

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 37-23091**

10/27/2017

|                          |                                                                                                                        |
|--------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                                                         |
| Current Owner            | BLACKBURN FARMS III LP<br>43940 W NORTH AVE<br>FIREBAUGH, CA 93622                                                     |
| Original Owner           | NMS LEASING INC<br>BANK OF HAWAII<br>ATTN: MS KIM YOSHIMOTO<br>130 MERCHANT ST<br>HONOLULU, HI 96802<br>(808) 538-4737 |
| Original Owner           | K F HELLYER<br>HWY 68<br>GANNETT, ID 83329                                                                             |
| Previous Owner           | REDSTONE PARTNERS LP<br>1188 EAGLE VISTA CT<br>RENO, NV 89511<br>(775) 560-2228                                        |
| Security Interest        | LOVAS TRUST<br>681 NORANTE COURT<br>PLEASANTON, CA 94566                                                               |
| Trustee                  | MICHAEL LOVAS<br>681 NORANTE COURT<br>PLEASANTON, CA 94566                                                             |

**Priority Date:** 8/1/1960

**Basis:** Decreed

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| GROUND WATER         |                         |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 04/15                         | 10/31            | 3.610 CFS                    | 1,455.2 AF           |
|                              | <b><u>Total Diversion</u></b> |                  | 3.610 CFS                    | 1,455.2 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 |        |

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|     |     |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |
|-----|-----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| 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  |      |      |      |      |       |
| 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: 385.2

POU Total Acres: 1,291.6

**Conditions of Approval:**

1. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. E55 Right Nos. 37-23091 and 37-23092 are limited to the irrigation of a combined total of 757.9 acres in a single irrigation season.
3. 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).
4. 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.
5. X27 This right is limited to the irrigation of 385.2 acres within the place of use described above in a single irrigation season.
6. 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.
7. 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.
8. 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.
9. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
10. 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).
11. 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.
12. 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

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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.

**Comments:**

1. jhersley 10/26/2017 split right  
Split from 37-2638 due to change in ownership.
2. jhersley 10/26/2017 POD  
Updated Shape

**Dates and Other Information**

Decreed Date: 1/14/2009  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Mitigation Plan: False

**Combined Use Limits**

| <u>Rate</u>                                                                                                     | <u>Volume</u> | <u>Acres</u> |
|-----------------------------------------------------------------------------------------------------------------|---------------|--------------|
| 37-23083 ,37-23084 ,37-23085 ,37-23086 ,37-23087 ,37-23088 ,37-23089 ,37-23090<br>,37-23091 ,37-23092 ,37-23093 | 19.7          | 1,291.6      |
| 37-23090 ,37-23091 ,37-23092 ,37-23093                                                                          |               | 757.9        |

**SubCase:**

N/A

**Water Supply Bank:**

N/A