

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-109J

WATER RIGHT NUMBER: 72-109J

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	US DEPT OF AGRICULTURE FARMERS HOME ADMINISTRATION PO BOX 1189 SALMON, ID 83467 (208)756-4417
Current Owner	FIRSTFRUITS FOUNDATION PO BOX 510 CHALLIS, ID 83226 (208)879-4560

Priority Date: 05/15/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GARDEN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	01/01 to 12/31	0.060 CFS	
IRRIGATION	04/15 to 10/15	0.460 CFS	
<u>Total Diversion:</u>		0.520 CFS	

Location of Point(s) of Diversion

GARDEN CREEK	L3 (SW1/4NE1/4NW1/4)	Sec. 2,	Twp 13N,	Rge 18E, B.M.
CUSTER County				
GARDEN CREEK	SE1/4NE1/4SE1/4	Sec. 3,	Twp 13N,	Rge 18E, B.M.
CUSTER County				

Place of Use

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	18E	2					X												
							L 3												

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	
13N	18E	2			.2														11.7
					L 2				L 3										

Total Acres: 11.7

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Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 2 SWNENW.
72-00106J, 72-00109J, 72-10486C, 72-00106H, 72-00106K, 72-00109K, 72-10486D, AND 72-00106C.
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 3 SENESE.
72-00106J, 72-00109J, 72-10486C, 72-00106F, 72-00109F, 72-00106K, 72-00109K, 72-10486D, AND 72-10486A.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 14.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106J, 72-00109J, 72-10486C AND 72-04174C.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
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.

Remarks:Comments:

1. CHRISTEN 1/31/1994 COPIED FROM REMARKS

Comment: PORTION OF 72-00109 DECREE. ~ 51 ACRES ACTUAL IRRIGATION ALONG GARDEN CREEK.

***** OWNERSHIP CHANGE 5/24/91 BY AA.

2. KCHRISTE 8/23/1994 BASIS FOR SPLIT RIGHT

Comment: THERE WAS AN OWNERSHIP CHANGE SPLITTING THE RIGHT INTO; 72-00109G FIRSTFRUITS FOR 16/25ths OF .88CFS OR .56CFS AND 72-00109F JAMES TRUST FOR 9/25ths OF .88CFS OR .32CFS. THE SPLIT WAS BASED UPON FOUND IRRIGATED ACRES AS DISCUSSED WITH CHRISTOPHER JAMES ON 8-15-94. KKC COPIED FROM REMARKS THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-00106B AND 72-10486. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.26 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 62.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00106B AND 72-10486. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 77.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00106B, 72-10486 AND 72-04174.

3. AJU10-DS 11/21/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

4. KCHRISTE 2/24/2000 SPLIT MODIFIED PER BLM

Comment: FRED PRICE REQUESTED THE 0.3 ACRES IN SEC 2 SENW BE MOVED TO BLM

5. amerritt 6/3/2004 correct typo

Comment: 72-109J, 72-106J and 72-10486C overlap on same 13.2 acres. Right 72-4174C overlaps partially on these 13.2 acres but also is primary on 2.6 acres. In total all these rights irrigate 15.8 acres. Corrected condition by changing 13.2 to 15.8.

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6. kwalker 9/29/2004 Mitigation

Comment: This right has been changed to reflect the mitigation use that was added due to approval order found in permit file 72-16624. The right holder gave up 1.5 acres to compensate for the mitigation use. Also corrected condition limiting number of acres to 14.3 (11.7 under 72-106J, 72-109J, 72-10486C and 2.6 under 72-4174C - per ameritt comment).

Dates and Other Information:

Licensed Date:
Decreed Date: 5/31/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 72B
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		14.3

Combined Water Rights: 72-106J , 72-109J , 72-4174C , 72-10486C