

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-2568
AFTER SPLIT

9/9/2021

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	PAUL L ARRINGTON BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 (208) 733-0700
Current Owner	BIG HAT LLC 112 PRICE LN BELLEVUE, ID 83313-5126 ssranchidahi@gmail.com
Original Owner	DELORES NISSON RT 1 BOX 358 BELLEVUE, ID 83313 (208) 788-2503
Original Owner	DON NISSON RT 1 BOX 358 BELLEVUE, ID 83313 (208) 788-2503
Previous Owner	THOMAS M O GARA FAMILY TRUST C/O BRIAN BARSOTTI PO BOX 370 KETCHUM, ID 83340 (208) 726-3030
Security Interest	D L EVANS BANK PO BOX 87 TWIN FALLS, ID 83303-0087 (208) 736-9300

Priority Date: 4/25/1955

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	1.430 CFS	241.5 AF
	<u>Total Diversion</u>		1.430 CFS	241.5 AF

Source and Point(s) of Diversion

GROUND WATER NWNWSE Sec. 4, Twp 01S, Rge 19E, BLAINE County

Place Of Use

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IRRIGATION within BLAINE 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	
01S	19E	8	15.0																15.0
01S	19E	9			5.0	9.0			13.0	6.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	361.0
01S	19E	10							21.0		40.0	40.0	40.0	40.0		40.0	40.0	40.0	301.0
01S	19E	15	40.0	40.0	40.0		40.0	40.0	40.0	40.0						40.0	37.0		357.0
01S	19E	16	41.0	40.0	40.0	41.0	40.0	39.0	40.0	40.0	41.0	41.0	38.0	38.0	41.0	41.0	38.0	38.0	637.0
01S	19E	17													41.0	40.0	37.0	38.0	156.0
01S	19E	20	40.0	20.0															60.0
01S	19E	21					40.0	40.0		41.0	40.0								161.0

Right Acre Limit: 69.0

POU Total Acres: 2,048.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 69 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-577K, 37-2568, 37-23325 & 37-23329 when combined shall not exceed the irrigation of 154 acres.
3. X35 Rights 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, 37-20639, 37-23328, 37-23329, 37-23330, 37-23331, 37-23332, 37-23333, 37-23334, 37-23336, 37-23337, 37-23338 when combined shall not exceed a total diversion rate of 34.59 cfs, a total annual maximum diversion volume of 6709.5 af at the field headgate, and the irrigation of 2028.7 acres.
4. X35 Rights 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, 37-20639, 37-23327, 37-23328, 37-23329, 37-23330, 37-23331, 37-23332, 37-23333, 37-23334, 37-23336, 37-23337, 37-23338 when combined shall not exceed a total diversion rate of 36.41 cfs, a total annual maximum diversion volume of 7028.7 af at the field headgate, and the irrigation of 2119.9 acres.
5. X35 Rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, 37-20651, 37-23321, 37-23322, 37-23323, 37-23324, 37-23325, 37-23326, 37-23328, 37-23329, 37-23330, 37-23331, 37-23332, 37-23333, 37-23334, 37-23336, 37-23337, 37-23338, 37-23339, 37-23340, 37-23341, 37-23342, 37-23343 & 37-23344 when combined shall not exceed a total diversion rate of 53.88 cfs and the irrigation of 2028.7 acres.
6. X35 Rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, 37-20651, 37-23321, 37-23322, 37-23323, 37-23324, 37-23325, 37-23326, 37-23327, 37-23328, 37-23329, 37-23330, 37-23331, 37-23332, 37-23333, 37-23334, 37-23335, 37-23336, 37-23337, 37-23338, 37-23339, 37-23340, 37-23341, 37-23342, 37-23343 & 37-23344 when combined shall not exceed a total diversion rate of 55.70 cfs and the irrigation of 2119.9 acres.
7. 206 Rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, 37-20651, 37-23321, 37-23322, 37-23323, 37-23324, 37-23325, 37-23326, 37-23327, 37-23328,

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37-23329, 37-23330, 37-23331, 37-23332, 37-23333, 37-23334, 37-23335, 37-23336, 37-23337, 37-23338, 37-23339, 37-23340, 37-23341, 37-23342, 37-23343 & 37-23344 are limited to the irrigation of a specific 2119.9 acres within the 3437.0 acre place of use authorized by these rights in a single irrigation season. The specific 2119.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2119.9 acres to be irrigated within the 3437.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

8. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
9. 104 If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.
10. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.37.
11. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
12. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. 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.
15. 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.

Comments:

- | | | |
|------------------------------|-----------|-----|
| 1. jroberts
Updated Shape | 8/2/2010 | POU |
| 2. jroberts
Updated Shape | 8/24/2010 | POU |
| 3. jroberts
Updated PLS | 8/24/2010 | POU |
| 4. jroberts
Updated Shape | 10/7/2011 | POD |

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5. jroberts 3/6/2012 POU
Updated Shape

6. amerritt 6/5/2012 Transferred Right
This is now an approved transfer, transfer number = 76658

7. mciscell 10/10/2013 POD
PODID 780680 correlated from SpatialDataID 381927 to SpatialDataID 487797

8. wmills 6/3/2014 POU
Updated Shape to reflect 2014 irrigation changes as required by condition 206

9. wmills 7/27/2015 Updated Shape
Updated POUShape

10. amerritt 9/29/2015 Transferred Right
This is now an approved transfer. Transfer Number = 80114

11. jhersley 9/8/2021 POU
Updated Shape

12. jhersley 9/8/2021 Split Right
Split into 37-2568 & 37-23329 due to change in ownership.

Dates and Other Information

Decreed Date: 5/13/2009
State or Federal: S
Water District Number: 37
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		154.0
37-2568 ,37-577K ,37-23325 ,37-23329		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
55.700		2,119.9
37-804 ,37-11830 ,37-2568 ,37-115F ,37-501B ,37-501C ,37-590B ,37-597B ,37-2502 ,37-577K ,37-20635 ,37-20637 ,37-20639 ,37-20641 ,37-20643 ,37-20645 ,37-20647 ,37-20649 ,37-20651 ,37-2581 ,37-2599 ,37-2604 ,37-2616 ,37-7758 ,37-23321 ,37-23322 ,37-23323 ,37-23324 ,37-23325 ,37-23326 ,37-23327 ,37-23328 ,37-23329 ,37-23330 ,37-23331 ,37-23332 ,37-23333 ,37-23334 ,37-23335 ,37-23336 ,37-23337 ,37-23338 ,37-23339 ,37-23340 ,37-23341 ,37-23342 ,37-23343 ,37-23344		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
53.880		2,028.7
37-2568 ,37-115F ,37-501B ,37-501C ,37-590B ,37-597B ,37-2502 ,37-577K ,37-20635 ,37-20637 ,37-20639 ,37-20641 ,37-20643 ,37-20645 ,37-20647 ,37-20649 ,37-20651 ,37-2581 ,37-2599 ,37-2604 ,37-2616 ,37-7758 ,37-23321 ,37-23322 ,37-23323 ,37-23324		

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,37-23325 ,37-23326 ,37-23328 ,37-23329 ,37-23330 ,37-23331 ,37-23332 ,37-23333
,37-23334 ,37-23336 ,37-23337 ,37-23338 ,37-23339 ,37-23340 ,37-23341 ,37-23342
,37-23343 ,37-23344

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
36.410	7,028.7	2,119.9
37-804 ,37-2568 ,37-2502 ,37-20635 ,37-20637 ,37-20639 ,37-2581 ,37-2599 ,37-2604		
,37-2616 ,37-7758 ,37-23327 ,37-23328 ,37-23329 ,37-23330 ,37-23331 ,37-23332		
,37-23333 ,37-23334 ,37-23336 ,37-23337 ,37-23338		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
34.590	6,709.5	2,028.7
37-2568 ,37-2502 ,37-20635 ,37-20637 ,37-20639 ,37-2581 ,37-2599 ,37-2604 ,37-2616		
,37-7758 ,37-23328 ,37-23329 ,37-23330 ,37-23331 ,37-23332 ,37-23333 ,37-23334		
,37-23336 ,37-23337 ,37-23338		

SubCase:

N/A

Water Supply Bank:

N/A

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Before Split 4/12/2021

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	PAUL L ARRINGTON BARKER ROSHOLT & SIMPSON LLP 163 2ND AVE W PO BOX 63 TWIN FALLS, ID 83303-0063 (208) 733-0700
Current Owner	THOMAS M O GARA FAMILY TRUST C/O BRIAN BARSOTTI PO BOX 370 KETCHUM, ID 83340 (208) 726-3030
Original Owner	DELORES NISSON RT 1 BOX 358 BELLEVUE, ID 83313 (208) 788-2503
Original Owner	DON NISSON RT 1 BOX 358 BELLEVUE, ID 83313 (208) 788-2503
Security Interest	D L EVANS BANK PO BOX 87 TWIN FALLS, ID 83303-0087 (208) 736-9300

Priority Date: 4/25/1955

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/15

To

10/31

Diversion Rate

3.200 CFS

Volume

539.0 AF

Total Diversion

3.200 CFS

539.0 AF

Source and Point(s) of Diversion

GROUND WATER

NWNWSE

Sec. 4, Twp 01S, Rge 19E, BLAINE County

Place Of Use

IRRIGATION within BLAINE 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	
01S	19E	3			6.0				16.0	15.0	40.0	40.0				31.0			148.0
					L2				L4										

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01S	19E	4			17.0 L2	16.0 L1			18.0 L4	18.0 L3	40.0	40.0	40.0	40.0	40.0	40.0	40.0	389.0
01S	19E	5			19.0 L2	19.0 L1									41.0	41.0	41.0	202.0
01S	19E	8	39.0	39.0							40.0	40.0	40.0	40.0		40.0	40.0	338.0
01S	19E	9	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	41.0	41.0	41.0	41.0	41.0	41.0	41.0	648.0
01S	19E	10			40.0				21.0		40.0	40.0	40.0	40.0		40.0	40.0	341.0
01S	19E	15	40.0	40.0	40.0		40.0	40.0	40.0	40.0						40.0	37.0	357.0
01S	19E	16	41.0	40.0	40.0	41.0	40.0	39.0	40.0	40.0	41.0	41.0	38.0	38.0	41.0	41.0	38.0	637.0
01S	19E	17													41.0	40.0	37.0	156.0
01S	19E	20	40.0	20.0														60.0
01S	19E	21					40.0	40.0		41.0	40.0							161.0

Right Acre Limit: 154.0

POU Total Acres: 3,437.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 154 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-577K and 37-2568 when combined shall not exceed the irrigation of 154 acres.
3. X35 Rights 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637 and 37-20639 when combined shall not exceed a total diversion rate of 34.59 cfs, a total annual maximum diversion volume of 6709.5 af at the field headgate, and the irrigation of 2028.7 acres.
4. X35 Rights 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, and 37-20639 when combined shall not exceed a total diversion rate of 36.41 cfs, a total annual maximum diversion volume of 7028.7 af at the field headgate, and the irrigation of 2119.9 acres.
5. X35 Rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 when combined shall not exceed a total diversion rate of 53.88 cfs and the irrigation of 2028.7 acres.
6. X35 Rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 when combined shall not exceed a total diversion rate of 55.70 cfs and the irrigation of 2119.9 acres.
7. 206 Rights 37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B, 37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604, 37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, and 37-20651 are limited to the irrigation of a specific 2119.9 acres within the 3437.0 acre place of use authorized by these rights in a single irrigation season. The specific 2119.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 2119.9 acres to be irrigated within the 3437.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation

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4/12/2021

- season in which the change will occur.
8. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
 9. 104 If the surface water rights appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water 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.
 10. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.37.
 11. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
 12. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
 13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 14. 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.
 15. 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.

Comments:

- | | | |
|--|------------|-------------------|
| 1. jroberts
Updated Shape | 8/2/2010 | POU |
| 2. jroberts
Updated Shape | 8/24/2010 | POU |
| 3. jroberts
Updated PLS | 8/24/2010 | POU |
| 4. jroberts
Updated Shape | 10/7/2011 | POD |
| 5. jroberts
Updated Shape | 3/6/2012 | POU |
| 6. amerritt
This is now an approved transfer, transfer number = 76658 | 6/5/2012 | Transferred Right |
| 7. mciscell
PODID 780680 correlated from SpatialDataID 381927 to SpatialDataID 487797 | 10/10/2013 | POD |

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4/12/2021

8. wmills 6/3/2014 POU
Updated Shape to reflect 2014 irrigation changes as required by condition 206

9. wmills 7/27/2015 Updated Shape
Updated POUShape

10. amerritt 9/29/2015 Transferred Right
This is now an approved transfer. Transfer Number = 80114

Dates and Other Information

Decreed Date: 5/13/2009

State or Federal: S

Water District Number: 37

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
34.590	6,709.5	2,028.7
37-2568 ,37-2502 ,37-20635 ,37-20637 ,37-20639 ,37-2581 ,37-2599 ,37-2604 ,37-2616 ,37-7758		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
36.410	7,028.7	2,119.9
37-804 ,37-2568 ,37-2502 ,37-20635 ,37-20637 ,37-20639 ,37-2581 ,37-2599 ,37-2604 ,37-2616 ,37-7758		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
53.880		2,028.7
37-2568 ,37-115F ,37-501B ,37-501C ,37-590B ,37-597B ,37-2502 ,37-577K ,37-20635 ,37-20637 ,37-20639 ,37-20641 ,37-20643 ,37-20645 ,37-20647 ,37-20649 ,37-20651 ,37-2581 ,37-2599 ,37-2604 ,37-2616 ,37-7758		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
55.700		2,119.9
37-804 ,37-11830 ,37-2568 ,37-115F ,37-501B ,37-501C ,37-590B ,37-597B ,37-2502 ,37-577K ,37-20635 ,37-20637 ,37-20639 ,37-20641 ,37-20643 ,37-20645 ,37-20647 ,37-20649 ,37-20651 ,37-2581 ,37-2599 ,37-2604 ,37-2616 ,37-7758		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		154.0

37-2568 ,37-577K

SubCase:

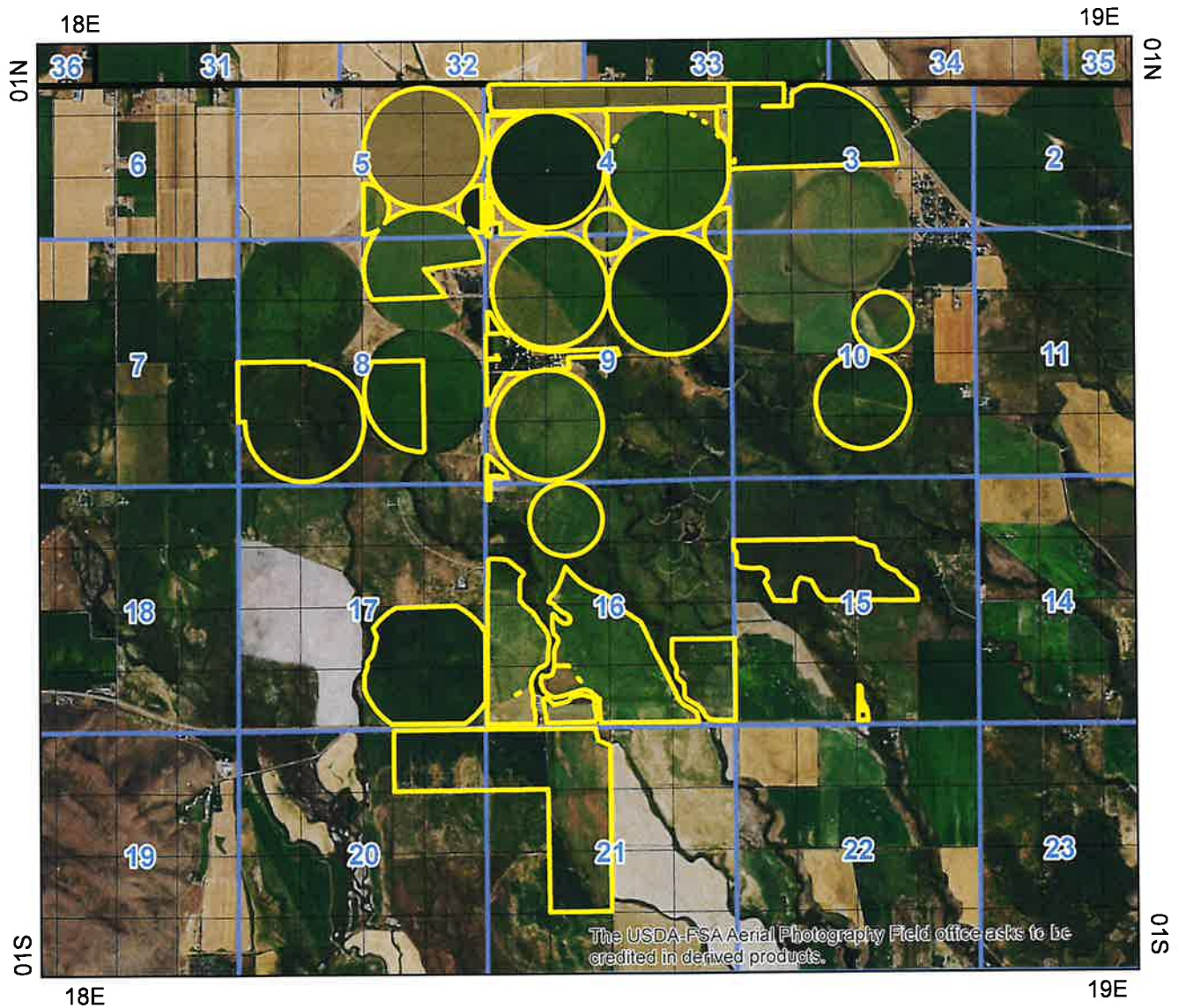
N/A

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources
Water Right License

37-115F, 37-501B, 37-501C, 37-577K, 37-590B, 37-597B,
37-804, 37-2502, 37-2568, 37-2581, 37-2599, 37-2604,
37-2616, 37-7758, 37-11830, 37-20635, 37-20637, 37-20639,
37-20641, 37-20643, 37-20645, 37-20647, 37-20649 & 37-20651



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

