

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-23093

10/27/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BLACKBURN FARMS III LP 43940 W NORTH AVE FIREBAUGH, CA 93622
Original Owner	NMS LEASING INC BANK OF HAWAII ATTN: MS KIM YOSHIMOTO 130 MERCHANT ST HONOLULU, HI 96802 (808) 538-4737
Previous Owner	REDSTONE PARTNERS LP 1188 EAGLE VISTA CT RENO, NV 89511 (775) 560-2228
Security Interest	LOVAS TRUST 681 NORANTE COURT PLEASANTON, CA 94566
Trustee	MICHAEL LOVAS 681 NORANTE COURT PLEASANTON, CA 94566

Priority Date: 4/1/1984

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	2.650 CFS	611.1 AF
	<u>Total Diversion</u>		2.650 CFS	611.1 AF

Source and Point(s) of Diversion

GROUND WATER	NENENW	Sec. 20, Twp 01N, Rge 19E, BLAINE County
GROUND WATER	SWSNW	Sec. 28, Twp 01N, Rge 19E, BLAINE County
GROUND WATER	NWSWNW	Sec. 17, Twp 01N, 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	
01N	19E	17			38.0				31.0	40.0	40.0	13.0		26.0	11.0	40.0	40.0	22.0	301.0
01N	19E	20	39.0	38.5	19.0	40.0	7.0								35.0	1.3		13.0	192.8
01N	19E	21						10.0	9.0			24.0	36.0	1.2					80.2
								L8	L9			L11		L12					

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01N	19E	27	11.0	9.0	40.0	11.0			13.0	30.0	40.0	38.0	40.0	30.0	3.8	36.0	4.0		305.8
01N	19E	28			14.0	4.0	13.0	29.0	6.4	37.0	22.0			2.2	39.0	39.0	36.0	40.0	281.6
01N	19E	33	40.0	14.0		30.0													84.0
01N	19E	34					0.2	31.0	15.0										46.2

Right Acre Limit: 174.6

POU Total Acres: 1,291.6

Conditions of Approval:

1. E52 The rights listed below are limited to a total combined diversion rate of 19.65 cfs. Combined Right Nos.: 37-23090, 37-23091, 37-23092 and 37-23093.
2. Right Nos. 37-23083, 37-23084, 37-23085, 37-23086, 37-23087, 37-23088, 37-23089, 37-23090, 37-23091, 37-23092 and 37-23093 are limited to the irrigation of a combined total of 1291.6 acres in a single irrigation season.
3. The rights listed below are limited to a total combined diversion rate of 7.16 cfs. Combined Right Nos.: 37-23090 and 37-23093.
4. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
5. Right Nos. 37-23090, 37-23091, 37-23092 and 37-23093 are limited to the irrigation of a combined total of 1291.6 acres in a single irrigation season.
6. Total combined delivery at the field headgates (for surface water rights) and diversion at the wellheads (for ground water rights) for this right along with water right nos. 37-23083, 37-23084, 37-23085, 37-23086, 37-23087, 37-23088, 37-23089, 37-23090, 37-23091, 37-23092 and 37-23093 shall not exceed a total instantaneous rate of 25.8 cfs (which equates to 0.02 cfs per acre over the combined permissible places of use for these water rights totaling 1291.6 acres).
7. 104 If the surface water rights appurtenant to the place of use is 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.
8. K01 This right is an enlargement of Right 37-23090, 37-23091 & 37-23092 pursuant to Section 42-1426, Idaho Code.
9. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
10. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
11. Total volume of water delivered to the field from this right along with water right nos. 37-23083, 37-23084, 37-23085, 37-23086, 37-23087, 37-23088, 37-23089, 37-23090, 37-23091, 37-23092 and 37-23093 shall not exceed 4626.9 acre-feet per year (which equates to 3.5 acre-feet per acre over the combined permissible places of use for these water rights totaling 1291.6 acres).
12. X27 This right is limited to the irrigation of 174.6 acres within the place of use described above in a single irrigation season.
13. 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

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14. C03 sufficient to irrigate the place of use authorized under this right.
Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Comments:

1. jhersley 10/26/2017 split right
Split from 37-21463 due to change in ownership.
2. jhersley 10/26/2017 POD
Updated Shape
3. jhersley 10/26/2017 POU
Updated Shape

Dates and Other Information

Decreed Date: 1/14/2009
Enlargement Statute Priority Date: 4/12/1994
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 37
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		1,291.6
37-23083 ,37-23084 ,37-23085 ,37-23086 ,37-23087 ,37-23088 ,37-23089 ,37-23090 ,37-23091 ,37-23092 ,37-23093		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	19.7	1,291.6
37-23090 ,37-23091 ,37-23092 ,37-23093		

SubCase:

N/A

Water Supply Bank:

N/A