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BEFORE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF DISTRIBUTION OF WATER TO WATER RIGHT NOS. 36-02551 & 36-07694 (RANGEN, INC.)	Docket No. CM-DC-2011-004 **IGWA'S RESPONSE TO RANGEN'S MOTION FOR PARTIAL SUMMARY JUDGMENT RE: SOURCE**

Idaho Ground Water Appropriators, Inc. (IGWA) submits this response to *Rangen, Inc.'s Motion for Partial Summary Judgment Re: Source* ("*Rangen's Motion*") filed with the Idaho Department of Water Resources (IDWR) on March 8, 2013. This response is filed pursuant to Rule 565 of the Rules of Procedure of the Department of Water Resources, Rule 56 of the Idaho Rules of Civil Procedure, and the Director's *Order Granting Joint Motion to Amend Scheduling Order (Fourth Amended Scheduling Order)* dated January 29, 2013. This response is supported by the expert reports of Bern Hinckley, Charles Brendecke, and Charles Brockway filed with the IDWR on December 21, 2012, and by the *Third Affidavit of Charles Brendecke* filed herewith.

SUMMARY OF IGWA'S RESPONSE

Rangen's Motion asks the Director to rule as a matter of law that "(1) the source of Water Right Nos. 36-02551 and 36-07694 cannot be changed from 'Martin-Curren Tunnel; Tributary: Billingsley Creek' – a surface water right – to 'Ground Water'; and (2) Rangen's delivery call is not restricted to water from the mouth of the Martin-Curren Tunnel itself." (*Rangen's Mot.* 1.)

As to the first issue, the Director should grant summary judgment in part by ruling as a

matter of law that the Director does not have authority to change the decreed elements of Rangen's water rights. This ruling precludes the Director from changing the decreed source, but it does not answer the question of whether the Martin-Curren Tunnel should be administered as a surface or ground water diversion. The Director should deny summary judgment in part by ruling that the Martin-Curren Tunnel must be administered as a groundwater source because it diverts groundwater and it meets the statutory definition of a groundwater well under Idaho Code § 42-230(b).

As to the second issue, the Director should deny summary judgment by ruling that Rangen has no legal right to call for the delivery of water to points of diversion that were not decreed for water right numbers 36-02551 and 36-07694 by the SRBA court.

SUMMARY JUDGMENT STANDARD

A motion for summary judgment should be granted only if "the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." I.R.C.P. 56(c). The burden at all times is upon the moving party (Rangen) to prove the absence of a genuine issue of material fact. *Petricevich v. Salmon River Canal Co.,* 92 Idaho 865 (1969). When deciding a motion for summary judgment, the court must draw all reasonable factual inferences and conclusions in favor of the non-moving party (IGWA). *Thomson v. Idaho Ins. Agency, Inc.,* 126 Idaho 527, 529 (1994). It is not permitted to weigh the evidence or to resolve controverted factual issues. *Bybee v. Clark,* 118 Idaho 254, 257 (1990). All doubts are to be resolved against the moving party, and the motion must be denied if the evidence is such that conflicting inferences may be drawn therefrom, and if reasonable people might reach different conclusions. *Doe v. Durtschi,* 110 Idaho 466 (1986).

If the court determines that no genuine issue of material fact exists, the court may enter judgment for the party it deems entitled to prevail as a matter of law. Accordingly, the court may enter summary judgment in favor of the non-moving party in appropriate circumstances. *Barlow's Inc. v. Bannock Cleaning Corp.*, 103 Idaho 310, 312 (Ct. App. 1982).

ANALYSIS

I. The Director does not have authority to change the decreed source of Rangen's water right numbers 36-02551 and 36-07694.

Rangen, Inc.'s Brief in Support of Motion for Partial Summary Judgment re: Source ("*Rangen's Brief*") asserts that the Director does not have authority to change the decreed source of Rangen's water rights. (*Rangen's Br.* 13.) IGWA agrees. Therefore, the Director should grant summary judgment in part by ruling as a matter of law that the Director does not have authority to change the decreed elements of Rangen's water rights.

II. The Martin-Curren Tunnel must be administered as a groundwater source because it meets the statutory definition of a groundwater well.

The identification of Rangen's decreed source as Martin-Curren Tunnel does not prevent the Director from administering water based on hydro-geologic reality. Rangen's partial decrees do not on their face designate the Martin-Curren Tunnel as either a surface or ground water source, nor do they include any condition instructing the Director to administer them as surface or ground water rights. The issue of whether the Martin-Curren Tunnel should be administered as a surface or ground water source was not adjudicated in the SRBA, but is a matter within the Director's discretion when responding to a delivery call. As noted by the Idaho Supreme Court in *American Falls Reservoir District No. 2 v. IDWR*, 143 Idaho 862, 876 (2007), "water rights adjudications neither address, nor answer, the questions presented in delivery calls."

Rangen argues that IDAPA 37.03.01.060.02.c obligates the Director to administer the Martin-Curren Tunnel as a surface water source. (*Rangen's Br.* 15.) Rangen also argues that the Martin-Curren Tunnel must be administered as a surface water source on the basis that the term "Martin-Curren Tunnel" is commonly understood to mean the entire Rangen spring complex as opposed to the tunnel itself. (*Rangen's Br.* 16.) Both arguments must be declined.

As explained below, the Martin-Curren Tunnel must be administered as a groundwater source because (i) it diverts groundwater and meets the statutory definition of a groundwater well pursuant to Idaho Code § 42-230; (ii) to the extent IDAPA 37.03.01.060.02.c is inconsistent with Idaho Code § 42-230(b), the statute controls; (iii) the Director is barred by the parol evidence rule from considering pre-decree documents to interpret the meaning of Martin-Curren Tunnel; and (iv) if the Director does consider parol evidence, he will find that such evidence is consistent

with interpreting "Martin-Curren Tunnel" as the tunnel itself.

A. The Martin-Curren Tunnel meets the statutory definition of a groundwater well under Idaho Code § 42-230.

The Martin-Curren Tunnel must be administered as a groundwater diversion because it diverts groundwater and it meets the statutory definition of a groundwater well. Idaho Code § 42-230(a) defines "groundwater" as "all water under the surface of the ground whatever may be the geological structure in which it is standing or moving." Idaho Code § 42-230(b) defines "well" as "an artificial excavation or opening in the ground more than eighteen (18) feet in vertical depth below land surface by which ground water of any temperature is sought or obtained."

It is undisputed that the Martin-Curren Tunnel is "an artificial excavation that was constructed to access groundwater for irrigation purposes." (Brendecke Report, Dec. 21, 2012, p.1-1.) The Tunnel is approximately 300 feet in depth, with the outer 50 feet lined with a steel casing, and extends at least 70 feet below land surface (Hinckley Report, Dec. 21, 2012, p.20). "It is clear," Mr. Hinckley reports, "that the tunnel would have substantially increased the flow of groundwater from the aquifer at this point, both by greatly increasing the surface area through which groundwater escapes the aquifer, and by penetrating into the higher aquifer water levels east of the rim (i.e. increasing the available drawdown)." *Id.* at 21. The Tunnel diverts "a distinct source of water separate from natural springs that also supply Rangen" (Brendecke Report, Dec. 21, 2012, p. 1-1).

Dr. Brockway describes the Martin-Curren Tunnel as a "horizontal tunnel" that "intercepts the sloping water table, providing a hydraulic gradient toward the tunnel and induces additional flow out of the tunnel." (Brockway et al Report, Feb. 8, 2013, p. 6.) His report explains that construction of the Martin-Curren Tunnel is "similar to the construction of qanats or karezes that have been in use for hundreds of years in Pakistan, Afghanistan, Iraq, Iran and arid regions of southwestern Asia." *Id.* "The qanat is a method for developing and supplying groundwater." (*Qanats Systems in Iran*, Ex. B to *Third Brendecke Aff.* at IGWA bates no. 819.) Qanats are commonly characterized as "horizontal wells." (*Qanats in the Old World: Horizontal Wells in the New*, Ex. A to *Third Brendecke Aff.* at IGWA bates no. 831; see also *Flow to Horizontal Drains in Isotropic Unconfined Aquifers*, Ex. C to *Third Brendecke Aff.* at IGWA bates no. 789.) Mr. Hinckley likewise describes the Martin-Curren Tunnel as "a horizontal, flowing well." (Hinckley Report, Dec. 21, 2012, p. 21.)

As an artificial excavation more than eighteen feet in vertical depth below land surface by

which groundwater is obtained, the Martin-Curren Tunnel meets the definition of a groundwater well under Idaho Code § 42-230. Dr. Brockway's description and explanation of the Tunnel supports the conclusions of Dr. Brendecke and Mr. Hinckely that it is a means of accessing groundwater, and is a horizontal well. (Brendecke Report, Dec. 21, 2012, p.1-1 and 3-2 to 3-3; Hinckley Report, Dec. 21, 2012, p. 2 and 20-23.)

The Idaho Supreme Court has already treated water emanating from a tunnel as groundwater. In the case of *In re General Determination of Rights to Use of Surface & Ground Waters of Payette River Drainage Basin* ("Birthday Mine"), 107 Idaho 221, 224 (Idaho 1984), the court determined that a stream emanating from a mining tunnel constituted groundwater. Water emanating from the Martin-Curren Tunnel is no different.

A California court has also analyzed the procurement of groundwater via tunnel and held it to be materially no different than an ordinary well, explaining that "whether subterranean waters are procured by means of driving tunnels or the operation of pumps, they are obtained in either instance by artificial and not by natural means." *Garvey Water Co. v. Huntington Land & Improv. Co.*, 154 Cal. 232, 241-242 (Cal. 1908). The court stated that "[t]unnels are practically horizontal wells, differing from ordinary wells only in this, that the waters from the former find their way by gravity flow, while in the latter pumping must be resorted to bring the water to the surface." *Id.* The court noted that both tunnels and ordinary wells "disturb the natural conditions of the flow of the subterranean water" and "are both artificial means of reaching and controlling the natural subterranean flow and are equally means of developing water." *Id.*

For these reasons, the Director should conclude that the Martin-Curren Tunnel itself is by definition a groundwater well.

B. To the extent IDAPA 37.03.01.060.02.c is inconsistent with Idaho Code § 42-230(b), the statute controls.

Rangen contends that even though the Martin-Curren Tunnel is by definition a groundwater well, IDAPA 37.03.01.060.02.c requires the Director to administer the Tunnel as a surface water source. (*Rangen's Br.* 15-16.) This is mistaken for two reasons.

First, Rangen assumes that the purpose of IDAPA 37.03.01.060.02.c was to judicially tie the Director's hands in determining how to administer a given water source. However, were that the purpose of IDAPA 37.03.01.060.02.c, SRBA decrees would need to identify the source only as either "surface water" or "groundwater." The official or common name of the source would be irrelevant.

The source element of a water right designates the waterway from which water may be diverted. This is particularly important where the 40-acre legal description of the point of diversion contains multiple sources of water. While the source identified in SRBA partial decrees is certainly an aid to administration, it does not divest the Director of his authority or discretion to administer a given source in a manner that honors hydro-geologic reality. Because SRBA decrees are not intended to define every aspect of how the Director must administer a given source in response to a water delivery call, the decreed source is not conclusive of whether the water right must be administered as a surface or a ground water right, especially in this case where the decreed source is a very unique diversion structure.

In the case of *In re General Determination of Rights to Use of Surface & Ground Waters of Payette River Drainage Basin* ("Birthday Mine"), 107 Idaho 221, 224 (Idaho 1984), the Idaho Supreme Court found that the source of the subject water rights to be groundwater, even though the decree identified the source of the water rights by their common name of "Birthday Mine # 24." While that case was decided prior to the enactment of IDAPA 37.03.01.060.02.c, the Director should continue to administer water sources based on their actual hydro-geologic characteristics.

Moreover, to the extent IDAPA 37.03.01.060.02.c conflicts with the statutory definition of groundwater wells in Idaho Code § 42-230, the statue controls. While administrative rules may be given the force and effect of law, they do not rise to the level of statutory law. *Mead v. Arnell*, 117 Idaho 660, 791 P.2d 410 (1990). "[A]dministrative rules are invalid which do not carry into effect the legislature's intent as revealed by existing statutory law." *Holly Care Ctr. v. Dep't of Employment*, 110 Idaho 76, 78 (1986). As such, IDAPA 37.03.01.060.02.c should not be applied in a manner that undermines the intent of statutory law. In that regard, the Idaho legislature has provided that "the administration of all rights to the use of ground water, whenever or however acquired or to be acquired, shall, unless specifically excepted herefrom, be governed by the provisions of [the Ground Water Act]." Idaho Code § 42-229. IDAPA 37.03.01.060.02.c cannot be applied in a manner that forces the Director to administer as surface water a diversion structure that the legislature has defined to be a groundwater well, as that would undermine the legislature's intent set forth in Idaho Code §§42-229 and 42-230.

C. The Director may not consider pre-decree documents to interpret the Martin-Curren Tunnel to mean something other than a tunnel.

Rangen also argues that the Martin-Curren Tunnel must be administered as surface water on the basis that the Tunnel was in times past referred to as "underground springs." (*Rangen's Br.* 15-16.) Rangen relies on a number of pre-decree documents to support this argument. *Id.* However, the Director cannot consider any such documents because the term "Martin-Curren Tunnel" is unambiguous and the parol evidence rule precludes consideration of extrinsic evidence to contradict the plain meaning of partial decrees.

The interpretation of partial decrees is subject to the same rules that govern the interpretation of contracts. *A&B Irr. Dist. v. Spackman*, 284 P.3d 225 at 248 (2012) ("We apply the same rules of interpretation to a decree that we apply to contracts.") The court must first look to the plain meaning of the language in the decree. *Potlatch Educ. Ass'n & Doug Richards v. Potlatch Sch. Dist.*, 148 Idaho 630, 633 (2010). If there is no ambiguity in that language, the decree "must be construed in its plain, ordinary and proper sense, according to the meaning derived from the plain wording of the instrument." *C & G, Inc. v. Rule*, 135 Idaho 763, 765 (2001). "Ambiguity results when reasonable minds might differ or be uncertain as to its meaning, however ambiguity is not established merely because different possible interpretations are presented to a court." *McKay v. Boise Project Bd. of Control*, 141 Idaho 463, 469-470 (2005). The court may consider parol evidence only if the plain language is subject to "two different reasonable interpretations or the language is nonsensical." *Swanson v. Beco. Constr. Co.*, 145 Idaho 59, 62 (2007).

The term "Martin-Curren Tunnel" is not ambiguous. It is the proper name for a man-made excavation that is visibly obvious and distinct from the natural springs in the vicinity of Rangen. The term "tunnel" is commonly known and understood, defined as an "underground or underwater passage." *American Heritage Dictionary of the English Language*, Houghton Mifflin Company, July 1981, at 742. The Martin-Curren Tunnel looks like a tunnel; the springs do not. The Tunnel diverts "a distinct source of water separate from natural springs that also supply Rangen." (Brendecke Report, Dec. 21, 2012, p. 1-1.)

The unambiguous meaning of "Martin-Curren Tunnel" is plainly evident by the fact that there has never been any confusion in any brief, motion, report, hearing, or deposition in this case as to what the Tunnel is or where it is located. Every deponent—including numerous Rangen employees, IDWR employees, and experts hired by all of the parties—uniformly

recognize the Martin-Curren Tunnel as the man-made tunnel high on the basalt cliffs above Rangen. None have referred to the entire Rangen spring complex generally as the Martin-Curren Tunnel. In fact, just the opposite is true. All of the deponents have distinguished between water diverted via the Tunnel and water that emits from the various springs around Rangen, referring to the springs separately with terms such as "talus springs" and "lower springs." A report submitted by Rangen's own experts demonstrates this, stating: "Water delivered to the Research Hatchery is supply by the Curren Tunnel and spring water issuing from the talus slope beneath the tunnel." (Brockway et al. Report, Dec. 20, 2012, p. 8.)

If Rangen desired to claim an entitlement to water that is not diverted through the Martin-Curren Tunnel, it could have done so when it filed its applications for permit for water right numbers 36-02551 and 36-07694 or again when it filed claims to those water rights in the SRBA. In both instances, there were a number of other water rights sourced at the Martin-Curren Tunnel, all of which divert only water that emits from the Tunnel. Had Rangen claimed an entitlement to water from Billingsley Creek or springs in the Rangen area, it had a duty to claim points of diversion on those sources. It was certainly common for water rights in the Thousand Springs area to have the source identified as "springs" or by the name of a spring-fed creek, and Rangen could have easily claimed "springs" and "Billingsley Creek" as part of its water rights. But Rangen identified only Martin-Curren Tunnel as its source, and must live with that decision.

For the same reason that the Director cannot change Rangen's decreed point of diversion from "Martin-Curren Tunnel" to "Ground Water," he cannot add "Springs" and "Billingsley Creek" as additional sources of Rangen's water rights.

Because the term Martin-Curren Tunnel is unambiguous, the Director should deny summary judgment in party by ruling that the term "Martin-Curren Tunnel" unambiguously refers to the man-made tunnel above Rangen, and that it must be administered as a groundwater source because it meets the statutory definition of a groundwater well.

D. Pre-decree documents are consistent with the decreed source of Martin-Curren Tunnel as a groundwater source.

IGWA disagrees with Pocatello's assertion that the meaning of Martin-Curren Tunnel is ambiguous, but if the Director does find it to be ambiguous, IGWA agrees that parol evidence demonstrates that the term Martin-Curren Tunnel refers to the tunnel itself and not to the springs found at various locations in the Rangen area.

The water right application and license documents cited by Rangen are entirely consistent

with interpreting "Martin-Curren Tunnel" to mean the man-made tunnel specifically. What is significant is that these documents refer to the source as "underground springs." The application for permit, certificate of completion of works, and license issued for water right 36-02551 all describe the source as "underground springs." (*Rangen's Br.* 4-6.) Likewise, the application for permit and field examination for water right 36-07694 identify the source as "underground springs." *Id* at 7-8.

Describing the source as "underground springs" indicates that the persons preparing those documents recognized the water as being diverted from below ground level. Whether or not such persons were aware of or considered the statutory definition of groundwater in Idaho Code § 42-230, they effectively identified the source as groundwater by describing it as "underground springs." "Groundwater" is defined by statute as "all water under the surface of the ground whatever may be the geologic structure in which it is standing or moving." Idaho Code § 42-230(a). By identifying the springs as "underground," these documents identify water that by statute qualifies as groundwater.

Rangen contends that the term "underground springs" is a reference to the above-ground springs around Rangen, but this is illogical. If the intent was to identify an above-ground spring source, one would expect the documents to identify the source simply as "springs" as is common in the area. If the intent was to identify all of the water sources in the area, than the applications and licenses needed to include names and legal descriptions of such other sources and Rangen's points of diversion on those sources. Rangen's legal point of diversion has always included the Martin-Curren Tunnel, and has always excluded many of the springs in the Rangen area. Thus, the term "Martin-Curren Tunnel" must mean the tunnel itself, and not Billingsley Creek or the various springs in the area that are not included in Rangen's legal point of diversion.

The term "underground springs" is consistent with the physical nature of the Martin-Curren Tunnel as an underground diversion structure, and there are at least two pre-decree documents that equate "underground springs" with the Martin-Curren Tunnel. First, the application for permit for water right 36-07694 identifies the source as "underground springs" but has a handwritten note above it stating "Curren Tunnel." (*Rangen's Br.* 7.) Second, the license for water right 36-07694 identifies the source as "springs" but includes the condition: "source known locally as Curran Tunnel." *Id.* at 9. These documents show that the term "underground springs" was used to refer to the Martin-Curren Tunnel specifically. The pre-

decree water right applications and licenses simply do not demonstrate that the term "Martin-Curren Tunnel" was used to describe above-ground springs in the Rangen area.

Rangen also points out that the IDWR's online database shows the source of Rangen's water right no. 36-15501 as "springs." (*Rangen's Br.* 3.) This water right is not the basis for Rangen's delivery call, so its source is irrelevant. Nonetheless, it is obvious that the database contains a transcription error since the SRBA partial decree for water right no. 36-15501 identifies the source as Martin-Curren Tunnel, and the IDWR has not approved a change in the source pursuant to Idaho Code § 42-222. The IDWR online database does correctly identify the source of Rangen's other water rights as Martin-Curren Tunnel.

Finally, as mentioned above, all of the deponents in this case, including Rangen's own employees and experts, have used the term "Martin-Curren Tunnel" to refer to the man-made tunnel specifically, and have used other terms to refer to the springs in the Rangen,

For all of these reasons, if the Director decides to consider parol evidence in determining the meaning of "Martin-Curren Tunnel," he should deny summary judgment by ruling that it refers to the man-made tunnel itself and not to Billingsley Creek or the various springs in the Rangen area.

II. Rangen cannot call for the delivery of water to points of diversion that are not included in the partial decrees issued by the SRBA court.

Rangen contends that it is not restricted to calling for the delivery of water to the Martin-Curren Tunnel, but that it is entitled to the delivery of water to the entire spring complex around Rangen. (*Rangen's Br.* 17-19.) This argument ignores the point of diversion element of Rangen's water rights. The point of diversion marks the place at which Rangen is legally entitled to divert water from the source. Rangen has no right to divert water from, or to call for the delivery of water to, points that were not decreed by the SRBA court

The partial decrees issued for water right numbers 36-02551 and 36-07694 identify the location of Rangen's point of diversion to the nearest quarter-quarter-quarter section. Rangen's decreed point of diversion is the SESWNW of Section 32, Township 7 South, Range 14 East, Boise Meridian. (*Third Brendecke Aff.*, Exs. D & E.) The IDWR maintains a record of the precise point of diversion within that 40-acre tract as adjudicated by the SRBA court. Attached hereto as Appendix A is an IDWR map depicting the decreed point of diversion of Rangen's water rights. It is the Martin-Curren Tunnel. The map does not identify the springs in the area as

points of diversion. Further, many of the springs are not located within the legal description of the point of diversion stated on the face of Rangen's partial decrees.

Rangen has no legal right to call for the delivery of water to points of diversion that were not adjudicated as authorized points of diversion by the SRBA court. As Rangen points out in its brief, its partial decrees were issued more than 16 years ago, they were certified as final judgments under I.R.C.P. 54(b), they are binding and conclusive as to the nature and extent of its water rights, and the time for any challenge has long passed. (*Rangen's Br.* 13.) IGWA agrees that Rangen's decreed point of diversion is tantamount to a real property description, and the Director has no authority to add additional points of diversion to Rangen's decrees.

IGWA acknowledges that Rangen has historically reported water measurements that include various spring flows and irrigation wastewater from the North Side Canal Company in addition to water from the Martin-Curren Tunnel. Apparently this was done for convenience. By law, Rangen is required to install "suitable headgates and controlling works at the point where water is diverted." Idaho Code § 42-701 (Emphasis added.) Regardless of whether Rangen's measurement location should have been allowed by the IDWR, it does not entitle Rangen to call for the delivery of water to diversion points that the SRBA did not include in the partial decrees for Rangen's water rights.

IGWA is not asking IDWR to issue any notice of violation to Rangen for diverting and using water at its facility from other spring sources. Any diversion and use of water by Rangen must be done efficiently, without waste, and must utilize all available water before seeking to curtail junior rights, particularly since that can be done without adverse impacts to downstream users. Rangen does not, however, have the right to curtail junior rights to deliver water to points of diversion that were not granted by the SRBA court.

Therefore, the Director should deny *Rangen's Motion* in part by ruling as a matter of law that Rangen has no right to call for the delivery of water to points of diversion that the SRBA court did not include in Rangen's partial decrees.

CONCLUSION

As to the first issue raised in *Rangen's Motion*, the Director should grant summary judgment in part by ruling that the Director does not have authority to change the decreed source of Rangen's water rights, and deny summary judgment in part by ruling that the Martin-Curren Tunnel meets the legal definition of a groundwater well under Idaho Code § 42-230 and must be

administered as such. As to the second issue raised in *Rangen's Motion*, the Director should deny summary judgment by ruling that Rangen has no legal right to call for the delivery of water to points of diversion that were not decreed for water right numbers 36-02551 and 36-07694 by the SRBA court.

RESPECTFULLY SUBMITTED this 22nd day of March, 2013.

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March, 2013, I caused to be served a true and correct copy of the foregoing **IGWA's Response to Rangen's Motion for Partial Summary Judgment Re: Source**, upon the following by the method indicated:

Thomas J. Burke
Signature of person serving form

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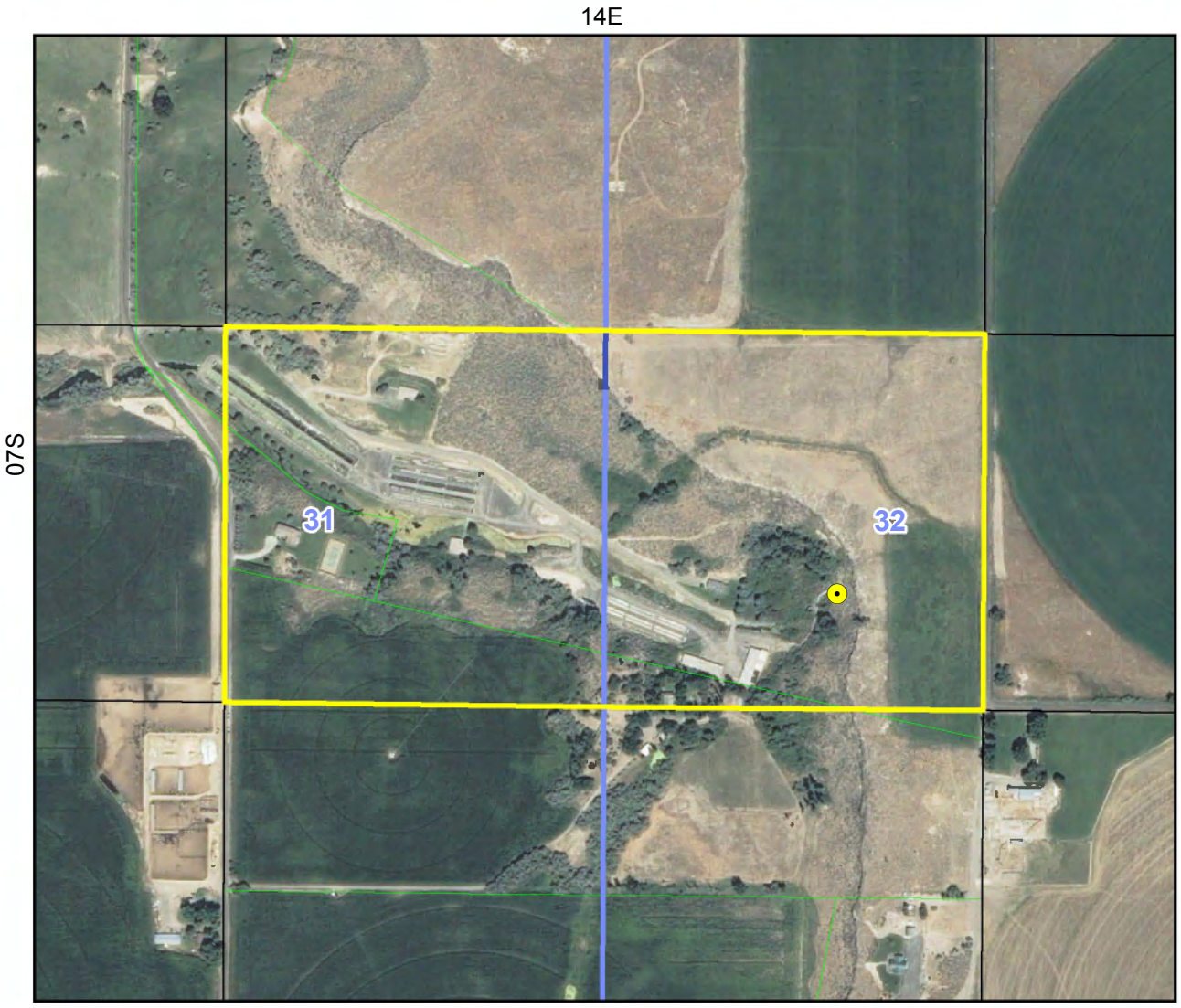
State of Idaho
Department of Water Resources

Water Right
36-2551

FISH PROPAGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the pemanent document file will be resolved in favor of the actual water right documents in the water right file.



Point of Diversion
Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Taxlots

0 0.075 0.15 0.3 Miles

N

Map produced on March 20, 2013