

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 37-11824
Date Received: 10/24/1988
Receipt No: M001683
Received By:

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

1. Name of Claimant(s)

LAKESIDE INDUSTRIES Phone: (208)788-2753
PO BOX 479
BELLEVUE ID 83313

2. Date of Priority: 03/24/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	35	SE NW	BLAINE	

5. Description of diverting works:

HEADGATE, DITCH, RUNOFF COLLECTED IN POND, PRESSURIZED TO PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.28	213.5

7. Total Quantity Appropriated is:
1.28 C.F.S. and/or 213.5 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
01N	18E	34	SW	SE		IRRIGATION	27
			SE	SW		IRRIGATION	1
			NE	SE		IRRIGATION	13
			SE	SE		IRRIGATION	40
						Section Acres	81
01N	18E	35	NE	SW		IRRIGATION	1
			NW	SW		IRRIGATION	17
			SW	SW		IRRIGATION	32
			SE	SW		IRRIGATION	1
						Section Acres	51
01S	18E	2	SE	NW	3	IRRIGATION	20
			NE	SW		IRRIGATION	20
			NW	SW		IRRIGATION	39
			SW	SW		IRRIGATION	5
			SW	NE	2	IRRIGATION	1
			SW	NW	4	IRRIGATION	20
						Section Acres	105
01S	18E	3	SW	SW		IRRIGATION	6
			SE	SW		IRRIGATION	36
			NE	SE		IRRIGATION	34
			NW	SE		IRRIGATION	31
			SW	SE		IRRIGATION	26
			SW	NE	2	IRRIGATION	1
			SE	NE	1	IRRIGATION	15
			SE	NW	3	IRRIGATION	2
			NE	SW		IRRIGATION	38
			NW	SW		IRRIGATION	6
			SE	SE		IRRIGATION	12
						Section Acres	207
						Total Acres	444

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 WAS PART OF ORIGINAL DECREED RIGHT NUMBER 37-00577. Claim represents water right 37-30015.

* CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4401: 1. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE WATER- MASTER OF STATE WATER DISTRICT NO. 37.

2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS 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 .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

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 PORTION OF RIGHT NO. 37-00577AR DESCRIBED AS 1.83 CFS AND 176 ACRES HAS BEEN RELINQUISHED THROUGH APPROVAL OF TRANSFER NO. 4401.

8. RIGHT NO. 37-00577AR IS LIMITED TO THE IRRIGATION OF 61 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON

15. Basis of Claim: Decreed

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

RECEIVED
DEC 11 2006

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

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 a 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
37-7002			37-66B		
37-7309			37-67A		
37-12089			37-68B		
37-63B			37-69A		
37-64B			37-11824		
37-11825			37-11826		

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 a 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) Wood River Ranch
- P.O. Box 479 Bellevue, Id. 83313
4. New Owner/Claimant(s) Lakeside Industries, a WA Joint Venture
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 479
- City, State and ZIP Code Bellevue, Id. 83313
- New Telephone Number (208) 788-2753
5. Date you acquired the property June 28, 2004

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (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) William D. Yager manager
(include title if applicable)

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED

RHOADY LEE, JR. AND JEANNE MARIE LEE, CO-TRUSTEES OF THE SEVENTH AMENDMENT AND
RESTATEMENT OF THE RHOADY AND JEANNE MARIE LEE LIVING TRUST DATED DECEMBER 24, 2003,
WHO ACQUIRED TITLE AS RHOADY R. LEE JR. AND JEANNE MARIE LEE, TRUSTEES U/A DATED JUNE 9,
1994

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

LAKEVIEW INDUSTRIES, A WA JOINT VENTURE

the grantee(s), whose current address is **PO Box 7016**
Issaquah, WA 98027

Instrument # **506941**

HAILEY, BLAINE, IDAHO
2004-06-30 04:10:00 No. of Pages: 7
Recorded for: SUN VALLEY TITLE
MARSHA RIEBMAN Fee: 21.00
Ex-Officio Recorder Deputy
Index to: WYUGICORP DEED

the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

See Exhibit 'A' and 'B'

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of
record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and their
heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s),
that they/he/she/it is the owner in fee simple of said premises; that said premises are free from all
encumbrances and that they/he/she/it will warrant and defend the same from all lawful claims whatsoever.

Dated: June 25, 2004

Rhoady Lee Jr.
RHOADY LEE, JR. TRUSTEE

Jeanne Marie Lee
JEANNE MARIE LEE, TRUSTEE

State of Washington
County of King

On this 28 day of June, 2004, before me, a Notary Public in and for said State, personally
appeared Rhoady Lee, Jr. and Jeanne Marie Lee, Trustees of the Seventh Amendment and
Restatement of the Rhoady and Jeanne Marie Lee Trust known or identified to me to be the persons
whose names are subscribed to the within instrument as Trustees of said Trust, and acknowledged to me
that they have executed the same in their capacity as Trustees.

Brenda Rothschiller
Notary Public
Residing at: Puyallup, WA
Comm. Expires: 5-9-05



505941

EXHIBIT 'A'

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO

SECTION 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$, excepting therefrom the East 5 acres

Also known as Tax Lot 307

SECTION 2: S $\frac{1}{4}$ SE; S $\frac{1}{4}$ SW; NWSE

AND

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO

SECTION 13: A parcel of land located with the E $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described
as follows:

Commencing at a 5/8-inch iron pin by I.T.D. marking the center $\frac{1}{4}$ corner
of said SECTION 13, which point is the REAL POINT OF BEGINNING

South 89°38'01" West 1,345.92 feet along the South boundary of said
E $\frac{1}{4}$ NW $\frac{1}{4}$ to the center West 1/16 corner, said SECTION 13; thence
North 00°07'42" East 2,519.95 feet along the West boundary of said
E $\frac{1}{4}$ NW $\frac{1}{4}$ to a Highway R.O.W. monument; thence

125.29 feet around a non-tangent curve to the left with a radius of
1,503.64, a central angle of 04°46'28", a tangent of 62.68 feet and a long
chord of 125.26 feet that bears South 87°37'40" East to a Highway
R.O.W. monument on the South boundary of the new Glendale Road;
thence

North 90° East 569.88 feet along said South boundary of Glendale Road
to a Highway R.O.W. monument; thence

120.31 feet around a curve left with radius of 1,257.56 feet, a central angle
of 05°28'53", a tangent of 60.00 feet and a long chord of 120.26 feet that
bears North 87°15'33" East along said new Glendale Road to a Highway
R.O.W. monument; thence

North 84°31'07" East 32.59 feet along said Road to a Highway
monument; thence

North 05°28'53" West 20.00 feet along said Road to a Highway
monument; thence

North 84°31'07" West 194.52 feet along said Road to a Highway
monument; thence

(Exhibit 'A' Continued)

47.64 feet around a curve right with a radius of 1,157.56 feet, a central angle of 02°21'29", a tangent of 23.82 feet and a long chord of 47.63 feet that bears North 85°41'52" East along said Road to a Highway R.O.W. monument; thence North 86°52'36" East 237.35 feet along said Road to a Highway monument 40 feet South of the N¼ corner, said SECTION 13; thence South 00°22'00" East 2,570.06 feet along the East boundary of said E¼NW¼ to the POINT OF BEGINNING.

Also known as Tax Lot 7276

SECTION 28: A parcel of land more particularly described as follows:

Beginning at the Southeast corner of the NE¼NE¼ of said SECTION 28

North 00°53'23" West along the East line of said NE¼NE¼, 109.85 feet to the Southeasterly side of an existing County road; thence South 45°40'00" West along said County road, 156.82 feet to the South line of said NE¼NE¼; thence South 89°52'45" East 113.89 feet to the POINT OF BEGINNING

Also known as Tax Lot 4976

AND

Beginning at the Southeast corner of the SW¼NE¼ of said SECTION 28

North 01°07'00" West along the East line of said SW¼NE¼, 129.19 feet to the Southeasterly side of an existing County road; thence South 45°12'00" West along said County road, 183.22 feet to the South line of said SW¼NE¼; thence South 89°58'20" East 132.53 feet to the POINT OF BEGINNING

Also known as Tax Lot 5735

AND

All that portion of the SENE except for Tax Lot 4974

Also known as Tax Lot 4975

EXHIBIT 'B'

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO

SECTION 1: SW $\frac{1}{4}$ SW $\frac{1}{4}$; excepting therefrom the East 5 acres

Also known as Tax Lot 307

SECTION 2: Lots 2, 3 and 4; N $\frac{1}{4}$ SW; S $\frac{1}{4}$ SE; S $\frac{1}{4}$ SW; NWSE

SECTION 3: Lots 1, 2, 3 and 4; SW $\frac{1}{4}$; W $\frac{1}{4}$ SE; NESE; SESE

AND

TOWNSHIP 1 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY,
IDAHO

SECTION 12: A parcel of land more particularly described as follows:

All that portion of the SWSE West of the SAWTOOTH PARK
HIGHWAY

Also known as Tax Lot 1382

Address: 10918 State Highway 75, Blaine County, Idaho 83313

AND

SECTION 13: A parcel of land more particularly described as follows:

All that portion of the NWNE West of the SAWTOOTH PARK
HIGHWAY

Also known as Tax Lot 1374

Address: 10918 State Highway 75, Blaine County, Idaho 83313

AND

SECTION 13: A parcel of land located with the E $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described
as follows:

Commencing at a 5/8-inch iron pin by I.T.D. marking the center $\frac{1}{4}$ corner
of said SECTION 13, which point is the REAL POINT OF BEGINNING

South 89°38'01" West 1,345.92 feet along the South boundary of said
E $\frac{1}{4}$ NW $\frac{1}{4}$ to the center West 1/16 corner, said SECTION 13; thence
North 00°07'42" East 2,519.95 feet along the West boundary of said
E $\frac{1}{4}$ NW $\frac{1}{4}$ to a Highway R.O.W. monument; thence
125.29 feet around a non-tangent curve to the left with a radius of

(Exhibit 'B' Continued)

1,503.64, a central angle of $04^{\circ}46'28''$, a tangent of 62.68 feet and a long chord of 125.26 feet that bears South $87^{\circ}37'40''$ East to a Highway R.O.W. monument on the South boundary of the new Glendale Road; thence North 90° East 569.88 feet along said South boundary of Glendale Road to a Highway R.O.W. monument; thence 120.31 feet around a curve left with radius of 1,257.56 feet, a central angle of $05^{\circ}28'53''$, a tangent of 60.00 feet and a long chord of 120.26 feet that bears North $87^{\circ}15'33''$ East along said new Glendale Road to a Highway R.O.W. monument; thence North $84^{\circ}31'07''$ East 32.59 feet along said Road to a Highway monument; thence North $05^{\circ}28'53''$ West 20.00 feet along said Road to a Highway monument; thence North $84^{\circ}31'07''$ West 194.52 feet along said Road to a Highway monument; thence 47.64 feet around a curve right with a radius of 1,157.56 feet, a central angle of $02^{\circ}21'29''$, a tangent of 23.82 feet and a long chord of 47.63 feet that bears North $85^{\circ}41'52''$ East along said Road to a Highway R.O.W. monument; thence North $86^{\circ}52'36''$ East 237.35 feet along said Road to a Highway monument 40 feet South of the $N\frac{1}{4}$ corner, said SECTION 13; thence South $00^{\circ}22'00''$ East 2,570.06 feet along the East boundary of said $E\frac{1}{2}NW\frac{1}{4}$ to the POINT OF BEGINNING.

Also known as Tax Lot 7276

ANDSECTION 26: SW $\frac{1}{4}$

AND

A parcel of land more particularly described as follows:

Commencing at the W $\frac{1}{4}$ corner of said section, the POINT OF BEGINNING; thence North 00° West, 1,215.94 feet; thence South $89^{\circ}34'01''$ East, 717.66 feet; thence North 00° East, 77.3 feet; thence North $89^{\circ}44'44''$ East, 1,960.50 feet; thence South $00^{\circ}26'32''$ East, 1,306.16 feet; thence North $89^{\circ}58'28''$ West, 2,688.16 feet back to POINT OF BEGINNING.

Also known as Tax Lot 7713

SECTION 27: NE $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{4}$ SE $\frac{1}{4}$

(Exhibit 'B' Continued)

SECTION 28: E $\frac{1}{2}$ SE $\frac{1}{4}$

AND

A parcel of land more particularly described as follows:

All that part of W $\frac{1}{2}$ SE, lying East of Roadway

Also known as Tax Lot 5357

AND

A parcel of land more particularly described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said SECTION 28

North 00°53'23" West along the East line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, 109.85 feet to the Southeasterly side of an existing County road; thence South 45°40'00" West along said County road, 156.82 feet to the South line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence South 89°52'45" East 113.89 feet to the POINT OF BEGINNING

Also known as Tax Lot 4976

AND

Beginning at the Southeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said SECTION 28

North 01°07'00" West along the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, 129.19 feet to the Southeasterly side of an existing County road; thence South 45°12'00" West along said County road, 183.22 feet to the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence South 89°58'20" East 132.53 feet to the POINT OF BEGINNING

Also known as Tax Lot 5735

AND

All that portion of the SENE except for Tax Lot 4974

Also known as Tax Lot 4975

SECTION 33: E $\frac{1}{2}$ E $\frac{1}{4}$

AND

A parcel of land more particularly described as follows:

(Exhibit 'B' Continued)

All that portion of NWNE, lying North and East of road access

Also known as Tax Lot 5917

SECTION 34: ALL

SECTION 35: W $\frac{1}{2}$ W $\frac{1}{2}$

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 37-11824
Date Received: 10/24/1988
Receipt No: M001683
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

WOOD RIVER RANCH CO INC Phone: (208) 788-2753
PO BOX 479
BELLEVUE ID 83313

2. Date of Priority: 03/24/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	18E	35	SE NW	BLAINE	

5. Description of diverting works:

HEADGATE, DITCH, RUNOFF COLLECTED IN POND, PRESSURIZED TO PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	1.28	213.5

7. Total Quantity Appropriated is:

1.28 C.F.S. and/or 213.5 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
01N	18E	34	SW	SE		IRRIGATION	27
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01N	18E	35	NE	SW		IRRIGATION	1
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01S	18E	3	SW	SW		IRRIGATION	6
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			NW	SE		IRRIGATION	31
			SW	SE		IRRIGATION	26
			SW	NE	2	IRRIGATION	1
			SE	NE	1	IRRIGATION	15
			SE	NW	3	IRRIGATION	2
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						Total Acres	444

11. Place of use in counties: BLAINE

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AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WOOD RIVER RANCH 208-788-2753
Address: PO BOX 479
BELLEVUE ID 83313

2. Date of Priority: MAR 24, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	18E	35	SE	SE	NW		BLAINE

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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.220		

7. Total Quantity Appropriated is:
1.220 C.F.S. (and/or) 213.50 A.F.A.

8. Total consumptive use is 1110.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	18E	34	SE	SW		IRR	1.0
			NE	SE		IRR	13.0
			SW	SE		IRR	27.0
			SE	SE		IRR	40.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	81.0
		35	NE	SW	IRR	1.0
			NW	SW	IRR	17.0
			SW	SW	IRR	32.0
			SE	SW	IRR	1.0
					Section Acres	51.0
01S	18E	2	SW	NE	2	IRR 1.0
			SW	NW	4	IRR 20.0
			SE	NW	3	IRR 20.0
			NE	SW		IRR 20.0
			NW	SW		IRR 39.0
			SW	SW		IRR 5.0
					Section Acres	105.0
		3	SW	NE	2	IRR 1.0
			SE	NE	1	IRR 15.0
			SE	NW	3	IRR 2.0
			NE	SW		IRR 38.0
			NW	SW		IRR 6.0
			SW	SW		IRR 6.0
			SE	SW		IRR 36.0
			NE	SE		IRR 34.0
			NW	SE		IRR 31.0
			SW	SE		IRR 26.0
			SE	SE		IRR 12.0
					Section Acres	207.0
					Total Acres	444.0

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:
NONE

14. Remarks:

THIS CLAIM WAS PART OF ORIGINAL DECREED RIGHT NUMBER 37-00577.

 CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4401:
 1. USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY THE WATER-

14. Remarks: Continued

MASTER OF STATE WATER DISTRICT NO. 37.

2. A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THIS DEPARTMENT SHALL BE MAINTAINED ON THE DIVERTING WORKS 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 .02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS ABOVE.

4. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

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 PORTION OF RIGHT NO. 37-00577AR DESCRIBED AS 1.83 CFS AND 176 ACRES HAS BEEN RELINQUISHED THROUGH APPROVAL OF TRANSFER NO. 4401.

8. RIGHT NO. 37-00577AR IS LIMITED TO THE IRRIGATION OF 61 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET AL
Decree Plaintiff

ALTURAS WATER CO., ET AL
vs
Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

October 27, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

WOOD RIVER RANCH
PO BOX 479
BELLEVUE ID 83313

RE: Amendment of SRBA Claim A37-11824

Dear Claimant:

Pursuant to the approval of Transfer No. 4401, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please check these modified records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

MICROFILMED
NOV 27 1995

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: A37-11824
Date Received: 10/24/1988
Receipt No: M001683
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WOOD RIVER RANCH
Address: P.O. BOX 479
BELLEVUE, ID 83313
208-788-2753

2. Date of Priority: MAR 24, 1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	18E	12	NW	SE	SW		BLAINE

5. Description of diverting works:
DIVERSION DAM, HEADGATE, CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.840		

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

8. Total consumptive use is 177.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	35	NE	NE		IRR	10.0
			NW	NE		IRR	3.0
			SW	NE		IRR	18.0

A37-11824

Page 1

Date: 10/24/88

MICROFILMED

FEB 26 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	18E	35	SE	NE		IRR	40.0

Section Acres 71.0

Total Acres 71.0

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:
NONE

14. Remarks:

THIS CLAIM WAS PART OF ORIGINAL DECREED RIGHT NUMBER 37-00577.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/13/1909

S. C. FROST, ET AL
Decree Plaintiff

vs

ALTURAS WATER CO., ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am MANAGER of _____ Title

WOOD RIVER RANCH Organization, that I have signed the foregoing

document in the space below as MANAGER of _____ Title

WOOD RIVER RANCH Organization and that the statements contained in the

foregoing document are true and correct.

William D. Under
Signature of Authorized Agent

MANAGER WOOD RIVER RANCH
Title and Organization

OCT 24, 1988
Date

State of Idaho)
County of BLAINE) SS.

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

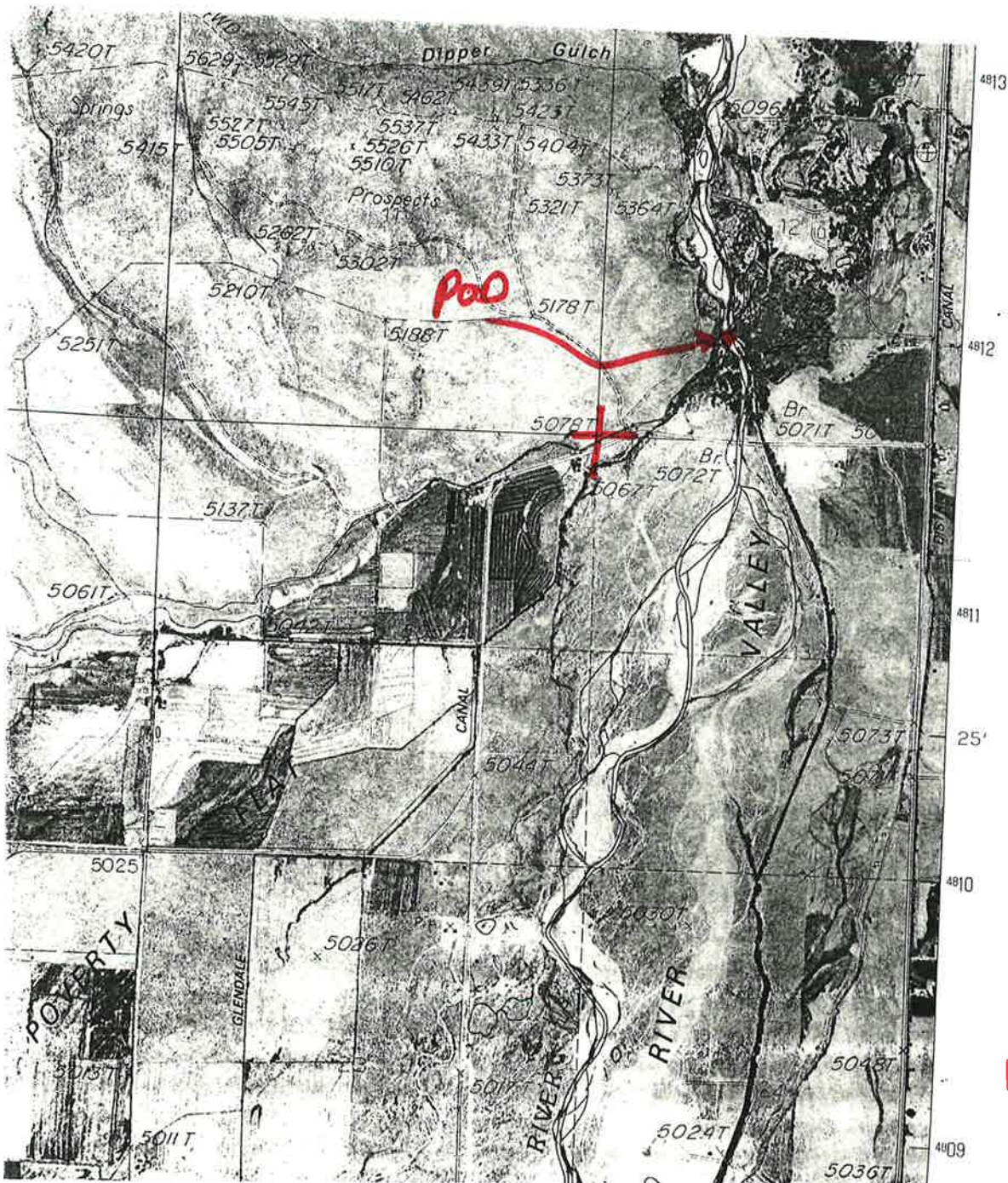
William D. Under
Notary Public

Seal

Residing at Boise, ID

My Commission Expires 9-2-1994

T. 1 N
R. 18 E
SECTION 12
NWSE SW

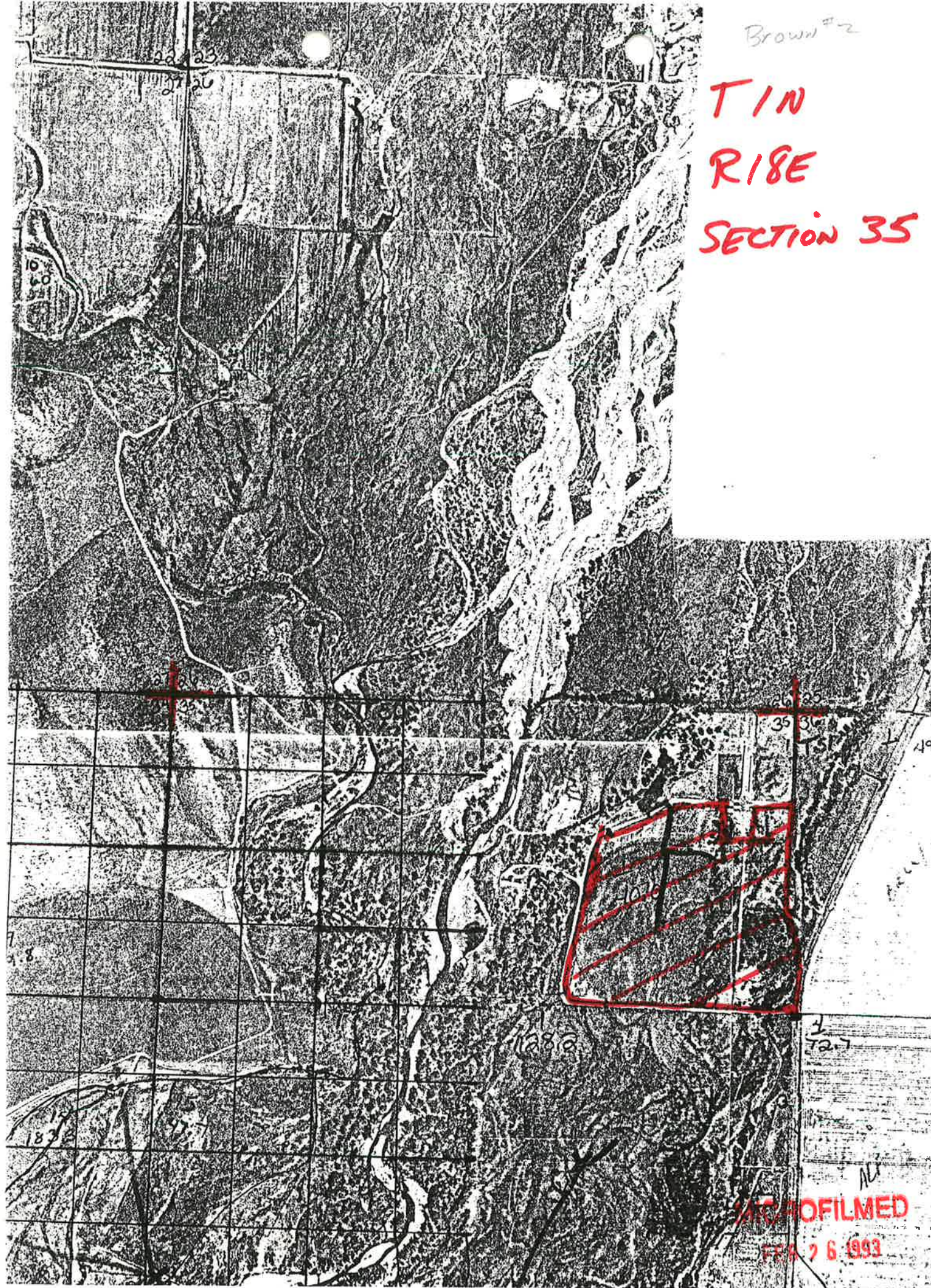


MICROFILMED

FEB 26 1993

Brown #2

T1N
R18E
SECTION 35



MAKROFILMED

FEB 26 1993

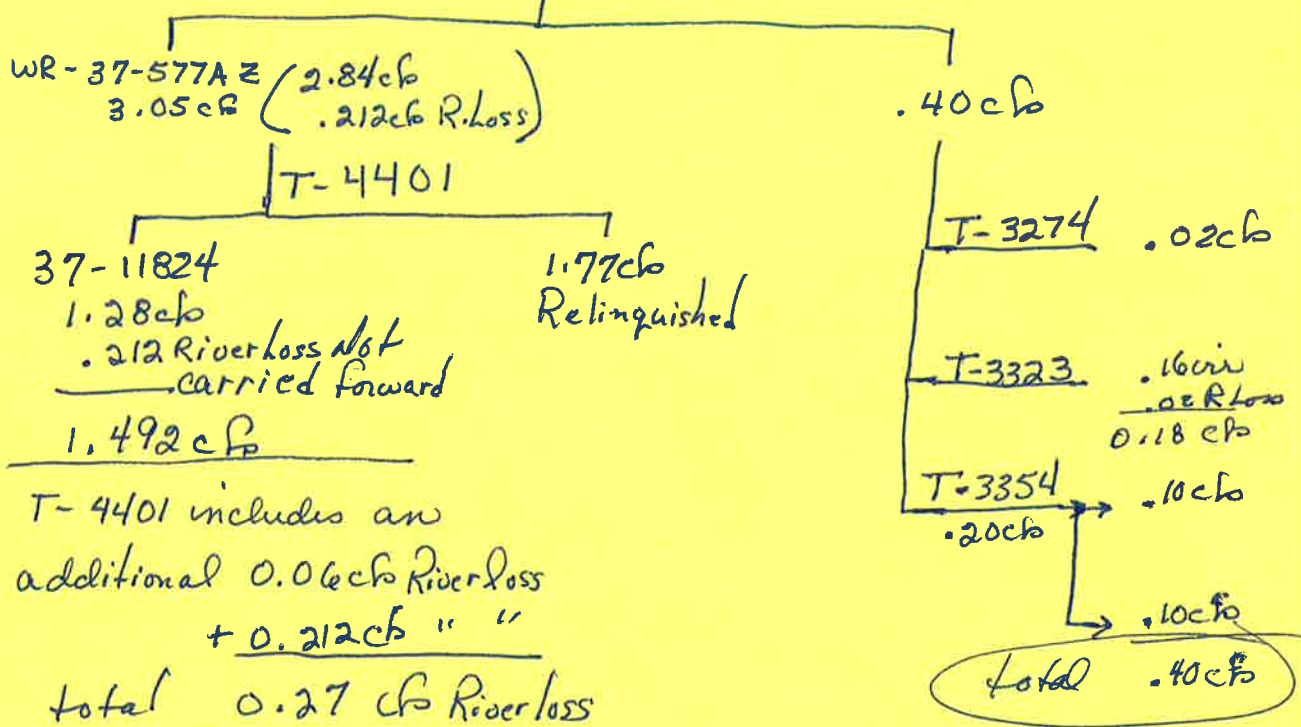
ALLOCATIONS

37- 577 Part

Decree 7 creates

3.452 cb

T- 2525



Recom

- .27 cb River loss (mitigation)

1.22 cb Rate for inv.

01/06/2007

NOTICE OF ERROR
REPLY

RECEIVED

JAN 12 2007

DEPARTMENT OF
WATER RESOURCES

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/19/2007

Water right number: 37-11824

LAKESIDE INDUSTRIES

PO BOX 479

BELLEVUE ID 83313

Telephone Number: (208)788-2753

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 1-9-07

SIGNATURE:

William D. Yager

Please print your name:

William D. YAGER

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

RECEIVED
JAN 19 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECEIVED

JAN 16 2007

12/21/2006

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

RIGHT NUMBER: 37-11824

NAME AND ADDRESS: LAKESIDE INDUSTRIES
PO BOX 479
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 1.490 CFS

Total rate of diversion includes 0.27 cfs charged for river channel loss. The right is limited to 1.22 cfs at the point of diversion.

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(s).

PRIORITY DATE: 03/24/1883

POINT OF DIVERSION:

T01N R18E S35 SWSNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MITIGATION	04/15 10/31	0.270 CFS
IRRIGATION	04/15 10/15	1.220 CFS

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

Mitigation use is water charged for river channel loss.

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R18E S34	SESW	2.10	T01N R18E S34	NESE	13.00
T01N R18E S34	SWSE	28.00	T01N R18E S34	SESE	40.00
T01N R18E S35	NWSW	20.00	T01N R18E S35	SWSW	34.00
T01S R18E S02 Lot 2	SWNE	2.20	T01S R18E S02 Lot 4	SWNW	22.00
T01S R18E S02 Lot 3	SENE	22.00	T01S R18E S02	NESW	21.30
T01S R18E S02	NWSW	40.00	T01S R18E S02	SWSW	17.00
T01S R18E S03 Lot 2	SWNE	2.80	T01S R18E S03 Lot 1	SENE	17.00
T01S R18E S03 Lot 3	SENE	6.20	T01S R18E S03	NESW	39.00
T01S R18E S03	NWSW	7.30	T01S R18E S03	SWSW	4.40
T01S R18E S03	SESW	35.70	T01S R18E S03	NESE	35.00
T01S R18E S03	NWSE	33.00	T01S R18E S03	SWSE	28.00
T01S R18E S03	SESE	15.00			

MITIGATION same as IRRIGATION

485 ACRES TOTAL

12/21/2006

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

Right Nos. 37-7002, 37-7309, 37-11824, 37-11825, 37-11826, 37-11827, and 37-12089 are limited to the irrigation of a combined total of 930.9 acres in a single irrigation season.

This right is limited to the irrigation of 61 acres within the place of use described above in a single irrigation season.

Right Nos. 37-11824, 37-11825, 37-11826, and 37-11827 are limited to the irrigation of a combined total of 485 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

This right represents a portion of water right no. 37-577 (37-30015).

A portion of the original (base) right was identified as relinquished in approved transfer 4401.

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.

Mitigation use (river channel loss) of 0.27 cfs reflects total of 0.21 cfs identified in approved transfer 2525 and 0.06 cfs identified in approved transfer 4401.



Idaho Department of Water Resources

SRBA Recommendation:

37-11824

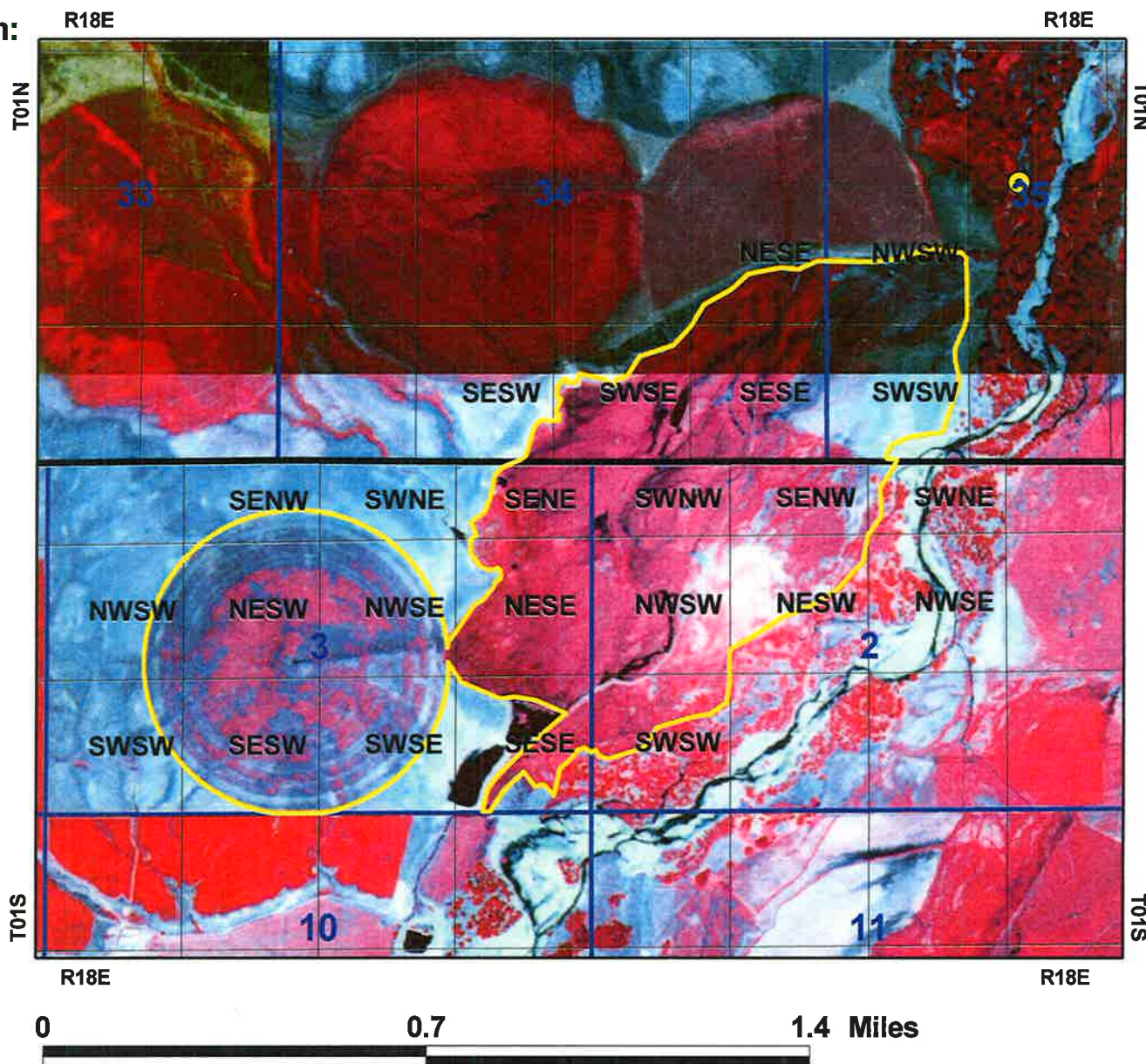
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37

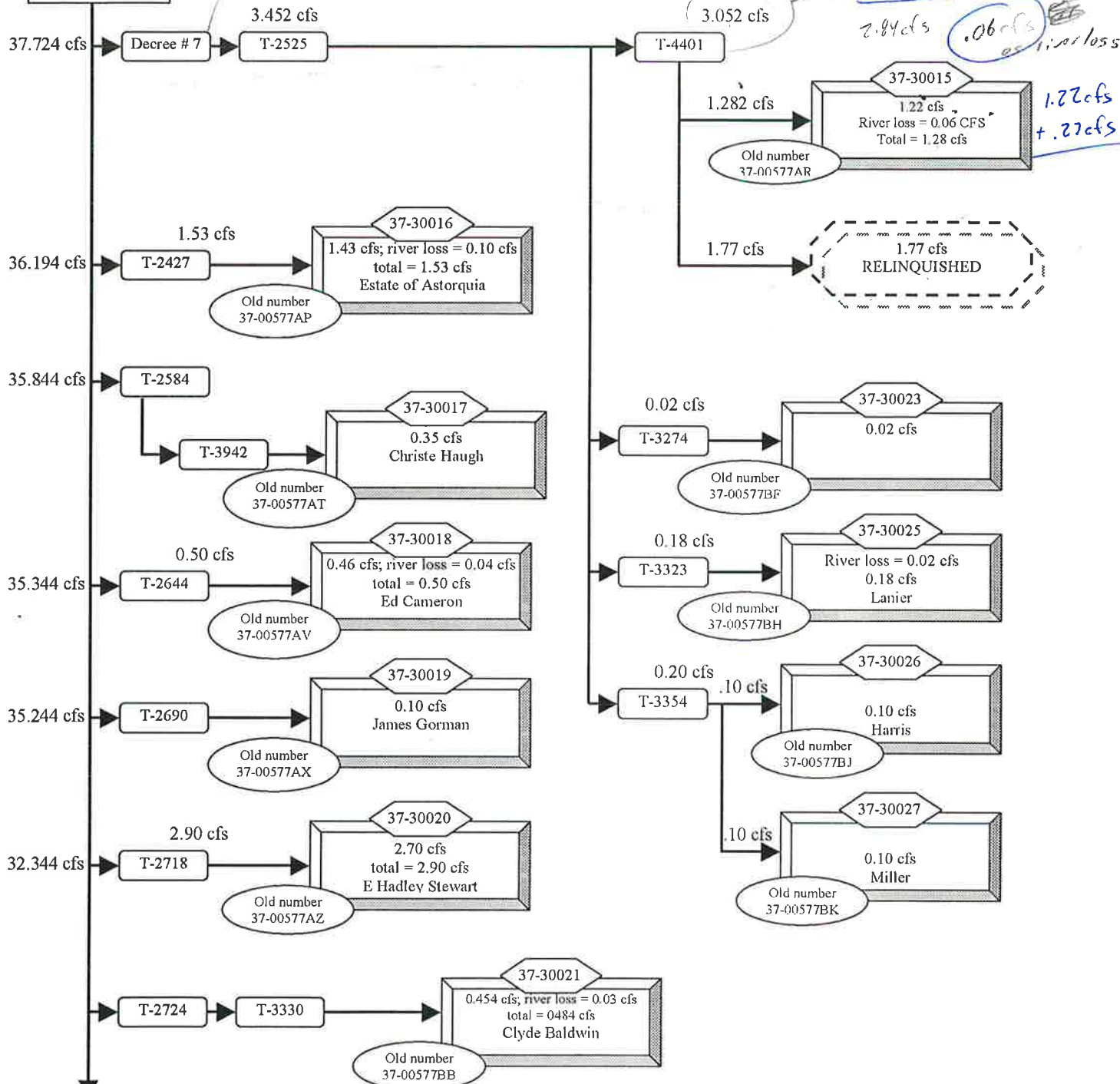


0 0.7 1.4 Miles

Prepared by C. Skinner
On Thursday, December 21, 2006
1987/88 Aerial Photography

CONTINUED
FROM PAGE 2

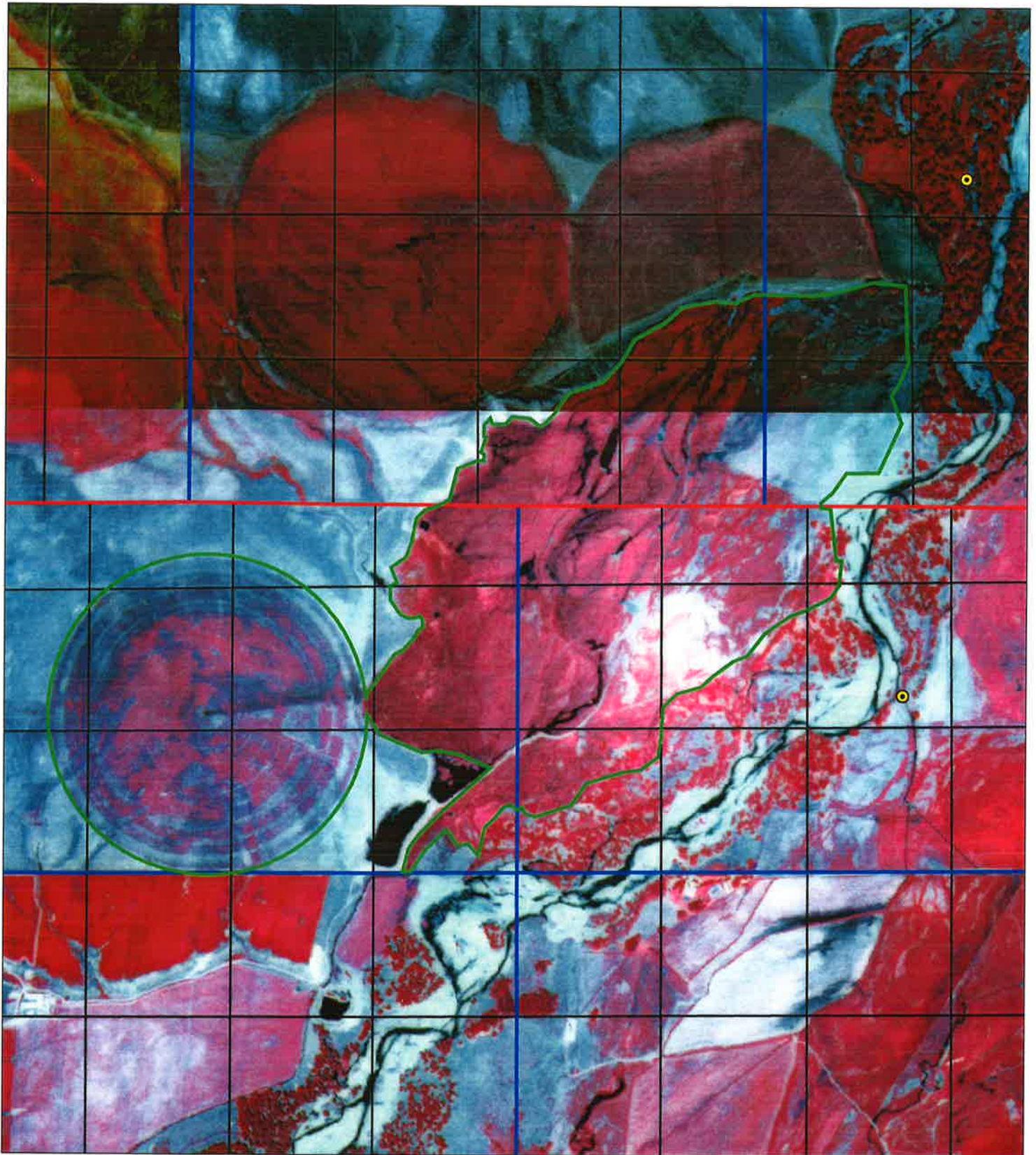
Page 3



SEE PAGE 4
FOR
CONTINUATION
OF TREE

69165

IDAHO DEPARTMENT OF WATER RESOURCES



WOOD RIVER FARMS AMENDED CLAIMS

1000 0 1000 Feet



Data from: Brockway Engrg
12/03, D Jones

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-30015

WATER RIGHT NUMBER: 37-30015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WOOD RIVER RANCH CO INC PO BOX 479 BELLEVUE, ID 83313 (208)788-2753
Original Owner	W T RILEY , ID

Priority Date: 03/24/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.280 CFS	
	<u>Total Diversion:</u>	1.280 CFS	213.50 AF

Location of Point(s) of Diversion

BIG WOOD RIVER	SE1/4NW1/4	Sec. 35, Twp 01N, 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	
01N	18E	34									1.0				13.0		27.0	40.0	81.0
01N	18E	35									1.0	17.0	32.0	1.0					51.0
01S	18E	2			1.0				20.0	20.0	20.0	39.0	5.0						105.0
					L 2				L 4	L 3									
01S	18E	3			1.0	15.0			2.0	38.0	6.0	6.0	36.0	34.0	31.0	26.0	12.0	207.0	
					L 2	L 1			L 3										

Total Acres: 444

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
2. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-30015

3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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.
6. 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:

1. General The portion of this right described as 1.83 cfs and 176 acres has been relinquished through approval of Transfer No. 4401.
This right is limited to the irrigation of 61 acres in the place of use described above in a single irrigation season.

Comments:

1. SKAGGS 1/10/1994 PREVIOUS NUMBER

Comment: This right was previously numbered 37-00577AR.

2. SCURTIS 11/30/1995 TRANSFER NO. 4401

Comment: Trans. #4401 was filed to change the point of diversion and place of use under this portion of the W T Riley right.

Dates and Other Information:

Licensed Date:

Decreed Date: 12/13/1909

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

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: Alturas Water Co, et al

Decree Plaintiff: S C Frost, et al

Civil Case Number:

Judicial District: Fourth District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

137-11824 37-2015 S-ADJ
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 4401
WATER RIGHT NO. 37-00577AR

RECEIVED

MAR 20 1996

This is to certify that: WOOD RIVER RANCH INC
PO BOX 479
BELLEVUE ID 83313

has requested a change to the above captioned water right. Department of Water Resources
right(s) is authorized pursuant to the provisions of Section 42-202, Idaho Code, Southern Region
provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.28 CFS	213.5 AF

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

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 35, Township 01N, 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>
01N	18E	34	SESW 1	NESE 13	SWSE 27	
			SESE 40			81
		35	NESW 1	NWSW 17	SWSW 32	
			SESW 1			51
01S	18E	2	Lot 2(SWNE) 1	Lot 4(SWNW) 20	Lot 3(SENW) 20	
			NESW 20	NWSW 39	SWSW 5	105
		3	Lot 2(SWNE) 1	Lot 1(SENE) 15	Lot 3(SENW) 2	
			NESW 38	NWSW 6	SWSW 6	
			SESW 36	NESE 34	NWSE 31	
			SWSE 26	SESE 12		207
Total number of acres irrigated:						* 444

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.

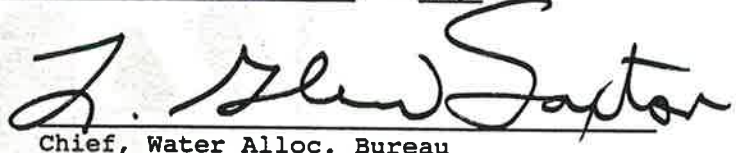
AMENDED

TRANSFER NO. 4401
WATER RIGHT NO. 37-00577AR

AMENDED

CONDITIONS OF APPROVAL AND REMARKS

2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works 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 .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
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. Right No. 37-00577AR is limited to the irrigation of 61 acres in the place of use described above in a single irrigation season.
8. A portion of Right No. 37-00577AR, 0.06 cfs, is limited to use for conveyance losses in delivery of this right.
9. The portion of Right No. 37-00577AR described as 1.77 cfs and 176 acres has been relinquished through approval of Transfer No. 4401.

Dated this 18 day ofMarch, 1996

Chief, Water Alloc. Bureau

Southern AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4401
WATER RIGHT NO. 37-00577AR

RECEIVED

JUN 14 1935

Department of Water Resources
Southern Region

This is to certify that: WOOD RIVER RANCH INC
PO BOX 479
BELLEVUE ID 83313

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	1.22 CFS	213.5 AF

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

Priority: 03/24/1883

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 35, Township 01N, 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>
01N	18E	34	SESW 1	NESE 13	SWSE 27	81
			SESE 40			
		35	NESW 1	NWSW 17	SWSW 32	51
			SESW 1			
01S	18E	2	Lot 2(SWNE) 1	Lot 4(SWNW) 20	Lot 3(SENW) 20	105
			NESW 20	NWSW 39	SWSW 5	
		3	Lot 2(SWNE) 1	Lot 1(ENE) 15	Lot 3(SENW) 2	207
			NESW 38	NWSW 6	SWSW 6	
			SESW 36	NESE 34	NWSE 31	
			SWSE 26	SESE 12		
Total number of acres irrigated:						* 444

CONDITIONS/REMARKS:

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

MICROFILMED
NOV 27 1996

TRANSFER NO. 4401
WATER RIGHT NO. 37-00577~~AR~~

CONDITIONS/REMARKS:

- * 2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works 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 .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- 4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- 5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- 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 portion of Right No. 37-00577AR described as 1.83 cfs and 176 acres has been relinquished through approval of Transfer No. 4401.
- * *8. Right No. 37-00577AR is limited to the irrigation of 61 acres in the place of use described above in a single irrigation season.

Dated this 6th day of

June

, 1995.

Z. Glen Saylor
Chief, Water Alloc. Bureau

MICROFILMED
NOV 27 1996

Page 1 of 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4401

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Wood River Ranch Phone 788-2753
Post Office address PO Box 477, Bellevue, ID 83313

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes The original P/U has groundwater under Permit 37-8559. With sprinklers, this well is adequate for the property. The proposed new P/U needs more surface water for ~~primary~~ irrigation in the big pivot.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>37-00577AR</u>	<u>2-24-1883</u>	<u>2.84 cfs</u>	<u>Irrig.</u>	<u>4-15</u> to <u>10-15</u>
~~37-00482B~~	~~8-1-1889~~	~~1.50 cfs~~	~~"~~	~~"~~ to ~~"~~
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.84 ~~2.84~~ ~~4.84~~ cubic feet per second and/or _____ acre-feet per annum.

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

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	NW	35	1N	18E	Blaine	Headgate #629 Graft Ditch

5. Lands irrigated or place of use: Permissible place of use not to exceed 71 acres per annum

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	18E	34											1	13		27	40		81
		35									1	17	32	1		~~17~~ 26			58
1S	18E	2			1				20	20	20	39	5						105
					Lt2				Lt4	Lt3									
		3			1	15			2	38	6	6	36	34	31	26	42	207	1996
					Lt2	Lt1				Lt3									

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37-00577 11N, 18E, 34, 35, 2, 3

PART 1

6. General Information:

- a. Description of diversion system Headgate & ditch to P/U. Runoff from gravity ground
is collected in a pond & pressurized into a large pivot. All water must be
used for irrigation prior to reaching the pond.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will be irrigated with groundwater.
- d. Remarks:
All of the new place of use is presently irrigated with other river
rights. See Claims A37-11825 - 11827.
This right is represented by SRBA Claim A37-11824; proof is enclosed.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

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NOV 27 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 37-0577AR Decreed to W.T. Riley
in case of S.C. Frost Et. AL. vs. Alturas Water Co. Et. AL.
dated 12-13-1909 in Fourth District county of Lincoln
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2525 which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

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

4. Date or priority 3-24-1883

5. Water is used for the following purpose:

amount 2.84 cfs for Irrig. purposes from 4-15 to 10-15
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____

6. Total amount of water under right 2.84 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	35	1N	18E	Blaine	Headgate # on Bypass Canal
		SW	SW	25	"	"	"	
3		NE	NW	1	1S	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	35	40	33	40	38													151
1S	18E	1											5						5
		2											6				35	40	81

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NOV 27 1996

Total acres 237

9. Describe any other water rights used for the same purpose as described above 37-004288 (claimed as

A37-11822 on Sec. 1 & 2 only), Well Permit 37-8559

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount 2.84 cfs for Irrig. purposes from 4-15 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:
- Same

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

3. Lands irrigated or place of use:
- Actual PIU since transfer #2525 was approved

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1N</u>	<u>18E</u>	<u>35</u>	<u>10</u>	<u>3</u>	<u>18</u>	<u>40</u>													<u>71</u>

Total acres 71**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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NOV 27 1996

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4401

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A37-11824 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☐ Tax Notice☐ Warranty Deed☐ Other _____

3. Source of water 3-24-1883 Big Wood R. tributary to Mg/d R.
4. Date or priority 3-24-1883

5. Water is used for the following purpose:

amount 2.84 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.84 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	12	1N	18E	B/qine	Headgate + Bypass Canal

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	18E	35	10	3	18	40													71

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NOV 27 1996Total acres 71

9. Describe any other water rights used for the same purpose as described above Groundwater Permit 37-8559

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

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

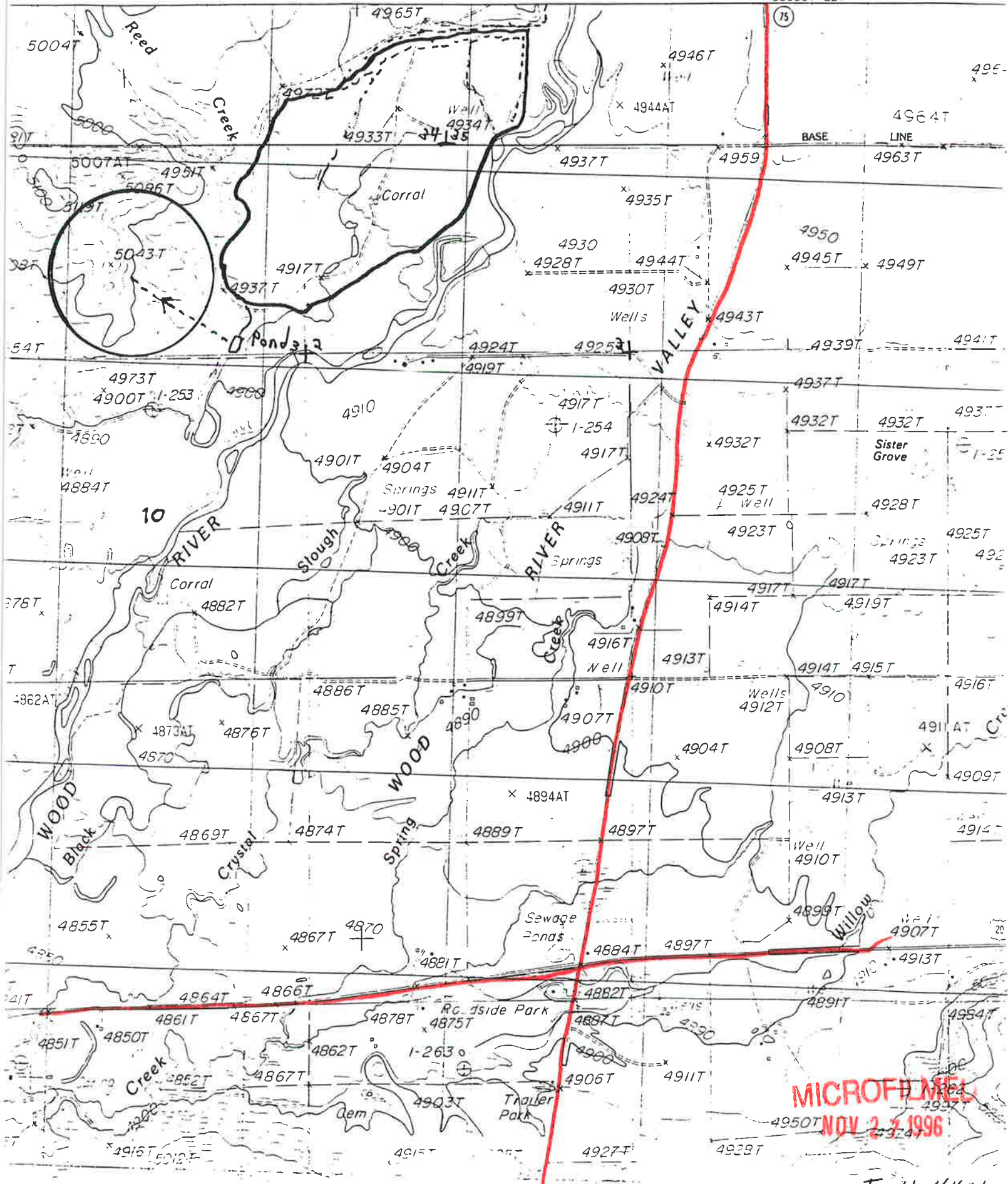
3. Lands irrigated or place of use:

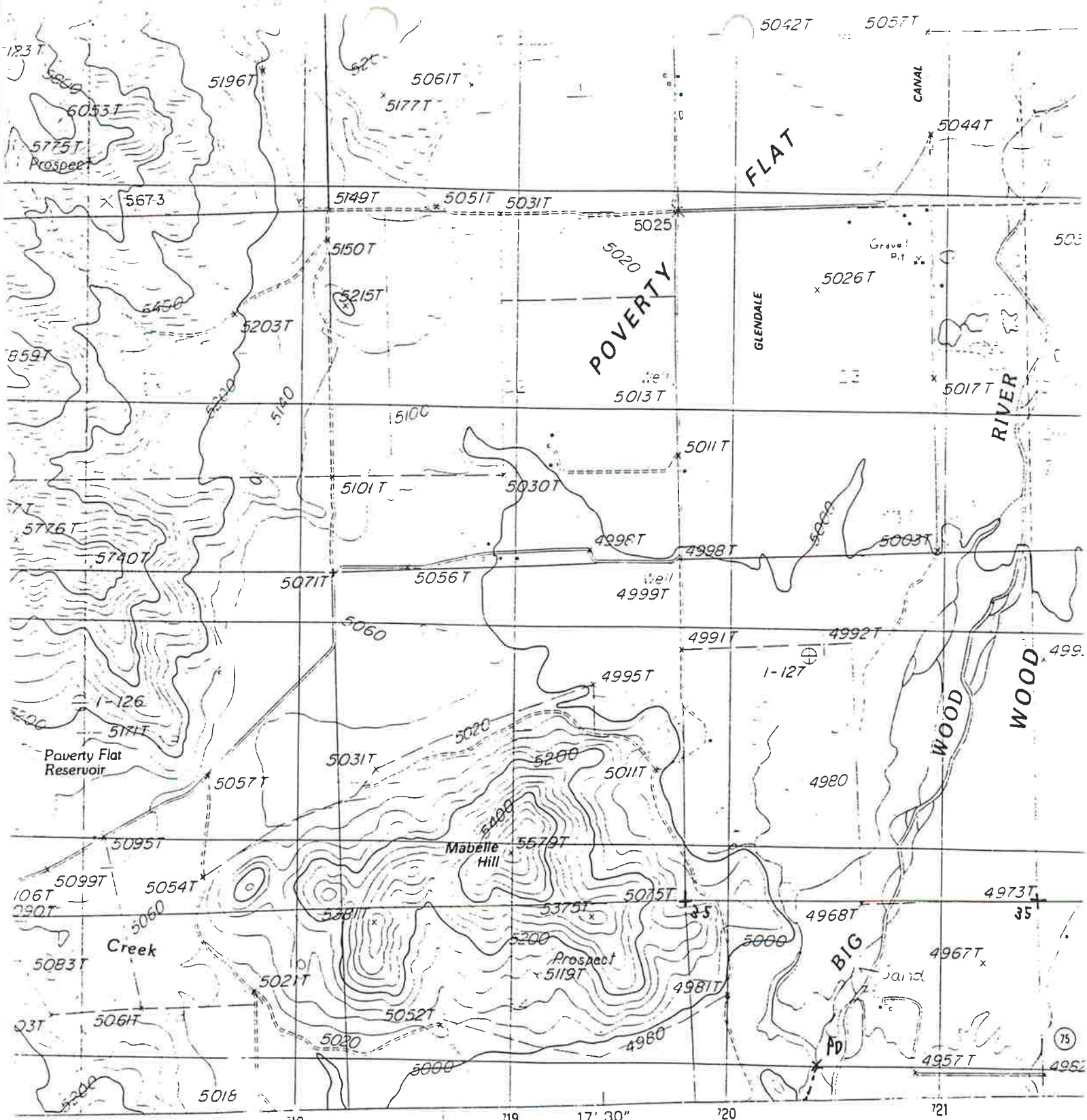
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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NOV 27 1996

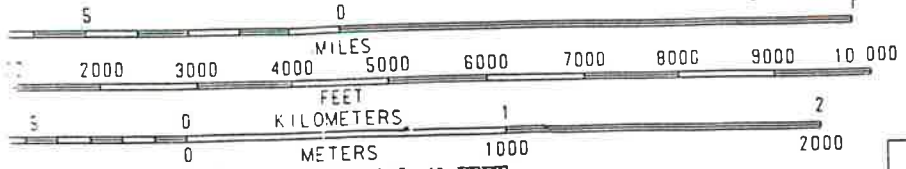
Total acres _____

'18	'19	17' 30"	'20	'21	430000 FEET	'22
-----	-----	---------	-----	-----	-------------	-----





SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

SUPPLEMENTAL CONTOUR INTERVAL 20 FEET

Y-24

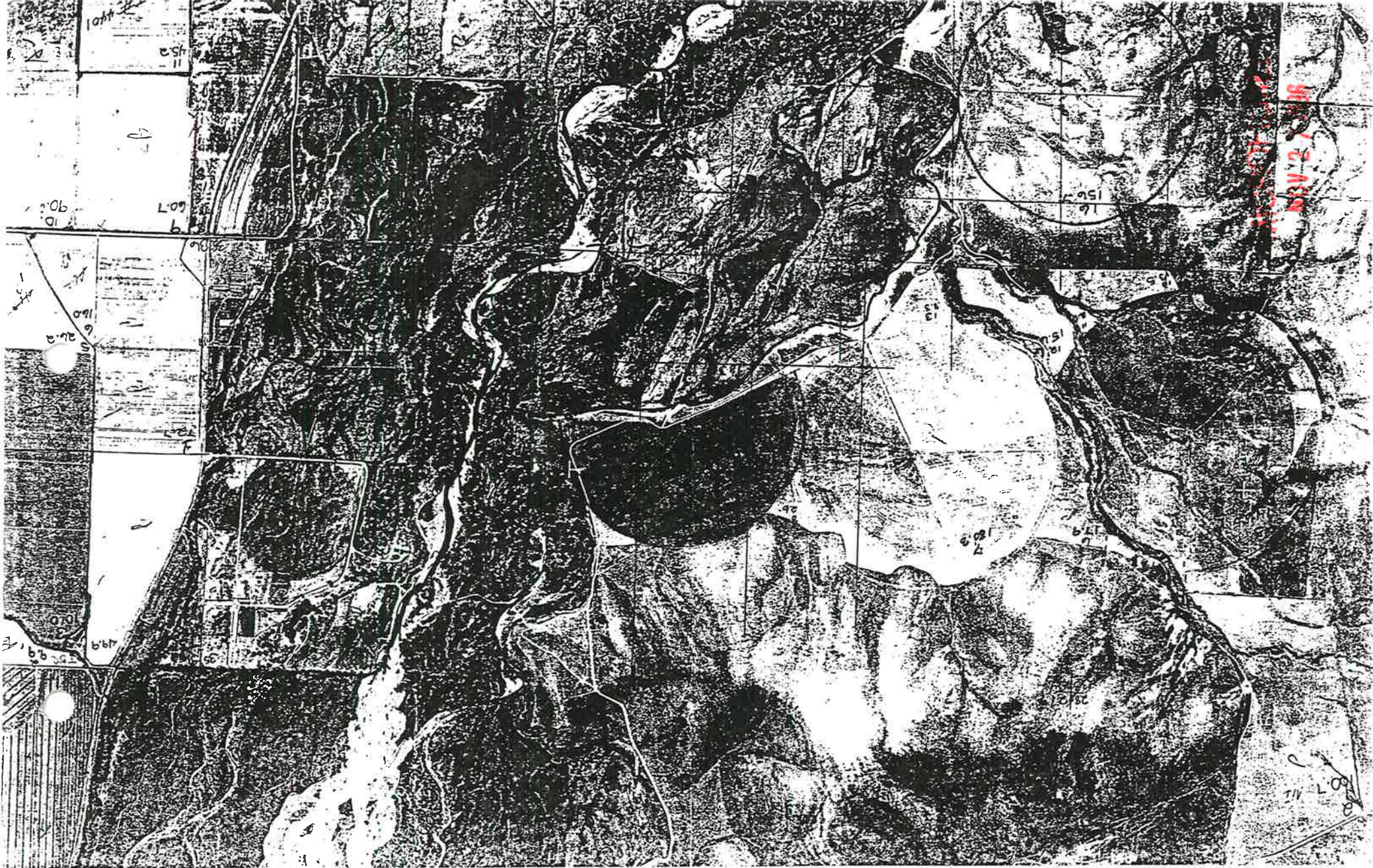


QUADRANGLE LOCATION

1	2	3	1 Mahoney Butte
			2 Hailier
			3 Baugh Creek SW
4		5	4 Richardson Summit
			5 Seamans Creek
			6 Magic Reservoir West
6	7	8	7 Magic Reservoir East
			8 Gannett

Improved Road
Unimproved Road
Trail

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

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

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

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

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

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

William D. Yager (manager)
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of February, 19 94.

Mary G. Baldwin
(Notary Public)

My commission expires 10/16/1998

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by J. F. Stanton Date 2-22-94

Protest filed by None

Prelim. check by MTS Fee \$50.00 \$016573

Receipted by JS Date 2-22-94

Published in Wood River Journal

Pub. dates 8/10 & 8/17/94

Watermaster recommendation requested on 7/28/94

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

_____ rec'd. 8/15/94

by ADM

Copy of transfer sent to lien holder _____

RECEIVED
MICROFILMED

FEB 22 1994 JUL 27 1996

Department of Water Resources
Southern Region Office

INTER-DEPARTMENT MEMO

TO: Wood River Ranch Transfer App.

SUBJECT: Site Inspection

FROM: Jim Stanton

DATE: 7-12-94

Today I visited this property accompanied by Ranch Manager Bill Yager. We looked at the diversion works and P/U. This water was diverted from the Bypass Canal into a pond. A pump in the pond pressurized a sprinkler system. Due to problems with the water supply, this use was discontinued until in 1990 or '91 (according to the manager). This land (61 acres) is now irrigated from a well. Licensing exam for well was done today; present P/U is 61 acres, not 71 as shown on transfer. ASCS photo shows proposed P/U is presently irrigated (large gravity-irrigated pasture plus pivot sprinkler); land has other surface & well rights, but supply is insufficient to fully irrigate the ground in the face of continuing drought. Transfer appears reasonable & approvable. Although 37-00482B is also appurtenant to same land as 577AR, it was claimed only in Sec. 1 & 2 as A37-11822 so is not a part of this transfer.

(37-08559)

☒ For your information

☐ Response required

signature

T#4401

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NOV 27 1996

**ELLSWORTH, MAY, SUDWEEKS, STUBBS,
IPSEN & PERRY
ATTORNEYS AT LAW**

BART D. BROWNING
JAN E. DeROIN
MAURICE O. ELLSWORTH
LOREN C. IPSEN
THOMAS D. KERSHAW, JR.
J. MICHAEL KULCHAK
J. DEE MAY
MARK B. PERRY
MARK D. STUBBS
JAY D. SUDWEEKS

With Attorneys Licensed to Practice
in Idaho, Arizona, Nevada and Oregon

516 Second Street East
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Twin Falls, Idaho 83303
Telephone (208) 733-7180
Facsimile (208) 733-7967

BOISE, IDAHO

Alaska Center
1020 Main Street, Suite 400
P.O. Box 637
83701
Telephone (208) 338-1001
Facsimile (208) 338-8400

HAILEY, IDAHO

219 S. Main
83333
Telephone (208) 788-0834

August 14, 1996

COPY

RECEIVED

AUG 15 1996

James E. Stanton
Idaho Department of Water Resources
222 Shoshone St. East
Twin Falls, ID 83301-6105

Department of Water Resources
Southern Region

RE: Water Transfer #4401, Wood River Ranch, Inc.

Dear Mr. Stanton:

Thank you so much for your response of July 15, 1996, giving us information with regard to the transfer we had requested. The main reason we needed the information you provided was to determine what position the Department of Water Resources was going to take with regard to partial forfeitures. It appears, from the information provided, that when the transfer was made it was reduced to 1.28 cfs because it appeared that there were only 61 acres actually being irrigated until 1990 or 1991. This sounds to me like the right was reduced simply because the acreage was not being irrigated. In other words it was based on a recognition in Idaho of a partial forfeiture.

I am wanting to know the department's position with regard to this transfer and what appears to be a diminution of the water right based on a partial forfeiture in light of Judge Hurlbutt's April 1996 Memorandum Decision on Basin-Wide Issue 10 dealing with partial forfeitures and whether or not partial forfeitures are recognized in Idaho. In that Memorandum Decision the judge indicates that to his knowledge it was the court's first opportunity to squarely address the issue of whether partial forfeiture exists in Idaho as a matter of law. In reviewing the statutory and case law the judge finally concludes that there is no statutory authority for the Doctrine of Partial Forfeiture in Idaho.

Based on that Memorandum Decision it appears that the diminution of the existing water right that my client held prior to the transfer was based on a partial forfeiture and, with Judge Hurlbutt's decision now indicating that under Idaho law there is no partial forfeiture, that the transfer of a diminished water right should not have been forced by the department on my client

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NOV 27 1996

437-11824

James E. Stanton
August 14, 1996
Page 2

and that the full water right of 2.84 cfs with the priority date of March 24, 1983, should have been transferred. I would like to know the department's position on reinstating the full water right so we can make a determination as to whether or not to challenge that in the SRBA Court based on Memorandum Decision on Basin-Wide Issue 10.

I would appreciate a response as soon as you are able to address this issue and, if there is some other information that is needed either by me or by you, please let me know so we can try and gather that.

Thank you for your help and assistance in this matter.

Very truly yours,

ELLSWORTH, MAY, SUDWEEKS, STUBBS,
IPSEN & PERRY



J. DEE MAY

JDM:mab

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NOV 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

Justin May
J D May Law Offices
PO Box 1846
Twin Falls, ID
83303

July 15, 1996

RE: Water Transfer #4401, Wood River Ranch Inc.

Dear Mr. May;

Per your request, enclosed is a copy of the amended transfer and the original application for transfer. Although this portion of the W T Riley right (37-00577) was made appurtenant to 237 acres under Transfer #2525, the owner of the right stated in writing that he was only irrigating 71 acres. My site inspection showed that 61 acres were actually irrigated until 1990 or 1991. This is why a portion of the water right was lost in the transfer process. The flow of 1.28 cfs is one inch of water per acre for 61 acres, plus and additional 3 inches of water for ditch losses.

With regard to the number of this water right, 37-00577AR is the correct number. The Snake River Basin Adjudication claim that was filed on this portion of the Riley right is A37-11824. Due to confusion over which portion of the Riley right this was during the claims-taking process, a 10,000-series number was used. The Riley right has undergone many recorded and unrecorded splits, so many SRBA claims on this right use the larger numbers. Eventually this will be resolved in the SRBA process.

Sincerely,

James E. Stanton
Sr. Water Resource Agent

MICROFILMED

NOV 27 1996

177 0577 20:27 AM
37-0577 AM 27 AR
0482 part

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

JUN 15 1982

Department of Water Resources
Southern District Office

IN THE MATTER OF PROTESTS AGAINST APPROVAL) ORDER ADOPTING
OF APPLICATION FOR TRANSFER OF WATER RIGHT) PROPOSED MEMORANDUM DECISION
NOS. 37-0577 AND 37-0482 IN THE NAME OF) AND ORDER
WOOD RIVER RANCH, INC.)

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties thereto on May 7, 1982, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to that Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED That said Proposed Memorandum Decision and Order be adopted as the Final Decision and Order of the Department.

Dated this 3rd day of June, 1982.


A. KENNETH DUNN
DIRECTOR

37-0577 AMT # 2525
37-0482

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR TRANSFER OF WATER RIGHT)
NOS. 37-0577 AND 37-0482 IN THE NAME OF)
WOOD RIVER RANCH INC.)

PROPOSED
MEMORANDUM DECISION
AND ORDER

On December 17, 1980, Wood River Ranch, Inc. of Bellevue, Idaho made application to the Department of Water Resources to change the point of diversion and place of use of two water rights. The rights are evidenced by decree in the case of S. C. Frost vs Alturas Water Company, Fourth Judicial District, dated December 13, 1909.

The rights sought to be changed are recorded as follows:

37-0577 (part) **AM**

Amount: 3.452 cfs

Priority: March 24, 1883

37-0482 (part)

Amount: 1.50 cfs

Priority: August 1, 1884

Water under both rights is diverted from the Big Wood River via the Cove 33 canal within the SW1/4NE1/4, Sec. 16, Twp. 2N, Rge. 18E B.M., Blaine County.

The portions of the rights sought to be transferred have been adjudicated to be appurtenant to certain lands in Civil Case No. 7432, James L. Harris vs Jerry L. Smith et al, Fifth Judicial District April 1, 1977.

The place of use is described as follows: Fr Lot 5 (TL 107), Fr Lot 6 (TL 108), Fr SW1/4SE1/4 (TL 1278), SE1/4SE1/4, Sec. 36, Twp. 2N, Rge. 18E B.M.; SE1/4NW1/4, SW1/4NE1/4, Lot 2, Fr Lot 3 (TL 106), Fr Lot 4 (TL 188), Fr NW1/4SE1/4 (TL 213), Fr NE1/4SE1/4 (TL 189) Sec. 31, Twp. 2N, Rge. 19E B.M. The application identifies a total of 360 acres in the place of use.

The application proposes to change the place of use of 3.052 cubic feet per second of water under right No. 37-0577 and 1.50 cubic feet per second under right No. 37-0482 from 334 acres of lands described in Harris vs Smith to 237 acres within the NE1/4, Sec. 35, Twp. 1N, Rge. 18E, SW1/4SW1/4, Sec. 1, SE1/4SW1/4, S1/2SE1/4, Sec. 2, Twp. 1S, Rge. 18E.

A recommendation from the watermaster of Water District 37 was requested on February 5, 1981 and received on February 17, 1981. The watermaster recommended that a 7 percent stream loss be deducted from the rights when delivered at the proposed points and that measuring devices and control works be installed at all diversion points.

Notice of the application was published in the Wood River Journal on February 26 and March 5, 1981. On March 13, 1981, protests were received from the Cove 33 Lateral Ditch Users Association, and from Stratton P. Laggis, attorney on behalf of the law firm of Kneeland, Laggis, Kerb, Collier and Benjamin. Mr. Laggis withdrew his protest prior to the June 23 hearing.

A hearing in the matter was held in Hailey, Idaho on June 23, 1981. The applicant was represented by William T. Gray, Manager of Wood River Ranch. The Cove 33 Lateral Ditch Users Association was represented by Jerry W. Dauby, Secretary-Treasurer.

Mr. Gray testified that the water rights in question had been purchased from the owner, James Harris, and that the lands to which the rights are appurtenant have been subdivided and are not irrigated. He also stated that the water has been delivered to the Cove 33 canal and used by the other water users on the canal, but maintained that no right to their continued use of the water has resulted.

It was the position of the Cove 33 waterusers, expressed by Mr. Dauby, that the removal of 227 inches of water from the Cove Ditch would injure the rights of other users on the ditch by reducing flows in the ditch, increasing seepage loss, and making rotation of water among users more difficult. Mr. Dauby testified that the rights had been delivered to the canal and the watermaster charges paid by the canal association. The water had been used by the association to provide additional water in the ditch to make it easier to deliver water to the end of the ditch.

The parties were advised by the hearing officer that the department would conduct a survey of the Cove 33 canal to determine flows and seepage losses. On August 27, 1981, a survey of the Cove 33 canal was made by personnel from the department's Southern Regional office. Flow measurements were made near the head of the ditch and near the Bellevue Cemetery diversion, 4.8 miles downstream. All diversions from the ditch in the 4.8 mile reach were also measured.

When surveyed, water demands were low with only 5.3 cubic feet per second being delivered to the upper end of the reach surveyed of 9.90 cubic feet per second available under rights being delivered to on that date. Of the 5.3 cubic feet per second, 1.38 cubic feet per second was being diverted in the reach, 1.20 cubic feet per second was being delivered to points below the reach, and 2.72 cubic feet per second was being lost due to seepage or evaporation.

Based upon his understanding of the law and the hearing record, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, Analysis and Order.

FINDINGS OF FACT

1. The waterusers served by the Cove 33 canal are organized as a lateral ditch association as defined by Title 42, Chapter 13 of the Idaho Code.

2. The water rights for which the transfer is proposed have been delivered into the Cove 33 canal and the watermaster charges have been paid by the association. Once in the canal, the water has been delivered to users under the priority of their own rights with the effect that the water has been used to make up for seepage losses.

CONCLUSIONS OF LAW

1. The Cove 33 Canal Association does not have a possessory interest in water rights delivered to lands of its members.

2. The proposed transfer of water rights can be made without constituting injury to other rights delivered to the Cove 33 canal.

ANALYSIS

A lateral ditch users' association exists for the purpose of organizing and providing for the maintenance of a common ditch by a group of users. Users within the organization retain the priority of their individual rights and are entitled to transfer them even though they may be participating in a water rotation or other method of delivery set by the organization.

The courts have consistently ruled that appropriators must use a reasonably efficient means of diversion of water and must construct their ditches so as to cause the least loss of water (Bennett vs Nourse, 22 Idaho 249). Because of this, the use of the water to make up for ditch losses cannot be required to continue and thus prevent the diversion of water by the owner of the water right for the purpose of irrigation.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that application for transfer of water

right Nos. 37-0577 and 37-0482 is APPROVED subject to the following conditions:

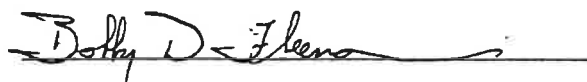
1. Delivery of water under this transfer shall be under the control of the watermaster of Water District 37, Big Wood River.

2. To allow for losses in the Big Wood River channel, the rights shall be limited to the following amounts when delivered to the new points of diversion.

Right No.	Priority	Amount	Loss in River
37-0577AR	03/24/1883	2.84 cfs	0.212
37-0482	08/01/1884	1.40 cfs	0.100

3. Measuring devices and lockable control gates suitable for control by the watermaster shall be installed and maintained at all points of diversion.

Dated this 6 day of May, 1982.


BOBBY D. FLEENOR
Hearing Officer

Transfer No. 2525Water Right No. A) 37-0577 part A
B) 37-0482 part

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Wood River Ranch, Inc. Phone 788-2134Post office address Box 462, Bellevue, Idaho 83313**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree to A) W. T. Riley B) Annie I. Miller et al
(Name) -
in case of S. C. Frost et al vs Alturas Water Co. et al
dated 12-13-1909 in Fourth District county of Blaine & Lincoln
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
_____ thru purchase of water _____

3. Source of water Big Wood River tributary to _____4. Date of priority A) 3-24-1883 B) 8-1-1884**5. Water is used for the following purposes:**

amount A) 3.452 cfs for irrigation purposes from Apr 1 to Nov 1
amount B) 1.50 cfs for irrigation purposes from Apr 1 to Nov 1
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 4.952 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16
Township 2N Range 18E B.M. in Blaine County

17725
B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. A) 3.052 cfs cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16 Township 2N
Range 18E, B.M., Blaine County
Additional points _____

3. Place of use: NOTE: 20" of right A remains appurtenant to 26 acres in Lt. 4 Sec. 31 (part of Tax Lot 188 east of Cove #33 Canal)

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	18E	36													Lt5	Lt6			
															X	X	X	X	109.68
	19E	31			X				Lt2				Lt3	Lt4					
									X	X			X	X	X	X			224.32

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion A) 3.052 cfs
B) 1.50 cfs
- a. Amount of water to be diverted 4.552 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25 Township 1N
Range 18E, B.M., Blaine County
Additional points NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 35 T. 1N R. 18E; Lot 3 Sec. 1 T. 1S R. 18E
- c. Description of diverting works Headgate #55-F, new headgate to be installed on Bypass Canal, existing headgate & ditch in Lot 3 Sec. 1 (will be enlarged to carry additional water).
- d. Describe the reasons for applying for a change in the point(s) of diversion _____
Water will be moved to new lands, requiring new diversion points

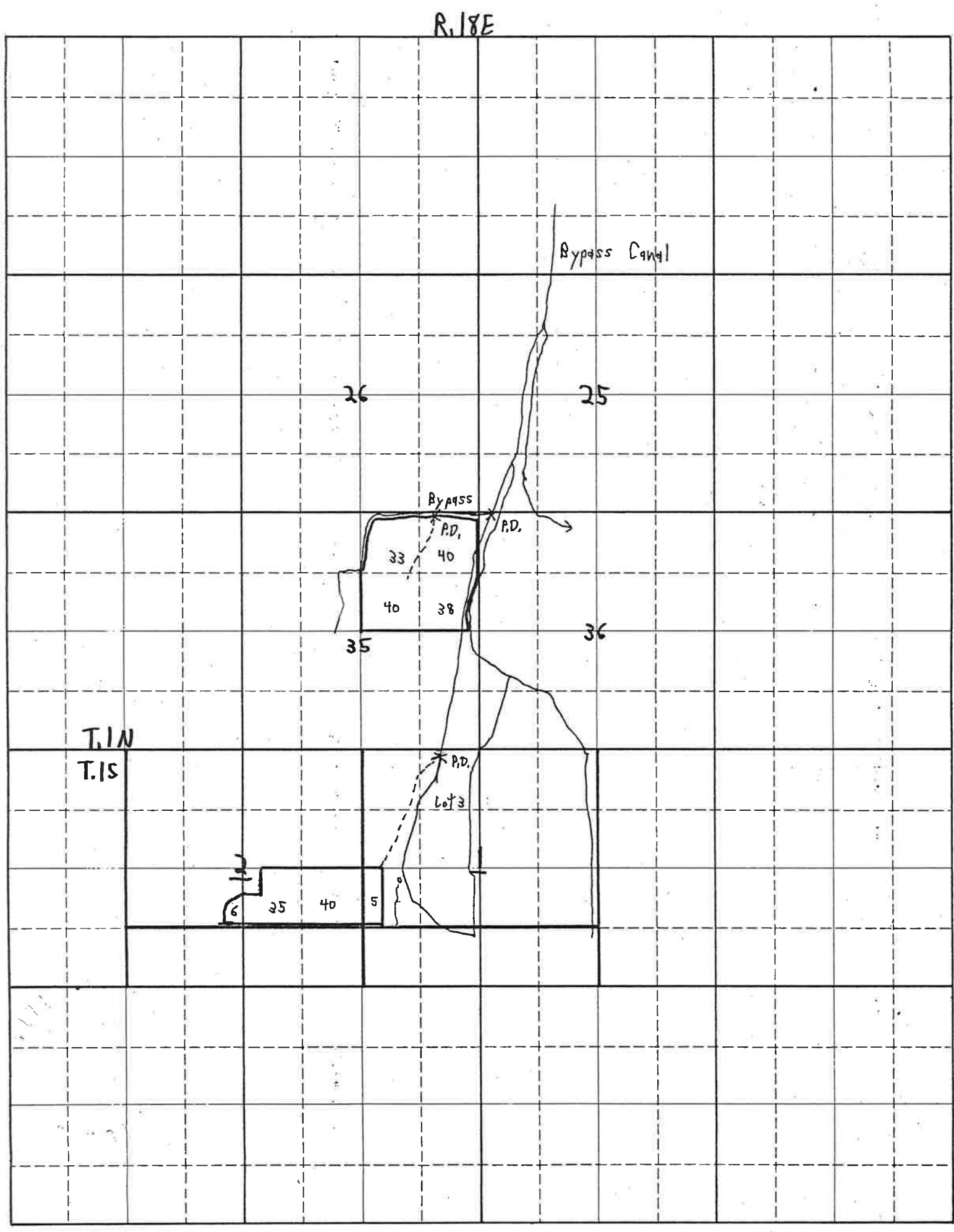
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1N	18E	35	40	33	40	38													151
1S	18E	1										5							5
		2										6					35	40	81

Total number of acres to be irrigated 237

3. Draw a map indicating the new point(s) of diversion and/or the land to be irrigated. Show clearly the land involved by section, township and range number.



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

4. Remarks _____

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

William T. Haygood
 (Signature of applicant)

Subscribed and sworn to before me this 25th day of November, 19 82.

Loren O. Halma
 (Notary public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

AR

This is to certify that I have examined Application for Transfer of Water Rights No. 37-0577 37-0482

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

PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER AND ORDER ADOPTING PROPOSED MEMORANDUM
DECISION AND ORDER