

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12450 V1

WATER RIGHT NUMBER: 45-12450 V1

Owner Type Name and Address
 Current Owner ELQUIST RANCHES INC
 1425 S 80 W
 OAKLEY, ID 83346
 (208)431-3851

Priority Date: 05/15/1955

Basis: Beneficial Use

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.430 CFS	2,161.80 AF
	<u>Total Diversion:</u>	4.430 CFS	2,161.80 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4NE1/4	Sec. 5,	Twp 13S,	Rge 23E, B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4SW1/4	Sec. 8,	Twp 13S,	Rge 23E, 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	
12S	22E	25													33.0	33.0	33.0	33.0	132.0
12S	22E	36	33.0	40.0	40.0	33.0	33.0	33.0	33.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	565.0
12S	23E	31			5.0										30.0	40.0	25.0		100.0
					L 2											L 3	L 4		
13S	22E	1	20.0	40.0															60.0
			L 1	L 2															
13S	23E	6	5.0	30.0															35.0
			L 1	L 2															

Total Acres: 892

Conditions of Approval:

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1. 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:

1. Explanatory The total instantaneous diversion of water from all points of diversion under Transfer 5038 shall not exceed 9.35 cfs, nor total combined annual volume of 3950.2 af.
Approval of Transfer 5038 does not confirm claimed Rights 45-04009, 45-04013B, 45-04024 and 45-04025.
Approval of Transfer 5038 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
Right 45-04024 is limited to irrigation of 520.0 acres in the place of use described above in a single irrigation season.
Rights 45-04024 and 45-04025 when combined shall not exceed irrigation of 892.0 total acres in a single irrigation season.
Rights 45-04009, 45-04024 and 45-04025 each have identified two priority dates of 05-09-1953 and 05-15-1955.
2. Explanatory Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 892 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-703, 45-4013B, 45-12444, 45-12447, 45-12450.
4. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 45-4024, 45-4025, AND 45-4009B.
5. Quantity 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.
6. Explanatory The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Explanatory Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Explanatory Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Explanatory Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

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Comments:

1. jroberts 11/18/2003 Basis of Recommendation

Comment: This claim is a combination of 45-4024, 45-4025, and part of 45-4009. There were two wells claimed with two different priority dates. Evidence in the files seems to support the two priority dates but there was no historical flow rate information on each well so I am recommending the later date of 5/15/1955 on this combined right. (These rights could be split if additional information for the individual well is provided in the future.) Measurements were done in 1997 for a transfer which found less capacity than claimed on the wells. One measured 4.32 cfs and the other 3.27 cfs, for a total system capacity of 7.59 cfs. Elquist says they own 7/12 of the wells production and Lambert owns the other 5/12. With the current measurement information, that means Elquist gets 4.43 cfs and Lambert gets 3.16 cfs from the two wells. Volume was calculated as diversion rate 4.43 X 488 AF/cfs in 246 day irrigation season = 2161.8 AFA.

2. jroberts 11/18/2003 Transfer #5038 Conditions

Comment: WATER RIGHT NO. 45 12450 V1

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.

T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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.

T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

GEN The total instantaneous diversion of water from all points of diversion under Transfer 5038 shall not exceed 9.35 cfs, nor total combined annual volume of 3950.2 af.

Approval of Transfer 5038 does not confirm claimed Rights 45-04009, 45-04013B, 45-04024 and 45-04025.

Approval of Transfer 5038 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Right 45-04024 is limited to irrigation of 520.0 acres in the place of use described above in a single irrigation season.

Rights 45-04024 and 45-04025 when combined shall not exceed irrigation of 892.0 total acres in a single irrigation season.

Rights 45-04009, 45-04024 and 45-04025 each have identified two priority dates of 05-09-1953 and 05-15-1955.

046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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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:
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: