

Andria Att
22055

37-22055 Rogers Feitz.

initial hearing 8-23-2010 9:00

new Status Conf Nov 30, @ 4:00PM.

37-577CK Willard initial hearing 4-26-10

T-5330 Back file 37-30000B Pg 349-
Pg 380-

10-12-2010 Status Conf. notes. Nick Att.

37-577CK

Jim - orig aesthetic/rec. Objectors want
measuring device. Argument over RMK R43.

Barker

Booth Set for trial

Set for Nov 30, @ 4:00PM.

8-23-10

Oct 23 @ 2:00 PM

KKC - Andria

37-22055 Andria/KKC status conf Oct 6 @ 9:00
Willard-³⁷577CK possible overlap }
Jim Speck. maybe split right } BRIGGIE
Status Conf. - Oct. 12 @ 9:00 AM.
would include 577CK at same time.

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	DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
Case No. 39576	MAR 30 2011	FINAL ORDER DISALLOWING WATER RIGHT CLAIM
By		WATER RIGHT: 37-22055
		Clerk (Rogers)
		Deputy Clerk

On February 23, 2011, a *Special Master's Report and Recommendation* was filed for the above water right claim, recommending said water right claim not be decreed and the claim be dismissed with prejudice. No challenges were filed to the *Special Master's Report and Recommendation* and the time for filing challenges has expired.

Pursuant to I.R.C.P. 53(e) (2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above water right claim is hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

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

DATED

March 30, 2011


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-22055	KIMBERLY N ROGERS PO BOX 5798 KETCHUM ID 83340	Disallowed	No lawful appropriation shown.

VERIFIED BY KKC
2-18-11

2-22-11

Fritz with drew the objection
The court will issue a partial
decree disallowing right.
KKC

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. 37-577CK

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

Michael E. Willard

OBJECTORS:

Concerned Water Users


James Speck, Attorney
1-18-11
Date


Albert Barker, Attorney
1-28-11

OBJECTORS:

Big Wood Canal Company

Craig D. Hobdey 2-3-11
Craig D. Hobdey, Attorney Date

IDWR Concurrence:

Keller Christensen 2-9-11
IDWR Agent Date

RESPONDENTS

Barker Living Trust *etal JPS*

J.P. Speck 1-18-11
Albert Barker, Attorney Date
James P. Speck
JPS

Deputy Attorney General, IDWR Date

COPY

CERTIFICATE OF MAILING

I certify that on _____, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

COPY

2. Copies to:

BILL MOLYNEUX
GERALD BASHAW
GRACE EAKIN
JOHN F STEVENSON
PEPIN CORSO-HARRIS
PETE VAN DER MEULEN
ROCKY SHERBINE
TOM O GARA
Represented by:
BARKER ROSHOLT & SIMPSON LLP
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

BIG WOOD CANAL COMPANY
Represented by:
CRAIG D. HOBDEY
125 5TH AVE
PO BOX 176
GOODING, ID 83330
Phone: 208-934-4429

BARKER LIVING TRUST
CHANEY CREEK RANCH LLC
CHARLES L MATTHIESEN
CHARLES T FOLEY
EAGLE CREEK IRRIGATION CO
ECD INC
ELISE G LUFKIN
GIMLET PROPERTY OWNERS ASSN
GREGORY RANCH LLC
LAKE CREEK MEADOWS HOMEOWNERS
MICHAEL E WILLARD
MICHAEL ENGL
MYER BERLOW
RALPH W & KANDI L GIRTON
RIVER ROCK RANCH LP
RIVERS EDGE ASSOCIATES LLC
ROY R WOODS
STEVEN D HOLZMAN TRUST
THE GULCH TRUST
THE R DANIEL OLMSTEAD
WILLIAM B GORDON

Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

COPY

Signature of person or attorney mailing the form

12/22/2010

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

RIGHT NUMBER: 37-577CK

NAME AND ADDRESS: MICHAEL E WILLARD
1339 HAMPSHIRE CIR
NEWPORT BEACH CA 92660

PO BOX 722
HAILEY, ID 83333

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.100 CFS
5.30 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

A portion of Right No. 37-557CK, 0.05 cfs, is limited to use for conveyance losses in delivery of this right.

The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	0.090 CFS 3.90 AFY
IRRIGATION STORAGE	01/01 12/31	1.40 AFY
IRRIGATION FROM STORAGE	04/15 10/15	1.40 AFY
RECREATION STORAGE	01/01 12/31	1.40 AFY
AESTHETIC STORAGE	01/01 12/31	1.40 AFY
DIVERSION TO STORAGE	04/15 10/15	0.100 CFS

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29 SENE 1.00 T03N R18E S29 NESE 7.90

IRRIGATION STORAGE in BLAINE County

T03N R18E S29 NESE

IRRIGATION FROM STORAGE in BLAINE County

T03N R18E S29 SENE T03N R18E S29 NESE

RECREATION STORAGE in BLAINE County

T03N R18E S29 NESE

AESTHETIC STORAGE in BLAINE County

T03N R18E S29 NESE

DIVERSION TO STORAGE in BLAINE County

8.9 ACRES TOTAL

Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.

This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.

Rights 37-7958 and 37-577CK when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre 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

Failure of the right holder to comply with the conditions of Transfer No. 5330 is cause for the Director to rescind approval of the transfer.

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 1.4 af associated with the 0.4 acre no longer irrigated.

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

Approval of Transfer No. 5330 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.

The first year that water is diverted to recreational, aesthetic and irrigation storage uses, the irrigation use under this right shall be limited to 0.9 acres, 0.08 cfs and 3.2 afa.

COPY

ps
apb
off
XKC

Status Conf

Nov 30, 2010

37-22055 Rogers - Fritz

37-577CK W.illard - Speck for Gimlet

Fritz - Kim Rogers owns lot next to Willard property. Rogers obtained prop independently (per w/Deeds)

on 22055 - Fritz spent his efforts on an independent water right.

Feb 22 @ 3:00

Speck 577CK

add. *

no increase in pond size Rmk.

~~see~~ has measure device already in recd

Barker wants more specific meas location. description.

Barker - transfer language. suitable meas device therefore let stand with no changes.

* add pond size then prepare SF-5.

Trickler placed in file No additional Status Conf.

12/22/2010

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

RIGHT NUMBER: 37-577CK

NAME AND ADDRESS: MICHAEL E WILLARD
1339 HAMPSHIRE CIR
NEWPORT BEACH CA 92660

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.100 CFS
5.30 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

A portion of Right No. 37-557CK, 0.05 cfs, is limited to use for conveyance losses in delivery of this right.

The pond established by the storage of water under this right shall not exceed a total capacity of 3.0 acre-feet.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

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 10/15	0.090 CFS 3.90 AFY
IRRIGATION STORAGE	01/01 12/31	1.40 AFY
IRRIGATION FROM STORAGE	04/15 10/15	1.40 AFY
RECREATION STORAGE	01/01 12/31	1.40 AFY
AESTHETIC STORAGE	01/01 12/31	1.40 AFY
DIVERSION TO STORAGE	04/15 10/15	0.100 CFS

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29 SENE 1.00 T03N R18E S29 NESE 7.90

IRRIGATION STORAGE in BLAINE County

T03N R18E S29 NESE

IRRIGATION FROM STORAGE in BLAINE County

T03N R18E S29 SENE T03N R18E S29 NESE

RECREATION STORAGE in BLAINE County

T03N R18E S29 NESE

AESTHETIC STORAGE in BLAINE County

T03N R18E S29 NESE

DIVERSION TO STORAGE in BLAINE County

T03N R18E S29 SENE T03N R18E S29 NESE

8.9 ACRES TOTAL

Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.

This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.

Rights 37-7958 and 37-577CK when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre 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

Failure of the right holder to comply with the conditions of Transfer No. 5330 is cause for the Director to rescind approval of the transfer.

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 1.4 af associated with the 0.4 acre no longer irrigated.

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

Approval of Transfer No. 5330 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.

The first year that water is diverted to recreational, aesthetic and irrigation storage uses, the irrigation use under this right shall be limited to 0.9 acres, 0.08 cfs and 3.2 afa.

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

RIGHT NUMBER: 37-577CK

NAME AND ADDRESS: MICHAEL E WILLARD
1339 HAMPSHIRE CIR
NEWPORT BEACH CA 92660

Dir Report

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.100 CFS
5.30 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

A portion of Right No. 37-557CK, 0.05 cfs, is limited to use for conveyance losses in delivery of this right.

PRIORITY DATE: 03/24/1883

POINT OF

DIVERSION: 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 10/15	0.090 CFS 3.90 AFY
IRRIGATION STORAGE	01/01 12/31	1.40 AFY
IRRIGATION FROM STORAGE	04/15 10/15	1.40 AFY
RECREATION STORAGE	01/01 12/31	1.40 AFY
AESTHETIC STORAGE	01/01 12/31	1.40 AFY
DIVERSION TO STORAGE	04/15 10/15	0.100 CFS

The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S29	SENE	1.00	T03N R18E S29	NESE	7.90
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IRRIGATION FROM STORAGE in BLAINE County

T03N R18E S29	SENE		T03N R18E S29	NESE	
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DIVERSION TO STORAGE in BLAINE County

T03N R18E S29	SENE		T03N R18E S29	NESE	
---------------	------	--	---------------	------	--

8.9 ACRES TOTAL

Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.

This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.

Rights 37-7958 and 37-577CK when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre 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

Failure of the right holder to comply with the conditions of Transfer No. 5330 is cause for the Director to rescind approval of the transfer.

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 1.4 af associated with the 0.4 acre no longer irrigated.

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

Approval of Transfer No. 5330 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.

The first year that water is diverted to recreational, aesthetic and irrigation storage uses, the irrigation use under this right shall be limited to 0.9 acres, 0.08 cfs and 3.2 afa.

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

RIGHT NUMBER: 37-7958

NAME AND ADDRESS: MICHAEL E WILLARD
1339 HAMPSHIRE CIR
NEWPORT BEACH CA 92660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
4.50 AFY

This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 12/04/1981

POINT OF DIVERSION: T03N R18E S29 NESE Within BLAINE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 11/01

0.050 CFS

4.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29

SENE

1.00

T03N R18E S29

NESE

7.90

8.9 ACRES TOTAL

Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.

Rights 37-7958 and 37-577CK when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre place of use described above in a single irrigation season.

This right is limited to the irrigation of 1.5 acres within the place of use described above in a single irrigation season.

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

Failure of the right holder to comply with the conditions of Transfer 5329 is cause for the Director to rescind approval of the transfer.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

*uncontested
O/L. KKC
changed shape
file
12-22-2010*

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

Use of water under this right may be affected by an agreement between the protestant and the right holder.

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

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

RIGHT NUMBER: 37-4K

NAME AND ADDRESS: MICHAEL E WILLARD
1339 HAMPSHIRE CIR
NEWPORT BEACH CA 92660

Director's
Rpt

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.130 CFS
20.80 AFY

The portion of Right 37-4K used for conveyance losses is 0.04 cfs, and
rediversion of water from the Hiawatha Canal shall not exceed 0.09 cfs and
20.8 af.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION: T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	0.130 CFS 20.80 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S29	SENE	1.00	T03N R18E S29	NESE	7.90
8.9 ACRES TOTAL					

This right is limited to the irrigation of 2.0 acres within the place of use
described above in a single irrigation season.

Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the
irrigation of 4.6 total acres within the 8.9 acre place of use described above
in a single irrigation season.

un contolled
overlap. Changed
5 hope file
KRC
12-22-2010

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

Failure of the right holder to comply with the conditions of Transfer No.
68560 is cause for the Director to rescind approval of the transfer.

Approval of Transfer No. 68560 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 portion of Right 37-4G in excess of Right 37-4J and 37-4K in the amount
of 0.05 cfs shall be considered abandoned through approval of Transfer No.
68560.

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

37-577CK (T-5330), 37-4K (T-68560), & 37-7958 (T-5329) Willard

No Obj *no obj*
37-22055 Rogers
OBJECTION REVIEW

The recommendations for the Willard claims are based upon three different transfers. One for each claim.

T-5330 can be located in Water right backfile for 37-30000B pg 380. T-68560 can be located in Water right backfile for 37-4 pg 392. T-5329 can be located in Water right backfile for 37-7958 pg 11.

All available information indicates that the shape drawn for the Willard rights included the Rogers property in error. The Willard property identified in the transfers is for a PPU of 8.9 ac and the tax lot information identifies the Willard property (as of tax lot info updated 7-31-2010) as a combined total of 8.6 ac. The shape file created by the department includes the 8.6 acres owned by Willard and the 4.3 acres owned by Rogers for a total of ≈ 13.5 acres. All information that I have reviewed suggests that the shape created by the department overstates the PPU for the Willard rights. As of this date I have reviewed some but not all of the information available associated with the Willard transfers.

3N, 18E Sec 29 SENE & NESE
2009 aerial photo



Tax Lot ownership Lt Blue outline

Willard 3.6 ac

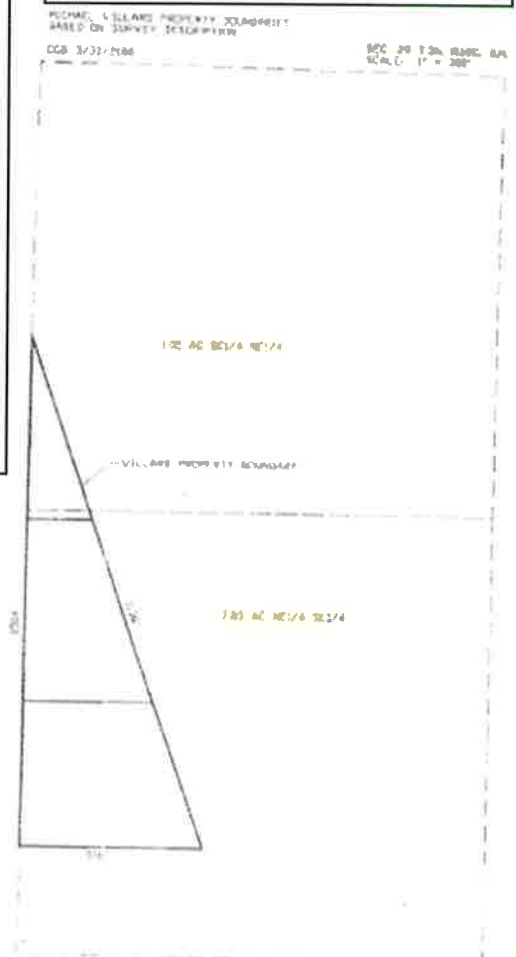
Willard 5 ac

Rogers 4.3 ac

Yellow shape = shapefile for Willard
claims 37-4K, 37-577CK and 37-7958
Shape ≈ 13.5 ac

Clipped from 37-7958 back file Pg 6
An attachment to T-5329

The dotted line represents the Q/Q lines
and note that the Willard property does
not extend to the southern border of
Sec 29 NESE



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-22055 V1

WATER RIGHT NUMBER: 37-22055 V1

Owner Type

Current Owner

Name and Address

KIMBERLY N ROGERS
PO BOX 5798
KETCHUM, ID 83340
(208)788-8598

Attorney

HAEMMERLE & HAEMMERLE
PO BOX 1800
HAILEY, ID 83333
(208)578-0520

Priority Date: 03/24/1883

Basis:

Status: Disallowed

Source

Tributary

BIG WOOD RIVER
MALAD RIVER

1987 flight
POU



Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.060 CFS

Annual Volume

Total Diversion:

0.060 CFS

Location of Point(s) of Diversion

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				Totals
03N	18E	29	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.8
																			2.8

Total Acres: 2.8

Conditions of Approval:

1. P11 No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.
2. P01 No lawful appropriation shown.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68560

This is to certify that: MICHAEL E WILLARD
1339 HAMPSHIRE CIRCLE
NEWPORT BEACH CA 92660
(949)574-9996

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
37-4G	AJC/	03/24/1883	0.83 cfs	31.5 af	9.0	9.0	BIG WOOD RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-4G	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acres Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acres Limit	Remaining Total Acres
37-4G	37-4K	0.13 cfs	20.8 af	2.0	8.9	37-4J	0.65 cfs	24.5 af	7.0	7.0
TOTALS		0.13 cfs	20.8 af	2.0	8.9		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 17th day of October, 2001

[Signature]
Chief, Water Allocation Bureau

T5877/68560
Willard

MICROFILMED

JAN 24 2002

WATER RIGHT NO. 37-4J
As Modified by Transfer No. 68560

In accordance with the approval of Transfer No. 68560, Water Right No. 37-4J is now described as follows.

Right Holder: RIGMOR GRABHER And
 ELMAR GRABHER
 PO BOX 507
 SUN VALLEY ID 83353

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	0.65 CFS	24.5 AF
		0.65 CFS	24.5 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW 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	4															2.0	3.0	5.0
02N	18E	9	.6	1.4															2.0

Total Acres: 7

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Approval of Transfer 68560 is not a confirmation of the validity of this water right and does not preclude the opportunity for review 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 17th day of October, 2001


 Chief, Water Allocation Bureau

MICROFILMED

JAN 24 2002

WATER RIGHT NO. 37-4K
As Modified by Transfer No. 68560

In accordance with the approval of Transfer No. 68560, Water Right No. 37-4K is now described as follows.

Right Holder: MICHAEL E WILLARD
 1339 HAMPSHIRE CIRCLE
 NEWPORT BEACH CA 92660

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	0.13 CFS	20.8 AF
			0.13 CFS	20.8 AF

LOCATION OF POINT(S) OF DIVERSION:

BIG WOOD RIVER SWNW 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	
03N 18E 29				1.0												7.9	8.9

Total Acres: 8.9

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. Right 37-4K is limited to the irrigation of 2.0 acres within the place of use described above in a single irrigation season.
4. The portion of Right 37-4K used for conveyance losses is 0.04 cfs, and redirection of water from the Hiawatha Canal shall not exceed 0.09 cfs and 20.8 af.
5. The portion of Right 37-4G in excess of Right 37-4J and 37-4K in the amount of .05 cfs shall be considered abandoned through approval of Transfer 68560.
6. Approval of Transfer 68560 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

MICROFILMED
 JAN 24 1992

WATER RIGHT NO. 37-4K
As Modified by Transfer No. 68560

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

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 17th day of October, 2001


Chief, Water Allocation Bureau

MICROFILMED

JAN 24 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-577CK V1

WATER RIGHT NUMBER: 37-577CK V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL E WILLARD 1339 HAMPSHIRE CIR NEWPORT BEACH, CA 92660 (949)574-9996

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 10/15	0.090 CFS	3.90 AF
IRRIGATION STORAGE	01/01	to 12/31		1.40 AF
IRRIGATION FROM STORAGE	04/15	to 10/15		1.40 AF
RECREATION STORAGE	01/01	to 12/31		1.40 AF
AESTHETIC STORAGE	01/01	to 12/31		1.40 AF
DIVERSION TO STORAGE	04/15	to 10/15	0.100 CFS	
	<u>Total Diversion:</u>		0.100 CFS	5.30 AF

Location of Point(s) of Diversion

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	Totals
03N 18E 29	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	8.9
	1.0		7.9		

Total Acres: 8.9

IRRIGATION FROM STORAGE

Twp Rge Sec	NE	NW	SW	SE	Totals
03N 18E 29	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
	X		X		

DIVERSION TO STORAGE

Twp Rge Sec	NE	NW	SW	SE	Totals
03N 18E 29	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
	X		X		

Conditions of Approval:

1. 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.
2. T08 Failure of the right holder to comply with the conditions of Transfer No. 5330 is cause for the Director to

rescind approval of the transfer.

3. The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 1.4 af associated with the 0.4 acre no longer irrigated.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. E56 Rights 37-4K, 37-7958, and 37-577CK when combined shall not exceed the irrigation of 4.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
6. Approval of Transfer No. 5330 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. R67 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
9. K06 This right is limited to the irrigation of 1.1 acres within the place of use described above in a single irrigation season.
10. A portion of Right No. 37-557CK, 0.05 cfs, is limited to use for conveyance losses in delivery of this right.
11. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
12. Rights 37-7958 and 37-577CK when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
13. The first year that water is diverted to recreational, aesthetic and irrigation storage uses, the irrigation use under this right shall be limited to 0.9 acres, 0.08 cfs and 3.2 afa.

Remarks:

Comments:

1. cfritsch 2/7/2007 Updated Conditions
Comment: Updated Conditions

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5329
WATER RIGHT NO. 37-07958

This is to certify that: **MICHAEL E WILLARD**
1339 HAMPSHIRE CIRCLE
NEWPORT BEACH CA 92660

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.05 CFS	4.5 AF

SOURCE

GROUNDWATER

Priority: 12/04/1981

LOCATION OF POINT(S) OF DIVERSION: NESE , Sec. 29, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	29	SENE 1.0	NESE 7.9		8.9
Total number of acres irrigated:						* 8.9

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

APR 25 2000

37-7958 Back file
Pg 11 - 19

TRANSFER NO. 5329
WATER RIGHT NO. 37-07958

CONDITIONS OF APPROVAL AND REMARKS

7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 8. Right 37-07958 is limited to the irrigation of 1.5 acres in the place of use described above in a single irrigation season.
- * 9. Rights 37-07958 and 37-30000B when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
10. The right holder shall maintain a totalizing measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Dated this 3rd day of

April

, 2000

J. Shv Saptor

Chief, Water Allocation Bureau

MICROFILMED

APR 25 2000

Page 1 of 6

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5329

SEP 03 1998 APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant

Michael E. Willard

Phone (949) 574-9996

Post Office address 1339 Hampshire Circle, Newport Beach, CA 92660

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion☐ Add diversion point☒ Change place of use☐ Change nature of use☐ Change period of use☐ Other

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DEC 8 1999

2. Describe the reason for the proposed changes Water is being purchased and moved Department of Water Resources

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- 37-07958 12/4/1981 0.05/4.5 Irrigation 4/1 to 11/1
- _____ to _____
- _____ to _____
- _____ to _____
2. Total amount of water being transferred 0.05 cubic feet per second and/or 4.5 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NE	SE	29	03N	18E	Blaine	Well and pump

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
03N	18E	29				0.5									1.0				1.5

MICROFILMED
APR 15 2000

PART 1

6. General Information:

a. Description of diversion system Well and pump to underground sprinkler system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

*.5 acres
deeded (?)* 1.5 acres would no longer be irrigated in SE1/4 SW1/4 Sec. 4, T. 2 N., R. 18 E.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____.

MICROFILMED
APR 25 2000

Page 3 of 6Transfer No. 5329

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

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 37-07958 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☒ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date of priority 12/4/1981

5. Water is used for the following purpose:

Amount 0.05/4.5 for Irrigation purposes from 4/1 to 11/1
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.05 cubic feet per second and/or 4.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SW	4	02N	18E	Blaine	Well and pump

8. Lands Irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
02N	18E	4												2.0					2.0

MICROFILMED

APR 25 2000

* Water right limits irrigation to 1.5 acres

Total acres 2.0*

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

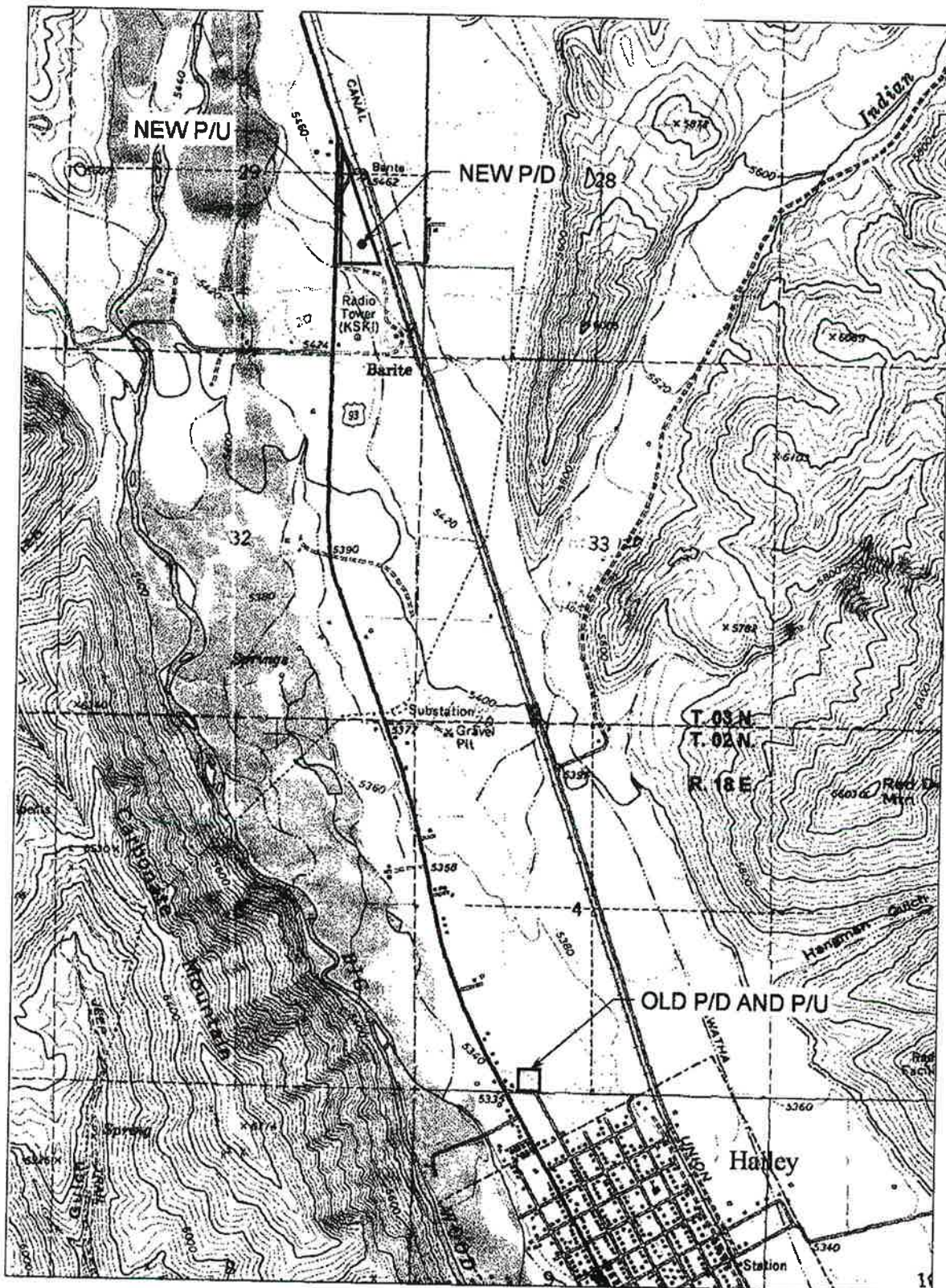
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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APR 25 2000

Total acres _____



WATER RIGHT TRANSFER OF 37-07958
MICHAEL E. WILLARD

BROCKWAY ENGINEERING, PLLC 8/2000

MICROFILMED

APR 25 2000

TS329

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Map

MICROFILMED

APR 25 2000

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

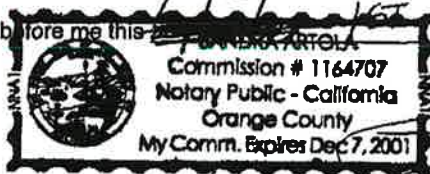
PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft) to
 to
2. Quantity and quality of return flows and location of discharge:
n/a
3. Describe the effects on other water uses resulting from the proposed change:
n/a

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

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

Subscribed and sworn to before me this 1st day of September, 1998.



(Signature of Applicant)

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachments (windume)
 Received by M.B. Date 9/3/98 Protest filed by Blaine County
 Prelim. check by P. SKINNER Fee 100.00
 Received by P. SKINNER Date 9/3/98 SD21470
 Published in Wood River Journal Copies of protest forwarded by _____
 Pub. dates 10/28 & 11/4/98 Hearing held by _____ Date _____
 Watermaster recommendation requested on N/A Recommended for ☒ Approval ☐ Denial

rec'd. _____

by Adm

Copy of transfer sent to lien holder _____

MICROFILMED

APR 25 2000

Page 1 of 6

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 5330

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of applicant Willard, Michael Phone (208) 788-4929* Post Office address ~~P.O. Box 112~~ 1339 HAMPSHIRE CIRCLE
NEWPORT BEACH, CA 92660**A. PURPOSE OF TRANSFER**

- * 1. ☐ Change point of diversion ☐ Add diversion point ☐ Change place of use
☒ Change nature of use (PART) ☐ Change period of use ☒ Other Add nature of use
 2. Describe the reason for the proposed changes Storage use needs to be included on right

JUL 16 1998

RECEIVED

 span. of Water Resource
 Southern Region

DEC 8 1999

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Department of Water Resources

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------|-----------|-----------|---------------|---------------|
| 37-30000B | 3/24/1883 | 0.10/3.9 | Irrigation | 4/15 to 10/15 |
| | | 2.0 ac-ft | S for Irrig. | 4/15 to 10/15 |
| | | 2.0 ac-ft | Rec./Aes. | 1/1 to 12/31 |
| | | 0.10 cfs | Div. to Stor. | 4/15 to 10/15 |
2. Total amount of water being transferred 0.10 cubic feet per second and/or 5.3 acre-feet per annum.
3. Source of water Big Wood River tributary to Malad River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
03N	18E	29													1.1				1.1

Printed 7/14/98 11:39

* CHANGES/ADDITIONS PER C.G. BROCKWAY VIA TELECOM

Total acres 1.1

TS330

8/31/98

 37-30000B Backfile
 Page 380

PART 1

6. General Information:

- a. Description of diversion system Hiawatha Canal from Big Wood River. Water is diverted from Hiawatha to unnamed ditch and flows through two ponds. Irrigation water pumped from south pond to sprinkler system.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
No effect.
- d. Remarks:
The purpose of this transfer is only to add storage as a beneficial use. No other changes are requested.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____.

MICROFILMED
 APR 25 2006

Page 3 of 6Transfer No. 5330

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-30000B Decreed to Riley
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 4882 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice

☐ Warranty Deed

☐ Other _____

3. Source of water Big Wood River tributary to Malad River

4. Date of priority 3/24/1883

5. Water is used for the following purpose:

Amount 0.10/5.3 ^{(5.25) cfs} for Irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.10 cubic feet per second and/or 5.3 ^{(5.25) cfs} acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SW	NW	20	03N	18E	Blaine	Hiawatha Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
03N	18E	29													1.5				1.5

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Total acres 1.5

9. Describe any other water rights used for the same purpose as described above None

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

9383

APPLICATION FOR TRANSFER
37-30000B
MICHAEL WILLARD

T5330 198

MICROFILM
128 23 7000

P9384

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

See Attached Map

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JUN 13 2005

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

19385

PART 3

AUG 03 1998

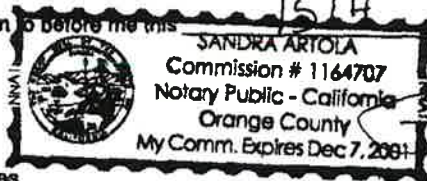
B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft)
- Storage 2.0 ac-ft Continuous 4/15 to 10/15
 to
2. Quantity and quality of return flows and location of discharge:
Water flows through ponds and exits into the existing ditch
3. Describe the effects on other water uses resulting from the proposed change:
None

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

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

Subscribed and sworn to before me this 15TH day of JULY 19 98



(Signature of Applicant)

(Notary Public)

My commission expires

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachmentsReceived by M. BALDWIN Date 7/16/98Protest filed by Blaine County (withdrawn)Prelim. check by P. SKINNER Fee \$100.00 5021347Receipted by M. BALDWIN Date 7/16/98Published in Wood River Journal

Copies of protest forwarded by

Pub. dates 10/28 + 11/4/98

Hearing held by Date

Watermaster recommendation requested on 10/20/98Recommended for ☒ Approval ☐ Denialrec'd. 10/29/98by AD

Copy of transfer sent to lien holder

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AUG 25 2000

WILLARD PROPERTY -- POND AND IRRIGATION

Brockway Engineering, PLLC

Water balance comparing crop only scenario with crop/pond scenario

Climatic data for the Silver Creek triangle, Blaine County. February, 1976

Pond evaporation calculated using the Kohler-Nordenson-Fox procedure

Crop consumptive use estimated by Allen and Brockway, 1980

Scenario: Diversion from Hiawatha into pond; irrigation from pond

Analysis is based on irrigation season since no water will be diverted

to ponds during the non-irrigation season

		Water balance for irrigation season (values are in acre-feet)		
Pond size	0.37 acres			
Liner type	PVC			
Unit seepage rate	0 feet/day		Before	After
Length of season	180 days	Irrigated acres	1.50	1.12
Crop ET - 2.5 afa allowable	30 inches	Diversion from Hiawatha	5.25	5.25
Pond seasonal evaporation	30.7 inches	Diversion to pond	0.00	5.25
Seasonal precipitation	16.2 inches	Precipitation on crop	2.03	1.51
Irrigation efficiency	0.85	Precipitation on pond	0.00	0.50
		Crop ET	3.75	2.80
Seepage rate	0 ft3/day	Req'd application to crop	1.73	1.29
	0.0000 cfs	Diversion for crop	2.03	1.52
	0.00 miners inches	Total water on crop	4.05	3.03
		Crop ET	3.75	2.80
Seepage volume	0.00 ac-ft/year	Pond evap	0.00	0.95
		Aquifer recharge		
Evaporation rate (avg.)	223.9 ft3/day	Pond seepage	0.00	0.00
	0.0026 cfs	Infiltration on cropland	0.30	0.23
	0.13 miners inches			
Evaporation volume	0.95 ac-ft/year	Total consumptive use	3.75	3.75
Precipitation volume	0.4995 ac-ft/year	Total aquifer recharge	0.30	0.23
Net pond loss	0.45 ac-ft/year			
Pond equivalent irrigated acres (based on crop ET only)	0.38 acres			

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SEP 27 2000

B 3877 # 5330

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5330
WATER RIGHT NO. 37-30000B

This is to certify that: **MICHAEL WILLARD**
1339 HAMPSHIRE CIRCLE
NEWPORT BEACH CA 92660

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.09 CFS	3.9 AF
IRRIGATION STORAGE	01/01 to 12/31		1.4 AF
IRRIGATION FROM ST	04/15 to 10/15		1.4 AF
RECREATION STORAGE	01/01 to 12/31		1.4 AF
AESTHETIC STORAGE	01/01 to 12/31		1.4 AF
DIVERSION TO STORA	04/15 to 10/15	0.10 CFS	
	Totals	* 0.10 CFS	5.3 AF

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 20, Township 03N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

TWN RGE SEC
03N 18E 29

ACRES
SENE 1.0

ACRES
NESE 7.9

ACRES

TOTAL
8.9

Total number of acres irrigated:

** 8.9

PLACE OF USE: IRRIGATION FROM ST, same as IRRIGATION use

PLACE OF USE: DIVERSION TO STORA, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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APR 25 2000

37-30000B Backfile

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TRANSFER NO. 5330
WATER RIGHT NO. 37-30000B

CONDITIONS OF APPROVAL AND REMARKS

3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 7. A portion of Right No. 37-30000B, 0.05 cfs, is limited to use for conveyance losses in delivery of this right.
- ** 8. Right 37-30000B is limited to the irrigation of 1.1 acres in the place of use described above in a single irrigation season.
- ** 9. Rights 37-07958 and 37-30000B when combined shall not exceed the irrigation of 2.6 total acres within the 8.9 acre place of use described above in a single irrigation season.
10. The first year that water is diverted to recreational, aesthetic and irrigation storage uses, the irrigation use under this right shall be limited to 0.9 acres, 0.08 cfs and 3.2 afa.
11. The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 1.4 af associated with the 0.4 acre no longer irrigated. The period of use for the irrigation and diversion to storage described in this approval may be extended to an ending date of 10-31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
12. Approval of Transfer 5330 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 3rd day of April, 2000.

J. Glen Saylor
Chief, Water Allocation Bureau

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APR 25 2000

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