

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80345**

This is to certify that: **BLACKBURN FAMILY IRREVOCABLE TRUST A**
PO BOX 1168
KETCHUM, ID 83340

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
37-20835	WR/DECREED	6/14/1883	3.300 cfs	N/A	N/A	218.9	SILVER CREEK
37-267A	WR/DECREED	5/15/1884	2.000 cfs	N/A	N/A	325.0	SILVER CREEK
37-267B	WR/DECREED	5/15/1884	1.500 cfs	N/A	N/A	218.9	SILVER CREEK
37-317B	WR/DECREED	6/14/1883	1.500 cfs	N/A	N/A	325.0	SILVER CREEK
37-318A	WR/DECREED	6/14/1883	1.800 cfs	N/A	N/A	118.4	SILVER CREEK
37-319	WR/DECREED	5/15/1885	1.000 cfs	N/A	N/A	118.4	SILVER CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
37-20835	NO	NO	YES	YES	NO	NO
37-267A	NO	NO	YES	YES	NO	NO
37-267B	NO	NO	YES	YES	NO	NO
37-317B	NO	NO	YES	YES	NO	NO
37-318A	NO	YES	YES	YES	NO	NO
37-319	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
37-20835	37-20835	3.300 cfs	N/A	218.9	1308.0	N/A	N/A	N/A	N/A	N/A
37-267A	37-267A	2.000 cfs	N/A	325.0	1308.0	N/A	N/A	N/A	N/A	N/A
37-267B	37-267B	1.500 cfs	N/A	218.9	1308.0	N/A	N/A	N/A	N/A	N/A
37-317B	37-317B	1.500 cfs	N/A	325.0	1308.0	N/A	N/A	N/A	N/A	N/A
37-318A	37-318A	1.800 cfs	N/A	118.4	1308.0	N/A	N/A	N/A	N/A	N/A
37-319	37-319	1.000 cfs	N/A	118.4	1308.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		11.100 cfs	N/A	662.3	1308.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 80345

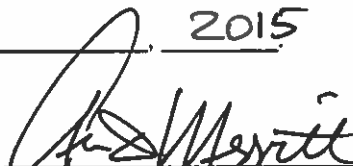
IN FILE # 37-267A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80345

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 11th day of December, 2015


Southern Region Manager



WATER RIGHT NO. 37-318A**As Modified by Transfer No. 80345**

In accordance with the approval of Transfer No. 80345, Water Right No. 37-318A is now described as follows:

Right Holder: BLACKBURN FAMILY IRREVOCABLE TRUST A
PO BOX 1168
KETCHUM, ID 83340

Priority Date: 6/14/1883

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
1.800 cfs
1.800 cfs

LOCATION OF POINT(S) OF DIVERSION

SILVER CREEK	SWSWNW	Sec 29 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	SEWNNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	NWSWNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	L3 (NENWSW)	Sec 31 Twp 02S Rge 21E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	30			40.0	40.0					38.0		15.0	42.0	37.0	39.0	34.0	40.0	325.0
													L 4						
02S	21E	31	40.0	36.0	37.0	38.0	42.0		41.0	40.0	38.0	38.0	37.0	37.0	40.0	38.0	38.0	19.0	559.0
									L 2				L 3	L 4					
02S	21E	32						37.0	21.0										58.0
03S	21E	6	35.0	38.0	37.0	40.0	37.0	32.0	29.0	39.0					40.0	39.0			366.0
			L 1	L 2			L 3	L 4	L 5										

Right Acre Limit: 118.4

POU Total Acres: 1308.0

CONDITIONS OF APPROVAL

1. 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.
2. 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(s).
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80345

WATER RIGHT NO. 37-318A
As Modified by Transfer No. 80345

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 118.4 acres within the authorized place of use in a single irrigation season.
5. Rights 37-318A and 37-319 when combined shall not exceed the irrigation of 118.4 acres.
6. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 when combined shall not exceed a total irrigation of 662.3 acres.
7. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 are limited to the irrigation of a specific 662.3 acres within the 1308 acre place of use authorized by these rights in a single irrigation season. The specific 662.3 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 662.3 acres to be irrigated within the 1308 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 37-319**As Modified by Transfer No. 80345**

In accordance with the approval of Transfer No. 80345, Water Right No. 37-319 is now described as follows:

Right Holder: BLACKBURN FAMILY IRREVOCABLE TRUST A
PO BOX 1168
KETCHUM, ID 83340

Priority Date: 5/15/1885

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
1.000 cfs
1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

SILVER CREEK	SWSWNW	Sec 29 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	SEWNNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	NWSWNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	L3 (NENWSW)	Sec 31 Twp 02S Rge 21E	BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	30			40.0	40.0					38.0		15.0	42.0	37.0	39.0	34.0	40.0	325.0
													L 4						
02S	21E	31	40.0	36.0	37.0	38.0	42.0		41.0	40.0	38.0	38.0	37.0	37.0	40.0	38.0	38.0	19.0	559.0
									L 2				L 3	L 4					
02S	21E	32						37.0	21.0										58.0
03S	21E	6	35.0	38.0	37.0	40.0	37.0	32.0	29.0	39.0					40.0	39.0			366.0
			L 1	L 2			L 3	L 4	L 5										

Right Acre Limit: 118.4

POU Total Acres: 1308.0

CONDITIONS OF APPROVAL

1. 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.
2. 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(s).
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80345

WATER RIGHT NO. 37-319

As Modified by Transfer No. 80345

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 118.4 acres within the authorized place of use in a single irrigation season.
5. Rights 37-318A and 37-319 when combined shall not exceed the irrigation of 118.4 acres.
6. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 when combined shall not exceed a total irrigation of 662.3 acres.
7. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 are limited to the irrigation of a specific 662.3 acres within the 1308 acre place of use authorized by these rights in a single irrigation season. The specific 662.3 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 662.3 acres to be irrigated within the 1308 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 37-267B
As Modified by Transfer No. 80345

In accordance with the approval of Transfer No. 80345, Water Right No. 37-267B is now described as follows:

Right Holder: BLACKBURN FAMILY IRREVOCABLE TRUST A
 PO BOX 1168
 KETCHUM, ID 83340

Priority Date: 5/15/1884

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
 IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
 1.500 cfs
 1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

SILVER CREEK	SWSWNW	Sec 29 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	SEWNNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	NWSWNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	L3 (NENWSW)	Sec 31 Twp 02S Rge 21E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	30			40.0	40.0					38.0		15.0	42.0	37.0	39.0	34.0	40.0	325.0
													L 4						
02S	21E	31	40.0	36.0	37.0	38.0	42.0		41.0	40.0	38.0	38.0	37.0	37.0	40.0	38.0	38.0	19.0	559.0
									L 2				L 3	L 4					
02S	21E	32						37.0	21.0										58.0
03S	21E	6	35.0	38.0	37.0	40.0	37.0	32.0	29.0	39.0					40.0	39.0			366.0
			L 1	L 2			L 3	L 4	L 5										

Right Acre Limit: 218.9

POU Total Acres: 1308.0

CONDITIONS OF APPROVAL

1. 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.
2. 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(s).
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80345

WATER RIGHT NO. 37-267B
As Modified by Transfer No. 80345

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 218.9 acres within the authorized place of use in a single irrigation season.
5. Rights 37-267B and 37-20835 when combined shall not exceed the irrigation of 218.9 acres.
6. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 when combined shall not exceed a total irrigation of 662.3 acres.
7. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 are limited to the irrigation of a specific 662.3 acres within the 1308 acre place of use authorized by these rights in a single irrigation season. The specific 662.3 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 662.3 acres to be irrigated within the 1308 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 37-20835**As Modified by Transfer No. 80345**

In accordance with the approval of Transfer No. 80345, Water Right No. 37-20835 is now described as follows:

Right Holder: BLACKBURN FAMILY IRREVOCABLE TRUST A
PO BOX 1168
KETCHUM, ID 83340

Priority Date: 6/14/1883

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
3.300 cfs
3.300 cfs

LOCATION OF POINT(S) OF DIVERSION

SILVER CREEK	SWSWNW	Sec 29 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	SEWNNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	NWSWNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	L3 (NENWSW)	Sec 31 Twp 02S Rge 21E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	30			40.0	40.0					38.0		15.0	42.0	37.0	39.0	34.0	40.0	325.0
													L4						
02S	21E	31	40.0	36.0	37.0	38.0	42.0		41.0	40.0	38.0	38.0	37.0	37.0	40.0	38.0	38.0	19.0	559.0
									L2				L3	L4					
02S	21E	32						37.0	21.0										58.0
03S	21E	6	35.0	38.0	37.0	40.0	37.0	32.0	29.0	39.0					40.0	39.0			366.0
			L1	L2			L3	L4	L5										

Right Acre Limit: 218.9

POU Total Acres: 1308.0

CONDITIONS OF APPROVAL

1. 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.
2. 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(s).
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 80345

WATER RIGHT NO. 37-20835
As Modified by Transfer No. 80345

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 218.9 acres within the authorized place of use in a single irrigation season.
5. Rights 37-267B and 37-20835 when combined shall not exceed the irrigation of 218.9 acres.
6. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 when combined shall not exceed a total irrigation of 662.3 acres.
7. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 are limited to the irrigation of a specific 662.3 acres within the 1308 acre place of use authorized by these rights in a single irrigation season. The specific 662.3 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 662.3 acres to be irrigated within the 1308 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 37-317B**As Modified by Transfer No. 80345**

In accordance with the approval of Transfer No. 80345, Water Right No. 37-317B is now described as follows:

Right Holder: BLACKBURN FAMILY IRREVOCABLE TRUST A
PO BOX 1168
KETCHUM, ID 83340

Priority Date: 6/14/1883

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
1.500 cfs
1.500 cfs

LOCATION OF POINT(S) OF DIVERSION

SILVER CREEK	SWSWNW	Sec 29 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	SEWNNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	NWSWNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	L3 (NENWSW)	Sec 31 Twp 02S Rge 21E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	30			40.0	40.0					38.0		15.0	42.0	37.0	39.0	34.0	40.0	325.0
													L 4						
02S	21E	31	40.0	36.0	37.0	38.0	42.0		41.0	40.0	38.0	38.0	37.0	37.0	40.0	38.0	38.0	19.0	559.0
									L 2				L 3	L 4					
02S	21E	32						37.0	21.0										58.0
03S	21E	6	35.0	38.0	37.0	40.0	37.0	32.0	29.0	39.0					40.0	39.0			366.0
			L 1	L 2			L 3	L 4	L 5										

Right Acre Limit: 325.0

POU Total Acres: 1308.0

CONDITIONS OF APPROVAL

1. 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.
2. 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(s).
3. 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.

Transfer No. 80345

WATER RIGHT NO. 37-317B
As Modified by Transfer No. 80345

CONDITIONS OF APPROVAL

4. This right is limited to the irrigation of 325 acres within the authorized place of use in a single irrigation season.
5. Rights 37-317B and 37-267A when combined shall not exceed the irrigation of 325 acres.
6. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 when combined shall not exceed a total irrigation of 662.3 acres.
7. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 are limited to the irrigation of a specific 662.3 acres within the 1308 acre place of use authorized by these rights in a single irrigation season. The specific 662.3 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 662.3 acres to be irrigated within the 1308 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

WATER RIGHT NO. 37-267A**As Modified by Transfer No. 80345**

In accordance with the approval of Transfer No. 80345, Water Right No. 37-267A is now described as follows:

Right Holder: BLACKBURN FAMILY IRREVOCABLE TRUST A
PO BOX 1168
KETCHUM, ID 83340

Priority Date: 5/15/1884

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

BENEFICIAL USE
IRRIGATION

From 04/15 **To** 10/31

Diversion Rate
2.000 cfs
2.000 cfs

LOCATION OF POINT(S) OF DIVERSION

SILVER CREEK	SWSWNW	Sec 29 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	SEWNNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	NWSWNE	Sec 31 Twp 02S Rge 21E	BLAINE County
SILVER CREEK	L3 (NENWSW)	Sec 31 Twp 02S Rge 21E	BLAINE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	21E	30			40.0	40.0					38.0		15.0	42.0	37.0	39.0	34.0	40.0	325.0
													L 4						
02S	21E	31	40.0	36.0	37.0	38.0	42.0		41.0	40.0	38.0	38.0	37.0	37.0	40.0	38.0	38.0	19.0	559.0
									L 2				L 3	L 4					
02S	21E	32						37.0	21.0										58.0
03S	21E	6	35.0	38.0	37.0	40.0	37.0	32.0	29.0	39.0					40.0	39.0			366.0
			L 1	L 2			L 3	L 4	L 5										

Right Acre Limit: 325.0

POU Total Acres: 1308.0

CONDITIONS OF APPROVAL

1. 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.
2. 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(s).
3. 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.

Transfer No. 80345

WATER RIGHT NO. 37-267A

As Modified by Transfer No. 80345

CONDITIONS OF APPROVAL

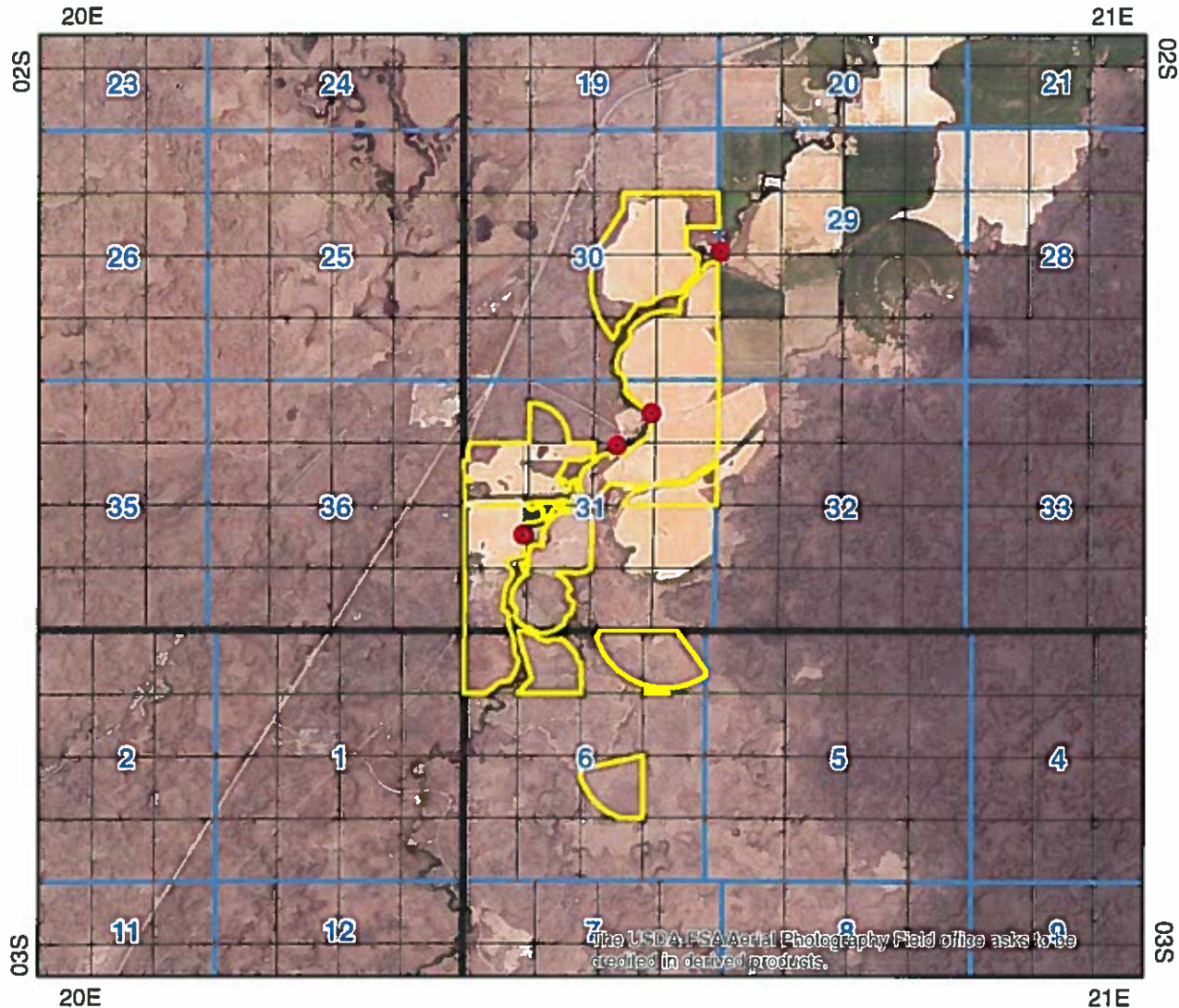
4. This right is limited to the irrigation of 325 acres within the authorized place of use in a single irrigation season.
5. Rights 37-317B and 37-267A when combined shall not exceed the irrigation of 325 acres.
6. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 when combined shall not exceed a total irrigation of 662.3 acres.
7. Rights 37-267A, 37-267B, 37-317B, 37-318A, 37-319, and 37-20835 are limited to the irrigation of a specific 662.3 acres within the 1308 acre place of use authorized by these rights in a single irrigation season. The specific 662.3 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 662.3 acres to be irrigated within the 1308 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

State of Idaho
Department of Water Resources

Attachment to Transfer No. 80345

Rights: 37-267A, 37-267B, 37-317B, 37-318A, 37-319 & 37-20835

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.45 0.9 1.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 11, 2015

BLACKBURN FAMILY IRREVOCABLE TRUST A
PO BOX 1168
KETCHUM ID 83340

Re: Transfer No: 80345
Water Right No(s): 37-267A, 37-267B, 37-317B, 37-318A, 37-319, 37-20835

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Regional Manager

Enclosure

cc:

BARKER ROSHOLT & SIMPSON LLP
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

KEVIN LAKEY WATER MASTER
WATER DISTRICT 37
107 W 1ST ST
SHOSHONE ID 83352

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80345

Water Right No(s): 37-267A, 37-267B, 37-317B, 37-318A, 37-319, 37-20835

**BLACKBURN FAMILY IRREVOCABLE TRUST A
PO BOX 1168
KETCHUM ID 83340**

**BARKER ROSHOLT & SIMPSON LLP
PAUL L ARRINGTON
195 RIVER VISTA PL STE 204
TWIN FALLS ID 83301-3029**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**KEVIN LAKEY WATER MASTER *Via e-mail*
WATER DISTRICT 37
107 W 1ST ST
SHOSHONE ID 83352**

A handwritten signature in black ink, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Walker, Benny

From: Skinner, Corey
Sent: Friday, December 04, 2015 8:55 AM
To: Walker, Benny
Subject: FW: Blackburn Transfer
Attachments: Blackburn Transfer.pdf; final ppu per qq.dbf; final ppu per qq.prj; final ppu per qq.sbn; final ppu per qq.sbx; final ppu per qq.shp; final ppu per qq.shp.xml; final ppu per qq.shx; POU 662.3 S.C.W.dbf; POU 662.3 S.C.W.prj; POU 662.3 S.C.W.sbn; POU 662.3 S.C.W.sbx; POU 662.3 S.C.W.shp; POU 662.3 S.C.W.shx

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Friday, December 04, 2015 8:05 AM
To: Skinner, Corey
Subject: RE: Blackburn Transfer

Corey,

There was an error on the transfer application for the Blackburn transfer. The four PODs were correctly identified on the submitted map but the transfer application descriptions were incorrect for one well. That description has been corrected.

At the request of IDWR the PPU map and the POU map have been updated.

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

From: Skinner, Corey [<mailto:Corey.Skinner@idwr.idaho.gov>]
Sent: Thursday, December 03, 2015 5:01 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>; Walker, Benny <Benny.Walker@idwr.idaho.gov>
Subject: RE: Blackburn Transfer

It looks like the sources on the application page need to be listed as Silver Creek instead of Groundwater. Could you also explain/request in some sort of e-mail or cover letter that these corrections (application page, maps, etc.) need to be made? Also it would help us speed things up on our end if you could e-mail the "206"/ 2015 irrigation shape (yellow lines).

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Thursday, December 03, 2015 3:31 PM
To: Skinner, Corey; Walker, Benny
Subject: Blackburn Transfer

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6176 / Virus Database: 4460/11064 - Release Date: 11/25/15

Internal Virus Database is out of date.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 17, 2015

Greg Sullivan
Brockway Engineering
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

Dear Mr. Sullivan:

IDWR is conducting the final review of water right transfer # 80345 that you filed on behalf of Blackburn Family Revocable Trust A. The application proposes creating a 1443 acre permissible place of use for six Silver Creek water rights on land southwest of Carey. During the final review, it was noted that there are issues with the proposed permissible place of use (PPU).

The land identified as part of the proposed PPU includes several areas that are not owned by the applicant according to the quitclaim deed that is included with the application. These areas are located along the west side of the proposed PPU. In addition, it was noted that several areas that cannot be irrigated are located within the proposed PPU. I have included a copy of a 2009 IDWR guidance letter relating to permissible places of use for your reference. Please note the guidance in the third paragraph of the second page of the letter relating to the *"exclusion of lands that will not be irrigated in the foreseeable future due to water features, lands with excessive slope, roadways and parking lots, or other obstacles that would prevent irrigation."* The department requests that the permissible place of use proposed by transfer # 80345 be adjusted to exclude the lands not owned by the applicant, Silver Creek, the Little Wood River, lava flows, roadways, buildings, driveways, etc.

Examination of the "206 map" that was included with the application also revealed a couple of items that you may want to consider. The area identified on the map as being irrigated within the PPU appears to exclude clearly irrigated areas within the SENW and NESW of Section 31. Examination of the department's water right records indicates that there does not appear to be any water rights that would cover this area.

If you have any questions, feel free to give me a call at your convenience.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Enclosure

cc: Paul Arrington w/o enclosures
Blackburn Family Irrevocable Trust A w/o enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 10, 2009

CHARLES E BROCKWAY PHD PE
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON STREET SUITE 4
TWIN FALLS ID 83301

RE: Applications for Transfer – KBCP LLC (35-2172) and Salmon Falls Land
and Cattle (2-7249 and 2-7462)

Dear Mr. Brockway:

I have received your letter dated July 20, 2009 regarding the transfer applications referenced above. In your letter you raised questions about Department policy for permissible places of use (PPU) and injury analysis using combined ESPA model reaches as applied to the transfer applications.

Permissible Place of Use (PPU)

You are correct in your understanding that the Department does authorize water rights where the acreage that can be irrigated in one season is limited within a larger defined PPU. The Department has limited written policy on the use of PPU descriptions and the practice has evolved over time as water right enforcement has increased. The PPU concept was originally adopted with the goal to provide some flexibility to the water right owner and avoid the requirement to file a transfer every time a place-of-use change was anticipated within an area where crops would be rotated under their farming operation.

As more water districts have been established since SRBA decrees have been issued, expectations have been raised to administer water rights based on those decrees. Experience has shown that it can be difficult to confirm compliance with acre limits within a PPU unless the watermaster or Department staff is notified of the location where irrigation is anticipated within the PPU. This is especially true where a PPU is significantly larger than the acres authorized to be irrigated in one season under the right(s).

To continue to allow flexibility to the water user without diminishing the Department's or watermaster's ability to administer the rights, the Department has recently applied conditions requiring those larger PPU's to clearly identify the acres intended for irrigation within the PPU and to provide notice to the Department when changes are anticipated. The Department has used the following condition on approvals:

attached to 11/17/2015 letter

This right is limited to the irrigation of a specific <00.0 acres> within the <00.0 acre> place of use authorized by this right in a single irrigation season. The specific <00.0 acres> to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the <00.0 acres> to be irrigated within the <00.0 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.

Another situation where a PPU might be requested is when the specific location of irrigated acres has not been finally determined within a larger planned project where irrigation may not be the primary purpose of the project (e.g. a 2-acre picnic area within a large industrial complex that covers multiple 40-acre tracts). An application providing for some alternate locations (not the entire complex) could be processed using a PPU. If approvable, the Department will condition a transfer approval to require the water right owner to report the as-built location and provide for an update of the Department's records to limit the place of use to the reported location. For a permit, the Department will confirm the as-built location when conducting a beneficial use field exam and issue a license where the use has been developed.

In your letter you also requested clarification of the need for a PPU to be limited to irrigable acres. Applicants often propose creation of a PPU to include all lands under their ownership, whether irrigable or not. Although a PPU based on ownership boundaries may be easier to describe, experience has shown that such descriptions create ambiguities for compliance efforts and can create complications when ownership changes occur that would split the water right(s). The Department is not intending to require the applicant (or the Department) to make a determination of irrigable acres for all lands within the PPU; however, it is reasonable to expect exclusion of lands that will not be irrigated in the foreseeable future due to water features, lands with excessive slope, roadways and parking lots, or other obstacles that would prevent irrigation. For a permit, the Department will confirm the irrigation locations when conducting a beneficial use field exam and issue a license limiting any PPU to those lands that have actually been part of the irrigation rotation.

Combining Reaches in ESPA Transfer Analysis

Your letter also asked for clarification of the use of combined ESPA model reaches for transfer injury analysis. You noted that former Director Tuthill indicated that utilization of the combined Near Blackfoot to Minidoka reach for determining Snake River reach depletion should be considered for transfer 75147. Transfer 75147 proposed a change in point of diversion from a well located just south of the upper part of American Falls Reservoir to a well located near the river just below the dam at American Falls Reservoir. The combination of the Near Blackfoot to Neeley reach with the Neeley to Minidoka reach was considered acceptable for injury analysis using the ESPA model due to the proximity of the wells to the river, the distance of the move, and location of existing points of diversion and priority dates for rights from the Snake River

Mr. Brockway
August 10, 2009
Page 3 of 3

within the reaches. Similar circumstances for the KBCP LLC transfer justify the same consideration.

I hope this letter provides the clarification you need to submit the applications to the Department for processing.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Spackman", written in a cursive style.

Gary Spackman
Interim Director

cc: Lyle Swank - Eastern Region IDWR
Allen Merritt - Southern Region IDWR
Shelley Keen - IDWR State Office

RECEIVED

SEP 14 2015

COPY OF NOTICE

AFFIDAVIT of PUBLICATION

State of Idaho
County of BlainePam MorrisDEPT OF WATER RESOURCES
SOUTHERN REGION

being the first day

sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 2 day of

Sept., 20 15, and the date of the last publication was

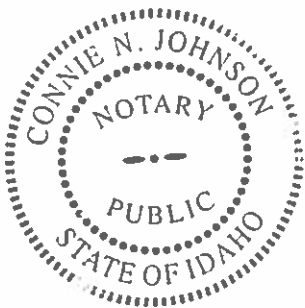
on the 9 day of Sept., 20 15

Pam Morris

Subscribed and sworn to before me this 9 day of

Sept., 20 15.

Connie N Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS

P.O. Box 1013

Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 49

Number of Insertions 3

49 Lines tabular at 45.08 9.0 cents/pica

98 Lines straight at 78.89 8.0 cents/pica

98 Subsequent lines at 78.89 7.0 cents/pica

TOTAL COST \$123.97

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

NOTICE OF PROPOSED CHANGE OF
WATER RIGHT
TRANSFER NO. 80345

BLACKBURN FAMILY IRREVOCABLE TRUST A, PO BOX 1168, KETCHUM, ID 83340; has filed Application No. 80345 for changes to the following water rights within BLAINE County(s): Right No(s). 37-20835, 37-267A, 37-267B, 37-317B, 37-318A, 37-319; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 1443 acre permissible place of use and adding points of diversion to six water rights from Silver Creek by describing four existing point of diversion. The transfer proposes diverting up to 11.1 cfs from the proposed points of diversion on Silver Creek for the irrigation of 662.3 acres within the permissible place of use located approximately 5.3 to 7.8 mi. south and 2.3 to 3.5 mi. west of the intersection of Hwy 93 and 20 in Carey.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 Addison Ave W Ste 500, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before September 21, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH

IDAHO MOUNTAIN EXPRESS

SEPT. 2 & 9, 2015

✓ OK DM
9-14-2015

RECEIVED

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

AUG 28 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Transfer Application No.: 80345

Water Right No(s): 37-20835, 37-267A, 37-267B,
37-317B, 37-318A, 37-319

Transfer Applicant's Name: BLACKBURN FAMILY IRREVOCABLE TRUST A
PO BOX 1168
KETCHUM, ID 83340

Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 28th day of August, 2015

Water District No. 37

Kevin Lelley

Watermaster's Signature

Kevin Lelley

Printed Name