

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-804
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	WILLIAM D BROWN 1838 ALTURAS DR TWIN FALLS, ID 83301 (208) 736-0054
Previous Owner	BECKY A BROWN 757 N 4TH ST BELLEVUE, ID 83313 (208) 788-2857
Previous Owner	THOMAS M O GARA FAMILY TRUST C/O BRIAN BARSOTTI PO BOX 370 KETCHUM, ID 83340 (208) 726-3030

Priority Date: 4/1/1947

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/15

To

10/31

Diversion Rate

0.820 CFS

Volume

143.6 AF

Total Diversion

0.820 CFS

143.6 AF

Source and Point(s) of Diversion

GROUND WATER	L4(NWSWNW)	Sec. 4, Twp 01S, Rge 19E,	BLAINE County
GROUND WATER	NWNWSW	Sec. 4, Twp 01S, Rge 19E,	BLAINE County
GROUND WATER	L3(SENW)	Sec. 3, 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	

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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: 41.0

POU Total Acres: 2,048.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 41.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-804, 37-11830, 37-23327 & 37-23335 when combined shall not exceed a total diversion rate of 1.824 cfs, and the irrigation of 91.2 acres.
3. 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.
4. 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.
5. 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, 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.
6. 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.

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7. 104 If the surface water rights appurtenant to the place of use are unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), 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.
8. 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.
9. 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.
10. 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 place of use.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. 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.
13. 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. mciscell 11/30/2006 POU
Recommended acreage within ownership. Cannot get 103 acres.
2. mciscell 12/22/2006 Contact
Removed Francis Brown from contacts per death certificate
3. mciscell 1/24/2007 Contact
Removed Walter Brown from contacts per death certificate
4. mciscell 1/24/2007 Contact
Removed Robert Brown from contacts per death certificate
5. chahn 2/6/2012 ownership change
Ownership change submitted by the original Brown brothers remaining family.
6. mciscell 10/10/2013 POD
PODID 691372 correlated from SpatialDataID 382081 to SpatialDataID 487786
7. wmills 7/27/2015 Updated Shape
Updated PODShape
8. wmills 7/27/2015 Updated Shape
Updated POUShape

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9. wmills 9/23/2015 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 37-804 & 37-23327 due to change in ownership.

Dates and Other Information

Decreed Date: 9/24/2010
State or Federal: S
Water District Number: 37
Mitigation Plan: False

Combined Use Limits

<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>
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>
1.824		91.2
37-804 ,37-11830 ,37-23327 ,37-23335		

SubCase:

N/A

Water Supply Bank:

N/A

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4/12/2021

Before Split

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	1.820 CFS	319.2 AF
	<u>Total Diversion</u>		1.820 CFS	319.2 AF

Source and Point(s) of Diversion

GROUND WATER	L4(NWSWNW)	Sec. 4, Twp 01S, Rge 19E,	BLAINE County
GROUND WATER	NWNWSW	Sec. 4, Twp 01S, Rge 19E,	BLAINE County
GROUND WATER	L3(SENW)	Sec. 3, 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										
01S	19E	4			17.0	16.0			18.0	18.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	389.0
					L2	L1			L4	L3									
01S	19E	5			19.0	19.0									41.0	41.0	41.0	41.0	202.0
					L2	L1													
01S	19E	8	39.0	39.0							40.0	40.0	40.0	40.0		40.0	40.0	20.0	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	41.0	648.0
01S	19E	10			40.0				21.0		40.0	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	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: 91.2

POU Total Acres: 3,437.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 91.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-804 and 37-11830 when combined shall not exceed a total diversion rate of 1.824 cfs, and the irrigation of 91.2 acres.
3. 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.
4. 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

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- 37-20651 when combined shall not exceed a total diversion rate of 55.70 cfs and the irrigation of 2119.9 acres.
5. 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 season in which the change will occur.
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7. 104 If the surface water rights appurtenant to the place of use are unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), 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.
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12. 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.
13. 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. mciscell 11/30/2006 POU
Recommended acreage within ownership. Cannot get 103 acres.
2. mciscell 12/22/2006 Contact
Removed Francis Brown from contacts per death certificate
3. mciscell 1/24/2007 Contact
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4/12/2021

4. mciscell 1/24/2007 Contact
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9. wmills 9/23/2015 Updated Shape
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10. amerritt 9/29/2015 Transferred Right
This is now an approved transfer. Transfer Number = 80114

Dates and Other Information

Decreed Date: 9/24/2010

State or Federal: S

Water District Number: 37

Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.824		91.2
37-804 ,37-11830		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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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		

SubCase:

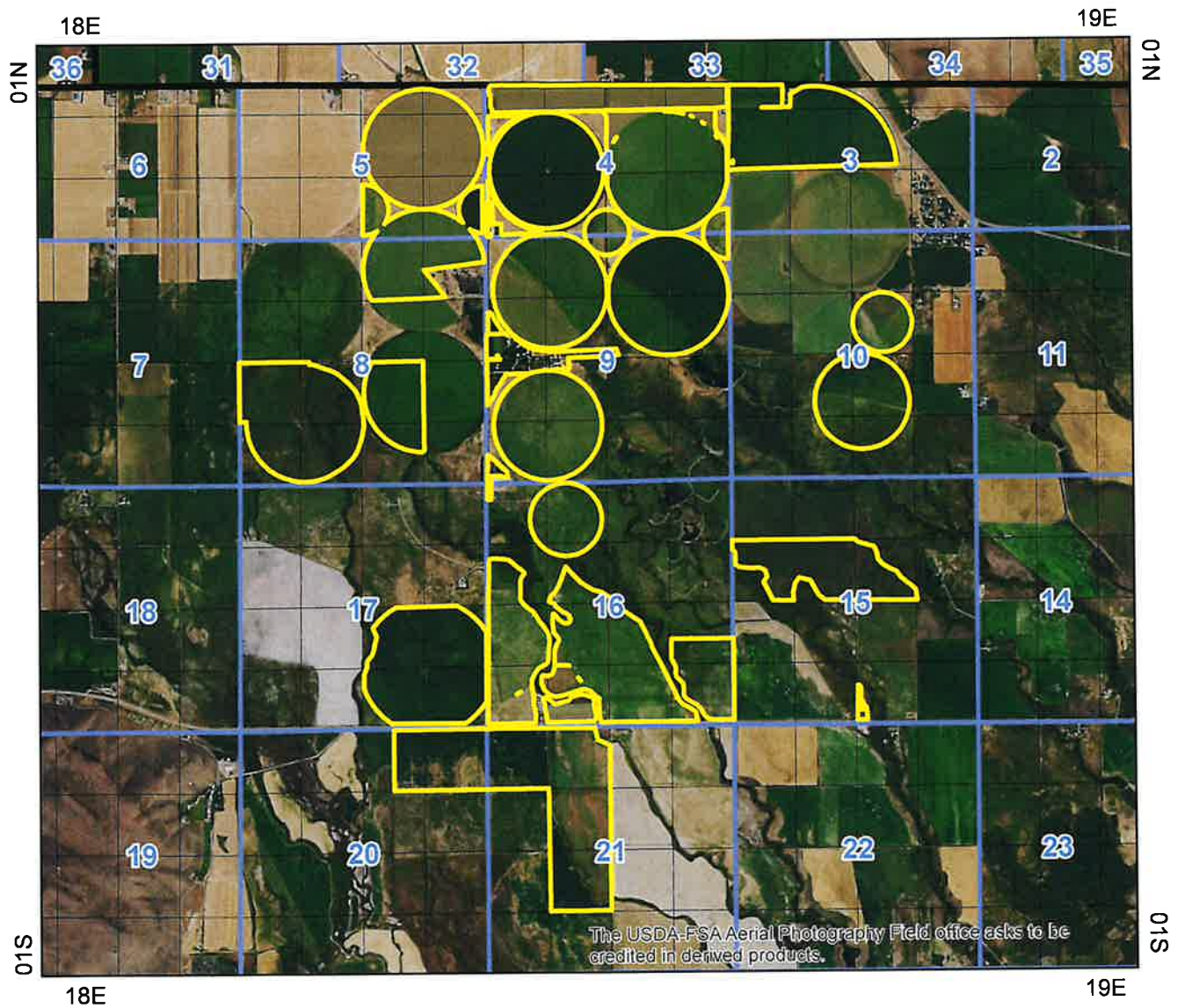
N/A

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

0 0.45 0.9 1.8 Miles

