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Department of Water Resources

JASON R. MICIAK, P.C.

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January 9, 2004

Mr. Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Delivery of Water to Pristine Springs, Inc.,
SeaPac of Idaho, Inc. and William D. Jones, Jr.

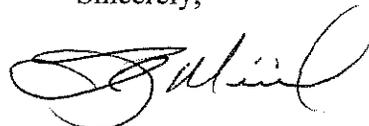
Dear Director Dreher,

This letter will address the only remaining option to the above water users in an effort to preserve their right to use water as outlined in their licenses and decrees. Exhibit one sets forth the senior water rights belonging to the above parties which are experiencing intolerable injury. These water rights are all within Water District 130 which was set up specifically to allocate water by priority under Chapter 6 of the Idaho Code. So far, the water is not being administered in accordance with the prior appropriation doctrine because senior surface water rights are severely diminished while junior groundwater users are pumping at all time highs. This situation cannot continue. As the situation stands, Idaho bears little resemblance to a prior appropriation state and, at least with respect to groundwater, riparian law seems to be in force.

My clients demand that you undertake the obligation lawfully proscribed to you in Idaho Code Title 42 Chapter 6, and administer and deliver water in strict accordance with the prior appropriation doctrine.

My clients are well aware of the complex and difficult nature of their demand, however the law of the State of Idaho is clear and it is their right and obligation to make such a demand. I look forward to hearing from you as to how the Department will carry out its constitutional and statutory duty to my clients.

Sincerely,



Jason R. Miciak, P.C.

JRM/anc
attachment
Cc: Clients

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) PARTIAL DECREE PURSUANT TO)
) I.R.C.P. 54(b) FOR)
Case No. 39576))
) Water Right 36-07071)

200 APR 10 AM 10:19
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: DELORIS D JONES
JOHN W JONES JR
PO BOX 265
HAGERMAN ID 83332

SOURCE: WEATHERBY SPRINGS TRIBUTARY: BILLINGSLEY CREEK
THREE SPRINGS BILLINGSLEY CREEK
HOAGLAND TUNNEL BILLINGSLEY CREEK

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QUANTITY: 73.05 CFS

Department of Water Resources

THE APPROPRIATOR SHALL CONTINUOUSLY ALLOW 6.50 CFS FROM WEATHERBY SPRINGS TO BE DELIVERED INTO BAR 5 DITCH FROM THE OUTLET OF FISH OPERATION DESCRIBED ABOVE FROM MARCH 1 UNTIL NOVEMBER 1 OF EACH YEAR, AND SHALL CONTINUOUSLY ALLOW 4.00 CFS FROM WEATHERBY SPRINGS TO BE DELIVERED INTO THE BAR 5 DITCH FROM THE OUTLET OF FISH OPERATION DESCRIBED ABOVE FROM NOVEMBER 1 UNTIL MARCH 1 OF EACH YEAR.

PRIORITY DATE: 07/08/1969

POINT OF DIVERSION: T07S R14E S30 SESENW Within GOODING County
SESESW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
FISH PROPAGATION 01-01 12-31 73.05 CFS
90 RACEWAYS

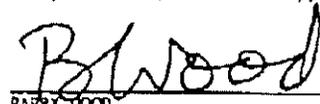
PLACE OF USE: FISH PROPAGATION Within GOODING County
T07S R14E S30 NESW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


BARRY WOOD
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-7072

WATER RIGHT NUMBER: 36-7072

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-8541
Current Owner	SEAPAC OF IDAHO INC PO BOX 548 BUHL, ID 83316 (208) 328-3100

Priority Date: 09/05/1969

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
THOUSAND SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31	148,200 CFS	
	<u>Total Diversion:</u>	148,200 CFS	

Location of Point(s) of Diversion

THOUSAND SPRINGS GOODING County	L1 (NE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L8 (SE1/4SE1/4SE1/4)	Sec. 8,	Twp 08S,	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L1 (NW1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E, B M
THOUSAND SPRINGS GOODING County	L1 (SE1/4NW1/4NW1/4)	Sec. 8,	Twp 08S,	Rge 14E, B M

Place of Use

FISH PROPAGATION Within GOODING County
T08S R14E S05 SWSW T08S R14E S06 Lot 8 SESE
T08S R14E S08 Lot 1 NWNW

Conditions of Approval

Remarks:

Page 2

12/17/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 38-7072

1. Quantity FACILITY VOLUME IS 602,600 CUBIC FEET.
THE RATE OF DIVERSION FROM SPRINGS 1, 2 & 3 SHALL NOT EXCEED 38.5 CFS AND FURTHER, THAT OF THE 38.5 CFS, 13.5 CFS LESS THE AMOUNT OF WATER FLOWING IN THE BRAILSFORD PIPELINE, MEASURED AT POINT B, SHALL BE RELEASED AT EITHER POINT C (THE MEASURING DEVICE AT THE UPPER POND) OR THROUGH THE HILL FLUME INTO THE UPPER POND.
2. Explanatory FISH PROPAGATION/ COMMERCIAL HATCHERY
3. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S06, LOT 8 SESESE TWO POINTS OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 NWMWNW FOUR POINTS OF DIVERSION LOCATED IN T08S, R14E, S08, LOT 1 SENWNW

Dates and Other Information:

Decreed Date: 12/29/1997

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-8356

WATER RIGHT NUMBER: 36-8356

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PISCES INVESTMENTS INC 3069 OSTER LAKES RD HAGERMAN, ID 83332 (208) 837-6541
Current Owner	SEAPAC OF IDAHO INC PO BOX 546 BUHL, ID 83316 (208) 326-3100

Priority Date: 05/09/1988
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	01/01 to 12/31	45.000 CFS	32,600.00 AF
	<u>Total Diversion:</u>	45.000 CFS	32,600.00 AF

Location of Point(s) of Diversion
SPRINGS
GOODING County

L1 (SE1/4NW1/4NW1/4) Sec. 8, Twp 08S, Rge 14E, B M.

Place of Use
FISH PROPAGATION Within GOODING County
T08S R14E S08 Lot 1 NWNW

Conditions of Approval:

1. 027 Use of water under this right shall be non-consumptive.
2. 122 The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
3. X35 Rights 36-07072 and 36-08356 when combined shall not exceed a total diversion rate of 148.2 cfs.
4. X36 Right 36-07072 is also diverted through the point of diversion described above.

Remarks

Dates and Other Information

Licensed Date: 6/5/2002

SRBA

DIRECTORS REPORT 36-00200

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-00200

Name and Address: PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME, ID 83338

Source: WARM CREEK Tributary: SNAKE RIVER
SUNNY BROOK SPRINGS Tributary: WARM CREEK
SPRING Tributary: WARM CREEK

Quantity: 40.00 CFS

Priority Date: 09-30-1970

Diversion Point: T09S R17E S20 LOT 4 (SWSWSW) Within Jerome County
S29 LOT 9 (SENENW)
LOT 10 (SENWNW)

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Fish Propagation	01-01 TO 12-31	40.00 CFS

Place of Use:	Fish Propagation T09S R17E S20 LOT 4 (SWSW) S29 LOT 9 (NENW) S30 LOT 8 (NENE)	Within Jerome County LOT 10 (NWNW)
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Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.
FACILITY VOLUME 156,770 CU. FT.
USE OF THIS RIGHT WITH RIGHT NO. 36-02603D IS LIMITED TO A
TOTAL COMBINED FACILITY VOLUME OF 156,770 CU. FT.

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SRBA

DIRECTORS REPORT 36-02040

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-02040

Name and Address: HEDWIG SHELDON
GEORGE SHELDON
LOUISE SHELDON
EDITH KASTER
WILLARD B SHELDON
RICHARD KASTER
PHYLLIS SHELDON
HOWARD SHELDON
C/O IRLE RANCH
PO BOX 443
BUHL, ID 83316

PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME, ID 83338

Source: BRIGGS CREEK Tributary: SNAKE RIVER

Quantity: 10.00 CFS

Priority Date: 07-18-1927

Diversion Point: T09S R14E S03 NWNWSW within Gooding County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Fish Propagation	01-01 TO 12-31	10.00 CFS

Place of Use:	Fish Propagation	Within Gooding County
	T09S R14E S04 LOT 11 (NENW)	LOT 12 (SENW)

Other Provisions Necessary for Definition / Administration of this water Right:

Explanatory Material: Basis of Claim - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
FACILITY VOLUME 697,000 CUBIC FEET.
USE OF THIS RIGHT WITH RIGHT NO. 36-02607 IS LIMITED TO A TOTAL FACILITY VOLUME OF 697,000 CUBIC FEET.
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 72.37 CFS.
OTHER RIGHT NOS.: 36-15180, 36-02039, 36-02607 AND 36-07973.
WHEN THIS RIGHT, 36-02607 AND 36-07973 ARE COMBINED, THE TOTAL RATE OF DIVERSION SHALL NOT EXCEED 70.00 CFS.

Explanatory Material: Basis of Claim - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 72.37 CFS.

OTHER RIGHT NOS.: 36-15180, 36-02040, 36-02607 AND 36-07973.

A DIVERSION RATE OF 0.47 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

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DIRECTORS REPORT 36-02603C

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-02603C

Name and Address: PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME, ID 83338

Source: ALPHEUS CREEK Tributary: SNAKE RIVER

Quantity: 25.30 CFS

Priority Date: 04-17-1964

Diversion Point: T09S R17E S28 LOT 14 (NESWSW) Within Jerome County

Purpose and			
Period of Use:	Purpose of Use	Period of Use	Quantity
	Fish Propagation	01-01 TO 12-31	25.30 CFS

Place of Use: Fish Propagation Within Jerome County
T09S R17E S29 LOT 14 (SWNE)

Other Provisions Necessary for Definition / Administration of this water Right:

Explanatory Material: Basis of Claim - License

FACILITY VOLUME 60,480 CU. FT.

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SRBA DIRECTORS REPORT 36-02603D

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-02603D

Name and Address: PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME, ID 83338

Source: SUNNY BROOK SPRINGS Tributary: WARM CREEK

Quantity: 1.90 CFS

Priority Date: 04-17-1964

Diversion Point: T09S R17E S29 LOT 9 (NENENW) within Jerome County

Purpose and Period of Use:	Purpose of Use Fish Propagation	Period of Use 01-01 TO 12-31	Quantity 1.90 CFS
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Place of Use: Fish Propagation within Jerome County
T09S R17E S19 LOT 9 (NENW)

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

FACILITY VOLUME 7,880 CU. FT.
USE OF THIS RIGHT WITH RIGHT NO. 36-00200 IS LIMITED TO A
TOTAL COMBINED FACILITY VOLUME OF 156,770 CU. FT.

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SRBA DIRECTORS REPORT 36-02607

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IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-02607

Name and Address: EDITH KASTER
HOWARD SHELDON
LOUISE SHELDON
WILLARD B SHELDON
GEORGE SHELDON
HEDWIG SHELDON
RICHARD KASTER
PHYLLIS SHELDON
C/O IRLE RANCH
PO BOX 443
BUHL, ID 83316

PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME, ID 83338

Source: BRIGGS CREEK Tributary: SNAKE RIVER

Quantity: 60.00 CFS

Priority Date: 11-27-1964

Diversion Point: T09S R14E S03 NWNWSW Within Gooding County

Purpose and			
Period of Use:	Purpose of Use	Period of Use	Quantity
	Fish Propagation	01-01 TO 12-31	60.00 CFS

Place of Use: Fish Propagation Within Gooding County
T09S R14E S04 LOT 11 (NENW) LOT 12 (SENW)

Other Provisions Necessary for Definition / Administration of this water Right:

Explanatory Material: Basis of Claim - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
FACILITY VOLUME 697,000 CUBIC FEET.
USE OF THIS RIGHT WITH RIGHT NO. 36-02040 IS LIMITED TO A TOTAL FACILITY VOLUME OF 697,000 CUBIC FEET.
RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 72.37 CFS.
OTHER RIGHT NOS.: 36-15180, 36-02039, 36-02040 AND 36-07973.
WHEN THIS RIGHT, 36-02040 AND 36-07973 ARE COMBINED, THE TOTAL RATE OF DIVERSION SHALL NOT EXCEED 70.00 CFS.

SRBA DIRECTORS REPORT 36-07130

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-07130

Name and Address: PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME, ID 83338

Source: GROUNDWATER

Quantity: 4.50 CFS
3257.90 AFY

Priority Date: 05-06-1970

Diversion Point: T09S R17E S29 LOT 14 (SWSWNE) Within Jerome County

Purpose and Period of Use:	Purpose of Use Fish Propagation	Period of Use 01-01 TO 12-31	Quantity 4.50 CFS 3257.90 AFY
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Place of Use: Fish Propagation Within Jerome County
T09S R17E S29 LOT 14 (SWNE)

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.
FACILITY VOLUME 40,320 CU. FT.

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	S09 LOT 2	(NENE) 1	
	S10 LOT 1	(NWNW) 2	LOT 7 (NWNW) 1
81	Acres Total		

Stockwater		Within Gooding County
T09S R14E S03	NWSW	
Domestic		Within Gooding County
T09S R14E S03	NWSW	

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
 RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION FROM BRIGGS CREEK AT NWNWSW, S03, T09S, R14E AND THE TOTAL COMBINED RATE OF DIVERSION AT THIS POINT FOR THESE RIGHTS IS LIMITED TO 72.37 CFS.
 OTHER RIGHT NOS.: 36-02039, 36-02040, 36-02607 AND 36-07973.
 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 36-00199 AND 36-00201.
 A DIVERSION RATE OF 4.91 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.
 SOURCES FOR THIS RIGHT ARE BRIGGS SPRINGS TRIBUTARY TO BRIGGS CREEK AND BRIGGS CREEK TRIBUTARY TO SNAKE RIVER.

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SRBA DIRECTORS REPORT 36-15218

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-15218

* THIS WATER RIGHT IS RECOMMENDED DISALLOWED *

Name and Address: PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME, ID 83338

Source: GROUNDWATER

Quantity: 4.50 CFS
3258.00 AFY

Priority Date: 07-02-1971

Diversion Point: T09S R17E S29 NENWSE Within Jerome County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Diversion to Storage	01-01 TO 12-31	4.50 CFS
	Aesthetic	01-01 TO 12-31	400.00 AFY

Place of Use:	Aesthetic Storage	Within Jerome County
	T09S R17E S19 LOT 13 (SWSE)	SESE
	S29 LOT 14 (SWNE)	LOT 11 (NENW)
	LOT 10 (NWNW)	LOT 16 (SWNW)
	LOT 15 (SENW)	LOT 17 (NESW)
	LOT 18 (NWSE)	
	S30 LOT 8 (NENE)	LOT 9 (NWNE)
	LOT 13 (SENE)	

Diversion to Storage
Same as Other Use

Aesthetic
Same as Other Use

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Not Listed

NO BENEFICIAL USE FOUND.

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SRBA

DIRECTORS REPORT 36-15378

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IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 36-15378

Name and Address: PRISTINE SPRINGS INC
201 WARM CREEK ROAD
JEROME, ID 83338

Source: WARM CREEK Tributary: SNAKE RIVER

Quantity: 748.00 AFY

Priority Date: 09-30-1970

Diversion Point: T09S R17E S19 LOT 13 (NESWSE) Within Jerome County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Aesthetic Storage	01-01 TO 12-31	748.00 AFY
	Water Qual. Impr. Stor	01-01 TO 12-31	748.00 AFY

Place of Use: Water Qual. Impr. Stor Within Jerome County
T09S R17E S19 LOT 13 (SWSE) SESE

Aesthetic Storage Within Jerome County
T09S R17E S19 LOT 13 (SWSE) SESE

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Beneficial Use

STORAGE CAPACITY 11.0 AF.
737 AF OF THIS RIGHT IS LIMITED TO USE FOR EVAPORATION AND
SEEPAGE LOSSES IN STORAGE OF THIS RIGHT.

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