

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 73772

This is to certify that: BRUCE & BRUCE LLC

7878 USTICK RD  
SUITE 101  
BOISE ID 83704  
(208) 869-9956

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 Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 65-2614      | WR/Decreed          | 04/24/1956      | 0.8 cfs     | N/A           | N/A               | 34.0               | PAYETTE RIVER |

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

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>            |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|--------------------------|
| 65-2366A     | WR/Decreed          | 03/15/1930      | 0.66 cfs    | N/A           | N/A               | 28.0               | LONE PINE CREEK, SPRINGS |
| 65-3402      | WR/Decreed          | 04/01/1930      | 0.23 cfs    | N/A           | N/A               | 10.0               | SPRING                   |

**Purpose of Transfer (Changes Proposed)**

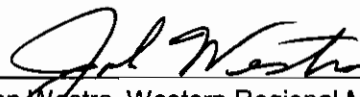
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 65-2614               | NO           | 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> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 65-2614               | <b>65-2614</b>                   | 0.8 cfs              | N/A                    | 34.0              | 114.3              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.8 cfs</b>       | <b>N/A</b>             | <b>34.0</b>       | <b>114.3</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 4<sup>th</sup> day of November, 20 08

  
John Westra, Western Regional Manager  
**SUPPORT DATA**

IN FILE #

65-2614

STANDARD

J.D. 11/10/08

**WATER RIGHT NO. 65-2614**  
**As Modified by Transfer No. 73772**

In accordance with the approval of Transfer No. 73772, Water Right No. 65-2614 is now described as follows.

**Right Holder:** BRUCE & BRUCE LLC  
 7878 USTICK RD  
 SUITE 101  
 BOISE ID 83704

**Priority Date:** April 24, 1956

**Source:** PAYETTE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01 to    | 11/01     | 0.80 CFS              |

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

PAYETTE RIVER                      L4 (SENW)                      Sec. 32 Twp 07N   Rge 02E   BOISE County

**PLACE OF USE:**    IRRIGATION

| Twp Rge Sec | NE |    |    |     | NW |    |      |      | SW |    |      |    | SE   |    |    |    | Totals |
|-------------|----|----|----|-----|----|----|------|------|----|----|------|----|------|----|----|----|--------|
|             | NE | NW | SW | SE  | NE | NW | SW   | SE   | NE | NW | SW   | SE | NE   | NW | SW | SE |        |
| 07N 02E 31  |    |    |    | 1.3 |    |    |      |      |    |    |      |    | 38.0 |    |    |    | 39.3   |
|             |    |    |    | L 8 |    |    |      |      |    |    |      |    |      |    |    |    |        |
| 07N 02E 32  |    |    |    |     |    |    | 25.0 | 10.0 |    |    | 40.0 |    |      |    |    |    | 75.0   |
|             |    |    |    |     |    |    | L 3  | L 4  |    |    |      |    |      |    |    |    |        |

Total Acres: 114.3

**CONDITIONS OF APPROVAL**

1. 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.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. 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. 65.

**WATER RIGHT NO. 65-2614**  
**As Modified by Transfer No. 73772**

**CONDITIONS OF APPROVAL**

5. 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).
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. This right is limited to the irrigation of 34 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. Rights 65-2614, 65-2366A and 65-3402 when combined shall not exceed the irrigation of 34 acres.

This water right 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.

Dated this 4<sup>th</sup> day of November, 2008

  
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John Westra, Western Regional Manager

**WATER RIGHT NO. 65-2366A**  
**As Modified by Transfer No. 73772**

In accordance with the approval of Transfer No. 73772, Water Right No. 65-2366A is now described as follows.

**Right Holder:** STEVEN M BRUCE  
 Or  
 JAMES E BRUCE  
 428 CASHMERE RD  
 BOISE ID 83702

**Priority Date:** March 15, 1930

**Source:** LONE PINE CREEK  
 SPRINGS

**Tributary:** PAYETTE RIVER  
 PAYETTE RIVER

|                              |                    |                  |                              |
|------------------------------|--------------------|------------------|------------------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
| IRRIGATION                   | 4/01 to            | 11/01            | 0.66 CFS                     |

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

|                 |           |                                         |
|-----------------|-----------|-----------------------------------------|
| LONE PINE CREEK | NESE      | Sec. 31, Twp 07N, Rge 02E, BOISE County |
| SPRINGS         | L3 (SWNW) | Sec. 32, Twp 07N, Rge 02E, BOISE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |     | NW |    |      |     | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|-----|----|----|------|-----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE  | NE | NW | SW   | SE  | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 07N | 02E | 31  |    |    |    | 1.0 |    |    |      |     |    |    |    |    |    |    |    |    | 1.0    |
|     |     |     |    |    |    | L 8 |    |    |      |     |    |    |    |    |    |    |    |    |        |
| 07N | 02E | 32  |    |    |    |     |    |    | 21.0 | 6.0 |    |    |    |    |    |    |    |    | 27.0   |
|     |     |     |    |    |    |     |    |    | L 3  | L 4 |    |    |    |    |    |    |    |    |        |

Total Acres: 28

**CONDITIONS OF APPROVAL**

1. Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs per acre. Combined right nos.: 65-3402 and 65-2614
2. 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.

**WATER RIGHT NO. 65-2366A**  
**As Modified by Transfer No. 73772**

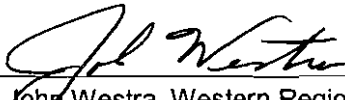
**CONDITIONS OF APPROVAL**

3. 2 points of diversion located in T07N, R02E, S32, SWNW.
4. Rights 65-2614, 65-2366A and 65-3402 when combined shall not exceed the irrigation of 34 acres.

This water right 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.

Dated this 4<sup>th</sup> day of November, 2008

J

  
John Westra, Western Regional Manager



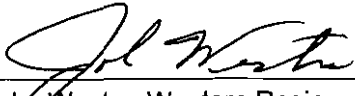
**WATER RIGHT NO. 65-3402**  
**As Modified by Transfer No. 73772**

**CONDITIONS OF APPROVAL**

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. Stockwater use is for 85 range cattle.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. 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.
5. Use of this right with rights listed below is limited to a total combined diversion rate of 0.02 cfs per acre for irrigation, 0.03 CFS & 1.4 AFA for stockwater. Combined right nos.: 65-02614, 65-02366A, 65-03400.
6. Rights 65-2614, 65-2366A and 65-3402 when combined shall not exceed the irrigation of 34 acres.

This water right 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.

Dated this 4<sup>th</sup> day of November, 20 08

  
John Westra, Western Regional Manager