

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHTS)
TO THE USE OF THE SURFACE WATERS)
AND TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

SCANNED
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S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

RD416

05/04/83

INDICATES TOTAL SOURCE: DIVIDE CREEK TRIBUTARY TO: EIGHTEENMILE CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-2125	MAHAFFEY LIVESTOCK INC. C/O STEPHEN MAHAFFEY P.O. BOX 4 TENDON	06-26-1912	IRRIGATION 03-15 11-15	.70 CFS	SENE S34 T14N R27E	NWNE(16) SWNE(03) DECREE SENE(02) NENW(01) S34 T14N R27E	
74-1553	MC FARLAND LIVESTOCK CO. INC. C/O T. L. MC FARLAND P.O. BOX 50 LEMHI	05-01-1945	STOCKWATER 05-01 11-01	.10 CFS	SWSE S14 T13N R28E	NWNW SENE S23 T13N R28E SENE SENE S22 T13N R28E	DECREE
74-1472	U.S. DEPT. OF INTERIOR BUREAU OF LAND MGMT. IDAHO STATE OFFICE 3380 AMERICANA TERRACE BOISE P/U: T13N R28E S20 NWSE S19 SWNE S18 SWSE P/U: T13N R27E S13 NWSW	06-15-1962	STOCKWATER 03-01 12-31	.01 CFS	NESW S21 T13N R28E		DECREE