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Paul L. Arrington, ISB #7198
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DEPARTMENT OF
WATER RESOURCES

Attorneys for Rocky Sherbine

**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

Case No. 39576

)
) **Subcase Nos. 37-2561, 37-2582,**
) **37-2682 & 37-115D**
)

) **AFFIDAVIT OF PAUL L.**
) **ARRINGTON (Rocky Sherbine)**
)
)
)
)

STATE OF IDAHO)
) ss.
County of Twin Falls)

I, PAUL L. ARRINGTON, being first duly sworn upon oath, deposes and hereby states
as follows:

1. I am an attorney representing Rocky Sherbine. I am over the age of 18 and state
the following based upon my own personal knowledge.

2. Rocky Sherbine has water right claims in the SRBA that were subject to prior
licensing and transfer proceedings before the Idaho Department of Water Resources
("Department").

3. Water Right No. 37-2561 is based on License No. G-25224, a true and correct
copy of which is attached hereto as Exhibit A. Water Right No. 27-2561 was recommended with

the same quantity and place of use as License No. G-25224. A true and correct copy of the Recommendation is attached hereto as Exhibit B.

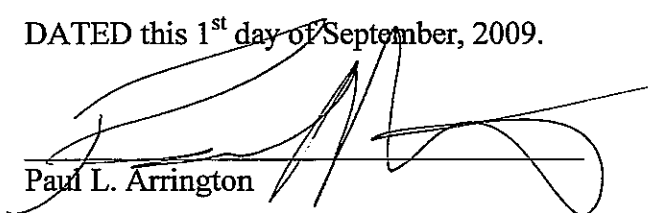
4. Water Right No. 37-2582 is based on License No. G-25981, a true and correct copy of which is attached hereto as Exhibit C. Water Right No. 37-2582 was recommended with the same quantity and place of use as License No. G-25981. A true and correct copy of the recommendation is attached hereto as Exhibit D.

5. Water Right No. 37-2682 is based on License No. G-30821, a true and correct copy of which is attached hereto as Exhibit E. The right was also subject to Transfer No. 2381, a true and correct copy of which is attached hereto as Exhibit F. Water Right No. 37-2682 was recommended with the same quantity and period of use as License No. G-30821. A true and correct copy of the recommendation is attached hereto as Exhibit G.

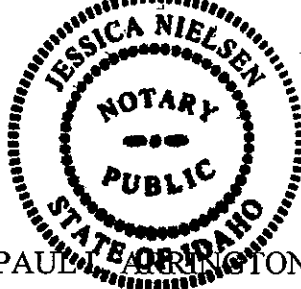
6. Water Rights No. 37-115D was subject to Transfer No. 71910, a true and correct copy of which is attached hereto as Exhibit H. Water Right No. 37-115D was recommended with the same quantity and place of use approved in Transfer No. 71910. A true and correct copy of the recommendation is attached hereto as Exhibit I.

Further you affiant sayeth naught.

DATED this 1st day of September, 2009.


Paul L. Arrington

SUBSCRIBED AND SWORN to before me this 1st day of September, 2009.




Notary Public for State of Idaho
Residing at Twin Falls, Idaho.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 1st day of September, 2009, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to each of the following:

Scott L. Campbell
Tara Martens
Dylan B. Lawrence
Andrew J. Snook
MOFFATT, THOMAS, BARRETT, ROCK & FIELDS
101 So. Capital Blvd., 10th Floor
P. O. Box 829
Boise, ID 83701

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P. O. Box 83720
Boise, ID 83720-00098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail

Chief, Natural Resources Division
Office of the Attorney General
STATE OF IDAHO
P. O. Box 44449
Boise, ID 83711-2530

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile
☐ Electronic Mail

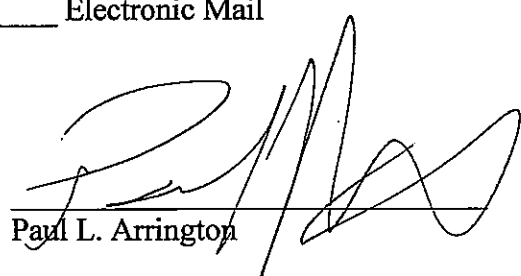

Paul L. Arrington

Exhibit A

State of Idaho License and Certificate of Water Right

Water License No. 0-25224

Amount 3.54 c.f.s.

Water District No. _____

Priority October 13, 1954

THIS IS TO CERTIFY that GEORGE SHERBINE
of Garnett, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 13, 1954; that Permit No. 0-25224
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.54 second feet, was issued thereunder on October 18, 1960, showing that said works
were completed on the 28th day of September, 1959; and that on the 28th
day of September, 1959,

GEORGE SHERBINE

of Garnett, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation & domestic
use, under Use Permit No. 0-25224 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
11 of Licenses at page 6988, on the 18 day of October, 1960;
The right hereby confirmed dates from October 13, 1954;
The Point of Diversion is located

in the SW 1/4 NW 1/4 Sec. 5, Twp. 1 S., R. 19 E., B. N. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.54 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S	19 E.	5	SE 1/4 NW 1/4	18.5	18.4
			SW 1/4 NW 1/4	19	19
			NE 1/4 SW 1/4	40	40.0
			NW 1/4 SW 1/4	40	40.0
			SE 1/4 SW 1/4	40	40.0
			SW 1/4 SW 1/4	40	40.0
			Total number of acres to be irrigated:		197.4

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
18th day of October, 1960.

/s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

37 111

Exhibit B

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

RIGHT NUMBER: 37-2561

NAME AND ADDRESS: TERRI SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.820 CFS
668.50 AFY

PRIORITY DATE: 10/13/1954

POINT OF
DIVERSION: T01S R19E S5 SWSNW Lot 3 Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.820 CFS 668.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S05 Lot 4 SWNW	18.00	T01S R19E S05 Lot 3 SENW	14.00
T01S R19E S05 NESW	40.00	T01S R19E S05 NWSW	40.00
T01S R19E S05 SWSW	40.00	T01S R19E S05 SESW	39.00

191 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season. Combined Right Nos.: 37-115D, 37-590A, and 37-2561.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Exhibit C

State of Idaho License and Certificate of Water Right

Water License No. G-25981Amount 2.8 c.f.s.

Water District No. _____

Priority September 14, 1955

THIS IS TO CERTIFY that W. R. PATTERSON
of Gannett, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 14, 1955; that Permit No. G-25981
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.8 second foot, was issued thereunder on October 15, 1958, showing that said works
were completed on the 11th day of October, 1957; and that on the 11th
day of October, 1957, W. R. PATTERSON

of Gannett, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean, for the purpose of Irrigation
under Use Permit No. G-25981 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6462, on the 15 day of October, 1958;
The right hereby confirmed dates from September 14, 1955;

The Point of Diversion is located
in the NE 1/4 NE 1/4 Sec. 6, Tp. 1 S., R. 19 E., E. M. County Blaine

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated		
1 S.	19 E.	6	NE $\frac{1}{4}$ NE $\frac{1}{4}$	--	20		
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	--	20		
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	--	20		
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	--	20		
		7	NE $\frac{1}{4}$ NE $\frac{1}{4}$	--	20		
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	--	20		
		8	SW $\frac{1}{4}$ NW $\frac{1}{4}$	--	20		
		Total number of acres irrigated - - 140					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of October, 1958.

/s/ Geo. R. Carter
State Reclamation Engineer.

(SEAL)

57 2112

Exhibit D

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

RIGHT NUMBER: 37-2582

NAME AND ADDRESS: ROCKY SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

TERRI SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.800 CFS
479.50 AFY

PRIORITY DATE: 09/14/1955

POINT OF DIVERSION: T01S R19E S6 SENE Lot 1 Within BLAINE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.800 CFS 479.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01S R19E S06 Lot 1 SENE	10.20	T01S R19E S06	NESE	26.70
T01S R19E S06	SESE	26.70	T01S R19E S07	NENE
T01S R19E S07	SENE	26.70	T01S R19E S08	SWNW
				20.00

137 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 137 acres in a single irrigation season. Combined Right Nos.: 37-2582, 37-11773, 37-11774, 37-11776, 37-11777, 37-11778 and 37-11779.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Base Line Canal Co.

Exhibit E

WATER LICENSE

Water License No. G-30821/37-2682 Priority July 31, 1961 Amount 3.44 c.f.s.

THIS IS TO CERTIFY, that CARL SCHOESSLER of Cannett, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 31, 1961; that Permit G-30821/37-2682 was issued pursuant to said application; that the proposed works were completed on or about Summer 1963, with a storage/or carrying capacity of 5.56 c.f.s., said works consisting of well, pump, motor, and ditch; and that on October 18, 1966, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 516 acre feet per season, with a maximum rate of diversion of 3.44 cubic feet per second of the waters of ground-water, tributary of , for the purpose of irrigation from April 1 to October 31 and for from to ; and for from to ; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in NW 1/4 NW 1/4, Sec. 7, T. 1 S., R. 19 E., S.M., and other additional points in the County of Blaine; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 516 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 S	19 E	7		27	26		37	38		15	7			22					172

Total number of acres irrigated 172

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

27th day of October, 19 69.

[Signature]
State Reclamation Engineer

30821

Exhibit F

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ % _____ %, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion No Change
- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Point(s) of diversion _____ % _____ %, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
- c. Description of diverting works _____
- d. Describe the reasons for applying for a change in the point(s) of diversion _____

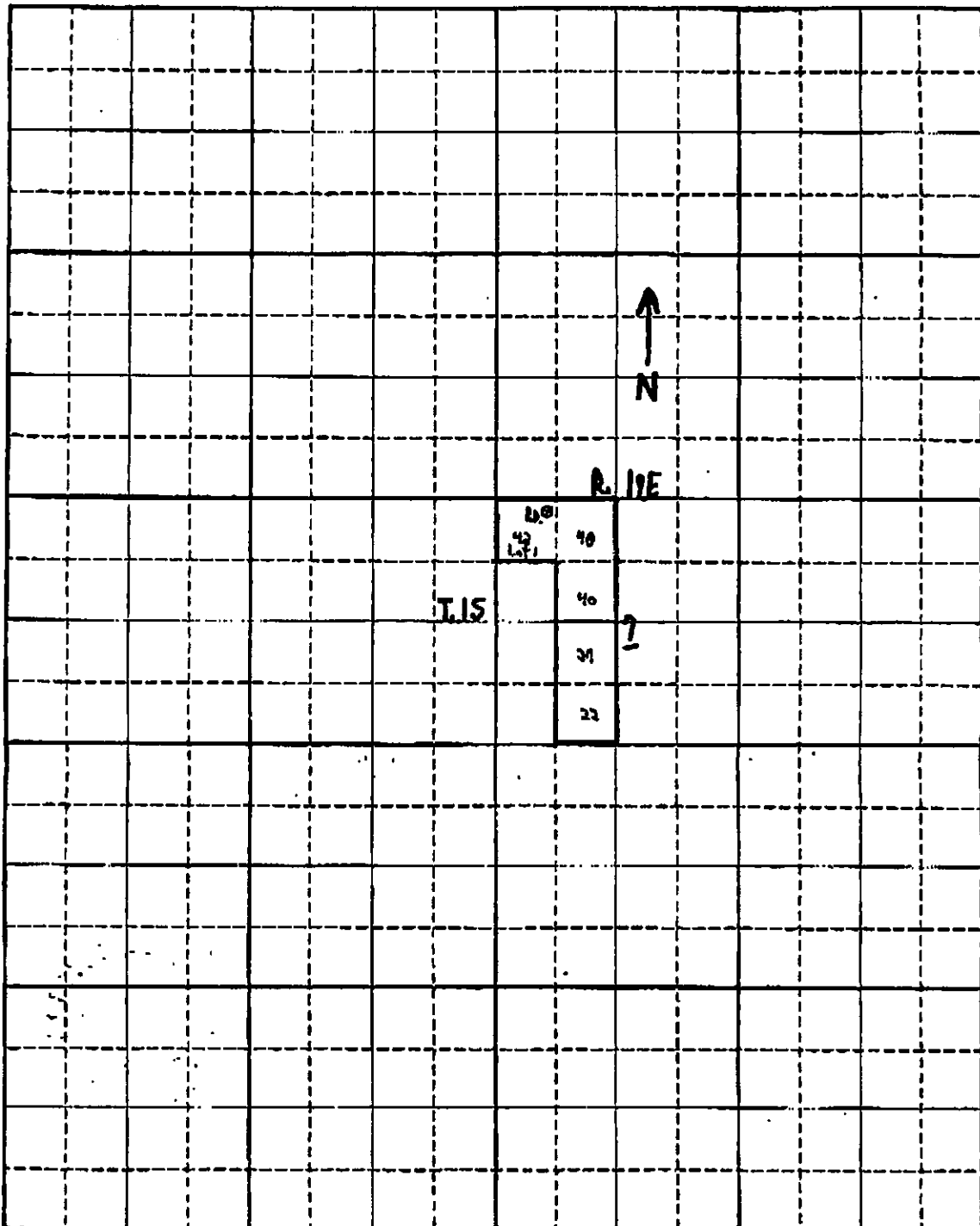
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1S	19R	7					40	43		40	27			22					172

Total number of acres to be irrigated 172

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks Transfer is being made due to a change in land ownership. Part of the
original P. V. is now owned by applicant's son. The son will file for a
new well permit to cover his part of the original right and other ground
to be watered from a new well to be drilled.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Carl Schinnerer
 (Signature of applicant)

Subscribed and sworn to before me this 18th day of December, 1979.

Loren O. Huber
 (Notary public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 37-2682
 and said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 25TH day of February, 19 80.

Norman C. Young
 NORMAN C. YOUNG
 Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by <u>[Signature]</u>	Date <u>12-18-79</u>	Protest filed by _____
Prelim. check by <u>[Signature]</u>	Fee <u>85.00</u>	_____
Receipted by <u>[Signature]</u>	Date <u>12-18-79 #12032</u>	_____
Published in <u>Grand Review Journal</u>	Copies of protest forwarded by _____	
Pub. dates <u>1/2 + 1/24/80</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for <u>approval</u> denial	
_____ rec'd. _____	by <u>Jim DRT</u>	

Exhibit G

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Exhibit H

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71910**

This is to certify that: WILLIAM T SHERBINE
200 BASELINE RD
BELLEVUE ID 83313
(208)309-1235

And

THERESA L SHERBINE
200 BASELINE RD
BELLEVUE ID 83313
(208)788-4846

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basic	Priority	Rate	Volume	Acre Limit	Total Acres	Source
37-115D	AJC/Decreed	06/12/1886	2.00 cfs	N/A	N/A	191.0	BIG WOOD RIVER
37-590A	AJC/Decreed	05/01/1886	4.00 cfs	N/A	N/A	191.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

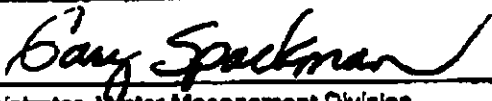
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-115D	NO	YES	NO	NO	NO	NO
37-590A	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-115D	37-115D	2.00 cfs	N/A	N/A	191.0		N/A	N/A	N/A	N/A
37-590A	37-590A	4.00 cfs	N/A	N/A	191.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		6.00 cfs	N/A	191.0	191.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of August, 20 07



Administrator, Water Management Division

SUPPORT DATA

IN FILE # 37-115D

WATER RIGHT NO. 37-115D
As Modified by Transfer No. 71910

In accordance with the approval of Transfer No. 71910, Water Right No. 37-115D is now described as follows.

Right Holder: THERESA L SHERBINE
 200 BASELINE RD
 BELLEVUE ID 83313

And

WILLIAM T SHERBINE
 200 BASELINE RD
 BELLEVUE ID 83313

Priority Date: June 12, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	04/15	10/31	0.10 CFS	
IRRIGATION	04/15	10/31	1.90 CFS	
			2.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NWSESW Sec. 12 Twp 01N Rge 18E BLAINE County

BIG WOOD RIVER NWSESW Sec. 25 Twp 01N Rge 18E BLAINE County
 (Rediversion)

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01S 19E 5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	191.0

Total Acres: 191

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season. Combined Right Nos.: 37-115D, 37-590A, and 37-2561.
2. To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using 0.10 cfs of this right, which shall remain undiverted in the Big Wood River.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

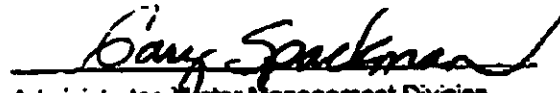
WATER RIGHT NO. 37-115D
As Modified by Transfer No. 71910

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right does not grant any right-of-way or easement across the land of another.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. This right is measured and administered at the point of redirection.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of August, 2007


Administrator, Water Management Division

WATER RIGHT NO. 37-590A
As Modified by Transfer No. 71910

In accordance with the approval of Transfer No. 71910, Water Right No. 37-590A is now described as follows.

Right Holder: THERESA L SHERBINE
 200 BASELINE RD
 BELLEVUE ID 83313

And

WILLIAM T SHERBINE
 200 BASELINE RD
 BELLEVUE ID 83313

Priority Date: May 01, 1886

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.80 CFS	
MITIGATION	04/15 to	10/31	0.20 CFS	
			4.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER NWSESW Sec. 12 Twp 01N Rge 16E BLAINE County

BIG WOOD RIVER NWSNW Sec. 25 Twp 01N Rge 16E BLAINE County
 (Rediversion)

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01S 16E 5	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	191.0
							18.0	14.0	40.0	40.0	40.0	39.0					
							1.4	1.3									

Total Acres: 191

CONDITIONS OF APPROVAL

1. The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season. Combined Right Nos.: 37-115D, 37-590A, and 37-2561.
2. To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using 0.20 cfs of this right, which shall remain undiverted in the Big Wood River.

WATER RIGHT NO. 37-590A
As Modified by Transfer No. 71910

CONDITIONS OF APPROVAL

3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right does not grant any right-of-way or easement across the land of another.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. This right is measured and administered at the point of redirection.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of August, 2007



Administrator, Water Management Division

Exhibit I

02/11/2008

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

RIGHT NUMBER: 37-1150

NAME AND ADDRESS: THERESA L SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

WILLIAM T "ROCKY" SHERBINE
200 BASELINE RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 2.000 CFS

To mitigate for the depletion of water resulting from the diversion and use of water under this right and to prevent injury to other water right holders, the right holder shall cease diverting and using 0.10 cfs of this right, which shall remain undiverted in the Big Wood River.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

PRIORITY DATE: 06/12/1886

POINT OF
DIVERSION:

T01N R18E S12 NWSESW Within BLAINE County
T01N R18E S25 NWSESW Rediversion Within BLAINE County
This right is measured and administered at the point of rediversion.

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/15 10/31	0.100 CFS
IRRIGATION	04/15 10/31	1.900 CFS

PLACE OF USE:

<u>IRRIGATION in BLAINE County</u>			
T01S R19E S05 Lot 4 SWNW	18.00	T01S R19E S05 Lot 3 SENW	14.00
T01S R19E S05 NWSW	40.00	T01S R19E S05 NWSW	40.00
T01S R19E S05 SWSW	40.00	T01S R19E S05 SESEW	39.00

MITIGATION same as IRRIGATION

191 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 191 acres in a single irrigation season. Combined Right Nos.: 37-1150, 37-590A, and 37-2561.

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed