

T5600 BURUSCO FARM PARTNERSHIP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5600
WATER RIGHT NO(S). 35-02093/35-02107/35-04061

RECEIVED

FEB 17 2009

Department of Water Resources
Eastern Region

This is to certify that: BURUSCO FARM PARTNERSHIP
C/O JOHN BURUSCO
2445 W 1700 S
ABERDEEN ID 83210

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02093 :			
IRRIGATION	04/01 to 10/31	5.50 CFS	900.0 AF
Priority: 04/03/1948			
Right No. 35-02107 :			
IRRIGATION	04/01 to 10/31	2.20 CFS	440.0 AF
Priority: 09/03/1948			
Right No. 35-04061 :			
IRRIGATION	04/01 to 10/31	1.04 CFS	408.0 AF
STOCKWATER	01/01 to 12/31	0.03 CFS	1.3 AF
Priority: 05/20/1960			
	SUBTOTAL:	1.07 CFS	409.3 AF
	TOTAL:	* 8.74 CFS	* 1748.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 36, Township 05S, Range 31E
SENW , Sec. 36, Township 05S, Range 31E
NESW , Sec. 36, Township 05S, Range 31E
NWSW , Sec. 36, Township 05S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

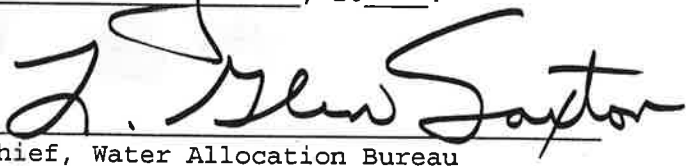
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05S	31E	36	NWNE 11	SWNE 40	Lot 2 (SENE) 9	
			NENW 27	NWNW 35	SWNW 40	
			SENE 40	NESW 40	NWSW 40	
			Lot 7 (SWSW) 40	Lot 6 (SESW) 39	Lot 3 (NESE) 4	
			NWSE 39	Lot 5 (SWSE) 33		437
				Total number of acres irrigated:		** 437

TRANSFER NO. 5600
WATER RIGHT NO(S). 35-02093/35-02107/35-04061

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. 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. Right 35-02093 is limited to the irrigation of 225.0 acres in the place of use described above in a single irrigation season.
- ** 7. Right 35-02107 is limited to the irrigation of 110.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 35-04061 is limited to the irrigation of 102.0 acres in the place of use described above in a single irrigation season.
- * 9. Rights 35-02093, 35-02107, and 35-04061 when combined shall not exceed a total diversion rate of 8.74 cfs, a total annual maximum diversion volume of 1748.0 af at the field headgate, and the irrigation of 437.0 acres.
10. All water rights within Basin 35 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
11. Two points of diversion are located within SENW, S36, T05S, R31E.

Dated this 14th day of February, 2000


Chief, Water Allocation Bureau

MEMORANDUM

TO: Rights 35-02093, 35-02107 & 35-04061

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5600

DATE: January 25, 2000

Transfer 5600 changes and adds a point of diversion, and changes the place of use under Rights 35-02093, 35-02107 and 35-04061. The applicant is replacing a collapsed well and may also want to drill a second well to provide the full authorized rate.

The place of use has been slightly modified from the acres recommended in the SRBA to reflect current land use and a removal of irrigated acres from Bureau of Reclamation land. I have contacted the Bureau of Reclamation requesting a release for this transfer from their lands and will hold the transfer from final processing until it has been received. The approved place of use includes an adjustment of one acre from the NWSE to the SESW to reflect actual irrigation on the applicant's property with the agreement of BOR and Jeffery Rau of Brockway Engineering who is acting as the agent of the applicant for this transfer.

Standard irrigation and stockwater volume was identified under each right. Recommended conditions include connected sources, combined right limits, drilling permit requirements, measuring & annual reporting, irrigation overlap, permissible place of use limits, and standard transfer conditions.

So 1/5/2000
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 300

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of applicant John Burusco Phone 208-397-4354
Post Office address 2445 West 1700 South Aberdeen, ID 83210

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point ☒ ~~Change place of use~~
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Need to drill a new well outside of the existing
1/4 1/4 section listed as the PD because the old well collapsed and is no longer
operational. New well location works better in servicing the entire PPU.
PPU is corrected to reflect adjudication claims & current land use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|------------------|-----------------------|-------------------|---------------------|
| <u>35-02093</u> | <u>4/3/1948</u> | <u>5.50</u> | <u>Irrigation</u> | <u>4/1 to 10/31</u> |
| <u>35-02107</u> | <u>9/3/1948</u> | <u>2.20</u> | <u>Irrigation</u> | <u>4/1 to 10/31</u> |
| <u>35-04061</u> | <u>5/20/1960</u> | <u>1.04</u> | <u>Irrigation</u> | <u>4/1 to 10/31</u> |
| <u>35-04061</u> | <u>5/20/1960</u> | <u>0.03</u> | <u>Stockwater</u> | <u>1/1 to 12/31</u> |
2. Total amount of water being transferred 8.74 cubic feet per second and/or 1,748 acre-feet per annum.
3. Source of water Groundwater tributary to n/a
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		NW	NW	36	5S	31E	Bingham	Well #1 (existing)
		NE	SW	36	5S	31E	Bingham	Well #2 (existing)
		NW	SW	36	5S	31E	Bingham	Well #3 (existing)
		SE	NW	36	5S	31E	Bingham	Well #4 (2 new wells)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	31E	36		11	40	9	27	35	40	40	40	40	40	38	4	40	33		437 *

PART 1

6. General Information:

a. Description of diversion system Groundwater wells, submersible pumps, & distribution mainline to sprinkler pivots and hand/wheel lines.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

PPU reflects existing PPU as claimed with the adjudication court files. No expansion of acres within the PPU is proposed. Adjustment of PPU from NE 1/4 SE 1/4 to SE 1/4 NE 1/4 per Bureau of Reclamation request. See letter to Harold Jones with explanation.

d. Remarks:

Location of new well estimated to be as shown in transfer application near the center of Section 36. Applicant wishes to reserve right to locate well within the adjacent sections if required. See 11/12/99 letter to Harold Jones.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5600

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 35-02093 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☒ Tax notice☐ Warranty Deed☐ Other _____

3. Source of water Groundwater tributary to n/a

4. Date of priority 04-03-1948

5. Water is used for the following purpose:

Amount 5.50 cfs for Irrigation purposes from 4/1 to 10/31
 Amount _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 5.50 cubic feet per second and/or 900 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	NW	36	5S	31E	Bingham	
	SE	NE	SW	36	5S	31E	Bingham	
	NW	NW	SW	36	5S	31E	Bingham	

8. Lands irrigated or place of use: SW NW NE Sec 36, 5S 31E, Bingham - Collapsed Well

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	31E	36		12	41	7.5	29	37	40	40	41	41	39	34	4.5	40	31		437

Limited to 225 acres within PPU.

Total acres 437

9. Describe any other water rights used for the same purpose as described above 35-02107, 35-04061

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5600

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-02107 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☒ Tax notice☐ Warranty Deed☐ Other _____

3. Source of water Groundwater tributary to n/a

4. Date of priority 09-03-1948

5. Water is used for the following purpose:

Amount 2.20 for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.20 cubic feet per second and/or 440 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	NW	36	5S	31E	Bingham	
	SE	NE	SW	36	5S	31E	Bingham	
	NW	NW	SW	36	5s	31E	Bingham	

8. Lands irrigated or place of use: PD = SW NW NE Sec 36, 5S 31E, Bingham - Collapsed Well

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	31E	36		12	41	7.5	29	37	40	40	41	41	39	34	4.5	40	41		437

Limited to 110 acres within PPU.

Total acres 437

9. Describe any other water rights used for the same purpose as described above 35-02093, 35-04061

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-04061 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☒ Tax notice☐ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to n/a4. Date of priority 05-20-1960

5. Water is used for the following purpose:

Amount 1.04 for Irrigation purposes from 04-01 to 10-31
(cfs/ac-ft)

Amount 0.03 for Stockwater purposes from 1/1 to 12/31
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.07 cubic feet per second and/or 408 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	NW	NW	36	5S	31E	Bingham	
	SE	NE	SW	36	5S	31E	Bingham	
	NW	NW	SW	36	5s	31E	Bingham	

8. Lands irrigated or place of use: PD = SW NW NE Sec 36, 5S 31E, Bingham - Collapsed Well

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5S	31E	36		12	41	7.5	29	37	40	40	41	41	39	34	4.5	40	41		437

Limited to 102 acres within PPU.

Total acres 4379. Describe any other water rights used for the same purpose as described above 35-02093, 35-02107

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5600

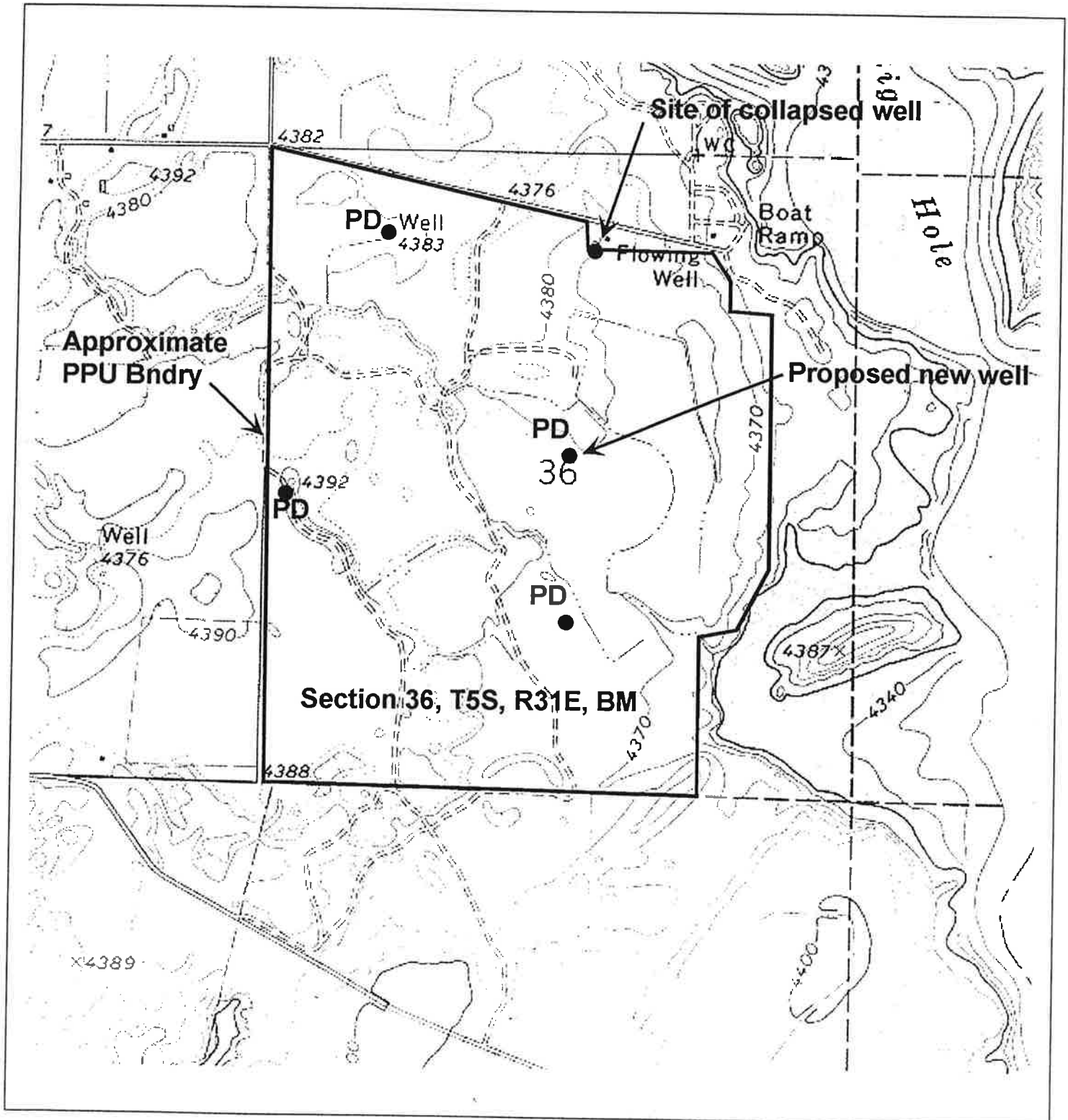
A. Draw a map or attach a

USGS map indicating the new

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: . Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount Hours/days/year Period of Use
 (cfs/ac-ft) _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge:
n/a
3. Describe the effects on other water uses resulting from the proposed change:
n/a

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Burns Farm by John Burns
 (Signature of Applicant)

Subscribed and sworn to before me this 8th day of November, 1999.

[Signature]
 (Notary Public)

My commission expires 6-18-2003

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and _____ attachments

Received by HLW Date 11-15-99

Protest filed by _____

Prelim. check by _____ Fee \$100.00

Received by HLW # E025464 Date 11-15-99

Published in Morning News

Copies of protest forwarded by _____

Pub. dates Dec 2 & 9th, 1999

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____