

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 43-13612

WATER RIGHT NUMBER: 43-13612

DRAFT

| <u>Owner Type</u> | <u>Name and Address</u>                                                |
|-------------------|------------------------------------------------------------------------|
| Current Owner     | WALLACE SEARS JR<br>PO BOX 7<br>MALTA, ID 83342<br>(208)638-5542       |
| Current Owner     | RAMONA SEARS<br>1584 E 1740 S<br>MALTA, ID 83342-8649<br>(208)638-5511 |

Priority Date: 04/30/1873

Basis: Decreed

Status: Active DRAFT

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| CASSIA CREEK  | RAFT RIVER       |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 04/01 to 10/31          | 0.060 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.060 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                 |
|---------------|-----------------|---------------------------------|
| CASSIA CREEK  | NE1/4NW1/4SW1/4 | Sec. 23, Twp 13S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |
| CASSIA CREEK  | NE1/4NE1/4SE1/4 | Sec. 23, Twp 13S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |
| CASSIA CREEK  | NW1/4NW1/4SE1/4 | Sec. 23, Twp 13S, Rge 25E, B.M. |
| CASSIA County |                 |                                 |

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 |        |      |
| 13S | 25E | 24  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 30.0   | 30.0 |

Total Acres: 30

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-13612

1. 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.
2. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. 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. 43C.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. X35 Rights 43-13610, 43-13612, 43-13614, 43-13616, and 43-13618 when combined shall not exceed the irrigation of 30.0 acres.
6. U42 Place of use does not include federal public lands
7. WB4 The total instantaneous diversion of water from all points of diversion under Rights 43-13610, 43-13612, 43-13614, and 43-13616 shall not exceed 0.70 cfs.
8. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. The point of diversion previously authorized under this right if abandoned shall have the diversion works physically removed from the creek and rehabilitate the site in a manner that complies with Stream Channel Alteration requirements of Section 42-3803, Idaho Code.

Remarks:

Comments:

1. tfawcett 1/8/2009 split right  
Comment: This right was split from 43-71A pursuant to an owner change.