



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 19, 1989

Doug Rosenkrance  
Water District 34  
Rt. 1, Box 24  
Mackay, ID 83251

Dear Doug:


Enclosed for your use is a suggested outline of subject matter for you to address at the next meeting of the Big Lost River Advisory Committee scheduled at 1:00 p.m. on January 3, 1990 at the Magistrate Courtroom in Arco Idaho. A general map showing the location of major diversions which you regulate would be helpful in the committee's understanding of your duties and activities.

Also enclosed for your information is a copy of suggested subject matter which the irrigation district has been asked to provide the committee at the same meeting. The two different lists of subject matter has been prepared to hopefully distinguish for the committee members the difference between a water district and an irrigation district.

The department will send a copy of the general provisions of the Utah Construction Co. v. Abbott, et. al. decree to the committee members.

If the department can provide additional information or be of assistance to you, please contact us.

Sincerely,

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

Encl: 2

c: IDWR - E. Region  
Committee Members



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CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 19, 1989

Big Lost River Irrigation District  
P. O. Box 205  
Mackay, ID 83251

Gentlemen:

In my November 22, 1989 correspondence, I advised you that an informal advisory committee has been formed from different interest groups in the Big Lost River Valley in connection with the present and future use of water in the drainage basin. The committee is referred to as the Big Lost River Advisory Committee (committee) and has met on three occasions relative to water use. The meetings which have been held have essentially been "educational" in nature for the committee members and have included discussions of hydrogeology and Idaho Water law.

In a continuing effort to provide information to committee members, the committee requests a presentation by the irrigation district at the next scheduled meeting at 1:00 p.m. on January 3, 1989 at the Magistrate Courtroom in Arco to augment the committee's understanding of irrigation district functions. Doug Rosenkrance will also present information at this meeting on the functions of the water district and watermaster.

Enclosed is a brief outline of subject matter which we would like the district to address for the committee. Also enclosed for your information is a similar list of subject matter which will guide the information presented by the watermaster.

Please advise me as soon as possible if the irrigation district is able to attend the meeting and present information on irrigation district functions and policies to the committee.

Please feel free to contact me if you have questions or if the department can be of assistance.

Sincerely,

L. GLEN SAXTON, Chief  
Water Allocation Bureau

Encl: 2

C: IDWR - E. Region  
Committee members



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1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

*TYPICAL LTR*

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

December 19, 1989

Richard Reynolds  
Rt. 1 Box 73  
Moore, ID 83255

Dear Committee Member:

The third meeting of the Big Lost River Advisory Committee is scheduled at 1:00 p.m. on January 3, 1990 at the Magistrate Courtroom in Arco, Idaho. The subject matter will include functions and duties of the watermaster and water district. The Big Lost River Irrigation District has been invited to present information in connection with their duties and activities.

Enclosed for your information is a copy of the general provisions of the decree entitled The Utah Construction Company v. Abbott et. al. Also enclosed are copies of the suggested subject matter for the next meeting.

If not previously submitted, we hope that committee members will come with his list of Big Lost River issues. We will need this information before we can decide upon the next committee meeting.

Please feel free to contact me if you have questions.

Sincerely,

*L. Glen Saxton*  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

Encl: 3

c: IDWR - E. Region

## BIG LOST RIVER IRRIGATION DISTRICT PRESENTATION

### SUGGESTED SUBJECT MATTER

January 3, 1990 - 1:00 p.m., Arco, Idaho - Magistrate Courtroom

#### 1. GENERAL

- Organization of the BLRI District.
- District boundaries (map).
- Powers and duties of the Board of Directors.
- Adopted by-laws. (copies).

#### 2. OWNERSHIP

- Water rights owned by the district. - stored and natural flow.
- Entitlement to receive district water.
- Diversion works and/or conveyance facilities.

#### 3. POLICIES

- Irrigation district - buy, sell, lease of entitlements.
- Use of water outside district boundaries.
- Well pumping into the irrigation district's delivery system for credit.
- Storage of natural flow rights in Mackay reservoir.
- Plan of Operation.
- Determination of conveyance loss and deliveries to be assessed the loss.
- Conveyance of private water through district canals.

#### 4. MISCELLANEOUS

- Maintenance of diversion and conveyance facilities.
- Measuring device facilities. Calibration.
- River flow measuring stations.
- Stored water allocation among canals.
- Accounting system - stored water.

WATER DISTRICT PRESENTATION

SUGGESTED SUBJECT MATTER

January 3, 1990 - Arco, Idaho

1. Duties of the watermaster.
2. General discussion of the decree.
  - Unique provisions of the decree. i.e. 50 cfs past B-2 gage, etc.
3. Delivery of BLR Irrigation District water.
  - Stored water.
  - Natural flow rights?
4. Measuring devices.
  - Adequacy
  - Locations
  - Calibration
5. Operation of exchange pumps. Measurement of flows.
6. Record keeping, natural flow and stored water amounts.
7. River measuring stations.
  - Where taken.
  - Frequency of measurement.
  - How measurements are used.
8. Natural flow accounting.
9. Suggestions or recommendations of the watermaster, if any.

This cause came on to be further heard on the 15th day of March, A. D. 1923, before the Honorable E. S. Farrington, Judge pro tempore of the above entitled Court and said cause having been further argued by counsel and thereafter submitted for decision upon the evidence introduced at the trial and upon the stipulations filed herein and it appearing to the satisfaction of said Court and the Judge thereof as aforesaid:

1. That all of the defendants respectively named in sub-division "A" of the Schedule of rights set forth in part 2 hereof, by their respective counsel of record thereunto duly authorized, or, by individual stipulation duly executed by them in person, have appeared herein and agreed with plaintiff that decree may be entered as hereinafter set forth.

2. That all of the defendants respectively named in sub-division "B" of the Schedule of Rights as set forth in part 2 hereof, and each of them, have been duly and regularly served with subpoena herein according to law and that none of them have answered or otherwise appeared herein within the time provided by law and that decree pro confesso has been regularly taken against them, and that they have failed to appear or procure a vacation thereof, and that said defendants are respectively entitled to the water rights decreed to them in said subdivision "B" of the Schedule of Rights herein, and none other.

3. That the respective persons named in subdivision "C" of the Schedule of Rights as set forth in part 2 hereof are entitled to the water rights decreed to them in said subdivision "C" of said Schedule of Rights herein.

4. That the respective defendants hereinafter named do not have or claim to have any interest in the waters of Big Lost River or its tributaries or any part thereof and that this action has heretofore upon motion of plaintiff, been dismissed as against such defendants, to-wit: Serena G. Russum, Frank J. Pinkham, Joseph Vann, Frank Burke, Mrs. Lillie Johnson, M. W. Peart, Henry J. Shepperd.

5. That the following parties, to-wit: William Babcock, Elizabeth Bradshaw, Martin W. Brown, E. S. Crawford, Erick Erickson, Mark Hurst, L. A. Lafferty, William Sutter, Lillie C. Hammerly, Joseph L. Jeppesen, Edward D. Johnson, Thomas Lemon, Maggie J. Melton, Sarah A. Michael, Lottie Muir, Annie McKelvey, D. P. Wells, John Doe West, Reuben C. Ferguson, J. N. Hanrahan, Henry Harger, Susie J. Diers, having died prior to the date of the decree herein, the rights respectively vested in such deceased persons, prior to their death are herein decreed to the respective assigns, successors in interest, or legal representatives of such deceased persons, who have regularly appeared herein in lieu of such deceased persons.

6. That the respective defendants named in paragraph 1 of part 3 hereof have been duly and regularly served with subpoena in this cause according to law and that they and each of them have failed to answer or otherwise appear herein within the time provided by law and that a decree pro confesso has been duly and regularly entered herein against the said defendants and each of them according to law and the practice of this court, and that they have failed to appear or procure a vacation thereof.

7. That the respective defendants named in paragraph 3 part 3 hereof have regularly appeared herein by answer, stipulation or other pleading, but have failed to submit proof in support of their claims, and it appearing to the satisfaction of the Court, that such defendants do not have any rights in or to the waters of Big Lost River and its tributaries.

Now, Therefore, upon motion of counsel for plaintiff, it is ORDERED,

ADJUDGED AND DECREED as follows, viz:

D E C R E E

Part I

1. That Big Lost River is a stream with a large number of tributaries, having its entire water shed within the counties of Butte and Custer, State of Idaho, said river rising in the Lemhi National Forest in Custer County, Idaho and flowing in a general southeasterly direction through Custer county and Butte County, Idaho and having its terminus in the Lost River Sinks situated in Townships 4 and 5 North of Range 30 East of the Boise Base and Meridian.

That there is hereby drawn within the jurisdiction of this Court for distribution for beneficial uses, under and pursuant to the terms of this decree, all of Big Lost River and its tributaries as above described, and with the exceptions hereinafter provided, are hereby decreed to constitute a single interdependent river system to be administered under the terms of this decree,

2. Subject to such prior rights as are herein decreed in the order of their respective priorities, that is to say such rights as are prior by virtue of this decree, said plaintiff, Utah Construction Company, has the right to divert at its points of diversion hereafter stated and to impound at its reservoir (known as the Mackay reservoir) or in part to divert and in part to impound at said reservoir all the waters of Big Lost River and its tributaries to the extent of Two Thousand Three Hundred (2300) cubic feet per second of time according to the dates of priority hereafter set forth, the water stored in said reservoir to be thereafter released from said reservoir at plaintiff's pleasure through the gates of the Mackay Reservoir Dam and thence down the natural channel of Big Lost River for use at the following points of diversion, to-wit:

(a) In the Northwest quarter of the Northeast quarter of Section 14, Township 6 North, Range 25 East, B. M., at the head of what is known as the Blaine Canal, which said Blaine Canal belongs to and is a part of plaintiff's irrigation system.

(b) In the Northwest quarter of the Northwest quarter of Section 26, Township 4 North, Range 26 East, B. M., at the head of what is known as the Arco

*(munsong)*  
Canal which belongs to and is a part of plaintiff's said irrigation system.

(c) Or at any other point or points of diversion which may be established by the plaintiff for irrigation, power or other beneficial purposes recognized by law to which plaintiff may devote or dedicate said released stored water by its sale, rental or otherwise.

In its exercise of the rights herein defined the plaintiff may to the extent of its various appropriations as hereinafter decreed, impound in storage and divert the waters of Big Lost River at all times and at all seasons of the year when by so doing it does not interfere with the exercise of any prior rights fixed by this decree and the water released by it from storage may be conveyed through the natural channel of the River and shall be protected under the provisions of this decree for the distribution designated by plaintiff as though kept and conveyed within an artificial channel.

In administering the rights of plaintiff as herein decreed and mentioned the following considerations shall be observed and recognized: It is hereby adjudged and decreed that the natural flow and increment to Big Lost River between what are known as the "A" line gauging stations at the upper end of plaintiff's reservoir and what is known as the 2-B gauge below said reservoir, and located in the Northeast quarter of Section 18, Township 7 North, Range 24 East, B. M., is thirty-four (34) cubic feet per second and in determining what constitutes the natural flow of Big Lost River, with reference to the storing of water by plaintiff in its reservoir and the release of waters therefrom, the water flowing in said Big Lost River as measured by the "A" line gauging stations at the upper end of said reservoir, plus thirty-four (34) cubic feet per second measured at the 2-B gauge aforesaid, shall be deemed the natural flow of said stream at said 2-B gauge, and any amount in excess of such natural flow shall be deemed released stored waters. The return flow of water to the river or the natural increment of the river below said 2-B gauge shall not be deemed released stored waters. In case the gauges constituting said "A" line gauging stations shall be removed from their present location, the Court reserves jurisdiction upon application of any party hereto to determine the gain or loss of the stream between the present location of said "A" line



gauging stations and the points to which they shall be removed, and upon that basis to readjust the relation between the natural flow of the river at the gauging stations above plaintiff's reservoir and the said 2-B gauge.

In the delivery to plaintiff at the Blaine Canal Diversion of stored waters released during the month of May there shall be deducted to cover channel losses in transit an amount equivalent to an average of 15% of such waters as measured at said 2-B gauge; and of the storage waters released during each month thereafter there shall be deducted to cover such losses, an amount equivalent to 5% of such waters measured at said 2-B gauge.

Between October 1 and October 15 of each calendar year no waters shall be stored by plaintiff in its said reservoir unless the Commissioner or other official charged with the administration of this decree shall in his discretion determine that by reason of weather conditions or other determining factors all the water flowing in Big Lost River is not reasonably necessary to satisfy the prior rights herein decreed. Beginning October 15 of each calendar year and continuing to November 1, plaintiff shall have the right to store in its reservoir such of the waters of Big Lost River at said point as said Commissioner or other official charged with the administration of this decree shall, in his discretion, deem to be not reasonably necessary to satisfy prior rights for irrigation, stock and domestic purposes; up to November 1st of each calendar year said Commissioner or other official shall supply to all the ditches of defendants who are herein decreed rights prior to plaintiff water reasonably required for stock and domestic purposes except in the case of any ditch where such supply would in the opinion of such Commissioner or other official result in unreasonable waste of water.

From and After November 1st, of each calendar year to the beginning of the subsequent irrigation season, to-wit, May 1st, (or such earlier date as said Commissioner or other official may determine water to be necessary for irrigation purposes, but in no event earlier than April 20th), said plaintiff shall have the right to store in its said reservoir all the waters flowing at that point in Big Lost River. Provided, however, that plaintiff shall at no time by closing its gates for storage purposes at said reservoir, reduce the amount of water flowing in Big Lost River to

a quantity less than fifty (50) cubic feet per second of time measured at said 2-B gauge. And the plaintiff's right so to store said water for said period to the extent herein defined is hereby adjudged and decreed to be superior to the rights of any defendant during said period, and such storage and the subsequent use of said stored water by sale, rental or otherwise by said plaintiff will in no way infringe upon any prior right of any of said defendants thereto.

Plaintiff shall not divert at the head of its Blaine Canal any of the natural flow of said Big Lost River between November 1st and the beginning of the subsequent irrigation season.

3. Irrigation rights include the right to divert and use water for irrigation, domestic and culinary purposes and the watering of livestock throughout the irrigation season of each year which is defined as ordinarily that portion of the calendar year which commences on the first day of May and closes on the fifteenth day of October; subject however to certain regulatory powers herein given to the Commissioner or other official charged with the administration of this decree in connection with the storing of water in plaintiff's reservoir, such discretionary power to be exercised in seasons of unusual characteristics during the period from April 20th to May 1st, and during the month of October as set forth in paragraph 2 part 1 hereof.

Each irrigation right herein decreed shall include and imply as a part thereof (subject to plaintiff's right of storage to the extent and during the period herein prescribed), the right to the use of water for domestic and culinary purposes and the watering of livestock during the non-irrigation season.

All rights herein decreed to the plaintiff and the several defendants are decreed for the beneficial uses specified, and none of the parties hereto, or their successors in interest, whether heirs, executors, administrators, successors or assigns, shall have the right to divert any of the waters of said Big Lost River, or any of its tributaries, except for beneficial use, and whenever such use has ceased, such party or parties shall cease to divert, and shall have no right to divert, the said waters, or any part thereof, and each and every of the parties hereto, their servants, attorneys, employees and successors in interest, as aforesaid, are hereby

enjoined and restrained from any and all interference with or diversion or use of the said waters, except in the manner, and to the extent, and for the purposes, provided in this decree, whenever such interference, diversion or use would in any manner interfere with the diversion or use of the water awarded by this decree to any of the other parties to this action.

4. The Court hereby expressly reserves jurisdiction to supervise and enforce the administration of this decree hereafter and from time to time as occasion may require.

In the first instance the administration of this decree shall be left with Lynn Crandall, who is hereby appointed Commissioner for that purpose, and any successor who may be hereafter appointed by the Court. The salary of said Commissioner is hereby fixed at the sum of Three Hundred Twenty-five (\$325.00) Dollars per calendar month, together with his actual and necessary expenses incurred in the discharge of his duties. Said Commissioner is authorized to employ such assistants or water masters as may be necessary. Nothing herein contained shall prevent said Commissioner, if he so desires, from employing water masters elected or appointed for the several water districts of Big Lost River and its tributaries according to the manner prescribed by the statutes of Idaho for the election and appointment of Water Masters; and in case said Commissioner shall appoint said Water Masters as his assistants they shall receive their compensation in the manner provided by the statutes of Idaho with reference to such matters; but nothing herein contained shall require said Commissioner to appoint as his assistants such Water Masters so elected or appointed under the statutes of Idaho, unless, in his opinion, such appointment shall be conducive to the proper administration of this decree and unless so appointed by said Commissioner as his assistants said Water Masters shall have no authority to distribute the waters of Big Lost River or its tributaries while the distribution of the waters thereof shall be under the control of said Commissioner.

The salary and necessary expenses of said Commissioner and his assistants in the administration of this decree shall be borne as follows:

(a) During the period from November 1st to May 1st, plaintiff shall bear one-half of the expense of administration during said period, and those defendants to whom rights in the waters of Big Lost River are herein decreed and whose points of diversion are below plaintiff's reservoir shall bear the remaining one-half of such expense, said remaining one-half to be apportioned among such defendants in proportion to their respective rights as herein decreed.

(b) During the period from May 1st to November 1st the parties hereto and each of them shall bear the expense of administration incurred during such period pro rata according to the amount of water distributed to each during such period of the preceding year.

Said Commissioner shall, on or before May 1st of each year, prepare a budget covering the estimated expenditure for the ensuing year. After approval of this budget by the Court, said Commissioner shall distribute said estimated expenditures among the various users according to the method above set forth, basing his estimated costs for the months of May to October inclusive, and the amount payable by each water user, upon the amount of water used by each during the same period of the year preceding. Said Commissioner shall notify the parties to whom rights are herein decreed or their successors of the amount charged to each respectively, and shall also notify such parties of the time within which their respective shares or the installments thereof shall be paid to such Commissioner.

The Commissioner shall have authority to refuse to deliver water to any user until such time as such user's share of the expenses as herein provided for is paid.

Subject to the power and duty of this Court to supervise and enforce the administration of this decree from time to time as occasion may require, and to that end to appoint anew its Commissioner for that purpose for which jurisdiction is hereby expressly reserved, the administration of this decree shall at any time the Court deems it proper to discharge said Commissioner, be left with the officials of the State of Idaho charged with the duty of supervising the distribution of the public waters within said state, the costs and expenses of such administration to

be defrayed as provided by the statutes of Idaho. Any party hereto may apply at any time for directions to the Water Master or for the appointment of a Commissioner if necessary to enforce any provision of this decree.

(After the discharge of the Commissioner appointed by the Court the Water Master, Commissioner, or other official charged with the distribution of the waters of Big Lost River and its tributaries subject to this decree need not in the first instance, by reason of the decree, undertake the detailed administration of the waters of the entire portion of the river and tributaries placed under the decree, but only of such section of the main river and such tributaries as he shall be specifically directed to administer. Such administration may be extended upon the application of any party, from time to time, as the irrigation season advances and necessity therefor arises. However, such Water Master, Commissioner or other official shall, after his appointment, have general supervision of the entire river and of the tributary waters; and if called upon to administer the water of any particular tributary he may utilize any agency for the distribution of the waters of such tributary locally selected or agreed upon by the water users from such tributary, and if necessary he may appoint assistants to administer any section of the main river, or any tributary thereof, provided always that any party hereto may invoke the powers of such Water Master, Commissioner or other official to personally direct and supervise the administration of the waters of any section of the river, or of any tributary or tributaries, in strict conformity to the provisions of this decree, both during the irrigation season, and the non-irrigating or winter season, so far as may be necessary to secure to the several parties their rights hereunder, and failing to obtain proper action by such Water Master, Commissioner or other official may apply to the Court for directions in the premises.

5. The parties hereto and their successors in interest shall install and maintain suitable and efficient headgates, controlling works and measuring devices at their respective points of diversion, and all water herein allotted and decreed shall be measured at said points of diversion. Said works and devices shall be built and installed in accordance with plans and specifications to be approved by the official charged with the duty of supervising the distribution of water, (subject to review by

this Court). All such devices shall be of such design as to accurately register the amount of water diverted, and in the case of ditches diverting fifty or more cubic feet per second, automatic measuring and registering devices shall be installed and maintained. All such headgates, control works and measuring devices and gauges shall at all times be subject to the inspection of either party, and to public officials or water masters having jurisdiction over the distribution and diversion of water and no dam or other obstruction to the natural flow of the stream shall be maintained so as to divert water from the channel of the stream, except through ditches, canals or other works provided with such headgates, control works and measuring devices, and each of the parties hereto shall be perpetually enjoined from diverting from the channel of the stream or its tributaries any water through any ditch, conduit or other devices not provided with such headgates, control works and measuring devices.

In case any user shall fail to install any headgates and measuring or controlling devices as in this decree prescribed within 30 days after the Commissioner or other official in charge of the administration of this decree has notified him so to do, the said Commissioner or other official may install such headgates or measuring devices and charge the expense thereof to such user and said user shall not thereafter be entitled to the use of his water as herein decreed until he has repaid to said Commissioner or other official, the expense of installing said works.

6. During that portion of each irrigation season from the time when on the rising stage of Big Lost River the flow of said river, measured at what is known as the Howell Gauging Station (located in Section 30, Township 8 North, Range 21 East, B. M.), shall reach 750 second feet, until the time when on the falling stage of the river it shall recede to a flow of 300 second feet, measured at the same point, all of the waters of Big Lost River and its tributaries shall be administered as one connected stream, and the respective quantities of water and priorities to the right of the use thereof as herein decreed shall be strictly observed. But at all other times that portion of the waters of Big Lost River and its tributaries, rights to which are herein decreed and which is diverted at points above what are known as the "A" line gauging stations above the Mackay Reservoir, shall be admin-

istered as a separate district and while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting waters (other than water for storage purposes) above said "A" line Gauging Stations, the rights of such parties during the period when said section of the stream shall be separately administered shall not be affected by the rights and priorities of any other parties, as herein decreed. Provided, however, that the above provisions fixing the period when said section of upper Big Lost River shall be separately administered are fixed and determined with reference to measurements of said river at said Howell Gauging Station under existing conditions as to diversions from the river and its tributaries above said point, and in case hereafter any additional water shall be diverted above said Howell Gauging Station, then in determining the period during which the section of the river above specified shall be separately administered any such additional diversions above said Howell Gauging Station shall be considered as part of the flow of Big Lost River, measured at said point. ( Provided further, that the above provisions regarding the separate administration of said section of the river and its tributaries at certain periods shall apply only to such rights herein decreed, having their points of diversion above said "A" line Gauging Station as are wholly natural flow rights and shall apply in no respect to storage rights. As between all storage rights the priorities and quantities of water as herein decreed shall at all times be strictly observed, it being hereby decreed that with respect to such storage rights Big Lost River is and shall at all times and season be administered as a connected stream.

7. In the distribution of water under the terms of this decree, that portion of Big Lost River above the Mackay Reservoir commonly known as the "Black Channel" having its point of diversion from the main channel in the Northeast quarter of the Northeast quarter of Section 5, Township 8 North, Range 22 East, B. M. shall be considered as a part of the natural channel of the river, but the total amount of water which shall be permitted to flow into said "Black Channel" shall not as long as the river discharge at the Howell Rating Station is less than 1400 second feet, exceed 150 second feet but shall be kept as near said last named amount

as is practicable in the judgment of the Commissioner or other official charged with the administration of this decree. When the discharge at the Howell Rating Station exceeds 1400 second feet the diversion into said "Black Channel" shall be kept as near as practicable at 200 second feet, but shall not exceed that amount except when there is a surplus above all rights on Big Lost River as herein decreed.

PROVIDED, HOWEVER, That nothing in the foregoing provisions regarding said "Black Channel" shall be construed to modify or enlarge the amount of water to which the users diverting water into said "Black Channel" shall be entitled as set forth in this decree.

PROVIDED FURTHER That the users of water, whose points of diversion are by the provisions of this decree fixed on said "Black Channel", and their respective successors in interest, shall at their own expense under the direction of the Commissioner or other official charged with the administration of this decree provide and maintain a suitable dam and controlling works for the regulation of the flow of the waters in said "Black Channel" as herein provided. Such expense to be pro-rated among said persons according to the respective amount of waters herein decreed to each.

8. In the administration of this decree Rock Springs Creek, Rock Creek, Beda Creek, Corral Creek, Sage Creek, Upper Cedar Creek, Lower Cedar Creek, Dry Creek, sometimes called Cedar Creek, Pete Creek, Willow Creek, Pinto Creek, Lehman Creek, Vance Creek, Grant Creek, and Hamilton Creek shall not be regarded as tributaries of Big Lost River, and while the provisions of this decree shall govern and determine as between themselves the rights and priorities of those persons diverting waters from said respective creeks, the rights of the parties on said separate respective creeks shall not be affected by the rights and priorities of any other parties as herein decreed.