

## MEMORANDUM

TO: Files for WRs 63-33346 through 63-33351

FROM: Nick Miller

DATE: 11/29/2021

RE: Ownership change corrections to children of X4137

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Transfer 82412 was submitted in May of 2018 by Bridgetower Investments LLC and Cottonwood Development LLC. The transfer application included an ownership change to split water rights 63-32317, 63-33347, and 63-33351 and transfer the resulting children rights. During review of the ownership changes I identified errors in earlier splits of the parent rights. This memorandum documents the 2021 changes to water right ownership splits that were performed in 2010.

### History

Rights 63-8825, 63-10713, and 63-10872 were involved in transfer 4137 that was approved in 1993. Although the transfer application only proposed adding PODs to each of the rights to reflect a common system, the transfer approval document combined the place of use for all three rights, but included conditions limiting each right to a specific number of acres corresponding to the acreage authorized for each right before the transfer. See conditions of approval 2, 3, and 4 of the 6/17/1993 approval of Transfer 4137. Subsequent to the transfer approval, the three rights were split via ownership change as discussed in Kay Walker's memo dated 3/18/2010. The rights were considered to have a PPU, so each child owner received a percentage of the PPU, diversion rate, and volume. However, one of the rights was moving through the SRBA adjudication process (63-8825) and the other two rights (63-10713 and 63-10872) were being processed in the water rights section. The children of the rights that went through the SRBA all were decreed with an acre limit reflecting the percentage of ownership, while the child rights that were processed outside the SRBA were split reflecting percentage of ownership, but did not receive an acre limit. As a result, for example, right 63-10872 that originally authorized irrigation of 35 acres (within the 434-acre PPU after transfer 4137) was split into four water rights that totaled 434 acres without any acre-limits applied. Similarly, right 63-10713 that originally authorized irrigation of 185 acres (within the 434-acre PPU after transfer 4137) resulted in four children that collectively authorize 434 acres of irrigation.

### Action

I have prepared and will distribute corrections to the owners of the eight child rights that resulted from splits to 63-10872 and 63-10713 to apply acre-limits reflecting the percentages of the PPU each was assigned. Except for two of those child rights and one of the children of 63-8825 (that are involved in transfer 82412), none of the child rights have been subject to any other ownership changes or administrative actions. The splits with corrections noted are attached as Attachment A – Proof reports and split table. Note that, in processing transfer 82412, splits of the portions involved in that transfer were subject to further ownership changes and splits based on the corrected amounts shown in the attachment to this memo.

**SUPPORT DATA**

**IN FILE #**63-33346

**Attachment A**  
**2010 Split Corrected Proof Reports and Split Table.**

| WRs after X4137 |       |      |       |       |        |        |       |          |                | 2010 Splits (corrections in Red) |      |       |       |       |        |        |  |  |  |
|-----------------|-------|------|-------|-------|--------|--------|-------|----------|----------------|----------------------------------|------|-------|-------|-------|--------|--------|--|--|--|
| WR              | Owner | cfs  | AF    | AC    | AL     | CFS/AC | AF/AC | WR       | Change Type    | Owner                            | cfs  | AF    | AC    | AL    | CFS/AC | AF/AC  |  |  |  |
| 63-8825         | James | 2.78 | 963   | 434   | 214    | 0.013  | 4.5   | 63-32316 | Percentage 12% | Settlers                         | 0.33 | 115.4 | 52    | 25.6  | 0.013  | 4.5    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-32318 | Percentage 8%  | Bews Family                      | 0.22 | 77.7  | 35    | 17.3  | 0.013  | 4.5    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-32319 | Percentage 31% | Primeland                        | 0.85 | 295.1 | 133   | 65.6  | 0.013  | 4.5    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-32317 | Percentage 49% | Bews                             | 1.37 | 474.8 | 214.0 | 105.5 | 0.0130 | 4.5    |  |  |  |
| Sum             |       | 2.78 | 963.0 | 434.0 | 214.0  |        |       |          | Sum            |                                  | 2.77 | 963.0 | 434.0 | 214.0 | 0.0130 | 4.5    |  |  |  |
| 63-10713        | James | 3.7  | 832.5 | 434   | 185    | 0.020  | 4.5   | 63-33346 | Percentage 12% | Settlers                         | 0.44 | 99.8  | 52    | 22.0  | 0.020  | 4.5    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-33348 | Percentage 8%  | Bews Family                      | 0.30 | 67.1  | 35    | 15.0  | 0.020  | 4.5    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-33349 | Percentage 31% | Primeland                        | 1.13 | 255.1 | 133   | 56.5  | 0.020  | 4.5    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-33347 | Percentage 49% | Bews                             | 1.82 | 410.5 | 214.0 | 91.0  | 0.0200 | 4.5    |  |  |  |
| Sum             |       | 3.70 | 832.5 | 434.0 | 185.0  |        |       |          | Sum            |                                  | 3.69 | 832.5 | 434.0 | 184.5 | 0.0200 | 4.5110 |  |  |  |
| 63-10872        | James | 0.31 | 151.3 | 434   | 35     | 0.009  | 4.3   | 63-33350 | Percentage 12% | Settlers                         | 0.04 | 18.1  | 52    | 4.2   | 0.0095 | 4.3    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-33352 | Percentage 8%  | Bews Family                      | 0.02 | 12.2  | 35    | 2.8   | 0.0071 | 4.4    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-33353 | Percentage 31% | Primeland                        | 0.09 | 46.4  | 133   | 10.7  | 0.0084 | 4.3    |  |  |  |
|                 |       |      |       |       |        |        |       | 63-33351 | Percentage 49% | Bews                             | 0.15 | 74.6  | 214.0 | 17.3  | 0.0087 | 4.3    |  |  |  |
| Sum             |       | 0.31 | 151.3 | 434.0 | 35.000 | 0.009  |       |          | Sum            |                                  | 0.30 | 151.3 | 434.0 | 35.0  | 0.009  | 4.3    |  |  |  |

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

11/29/2021

**Water Right 63-33346**

|                          |                                                                                            |
|--------------------------|--------------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                             |
| Current Owner            | SETTLERS IRRIGATION DISTRICT<br>1910 N GARDEN ST<br>BOISE, ID 83706-2424<br>(208) 344-2471 |

**Priority Date:** 10/4/1988

**Basis:** License

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| GROUND WATER         |                         |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 03/15                         | 11/15            | 0.440 CFS                    | 99.8 AF              |
|                              | <b><u>Total Diversion</u></b> |                  | 0.440 CFS                    | 99.8 AF              |

**Source and Point(s) of Diversion**

|              |      |                            |            |
|--------------|------|----------------------------|------------|
| GROUND WATER | NENE | Sec. 34, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | SESE | Sec. 26, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NWNW | Sec. 35, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NESE | Sec. 27, Twp 04N, Rge 01W, | ADA County |

**Place Of Use**

IRRIGATION within ADA County

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |      |      | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE   |        |
| 04N | 01W | 26  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 37.0 | 15.0 | 52.0   |

Right Acre Limit: 22.0

POU Total Acres: 52.0

**Conditions of Approval:**

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Conditions per Memorandum Decision and Order dated 06-17-93.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

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**Proof Report**

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8.      X27      This right is limited to the irrigation of 22.0 acres within the authorized place of use in a single irrigation season.

**Comments:**

- |                                                                                                                                                                                                           |          |            |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|-----------------------------|
| 1.                                                                                                                                                                                                        | jhersley | 4/1/2010   | split right                 |
| This water right is the result of split from 63-10713 due to change in ownership.                                                                                                                         |          |            |                             |
| 2.                                                                                                                                                                                                        | jhersley | 4/1/2010   | POD                         |
| Updated Shape                                                                                                                                                                                             |          |            |                             |
| 3.                                                                                                                                                                                                        | jhersley | 4/1/2010   | POU                         |
| Updated Shape                                                                                                                                                                                             |          |            |                             |
| 4.                                                                                                                                                                                                        | nmler    | 11/29/2021 | Ownership Change Correction |
| The ownership change split in 2010 did not represent the acre-limit imposed on this right through transfer 4137. The acre limit has been imposed based on the percentage of the split identified in 2010. |          |            |                             |

**Dates and Other Information**

Licensed Date: 11/5/1992  
Water District Number: EXC  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

11/29/2021

**Water Right 63-33347**

**Owner Type**      **Name and Address**  
Current Owner      ED L BEWS  
5204 SORRENTO CIR  
BOISE, ID 83704  
(208) 867-1200

Current Owner      SHIRLEY G BEWS  
5204 SORRENTO CIR  
BOISE, ID 83704

**Priority Date:** 10/4/1988

**Basis:** License

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 03/15                         | 11/15            | 1.820 CFS                    | 410.5 AF             |
|                              | <b><u>Total Diversion</u></b> |                  | 1.820 CFS                    | 410.5 AF             |

**Source and Point(s) of Diversion**

|              |      |                            |            |
|--------------|------|----------------------------|------------|
| GROUND WATER | NENE | Sec. 34, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | SESE | Sec. 26, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NWNW | Sec. 35, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NESE | Sec. 27, Twp 04N, Rge 01W, | ADA County |

**Place Of Use**

IRRIGATION within ADA County

| Twp | Rng | Sec | NE   |      |    |    | NW |    |    |    | SW |    |    |    | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|----|----|----|----|----|----|----|----|----|----|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE   |        |
| 04N | 01W | 27  |      |      |    |    |    |    |    |    |    |    |    |    | 38.0 | 36.0 | 37.0 | 36.0 | 147.0  |
| 04N | 01W | 34  | 29.0 | 38.0 |    |    |    |    |    |    |    |    |    |    |      |      |      |      | 67.0   |

Right Acre Limit: 91.0

POU Total Acres: 214

**Conditions of Approval:**

1.      046      Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2.      004      The issuance of this right does not grant any right-of-way or easement across the land of another.
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.      R32      This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

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5. Conditions per Memorandum Decision and Order dated 06-17-93.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. X27 This right is limited to the irrigation of 91.0 acres within the authorized place of use in a single irrigation season.

**Comments:**

1. jhersley 4/1/2010 split right  
This water right is the result of split from 63-10713 due to change in ownership.
2. jhersley 4/1/2010 POD  
Updated Shape
3. jhersley 4/1/2010 POU  
Updated Shape
4. cparker 7/30/2019 Split Right  
Split into 63-34762.
5. cparker 7/30/2019 POU  
Updated Shape
6. nmiller 10/29/2021 POU  
Updated Shape
7. nmiller 11/29/2021 Ownership Change Correction  
The ownership change split in 2010 did not represent the acre-limit imposed on this right through transfer 4137. The acre limit has been imposed based on the percentage of the split identified in 2010. Further, the 2019 ownership change split in 2019 was incorrectly calculated and has been updated as part of processing transfer 82412.

**Dates and Other Information**

Licensed Date: 11/5/1992  
Owner Name Connector: AND  
Water District Number: EXC  
Generic Max Rate Per Acre: 0.020  
Generic Max Volume Per Acre: 4.5  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

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## IDAHO DEPARTMENT OF WATER RESOURCES

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## Proof Report

8. X27 year of the date of this approval.  
This right is limited to the irrigation of 15.0 acres within the authorized place of use in a single irrigation season.

**Comments:**

- |                                                                                                                                                                                                           |          |            |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|-----------------------------|
| 1.                                                                                                                                                                                                        | jhersley | 4/1/2010   | SPLIT RIGHT                 |
| This water right is the result of split from 63-10713 due to change in ownership.                                                                                                                         |          |            |                             |
| 2.                                                                                                                                                                                                        | jhersley | 4/1/2010   | POD                         |
| Updated Shape                                                                                                                                                                                             |          |            |                             |
| 3.                                                                                                                                                                                                        | jhersley | 4/1/2010   | POU                         |
| Updated Shape                                                                                                                                                                                             |          |            |                             |
| 4.                                                                                                                                                                                                        | nmiller  | 11/29/2021 | Ownership Change Correction |
| The ownership change split in 2010 did not represent the acre-limit imposed on this right through transfer 4137. The acre limit has been imposed based on the percentage of the split identified in 2010. |          |            |                             |

**Dates and Other Information**

Licensed Date: 11/5/1992  
Water District Number: EXC  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

11/29/2021

**Water Right 63-33349**

|                          |                                                                                                                    |
|--------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                                                     |
| Current Owner            | PRIMELAND DEVELOPMENT CO LLP<br>FRANK VARRIALE<br>3120 W BELLTOWER DR<br>MERIDIAN, ID 83646-7744<br>(208) 888-4430 |

**Priority Date:** 10/4/1988

**Basis:** License

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| GROUND WATER         |                         |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 03/15                         | 11/15            | 1.130 CFS                    | 255.1 AF             |
|                              | <b><u>Total Diversion</u></b> |                  | 1.130 CFS                    | 255.1 AF             |

**Source and Point(s) of Diversion**

|              |      |                                       |
|--------------|------|---------------------------------------|
| GROUND WATER | NENE | Sec. 34, Twp 04N, Rge 01W, ADA County |
| GROUND WATER | SESE | Sec. 26, Twp 04N, Rge 01W, ADA County |
| GROUND WATER | NWNW | Sec. 35, Twp 04N, Rge 01W, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 04N, Rge 01W, ADA County |
| GROUND WATER | NESE | Sec. 27, Twp 04N, Rge 01W, ADA County |

**Place Of Use**

IRRIGATION within ADA County

|     |     |     | NE |    |    |    | NW |      |      |    | SW |      |      |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|------|------|----|----|------|------|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW   | SW   | SE | NE | NW   | SW   | SE | NE | NW | SW | SE |        |
| 04N | 01W | 26  |    |    |    |    |    |      |      |    |    | 20.0 | 37.0 |    |    |    |    |    | 57.0   |
| 04N | 01W | 35  |    |    |    |    |    | 37.0 | 39.0 |    |    |      |      |    |    |    |    |    | 76.0   |

Right Acre Limit: 56.5

POU Total Acres: 133.0

**Conditions of Approval:**

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Conditions per Memorandum Decision and Order dated 06-17-93.
3. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

11/29/2021

- |    |     |                                                                                                                                           |
|----|-----|-------------------------------------------------------------------------------------------------------------------------------------------|
| 7. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 8. | X27 | This right is limited to the irrigation of 56.5 acres within the authorized place of use in a single irrigation season.                   |

**Comments:**

- |                                                                                                                                                                                                           |          |            |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|-----------------------------|
| 1.                                                                                                                                                                                                        | jhersley | 4/1/2010   | split right                 |
| This wter right is the result of split from 63-10713 due to change in ownership.                                                                                                                          |          |            |                             |
| 2.                                                                                                                                                                                                        | jhersley | 4/1/2010   | POD                         |
| Updated Shape                                                                                                                                                                                             |          |            |                             |
| 3.                                                                                                                                                                                                        | jhersley | 4/1/2010   | POU                         |
| Updated Shape                                                                                                                                                                                             |          |            |                             |
| 4.                                                                                                                                                                                                        | nmiller  | 11/29/2021 | Ownership Change Correction |
| The ownership change split in 2010 did not represent the acre-limit imposed on this right through transfer 4137. The acre limit has been imposed based on the percentage of the split identified in 2010. |          |            |                             |

**Dates and Other Information**

Licensed Date: 11/5/1992  
Water District Number: EXC  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

11/29/2021

**Water Right 63-33350**

|                          |                                                                                            |
|--------------------------|--------------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                             |
| Current Owner            | SETTLERS IRRIGATION DISTRICT<br>1910 N GARDEN ST<br>BOISE, ID 83706-2424<br>(208) 344-2471 |

**Priority Date:** 8/1/1989

**Basis:** License

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| GROUND WATER         |                         |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 03/15                         | 11/15            | 0.040 CFS                    | 18.1 AF              |
|                              | <b><u>Total Diversion</u></b> |                  | 0.040 CFS                    | 18.1 AF              |

**Source and Point(s) of Diversion**

|              |      |                            |            |
|--------------|------|----------------------------|------------|
| GROUND WATER | SESE | Sec. 26, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NWNW | Sec. 35, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NENE | Sec. 34, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NESE | Sec. 27, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 04N, Rge 01W, | ADA County |

**Place Of Use**

IRRIGATION within ADA County

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |      |      | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW   | SE   |        |
| 04N | 01W | 26  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 37.0 | 15.0 | 52.0   |

Right Acre Limit: 4.2

POU Total Acres: 52.0

**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. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
4. 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.
5. Conditions per Memorandum Decision and Order dated 06-17-93.
6. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
7. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

11/29/2021

8. X27 This right is limited to the irrigation of 4.2 acres within the authorized place of use in a single irrigation season.

**Comments:**

- |                                                                                                                                                                                                            |          |            |                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|-----------------------------|
| 1.                                                                                                                                                                                                         | jhersley | 4/1/2010   | split right                 |
| This water right is the result of split from 63-10872 due to change in ownership.                                                                                                                          |          |            |                             |
| 2.                                                                                                                                                                                                         | jhersley | 4/1/2010   | POD                         |
| Updated Shape                                                                                                                                                                                              |          |            |                             |
| 3.                                                                                                                                                                                                         | jhersley | 4/1/2010   | POU                         |
| Updated Shape                                                                                                                                                                                              |          |            |                             |
| 4.                                                                                                                                                                                                         | nmler    | 11/29/2021 | Ownership Change Correction |
| The ownership change split in 2010 did not represent the acre-limits imposed on this right through transfer 4137. The acre limit has been imposed based on the percentage of the split identified in 2010. |          |            |                             |

**Dates and Other Information**

Licensed Date: 11/24/1992  
Water District Number: EXC  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A



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5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
7. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. X27 This right is limited to the irrigation of 17.3 acres within the authorized place of use in a single irrigation season.

**Comments:**

1. jhersley 4/1/2010 split right  
This water right is the result of split from 63-10872 due to change in ownership.
2. jhersley 4/1/2010 POD  
Updated Shape
3. jhersley 4/1/2010 POU  
Updated Shape
4. cparker 7/30/2019 Split Right  
Split into 63-34763.
5. cparker 7/30/2019 POU  
Updated Shape
6. nmiller 10/29/2021 POU  
Updated Shape
7. nmiller 11/29/2021 Ownership Change Correction  
The ownership change split in 2010 did not represent the acre-limit imposed on this right through transfer 4137. The acre limit has been imposed based on the percentage of the split identified in 2010. Further, the 2019 ownership change split in 2019 was incorrectly calculated and has been updated as part of processing transfer 82412.

**Dates and Other Information**

Licensed Date: 11/24/1992  
Owner Name Connector: AND  
Water District Number: EXC  
Generic Max Rate Per Acre: 0.020  
Generic Max Volume Per Acre: 4.5  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

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**Water Right 63-33352**

|                          |                                                                                          |
|--------------------------|------------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                           |
| Current Owner            | BEWS FAMILY LTD PARTNERSHIP<br>5204 SORRENTO CIRCLE<br>BOISE, ID 83704<br>(208) 867-1200 |

**Priority Date:** 8/1/1989

**Basis:** License

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| GROUND WATER         |                         |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 03/15                         | 11/15            | 0.020 CFS                    | 12.2 AF              |
|                              | <b><u>Total Diversion</u></b> |                  | 0.020 CFS                    | 12.2 AF              |

**Source and Point(s) of Diversion**

|              |      |                            |            |
|--------------|------|----------------------------|------------|
| GROUND WATER | SESE | Sec. 26, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NWNW | Sec. 35, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NENE | Sec. 34, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NESE | Sec. 27, Twp 04N, Rge 01W, | ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 04N, Rge 01W, | ADA County |

**Place Of Use**

IRRIGATION within ADA County

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |      | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE   |        |
| 04N | 01W | 28  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 35.0 | 35.0   |

Right Acre Limit: 2.8

POU Total Acres: 35.0

**Conditions of Approval:**

1. Conditions per Memorandum Decision and Order dated 06-17-93.
2. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
3. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
4. 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.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1)

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8. X27      year of the date of this approval.  
This right is limited to the irrigation of 2.8 acres within the authorized place of use in a single irrigation season.

**Comments:**

- |                                                                                                                                                                                                           |          |            |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------|-----------------------------|
| 1.                                                                                                                                                                                                        | jhersley | 4/1/2010   | split right                 |
| This water right is the result of split from 63-10872 due to change in ownership.                                                                                                                         |          |            |                             |
| 2.                                                                                                                                                                                                        | jhersley | 4/1/2010   | POD                         |
| Updated Shape                                                                                                                                                                                             |          |            |                             |
| 3.                                                                                                                                                                                                        | jhersley | 4/1/2010   | POU                         |
| Updated Shape                                                                                                                                                                                             |          |            |                             |
| 4.                                                                                                                                                                                                        | nmler    | 11/29/2021 | Ownership Change Correction |
| The ownership change split in 2010 did not represent the acre-limit imposed on this right through transfer 4137. The acre limit has been imposed based on the percentage of the split identified in 2010. |          |            |                             |

**Dates and Other Information**

Licensed Date: 11/24/1992  
Water District Number: EXC  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

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**Water Right 63-33353**

|                          |                                                                                                                    |
|--------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                                                     |
| Current Owner            | PRIMELAND DEVELOPMENT CO LLP<br>FRANK VARRIALE<br>3120 W BELLTOWER DR<br>MERIDIAN, ID 83646-7744<br>(208) 888-4430 |

**Priority Date:** 8/1/1989

**Basis:** License

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| GROUND WATER         |                         |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 03/15                         | 11/15            | 0.090 CFS                    | 46.4 AF              |
|                              | <b><u>Total Diversion</u></b> |                  | 0.090 CFS                    | 46.4 AF              |

**Source and Point(s) of Diversion**

|              |      |                                       |
|--------------|------|---------------------------------------|
| GROUND WATER | SESE | Sec. 26, Twp 04N, Rge 01W, ADA County |
| GROUND WATER | NWNW | Sec. 35, Twp 04N, Rge 01W, ADA County |
| GROUND WATER | NENE | Sec. 34, Twp 04N, Rge 01W, ADA County |
| GROUND WATER | NESE | Sec. 27, Twp 04N, Rge 01W, ADA County |
| GROUND WATER | NENE | Sec. 36, Twp 04N, Rge 01W, ADA County |

**Place Of Use**

IRRIGATION within ADA County

|     |     |     | NE |    |    |    | NW |      |      |    | SW |      |      |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|------|------|----|----|------|------|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW   | SW   | SE | NE | NW   | SW   | SE | NE | NW | SW | SE |        |
| 04N | 01W | 26  |    |    |    |    |    |      |      |    |    | 20.0 | 37.0 |    |    |    |    |    | 57.0   |
| 04N | 01W | 35  |    |    |    |    |    | 37.0 | 39.0 |    |    |      |      |    |    |    |    |    | 76.0   |

Right Acre Limit: 10.7

POU Total Acres: 133.0

**Conditions of Approval:**

1. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
2. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
3. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.
4. 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.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. Conditions per Memorandum Decision and Order dated 06-17-93.

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7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
8. X27 This right is limited to the irrigation of 10.7 acres within the authorized place of use in a single irrigation season.

**Comments:**

1. jhersley 4/1/2010 split right  
This water right is the result of split from 63-10872 due to change in ownerhsip.
2. jhersley 4/1/2010 POD  
Updated Shape
3. jhersley 4/1/2010 POU  
Updated Shape
4. nmiller 11/29/2021 Ownership Change Correction  
The ownership change split in 2010 did not represent the acre-limit imposed on this right through transfer 4137. The acre limit has been imposed based on the percentage of the split identified in 2010.

**Dates and Other Information**

Licensed Date: 11/24/1992  
Water District Number: EXC  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A