

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-16585

WATER RIGHT NUMBER: 36-16585

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WESTERN MORTGAGE & REALTY CO PO BOX 3110 PASCO, WA 99302-3110 (509) 545-4545
Previous Owner	STEVEN D YOUNG PO BOX 307 RUPERT, ID 83350 (208)436-7550
Previous Owner	MARIA YOUNG PO BOX 307 RUPERT, ID 83350 (208)436-7550
Previous Owner	ROY M YOUNG PO BOX 307 RUPERT, ID 83350 (208)436-7550
Original Owner	RAY L COMMONS PO BOX 307 RUPERT, ID 83350 (208)436-7550

Priority Date: 03/15/1987

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.960 CFS	
	<u>Total Diversion:</u>	0.960 CFS	

Location of Point(s) of Diversion

GROUND WATER MINIDOKA County	L1 (NW1/4NE1/4NE1/4)	Sec. 2,	Twp 08S,	Rge 22E, B.M.
GROUND WATER MINIDOKA County	NW1/4NW1/4SW1/4	Sec. 1,	Twp 08S,	Rge 22E, B.M.
GROUND WATER MINIDOKA County	SW1/4SW1/4SE1/4	Sec. 2,	Twp 08S,	Rge 22E, B.M.
GROUND WATER LINCOLN County	L2 (SW1/4SW1/4NE1/4)	Sec. 30,	Twp 07S,	Rge 23E, B.M.
GROUND WATER LINCOLN County	NW1/4NW1/4SE1/4	Sec. 24,	Twp 07S,	Rge 22E, B.M.
GROUND WATER MINIDOKA County	NE1/4SE1/4SE1/4	Sec. 1,	Twp 08S,	Rge 22E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-16585

Place of Use

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	
07S	22E	13											35.0	35.0					70.0
07S	22E	24	31.0	31.0	31.0	31.0	35.0	35.0	39.0	37.0	37.0	35.0	10.0	4.0	30.0	30.0	29.0	30.0	475.0
07S	22E	25	30.0	23.9	26.3	27.8													108.0
07S	23E	19	36.0	36.0	36.0	36.0									32.0	32.0	32.0	32.0	272.0
08S	22E	1	16.0	21.0	36.0	30.0	24.0	12.0	30.0	40.0	38.0	32.0	34.0	30.0	38.0	40.0	38.0	32.0	491.0
08S	22E	2	33.0	34.0	33.0	33.0									33.0	33.0	33.0	33.0	265.0
08S	22E	12					33.0	33.0	33.0	33.0									132.0

Total Acres: 1813

Conditions of Approval:

1. E51 USE OF THIS RIGHT WITH RIGHT NO. 36-16573 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.05 CFS.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF 111.8 ACRES OF RIGHT NO. 36-16573 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 36-16573 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1809.7 ACRES IN A SINGLE IRRIGATION SEASON.
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.
6. X35 Rights 36-16570, 36-16573, 36-16576, and 36-16585 when combined shall not exceed a total diversion rate of 25.03 cfs, a total annual maximum diversion volume of 6819.9 af at the field headgate, and the irrigation of 1816.8 acres.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-16585

Comments:

1. jroberts 2/20/2008 split right

Comment: This is a portion of 36-16584 which is being split up front by ownership change in preparation for transfers 74544 and 74545. This is the unchanged portion. (This right is an enlargement of 36-2164A, now 36-16573, and should have been included in previously approved transfer 68937, so corrections will be made at this time.)

2. jroberts 12/8/2008 split explanation

Comment: Rights 36-2164A and 36-2177 were both decreed to Ray Commons on the same 2080 acres in 1997 and 1998 and both were later involved in transfer 68937, approved in 2003, and split between Commons and Young & Young. Right 36-15531 was decreed to Commons as an enlargement of 36-2164A in 2002 on 2229 acres. It did not allow additional diversion rate but allowed extra volume of 852.0 AF for an apparent 213 extra acres. 36-15531 was missed and not included in transfer 68937 and had to be split up front in order to take care of the past mistake and to be included in two new transfers, 74544 and 74545. (36-15531 is actually an enlargement of both 36-2164A and 36-2177.) After exhaustive review of the decreed 2080-acre place of use, it appears there are some duplicates, omissions and possibly typos in the NW ¼ of Section 25. When compared against the 2229-acre ppu of the enlargement right 36-15531, there are a total of 8 extra acres in Section 25 and 141 NEW acres in Section 26. It appears the ppu for 36-15531 should have been 2221 acres instead of 2229 acres (2229 - 8) and the enlargement right should be worth 141 acres. This would allow a volume of 564 af, (141 X 4). The three splits will use the 141 acres and volume of 564 af as the basis for the splits.

3. jroberts 3/24/2009 12:11:07 PM POU

Comment: Updated Shape

4. jroberts 3/24/2009 1:00:31 PM POD

Comment: Updated Shape

5. jroberts 3/24/2009 1:05:04 PM POD

Comment: Updated Shape

6. jroberts 3/24/2009 1:08:40 PM POD

Comment: Updated Shape

7. jroberts 3/24/2009 1:11:13 PM POD

Comment: Updated Shape

8. jroberts 3/24/2009 1:13:06 PM POD

Comment: Updated Shape

9. jroberts 3/24/2009 1:15:44 PM POD

Comment: Updated Shape

10. jroberts 3/24/2009 1:16:55 PM POD

Comment: Updated Shape

11. jroberts 3/30/2009 volume

Comment: It was determined that there was no volume available after all for this right, the full volume had already been allocated per the system capacity.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-16585

Dates and Other Information:

Licensed Date:
Decreed Date: 9/17/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date: 4/12/1994
State or Federal: S
Owner Name Connector: And
Water District Number: 130
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
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>
25.03	6819.9	1816.8

Combined Water Rights: 36-16570 , 36-16573 , 36-16576 , 36-16585

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.05		1809.7

Combined Water Rights: 36-16570 , 36-16573 , 36-16576 , 36-16585

Water Supply Bank: