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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-10486C

WATER RIGHT NUMBER: 72-10486C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	US DEPT OF AGRICULTURE FARMERS HOME ADMINISTRATION PO BOX 1189 SALMON, ID 83467 (208)756-4417
Current Owner	FIRSTFRUITS FOUNDATION PO BOX 510 CHALLIS, ID 83226 (208)879-4560

Priority Date: 05/20/1914

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GARDEN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MITIGATION	01/01 to 12/31	0.060 CFS	
IRRIGATION	04/01 to 10/31	0.230 CFS	
<u>Total Diversion:</u>		0.290 CFS	

Location of Point(s) of Diversion

GARDEN CREEK	L3 (SW1/4NE1/4NW1/4)	Sec. 2,	Twp 13N,	Rge 18E, B.M.
CUSTER County				
GARDEN CREEK	SE1/4NE1/4SE1/4	Sec. 3,	Twp 13N,	Rge 18E, B.M.
CUSTER County				

Place of Use

MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	18E	2					X												
							L3												

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	
13N	18E	2			.2		11.5												11.7
					L2		L3												

Total Acres: 11.7

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 72-10486C

Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 2 SWNENW.
72-00106J, 72-00109J, 72-10486C, 72-00106H, 72-00106K, 72-00109K, 72-10486D, AND 72-00106C.
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 3 SENESE.
72-00106J, 72-00109J, 72-10486C, 72-00106F, 72-00109F, 72-00106K, 72-00109K, 72-10486D, AND 72-10486A.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 14.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106J, 72-00109J, 72-10486C AND 72-04174C.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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. CHRISTEN 1/31/1994 COPIED FROM REMARKS

Comment: ~ 51 ACRES OF ACTUAL IRRIGATION ALONG GARDEN CREEK. PORTION OF UNKNOWN DECREE. UNABLE TO LOCATE BASE DECREE FOR THIS 25" OF CLAIMED GARDEN CREEK WATER. PRIORITY DATE 1912 CLAIMED, EXACT MONTH/DAY OF DECREE UNKNOWN. *****
OWNERSHIP CHANGE 5/24/91 BY AA.

2. KCHRISTE 8/23/1994 COPIED FROM REMARKS

Comment: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-00106B AND 72-00109C. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.26 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 62.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00106B AND 72-00109C. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 77.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00106B, 72-00109C AND 72-04174. BASIS OF SPLIT RIGHT THERE WAS AN OWNERSHIP CHANGE SPLITTING THE RIGHT INTO; 72-10486A JAMES TRUST FOR 9/25ths OF .50 CFS OR .18 CFS AND 72-10486B FIRSTFRUITS FOR 16/25ths OF .50 CFS OR .32 CFS. THE SPLIT WAS BASED UPON FOUND IRRIGATED ACRES AS DISCUSSED WITH CHRISTOPHER JAMES ON 08-15-94. KKC

3. AJU10-DS 11/21/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

4. KCHRISTE 2/24/2000 SPLIT MODIFIED PER BLM

Comment: FRED PRICE REQUESTED THE 0.3 ACRES IN SEC 2 SENW BE MOVED TO BLM

5. amerritt 6/3/2004 correct typo

Comment: 72-109J, 72-106J and 72-10486C overlap on same 13.2 acres. Right 72-4174C overlaps partially on these 13.2 acres but also is primary on 2.6 acres. In total all these rights irrigate 15.8 acres. Corrected condition by changing 13.2 to 15.8.

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Water Right Report 72-10486C

6. kwalker 9/29/2004 Mitigation

Comment: This right has been changed to reflect the mitigation use that was added due to approval order found in permit file 72-16624. The right holder changed 1.5 acres to allow for the mitigation use. Also corrected condition limiting number of acres to 14.3 (11.7 under 72-106J, 72-109J, 72-10486C and 2.6 under 72-4174C - per amerritt comment).

Dates and Other Information:

Licensed Date:
Decreed Date: 5/31/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 72B
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>
		14.3

Combined Water Rights: 72-106J , 72-109J , 72-4174C , 72-10486C

RECEIVED

JUN 1 - 2000

Department of Water Resources

2000 MAY 31 AM 8:46
TWIN FALLS CO., IDAHO
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

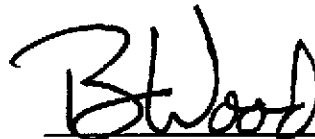
For Water Right 72-10486C

On March 13, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 72-10486C is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED MAY 31 2000



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN 1 - 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
Department of Water Resources STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-10486C

700 MAY 31 AM 8:46

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: FIRSTFRUITS FOUNDATION
PO BOX 1190
CHALLIS, ID 83226

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.29 CFS

PRIORITY DATE: 05/20/1914

POINT OF DIVERSION: T13N R18E S02 LOT 03 (SWNE) Within Custer County
S03 SENESE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.29 CFS

PLACE OF USE: Irrigation Within Custer County
T13N R18E S02 LOT 02 (NWNE) 0.2 LOT 03 (NENW) 13.0
13.2 Acres Total

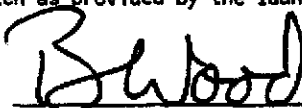
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 13.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106J, 72-00109J, 72-04174C, AND
72-10486C.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN 1 - 2000

Department of Water Resources

2000 MAY 31 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 72-10486C

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 72-10486C was mailed
on May 31, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

FIRSTFRUITS FOUNDATION
Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
05/31/00