

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00154C
Date Received: 7/13/1988
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GLENN B GOULD FAMILY PARTNERSHIP 208-543-6256
Address: RT 4 BOX 117
BUHL ID 83316
AND/OR
Name: RINKER CO 714-979-8300
Address: PO BOX 7250
NEWPORT BEACH CA 92658-7250

2. Date of Priority: DEC 13, 1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	29	NW	SW			BLAINE

5. Description of diverting works:
HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	9.340		

7. Total Quantity Appropriated is:
9.340 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 601.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	7	NW	NE		IRR	2.0

RECORDED
NOV 21 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	7	SW	NE		IRR	6.4
			SE	SW		IRR	20.0
			NW	SE		IRR	11.0
			SW	SE		IRR	38.0
			SE	SE		IRR	3.0
			Section Acres				87.4
		18	NE	NE		IRR	22.0
			NW	NE		IRR	38.0
			SW	NE		IRR	32.0
			SE	NE		IRR	18.0
			NE	NW		IRR	12.0
			NE	SE		IRR	16.0
			NW	SE		IRR	15.0
			Section Acres				153.0
			Total Acres				240.4

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-2632, 37-0153

14. Remarks:

THE 12 ACRES IRRIGATED IN THE NENW S18 IS NORTH OF THE GREENHORN ROAD.

THIS CLAIM IS A COMBINATION OF THE 302 INCHES PRESENTLY IN THE NAME OF THE PARTNERSHIP AND 198 INCHES IN THE NAME OF RINKER CO. WHICH IS DIVERTED INTO THE COMSTOCK DITCH SERVING THE DESCRIBED LANDS WHICH ARE MANAGED BY RINKER CO. WHO HAS AN OPTION TO BUY THE LANDS OWNED BY THE PARTNERSHIP.

**** THE CLAIM WAS AMENDED ON 2-13-95 TO IDENTIFY THAT THIS CLAIM IS FOR JUST A PORTION OF THE ORIGINAL DECREED CLAIM. I ONLY CHANGED THE TOTAL QUANTITY AS INDICATED. THE PURPOSE OF USE PROBABLY SHOULD HAVE BEEN CHANGED TO 9.56 CFS ALSO. AFTER COMPLETING THE AMENDMENT, I RENUMBERED THIS RIGHT TO PART A TO REFLECT THAT THIS CLAIM REPRESENTS ONLY A PORTION OF THE ORIGINAL RIGHT. KKC

CLAIM WAS SPLIT FROM A37-00154A PURSUANT TO APPROVED TRANSFER TRANSFER 4520.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-00154

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

February 13, 1995 1:00pm

CUSTOMER

CRYSTAL/ROSHALT'S OFFICE

SUBJECT: AMENDMENT OF A37-00154

She came in earlier with the claim as they wished it to be amended but on review I noted that the correction on the claim was not initialled and that the relationship of the individual signing the claim form had not identified his relationship with the partnership. She took the claim back and updated the form and then returned it to this office.

MICROFILMED
NOV 21 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00154A
Date Received: 7/13/1988
Receipt No: _____
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GLENN B. GOULD FAMILY PARTNERSHIP 208-543-6256
Address: RT. 4 BOX 117
BUHL ID 83316
AND/OR
Name: RINKER CO. 714-979-8300
Address: P.O. BOX 7250
NEWPORT BEACH CA 92658-7250

2. Date of Priority: DEC 13, 1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	30	NE	SE	NE		BLAINE

5. Description of diverting works:
HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		

7. Total Quantity Appropriated is:
9.560 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 738.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	7	NW	NE		IRR	9.0

MICROFILMED

NOV 21 1998

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
03N	18E	7	SW		NE		IRR	12.0
			SE		SW		IRR	20.0
			NW		SE		IRR	11.0
			SW		SE		IRR	38.0
			SE		SE		IRR	3.0
			Section Acres					93.0
		18	NE		NE		IRR	22.0
			NW		NE		IRR	38.0
			SW		NE		IRR	32.0
			SE		NE		IRR	18.0
			NE		NW		IRR	12.0
			NE		SE		IRR	16.0
			NW		SE		IRR	15.0
			Section Acres					153.0
			Total Acres					246.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-2632, 37-0153

14. Remarks:

THE 12 ACRES IRRIGATED IN THE NENW S18 IS NORTH OF THE GREENHORN ROAD.

THIS CLAIM IS A COMBINATION OF THE 302 INCHES PRESENTLY IN THE NAME OF THE PARTNERSHIP AND 198 INCHES IN THE NAME OF RINKER CO. WHICH IS DIVERTED INTO THE COMSTOCK DITCH SERVING THE DESCRIBED LANDS WHICH ARE MANAGED BY RINKER CO. WHO HAS AN OPTION TO BUY THE LANDS OWNED BY THE PARTNERSHIP.

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15. Basis of Claim: DECREED

Case Number:

MICROFILMED
NOV 21 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-00154

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IDWR Employee/Agent Kelly K Christensen

DATE

January 27, 1995 3:11pm

CUSTOMER

CRYSTAL FROM ROSHALT'S OFFICE

SUBJECT: PROBLEM WITH CLAIM A37-00154A

She indicated that the a portion of 37-00154 was claimed for the original licensed rate but should have been claimed at 9.56 cfs. We discussed how that would be handled in the adjudication. She indicated that they would probably get the claimant to ammend the claim to show the correct diversion rate.

The claim was not part A. It was claimed as A37-00154 for the entire right prior to part B being claimed. I generated a claim form as being amended, showing the original claimed information, for the claimant's use.

MICROFILMED
NOV 21 1996

RECEIVED

FEB 13 1995

Department of Water Resources
Southern Region

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00154
Date Received: 7/13/1988
Receipt No: S000903
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GLENN B. GOULD FAMILY PARTNERSHIP 208-543-6256
Address: RT. 4 BOX 117
BUHL ID 83316

AND/OR

Name: RINKER CO. 714-979-8300
Address: P.O. BOX 7250
NEWPORT BEACH CA 92658-7250

2. Date of Priority: DEC 13, 1887

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	18E	30	NE	SE	NE		BLAINE

5. Description of diverting works:
HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		

7. Total Quantity Appropriated is:

9.56 ~~10.000~~ C.F.S. (and/or)

A.F.A.

COPY

8. Total consumptive use is 738.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	7	NW	NE		IRR	9.0

MICROFILMED
NOV 21 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	7	SW	NE		IRR	12.0
			SE	SW		IRR	20.0
			NW	SE		IRR	11.0
			SW	SE		IRR	38.0
			SE	SE		IRR	3.0
			Section Acres				93.0
		18	NE	NE		IRR	22.0
			NW	NE		IRR	38.0
			SW	NE		IRR	32.0
			SE	NE		IRR	18.0
			NE	NW		IRR	12.0
			NE	SE		IRR	16.0
			NW	SE		IRR	15.0
			Section Acres				153.0
			Total Acres				246.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-2632, 37-0153

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15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

vs

Decree Defendant

COPY
MICROFILMED
NOV 7 1996

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am the owner & sole proprietor of
Title

Pinker Co., that I have signed the foregoing
Organization

document in the space below as owner & sole proprietor of
Title

Pinker Co. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Owner/sole proprietor
Title and Organization

2-8-95

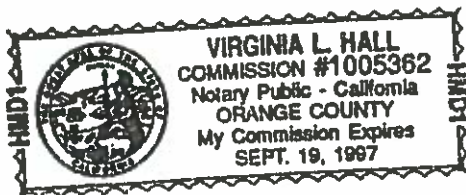
Date

State of CALIFORNIA)
County of ORANGE) SS.

Subscribed and sworn (or affirmed) before me this 8TH day
of FEBRUARY 19 95

Virginia L. Hall
Notary Public

Seal



Residing at LAGUNA NIGUEL
My Commission Expires 9/19/97

COPY

MICROFILMED

NOV 21 1996

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name

acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 21 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-00154
Date Received: 7/08/1988
Receipt No: 5000903
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLENN B. GOULD FAMILY PARTNERSHIP 208-543-6256
Address: RT. 4 BOX 117
BUHL, ID 83316

AND/OR
Name: RINKER CO. 714-979-8300
Address: P.O. BOX 7250
NEWPORT BEACH, CA 926587250

2. Date of Priority: DEC 13, 1887

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4. Point of Diversion:

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04N	18E	30	NE	SE	NE		BLAINE

5. Description of diverting works:
HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 738.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A37-00154

22" of the
Rinker portion
was diverted into
ditch on east
side of Big wood
for aesthetic

Date: 07/08/88

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	18E	7	NW	NE		IRR	9.0
			SW	NE		IRR	12.0
			SE	SW		IRR	20.0
			NW	SE		IRR	11.0
			SW	SE		IRR	38.0
			SE	SE		IRR	3.0
					Section Acres		93.0
		18	NE	NE		IRR	22.0
			NW	NE		IRR	38.0
			SW	NE		IRR	32.0
			SE	NE		IRR	18.0
			NE	NW		IRR	12.0
			NE	SE		IRR	16.0
			NW	SE		IRR	15.0
					Section Acres		153.0
					Total Acres		246.0

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? YES

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14. Remarks:
THE 12 ACRES IRRIGATED IN THE NENW S18 IS NORTH OF THE GREENHORN ROAD.
THIS CLAIM IS A COMBINATION OF THE 302 INCHES PRESENTLY IN THE NAME OF THE PARTNERSHIP AND 198 INCHES IN THE NAME OF RINKER CO. WHICH IS DIVERTED INTO THE COMSTOCK DITCH SERVING THE DESCRIBED LANDS WHICH ARE MANAGED BY RINKER CO. WHO HAS AN OPTION TO BUY THE LANDS OWNED BY THE PARTNERSHIP.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

A37-00154

07/08/88
MICROFILMED
FEB 22 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am a partner of _____ Title

Glenn B. Gould Family Partnership that I have signed the foregoing Organization

document in the space below as a partner of _____ Title

Glenn B. Gould Family Partnership and that the statements contained in the Organization
foregoing document are true and correct.

Glenn B. Gould
Signature of Authorized Agent

Glenn B. Gould Family Partnership
Title and Organization

July 13, 1988
Date

State of Idaho)

County of Twin Falls)

SS.

Subscribed and sworn (or affirmed) before me this 13th day

of July 19 88

Al D. Merritt
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/92
3 Date: 07/08/88

A37-00154

Page

FILED
FEB 22 1993

01/02/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-154C

NAME AND ADDRESS: RINKER CO
PO BOX 7250
NEWPORT BEACH CA 92658

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 8.850 CFS
756.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.

PRIORITY DATE: 12/13/1887

POINT OF DIVERSION:

T03N R18E S18 NENE Within BLAINE County

T03N R18E S32 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION	01/01 12/31	6.000 CFS 257.60 AFY
AESTHETIC	01/01 12/31	6.000 CFS 257.60 AFY
IRRIGATION	04/15 10/31	2.850 CFS 498.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07	SESW	12.20	T03N R18E S07	SWSE	8.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENE	15.90
T03N R18E S18	NWNE	25.70	T03N R18E S18	SWNE	24.10
T03N R18E S18	SENE	13.50	T03N R18E S18	NENW	12.90
T03N R18E S18	SENW	2.10	T03N R18E S18	NESE	12.60
T03N R18E S18	NWSE	11.90	T03N R18E S18	SWSE	0.40
T03N R18E S18	SESE	0.30			

142.4 ACRES TOTAL

RECREATION in BLAINE County

T03N R18E S32 SENW

AESTHETIC in BLAINE County

T03N R18E S32 SENW

01/02/2007

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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 - Decreed

The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.

Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

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

The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.

Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

That portion of Right No. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.

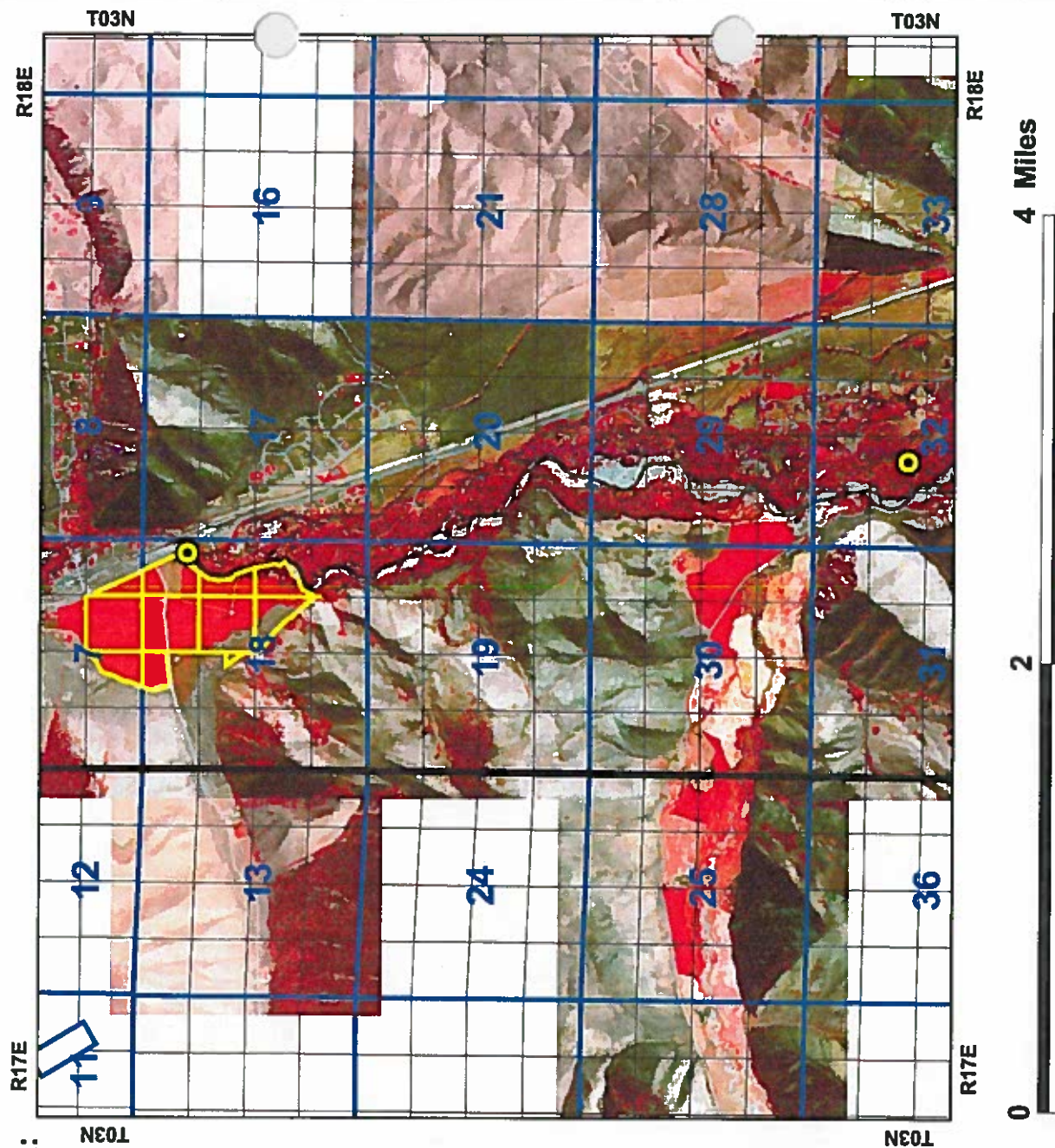


37-154C

(Irrigation)

Legend

- Point of Diversion
 - Place of Use
 - Townships
 - PLS Sections
 - Quarter Quarters

Blaine County
IDWR Basin 37

Prepared by L. Graves
On Tuesday, January 2, 2007
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-154C V1

WATER RIGHT NUMBER: 37-154C V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GLENN B GOULD FAMILY PARTNERSHIP RT 4 BOX 117 BUHL, ID 83316 (208)543-6256
Attorney	GARY D SLETTE ROBERTSON AND SLETTE PLLC PO BOX 1906 TWIN FALLS, ID 83303-1906 (208)933-0700
Current Owner	RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300

Priority Date: 12/13/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	01/01 to 12/31	6.000 CFS	257.60 AF
AESTHETIC	01/01 to 12/31	6.000 CFS	257.60 AF
IRRIGATION	04/15 to 10/31	2.850 CFS	498.40 AF
<u>Total Diversion:</u>		8.850 CFS	756.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NE1/4NE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SE1/4NW1/4	Sec. 32, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	32																	
										X									

AESTHETIC

Twp	Rge	Sec	NE	NW	SW	SE

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-154C V1

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 18E 32								X									

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
03N	18E	7												12.2			8.2	2.6	23.0
03N	18E	18	15.9	25.7	24.1	13.5	12.9			2.1					12.6	11.9	.4	.3	119.4

Total Acres: 142.4

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.
2. T04 Approval of transfer no. 5423 in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
4. Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.
5. Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.
6. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
8. The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.
9. C18 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.
10. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
11. T08 Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.
12. That portion of Right No. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.
13. The total instantaneous diversion of water from all points of diversion under Right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-154C V1

Remarks:

Comments:

1. Igraves 1/2/2007 History

Comment: This right has been subject to transfer nos. 4520, 4827 and 5423. The claim was recommended per approved transfer no. 5423.

2. Igraves 1/2/2007 Conditions

Comment: The combined pu/acre limit condition resulting from approved transfer no. 5423 has been updated due to the approval of transfer nos. 70090 and 70109 on associated rights.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

142.4 ACRES TOTAL

10/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.

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

Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.

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.

That portion of Right No. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

10/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

THE 12 ACRES IRRIGATED IN THE NENW S18 IS NORTH OF THE GREENHORN ROAD.

THIS CLAIM IS A COMBINATION OF THE 302 INCHES PRESENTLY IN THE NAME OF THE PARTNERSHIP AND 198 INCHES IN THE NAME OF RINKER CO. WHICH IS DIVERTED INTO THE COMSTOCK DITCH SERVING THE DESCRIBED LANDS WHICH ARE MANAGED BY RINKER CO. WHO HAS AN OPTION TO BUY THE LANDS OWNED BY THE PARTNERSHIP.

**** THE CLAIM WAS AMENDED ON 2-13-95 TO IDENTIFY THAT THIS CLAIM IS FOR JUST A PORTION OF THE ORIGINAL DECREED CLAIM. I ONLY CHANGED THE TOTAL QUANTITY AS INDICATED. THE PURPOSE OF USE PROBABLY SHOULD HAVE BEEN CHANGED TO 9.56 CFS ALSO. AFTER COMPLETING THE AMENDMENT, I RENUMBERED THIS RIGHT TO PART A TO REFLECT THAT THIS CLAIM REPRESENTS ONLY A PORTION OF THE ORIGINAL RIGHT. KKC

***** CLAIM WAS SPLIT FROM A37-00154A PURSUANT TO APPROVED TRANSFER TRANSFER 4520.

***** GARY SLETTE ADDED AS RINKERS ATTORNEY 10/30/95 TF.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

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

The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-154C

WATER RIGHT NUMBER: 37-154C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GLENN B GOULD FAMILY PARTNERSHIP RT 4 BOX 117 BUHL, ID 83316 (208)543-6256
Attorney	GARY D SLETTE ROBERTSON HEPWORTH SLETTE WORST & STOVER PLLC PO BOX 1906 TWIN FALLS, ID 83303-1906 (208)734-0700
Current Owner	RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300

Priority Date: 12/13/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	01/01 to 12/31	6.000 CFS	257.60 AF
AESTHETIC	01/01 to 12/31	6.000 CFS	257.60 AF
IRRIGATION	04/15 to 10/15	2.850 CFS	498.40 AF
	<u>Total Diversion:</u>	8.850 CFS	756.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	NE1/4NE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SE1/4NW1/4	Sec. 32, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	32																	

AESTHETIC

Twp	Rge	Sec	NE	NW	SW	SE

| NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-154C

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 18E 32								X									

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
03N 18E 7												12.2			8.2	2.6	23.0
03N 18E 18	15.9	25.7	24.1	13.5	12.9			2.1					12.6	11.9	.4	.3	119.4

Total Acres: 240.4

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Remarks:

1. General 11/1/01 tf; claim amended to conform to approved transfer 5423.
 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
 The total instantaneous diversion of water from all points of diversion under right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.
 That portion of right no. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.
 The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.
 Rights 37-154C, 37-364G, 37-2627C, 37-2632, 37-8854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
 Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-8888 for irrigation of a tree nursery during construction of the subdivision.
 Irrigation of 5.0 acres previously authorized under right 37-154C shall cease to provide mitigation of the primary use of groundwater under right 37-2627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under right 37-154C shall cease to provide mitigation of the primary use of groundwater under right 37-2627C to provide for storage uses in the pond system.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-154C

2. General

THE 12 ACRES IRRIGATED IN THE NENW S18 IS NORTH OF THE GREENHORN ROAD. THIS CLAIM IS A COMBINATION OF THE 302 INCHES PRESENTLY IN THE NAME OF THE PARTNERSHIP AND 198 INCHES IN THE NAME OF RINKER CO. WHICH IS DIVERTED INTO THE COMSTOCK DITCH SERVING THE DESCRIBED LANDS WHICH ARE MANAGED BY RINKER CO. WHO HAS AN OPTION TO BUY THE LANDS OWNED BY THE PARTNERSHIP.

**** THE CLAIM WAS AMENDED ON 2-13-95 TO IDENTIFY THAT THIS CLAIM IS FOR JUST A PORTION OF THE ORIGINAL DECREED CLAIM. I ONLY CHANGED THE TOTAL QUANTITY AS INDICATED. THE PURPOSE OF USE PROBABLY SHOULD HAVE BEEN CHANGED TO 9.56 CFS ALSO. AFTER COMPLETING THE AMENDMENT, I RENUMBERED THIS RIGHT TO PART A TO REFLECT THAT THIS CLAIM REPRESENTS ONLY A PORTION OF THE ORIGINAL RIGHT. KKC CLAIM WAS SPLIT FROM A37-00154A PURSUANT TO APPROVED TRANSFER TRANSFER 4520.

..... GARY SLETTE ADDED AS RINKERS ATTORNEY 10/30/95 TF.

Comments:

Water Right Report 37-154C

WATER RIGHT NUMBER: 37-154C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	M A COMSTOCK , ZZ
Current Owner	RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300
Trustee	HARRY S RINKER PO BOX 7250 NEWPORT BEACH, CA 92658-7250 (714)879-8300

Priority Date: 12/13/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
AESTHETIC	1/01 to 12/31	6.000 CFS	257.60 AF
RECREATION	1/01 to 12/31	6.000 CFS	257.60 AF
IRRIGATION	4/15 to 10/15	2.850 CFS	498.40 AF
	Total Diversion:	8.850 CFS	756.00 AF

Location of Point(s) of Diversion

BIG WOOD RIVER BLAINE County	NE1/4NE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BIG WOOD RIVER BLAINE County	SE1/4NW1/4	Sec. 32, Twp 03N, Rge 18E, B.M.

Place of Use

RECREATION

[illegible]

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-154C

		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 18E	7									12.2			8.2	2.6				23.0
03N 18E	18	15.9	25.7	24.1	13.5	12.9			2.1					12.6	11.9	.4	.3	119.4

Total Acres: 142.4

AESTHETIC same as RECREATIONConditions of Approval:

1. R63 ✓ This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. ✓ The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
 The total instantaneous diversion of water from all points of diversion under Right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.
 ✓ That portion of Right No. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.
 ✓ The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.
 ✓ Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
 ✓ Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
 ✓ Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.
3. T04 ✓ Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. T08 ✓ Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. R04 ✓ Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
6. T07 ✓ The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. ~~T08~~ Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-154C

Comments:

1. PSKAGGS 3/1/1995 TRANSFER NO. 4520

Comment: Transfer No. 4520 was filed to change the nature of use, points of diversion and place of use under a portion of Right Nos. 37-00154A and 37-00577BP, splitting the rights into parts C & D, and BS & BT respectively. 5.6 acres of irrigation will be taken out of production and changed to Wildlife and Aesthetic use.

2. MBALDWIN 5/3/1996 TRANSFER NO. 4827

Comment: Transfer No. 4827 was filed to change & add a point of diversion, change the place, season & nature of use under a portion of Right No. 37-00154C. T# 4827 also connected with Golden Eagle Ranch Subdivision project. (See companion Transfer Nos. 4823-4827.) Place of use consists of 90.8 acres South of Greenhorn Road and 76.0 acres North of Greenhorn Road for a grand total of 166.8 irrigated acres.

3. PSKAGGS 3/12/1997 AMENDED TRANSFER 4827

Comment: Petition for Reconsideration & further review resulted in an Amended Transfer Approval signed 08-20-97.

4. PSKAGGS 9/15/1999 TRANSFER 5423

Comment: Transfer 5423 changes Rights 37-00154C, 37-00364G, 37-02627B (C & D), 37-02632, 37-30028 & 37-30030 to include the development of Golden Eagle Subdivision Phase II.

Dates and Other Information:

Licensed Date:

Decreed Date: 12/13/1909

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Alturas Water Co, et al

Decree Plaintiff: S C Frost, et al

Civil Case Number:

Judicial District: Fourth District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

WR

37.154 (10 cfs)

Transfer 1735

(9.66) A B (0.44 cfs)
Rinker

Transfer 4520

Comstock (9.34) C D (0.22)
Rinker

Transfer 5423

(8.85) C 0.49
Rinker C reduced
by 24.4 acres

AT Claims

Matches WR - B Rinker 0.44
37.154 B

Matches WR - C Rinker 8.85
37.154 C

Matches WR 21329 } Holtzman 0.06
37.154 D 21330 } 0.16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 5423
WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
37-02632/37-30028/37-30030

This is to certify that: RINKER COMPANY
PO BOX 7250
NEWPORT BEACH CA 926587250

NOV 26 1999

Department of Water Resources
Boise, Idaho

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-00154C :			
IRRIGATION	04/15 to 10/15	2.85 CFS	498.4 AF
RECREATION	01/01 to 12/31	6.00 CFS	257.6 AF
AESTHETIC	01/01 to 12/31	6.00 CFS	257.6 AF
Priority: 12/13/1887			
		8.85 CFS	756.0 AF
Right No. 37-00364G :			
IRRIGATION	04/15 to 10/15	0.24 CFS	56.0 AF
Priority: 05/01/1887			
Right No. 37-02627C :			
IRRIGATION	04/15 to 10/15	0.79 CFS	137.6 AF
RECREATION STORAGE	01/01 to 12/31		144.0 AF
FIRE PROTECTION ST	01/01 to 12/31		144.0 AF
AESTHETIC STORAGE	01/01 to 12/31		144.0 AF
DIVERSION TO STORA	01/01 to 12/31	1.15 CFS	46.0 AF
Priority: 12/09/1959			
		1.15 CFS	183.6 AF
Right No. 37-02627D :			
IRRIGATION	04/15 to 10/15	0.10 CFS	17.5 AF
Priority: 12/09/1959			
Right No. 37-02632 :			
IRRIGATION	04/15 to 10/15	1.94 CFS	339.5 AF
RECREATION STORAGE	01/01 to 12/31		142.0 AF
FIRE PROTECTION ST	01/01 to 12/31		142.0 AF
AESTHETIC STORAGE	01/01 to 12/31		142.0 AF
DIVERSION TO STORA	01/01 to 12/31	2.30 CFS	
Priority: 03/29/1960			
		2.30 CFS	402.5 AF

TRANSFER NO. 5423
 WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 37-30028 :			
IRRIGATION	04/15 to 10/15	0.08 CFS	15.4 AF
Priority: 03/24/1883			
Right No. 37-30030 :			
IRRIGATION	04/15 to 10/15	0.36 CFS	84.0 AF
Priority: 03/24/1883			

WATER RIGHT NO. 37-00154C

SOURCE
BIG WOOD RIVER

TRIBUTARY OF
MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 03N, Range 18E
 SENW , Sec. 32, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N 18E 7	SESW 12.2	SWSE 8.2	SESE 2.6	23.0
18	NENE 15.9	NWNE 25.7	SWNE 24.1	
	SENE 13.5	NENW 12.9	SENW 2.1	
	NESE 12.6	NWSE 11.9	SWSE 0.4	
	SESE 0.3			
				119.4
				142.4

Total number of acres irrigated:

PLACE OF USE: RECREATION

TWN RGE SEC
03N 18E 32 SENW

PLACE OF USE: AESTHETIC, same as RECREATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

TRANSFER NO. 5423
WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
37-02632/37-30028/37-30030

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
8. The total instantaneous diversion of water from all points of diversion under Right 37-00154C shall not exceed 8.85 cfs, nor total combined annual volume of 756.0 af.
9. That portion of Right No. 37-00154C for recreation and aesthetics moved to Purdum Slough is subordinated to all other rights in the slough to prevent injury.
10. The right holder shall install and maintain a diversion monitoring system to measure the diverted volume on a monthly basis from both diversions identified above. Monthly volumes and the total annual diversion will be reported to the Department and the watermaster.
11. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
12. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
13. Irrigation of 5.0 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627D for irrigation of 5.0 acres in Ohio Gulch, and irrigation of 18.4 acres previously authorized under Right 37-00154C shall cease to provide mitigation of the primary use of groundwater under Right 37-02627C to provide for storage uses in the pond system.

WATER RIGHT NO. 37-00364G

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 03N, Range 18E
BLAINE County

TRANSFER NO. 5423
 WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SWSE	16.0		16.0
Total number of acres irrigated:						16.0

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
9. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
10. Use of water under Right 37-00364G may be affected by an agreement between the protestant of Transfer 4824 and the right holder.

WATER RIGHT NO. 37-02627CSOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 18, Township 03N, Range 18E
 NESE , Sec. 18, Township 03N, Range 18E
 NWSE , Sec. 18, Township 03N, Range 18E
 BLAINE County

TRANSFER NO. 5423
 WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SESW 3.8	SWSE 24.2	SESE 2.6	30.6
	18		NENW 8.7			8.7
Total number of acres irrigated:						39.3

PLACE OF USE: RECREATION STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
03N	18E	7	SESW	NWSE	SWSE
			SESE		
	18		NENE	NWNE	NENW

PLACE OF USE: FIRE PROTECTION STORAGE & AESTHETIC STORAGE, same as RECREATION STORAGE

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The right holder shall maintain a totalizing measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
9. The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.
10. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.

TRANSFER NO. 5423
 WATER RIGHT NO(S) . 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

11. The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.
12. At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.
13. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
14. Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.
15. The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.

WATER RIGHT NO. 37-02627D

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NESW, Sec. 16, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	16	NESW 3.0	NWSW 1.0	SWSW 2.0	16.0
			SESW 10.0			* 16.0
Total number of acres irrigated:						

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. 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.

TRANSFER NO. 5423
 WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Right 37-02627D is limited to the irrigation of 5.0 acres within the place of use described above in a single irrigation season.
9. Five irrigated acres under Right 37-00154C will no longer be irrigated to mitigate use of Right 37-02627D as a primary groundwater right.
10. For regulation purposes Right 37-02627D shall be considered junior to all existing rights in the vicinity of the transferred point of diversion located in the NESW, S16, T03N, R18E at the time Transfer 5423 is approved.
11. Use of water under Right 37-02627D may be affected by an agreement between the protestant of Transfer 5045 and the right holder.

WATER RIGHT NO. 37-02632

SOURCE
 GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 18, Township 03N, Range 18E
 NESE , Sec. 18, Township 03N, Range 18E
 NWSE , Sec. 18, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SESW 8.4			8.4
	18		NENE 13.8	NWNE 22.2	SWNE 17.9	
			SENE 9.2	NENW 4.2	SENE 1.5	
			NESE 9.9	NWSE 9.4	SWSE 0.3	
			SESE 0.2			88.6
Total number of acres irrigated:						97.0

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

03N 18E 18	NWNE	SWNE	NESE
	NWSE		

PLACE OF USE: FIRE PROTECTION STORAGE & AESTHETIC STORAGE, same as RECREATION STORAGE

TRANSFER NO. 5423
WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
37-02632/37-30028/37-30030

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
10. The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.
11. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
12. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
13. The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 74.5 acres, 1.49 cfs and 260.5 afa.

TRANSFER NO. 5423
 WATER RIGHT NO(S) . 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

14. The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.
15. At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.
16. Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 4825 and the right holder.

WATER RIGHT NO. 37-30028

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SESW	4.4		4.4
Total number of acres irrigated:						4.4

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 5423
 WATER RIGHT NO(S) . 37-00154C/37-00364G/37-02627C/37-02627D
 37-02632/37-30028/37-30030

8. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
9. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
10. Use of water under Right 37-30028 may be affected by an agreement between the protestant of Transfer 4826 and the right holder.

WATER RIGHT NO. 37-30030

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 18, Township 03N, Range 18E
 BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	NESW 15.3	NWSE 8.2	SESE 0.5	24.0
Total number of acres irrigated:						24.0

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. 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.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

TRANSFER NO. 5423

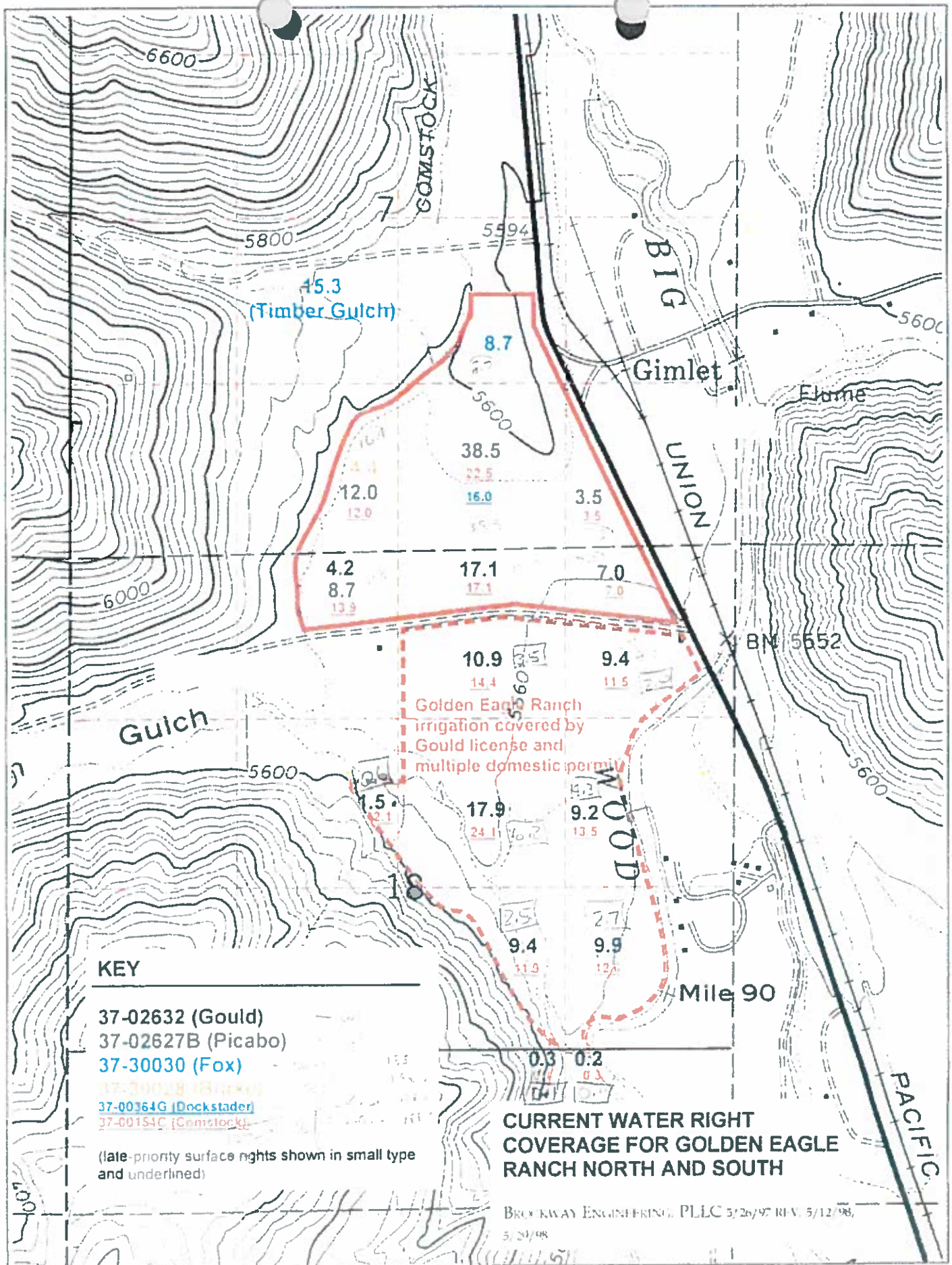
WATER RIGHT NO(S). 37-00154C/37-00364G/37-02627C/37-02627D
37-02632/37-30028/37-30030

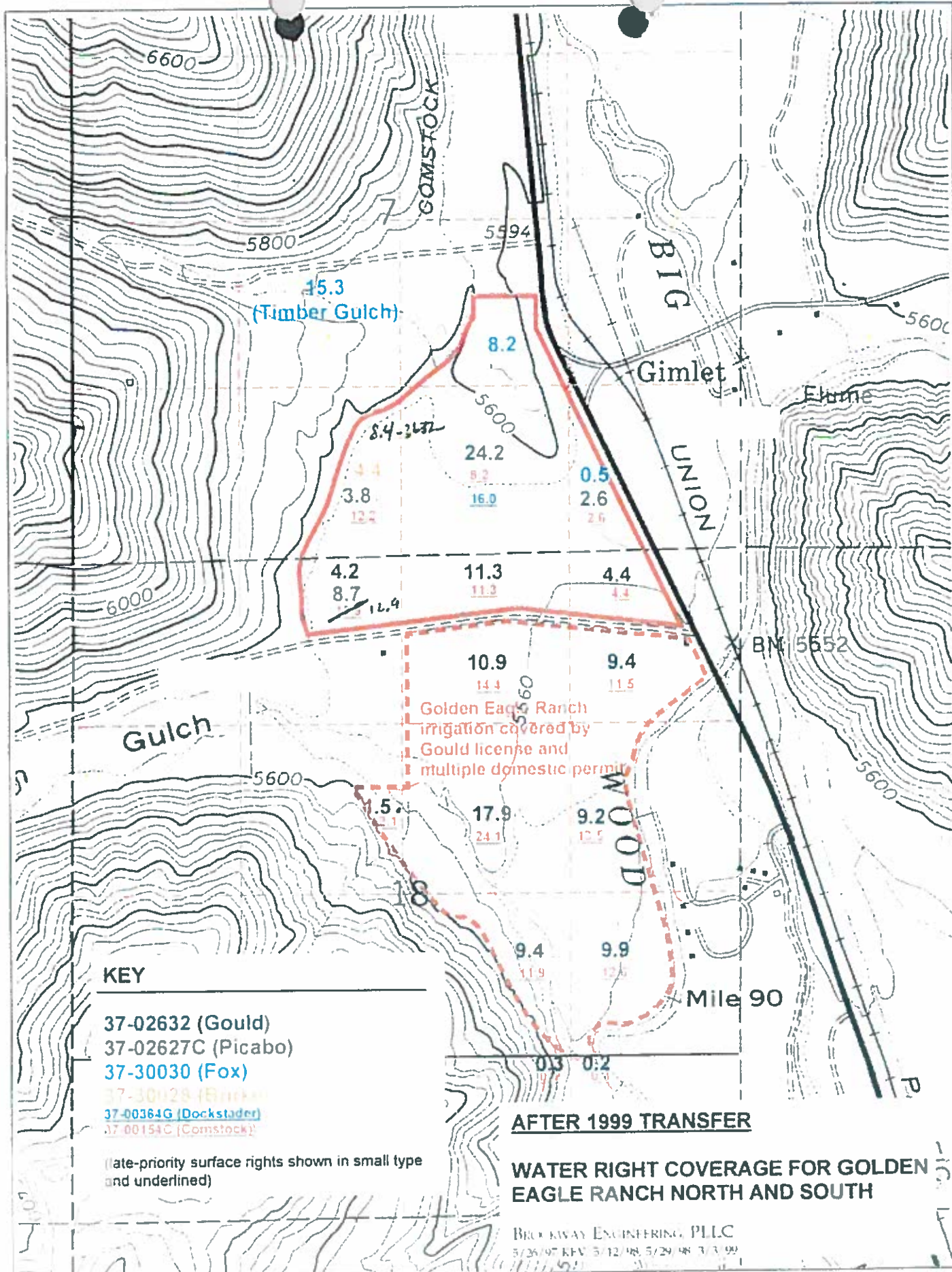
8. Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
9. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
10. Use of water under Right 37-30030 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

Transfer 5423 is approved as described above and subject to the conditions of approval listed under each right.

Dated this 19th day of November, 1999.


Chief, Water Allocation Bureau





T# 5423

MEMORANDUM

TO: Files 37-00154C, 37-00364G, 37-02627B , 37-02632, 37-30028 & 37-30030

FROM: Pam Skaggs/State Office *CS*

SUBJECT: Transfer 5423

DATE: September 23, 1999

Transfer 5423 reflects the development of subdivision including a system of recreation, fire protection and aesthetic ponds. Previous Transfers 4823-4827 were approved for the initial development of Golden Eagle Subdivision Phase I. These rights have all been identified as part of the continued expansion of the subdivision as Golden Eagle Subdivision Phase II. (See Allen Merrit's Memo of 07-12-99 for a more detailed explanation of the transfer and region recommendations.)

The primary change is to use a portion of groundwater Right 37-02627B to provide water for a new pond system. Portions of surface water Right 37-000154C are used as mitigation for the primary use of the groundwater for the ponds (37-02627C) and 5 acres irrigation proposed in Ohio Gulch (37-02627D). The storage location was included under Right 37-02632 that had been previously authorized and the place of use slightly modified under Right 37-30030. A combined right limit of these rights was corrected through this transfer limiting the combined irrigation use to a 186.8 total acres.

The transfer also acknowledges reduction of irrigation in Golden Eagle Subdivision Phase II by 3.5 acres while water is diverted under Permit 37-08888 that provides for a temporary tree nursery while the subdivision is being constructed. The application is being processed simultaneously with the transfer and is conditioned to reflect the reduction of irrigated acres under these rights.

Recommended conditions included watermaster control, measuring devices & lockable controlling works, supplemental groundwater (where appropriate), irrigation overlap, combined right limits, mitigation requirements, pond requirements to compensate for initial filling & any additional annual losses, drilling permit requirement (37-02627D), existing conditions and standard transfer conditions.

MICROFILMED
SEP 28 1999