

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 37-23338**

9/9/2021

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                       |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Attorney          | PAUL L ARRINGTON<br>BARKER ROSHOLT & SIMPSON LLP<br>163 2ND AVE W<br>PO BOX 63<br>TWIN FALLS, ID 83303-0063<br>(208) 733-0700 |
| Current Owner     | BELLE RANCH LLC<br>PO BOX 3322<br>HAILEY, ID 83333-3322<br>(208) 720-1409                                                     |
| Current Owner     | JOHN FELL STEVENSON JR IRREVOCABLE TRUST<br>PO BOX 3322<br>HAILEY, ID 83333-3322<br>(208) 720-1409                            |
| Current Owner     | ANDREA STEVENSON WARD IRREVOCABLE TRUST<br>PO BOX 3322<br>HAILEY, ID 83333-3322<br>(208) 720-1409                             |
| Original Owner    | KERR PACIFIC CORP<br>C/O ANDREW P KERR<br>GILBERTSON ET AL<br>1200 SW MAIN BLDG<br>PORTLAND, OR 92705<br>(503) 221-1772       |
| Previous Owner    | THOMAS M O GARA FAMILY TRUST<br>C/O BRIAN BARSOTTI<br>PO BOX 370<br>KETCHUM, ID 83340<br>(208) 726-3030                       |
| Security Interest | D L EVANS BANK<br>PO BOX 87<br>TWIN FALLS, ID 83303-0087<br>(208) 736-9300                                                    |

**Priority Date:** 6/15/1946

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

**Beneficial Use**  
IRRIGATION

**From**  
04/01

**To**  
11/01

**Diversion Rate**  
1.350 CFS

**Volume**  
157.9 AF

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**Total Diversion**

1.350 CFS

157.9 AF

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

GROUND WATER  
GROUND WATER

NWNWSW  
L4(NWSWNW)

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

**Place Of Use**

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 | 3   |      |      | 6.0<br>L2  |            |      |      | 16.0<br>L4 | 15.0       | 40.0 | 40.0 |      |      |      | 31.0 |      |      | 148.0  |
| 01S | 19E | 4   |      |      | 17.0<br>L2 | 16.0<br>L1 |      |      | 18.0<br>L4 | 18.0<br>L3 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 389.0  |
| 01S | 19E | 5   |      |      | 19.0<br>L2 | 19.0<br>L1 |      |      |            |            |      |      |      |      | 41.0 | 41.0 | 41.0 | 41.0 | 202.0  |
| 01S | 19E | 8   | 24.0 | 39.0 |            |            |      |      |            |            | 40.0 | 40.0 | 40.0 | 40.0 |      | 40.0 | 40.0 | 20.0 | 323.0  |
| 01S | 19E | 9   | 40.0 | 40.0 | 35.0       | 31.0       | 40.0 | 40.0 | 27.0       | 34.0       |      |      |      |      |      |      |      |      | 287.0  |
| 01S | 19E | 10  |      |      | 40.0       |            |      |      |            |            |      |      |      |      |      |      |      |      | 40.0   |

Right Acre Limit: 43.5

POU Total Acres: 1,389.0

**Conditions of Approval:**

1. X27 This right is limited to the irrigation of 43.5 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 37-20637, 37-20639, 37-23337 & 37-23338 when combined shall not exceed a total annual maximum diversion volume of 287.0 af at the field headgate and the irrigation of 79.1 acres.
3. X35 Rights 37-20635, 37-20637, 37-20639, 37-20641, 37-20643, 37-20645, 37-20647, 37-20649, 37-20651, 37-23336, 37-23337, 37-23338, 37-23339, 37-23340, 37-23341, 37-23342, 37-23343 & 37-23344 when combined shall not exceed the irrigation of 885 acres.
4. 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.
5. 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.
6. 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

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7. X35 diversion rate of 53.88 cfs and the irrigation of 2028.7 acres.  
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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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 diversions.
13. 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.
14. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. 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.
16. 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. jhersley 9/7/2021 POU

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Updated Shape

2. jhersley 9/7/2021 Split Right  
 This right is the result of split from 37-20639 due to change in ownership. Belle Ranch, LLC an undivided 1/2 interest, John Fell Stevenson, Jr. Irrevocable Trust & Andrea Stevenson Ward Irrevocable Trust an undivided 1/2 interest.

**Dates and Other Information**

Decreed Date: 6/29/2011  
 State or Federal: S  
 Owner Name Connector: AND  
 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> |
| 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 ,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                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |               | 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |               | 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                                                                                                                                                                                                                                                                                 |               |              |
| <u>Rate</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Volume</u> | <u>Acres</u> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |               | 885.0        |
| 37-20635 ,37-20637 ,37-20639 ,37-20641 ,37-20643 ,37-20645 ,37-20647 ,37-20649 ,37-20651 ,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> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |               | 79.1         |
| 37-20637 ,37-20639 ,37-23337 ,37-23338                                                                                                                                                                                                                                                                                                                                                                                                                                          |               |              |

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**SubCase:**

N/A

**Water Supply Bank:**

N/A