

OCT 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
37-20883	A37-20883	X 22362 22363			
37-00666D	A37-00666D	X 22358 22359			
37-20885	A37-20885	X 22364 22365			
37-20443	A37-20443	X 22360 22361			

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

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

3. Name and Address of Former Owner/Claimant(s)

B&M Ranch, LLC

P.O. Box 1001

Hailey, ID 83333

4. New Owner/Claimant(s)

Bell Mountain Ranch Homeowner's Assn., Inc.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P.O. Box 1001

City, State and ZIP Code

Hailey, ID 83333

New Telephone Number

(208) 578-0520

Email:

5. Date you acquired the property

January 18, 2006

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

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

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

7. Signature(s) of New Owner(s) or Claimant(s) Bell Mountain Ranch Homeowners Assn., Inc.By: John Brashears

(title if applicable)

(title if applicable)

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

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

Water Appurtenant to:

Acres:

Portion:

Lot 2, Bell Mountain Ranch Subdivision	2.04	0.09
Lot 3, Bell Mountain Ranch Subdivision	2.05	0.09
Lot 4, Bell Mountain Ranch Subdivision	2.13	0.09
Lot 5, Bell Mountain Ranch Subdivision	2.03	0.09
Lot 6, Bell Mountain Ranch Subdivision	2.04	0.09
Lot 7, Bell Mountain Ranch Subdivision	2.09	0.09

Per CC&R's, relevant portion attached

Per Plat, attached

system approved by the Association Board) shall be permitted, and further provided that the water therefrom shall be used for irrigation purposes only. The Association shall be responsible for operating, maintaining, repairing and improving the Association's Irrigation System (the plans for which are attached hereto as Exhibit C) from its beginning on the Association's side of the valve at the boundary with the Agricultural Tract and Lot 2 (identified as "Point of Delivery" on attached Exhibit B) to the point of stub-out on each Lot within the Residential Subdivision. From and after stub-out on each Lot, all pipes, valves, sprinkler heads and so forth, shall be the sole responsibility of the Owner of the Lot. The Association shall protect the Association's Irrigation System from freezing and otherwise maintain said irrigation system.

E. WATER FROM THE ASSOCIATION IRRIGATION SYSTEM AND THE FIRE PROTECTION WELL AND HYDRANT IS NOT DRINKABLE. Each Lot The Water from the Association Irrigation system and the Fire Protection Well and Hydrant is not drinkable. The Owner shall be responsible to ensure that irrigation water within the boundaries of such Owner's Lot is not consumed by any person or used for culinary purposes. The Association shall take all reasonable steps to ensure that irrigation water from the Fire Protection well and hydrant is not consumed by any person or used for culinary purposes.

F. The following is a list of the irrigation water rights appurtenant to the Property, identified by the water right numbers assigned by IDWR:

WATER RIGHTS	SOURCE	PRIORITY	AMOUNT
37-20883	Big Wood River	6/15/1891	0.38 cfs
37-666D	Big Wood River	6/12/1886	1.78 cfs
37-20885	Big Wood River	10/15/1884	0.62 cfs
37-20443	Ground Water	1/29/1965	2.78 cfs

The amount of water which may be delivered to the Association for each Lot and Parcel within the Residential Subdivision at any particular time shall be Lot's or Parcel's portion of the total amount of the above-described water rights appurtenant to said Lot or Parcel then being delivered to and available for use by the Association under then applicable laws and regulations of the state of Idaho. Each Lot's portion of the water rights shall be based upon the maximum number of acres which may be irrigated on each Lot. The maximum irrigated acres and percentages of the water rights are as follows:

LOT	ACRES	PORTION OF WATER RIGHTS
1	123.73	5.02
2	2.04	0.09
3	2.05	0.09
4	2.13	0.09
5	2.03	0.09
6	2.04	0.09

7
TOTAL

2.09
136.11

0.09
5.56

The Association shall own the above water rights appurtenant to Lots 2 through 7, inclusive, and Parcels A, B, C and D. The Association shall own, operate, maintain, repair and replace the Association Irrigation System and control, administer, regulate and restrict the delivery of water to the Lots and Parcels for irrigation. The Association shall have no right, title or interest in and no right to possession, use or control over any of the diversion works, pumps and delivery system for these water rights on, over or across the Agricultural Tract. The Association shall not apply for or obtain approval by IDWR for any change or transfer of said water rights, or any portion thereof, or for an change in any point of diversion or places of use of any of the above water rights without the prior written consent of the Owner of the Agricultural Tract.

EACH OWNER, BY ACCEPTING THE DEED TO A LOT, ACKNOWLEDGES AND AGREES THAT THE AMOUNTS AND IRRIGABLE ACRES FOR EACH WATER RIGHT ARE SUBJECT TO FINAL DETERMINATION BY THE COURT IN THE SRBA, THAT DECLARANT DOES NOT MAKE ANY REPRESENTATION OR WARRANTY AS TO SUCH AMOUNTS OR IRRIGABLE ACRES, AND THAT DELIVERY OF THE WATER RIGHTS IS SUBJECT TO AVAILABILITY UNDER THE LAWS OF THE STATE OF IDAHO, RULES AND REGULATIONS OF IDAHO DEPARTMENT OF WATER RESOURCE ("IDWR"), AND CONTROL BY THE WATER MASTER FOR WATER DISTRICT 37. IF THE AMOUNT OR NUMBER OF IRRIGABLE ACRES FOR ANY SUCH WATER RIGHT IS REDUCED IN A FINAL DECREE ISSUED BY THE SRBA COURT, THE AMOUNT OR MAXIMUM IRRIGABLE ACRES ON EACH LOT AND PARCEL AREA PARCEL SPECIFIED HEREIN SHALL BE REDUCED PROPORTIONATELY.

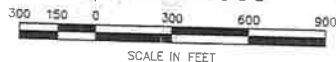
EACH OWNER, BY ACCEPTING THE DEED TO A LOT, ACKNOWLEDGES AND UNDERSTANDS THAT WATER RIGHTS IN IDAHO MAY BE LOST IN WHOLE OR IN PART IF THEY ARE NOT USED FOR A CONTINUOUS PERIOD OF FIVE (5) YEARS OR MORE.

G. For the purpose of maintaining and protecting the irrigation water rights and maintaining the unimproved Lots in a neat, irrigated and weed-free condition, Declarant hereby reserves for itself and the Association the right to use the irrigation water rights and the Association Irrigation System to irrigate all or such portions of each Lot prior to such time as construction has begun pursuant to a valid building permit. After an Owner has begun such construction, the Owner, at the Owner's expense, shall be responsible for maintaining the Lot in a reasonable condition during the course of construction.

9.3 Water System Assessments. All common expenses related to operation, maintenance, repair and replacement of the Association Irrigation System shall be born by Declarant until the sale by Declarant of the first Lot within the Residential Subdivision, and

A PLAT SHOWING BELL MOUNTAIN RANCH SUBDIVISION

WHEREIN PARCEL 4 OF THE STRUTHERS RANCH RECORD OF SURVEY (TAX LOT 7152) IS REPLATTED INTO AN A-20 CLUSTER DEVELOPMENT
LOCATED WITHIN SECTION 20, T.1N., R.19E., B.M., BLAINE COUNTY, IDAHO
AUGUST 2005



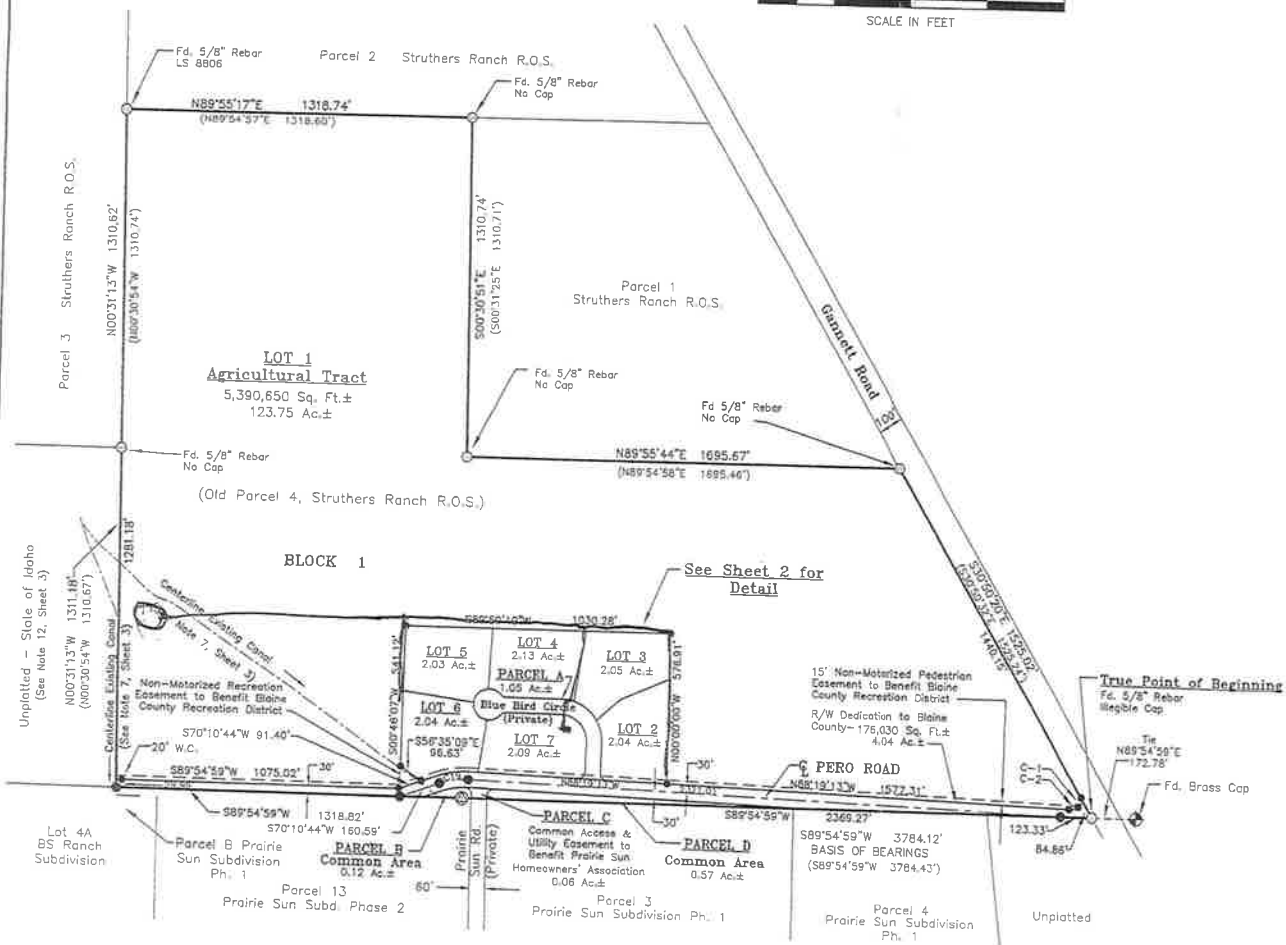
SCALE: 1" = 300'

LEGEND

- Found Brass Cap
- Found Aluminum Cap
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 1/2" Rebar
- Set 5/8" Rebar
- (100.00') Record Information
- Property Boundary
- Adjoiners Property Line
- Centerline
- Easement, As Shown

CURVE TABLE					
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD
C1	39.42'	72.00'	23.18'	20°20'05"	35.48'
C2	39.32'	70.00'	20.10'	37°11'00"	30.80'
C19	111.70'	500.00'	24.50'	2°11'55"	111.00'

SEE SHEET 3 FOR NOTES



HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of Disapproval.

Date _____ South Central District Health Dept., EHS

MICHAEL D. CHOAT, L.S. 10161

BELL MOUNTAIN RANCH
SUBDIVISION
GALENA ENGINEERING, INC.
KETCHUM, IDAHO

SHEET 1 OF 4

Job No. 5320-01

OCT 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGIONRECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:James W. Phillips
THE ROARK LAW FIRM
409 N. Main St.
Hailey, Idaho 83333

Instrument # 531238

HAILEY, BLAINE, IDAHO

2006-01-19

03:04:00

No. of Pages: 1

Recorded for: JIM PHILLIPS

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYQC/CORP DEED

(Space Above Line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, B & M Ranch, LLC, an Idaho limited liability company ("Grantor"), hereby grants, bargains, sells and conveys unto Bell Mountain Ranch Homeowners Association, Inc., an Idaho non-profit corporation, whose address is P.O. Box 1001, Hailey, Idaho 83333 ("Grantee"), all right, title and interest in and to any water rights, in whole or in part, appurtenant to Lot 2, Bell Mountain Ranch Subdivision, according to the official plat of record located in Blaine County, State of Idaho:

Said water right numbers include, but are not necessarily limited to, the following appurtenant rights: 37-20883, 37-00666D, 37-20885 and 37-20443, all according to the official records of the State of Idaho.

DATED this 18 day of January, 2006

B & M RANCH, LLC

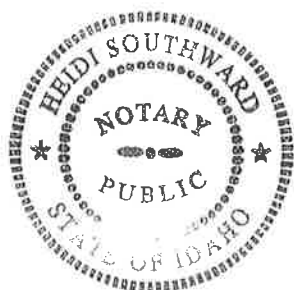
John Brashears
By: John Brashears, Manager

STATE OF IDAHO,)

) ss.

County of Blaine.)

On this 18 day of January, 2006, before me, a Notary Public in and for said State, personally appeared John Brashears, Manager, B & M Ranch, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said limited liability corporation.



Heidi Southward
Notary Public in and for the State of Idaho
Residing at Hailey
Commission expires 1-18-11

OCT 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

James W. Phillips
THE ROARK LAW FIRM
409 N. Main St.
Hailey, Idaho 83333

Instrument # 531239

HAILEY, BLAINE, IDAHO

2006-01-19 03:05:00 No. of Pages: 1

Recorded for: JIM PHILLIPS

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

(Space Above Line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, B & M Ranch, LLC, an Idaho limited liability company ("Grantor"), hereby grants, bargains, sells and conveys unto Bell Mountain Ranch Homeowners Association, Inc., an Idaho non-profit corporation, whose address is P.O. Box 1001, Hailey, Idaho 83333 ("Grantee"), all right, title and interest in and to any water rights, in whole or in part, appurtenant to Lot 3, Bell Mountain Ranch Subdivision, according to the official plat of record located in Blaine County, State of Idaho:

Said water right numbers include, but are not necessarily limited to, the following appurtenant rights: 37-20883, 37-00666D, 37-20885 and 37-20443, all according to the official records of the State of Idaho.

DATED this 18 day of January, 2006.

B & M RANCH, LLC

John Brashears
By: John Brashears, Manager

STATE OF IDAHO,)

) ss.

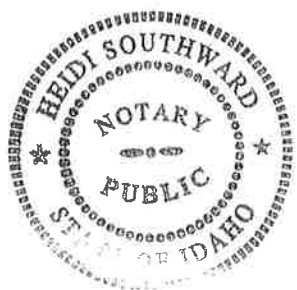
County of Blaine.)

On this 18 day of January, 2006 before me, a Notary Public in and for said State, personally appeared John Brashears, Manager, B & M Ranch, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said limited liability corporation.

Hiedi Southward
Notary Public in and for the State of Idaho

Residing at Hailey

Commission expires 1-18-11



OCT 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:
James W. Phillips
THE ROARK LAW FIRM
409 N. Main St.
Hailey, Idaho 83333

Instrument # 531240
HAILEY, BLAINE, IDAHO
2006-01-19 03:06:00 No. of Pages: 1
Recorded for: JIM PHILLIPS
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTYIQC/CORP DEED *mp*

(Space Above Line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, B & M Ranch, LLC, an Idaho limited liability company ("Grantor"), hereby grants, bargains, sells and conveys unto Bell Mountain Ranch Homeowners Association, Inc., an Idaho non-profit corporation, whose address is P.O. Box 1001, Hailey, Idaho 83333 ("Grantee"), all right, title and interest in and to any water rights, in whole or in part, appurtenant to Lot 4, Bell Mountain Ranch Subdivision, according to the official plat of record located in Blaine County, State of Idaho:

Said water right numbers include, but are not necessarily limited to, the following appurtenant rights: 37-20883, 37-00666D, 37-20885 and 37-20443, all according to the official records of the State of Idaho.

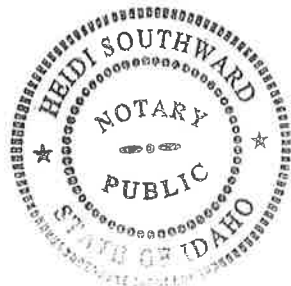
DATED this 18 day of January, 2006

B & M RANCH, LLC

John Brashears
By: John Brashears, Manager

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 18 day of January, 2006 before me, a Notary Public in and for said State, personally appeared John Brashears, Manager, B & M Ranch, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said limited liability corporation.



Heidi Southward
Notary Public in and for the State of Idaho
Residing at Hailey
Commission expires 1-18-11

RECEIVED

OCT 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:
James W. Phillips
THE ROARK LAW FIRM
409 N. Main St.
Hailey, Idaho 83333

Instrument # 531241
HAILEY, BLAINE, IDAHO
2006-01-19 03:07:00 No. of Pages: 1
Recorded for : JIM PHILLIPS
MARSHA RIEMANN Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED *mp*

(Space Above Line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, B & M Ranch, LLC, an Idaho limited liability company ("Grantor"), hereby grants, bargains, sells and conveys unto Bell Mountain Ranch Homeowners Association, Inc., an Idaho non-profit corporation, whose address is P.O. Box 1001, Hailey, Idaho 83333 ("Grantee"), all right, title and interest in and to any water rights, in whole or in part, appurtenant to Lot 5, Bell Mountain Ranch Subdivision, according to the official plat of record located in Blaine County, State of Idaho:

Said water right numbers include, but are not necessarily limited to, the following appurtenant rights: 37-20883, 37-00666D, 37-20885 and 37-20443, all according to the official records of the State of Idaho.

DATED this 18 day of January, 2006

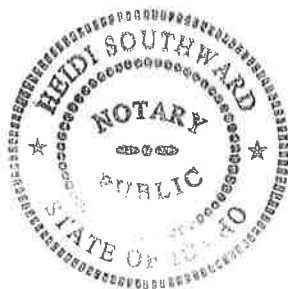
B & M RANCH, LLC

John Brashears
By: John Brashears, Manager

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 18 day of January, 2006 before me, a Notary Public in and for said State, personally appeared John Brashears, Manager, B & M Ranch, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said limited liability corporation.

Heidi Southward
Notary Public in and for the State of Idaho
Residing at Hailey
Commission expires 1-18-11



OCT 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:
James W. Phillips
THE ROARK LAW FIRM
409 N. Main St.
Hailey, Idaho 83333

Instrument # 531242

HAILEY, BLAINE, IDAHO

2006-01-19

03:08:00

No. of Pages: 1

Recorded for: JIM PHILLIPS

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

(Space Above Line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, B & M Ranch, LLC, an Idaho limited liability company ("Grantor"), hereby grants, bargains, sells and conveys unto Bell Mountain Ranch Homeowners Association, Inc., an Idaho non-profit corporation, whose address is P.O. Box 1001, Hailey, Idaho 83333 ("Grantee"), all right, title and interest in and to any water rights, in whole or in part, appurtenant to Lot 6, Bell Mountain Ranch Subdivision, according to the official plat of record located in Blaine County, State of Idaho:

Said water right numbers include, but are not necessarily limited to, the following appurtenant rights: 37-20883, 37-00666D, 37-20885 and 37-20443, all according to the official records of the State of Idaho.

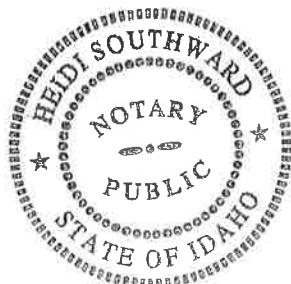
DATED this 18 day of January, 2008

B & M RANCH, LLC

John Brashears
By: John Brashears, Manager

STATE OF IDAHO,)
) ss.
County of Blaine.)

On this 18 day of January, 2008 before me, a Notary Public in and for said State, personally appeared John Brashears, Manager, B & M Ranch, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said limited liability corporation.



Heidi Southward
Notary Public in and for the State of Idaho
Residing at Hailey
Commission expires 1-18-11

OCT 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

James W. Phillips
THE ROARK LAW FIRM
409 N. Main St.
Hailey, Idaho 83333

Instrument # 531243

HAILEY, BLAINE, IDAHO

2006-01-19

03:09:00

No. of Pages: 1

Recorded for : JIM PHILLIPS

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

(Space Above Line for Recorder's Use)

QUITCLAIM DEED

FOR VALUE RECEIVED, B & M Ranch, LLC, an Idaho limited liability company ("Grantor"), hereby grants, bargains, sells and conveys unto Bell Mountain Ranch Homeowners Association, Inc., an Idaho non-profit corporation, whose address is P.O. Box 1001, Hailey, Idaho 83333 ("Grantee"), all right, title and interest in and to any water rights, in whole or in part, appurtenant to Lot 7, Bell Mountain Ranch Subdivision, according to the official plat of record located in Blaine County, State of Idaho:

Said water right numbers include, but are not necessarily limited to, the following appurtenant rights: 37-20883, 37-00666D, 37-20885 and 37-20443, all according to the official records of the State of Idaho.

DATED this 18 day of January, 2006

B & M RANCH, LLC

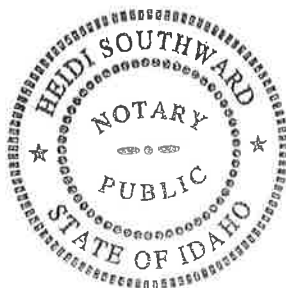
By: John Brashears
John Brashears, Manager

STATE OF IDAHO,)

) ss.

County of Blaine.)

On this 18 day of January, 2006, before me, a Notary Public in and for said State, personally appeared John Brashears, Manager, B & M Ranch, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of said limited liability corporation.



Heidi Southward
Notary Public in and for the State of Idaho
Residing at Hailey
Commission expires 1-18-11

Fritz X. Haemmerle
Jennifer L. K. Haemmerle

P. O. Box 1800
Hailey, ID 83333

400 South Main Street, Suite 102
Tel: (208) 578-0520
Fax: (208) 578-0564

RECEIVED

OCT 25 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

October 23, 2007

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

*Re: Notice of Name Change with Splits (37-20883, 37-00666D, 37-20885
and 37-20443)*

To Whom It May Concern:

Please find enclosed a Notice of Name Change with Splits for the
aforementioned water rights, claimed by B&M Ranch, LLC, and the Bell Mountain
Ranch Homeowner's Assn., Inc. I understand that no fee is required for these splits.
Please advise if I am wrong in this impression, or advise if there is anything else
required.

As always, thank you for your assistance.

Sincerely,

HAEMMERLE & HAEMMERLE, P.L.L.C.



Fritz X. Haemmerle

FXH: fxh
Encl.

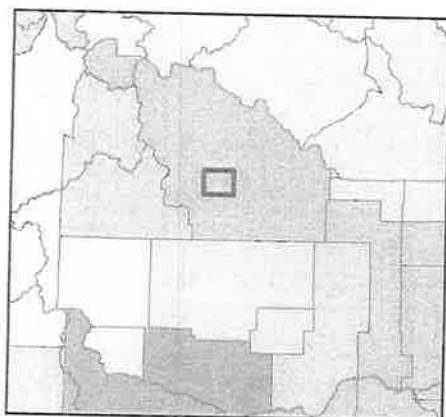


Idaho Department of Water Resources

SRBA Recommendation
37-22365
(IRRIGATION)

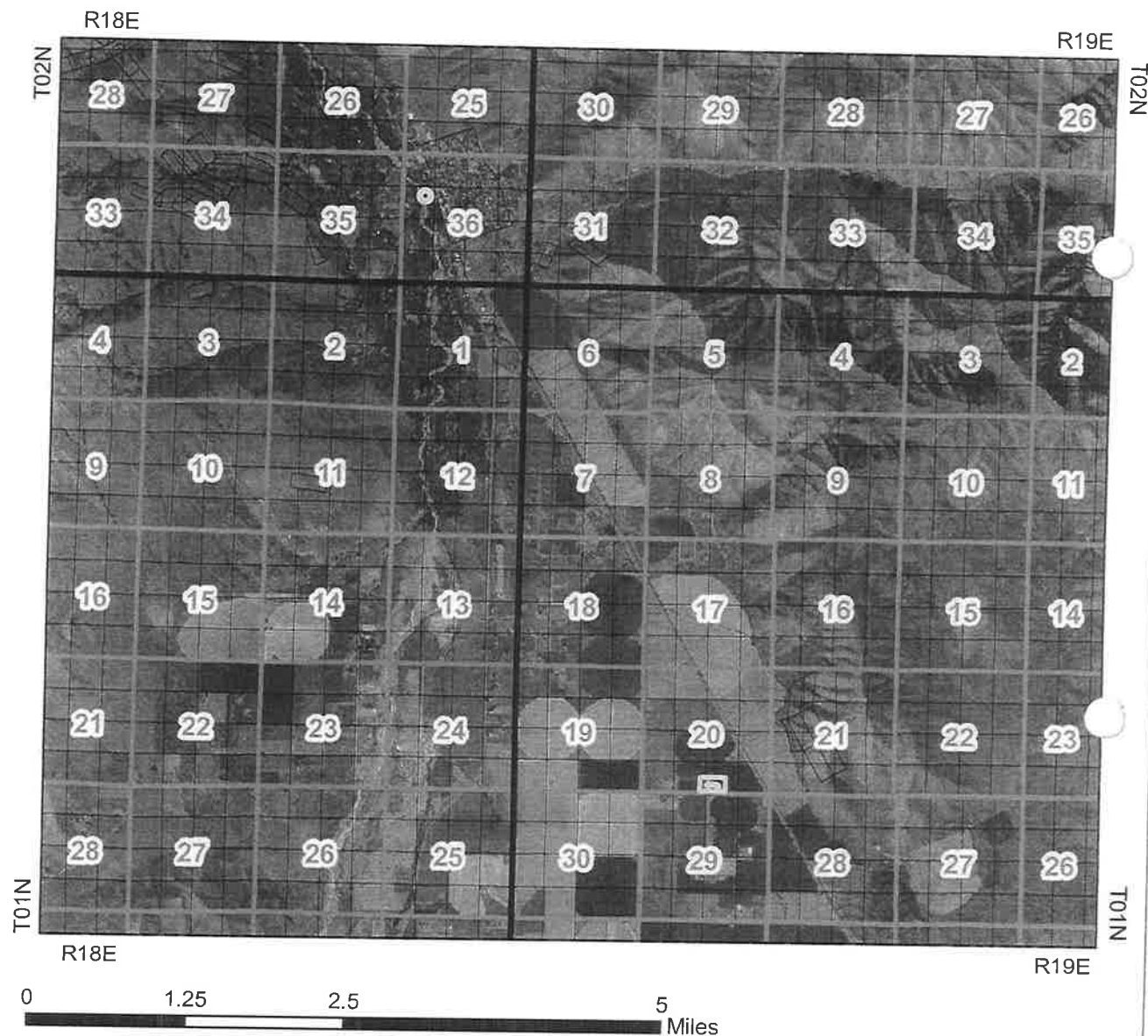
Legend

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



Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography





Idaho Department of Water Resources

SRBA Recommendation
37-22364
(IRRIGATION)

Legend

○ Point of Diversion

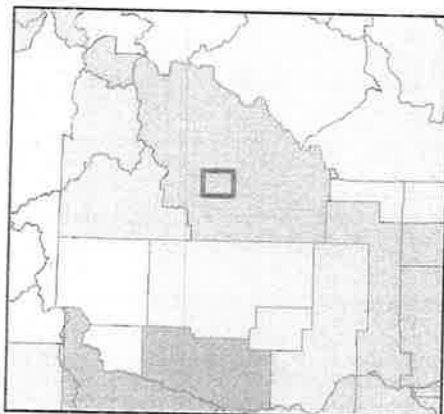
Place of Use

State Outline

Townships

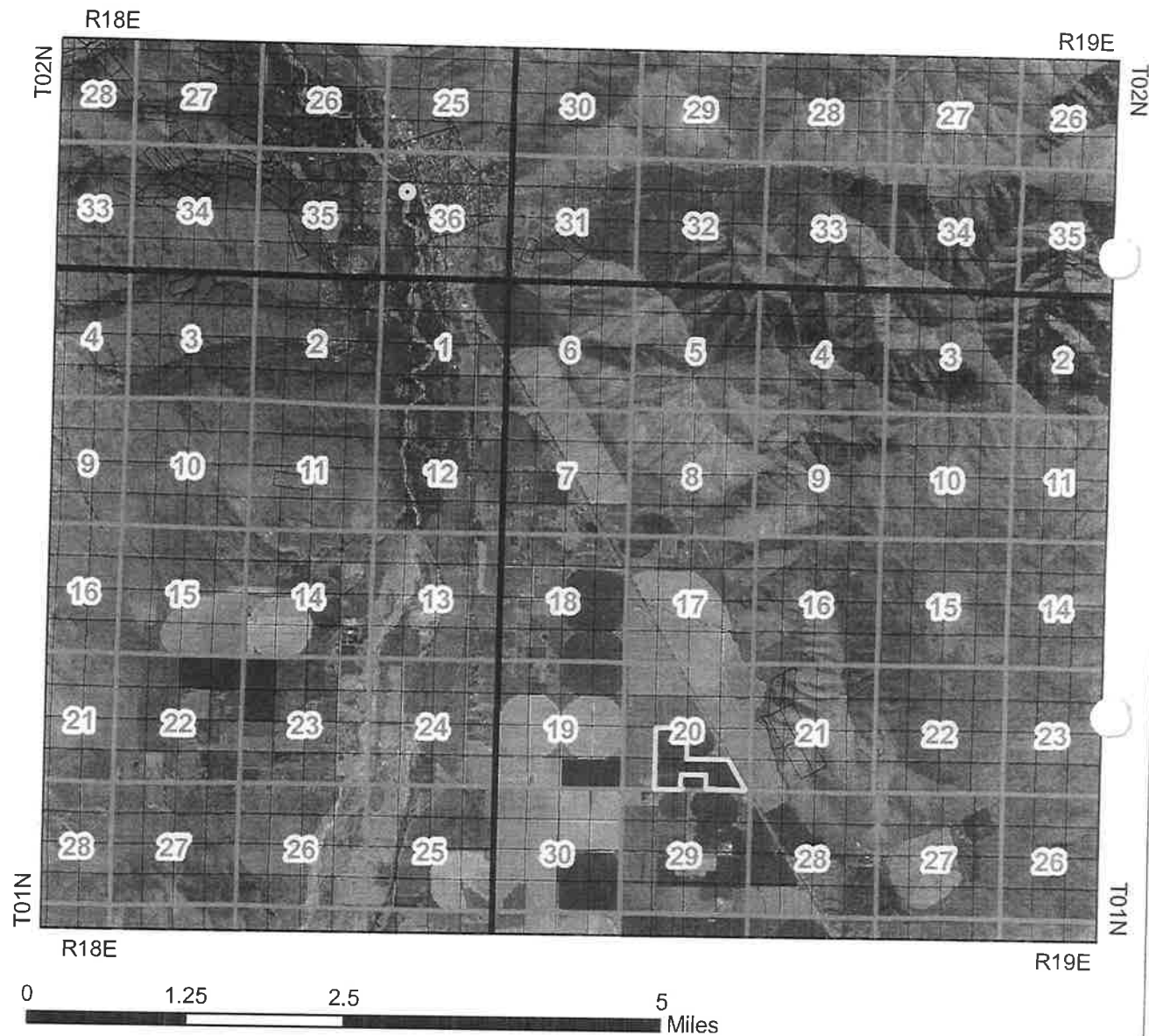
PLS Sections

Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography





Idaho Department of Water Resources

SRBA Recommendation

37-22360

(IRRIGATION)

Legend

○ Point of Diversion

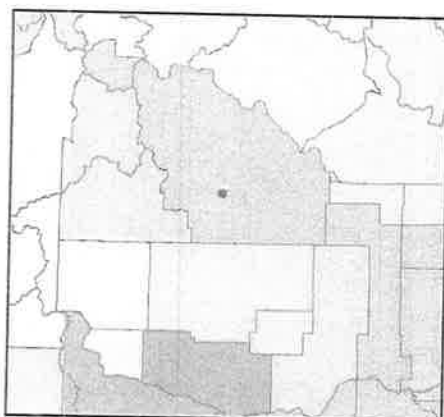
Place of Use

State Outline

Townships

PLS Sections

Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography





Idaho Department of Water Resources

SRBA Recommendation
37-22362
(IRRIGATION)

Legend

○ Point of Diversion

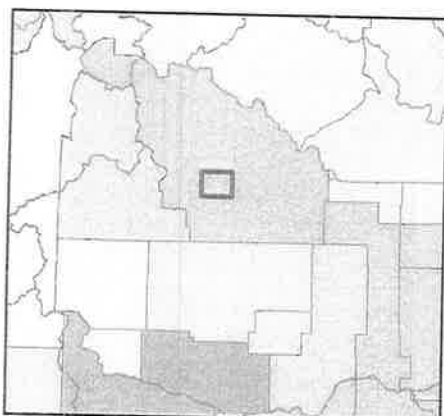
Place of Use

State Outline

Townships

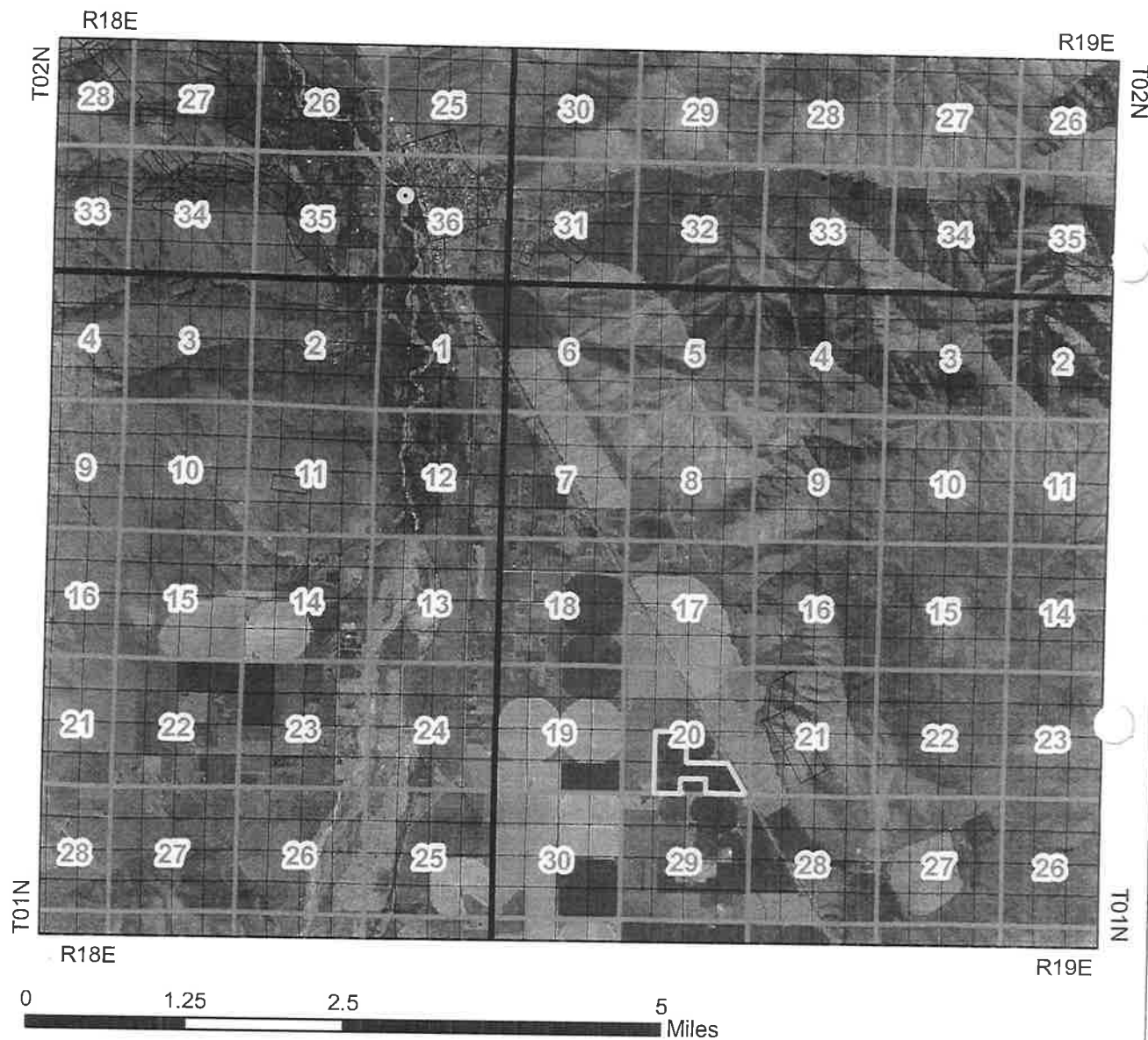
PLS Sections

Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography





Idaho Department of Water Resources

SRBA Recommendation

37-22363

(IRRIGATION)

Legend

○ Point of Diversion

Place of Use

State Outline

Townships

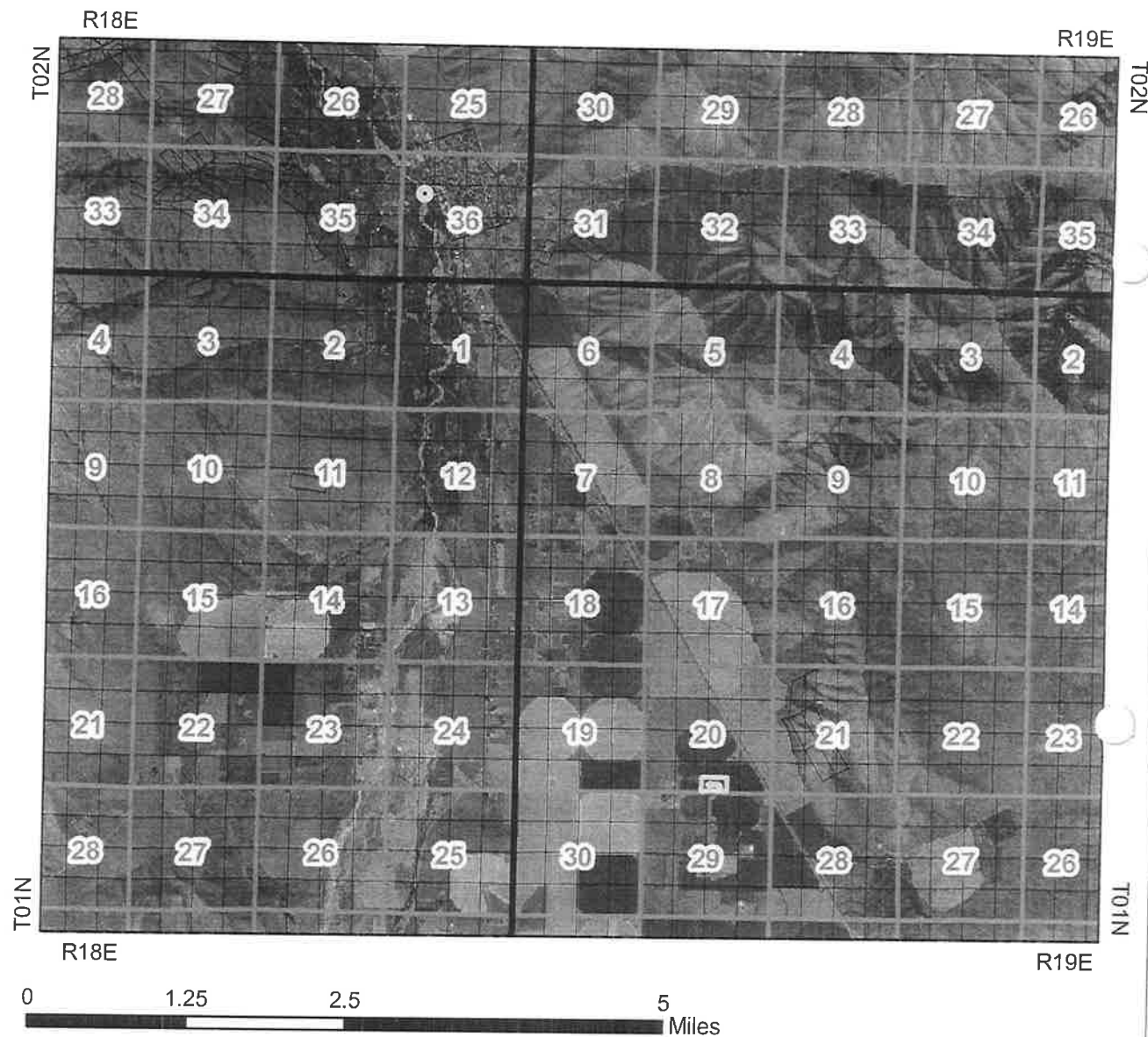
PLS Sections

Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography





Idaho Department of Water Resources

SRBA Recommendation
37-22361
(IRRIGATION)

Legend

○ Point of Diversion

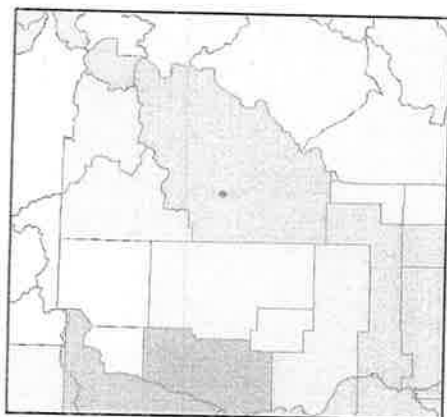
Place of Use

State Outline

Townships

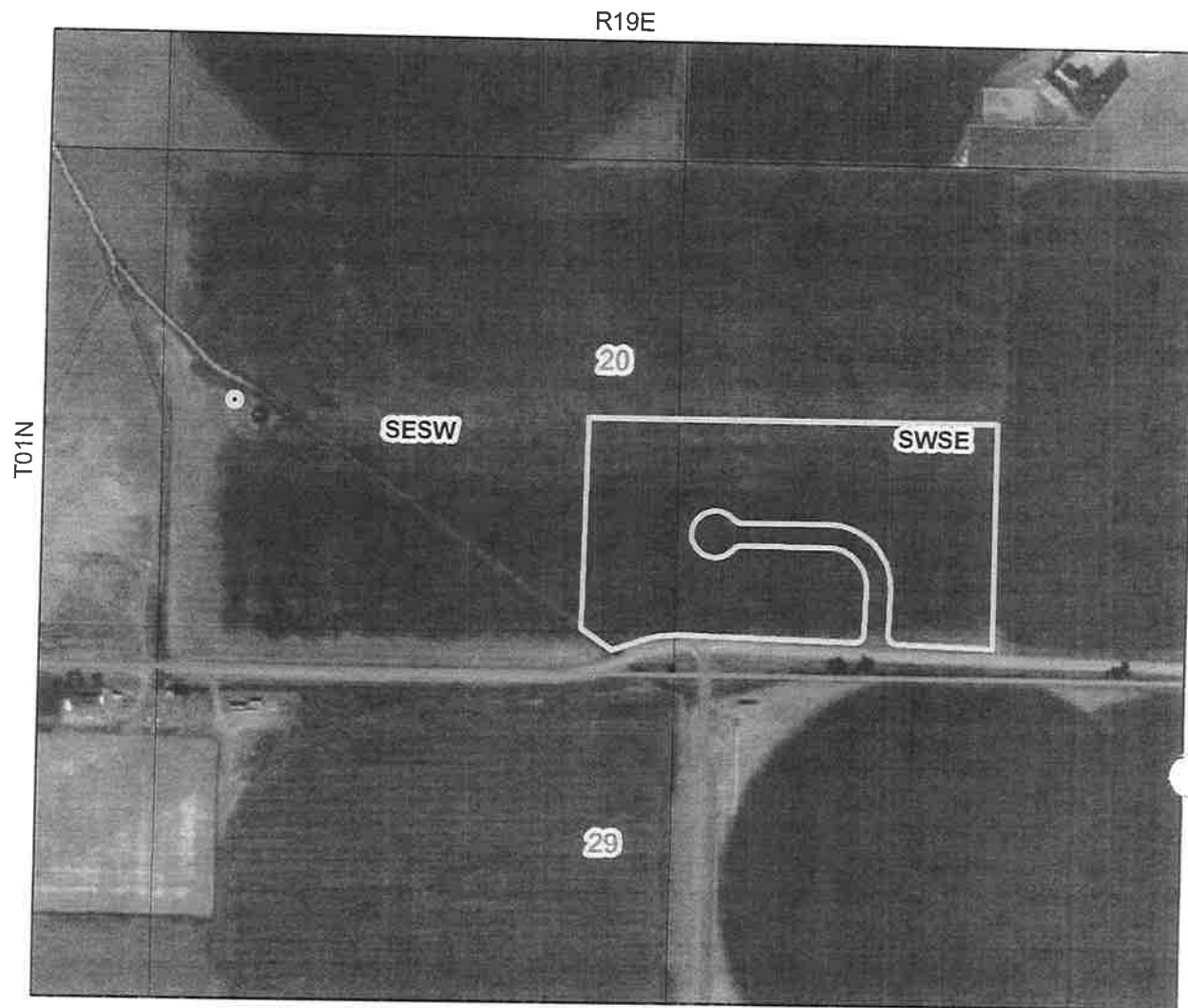
PLS Sections

Quarter Quarters



Blaine County
IDWR Basin 37

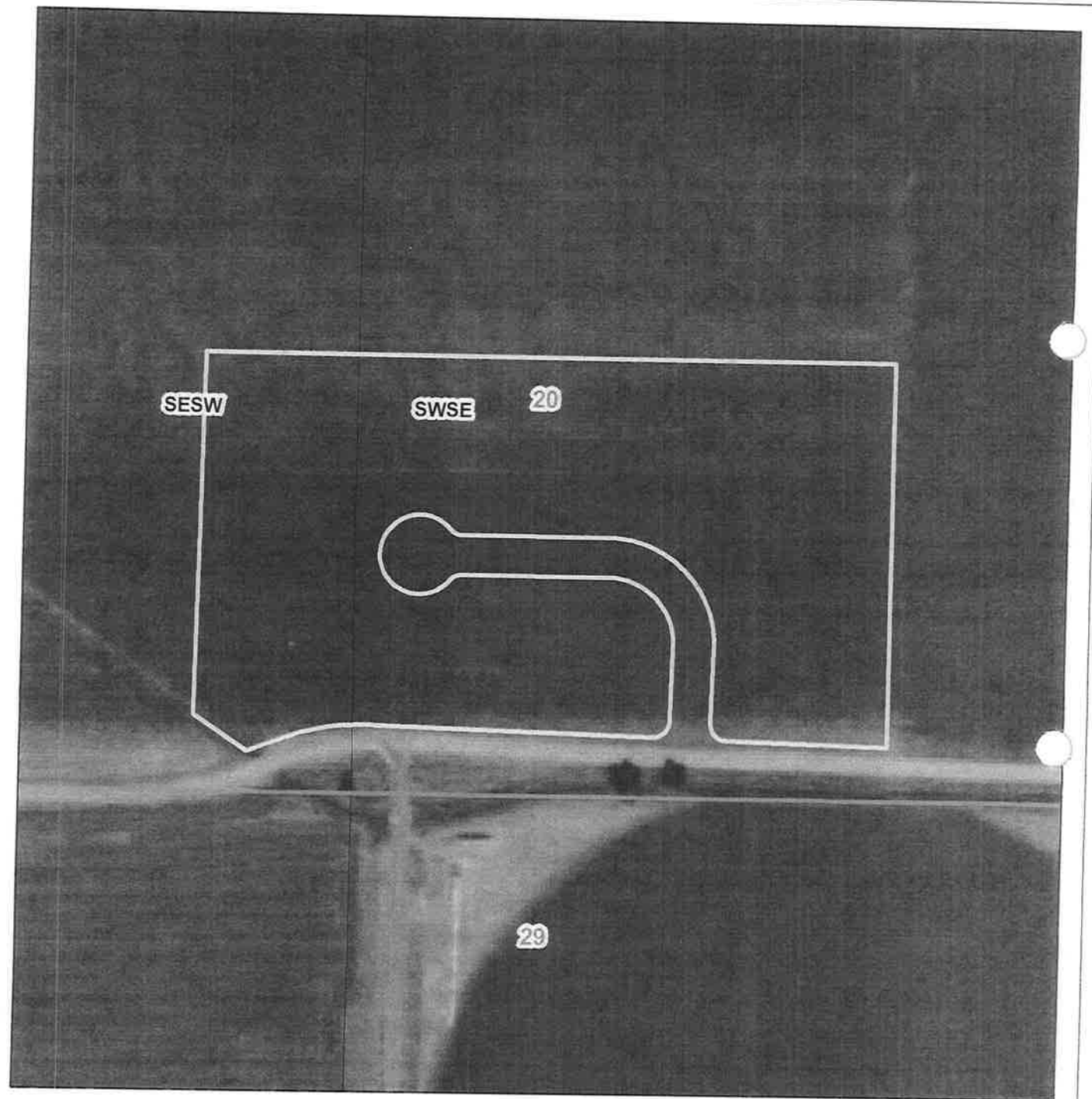
Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography



0 0.05 0.1 0.2
Miles



37-22359





Idaho Department of Water Resources

SRBA Recommendation
37-22359
(IRRIGATION)

Legend

○ Point of Diversion

Place of Use



State Outline



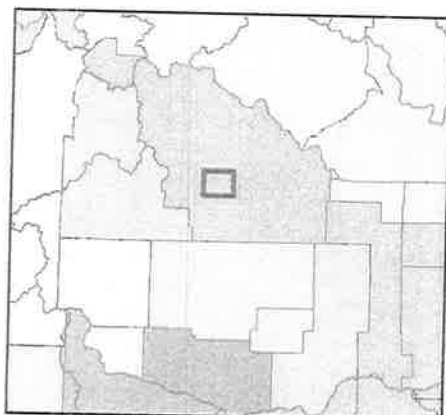
Townships



PLS Sections

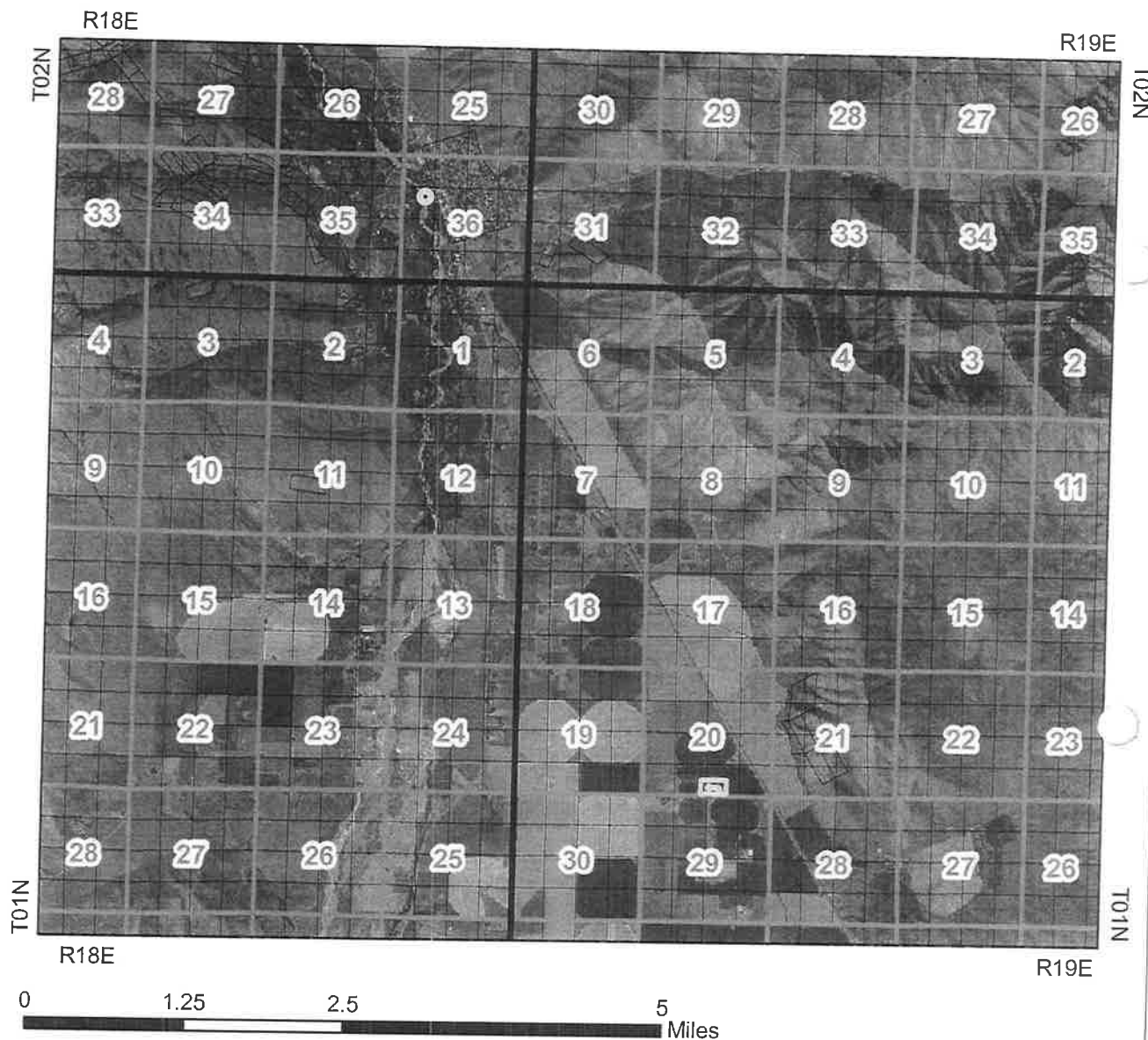


Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography





Idaho Department of Water Resources

SRBA Recommendation
37-22359
(IRRIGATION)

Legend

○ Point of Diversion

Place of Use

State Outline

Townships

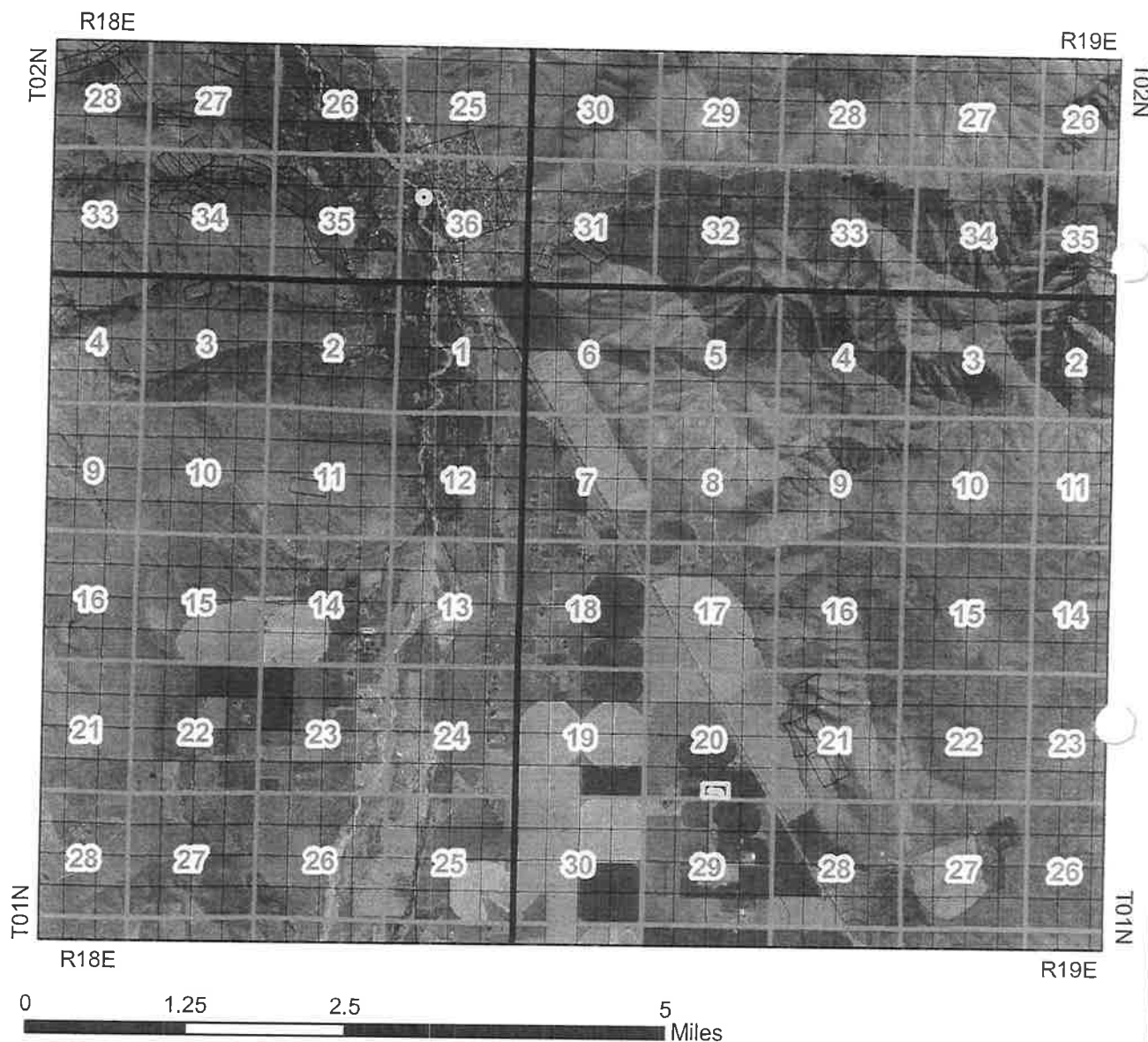
PLS Sections

Quarter Quarters



Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography





Idaho Department of Water Resources

SRBA Recommendation

37-22358

(IRRIGATION)

Legend

○ Point of Diversion

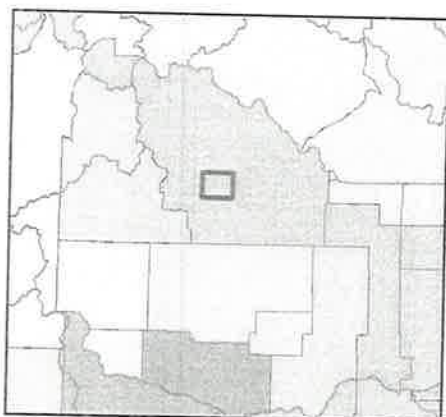
Place of Use

State Outline

Townships

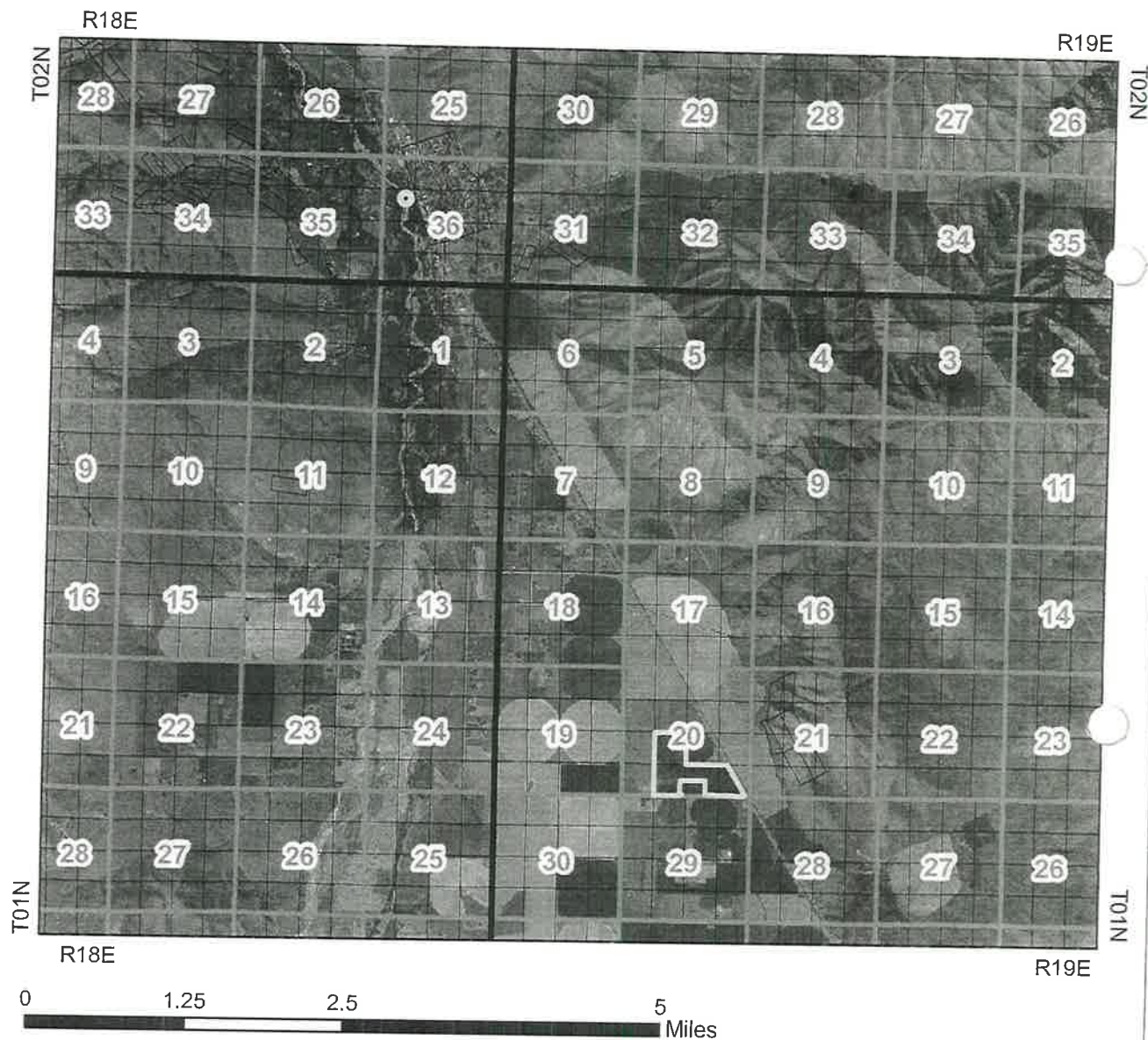
PLS Sections

Quarter Quarters



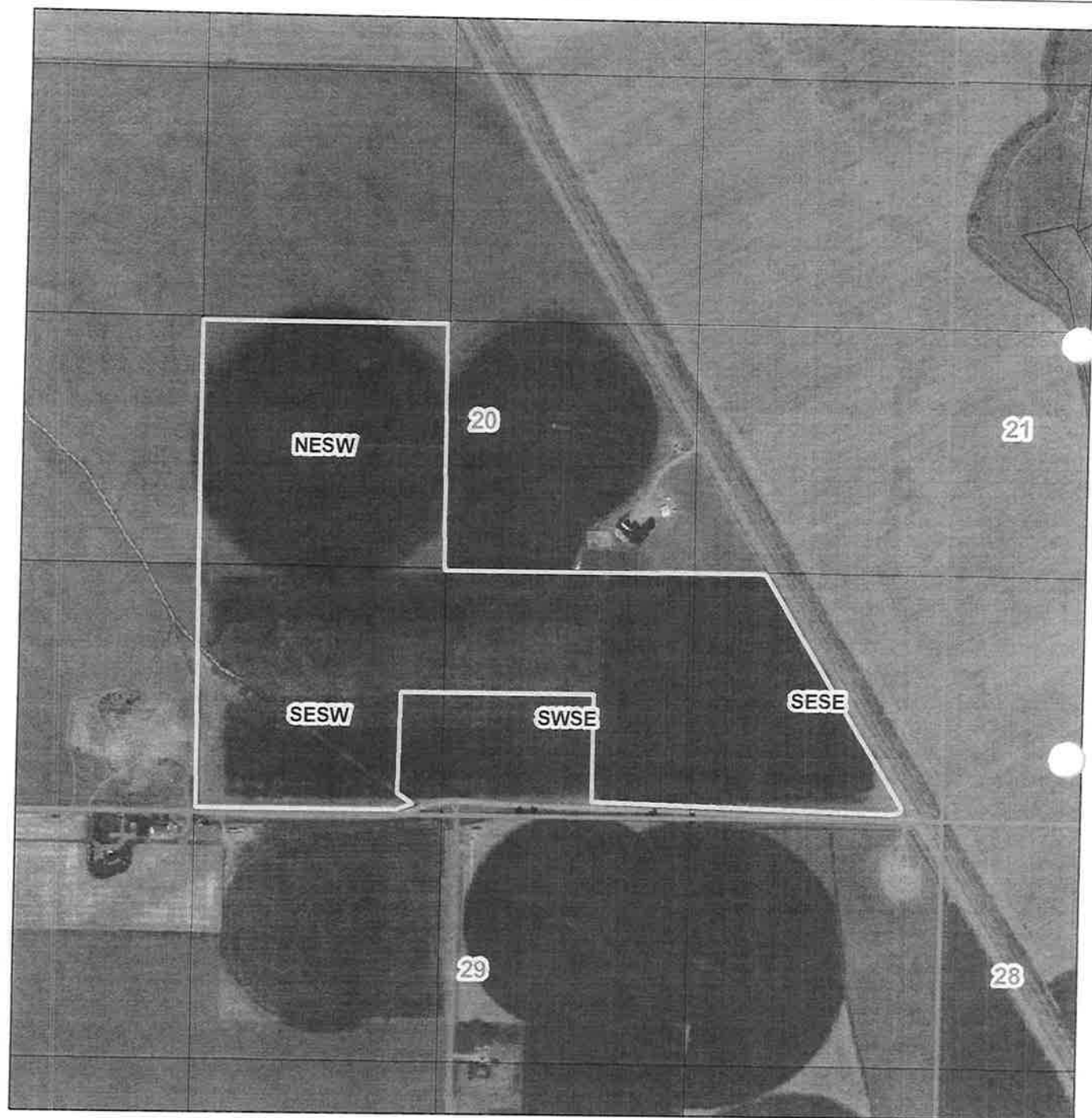
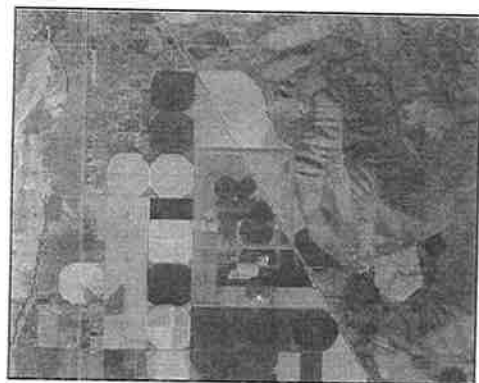
Blaine County
IDWR Basin 37

Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography





37-22358





Idaho Department of Water Resources

SRBA Recommendation

37-22359

(IRRIGATION)

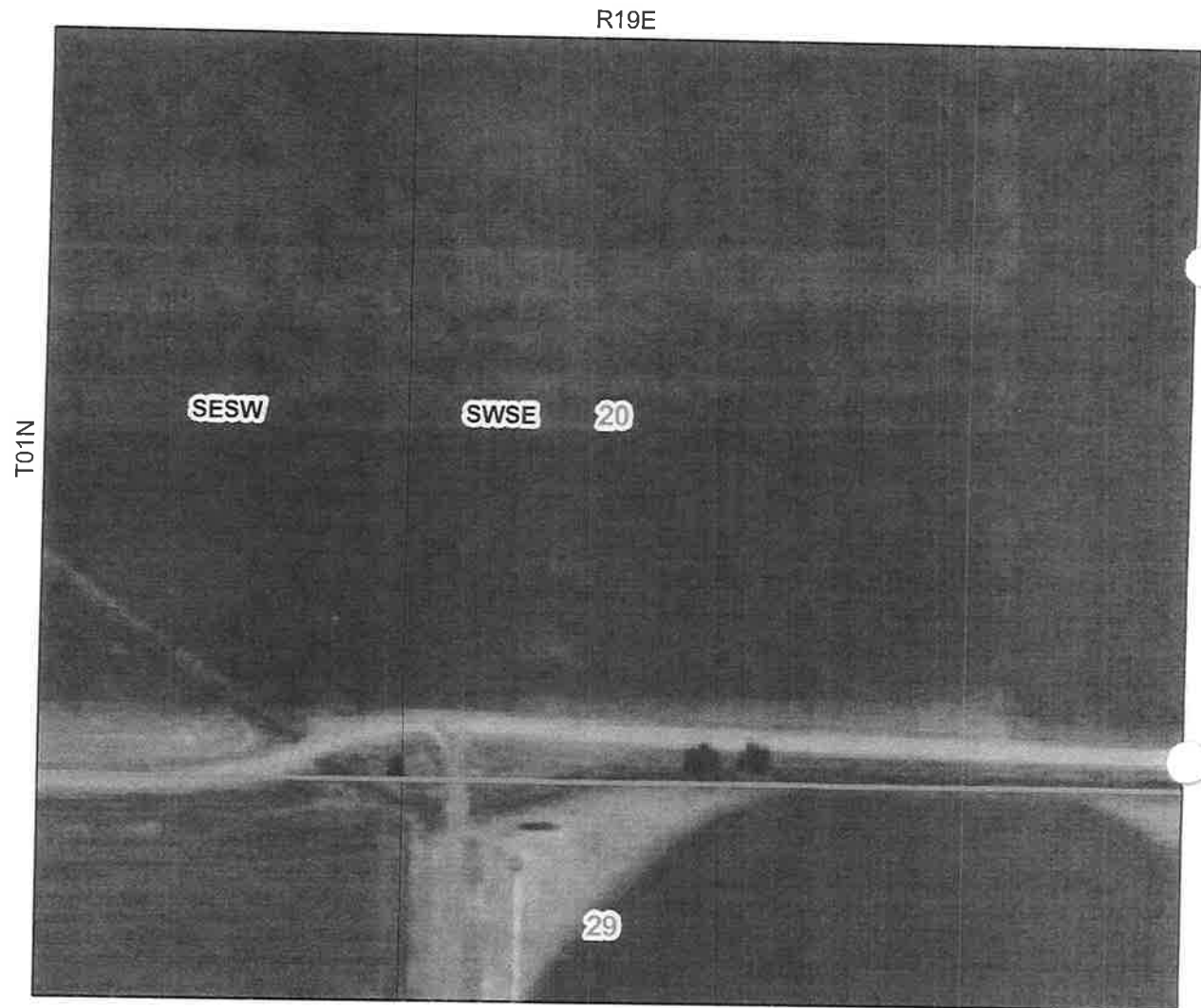
Legend

-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37

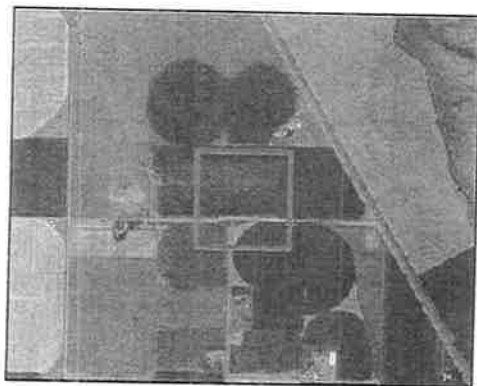
Prepared by Trish Fawcett
On Wednesday, July 09, 2008
2004 Aerial Photography



0 0.05 0.1 0.2 Miles



37-22359



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2264C

WATER RIGHT NUMBER: 36-2264C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SI ELLEN DAIRY C/O SIMON ROTH 539 S 800 E JEROME, ID 83338 (208)324-4636

Priority Date: 03/12/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.380 CFS	668.00 AF
	<u>Total Diversion:</u>	2.380 CFS	668.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 9, Twp 09S, Rge 18E, B.M.
JEROME 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	
09S	18E	9			30.0				13.0	1.0					33.0	36.0	24.0	30.0	167.0

Total Acres: 167

Conditions of Approval:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2264C

Comments:

1. MBALDWIN 8/26/1994 TRANSFER NO. 4434

Comment: T# 4434 filed on 8/5/94 proposes to add diversion points, change nature of use, period of use and split water right into Parts A & B. Part B will be used for a commercial dairy.

2. TFAWCETT 2/4/1997 TRANSFERRED/SPLIT RIGHT

Comment: RIGHT WAS SPLIT FROM 36-02264 PURSUANT TO APPROVED TRANSFER 4434.

3. RBROWN 9/16/1997 REFORMATTED

Comment: SPLIT RIGHT TO CONFORM WITH EXPANSION RIGHT 36-15223.

4. PSKAGGS 4/23/1999 TRANSFER 5350

Comment: Transfer 5350 adds/changes the points of diversion, place, nature & season of use of a portion of Right 36-02264A (Part D) and changes the place of use under the remaining irrigation portion of the right (Part C).

5. JROBERTS 7/9/1999 AMENDED CLAIM

Comment: CLAIM AMENDED PER APPROVED TRANSFER # 5350. (RIGHT WAS SPLIT FROM 36-02264A.) MAY NEED MORE REMARKS...

Dates and Other Information:

Licensed Date:

Decreed Date: 1/10/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2264D

WATER RIGHT NUMBER: 36-2264D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SI ELLEN DAIRY C/O SIMON ROTH 539 S 800 E JEROME, ID 83338 (208)324-4636

Priority Date: 03/12/1954

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.190 CFS	40.00 AF
COMMERCIAL	1/01 to 12/31	0.190 CFS	41.00 AF
	<u>Total Diversion:</u>	0.380 CFS	81.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4	Sec. 16, Twp 09S, Rge 18E, B.M.
JEROME County		
GROUND WATER	SE1/4NE1/4	Sec. 17, Twp 09S, Rge 18E, B.M.
JEROME County		
GROUND WATER	SE1/4NE1/4	Sec. 17, Twp 09S, Rge 18E, B.M.
JEROME County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	16								X	X	X	X	X		X	X	X	X
09S	18E	17				X									X	X	X	X	

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	9							X	X	X	X							

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2264D

09S 18E 16				X	X			
09S 18E 17		X				X	X	X

Conditions of Approval:

1. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. TWO POINTS OF DIVERSION LOCATED IN T09S, R18E, S17, SENE.

Remarks:Comments:

1. MBALDWIN 8/26/1994 TRANSFER NO. 4434

Comment: T# 4434 filed on 8/5/94 proposes to add diversion points, change nature of use, period of use and split water right into Parts A & B. Part B will be used for a commercial dairy.

2. TFAWCETT 2/4/1997 TRANSFERRED/SPLIT RIGHT

Comment: RIGHT WAS SPLIT FROM 36-02264 PURSUANT TO APPROVED TRANSFER 4434.

3. RBROWN 9/16/1997 REFORMATTED

Comment: SPLIT RIGHT TO CONFORM WITH EXPANSION RIGHT 36-15223.

4. PSKAGGS 4/23/1999 TRANSFER 5350

Comment: Transfer 5350 adds/changes the points of diversion, place, nature & season of use of a portion of Right 36-02264A (Part D) and changes the place of use under the remaining irrigation portion of the right (Part C).

5. JROBERTS 7/8/1999 COPIED FROM REMARKS

Comment: The total instantaneous diversion of water from all points of diversion under Right 36-02264D shall not exceed 0.38 cfs, nor a total combined annual volume of 81.0 af. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by Right 36-02264D. Two points of diversion are located within SENE, S17, T09S, R18E.

6. JROBERTS 7/9/1999 AMENDED CLAIM

Comment: CLAIM AMENDED PER APPROVED TRANSFER # 5350. (RIGHT WAS SPLIT FROM 36-02264A.) MAY NEED MORE REMARKS...

7. cyenter 12/26/2008 POD

Comment: added second pod id in section 17 pursuant to conditions, updated spatial. The pod in Section 16 is very likely an erroneous pod since there is no known commercial diversion in that QQ.

8. cyenter 12/26/2008 10:10:34 AM POD

Comment: Updated Shape

9. cyenter 12/26/2008 10:10:53 AM POD

Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2264D

Dates and Other Information:

Licensed Date:
Decreed Date: 1/10/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 130
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

Water Right Report 36-2264F

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DON R CHURCH RT 4 JEROME, ID 83338
Original Owner	W D PARDUE 4832 BOBBITT DALLAS, TX 95229 (214)368-3401
Current Owner	SI ELLEN DAIRY C/O MICHAEL ROTH 539 S 800 E JEROME, ID 83338 (208)324-0448

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01	to 12/31	0.330 CFS	106.10 AF
COMMERCIAL	1/01	to 12/31	0.330 CFS	103.40 AF
	<u>Total Diversion:</u>		0.660 CFS	209.50 AF

GROUND WATER JEROME County	SE1/4NE1/4	Sec. 17, Twp 09S, Rge 18E, B.M.
GROUND WATER JEROME County	SE1/4NE1/4	Sec. 17, Twp 09S, Rge 18E, B.M.
GROUND WATER JEROME County	SE1/4SW1/4	Sec. 16, Twp 09S, Rge 18E, B.M.
GROUND WATER JEROME County	SE1/4NE1/4	Sec. 17, Twp 09S, Rge 18E, B.M.
GROUND WATER JEROME County	SE1/4NE1/4	Sec. 17, Twp 09S, Rge 18E, B.M.

STOCKWATER

Twp Rge Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2264F

09S 18E 16					X	X	X	X	X		X	X	X
09S 18E 17		X								X	X	X	X

COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 18E 9							X	X	X	X							
09S 18E 16									X	X							
09S 18E 17			X										X	X	X	X	

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. 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.
4. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
5. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5549 shall not exceed 1.89 cfs, nor a total combined annual volume of 508.5 af.

The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

Four points of diversion are located within SENE, S17, T09S, R18E.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2264F

Comments:

1. MBALDWIN 8/26/1994 TRANSFER NO. 4434

Comment: T# 4434 filed on 8/5/94 proposes to add diversion points, change nature of use, period of use and split water right into Parts A & B. Part B will be used for a commercial dairy.

2. TFAWCETT 2/4/1997 TRANSFER/SPLIT RIGHT

Comment: RIGHT WAS SPLIT FROM 36-02262 PURSUANT TO APPROVED TRANSFER 4434.

3. PSKAGGS 4/29/1999 TRANSFER 5351

Comment: Transfer 5351 changes the point of diversion & place of use under all of Right 36-02264B, Part E for continued stockwater use and Part F for stockwater & commercial use for a dairy expansion.

4. PSKAGGS 1/13/2000 TRANSFER 5549

Comment: Transfer 5549 adds points of diversion under Rights 36-02264D/F & 36-02539B.

5. cyenter 12/26/2008 POD

Comment: added 3 pod ids in section 17 pursuant to conditions, updated spatial. The pod in Section 16 is very likely an erroneous pod since there is no known commercial diversion in that QQ.

6. cyenter 12/26/2008 10:13:02 AM POD

Comment: Updated Shape

7. cyenter 12/26/2008 10:13:16 AM POD

Comment: Updated Shape

8. cyenter 12/26/2008 10:14:06 AM POD

Comment: Updated Shape

9. cyenter 12/26/2008 10:14:36 AM POD

Comment: Updated Shape

Dates and Other Information:

Licensed Date:

Decreed Date: 11/16/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-2264F

Water Supply Bank:

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 37-20443

Date Received:

Receipt No:

Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

B & M RANCH LLC Phone: (208)788-4610
PO BOX 1001
HAILEY ID 83333

2. Date of Priority: 01/29/1965

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	19E	20	SE SW	BLAINE	

5. Description of diverting works:

Well, pump, sprinkler irrigation system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.78	416.1

7. Total Quantity Appropriated is:
2.78 C.F.S. and/or 416.1 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	19E	20	NE	SW		IRRIGATION	39.7		
			SE	SW		IRRIGATION	38.9		
			SW	SE		IRRIGATION	37.6		
			SE	SE		IRRIGATION	22.5		
			Section Acres						138.7
			Total Acres						138.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

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

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 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 this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 3, 2004

B&M RANCH LLC
PO BOX 1001
HAILEY ID 83333

Re: SRBA Claim #37-20883, #37-666D, 37-20885, and 37-20443

To whom it may concern:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant.

Because this claim has not yet been decreed in the Snake River Basin Adjudication, no fee is due to process the owner change. I am herein returning John P Brashear's check #4600 for \$100.00

Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc. Check #4600
9 pages

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

RECEIVED
AUG 02 2004
 Department of Water Resources
 Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case 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>A37-20883</u>	_____	___	_____	_____	___
<u>A37-0066D</u>	_____	___	_____	_____	___
<u>A37-20885</u>	_____	___	_____	_____	___
<u>A37-20443</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) is 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) John L. Welsh III and Cheryl L. Welsh
4. New Owner/Claimant(s) B & M Ranch, LLC, an Idaho limited liability company
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 1001
- City, State and ZIP Code Hailey, ID 83333
- New Telephone Number (208) 788-4610
5. Date you acquired the property May 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) John Brashers / Nicola Brashers
(include title if applicable) B & M Ranch, LLC

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____

RECEIVED

AUG 02 2004

Department of Water Resources
Southern Region

K27975

WARRANTY DEED

RECEIVED

AUG 02 2004

For Value Received John L. Welsh III and Cheryl L. Welsh, husband and wife

Department of Water Resources
Southern Region

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

B & M Ranch, LLC, an Idaho limited liability company

whose address is: P.O. Box 1001, Hailey, ID 83333

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

The following water rights:

19 miners inches of June 15, 1891 SRBA A37-00667H 20883

89 miners inches of June 12, 1886 SRBA A37-0066D

31 miners inches October 15, 1884 SRBA A37-00668F 20885

139 miners inches of January 29, 1965 SRBA A37-02785 20443

Located on the property described as follows:

Township 1 North, Range 19 East, Boise Meridian, Blaine County, State of Idaho, Section 20: A parcel of land more particularly described as follows:

Commencing at the Southeast corner of Section 20; thence
 South 89°54'59" West, 172.56 feet to the West side of Gannett Road, the Point of Beginning; thence
 North 30°50'32" West 1525.24 feet; thence
 South 89°54'58" West 1695.46 feet; thence
 North 00°31'25" West, 1310.71 feet; thence
 South 89°54'57" West, 1318.60 feet; thence
 South 00°30'54" East, 2621.41 feet; thence
 North 89°54'59" East, 3784.43 feet to the Point of Beginning

Instrument # 507430

HAILEY, BLAINE, IDAHO

2004-07-28

03:49:00 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYQC/CORP DEED

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated June 29, 2004

John L. Welsh, III

Cheryl L. Welsh

STATE OF NEVADA)

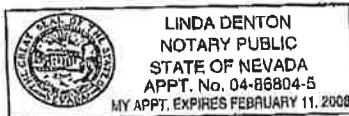
COUNTY OF Douglas) ss.

On this 8 day of July, 2004, before me, the undersigned personally appeared John L. Welsh III and Cheryl L. Welsh, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public of Nevada

Residing at: Gardnerville NV 89410

Commission Expires: February 11, 2008



Township 1 North, Range 19 East, Boise Meridian, Blaine County, State of Idaho, Section 20: A parcel of land more particularly described as follows:

Commencing at the Southeast corner of Section 20; thence
South 89°54'59" West, 172.56 feet to the West side of Gannett Road, the Point of Beginning; thence
North 30°50'32" West 1525.24 feet; thence
South 89°54'58" West 1695.46 feet; thence
North 00°31'25" West, 1310.71 feet; thence
South 89°54'57" West, 1318.60 feet; thence
South 00°30'54" East, 2621.41 feet; thence
North 89°54'59" East, 3784.43 feet to the Point of Beginning

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s): _____

Previous Mailing Address: _____

New Mailing Address: _____

Telephone Number: () _____

Signature of Claimant(s): _____

John Brashears
Nicola Brashears

Please return this completed form to:

**Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177**

RECEIVED
AUG 02 2004
Department of Water Resources
Southern Region



First American Title Company

120 2nd Avenue N, Ste. 101/P.O. Box 7999 • Ketchum, ID 83340
TELEPHONE: (208)726-5688 • FAX: (208)726-3567
EMAIL: fatco@firstamsv.com WEBPAGE: www.firstamsv.com

RECEIVED
AUG 02 2004
Department of Water Resources
Southern Region

July 30, 2004

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301

Escrow Officer: Nancy A. Woldberg

Re: Order No.: K27975
Buyer/Borrower Name: B & M Ranch, LLC, an Idaho limited liability company
Seller Name: John L. Welsh III and Cheryl L. Welsh, husband and wife

Dear Ladies and Gentlemen:

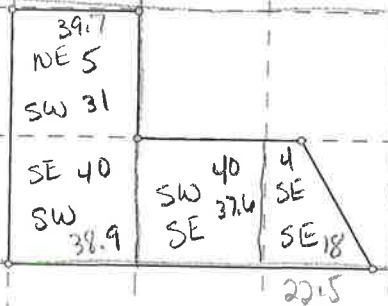
Relative to the above captioned order, we are attaching/enclosing the following:

- ✓ Notice of Change in Water Right Ownership
- ✓ Copy of the Warranty Deed
- ✓ Clients check no. 4600 in the amount of \$100.00 for payment of the change in ownership.

IF POSSIBLE THIS IS A RUSH REQUEST FOR THE CLIENT. If you need assistance or have any questions regarding the documents stated above, please do not hesitate to call us.

Sincerely,
FIRST AMERICAN TITLE COMPANY

Nancy A. Woldberg
Escrow Officer



Title: -

Date: 08-03-2004

Scale: 1 inch = 2000 feet

File: -

Tract 1: 141.961 Acres: 6183821 Sq Feet: Closure = n09.5826e 0.00 Feet: Precision > 1/999999: Perimeter = 12256 Feet

001=s89.5458w 1695.46

004=s89.5458w 1695.46

007=s00.3054e 2621.41

002=s89.5456w 172.56

005=n00.3125w 1310.71

008=n89.5459e 3784.43

003=n30.5032w 1525.24

006=s89.5457w 1318.60

89
18
31
138.7

Surface
13 acres
groundwater

Condition 65

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 37-20443
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN L WELSH III Phone: (208)788-9162
96 FREEDOM LOOP
BELLEVUE ID 83313

CHERYL L WELSH Phone: (208)788-9162
96 FREEDOM LOOP
BELLEVUE ID 83313

2. Date of Priority: 01/29/1965

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	19E	20	SE SW	BLAINE	

5. Description of diverting works:

Well, pump, sprinkler irrigation system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.78	416.1

7. Total Quantity Appropriated is:
2.78 C.F.S. and/or 416.1 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	19E	20	NE	SW	IRRIGATION	39.7
			SE	SW	IRRIGATION	38.9
			SW	SE	IRRIGATION	37.6
			SE	SE	IRRIGATION	22.5
					Section Acres	138.7
					Total Acres	138.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

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

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 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 this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

COPY

CLERK OF DISTRICT COURT - 5th JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
2008 SEP 11 AM 11:34

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

In Re SRBA

Case No. 39576

)
) Subcase No. 37-20443 (Split)
) 37-22360 & 37-22361
)

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING
)

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

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

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

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

Dated: 9/10/08


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 9/11, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Bell Mountain Ranch Homeowners Assn Inc
PO Box 1001
Hailey ID 83333

B & M Ranch LLC
PO Box 1001
Hailey ID 83333

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



Signature of person or attorney mailing the form

07/9/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-20443	B & M RANCH LLC PO BOX 1001 HAILEY ID 83333	Disallowed	Recommended as 37-22360 and 37-22361.

07/09/2008

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

RIGHT NUMBER: 37-22360

NAME AND ADDRESS: B & M RANCH LLC
PO BOX 1001
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.530 CFS
378.90 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 01/29/1965

POINT OF
DIVERSION:

T01N R19E S20 NWSEW 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	2.530 CFS 378.90 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S20	NESW	39.70	T01N R19E S20	SESW	35.80
T01N R19E S20	SWSE	28.30	T01N R19E S20	SESE	22.50

126.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 126.3 acres in a single irrigation season. Combined Right Nos.: 37-22358, 37-22360, 37-22362, and 37-22364.

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

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

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.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

This right is a split from former right 37-20443 .

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 measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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

07/09/2008

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

RIGHT NUMBER: 37-22361

NAME AND ADDRESS: BELL MOUNTAIN RANCH HOMEOWNERS ASSN INC
PO BOX 1001
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.250 CFS
37.20 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 01/29/1965

POINT OF
DIVERSION:

T01N R19E S20 NWSESW 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	0.250 CFS 37.20 AFY

PLACE OF USE:

IRRIGATION in BLAINE County

T01N R19E S20	SESW	3.10	T01N R19E S20	SWSE	9.30
---------------	------	------	---------------	------	------

12.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 12.4 acres in a single irrigation season. Combined Right Nos.: 37-22359, 37-22361, 37-22363 and 37-22365.

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.

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

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 37-20443.

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

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.

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

September 11, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

BELL MOUNTAIN RANCH HOMEOWNERS ASSN INC
PO BOX 1001
HAILEY ID 83333

RE: SRBA Claim(s) 37-666D, 37-20443, 37-20883, 37-20885

Dear Claimant:

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

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

Sincerely,



Trish Fawcett
Technical Records Specialist

Enclosures

cc: B & M Ranch LLC
PO Box 1001
Hailey ID 83333

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

09/21/2006

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

RIGHT NUMBER: 37-20443

NAME AND ADDRESS: B & M RANCH LLC
PO BOX 1001
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.780 CFS
416.100 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 01/29/1965

POINT OF DIVERSION:

T01N R19E S20 SESW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.780 CFS
416.10 AFY

PLACE OF USE: IRRIGATION Within BLAINE County

T01N R19E S20	NESW	39.70	T01N R19E S20	SESW	38.90
T01N R19E S20	SWSE	37.60	T01N R19E S20	SESE	22.50

138.7 ACRES TOTAL

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

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

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

*SW overlap
added E 56*



Idaho Department of Water Resources

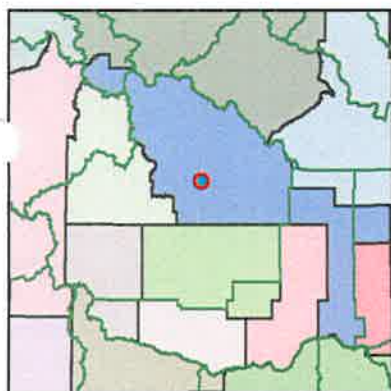
SRBA Recommendation:

37-20443

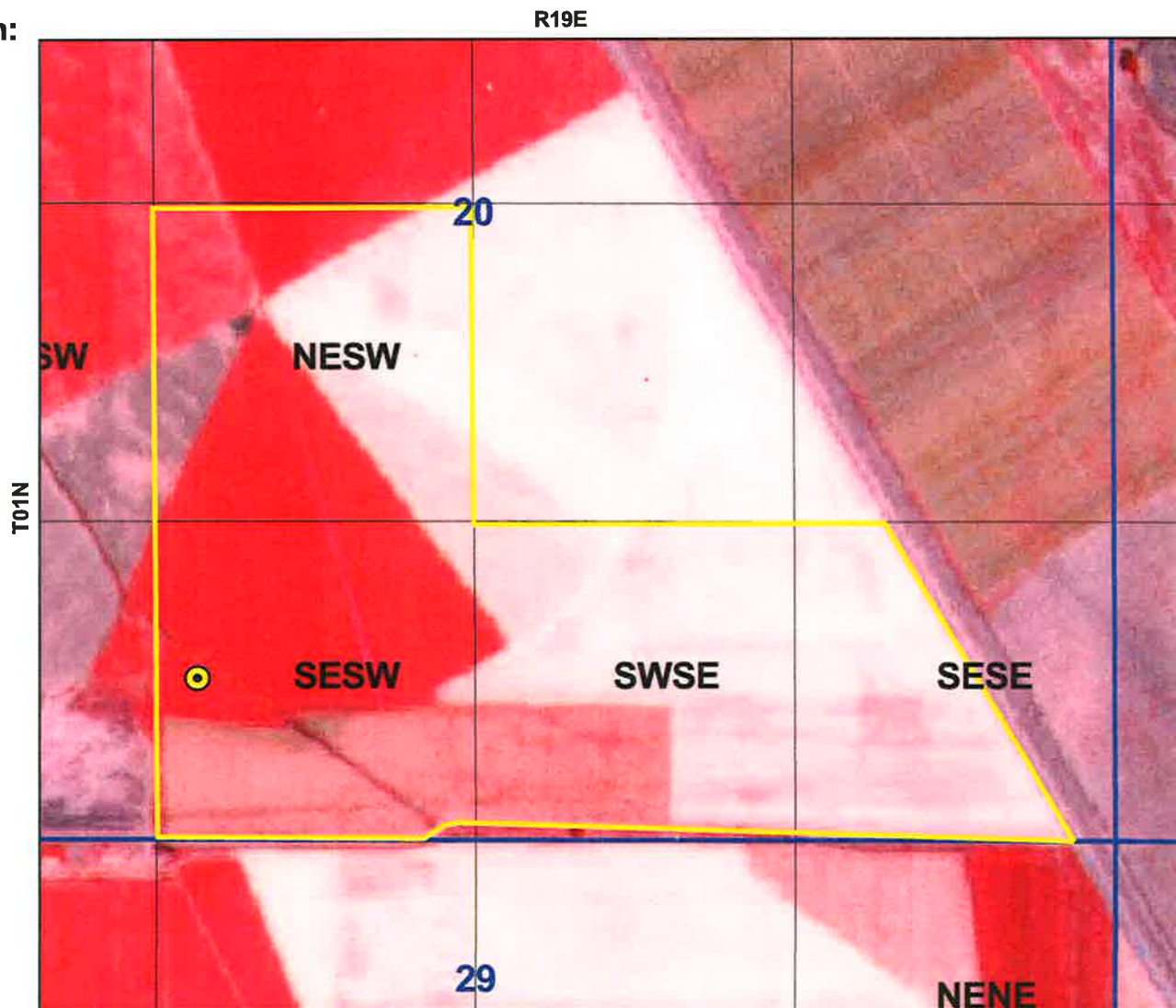
(Irrigation)

Legend

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



Blaine County
IDWR Basin 37



0 0.3 0.6 Miles

Prepared by E. NORQUES
On Friday, September 22, 2006
1987/88 Aerial Photography

12/19/2006

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

RIGHT NUMBER: 37-20443
NAME AND ADDRESS: B & M RANCH LLC
PO BOX 1001
HAILEY ID 83333

SOURCE: GROUND WATER
QUANTITY: 2.780 CFS
416.100 AFY

TRIBUTARY:

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 01/29/1965

POINT OF DIVERSION:

T01N R19E S20 NWSEW 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	2.780 CFS 416.10 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S20	NESW	39.70	T01N R19E S20	SESW	38.90
T01N R19E S20	SWSE	37.60	T01N R19E S20	SESE	22.50

138.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 138.7 acres in a single irrigation season. Combined Right Nos.: 37-666D, 37-20443, 37-20883, and 37-20885.

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

12/19/2006

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

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

The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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

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.

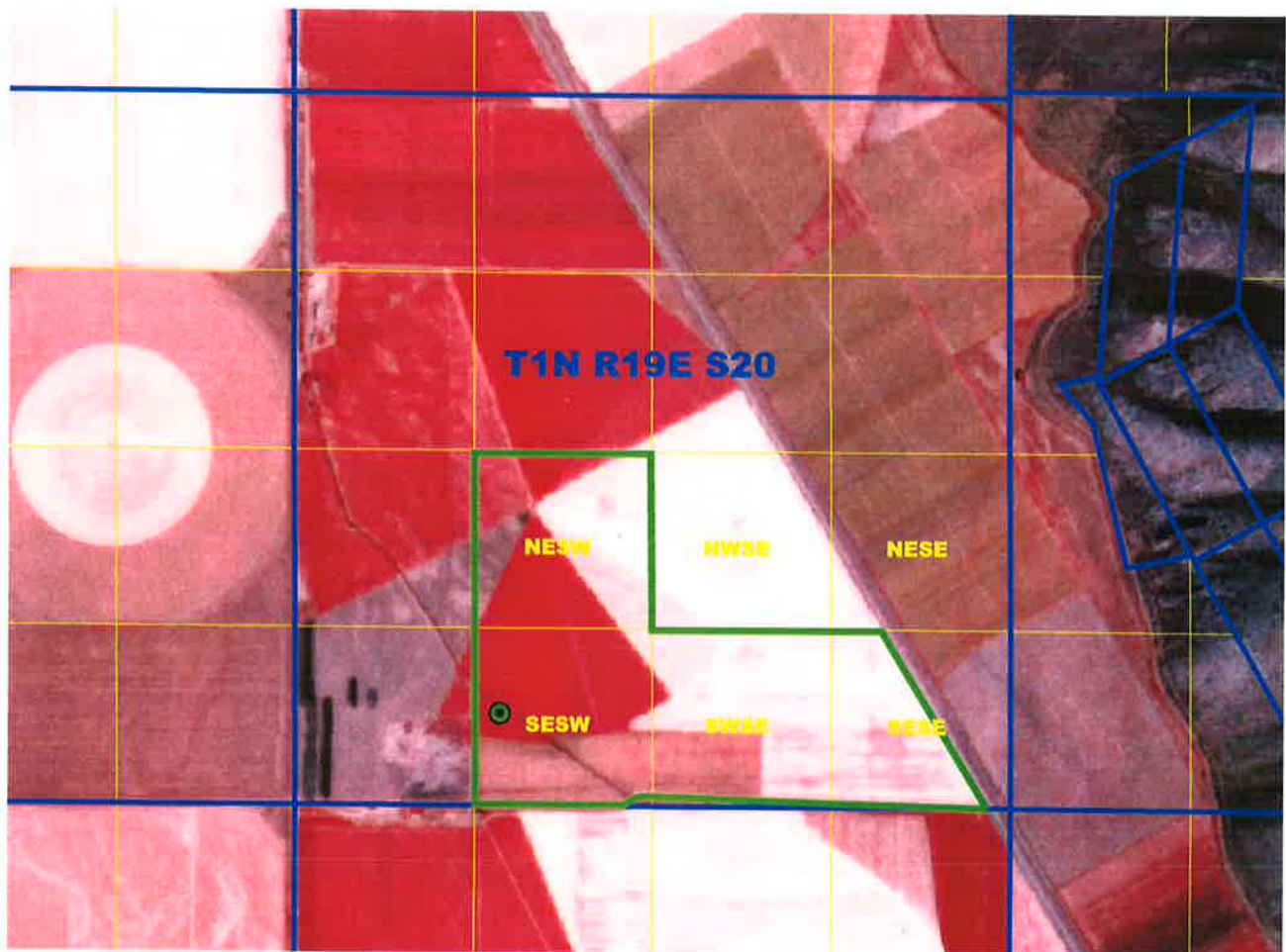
Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho
Idaho Department of Water Resources
Western Region

T1N R19E SECTION(S) 20
WATER RIGHT(S) : 37-20443



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

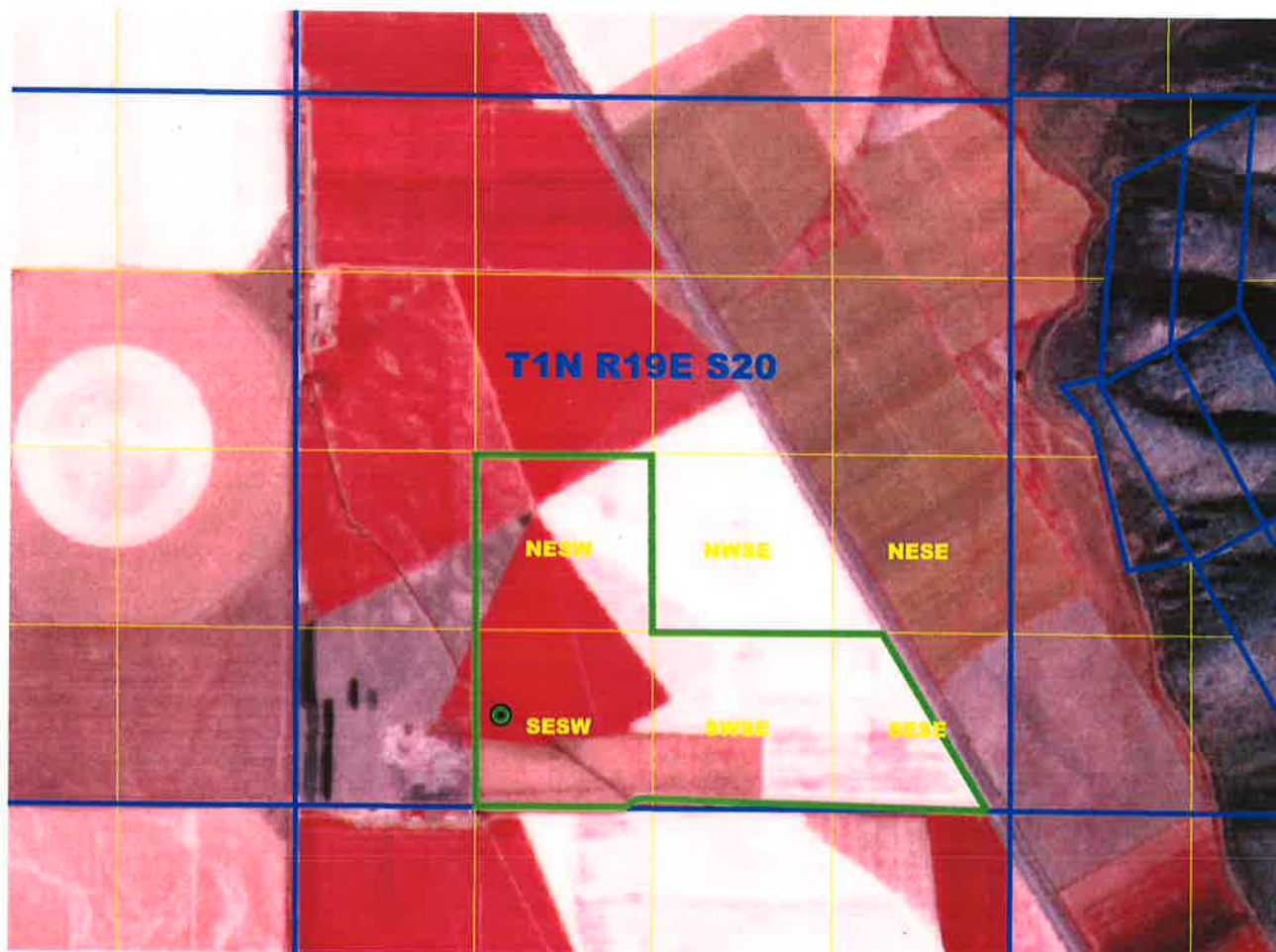
GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006





State of Idaho
Idaho Department of Water Resources
Western Region

T1N R19E SECTION(S) 20
WATER RIGHT(S) : 37-20443



Total Irrigated Acres = 138.7 acre(s)

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

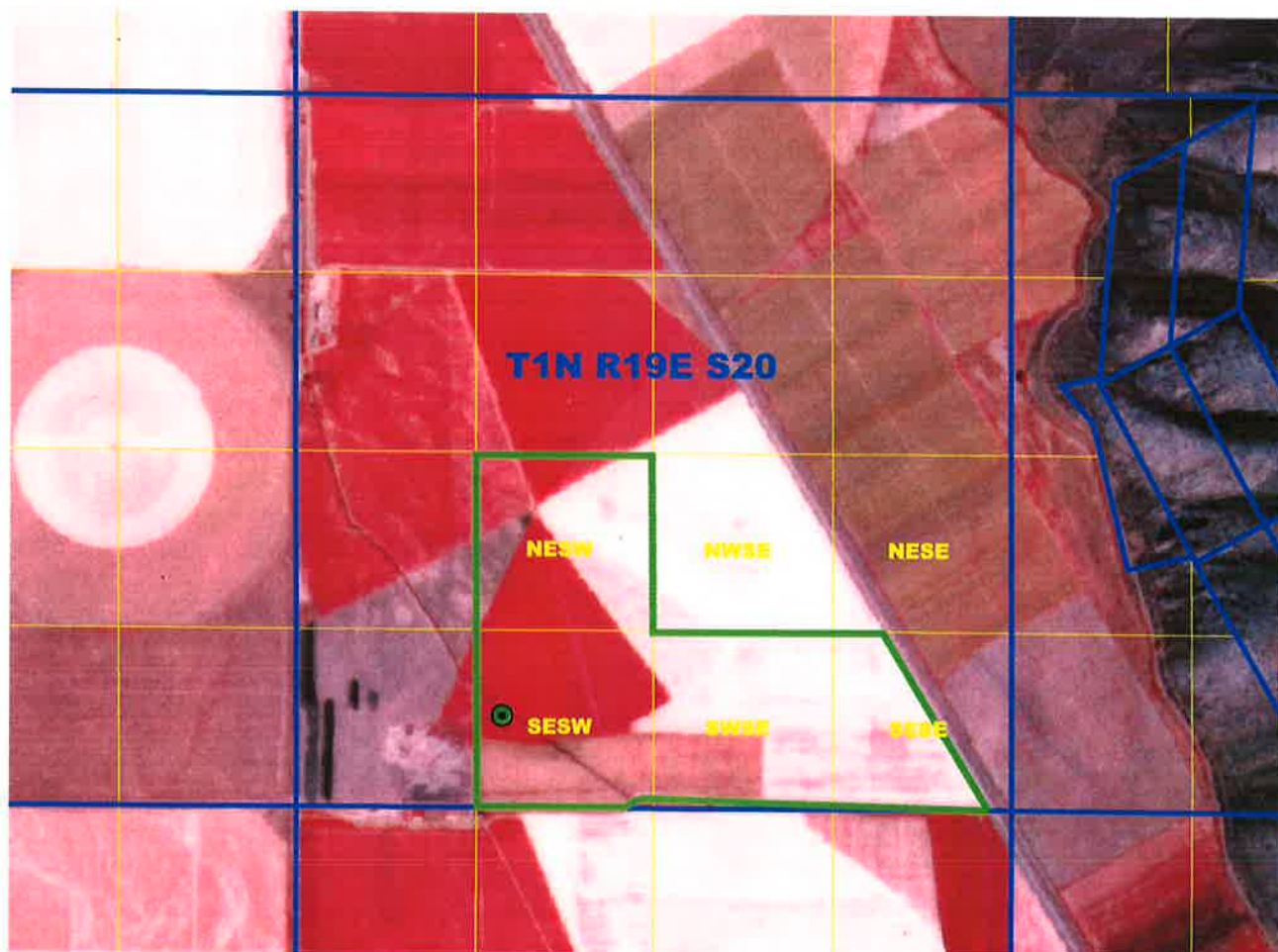
GIS Place of Use Illustration
1987 NAPP Photography
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Date: December 2006





**State of Idaho
Idaho Department of Water Resources
Western Region**

**T1N R19E SECTION(S) 20
WATER RIGHT(S) : 37-20443**



Shape File Copied From Transfer 69287 Files.

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

**GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: December 2006**



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20443 V1

WATER RIGHT NUMBER: 37-20443 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	B & M RANCH LLC PO BOX 1001 HAILEY, ID 83333 (208)788-4610
Original Owner	ROBERT J STRUTHERS 388 GANNETT RD BELLEVUE, ID 83313 (208)788-4613
Original Owner	MARGARET E STRUTHERS C/O R J STRUTHERS 062 PICABO DESERT RD BELLEVUE, ID 83313 (208)788-4613
Previous Owner	JOHN L WELSH III 96 FREEDOM LP BELLEVUE, ID 83313 (208)788-9162
Previous Owner	CHERYL L WELSH 96 FREEDOM LP BELLEVUE, ID 83313 (208)788-9162

Priority Date: 01/29/1965

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	2.780 CFS	416.10 AF
	<u>Total Diversion:</u>	2.780 CFS	416.10 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SW1/4	Sec. 20, Twp 01N, Rge 19E, 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	19E	20									39.7						38.9		138.7

Total Acres: 138.7

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20443 V1

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 138.7 acres in a single irrigation season. Combined Right Nos.: 37-666D, 37-20443, 37-20883, and 37-20885.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
4. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
5. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

Comments:

1. PSKAGGS 5/31/2002 9:38:39 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69287
2. jroberts 11/18/2006 added E56
Comment: PoU overlaps with three other surface water rights.
3. dnelson 12/18/2006 POD AND POU MAPS
Comment: The place of use and point of diversion shape files were taken from transfer file.
4. dnelson 12/19/2006 Season of Use
Comment: Corrected Season of use to 4/15 to 10/31

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-20443 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre: 0.02
 Generic Max Volume Per Acre: 3
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	9/21/2006 12:25:50 PM	dsmith			Active
Source	9/21/2006 12:54:13 PM	dsmith			Active
POU	9/21/2006 1:45:47 PM	dsmith			Active
Use	9/21/2006 1:46:08 PM	dsmith			Active
Season	9/21/2006 1:47:18 PM	dsmith			Active
Summary			09/21/2006	dsmith	Active
Priority Date	9/21/2006 1:54:08 PM	dsmith			Active
Quantity	9/21/2006 1:54:58 PM	dsmith			Active
POD	9/21/2006 1:55:22 PM	dsmith			Active
POU	9/21/2006 1:55:43 PM	dsmith			Active
Source	9/21/2006 1:55:44 PM	dsmith			Active
Season	9/21/2006 1:55:45 PM	dsmith			Active
Use	9/21/2006 1:55:45 PM	dsmith			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/21/2006 12:34:29 PM	dsmith	Updated PLS
Source	9/21/2006 12:54:14 PM	dsmith	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (Yes) 11. Is a Source remark and/or condition required?
POD	9/19/2002 2:42:31 PM	segbert	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20443 V1

POU	9/21/2006 1:26:19 PM	dsmith	Updated shape for Active POU
POD	10/27/2006 3:34:56 PM	amerritt	Updated shape
Season	9/21/2006 1:55:46 PM	dsmith	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use?
POD	9/21/2006 1:55:23 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	9/21/2006 1:55:43 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required?
Source	9/21/2006 1:55:44 PM	dsmith	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source?
Use	9/21/2006 1:55:45 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use?
Summary	9/21/2006 1:53:12 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
General	9/21/2006 1:54:08 PM	dsmith	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	9/21/2006 1:23:41 PM	dsmith	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-20443 V1

Quantity	9/21/2006 1:54:58 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required?
POU	9/21/2006 1:45:48 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	9/21/2006 1:46:09 PM	dsmith	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	9/21/2006 1:47:18 PM	dsmith	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Contacts	9/21/2006 12:25:51 PM	dsmith	(No) 1. Do you want to schedule an appointment?
POD	9/21/2006 12:33:56 PM	dsmith	Comment for 1: sufficient info in file Updated shape

Water Supply Bank:

MEMORANDUM

Date: April 10, 2002

To: File

From: Jeff Peppersack

Re: Transfer Nos. 68500, 69287, and 69417
Water Right Nos. 37-2593 and 37-2705

Enlargement issues were identified with these transfers. This memo summarizes the issues, discussions, and potential resolutions.

License 37-2593

This license was issued to R.J. Struthers in 1962 with a priority date of 2/1/1957 for 6.34 cfs for irrigation of 340 acres from ground water. Irrigation use was supplemental to decreed surface water from Big Wood River.

License 37-2705

This license was issued to R.J. Struthers in 1969 with a priority date of 1/29/1965 for 6.7 cfs for irrigation of 335 acres from ground water. Irrigation use was supplemental to decreed surface water and license 37-2593 for same lands (generally) as 37-2593. The license included a condition limiting use to 1005 af/year (3.0 af/acre) when combined with all other rights appurtenant to the same land.

Transfer 68500 (old no. 5817)

This transfer was filed in June 2000 to change the point of diversion for part of license 37-2705 purchased by applicant – Robert Stilo. The warranty deed conveyed surface water rights and 0.78 cfs of license 37-2705 (no mention of 37-2593). The transfer was approved in April 2001 for irrigation of 39 acres with a diversion rate of 0.78 cfs. No enlargement issue was identified, possibly because the purpose of the transfer was simply to change the point of diversion.

Transfer 69287

This transfer was filed in July 2001 to change the point of diversion for part of license 37-2705 purchased by applicant – John Welsh. The quit claim deed provided surface water rights and 2.78 cfs of license 37-2705 (no mention of 37-2593). Enlargement was identified as an issue – see below for explanation. The transfer is pending at S.O.

Transfer 69417

This transfer was filed in Sept 2001 to change the point of diversion for part of license 37-2705 purchased by applicant – The Smet-Pleasant Family Trust. The warranty deed does not mention water rights but includes usual language regarding appurtenances to property. There is also a quit claim deed providing surface surface water rights and 1.10

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cfs of license 37-2705 (no mention of 37-2593). Enlargement was identified as an issue – see below for explanation. The transfer application was amended twice; once in November 2001 to include license 37-2593 and again in January 2002 to exclude license 37-2593. The transfer is pending at S.O

Enlargement Issue

The review files for the two pending transfers include correspondence and memos identifying the enlargement issue. Southern Region met with Struthers (see e-mail in file from Allen Merritt) to determine the status and plans for license 37-2593 and to discuss the enlargement issue. Apparently, the farm converted to sprinkler irrigation in 1974 and since that time license 37-2593 has occasionally been used to supplement other lands (300 acres or so). It is evident from information in the file that Struthers intends to retain ownership of license 37-2593. Jo Beeman, representing Struthers, was part of the enlargement discussion; she indicated that she had discussed the matter with Dave Tuthill and believes there may be a way to resolve the enlargement issue. Jo indicated that they may file a transfer related to license 37-2593 and an extension to avoid forfeiture.

At this point in time, it does not appear that enlargement is occurring except, perhaps, during those occasions when the water is used to supplement other lands (expansion claim may resolve that). It is evident that enlargement would occur if license 37-2593 is transferred to other lands/uses without 37-2705. Mr. Welsh called me on March 20 and his attorney, Jim Speck, called me on the same day to discuss Mr. Welsh's pending transfer. I indicated that the potential enlargement issue needs to be resolved prior to processing the pending transfers. Matt Howard (working with Jo Beeman) called me the same day to discuss the issue and suggested we meet to discuss further.

Meeting of April 9

Jo Beeman and Matt Howard, representing Mr. Struthers, met with Dave Tuthill and myself to discuss the enlargement issue. Matt indicated that Mr. Struthers converted from gravity irrigation to sprinkler irrigation sometime between 1974 and 1976 and was able to utilize water under license 37-2593 on other lands (those other lands also had surface water rights). We discussed the possibility of an enlargement claim for those lands. Matt indicated that Mr. Struthers was interested in moving the enlargement water right, once established, to other lands. The question that arose was: how can Mr. Struthers move the enlargement right and disconnect it from the original system under 37-2593, since 37-2593 could not be moved out from under 37-2705? Since parcels of land have already been sold off (along with parts of right 37-2705), the preferred method of creating a permissible place of use under all three rights and splitting off proportional amounts of all three rights was no longer an option. The resolution appears to be relinquishment of 37-2593 as the enlargement right is transferred away. I had previously discussed this possibility with Glen and he indicated that it would be a reasonable solution. Matt indicated that they would need to file an enlargement claim and show ownership and evidence of the development, and pursue decree of the enlargement claim prior to its transfer. Once decreed, they could file the transfer to move the enlargement right and relinquish 37-2593. The enlargement right would, in effect, be a stand alone

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right with a 1970's priority, but would include the standard enlargement conditions regarding the 1994 priority date relative to other rights.

Since the enlargement place of use includes surface water rights, the final discussion item was the transfer of the enlargement right to other lands. I indicated that a supplemental right could be transferred to other lands that include similar primary rights. A supplemental irrigation right cannot become a primary right unless it can be shown that there is no ultimate enlargement of the water rights.

Pending Transfers

Processing can proceed for the pending transfers related to license 37-2705, since they are simply for a change in point of diversion and the enlargement issue does not appear to be a problem at this point.

01/15/02

MEMO

FROM: Allen Merritt 

DATE: January 31, 2002

TO: Transfer Files No.	69287	69417
In the name of:	John Welsh	SMET-Pleasants Family Trust
Water Right(s):	<u>37-02705A</u> 37-20442** 37-20443	<u>37-02705A</u> 37-20493 (Unchanged Struthers' portion) 37-20494

Base Right

Split from Base

**Place holder record (should be deleted)

SUBJECT: Review and Recommendation

These transfers deal with splitting up of the Robert Struthers property into at least four parcels. The transfers propose to add a well by the new owners of the parcels that has been split off of the Struthers' property. Approved transfer 68500 in the name of Robert Stilo was the first. It split off 39 acres. Transfer 69287 in the name of Welsh and Transfer 69417 in the name of SMET - Pleasants Family Trust (SMET) have gone through advertising without protest.

HISTORY

Section 20, T01N, R19E has several decreed rights associated with all tracts in the section.

License 37-2593 was issued in 1962 for well in SWNW Sec 20 for 6.34 cfs to irrigate 340 acres in Sec 20.

License 37-2705 was issued in 1969 for well in NWSW Sec 20 for 6.7 cfs to irrigate 335 acres in Sec 20. (essentially the same lands as earlier licensed) This license was limited when combined with other rights to 6.7 cfs and 1005 afa or 3.0 afa/acre). Current volume value is 3.5 afa and current season of use is 4-15 to 10-31.

Struthers filed numerous SRBA claims for surface rights totaling 316 acres and Licenses 37-2593 and 37-2705 totaling 360 acres for property in Section 20 for a total of no more than 360 acres. The Struthers' ground water claims included land in the SWSW of the section that was not originally covered by ground water licenses; thus the acreage totals more than what was licensed.

The Stilo transfer only dealt with a portion of 37-2705 and did not deal with 37-2593 since only a portion of 37-2705 was included in the deed. Similarly the Welsh transfer only deals with a portion of 37-2705 since it is the only ground water right specifically mentioned in the deed. The SMET transfer originally dealt with portions of both rights (37-2705 and 37-2593) but was

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amended to only deal with 37-2705 since the deed specified only 37-2705. Note that all parties are in agreement that only portions of 37-2705 went with the property split off to the new owners. Struthers has attempted to retain 37-2593.

Analysis

With the reservation of right 37-2593 by Struthers there is a great potential to expand the use of ground water. One approach to prevent this is to require that any portion of 37-2593 that may have been appurtenant to the Stilo, Welsh, or SMET properties be abandoned by action of these transfers even though Struthers has specifically not deeded any portion of 37-2593 to the new owners. In any event the portion of 37-2593 that may still remain should not be allowed to be removed in any subsequent transfer or there would be an enlargement issue. The unchanged portions of right 37-2705 (37-20493) is drafted to limit 37-2593 to prevent expansion. Note that on 1/10/02 Doug Jones and I met with Mr. Struthers (See 1/10/02 mail message and follow up messages in file) It is recommended that Struthers be issue a preliminary order quantifying 37-20493 which also limits 37-2593.

Another issue is that the original licenses were limited to 3.0 afa/acre however the standard for the area has more recently been determined to be 3.5 afa/acre. The Stilo transfer allowed 3.5 afa/acre so these pending transfers should likewise allow 3.5 afa/acre for the changed and unchanged portions.

Recommendation

Tuthill and Peppersack need to review this recommendation.

I recommend that these transfers be approved subject to the following conditions:

WATER RIGHT NO. 37 20443

- GEN By acceptance of approval of this transfer any claim to 37-2593 is relinquished.
- 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

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- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 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.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W27 This right is limited to the irrigation of 138.7 acres within the place of use described above in a single irrigation season.

WATER RIGHT NO. 37 20493

- GEN This right when combined with 37-2593 shall be limited to 2.04 cfs and 264.6 afa for irrigation of no more than 75.6 acres.
- 01Q After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W27 This right is limited to the irrigation of 75.6 acres within the place of use described above in a single irrigation season.
- W36 Right 37-2593 is also diverted through the point(s) of diversion described above.

WATER RIGHT NO. 37 20494

- GEN By acceptance of approval of this transfer any claim to 37-2593 is relinquished.
- 01Q After specific notification by the Department, the right holder shall measure the diversion or

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shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
- 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 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.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- W27 This right is limited to the irrigation of 55.9 acres within the place of use described above in a single irrigation season.

1/31/02 DJ

- 1) Admin. Order reduction of 37-2593 proportional to amount of 37-2725 approved
- 2) Condition approval to require ownership change on SW rights.
- 3) Concur w/ ADM recommendations

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MEMORANDUM**TO:** Transfer # 69287 File**FROM:** Corey Skinner *CS***DATE:** July 23, 2001**SUBJECT:** Staff Review

The enclosed transfer application, filed in the name of John L. Welsh III &/or Cheryl L. Welsh, was filed by James Speck. The applicants purchased a portion of a farm from Robert Struthers as indicated on a quitclaim deed that accompanies the enclosed transfer application. The deed specifically describes "139 miners inches of January 29, 1965 SRBA A37-02705" as being conveyed with the property. This particular water right is a ground water right with a point of diversion on property that was not conveyed to Mr. and Mrs. Welsh. The enclosed transfer proposes changing the point of diversion of the Welsh's portion of 37-2705 to a new well to be drilled on their property. The basic idea behind the application is fairly straightforward, but there are some issues that complicate the transfer.

Period of Use

License 37-2705 listed a period of use of 04/01 to 10/31, but claim 37-2705A (base right for enclosed transfer) lists a period of use of 04/01 to 10/31. The standard irrigation season of use for the area is 04/15 to 10/31.

Current Place of Use

License 37-2705 was originally licensed for 335 acres in Section 20 (T01N, R19E). Recently approved transfer #68500 split off 39 acres from the 335 acres, leaving 296 licensed acres. Claim 37-2705A identifies a place of use of 317 acres. Examination of the claimed place of use versus the licensed place of use reveals some minor acre discrepancies in a few forty-acre tracts in Section 20, but claim 37-2705A claims 35 acres in the SWSW ¼ of Section 20 that were not part of the licensed place of use.

Diversion Volume

License 37-2705 was originally licensed for 335 acres and a diversion volume of 1,005 acre-feet per annum, which works out to be 3.0 acre feet per acre. The current standard for the area is 3.5 acre-feet per acre. SRBA claim 37-2705A identifies 317 acres (only 296 licensed acres remain) and a diversion volume of 896.2 acre-feet. Recently approved transfer #68500 split 39 acres off of the licensed right, but the transfer approval allowed 136.5 acre-feet per annum for a diversion volume, which works out to 3.5 acre-feet per acre.

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Page 2

Transfer # 69287 Memo

July 23, 2001

Overlapping Surface Water Rights

A review of Department records indicates that portions of Big Wood River surface rights 37-665, 37-666, and 37-667 overlap the place of use right 37-2705. Note that the quitclaim deed included with the transfer specifies various amounts of these rights as being conveyed to the new owners.

Overlapping Groundwater Right

A review of Department records indicates that groundwater right 37-2593 overlaps the place of use of right 37-2705. Note that the quitclaim deed included with the transfer does not include water right 37-2593 in the listed water rights. However, the quitclaim deed also says "together with their appurtenances" at the bottom of the document. I talked to Jim Speck (applicant's attorney) regarding this overlapping groundwater right and he said that the applicants did not purchase any of right 37-2593, even though the place of use overlaps with the property they purchased. If an attempt were ever made to transfer right 37-2593, the issue of unstacking would exist.

Water Amounts and Place of Use Acres

The enclosed transfer proposes splitting off a 2.78 cfs and 145 acre portion of irrigation right 37-2705. Note that the quitclaim deed lists 139 inches (2.78 cfs) of 37-2705. 2.78 cfs is approximately 41% of the originally licensed diversion rate and approximately 47% of the diversion rate claimed by SRBA claim 37-2705A, and what remains of the licensed diversion rate after approved transfer #68500. The transfer appears to be based on the number of acres listed on the license and SRBA claim for the east ½ of the SW ¼ and the south ½ of the SE ¼ of Section 20, which is where the property described on the quitclaim deed is located. License 37-2705 lists 143 acres in the east ½ of the SW ¼ and the south ½ of the SE ¼ of Section 20, while SRBA claim 37-2705A lists 145 acres. 143 acres is approximately 43% of the originally licensed place of use, approximately 48% of the licensed place of use remaining after approved transfer #68500, and 145 acres is approximately 46 % of the claimed acres under SRBA claim 37-2705A. Using GIS, it appears that approximately 143 acres could be justified for the east ½ of the SW ¼ and the south ½ of the SE ¼ of Section 20. However, these acres may need to be described somewhat differently. The following chart breaks down the acres involved with the enclosed transfer...

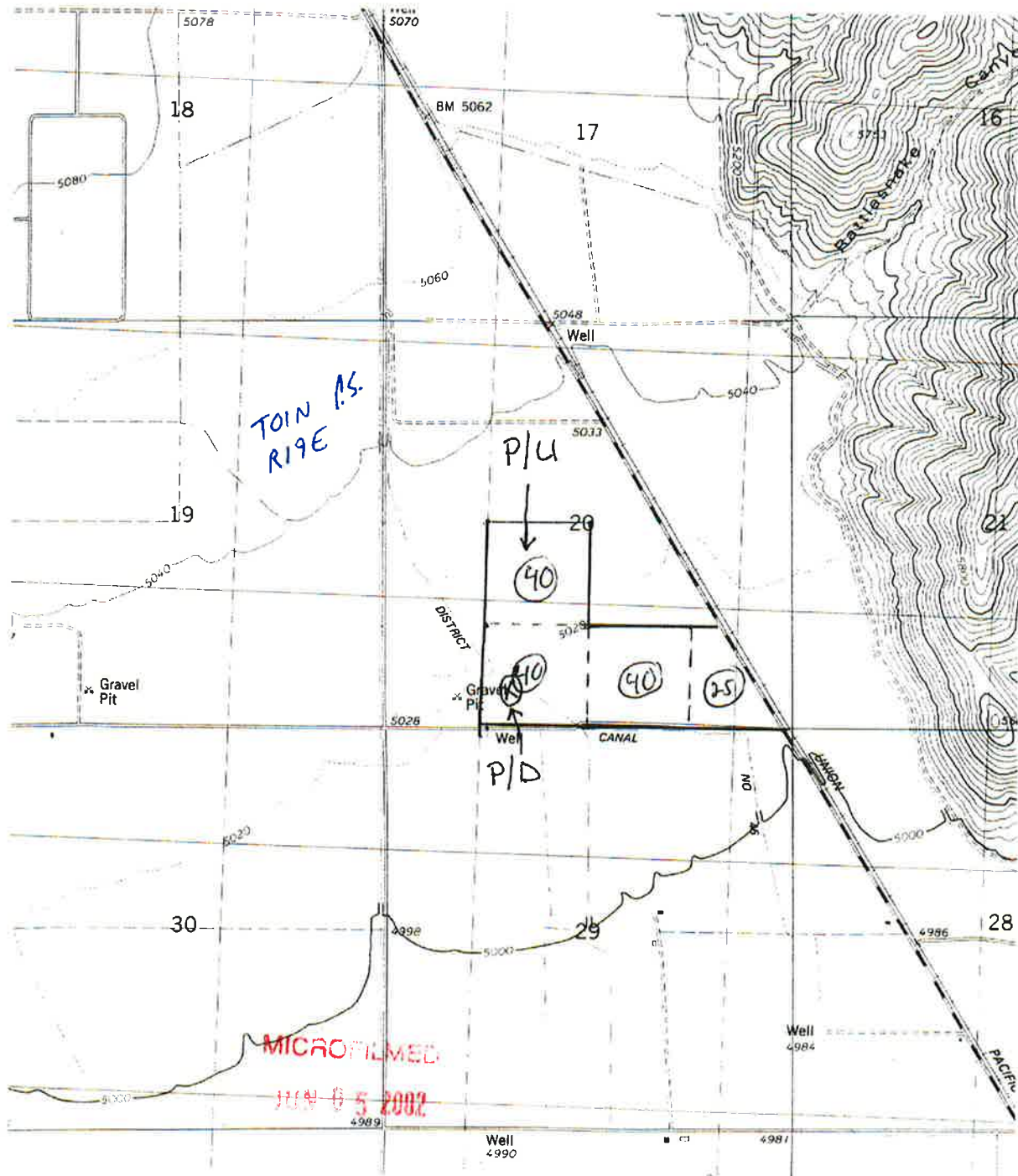
	Licensed Acres	Claimed Acres	Transfer Acres	GIS Acres
NESW 1/4	40	40	40	40
SESW 1/4	39	40	40	40
SWSE 1/4	39	40	40	40
SESE 1/4	25	25	25	23
Total	143	145	145	143

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JUL 23 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



39.786

39.768

39.769

22.585

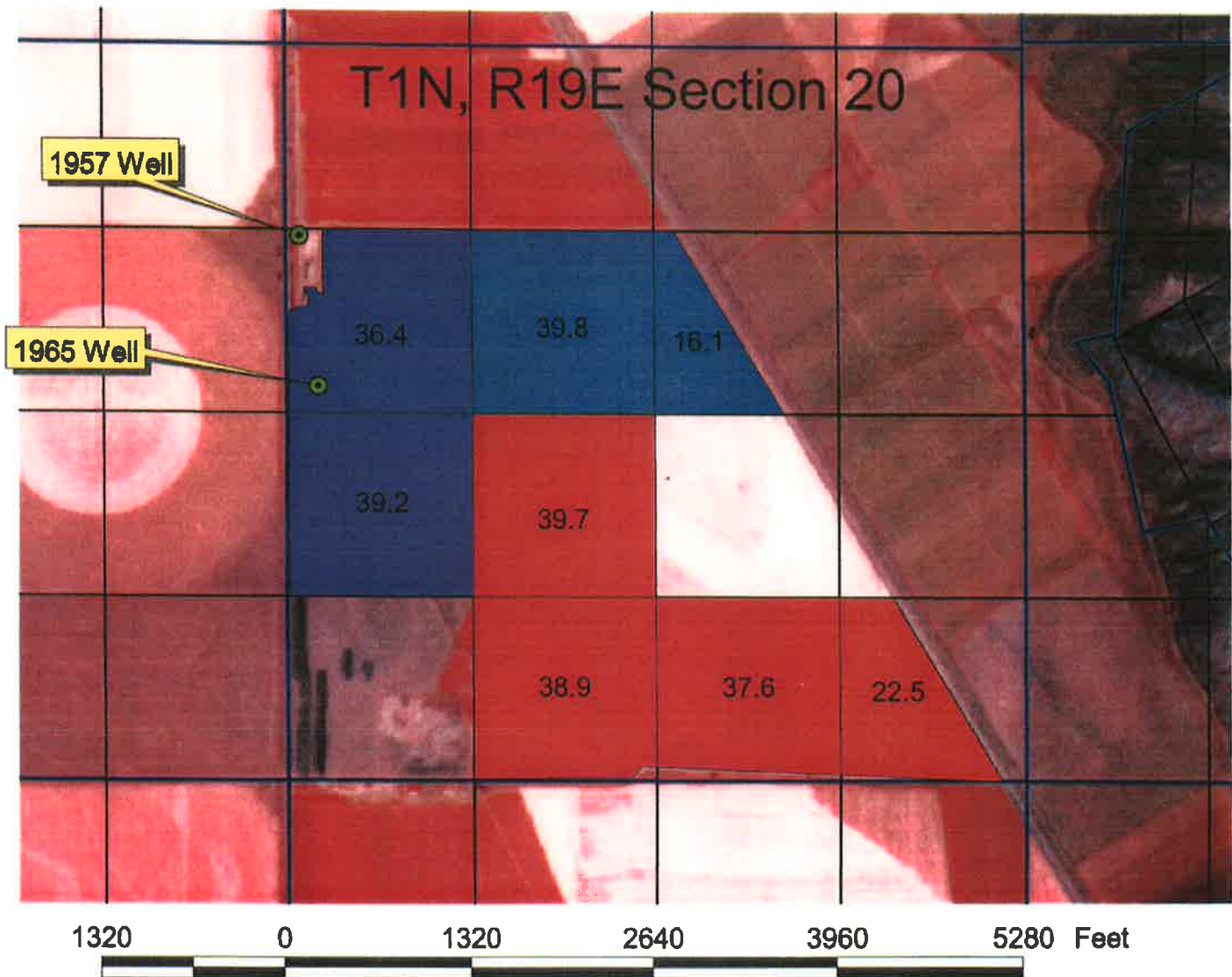
MICROFILMED

JUN 05 2002

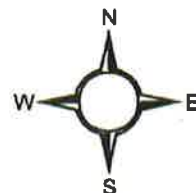
T69287

IDAHO DEPARTMENT OF WATER RESOURCES

Struther's splits
T69287 Welsh
T69417 SMET

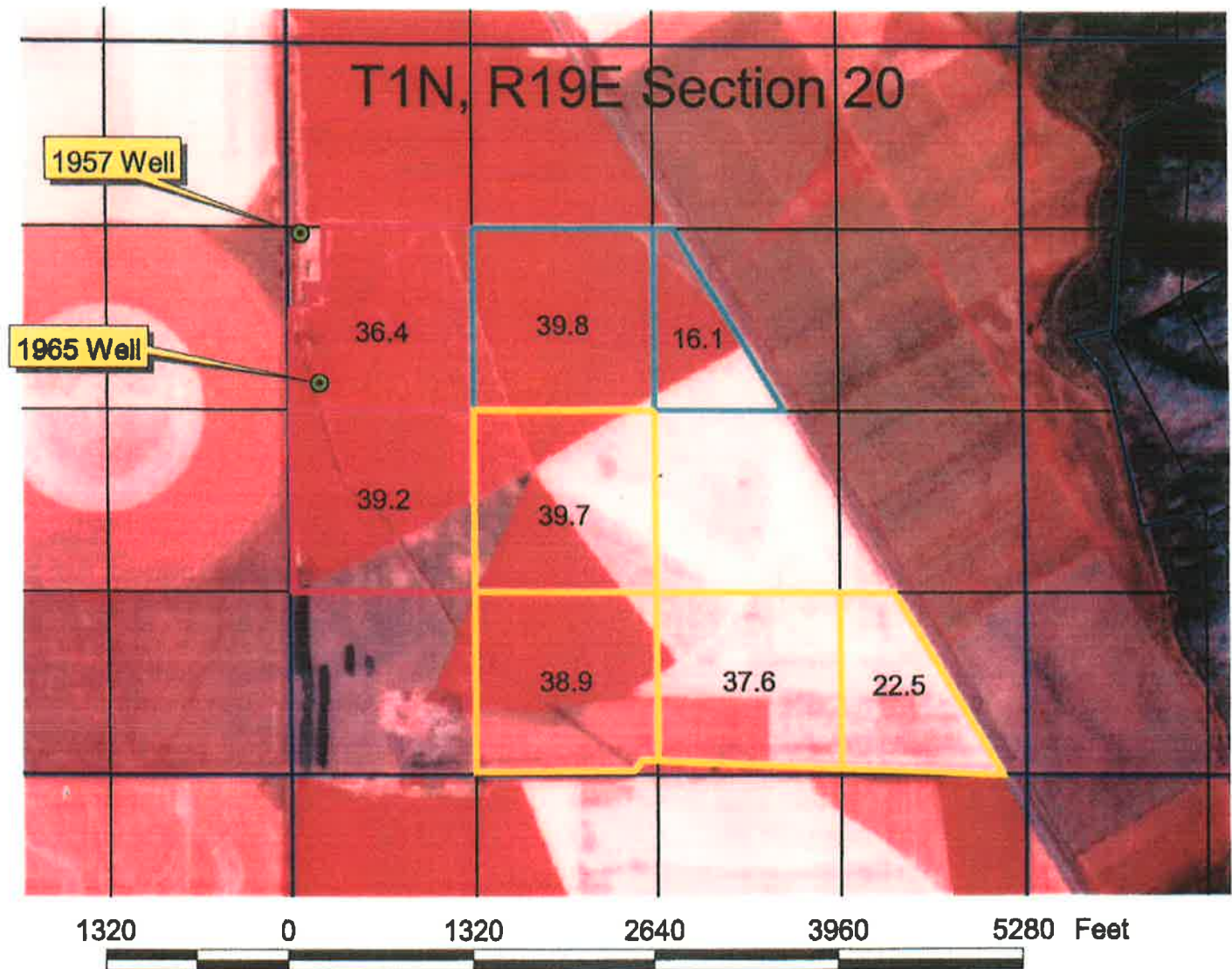


- Original struthers wells.shp
- T69287welsh intersec.shp
- T69417 smet intersec.shp
- Original struthers intersec.shp
- T01n19eqq.shp
- T01n19e-sec.shp

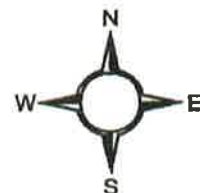


IDAHO DEPARTMENT OF WATER RESOURCES

Struther's splits
T69287 Welsh
T69417 SMET

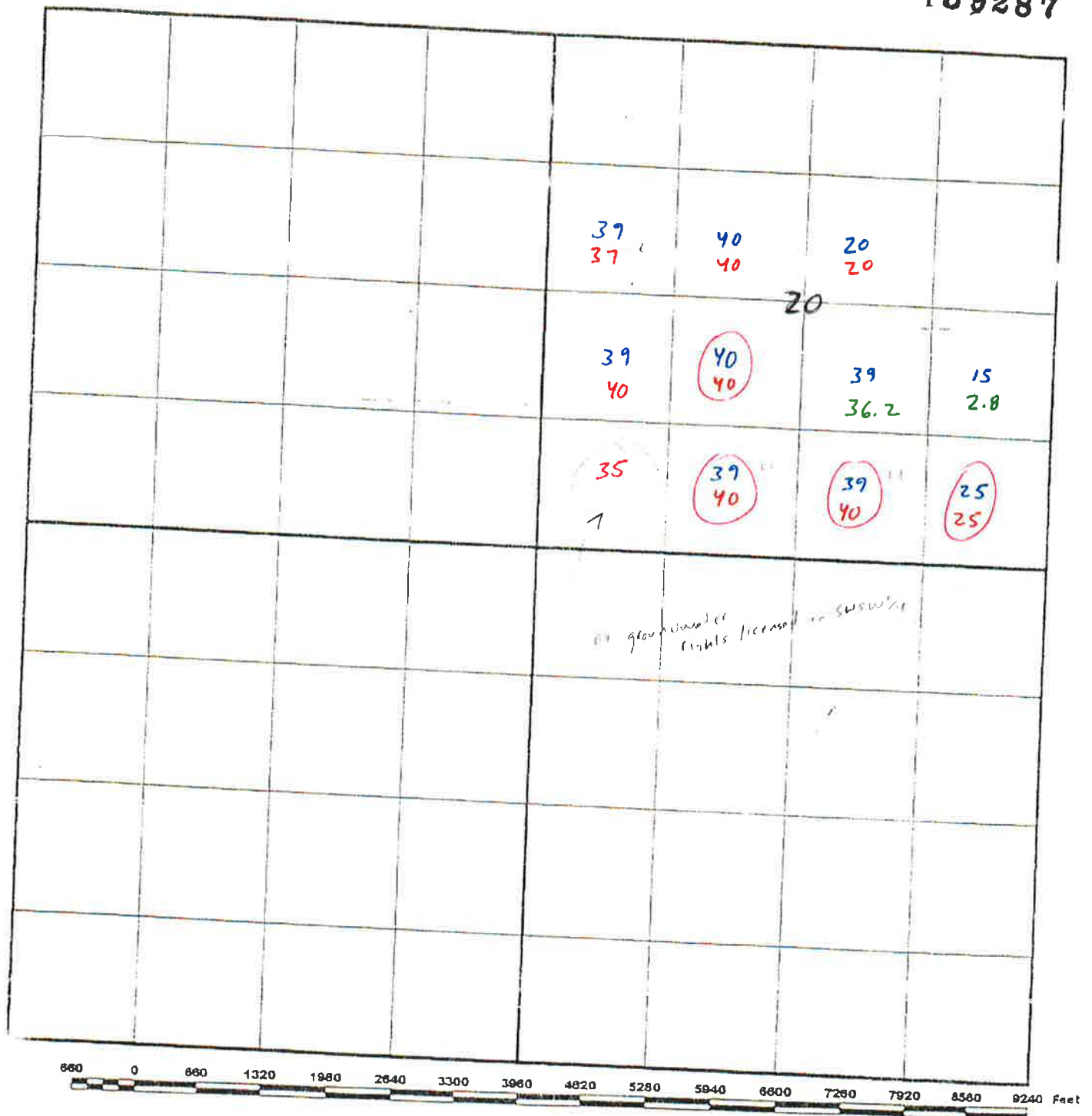


- Original struthers wells.shp
- T69287welsh intersec.shp
- T69417 smet intersec.shp
- Original struthers intersec.shp
- T01n19eqq.shp
- T01n19e-sec.shp



IDAHO DEPARTMENT OF WATER RESOURCES

T69287



LICENSE 37-2705

CLAIM 37-2705A

37-2705B (APPROVED TRANSFER)

MICROFILMED WELSH TRANSFER

JUN 05 2002

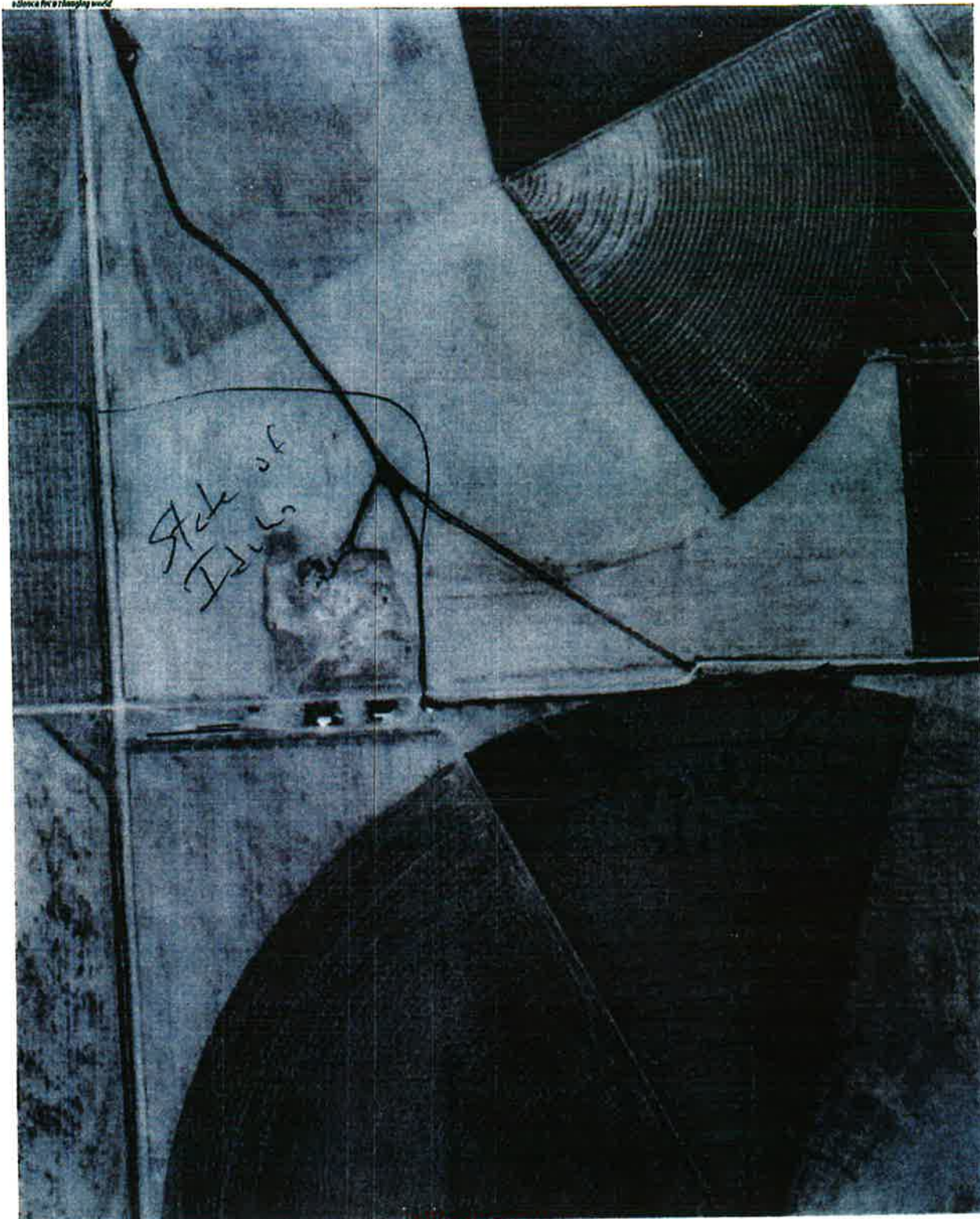
Microsoft TerraServer

Display Image

USGS Aerial Photograph

4 km NW of Gannett, Idaho, United States 26 Jul

1992



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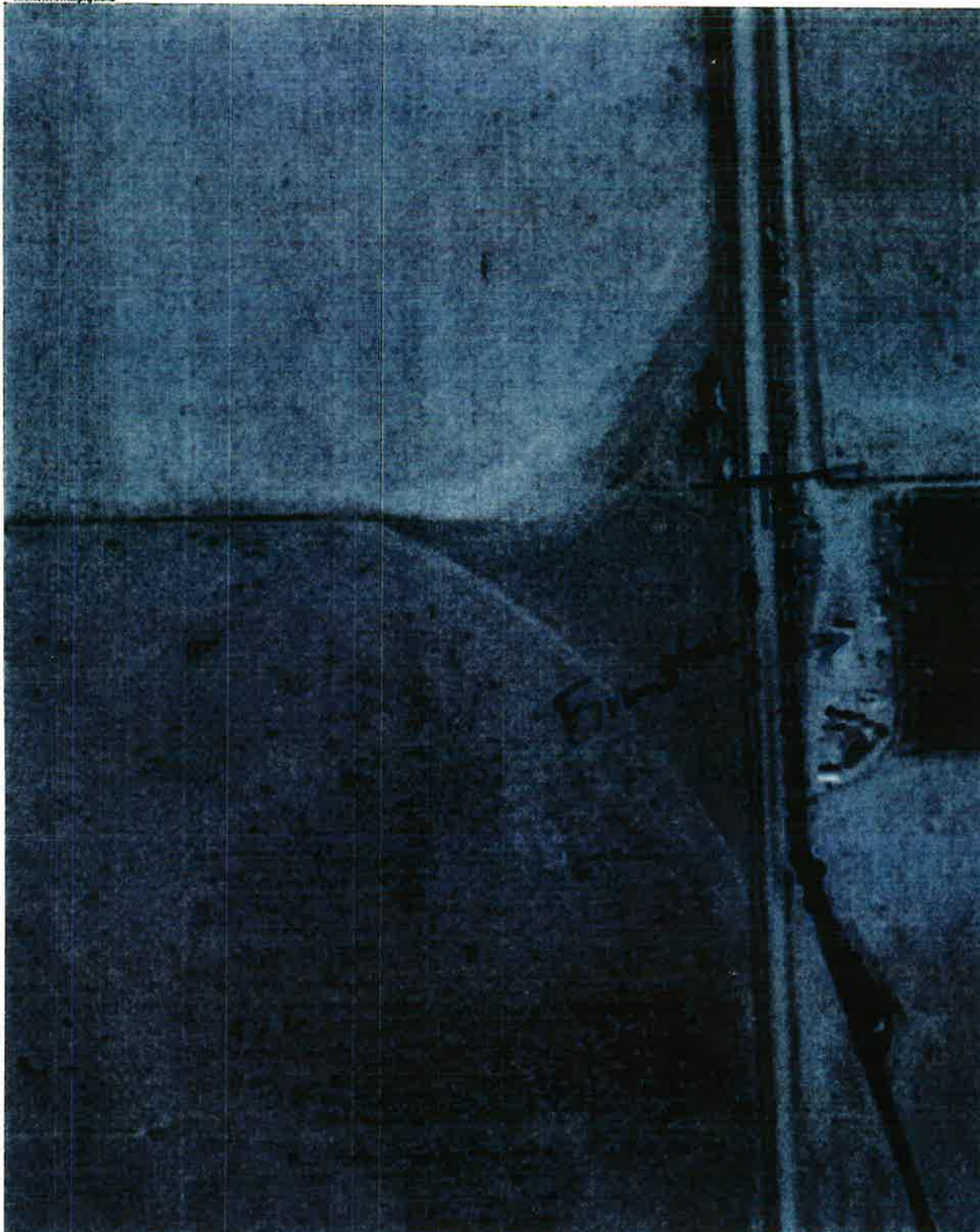
Microsoft TerraServer

Display Image

USGS Aerial Photograph

7 km S of Bellevue, Idaho, United States 26 Jul

92



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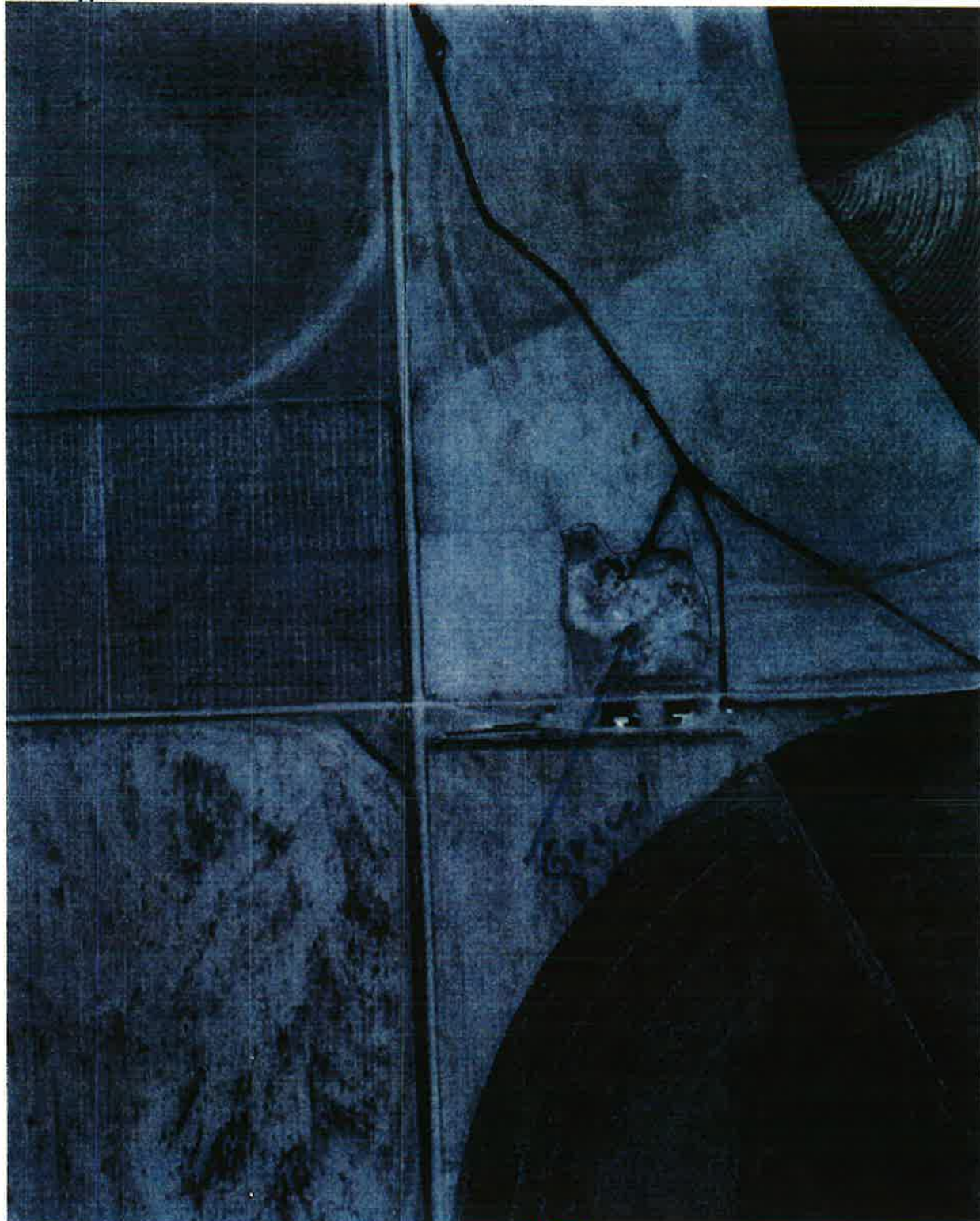
Microsoft TerraServer

Display Image

USGS Aerial Photograph

5 km NW of Gannett, Idaho, United States 26 Jul 92

1992



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69287

This is to certify that: JOHN L WELSH III AND/OR
CHERYL L WELSH
96 FREEDOM LOOP
BELLEVUE ID 83313
(208)788-9162

RECEIVED
JUN 05 2002
Department of Water Resources
Southern Region

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
37-20493	AJC/License	01/29/1965	4.82 cfs	720.3 af		257.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

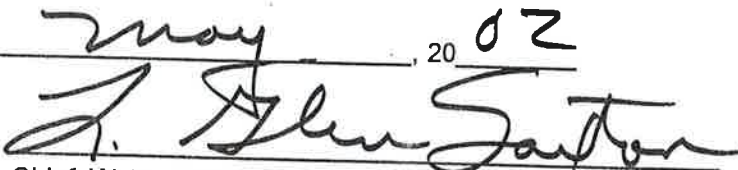
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
37-20493	YES	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-20493	37-20443	2.78 cfs	416.1 af	N/A	138.7	37-20442	2.04 cfs	304.2 af	101.4	112.0
TOTALS		2.78 cfs	416.1 af	N/A	138.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31st day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20442
As Modified by Transfer No. 69287

In accordance with the approval of Transfer No. 69287, Water Right No. 37-20442 is now described as follows.

Right Holder: ROBERT J STRUTHERS
388 GANNETT RD
BELLEVUE ID 83313

Priority Date: 01/29/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.04 CFS	304.2 AF
			2.04 CFS	304.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWSW Sec. 20 Twp 01N Rge 19E 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 19E 20							37.0				40.0	35.0					112.0

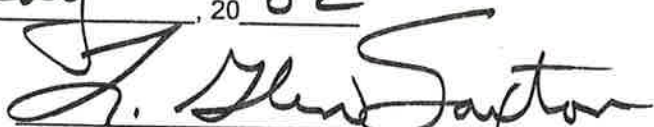
Total Acres: 112

CONDITIONS OF APPROVAL

1. Right 37-20442 when combined with all other rights for the same 101.4 acres shall not exceed a total diversion rate of 2.04 cfs, a total annual maximum diversion volume of 304.2 af at the field headgate.
2. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 31st day of May, 2002


Chief, Water Allocation Bureau

WATER RIGHT NO. 37-20443
As Modified by Transfer No. 69287

In accordance with the approval of Transfer No. 69287, Water Right No. 37-20443 is now described as follows.

Right Holder: JOHN L WELSH III AND
 CHERYL L WELSH
 96 FREEDOM LOOP
 BELLEVUE ID 83313

Priority Date: 01/29/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	2.78 CFS	416.1 AF
		2.78 CFS	416.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SESW Sec. 20 Twp 01N Rge 19E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 19E 20									39.7			38.9			37.6	22.5	138.7

Total Acres: 138.7

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with ground water diverted under this right and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
4. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

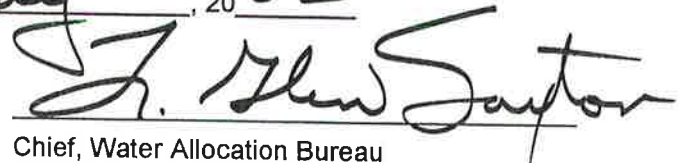
WATER RIGHT NO. 37-20443
As Modified by Transfer No. 69287

CONDITIONS OF 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 this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 31st day of May, 2002


Chief, Water Allocation Bureau