



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

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C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

June 15, 2009

JOHN & KRISTY PRUDDEN
109 GREENHORN RD
HAILEY ID 83333

Re: Place of Use for Hot Springs Ditch Company Water Rights

Dear John and Kristy:

I am replying to your June 12 letter regarding the above referenced matter. I concur with your understanding of where water rights of the Hot Springs Ditch Company (Company) can be used.

The Company holds numerous water rights describing the same place of use "within the boundaries of the Hot Springs Ditch Company" as decreed by the Snake River Basin Adjudication (SRBA) Court. The following summarizes the evolution of this legally defined boundary:

- The original decree from the 1920s identified lands of the stock holders without defining acres per $\frac{1}{4}$ $\frac{1}{4}$ s of sections that could be irrigated.
- SRBA Claims to protect the rights listed acres per $\frac{1}{4}$ $\frac{1}{4}$ s of sections that could be irrigated, which was the standard way to file claims in the adjudication.
- For large places of use served by delivery organizations, the Department prepared SRBA Recommendations of claims and listed a general service area boundary instead of describing acres per $\frac{1}{4}$ $\frac{1}{4}$ s of sections that had been identified in the claims. This is the "large place of use" approach to define the area within which all the rights of a delivery organization can be used.
- The Court ultimately decreed such rights using the large place of use approach instead of limiting the rights to a specific number of acres per $\frac{1}{4}$ $\frac{1}{4}$ s of sections.

The result for the Company is a set of water rights defining the amount of water that can be delivered to and used in the service area boundary of the Company as depicted in the enclosed boundary map. Under its water rights, the Company can provide irrigation water for up to 894 acres anywhere within its boundary subject to internal requirements of the Company necessary to operate the system (bylaws etc.).

Place of Use for Hot Springs Ditch Company Water Rights

June 15, 2009

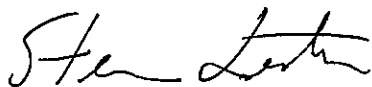
Page 2

This means Company shares can be used to irrigate anywhere within the NE $\frac{1}{4}$ of Section 8 west of the Bruneau River, assuming all other requirements of the Company are met.

Enclosed is the boundary map associated with all the Company water rights. Also, a printout of one of the Company rights is included. In the printout, the place of use chart identifies with an "X" each $\frac{1}{4}$ $\frac{1}{4}$ that is at least partially within the boundary. For example, all of the NE $\frac{1}{4}$ of Section 8 is included, although limited to land west of the river as portrayed by the map.

This letter is sent by fax and postal mail as requested. The map might not be very legible in the fax. Please contact me at 208-334-2190 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Lester".

Steve Lester
Water Rights Supervisor

Enclosure



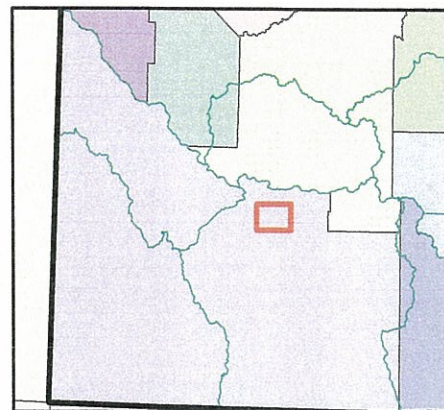
Hot Springs Ditch Co

Water Rights: 51-9, 51-10, 51-11, 51-10255, 51-10256, 51-10257, 51-10258, 51-10259, 51-10260, 51-10261, 51-10262

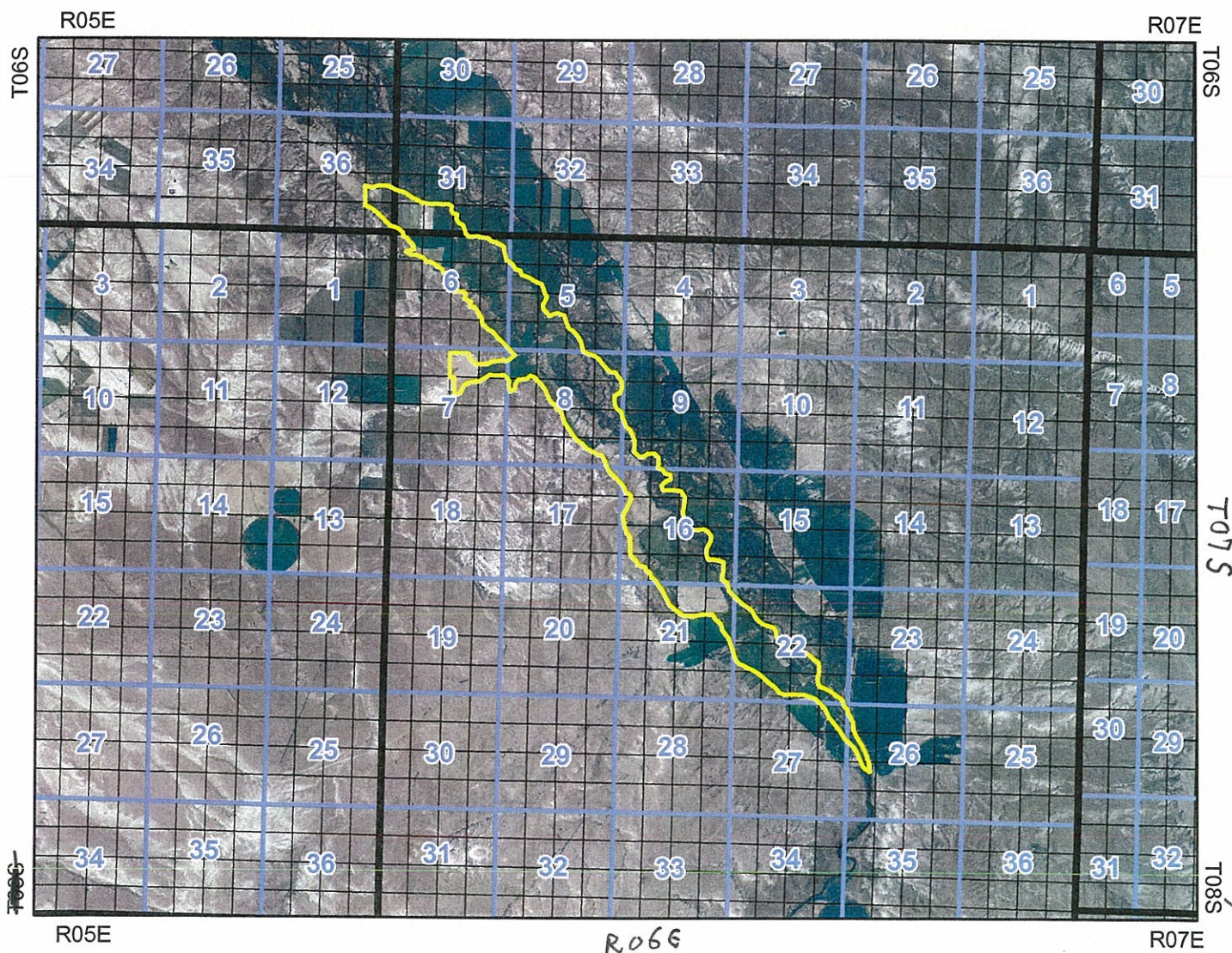
Legend

-  Service Area
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters

Irrigation Service Area Boundary
GIS Place of Use Illustration



Owyhee County
IDWR Basin 51



Prepared by Steve Lester

On June 12, 2009

2004 Aerial Photography

0 1.5 3 6 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-9

WATER RIGHT NUMBER: 51-9**(BOLD = emphasis &/or notes added)**

Owner Type Name and Address
 Current Owner HOT SPRINGS DITCH CO
 C/O GEORGE TURNER
 31712 HOT CREEK RD
 BRUNEAU, ID 83604-5028
 (208)845-2432

Priority Date: 08/25/1883

Basis: Decreed (by SRBA Court in 2000)

Status: Active

Source Tributary
 BRUNEAU RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 11/15	7.000 CFS	
STOCKWATER	1/01 to 12/31	0.570 CFS	
<u>Total Diversion:</u>		7.000 CFS	

Location of Point(s) of Diversion

BRUNEAU RIVER SW1/4NW1/4NW1/4 Sec. 35, Twp 07S, Rge 06E, B.M.
 OWYHEE County

Place of Use X = ¼ ¼ tract in which service area boundary falls, does not specify acres per tract
 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	
06S	05E	36													X	X		X	
06S	06E	31									X	X L3	X L4	X			X		
07S	06E	5						X L4	X	X	X	X	X	X			X		
07S	06E	6	X L1	X L2	X	X	X L3	X L4		X					X	X		X	
07S	06E	7	X	X	X	X													
07S	06E	8	X	X	X	X	X	X	X	X					X	X	X	X	
07S	06E	9										X	X	X					

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-9

07S 06E 16		X	X		X	X	X	X		X	X	X	X		X	X	X	X	
07S 06E 17		X																	
07S 06E 21		X	X	X	X	X									X				
07S 06E 22						X	X	X		X	X	X	X			X	X	X	
07S 06E 26						X	X				X								
07S 06E 27		X			X														

STOCKWATER Place of Use same as IRRIGATION

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. STOCKWATER, 2500 RANGE CATTLE THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 51-00010, 51-00011, 51-10254, 51-10255, 51-10256, 51-10257, 51-10258, 51-10259, 51-10260, 51-10261 & 51-10262
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 894 ACRES **WITHIN THE BOUNDARIES OF THE HOT SPRINGS DITCH COMPANY** IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-00010, 51-00011, 51-10255, 51-10256, 51-10257, 51-10258, 51-10259, 51-10260, 51-10261 & 51-10262

Dates and Other Information:

Decreed Date: 12/1/2000
 State or Federal: S
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		894

Combined Water Rights: 51-9 , 51-10 , 51-11 , 51-10255 , 51-10256 ,
 51-10257 , 51-10258 , 51-10259 , 51-10260 , 51-10261 , 51-10262