

Water Right Report 57-1202

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	BURGHARDT CO INC PO BOX 1159 GRAND VIEW, ID 83624 (208)834-2730
Current Owner	OWYHEE CALCIUM PRODUCTS INC PO BOX 159 GRAND VIEW, ID 83624 (208)834-2760
Original Owner	BURGHARDT CO INC C/O LULU BURGHARDT GRAND VIEW, ID 83624

Status: PARENT

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	4.70 AF
IRRIGATION	03/15 to 11/15	0.500 CFS	256.90 AF
	<u>Total Diversion:</u>	0.500 CFS	261.60 AF

GROUND WATER OWYHEE County	SE1/4SE1/4SW1/4	Sec. 34,	Twp 06S,	Rge 03E, B.M.
GROUND WATER OWYHEE County	SE1/4NE1/4	Sec. 4,	Twp 07S,	Rge 03E, B.M.
GROUND WATER OWYHEE County	SW1/4SW1/4	Sec. 4,	Twp 07S,	Rge 03E, B.M.

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	03E	34									17.0			16.0	19.0	36.0	40.0	16.0	144.0
07S	03E	3					5.0 L 3	20.0 L 4											25.0
07S	03E	4	9.0 L 1			1.0													10.0

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Total Acres: 179

STOCKWATER same as IRRIGATIONConditions of Approval:

1. STOCKWATER, 350 RANGE CATTLE
2. USE OF THIS RIGHT WITH RIGHT NOS. 57-02285A AND 57-01207 IS LIMITED TO A COMBINED DIVERSION RATE OF 1.99 CFS.
3. The total instantaneous diversion of water from all ground water points of diversion shall not exceed 3.32 cfs, nor a total combined annual volume of 810.2 af; and the total instantaneous diversion under Transfer 5665 shall not exceed 10.41 cfs, nor a total combined annual volume of 864.2 af for the irrigation of 179 acres, stockwater and storage uses as described under each right.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted for irrigation purposes under this right and right no. 57-02285A, and shall only divert groundwater under these rights for irrigation purposes when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
6. If the surface water right(s) appurtenant to the place of use under this right and right no. 57-02285A is sold, transferred, leased or used on any other place of use, these rights to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. USE OF THIS RIGHT WITH RIGHT NOS. 57-01205, 57-02285A, AND 57-01207 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 95 ACRES AND A TOTAL ANNUAL DIVERSION VOLUME OF 427.5 AF AT THE FIELD HEADGATE FOR IRRIGATION USE.
8. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
9. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
10. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 69 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
11. 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.

Remarks:Comments:

1. Iharris 8/23/2001 Amendment
Comment: Amended per Transfer 5665 approved 8/15/00.
2. Ownership Change 12/22/2008 3:18:40 PM Split Right
Comment: Split into 57-11763 and 57-11764.

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Dates and Other Information:

Licensed Date:
Decreed Date: 12/5/2001
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.99		
Combined Water Rights: 57-2285A , 57-1207 , 57-1202		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
10.41	864.2	179
Combined Water Rights: 57-1207 , 57-1202		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	427.5	95
Combined Water Rights: 57-2285A , 57-1205 , 57-1207 , 57-1202		

Water Supply Bank: