

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78759**

This is to certify that: **BROWN RANCH INC
247 GLENDALE RD
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>
37-22220	WR/DECREED	5/2/1884	0.110 cfs	N/A	N/A	9.4	BIG WOOD RIVER
37-22222	WR/DECREED	7/15/1887	0.140 cfs	N/A	N/A	9.4	BIG WOOD RIVER
37-22224	WR/DECREED	8/9/1899	0.110 cfs	N/A	N/A	9.4	BIG WOOD RIVER
37-22226	WR/DECREED	6/1/1901	0.060 cfs	N/A	N/A	9.4	BIG WOOD RIVER
37-22228	WR/DECREED	6/10/1887	0.030 cfs	N/A	3.0	9.4	BIG WOOD RIVER
37-43C	WR/DECREED	6/1/1891	0.590 cfs	N/A	N/A	20.0	BIG WOOD RIVER
37-562A	WR/DECREED	5/10/1887	2.360 cfs	N/A	N/A	44.0	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>
37-22220	NO	NO	YES	NO	NO	NO
37-22222	NO	NO	YES	NO	NO	NO
37-22224	NO	NO	YES	NO	NO	NO
37-22226	NO	NO	YES	NO	NO	NO
37-22228	NO	NO	YES	NO	NO	NO
37-43C	YES	NO	YES	NO	NO	NO
37-562A	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>
37-22220	37-22220	0.110 cfs	N/A	9.4	240.0	N/A	N/A	N/A	N/A	N/A
37-22222	37-22222	0.140 cfs	N/A	9.4	240.0	N/A	N/A	N/A	N/A	N/A
37-22224	37-22224	0.110 cfs	N/A	9.4	240.0	N/A	N/A	N/A	N/A	N/A
37-22226	37-22226	0.060 cfs	N/A	9.4	240.0	N/A	N/A	N/A	N/A	N/A
37-22228	37-22228	0.030 cfs	N/A	3.0	240.0	N/A	N/A	N/A	N/A	N/A
37-43C	37-22836	0.120 cfs	N/A	4.0	240.0	37-43C	0.470 cfs	N/A	N/A	16.0
37-562A	37-22833	2.150 cfs	N/A	40.0	240.0	37-562A	0.210 cfs	N/A	N/A	4.0
COMBINED TOTALS		2.720 cfs	N/A	53.4	240.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 78759

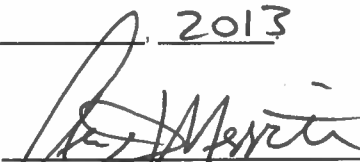
IN FILE # 37-43C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78759

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 22nd day of October, 2013



Southern Region Manager



WATER RIGHT NO. 37-22220**As Modified by Transfer No. 78759**

In accordance with the approval of Transfer No. 78759, Water Right No. 37-22220 is now described as follows:

Right Holder: BROWN RANCH INC
247 GLENDALE RD
BELLEVUE, ID 83313

Priority Date: 5/2/1884

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.110 cfs
0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SESW Sec 12 Twp 01N Rge 18E 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	
01N	18E	21	40.0			40.0					40.0	40.0							160.0
01N	18E	22						26.0	27.0			27.0							80.0
01N	18E	22																	

Right Acre Limit: 9.4

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. This right is a split from former right 37-203 .
2. This right is limited to the irrigation of 9.4 acres within the authorized place of use in a single irrigation season.
3. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined are limited to the irrigation of a specific 53.4 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 53.4 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 53.4 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and a representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Rights 37-22220, 37-22222, 37-22224, 37-22226 and 37-22228 when combined shall not exceed the irrigation of 9.4 acres.

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WATER RIGHT NO. 37-22220
As Modified by Transfer No. 78759

CONDITIONS OF APPROVAL

5. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined shall not exceed a total diversion rate of 2.61 cfs delivered at the head of the Glendale Canal and the irrigation of 53.4 acres.
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. 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.
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. 37-22222 **As Modified by Transfer No. 78759**

In accordance with the approval of Transfer No. 78759, Water Right No. 37-22222 is now described as follows:

Right Holder: BROWN RANCH INC
 247 GLENDALE RD
 BELLEVUE, ID 83313

Priority Date: 7/15/1887

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.140 cfs
 0.140 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SESW Sec 12 Twp 01N Rge 18E 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	
01N	18E	21	40.0			40.0					40.0	40.0							160.0
01N	18E	22						26.0	27.0			27.0							80.0
01N	18E	22																	

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. This right is a split from former right 37-204 .
2. This right is limited to the irrigation of 9.4 acres within the authorized place of use in a single irrigation season.
3. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined are limited to the irrigation of a specific 53.4 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 53.4 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 53.4 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and a representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Rights 37-22220, 37-22222, 37-22224, 37-22226 and 37-22228 when combined shall not exceed the irrigation of 9.4 acres.

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WATER RIGHT NO. 37-22222
As Modified by Transfer No. 78759

CONDITIONS OF APPROVAL

5. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined shall not exceed a total diversion rate of 2.61 cfs delivered at the head of the Glendale Canal and the irrigation of 53.4 acres.s.
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. 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.
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. 37-22224**As Modified by Transfer No. 78759**

In accordance with the approval of Transfer No. 78759, Water Right No. 37-22224 is now described as follows:

Right Holder: BROWN RANCH INC
247 GLENDALE RD
BELLEVUE, ID 83313

Priority Date: 8/9/1899

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.110 cfs
0.110 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SESW Sec 12 Twp 01N 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	
01N	18E	21	40.0			40.0					40.0	40.0							160.0
01N	18E	22						26.0	27.0			27.0							80.0
01N	18E	22																	

Right Acre Limit: 9.4

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. This right is a split from former right 37-205 .
2. This right is limited to the irrigation of 9.4 acres within the authorized place of use in a single irrigation season.
3. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined are limited to the irrigation of a specific 53.4 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 53.4 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 53.4 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and a representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Rights 37-22220, 37-22222, 37-22224, 37-22226 and 37-22228 when combined shall not exceed the irrigation of 9.4 acres.

Transfer No. 78759

WATER RIGHT NO. 37-22224
As Modified by Transfer No. 78759

CONDITIONS OF APPROVAL

5. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined shall not exceed a total diversion rate of 2.61 cfs delivered at the head of the Glendale Canal and the irrigation of 53.4 acres.
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. 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.
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. 37-22226**As Modified by Transfer No. 78759**

In accordance with the approval of Transfer No. 78759, Water Right No. 37-22226 is now described as follows:

Right Holder: BROWN RANCH INC
247 GLENDALE RD
BELLEVUE, ID 83313

Priority Date: 6/1/1901

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.060 cfs
0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SESW Sec 12 Twp 01N 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	
01N	18E	21	40.0			40.0					40.0	40.0							160.0
01N	18E	22						26.0	27.0			27.0							80.0
01N	18E	22																	

Right Acre Limit: 9.4

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. This right is a split from former right 37-206 .
2. This right is limited to the irrigation of 9.4 acres within the authorized place of use in a single irrigation season.
3. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined are limited to the irrigation of a specific 53.4 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 53.4 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 53.4 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and a representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Rights 37-22220, 37-22222, 37-22224, 37-22226 and 37-22228 when combined shall not exceed the irrigation of 9.4 acres.

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WATER RIGHT NO. 37-22226
As Modified by Transfer No. 78759

CONDITIONS OF APPROVAL

5. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined shall not exceed a total diversion rate of 2.61 cfs delivered at the head of the Glendale Canal and the irrigation of 53.4 acres.
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. 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.
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. 37-562A**As Modified by Transfer No. 78759**

In accordance with the approval of Transfer No. 78759, Water Right No. 37-562A is now described as follows:

Right Holder: BROWN RANCH INC
247 GLENDALE RD
BELLEVUE, ID 83313

Priority Date: 5/10/1887

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION
MITIGATION

From

04/15
04/15

to 10/31
to 10/31

To**Diversion Rate**

0.200 cfs
0.010 cfs
0.210 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

SESW

Sec 12 Twp 01N Rge 18E 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	
01N	18E	22						4.0											4.0
01N	18E	22																	

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. This right shall be charged a loss of 0.01 cfs for mitigation purposes to be left in the river.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 37.
3. 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. 37-22833
As Modified by Transfer No. 78759

In accordance with the approval of Transfer No. 78759, Water Right No. 37-22833 is now described as follows:

Right Holder: BROWN RANCH INC
 247 GLENDALE RD
 BELLEVUE, ID 83313

Priority Date: 5/10/1887

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE

IRRIGATION
 MITIGATION

From

04/15
 04/15

to

10/31
 to 10/31

To

Diversion Rate

2.040 cfs
 0.110 cfs
 2.150 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER

SESW

Sec 12 Twp 01N Rge 18E 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	
01N	18E	21	40.0			40.0					40.0	40.0							160.0
01N	18E	22						26.0	27.0			27.0							80.0

Right Acre Limit: 40.0

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. This right shall be charged a loss of 0.11 cfs for mitigation purposes to be left in the river.
2. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined are limited to the irrigation of a specific 53.4 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 53.4 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 53.4 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and a representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. This right is limited to the irrigation of 40.0 acres within the authorized place of use in a single irrigation season.

WATER RIGHT NO. 37-22833
As Modified by Transfer No. 78759

CONDITIONS OF APPROVAL

4. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined shall not exceed a total diversion rate of 2.61 cfs delivered at the head of the Glendale Canal and the irrigation of 53.4 acres.
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. 37.
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 diversions.
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. 37-43C

As Modified by Transfer No. 78759

In accordance with the approval of Transfer No. 78759, Water Right No. 37-43C is now described as follows:

Right Holder: BARBARA TOMASI
130 GLENDALE RD
BELLEVUE, ID 83313

Priority Date: 6/1/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
0.470 cfs
0.470 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SESW Sec 12 Twp 01N 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	
01N	18E	14				16.0													16.0

Right Acre Limit: 9.4

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. Place of use is located within Lot 3, Sleepy Acres Subdivision.
2. 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. 37-22836
As Modified by Transfer No. 78759

In accordance with the approval of Transfer No. 78759, Water Right No. 37-22836 is now described as follows:

Right Holder: BROWN RANCH INC
 247 GLENDALE RD
 BELLEVUE, ID 83313

Priority Date: 6/1/1891

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.120 cfs
 0.120 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SESW Sec 12 Twp 01N 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	
01N	18E	21	40.0			40.0					40.0	40.0							160.0
01N	18E	22					26.0	27.0				27.0							80.0

Right Acre Limit: 4.0

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined are limited to the irrigation of a specific 53.4 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 53.4 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 53.4 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and a representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. This right is limited to the irrigation of 4 acres within the authorized place of use in a single irrigation season.
3. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined shall not exceed a total diversion rate of 2.61 cfs delivered at the head of the Glendale Canal and the irrigation of 53.4 acres.

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WATER RIGHT NO. 37-22836
As Modified by Transfer No. 78759

CONDITIONS OF APPROVAL

4. 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).
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. 37.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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. 37-22228
As Modified by Transfer No. 78759

In accordance with the approval of Transfer No. 78759, Water Right No. 37-22228 is now described as follows:

Right Holder: BROWN RANCH INC
 247 GLENDALE RD
 BELLEVUE, ID 83313

Priority Date: 6/10/1887

Source: BIG WOOD RIVER

Tributary: MALAD RIVER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.030 cfs
 0.030 cfs

LOCATION OF POINT(S) OF DIVERSION

BIG WOOD RIVER SESW Sec 12 Twp 01N 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	
01N	18E	21	40.0			40.0					40.0	40.0							160.0
01N	18E	22						26.0	27.0			27.0							80.0
01N	18E	22																	

Right Acre Limit: 3.0

POU Total Acres: 240.0

CONDITIONS OF APPROVAL

1. This right is renumbered from former right 37-478A.
2. This right is a split from former right 37-479A.
3. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined are limited to the irrigation of a specific 53.4 acres within the 240.0 acre place of use authorized by this right in a single irrigation season. The specific 53.4 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 53.4 acres to be irrigated within the 240.0 acre place of use, the right holder shall submit a new land list and a representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right is limited to the irrigation of 3.0 acres within the authorized place of use in a single irrigation season.

Transfer No. 78759

WATER RIGHT NO. 37-22228
As Modified by Transfer No. 78759

CONDITIONS OF APPROVAL

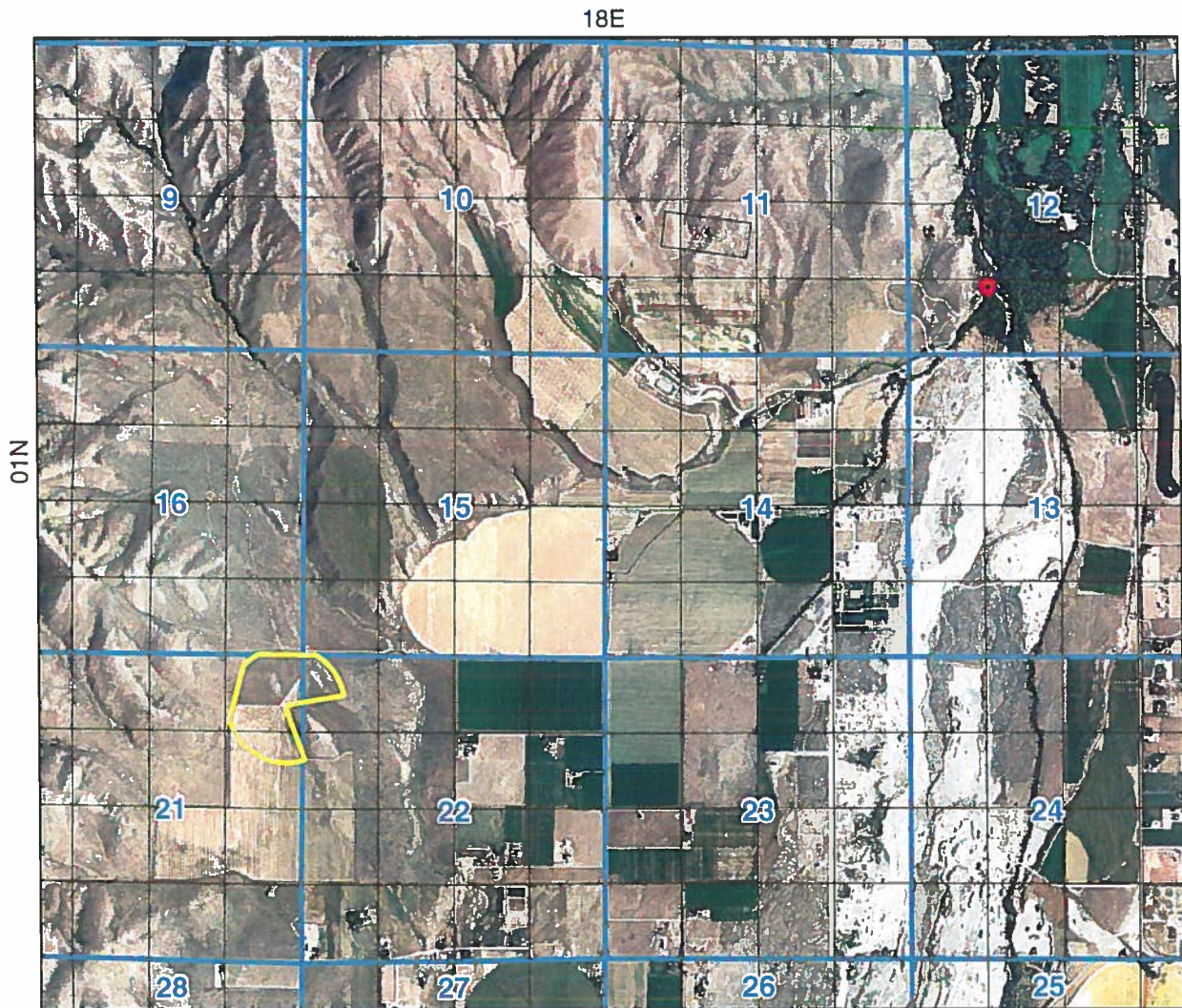
5. Rights 37-22220, 37-22222, 37-22224, 37-22226 and 37-22228 when combined shall not exceed the irrigation of 9.4 acres.
6. Rights 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22833 and 37-22836 when combined shall not exceed a total diversion rate of 2.61 cfs delivered at the head of the Glendale Canal and the irrigation of 53.4 acres.
7. 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).
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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. 78759

Rights: 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-22836 and 37-22833

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

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 25, 2013

KEVIN LAKEY WATERMASTER (via E-mail)
WATER DISTRICT # 37
107 W 1ST ST
SHOSHONE, ID 83352

Re: **APPROVED Transfer No. 78759 (Brown Ranch LLC)**

Re: **APPROVED Transfer No. 78760 (Barbara Tomasi)**

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline

Administrative Assistant

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 23, 2013

BROWN RANCH INC
247 GLENDALE RD
BELLEVUE ID 83313

Re: Transfer No: 78759
Water Right No(s): 37-43C , 37-562A , 37-22220, 37-22222, 37-22224, 37-22226,
37-22228

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", with a stylized flourish at the end.

Allen Merritt
Southern Region Manager

Enclosure

cc:

ERO RESOURCES CORP
C/O NORM YOUNG
3314 GRACE ST
BOISE ID 83703

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78759

**Water Right No(s): 37-43C , 37-562A , 37-22220, 37-22222, 37-22224, 37-22226,
37-22228**

**BROWN RANCH INC
247 GLENDALE RD
BELLEVUE ID 83313**

**ERO RESOURCES CORP
C/O NORM YOUNG
3314 GRACE ST
BOISE ID 83703**

A handwritten signature in cursive script, 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.

RECEIVED

AFFIDAVIT of PUBLICATION

SEP 26 2013

COPY OF NOTICE

State of Idaho
County of BlaineDEPT. OF WATER RESOURCES
SOUTHERN REGION

Pam Morris, being the first duly 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

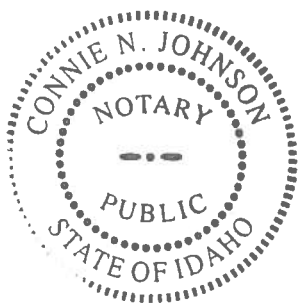
publication of said advertisement was on the 18 day of

Sept., 20 13, and the date of the last publication was on the 25 day of Sept., 20 13

Subscribed and sworn to before me this 25 day of

Sept., 20 13.

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 143

Number of Insertions 2

143 Lines tabular at 131.56 9.0 cents/pica

143 Lines straight at 115.12 8.0 cents/pica

143 Subsequent lines at 246.68 7.0 cents/pica

TOTAL COST \$246.68

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

71-10948
MICHAEL HASTINGS
MANDI HASTINGS
258 GEORGETOWN COURT
IDAHO FALLS, ID 83404
Point of Diversion SWNWSE S14
T06N R13E BLAINE County Source
SPRINGS Tributary SALMON RIVER
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 6/5/2013
Place Of Use: DOMESTIC
T06N R13E S14 NWSE

Application for permit proposes to divert up to 0.04 cfs from a spring for domestic uses associated with home located on the applicants property approximately 25.2 miles south and 3.0 miles east of Stanley. This application proposes the diversion and use of water tributary to the Salmon River, a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

See reverse for remainder of ad:

✓ OK AM 10/2/2013

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 78703**

BIG WOOD CANAL CO, C/O LYNN HARMON, MANAGER, 409 N APPLE ST, SHOSHONE, ID 83352; has filed Application No. 78703 for changes to the following water rights within BLAINE, GOODING, LINCOLN County(s): Right No(s). 37-13043, 37-13112, 37-13113, 37-13114, 37-13116, 37-20733, 37-21401, 37-21402, 37-21403, 37-21404, 37-21405, 37-867, 37-870, 37-895. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add an additional point of diversion from the Little Wood River and change the place of use by adjusting the authorized service area boundary for irrigation rights owned by the Big Wood Canal Company. The additional point of diversion from the Little Wood River is located approximately 6.5 miles north and 10.5 miles east of the center of Shoshone. The application proposes limiting the diversion rate from this additional point of diversion to no more than 4.0 cfs. The service area boundary adjustment consists of adding approximately 200 acres located approximately 5.5 – 6.0 miles north and 9.5 – 10.25 miles east of the center of Shoshone. Published in the Idaho Mountain Express on September 18th & 25th, 2013 and the Times News on September 19th & 26th, 2013.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 78759**

BROWN RANCH INC, 247 GLENDALE RD, BELLEVUE, ID 83313; has filed Application No. 78759 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22220, 37-22222, 37-22224, 37-22226, 37-22228, 37-43C, 37-562A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 240.0 acre permissible place of use (PPU) for seven surface water rights (2.72 cfs total) that when combined will be limited to the irrigation of 53.4 acres. Proposed PPU is located approximately 3.8 to 4.5 miles south and 2.0 to 2.7 miles west of the intersection of Hwy 75 & Broadford Rd in Bellevue.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 78760**

BARBARA TOMASI, 130 GLENDALE RD, BELLEVUE, ID 83313; has filed Application No. 78760 for changes to the following water rights within BLAINE County(s): Right No(s). 37-43C, 37-562A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 20 acre permissible place of use (PPU) for two surface water rights, a 0.21 cfs right currently limited to 4 acres irrigation and a 0.47 cfs right currently limited to 16 acres irrigation. Proposed PPU is located approximately 3.1 to 3.2 miles south and 0.25 to 0.5 miles west of the intersection of Hwy 75 & Broadford Rd in Bellevue.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before October 7, 2013. The protestant must also send a copy of the protest to the applicant. GARY SPACKMAN, Director

**PUBLISH:
IDAHO MOUNTAIN EXPRESS
Sept. 18 & 25, 2013**

✓ OK DM 10/2/2013