

Form 222  
10/07

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

RECEIVED  
JUN 11 2008  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Name of Applicant Gary and Judith Frugard TrustPhone 1-949-683-1642Mailing Address 23972 Wanigan Way, Laguna Niguel, CA 92677Email ggfandj@msn.com  
a**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion      ☐ Add diversion point(s)      ☐ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes Applicant desires to move the point of diversion from the well which served the ranch lands that were subdivided into Bellevue Farms Subdivision to the well on his lot in the subdivision.

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1.

| Right Number | Priority           | Amount   | Nature of Use | Period of Use          | Volume  |
|--------------|--------------------|----------|---------------|------------------------|---------|
| 37-21511     | September 25, 1954 | 0.100cfs | irrigation    | April 15 to October 15 | 17.50AF |

2. Total amount of water being transferred: 0.100cubic feet/second and/or 17.50 acre-feet per annum.

3. Source of water: ground water tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     | SW  | NF  | NW  | 18  | 1N  | 19E | Blaine | EXISTING WELL *          |

\* PER 6/23/08 LETTER FROM JIM SACK

5. Lands Irrigated or Place(s) of Use:

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | Totals |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
| 1N  | 19E | 18  |     |    |    |    | 5   |    |    |    |     |    |    |    |     |    |    |    | 5      |

Total acres: 5

a. Description of diversion system, Well, pump, buried main line, sprinkler system.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: N/A.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

And the said Application is hereby \_\_\_\_\_, subject to the following conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**For the Director**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2**

(Attach one copy for each right)

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SOUTHERN REGION

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by: (See Attachment A, a copy of the recommendation for 37-21511 filed with the SRBA Court)

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
In case of \_\_\_\_\_ vs. \_\_\_\_\_  
Dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Check appropriate box below.

\_\_\_ Tax notice      X Warranty Deed      \_\_\_ Other      See Attachment B

3. Source of water \_\_\_\_\_

4. Date of priority \_\_\_\_\_

5. Water is used for the following purposes:

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

6. Total amount of water under right \_\_\_\_\_ cubic feet/second and/or \_\_\_\_\_ acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |

5. Lands Irrigated or Place(s) of Use:

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | Totals |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    |        |

Total acres:

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

*NO* \*

If yes, describe \_\_\_\_\_.

\* PER 6/23/08 LETTER FROM JIM SPEER.

### B. DESCRIPTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit parts B and C)

1. amount \_\_\_\_ for \_\_\_\_ purposes from \_\_\_\_ to \_\_\_\_.

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |

5. Lands Irrigated or Place(s) of Use:

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | Totals |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    | 0      |

Total acres: 0

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount \_\_\_\_ for \_\_\_\_ purposes from \_\_\_\_ to \_\_\_\_.

amount \_\_\_\_ for \_\_\_\_ purposes from \_\_\_\_ to \_\_\_\_.

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |

5. Lands Irrigated or Place(s) of Use:

| TWP | RGE | SEC | N E |    |    |    | N W |    |    |    | S W |    |    |    | S E |    |    |    | Totals |
|-----|-----|-----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE | NE  | NW | SW | SE |        |
|     |     |     |     |    |    |    |     |    |    |    |     |    |    |    |     |    |    |    | 0      |

Total acres: 0



**PART 3****B. CHANGES IN NATURE OF USE**

1.

| <u>New Nature of Use</u> | <u>Amount</u><br>(cfs/AF) | <u>Hours/Days/Year</u> | <u>Period Of Use</u> |
|--------------------------|---------------------------|------------------------|----------------------|
|                          |                           |                        | to                   |
|                          |                           |                        | to                   |
|                          |                           |                        | to                   |

2. Quantity and quality of return flows and location of discharge: \_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change: \_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gary and Judith Frugard Trust dated March 30, 1989

 By: [Signature]  
 Gary G. Frugard, Trustee

 By: [Signature]  
 Judith S. Frugard, Trustee
Subscribed and sworn to before me this 21st day of May, 2008.
[Signature]  
 Notary Public for Idaho  
 Residing at Hailey, ID  
 My commission expires 8/21/2012
**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by B Walker Date 6/12/08 Protest filed by \_\_\_\_\_Prelim. Check by \_\_\_\_\_ Fee \$100.00 \_\_\_\_\_Received by B Walker SO30245 Date 6/12/08 \_\_\_\_\_

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. Dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendations requested on \_\_\_\_\_ Recommended for \_\_\_\_\_ approval \_\_\_\_\_ denial

\_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

06/08/2007

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21511

NAME AND ADDRESS: GARY AND JUDITH FRUGARD TRUST  
23972 WANIGAN WAY  
LAGUNA NIGUEL CA 92677

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS  
17.50 AFY

PRIORITY DATE: 09/25/1954

POINT OF  
DIVERSION:

T01N R19E S7 SESW Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.100 CFS

17.50 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S18

NENW

5.00

5 ACRES TOTAL

Right Nos. 37-21511, 37-21515, 37-21526, 37-21537, 37-21548 and  
37-21559 are limited to the irrigation of a combined total of 5.0 acres in a  
single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Property is also known as Lot 6, Blk 2, Bellevue Farms Subdivision.

This right is a split from former right 37-2557.