

AMENDED DIRECTOR'S REPORT PART I FOR REPORTING AREA 1 (BASIN 34)

December 15, 1995

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INTRODUCTION

The Director's Report for Reporting Area 1 (Basin 34) was prepared under the direction of the Director of the Idaho Department of Water Resources (Director) as part of the Snake River Basin Adjudication (SRBA). The report consist of three parts. Part I of the report contains the Director's recommendations as to claims to water rights appropriated under state law from Reporting Area 1. Part II of the report contains abstracts of claims or negotiated agreements for claims to water rights reserved under federal law in Reporting Area 1, except for federal instream flow and tribal claims. The Director's Report Part II of federal instream flow and tribal claims was filed separately with the court. Part III of the report contains the negotiated agreements and claims submitted to IDWR for rights reserved under federal law from Reporting Area 1.

INSTRUCTIONS FOR USING THIS REPORT PART I

This Report Part I consists of eight sections, five of which are explanatory material as that term is defined in § 42-1411(1), Idaho Code, and three of which are determinations of the Director as required by § 42-1411(2) and (3), Idaho Code. The sections of the report that are explanatory are: this Introduction, a Description of the Water System, a Name Index, a Number Index and a Point of Diversion Index. The sections of the report that are determinations of the Director are: the General Provisions, a List of Recommended Water Rights, and a List of Claims Recommended to be Disallowed.

The general provisions consist of: (a) provisions that apply to all water rights in Reporting Area 1 (Basin 34); and (b) provisions that further define or limit certain classes of water rights recommended in the report. These general provisions will affect your water right, **BE SURE TO READ THEM.**

The water rights in the list of recommended water rights are grouped alphabetically by source, and recommended water rights from each source are listed chronologically by priority date. The rights or claims in the list of claims recommended to be disallowed are listed numerically by water right number.

Brief instructions for interpreting an entry in the list of recommended water rights and the list of claims recommended to be disallowed are found at the beginning of those sections.

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SCOPE OF ADJUDICATION

a. Except for those uses or rights described in b. below, this report Part I includes the following water rights from Reporting Area 1:

i. All rights existing and appropriated under state law prior to November 19, 1987.

ii. All water right permits for which proof of beneficial use was filed prior to November 19, 1987.

iii. All water right permits for which proof of beneficial use was filed prior to December 1, 1990 were required to be claimed by order of the Director dated January 2, 1991.

iv. Water rights appropriated under state law and arising on or after November 19, 1987, which were allowed to be claimed in the SRBA but were not required to be claimed in the SRBA and for which claims were filed.

The rights are generally described as they existed on November 19, 1987; however, rights that were the subject of an administrative proceeding before IDWR that was completed after November 19, 1987 but prior to the filing of this report are described as of the date the administrative proceeding was completed.

b. Section 42-1409(4), Idaho Code, requires all claims to water rights be filed in an adjudication except those exempted by § 42-1420, Idaho Code. Section 42-1420, Idaho Code, also provides for the conclusive effect of the decree. Thus, water rights not claimed in this adjudication that were required to be claimed will not exist upon entry of the court's decree for Reporting Area 1. The water rights not required to be claimed in this adjudication, or not required to be claimed at this time, include the following:

i. Certain small domestic and stock water rights may be deferred as set forth in the orders of the court dated January 17, 1989, entitled Findings of Fact, Conclusions of Law, and Order Establishing Procedures for Adjudication of Domestic and Stock Water Uses, and March 22, 1995, entitled SRBA Administration Order No. 10, Order Governing Procedures in the SRBA for Domestic and Stock Water Uses. Adjudication at a later date of the rights deferred under these orders must be done in accordance with the orders. The orders further provide that the claimant of a deferred right must: (a) have the

right adjudicated prior to seeking authorization from IDWR for a change in use pursuant to Idaho Code § 42-222; and (b) the right must be adjudicated before water may be distributed to it by the Director.

The orders apply to "deferrable" domestic and stock water rights that existed prior to November 19, 1987, including permits for which proof of beneficial use was filed prior to November 19, 1987, and other permits required to be claimed by order of the Director.

A "deferrable domestic" right is a right to the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection therewith, including irrigation of up to one-half acre of land, if the total use is not in excess of 13,000 gallons per day. However, a water right cannot be deferred if used for multiple ownership subdivisions, mobile home parks, commercial or business establishments, or any other uses, if the total of the other uses exceeds a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day. Idaho Code §42-1401A(5) (1990), §42-111 (1990).

A "deferrable stock water" right is a right to the use of water solely for livestock and/or wildlife where the total use is not in excess of 13,000 gallons per day. Idaho Code §42-1401A(12) (1990).

ii. Water used solely for firefighting purposes is not required to be claimed in the SRBA. Firefighting purposes are defined in general provision 5 of the general provisions below.

iii. Water rights used solely for instream livestock use are not required to be claimed in the SRBA. A right to instream livestock use that is not decreed in the SRBA must be adjudicated before water may be distributed to it by the Director.

"Instream livestock use" means the drinking of water by domestic livestock from a natural stream without the use of any constructed physical diversion works. Idaho Code §42-113 (1990).

iv. Permits for which proof of beneficial use was filed on or after December 1, 1990 are not required to be claimed in the SRBA.

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c. The decree in the SRBA determining rights to water from Reporting Area 1 will supersede all prior decrees determining rights to water from Reporting Area 1, including all prior decree provisions for administration of such rights.

PURPOSE OF THIS REPORT PART I

This report contains the Director's recommendations to the SRBA District Court as to the nature and extent of water rights and matters necessary for administration of water rights in Reporting Area 1 (Basin 34). This report makes no recommendation as to the ownership or the right to the use of facilities or lands used in delivery of a recommended water right, or the lands upon which the recommended water right is used.

For purposes of recommending the water rights in this report, a diversion rate of 0.02 cubic feet per second (CFS) per acre from ground water or 0.0286 CFS (additional 0.0086 CFS to allow for conveyance loss) per acre from surface water, measured at the point of diversion from the water source, was deemed to be the rate of diversion reasonably required for the irrigation of lands, unless the claimant demonstrated that a higher diversion rate is reasonably required due to actual, reasonable conveyance losses, irrigation methods, or field conditions. However, because the irrigation of small acreages of five acres or less can result in lowered irrigation efficiencies, a diversion rate of up to 0.03 CFS per acre was deemed to be the rate of diversion reasonably required for the irrigation of the lands.

For purposes of recommending the water rights in this report, the maximum annual volume of water reasonably required for irrigation of lands in Reporting Area 1 is 3.5 acre feet per year (AFY) per acre unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation, or field conditions. J. Peppersack, IDWR File Memo re: Consumptive Irrigation Requirement, Irrigation Field Headgate Requirement and Irrigation Season of Use (December 18, 1991).

For purposes of recommending the water rights in this report, the maximum annual volume of consumptive use reasonably required for irrigation of lands in Reporting Area 1 is 2.5 AFY per acre. J. Peppersack, IDWR File Memo re: Consumptive Irrigation Requirement, Irrigation Field Headgate Requirement and Irrigation Season of Use (December 18, 1991).

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Unless more water was deemed to be necessary, the combined use of more than one right for irrigation purposes for the same land is recommended to be limited to:

- a. a combined total rate of diversion of .02 CFS per acre from ground water or 0.0286 CFS per acre from surface water,
- b. a combined total annual diversion volume of 3.5 AFY per acre, and
- c. a combined total annual consumptive use volume of 2.5 AFY per acre.

The purpose of the report is to make recommendations to the court as to matters that need to be included in the decree so water rights can be efficiently administered once decreed. Once decreed, water rights in Reporting Area 1 will be administered in accordance with the laws governing water right administration including:

- a. All ground water appropriators, including geothermal and non-geothermal ground water appropriators and ground water appropriators for domestic use, shall be subject to reasonable pumping levels as set forth in § 42-237a, Idaho Code.

- b. Basin 34 is considered tributary to the Snake River, however, surface water flows from the basin either sink into the ground water within Basin 34 or, during periods of good water supply, surface flows reach the desert southeast of Arco and sink into the Eastern Snake Plain Aquifer. The surface water from Basin 34 never connects with the surface flows of the Snake River. The Basin 34 ground water moves southeasterly past Arco and also joins the Eastern Snake Plain Aquifer. The Swan Falls Agreement identifies Basin 34 to be within the trust water area. Generally accepted data quantifying the contribution of Basin 34 to the Eastern Snake Plain Aquifer is not presently available. However, it is generally accepted that the Basin 34 contribution to the annual recharge of the Eastern Snake Plain Aquifer is relatively small. Therefore, the water sources in Basin 34 are not subject to distribution as part of the Eastern Snake Plain Aquifer at this time, but may become subject to such distribution if the Director determines that such distribution is necessary to protect senior water rights. The Director has adopted the "Rules for Conjunctive Management of Surface and Ground Water Resources," IDAPA 37.03.11, for the distribution of ground water in Idaho, including the Eastern Snake Plain Aquifer.

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c. The Director has adopted the "Idaho Department of Water Resources Water Distribution Rules - Water District 34," IDAPA 37.03.12, for the distribution of water within Basin 34 pursuant to an order for interim administration or the decree in the SRBA.

d. Administration of water rights for small domestic and stock water uses will occur as follows:

i. Small domestic and stock water rights from surface water are subject to administration to provide water to senior water rights from the water system.

ii. Small domestic and stock water rights from ground water are not subject to administration at this time. However, these rights may be made subject to administration to provide water to senior water rights from the water system if the Director determines that administration is necessary.

iii. An appropriator who has elected to defer adjudication of a deferrable small domestic and stock water right must have the right adjudicated before water will be distributed pursuant to the right by the Director. The Director may, however, curtail the delivery of water to an unadjudicated deferred domestic and/or stock water right if the Director determines such curtailment is necessary to protect senior water rights.

d. The Director has determined it necessary for most surface water diversions and for all non-de minimis ground water uses to be measured and regulated by the water master for the proper administration of the use of water within the basin. The Director may require water users to install and maintain additional measuring devices and control works, of a type acceptable to the Director, if necessary for the proper administration of the use of water in the future.

All water rights recommended herein remain subject to state law, including but not limited to laws governing water right administration and water quality. In particular, any change in the point of diversion, place of use, season of use, purpose of use, or place of use of the water right must be approved by the Director, pursuant to applicable law, prior to making the change. A future application for change in use that seeks to separate rights previously used in combination will be limited by the Director in accordance with the statutory requirements to prevent any expansion of the rights beyond the current use of the rights combined. Idaho Code § 42-1421(4)-(6) (1994).

Rights shown in the listing of water rights with a basis of "permit" are in the process of perfection in accordance with the current statutory appropriation method. A right with a basis of permit is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights, remains subject to all conditions set forth in the permit, and will be subject to all conditions set forth in any license issued by IDWR upon completion of the statutory appropriation process. Idaho Code § 42-1421(3) (1994).

DESCRIPTION OF THE WATER SYSTEM: REPORTING AREA 1 (BASIN 34)

BOUNDARIES OF BASIN

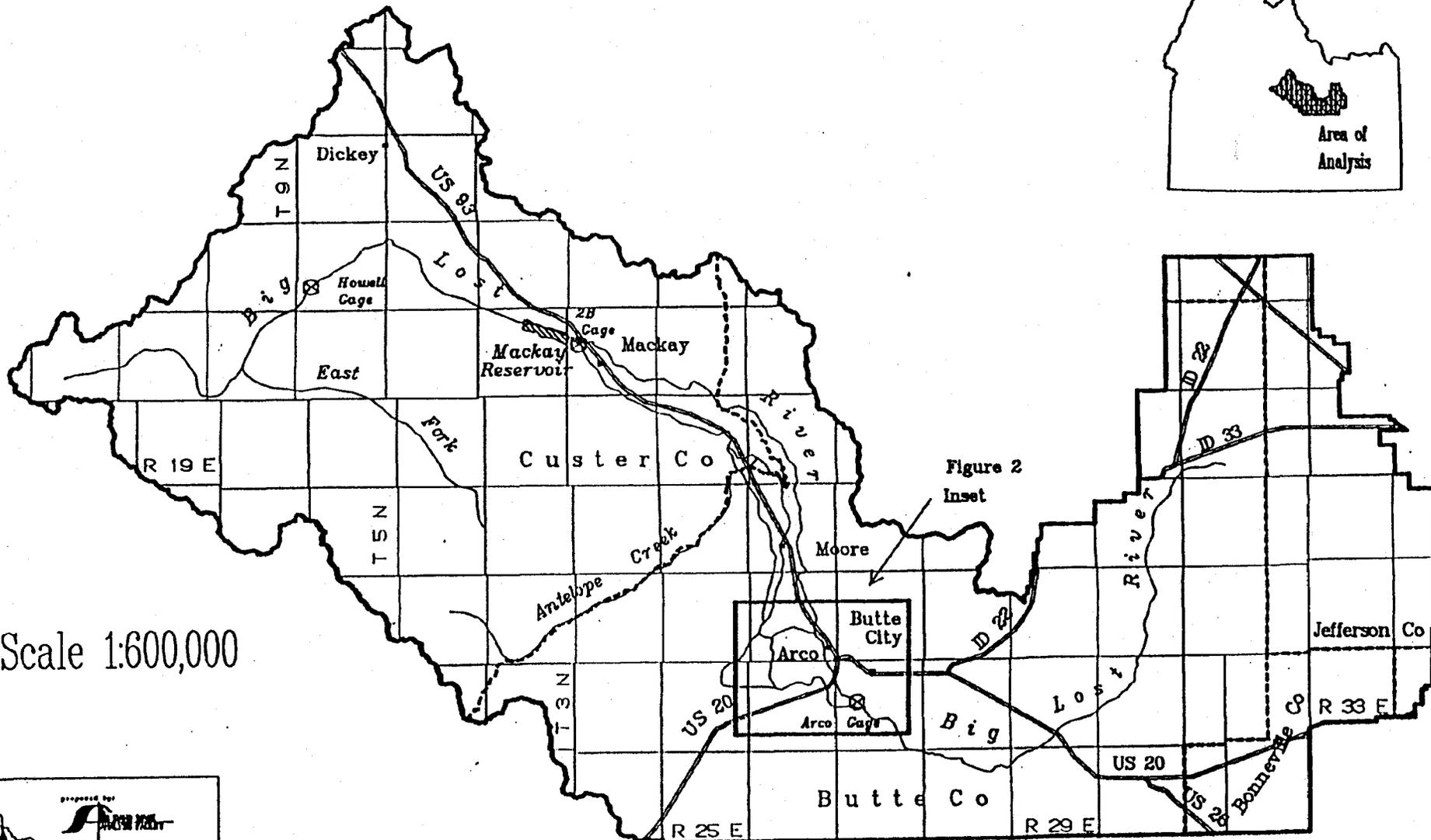
The boundaries of Reporting Area 1 (Basin 34) are illustrated in Figure 1. More detailed maps, including Orthophotoquad maps with land use overlays based upon Landsat satellite imagery, are available in IDWR's Idaho Falls office and IDWR's state office in Boise. In addition, color infrared photography of Basin 34 is available in IDWR's Idaho Falls office.

The basin is approximately 1,400 square miles in area and includes portions of Custer, Butte, Bonneville, and Jefferson counties in eastern Idaho. It is comprised primarily of the Big Lost River drainage, but includes other small surface drainages to the southwest of the Big Lost River drainage, as well as the Idaho National Engineering Laboratory reservation to the east of the Big Lost River drainage. The basin is bounded by the mountains of the Big Lost Range to the northeast, by the Boulder Mountains to the northwest, and the Pioneer Mountains to the southwest. Tributaries of the Big Lost River flow from these mountains to the river, which flows in a generally southeasterly direction past the town of Arco. The Big Lost River then flows in a generally northeasterly direction, before the water sinks and becomes part of the supply of the Eastern Snake Plain Aquifer. One storage facility, Mackay Reservoir, is located on the Big Lost River in the northwestern part of the basin.

Water supply in the basin is highly variable from year to year and within the year, although there is a consistent pattern of highest flows in the late spring and lowest flows in the late summer. There is a high level of interaction between ground and surface water. Spring snowmelt and rainfall recharge both the ground water and the streams. In some areas, the ground water within the Big Lost River basin recharges the stream (the stream "rises"), while in other areas, the stream recharges the ground water (the stream "sinks"). The recharge pattern varies from year to year

Figure 1

WATER BASIN 34



Scale 1:600,000



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and within the year, as the level of the water table changes. There is a substantial flow of ground water from the basin to the Eastern Snake Plain Aquifer.

DEVELOPMENT OF WATER USE

Development in the basin is primarily agricultural, except for the Idaho National Engineering Laboratory located in the southeast end of the basin and the city of Arco. Substantial surface water development first occurred in the late 1800's, primarily for irrigation of lands along the thread of the river and tributaries. Surface water storage was developed in the 1910's with the construction of Mackay Dam and Reservoir. The stored waters were used both to supplement surface water supplies for previously irrigated lands, and to irrigate new lands, extending the boundaries of the irrigated areas farther from the surface sources. Mackay Dam and Reservoir were purchased by the Big Lost River Irrigation District in 1935 at which time the new lands developed prior to 1935 with water from the reservoir were abandoned and all water was then used on lands developed prior to 1906. Since 1935 stored water from Mackay Reservoir has been applied to expanded acreage. Substantial ground water development began in the 1950's and 1960's. Ground water has been used to supplement surface water and storage water supplies for previously irrigated lands and to irrigate new lands, again extending the boundaries of the irrigated areas farther from the surface sources. Current irrigated acreage in the basin is approximately 67,000 acres, with the areas above Mackay Reservoir used primarily for livestock, and the areas below Mackay Reservoir used primarily for crop production.

GROUND WATER IN BASIN 34

Diversion of ground water pursuant to rights with points of diversion located upgradient (northerly) of Line A in Figure 2 reduce the flow of the Big Lost River upstream from the last (most downstream) diversion from the Big Lost River. Diversion of ground water pursuant to rights with points of diversion located downgradient (southerly) of Line A in Figure 2 do not reduce the flow of the Big Lost River upstream from the last (most downstream) point of diversion.

GENERAL PROVISIONS

The Director recommends that the following general provisions be included in the decree determining rights to water from Reporting Area 1 (Basin 34).

GENERAL PROVISIONS 1 - 5 APPLY TO ALL WATER RIGHTS IN REPORTING AREA 1 (BASIN 34).

1. DEFINITIONS.

a. The Howell gage is located above Mackay Reservoir in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 8 North, Range 21 East, B.M.

b. The 2-B gage is located below Mackay Dam in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 7 North, Range 24 East, B.M.

2. ADMINISTRATION OF SURFACE SOURCES WITHIN BASIN 34. All surface waters of the Big Lost River and its tributaries shall be administered as a single water system, except as provided in this general provision 2.a. through 2.c.

a. During the irrigation season, from the time the flow at the Howell gage increases to 750 CFS, until the time when the flow recedes to 300 CFS, all surface waters of the Big Lost River and its tributaries, except as listed in paragraph b. below, shall be administered as a single water source. At all other times natural flow water rights (other than water rights for storage purposes) with a point of diversion above Mackay Reservoir shall be administered separately from the natural flow water rights with a point of diversion downstream from Mackay Reservoir. This provision is made under conditions existing as of the commencement of the SRBA (including diversions above the Howell gage); if diversions are made from the Big Lost River or its tributaries above the Howell gage pursuant to rights not existing as of the commencement of the SRBA, then the amounts diverted will be added to the amount of the flow at the Howell gage for the purposes of applying this provision.

b. The surface waters of the following streams shall be administered as separate from the surface waters of the Big Lost River: Rock Springs Creek, Rock Creek, Beda Creek, Corral Creek, Sage Creek, Upper Cedar Creek, Lower Cedar Creek, Dry Creek (also known as Cedar Creek), Pete Creek, Willow Creek, Pinto Creek, Lehman Creek, Vance Creek, Grant Creek and Hamilton Creek.

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c. The Back Channel, which separates from the main channel of the Big Lost River in the NE¼NE¼, Section 5, Township 8 North, Range 22 East, B.M., shall be administered as part of the natural channel of the Big Lost River.

i. When the flow at the Howell gage is less than 1400 CFS, the flow in the Back Channel shall be kept as near as practicable to 150 CFS, but shall not exceed that amount.

ii. When the flow of the Howell gage is at or exceeds 1400 CFS, the flow in the Back Channel shall be kept as near as practicable to 200 CFS. The flow shall not exceed that amount unless all surface water rights existing at the time of administration (including water rights with a junior priority), and that are within their period of use, are satisfied.

iii. These provisions shall not be considered to enlarge the amount of water to which appropriators diverting from the Back Channel are entitled.

3. CONJUNCTIVE ADMINISTRATION OF GROUND AND SURFACE WATER RIGHTS WITHIN BASIN 34.

a. Some ground water rights in the list of water rights are described as being administered separate from the Big Lost River and its tributaries. All other ground water rights not so described will be administered as part of the Big Lost River and tributaries.

4. SPECIAL PROVISIONS AS TO STORAGE.

a. Mackay Dam and Reservoir shall be operated to maintain a minimum flow of 50 CFS at the 2-B gage. This 50 CFS shall be deemed unavailable for delivery to surface water rights below Mackay Dam outside the irrigation season.

b. Water rights that do not include storage as a purpose of use may not be stored. Surface water rights may, however, be rotated into storage, with the approval of the Director of the Idaho Department of Water Resources and the Big Lost River Irrigation District, when such practice improves the efficiency of water use as contemplated by the Irrigation District's plan of operation. Any water stored under such a rotation, if not used in the same irrigation season in which it is stored, shall revert to storage water of the Big Lost River Irrigation District at the end of the irrigation season. Rotation into storage cannot occur prior to the need for irrigation water on the land in any year; water rotated into storage may only be used on the

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land to which the water right being rotated is appurtenant; if the reservoir fills after rotation has begun in any year and 1905 priority natural flow water rights are able to receive water, all rotation credits are lost and all water in the reservoir at the time it fills reverts to storage water of the Big Lost River Irrigation District.

5. FIREFIGHTING PURPOSES.

a. Firefighting purposes is an alternate use for which any water right may be used, and firefighting is recognized as a lawful use of water with or without a water right.

b. Firefighting purposes means the use of water in times of emergency: to extinguish an existing fire on private or public lands, facilities, or equipment; to prevent an existing fire from spreading to private or public lands, facilities, or equipment within the vicinity of and endangered by an existing fire; and by firefighting personnel engaged in fighting an existing fire. Firefighting purposes does not include the use of water to prevent a fire from occurring in the future, the use of water for domestic purposes in regularly maintained firefighting stations, or the storage of water for fighting future fires.

GENERAL PROVISION 6 APPLIES TO ALL WATER RIGHTS IN REPORTING AREA 1 (BASIN 34) SHOWN WITH IRRIGATION AS A PURPOSE OF USE.

6. IRRIGATION USE. Water rights or portions of water rights shown with a purpose of use for irrigation include the following:

a. Incidental stock water. When stock water is not specifically included for a water right that includes irrigation, a portion of the quantity described for irrigation use can be diverted and used from the same point of diversion and at the same place of use as the irrigation use for purposes of maintaining a reasonable water supply for stock watering during the period of use for irrigation.

b. Early-season irrigation and late-season irrigation. The period of use of rights or portions of rights from the Big Lost River for irrigation purposes may begin as early as April 20 and continue as late as October 31 if water is reasonably necessary for irrigation. In addition, diversion of water from surface water tributaries to the Big Lost River under rights or portions of rights for irrigation use can occur either before or after the period of use for irrigation described in the water right where:

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i. the water so diverted is applied to beneficial use for irrigation, including incidental stock watering,

ii. all water rights diverting from the same or a common source, regardless of priority (now existing or developed subsequent to this decree), existing at the time of diversion that are within their period of use can be satisfied,

iii. no element of the water right, other than season of use, is exceeded or violated by the early-season or late-season use,

iv. the diversion and use of the water does not conflict with the local public interest, and

v. the irrigation water user utilizing this provision assumes all risk that the criteria of this general provision are satisfied.

c. Diversion of additional flows. A quantity of surface water in addition to the quantity of surface water described for irrigation use can be diverted for irrigation of the described place of use so long as:

i. the waters so diverted are applied to beneficial use for irrigation,

ii. all water rights diverting from the same or a common source, regardless of priority (now existing or developed subsequent to this decree), existing at the time of diversion that are within their period of use can be satisfied,

iii. no element of the water right, other than quantity, is exceeded or violated by the diversion of additional flows,

iv. the diversion and use of the water does not conflict with the local public interest, and

v. the irrigation water user utilizing this general provision assumes all risk that the criteria of this general provision are satisfied.

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Instructions for Use of List of Recommended Water Rights

The recommended water rights are listed alphabetically by source, and the recommended water rights for each source are listed chronologically by priority date. The organization by source, which is shown near the top of each page, is useful for comparing a water right with the other water rights from the same source that could affect each other. To aid in locating an individual water right, three indexes (name, water right number, and point of diversion) are also provided in this report.

Each water right listed as a recommended water right includes the following elements:

RIGHT NUMBER: Each right includes a water right number assigned by IDWR for identification purposes. The first two digits of a water right number indicate IDWR's administrative basin number.

NAME AND ADDRESS: The name and address of the claimant shown in the list of recommended water rights is the name and address shown on the notice of claim, or on the most recent notice of change in address or change in ownership filed pursuant to Idaho Code § 42-1409(6).

SOURCE: The source is the water body to which the claimant has a right. For surface water sources, the list of recommended water rights also shows the water body to which the source is tributary. The source is shown at the top of each page in the list of recommended water rights. Those water rights having more than one source are listed under each source but include all sources in each listing of the water right.

QUANTITY: The quantity of the right is the maximum rate of flow in cubic feet per second (CFS) and/or the maximum volume of water in acre feet per calendar year (AFY). Maximum quantity is shown for each purpose of use in addition to the total maximum quantity for the water right. Except for instream flow rights or where otherwise stated in the recommended water right, the maximum quantity is the quantity diverted (and stored, for rights that include storage purposes) at the point of diversion. In some instances the total quantity shown in the description of the water right is less than the sum of the quantities for the individual uses because of physical constraints or because of limitations on the combined amounts of water claimed.

Maximum volume is not shown for some water rights or some portions of

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water rights. Where a total maximum volume is stated for a right, but is not stated for some portion of the right, then the maximum volume for that portion is not included in the total.

CONSUMPTIVE USE: Consumptive use is the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage. A numerical quantity shown in the listing of recommended water rights is the maximum annual volume of consumptive use in AFY. For water rights or portions of water rights that do not include a numerical amount for consumptive use, the consumptive use for the water right or portion of a water right is *de minimis*, which means it is small or trifling. Where the purpose of use for a portion of a right is irrigation and the remainder of the right is for other purposes, the consumptive use shown is the consumptive use for the irrigation portion only, unless otherwise stated in the water right.

PRIORITY DATE: This is the calendar date which is used to determine the relative priority of the right in relation to other rights from the same source.

POINT OF DIVERSION: The point of diversion is the point at which water is diverted from the source, and is generally indicated in the list of recommended water rights by a legal description of the 40 acre tract ($\frac{1}{4}$ $\frac{1}{4}$ section or 1/16 section) or government lot within which the point of diversion is located. In some instances, the point of diversion is indicated by a legal description of the ten acre tract ($\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ section or 1/64 section) within which the point of diversion is located.

If the point of diversion is alternatively known by another legal description, which IDWR has in its files, the alternate legal description is included in a statement in the listing of the water right. Some alternate legal descriptions are provided as explanatory material where the alternate legal description supplements the public land survey legal description. In those cases in which the alternate legal description is in lieu of the public land survey legal description, the alternate legal description is shown under the point of diversion. Alternate legal descriptions include: lot, block and subdivision or townsite names; parcel numbers from the county assessor's records of the county in which the property is located; HES or homestead entry surveys; mining claim names or numbers; other surveys where the land is located in areas not covered by the public land survey.

A point of diversion listed with a "B" suffix indicates the beginning point of an instream flow segment. A point of diversion listed with an "E" suffix indicates the ending point of an instream flow segment.

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A point of diversion listed with an "I" suffix indicates a point of injection, and a point of diversion listed with an "R" suffix indicates a point of redirection. Points of injection and redirection are indicated where water is diverted from one source, injected into another source, and then redirected, or where water from one source is exchanged with water from another source.

Public land survey legal descriptions in the listing of water rights appear, for example, as:

T06S R01W S17 NESWNW

T06S is the abbreviation of township 6 south (the direction for townships will always be S for south or N for north).

R01W is the abbreviation of range 1 west (the direction for ranges will always be W for west or E for east).

S17 is the abbreviation for section 17.

NESWNW is the abbreviation of NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and

NE is the 1/64 section,

SW is the 1/16 section, and

NW is the 1/4 section.

or, in the case of public land surveys involving government lots, the legal description appears, for example, as:

T03S R04W S02 LOT 3 (NWNENW)

The township, range and section descriptions are designated in the same manner as those above.

LOT 3 is the abbreviation for government lot 3.

(NWNENW) is the abbreviation of NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ but is enclosed in parenthesis since this is the projection of the actual legal description given by the government lot.

PURPOSE OF USE: Purpose of use indicates the general category of the type of beneficial use made of the water; typical purposes include irrigation, domestic, and stock water uses.

PERIOD OF USE: The period of use is the portion of the calendar year when water can be used for a particular purpose. The dates shown in the list of recommended water rights are the beginning and ending dates of the period of use and are read as "04-01 through 11-15" and are inclusive.

PLACE OF USE: The place of use is the location where water is used, which is generally indicated in the list of recommended water rights by a legal description

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of the 40 acre tract ($\frac{1}{4}$ $\frac{1}{4}$ section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is listed after the description of each tract or lot when required by statute. The description of irrigation rights held by irrigation districts and the description of other large irrigation rights do not normally include the number of irrigated acres in each tract or lot. See the description of public land survey legal descriptions above.

If the place of use is alternatively known by another legal description, which IDWR has in its files, the alternate legal description is included in a statement in the listing of the water right. Some alternate legal descriptions are provided as explanatory material where the alternate legal description supplements the public land survey legal description. In those cases in which the alternate legal description is in lieu of the public land survey legal description, the alternate legal description is shown under the place of use. Alternate legal descriptions include: lot, block and subdivision or townsite names; parcel numbers from the county assessor's records of the county in which the property is located; HES or homestead entry surveys; mining claim names or numbers; other surveys where the land is located in areas not covered by the public land survey.

BASIS OF CLAIM: The basis of claim is the method by which the water right was established or the document that evidences the water right. The basis of claim may be a decree (where the water right was previously adjudicated by a court), posted notice (an historical method of appropriation that is no longer available); beneficial use (an historical method of appropriation that is available only in limited circumstances at the time of this report); permit (where IDWR approved an application for a new appropriation); or license (where an appropriation has been completed pursuant to a permit).

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THE WATER RIGHT: The elements of a water right include elements necessary to define or administer the right. In the list of recommended water rights, any elements necessary for these purposes are included in the listing of the right.

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Instructions for Use of List of Claims Recommended to be Disallowed

The list of claims recommended to be disallowed includes the claims which have been investigated by IDWR and are recommended to be determined by the district court not to exist.

The disposition of a claim included in the list of claims recommended to be disallowed will be in one of the following categories:

- a. Disallowed: notices of claims filed and recommended for disallowal,
- b. Rejected: claims that were not properly filed and were returned to the claimant.

Where a claim was recommended as disallowed or rejected, a short statement of the reason for disallowal or rejection is stated in the listing for the claim.

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