

Adjudication Recommendation Report 37-11430 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAXINE MOLYNEUX 1174 GANNETT-PICABO RD BELLEVUE, ID 83313 (208)788-2552
Current Owner	A W MOLYNEUX 1174 GANNETT-PICABO RD BELLEVUE, ID 83313 (208)788-2552
Current Owner	JOHN I MOLYNEUX 10407 HWY 75 BELLEVUE, ID 83313 (208)788-2450
Current Owner	KRISTY MOLYNEUX 10407 HWY 75 BELLEVUE, ID 83313 (208)788-2450

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	2.400 CFS	633.50 AF
	<u>Total Diversion:</u>	2.400 CFS	633.50 AF

GROUND WATER BLAINE County	SW1/4NE1/4NW1/4	Sec. 12, Twp 01S, Rge 18E, B.M.
GROUND WATER BLAINE County	NW1/4NE1/4NW1/4	Sec. 36, Twp 01N, Rge 18E, B.M.
GROUND WATER BLAINE County	NE1/4NW1/4NE1/4	Sec. 12, Twp 01S, Rge 18E, B.M.

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
01N	18E	36									40.0	40.0	38.0	39.0					157.0
01S	18E	1	19.0 L 1	19.0 L 2			5.0 L 3				20.0			35.0	40.0	40.0	40.0	39.0	257.0

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01S 18E 12	38.0	40.0	38.0	8.0	13.0	40.0	177.0
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Total Acres: 591

Conditions of Approval:

1. 01Q After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. K02 This right is based upon an enlargement of Right Nos. 37-2658 and 37-7651 pursuant to Section 42-1426, Idaho Code.
4. E61 The rights listed below are limited to a total combined diversion rate of 9.24 cfs and to a total combined annual diversion volume of 2068.5 AF. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, and 37-11430.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. 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.
9. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
10. This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.
11. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
12. The rights listed below are limited to a total combined diversion rate of 27.59 cfs. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.
13. E56 The rights listed below are limited to the irrigation of a combined total of 591 acres in a single irrigation season. Combined Right Nos.: 37-2658, 37-4421B, 37-7651, 37-11430, 37-20570, 37-20571, 37-20574, 37-20577, 37-20578, 37-20581, 37-20584, 37-20593, 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040.
14. 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.

Remarks:Comments:

1. tfawcett 2/10/2009 transfer 74959

Comment: Recommendation associated right conditions updated to reflect approved transfer 74959.

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Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 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>
9.24	2068.5	591

Combined Water Rights: 37-2658 , 37-7651 , 37-11430 , 37-4421B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
27.41		591

Combined Water Rights: 37-20570 , 37-20577 , 37-20593 , 37-2658 , 37-7651
 , 37-20581 , 37-11430 , 37-4421B , 37-20571 , 37-20574 , 37-20578 ,
 37-20584

Water Supply Bank: