

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-22040 V2

WATER RIGHT NUMBER: 37-22040 V2

<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

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4SE1/4SW1/4	Sec. 12, Twp 01N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	NE1/4SW1/4SW1/4	Sec. 25, Twp 01N, Rge 18E, B.M.
BLAINE County	(Rediversion)	
BIG WOOD RIVER	NW1/4SE1/4NW1/4	Sec. 25, Twp 01N, Rge 18E, B.M.
BLAINE County	(Rediversion)	

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	
01N	18E	36									40.0	40.0	38.0	39.0					157.0
01S	18E	1			19.0	19.0			5.0	20.0			35.0		40.0	40.0	40.0	39.0	257.0
					L 2	L 1			L 3										
01S	18E	12	38.0	40.0			38.0	8.0	13.0	40.0									177.0

Total Acres: 591

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Conditions of Approval:

1. X35 Rights 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040 when combined shall not exceed a total diversion rate of 0.18 cfs.
2. This right is a split from former right 37-20893.
3. 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.
4. 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.
5. Water is diverted from the Big Wood River into the Bypass Canal where it is reddiverted into either the Baseline Canal in the SENW Sec. 25 or into the Dittoe Ditch in the SWSW Sec. 25, T1N, R18E.
6. 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.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
8. R43 The right holder shall maintain measuring devices and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Rights 37-22026, 37-22028, 37-22030, 37-22032, 37-22034, 37-22036, 37-22038 and 37-22040 when combined shall not exceed the irrigation of 3.9 acres in a single irrigation season.
11. This right is measured and administered at the point of rediversion.
12. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. 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.

Comments:

1. tfawcett 2/10/2009 transfer 74959

Comment: Recommendation updated to reflect approved transfer 74959.

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:
 Owner Name Connector:
 Water District Number: 37
 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:Water Supply Bank: