

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 37-2627D
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)

BLAINE COUNTY RECREATION DISTRICT Phone: (208)788-2117
308 N MAIN ST
HAILEY ID 83333

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	16	NE SW	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	0.1	17.5

7. Total Quantity Appropriated is:
0.1 C.F.S. and/or 17.5 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	16	NE	SW		IRRIGATION	3
			NW	SW		IRRIGATION	1
			SW	SW		IRRIGATION	2
			SE	SW		IRRIGATION	10
						Section Acres	16
						Total Acres	16

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:

Right 37-02627D is limited to the irrigation of 5.0 acres within the place of use described above in a single irrigation season. Five irrigated acres under Right 37-00154C will no longer be irrigated to mitigate use of Right 37-02627D as a primary groundwater right.

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.

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

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

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

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 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

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

RECEIVED
JUN 04 2001
 Department of Water Resources
 Southern Division

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, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-02627D</u>	<u>A37-02627D</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

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 usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **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) Rinker Company
PO Box 7250, Newport Beach, CA 92658-7250
4. New Owner/Claimant(s) Blaine County Recreation District
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 308 North Main Street
- City, State and Zip Code Hailey, Idaho 83333
- New Telephone Number (208) 788-2117
5. Date you acquired the property January 16, 2001

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

BLAINE COUNTY RECREATION DISTRICT

By: Keith Perry
Keith Perry, President

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.

For Office Use only

Received by [Signature] Date 6/4/01 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

JUN 04 2001

Department of Water Resources
Southern Region

RECORDING REQUESTED BY
and
WHEN RECORDED MAIL TO:

Edward A. Lawson, Esq.
Hawley Troxell Ennis & Hawley LLP
P.O. Box 297
540 Second Avenue No.
Ketchum, Idaho 83340

(Space Above This Line For Recorder's Use)

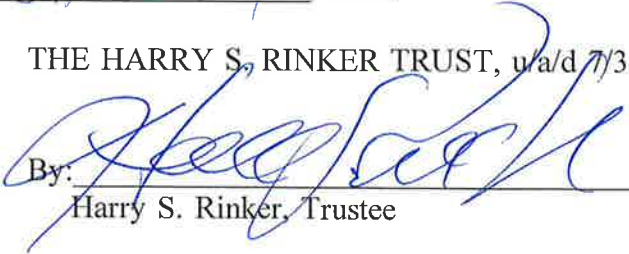
QUITCLAIM DEED
(Water Right No. 37-02627D)

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, The Harry S. Rinker Trust u/a/d 7/31/74 hereby bargains, sells, remises, releases, conveys and forever quitclaims to Blaine Blaine County Recreation District, Idaho, a body politic whose address is 308 North Main Street, Hailey, Idaho 83333, all of its right, title and interest which it has, if any, in the real property in the State of Idaho, County of Blaine and described as:

Water Right Number 37-02627D created by transfer number 5423
having a priority date of 12/09/1959.

DATED this 16th day of JANUARY, 2001.

THE HARRY S. RINKER TRUST, u/a/d 7/31/74

By: 

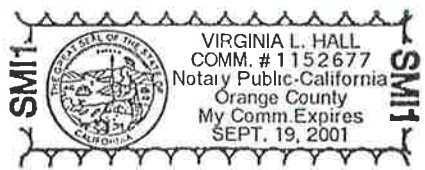
Harry S. Rinker, Trustee

RECEIVED
JUN 04 2001
Department of Water Resources
Southern Region

STATE OF California)
) ss.
County of Orange)

On this 16TH day of JANUARY, 2001, before me, a Notary Public in and for said State, personally appeared Harry S. Rinker, known to me to be the Trustee of The Harry S. Rinker Trust u/a/d 7/31/74, whose name is subscribed to the within instrument and acknowledged to me that he subscribed to the within instrument as the said Trustee of said trust.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Virginia L. Hall
Notary Public for said State
Residing at Laguna Hills, Cal
Commission expires 9/19/2001

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

May 31, 2001

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls ID 83301

RE: Notice of Change in Water Right Ownership-Blaine County Recreation District

Dear Alan:

Enclosed, you will find the original and one copy of a Notice of Change in Water Right Ownership for the Blaine County Recreation District for Right No. 37-02627D and SRBA Claim No. A37-02627D. Please receipt date stamp the copy of the Notice and return it to me in the postage pre-paid, self-addressed envelope I have included for that purpose. Kindly forward to me copies from the IDWR computer database once the ownership change has been made.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/adc
enclosure
cc: Client w/encl.

37-2627D		Blaine Cty Recreation/ Speck	Lands/ Stanish 1 CWU/ Barker 2-9 BWCC/ Hobdey 10	Sinclair Oil/ Campbell 1-10	POD; POU 1 Quantity 2-10
CB	KC	10/28/2009	State & claimant have agreement. BWCC & CWU to check out Rinker issue. Stanish has drafted stip noting private agreement with claimant. BWCC & CWU objection will remain.		? Nick has reviewed draft stip--IDWR will sign when routed by State.

Dept of ag and Speck to draw up language to resolve objection. NO response as of Chris's e-mail May 7, 2009

Obj to be withdrawn. **Develop an SF-5**

04-27-2009 NOTICE SETTING STATUS CONFERENCE

US

10-28-2009 0200

Christensen, Kelly

From: Bromley, Chris
Sent: Thursday, May 07, 2009 3:07 PM
To: David Stanish (david.stanish@ag.idaho.gov); Al Barker (apb@idahowaters.com); Craig Hobdey (hobdeycraig@hotmail.com)
Cc: 'Jim Speck'; Kelly, Vicki; Christensen, Kelly
Subject: 37-2627D (Blaine County Rec)

David,

My notes from the April initial hearings show that you were to work on some language with Jim that would be acceptable. Have you been able to come up with something?

Al and Craig,

Have you had an opportunity to look further into this subcase to determine if the Rinker conveyance is of concern?

Thanks,

Chris

Status Conf Oct-28-2009 @ 2:00

Thurs. Apr 23, 2009
KKC/chris
Spunk representative

37-2627D Blaine Co Rec

Obj to be withdrawn.

Develop an SF-5

System never developed of for transfer. Placed
into water bank. Have an agreement that
the right has to be either developed, transferred or lost
within 5 yrs.

~~Settlement~~
Status
conf

Oct 28 2:00 (double set)

Blaine Co. Recreation

Thurs Apr 23, 11:30

ProSe

KKC/Chris

37-2627D. Obj BW Canal Co. wants comb. use lang.

Obj Dept Lands wants Rmt; RE: POU & POD
are owned by State of Id & subject to lease
agreement.

37-2627D only right recommended on POU.

of Water Resources
Education Bureau
O. Box 83720
e, ID 83720-0098

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES

02 1A
0004389393

\$ 00.87⁰

NOV 24 2006

MAILED FROM ZIP CODE 83702

FORWARDING
ORDER EXPIRED

37-2627D

COUNTY OF BLAINE RECREATION
308 N MAIN ST
HAILEY ID 83333

REASON CHECKED
☒ Moved, Left No Address
☐ Unable To Forward
☐ Attempted To Forward
☐ Undelivered - Not Known
☐ No Such Street ☐ Refused
☐ No Such Number
☐ Insufficient Address
Init. _____

RECEIVED

NOV 29 2006

DEPARTMENT OF
WATER RESOURCES

10/20/2006

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

RIGHT NUMBER: 37-2627D

NAME AND ADDRESS: COUNTY OF BLAINE RECREATION DIST
308 N MAIN ST
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
17.500 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: 12/09/1959

POINT OF DIVERSION:

T03N R18E S16 NESW 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	0.100 CFS 17.50 AFY

PLACE OF USE:

<u>IRRIGATION Within BLAINE County</u>					
T03N R18E S16	NESW	3.00	T03N R18E S16	NWSW	1.00
T03N R18E S16	SWSW	2.00	T03N R18E S16	SESW	10.00

16 ACRES TOTAL

Right 37-02627D is limited to the irrigation of 5.0 acres within the place of use described above in a single irrigation season.

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

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

10/20/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

. Five irrigated acres under Right 37-00154C will no longer be irrigated to mitigate use of Right 37-02627D as a primary groundwater right.

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.

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

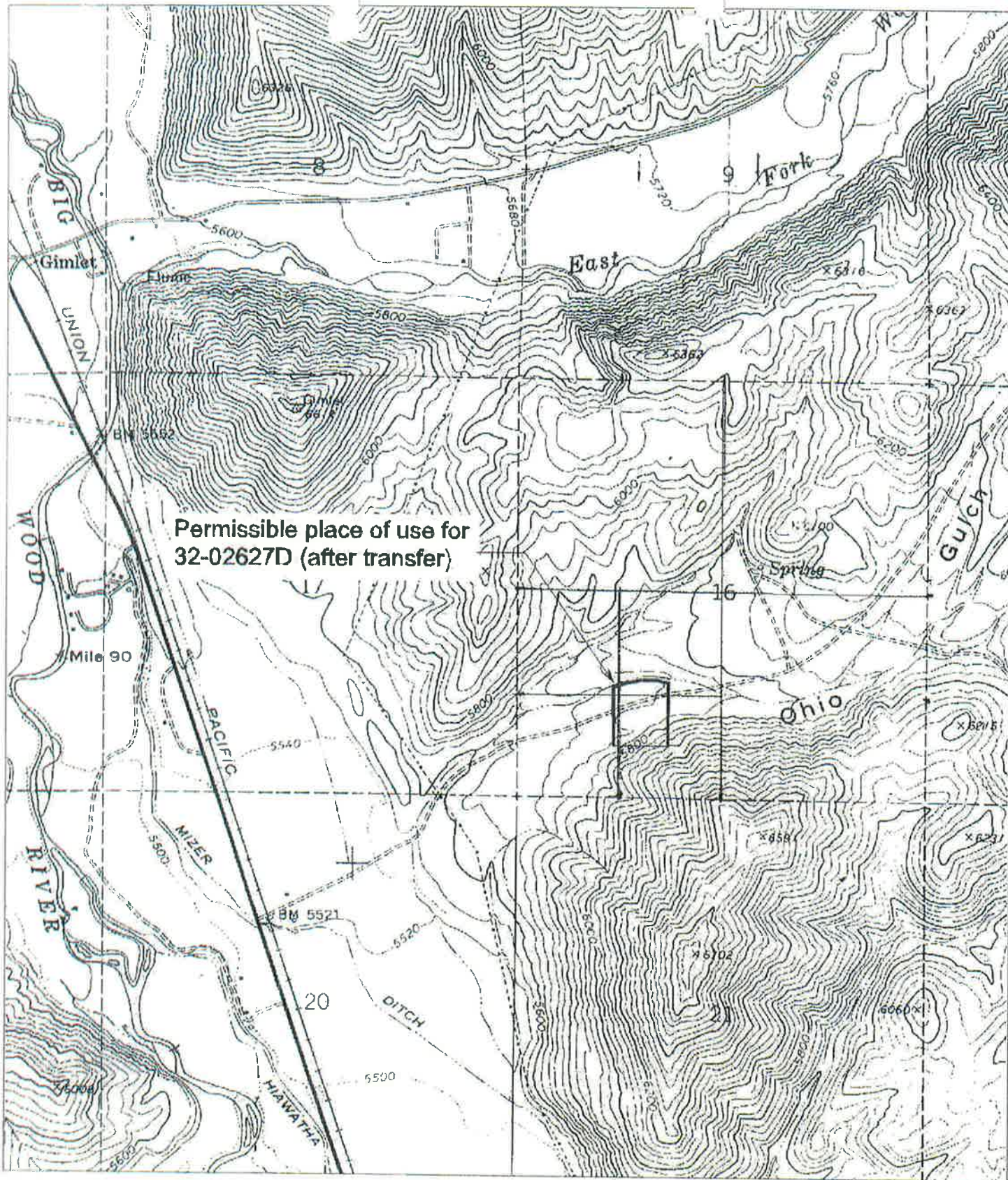
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

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 this transfer within one (1) year of the date of this approval.

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.



WATER RIGHT TRANSFER FOR RINKER COMPANY, GOLDEN EAGLE RANCH PHASE 2
 Portion transferred to Blaine County Recreation District for Ohio Gulch facilities

BROCKWAY ENGINEERING, PLLC 7/7/98

EXHIBIT D

APR 16 2012

1999 Aerial Photograph
Original Place of Use for
Water Right No. 37-2627D
Before Approval of Transfer No. 5423



SHOWING
WHERE A RIVER

EXHIBIT B

APR 11 2000



Idaho Department of Water Resources

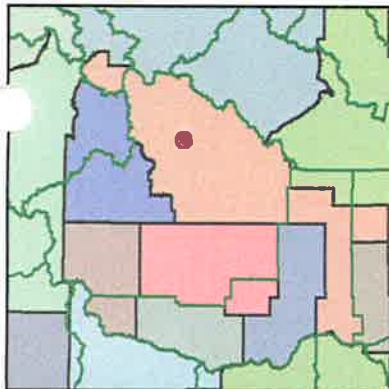
SRBA Recommendation:

37-2627D

(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.1 0.2 Miles



Prepared by D. Favreau
On Friday, October 27, 2006
2004 NAIP Photography

State of Idaho
License and Certificate of Water Right

Water License No. G-28319 Amount 11.90 c.f.s.
Water District No. Priority December 9, 1959

THIS IS TO CERTIFY that PICABO LIVESTOCK CO., INC.
of Picabo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 9, 19 59 ; that Permit No. G-28319
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
11.90 second feet, was issued thereunder on May 25, 19 65, showing that said works
were completed on the 15th day of July, 19 63 ; and that on the 15th
day of July, 19 63, PICABO LIVESTOCK CO., INC.

of Picabo, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of 2 wells
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28319 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

13 of Licenses at page 8159, on the 25 day of May, 1965 ;
The right hereby confirmed dates from December 9, 19 59 ;

The Point of Diversion is located SW 1/4 Sec. 20;
in the SW 1/4 1/4 NE 1/4 1/4 Sec. 30, Tp. 1 S, R. 20 E, B. M. Blaine County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 11.90 cubic feet per second.

Description and location of use:

Twsp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S	20 E	19	NE 1/4 NE 1/4	40	35
			SE 1/4 NE 1/4	40	40
			N 1/4 NW 1/4	80	80
			NE 1/4 SW 1/4	40	40
		20	NW 1/4 SW 1/4	40	35
			SW 1/4 SW 1/4	40	16
			SE 1/4 SW 1/4	19	35
			N 1/4 SE 1/4	80	80
		21	SW 1/4 SE 1/4	19	38
			SE 1/4 SE 1/4	35	40
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	39	33
	22	21	SW 1/4	160	160
			N 1/4 SE 1/4	80	80
			SW 1/4 SE 1/4	38	34
			SE 1/4 SE 1/4	27	25
		22	SW 1/4 NW 1/4	35	35
			SE 1/4 NW 1/4	32	25
			NE 1/4 SW 1/4	33	26
			W 1/4 SW 1/4	80	80
		27	SE 1/4 SW 1/4	35	24
			NW 1/4 NE 1/4	40	30
			SW 1/4 NE 1/4	40	40
	28	28	SE 1/4 NE 1/4	40	28
			N 1/4 NW 1/4	80	80
			SW 1/4 NW 1/4	40	39
			SE 1/4 NW 1/4	40	40
		29	NE 1/4 SW 1/4	40	16
			NW 1/4 SW 1/4	40	17
			SW 1/4 SW 1/4	40	7
			NE 1/4 SE 1/4	40	20
		30	NW 1/4 SE 1/4	40	10
			SW 1/4 SE 1/4	40	19
			SE 1/4 SE 1/4	40	26
			N 1/4 NE 1/4	80	80
		31	SW 1/4 NE 1/4	24	35
			SE 1/4 NE 1/4	36	35
			NE 1/4 NW 1/4	37	37
			NW 1/4 NW 1/4	10	35
	29	32	SW 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	37

	SW	SE	NE	NW	SA	SE	39	38
	SE	SW					38	40
	NE	SE					40	35
	NW	SE					40	37
	SA	SE					36	17
	SE	SE					25	7
29	NE	NE					25	35
	NW	NE					38	38
	S	NE					80	80
	NE	NW					36	38
	NW	NW					35	30
	SW	NW					37	37
	SE	NW					40	40
	NE	SW					26	38
	NE	SE					40	40
	NW	SE					28	40
	SE	SE					29	34
30	SW	NE					10	40
	SE	NE					20	36
	NE	SE					40	8
	NW	SE					40	7
33	NE	NE					7	5
	NW	NE					20	22
	NE	NW					10	10
34	NE	NE					15	24
	NW	NE					26	16
	NE	NW					9	15

Total number of acres to be irrigated: 2559

OF IDAHO
DEPARTMENT OF WATER RESOURCES
1000 Main Street, Suite 200
Hailey, Idaho 83301-3380

SERVICE REQUESTED

37-26270
37-2800
37-4405
788-2117
308 N Main St
Hailey ID 83333

37-8449



RECEIVED
SEP 20 2004
Department of Water Resources
Southern Region

COUNTY OF BLAINE RECREATION
PO BOX 297
HAILEY ID 83333

FOE

REASON CHECKED
☒ Moved, Left No Address
☐ Unable To Forward
☐ Attempted - Not Known
☐ No Such Street
☐ Insufficient Address
☐ Refused
☐ No Such

Nick

83301-3332



Authers

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

AMENDED

TRANSFER NO. 5423

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

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

NOV 26 1959
Department of Water Resources

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

5423 # 37-00154C

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

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

WATER RIGHT NO. 37-00154C

SOURCE
 BIG WOOD RIVER

TRIBUTARY OF
 MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

PLACE OF USE: RECREATION

TWN RGE SEC
 03N 18E 32 SENW

PLACE OF USE: AESTHETIC, same as RECREATION use

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

WATER RIGHT NO. 37-00364G

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL AND REMARKS

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

WATER RIGHT NO. 37-02627CSOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

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

PLACE OF USE: IRRIGATION

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

PLACE OF USE: RECREATION STORAGE

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

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

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

WATER RIGHT NO. 37-02627D

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03N	18E	16	NESW 3.0	NWSW 1.0	SWSW 2.0	16.0
			SESW 10.0			
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

TWN RGE SEC

03N 18E 18	NWNE	SWNE	NESE
	NWSE		

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

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

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

WATER RIGHT NO. 37-30028

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

WATER RIGHT NO. 37-30030

SOURCE

BIG WOOD RIVER

TRIBUTARY OF

MALAD RIVER

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

CONDITIONS OF APPROVAL AND REMARKS

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

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

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

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

Dated this 19th day of November, 1999.


Chief, Water Allocation Bureau

MEMORANDUM

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

FROM: Pam Skaggs/State Office *CS*

SUBJECT: Transfer 5423

DATE: September 23, 1999

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

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

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

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

MICROFILMED
SEP 28 1999