

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-22583

WATER RIGHT NUMBER: 37-22583

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	ADAM IFLAND , ID
Original Owner	FRED W FATOR , ID
Current Owner	SCI PROPERTIES LLC C/O FREMONT PROPERTIES INC ATTN J MARCUS BOMAN 199 FREMONT ST STE 2400 SAN FRANCISCO, CA 94105 (415)284-8704
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Original Owner	PATRICIA G MILLINGTON 1995 REVOCABLE TRUST PO BOX 707 PICABO, ID 83348 (208)788-3171

Priority Date: 03/31/1877

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SILVER CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	04/15 to 10/31	0.070 CFS	7.40 AF
IRRIGATION	04/15 to 10/31	2.290 CFS	405.30 AF
	<u>Total Diversion:</u>	2.360 CFS	412.70 AF

Location of Point(s) of Diversion

SILVER CREEK	SW1/4SE1/4NW1/4	Sec. 36, Twp 01S, Rge 20E, B.M.
BLAINE County		
SILVER CREEK	SW1/4NW1/4NW1/4	Sec. 36, Twp 01S, Rge 20E, B.M.
BLAINE County		
SILVER CREEK	NE1/4SW1/4SE1/4	Sec. 26, Twp 01S, Rge 20E, B.M.
BLAINE County		
SILVER CREEK	NE1/4NE1/4NE1/4	Sec. 35, Twp 01S, Rge 20E, B.M.
BLAINE County		

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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	
01S	20E	26															X		

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	
01S	20E	26									2.0						24.7	18.5	45.2
01S	20E	35	14.6	1.0	.4														16.0
01S	20E	36		5.4	34.0	7.0	25.0	35.0	15.6	32.0									154.0

Total Acres: 215.2

Conditions of Approval:

1. E53 USE OF THIS RIGHT WITH RIGHT NO. 37-21942 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1188 AF.
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. E55 USE OF THIS RIGHT WITH RIGHT NO. 37-21942 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 392.7 ACRES IN A SINGLE IRRIGATION SEASON.
4. This right is a split from former right 37-215G.
5. As long as the dike situated in the SE1/4SE1/4NE1/4, Section 27, T.1S., R.20E., B.M., Blaine County, Idaho, located approximately at Latitude N 43° 18.586' and Longitude W 114° 03.483', is maintained so as to prevent the waters of Silver Creek from wasting through sink holes, Water Rights 37-215G and 37-215D, and all splits therefrom, are for saved or salvaged water and shall therefore have the prior and exclusive right to the delivery of 6.4 cfs of the waters of Silver Creek, as established by, controlled by, and subject to the provisions within the Frost v. Alturas Water Company decree (Lincoln County District Court, December 13, 1909). Accordingly, they shall not be subject to the priority system during calls in times of scarcity. The above described dike was first constructed on 6-1-1899. This date is listed solely for purpose of documenting when the saved and salvaged water was first put to beneficial use, and not for purpose of subjecting this right (or any splits therefrom) to priority calls based upon this date.
6. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-21936, 37-21938 & 37-21940.

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7. E54 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 674 AF. COMBINED RIGHT NOS.: 37-21936, 37-21938 & 37-21940.
8. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 112.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Remarks:Comments:

1. sclellan 6/5/2009 revisions to remarks

Comment: updated remarks to address issues raised with priority dates and combined acre limits.

2. Renumber 12/15/2010 11:35:52 AM Renumber WR 37-22583

Comment: This has been renumbered from 37-21936

3. erushing 1/12/2011 Combined water rights

Comment: Decreed water right nos. 37-21936 and 37-21937 were combined and renumbered as 37-22583. The partial decrees have been placed in 37-22583.

Dates and Other Information:

Licensed Date:

Decreed Date: 11/12/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

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: