

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-31488

WATER RIGHT NUMBER: 63-31488

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANTHONY R MONTAGUE PO BOX 190330 BOISE, ID 83719 (208)362-1199
Current Owner	JULIA E MONTAGUE PO BOX 190330 BOISE, ID 83719 (208)362-1199

Priority Date: 07/02/1937

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPANISH FORK	ELK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION	01/01 to 12/31	2.920 CFS	
	<u>Total Diversion:</u>	2.920 CFS	

Location of Point(s) of Diversion

SPANISH FORK	SE1/4NE1/4NW1/4	Sec. 23, Twp 06N, Rge 05E, B.M.
BOISE County		

Place of Use

FIRE PROTECTION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05E	23		X			X												

Conditions of Approval:

1. 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.
2. THE USE OF WATER FOR FIRE PROTECTION UNDER THIS RIGHT IN THE NENW, SECTION 23, T6N, R5E IS LIMITED TO THE EAST HALF OF THE NENW, SECTION 23, T6N, R5E.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-2520 & 63-2531.

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5. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Comments:

1. Iharris 5/24/2002 Renumbered

Comment: This right was renumbered from 63-2520B.

2. Iharris 5/31/2002 Priority Date

Comment: This claim is a combination of rights 63-2520 and 63-2531. Claimant claimed the most senior priority date. Since rights are combined into one claim, recommendation reflects the most junior priority date of the two original licenses.

3. Iharris 5/31/2002 Source

Comment: Licensing exam indicates that the source has not changed, but the license indicates the source to be fork of Elk Creek located in Spanish Gulch.

4. erushing 8/22/2011 Ownership change

Comment: Water right 63-31488 has been split by ownership change into 63-31488 (Montague) and 63-33554 (Payne). Split based on percentage of water right that intersected with the tax lot. Water right covered 30 acres and tax lot is 3 acres.

5. erushing 8/23/2011 POU

Comment: Updated Shape

Dates and Other Information:

Licensed Date:

Decreed Date: 4/21/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: Or

Water District Number:

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:Water Supply Bank: