

ATKIN LAW OFFICES

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RECEIVED
MAR 26 2010
DEPARTMENT OF
WATER RESOURCES

March 23, 2010

VIA U.S. MAIL, EMAIL & FACSIMILE

Gary Spackman
Interim Director of the Idaho Department of Water Resources
The Idaho Water Center
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098
Facsimile: (208) 287-6700
Email: gary.spackman@idwr.idaho.gov

Re: *Demand for delivery of decreed water rights in Worm Creek Drainage*

Dear Interim Director Spackman:

This firm represents the following decreed water right holders in the Worm Creek Drainage:

E & M Trust
Eldon and MaryAnn Golightly
Grant Chadwick, Trustee of Chadwick Estate
Wheatley Properties, LLC, an Idaho Limited Liability Company

These parties own the following decreed rights:

Water Right No.	Diversion Rate	Acre Feet	Priority date
13-0062	0.20 c.f.s.	91.7	5-15-1902
13-0216	2.0 c.f.s.	400	8-31-1903
13-0217	0.43 c.f.s.	184.00	4-01-1872
13-0218	0.43 c.f.s.	184.00	4-01-1872
13-0219	2.22 c.f.s.	389.00	4-01-1872
13-0221	2.26 c.f.s.	396.00	4-01-1872
13-0258	0.58 c.f.s.	102.00	8-31-1903

On May 21, 1981, this Sixth Judicial District Court of Franklin County, in Case No. 3236, entered a decree in a general adjudication known as the Worm Creek Drainage Decree (the "Decree"). Pertinent pages of the Decree are attached hereto as **Exhibit A**.

The Decree found that the waters in the drainage were derived from several sources, including Worm Creek, Mink Creek, Cub River, Spring Creek, and various unnamed springs, to name a few. "In the lower reaches the natural water supply is augmented by return flows and water

from other stream systems, i.e., from Mink Creek and Cub River.” See, Findings of Fact No. 1, from the Finding of Water Rights in the Worm Creek Drainage Basin, pertinent pages of which are attached hereto as **Exhibit A**. The Court specifically found that “The water supply of Worm Creek Basin is augmented by importation of water from Cub River Basin and Mink Creek Basin. The imported water is commingled with the waters of Worm Creek and its tributaries, and the natural channel of Worm Creek and tributaries is used to convey the commingled waters to the intended place of use.” See, Findings of Fact No. 2, pertinent pages attached hereto as **Exhibit A**.

For ease in reading the Decree, water rights were “tabulated” according to the place along the Worm Creek Drainage where the water is diverted for irrigation use, but it was the specific determination of the Court that “For distribution purposes, however, the rights described in this decree shall be considered part of the same system, and shall be distributed as one (1) system when physically practical.” See, Recommended Decree of Water Right, pertinent pages attached hereto as **Exhibit A**.

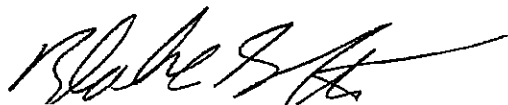
Until the recent past, my clients’ water was some of that commingled water coming into the Worm Creek Drainage from Mink Creek, Cub River, and various local springs and streams. It was delivered from these varied sources and diverted by my clients from Spring Creek, which, as was recognized by the Decree, was “one of the natural channels of worm creek and tributaries” that “is used to convey the commingled waters to the intended place of use.” See, Findings of Fact No. 2, pertinent pages attached hereto as **Exhibit A**.

In the recent past, you have failed to deliver my clients’ water through the Worm Creek Drainage to their points of diversion along Spring Creek.

Demand is hereby made that you deliver in full the above named water rights, and that you control the distribution of water in Worm Creek Drainage according to the priority date of the decreed water rights. Because of the fast approach of the irrigation season, I must insist that you inform me immediately if you do not intend to deliver the water rights as herein demanded. Unless I hear from you by April 1, 2010, I will assume that you do not intend to deliver the water as required by the Worm Creek Decree and will take steps to enforce my client’s rights.

Thank you for your anticipated cooperation.

Sincerely,
ATKIN LAW OFFICES, P.C.

A handwritten signature in black ink, appearing to read "Blake S. Atkin", with a long horizontal flourish extending to the right.

Blake S. Atkin

BSA:ra
Enclosure

Exhibit A

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FRANKLIN

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHTS TO)
THE SURFACE AND GROUNDWATERS)
OF THE WORN CREEK DRAINAGE BASIN.)

CIVIL NO. 3236

D E C R E E

The report of the Department of Water Resources entitled PROPOSED FINDING OF WATER RIGHTS IN THE WORN CREEK DRAINAGE BASIN, was filed with this Court on September 30, 1975. The report contains FINDINGS OF FACT, CONCLUSIONS OF LAW, and a LISTING OF WATER RIGHTS.

As a result of objections to the PROPOSED FINDINGS, changes were made with regard to the following rights:

13-0062, 13-0144, 13-0210, 13-0216, 13-0217, 13-0239, 13-0255, 13-0263, 13-0264, 13-0273, 13-0274, 13-0315, 13-0316, 13-0317, 13-0318, 13-0319, 13-0320, 13-0321, 13-0322, 13-0323, 13-0329, 13-0333, 13-2022, 13-2102, and 13-2287. Changes were also made to finding of fact 7 and conclusion of law 2. These amendments, additions, and deletions to the PROPOSED FINDINGS are set forth in the attached appendix A which is incorporated as part of this decree.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the water rights of the persons made party to this action are as described in the PROPOSED FINDING OF WATER RIGHTS IN THE WORN CREEK DRAINAGE BASIN as amended by appendix A attached to this decree and incorporated herein by reference.

DATED this 24 day of February, 1981.

FRANCIS RASMUSSEN
District Judge

RECEIVED
JAN 11 1964
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

THE OFFICE OF THE SECRETARY OF AGRICULTURE

WASHINGTON, D.C. 20250

WASHINGTON COUNTY

PROPOSED FUNDING OF WATER RESOURCES

IN THE

WATER RESOURCES ADMINISTRATION

WASHINGTON COUNTY

FINDINGS OF FACT

1. Worm Creek is an interstate stream that arises in and flows through Franklin County, Idaho. Approximately one-half (1/2) mile south of the Idaho border in the State of Utah, Worm Creek flows into the Cub River. The water supply of Worm Creek in its upper reaches results from water naturally arising within the drainage. In the lower reaches the natural water supply is augmented by return flows and water from other stream systems, i.e., from Mink Creek and Cub River. There are periods during each year when the amount of water flowing in Worm Creek and its tributaries, is insufficient to meet and satisfy the various demands by claimants of appropriate rights. These periods of scarcity normally occur during the latter part of the summer.
2. The water supply of Worm Creek Basin is augmented by importation of water from Cub River Basin and Mink Creek Basin. The imported water is commingled with the waters of Worm Creek and its tributaries, and the natural channel of Worm Creek and tributaries is used to convey the commingled waters to the intended place of use.
3. A number of surface and underground drains have been constructed in the Worm Creek drainage. The water developed as a result of these drains either returns to the Worm Creek channel or is diverted from the drains and beneficially used before reaching Worm Creek or its tributaries.
4. Beneficial use rights from surface water sources are those rights which were commenced by diversion and application of the water to beneficial use prior to May 20, 1971. All other rights to the use of surface water must have been initiated by an application filed with the Department of Water Administration or must have been previously adjudicated.
5. The diversion requirement for irrigation purposes is found to be 3.5 acre feet per acre per calendar year regardless of the source of supply. The irrigation season is from April 1 to November 1 of each year. Consumptive use or evapotranspiration of water from land and crops is a total of 2.1 acre feet per acre per growing season of which precipitation normally furnishes 0.4 acre feet per acre, leaving a net consumptive irrigation requirement of 1.7 acre feet per acre to be applied from some water source. The balance of 1.8 acre feet per acre (3.5 a.f. per acre - 1.7 a.f. per acre) reflects application losses that under present physical and economical conditions may be liberal, but are not unreasonable for the Worm Creek Basin.
6. The amount of water required for stockwatering purposes is found to be 12 gallons of water per day per head for cows, calves, and horses, and two gallons per day per head for sheep. For domestic or household use, the requirement is 1,000 gallons of water per day per household.
7. The United States has submitted claims of water rights based on the "Reserved Rights" principle. The water rights of the United States are subject to adjudication in this proceeding under the provisions of 43 USC 666.
8. This proposed finding of water rights includes rights initiated by application and permit from the Department of Water Administration. These permit rights are subject to the requirement that proof of beneficial use of the water must be submitted to the Department and the right will be limited to and confirmed by such license as may subsequently be issued by the Department.
9. This proposed finding of water rights includes rights initiated by application and permit from the Department of Water Resources. These permit rights are subject to the requirement that proof of beneficial use of the water must be submitted to the Department and the right will be limited to and confirmed by such license as may subsequently be issued by the Department.

10. Regulation of the diversion and use of water from Worm Creek and its tributaries requires that each user who diverts water must install and maintain a suitable headgate and measuring device for the use of a watermaster in administering the distribution of the water.
11. Among the various water rights in the licenses issued by the Department of Water Resources within the Worm Creek Drainage are several which describe rights which were unclaimed by the present land owner. For the most part, these include uses which no longer exist because of forfeiture or abandonment of the right. These unclaimed "rights" are listed in the recommended decrees.
12. Water has been diverted and applied to a beneficial use as described in the recommended decree of water rights.

CONCLUSIONS OF LAW

1. This recommended decree includes all of the existing rights to the waters of Worm Creek and its tributaries and upon its adoption supercedes all prior judgments of the Court. Any water user who heretofore diverted water from Worm Creek or its tributaries or who owns lands to which previously established rights were appurtenant and who, upon being joined in this action, failed to claim such water rights have forfeited such rights as provided in Section 42-1411 Idaho Code.
2. The United States holds rights to the use of water on reserved forest lands within the Worm Creek Basin with priorities based upon the date when the various forest reserves were established, to the extent such water has been diverted and applied to a beneficial use prior to the date of this action or to the extent that future potential uses have been reasonably identified in its claims. The United States holds no rights either expressly or impliedly to any rights to the present or future use of water of Worm Creek or its tributaries not specifically claimed and identified as to quantity and place of use except as set forth in these findings of fact, conclusions of law and decree of water rights.
3. Natural channels may be used to convey commingled water pursuant to the provisions of Section 42-105, Idaho Code. Such use shall not reduce the quantity of water available to which other appropriators are entitled and allowance shall be made for loss by evaporation and seepage.
4. The combined amount of water diverted and/or delivered from all sources to irrigated land within the Worm Creek Drainage Basin shall not exceed 5.5 AF/A at the field headgate.
5. The right to use water that has been developed through construction of surface and underground drains, and that has been diverted and beneficially used before being discharged into Worm Creek or its tributaries is independent of the rights existing on Worm Creek and its tributaries. Water appropriated from underground drains prior to discharge from the drain are considered to be from a groundwater source and are not subject to determination in this action.
6. Water users whose rights are described in this recommended decree and those using the natural channels for conveyance purposes shall be required to install and maintain headgates and measuring devices for use by a watermaster in administering the distribution of water.

7. The irrigation season is from April 1 to November 1 of each year.
8. Water has been diverted and applied to a beneficial use as described in the following recommended decree:

RECOMMENDED DECREE OF WATER RIGHT

The following tabulation of recommended rights are grouped by source. For example, rights to use the water of Worm Creek and minor streams and springs directly tributary are in the first part of the report. Then, rights tributary streams (those on which a number of rights are claimed) are listed in downstream order. Rights from unnamed sources are listed as a final tabulation. Within each list the rights are tabulated in chronological order of use.

For distribution purposes, however, the rights described in this decree shall be considered part of the system to be distributed as one (1) system when physically practical.

Same
System

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To					
13-0300	WEBSTER, Blaine M. 8/or Dennis H. Rt. #3 Preston, Idaho	6-14-1879	Irrigation	4-1	11-1	263.0	1.50	NW $\frac{1}{4}$ SE $\frac{1}{4}$, S. 10 T15S, R40E	Sec. 10	Beneficial Use
		6-14-1879	Stockwater	1-1	12-31	1.4	0.02		NW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.0 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.0 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.0 NW $\frac{1}{4}$ NN $\frac{1}{4}$ 7.0 SE $\frac{1}{4}$ NN $\frac{1}{4}$ 37.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1.0 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 T15S, R40E 75.0	
13-0271	PRESTON-WHITNEY IRRIGATION CO. Preston, Idaho	5-07-1880	Irrigation	4-1	11-1	2,000	50.0	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 8 T15S, R40E	Sec. 9	Beneficial Use
									SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.0 SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34.0 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8.0 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 32.0 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 26.0 Sec. 10 NW $\frac{1}{4}$ NN $\frac{1}{4}$ 28.0 SW $\frac{1}{4}$ NN $\frac{1}{4}$ 37.0 SE $\frac{1}{4}$ NN $\frac{1}{4}$ 36.0 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 33.0 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.0 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.0 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0	

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

9

SOURCE: Warm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
13-0271	PRESTON-WHITNEY (con't)							Sec. 11	Beneficial Use
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	34.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
								Sec. 12	
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	29.0
								Sec. 13	
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	29.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	36.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	34.0
								Sec. 14	
								NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
								NW $\frac{1}{4}$ NE $\frac{1}{4}$	23.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	36.0
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.0
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	24.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	26.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	21.0

PROPOSED FINDING OF WATER RIGHTS - NORM CREEK DRAINAGE

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To					
13-0271	PRESTON-WHITNEY (con't)								Sec. 15	Beneficial Use
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	37.0
									NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
									NW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
									SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
									SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
									NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
									NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
									SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.0
									SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
									NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
									NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.0
									Sec. 16	
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	35.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	37.0
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
									NE $\frac{1}{4}$ NW $\frac{1}{4}$	37.0
									SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
									NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
									NW $\frac{1}{4}$ SW $\frac{1}{4}$	7.0
									SW $\frac{1}{4}$ SW $\frac{1}{4}$	13.0
									SE $\frac{1}{4}$ SW $\frac{1}{4}$	26.0
									NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
									NW $\frac{1}{4}$ SE $\frac{1}{4}$	15.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	34.0
									Sec. 21	
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	35.0
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0

PROPOSED FINDING OF WATER RIGHTS - NORM CREEK DRAINAGE

11

SOURCE: Norm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	AMOUNT ACRE- FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
13-0271	PRESTON-WHITNEY (con't)							Sec. 21 (con't)	Beneficial Use
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	15.0
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	24.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	12.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	34.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	21.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	22.0
								Sec. 22	
								NE $\frac{1}{4}$ NE $\frac{1}{4}$	26.0
								NN $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
								NN $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	32.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	29.0
								NN $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	19.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	22.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	8.0
								NN $\frac{1}{4}$ SE $\frac{1}{4}$	30.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	3.0
								Sec. 23	
								NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.0
								NN $\frac{1}{4}$ NE $\frac{1}{4}$	34.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	29.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	23.0
								NN $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	26.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
								NN $\frac{1}{4}$ SW $\frac{1}{4}$	7.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	12.0

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION C.F.S.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
13-0271	PRESTON-WHITNEY (con't)							Sec. 23 (Con't)	Beneficial Use
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	30.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	27.0
								Sec. 24	
								NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
								NW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	34.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	28.0
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	36.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	31.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	27.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
								Sec. 25	
								NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
								NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	14.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	28.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	19.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	26.0

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

13

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To					
13-0271	PRESTON-WHITNEY (con't)									
									Sec. 26	Beneficial Use
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	17.0
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	14.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	16.0
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	18.0
									SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.0
									NE $\frac{1}{4}$ SW $\frac{1}{4}$	18.0
									SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.0
									SE $\frac{1}{4}$ SW $\frac{1}{4}$	29.0
									NE $\frac{1}{4}$ SE $\frac{1}{4}$	12.0
									NW $\frac{1}{4}$ SE $\frac{1}{4}$	28.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
									Sec. 27	
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	4.0
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.0
									NE $\frac{1}{4}$ NW $\frac{1}{4}$	32.0
									NW $\frac{1}{4}$ NW $\frac{1}{4}$	36.0
									SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
									SE $\frac{1}{4}$ NW $\frac{1}{4}$	31.0
									NE $\frac{1}{4}$ SW $\frac{1}{4}$	34.0
									NW $\frac{1}{4}$ SW $\frac{1}{4}$	15.0
									SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
									SE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
									NE $\frac{1}{4}$ SE $\frac{1}{4}$	24.0
									NW $\frac{1}{4}$ SE $\frac{1}{4}$	26.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
									Sec. 33	
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.0
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	18.0
									NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
									NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	30.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0

PROPOSED FINDING OF WATER RIGHTS - NORM CREEK DRAINAGE

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To					
13-0271	PRESTON-WHITNEY (con't)									
									Sec. 34	Beneficial Use
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.0
									NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
									NW $\frac{1}{4}$ NW $\frac{1}{4}$	31.0
									SW $\frac{1}{4}$ NW $\frac{1}{4}$	32.0
									SE $\frac{1}{4}$ NW $\frac{1}{4}$	27.0
									NE $\frac{1}{4}$ SW $\frac{1}{4}$	5.0
									NW $\frac{1}{4}$ SW $\frac{1}{4}$	18.0
									SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
									SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
									NE $\frac{1}{4}$ SE $\frac{1}{4}$	16.0
									NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
									Sec. 35	
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	32.0
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	27.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	33.0
									NE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
									NW $\frac{1}{4}$ NW $\frac{1}{4}$	4.0
									SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.0
									SE $\frac{1}{4}$ NW $\frac{1}{4}$	34.0
									NE $\frac{1}{4}$ SW $\frac{1}{4}$	34.0
									NW $\frac{1}{4}$ SW $\frac{1}{4}$	24.0
									SE $\frac{1}{4}$ SW $\frac{1}{4}$	12.0
									NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
									NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	31.0
									Sec. 36	
									NE $\frac{1}{4}$ NE $\frac{1}{4}$	28.0
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	27.0

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

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SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION C.F.S.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
13-0271	PRESTON-WHITNEY (cot)								
								Sec. 36 (cont)	Beneficial Use
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	32.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	24.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	29.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	28.0
								T15S, R39E	
								Sec. 18	
								NW $\frac{1}{4}$ NE $\frac{1}{4}$	3.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	7.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.0
								Lot 2	1.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	21.0
								Lot 3	19.0
								Lot 4	37.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	8.0
								Sec. 19	
								NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
								Lot 1	35.0
								Lot 2	39.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
								Lot 3	39.0
								Lot 4	34.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	34.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	5.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0

PROPOSED FINDING OF WATER RIGHTS - NORM CREEK DRAINAGE

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	SOURCE: Norm Creek	
								PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
13-0271	PRESTON-WHITNEY (con't)							Sec. 20	Beneficial Use
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.0
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	4.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	6.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	16.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	36.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.0
								Sec. 29	
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
								NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
								SW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
								NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
								SW $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	19.0
								Sec. 30	
								NE $\frac{1}{4}$ NE $\frac{1}{4}$	36.0
								NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
								SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
								SE $\frac{1}{4}$ NE $\frac{1}{4}$	35.0
								NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.0
								Lot 1	36.0
								Lot 2	27.0
								SE $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
								NE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0
								Lot 3	24.0
								Lot 4	33.0
								SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
								NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
								NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
								SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0
								SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

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SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	AMOUNT ACRE. FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION ...	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
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13-0271 PRESTON-WHITNEY (con't)

Sec. 31	Beneficial Use
NE $\frac{1}{4}$ NE $\frac{1}{4}$	35.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
Lot 1	37.0
Lot 2	37.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
Lot 3	39.0
Lot 4	27.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	38.0
Sec. 32	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	12.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	38.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.0
T15S, R40E	
Sec. 1	
Lot 2	19.0
Lot 1	25.0
Sec. 2	
Lot 4	33.0
Sec. 3	
Lot 2	12.0
Lot 4	32.0
Lot 3	36.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	21.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.0

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To					
13-0271	PRESTON-WHITNEY (con't)								Sec. 4	Beneficial Use
									Lot 2	28.0
									Lot 1	28.0
									Lot 3	6.0
									NE $\frac{1}{4}$ SW $\frac{1}{4}$	11.0
									SW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0
									SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	6.0
									Sec. 9	
									NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.0
									SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.0
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	7.0
									NE $\frac{1}{4}$ NW $\frac{1}{4}$	31.0
									NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.0
									SW $\frac{1}{4}$ NW $\frac{1}{4}$	25.0
									SE $\frac{1}{4}$ NW $\frac{1}{4}$	11.0
									NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
									NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
									SW $\frac{1}{4}$ SE $\frac{1}{4}$	9.0
									SE $\frac{1}{4}$ SE $\frac{1}{4}$	26.0
									Sec. 8	
									SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.0
									SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
									Sec. 10	
									NW $\frac{1}{4}$ NW $\frac{1}{4}$	16.0
									SW $\frac{1}{4}$ NW $\frac{1}{4}$	20.0
									NW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0
									SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
									T16S, R39E	
									Sec. 5	
									Lot 4	32.0
									NE $\frac{1}{4}$ SW $\frac{1}{4}$	14.0
									NW $\frac{1}{4}$ SW $\frac{1}{4}$	39.0
									SW $\frac{1}{4}$ SW $\frac{1}{4}$	38.0
									SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0

PROPOSED FINDING OF WATER RIGHTS - NORM CREEK DRAINAGE

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SOURCE: Norm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To					
13-0271	PRESTON-WHITNEY (con't)								Sec. 6 Lot 2 14.0 Lot 1 36.0 Lot 4 23.0 Lot 3 32.0 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.0 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 NE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 15.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.0 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 34.0 Sec. 8 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 39.0 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 26.0 T16S, R40E 10,449.0	Beneficial Use
13-0203	GREGORY, Pearl 68 E. 25 Preston, Idaho	10-1-1880 10-1-1880	Irrigation Stockwater	4-1 1-1	11-1 12-31	63.0 2.0 65.0	0.36 0.04 0.36	NE $\frac{1}{4}$ NW $\frac{1}{4}$ S.24 T15S, R39E	Sec. 24 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 10.0 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 T15S, R39E 18.0	Beneficial Use
13-0279	HULSE, Esther C. & OLIVERSON, Julia C. Rt. #3 Preston, Idaho	6-01-1881	Irrigation	4-1	11-1	3.5	0.04	Lot 2, S.18 T15S, R40E	Sec. 18 Lot 2 1.0 T15S, R40E 1.0	Beneficial Use