

01/08/2008

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

RIGHT NUMBER: 22-4052

NAME AND ADDRESS: BHA INC  
2983 E 2000 N  
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.970 CFS  
280.00 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 rights listed below are limited to a total combined annual diversion volume of 1471.4 af. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

PRIORITY DATE: 09/01/1961

POINT OF  
DIVERSION:

T06N R41E S16 SWNW Within MADISON County  
T06N R41E S21 SEENE Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/31          | 0.970 CFS<br>280.00 AFY |

PLACE OF USE: IRRIGATION in MADISON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R41E S16 | NESW | 35.00 | T06N R41E S16 | NWSW | 39.00 |
| T06N R41E S16 | SWSW | 39.00 | T06N R41E S16 | SESW | 34.00 |
| T06N R41E S16 | NESE | 39.00 | T06N R41E S16 | NWSE | 39.00 |
| T06N R41E S16 | SWSE | 38.00 | T06N R41E S16 | SESE | 38.00 |
| T06N R41E S17 | NESE | 19.00 | T06N R41E S17 | NWSE | 11.00 |
| T06N R41E S17 | SWSE | 8.70  | T06N R41E S17 | SESE | 39.00 |
| T06N R41E S21 | NENE | 39.00 | T06N R41E S21 | NWNE | 2.70  |

420.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 420.4 acres in a single irrigation season. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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 - Beneficial Use

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

The right holder shall accomplish the change authorized by Transfer 73977 prior to December 19, 2008.

Failure of the right holder to comply with the conditions of Transfer 73977 is cause for the Director to rescind approval of the transfer.

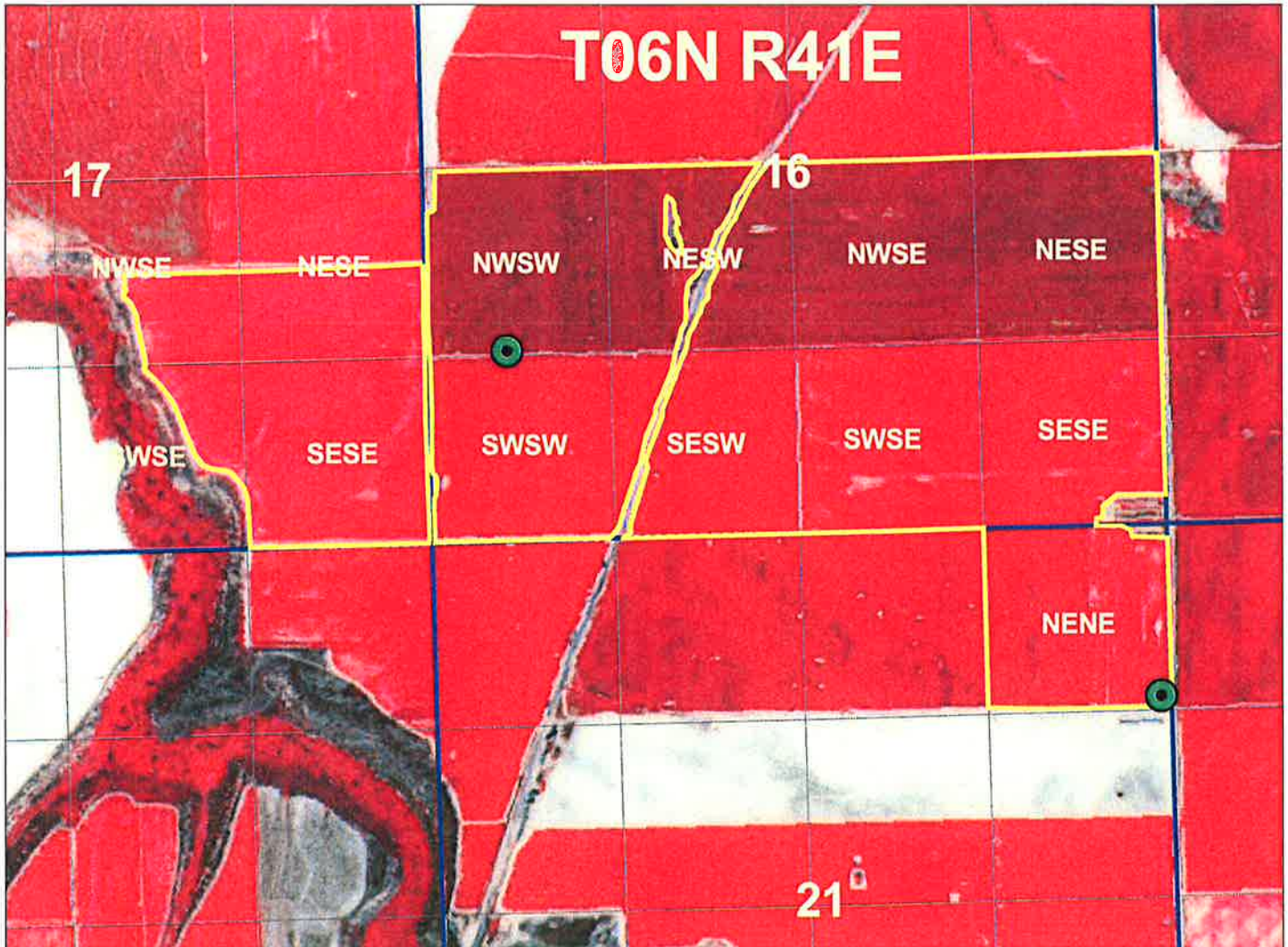
The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

# Department of Water Resources

## Eastern Region

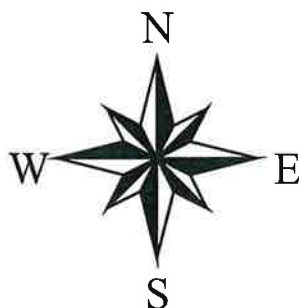


Claim No.: 22-2168, 22-4052,  
22-13279, & 22-13281



0 0.25 0.5 0.75 1 Miles

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration  
1987/88 NAPP Photography  
Prepared by: Kristin Moore  
Date Prepared: December 2005

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 73977**

This is to certify that: BHA INC And  
 NATHAN ASHCRAFT  
 2983 E 2000 N  
 SUGAR CITY ID 83448  
 (208)356-3533

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**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 22-4052      | AJC/Statutory Claim | 09/01/1961      | 0.97 cfs    | 280 af        | 80.0              | 420.4              | GROUND WATER  |
| 22-13279     | AJC/License         | 08/12/1965      | 0.62 cfs    | 273 af        | 78.0              | 420.4              | GROUND WATER  |
| 22-2168      | AJC/License         | 04/07/1958      | 3.64 cfs    | 819 af        | 234.0             | 420.4              | GROUND WATER  |
| 22-13281     | AJC/License         | 04/04/1968      | 0.76 cfs    | 133 af        | 38.0              | 420.4              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 22-4052               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 22-13279              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 22-2168               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 22-13281              | NO           | NO         | YES        | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 22-4052               | <b>22-4052</b>                   | 0.97 cfs             | 280 af                 | 80.0              | 420.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 22-13279              | <b>22-13279</b>                  | 0.62 cfs             | 273 af                 | 78.0              | 420.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 22-2168               | <b>22-2168</b>                   | 3.64 cfs             | 819 af                 | 234.0             | 420.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 22-13281              | <b>22-13281</b>                  | 0.76 cfs             | 133 af                 | 38.0              | 420.4              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>5.99 cfs</b>      | <b>1471.4 af</b>       | <b>420.4</b>      | <b>420.4</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

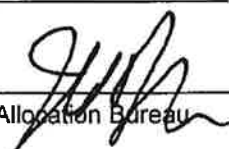
SUPPORT DATA

IN FILE # 22-2168

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 73977

Detailed Water Right Description(s) attached

Dated this 19<sup>th</sup> day of December, 20 07

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 22-4052**  
**As Modified by Transfer No. 73977**

In accordance with the approval of Transfer No. 73977, Water Right No. 22-4052 is now described as follows.

**Right Holder:** BHA INC  
 2983 E 2000 N  
 SUGAR CITY ID 83448

**Priority Date:** September 01, 1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.97 CFS              | 280.0 AF      |
|                       |             |           | 0.97 CFS              | 280.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |                |
|--------------|--------|-----------------|---------|----------------|
| GROUND WATER | SWNWSW | Sec. 16 Twp 06N | Rge 41E | MADISON County |
| GROUND WATER | SENESE | Sec. 21 Twp 06N | Rge 41E | MADISON County |

**PLACE OF USE: IRRIGATION**

| Twp | Rge | Sec | NE   |     |    |    | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|-----|----|----|----|----|----|----|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW  | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N | 41E | 16  |      |     |    |    |    |    |    |    | 35.0 | 39.0 | 39.0 | 34.0 | 39.0 | 39.0 | 38.0 | 38.0 | 301.0  |
| 06N | 41E | 17  |      |     |    |    |    |    |    |    |      |      |      |      | 19.0 | 11.0 | 8.7  | 39.0 | 77.7   |
| 06N | 41E | 21  | 39.0 | 2.7 |    |    |    |    |    |    |      |      |      |      |      |      |      |      | 41.7   |

Total Acres: 420.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 22-2168, 22-4052, 22-13279, and 22-13281 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 1471.4 af at the field headgate, and the irrigation of 420.4 acres.
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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one 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.

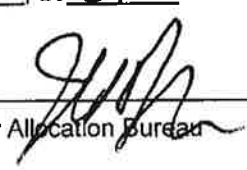
**WATER RIGHT NO. 22-4052**  
**As Modified by Transfer No. 73977**

**CONDITIONS OF APPROVAL**

7. 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.
8. The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

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 19<sup>th</sup> day of December, 20 07

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

09/22/2006

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 22-4052

BHA INC

2983 E 2000 N

SUGAR CITY ID 83448

Telephone Number: (208)356-3533

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made

DATE: 10/16/06

SIGNATURE: BHA INC. by Nathan Ashcraft Secretary

Please print your name: Nathan Ashcraft

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

OCT 25 2006

Department of Water Resources  
Eastern Region

*10/16/06*

## Contacts Data Entry Form

Claim Number: 22-4052

| Owner Type | Full Name | Address | City | State | Zip |
|------------|-----------|---------|------|-------|-----|
|------------|-----------|---------|------|-------|-----|

Current Owner: BHA Inc. Phone No.: \_\_\_\_\_Current Owner: 90 Helen Aircraft Phone No.: \_\_\_\_\_

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_

Representing Attorney: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_ Date of Field Exam: \_\_\_\_\_

Discussion of right origin and split history. Questions and problems.Recommend For TX # 21016TX confirms D and ACSame ROD as other Rts listed on TXQ: Overlap of Rts?GPS Tag A0015989 on metal power postPhoto to writeGPS data 2690008  
1407458GPS File 224052250 HP GESN KKS10009122Johnston PumpNO SNSystem interconnected with second well  
mainly pivots + a few handlines

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

June 11, 2004

State of Idaho  
Department of Water Resources  
900 N. Skyline Dr., Suite A,  
Idaho Falls, ID 83402-1718

RECEIVED  
JUN 16 2004  
Department of Water Resources  
Eastern Region

RE: Evidence of priority for SRBA Water Right Claim 22-4052

6N41E

Dear Mr. Ruberry,

I am writing on behalf of Mrs. Helen F. Ashcraft, who is currently on a service mission for her church in Toronto, Canada. I am sending a notarized statement from a Grant Ashcraft who purchased the property with his brother Boyd from the State of Idaho in 1961. On the 13<sup>th</sup> of Feb, 1996 Grant traded is ½ interest in the property to Boyd B. Ashcraft the late husband of Helen F. Ashcraft, for their ½ interest in another piece of property that Grant owned. The water was applied from a well under 22-2168.

Sincerely,



Nathan Ashcraft

Enclosure: Notarized Affidavit

June 11, 2004

State of Idaho  
Department of Water Resources  
900 N. Skyline Dr., Suite A,  
Idaho Falls, ID 83402-1718

RECEIVED  
JUN 16 2004  
Department of Water Resources  
Eastern Region

Dear Mr. Ruberry;

I, Grant Ashcraft purchased a parcel of ground located in NE1/4 of SE1/4 and NW1/4 of SE1/4 Township 6N; Range 41E; from the State of Idaho late in the summer of 1961. I applied irrigation water from a well under 22-2168 in order to prepare the ground for planting of a winter wheat crop in September of 1961.

Thank you,

Grant Ashcraft

Date

11 June 04



**Acknowledgment**

State of Idaho

County of Madison

On June 11, 2004, Grant Ashcraft personally appeared before me,

☒ who is personally known to me  
\_\_\_\_ whose identity I proved on the basis of \_\_\_\_\_  
\_\_\_\_ whose identity I proved on the oath, affirmation of \_\_\_\_\_,  
a credible witness

to be the signer of the above document, and he/she acknowledged that he/she signed it

Debra Ashcraft  
Notary Public

May 28, 2004

**HELEN F ASHCRAFT  
2983 E 2000 N  
SUGAR CITY ID 83448**

**RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4052**

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

***Your claim, as referenced above, claims a Priority Date of SEPTEMBER 1 1961, from GROUNDWATER.***

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

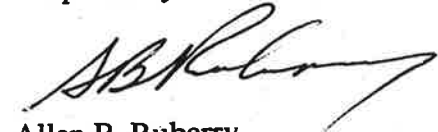
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....  
**The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**  
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry  
Sr. Water Resource Agent  
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 71016

This is to certify that: BHA INC  
2983 E 2000 N  
SUGAR CITY ID 83448  
(208)356-3533

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

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 22-4052      | AJC/Statutory Claim | 09/01/1961      | 1.46 cfs    | N/A           | N/A               | 80.0               | GROUND WATER  |

Purpose of Transfer (Changes Proposed)

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 22-4052               | NO           | NO         | NO         | YES            | NO                   | NO                   |

Summary of Water Rights After the Approved Change

| <u>Existing Right</u>  | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 22-4052                | 22-4052                          | 0.97 cfs             | 280 af                 | N/A               | 80.0               |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>0.97 cfs</b>      | <b>280 af</b>          | <b>N/A</b>        | <b>80.0</b>        |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 1<sup>st</sup> day of May, 2004

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 22-4052**  
As Modified by Transfer No. 71016

In accordance with the approval of Transfer No. 71016, Water Right No. 22-4052 is now described as follows.

**Right Holder:** BHA INC  
2983 E 2000 N  
SUGAR CITY ID 83448

**Priority Date:** September 01, 1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.97 CFS              | 280.0 AF      |
|                       |             |           | 0.97 CFS              | 280.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SWNWSW              Sec. 16 Twp 06N   Rge 41E   MADISON County  
GROUND WATER                      SENENE              Sec. 21 Twp 06N   Rge 41E   MADISON County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE   |      |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|----|----|--------|
| 06N | 41E | 16  | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW | SE | 80.0   |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    | 40.0 | 40.0 |    |    |        |

Total Acres: 80

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The total instantaneous diversion of water from all points of diversion under Right 22-4052 shall not exceed 0.97 cfs and 280.0 af.
7. Rights 22-2168, 22-13279, and 22-13279 are also diverted through the point(s) of diversion described above.

**WATER RIGHT NO. 22-4052**  
**As Modified by Transfer No. 71016**

**CONDITIONS OF APPROVAL**

8. 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.
9. 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.

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 15<sup>th</sup> day of May, 2004

  
Chief, Water Allocation Bureau



**PART 1**

**6. General Information:**

a. Description of diversion system Two wells mainline to laterals with sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes NO No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

BETTER DISTRIBUTION OF WATER

**d. Remarks:**

POINTS OF DIVERSIONS also deliver 22-15279, 22-4052, 22-2868 and  
(part 22-7007)

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

SCANNED

FEB 10 2006

T71016

IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

Current Water Right No. 22-4052

Priority Date: 09/01/1961  
Origin: Adjudication Claim  
Basis: Statutory Claim  
Status: Active

Source: GROUND WATER

Tributary to:

| Beneficial Use  | From | To    | Diversion Rate | Volume | Subuse Code |
|-----------------|------|-------|----------------|--------|-------------|
| IRRIGATION      | 4/01 | 11/01 | 1.46 CFS       |        |             |
| Total Diversion |      |       | 1.46 CFS       |        |             |

Source and Point(s) of Diversion:

GROUND WATER SWNWSW 06N 41E 16 MADISON

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE   |      |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|------|------|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW | SE |        |
| 06N 41E 16  |    |    |    |    |    |    |    |    |    |    |    |    | 40.0 | 40.0 |    |    | 80.0   |

Total Acres: 80

Conditions/Remarks:

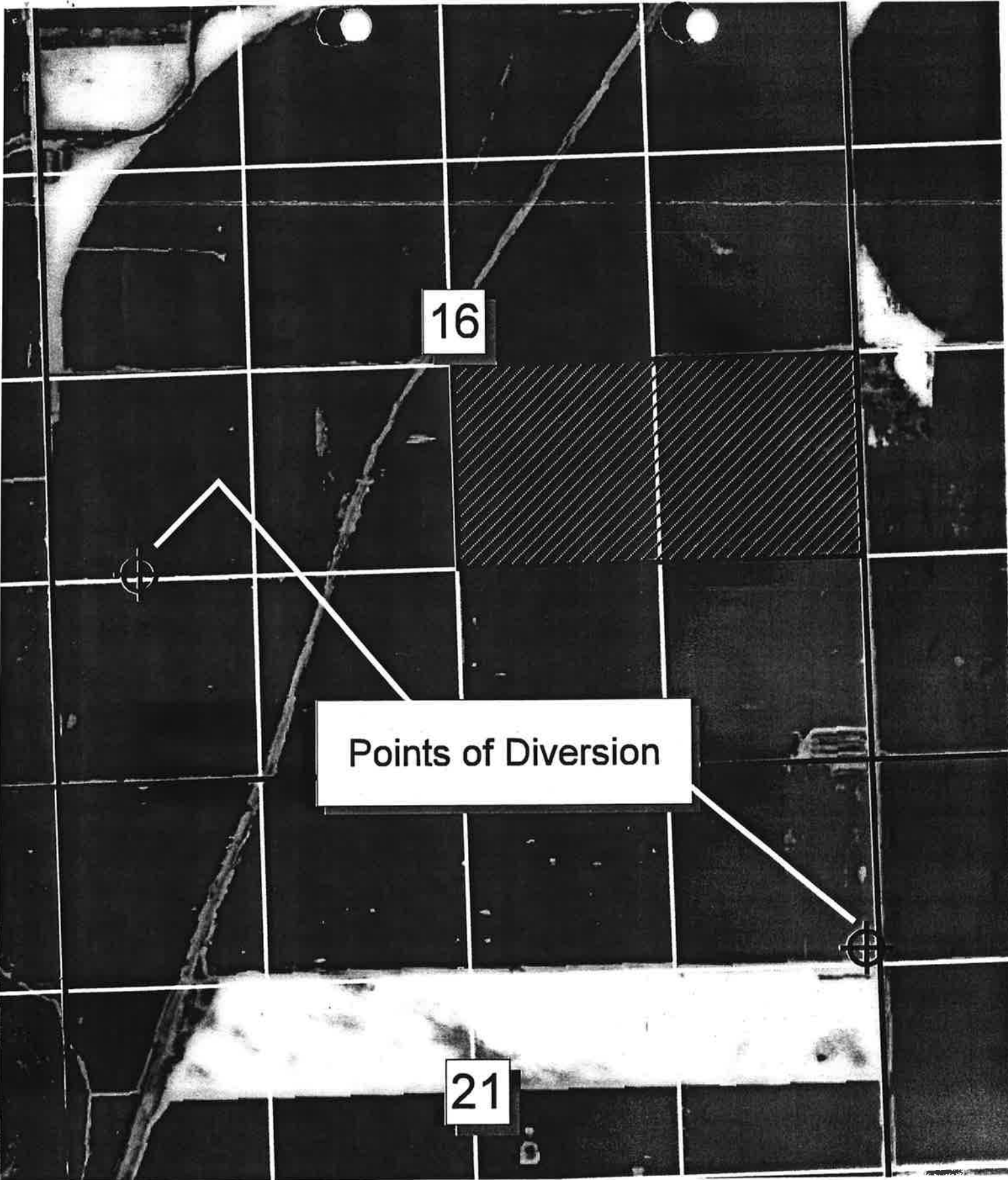
1. THIS GROUND WAS IRRIGATED BY WELL UNDER 22-2168 AT TIME LICENSE ISSUED. GROUND AT THAT TIME WAS OWNED BY STATE OF IDAHO SO WAS NOT INCLUDED IN ORIGIANL APPLICATION. IN 1961 WAHOO & BHA, INC. PURCHASED PROPERTY FROM STATE, BUT DID NOT FILE WATER RIGHT.

Documentation of Ownership of the Current Place of Use. Warranty Deed & Tax Notice.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? No

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer. Better distribution of water.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No.



 S06n41e.shp  
T06n41e.shp

**22-4052**

**PART 3**

**B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | to            |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that 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.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 10th day of January, 2004.

Helen Z. Ashcraft (PRESIDENT)  
(Signature of Applicant)

Hebner Chadwick  
(Notary Public)

My commission expires 4/27/04

**FOR DEPARTMENT USE ONLY**

Transfer contains 5 pages and 8 attachments

Received by SC Date 1/16/04 Protest filed by \_\_\_\_\_

Prelim. check by KCW Fee 290<sup>00</sup> E029472

Receipted by SC Date 1/20/04

Published in Standard Journal (Wed) Copies of protest forwarded by \_\_\_\_\_

Pub. dates 3/24 & 3/31/04 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☒ approval ☐ denial

\_\_\_\_\_ rec'd. by RDC

Copy of transfer sent to lien holder \_\_\_\_\_

SCANNED

FEB 10 2004

T71016



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

February 14, 2001

BHA INC  
C/O HELEN F ASHCRAFT  
2983 E 2000 N  
SUGAR CITY ID 83448

RE: CHANGE IN OWNERSHIP FOR A22-02168, A22-04052

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

**If there are no questions or corrections, please keep this Notice for your records.**

Respectfully submitted,

*Cheri Vandermeulen*

Cheri Vandermeulen  
Records Clerk

Enclosure: Notice(s) of Claim

JK

**STATE OF IDAHO**  
**IDAHO DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): A22 - 02168 // A22 - 4052
2. The following **REQUIRED** information must be submitted with this form:
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**  
**AND**
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)  
**OR**
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Wahoo Inc c/o Grant Ashcraft 3930 E 2000 N  
(OR) B.H.A. Inc c/o Boyd Ashcraft 2983 E 2000 N Sugar City Id 83448
4. New Owner/Claimant(s) BHA Inc c/o Helen F. Ashcraft  
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or  
 New Mailing Address 2983 E 2000 N  
 City, State and ZIP Code Sugar City, Id 83448  
 New Telephone Number 0081 356-3533
5. Date you acquired the property 13 Feb 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres you irrigate 320 Number and type of stock None  
 Diversion rate in CFS for 80 ac - 1.46  
reg + off farm  
3.64 Number of homes None Other uses None  
 (according to 1958 license)  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Helen F. Ashcraft - Pres of B.H.A.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.



IRRIGATION SERVICE,  
INC.

IDAHO FALLS  
TWIN FALLS  
IDAHO

INVOICE

Nº 6261

SOUTH YELLOWSTONE HIGHWAY  
P. O. BOX 802  
TELEPHONE JACKSON 2-3703

SOLD TO:

Grant Ashcraft  
Rexburg, Idaho

SHIPPED TO:

Same

| INVOICE DATE  | CUSTOMER ORDER NO. | S. O. NO.                                      | DATE SHIPPED | VIA        | TERMS       |
|---------------|--------------------|------------------------------------------------|--------------|------------|-------------|
| 6/19/62       |                    | 04124<br>02739                                 |              |            | net 30 days |
| QUANTITY      | SIZE               | DESCRIPTION                                    | UNIT PRICE   | AMOUNT     |             |
| 2             | 4"                 | ABC ONL Valve Opening Elbow w/ ABC X           |              |            |             |
|               |                    | Female Coupler Cut-Off & Ireco #1100 R         |              |            |             |
|               |                    | Coupler Welded on                              |              |            |             |
| 2             | 4"                 | #500-4 Ireco End Plugs                         |              |            |             |
| 66            | 4"                 | 40' Aluminum Tubing .050 Wall w/ #1100         |              |            |             |
|               |                    | RPD Ireco Couplers w/ Pan and Drain &          |              |            |             |
|               |                    | A-1-4B Ireco Center Outlet                     |              |            |             |
| 66            |                    | 1" x 18" x 3/4" Risers                         |              |            |             |
| 66            |                    | #30 WS TNT Rain Bird Heads w/ 11/64"           |              |            |             |
|               |                    | Brass Nozzles                                  |              |            |             |
| 22            | 6"                 | LH-MHHW 6" x 30' Aluminum Tubing .051          |              |            |             |
|               |                    | Wall w/ 22 <del>XXXXXX</del> LH X, Ames Female |              |            |             |
|               |                    | Couplers & 22 LH E Ames Male Coupler           |              |            |             |
| 23            | 6"                 | LH-MHHW 6" x 30' Aluminum Tubing .051          |              |            |             |
|               |                    | Wall w/ 23 6" x 4" LH VPH, Ames Press-in       |              |            |             |
|               |                    | Hydrant Valves & 23 LH E Ames Male Coupler     |              |            |             |
| 3             | 8"                 | LH-MHHW 8" x 30' Aluminum Tubing .051          |              |            |             |
|               |                    | Wall w/ 3 LH X Ames Female Couplers &          |              |            |             |
|               |                    | 3 LH E Male Couplers                           |              |            |             |
| 4             | 8"                 | LH-MHHW Aluminum Tubing .051 Wall              |              |            |             |
|               |                    | w/ 8" x 4" LH-VPH Ames Press in Hydrant        |              |            |             |
|               |                    | Valves & 4 LH E Ames Male Coupler              |              |            |             |
| 46            | 6"                 | LH-RL Ames Ring Locks                          |              |            |             |
| 8             | 8"                 | LH-RL Ames Ring Locks                          |              |            |             |
| 1             | 8"x6"              | LH-R Reducer                                   |              |            |             |
| 2             | 4"                 | W 288-44 Ireco Short Valve Take Off            |              |            |             |
| TOTAL INVOICE |                    |                                                |              | \$4,159.65 |             |

MICROFILM  
OCT 29 1992

MICROFILMED

OCT 29 1992

ALWAYS REFER TO OUR INVOICE NUMBER  
IN UPPER RIGHT HAND CORNER.

8% INTEREST PER ANNUM WILL BE CHARGED  
ON PAST DUE ACCOUNTS.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Walton & BIAA (Name of Claimant)  
Route #1 Sugar City, Idaho (Mailing Address) 83448 (Zip Code) Telephone No. 356-3178

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) X Sept 1961

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
groundwater tributary to \_\_\_\_\_
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| Quantity             | (cfs, gpd, AFA) | Use                   | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)            |                  |
|----------------------|-----------------|-----------------------|-------------------------------------|-----------------------------------|------------------|
|                      |                 |                       |                                     | (Mo., Day)                        | (Mo., Day)       |
| Quantity <u>1.46</u> |                 | Use <u>Irrigation</u> |                                     | Period of Use From <u>April 1</u> | To <u>Nov. 1</u> |
| Quantity _____       |                 | Use _____             |                                     | Period of Use From _____          | To _____         |
| Quantity _____       |                 | Use _____             |                                     | Period of Use From _____          | To _____         |
| Quantity _____       |                 | Use _____             |                                     | Period of Use From _____          | To _____         |
| Quantity _____       |                 | Use _____             |                                     | Period of Use From _____          | To _____         |

- (4) 1.46 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW 1/4 SW 1/4, Sec. 16 Twp. 6N Rge. 4E B.M., County of Madison.  
Additional points of diversion: \_\_\_\_\_

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.  
24 inch diameter well around 500ft deep, mainline & sprinkler system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T  | R  | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|----|----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|    |    |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 6N | 4E | 16   |     |     |     |     |     |     |     |     |     |     |     |     | 40  | 40  |     |     | 80    |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|    |    |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 80

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_

NOTE: Include here the type and number of stock watered: \_\_\_\_\_

- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

**Township**  
**06N**

**Range**  
**41E**

**Section**  
**16**



**Notes:**



600 0 600 1200 1800 2400 3000 3600 4200 4800 Feet

**Water Right #: 2204052**

**Examiner:**

**Date:**



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

EASTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

February 21, 2008

BHA INC  
2983 E 2000 N  
SUGAR CITY ID 83448

RE: Transfer #73977 for water right(s) 22-2168, 22-4052 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On December 19, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #73977, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

SCANNED

MAR 07 2008

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 )

Water Rights: 22-2168, 22-4052

Case No. 39576 )

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 73977

☐ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 1 March 2008

Ernst Carlson

Signature of IDWR Representative

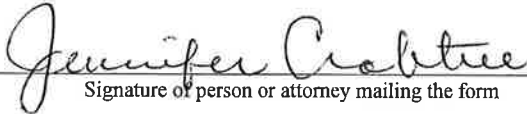
SCANNED

MAR 07 2008

### CERTIFICATE OF MAILING

I certify that on March 7, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707
2. One copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
BHA INC  
2983 E 2000 N  
SUGAR CITY ID 83448
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
N/A
4. One copy to:  
Each party in the subcase, or attorney of record  
N/A
5. One copy each to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

  
Signature of person or attorney mailing the form

SCANNED

MAR 07 2008

01/17/2008

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

RIGHT NUMBER: 22-4052

NAME AND ADDRESS: BHA INC  
2983 E 2000 N  
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.970 CFS  
280.00 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 rights listed below are limited to a total combined annual diversion volume of 1471.4 af. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

PRIORITY DATE: 09/01/1961

POINT OF  
DIVERSION:

T06N R41E S16 SWNSW Within MADISON County  
T06N R41E S21 SENENE Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 10/31          | 0.970 CFS<br>280.00 AFY |

PLACE OF USE: IRRIGATION in MADISON County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T06N R41E S16 | NESW | 35.00 | T06N R41E S16 | NWSW | 39.00 |
| T06N R41E S16 | SWSW | 39.00 | T06N R41E S16 | SESW | 34.00 |
| T06N R41E S16 | NESE | 39.00 | T06N R41E S16 | NWSE | 39.00 |
| T06N R41E S16 | SWSE | 38.00 | T06N R41E S16 | SESE | 38.00 |
| T06N R41E S17 | NESE | 19.00 | T06N R41E S17 | NWSE | 11.00 |
| T06N R41E S17 | SWSE | 8.70  | T06N R41E S17 | SESE | 39.00 |
| T06N R41E S21 | NENE | 39.00 | T06N R41E S21 | NWNE | 2.70  |

420.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 420.4 acres in a single irrigation season. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.

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 - Beneficial Use

SCANNED

MAR 07 2008

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

The right holder shall accomplish the change authorized by Transfer 73977 prior to December 19, 2008.

Failure of the right holder to comply with the conditions of Transfer 73977 is cause for the Director to rescind approval of the transfer.

The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

SCANNED  
MAR 07 2008

**WATER RIGHT NO. 22-4052**  
**As Modified by Transfer No. 73977**

In accordance with the approval of Transfer No. 73977, Water Right No. 22-4052 is now described as follows.

**Right Holder:** BHA INC  
 2983 E 2000 N  
 SUGAR CITY ID 83448

**Priority Date:** September 01, 1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 0.97 CFS              | 280.0 AF      |
|                       |             |           | 0.97 CFS              | 280.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER      SWNWSW      Sec. 16 Twp 06N   Rge 41E   MADISON County  
 GROUND WATER      SENENE      Sec. 21 Twp 06N   Rge 41E   MADISON County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |     |    |    | NW |    |    |    | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|-----|----|----|----|----|----|----|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW  | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 06N | 41E | 16  |      |     |    |    |    |    |    |    | 35.0 | 39.0 | 39.0 | 34.0 | 39.0 | 39.0 | 38.0 | 38.0 | 301.0  |
| 06N | 41E | 17  |      |     |    |    |    |    |    |    |      |      |      |      | 19.0 | 11.0 | 8.7  | 39.0 | 77.7   |
| 06N | 41E | 21  | 39.0 | 2.7 |    |    |    |    |    |    |      |      |      |      |      |      |      |      | 41.7   |

Total Acres: 420.4

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
2. Rights 22-2168, 22-4052, 22-13279, and 22-13281 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 1471.4 af at the field headgate, and the irrigation of 420.4 acres.
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. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one 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.

SCANNED

MAR 07 2008

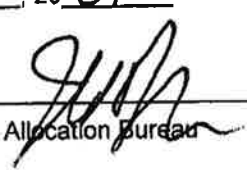
**WATER RIGHT NO. 22-4052**  
**As Modified by Transfer No. 73977**

**CONDITIONS OF APPROVAL**

7. 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.
8. The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

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 19<sup>th</sup> day of December, 20 07

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

SCANNED

MAR 07 2008

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 22-4052  
Date Received: 8/24/88  
Receipt No: E001639  
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BHA INC Phone: (208) 356-3533

C/O HELEN F ASHCRAFT  
2983 E 2000 N  
SUGAR CITY ID USA 83448

2. Date of Priority: 09/01/1961

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot |    |    | County  | Type |
|----------|-------|---------|-----------------------|----|----|---------|------|
| 06N      | 41E   | 16      | SW                    | NW | SW | MADISON |      |

5. Description of diverting works:

WELL, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 11/01 | 1.46   |            |

7. Total Quantity Appropriated is:  
1.46 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 06N      | 41E   | 16      | NE         | SE  | IRRIGATION    | 40    |
|          |       |         | NW         | SE  | IRRIGATION    | 40    |
|          |       |         |            |     | Section Acres | 80    |
|          |       |         |            |     | Total Acres   | 80    |

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

THIS GROUND WAS IRRIGATED BY WELL UNDER 22-2168 AT TIME LICENSE ISSUED. GROUND AT THAT TIME WAS OWNED BY STATE OF IDAHO SO WAS NOT INCLUDED IN ORIGINL APPLICATION. IN 1961 WAHOO & BHA, INC. PURCHASED PROPERTY FROM STATE, BUT DID NOT FILE WATER RIGHT

15. Basis of Claim: Statutory Claim

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: A22-04052  
Date Received: 8/15/1988  
Receipt No: 6001641  
Received By: 20

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WAHOO & BHA, INC. 208-356-3178  
Address: C/O GRANT ASHCRAFT  
3930 E. 2000 N.  
SUGAR CITY, ID 83448

2. Date of Priority: SEP 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06N      | 41E   | 16      | SW     | NW     | SW  |     | MADISON |

5. Description of diverting works:  
WELL, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.460  |      |        |

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

8. Total consumptive use is 160.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 06N      | 41E   | 16      | NE     | SE  |     | IRR | 40.0  |
|          |       |         | NW     | SE  |     | IRR | 40.0  |

Section Acres 80.0

A22-04052

Page 1

Date: 08/15/88

MICROFILMED

OCT 29 1992

A2204052



10. Place of Use: Continued

Total Acres 80.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:  
22-02168 FROM SAME WELL

14. Remarks:

THIS GROUND WAS IRRIGATED BY WELL UNDER 22-2168 AT TIME LICENSE  
ISSUED. GROUND AT THAT TIME WAS OWNED BY STATE OF IDAHO SO  
WAS NOT INCLUDED IN ORIGIANL APPLICATION. IN 1961 WAHOO &  
BHA, INC. PURCHASED PROPERTY FROM STATE, BUT DID NOT FILE WATER  
RIGHT.

15. Basis of Claim: STATUTORY CLAIM

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 Y wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am Pres. \_\_\_\_\_ of \_\_\_\_\_ Title

Washco Inc. \_\_\_\_\_, that I have signed the foregoing Organization  
document in the space below as Pres. \_\_\_\_\_ of Title

Washco Inc. \_\_\_\_\_ and that the statements contained in the Organization  
foregoing document are true and correct.

Grant Ashcraft  
Signature of Authorized Agent

President Washco Inc.  
Title and Organization

15 Aug. 88  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 15<sup>th</sup> day  
of August 19 88

Betty J. Thompson  
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

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 Y wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of BHA Inc, that I have signed the foregoing document in the space below as President of BHA Inc and that the statements contained in the foregoing document are true and correct.

Boyd B. Ashcraft  
Signature of Authorized Agent  
President of BHA Inc  
Title and Organization  
Aug 24, 1988  
Date

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 24 day  
of August 19 88

Betty J. Thompson  
Notary Public

Seal

Residing at Idaho Falls, ID.  
My Commission Expires 6-94

RAIE

POU

A22-6218

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UNCLASSIFIED

OCT 29 1992