

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 37-577BP
Date Received: 11/1/1988
Receipt No: C003136
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ECCLES FLYING HAT RANCH LLC Phone: (801)246-5329
PO BOX 3028
SALT LAKE CITY UT 84110

2. Date of Priority: 03/24/1883

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	Type
02N	18E	16	SE	SW	NE	BLAINE	
02N	18E	22	SE	NE	SE	BLAINE	
03N	18E	20	NW	SW	NW	BLAINE	

5. Description of diverting works:

Headgate to Cove Canal.
Headgate to Kohler Ditch.
Headgate to Hiawatha Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	7	

7. Total Quantity Appropriated is:
7 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
02N	18E	15	SW	SE	IRRIGATION	3
					Section Acres	3
02N	18E	22	NE	NE	IRRIGATION	7
			NW	NE	IRRIGATION	33
			SE	NE	IRRIGATION	34
			NE	SE	IRRIGATION	38
					Section Acres	112
02N	18E	23	SW	NW	IRRIGATION	18
			NE	SW	IRRIGATION	12
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	35
			SW	SE	IRRIGATION	9
			SE	SE	IRRIGATION	6
					Section Acres	160
02N	18E	25	NW	NW	IRRIGATION	28
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	5
			NE	SW	IRRIGATION	23
			NW	SW	IRRIGATION	27
			SW	SW	IRRIGATION	5
			SE	SW	IRRIGATION	15
					Section Acres	142
02N	18E	26	NE	NE	IRRIGATION	39
			NW	NE	IRRIGATION	36
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	35
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	32
			SE	NW	IRRIGATION	36
					Section Acres	258
					Total Acres	675

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.

The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lessor amount be provided by the right holder within that period of time.

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

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

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

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

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.

15. Basis of Claim: Decreed

07/23/2002 11:04

2007353037

IDWR SOUTHERN REGION

PAGE 03



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 734-3039

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED
OCT 31 2002
Department of Water Resources
Southern Region

☒ Water Right Number(s): 37-4800, 37-4821, 37-483-D, 37-11977

37-11975, 37-917, 37-11978, 37-577BP

37-2713, 37-7356

☒ Old Mailing Address: Flying Hat Ranch - Spencer F. Eccles

P.O. Box 30006

Salt Lake City, UT 84128

☒ New Mailing Address: Eccles Flying Hat Ranch, LLC *CID 12740*

P.O. Box 3028

Salt Lake City, UT 84110

☒ New Telephone Number: (801) 246-5329

☐ Signature of Claimant(s): *S.F. Eccles owner*

Date: 7-26-02

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date:	By:
<i>11/7/02</i>	<i>[Signature]</i>

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: A37-00577BP

Date Received:

Receipt No: C003136

Received By: _____

OCT 27 1988

Department of Water Resources

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SPENCER F. ECCLES 801-350-5329
Address: P.O. BOX 30006
SALT LAKE CITY, UT 84125

2. Date of Priority: MAR 24, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	18E	16	SE	SW	NE		BLAINE
03N	18E	20	NW	SW	NW		BLAINE

5. Description of diverting works:
DIVERSIONS IN RIVER WITH HEADGATES TO COVE & HIAWATHA CANALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	7.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING WITH IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	18E	15	SW	SE		IRR	17.0
			SE	SE		IRR	6.0

Section Acres 23.0

A37-00577BP

Page

1

Date: 10/19/88

MICROFILMED

MAR 01 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	18E	22	NE		NE		IRR	21.0
			NW		NE		IRR	29.0
			SE		NE		IRR	34.0
			NE		SE		IRR	10.0
			Section Acres					94.0
		23	NW		NW		IRR	2.0
			SW		NW		IRR	23.0
			NE		SW		IRR	16.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	34.0
			SW		SE		IRR	9.0
			SE		SE		IRR	8.0
			Section Acres					172.0
		25	NW		NW		IRR	16.0
			SW		NW		IRR	34.0
			Section Acres					50.0
		26	NE		NE		IRR	38.0
			NW		NE		IRR	33.0
			SW		NE		IRR	31.0
			SE		NE		IRR	14.0
			NE		NW		IRR	40.0
			NW		NW		IRR	10.0
			SE		NW		IRR	18.0
			Section Acres					184.0
			Total Acres					523.0

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:

37-00483, 37-00482, 37-00481, 37-07356 & 37-02713

14. Remarks:

THIS RT. IS SPLIT FROM DECREE 37-00577. WATERMASTER HAS BEEN DELIVERING 350" FOR THE P/U'S. THIS CLAIM MAY POSSIBLY INCLUDE PORTIONS OF PREVIOUSLY SPLIT RTS. 37-00577F, 37-0057H, 37-00577BA, & 37-00577BL.

A37-00577BP

Page

2

Date: 10/19/88

COPY

MICROFILMED

MAR 0 1 1993

15. Basis of Claim: BENEFICIAL USE

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: 0

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): *J. F. Eccles* Date: 10/25/88

Date: _____

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 25th day

of October 19 88

Norma Kiser
Notary Public

Seal

Residing at Salt Lake City, Utah
My Commission Expires 3/29/90

COPY

02/08/2007

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

RIGHT NUMBER: 37-577BP

NAME AND ADDRESS: ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 7.000 CFS

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when combined shall not exceed 26.74 cfs and a total annual maximum diversion volume of 4172.0 af at the field headgate.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter until June 3, 2007, to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T02N R18E S16 SESWNE Within BLAINE County

T02N R18E S22 SENESE Within BLAINE County

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	5.600 CFS
MITIGATION	04/15 10/31	1.400 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S15	SWSE	3.00	T02N R18E S22	NENE	7.00
T02N R18E S22	NWNE	33.00	T02N R18E S22	SENE	34.00
T02N R18E S22	NESE	38.00	T02N R18E S23	SWNW	18.00
T02N R18E S23	NESW	12.00	T02N R18E S23	NWSW	40.00

02/08/2007

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

T02N R18E S23	SWSW	40.00	T02N R18E S23	SESW	35.00
T02N R18E S23	SWSE	9.00	T02N R18E S23	SESE	6.00
T02N R18E S25	NWNW	28.00	T02N R18E S25	SWNW	39.00
T02N R18E S25	SENW	5.00	T02N R18E S25	NESW	23.00
T02N R18E S25	NWSW	27.00	T02N R18E S25	SWSW	5.00
T02N R18E S25	SESW	15.00	T02N R18E S26	NENE	39.00
T02N R18E S26	NWNE	36.00	T02N R18E S26	SWNE	40.00
T02N R18E S26	SENE	35.00	T02N R18E S26	NENW	40.00
T02N R18E S26	NWNW	32.00	T02N R18E S26	SENW	36.00

675 ACRES TOTAL

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed the irrigation of 596 acres.

Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 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 - Decreed

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Approval of Transfer 68526 does not grant 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, Big Wood River.

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

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

09/13/2006

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

RIGHT NUMBER: 37-577BP

NAME AND ADDRESS: ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 7.000 CFS

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when combined shall not exceed 26.74 cfs and a total annual maximum diversion volume of 4172.0 af at the field headgate.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter until June 3, 2007, to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION: T02N R18E S16 SESWNE Within BLAINE County
T02N R18E S22 SENESE Within BLAINE County
T03N R18E S20 NWSWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	7.000 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T02N R18E S15	SWSE	3.00	T02N R18E S22	NENE	7.00
T02N R18E S22	NWNE	33.00	T02N R18E S22	SENE	34.00
T02N R18E S22	NESE	38.00	T02N R18E S23	SWNW	18.00
T02N R18E S23	NESW	12.00	T02N R18E S23	NWSW	40.00
T02N R18E S23	SWSW	40.00	T02N R18E S23	SESW	35.00

09/13/2006

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

T02N R18E S23	SWSE	9.00	T02N R18E S23	SESE	6.00
T02N R18E S25	NWNW	28.00	T02N R18E S25	SWNW	39.00
T02N R18E S25	SENE	5.00	T02N R18E S25	NESW	23.00
T02N R18E S25	NWSW	27.00	T02N R18E S25	SWSW	5.00
T02N R18E S25	SESW	15.00	T02N R18E S26	NENE	39.00
T02N R18E S26	NWNE	36.00	T02N R18E S26	SWNE	40.00
T02N R18E S26	SENE	35.00	T02N R18E S26	NENW	40.00
T02N R18E S26	NWNW	32.00	T02N R18E S26	SENE	36.00

675 ACRES TOTAL

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed the irrigation of 596 acres.

Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 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 - Decreed

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

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

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

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



Idaho Department of Water Resources

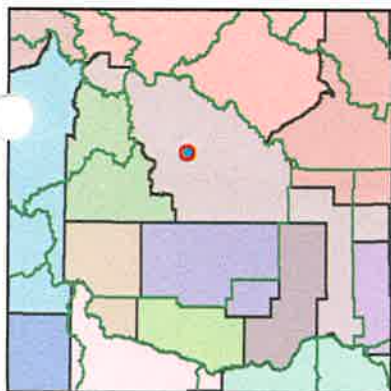
SRBA Recommendation:

37-577BP

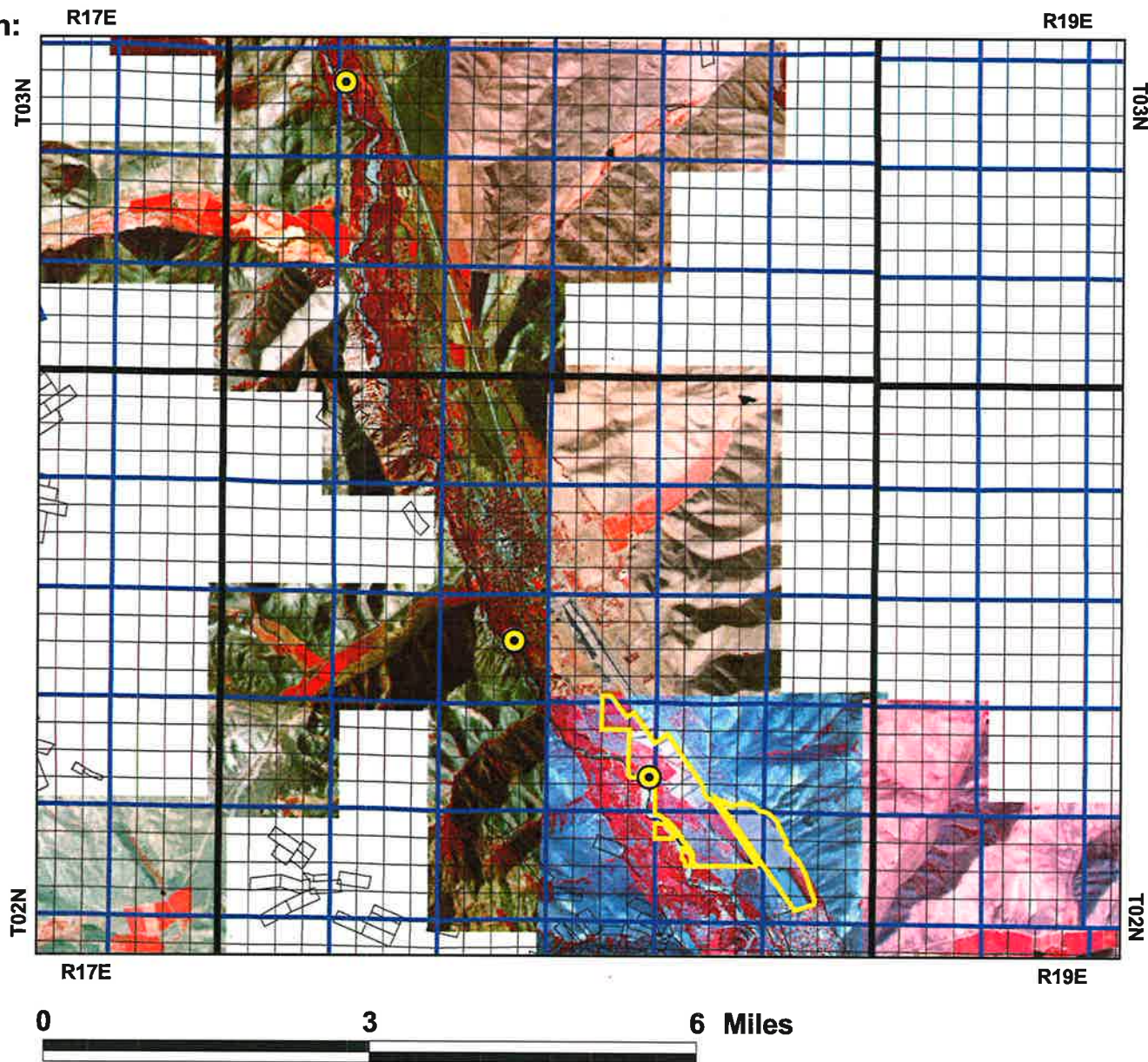
(Irrigation)

Legend

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

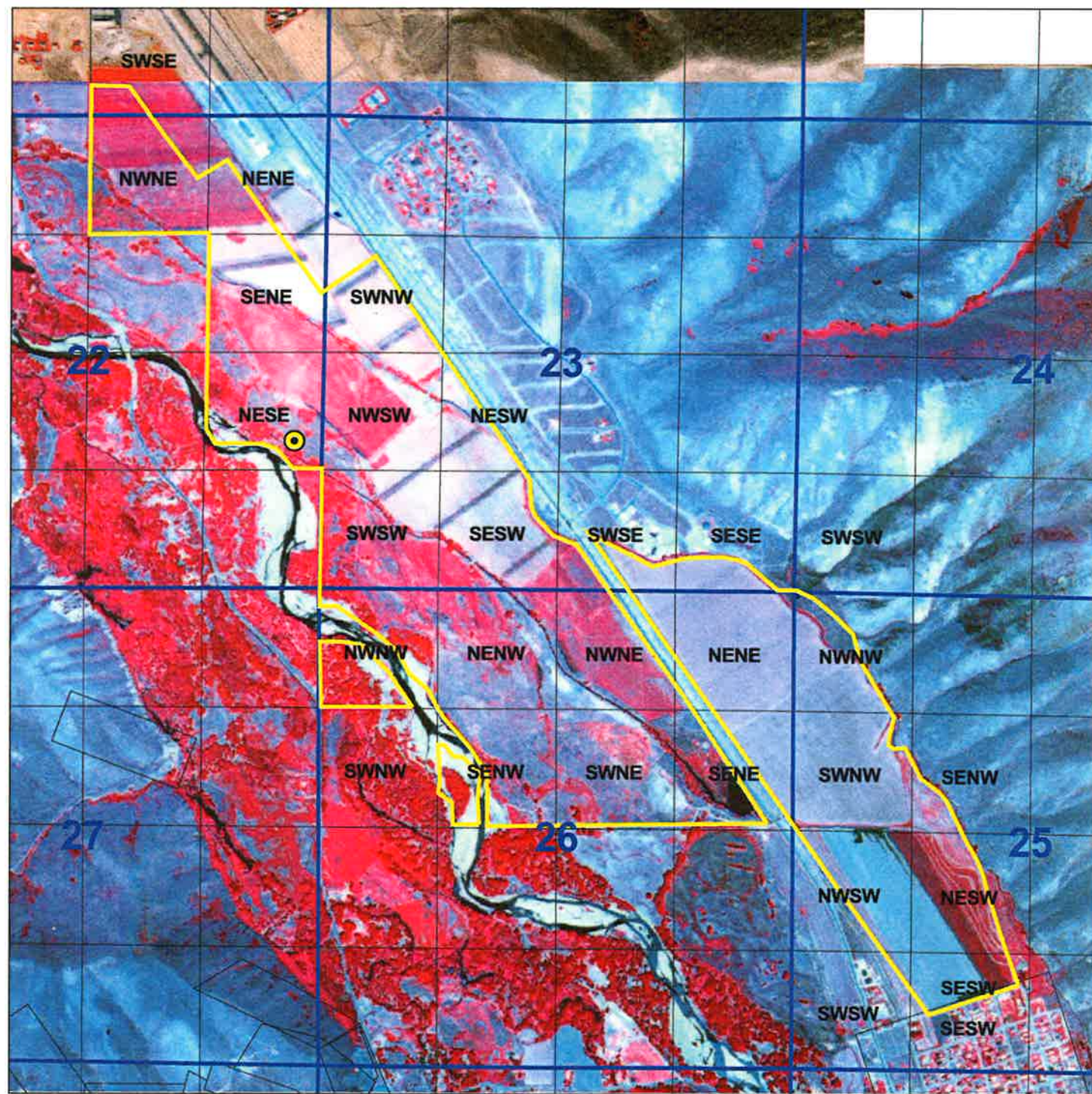


Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Thursday, September 14, 2006
1987/88 Aerial Photography

37-577BP





Idaho Department of Water Resources

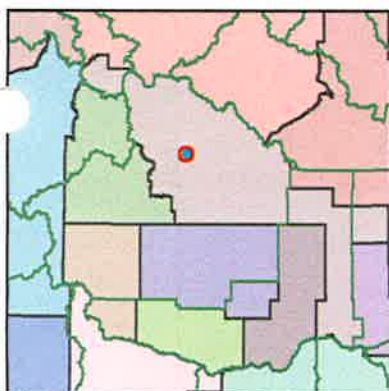
SRBA Recommendation:

37-577BP

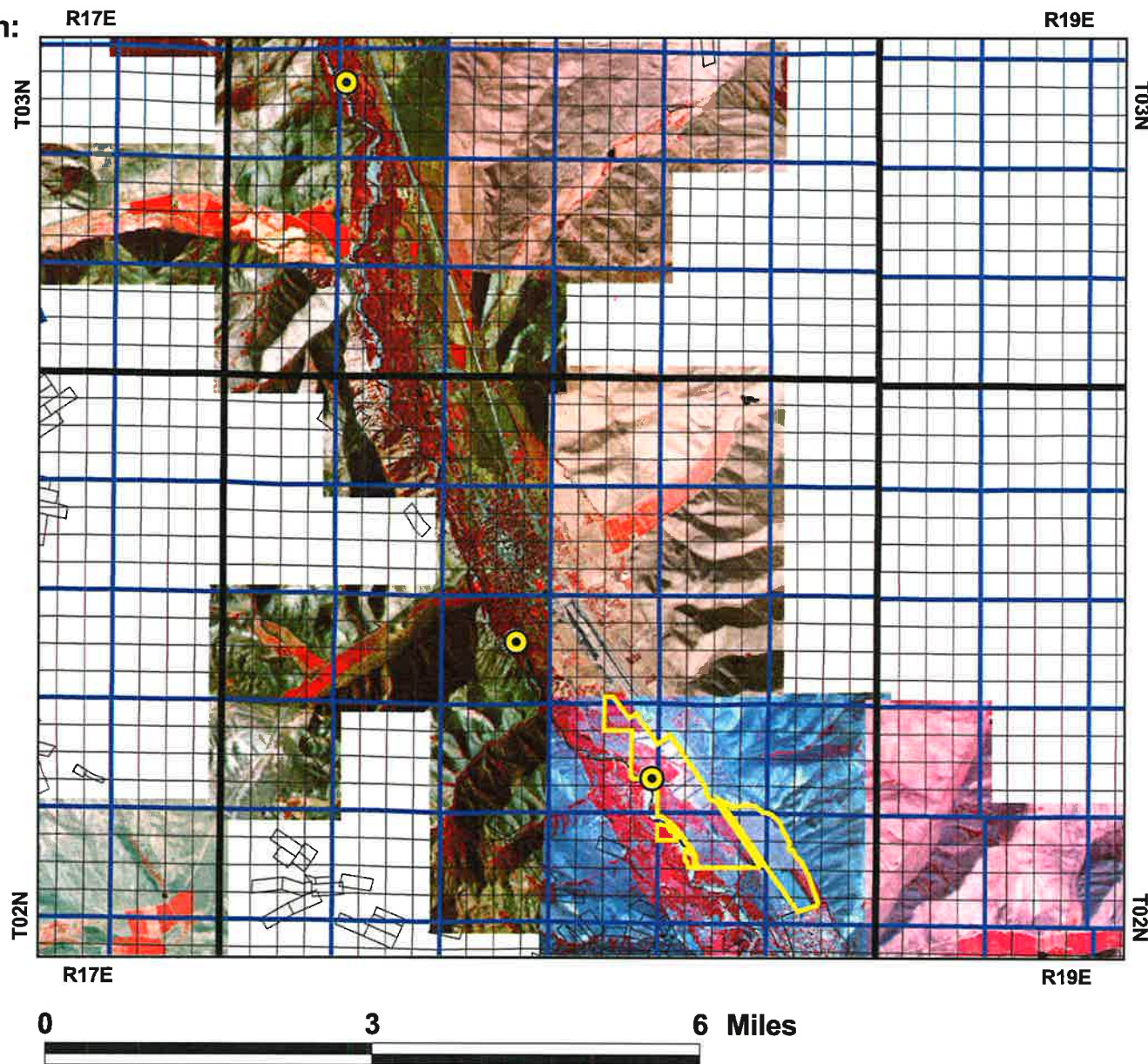
(Irrigation)

Legend

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

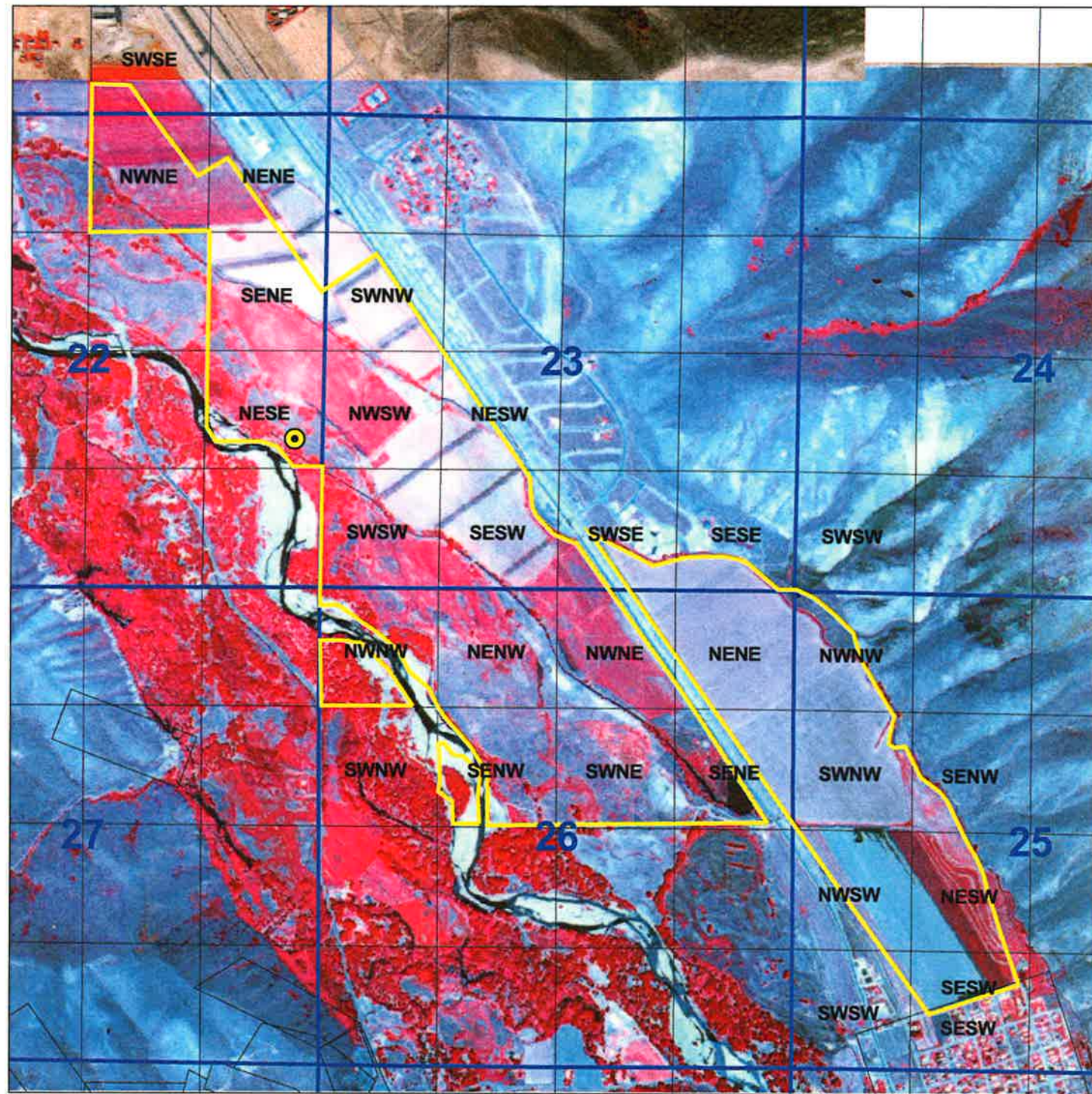
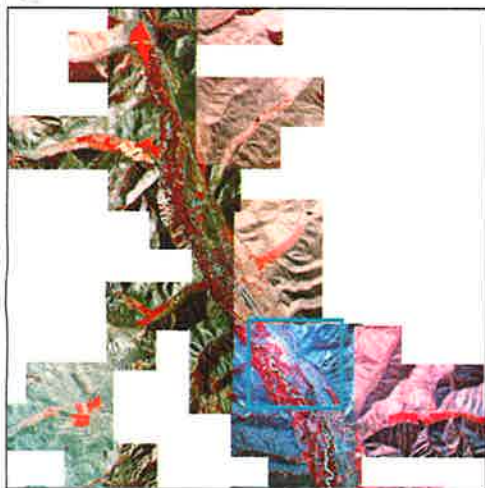


Blaine County
IDWR Basin 37



Prepared by E. NORQUES
On Thursday, September 14, 2006
1987/88 Aerial Photography

37-577BP



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68526

Southern
RECEIVED
MAY 14 2002
Department of Water Resources
Southern Region

This is to certify that: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125
(801)350-5329

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
37-481D	AJC/Decreed	08/01/1882	3.00 cfs			387.0	BIG WOOD RIVER
37-482J	AJC/Decreed	08/01/1884	3.00 cfs			387.0	BIG WOOD RIVER
37-483D	AJC/Decreed	08/01/1902	3.00 cfs			523.0	BIG WOOD RIVER
37-11977	AJC/Decreed	06/15/1891	0.80 cfs			79.0	BIG WOOD RIVER
37-11975	AJC/Decreed	06/15/1891	3.20 cfs			79.0	BIG WOOD RIVER
37-11976	AJC/Decreed	06/01/1884	0.70 cfs			79.0	BIG WOOD RIVER
37-917	AJC/Decreed	04/01/1940	2.54 cfs			246.0	BIG WOOD RIVER
37-11978	AJC/Decreed	03/24/1883	3.50 cfs			79.0	BIG WOOD RIVER
37-577BP	AJC/Decreed	03/24/1883	7.00 cfs			523.0	BIG WOOD RIVER

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>
37-481D	NO	NO	YES	YES	NO	NO
37-482J	NO	NO	YES	YES	NO	NO
37-483D	NO	YES	YES	NO	NO	NO
37-11977	NO	NO	YES	YES	NO	NO
37-11975	NO	NO	YES	YES	NO	NO
37-11976	NO	NO	YES	YES	NO	NO
37-917	NO	YES	YES	YES	NO	NO
37-11978	NO	NO	YES	YES	NO	NO
37-577BP	NO	NO	YES	YES	NO	NO

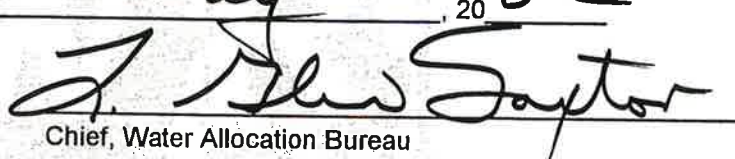
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68526

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-481D	37-481D	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-482J	37-482J	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-483D	37-483D	3.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
37-11977	37-11977	0.80 cfs		20.0	675.0		N/A	N/A	N/A	N/A
37-11975	37-11975	3.20 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-11976	37-11976	0.70 cfs		12.8	675.0		N/A	N/A	N/A	N/A
37-917	37-917	2.54 cfs		246.0	675.0		N/A	N/A	N/A	N/A
37-11978	37-11978	3.50 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-577BP	37-577BP	7.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
TOTALS		26.74 cfs	4172.0 af	596.0	675.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of

May, 2002

Chief, Water Allocation Bureau

WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-481D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1882

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0		9.0	6.0		160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0
Total Acres: 675																	

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

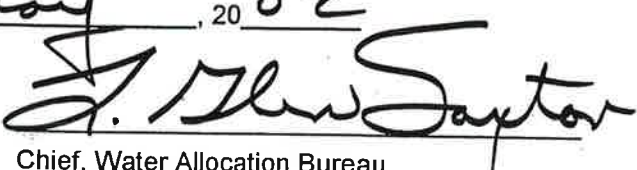
WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-482J is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0
Total Acres:			675																

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

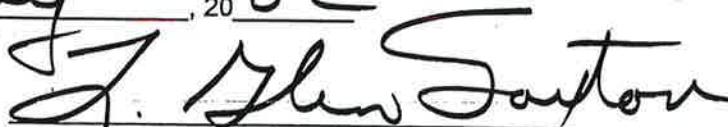
WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002



Chief, Water Allocation Bureau

WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-483D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0
Total Acres: 675																	

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

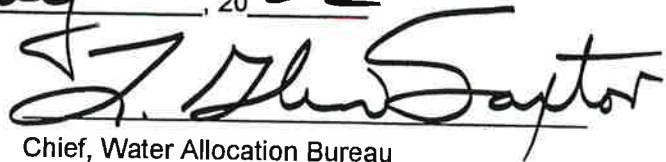
WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-577BP is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	7.00 CFS	
			7.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWSWNW	Sec. 20	Twp 03N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0		9.0	6.0		160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0
Total Acres: 675																	

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

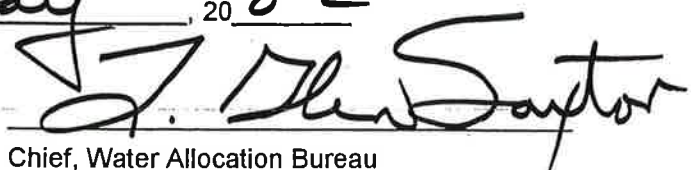
WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-917 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 04/01/1940

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From **To**
 04/15 to 10/31

Diversion Rate

2.54 CFS

2.54 CFS

Volume

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER

SESWNE Sec. 16 Twp 02N Rge 18E BLAINE County

BIG WOOD RIVER

SENESE Sec. 22 Twp 02N Rge 18E BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 246.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

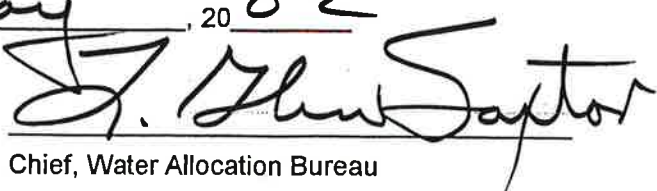
WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-11975
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11975 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	3.20 CFS	
			3.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0		33.0	34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

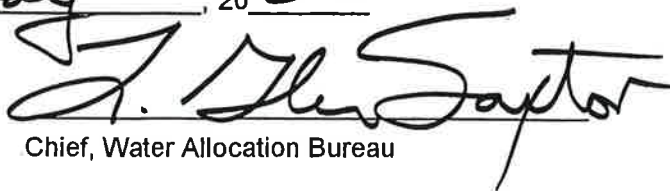
WATER RIGHT NO. 37-11975
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11976 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	0.70 CFS	
			0.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE Sec. 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE Sec. 22 Twp 02N Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.8 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

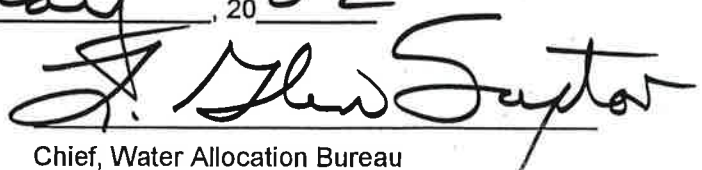
WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
10. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 6th day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-11977
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11977 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.80 CFS	
			0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25					28.0	39.0	5.0		23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

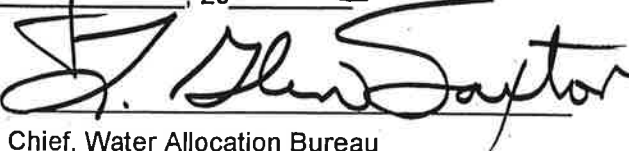
WATER RIGHT NO. 37-11977
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
10. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 6th day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11978 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.50 CFS	
			3.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE Sec. 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE Sec. 22 Twp 02N Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

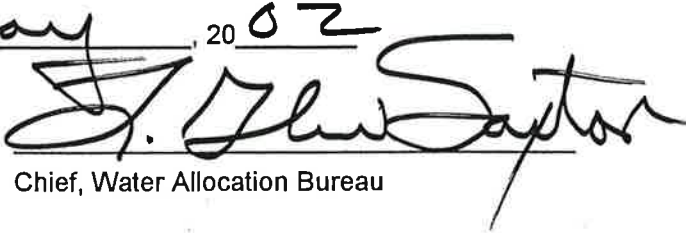
WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

Christensen, Kelly

Subject: Riley right question
Entry Type: Phone call
Company: Jeff Row

Start: Wed 1/6/99 11:30 AM
End: Wed 1/6/99 11:30 AM
Duration: 0 hours

They called to determine what base right the Flying Hat Ranch would identify if they filed a transfer. They had an adjudication claim A37-00577BP for 7.00 cfs.

I reviewed the Riley Right Tree for 37-30000 but could not determine any right split from the base right that appeared to match the claim. I then did a WRQ4 search on 2N, 18E, SEC 23 NWSW. I did not find any portion of 37-30000 appurtenant specifically to that ground. There were pending transfer rights T37-30000G, T37-30000K, and T37-30000M and 37-30000E generically appurtenant to that quarter/quarter.

I suggested that based upon my limited search that maybe that adjudication claim could possibly be based upon the original unsplit base right.

He asked if they could file a transfer application against the base right and would we accept it. I stated that he was welcome to file an application for transfer and that we would accept it.



Department of Water Resources

1301 North Orchard Street, Boise, Idaho 83720

**FORREST E. LUTHY
SR. WATER RESOURCE AGENT
ADJUDICATION BUREAU
(208) 334-7934**

October 19, 1988

FEES FOR: Notice Of Claim To A Water Right Acquired Under State Law

<u>IDENTIFICATION NOS.</u>	<u>FLAT FEE</u>	<u>ACRE VARIABLE FEE</u>	<u>TOTAL</u>
A37-00577BP ✓	50.00	170.00	220.00
A37-02713 ✓	50.00	503.00	553.00
A37-00481A ✓	50.00		50.00
A37-00482F	50.00		50.00
A37-00483A	50.00		50.00
A37-00917	50.00		50.00
A37-07356	50.00		50.00
A37-11804	25.00		25.00
✓ A37-11805	25.00		25.00

TOTAL OF FEES \$1,073.00

MICROFILMED

MAR 01 1993

FLYING HAT RANCH IM BALDWIN
P.O. Box 2980
Hailey, Idaho 83333

RECEIVED
OCT 27 1988

Department of Water Resources October 20, 1988

Mr. Spencer F. Eccles
P.O. Box 30006
Salt Lake City, Utah 84125
ATTN: Mrs. Johnson

Dear Mrs. Johnson,

Enclosed are the "original documents" required to claim Mr. Eccles' water rights on the Flying Hat Ranch. This includes river water, deep well water and domestic and stock water uses.

Notice item number 16.(a)&(b), above the signature block on each Claim and indicate if Mr. Eccles would like to receive the Court Dockets in regard to the case. The Idaho Department of Water Resources indicated a cost of approximately \$7.50 per month per Claim to receive this correspondence. I have already indicated the number of attachments with each Claim.

Mr. Eccles must personally sign, date, and have each Claim notarized.

A bill from the Department of Water Resources for the filing fee on the Claims is enclosed. Basic fees are: \$1.00 per irrigated acre, \$25.00 for each domestic well, \$50.00 for each deep water well, and \$50.00 for each river water right.

I have also enclosed a request for an extension of the time to file Adjudication Claims. The form is completed except for Mr. Eccles' signature. This form should accompany the Claims only if the post date is after October 26, 1988. Also, a check for the indicated amount should accompany the Claim forms.

Please return the forms to:

IDAHO DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD STREET
BOISE, IDAHO 83702
ATTN: FORREST E. LUTHY

Please call me if you have any questions.

Sincerely,



Jim Baldwin
208-788-4726

Enclosures

MICROFILMED
MAR 11 1993

Town- ship	Ran- ge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
		A37-11804																	25.00
		A37-11805																	25.00
2N	18E	15															17.0	6.0	
		22	33.0	40.0		40.0									37.0				
		23						2.0	22.0		11.0	40.0	37.0	33.0			7.0	6.0	
2713		25						40.0	40.0										
		26	38.0	33.0	39.0	18.0	39.0	40.0		40.0									
7856			IDENT TO 2713																
2N	18E	15															17.0	6.0	
		22	21.0	29.0		34.0									10.0				
00578P		23						2.0	23.0		16.0	40.0	40.0	34.0			9.0	8.0	
		25						16.0	34.0										
00483P		26	38.0	33.0	31.0	14.0	40.0	10.0		18.0									
			IDENT TO 05778P.																
2N	18E	22				14.0									10.0				
		23									11.0	27.0	40.0	34.0			9.0	8.0	
0401A		25						16.0	34.0										
		26	38.0	33.0	31.0	14.0	40.0	10.0		18.0									
0402F			IDENT TO 0401A																
2N	18E	15															17.0	6.0	
		22	21.0	29.0		34.0													
00917		23						2.0	23.0			40.0	40.0	34.0					

MAR 11 1993

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MAR 11 1993

Town- ship	Ran- ge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	18E	15																	
		22	2713 33.0	2713 40.0		2713 40.0		2713 2.0				2713 40.0			2713 37.0		2713 17.0	2713 6.0	2.3
		23						05778P 23.0			05778P 16.0	2713 40.0	05778P 40.0	05778P 34.0			05778P 9.0	05778P 8.0	
		25						2713 40.0	2713 46.0										
		26	2713 38.0	2713 33.0	2713 39.0	2713 18.0	05778P 40.0	2713 40.0		2713 40.0									

MICROFILMED
MAR 11 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SNAKE RIVER BASIN ADJUDICATION CLAIM VERIFICATION REPORT

FIELD REPORT LOGCLAIM NUMBER: A37-00577 BP

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT RECEIVED	COMPLETED REVIEW	COMPLETED DATA ENTRY
PRIORITY DATE	N		See 5-1-90	
POINT OF DIV.	N			
SOURCE	N			
PLACE OF USE	YES	Reduce Acres	See 6-6-90	
DIV. AMOUNT	N			
CONSUMPTIVE USE	N*	MAY BE LIMITED		
USES	N			
PERIOD OF USE	N			
BASIS OF CLAIM	N			

REMARKS:

P/u REVIEW See A37-02713

MICROFILMED

MAR 01 1993

GENERAL INFORMATION

Claim number: A37-00577 BP

LAST: ECCLES

FIRST: SPENCER F.

ADDRESS: P.O. Box 30006

CITY: SLC

STATE: UT

ZIP: 84125

PHONE: (801) 350 - 5329

OWNER CODE: C

OWNER CONNECTOR: _____

LAST: _____

FIRST: _____

ADDRESS: _____

CITY: _____

STATE: _____

ZIP: _____

PHONE: (____) ____ - ____

OWNER CODE: _____

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER (____) ____ - ____

DATE OF FIELD EXAM: ____ / ____ / ____ APPOINTMENT MADE? Y(____) N(____), TIME: _____

ACCOMPANIED BY: _____ PHONE NUMBER (____) ____ - ____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

=====

MICROFILMED
MAR U 1 1993

PRIORITY DATE REVIEW SHEET

CLAIM NUMBER: A37-00577BPA. SRBA CLAIM # A37-00577BP PRIORITY DATE: 3/24/1883 STAGE DB. IDWR RECORD # 37-00577 PRIORITY DATE: 3/24/1883 STAGE DC. REVIEW - FIELD EXAM NEEDED? Y() N(X)ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE: 3/24/1883REVIEWED BY SecDATE 5-1-90MICROFILMED
MAR 11 1993

POINT OF DIVERSION AND SOURCE REVIEW SHEET

CLAIM # A37-00577 BP

A. SRBA CLAIM POINT OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
<u>2N</u>	<u>18E</u>	<u>16</u>	<u>SE</u>	<u>SW</u>	<u>NE</u>		<u>13</u>
<u>3N</u>		<u>20</u>	<u>NW</u>	<u>SW</u>	<u>NW</u>		

SOURCE: BIG WOOD RIVER TRIB: MALAD RIVER

B. IDWR RECORD POINT OF DIVERSION RECORD AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY

SOURCE: _____ TRIB: _____

C. REVIEW - FIELD EXAM NEEDED? Y() N(☒)

VERIFIED WITH:		ATTACHED	OR	SEE FILE
(☒) TOPO MAP/ORTHO-PQ	YES(☒)	NO(☒)	☒	<u>A37-00483D</u>
() ASCS MAP	YES()	NO()		
(☒) WATERMASTER RECORDS	YES(☒)	NO()		
() FIELD EXAM	YES()	NO()		
() OTHER _____	YES()	NO()		

REMARKS: _____

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>2N</u>	<u>18E</u>	<u>16</u>	<u>SE</u>	<u>SW</u>	<u>NE</u>		<u>13</u>
<u>3N</u>	<u>18E</u>	<u>20</u>	<u>SE</u>	<u>SW</u>	<u>NW</u>		<u>13</u>

SOURCE: BIG WOOD RIVER TRIB: MALAD RIVERREVIEWED BY SCC DATE 5-1-90

MICROFILMED

MAR 11 1993

PAGE 5.

PLACE OF USE REVIEW SHEET (IRRIGATION)

CLAIM # A37-00577BP

FIELD EXAM REQUIRED: Y(☒) N(☐)

PRESUMPTION FLAG: Y(☒) N(☐)

ROOT WATER RIGHT NUMBERS 37-00577

TWP	RGE	SEC	1/4	1/4	S.R.B.A. #/ACRES	I.D.W.R #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
---	---	---	---	---	---/---	---/---	---	---	---
---	---	---	---	---	---/---	---/---	---	---	---
---	---	---	---	---	---/---	---/---	---	---	---
---	---	---	---	---	---/---	---/---	---	---	---
---	---	---	---	---	---/---	---/---	---	---	---
---	---	---	---	---	---/---	---/---	---	---	---
---	---	---	---	---	---/---	---/---	---	---	---
---	---	---	---	---	---/---	---/---	---	---	---
TOTAL ACRES					---	---	---	---	---

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(☒) N(☐)
IF YES SEE ATTACHED SHEET:

REMARKS:

P/u Review see A37-02773

REVIEWED BY

SCC

DATE

5-1-90

MICROFILMED

MAR 01 1993

A. S.R.B.A CLAIMED USES:

	PURPOSES	MONTH/DAY		RATE	
FOR	<u>IRRIGATION</u>	FROM <u>4-1</u>	TO <u>11-1</u>	<u>7.0</u>	CFS
FOR		FROM - -	TO - -		CFS
FOR		FROM - -	TO - -		CFS

B. I.D.W.R. RECORDED USES:

	PURPOSES	MONTH/DAY		RATE	
FOR	<u>IRRIGATION</u>	FROM - -	TO - -		CFS
FOR		FROM - -	TO - -		CFS
FOR		FROM - -	TO - -		CFS

ROOT #
unknown

PRESUMPTION FLAG: D

PERIOD OF USE:

IS PERIOD OF USE WITHIN THE RECOMMENDED SEASON?

Y(X) N(_)

RECOMMENDED AS CLAIMED?

Y(X) N(_)

RECOMMEND TO IDWR STANDARDS OR OTHER?

Y(X) N(_)

REMARKS:

RECOMMENDED USES:

	PURPOSES	MONTH/DAY		RATE	
FOR	<u>IRRIGATION</u>	FROM <u>4-1</u>	TO <u>11-1</u>	<u>7.0</u>	CFS
FOR		FROM - -	TO - -		CFS
FOR		FROM - -	TO - -		CFS

REVIEWED BY SEC

DATE 5-1-90

MICROFILMED

MAR 01 1993

DIVERSION AMOUNT REVIEW SHEET

CLAIM # A37-00577BPA. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(☒)SRBA CLAIMED RATE: 7.0 CFS IDWR ROOT RIGHT RATE: _____ CFS (unknown)
IF NO or IF STATUTORY CLAIM or BENEFICIAL USE field exam required.

IS FLOW MEASUREMENT REQUIRED?

Y() N(☒)per
W.M. RECORDSB. FLOW MEASUREMENTS

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS

C. ARE OTHER WATER RIGHTS USED? Y(☒) N() If YES complete overlap review.

OTHER RIGHTS LISTED IN CLAIM: _____

_____SEE
A37-02713D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE.

ACRES 523 X 0.02 CFS/ACRE = 10.46 CFS.
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE?

Y() N(☒)

IF YES EXCESSIVE WATER USE FORM FILED AND ATTACHED? Y() N()

2. ANNUAL IRRIGATION CONSUMPTIVE USE & FIELD HEADGATE DIVERSION VOLUME.

ACRES 523 X CONSUMPTIVE RATE FOR AREA 2.5 A.F./ACRE =TOTAL CONSUMPTIVE USE 1307.5 ACRE FEET/ANNUM

ACRES _____ X FIELD APPLIC. RATE FOR AREA _____ A.F./ACRE =

TOTAL FIELD APPLIC. _____ ACRE FEET/ANNUM

E. RATE/VOLUME CALCULATIONS: (OTHER USES)

CONTACT OWNER? Y() N() SEE ATTACHED SHEET? Y() N()

RECOMMENDED DIVERSION RATE: 7.0 CFSRECOMMENDED CONSUMPTIVE USE: 1307.5 AF/ANNUM

RECOMMENDED FIELD HEADGATE APPLICATION: _____ AF/ANNUM

REVIEWED BY SCC

DATE

5-1-90

MICROFILMED

MAR 11 1993

BASIS OF CLAIM ISSUES REVIEW SHEET

CLAIM # A37-00577BP

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
EXCESSIVE AMOUNT _____	()	()

THIS SRBA CLAIM CFS/ACRE

0.013

OTHER SRBA CLAIMS CFS/ACRE

_____-_____-_____
 _____-_____-_____
 _____-_____-_____

See
A37-02713

**Excessive water use form filed and ATTACHED? Y(E) N(E)

B. SPLIT WATER RIGHT REVIEW

ROOT RIGHT # <u>37-00577</u>	SPLITS # _____	_____ CFS
_____ CFS	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	# _____	_____ CFS
	TOTAL CFS	_____

To Be
Completed
IN BASIN
WIDE
REVIEW

**Do the sum of the parts equal the whole?

Y() N()

**IF NO is the written review sheet ATTACHED?

Y() N()

REMARKS: _____

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

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MAR 11 1993



DIVER NO	DIST.	ST. ID.	ORIG DECREE TO	PRIORITY DATE	INCHES	BWCC	BELOW #10CUT	ABOVE 10	OTHER
	R PRIOR. OWNER								
22	D 19-A18 MAXINE FOX	37-0577	W.T.RILEY	03-24-1883	20.00				
22	D 19-A24 W R VALLEY ASSOCIATES	37-0577	W.T.RILEY	03-24-1883	45.19				
22	D 19-B4 NICHOLAS MARICICH	37-0028	ALTURAS WATER CO.	03-24-1883	2.00				
22	D 19-A29 PACESETTER HOMES INC.	37-0577	W.T.RILEY	03-24-1883	136.00				
22	D 19-A11 QUIGLEY CANYON CO	37-0577	W.T.RILEY	03-24-1883	9.00				
22	D 19-A30 QUIGLEY LAND CO.	37-0577	W.T.RILEY	03-24-1883	72.00				
22	D 19-A25 ROBERT LOGAN	37-0577	W.T.RILEY	03-24-1883	13.00				
22	D 19-A19 S.F.ECCLES	37-0577	W.T.RILEY	03-24-1883	350.00				
22	D 19-A12 SPRENGER GRUBB ASSOC.	370577BH	W.T.RILEY	03-24-1883	141.10				
22	D 19-A2A THOMAS B.CAMPION	37-0577	W.T.RILEY	03-24-1883	13.00				
22	D 19-A3 TOM RICHMOND	37-0577	W.T.RILEY	03-24-1883	1.00				
26-P	D 19-A14 WILLIAM NORRIS	37-0577	W.T.RILEY	03-24-1883	10.00				
33	E 19-A35 STEVEN BUCHANAN	37-0577	W.T.RILEY	03-24-1883	5.00				
33	E 19-A33 W.R.WATTS	37-0577	W.T.RILEY	03-24-1883	17.50				
44	E 19-A37 BUD ROSEBERRY	37-0577	W.T.RILEY	03-24-1883	7.50				
44	E 19-A36 TED DIVINE	37-0577	W.T.RILEY	03-24-1883	175.00				
45	E 19-A39 THOMAS M. BECK	37-0577	W.T.RILEY	03-24-1883	27.60				
45	E 19-A1 BELLEVUE FARMS	37-0577	W.T.RILEY	03-24-1883	252.80				
45	E 19-A41 CHARLIE BROWNING	37-0577	W.T.RILEY	03-24-1883	55.20				

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MAR 11 1993

Priority
Below MAGIC

1/23/1988

DA CLAIMS RECEIVING CHECKLIST

A37-00577BP 00917
082713
0048A 07256
00482F

CLAIMANT'S NAME

Spencer F. Cooker

CLAIM IDENT. NO.

DATE RECEIVED

10/27/88

CK #

22169

AMOUNT \$ 1073.00

YES

NO

Required Info?

1 Is the name and address complete with zip code?

☒

☐

*

2. Is a priority date entered?

☒

☐

*

Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required.

☒

☐

*

3. (a) Is a source entered?

☒

☐

*

(b) Is a tributary to entered? (if required)

N/A

☒

☐

*

4. Is the legal description of the p.d. sufficient?

☒

☐

*

5. Is there a description of the diverting works?

☒

☐

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

☒

☐

*

Is the period of use included?

☒

☐

Is a quantity claimed for each use?

☒

☐

*

7. Is a total quantity claimed entered?

☒

☐

8. If required is a consumptive use entered?

N/A

☒

☐

Is the consumptive use correct?

N/A

☒

☐

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

N/A

☒

☐

*

10. Is (are) the place(s) of use and purpose(s) indicated?

☒

☐

*

11. Is (are) the county(ies) entered?

☒

☐

12. Is the ownership of p.u. checked?

☒

☐

13. Are other water rights listed or "none" indicated?

☒

☐

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

☒

☐

15. Is the basis of the claim indicated?

☒

☐

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

N/A

☒

☐

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

☒

☐

*

18. Has the claim been signed, sealed, and dated by a notary?

☒

☐

*

19. Was this claim filed on time, or was an extension granted?

☒

☐

*

20. Is the fee enclosed correct?

Exempt

☒

☐

*

21. If this claim is based on an existing water right, has the identification number been entered?

N/A

☒

☐

22. Should this claim be receipted and data entered?

☒

☐

Claim checked by:

Bruce A. Schell

Date:

4/5/89

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

Date:

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Comments:

MAR 11 1993

R PROOF

CVR

MAPS

PHOTOS

MISC

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:42
05/19/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A37-00577BP

LAST: ECCLES
ADDRESS: P.O. BOX 30006
CITY: SALT LAKE CITY
PHONE NUMBER: 801-350-5329
OWNER CODE: C

FIRST: SPENCER F.
STATE: UT ZIP: 84125

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: (____) ____-____
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)
ACCOMPANIED BY: _____ PHONE NUMBER: (____) ____-____
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A37-00577BP PRIORITY DATE: 03-24-1883 STAGE: D
B. WR RECORD: # 37-00577BP PRIORITY DATE: 03-24-1883 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE FIELD
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) Y EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A37-00577BP	02N	18E	16	SE	SW	NE		BLAINE
A37-00577BP	03N	18E	20	NW	SW	NW		BLAINE

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A37-00113F	37-00577BQ
A37-11858	37-00113D
A37-00481D	37-00113F
A37-00482J	37-00155
A37-00483D	37-00158B
A37-00158A	37-00481
A37-00577A	37-00482A
A37-00833P	37-00483
A37-00113G	37-00577AT
R37-00577A	37-00577BF
A37-00917	37-00577BH
R37-00483D	37-00577BJ
R37-00577BP	37-00577BK
R37-00917	37-00705
-	37-00707
-	37-00833J
-	37-00659A
-	37-00004
-	37-00024
-	37-00028
-	37-00183
-	37-00191
-	37-00297
-	37-00298A
-	37-00334D
-	37-00402
-	37-00451
-	37-00521H
-	37-00522B

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
37-00577BP	03N	18E	18	SW	SE	NE		BLAINE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

NONE

A31-10236
A37-12147
A37-12431

A37-12958
A37-11262
A37-11803

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	_____
DUE TO SOURCE DISCREPANCY? (Y/N)	N	_____

REMARKS:

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
------	------	------	-----	-----	-----	-----	--------

_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: BIG WOOD RIVER

TRIB: MALAD RIVER

REVIEWED BY: _____

DATE: _____

=====

A. ROOT WATER RIGHT NUMBERS: A37-00577A
A37-00577AA

A37-00577Y

A37-00577AH

A37-00577BH

A37-00577K

A37-00577AQ

A37-00577AP

A37-00577AK

A37-00577B

A37-00577AZ

A37-00577BQ

A37-00577BR

A37-00577BS

A37-00577BU

A37-00577BV

A37-00577BW

A37-00577BX

A37-00577BB

A37-00577BN

A37-00577BP

A37-00577CB

A37-00577CC

A37-00577CA

A37-00577V

A37-00577BZ

A37-00577BT

A37-00577BY

A37-00577CD

R37-00577A

R37-00577AQ

R37-00577BP

R37-00577BQ

R37-00577BR

R37-00577BW

R37-00577BX

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	18E	23	SW	SE		ECCLES , SPENCER F.	A37-00577BP/ 9.0	- /	22.0		
						ECCLES , SPENCER F.	A37-07356 / 7.0	37-07356 / 7.0			
						ECCLES , SPENCER F.	A37-00481D / 9.0	- /			
						ECCLES , SPENCER F.	A37-00482J / 9.0	- /			
						ECCLES , SPENCER F.	A37-00483D / 9.0	- /			
						ECCLES , SPENCER F.	R37-07356 / 7.0	- /			
						ECCLES , SPENCER F.	A37-02713 / 7.0	37-02713 / 7.0			
						ECCLES , SPENCER F.	R37-00481D / 9.0	- /			
						ECCLES , SPENCER F.	R37-00482J / 9.0	- /			
						ECCLES , SPENCER F.	R37-00483D / 9.0	- /			
						ECCLES , SPENCER F.	R37-00577BP/ 9.0	- /			
						ECCLES , SPENCER F.	R37-02713 / 7.0	- /			
						CITY OF HAILEY	A37-00296 /	- /			
						HAILEY , CITY OF	R37-00296 /	- /			
						MILLER , ANNIE I.		37-00481 /			
						MILLER , ANNIE I.		37-00482A /			
						MILLER , ANNIE I.		37-00483 /			
						ROY , AMELIA VIC		37-00577H /			
						FOX , E. W.		37-00905 /			
						SPENCER , DONALD		37-02475 / 8.0			
						QUIGLEY LAND & LIVESTOCK CO. I		37-02659 / 23.0			
02N	18E	23	SE	SE		ECCLES , SPENCER F.	A37-00577BP/ 8.0	- /	15.0		
						ECCLES , SPENCER F.	A37-07356 / 6.0	37-07356 / 6.0			
						ECCLES , SPENCER F.	A37-00481D / 8.0	- /			
						ECCLES , SPENCER F.	A37-00482J / 8.0	- /			
						ECCLES , SPENCER F.	A37-00483D / 8.0	- /			
						ECCLES , SPENCER F.	R37-07356 / 6.0	- /			
						ECCLES , SPENCER F.	A37-02713 / 6.0	37-02713 / 6.0			
						ECCLES , SPENCER F.	R37-00481D / 8.0	- /			
						ECCLES , SPENCER F.	R37-00482J / 8.0	- /			
						ECCLES , SPENCER F.	R37-00483D / 8.0	- /			
						ECCLES , SPENCER F.	R37-00577BP/ 8.0	- /			
						ECCLES , SPENCER F.	R37-02713 / 6.0	- /			
						CITY OF HAILEY	A37-00296 /	- /			
						HAILEY , CITY OF	R37-00296 /	- /			
						MILLER , ANNIE I.		37-00481 /			
						MILLER , ANNIE I.		37-00482A /			

MILLER , ANNIE I.
 ROY , AMELIA VIC
 QUIGLEY LAND & LIVESTOCK CO. I

37-00483 /
 37-00577H /
 37-02659 /16.0

02N 18E 25 NW NW

ECCLES , SPENCER F. A37-00577BP/16.0
 ECCLES , SPENCER F. A37-07356 /40.0
 ECCLES , SPENCER F. A37-00481D /16.0
 ECCLES , SPENCER F. A37-00482J /16.0
 ECCLES , SPENCER F. A37-00483D /16.0
 ECCLES , SPENCER F. R37-07356 /40.0
 ECCLES , SPENCER F. A37-02713 /40.0
 ECCLES , SPENCER F. R37-00481D /16.0
 ECCLES , SPENCER F. R37-00482J /16.0
 ECCLES , SPENCER F. R37-00483D /16.0
 ECCLES , SPENCER F. R37-00577BP/16.0
 ECCLES , SPENCER F. R37-02713 /40.0

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 37-07356 /40.0
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 37-02713 /40.0
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32.0

MILLER , ANNIE I.
 MILLER , ANNIE I.
 MILLER , ANNIE I.
 ROY , AMELIA VIC
 FOX , E. W.

37-00481 /
 37-00482A /
 37-00483 /
 37-00577H /
 37-00905 /

02N 18E 26 NW NE

ECCLES , SPENCER F. A37-00577BP/33.0
 ECCLES , SPENCER F. A37-07356 /33.0
 ECCLES , SPENCER F. A37-00481D /33.0
 ECCLES , SPENCER F. A37-00482J /33.0
 ECCLES , SPENCER F. A37-00483D /33.0
 ECCLES , SPENCER F. A37-02713 /33.0
 ECCLES , SPENCER F. R37-00481D /33.0
 ECCLES , SPENCER F. R37-00482J /33.0
 ECCLES , SPENCER F. R37-00483D /33.0
 ECCLES , SPENCER F. R37-00577BP/33.0
 ECCLES , SPENCER F. R37-02713 /33.0
 ECCLES , SPENCER F. R37-07356 /33.0

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 37-07356 /33.0
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 37-02713 /33.0
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31.0

MILLER , ANNIE I.
 MILLER , ANNIE I.
 MILLER , ANNIE I.
 ROY , AMELIA VIC
 FOX , E. W.
 SPENCER , DONALD

37-00481 /
 37-00482A /
 37-00483 /
 37-00577H /
 37-00905 /
 37-02475 /30.0

02N 18E 26 SE NE

ECCLES , SPENCER F. A37-00577BP/14.0
 ECCLES , SPENCER F. A37-07356 /18.0
 ECCLES , SPENCER F. A37-00481D /14.0
 ECCLES , SPENCER F. A37-00482J /14.0
 ECCLES , SPENCER F. A37-00483D /14.0
 HAZEN , MAXINE A37-00005 / 2.0
 ECCLES , SPENCER F. A37-02713 /18.0
 HAZEN , RICHARD R37-00005 / 2.0
 ECCLES , SPENCER F. R37-00481D /14.0
 ECCLES , SPENCER F. R37-00482J /14.0
 ECCLES , SPENCER F. R37-00483D /14.0
 ECCLES , SPENCER F. R37-00577BP/14.0
 ECCLES , SPENCER F. R37-02713 /18.0
 ECCLES , SPENCER F. R37-07356 /18.0

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 37-07356 /18.0
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 37-02713 /18.0
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8.0

MILLER , ANNIE I.
 MILLER , ANNIE I.
 MILLER , ANNIE I.
 ROY , AMELIA VIC

37-00481 /
 37-00482A /
 37-00483 /
 37-00577H /

FOX , E. W.
 ROCKWELL WHITE POWER CO.
 CONSOLIDATED POWER CO.
 CONSOLIDATED POWER CO.

37-00905 /
 37-02093 /
 37-07866 /
 37-08159 /

02N 18E 26 NE NW	ECCLES , SPENCER F.	A37-00577BP/40.0	-	/	25.0
	ECCLES , SPENCER F.	A37-07356 /39.0	37-07356	/39.0	
	ECCLES , SPENCER F.	A37-00481D /40.0	-	/	
	ECCLES , SPENCER F.	A37-00482J /40.0	-	/	
	ECCLES , SPENCER F.	A37-00483D /40.0	-	/	
	ECCLES , SPENCER F.	A37-02713 /39.0	37-02713	/39.0	
	ECCLES , SPENCER F.	R37-00481D /40.0	-	/	
	ECCLES , SPENCER F.	R37-00482J /40.0	-	/	
	ECCLES , SPENCER F.	R37-00483D /40.0	-	/	
	ECCLES , SPENCER F.	R37-00577BP/40.0	-	/	
	ECCLES , SPENCER F.	R37-02713 /39.0	-	/	
	ECCLES , SPENCER F.	R37-07356 /39.0	-	/	
	MILLER , ANNIE I.		37-00481	/	
	MILLER , ANNIE I.		37-00482A	/	
	MILLER , ANNIE I.		37-00483	/	
	ROY , AMELIA VIC		37-00577H	/	
	SPENCER , DONALD		37-02475	/40.0	
02N 18E 26 NW NW	ECCLES , SPENCER F.	A37-00577BP/10.0	-	/	8.0
	ECCLES , SPENCER F.	A37-07356 /40.0	37-07356	/40.0	
	ECCLES , SPENCER F.	A37-00481D /10.0	-	/	
	ECCLES , SPENCER F.	A37-00482J /10.0	-	/	
	ECCLES , SPENCER F.	A37-00483D /10.0	-	/	
	ECCLES , SPENCER F.	A37-02713 /40.0	37-02713	/40.0	
	ECCLES , SPENCER F.	R37-00481D /10.0	-	/	
	ECCLES , SPENCER F.	R37-00482J /10.0	-	/	
	ECCLES , SPENCER F.	R37-00483D /10.0	-	/	
	ECCLES , SPENCER F.	R37-00577BP/10.0	-	/	
	ECCLES , SPENCER F.	R37-02713 /40.0	-	/	
	ECCLES , SPENCER F.	R37-07356 /40.0	-	/	
	MILLER , ANNIE I.		37-00481	/	
	MILLER , ANNIE I.		37-00482A	/	
	MILLER , ANNIE I.		37-00483	/	
	ROY , AMELIA VIC		37-00577H	/	
	SPENCER , DONALD		37-02475	/40.0	
02N 18E 23 SW SW	ECCLES , SPENCER F.	A37-00577BP/40.0	-	/	38.0
	ECCLES , SPENCER F.	A37-02713 /37.0	37-02713	/37.0	
	ECCLES , SPENCER F.	A37-00917 /40.0	37-00917	/	
	ECCLES , SPENCER F.	A37-07356 /37.0	37-07356	/37.0	
	ECCLES , SPENCER F.	A37-00481D /40.0	-	/	
	ECCLES , SPENCER F.	A37-00482J /40.0	-	/	
	ECCLES , SPENCER F.	A37-00483D /40.0	-	/	
	ECCLES , SPENCER F.	R37-07356 /37.0	-	/	
	ECCLES , SPENCER F.	R37-00481D /40.0	-	/	
	ECCLES , SPENCER F.	R37-00482J /40.0	-	/	
	ECCLES , SPENCER F.	R37-00483D /40.0	-	/	
	ECCLES , SPENCER F.	R37-00577BP/40.0	-	/	
	ECCLES , SPENCER F.	R37-00917 /40.0	-	/	
	ECCLES , SPENCER F.	R37-02713 /37.0	-	/	
	MILLER , ANNIE I.		37-00481	/	
	MILLER , ANNIE I.		37-00482A	/	
	MILLER , ANNIE I.		37-00483	/	
	ROY , AMELIA VIC		37-00577H	/	

SPENCER , DONALD

37-02475 /40.0

02N 18E 25 SW NW

ECCLES , SPENCER F.	A37-00577BP/34.0	-	/	37.0
DIVINE , TED C.	A37-11975 / 3.0	-	/	
DIVINE , TED C.	A37-11976 / 3.0	-	/	
DIVINE , TED C.	A37-11977 / 3.0	-	/	
DIVINE , TED C.	A37-11978 / 3.0	-	/	
ECCLES , SPENCER F.	A37-07356 /40.0	37-07356	/40.0	
ECCLES , SPENCER F.	A37-00481D /34.0	-	/	
ECCLES , SPENCER F.	A37-00482J /34.0	-	/	
ECCLES , SPENCER F.	A37-00483D /34.0	-	/	
ECCLES , SPENCER F.	A37-02713 /40.0	37-02713	/40.0	
ECCLES , SPENCER F.	R37-00481D /34.0	-	/	
ECCLES , SPENCER F.	R37-00482J /34.0	-	/	
ECCLES , SPENCER F.	R37-00483D /34.0	-	/	
ECCLES , SPENCER F.	R37-00577BP/34.0	-	/	
ECCLES , SPENCER F.	R37-02713 /40.0	-	/	
ECCLES , SPENCER F.	R37-07356 /40.0	-	/	
DIVINE , TED C.	R37-11975 / 3.0	-	/	
DIVINE , TED C.	R37-11976 / 3.0	-	/	
DIVINE , TED C.	R37-11977 / 3.0	-	/	
DIVINE , TED C.	R37-11978 / 3.0	-	/	
MILLER , ANNIE I.		37-00481	/	
MILLER , ANNIE I.		37-00482A	/	
MILLER , ANNIE I.		37-00483	/	
ROY , AMELIA VIC		37-00577H	/	
FOX , E. W.		37-00905	/	

02N 18E 26 SE NW

ECCLES , SPENCER F.	A37-00577BP/18.0	-	/	
ECCLES , SPENCER F.	A37-07356 /40.0	37-07356	/40.0	
ECCLES , SPENCER F.	A37-00481D /18.0	-	/	
ECCLES , SPENCER F.	A37-00482J /18.0	-	/	
ECCLES , SPENCER F.	A37-00483D /18.0	-	/	
ECCLES , SPENCER F.	A37-02713 /40.0	37-02713	/40.0	
ECCLES , SPENCER F.	R37-00481D /18.0	-	/	
ECCLES , SPENCER F.	R37-00482J /18.0	-	/	
ECCLES , SPENCER F.	R37-00483D /18.0	-	/	
ECCLES , SPENCER F.	R37-00577BP/18.0	-	/	
ECCLES , SPENCER F.	R37-02713 /40.0	-	/	
ECCLES , SPENCER F.	R37-07356 /40.0	-	/	
MILLER , ANNIE I.		37-00481	/	
MILLER , ANNIE I.		37-00482A	/	
MILLER , ANNIE I.		37-00483	/	
ROY , AMELIA VIC		37-00577H	/	
SPENCER , DONALD		37-02475	/40.0	

02N 18E 15 SW SE

ECCLES , SPENCER F.	A37-00577BP/17.0	-	/	5.0
ECCLES , SPENCER F.	A37-00917 /17.0	37-00917	/	
ECCLES , SPENCER F.	A37-07356 /17.0	37-07356	/17.0	
ECCLES , SPENCER F.	A37-00483D /17.0	-	/	
ECCLES , SPENCER F.	R37-07356 /17.0	-	/	
NORTH STAR FUNDING	A37-12808 /	-	/	
ECCLES , SPENCER F.	A37-02713 /17.0	37-02713	/17.0	
FRIEDMAN MEMORIAL AIRPORT	A37-12138 /	-	/	
ECCLES , SPENCER F.	R37-00483D /17.0	-	/	
ECCLES , SPENCER F.	R37-00577BP/17.0	-	/	
ECCLES , SPENCER F.	R37-00917 /17.0	-	/	
ECCLES , SPENCER F.	R37-02713 /17.0	-	/	
FRIEDMAN MEMORIAL AIRPORT	R37-12138 /	-	/	

NORTH STAR FUNDING	R37-12808	/	-	/	
CITY OF HAILEY	A37-00296	/	-	/	
HAILEY , CITY OF	R37-00296	/	-	/	
PAULL , AUGUSTA			37-00577F	/	
JUSTUS , ROY L.			37-00648B	/	
CITY OF HAILEY			37-00906	/	
SPENCER , DONALD			37-02475	/20.0	

02N 18E 15 SE SE	ECCLES , SPENCER F.	A37-00577BP/ 6.0	-	/	
	ECCLES , SPENCER F.	A37-00917 / 6.0	37-00917	/	
	ECCLES , SPENCER F.	A37-07356 / 6.0	37-07356	/ 6.0	
	ECCLES , SPENCER F.	A37-00483D / 6.0	-	/	
	ECCLES , SPENCER F.	R37-07356 / 6.0	-	/	
	ECCLES , SPENCER F.	A37-02713 / 6.0	37-02713	/ 6.0	
	ECCLES , SPENCER F.	R37-00483D / 6.0	-	/	
	ECCLES , SPENCER F.	R37-00577BP/ 6.0	-	/	
	ECCLES , SPENCER F.	R37-00917 / 6.0	-	/	
	ECCLES , SPENCER F.	R37-02713 / 6.0	-	/	
	CITY OF HAILEY	A37-00296 /	-	/	
	HAILEY , CITY OF	R37-00296 /	-	/	
	PAULL , AUGUSTA		37-00577F	/	
	JUSTUS , ROY L.		37-00648B	/	
	FOX , E. W.		37-00905	/	
	CITY OF HAILEY		37-00906	/	
	SPENCER , DONALD		37-02475	/10.0	
	QUIGLEY LAND & LIVESTOCK CO. I		37-02659	/23.0	

02N 18E 22 NE NE	ECCLES , SPENCER F.	A37-00577BP/21.0	-	/	16.0
	CITY OF HAILEY	A37-00296 /	-	/	
	ECCLES , SPENCER F.	A37-00917 /21.0	37-00917	/	
	ECCLES , SPENCER F.	A37-07356 /33.0	37-07356	/33.0	
	ECCLES , SPENCER F.	A37-00483D /21.0	-	/	
	ECCLES , SPENCER F.	R37-07356 /33.0	-	/	
	ECCLES , SPENCER F.	A37-02713 /33.0	37-02713	/33.0	
	ECCLES , SPENCER F.	R37-00483D /21.0	-	/	
	ECCLES , SPENCER F.	R37-00577BP/21.0	-	/	
	ECCLES , SPENCER F.	R37-00917 /21.0	-	/	
	ECCLES , SPENCER F.	R37-02713 /33.0	-	/	
	HAILEY , CITY OF	R37-00296 /	-	/	
	SPENCER , DONALD		37-02475	/40.0	
	QUIGLEY LAND & LIVESTOCK CO. I		37-02659	/ 1.0	

02N 18E 22 NW NE	ECCLES , SPENCER F.	A37-00577BP/29.0	-	/	29.0
	ECCLES , SPENCER F.	A37-00917 /29.0	37-00917	/	
	ECCLES , SPENCER F.	A37-07356 /40.0	37-07356	/40.0	
	ECCLES , SPENCER F.	A37-00483D /29.0	-	/	
	ECCLES , SPENCER F.	R37-07356 /40.0	-	/	
	ECCLES , SPENCER F.	A37-02713 /40.0	37-02713	/40.0	
	ECCLES , SPENCER F.	R37-00483D /29.0	-	/	
	ECCLES , SPENCER F.	R37-00577BP/29.0	-	/	
	ECCLES , SPENCER F.	R37-00917 /29.0	-	/	
	ECCLES , SPENCER F.	R37-02713 /40.0	-	/	
	SPENCER , DONALD		37-02475	/40.0	

02N 18E 22 SE NE	ECCLES , SPENCER F.	A37-00577BP/34.0	-	/	36.0
	ECCLES , SPENCER F.	A37-00917 /34.0	37-00917	/	
	ECCLES , SPENCER F.	A37-07356 /40.0	37-07356	/40.0	
	ECCLES , SPENCER F.	A37-00481D /14.0	-	/	
	ECCLES , SPENCER F.	A37-00482J /14.0	-	/	

ECCLES , SPENCER F.	A37-00483D /34.0	-	/
ECCLES , SPENCER F.	R37-07356 /40.0	-	/
ECCLES , SPENCER F.	A37-02713 /40.0	37-02713	/40.0
ECCLES , SPENCER F.	R37-00481D /14.0	-	/
ECCLES , SPENCER F.	R37-00482J /14.0	-	/
ECCLES , SPENCER F.	R37-00483D /34.0	-	/
ECCLES , SPENCER F.	R37-00577BP/34.0	-	/
ECCLES , SPENCER F.	R37-00917 /34.0	-	/
ECCLES , SPENCER F.	R37-02713 /40.0	-	/
WOOD RIVER LAND CO.		37-00577BA/	
SPENCER , DONALD		37-02475	/40.0

02N 18E 22 NE SE				
ECCLES , SPENCER F.	A37-00577BP/10.0	-	/	12.0
ECCLES , SPENCER F.	A37-07356 /37.0	37-07356	/37.0	
ECCLES , SPENCER F.	A37-00481D /10.0	-	/	
ECCLES , SPENCER F.	A37-00482J /10.0	-	/	
ECCLES , SPENCER F.	A37-00483D /10.0	-	/	
ECCLES , SPENCER F.	R37-07356 /37.0	-	/	
ECCLES , SPENCER F.	A37-02713 /37.0	37-02713	/37.0	
ECCLES , SPENCER F.	R37-00481D /10.0	-	/	
ECCLES , SPENCER F.	R37-00482J /10.0	-	/	
ECCLES , SPENCER F.	R37-00483D /10.0	-	/	
ECCLES , SPENCER F.	R37-00577BP/10.0	-	/	
ECCLES , SPENCER F.	R37-02713 /37.0	-	/	
WOOD RIVER LAND CO.		37-00577BA/		
SPENCER , DONALD		37-02475	/40.0	

02N 18E 23 SW NW				
ECCLES , SPENCER F.	A37-00577BP/23.0	-	/	33.0
ECCLES , SPENCER F.	A37-00917 /23.0	37-00917	/	
ECCLES , SPENCER F.	A37-07356 /22.0	37-07356	/22.0	
ECCLES , SPENCER F.	R37-02713 /22.0	37-02713	/22.0	
ECCLES , SPENCER F.	A37-00483D /23.0	-	/	
ECCLES , SPENCER F.	R37-07356 /22.0	-	/	
ECCLES , SPENCER F.	A37-02713 /22.0	-	/	
ECCLES , SPENCER F.	R37-00483D /23.0	-	/	
ECCLES , SPENCER F.	R37-00577BP/23.0	-	/	
ECCLES , SPENCER F.	R37-00917 /23.0	-	/	
CITY OF HAILEY	A37-00296 /	-	/	
HAILEY , CITY OF	R37-00296 /	-	/	
JUSTUS , ROY L.		37-00648B	/	
SPENCER , DONALD		37-02475	/30.0	
QUIGLEY LAND & LIVESTOCK CO. I		37-02659	/ 4.0	

02N 18E 23 NE SW				
ECCLES , SPENCER F.	A37-00577BP/16.0	-	/	25.0
ECCLES , SPENCER F.	A37-02713 /11.0	37-02713	/11.0	
ECCLES , SPENCER F.	A37-07356 /11.0	37-07356	/11.0	
ECCLES , SPENCER F.	A37-00481D /11.0	-	/	
ECCLES , SPENCER F.	A37-00482J /11.0	-	/	
ECCLES , SPENCER F.	A37-00483D /16.0	-	/	
ECCLES , SPENCER F.	R37-07356 /11.0	-	/	
ECCLES , SPENCER F.	R37-11804 /	-	/	
ECCLES , SPENCER F.	A37-11804 /	-	/	
ECCLES , SPENCER F.	R37-00481D /11.0	-	/	
ECCLES , SPENCER F.	R37-00482J /11.0	-	/	
ECCLES , SPENCER F.	R37-00483D /16.0	-	/	
ECCLES , SPENCER F.	R37-00577BP/16.0	-	/	
ECCLES , SPENCER F.	R37-02713 /11.0	-	/	
CITY OF HAILEY	A37-00296 /	-	/	
HAILEY , CITY OF	R37-00296 /	-	/	

MILLER , ANNIE I.	37-00481 /
MILLER , ANNIE I.	37-00482A /
MILLER , ANNIE I.	37-00483 /
ROY , AMELIA VIC	37-00577H /
SPENCER , DONALD	37-02475 /20.0
QUIGLEY LAND & LIVESTOCK CO. I	37-02659 /11.0

02N 18E 23 NW SW	ECCLES , SPENCER F.	A37-00577BP/40.0	- /	37.0
	ECCLES , SPENCER F.	A37-02713 /40.0	37-02713 /40.0	
	ECCLES , SPENCER F.	A37-00917 /40.0	37-00917 /	
	ECCLES , SPENCER F.	A37-07356 /40.0	37-07356 /40.0	
	ECCLES , SPENCER F.	A37-00481D /27.0	- /	
	ECCLES , SPENCER F.	A37-00482J /27.0	- /	
	ECCLES , SPENCER F.	A37-00483D /40.0	- /	
	ECCLES , SPENCER F.	R37-07356 /40.0	- /	
	ECCLES , SPENCER F.	R37-11804 /	- /	
	ECCLES , SPENCER F.	A37-11804 /	- /	
	ECCLES , SPENCER F.	R37-00481D /27.0	- /	
	ECCLES , SPENCER F.	R37-00482J /27.0	- /	
	ECCLES , SPENCER F.	R37-00483D /40.0	- /	
	ECCLES , SPENCER F.	R37-00577BP/40.0	- /	
	ECCLES , SPENCER F.	R37-00917 /40.0	- /	
	ECCLES , SPENCER F.	R37-02713 /40.0	- /	
	WOOD RIVER LAND CO.		37-00577BA/	
	SPENCER , DONALD		37-02475 /40.0	

02N 18E 23 SE SW	ECCLES , SPENCER F.	A37-00577BP/34.0	- /	38.0
	ECCLES , SPENCER F.	A37-02713 /33.0	37-02713 /33.0	
	ECCLES , SPENCER F.	A37-00917 /34.0	37-00917 /	
	ECCLES , SPENCER F.	A37-07356 /33.0	37-07356 /33.0	
	ECCLES , SPENCER F.	A37-00481D /34.0	- /	
	ECCLES , SPENCER F.	A37-00482J /34.0	- /	
	ECCLES , SPENCER F.	A37-00483D /34.0	- /	
	ECCLES , SPENCER F.	R37-07356 /33.0	- /	
	ECCLES , SPENCER F.	R37-00481D /34.0	- /	
	ECCLES , SPENCER F.	R37-00482J /34.0	- /	
	ECCLES , SPENCER F.	R37-00483D /34.0	- /	
	ECCLES , SPENCER F.	R37-00577BP/34.0	- /	
	ECCLES , SPENCER F.	R37-00917 /34.0	- /	
	ECCLES , SPENCER F.	R37-02713 /33.0	- /	
	MILLER , ANNIE I.		37-00481 /	
	MILLER , ANNIE I.		37-00482A /	
	MILLER , ANNIE I.		37-00483 /	
	ROY , AMELIA VIC		37-00577H /	
	FOX , E. W.		37-00905 /	
	SPENCER , DONALD		37-02475 /40.0	

02N 18E 26 NE NE	ECCLES , SPENCER F.	A37-00577BP/38.0	- /	39.0
	ECCLES , SPENCER F.	A37-07356 /38.0	37-07356 /38.0	
	ECCLES , SPENCER F.	A37-00481D /38.0	- /	
	ECCLES , SPENCER F.	A37-00482J /38.0	- /	
	ECCLES , SPENCER F.	A37-00483D /38.0	- /	
	ECCLES , SPENCER F.	A37-02713 /38.0	37-02713 /38.0	
	ECCLES , SPENCER F.	R37-00481D /38.0	- /	
	ECCLES , SPENCER F.	R37-00482J /38.0	- /	
	ECCLES , SPENCER F.	R37-00483D /38.0	- /	
	ECCLES , SPENCER F.	R37-00577BP/38.0	- /	
	ECCLES , SPENCER F.	R37-02713 /38.0	- /	
	ECCLES , SPENCER F.	R37-07356 /38.0	- /	

MILLER , ANNIE I.	37-00481 /
MILLER , ANNIE I.	37-00482A /
MILLER , ANNIE I.	37-00483 /
ROY , AMELIA VIC	37-00577H /
FOX , E. W.	37-00905 /

02N 18E 26 SW NE	ECCLES , SPENCER F.	A37-00577BP/31.0	-	/	
	ECCLES , SPENCER F.	A37-07356 /39.0	37-07356	/39.0	
	ECCLES , SPENCER F.	A37-00481D /31.0	-	/	
	ECCLES , SPENCER F.	A37-00482J /31.0	-	/	
	ECCLES , SPENCER F.	A37-00483D /31.0	-	/	
	ECCLES , SPENCER F.	R37-11805 /	-	/	
	ECCLES , SPENCER F.	A37-02713 /39.0	37-02713	/39.0	
	ECCLES , SPENCER F.	A37-11805 /	-	/	
	ECCLES , SPENCER F.	R37-00481D /31.0	-	/	
	ECCLES , SPENCER F.	R37-00482J /31.0	-	/	
	ECCLES , SPENCER F.	R37-00483D /31.0	-	/	
	ECCLES , SPENCER F.	R37-00577BP/31.0	-	/	
	ECCLES , SPENCER F.	R37-02713 /39.0	-	/	
	ECCLES , SPENCER F.	R37-07356 /39.0	-	/	
	MILLER , ANNIE I.		37-00481	/	
	MILLER , ANNIE I.		37-00482A	/	
	MILLER , ANNIE I.		37-00483	/	
	ROY , AMELIA VIC		37-00577H	/	
	SPENCER , DONALD		37-02475	/30.0	

02N 18E 23 NW NW	ECCLES , SPENCER F.	A37-00577BP/ 2.0	-	/	5.0
	ECCLES , SPENCER F.	A37-00917 / 2.0	37-00917	/	
	ECCLES , SPENCER F.	A37-07356 / 2.0	37-07356	/ 2.0	
	ECCLES , SPENCER F.	A37-00483D / 2.0	-	/	
	ECCLES , SPENCER F.	R37-07356 / 2.0	-	/	
	ECCLES , SPENCER F.	A37-02713 / 2.0	37-02713	/ 2.0	
	ECCLES , SPENCER F.	R37-00483D / 2.0	-	/	
	ECCLES , SPENCER F.	R37-00577BP/ 2.0	-	/	
	ECCLES , SPENCER F.	R37-00917 / 2.0	-	/	
	ECCLES , SPENCER F.	R37-02713 / 2.0	-	/	
	CITY OF HAILEY	A37-00296 /	-	/	
	HAILEY , CITY OF	R37-00296 /	-	/	
	JUSTUS , ROY L.		37-00648B	/	
	SPENCER , DONALD		37-02475	/10.0	
	QUIGLEY LAND & LIVESTOCK CO. I		37-02659	/33.0	

TOTAL ACRES	A37-00577BP	523.00	491.00
-------------	-------------	--------	--------

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A37-00577BP IRRIGATION	FROM 04-01 TO 11-01	7.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		7.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
37-00577BP IRRIGATION	FROM 04-01 TO 11-01	.180 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		.180 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(____) N(____)

RECOMMEND TO WR STANDARDS OR OTHER? Y(____) N(____) Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 7.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.180 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 37-00483,37-00482,37-00481,37-07356 &37-02713

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-00577BP	BIG WOOD RIVER	ECCLES , SPENCER F.	7.000	0.013		
A37-07356	GROUNDWATER	ECCLES , SPENCER F.	2.680	0.004		
A37-00482J	BIG WOOD RIVER	ECCLES , SPENCER F.	3.000	0.007		
A37-00483D	BIG WOOD RIVER	ECCLES , SPENCER F.	3.000	0.005		
R37-07356	GROUNDWATER	ECCLES , SPENCER F.	2.680	0.004		
A37-02713	GROUNDWATER	ECCLES , SPENCER F.	10.000	0.015		
R37-00481D	BIG WOOD RIVER	ECCLES , SPENCER F.	3.000	0.007		
R37-00482J	BIG WOOD RIVER	ECCLES , SPENCER F.	3.000	0.007		
R37-00483D	BIG WOOD RIVER	ECCLES , SPENCER F.	3.000	0.005		
R37-00577BP	BIG WOOD RIVER	ECCLES , SPENCER F.	7.000	0.013		
R37-02713	GROUNDWATER	ECCLES , SPENCER F.	10.000	0.015		
A37-00005	BIG WOOD RIVER	HAZEN , MAXINE	3.000	0.040		
R37-00005	BIG WOOD RIVER	HAZEN , RICHARD	3.000	0.040		
A37-00917	BIG WOOD RIVER	ECCLES , SPENCER F.	2.544	0.010		
R37-00917	BIG WOOD RIVER	ECCLES , SPENCER F.	2.544	0.010		
A37-11975	BIG WOOD RIVER	DIVINE , TED C.	3.500	0.044		
A37-11976	BIG WOOD RIVER	DIVINE , TED C.	0.700	0.008		
A37-11977	BIG WOOD RIVER	DIVINE , TED C.	0.800	0.010		

RIGHT	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A37-11978	BIG WOOD RIVER	DIVINE , TED C.	3.500	0.044		
R37-11975	BIG WOOD RIVER	DIVINE , TED C.	3.500	0.044		
R37-11976	BIG WOOD RIVER	DIVINE , TED C.	0.700	0.008		
R37-11977	BIG WOOD RIVER	DIVINE , TED C.	0.800	0.010		
R37-11978	BIG WOOD RIVER	DIVINE , TED C.	3.500	0.044		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A37-00296	MUNICIPAL	CITY OF HAILEY	FROM 01-01 TO 12-31	2.620 CFS	
R37-00296	MUNICIPAL	HAILEY , CITY OF	FROM 01-01 TO 12-31	2.620 CFS	
A37-12808	DOMESTIC	NORTH STAR FUNDING	FROM 01-01 TO 12-31	.040 CFS	
A37-12138	DOMESTIC	FRIEDMAN MEMORIAL AIRPORT	FROM 01-01 TO 12-31	.040 CFS	
R37-12138	DOMESTIC	FRIEDMAN MEMORIAL AIRPORT	FROM 01-01 TO 12-31	.040 CFS	
R37-12808	DOMESTIC	NORTH STAR FUNDING	FROM 01-01 TO 12-31	.040 CFS	
R37-11804	DOMESTIC	ECCLES , SPENCER F.	FROM 01-01 TO 12-31	.040 CFS	
R37-11804	STOCKWATER	ECCLES , SPENCER F.	FROM 01-01 TO 12-31	.050 CFS	
A37-11804	DOMESTIC	ECCLES , SPENCER F.	FROM 01-01 TO 12-31	.040 CFS	
A37-11804	STOCKWATER	ECCLES , SPENCER F.	FROM 01-01 TO 12-31	.050 CFS	
R37-11805	STOCKWATER	ECCLES , SPENCER F.	FROM 01-01 TO 12-31	.050 CFS	
A37-11805	STOCKWATER	ECCLES , SPENCER F.	FROM 01-01 TO 12-31	.050 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(____) N(____)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(____) N(____) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A
ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE 7.000 EXAMINER _____	DATABASE EXAMINER _____	DATABASE 0.0 EXAMINER _____
TOTAL FOR THIS RIGHT		7.000		0.0

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 37-00577

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
79.464

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A37-00577A	0.350	37-00577A	
-	A37-00577AA	0.990	37-00577AA	0.994
-	A37-00577Y	0.500	37-00577Y	2.800
-	A37-00577AH	1.580	37-00577AH	1.580
-	A37-00577BH	0.180	37-00577BH	0.180
-	A37-00577K	1.380	37-00577K	2.000
-	A37-00577AQ	0.020	37-00577AQ	
-	A37-00577AP	1.430	37-00577AP	1.430
-	A37-00577AK	0.200	37-00577AK	0.200
-	A37-00577B	2.740	37-00577B	2.740
-	A37-00577AZ	2.900	37-00577AZ	2.700
-	A37-00577BQ	0.500	37-00577BQ	0.040
-	A37-00577BR	0.060	37-00577BR	0.260
A37-00577	A37-00577BS	0.898	37-00577	
-	A37-00577BU	1.200	-	
-	A37-00577BV	1.710	-	
-	A37-00577BW	0.140	-	
-	A37-00577BX	0.212	-	
-	A37-00577BB	0.484	37-00577BB	0.484
-	A37-00577BN	1.250	37-00577BN	14.678
-	A37-00577BP	7.000	37-00577BP	0.180
-	A37-00577CB	0.100	-	
-	A37-00577CC	2.200	-	
-	A37-00577CA	0.260	-	
-	A37-00577V	2.800	37-00577V	1.000
-	A37-00577BZ	0.690	-	
-	A37-00577BT	2.200	-	
-	A37-00577BY	0.100	-	
-	A37-00577CD	0.546	-	
A37-00577AT	R37-00577A	0.350	37-00577AT	0.350
A37-00577	R37-00577AQ	0.020	37-00577	
A37-00577	R37-00577BP	7.000	37-00577	
A37-00577	R37-00577BQ	0.500	37-00577	
A37-00577	R37-00577BR	0.060	37-00577	
A37-00577	R37-00577BW	0.140	37-00577	

A37-00577

R37-00577BX

0.212

37-00577	
37-00577AB	
37-00577AC	2.400
37-00577AD	
37-00577AE	1.006
37-00577AF	6.780
37-00577AG	
37-00577AJ	
37-00577AL	
37-00577AM	
37-00577AN	
37-00577AR	2.840
37-00577AS	
37-00577AU	
37-00577AV	0.460
37-00577AW	
37-00577AX	0.100
37-00577AY	
37-00577BA	12.516
37-00577BC	
37-00577BD	1.200
37-00577BE	
37-00577BF	0.020
37-00577BG	
37-00577BJ	0.100
37-00577BK	0.100
37-00577BL	
37-00577BM	0.726
37-00577C	
37-00577D	
37-00577E	
37-00577F	1.000
37-00577G	
37-00577H	6.000
37-00577J	
37-00577L	
37-00577M	1.600
37-00577N	
37-00577P	4.000
37-00577Q	
37-00577R	5.000
37-00577S	
37-00577T	1.000
37-00577U	
37-00577W	
37-00577X	1.000
37-00577Z	

TOTAL CFS

42.902

79.464

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE

N

FIELD
EXAMINER

REMARKS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:42
05/19/90

PAGE: 23
QUICKLOOK INFORMATION

CLAIM NUMBER: A37-00577BP

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

6-1-11

37-577BP-20625 Eccles
status Conf Brigitte

Evan, Nick, Randy Budge (for Indian Cr Ranch)

Dana - Dying, cannot call in

Craig - could not make meeting

Al. Barker - status unknown.

Nick - parties have reached tentative agreement
SF-5 is routing

Evan Received SF5 5-31 - signed & forwarded
to Barker/Hobday. Assuming 577BP continues
to finalization then obj to 20625 will be withdrawn

Aug 24 summary hearing
Oct pretrial hearing.
Nov 9-10 - trial.

Nick. pre lim language has been viewed
by all parties. Note Evan to withdraw obj to see
for disallowed.

May. 16, 2011

37-5776P, 37-20625 Eccles

Nick - Vicki, Dana Hollister, Craig, Al.
Evan Robertson. (initially called wrong #)
Randy Budge Brockway Sr.

Dana, ? regarding letter fm Garick to Wendy Jaguet

Evan

the

June hearing - Evan to withdraw 20625 on record.

Status Conf FEB. 16, 2011
37-577BP - 37-20625 Eccles

Bridette Bilyeau
Evan Robertson, Craig, Al, Nick, Randy Budge
Dana Holstadter / Budge

★ trial Nov 9-10

Nick sent Rmt to Robertson asked that he discuss
this with Barker/Holdey.

Self incriminating Confession By Garrick Barker.

Barker has proposed language.

★ June 1 status conf.

7 @ ^{9:30}~~10:00~~

Apr 8 Telephone conference

COPY

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, February 16, 2011 11:46 AM
To: Spencer, Nick
Subject: RE: 37-577BP

Attached is the remark showing, as I understand it, Evan's modification in yellow. I attached an addendum in blue to try getting around Barker's issue.

Not being a lawyer I do not understand how Evan's modification could be construed to be granting a right in perpetuity by the claimant maintaining ownership.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-577BP, and 37-917 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. *The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal, and shall not be divested of such ownership by any future cessation of operation of said canal at which time that 1.40 cfs would be subject to standard Department review for any action taken by the right holder.* The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

From: Spencer, Nick
Sent: Friday, January 14, 2011 12:01 PM
To: Evan Robertson; Charles E. Brockway
Cc: Christensen, Kelly; Kelly, Vicki
Subject: RE: 37-577BP

Hi Evan. Do I understand correctly that the only change you are proposing to the language I suggested is the addition of "modification" to the last portion of the second sentence? If so, I do not see a problem with that, although, I suppose, Al Barker may have something to say about it. I would suggest that you print out the entire proposed remark, both sentences, without ellipses, and send it over to Al and Craig with the request that they see if they can edit it to address Al's concerns about the potential exemption from forfeiture. In the meantime I don't remember the letter from Garrick Baxter in the Atlanta Gold subcases that Al was referring to yesterday in our discussion about whether forfeiture was self executing. I am having it tracked down, and as soon as we find a copy I will send it to Chuck and you so that we all know what Al was referring to. Best wishes, NBS

From: Evan Robertson [<mailto:erobertson@rsidaholaw.com>]
Sent: Tuesday, January 11, 2011 5:16 PM
To: Charles E. Brockway; Spencer, Nick
Subject: 37-577BP

Nick: Its court time again! I have your 8-24-10 memo containing proposed language on the 1.4 cfs left in the Hiawatha Canal to mitigate (i.e. carry water) for transfer 68526, and in response Chuck Brockway and I would like to propose the following: condition 12 on what we believe to be the latest IDWR recommendation be amended to read: "A portion of Right 37-577BP, 1.40 cfs, shall continue ... until such time as the canal ceases operation or is otherwise no longer necessary for mitigation for the removal of said rights. The right holder shall retain ownership of the 1.40 portion of this right diverted into the Hiawatha Canal, and shall not be divested of such ownership by any future modification or cessation of operation of said canal."Evan

Christensen, Kelly

From: Spencer, Nick
Sent: Friday, January 14, 2011 11:18 AM
To: Christensen, Kelly
Cc: Kelly, Vicki
Subject: RE: 37-577BP

Hi Kelly. Thanks for providing me the two versions. I wonder which one Evan Robertson is referencing in his proposal. I'll e-mail him and ask him, and propose that he write the entire thing out—no ellipses—and send it to Al Barker, cc to us, with the suggestion that Al work over the language to see if he can come up with something that works for him.

In the meantime, the letter that Al is referring to involves the Atlanta Gold (Monarch Greenback) subcases in Basin 63. In those subcases IDWR had recommended the claims for disallowance on the ground of forfeiture. Al got tangentially involved because he represents Hecla Mining Company, which pushed through the legislature an amendment to 42-223 creating a special exemption to forfeiture for mining companies that held water rights for mining, but had mothballed their mines while waiting for the price of minerals to increase to where it became economically feasible to start mining again. Garrick was involved in that part of the Atlanta Gold dispute. I am not familiar with the letter, but will pull the files and find it, and get a copy over to you for review. NBS

From: Christensen, Kelly
Sent: Thursday, January 13, 2011 8:25 AM
To: Spencer, Nick
Subject: RE: 37-577BP

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Do you have any idea what Al is talking about where he indicated that Garrick indicated that after 5 years of non use the right is automatically forfeited?

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8. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter until June 3, 2007, to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

Remark copied from the original transfer 68526 37-577BP conditions

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Copied from the 8-24-2010 e-mail from Nick. The 3rd quantity element remark is the remark shown above as condition 8 on a proof report.

I would insert into the third remark under the quantity element, behind the first sentence of that remark, the following statement:

The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal, and shall not be divested of such ownership by any future cessation of operation of said canal.

From: Spencer, Nick
Sent: Wednesday, January 12, 2011 3:10 PM
To: Christensen, Kelly
Subject: FW: 37-577BP

Kelly, do I presume correctly that the portion of Condition 12, which Evan leaves out (. . .) in effect says something like "... shall continue to be diverted into the Hiawatha Canal for conveyance loss until such time..."?

From: Evan Robertson [<mailto:erobertson@rsidaholaw.com>]
Sent: Tuesday, January 11, 2011 5:16 PM
To: Charles E. Brockway; Spencer, Nick
Subject: 37-577BP

Nick: Its court time again! I have your 8-24-10 memo containing proposed language on the 1.4 cfs left in the Hiawatha Canal to mitigate (i.e. carry water) for transfer 68526, and in response Chuck Brockway and I would like to propose the following: condition 12 on what we believe to be the latest IDWR recommendation be amended to read: " A portion of Right 37-577BP, 1.40 cfs, shall continue ... until such time as the canal ceases operation or is otherwise no longer necessary for mitigation for the removal of said rights. The right holder shall retain ownership of the 1.40 portion of this right diverted into the Hiawatha Canal, and shall not be divested of such ownership by any future modification or cessation of operation of said canal."Evan

Status Conf FEB. 16, 2011
37-577BP - 37-20625 Eccles

Bridette Bilyeau
Evan Robertson, Craig, Al, Nick, Randy Budge
Dana Holstadter / Budge

★ Trial Nov 9-10

Nick sent Rmt to Robertson asked that he discuss
this with Barker/Holdey.

Self incriminating Confession By Garrick Barker.

Barker has proposed language.

★ June 1 status conf.

7 @ ^{9:30}~~10:00~~

Apr. 8 Telephone conference

1-12-11

37-577BP B.W.

20635 Indian Cr.

Evan Robertson
Nick.
Barker

Set trial Nov 9 → 10, 2011 Feb 16, @ 11:00
additional dates: Status Conf - June 1 @ 10:30
Sum. Judg hearing - Aug 24 @ 1:30
AKA status conf
Pretrial - Oct 12 9:30
Summary Judg July 27.

update.

Robertson - had several conv w KC & Nick.
re conveyance loss in Hiawatha. regarding
ownership.

Working on language with Nick. Possible
future transfer may move conveyance losses.

Nick - missed discussing Barker's concerns
with the Aug 24, 2010 - e-mail language.

Robertson sent Nick modifications 1-11-11
to Nick.

37-577BP - 20625 ^{Source = Bigwood} ^{source = Indian Cr} Eccles

8-25-10

Nick sent email 8-24-10 to Robutson

issue

1. had to stay as conveyance when transferred to Core & Boler.
2. Status of 1.40cs if Hiawatha were to line ditch or whatever. Could it be transferred for additional consumptive use.

Nick.

1. 1.40cs who owns it? if Hiawatha Solds, Answ still belongs to claimant.
2. can it be transferred for a consumptive use.

Nov 9, 10 - 2011 trial date.

Jan 12, 2011 2:30 Status Conf / Scheduling conf.

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, December 19, 2008 9:22 AM
To: Spencer, Nick
Cc: Kelly, Vicki
Subject: 37-20625 Eccles

Attachments: 37-20625 Eccles rmk modification for 577BP.doc



37-20625 Eccles
rmk modificati...

*e-mail
resent
5-8-09
KKE*

Attached is the proof report for 37-577BP which I made a stab at modifying one of the remarks to satisfy Eccles' concerns regarding the ownership of the mitigation portion that is left in the Hiawatha canal. I do not know if I am even in the ballpark but was reviewing my file collection and decided that this one needed some kind of note regarding progress. Nothing is due until 5-13-09 so no hurry but with one small fix this one could go away.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

Nick & KKE

Initial Hearing 10-17-08 @ 10:30

Attorneys

*John Robertson - (Eccles)
Concerned cit Albert Barbare
Big Wood Canal Craig Hobbey*

*37-20625- Eccles to withdraw from
clarifies mitigation rate in 577BP.*

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, February 16, 2011 11:46 AM
To: Spencer, Nick
Subject: RE: 37-577BP

Attached is the remark showing, as I understand it, Evan's modification in yellow. I attached an addendum in blue to try getting around Barker's issue.

Not being a lawyer I do not understand how Evan's modification could be construed to be granting a right in perpetuity by the claimant maintaining ownership.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-577BP, and 37-917 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. *The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal, and shall not be divested of such ownership by any future cessation of operation of said canal at which time that 1.40 cfs would be subject to standard Department review for any action taken by the right holder.* The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

From: Spencer, Nick
Sent: Friday, January 14, 2011 12:01 PM
To: Evan Robertson; Charles E. Brockway
Cc: Christensen, Kelly; Kelly, Vicki
Subject: RE: 37-577BP

Hi Evan. Do I understand correctly that the only change you are proposing to the language I suggested is the addition of "modification" to the last portion of the second sentence? If so, I do not see a problem with that, although, I suppose, Al Barker may have something to say about it. I would suggest that you print out the entire proposed remark, both sentences, without elipses, and send it over to Al and Craig with the request that they see if they can edit it to address Al's concerns about the potential exemption from forfeiture. In the meantime I don't remember the letter from Garrick Baxter in the Atlanta Gold subcases that Al was referring to yesterday in our discussion about whether forfeiture was self executing. I am having it tracked down, and as soon as we find a copy I will send it to Chuck and you so that we all know what Al was referring to. Best wishes, NBS

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Christensen, Kelly

From: Spencer, Nick
Sent: Friday, January 14, 2011 11:18 AM
To: Christensen, Kelly
Cc: Kelly, Vicki
Subject: RE: 37-577BP

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Kelly, Vicki

From: Albert Barker [apb@idahowaters.com]
Sent: Friday, May 13, 2011 3:56 PM
To: Evan Robertson; Craig Hobdey; Spencer, Nick
Cc: Dana Hofstetter; rcb@racinelaw.net; Christensen, Kelly; Kelly, Vicki
Subject: RE: 37-577BP & 37-20625 Eccles Subcases
Attachments: G Baxter Ltr re Senate Bill 1348 030508.pdf

Evan/Nick/Craig-

As I understand it this was the proposed language discussed with the Department:

C The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal, and shall not be divested of such ownership by any future cessation of operation of said canal.

I hope that is the most current iteration.

I understood that this language was intended to be in addition to the following language in the recommendation:

A A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation.
or is no longer necessary for mitigation.
B

My concern was that the language not be construed to mean that, if the canal was not operated for five years or more, then forfeiture did not apply. The argument was that there was no forfeiture until forfeiture had been officially determined, so that non use alone was not sufficient for there to be a forfeiture. I stated that it was possible that there could be a "divesting of ownership" if the canal no longer diverted this water under forfeiture theories. Everyone agreed that the purpose of the language was not to over-ride the forfeiture statutes. We somehow got hung up on the esoteric question of whether a forfeiture was self executing or whether it could only happen by a judicial or administrative decree. I agreed to find a letter from Garrick Baxter, copy attached, in which he took the position on behalf of the Department that forfeiture was self-executing and that renewing use would injure junior rights, even if there had been no judicial or administrative determination of forfeiture. He says (at p. 5):

"Given the Idaho Supreme's Court's decision in *Sagewillow*, it appears likely that a court will find that forfeiture may occur without a judicial or administrative determination and that once a senior water user has ceased using water for more than five consecutive years, the senior protections are lost and a junior can step up in the appropriation queue."

Whether we agree with that statement or not, it is of concern. However, I think we can resolve this subcase without solving the self-executing forfeiture debate. I propose that the language above be modified to state:

The right holder retains ownership of the 1.40 cfs mitigation portion of this right diverted into the Hiawatha Canal, as long as the right continues to be put to such beneficial use and shall be responsible for all assessments from the Hiawatha Canal and Water District 37 for that portion of the right.

Or, we could simply use the first part of the sentence and let the law sort out any future consequence of non-use in any future transfer or forfeiture proceedings:

*The right holder retains ownership of the 1.40 cfs **mitigation** portion of this right diverted into the Hiawatha Canal.*

The more I think about it the more I like the second proposal. It just says he has the ownership and he has to sort out his ownership interests, rights and obligations like any other right holder.

Albert P. Barker
Barker Rosholt & Simpson LLP
(208) 336-0700

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STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 5, 2008

The Honorable Wendy Jaquet
Minority Leader
Idaho House of Representatives
VIA EMAIL AND STATEHOUSE MAIL

**THIS CORRESPONDENCE IS A LEGAL GUIDELINE OF THE
ATTORNEY GENERAL SUBMITTED FOR YOUR GUIDANCE**

Dear Representative Jaquet:

This letter is in response to your letter of February 26, 2008, addressed to Attorney General Lawrence Wasden, regarding Senate Bill No. 1348 ("SB 1348"). In your letter you ask the following questions:

QUESTIONS PRESENTED

Section 1.

1. The bill states that a water right "with a beneficial use *related to* mining, mineral processing or milling" shall not be forfeited to nonuse. Our question is whether being "related to" mining is the same as having a "purpose of use" for mining? Could water use for irrigation in a mining district be "related to" mining?
2. Please describe typical historic circumstances when the closure, suspension or reduced production of mining on property having a valuable mineral would not occur in whole or in part due to mineral prices. In other words, doesn't the nonuse of water because of the closure, suspension or reduced production of mining at property having a valuable mineral always occur at least in part due to mineral prices? In other words, won't this exemption from forfeiture apply to the water rights for every suspended mining operation in the State?
3. What is the minimum activity needed to maintain property and mineral rights for potential future mineral production?

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March 5, 2008
Page 2

Section 2.

1. Section 2 states that the bill shall apply to "all existing water rights" but shall not be applied to "revive any water right that has been finally determined to be forfeited prior to the date of passage and approval." What is the necessity for the second clause regarding "reviving" water rights when the first clause states that it applies only to "existing" water rights? Presumably the term "existing" refers to water rights that have not been forfeited prior to passage of this legislation.
2. In *Jenkins v. State Dept. of Water Resources*, 103 Idaho 384, 388 (1982)(citations omitted) the Idaho Supreme Court stated:

If a senior right has been abandoned or forfeited, the priority of the original appropriator is lost, and the junior appropriators move up the ladder of priority. If a senior right which had been forfeited or abandoned were allowed to be reinstated through a transfer proceeding, clearly injury would result to otherwise junior appropriators. Priority in time is an essential part of western water law and to diminish one's priority works an undeniable injury to that water right holder.
3. Once the legislature revives water rights may it change its mind and "un-revive" previously forfeited water rights?
4. Would the only way to avoid injury to junior water right holders by "reviving" of water rights related to mining under this section be to advance the priority date of such rights to the date of revival under the Idaho Supreme Court's decision in *In re SRBA Case No 39576*, 129 Idaho 454 (1996)? Does this section allow for such advancement?
5. Could the revival of previously-believed-forfeited water rights related to mining constitute "good cause" for filing late claims in the Snake River Basin Adjudication under I.C. § 42-1409A(3)?
6. Could this section be a basis to reopen partial decrees in the Snake River Basin Adjudication pursuant to I.R.C.P. 60(b)?
7. Would this section be applicable in any way [to] previously forfeited water rights related to mining that would be under the jurisdiction of the Snake River Basin Adjudication, even if they have not been previously decreed in that case?

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8. Does I.C. § 73-101 require this section to state explicitly that it is retroactive to have that effect?

ANALYSIS

The Statement of Purpose for SB 1348 indicates that the legislation provides a recognized legal means for exempting water rights related to mining from forfeiture as long as the water right owner has maintained the property and the mineral rights for potential future mineral development. In order to accomplish this purpose, SB 1348 amends section 42-223, Idaho Code, by adding a new subparagraph 11 as follows:

(11) No portion of any water right with a beneficial use related to mining, mineral processing or milling shall be lost or forfeited for nonuse, so long as the nonuse results from a closure, suspension or reduced production of the mine, processing facility or mill due in whole or in part to mineral prices, if the mining property has a valuable mineral, as defined in section 47-1205, Idaho Code, and the water right owner has maintained the property and mineral rights for potential future mineral production.

In addition, section two of SB 1348 provides as follows:

An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and shall apply to all existing water rights, but shall not be applied to revive any water right that has been finally determined to be forfeited prior to the date of passage and approval of this act.

Following are the responses to the questions presented as set out above in Section 1.

1. You ask whether being "related to" mining is the same as having a "purpose of use" for mining. SB 1348 provides that no portion of any water right with a use "related to mining, mineral process or milling" shall be lost from forfeiture. Clearly, this protects water rights with a purpose of use of mining from forfeiture. However, the fact that SB 1348 is not limited to water rights with a purpose of use of mining, but applies to any water right with a purpose of use *related to* mining, suggests that the intent behind SB 1348 is for it to apply to other types of uses. Thus, SB 1348 likely would protect water rights with other purposes of use so long as there is a relationship or nexus between the mining operation and the water right. For example, if a mining operation also has a domestic water right for restrooms and drinking water for employees, the domestic water right will likely be considered a water right with a purpose of use *related to* mining. A mining operation must provide restrooms and drinking water to its employees to be able to operate. It is the nexus between the domestic water right and the mining activity that would protect the domestic water right from forfeiture under SB 1348. In your letter, you also ask whether irrigation could be "related to" mining. In order for an irrigation

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right to be protected from forfeiture under SB 1348, one would have to show a similar nexus between the irrigation use and the mining operation. It would be unusual for a mining operation to also hold an irrigation water right as part of its mining operation.

2. Your letter asks whether SB 1348 would exempt every mining operation ever suspended in the state. You suggest that every terminated mining operation was likely suspended, at least in part, because of low mineral prices. Even if one assumes that every suspended mining operation in the state was suspended at least in part because of mining prices, this would not by itself be enough to protect every mining right from forfeiture. SB 1348 sets up a two-part test. The nonuse must result from the suspension of a mine due to mineral prices *and* the water right owner must have maintained the property and mineral rights for potential future mineral production. This second prong must also be met to protect the water right from forfeiture.

3. Your next question asks what is the minimum activity needed under SB 1348 to maintain property and mineral rights for potential future mineral production. Although not an all-inclusive list, the following is a list of activities which would likely qualify as activities to maintain the property and mineral rights for potential future mineral production: payment of property taxes, payment of mining claim fees (if unpatented claims), payment of advance royalties, lease payments, exploration activities, mining related buildings and equipment present at the site, exclusive use of surface by mining company, reservation of surface rights for mining purposes when the surface estate is sold.

Following are the responses to the questions presented as set out above in Section 2.

1. The first two questions in Section 2 of your letter ask about reviving existing senior water rights and injury to junior water users. It appears that SB 1348 adopts the view that the bill acts as a *future* protection against a determination of forfeiture, not a retroactive resumption of water rights.¹ SB 1348 was apparently drafted with the view that non-use of a water right for over five years does not cause the water right to be forfeited and that forfeiture does not occur until there has been a determination of forfeiture in a court or administrative proceeding. However, this view conflicts with the Idaho Supreme Court case *Sagewillow, Inc. v. Idaho Department of Water Resources*, 138 Idaho 831, 70 P.3d 669 (2002). In *Sagewillow*, the court found that intervening water users may have a protectable right if they step in and fill the appropriation queue prior to the resumption of the senior's water use. The court found that resumption of senior water rights after five years of non-use could result in "undeniable injury"

¹ The Statement of Purpose for SB 1348 provides, "At times mining operations have not continued to put their water rights to beneficial use because mining activities have been reduced or discontinued due to low mineral prices. This bill exempts such water rights from forfeiture as long as the water right owner has maintained the property and the mineral rights for potential future mineral development." Section 2 of SB 1348 provides, "[T]his act shall be in full force and effect on and after its passage and approval, and shall apply to all existing water rights, but shall not be applied to revive any water right that has been finally determined to be forfeited prior to the date of passage and approval of this act."

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to junior water users. *Id.* at 837, 675. The court recognized that this injury was not automatic, but dependent upon the availability of water. The court held that when analyzing resumption, the key is whether the source of the water is overappropriated. *Id.* If the source is not overappropriated, then, according to the court, there can be no injury. A junior water user is only harmed if there would not be enough water to fill their water rights due to the senior appropriator being permitted to resume his use. *Id.*

Given the Idaho Supreme Court's decision in *Sagewillow*, it appears likely that a court will find that forfeiture may occur without a judicial or administrative determination and that once a senior water user has ceased using water for more than five consecutive years, the senior protections are lost and a junior can step up in the appropriation queue. A court will likely conclude that SB 1348 is retroactive legislation.

2. In question two, you ask whether the revival of water rights related to mining under this section would work an "undeniable injury" to junior water right holders. Under *Sagewillow*, the mere existence of a junior appropriator would not create injury. Resumption under SB 1348 would cause injury to a junior water user only if the water source is overappropriated.

Your question also asks whether the State of Idaho would be liable for damages for injury because of resumption under SB 1348. The question is not whether the State of Idaho would be liable for damages, but whether SB 1348 would be found to be constitutional. The constitutionality of SB 1348 would hinge upon whether the State has constitutional authority to revive a senior water right to the detriment of a junior water user. In the case *Fremont-Madison Irr. Dist. and Mitigation Group v. Idaho Ground Water Appropriators, Inc.*, 129 Idaho 454, 926 P.2d 1301 (1996), the Idaho Supreme Court examined injury to water users and the constitutionality of section 42-1426, Idaho Code. Section 42-1426, Idaho Code allows water users in the Snake River Basin Adjudication to claim enlarged water rights that would have otherwise violated Idaho's mandatory permit statute.² In *Fremont-Madison*, the Supreme Court held that:

² Idaho Code 42-1426(2) provides: The mandatory permit requirements of sections 42-201 and/or 42-229, Idaho Code, are waived, and a new water right may be decreed for the enlarged use of the original water right based upon the diversion and application to beneficial use, with a priority date as of the date of completion of the enlargement of use for any enlargement occurring on or before November 19, 1987; provided however, that the rate of diversion of the original water right and the separate water right for the enlarged use, combined, shall not exceed the rate of diversion authorized for the original water right; and further provided, that the enlargement in use did not injure water rights existing on the date of the enlargement of use. An enlargement may be decreed if conditions directly related to the injury can be imposed on the original water right and the new water right that mitigate any injury to a water right existing on the date of enactment of this act. If injury to a water right later in time cannot be mitigated, then the new right for the enlarged use shall be advanced to a date one (1) day later than the priority date for the junior water right injured by the enlargement. It is further provided that any such enlargement of use allowed in a general adjudication shall not constitute an abandonment or forfeiture of the original water right to the extent of current use.

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March 5, 2008
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Section 42-1426 of the Idaho Code would violate Article XV, § 3 of the Idaho Constitution if it allowed a party with a claim for an enlargement to unconditionally receive a priority date as of the date of enlargement regardless of injury to junior appropriators. However, that is not the case.

The court continued:

The clear and unambiguous language of the statute provides that only those enlargements which do not increase the rate of diversion, do not injure other water rights existing on the date of enlargement, and which fully mitigate any potential injury to junior water rights existing as of the date of enactment of the amnesty statutes are permitted. Section 42-1426 of the Idaho Code is constitutional as written because it provides that an enlargement cannot be allowed that would injure a junior appropriator.

Freemont-Madison, 129 Idaho at 461, 926 P.2d at 1308.

Assuming that a court were to find that SB 1348 is retroactive legislation, a court will likely find that SB 1348 is unconstitutional under the analysis of *Freemont-Madison* if there is a finding of injury to junior water users. This is because of Article XV, section 3 of the Idaho Constitution's explicit protections afforded to water rights.

If the legislature wants to avoid the constitutional issues raised in *Freemont-Madison*, the solution would be to adopt language similar to that used in section 42-1426, Idaho Code. The legislature could provide for the resumption of forfeited senior water rights where the resumption does not injure other water rights existing on the date of the resumption. Providing that the priority date may be advanced to a date one day later than the priority date for any junior water right injured should resolve any constitutional issues.

3. Your letter asks whether the legislature could "un-revive" water rights related to mining. Once a water right is revived, the legal interest is restored. If the legislature changes its mind and tries to take away the property right, the state could be liable for takings. *Bennett v. Twin Falls North Side Land & Water Co.*, 27 Idaho 643, 651, 150 P. 336, 339 (1915).

4. Motions to file late notice of claim in the Snake River Basin Adjudication (SRBA) are reviewed by the district court under Idaho Rule of Civil Procedure 55(c)'s good cause standard. Under this standard, the district court asks three questions: (1) whether the claimant has a reasonable excuse for the untimely filing (2) whether the claimant has a meritorious position, and (3) whether the other parties in the SRBA would be prejudiced by the late filing. It is reasonable to assume that the district court would find that a change in law regarding forfeiture is a reasonable excuse for an untimely filing. Furthermore, the court would likely find that the claimant has a meritorious position if they are able to provide some evidence that the historical mining right existed. The closer question is whether the court would find that

The Honorable Wendy Jaquet
March 5, 2008
Page 7

there is prejudice to the other parties in the SRBA. Work in the first administrative basins in the SRBA has essentially been complete for a number of years. The SRBA district court has previously expressed concern about allowing late claims in after so much time has passed. The issue of prejudice would likely be fact specific, and thus would be evaluated by the district court on a case-by-case basis.

5. Motions to set aside a partial decree in the SRBA are reviewed by the court under the very strict standard of Idaho Rule of Civil Procedure (IRCP) 60(b). There is a narrow six-month window to raise the defenses outlined in IRCP 60(b) (1) through (3) and (6) and most of these defenses would likely not be applicable. However, the defense outlined in IRCP 60(b)(5) can be raised at any time. IRCP 60(b)(5) provides that a court may relieve a party from a final judgment, order, or proceeding when it is "no longer equitable that the judgment should have prospective application." A party in the SRBA may be successful in arguing to the SRBA district court that any decree of forfeiture should be set aside because it is no longer equitable that some water users who did not participate in the SRBA can resume their water use, while others who did participate, cannot resume their water use. While this result would seem inequitable, the court might not agree to set aside previous decrees of forfeiture because of the clear language in Section 2 of SB 1348 stating that states that the bill shall not "be applied to revive any water right that has been finally determined to be forfeited prior to the date of passage and approval." In addition, the district court is generally reluctant to revisit partial decrees given the need for finality in the SRBA.

6. Question seven asks whether SB 1348 would apply to water rights in the SRBA that have been found to be forfeited, but have not yet been decreed. This scenario could arise where a SRBA special master issues a special master's recommendation to the SRBA district court judge recommending that a mining right be forfeited, but the judge has not yet issued a partial decree declaring the water right forfeited by the effective date of SB1348. The question would be whether the water right has "been finally determined to be forfeited" prior to the effective date? In this case, one could argue that a finding by a special master that the water right has been forfeited is a final determination of forfeiture. However, a special master recommendation is just that, only a recommendation to the district court. It is up to the district court to adopt the finding of the special master and make the final determination on the water right. Thus, the better argument is that there has not been a final determination until a decree is entered by the SRBA district court. Accordingly, SB 1348 would apply to water rights that have been recommended as forfeited by a special master, but have not yet been decreed forfeited by the district court.

7. As explained above, it appears that SB 1348 was drafted in a manner that attempts to avoid the retroactive question. However, given the Idaho Supreme Court's decision in *Sagewillow*, a court will likely agree that SB 1348's attempt to shield long unused senior water rights from injury claims by intervening junior water users is retroactive legislation. This raises the issue of whether a court would retroactively apply SB 1348 to revive senior water rights in light of section 73-101, Idaho Code. Section 73-101, Idaho Code, provides: "No part of these

The Honorable Wendy Jaquet
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Page 8

compiled laws is retroactive, unless expressly so declared." When determining whether a statute is retroactive, a court will look not only to the plain language of the statute, but may also look behind the plain language to determine legislative intent. The word "retroactive" need not be used in a statute to give it a retroactive operation, but the legislative intent may be gleaned from any language appropriately expressing such purpose. *Peavy v. McCombs*, 26 Idaho 143, 151, 140 P. 965, 968 (1914). If the language clearly refers to the past as well as to the future, a court can find that the intent to make the law retroactive is expressly declared. *Id.* The Statement of Purpose for SB 1348 refers to the past: "At times mining operations have not continued to put their water rights to beneficial use because mining activities have been reduced or discontinued due to low mineral prices." Regardless of the mechanism, it is clear that the intent of this legislation is to protect senior mining water rights that have not been used for over five years from forfeiture. Even though SB 1348 does not use the term retroactive, the Statement of Purpose and the language of the bill itself would likely be enough for a court to find that SB 1348 does not violate section 73-101, Idaho Code.

This letter is provided to assist you. The response is an informal and unofficial expression of the views of this Office based upon the research of the author. Please let me know if you have any questions.

Sincerely,



GARRICK BAXTER
Deputy Attorney General
Natural Resources Division

cc: Clive Strong, Division Chief, Natural Resources Division

T02N R18E S23	SWSE	9.00	T02N R18E S23	SESE	6.00
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MITIGATION same as IRRIGATION

675 ACRES TOTAL

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed the irrigation of 596 acres.

Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 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 - Decreed

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Approval of Transfer 68526 does not grant 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, Big Wood River.

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

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

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

RIGHT NUMBER: 37-577BP

NAME AND ADDRESS: ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 7.000 CFS

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when combined shall not exceed 26.74 cfs and a total annual maximum diversion volume of 4172.0 af at the field headgate.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter until June 3, 2007, to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION: T02N R18E S16 SESWNE Within BLAINE County
T02N R18E S22 SENESE Within BLAINE County
T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	5.600 CFS
MITIGATION	04/15 10/31	1.400 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S15	SWSE	3.00	T02N R18E S22	NENE	7.00
T02N R18E S22	NWNE	33.00	T02N R18E S22	SENE	34.00
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T02N R18E S23	NESW	12.00	T02N R18E S23	NWSW	40.00
T02N R18E S23	SWSW	40.00	T02N R18E S23	SESW	35.00

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

In Re SRBA

Case No. 39576

) **Subcase No.: 37-577BP**
)
)
) **STANDARD FORM 5**
)
) **STIPULATED ELEMENTS OF A**
) **WATER RIGHT**

_____)
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT / OBJECTOR:

J. Evan Robertson Date
Attorney for Eccles Flying Hat Ranch LLC

RESPONDENTS:

Craig D. Hobdey Date
Attorney for Big Wood Canal Company

Albert P. Barker Date
Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van
Der Meulen, Grace Eakin, Gerald B
Bashaw and Pepin Corso-Harris

IDWR CONCURRENCE:

Kelly K. Christensen 5-26-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

05/17/2011

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

RIGHT NUMBER: 37-577BP

NAME AND ADDRESS: ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

KKC

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 7.000 CFS

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The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when combined shall not exceed 26.74 cfs and a total annual maximum diversion volume of 4172.0 af at the field headgate.

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This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

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T02N R18E S16 SESWNE Within BLAINE County
T02N R18E S22 SENESE Within BLAINE County
T03N R18E S20 SWNW Within BLAINE County

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PURPOSE OF USE	PERIOD OF USE	QUANTITY
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MITIGATION	04/15 10/31	1.400 CFS

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05/17/2011

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

T02N R18E S25	SESW	5.00	T02N R18E S25	NESW	23.00
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675 ACRES TOTAL

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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

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Approval of Transfer 68526 does not grant 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, Big Wood River.

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

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

05/17/2011

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RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-577BP

NAME AND ADDRESS: ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

VERIFIED BY

KKC
5-17-11

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 7.000 CFS

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IDAHO DEPARTMENT OF WATER RESOURCES
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PO BOX 3028
SALT LAKE CITY UT 84110

Director's
Rpt.

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 7.000 CFS

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T02N R18E S25	SESW	15.00	T02N R18E S26	NENE	39.00
T02N R18E S26	NWNE	36.00	T02N R18E S26	SWNE	40.00
T02N R18E S26	SENE	35.00	T02N R18E S26	NENW	40.00
T02N R18E S26	NWNW	32.00	T02N R18E S26	SENE	36.00

MITIGATION same as IRRIGATION

675 ACRES TOTAL

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed the irrigation of 596 acres.

Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 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 - Decreed

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Approval of Transfer 68526 does not grant 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, Big Wood River.

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

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

Christensen, Kelly

From: Spencer, Nick
Sent: Tuesday, August 24, 2010 4:37 PM
To: erobertson@rsidaholaw.com
Cc: Christensen, Kelly; Kelly, Vicki
Subject: 37-577BP (Eccles Flying Hat Ranch)

Hi Evan.

I'd like to say I was only a day late and a dollar short, but I am much further behind than that. I was supposed to have gotten to you proposed language to make clear that your client retains ownership of the portion of this right left in the Hiawatha Canal for conveyance loss—and we were supposed to have discussed that language—by August 4th. Unfortunately, I am just now getting to it.

The idea here is to address only the question of ownership, and leave for future transfer proceedings the question of whether the portion of the right left in the Hiawatha Canal could be transferred out of the canal to a consumptive use. Here is my first cut at that language. I would insert into the third remark under the quantity element, behind the first sentence of that remark, the following statement: *The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal, and shall not be divested of such ownership by any future cessation of operation of said canal.*

Please let me know what you think. I am certainly not wedded to any particular language at this point.

Thanks.
NBS

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-577BP V1

WATER RIGHT NUMBER: 37-577BP V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SPENCER F ECCLES PO BOX 3028 SALT LAKE CITY, UT 84110 (801)246-5331
Current Owner	ECCLES FLYING HAT RANCH LLC PO BOX 3028 SALT LAKE CITY, UT 84110 (801)246-5329

Priority Date: 03/24/1883

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>
IRRIGATION	04/15 to 10/31	5.600 CFS	
MITIGATION	04/15 to 10/31	1.400 CFS	
	<u>Total Diversion:</u>	7.000 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4SW1/4NE1/4	Sec. 16, Twp 02N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SE1/4NE1/4SE1/4	Sec. 22, Twp 02N, Rge 18E, B.M.
BLAINE County		
BIG WOOD RIVER	SW1/4NW1/4	Sec. 20, Twp 03N, Rge 18E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25					28.0	39.0	5.0		23.0	27.0	5.0	15.0					142.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-577BP V1

02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0	36.0				258.0
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Total Acres: 675

MITIGATION same as IRRIGATIONConditions of Approval:

1. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
2. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
3. X57 Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed the irrigation of 596 acres.
7. X35 The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when combined shall not exceed 26.74 cfs and a total annual maximum diversion volume of 4172.0 af at the field headgate.
8. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter until June 3, 2007, to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
9. 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.
10. 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.
11. X27 Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
12. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

Remarks:**Modification of condition 8 in an attempt to satisfy claimant's concerns regarding the disallowal of 37-20625**

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The right holder maintains ownership of the 1.40 cfs identified as mitigation and is responsible for any State Water District No. 37, Big Wood River fees associated with the delivery of that water. The Department retains jurisdiction in this matter until June 3, 2007, to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

RECEIVED
JUL 19 2002

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR TEMPORARY CHANGE OF A)
WATER RIGHTS TC-37-19 AND)
TC-37-20 IN THE NAME OF)
FLYING HAT RANCH)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for Blaine County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 15, 2002 Flying Hat Ranch ("applicant") submitted the attached Temporary Change Applications TC-37-19 and TC-37-20 ("applications") to the Department; and

WHEREAS, the Department has reviewed the applications and has determined the applications can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approvals causes injury to other water rights or constitutes an enlargement in use of the original rights;

ORDER

IT IS HEREBY ORDERED that the applications are **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 37-02713 part and 37-07356 part (ground water) and right no(s). 37-481D part, 37-482J part, 37-11976 part, 37-11978 part, and 37-577BP part (Big Wood River) as described on the applications is authorized only at the point of diversion and place of use described on the applications or as otherwise approved in this order.
2. These temporary change approvals do not authorize construction of a new well as a new point of diversion or new diversion point from the Big Wood River.

3. These temporary change approvals may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.
4. Portions of rights described above are limited to the irrigation of 5 acres within the 18 acre place of use described on the applications for the remainder of the 2002 irrigation season. For this allowance 5 acres shall remain un-irrigated from any source during the 2002 irrigation season of the 596 acres allowed to be irrigated within the 675 acre permissible place of use established by transfer 69809 and 68526.
5. The use of the portions of rights described above when combined is limited to 0.02 cfs per acre (0.10 cfs total for 5 acres) at the field headgate.
6. These temporary approvals do not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under these temporary change approvals.
8. These temporary change approvals do not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. These temporary change approvals expire on 10/31/2002 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approvals.

DATED this 17th day of July, 2002.



Allen Merritt, PE
Southern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 68526

This is to certify that: FLYING HAT RANCH

C/O SPENCER F ECCLES

PO BOX 30006

SALT LAKE CITY UT 84125

(801)350-5329

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. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
37-481D	AJC/Decreed	08/01/1882	3.00 cfs			387.0	BIG WOOD RIVER
37-482J	AJC/Decreed	08/01/1884	3.00 cfs			387.0	BIG WOOD RIVER
37-483D	AJC/Decreed	08/01/1902	3.00 cfs			523.0	BIG WOOD RIVER
37-11977	AJC/Decreed	06/15/1891	0.80 cfs			79.0	BIG WOOD RIVER
37-11975	AJC/Decreed	06/15/1891	3.20 cfs			79.0	BIG WOOD RIVER
37-11976	AJC/Decreed	06/01/1884	0.70 cfs			79.0	BIG WOOD RIVER
37-917	AJC/Decreed	04/01/1940	2.54 cfs			246.0	BIG WOOD RIVER
37-11978	AJC/Decreed	03/24/1883	3.50 cfs			79.0	BIG WOOD RIVER
37-577BP	AJC/Decreed	03/24/1883	7.00 cfs			523.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-481D	NO	NO	YES	YES	NO	NO
37-482J	NO	NO	YES	YES	NO	NO
37-483D	NO	YES	YES	NO	NO	NO
37-11977	NO	NO	YES	YES	NO	NO
37-11975	NO	NO	YES	YES	NO	NO
37-11976	NO	NO	YES	YES	NO	NO
37-917	NO	YES	YES	YES	NO	NO
37-11978	NO	NO	YES	YES	NO	NO
37-577BP	NO	NO	YES	YES	NO	NO

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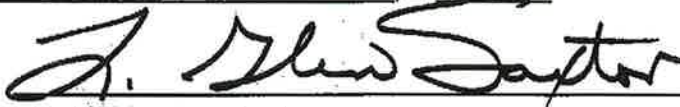
**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68526**

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-481D	37-481D	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-482J	37-482J	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-483D	37-483D	3.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
37-11977	37-11977	0.80 cfs		20.0	675.0		N/A	N/A	N/A	N/A
37-11975	37-11975	3.20 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-11976	37-11976	0.70 cfs		12.8	675.0		N/A	N/A	N/A	N/A
37-917	37-917	2.54 cfs		246.0	675.0		N/A	N/A	N/A	N/A
37-11978	37-11978	3.50 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-577BP	37-577BP	7.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
TOTALS		26.74 cfs	4172.0 af	596.0	675.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 6 5 2002

WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-481D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1882

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 05 2002

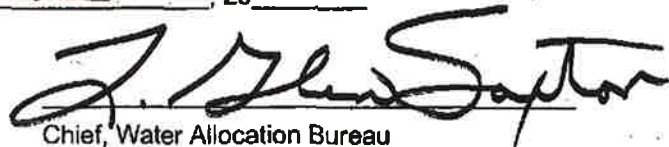
WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-482J is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0		12.0	40.0	40.0	35.0				9.0	6.0	160.0
02N	18E	25					28.0	39.0	5.0	23.0	27.0	5.0	15.0						142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 05 2002

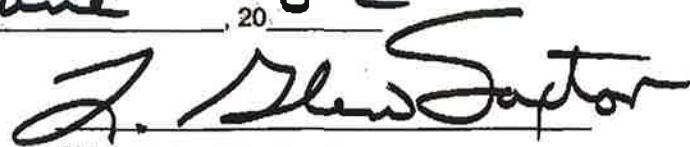
WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-483D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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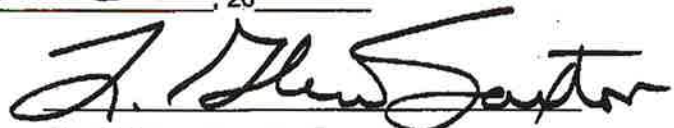
WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

1/18/03 2003

WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-577BP is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	7.00 CFS	
			7.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWSWNW	Sec. 20	Twp 03N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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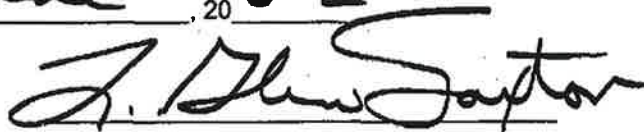
WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-577BP and 37-917 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-917 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 04/01/1940

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	2.54 CFS	
			2.54 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 246.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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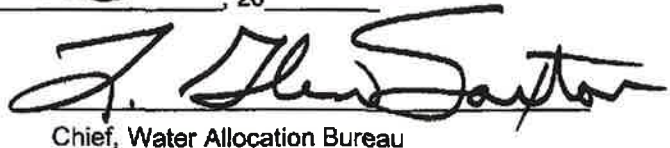
WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 03 2002

WATER RIGHT NO. 37-11975
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11975 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to 10/31		3.20 CFS	
			3.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	180.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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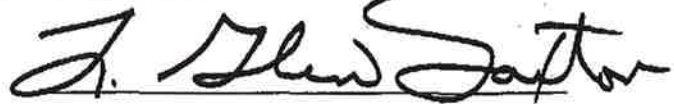
WATER RIGHT NO. 37-11975
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 3rd day of June, 2002



Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11976 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.70 CFS	
			0.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.8 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 05 2002

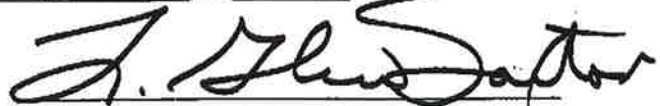
WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 3rd day of June, 2002



Chief, Water Allocation Bureau

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WATER RIGHT NO. 37-11977
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11977 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.80 CFS	
			0.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0			12.0	40.0	40.0	35.0		9.0	6.0		160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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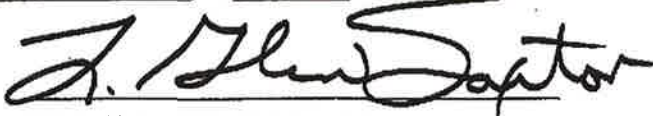
WATER RIGHT NO. 37-11977
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11978 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.50 CFS	
			3.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23						18.0		12.0	40.0	40.0	35.0			9.0	6.0		160.0
02N	18E	25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 05 2002

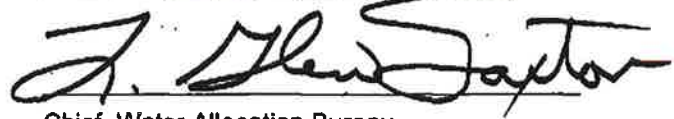
WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
7. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
8. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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 3rd day of June, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 15 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO. 68526)
IN THE NAME OF FLYING HAT RANCH)
_____)

**PRELIMINARY ORDER
CORRECTING
TRANSFER APPROVAL**

FINDINGS OF FACT

1. On June 15, 2001 Spencer F. Eccles (representative of applicant) filed Application for Transfer No. 5843 renumbered to 68526 (transfer) to add and change points of diversion, and to change the place of use for the following water rights:

37-481D	37-577BP	37-11976
37-482J	37-917	37-11977
37-483D	37-11975	37-11978

2. On May 6, 2002 the Department approved the transfer showing the following condition on all the rights incorrectly identifying Rights 37-481D, 37-482J, 37-483D, 37-11975, 37-11976, 37-11977 and 37-11978. Only Rights 37-577BP and 37-917 have historically been diverted into the Hiawatha Canal.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

CONCLUSIONS OF LAW

1. The transfer approval should accurately describe each established water right as changed by the transfer pursuant to Section 42-222, Idaho Code.

2. The transfer approval incorrectly lists Rights 37-481D, 37-482J, 37-483D, 37-11975, 37-11976, 37-11977 and 37-11978 in a condition of approval and included it on all rights.
3. The Department should correct the transfer approval to show the correct Right numbers, apply the corrected condition only to affected Right 37-577BP removing the original condition from all other rights under the approval.

ORDER

IT IS THEREFORE HEREBY ORDERED that Transfer Approval No. 68526 is **CORRECTED** by changing the condition of approval to identify only Rights 37-577BP and 37-917, and removing it from all the unaffected rights as shown on the amended transfer approval document issued in conjunction with this order.

Dated this 3rd day of June, 2002.



L. GLEN SAXTON
Chief, Water Allocation Bureau

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68526**

This is to certify that: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125
(801)350-5329

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
37-481D	AJC/Decreed	08/01/1882	3.00 cfs			387.0	BIG WOOD RIVER
37-482J	AJC/Decreed	08/01/1884	3.00 cfs			387.0	BIG WOOD RIVER
37-483D	AJC/Decreed	08/01/1902	3.00 cfs			523.0	BIG WOOD RIVER
37-11977	AJC/Decreed	06/15/1891	0.80 cfs			79.0	BIG WOOD RIVER
37-11975	AJC/Decreed	06/15/1891	3.20 cfs			79.0	BIG WOOD RIVER
37-11976	AJC/Decreed	06/01/1884	0.70 cfs			79.0	BIG WOOD RIVER
37-917	AJC/Decreed	04/01/1940	2.54 cfs			246.0	BIG WOOD RIVER
37-11978	AJC/Decreed	03/24/1883	3.50 cfs			79.0	BIG WOOD RIVER
37-577BP	AJC/Decreed	03/24/1883	7.00 cfs			523.0	BIG WOOD RIVER

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>
37-481D	NO	NO	YES	YES	NO	NO
37-482J	NO	NO	YES	YES	NO	NO
37-483D	NO	YES	YES	NO	NO	NO
37-11977	NO	NO	YES	YES	NO	NO
37-11975	NO	NO	YES	YES	NO	NO
37-11976	NO	NO	YES	YES	NO	NO
37-917	NO	YES	YES	YES	NO	NO
37-11978	NO	NO	YES	YES	NO	NO
37-577BP	NO	NO	YES	YES	NO	NO

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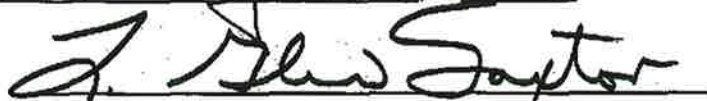
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68526

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-481D	37-481D	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-482J	37-482J	3.00 cfs		387.0	675.0		N/A	N/A	N/A	N/A
37-483D	37-483D	3.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
37-11977	37-11977	0.80 cfs		20.0	675.0		N/A	N/A	N/A	N/A
37-11975	37-11975	3.20 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-11976	37-11976	0.70 cfs		12.8	675.0		N/A	N/A	N/A	N/A
37-917	37-917	2.54 cfs		246.0	675.0		N/A	N/A	N/A	N/A
37-11978	37-11978	3.50 cfs		79.0	675.0		N/A	N/A	N/A	N/A
37-577BP	37-577BP	7.00 cfs		523.0	675.0		N/A	N/A	N/A	N/A
TOTALS		26.74 cfs	4172.0 af	596.0	675.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED
JUN 05 2002

WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-481D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1882

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-481D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-482J is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0		33.0	34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-481D and 37-482J when combined are limited to the irrigation of 387.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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NOV 5 2002

WATER RIGHT NO. 37-482J
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lessor amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002



Chief, Water Allocation Bureau

MICROFILMED

JUN 11 2002

WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-483D is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 08/01/1902

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.00 CFS	
			3.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16 Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22 Twp 02N	Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

JUN 05 2002

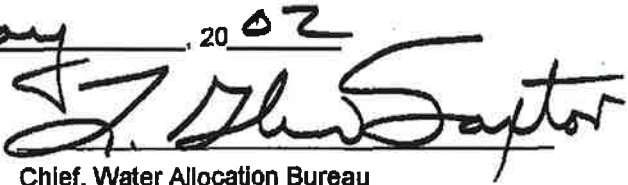
WATER RIGHT NO. 37-483D
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-577BP**As Modified by Transfer No. 68526**

In accordance with the approval of Transfer No. 68526, Water Right No. 37-577BP is now described as follows.

Right Holder: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	7.00 CFS	
			7.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	NWSWNW	Sec. 20	Twp 03N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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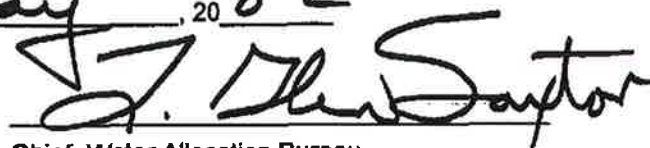
WATER RIGHT NO. 37-577BP
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-917 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 04/01/1940

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2.54 CFS	
			2.54 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE	Sec. 16	Twp 02N	Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE	Sec. 22	Twp 02N	Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0	33.0		34.0									38.0				112.0
02N	18E	23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 246.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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JUN 05 2002

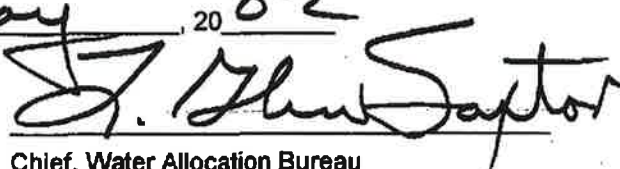
WATER RIGHT NO. 37-917
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

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WATER RIGHT NO. 37-11975**As Modified by Transfer No. 68526**

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11975 is now described as follows.

Right Holder: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	3.20 CFS	
			3.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SESWNE Sec. 16 Twp 02N Rge 18E BLAINE County
BIG WOOD RIVER SENESE Sec. 22 Twp 02N Rge 18E BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

MICROFILMED

JUN 05 2002

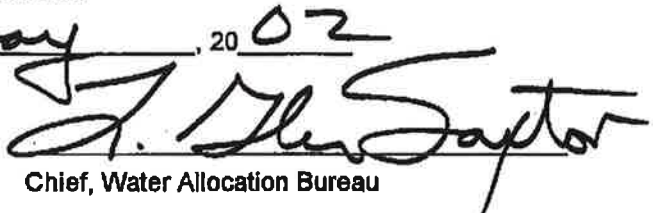
WATER RIGHT NO. 37-11975
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED
JUN 05 2002

WATER RIGHT NO. 37-11976**As Modified by Transfer No. 68526**

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11976 is now described as follows.

Right Holder: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125

Priority Date: 06/01/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	to 10/31	0.70 CFS	
			0.70 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE Sec. 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE Sec. 22 Twp 02N Rge 18E	BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25						28.0	39.0	5.0	23.0	27.0	5.0	15.0					142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.8 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

MICROFILMED

JUN 05 2002

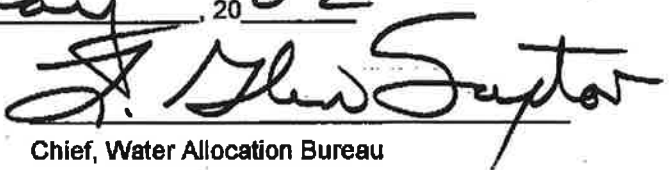
WATER RIGHT NO. 37-11976
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
10. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 6th day of May, 2002


Chief, Water Allocation Bureau

MICROFILMED

JUN 05 2002

WATER RIGHT NO. 37-11977**As Modified by Transfer No. 68526**

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11977 is now described as follows.

Right Holder: FLYING HAT RANCH
C/O SPENCER F ECCLES
PO BOX 30006
SALT LAKE CITY UT 84125

Priority Date: 06/15/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION

From

04/15 to 10/31

To**Diversion Rate**

0.80 CFS

0.80 CFS

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

BIG WOOD RIVER

SESWNE Sec. 16 Twp 02N Rge 18E BLAINE County

BIG WOOD RIVER

SENESE Sec. 22 Twp 02N Rge 18E BLAINE 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	
02N 18E 15															3.0		3.0
02N 18E 22	7.0	33.0		34.0									38.0				112.0
02N 18E 23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N 18E 25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N 18E 26	39.0	36.0	40.0	35.0	40.0	32.0		36.0									258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.0 acres within the place of use described above in a single irrigation season.
2. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
3. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
4. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.

RECORDED
JUN 05 2002

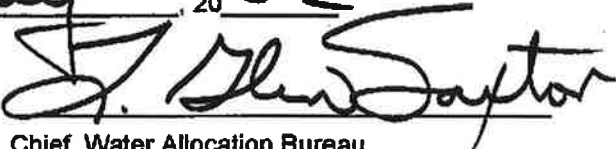
WATER RIGHT NO. 37-11977
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

5. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.
6. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
9. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
10. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 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 6th day of May, 2002


Chief, Water Allocation Bureau

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JUN 05 2002

WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

In accordance with the approval of Transfer No. 68526, Water Right No. 37-11978 is now described as follows.

Right Holder: FLYING HAT RANCH
 C/O SPENCER F ECCLES
 PO BOX 30006
 SALT LAKE CITY UT 84125

Priority Date: 03/24/1883

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15 to	10/31	3.50 CFS	
			3.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER	SESWNE Sec. 16 Twp 02N Rge 18E	BLAINE County
BIG WOOD RIVER	SENESE Sec. 22 Twp 02N Rge 18E	BLAINE 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	
02N	18E	15															3.0		3.0
02N	18E	22	7.0		33.0	34.0									38.0				112.0
02N	18E	23							18.0		12.0	40.0	40.0	35.0			9.0	6.0	160.0
02N	18E	25							28.0	39.0	5.0	23.0	27.0	5.0	15.0				142.0
02N	18E	26	39.0	36.0	40.0	35.0	40.0	32.0	36.0										258.0

Total Acres: 675

CONDITIONS OF APPROVAL

1. Rights 37-11975, 37-11976, 37-11977 and 37-11978 when combined are limited to the irrigation of 79.0 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined shall not exceed 26.74 cfs, a total annual maximum diversion volume of 4172.0 af at the field headgate, for the irrigation of 596.0 total acres.
3. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

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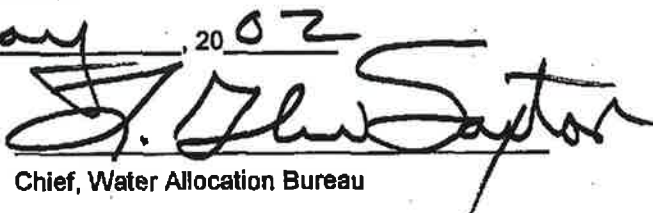
WATER RIGHT NO. 37-11978
As Modified by Transfer No. 68526

CONDITIONS OF APPROVAL

4. Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 when combined with supplemental ground water Rights 37-2713 and 37-7356 shall not exceed the maximum applied diversion rates and volumes described above, and the irrigation of 596.0 acres to be specifically identified by the right holder prior to each irrigation season.
5. A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation. The Department retains jurisdiction in this matter for a period of five (5) years to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
8. This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.
9. Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 6th day of May, 2002


Chief, Water Allocation Bureau

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JUN 05 2002