

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-426B

WATER RIGHT NUMBER: 34-426B

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	MERLE M KING HC 60 BOX 280 DARLINGTON, ID 83231 (208)554-2201
Attorney	JACK HAUGRUD US DEPT OF JUSTICE LAND & NATURAL RESOURCE SEC PO BOX 663 WASHINGTON, DC 20044-0663
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE, ID 83709-1657 (208)373-4000
Directors Report Owner	JOHN D KING HC 60 BOX 280 DARLINGTON, ID 83231 (208)554-2201

Before

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
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Total Diversion: 0.280 CFSLocation of Point(s) of Diversion

ANTELOPE CREEK BUTTE County	NE1/4NW1/4NW1/4	Sec. 11, Twp 04N, Rge 24E, B.M.
ANTELOPE CREEK CUSTER County	NW1/4NW1/4SE1/4	Sec. 2, Twp 04N, Rge 24E, B.M.
ANTELOPE CREEK CUSTER County	SW1/4SW1/4NE1/4	Sec. 2, Twp 04N, Rge 24E, B.M.
ANTELOPE CREEK BUTTE County	NE1/4NW1/4SE1/4	Sec. 2, Twp 04N, Rge 24E, B.M.
ANTELOPE CREEK CUSTER County	SW1/4SW1/4SW1/4	Sec. 36, Twp 05N, Rge 24E, B.M.

Place of Use

IRRIGATION

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Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	24E	1							1.3										1.3
04N	24E	2												12.0					12.0
05N	24E	35															4.9		4.9
																	1.4		

Total Acres: 18.2

Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00427A, 34-00554A, 34-00427B, 34-00426A AND 34-00554B.
2. 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.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHT NOS. 34-00427B AND 34-00554B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 14 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:

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Comments:

1. FRITSCHL 9/5/1991 PLACE OF USE

Comment: MR. KING STATED THAT HE HAS USED ALL OF HIS DECREED WATER FOR THE "HOME PLACE" ON ALL IRRIGATED LANDS ON THE HOME PLACE SINCE HE PURCHASED THE 80 ACRES ALONG ANTELOPE ROAD.

2. FRITSCHL 3/30/1992 NOTICE OF ERROR FLAG

Comment: NOTICE OF ERROR FLAG CHANGED FROM "A" TO "B". CLAIM REVERIFIED.

3. FRITSCHL 5/22/1992 MODIFIED REMARKS

Comment: THE FOLLOWING REMARK WAS MODIFIED: * 2.39 CFS OF RIGHT NO. 34-00427 AND 1.02 CFS (ALL) OF RIGHT NO. 34-00554 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-00427. * $(170.5 \text{ AC.} \times 0.02)/0.70 = 4.87 \text{ CFS}$ $2.60 \text{ CFS} + 3.20 \text{ CFS} + 1.02 \text{ CFS} = 6.82 \text{ CFS}$ $6.82 \text{ CFS} - 4.87 \text{ CFS} = 1.95 \text{ CFS}$ 0.93 CFS FROM 34-00427 AND 1.02 CFS FROM 34-00554 (ALL) FOR MODIFIED REMARK 'D03'. VERIFIED DATE SET.

4. CFRITSCH 4/16/1997 COPIED FROM REMARKS

Comment: 0.93 CFS OF RIGHT NO. 34-00427 AND 1.02 CFS (ALL) OF RIGHT NO. 34-00554 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-00427.

5. cclark 8/5/2004 5:46:11 PM Water Right

Comment: This water right record was updated by decree record from old RightID 104831 to new RightID 397509.

6. nmiller 5/25/2006 POD

Comment: Correlated PODID 468444 from SpatialDataID 205632 to SpatialDataID 205683

Dates and Other Information:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number: 34

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>
		18.2

Combined Water Rights: 34-426B , 34-427B , 34-554B

Water Supply Bank: