

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR TRANSFER NO. 78283 IN THE	)	PRELIMINARY ORDER APPROVING
<u>NAME OF BUCKEYE FARMS</u>	)	APPLICATION FOR TRANSFER

On January 25, 1994, Buckeye Farms Inc. ("Buckeye") filed Application for Transfer No. 4930 with the Idaho Department of Water Resources ("Department"), proposing to change the place of use for water rights 36-15 and 36-18. As a result of the Department transitioning to new transfer processing software, the application was renumbered to Transfer No. 78283 in December 2012.

The transfer was advertised to the public beginning on October 23, 1996. Protests were filed by Aqua Life Inc. and Western Legends LC. Additionally individual protests were filed by Michael G. Branchflower ("Branchflower") and Verl C. Bell ("Bell").

Since 1996, the Department has delayed holding a formal hearing on the protests for this application in part while waiting for a final determination of the rights in the Snake River Basin Adjudication ("SRBA"). Several discussions with the parties common to this application and other applications for permit filed by Buckeye have been held resulting with a portion of the protests being withdrawn. On October 13, 1998, Western Legends LC withdrew its protest. On October 27, 2010, Branchflower withdrew his protest. On November 3, 2010 Aqua Life Inc. withdrew its protest.

Since November of 2010, three additional pre-hearing conferences were held by the Department between Buckeye and Bell. Based on the most recent pre-hearing conference held on May 22, 2013, the Department issued an agreed on Scheduling Order outlining a schedule for exchange of briefs and identifying issues to be addressed. Based on responses from the parties, the Department agreed to make a decision without formal hearing after September 2, 2013.

On July 17, 2013, Buckeye filed an amended transfer application that changed or clarified the location of the proposed place of use. On August 15, 2013, Bell withdrew his protest. On August 29, 2013, Buckeye filed Buckeye's rebuttal brief with the Department.

All protests have been withdrawn. Buckeye requests the application be approved based on the record created and the recent amendment filed on July 17, 2013.

FINDINGS OF FACT

1. On September 16, 1988, Spring Valley Ranch, Inc. ("Spring Valley") claimed in the SRBA water right 36-4 and others on 360 acres within the S½NE¼, SE¼NW¼ and SE¼ Section 23; and W½SW¼ Section 24, T07S, R13E.

2. On February 7, 1989, Buckeye deeded to Spring Valley the SW¼ of Section 23; N½NW¼, W½NE¼, NW¼SE¼, NE¼SW¼ and SE¼NW¼ of Section 26 all in T07S, R13E. The deed reserved rights 36-0003, 36-0015, 36-0016, 36-0017, permit 36-7740 and 36-7742 and 67.5 shares in the Big Bend Irrigation and Mining Co. Water right 36-18 was not listed.

3. On April 24, 1989, Buckeye claimed in the SRBA water rights 36-15 and 36-18 on 870 total acres within Sections 23, 26 and 35, T07S, R13E including the lands sold to Spring Valley listed above.

4. On December 29, 1989, Spring Valley amended its claim of water right 36-4 for irrigation of a total of 734.9 acres, including the lands purchased from Buckeye listed above.

5. On January 25, 1994, Buckeye filed Application for Transfer No. 4930 renumbered to Transfer No. 78283.

6. On October 10, 1995, Spring Valley deeded to Western Legends LC the lands referenced above including appurtenant right 36-4.

7. On March 6, 1997, water rights 36-15 and 36-18 were partially decreed in the name of Buckeye in the SRBA.

8. Water rights 36-15 and 36-18 authorize the irrigation of 483 acres in Sections 23, 26 and 35, T07S, R13E. Portions of the place of use for these water rights are on lands owned by Western Legends LC.

9. On July 22, 1999, water rights 36-4 and 36-15534 were partially decreed in the name of Western Legends LC in the SRBA with portions overlapping the place of use of water rights 36-15 and 36-18.

10. Water rights 36-4 and 36-15534 authorize the irrigation of 416 acres in Sections 23, 24 and 26, T07S, R13E.

11. The documents submitted by Buckeye in this proceeding establish that the place of use for water rights 36-4, 36-15 and 36-18 and historically overlapped:

"Buckeye Farms did use water from the Spring Valley ranches – including water right no. 36-04 at times when Spring Valley land had excess water. This water was rented or diverted from Spring Valley with their permission." *Aff. of John A. Burke* at ¶ 14.

“[Spring Valley] owns Right No. 36-0004 for 15 cfs of water with a priority date of September 10, 1884, for use on other lands owned by [Spring Valley] although water from said right has been used by [Buckeye] and [Budkeye’s] predecessors on the parcel which is the subject of this Agreement when not otherwise being used by [Spring Valley].” *Aff. of John A. Burke*, Ex. A at 3.

12. Buckeye participated in the SRBA objection resolution of water right 36-4 and signed the SRBA Standard Form 5 settlement document whereby it was agreed that water right 36-4 was historically used on the lands sold to Spring Valley listed above. The same lands where a portion of rights 36-15 and 36-18 are decreed.

13. Buckeye water rights 36-15 and 36-18 and Western Legends LC water rights 36-4 and 36-15534 were decreed in the SRBA as partial overlapping water rights.

14. Since 1999, water rights 36-4 and 36-15534 have been split by ownership and are no longer active. Water right 36-4 has been split into water rights 36-16831, 36-16832, 36-16833, 36-16834, 36-16885 and 36-16835. Water right 36-15534 has been split into water rights 36-16856 and 36-16857.

15. Water rights 36-15 and 36-18 currently overlap with active water rights 36-16831, 36-16834, 36-16856 and 36-16857.

16. The proposed place of use is similar in soil character the current place of use requiring similar amounts of water to irrigate using historical practices.

EVALUATION CRITERIA

1. Idaho Code § 42-222 sets forth the criteria used to evaluate transfer applications:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-202B, Idaho Code, the change will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates, and the new use is a beneficial use, which in the case of a municipal provider shall be satisfied if the water right is necessary to serve reasonably anticipated future needs as provided in this chapter.

2. The applicant bears the burden of proof for all of the factors listed in Section 42-222.

CONCLUSIONS OF LAW

1. Buckeye met its burden of proof for the review criteria set forth in Idaho Code § 42-222 for moving a portion of the rights. However, those portions of water rights 36-16 and 36-18 overlapping with water rights 36-4 and 36-15534 must be excluded from the transfer approval because if the portions of the rights that overlap other rights were allowed to be transferred it would be an enlargement of the use of the water and increase the overall number of acres irrigated in the area contrary to Idaho Code § 42-222. *Barron v. Idaho Dep't of Water Res.*, 135 Idaho 414, 420, 18 P.3d 219, 225 (2001) (If supplemental a water right is unstacked and moved to another tract, with the result that the two water rights would irrigate more land, “then there is an enlargement of the water right.”)

2.. In order to prevent enlargement of the water rights, the transfer approval should include only the portions of the rights that provide the primary source of water and include only the number of acres that do not overlap with other water rights.

3. Attachment “A” is a spreadsheet describing in detail what the Department determines, based on the best available information, what acres are primary and available to be moved without enlargement and what acres overlap with parent rights 36-4 and 36-15534.

ANALYSIS AND DISCUSSION

This application for transfer has been problematic due to the initial protests and its lengthy history in the SRBA. The issue of enlargement cannot be overlooked. Buckeye argues that unstacking water rights 36-15 and 36-18 from water right 36-4 would not result in an enlargement of the water rights but fails to show why it would not. The water rights were decreed as overlapping water rights. Unstacking overlapping water rights results in an enlargement of the water use contrary to Idaho Code § 42-222.

While Buckeye argues that there was an agreement in the SRBA between Buckeye and the Department that the Department would approve a transfer involving these water rights, there does not appear in the record a clear understanding or well documented agreement to resolve the overlapping acres issue through this transfer process. Moreover, even if there was such an agreement, it is clear that such a transfer would result in an enlargement in contravention of Idaho Code § 42-222. The Department cannot agree in the SRBA to approve a transfer that is contrary to Idaho Code.

To move this application to final disposition the Department is bifurcating water rights 36-15 and 36-18 into portions that may be moved without an issue of enlargement and reserving in place the portion of the water rights as they are currently determined to be overlapped. The portion of water right 36-15 allowed to be moved is designated as water right 36-16987. The portion remaining will keep the number 36-15. The portion of water right 36-18 allowed to be moved is designated as water right 36-16988. The portion remaining will keep the number 36-18. In determining overlapped acres no clear map has been found in the record. Attachment “A” documents the determination of primary verses overlapped or supplemental acres.

In approving Transfer No. 78283, the acres being moved are located within a permissible place of use similar to the amended place of use requested but limited by ownership of the land and only on tracts without other rights authorized for irrigation.

ORDER

IT IS HEREBY ORDERED that Application for Transfer No. 78283 in the name of Buckeye Farms Inc. is APPROVED in part and upon conditions as set forth in the attached "Approval of Transfer No. 78283".

Dated this 21st day of November, 2013.

A handwritten signature in black ink, appearing to read "Allen Merritt", is written over a horizontal line.

Allen Merritt
Southern Region Manager

Attachment A Transfer No. 78283

						Assumption 1		Assumption 2	
	Right No.	Priority	Source	CFS	Acres	CFS	Acres	CFS	Acres
Parent	36-15	3/8/1902	Weatherby Spring	6.50	483	6.50	483	6.50	483
Child	36-15					2.95	219	2.38	176.6
Child	36-16987					3.55	264	4.12	306.4
Parent	36-18	4/1/1917	Billingsley Creek	20.00	483	20.00	483	20.00	483
Child	36-18					9.07	219	7.31	176.6
Child	36-16988					10.93	264	12.69	306.4
Right 36-4						36-15534			
						Primary	Overlap	Primary	Overlap
Sec 23	NESW		32	5.6	5			26.4	5.6
	NWSW		35	32	32			3	32
	SWSW		40	34	34			6	34
	SESW		34	27	27			7	27
Sec 26	NENW		10	20	20			0	10
	NWNW		22	39	39			0	22
	SENW		21	38	38			0	21
	NESW		19	39	39			0	19
	SESW		16			16		16	
	NWSE		6	10	10			0	6
	SWSE		22			22		22	
	SESE		12			12		12	
Sec 35	NENE		8			8		8	
	NWNE		9			9		9	
	SWNE		38			38		38	
	SENE		9			9		9	
	NENW		15			15		15	
	NWNW		2			2		2	
	SENW		37			37		37	
	NESW		40			40		40	
	NESE		19			19		19	
	NWSE		37			37		37	
				483	244.6	264	219	306.4	176.6

Lands retained by Buckeye

Assumption 1 : Allow only acres decreed in tracts currently owned by Buckeye can be transferred. (Probably not a good assumption).

Assumption 2: Allow acres under Assumption 1 plus the decreed acres in tracts in excess of 36-4.

(Example Buckeye (32 acres) and 36-4 (5.6 acres) then allow 26.4 (32-5.6); if Buckeye < 36-4 then allow 0)

Attachment A Transfer No. 78283

						Assumption 1		Assumption 2	
	Right No.	Priority	Source	CFS	Acres	CFS	Acres	CFS	Acres
Parent	36-15	3/8/1902	Weatherby Spring	6.50	483	6.50	483	6.50	483
Child	36-15					2.95	219	2.38	176.6
Child	36-16987					3.55	264	4.12	306.4
Parent	36-18	4/1/1917	Billingsley Creek	20.00	483	20.00	483	20.00	483
Child	36-18					9.07	219	7.31	176.6
Child	36-16988					10.93	264	12.69	306.4
Right 36-4						36-15534			
						Primary	Overlap	Primary	Overlap
Sec 23	NESW	32	5.6		5			26.4	5.6
	NWSW	35	32		32			3	32
	SWSW	40	34		34			6	34
	SESW	34	27		27			7	27
Sec 26	NENW	10	20		20			0	10
	NWNW	22	39		39			0	22
	SENW	21	38		38			0	21
	NESW	19	39		39			0	19
	SESW	16				16		16	
	NWSE	6	10		10			0	6
	SWSE	22				22		22	
	SESE	12				12		12	
Sec 35	NENE	8				8		8	
	NWNE	9				9		9	
	SWNE	38				38		38	
	SENE	9				9		9	
	NENW	15				15		15	
	NWNW	2				2		2	
	SENW	37				37		37	
	NESW	40				40		40	
	NESE	19				19		19	
	NWSE	37				37		37	
		483	244.6			264	219	306.4	176.6
Lands retained by Buckeye									
Assumption 1 : Allow only acres decreed in tracts currently owned by Buckeye can be transferred. (Probably not a good assumption).									
Assumption 2: Allow acres under Assumption 1 plus the decreed acres in tracts in excess of 36-4.									
(Example Buckeye (32 acres) and 36-4 (5.6 acres) then allow 26.4 (32-5.6); if Buckeye < 36-4 then allow 0)									

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78283**

This is to certify that: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332

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>
36-15	WR/DECREED	3/8/1902	6.500 cfs	N/A	N/A	483.0	WEATHERBY SPRINGS
36-18	WR/DECREED	4/1/1917	20.000 cfs	N/A	N/A	483.0	BILLINGSLEY CREEK

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>
36-7740	WR/LICENSE	8/1/1977	6.500 cfs	4710.0 af		N/A	WEATHERBY SPRINGS
36-8728	WR/LICENSE	9/24/1987	6.500 cfs	763.0 af		N/A	WEATHERBY SPRINGS
36-7742	WR/LICENSE	8/1/1977	20.000 cfs	14500.0 af		N/A	BILLINGSLEY CREEK
36-8730	WR/LICENSE	9/24/1987	20.000 cfs	763.0 af		N/A	BILLINGSLEY CREEK
36-16831	WR/DECREED	9/10/1884	8.730 cfs	N/A	209.6	242.2	BILLINGSLEY CREEK
36-16834	WR/DECREED	9/10/1884	0.340 cfs	N/A	7.8	9.0	BILLINGSLEY CREEK
36-16856	WR/DECREED	2/15/1946	0.070 cfs	N/A	2.0	9.0	BILLINGSLEY CREEK
36-16857	WR/DECREED	2/15/1946	14.100 cfs	56.0 af	54.0	241.0	BILLINGSLEY 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>
36-15	YES	NO	YES	NO	NO	NO
36-18	YES	NO	YES	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>
36-15	36-16987	4.120 cfs	N/A	306.4	439.2	36-15	2.380 cfs	N/A	176.6	176.6
36-18	36-16988	12.690 cfs	N/A	306.4	439.2	36-18	7.310 cfs	N/A	176.6	176.6
COMBINED TOTALS		16.810 cfs	N/A	306.4	439.2		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 78283

IN FILE # 36-15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78283

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 21st day of November, 2013.


Southern Region Manager



WATER RIGHT NO. 36-15

As Modified by Transfer No. 78283

In accordance with the approval of Transfer No. 78283, Water Right No. 36-15 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332

Priority Date: 3/8/1902

Source: WEATHERBY SPRINGS **Tributary:** BILLINGSLEY CREEK

BENEFICIAL USE
IRRIGATION

From 2/15 **To** 11/30

Diversion Rate
2.380 cfs
2.380 cfs

LOCATION OF POINT(S) OF DIVERSION

WEATHERBY SPRINGS SENESW Sec 30 Twp 07S Rge 14E GOODING 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	
07S	13E	23									5.6	32.0	34.0	27.0					98.6
07S	13E	26					10.0	22.0		21.0	19.0					6.0			78.0

Right Acre Limit: 176.6

POU Total Acres: 176.6

CONDITIONS OF APPROVAL

1. Water is delivered through the Bar S Ditch, Curren Ditch and North pipeline.
2. Rights 36-15 and 36-18 when combined shall not exceed a total irrigation of 176.6 acres in any one season.
3. Rights 36-15, 36-18, 36-16857, 36-16831, 36-16856 and 36-16834 when combined shall not exceed a total irrigation of 251.2 acres in any one season.
4. Rights 36-16987, 36-00015, 36-08728 and 36-07740 when combined shall not exceed a total diversion rate of 6.5 cfs.
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.

WATER RIGHT NO. 36-16987 **As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-16987 is now described as follows:

Right Holder: BUCKEYE FARMS INC
 PO BOX 269
 HAGERMAN, ID 83332

Priority Date: 3/8/1902

Source: WEATHERBY SPRINGS **Tributary:** BILLINGSLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	2/15	to 11/30	4.120 cfs
			4.120 cfs

LOCATION OF POINT(S) OF DIVERSION

WEATHERBY SPRINGS SENESW Sec 30 Twp 07S Rge 14E GOODING 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	
07S	13E	26											39.0	39.0			33.0	26.0	137.0
07S	13E	27																9.4	9.4
07S	13E	34	7.3																7.3
07S	13E	35	3.5	38.0	40.0	13.0	40.0	17.0		40.0	33.0				22.0	39.0			285.5

Right Acre Limit: 306.4
 POU Total Acres: 439.2

CONDITIONS OF APPROVAL

1. Water is delivered through the Bar S Ditch, Curren Ditch and South Pipeline.
2. This right is limited to the irrigation of a specific 306.4 acres within the 439.2 acre place of use authorized by this right in a single irrigation season. The specific 306.4 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 306.4 acres to be irrigated within the 439.2 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.
3. Rights 36-16987 and 36-16988 when combined shall not exceed the irrigation of 306.4 acres in any irrigation season.

WATER RIGHT NO. 36-16987
As Modified by Transfer No. 78283

CONDITIONS OF APPROVAL

4. Rights 36-16987, 36-00015, 36-08728 and 36-07740 when combined shall not exceed a total diversion rate of 6.5 cfs.
5. 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. 36A.
6. 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).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 36-18**As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-18 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332

Priority Date: 4/1/1917

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 2/15 **To** 11/30

Diversion Rate
7.310 cfs
7.310 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NESWNE Sec 31 Twp 07S Rge 14E GOODING 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	
07S	13E	23									5.6	32.0	34.0	27.0					98.6
07S	13E	26					10.0	22.0		21.0	19.0					6.0			78.0

Right Acre Limit: 176.6

POU Total Acres: 176.6

CONDITIONS OF APPROVAL

1. Water is delivered through the Curren Ditch and North Pipeline.
2. Rights 36-15 and 36-18 when combined shall not exceed a total irrigation of 176.6 acres in any one season.
3. Rights 36-15, 36-18, 36-16857, 36-16831, 36-16856 and 36-16834 when combined shall not exceed a total irrigation of 251.2 acres in any one season.
4. Rights 36-16988, 36-00018, 36-08730 and 36-07742 when combined shall not exceed a total diversion rate of 20 cfs.
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.

WATER RIGHT NO. 36-16988
As Modified by Transfer No. 78283

In accordance with the approval of Transfer No. 78283, Water Right No. 36-16988 is now described as follows:

Right Holder: BUCKEYE FARMS INC
 PO BOX 269
 HAGERMAN, ID 83332

Priority Date: 4/1/1917

Source: BILLINGSLEY CREEK **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	2/15	to 11/30	12.690 cfs
			12.690 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NESWNE Sec 31 Twp 07S Rge 14E GOODING 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	
07S	13E	26											39.0	39.0			33.0	26.0	137.0
07S	13E	27																9.4	9.4
07S	13E	34	7.3																7.3
07S	13E	35	3.5	38.0	40.0	13.0	40.0	17.0		40.0	33.0				22.0	39.0			285.5

Right Acre Limit: 306.4

POU Total Acres: 439.2

CONDITIONS OF APPROVAL

1. Water is delivered through the Curren Ditch and South Pipeline.
2. This right is limited to the irrigation of a specific 306.4 acres within the 439.2 acre place of use authorized by this right in a single irrigation season. The specific 306.4 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 306.4 acres to be irrigated within the 439.2 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.
3. Rights 36-16987 and 36-16988 when combined shall not exceed the irrigation of 306.4 acres in any irrigation season.

Transfer No. 78283

WATER RIGHT NO. 36-16988
As Modified by Transfer No. 78283

CONDITIONS OF APPROVAL

4. Rights 36-16988, 36-00018, 36-08730 and 36-07742 when combined shall not exceed a total diversion rate of 20 cfs.
5. 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. 36A.
6. 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).
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 36-7740**As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-7740 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332

Priority Date: 8/1/1977

Source: WEATHERBY SPRINGS

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE
FISH PROPAGATION

From 01/01 **to** 12/31

Diversion Rate
6,500 cfs
6,500 cfs

Diversion Volume
4710.0 af
4710.0 af

LOCATION OF POINT(S) OF DIVERSION

WEATHERBY SPRINGS SENESW Sec 30 Twp 07S Rge 14E GOODING County

PLACE OF USE: FISH PROPAGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	34							X		X								
									L 7		L 3								

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
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.
3. Rights 36-16987, 36-00015, 36-08728 and 36-07740 when combined shall not exceed a total diversion rate of 6.5 cfs.
4. Use of water under this right shall be non-consumptive.
5. Water is delivered through Bar S Ditch and Curren Ditch.
6. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

WATER RIGHT NO. 36-8728**As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-8728 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332

Priority Date: 9/24/1987

Source: WEATHERBY SPRINGS

Tributary: BILLINGSLEY CREEK

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
AESTHETIC STORAGE	01/01	to 12/31		763.0 af
DIVERSION TO STORAGE	01/01	to 12/31	6.500 cfs	
RECREATION STORAGE	01/01	to 12/31		763.0 af
WILDLIFE STORAGE	01/01	to 12/31	6.500 cfs	763.0 af

LOCATION OF POINT(S) OF DIVERSION

WEATHERBY SPRINGS SENESW Sec 30 Twp 07S Rge 14E GOODING County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	27												X			X	X	
07S	13E	33			X	X									X	X		X	
																L 5			
07S	13E	33			X										X				
					L 4										L 10				
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35		X			X			X						X			

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	27												X			X	X	
07S	13E	33			X	X									X	X		X	
																L 5			
07S	13E	33			X										X				
					L 4										L 10				
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35		X			X			X						X			

WATER RIGHT NO. 36-8728**As Modified by Transfer No. 78283****PLACE OF USE: WILDLIFE STORAGE**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	27												X			X	X	
07S	13E	33			X	X									X	X		X	
																L 5			
07S	13E	33			X										X				
					L 4										L 10				
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35		X			X				X					X			

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
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.
3. Rights 36-16987, 36-00015, 36-07740 and 36-08728 when combined shall not exceed a total diversion rate of 6.5 cfs.
4. Rights 36-08729, 36-08730, 36-08335 and 36-08728 when combined shall not exceed a total annual maximum storage volume of 871 af.
5. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
6. Water is delivered through Bar S Ditch and Curren Ditch.

WATER RIGHT NO. 36-7742**As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-7742 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332

Priority Date: 8/1/1977

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
FISH PROPAGATION

From 01/01 **To** 12/31

Diversion Rate
20.000 cfs
20.000 cfs

Diversion Volume
14500.0 af
14500.0 af

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK

NESWNE

Sec 31 Twp 07S Rge 14E GOODING County

PLACE OF USE: FISH PROPAGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	34							X		X								
									L 7		L 3								

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
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.
3. Rights 36-16988, 36-00018, 36-08730 and 36-07742 when combined shall not exceed a total diversion rate of 20 cfs.
4. Use of water under this right shall be non-consumptive.
5. Water is delivered through Curren Ditch.
6. This right is subject to the agreement dated 7/18/88 between right holder and protestants to the extent such agreement covers matters within the jurisdiction of IDWR.
7. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.

Transfer No. 78283

WATER RIGHT NO. 36-8730**As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-8730 is now described as follows:

Right Holder: BUCKEYE FARMS INC
PO BOX 269
HAGERMAN, ID 83332

Priority Date: 9/24/1987

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

AESTHETIC STORAGE
DIVERSION TO STORAGE
RECREATION STORAGE
WILDLIFE STORAGE

From

01/01
01/01
01/01
01/01

to 12/31
to 12/31
to 12/31
to 12/31

Diversion Rate

20.000 cfs

20.000 cfs

Diversion Volume

763.0 af

763.0 af
763.0 af
763.0 af

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NESWNE Sec 31 Twp 07S Rge 14E GOODING County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	27												X			X	X	
07S	13E	33			X	X									X	X		X	
																L 5			
07S	13E	33			X										X				
					L 4										L 10				
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35		X			X			X						X			

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	27												X			X	X	
07S	13E	33			X	X									X	X		X	
																L 5			
07S	13E	33			X										X				
					L 4										L 10				
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35		X			X			X						X			

Transfer No. 78283

WATER RIGHT NO. 36-8730**As Modified by Transfer No. 78283****PLACE OF USE: WILDLIFE STORAGE**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	27												X			X	X	
07S	13E	33			X	X									X	X		X	
																L 5			
07S	13E	33			X										X				
					L 4										L 10				
07S	13E	34	X	X		X	X		X		X	X	X		X	X			
										L 3					L 1	L 2			
07S	13E	34							X			X	X						
									L 7			L 4	L 5						
07S	13E	35		X			X				X					X			

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
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.
3. Rights 36-16988, 36-00018, 36-07742 and 36-08730 when combined shall not exceed a total diversion rate of 20 cfs.
4. Rights 36-08335, 36-08728, 36-08729 and 36-08730 when combined shall not exceed a total annual storage volume of 871 af.
5. The uses of water under this right are for private fishing, hunting and aesthetic ponds.
6. This right is subject to the agreement dated 7/18/88 between right holder & protestants to the extent such agreement covers matters within the jurisdiction of IDWR.
7. Water is delivered through Curren Ditch.

WATER RIGHT NO. 36-16831**As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-16831 is now described as follows:

Right Holder: OLD CURRAN RANCH LLC
PO BOX 3398
HAILEY, ID 83333

Priority Date: 9/10/1884

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

02/15
01/01

to 11/30
to 12/31

To**Diversion Rate**

8.730 cfs
0.030 cfs
8.730 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK

NESWNE

Sec 31 Twp 07S Rge 14E GOODING 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	
07S	13E	23									5.0	32.0	34.0	27.0		0.2	0.8	0.2	99.2
07S	13E	26			6.0		20.0	30.0		38.0	39.0					10.0			143.0

Right Acre Limit: 209.6

POU Total Acres: 242.2

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	23														X			

WATER RIGHT NO. 36-16831
As Modified by Transfer No. 78283

CONDITIONS OF APPROVAL

1. The operation and administration of this water right is also subject to the terms and conditions of the following contractual agreement: The water right agreement entered into on September 16, 1998, between Western Legends LC and The Magic Valley Ground Water District, North Snake Ground Water District, American Falls-Aberdeen Ground Water District, Bingham Ground Water District, The Idaho Ground Water Appropriators, Inc., and Cranney Bros., filed of record in the office of the Gooding County clerk and recorded on September 28, 1998, as instrument No. 177310; the provisions of such agreement (including, without limitation, paragraphs 4.A – 4.F, 5 and 7 thereof) to apply fully to this water right notwithstanding the fact that the agreement may contain references to source of water for this right, acres, priority dates, or other matters of that differ from those specified herein.
2. Water is delivered through the Curren Ditch.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 209.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-16857 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 242.2 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. Rights 36-15, 36-18, 36-16857, 36-16831, 36-16856 and 36-16834 when combined shall not exceed a total irrigation of 251.2 acres in any one season.
6. USE OF THIS RIGHT WITH RIGHT NO. 36-16857 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.73 CFS.
7. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

WATER RIGHT NO. 36-16834**As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-16834 is now described as follows:

Right Holder: WESTERN LEGENDS LC
C/O WILLIAM LEHMAN
PO BOX 764
KETCHUM, ID 83340

Priority Date: 9/10/1884

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

02/15
01/01

to 11/30
to 12/31

To**Diversion Rate**

0.340 cfs
0.040 cfs
0.340 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NESWNE Sec 31 Twp 07S Rge 14E GOODING 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	
07S	13E	26							9.0										9.0

Right Acre Limit: 7.8

POU Total Acres: 9.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	23														X			

CONDITIONS OF APPROVAL

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 7.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-16856 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 9 ACRES IN A SINGLE IRRIGATION SEASON.
2. Water is delivered through the Curren Ditch.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Transfer No. 78283

WATER RIGHT NO. 36-16834

As Modified by Transfer No. 78283

CONDITIONS OF APPROVAL

4. Rights 36-15, 36-18, 36-16857, 36-16831, 36-16856 and 36-16834 when combined shall not exceed a total irrigation of 251.2 acres in any one season.
5. USE OF THIS RIGHT WITH RIGHT NO. 36-16856 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .34 CFS.
6. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.
7. The operation and administration of this water right is also subject to the terms and conditions of the following contractual agreement: The water right agreement entered into on September 16, 1998, between Western Legends LC and The Magic Valley Ground Water District, North Snake Ground Water District, American Falls-Aberdeen Ground Water District, Bingham Ground Water District, The Idaho Ground Water Appropriators, Inc., and Cranney Bros., filed of record in the office of the Gooding County clerk and recorded on September 28, 1998, as instrument No. 177310; the provisions of such agreement (including, without limitation, paragraphs 4.A – 4.F, 5 and 7 thereof) to apply fully to this water right notwithstanding the fact that the agreement may contain references to source of water for this right, acres, priority dates, or other matters of that differ from those specified herein.

WATER RIGHT NO. 36-16856
As Modified by Transfer No. 78283

In accordance with the approval of Transfer No. 78283, Water Right No. 36-16856 is now described as follows:

Right Holder: WESTERN LEGENDS LC
C/O WILLIAM LEHMAN
PO BOX 764
KETCHUM, ID 83340

Priority Date: 2/15/1946

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From 02/15 to **To** 11/30

Diversion Rate
0.070 cfs
0.070 cfs

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NESWNE Sec 31 Twp 07S Rge 14E GOODING 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	
07S	13E	26						9.0											9.0

Right Acre Limit: 2.0

POU Total Acres: 9.0

CONDITIONS OF APPROVAL

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 2.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-16834 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 11.2 ACRES IN A SINGLE IRRIGATION SEASON.
2. Water is delivered through the Curren Ditch.
3. The operation and administration of this water right is also subject to the terms and conditions of the following contractual agreement: The water right agreement entered into on September 16, 1998, between Western Legends LC and The Magic Valley Ground Water District, North Snake Ground Water District, American Falls-Aberdeen Ground Water District, Bingham Ground Water District, The Idaho Ground Water Appropriators, Inc., and Cranney Bros., filed of record in the office of the Gooding County clerk and recorded on September 28, 1998, as instrument No. 177310; the provisions of such agreement (including, without limitation, paragraphs 4.A – 4.F, 5 and 7 thereof) to apply fully to this water right notwithstanding the fact that the agreement may contain references to source of water for this right, acres, priority dates, or other matters of that differ from those specified herein.

Transfer No. 78283

WATER RIGHT NO. 36-16856
As Modified by Transfer No. 78283

CONDITIONS OF APPROVAL

4. USE OF THIS RIGHT WITH RIGHT NO. 36-16834 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .42 CFS.
5. Rights 36-15, 36-18, 36-16857, 36-16831, 36-16856 and 36-16834 when combined shall not exceed a total irrigation of 251.2 acres in any one season.



WATER RIGHT NO. 36-16857**As Modified by Transfer No. 78283**

In accordance with the approval of Transfer No. 78283, Water Right No. 36-16857 is now described as follows:

Right Holder: OLD CURRAN RANCH LLC
PO BOX 3398
HAILEY, ID 83333

Priority Date: 2/15/1946

Source: BILLINGSLEY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
DIVERSION TO STORAGE
IRRIGATION
WILDLIFE
WILDLIFE STORAGE

From	To	Diversion Rate	Diversion Volume
01/01	to 12/31	14.100 cfs	
02/15	to 11/30	1.950 cfs	
01/01	to 12/31	14.100 cfs	
01/01	to 12/31		56.0 af
		14.100 cfs	56.0 af

LOCATION OF POINT(S) OF DIVERSION

BILLINGSLEY CREEK NESWNE Sec 31 Twp 07S Rge 14E GOODING 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	
07S	13E	23									5.0	32.0	34.0	27.0					98.0
07S	13E	26			6.0		20.0	30.0		38.0	39.0					10.0			143.0

Right Acre Limit: 54.0

POU Total Acres: 241.0

PLACE OF USE: WILDLIFE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	23															X		
07S	13E	26								X									

PLACE OF USE: WILDLIFE STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	13E	23															X		
07S	13E	26								X									

WATER RIGHT NO. 36-16857
As Modified by Transfer No. 78283

CONDITIONS OF APPROVAL

1. The operation and administration of this water right is also subject to the terms and conditions of the following contractual agreement: The water right agreement entered into on September 16, 1998, between Western Legends LC and The Magic Valley Ground Water District, North Snake Ground Water District, American Falls-Aberdeen Ground Water District, Bingham Ground Water District, The Idaho Ground Water Appropriators, Inc., and Cranney Bros., filed of record in the office of the Gooding County clerk and recorded on September 28, 1998, as instrument No. 177310; the provisions of such agreement (including, without limitation, paragraphs 4.A – 4.F, 5 and 7 thereof) to apply fully to this water right notwithstanding the fact that the agreement may contain references to source of water for this right, acres, priority dates, or other matters of that differ from those specified herein. GROUNDWATER USERS ARE NOT BOUND BY, OR IN ANY WAY SUBJECT TO, THIS APRIL ____, 1999, AGREEMENT.
2. Water is delivered through the Curren Ditch.
3. STORAGE CAPACITY 56.0 AF.
USE OF THIS RIGHT WITH RIGHT NO. 36-16831 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.73 CFS.
4. Rights 36-15, 36-18, 36-16857, 36-16831, 36-16856 and 36-16834 when combined shall not exceed a total irrigation of 251.2 acres in any one season.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 54.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-16831 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 242.2 ACRES IN A SINGLE IRRIGATION SEASON.

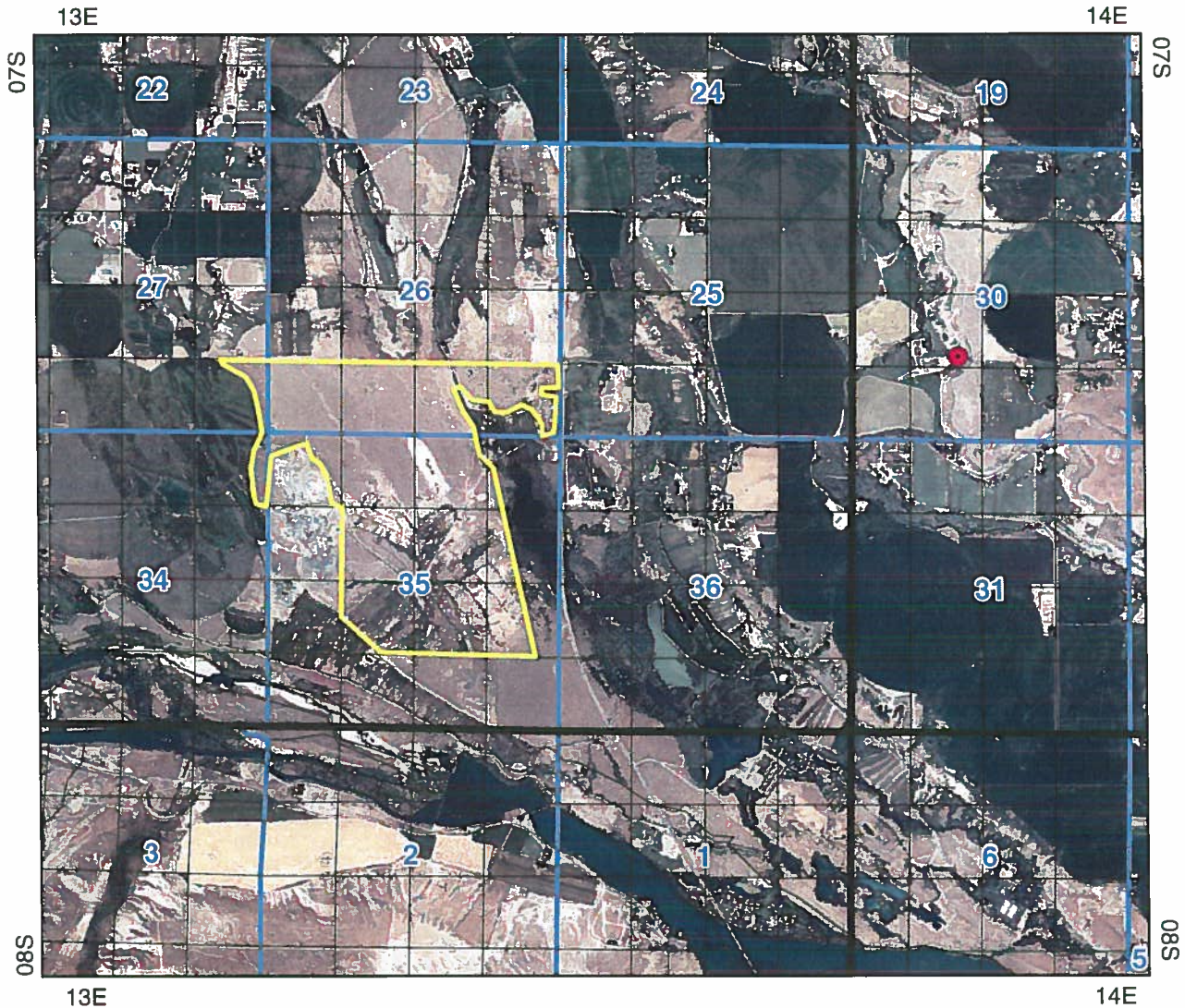
State of Idaho
Department of Water Resources

Attachment To Transfer No. 78283

Right: 36-16987

Limited to 306.4 acres within 439.2 acre Place of Use Boundary shown

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 0.375 0.75 1.5 Miles



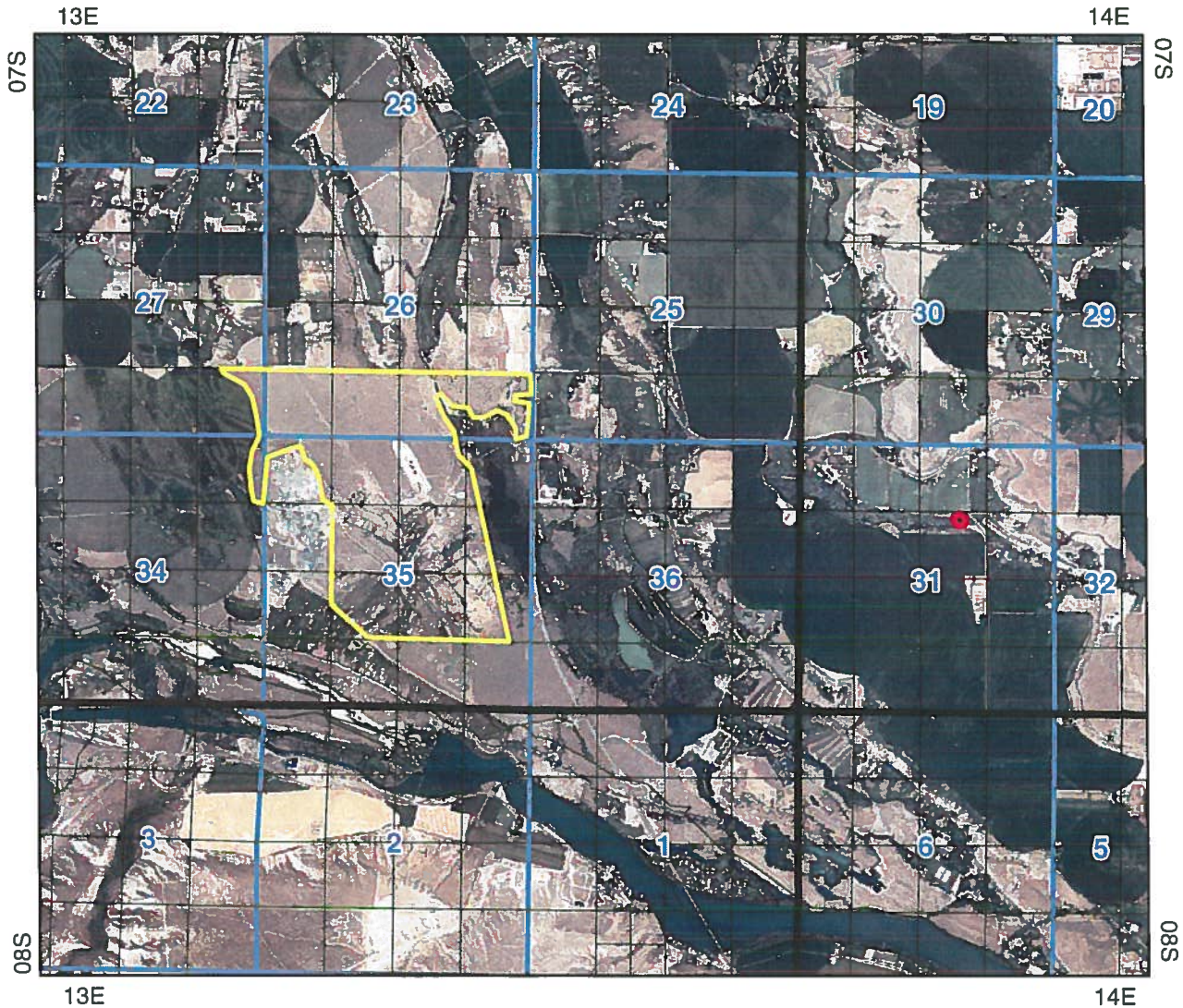
State of Idaho
Department of Water Resources

Attachment To Transfer No. 78283

Right: 36-16988

Limited to 306.4 acres within 439.2 acre Place of Use Boundary shown

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 0.425 0.85 1.7 Miles

