.1									35.0				44.1
05S	18E	33	38.0	18.0	35.0	40.0	6.6		7.4	31.0	9.2	25.0							210.2
05S	18E	34						40.0	27.0										67.0

Total Acres: 327.2

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 295 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-59B & 37-424.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-423

2. E55 USE OF THIS RIGHT WITH RIGHT NO.37-425 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 327.2 ACRES IN A SINGLE IRRIGATION SEASON.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 295 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. U42 Place of use does not include federal public lands
6. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.
7. 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.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 4/30/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-424

WATER RIGHT NUMBER: 37-424

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD E TABER 312 E 20 N SHOSHONE, ID 83352 (208)886-2427

Priority Date: 04/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
LITTLE WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.200 CFS	
	<u>Total Diversion:</u>	2.200 CFS	

Location of Point(s) of Diversion

LITTLE WOOD RIVER	SE1/4NE1/4SE1/4	Sec. 32, Twp 05S, Rge 18E, B.M.
LINCOLN County		
LITTLE WOOD RIVER	NE1/4NW1/4NE1/4	Sec. 33, Twp 05S, Rge 18E, B.M.
LINCOLN County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	18E	28															1.1	4.8	5.9
05S	18E	32				9.1									35.0				44.1
05S	18E	33	38.0	18.0	35.0	40.0	6.6		7.4	31.0	9.2	25.0							210.2
05S	18E	34						40.0	27.0										67.0

Total Acres: 327.2

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-424

2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 295 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. E55 USE OF THIS RIGHT WITH RIGHT NO.37-425 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 327.2 ACRES IN A SINGLE IRRIGATION SEASON.
5. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.
6. U42 Place of use does not include federal public lands
7. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 295 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-59B & 37-423.

Remarks:Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 4/30/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 37M
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits: