

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 79046

This is to certify that: LLOYD R BARNES 2005 REVOCABLE TRUST  
206 POLO CLUB LANE  
BELLEVUE, ID 83313

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> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 37-2639B           | WR/DECREED          | 7/25/1966            | 0.799 cfs             | 73.5 af                 | N/A               | 21.0               | GROUND WATER  |

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

| <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>  |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|----------------|
| 37-21616           | WR/DECREED          | 7/1/1887             | 0.160 cfs             | N/A                     |                   | 3.3                | BIG WOOD RIVER |

Purpose of Transfer (Changes Proposed)

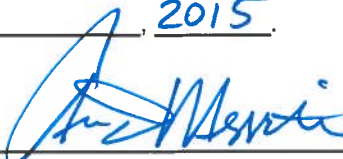
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-2639B              | YES          | YES        | NO         | NO             | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-2639B               | 37-22905                         | 0.310 cfs            | 28.7 af                | N/A               | 8.2                | 37-2639B                           | 0.490 cfs             | 44.8 af                 | N/A                         | 12.8                         |
| <b>COMBINED TOTALS</b> |                                  | <b>0.310 cfs</b>     | <b>28.7 af</b>         | <b>N/A</b>        | <b>8.2</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

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 12<sup>th</sup> day of March, 2015.

  
Southern Region Manager

**SUPPORT DATA**

**IN FILE # 37-2639B**

Transfer No. 79046

**WATER RIGHT NO. 37-2639B**  
**As Modified by Transfer No. 79046**

In accordance with the approval of Transfer No. 79046, Water Right No. 37-2639B is now described as follows:

**Right Holder:** BROADFORD POLO SUBDIVISION OWNERS ASSN  
C/O DON MILLER  
201 POLO CLUB LN  
BELLEVUE, ID 83313

**Priority Date:** 7/25/1966

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.490 cfs             | 44.8 af                 |
|                       |             |           | 0.490 cfs             | 44.8 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER                      NENE                      Sec 35 Twp 02N Rge 18E 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 |        |
| 02N | 18E | 35  | 6.4 |    |    | 6.4 |    |    |    |    |    |    |    |    |    |    |    |    | 12.8   |

POU Total Acres:                      12.8

**CONDITIONS OF APPROVAL**

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
2. Right Nos. 37-2639B and 37-21616 are limited to the irrigation of a combined total of 12.8 acres in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.

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# **WATER RIGHT NO. 37-22905**

## **As Modified by Transfer No. 79046**

In accordance with the approval of Transfer No. 79046, Water Right No. 37-22905 is now described as follows:

**Right Holder:** LLOYD R. BARNES REVOCABLE TRUST  
206 POLO CLUB LANE  
BELLEVUE, ID 83313

**Priority Date:** 7/25/1966

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 04/01       | to 11/01  | 0.310 cfs             | 28.7 af                 |
|                       |             |           | 0.310 cfs             | 28.7 af                 |

### **LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SENE Sec 35 Twp 02N Rge 18E 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 |        |
| 02N | 18E | 35  | 5.6 |    |    | 2.6 |    |    |    |    |    |    |    |    |    |    |    |    | 8.2    |

POU Total Acres: 8.2

### **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.
4. Place of use and point of diversion are located within Lot 8, Block 3, Broadford Polo Subdivision.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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**WATER RIGHT NO. 37-22905**  
**As Modified by Transfer No. 79046**

**CONDITIONS OF APPROVAL**

6. 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.
7. If the surface water right(s) appurtenant to the place of use is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), 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. The right holder shall accomplish the change authorized by this transfer within one (1) 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. 37-21616****As Modified by Transfer No. 79046**

In accordance with the approval of Transfer No. 79046, Water Right No. 37-21616 is now described as follows:

**Right Holder:** SUE ROTHER AND  
FRANCIS LIVINGSTON  
110 ELDERBERRY LN  
BELLEVUE, ID 83313

**Priority Date:** 7/1/1887

**Source:** BIG WOOD RIVER

**Tributary:** MALAD RIVER

**BENEFICIAL USE**

IRRIGATION  
STOCKWATER

**From**

04/15  
01/01

to 10/31  
to 12/31

**To****Diversion Rate**

0.160 cfs  
0.020 cfs  
0.160 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BIG WOOD RIVER

NENE

Sec 35 Twp 02N Rge 18E 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 |        |
| 02N | 18E | 35  | 3.3 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.3    |

POU Total Acres: 3.3

**PLACE OF USE: STOCKWATER**

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 18E | 35  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. 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.
2. 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.
3. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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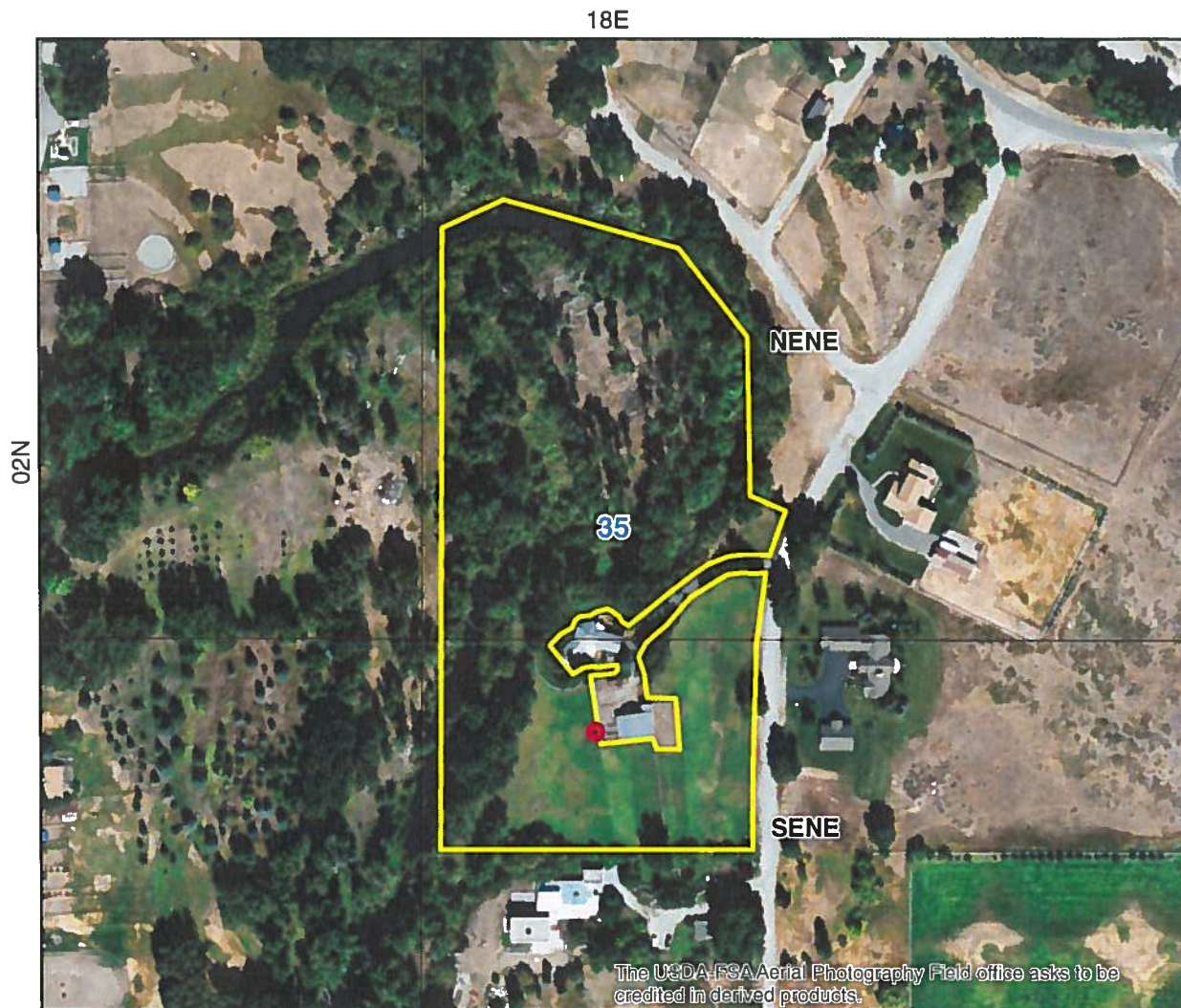
**WATER RIGHT NO. 37-21616**  
**As Modified by Transfer No. 79046**

**CONDITIONS OF APPROVAL**

4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. This right is a split from former right 37-21436 .
6. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
7. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
8. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
9. Right Nos. 37-2639B and 37-21616 are limited to the irrigation of a combined total of 12.8 acres in a single irrigation season.

State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79046**  
37-22905

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.



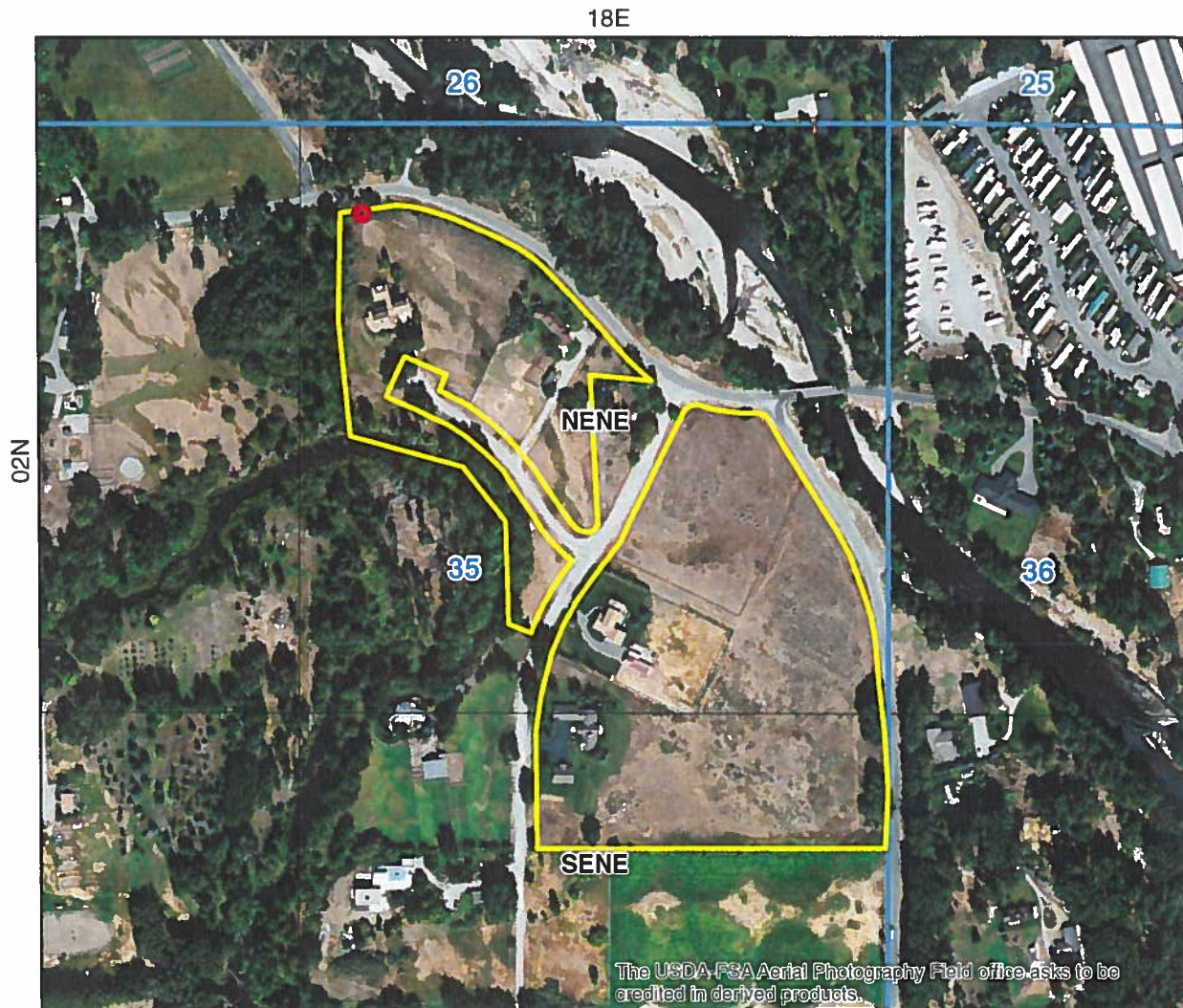
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.03 0.06 0.12 Miles



State of Idaho  
Department of Water Resources  
**Attachment To Transfer No. 79046**  
37-2639B

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
- Quarter Quarters

0 0.05 0.1 0.2 Miles

