

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 37-2627C
Date Received: 11/28/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RINKER CO Phone: (714)979-8300
PO BOX 7250
NEWPORT BEACH CA 92658

2. Date of Priority: 12/09/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.79	137.6
RECREATION STORAGE	1/01	12/31		144
FIRE PROTECTION STORAGE	1/01	12/31		144
AESTHETIC STORAGE	1/01	12/31		144
DIVERSION TO STORAGE	1/01	12/31	1.15	46

7. Total Quantity Appropriated is:
1.15 C.F.S. and/or 183.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	7	SE	SW	IRRIGATION	3.8
			SW	SE	IRRIGATION	24.2
			SE	SE	IRRIGATION	2.6
			SE	SW	RECREATION STORAGE	
			NW	SE	RECREATION STORAGE	
			SW	SE	RECREATION STORAGE	
			SE	SE	RECREATION STORAGE	
Section Acres						30.6
03N	18E	18	NE	NW	IRRIGATION	8.7
			NE	NE	RECREATION STORAGE	
			NW	NE	RECREATION STORAGE	
			NE	NW	RECREATION STORAGE	
Section Acres						8.7
Total Acres						39.3

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:

14. Remarks:

This claim created from split of 37-2627B by Transfer 5423.
See Transfer 5423 for Conditions of Approval and Remarks.

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

The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the 37-2627C

Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.

The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.

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

Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.

The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

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

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

The 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 the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

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: A37-02627B
Date Received: 10/21/1988
Receipt No: 5003232
Received By: J

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PICABO LIVESTOCK CO., INC. 208-788-2516
Address: P. O. BOX 688
PICABO, ID 83348

2. Date of Priority: DEC 09, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01S	20E	30	NW	SW	NE		BLAINE

5. Description of diverting works:
WELL & PUMP, 50 HP MOTOR, GRAVITY & SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.000		

7. Total Quantity Appropriated is:
5.000 C.F.S. (and/or) 2122.30 A.F.A.

8. Total consumptive use is 2122.3 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01S	20E	20	SW	SW		IRR	8.0
						Section Acres	8.0
		26	SW	SW		IRR	30.0

A37-02627B

Page 1

Date: 10/21/88

COPY

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	20E	26	SE	SW		IRR	8.0

Section Acres 38.0

27	SW	NE	IRR	2.0
	NW	NW	IRR	8.0
	SW	NW	IRR	30.0
	SE	NW	IRR	2.0
	NE	SW	IRR	14.0
	NW	SW	IRR	24.0
	SW	SW	IRR	2.0
	SE	SW	IRR	8.0
	NE	SE	IRR	6.0
	NW	SE	IRR	10.0
	SW	SE	IRR	13.0
	SE	SE	IRR	20.0

Section Acres 139.0

28	NE	NE	IRR	22.0
	NW	NE	IRR	23.0
	SW	NE	IRR	29.0
	SE	NE	IRR	21.0
	NE	NW	IRR	8.0
	NW	NW	IRR	9.0
	SW	NW	IRR	40.0
	SE	NW	IRR	35.0
	NE	SW	IRR	38.0
	NW	SW	IRR	40.0
	SW	SW	IRR	29.0
	SE	SW	IRR	38.0
	NE	SE	IRR	40.0
	NW	SE	IRR	39.0
	SW	SE	IRR	32.0
	SE	SE	IRR	10.0

Section Acres 453.0

29	NE	NE	IRR	24.0
	NW	NE	IRR	38.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	34.0
	NW	NW	IRR	25.0
	SW	NW	IRR	31.0

COPY

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	20E	29	SE	NW		IRR	40.0
			NE	SW		IRR	37.0
			NW	SW		IRR	3.0
			NE	SE		IRR	40.0
			NW	SE		IRR	38.0
			SW	SE		IRR	2.0
			SE	SE		IRR	28.0
						Section Acres	420.0
		30	SW	NE		IRR	32.0
			SE	NE		IRR	13.0
						Section Acres	45.0
		33	NE	NE		IRR	5.0
			NW	NE		IRR	21.0
			NE	NW		IRR	7.0
						Section Acres	33.0
		34	NE	NE		IRR	32.0
			NW	NE		IRR	20.0
			NE	NW		IRR	32.0
			NW	NW		IRR	1.0
						Section Acres	85.0
		35	NW	NW		IRR	35.0
			SW	NW		IRR	30.0
						Section Acres	65.0
						Total Acres	1286.0

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:
MANY DECREED RIGHTS

14. Remarks:

LAND IS CLAIMED AS IRRIGATED PER SEC. 42-1416 OF IDAHO CODE. P/U HAS NOT BEEN EXPANDED, BUT ORIGINAL LICENSE APPEARS TO BE IN ERROR. LAND IS THAT PART OF THE RANCH THAT IS SOUTH OF THE ORIGINAL CHANNEL OF SILVER CREEK. WELL SUPPLEMENTS DECREED SURFACE WATER, BEING USED VERY LITTLE OR VERY MUCH AS NEEDED. SOME LAND IN SEC. 30 HAS ONLY WATER FROM THIS WELL TO IRRIGATE IT, AS THE

COPY

MICROFILMED
FEB 23 1993

15. Basis of Claim: LICENSE

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

Number of attachments: _____

For Organizations:

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

[Signature]
Signature of Authorized Agent
President
Title and Organization
10-25-88
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 25th day of Oct. 19 88
[Signature]
Notary Public

Seal

Residing at Kinsley, Id.
My Commission Expires 6/30/92

COPY

MICROFILMED
FEB 23 1993

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2627C

WATER RIGHT NUMBER: 37-2627C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RINKER CO PO BOX 7250 NEWPORT BEACH, CA 92658 (714)979-8300
Original Owner	PICABO LIVESTOCK CO INC PO BOX 748 PICABO, ID 83348 (208)788-3530

Priority Date: 12/09/1959

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION STORAGE	1/01 to 12/31		144.00 AF
IRRIGATION	4/15 to 10/15	0.790 CFS	137.60 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.150 CFS	46.00 AF
AESTHETIC STORAGE	1/01 to 12/31		144.00 AF
RECREATION STORAGE	1/01 to 12/31		144.00 AF
	<u>Total Diversion:</u>	1.150 CFS	183.60 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	NW1/4SE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
BLAINE County		
GROUND WATER	SW1/4NE1/4	Sec. 18, Twp 03N, Rge 18E, B.M.
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	7												3.8			24.2	2.6	30.6
03N	18E	18					8.7												8.7

Total Acres: 39.3

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2627C

RECREATION STORAGE

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	7												X		X	X	X	
03N	18E	18	X	X			X												

Conditions of Approval:

1.
 - ✓ The right holder shall maintain a totalizing measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
 - ✓ The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.
 - ✓ Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 and 37-30030 when combined shall not exceed the irrigation of 186.8 acres; 15.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 80.7 acres in the Golden Eagle Subdivision Phase II.
 - ✓ The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.
 - ✓ At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.
 - ✓ Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.
 - ✓ Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.
 - ✓ The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.
- ✓ 2. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
- ✓ 3. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- ✓ 4. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
- ✓ 5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- ✓ 6. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- ✓ 7. 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.
8. ~~T09~~ Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2627C

Comments:

1. AMERRITT 4/15/1997 CORRECT PU

Comment: THE PURPOSE OF TRANSFER 5045 WAS TO SPLIT LICENSE. PART A WITH THREE WELLS WILL SERVE A PPU OF 2711.3 ACRES WHICH IS THE SAME LANDS INVOLVED IN TRANSFERS 5044 AND 5046. PART B WITH ONE WELL WILL SERVE 62.7 ACRES AT A LOCATION SEVERAL MILES NORTH NEAR THE GOLDEN EAGLE PROJECT. THESE LANDS ARE PRESENTLY IRRIGATED FROM A WELL AND ALSO BY BIG WOOD DECREES. THIS TRANSFER WOULD COVER THE ADDITIONAL ACRES HISTORICALLY IRRIGATED FROM GROUNDWATER BUT NOT COVERED UNDER LICENSE 37-02632.

2. PSKAGGS 2/4/1998 TRANSFER 5045

Comment: Transfer 5045 adds points of diversion & changes the place of use under a portion of Right 37-02627 (Part A), and changes the point of diversion & place of use under the remaining portion (Part B.) ***04291998***Review of Permit 37-08854 file shows a drilling permit for two new domestic wells to serve the subdivision instead of using the irrigation well located within SWNE, S18, T03N, R18E. This will be verified at time of licensing 37-08854.

3. PSKAGGS 9/15/1999 TRANSFER 5423

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

4. PSKAGGS 11/19/1999 AMENDED APPROVAL/TRANSFER 5423

Comment: Right 37-02627C was changed thru the amended transfer approval.

5. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160933 to SpatialDataID 160934

6. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160933 to SpatialDataID 160934

7. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160933 to SpatialDataID 160934

8. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160933 to SpatialDataID 160934

9. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160933 to SpatialDataID 160934

10. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160934 to SpatialDataID 160933

11. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160934 to SpatialDataID 160933

12. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160934 to SpatialDataID 160933

13. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160934 to SpatialDataID 160933

14. mciscell 12/20/2006 POD

Comment: PODID 37425 correlated from SpatialDataID 160934 to SpatialDataID 160933

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2627C

Dates and Other Information:

Licensed Date: 5/15/1979
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 01 1999

TRANSFER OF WATER RIGHT

AMENDED

Department of Water Resources
AMENDED

TRANSFER NO. 5423

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

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

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

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

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

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

WATER RIGHT NO. 37-00154C

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG WOOD RIVER	MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total number of acres irrigated:

PLACE OF USE: RECREATION

<u>TWN RGE SEC</u>	
03N 18E 32	SENE

PLACE OF USE: AESTHETIC, same as RECREATION use

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

WATER RIGHT NO. 37-00364G

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL AND REMARKS

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

WATER RIGHT NO. 37-02627CSOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: IRRIGATION

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

PLACE OF USE: RECREATION STORAGE

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

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

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

WATER RIGHT NO. 37-02627D

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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

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

WATER RIGHT NO. 37-02632

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

PLACE OF USE: RECREATION STORAGE

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
03N	18E	18	NWNE	SWNE	NESE
			NWSE		

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

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

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

WATER RIGHT NO. 37-30028

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

WATER RIGHT NO. 37-30030

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL AND REMARKS

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

TRANSFER NO. 5423

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

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

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

Dated this 19th day of November, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

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

FROM: Pam Skaggs/State Office *PS*

SUBJECT: Transfer 5423

DATE: September 23, 1999

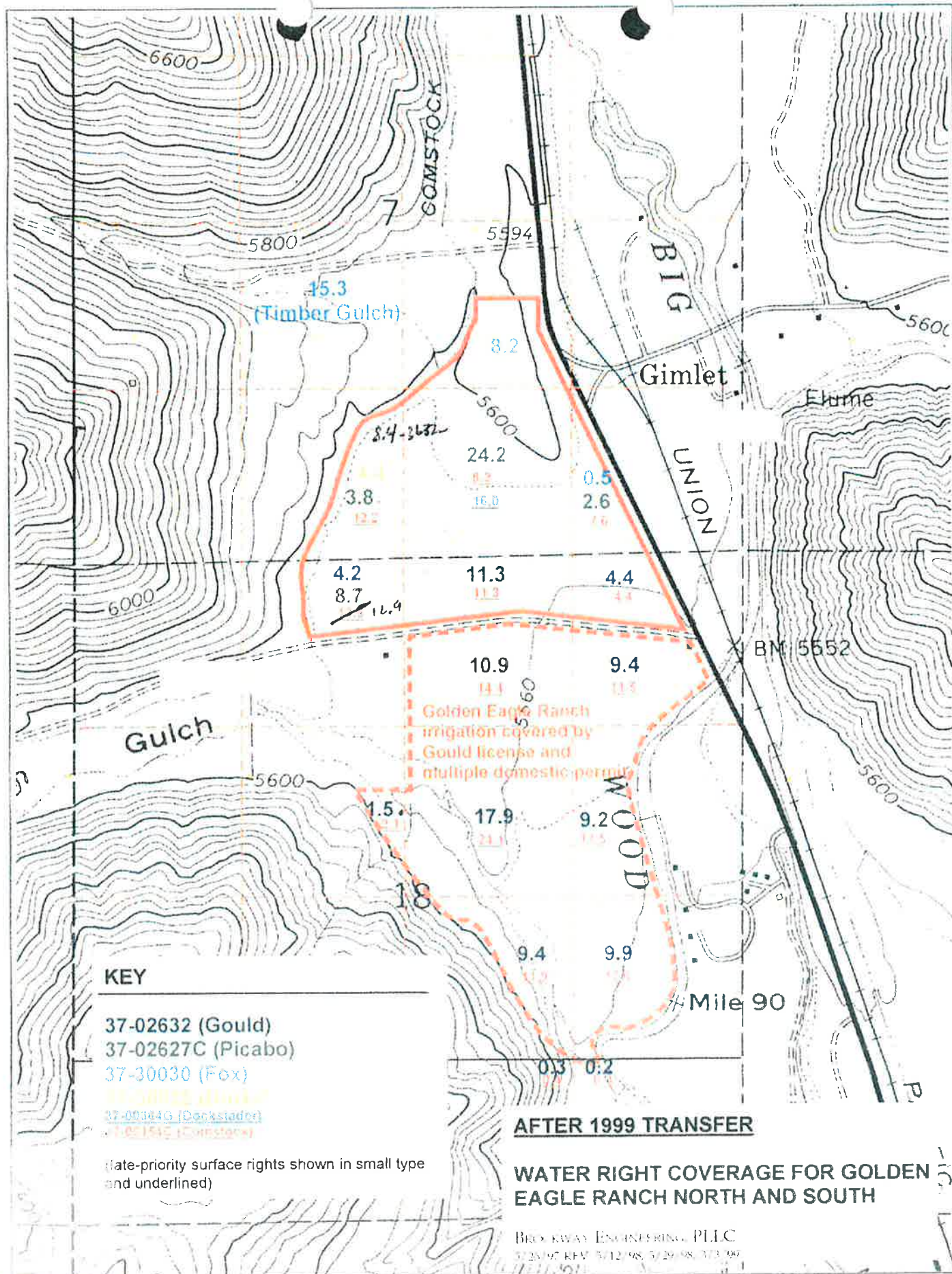
Transfer 5423 reflects the development of subdivision including a system of recreation, fire protection and aesthetic ponds. Previous Transfers 4823-4827 were approved for the initial development of Golden Eagle Subdivision Phase I. These rights have all been identified as part of the continued expansion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

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

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

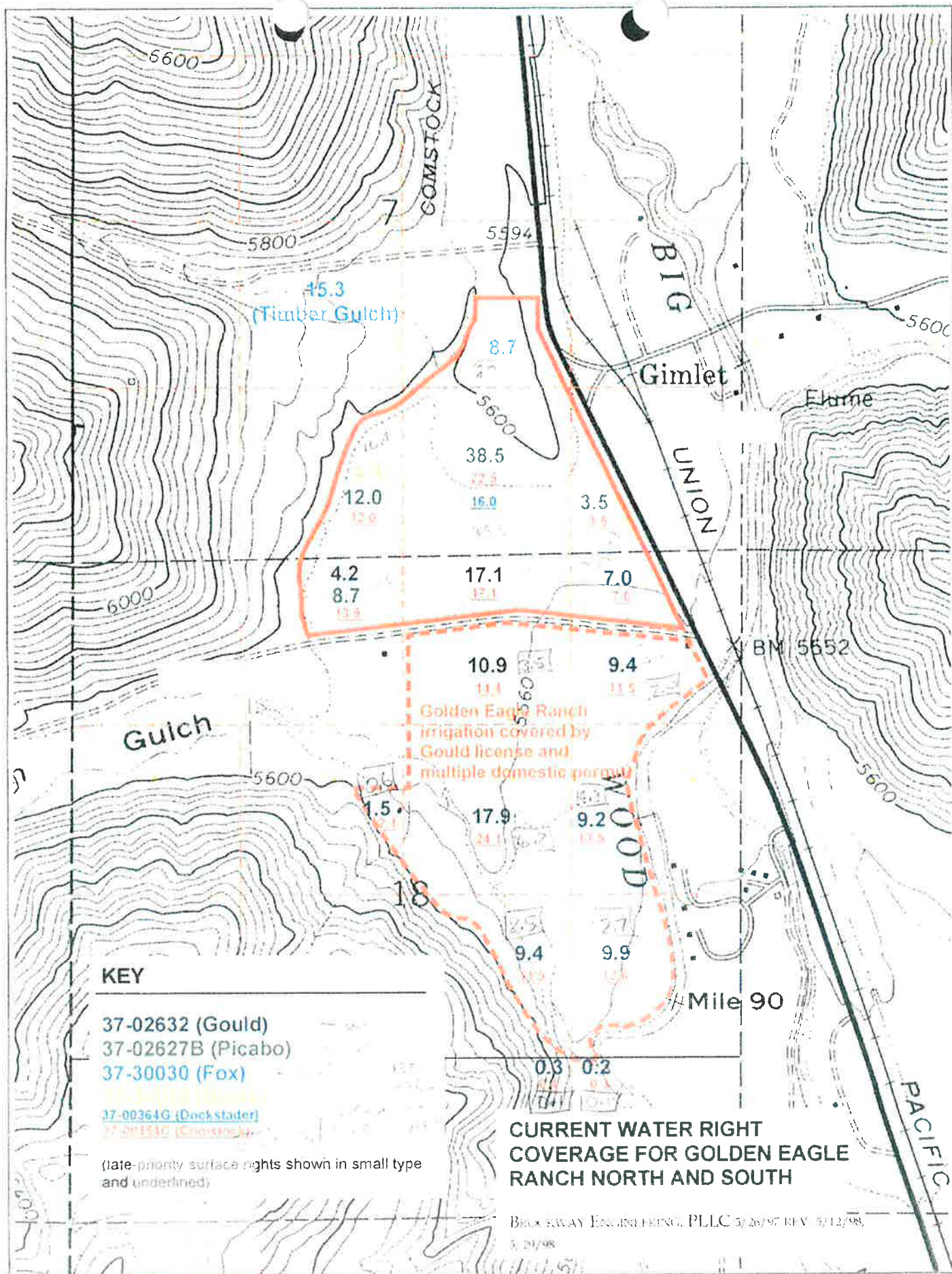
Recommended conditions included watermaster control, measuring devices & lockable controlling works, supplemental groundwater (where appropriate), irrigation overlap, combined right limits, mitigation requirements, pond requirements to compensate for initial filling & any additional annual losses, drilling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

MICROFILMED
SEP 28 1999



sube p. 23

T# 542.3



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5045
WATER RIGHT NOS. 37-02627A & 37-02627B

MAR 26 1998

Idaho Department of Water Resources
Southern Region

This is to certify that: **PICABO LIVESTOCK CO**
PO BOX 688
PICABO ID 83348

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.

RIGHT NO. 37-02627A:

Priority: 12/09/1959

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/15 to 10/15

DIVERSION

RATE

10.65 CFS

ANNUAL

VOLUME

3865.7 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 20, Township 01S, Range 20E
SWNE , Sec. 30, Township 01S, Range 20E
NENW , Sec. 30, Township 01S, Range 20E
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>
01S	20E	19	NENE 39.0	SENE 40.0	SWSW 36.0	
			SESW 35.0	NESE 29.0	NWSE 32.0	
			SWSE 31.0	SESE 35.0		277.0
	20		NWNW 38.0	SWNW 39.0	NESW 29.0	
			NWSW 37.0	SWSW 15.0	SESW 24.0	
			NESE 39.0	NWSE 36.0	SWSE 11.0	
			SESE 32.0			300.0
	21		SWNE 40.0	SENE 27.0	NESW 40.0	
			NWSW 40.0	SWSW 40.0	SESW 23.0	
			NESE 39.0	NWSE 40.0	SWSE 33.0	
			SESE 24.0			346.0
	22		SWNW 18.0	SENE 19.0	NESW 9.4	
			NWSW 24.0	SWSW 36.0	SESW 32.0	138.4
	26		NESW 1.0	NWSW 11.0	SWSW 35.0	
			SESW 10.0			57.0
	27		NWNE 21.1	SWNE 25.9	NENW 38.0	
			NWNW 24.0	SWNW 32.0	SENE 26.0	
			NESW 14.0	NWSW 21.0	SWSW 1.0	
			SESW 11.0	NESE 23.5	NWSE 14.0	
			SWSE 32.0	SESE 32.0		315.5
	28		NENE 27.0	NWNE 23.0	SWNE 31.0	
			SENE 26.0	NENW 8.3	NWNW 19.4	

TRANSFER NO. 5045
WATER RIGHT NOS. 37-02627A & 37-02627B

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>
			SWNW 40.0	SENW 35.0	NESW 38.0	
			NWSW 40.0	SWSW 29.0	SESW 39.0	
			NESE 40.0	NWSE 39.0	SWSE 32.0	
			SESE 12.0			478.7
29			NENE 24.0	NWNE 38.0	SWNE 40.0	
			SENE 40.0	NENW 33.0	NWNW 25.0	
			SWNW 22.9	SENW 38.2	NESW 28.3	
			NWSW 3.0	NESE 40.0	NWSE 29.4	
			SWSE 1.9	SESE 31.0		394.7
30			NENE 29.0	NWNE 34.0	SWNE 36.0	
			SENE 17.0	NENW 12.0	NWNW 2.0	
			SENW 20.0	NESE 22.0	NWSE 34.0	206.0
33			NENE 4.0	NWNE 21.0	NENW 5.0	30.0
34			NENE 40.0	NWNE 40.0	NENW 27.0	
			NWNW 1.0			108.0
35			NWNW 40.0	SWNW 20		60.0
Total number of acres irrigated:						* 2711.3

RIGHT NO. 37-02627B:

Priority: 12/09/1959

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.25 CFS	219.5 AF

SOURCE
 GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	7	SESW 12.0	SWSE 38.5	SESE 3.5	54.0
		18	NENW 8.7			8.7
Total number of acres irrigated:						62.7

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. This approval does not authorize the construction of any new well or the deepening or enlargement of any existing well.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

TRANSFER NO. 5045
WATER RIGHT NOS. 37-02627A & 37-02627B

CONDITIONS OF APPROVAL AND REMARKS

4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
9. Prior to diversion of water under Transfer 5045 the right holder shall provide a means of measurement and lockable controlling works from all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- * 10. Right 37-02627A is limited to the irrigation of 2496.3 acres in the place of use described above in a single irrigation season.
11. Rights 37-02627A, 37-02617 and 37-02620 when combined shall not exceed a total annual diversion volume of 5055.7 af at the field headgate and the irrigation of 2711.3 acres.
12. Use of water under Right 37-02627B may be affected by an agreement between the protestant and the right holder.
13. The Director maintains jurisdiction of Right 37-02627B up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
14. Approval of Transfer 5045 does not authorize the irrigation of any new land under Right 37-02627B not previously irrigated under other rights.
15. Rights 37-02627B, 37-02632 and 37-08854 are diverted from the same well located in SWNE, S18, T03N, R18E.

Dated this 20th day of March, 1998


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILE 37-02627

FROM: PAM SKAGGS/^{PS}STATE OFFICE

SUBJECT: TRANSFER 5045

DATE: February 5, 1998

=====

Transfer 5045 is the second of three transfer applications filed to combine rights and identify current use on a large parcel of land. This transfer also splits a portion of Right 37-02627 from the original system to supplement a separate system several miles north. ✓

Under Part A, the transfer adds points of diversion and changes the place of use to create a 2711.3 acre common permissible place of use with groundwater Rights 37-02617 and 37-02620, and multiple surface water rights under Transfer 5046. Under Part B, the transfer changes the point of diversion and place of use to irrigate 62.7 acres not covered by groundwater Right 37-02632. ✓

Recommended conditions include watermaster control, measuring devices/multiple points of diversion, no new well, supplemental groundwater, irrigation overlap, permissible place of use, combined right limits and standard transfer conditions. ✓

alc
ju

COPY

DEPT. OF WATER RESOURCES
TWIN FALLS, ID. 83400
FILED
2008 FEB 6 PM 12:03

**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. 37-153A, 37-154C,
37-364D, 37-2627C, 37-2632,
37-14260A, 37-20749, 37-22060

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

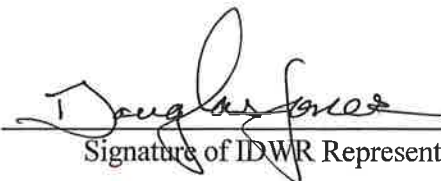
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

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

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

Dated: 1/22/08


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2/6, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Golden Eagle Ranch Homeowners Assn Inc
c/o Sun Country Management
PO Box 1932
Ketchum ID 83340

Albert Barker
Barker Rosholt & Simpson
PO Box 2139
Boise ID 83701

Brian Ballard
Hawley Troxell Ennis & Hawley
PO Box 1617
Boise ID 83701-1617

Scott Campbell
Moffatt Thomas Barrett Rock & Fields
PO Box 829
Boise ID 83701

Rinker Co
Wood River Properties
PO Box 7250
Newport Beach CA 92658

Glenn B Gould Family Partnership
1876 E 4300 N
Buhl ID 83316

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Craig Hobdey
PO Box 176
Gooding ID 83330



Signature of person or attorney mailing the form

01/15/2008

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

RIGHT NUMBER: 37-153A

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GREENHORN CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 4.740 CFS

PRIORITY DATE: 09/01/1885

POINT OF
DIVERSION:

T03N R18E S18 SWSWNE Within BLAINE County
T03N R18E S18 NESWNW 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	4.740 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S18	NENE	12.00	T03N R18E S18	NWNE	20.00
T03N R18E S18	SWNE	32.00	T03N R18E S18	SENE	18.00
T03N R18E S18	NESE	16.00	T03N R18E S18	NWSE	15.00

113 ACRES TOTAL

Right Nos. 37-153A, 37-154C, 37-2627C and 37-2632 are limited to the irrigation of a combined total of 142.4 acres 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

01/15/2008

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

RIGHT NUMBER: 37-154C

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 8.850 CFS
756.00 AFY

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

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

PRIORITY DATE: 12/13/1887

POINT OF
DIVERSION:

T03N R18E S18 NENE Within BLAINE County
T03N R18E S32 SENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

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

PLACE OF USE: IRRIGATION in BLAINE County

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

RECREATION in BLAINE County

T03N R18E S32 SENW

AESTHETIC in BLAINE County

T03N R18E S32 SENW

142.4 ACRES TOTAL

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

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

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

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

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

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

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

01/15/2008

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

RIGHT NUMBER: 37-364D

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.240 CFS
56.00 AFY

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

PRIORITY DATE: 05/01/1887

POINT OF
DIVERSION:

T03N R18E S18 NENE 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	0.240 CFS 56.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S07 SWSE 16.00

16 ACRES TOTAL

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

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

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. 5423 is cause for the Director to rescind approval of the transfer.

Use of water under Right 37-00364D may be affected by an agreement between the protestant of Transfer 4824 and the right holder.

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

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.

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

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

01/15/2008

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

RIGHT NUMBER: 37-2627C

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.150 CFS
183.60 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.

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

The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.

PRIORITY DATE: 12/09/1959

POINT OF
DIVERSION:

T03N R18E S18 SWNE Within BLAINE County
T03N R18E S18 NESE Within BLAINE County
T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION STORAGE	01/01 12/31	144.00 AFY
IRRIGATION	04/15 10/31	0.790 CFS 137.60 AFY
DIVERSION TO STORAGE	01/01 12/31	1.150 CFS 46.00 AFY
AESTHETIC STORAGE	01/01 12/31	144.00 AFY
RECREATION STORAGE	01/01 12/31	144.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	SESW	3.80	T03N R18E S07	SWSE	24.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENW	8.70

RECREATION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

AESTHETIC STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

39.3 ACRES TOTAL

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

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

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

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

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.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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

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

The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.

The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.

Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.

01/15/2008

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

RIGHT NUMBER: 37-2632

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.300 CFS
402.50 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 79.0 af, irrigation the following year shall be reduced by 1.0 acre for every 3.5 af required to increase the volume to 79.0 af.

The total instantaneous diversion of water from all points of diversion under Right 37-02632 shall not exceed 2.30 cfs, nor total combined annual volume of 402.5 af.

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

The first year that water is diverted to aesthetic, recreation and fire protection storage uses approved under Transfer 4825, the irrigation use under this right shall be limited to 1.49 cfs and 260.5 afa.

PRIORITY DATE: 03/29/1960

POINT OF
DIVERSION:

T03N R18E S18 SWNE Within BLAINE County
T03N R18E S18 NESE Within BLAINE County
T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	2.300 CFS
AESTHETIC STORAGE	01/01 12/31	142.00 AFY
RECREATION STORAGE	01/01 12/31	142.00 AFY
IRRIGATION	04/15 10/31	1.940 CFS 339.50 AFY
FIRE PROTECTION STORAGE	01/01 12/31	142.00 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T03N R18E S07	SESW	8.40	T03N R18E S18	NENE	13.80
T03N R18E S18	NWNE	22.20	T03N R18E S18	SWNE	17.90
T03N R18E S18	SENE	9.20	T03N R18E S18	NENW	4.20
T03N R18E S18	SENW	1.50	T03N R18E S18	NESE	9.90
T03N R18E S18	NWSE	9.40	T03N R18E S18	SWSE	0.30
T03N R18E S18	SESE	0.20			

RECREATION STORAGE in BLAINE County

T03N R18E S18	NWNE		T03N R18E S18	SWNE	
T03N R18E S18	NESE		T03N R18E S18	NWSE	

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

AESTHETIC STORAGE in BLAINE County

T03N R18E S18	NWNE	T03N R18E S18	SWNE
T03N R18E S18	NESE	T03N R18E S18	NWSE

97 ACRES TOTAL

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

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

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.

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

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

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

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

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

The reduction of irrigation during the first year will provide the additional storage volume to fill the ponds when combined with the 63.0 afa associated with the 18.0 acres no longer irrigated.

01/15/2008

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

RIGHT NUMBER: 37-14260A

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.080 CFS
15.40 AFY

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

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 NENE 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	0.080 CFS 15.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 SESW 4.40

4.4 ACRES TOTAL

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

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

Use of water under Right 37-30028 may be affected by an agreement between the protestant of Transfer 4826 and the right holder.

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

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

01/15/2008

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

RIGHT NUMBER: 37-20749

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.020 CFS
3.50 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: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 SENENE 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	0.020 CFS 3.50 AFY

The period of use for the irrigation 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.

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07 SESW 1.00

1 ACRES TOTAL

Rights 37-00154C, 37-00364G, 37-02627C, 37-02632, 37-08854, 37-30028 , 37-20748, and 37-20749 when combined shall not exceed the irrigation of 186.8 acres; 14.3 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

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

Place of use is located within Lot 2, Blk. 1, Golden Eagle Ranch #2 Subdivision.

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

Use of water under Right 37-20749 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

01/15/2008

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

RIGHT NUMBER: 37-22060

NAME AND ADDRESS: GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.127 CFS
30.40 AFY

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

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T03N R18E S18 SENENE 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	0.127 CFS 30.40 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07	NWSE	8.20	T03N R18E S07	SESE	0.50
---------------	------	------	---------------	------	------

8.7 ACRES TOTAL

Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749, 37-22060, 37-22061, 37-22062 and 37-22063 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of transfer no. 70109 is cause for the Director to rescind approval of the transfer.

Use of water under Rights 37-22060, 37-22061, 37-22062 and 37-22063 may be affected by an agreement between the protestant of Transfer 4823 and the right holder.

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

The right holder shall 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.

This right is a split from former right 37-20750.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

February 6, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

GOLDEN EAGLE RANCH HOMEOWNERS ASSN INC
C/O SUN COUNTRY MANAGEMENT
PO BOX 1932
KETCHUM ID 83340

RE: SRBA Claim(s) 37-153A, 37-154C, 37-364D, 37-2627C,
37-2632, 37-14260A, 37-20749, 37-22060

Dear Claimants:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Brian Ballard
Rinker Co. & Wood River Properties
James P. Speck
Albert Barker
Scott Campbell
Glenn B. Gould Family Partnership
Craig Hobdey

RECEIVED

DEC 28 2007

DEPARTMENT OF
WATER RESOURCES

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
Adj 37-154C			Adj 37-2632		
Adj 37-364D			Adj 37-153A		
37-14260A			LC 37-8854		
37-20749			Permit 37-8881		
37-22060					
37-2627C					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) The Rinker Company
Wood River Properties, Inc.
Golden Eagle LLC
4. New Owner/Claimant(s) Golden Eagle Ranch Homeowners Association, Inc.
Name Connector (Check one): ☐ and ☐ or, ☐ and/or
- New Mailing Address c/o Sun Country Management, P.O. Box 1932
- City, State and ZIP Code Ketchum, ID 83340
- New Telephone Number (208) 726-3858 Email: sunco1007@cox-internet.com

SCANNED

JAN 08 2008

5. Date you acquired the property 1/2/97 and 10/2/07 (see attached)
6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) BY: Golden Eagle Ranch Homeowners Association, Inc.
Timothy Harris, Pres. (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by AMH
 Received by AMH
 Processed by AJ

Date 12-31-07
 Date 12-31-07
 Date

Receipt Amt \$ 50.00
 Receipt No 0085605
 WR Date

SCANNED

JAN 08 2008

Recording Requested By and
When Recorded Return to:
Brian L. Ballard
Hawley Troxell Ennis & Hawley LLP
P.O. Box 1617
Boise, Idaho 83701

Instrument # 552048

HAILEY, BLAINE, IDAHO
2007-10-02 04:15:00 No. of Pages: 3
Recorded for : HAWLEY, TROXELL, ENNIS
JOLYNN DRAGE Fee: 9.00
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED

YAPP

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

CORRECTION AND QUITCLAIM DEED AND ASSIGNMENT

FOR VALUE RECEIVED, **THE RINKER COMPANY**, a California corporation, **WOOD RIVER PROPERTIES, INC.**, a California corporation, and **GOLDEN EAGLE LLC**, a California limited liability company (collectively, "**GRANTORS**"), do hereby assign, transfer, release and forever quitclaim unto **GOLDEN EAGLE RANCH HOMEOWNERS ASSOCIATION, INC.**, an Idaho nonprofit corporation ("**GRANTEE**"), whose address is c/o Sun Country Management, P.O. Box 1932, Ketchum, Idaho 83340, all right, title and interest Grantors may have, if any, in and to the following described water rights, identified by the following water right numbers:

#37-154C
#37-364D
#37-14260A
#37-20749
#37-22060
#37-2627C
#37-2632
#37-153A
#37-8854
#37-8881

Said water rights are conveyed without warranty or representation by Grantors, as the same may be a part of the Water System located within **GOLDEN EAGLE RANCH SUBDIVISION**, according to the Official Plat thereof, recorded on the January 2, 1997, as Instrument No. 397902, Official Records, Blaine County, Idaho and **GOLDEN EAGLE RANCH II SUBDIVISION**, according to the Official Plat thereof, recorded on the February 1, 2001, as Instrument No. 447435, Official Records, Blaine County, Idaho.

This Correction and Quitclaim Deed and Assignment is made to correct the ownership records of the Idaho Department of Water Resources and to clarify ownership of the above described water rights, pursuant to that certain **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GOLDEN EAGLE RANCH SUBDIVISION**, recorded January 2, 1997, as Instrument No. 397903, Official Records, Blaine County, Idaho ("**Master Declaration**"), and that certain **SUPPLEMENTAL DECLARATION OF ANNEXATION TO GOLDEN EAGLE RANCH SUBDIVISION AND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR GOLDEN EAGLE RANCH II SUBDIVISION AND ACKNOWLEDGEMENT AND CONSENT**, recorded January 31, 2001, as Instrument No. 447431, Official Records, Blaine County, Idaho ("**Supplemental Declaration**"), as such Master Declaration and Supplemental Declaration have been amended. This Correction and Quitclaim Deed and Assignment is made pursuant to Article 8 (Water System) of the Master Declaration, in particular Section 8.1 thereof, which provides, among other things,

that all water rights related to the Water System shall be owned only by the Association, and not individual Owners

Executed this 6th day of September, 2007.

THE RINKER COMPANY,
a California corporation

By: [Signature]
Harry S. Rinker, President

WOOD RIVER PROPERTIES, INC.
a California corporation

By: [Signature]
Harry S. Rinker, President

GOLDEN EAGLE LLC,
a California limited liability company

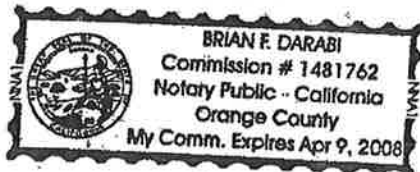
By: **Wood River Properties, Inc.,**
a California corporation, Member

By: [Signature]
Harry S. Rinker, President

State of California }
County of Orange } ss

On this 6th day of September 2007, before me, the undersigned, personally appeared HARRY S. RINKER, known or identified to me to be the president of THE RINKER COMPANY and the president of WOOD RIVER PROPERTIES, INC., the corporations that executed the instrument or the person who executed the instrument on behalf of said corporations, and acknowledged to me that such corporations executed the same

WITNESS my hand and official seal



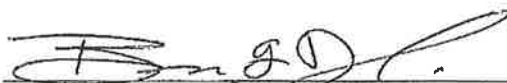
[Signature]
Notary Public for California
Residing at Orange County
My commission expires April 9, 2008

State of California }
County of Orange } ss

On this 6th day of September, 2007, before me, the undersigned, personally appeared HARRY S. RINKER, known or identified to me to be President of Wood River Properties, Inc., the member of the limited liability company of GOLDEN EAGLE LLC, and the member who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

WITNESS my hand and official seal.




Notary Public for California
Residing at Orange County
My commission expires April 9, 2008



HAWLEY TROXELL
ENNIS & HAWLEY LLP
ATTORNEYS AT LAW

RECEIVED

DEC 28 2007

DEPARTMENT OF
WATER RESOURCES

877 Main Street, Suite 1000
P.O. Box 1617
Boise, Idaho 83701-1617
(208) 344-6000 Fax (208) 342-3829
www.hteh.com

GARRETT MAUGHAN
LEGAL ADMINISTRATIVE ASSISTANT
EMAIL: GMAU@HTEH.COM
DIRECT DIAL: (208) 388-4883

December 28, 2007

VIA HAND DELIVERY

Jeff Peppersack
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: *Notice of Change in Water Right Ownership and Assignment of Permit*

Dear Jeff,

Per our telephone conversation regarding the above referenced matter, please find enclosed our Notice of Change in Water Right Ownership with attached Correction and Quitclaim Deed and Assignment. Also enclosed is our check in the amount of \$50.00 for filing fees (\$25.00 each for Water Right Nos. 37-8854 and 37-8881.) Please review the attached Deed and verify that the language is sufficient for the assignment of permit of Water Right No. 37-8881.

If there are any questions or concerns, please contact me directly.

Sincerely,

HAWLEY TROXELL ENNIS & HAWLEY LLP

Garrett Maughan
Assistant to Brian Ballard

Enclosures

SCANNED

JAN 08 2008

42149.0001.1117394.1

01/02/2007

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

RIGHT NUMBER: 37-2627C

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

SOURCE: GROUND WATER

TRIBUTARY:

This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

QUANTITY: 1.150 CFS
183.600 AFY

At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.

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

The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.

The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.

PRIORITY DATE: 12/09/1959

POINT OF DIVERSION:

T03N R18E S18 SWNE Within BLAINE County

T03N R18E S18 NESE Within BLAINE County

T03N R18E S18 NWSE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FIRE PROTECTION STORAGE	01/01 12/31	144.00 AFY
IRRIGATION	04/15 10/31	0.790 CFS 137.60 AFY
DIVERSION TO STORAGE	01/01 12/31	1.150 CFS 46.00 AFY
AESTHETIC STORAGE	01/01 12/31	144.00 AFY
RECREATION STORAGE	01/01 12/31	144.00 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T03N R18E S07	SESW	3.80	T03N R18E S07	SWSE	24.20
T03N R18E S07	SESE	2.60	T03N R18E S18	NENW	8.70

39.3 ACRES TOTAL

01/02/2007

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

RECREATION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

FIRE PROTECTION STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

AESTHETIC STORAGE in BLAINE County

T03N R18E S07	SESW	T03N R18E S07	NWSE
T03N R18E S07	SWSE	T03N R18E S07	SESE
T03N R18E S18	NENE	T03N R18E S18	NWNE
T03N R18E S18	NENW		

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

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

01/02/2007

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

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

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

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

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

The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.

Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.



Idaho Department of Water Resources

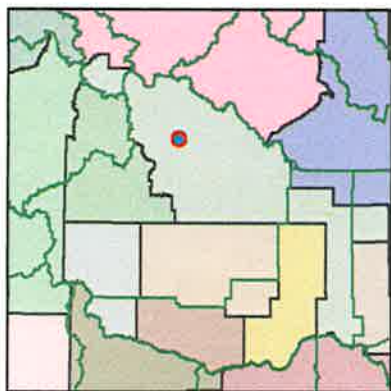
SRBA Recommendation:

37-2627C

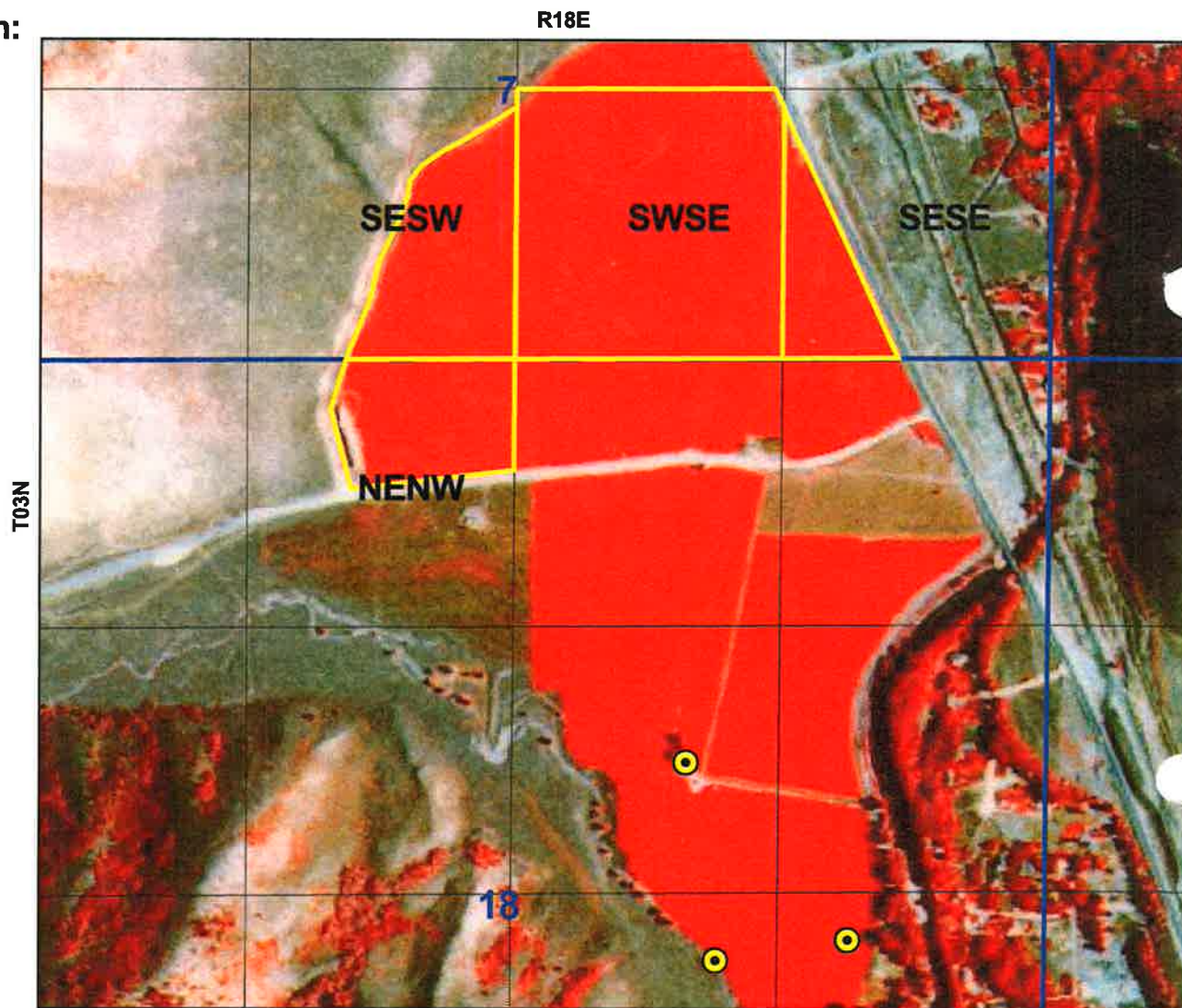
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.4 0.8 Miles

Prepared by L. Graves
On Friday, December 29, 2006
1987/88 Aerial Photography

WATER RIGHT NUMBER: 37-2627C V1

Priority Date: 12/09/1959
Basis: License
Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION STORAGE	01/01 to 12/31		144.00 AF
IRRIGATION	04/15 to 10/31	0.790 CFS	137.60 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.150 CFS	46.00 AF
AESTHETIC STORAGE	01/01 to 12/31		144.00 AF
RECREATION STORAGE	01/01 to 12/31		144.00 AF
	Total Diversion:	1.150 CFS	183.60 AF

<u>Location of Point(s) of Diversion</u>				
GROUND WATER BLAINE County	NE1/4SE1/4	Sec. 18,	Twp 03N,	Rge 18E, B.M.
GROUND WATER BLAINE County	NW1/4SE1/4	Sec. 18,	Twp 03N,	Rge 18E, B.M.
GROUND WATER BLAINE County	SW1/4NE1/4	Sec. 18,	Twp 03N,	Rge 18E, B.M.

Place of Use
FIRE PROTECTION STORAGE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-2627C V1

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	7												3.8			24.2	2.6	30.6
03N	18E	18							8.7										8.7

Total Acres: 39.3

AESTHETIC STORAGE

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	7												X		X	X	X	
03N	18E	18	X	X			X												

RECREATION STORAGE

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	7												X		X	X	X	
03N	18E	18	X	X			X												

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by transfer no. 5423 within one (1) year of the date of the transfer approval.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. 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.
5. The right holder shall maintain a totalizing measuring device and lockable controlling works of a type approved by the Department at each point of diversion in a manner that will provide the watermaster suitable control of the diversions.
6. T08 Failure of the right holder to comply with the conditions of transfer no. 5423 is cause for the Director to rescind approval of the transfer.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-2627C V1

7. At the end of each irrigation season the right holder shall measure the remaining volume in the storage ponds. Any year that the storage volume drops below 98.0 af, irrigation the following year shall be reduced by 1.0 acre for every 2.5 af required to increase the volume to 98.0 af.
8. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. Rights 37-00154C, 37-00364D, 37-02627C, 37-02632, 37-08854, 37-14260A, 37-20749 and 37-20750 when combined shall not exceed the irrigation of 178 acres; 5.5 acres in the Timber Gulch Subdivision, 90.8 acres in the Golden Eagle Subdivision Phase I, and 81.7 acres in the Golden Eagle Subdivision Phase II.
10. The first year that water is diverted to recreation, fire protection and aesthetic storage uses as authorized under Transfer 5423, the irrigation use within Golden Eagle Subdivision II shall be limited to 23.1 total acres of the 80.7 acres allowed.
11. The Director maintains jurisdiction of Transfer 5045 up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion located in the SWNE, S18, T03N, R18E.
12. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
13. Use of water under Right 37-02627C may be affected by an agreement between the protestant of Transfer 5045 and the right holder.
14. The total instantaneous diversion of water from all points of diversion under Right 37-02627C shall not exceed 1.15 cfs, nor total combined annual volume of 183.6 af.
15. Irrigation of 3.5 acres in Golden Eagle Subdivision Phase II will cease as long as water is diverted under Permit 37-08888 for irrigation of a tree nursery during construction of the subdivision.

Remarks:Comments:

1. Igraves 12/28/2006 History

Comment: This right has been subject to transfer nos. 5045 and 5423.

2. Igraves 12/28/2006 Conditions

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

3. Igraves 1/2/2007 Season of Use

Comment: Season of use was not originally licensed.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-2627C V1

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: