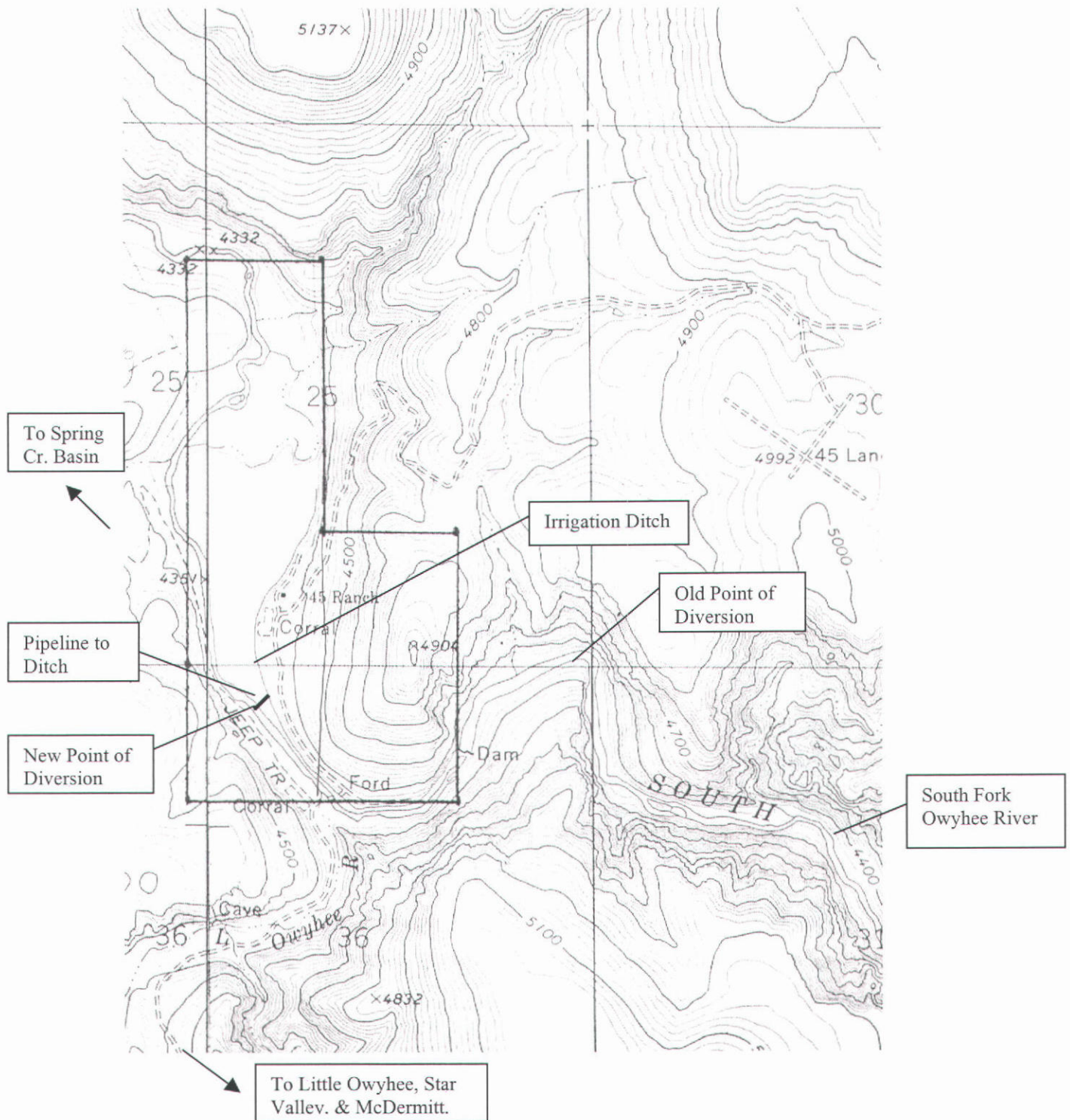


Application for Transfer of Water Right – Part 3 Map
From USGS Grassy Ridge and Spring Creek Basin Quadrangles
Boise Meridian T14S R5W



MICROFILMED

No Gov lts in 536

ATTACHMENT B

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESE	NWSE	SWSE	SESE Total
Claim	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W36			X									0
Claim	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W36			X									0
Claim	55-11966	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W36							X					0
Claim	55-11966	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W36						X	X				X	0
Rec	55-11966	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W36						X	X				X	0
Claim	55-11860	UNITED STATES OF AMERICA ACTING THROUGH,	OWYHEE RIVER	14S05W36	X											0
Claim	55-11860	UNITED STATES OF AMERICA ACTING THROUGH,	OWYHEE RIVER	14S05W36	X											0
Claim	55-4067	BECKER RANCH INC.,	OWYHEE RIVER	14S05W36					8							8
Rec	55-11860	UNITED STATES OF AMERICA ACTING THROUGH,	OWYHEE RIVER	14S05W36	X											0
Right	55-2102	WILLIAM T MC GINNIS,	OWYHEE RIVER	14S05W36					40							40
Right	55-4067	THE NATURE CONSERVANCY,	OWYHEE RIVER	14S05W36					2							2

Notes

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

RECEIVED

FEB 01 2002

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

January 2, & 9, 2002

SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 30th day of January in the year of 2002 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shirley Newkenny
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 69607

THE NATURE
CONSERVANCY
PO BOX 165
SUN VALLEY ID 83353, has
filed Application No. 69607 for
changes to the following water
rights within OWYHEE
County:

Right No. 55-4067

Priority 7/1/1890

Source SOUTH FORK
OWYHEE RIVER

Use IRRIGATION (64 acres)
1.28 CFS

Total Amount 1.28 CFS

Point(s) of Diversion SESESE
S25 T14S R05W

Place of Use S25 T14S R05W
S36 T14S R05W

Remark: Applicant proposes
to move the Point of Diversion
off public land onto their

private land in the NWNENW
S36 T14S R5W

Protests may be submitted
based on the criteria of Sec 42-
222, Idaho Code.

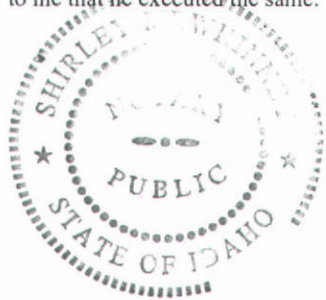
Any protest against the
proposed change must be filed
with the Dept. of Water
Resource, Western Region,
2735 Airport Wy, Boise ID
83705 together with a protest
fee of \$25.00 for each
application on or before
January 22, 2002. The
protestant must also send a
copy of the protest to the
applicant.

KARL J DREHER,
Director

1/2 & 1/9/02

MICROFILMED

MAR 16 2004



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69607

This is to certify that: THE NATURE CONSERVANCY
PO BOX 165
SUN VALLEY ID 83353
(208)726-3007

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. 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>Acres</u>	<u>Total</u>	<u>Source</u>
55-4067	WR/Decreed	07/01/1890	1.28 cfs	N/A	64.0	64.0	OWYHEE RIVER

Purpose of Transfer (Changes Proposed)

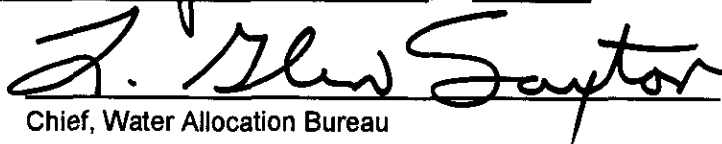
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
55-4067	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
55-4067	55-4067	1.28 cfs	224 af	64.0	64.0		N/A	N/A		N/A
TOTALS		1.28 cfs	224 af	64	64		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 29th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED
MAR 16 2004

WATER RIGHT NO. 55-4067
As Modified by Transfer No. 69607

In accordance with the approval of Transfer No. 69607, Water Right No. 55-4067 is now described as follows.

Right Holder: THE NATURE CONSERVANCY
 PO BOX 165
 SUN VALLEY ID 83353

Priority Date: 07/01/1890

Source: SOUTH FORK OWYHEE RIVER **Tributary:** OWYHEE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.28 CFS	224.0 AF
			1.28 CFS	224.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SOUTH FORK OWYHEE RIVER **NW** Sec. 36 Twp 14S Rge 05W OWYHEE 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	
14S 05W 25								9.0	35.0			18.0					62.0
14S 05W 36					2.0												2.0

Total Acres: 64

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILM

MAR 16 2004

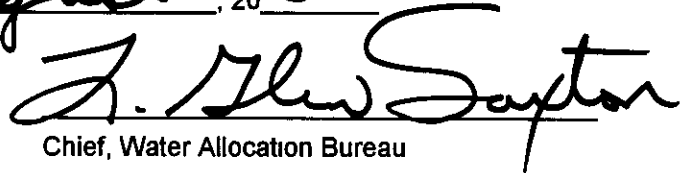
WATER RIGHT NO. 55-4067
As Modified by Transfer No. 69607

CONDITIONS OF APPROVAL

5. All water rights within Basin 55 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

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 29th day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED
MAR 16 2004

RECEIVED

NOV 16 2001

Page 1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 69607

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

FEB 25 2002

PART 1

Department of Water Resources

Name of applicant THE NATURE CONSERVANCY Phone 208 726 3007

Post Office address PO Box 165, Sun Valley, ID 83353

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 THE PREVIOUS OWNERS BUILT THE DIVERSION DAM ASSOCIATED WITH THIS WATER RIGHT IN 1986 IN TRESPASS ON PUBLIC LAND. THE NATURE CONSERVANCY DECIDED TO INSTALL AN IRRIGATION PUMP ON PRIVATE LAND AND TO RESTORE THE DIVERSION SITE ON PUBLIC LAND.

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|-------------------|-----------------------|-------------------|------------------------------|
| <u>55-04067</u> | <u>07/01/1890</u> | <u>1.28 cfs</u> | <u>IRRIGATION</u> | <u>04-01</u> to <u>10-31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 1.28 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water SOUTH FORK Owyhee River tributary to Owyhee River
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

(69607)

Total acres

PART 1

Transfer No _____

6 General Information.

a. Description of diversion system 67 HP VOLKSWAGON STATIONARY DIESEL PUMP
WITH A 100-FT PIPELINE TO THE EXISTING
IRRIGATION DITCH.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ✓ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions.

Witness my hand this _____ day of _____, 19____.

MICROFILMED
 SEP 15 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. PARTIAL DECREE Decreed to THE NATURE CONSERVANCY
in case of SRBA CASE NO. 39576 vs. _____
dated MARCH 5, 1999 in THE STATE OF IDAHO county of TWIN FALLS
- 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. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water SOUTH FORK OWYHEE RIVER tributary to OWYHEE RIVER4. Date or priority 07/01/1890

5. Water is used for the following purpose.

amount 1.28 cfs for IRRIGATION purposes from 04-01 to 10-31
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 1.28 cubic feet per 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
	SE	SE	SE	25	14S	5W	OWYHEE	US RANCH DAM

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	5W	25								9	35			18					62
14S	5W	36					2												2

Total acres 64

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 _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

Twp	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

MICHOIGAN
MAR 15 2004

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. *See Attachment 5*

SEE ATTACHMENT B

A blank sheet of graph paper featuring a uniform grid of small squares. The grid consists of 10 columns and 10 rows, creating a total of 100 square units. The lines are thin and black, set against a white background. There are no markings, text, or drawings on the grid.

MAR 18 2004

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				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

[Signature] FOR THE NATURE CONSERVANCY
(Signature of Applicant)

Subscribed and sworn to before me this 15 November, 192001.

[Signature]
Rachelle [Signature]
Notary Public
STATE OF IDAHO

My commission expires 12-09-04

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by Janis Fontaine Date 11-16-01 Protest filed by _____

Prelim. check by [Signature] Fee \$290.00 # W028507

Receipted by Janis Fontaine Date 11/16/01

Published in Owyhee Avalanche Copies of protest forwarded by _____

Pub. dates 1-3 + 9-02 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Michael [Signature]
11/16/2001

12/9/97

RECORDING REQUESTED BY AND	)	FOR REGULAR TAX NOTICES:
WHEN RECORDED RETURN TO:	)	The Nature Conservancy
The Nature Conservancy	)	Idaho Field Office
Western Regional Office	)	P.O. Box 165
2060 Broadway, Suite 230	)	Sun Valley, Idaho 83353
Boulder, Colorado 80302	)	
Attention: Western Regional Attorney	)	

Sheriff's Deed

THIS INDENTURE, made this 9TH day of DEC, 1997, between GARY AMAN, Sheriff of the County of Owyhee, State of Idaho, and THE NATURE CONSERVANCY, a District of Columbia non-profit corporation, whose address is 1815 North Lynn Street, Arlington, Virginia 22209, party of the second part.

WHEREAS, by virtue of an order of sale issued out of, and under the seal of, the District Court of the said County of Owyhee, State of Idaho, filed the 17th day of September, 1996, upon a Judgment and Decree of Foreclosure recovered in said court in favor of Joseph D. Sanders and Cheryl M. Sanders, husband and wife, and against defendants, Becker Ranch, Inc. an Oregon corporation; the unknown personal representative or the unknown heirs or unknown devisees of The Estate of G.W. Stringer, deceased; Maxine Stringer, surviving Trustee of the Stringer Family Trust; and Anne Stringer and Nancy Deboer, Personal Representatives of The Estate of Harley Vaughn Stringer, Deceased; and any person claiming under, by or through the above-named; the undersigned Sheriff was commanded to execute and levy on the property secured by the mortgage and cause the amount of said judgment to be satisfied from the proceeds of the sale of the lands, tenements and real property titled to Becker Ranch, Inc., secured by the mortgage and foreclosed in the above referred to Judgment and Decree; and

WHEREAS, he, the said Sheriff, did, in obedience to said command, levy on, take and seize all the estate, right, title and interest which the said judgment debtor so had of, in and to the lands, tenements, real estate and premises, hereinafter particularly set forth and described, with the appurtenances and water rights, and did, on the 13th day of November, 1996, sell the said premises, at public auction, at the courthouse door in Murphy, County of Owyhee, after first having given notice of the time and place of such sale, by advertising the same according to law; at which sale, the said premises were sold to Joseph and Cheryl Sanders, husband and wife, for the sum of \$758,170.52 credit bid, lawful money of the United States, the said Joseph and Cheryl Sanders, husband and wife, being the highest bidder, and that being the highest sum bid, and the whole price paid for the same; and

WHEREAS, the said Sheriff, after receiving from said purchaser the said sum of money so bid by a credit bid, gave to purchaser a certificate of sale as is by law directed to be given, and recorded in the office of the Recorder of the County of Owyhee the said certificate; and

MICR

APR 15 2004

ATTACHMENT A

WHEREAS, the purchaser, Joseph and Cheryl Sanders, assigned the said Certificate of Sale to Robert G. Stevens on November 13, 1996, and said Assignment was duly recorded with the County Recorder of Owyhee County, Idaho, on the 13th day of November, 1996; and

WHEREAS, the assignee of the Certificate of Sale, Robert G. Stevens, thence assigned all rights, title and interest in said Certificate of Sale together with all right, title and interest in the property described below to The Nature Conservancy on November 22, 1996, and said Assignment was duly recorded with the County Recorder of Owyhee County, Idaho, on the 22nd day of November, 1996; and

WHEREAS, twelve months after such sale have expired without any redemption of the said premises having been made; and

WHEREAS, the most current assignee of the Certificate of Sale, The Nature Conservancy, is now the legal owner and the holder of such certificate of sale executed by the Sheriff;

NOW, THIS INDENTURE WITNESSETH, that Gary Aman, the Sheriff aforesaid, by virtue of said order of sale, and pursuant to statute in such case made and provided, for and in consideration of the sum of money above mentioned, to him in hand paid as aforesaid by the said purchaser, the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell, convey and confirm, unto The Nature Conservancy, all the estate right, title and interest which Becker Ranch, Inc., an Oregon corporation, had on the said 13th day of November, 1996, or at any time afterwards, in and to all the following premises, situate, lying and being in the County of Owyhee, State of Idaho, and more particularly described as follows, to-wit:

IN TOWNSHIP 14 SOUTH, RANGE 5 WEST, B.M., OWYHEE COUNTY, IDAHO

Section 25: East Half of the Southwest Quarter,
Southwest Quarter of the Southeast Quarter,
Southeast Quarter of the Northwest Quarter

Section 36: Northwest Quarter of the Northeast Quarter,
Northeast Quarter of the Northwest Quarter.

Together with all and singular the hereditaments, appurtenances and water rights thereunto belonging, or in anywise appertaining, to have and to hold the said above-mentioned and described premises, with the appurtenances, unto The Nature Conservancy, as fully and absolutely as he, the Sheriff aforesaid, can, may or ought to, by virtue of the said order of sale contained in that certain Judgment and Decree of Foreclosure aforesaid, and of the statute in such case made and provided, grant, bargain, sell, release, assign, convey and confirm the same.

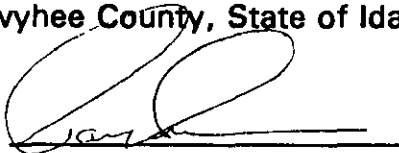
MIC

MAY 15 2007

At

IN WITNESS WHEREOF, the said Sheriff has hereunto set his hand and seal the day and year first above written.

GARY AMAN, Sheriff,
Owyhee County, State of Idaho

By 

STATE OF IDAHO)

COUNTY OF Owyhee)

ss.

On this day personally appeared before me Gary Aman, to me known to be the individual described in and who executed the within and foregoing instrument in his capacity as Sheriff of Owyhee County, Idaho, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned. GIVEN UNDER my hand official seal this 9th day of Dec, 1997

[SEAL]

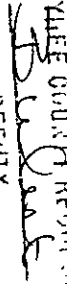

Notary Public in and for the

State of Idaho

Residing at Murphy Id.

My commission expires on 12-15, 1998.

RECORDED OF
FEE 9.00

97 DEC 9 PM 4 36
JIM H. LEE JR.
OWYHEE COUNTY RECORDER
BY 
DEPUTY

FILED-RECORDED

223514

W

DEC 15 1997

AZ

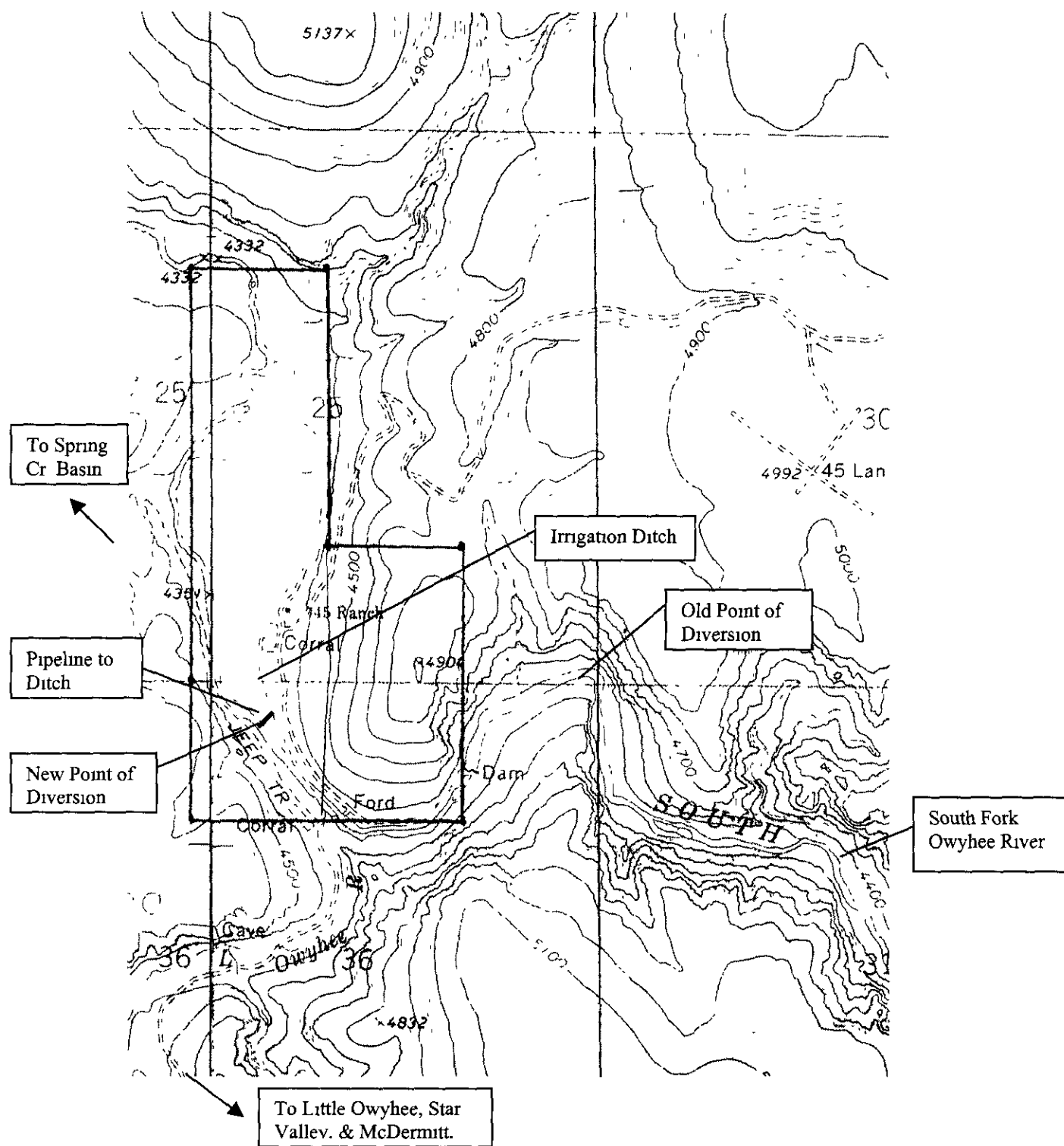
ATTACHMENT B

Water Right 55-04067

Application for Transfer of Water Right – Part 3 Map

From USGS Grassy Ridge and Spring Creek Basin Quadrangles

Boise Meridian T14S R5W



No Gov Its in 536¹⁰⁰ 52991

ATTACHMENT B



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250 (SRWR) (933b)

RECEIVED

JAN 08 2002

WATER RESOURCES
WESTERN REGION

January 4, 2002

Gary Spackman, Regional Manager
Western Regional Office
Idaho Department of Water Resources
State of Idaho
2735 Airport Way
Boise, Idaho 83705

RE: Transfer Consent Letter
Transfer No. 69607, 55-04067, The Nature Conservancy

Dear Mr. Spackman:

By this letter I state that I have the authority to act on behalf of the United States, Dept. of Interior, Bureau of Land Management (U.S.D.I., BLM), with myself as its agent, to the matters discussed herein. I understand that The Nature Conservancy, wishes to transfer (i.e. move) the Point of Diversion (hereinafter "POD") under water right 55-04067 from the federal public property to land which The Nature Conservancy owns as private property. The existing POD on federal public property lies within T14S R05W S25 SESESE, and the transfer seeks to move the POD to private land in T14S R05W S36 NWNENW.

I understand that the Idaho Dept. of Water Resources (I.D.W.R.) cannot complete such a transfer without the notarized consent of the landowner where the water right describes land not owned by the transfer applicant.

On behalf of the United States and the U.S.D.I., BLM, my notarized signature below provides the necessary consent to facilitate the transfer, which will result in the discontinuance of water being applied to federal public land. The United States' non-opposition to the application for transfer does not represent recognition by the United States of the claim elements nor their validity.

Transfer # 69607, 55-04067

MICROFILMED

MAR 16 2004

REDISCOVER YOUR PUBLIC LANDS

RECEIVED

MAR 09 1999

Department of Water Resources

1999 MAR -5 PM 1:35
STREET
T-SRBA
J.D.H.S.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) ORDER OF PARTIAL DECREE

Case No. 39576

) For Water Right 55-04067
)
)

On January 12, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 55-04067 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 5, 1999.



BARRY WOOD

Administrative District Judge

Interim Presiding Judge of the

Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-04067

1999 MAR -5 PM 1:35
DISTRICT COURT - SRBA
COUNTY OF IDAHO

NAME AND ADDRESS: THE NATURE CONSERVANCY
P O BOX 165
SUN VALLEY, ID 83353

BECKER RANCH INC
PO BOX 128
WESTFALL, OR 97920

SOURCE: OWYHEE RIVER, S FORK TRIBUTARY: OWYHEE RIVER

QUANTITY: 1.28 CFS

PRIORITY DATE: 07/01/1890

POINT OF DIVERSION: T14S R05W S25 SESESE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.28 CFS

PLACE OF USE:	Irrigation		Within Owyhee County
	T14S R05W S25	SESW 9.0	NESW 35.0
		SESW 18.0	
	S36	NENW 2.0	
	64.0 Acres Total		

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER
WATER RIGHTS IN BASIN 55:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER
WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 55 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 MAR 05 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 55-04067

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-04067 was mailed
on March 05, 1999, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

THE NATURE CONSERVANCY
PO BOX 165
SUN VALLEY, ID 83353

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

MAILED
MAR 5 2004

PAGE 1
03/05/99



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 30, 2002

THE NATURE CONSERVANCY
PO BOX 165
SUN VALLEY ID 83353

RE: Transfer No.. 69607 - Water Right 55-4067 - Transfer Approval Notice

Dear Water Right Holder(s):

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.

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 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt

Enclosure(s)

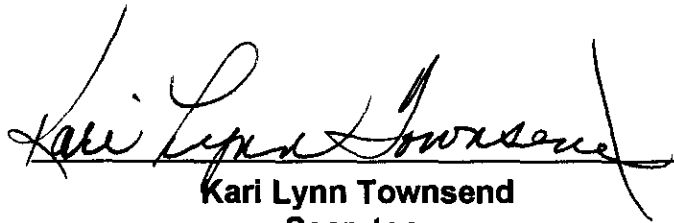
MAILED
SEP 3 6 2002

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69607 - WATER RIGHT 55-4067

**THE NATURE CONSERVANCY
PO BOX 165
SUN VALLEY ID 83353**


**Kari Lynn Townsend
Secretary**

MICROFILMED
MAR 15 2004

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

MICROFILMED
MAR 16 2004

TRANSFER REVIEW SHEET

Trans # 69607

Date Reviewed 8/29/02

Right No(s). * 55-4067

Split? Y XN Y N Y N Y N Y N Y N

AREA OF CONCERN: No/Yes No

PURPOSE OF TRANSFER FOR EACH RIGHT:

Change p/d Change use period Change p/u
Add p/d Change nature of use

RightID's of From & To records correct? ☒ Y ☐ N (resolve with State Office personnel)

Check for Partial Decree issuance, etc. since time of application's entry

PROOF OF OWNERSHIP COMPLETE FOR OLD & NEW P/U ☒ Lien Holder Release ☐

GROUNDWATER:

DRILLING PERMIT

All wells - 046
DP upgrade req'd ☐ Y ☐ N (contact GW personnel)

WMD - North/East/West
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 067

WMD

≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 01M or 01Q
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105

SURFACE WATER:

WD - R04 (WD#) WM comments rec'd
≤ 0 20 cfs/others - R02, 01P or No MD
> 0 20 cfs - R43
WD, SPRINGS/SINK, INACTIVE WD & REST OF STATE
≤ 0 24 cfs/5 acres - No MD
> 0 24 cfs/5 acres - 01M or 01Q

STANDARD SEASON 4/1 to 10/31 (use X61 if extended season)

STANDARD VOLUME 3.5 af/ac

CONSUMPTIVE USE VOLUME af/ac

USES:

STORAGE - 18C-R02-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (all BLM/USFS)
MINING - 054-106
FISH PROP - 029(70'S only)-007-122-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
DAIRY - 082 (zoning if a concern)-106-WD8

USES:

POWER - 17H-17K (+uses)-025-106
MUNICIPAL
Restricted area - 022-075 RAFN - 007-109-X64
Irr, GW supp to SW - 102
DOMESTIC
Surface water - WB5 (Big Wood or Boise above Star Bridge)
- 27A (Payette River)
>1 in restricted area - 070-071-075 (no parks/common areas, etc)
Irr use listed separate - WB5

MISC CONDITIONS/REMARKS:

T07 - 1 yr to develop
T08 - comply or rescind
T17 - measure all p/d's (used with WB4)
T18 - Special T17 & R43 combined -
multiple pds in WD

Protested - 020-X19
Water Quality - 106-R07

X49 - measure p/d's (source chg'd to orig trib)
X51 - 2+ yrs to develop
X53 - Use ltd to orig source availability
X54 - forfeited ac/rate (used rarely)
X55 - (transfer shrinks total water to less ac)
X57 - no right-of-way
X58 - pending claim (statutory or AJ b/u claim)
X61 - extended irr season
X62 - replaces N05/08/09-14
X63 - replaces C12 + has C17
WB4 - + p/ds, cfs & afa (used with T17)
WD8 - land application of waste water
01Q - used instead of 01M when there's another meas Cond (i.e. T17 & 01m)

Apply one:

T09 - on-going claim in SRBA*
T19 - replaces C18 and used
on unchg'd portions in
SRBA (Recomm or PD)
*Edit condition to fit scenario
if not ongoing in SRBA process

OTHER CONDITIONS/REMARKS

COMMENTS

Database files updated ☒ Approval form printed ☒

Special Mailing Instructions (cc's, etc)

Final database update after approval *Comment to WR No(s).

RECEIVED

FEB 25 2002

IDWR WESTERN REGION TRANSFER ANALYSIS

Department of Water Resources

Applicant Nature Conservancy Transfer No. 69607
Reviewed by LG Date 12/17/01
Data entered by LM

1. Right number(s) SS-4067

2. Type of right ☒ Decree ☐ License ☐ Stat. Claim ☐ BU Claim

3 Purpose of transfer ☒ Change P/D ☐ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Period ☐ Split Right
☐ Other: _____

4. Check Existing
Right

☒ Source ☒ Priority
☒ Purpose ☒ Period ☒ Amount
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights for original P/D &/or P/U

5. Check Proposed Right for amount of land &/or water transferred:

- a. ☒ Analysis memo – always include unless justify why not needed = 12/17/01 -82
- b. ☒ All of right
- c. ☒ Part of right – Note: Part B should normally be completed only if part of right is owned by applicant
- d. ☒ Description of point(s) of diversion
- e. ☒ Description of place of use
- f. ☒ Map showing proposed P/D &/or P/U
- g. ☒ Correct notarized signature and fee – see Transfer Memo #23 about fees if necessary
- h. ☒ Proof of ownership of right &/or land from which water is transferred
- i. ☒ Expansion in use of right: check rate of flow, diversion volume and consumptive volume. Discuss in memo
- j. ☒ Surface water source: IDFG letter; notify Water Planning Bureau if protected river or minimum flow reach.

82 8/29/02

69607

k. ☒ Overlapping rights for current & proposed scenarios

Current SS-2102

//

Proposed _____

l. ☒ SRBA Claim(s) _____

m. ☒ Comment letters _____ No ☒ Yes as follows:
_____ Water District # ☒ IDFG _____ Other per attached

PUBLICATION REVIEW

BLM
AHN: FRED PRICE

1 Comment Letters

Watermaster comments requested on _____, received on _____

Other comment letters received _____ Yes _____ No

2. Affidavit of publication received: ☒ Yes

3. Published correctly: ☒ Yes _____ No

If No, re-publication required: _____ Yes _____ No

4. Protests received: _____ Yes _____ No _____ If yes, acknowledgement sent

RECOMMENDATIONS

1. ☒ Approve _____ See attached memo

2. _____ Deny due to _____

3. Conditions of Approval standard xfer conditions.

4. Recommended by Gay S Date 2/20/02

FORWARDING FILE TO S.O.

1. Copies made for Region file (see attached supplemental page): Yes _____

2. File forwarded to S.O. by _____ Date _____

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	SNNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Cann	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W/36			X													0
Cann	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W/36			X													0
Cann	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W/36										X						0
Cann	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W/36						X	X	X	X	X	X					0
Cann	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	LITTLE OWYHEE RIVER	14S05W/36																0
Cann	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	OWYHEE RIVER	14S05W/36																0
Cann	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	OWYHEE RIVER	14S05W/36																0
Cann	55-11054	UNITED STATES OF AMERICA ACTING THROUGH,	OWYHEE RIVER	14S05W/36																0
Cann	55-4067	BECKER RANCH INC.	OWYHEE RIVER	14S05W/36					8											8
Right	55-2102	WILLIAM T MC GINNIS,	OWYHEE RIVER	14S05W/36					40											40
Right	55-4067	THE NATURE CONSERVANCY,	OWYHEE RIVER	14S05W/36					2											2

Notes

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 55-2102

WATER RIGHT NUMBER 55-2102

Owner Type Name and Address
Current Owner WILLIAM T MC GINNIS
RIDDLE, ID

Priority Date. 02/04/1920

Basis: License

Status: Active

Source Tributary
SOUTH FORK OWYHEE RIVER OWYHEE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.000 CFS	
DOMESTIC	/ to /		
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

SOUTH FORK OWYHEE RIVER NW1/4NE1/4 Sec. 36, Twp 14S, Rge 05W, B.M.
OWYHEE County

Place of UseIRRIGATION Within OWYHEE County

T14S R05W S25	SENW	40 0	T14S R05W S25	SESW	40.0
T14S R05W S36	NENW	40 0			
Total Acres: 120					

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General TRANS #318

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 55-2102

Dates and Other Information:

Licensed Date 4/29/1985
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 55
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 55-4067

WATER RIGHT NUMBER: 55-4067

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BECKER RANCH INC PO BOX 128 WESTFALL, OR 97920 (503)358-2921
Current Owner	THE NATURE CONSERVANCY PO BOX 165 SUN VALLEY, ID 83353 (208)726-3007

Priority Date: 07/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH FORK OWYHEE RIVER	OWYHEE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.280 CFS	
	<u>Total Diversion:</u>	1.280 CFS	

Location of Point(s) of Diversion

SOUTH FORK OWYHEE RIVER	SE1/4SE1/4SE1/4	Sec. 25, Twp 14S, Rge 05W, B.M
OWYHEE County		

Place of UseIRRIGATION Within OWYHEE County

T14S R05W S25	SE1/4	9.0	T14S R05W S25	SE1/4	35.0
T14S R05W S25	SE1/4	18.0	T14S R05W S36	SE1/4	2.0
Total Acres: 64					

Conditions of Approval:

1. C17 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 55: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 55 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 55 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 55-4067

Comments:

1. KWALKER 1/12/1995 COPIED FROM REMARKS
Comment: APPROVED TRANSFER OF 7/12/1989 AMENDED CLAIMED POINTS OF DIVERSION TRANSFER NO. 3545 APPROVED 7/12/1989.
2. AJU10-DS 3/4/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) H03 H04 ADDED IF NOT ALREADY PART OF RECORD THRU
3. AJU21-JS 6/10/1998 AJU21 CONDITION UPDATE
Comment: DELETED CONDITION CODE(S) H03 H04
4. AJU10-DS 6/25/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU
5. AJU21-DS 11/18/1998 AJU21 CONDITION UPDATE
Comment: DELETED CONDITION CODE(S) A07
6. AJU10-DS 11/18/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C17 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10
7. RBROWN 12/11/1998 REVISION
Comment: TO RESOLVE OBJECTION. LEGAL REVIEW OF PRIORITY DATE, CORRECTION TO POU.

Dates and Other Information:

Licensed Date:
 Decreed Date: 3/5/1999
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 55-4067

SubCase:

SubCase Number: 5504067

Class: 1

SF5 Filed Date: 12/18/1998

Special Master Recom Signed Date: 1/12/1999

Attorney Assigned: SUSAN E HAMLIN-NYGARD

Date Filed: 9/4/1998 Objection Status: Active

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

FEB 01 2002

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say.

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

January 2, & 9, 2002

SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 30th day of January in the year of 2002 before me, a

Notary Public, personally appeared JOE E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me duly sworn, declared that the statements therein are true, and acknowledged
to me that he executed the same



Shirley Newkenny
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires. 10/10/06

PROPOSED
CHANGE OF WATER
RIGHT
TRANSFER NO.
69607

THE NATURE
CONSERVANCY
PO BOX 165
SUN VALLEY ID 83353, has
filed Application No. 69607 for
change to the following
rights within Owyhee
County:
Right No. 55-4067
Priority 7/1/1890
Source SOUTH FORK
OWYHEE RIVER
Use IRRIGATION (64 acres)
1.25 CFS
Total Amount 1.25 CFS
Point(s) of Diversion SESESE
S25 T14S R05W
Place of Use S25 T14S R05W
S25 T14S R05W

Remark: Applicant proposes
to move the Point of Diversion
off public land onto their

rights land in the NW1/4 NW1/4
S25 T14S R05W
Protest may be submitted
within 30 days of Dec 42-
2001.
The protest should be filed
with the Dept. of Water
Resources, Western Region,
2730 Airport Wy., Boise ID
83725 together with a protest
fee of \$25.00 for each
diversion on or before
January 1, 2002. The
protestant must also send a
copy of the protest to the
applicant.
CARL J. BREMER, Director
1/3 & 1/9/02

MICROFILMED

MAR 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2002

FRED PRICE
BLM IDAHO STATE OFFICE
1387 VINNELL WAY
BOISE ID 83709-1657

Re: Application for Water Right No.55-0467 in the Name of The Nature Conservancy.

Dear Sir:

Enclosed is a copy of the above-referenced application. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application, your written protest along with the \$25.00 protest fee must be received in this office by January 22, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm

Encl.

MICROFILMED

MAR 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 31, 2001

STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Water Right No. 55-0467 in the Name of The Nature Conservancy.
Application for Water Right No. 63-31376 in the Name of McGrew Ranch LLC.
Application for Water Right No. 63-31377 in the Name of McGrew Ranch LLC.
Application for Water Right No. 79-14007 in the Name of Idaho Department of Lands.

Dear Sir:

Enclosed are copies of the above-referenced applications that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by January 22, 2002.

If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS:lm
Encl.

MICROFILMED
MAR 16 2002

MEMORANDUM

DATE: 12/17/01

FROM: Lori Graves

TO: Transfer File No. 69607

Attachments

- A. Ownership Documentation
- B. Topo Map

Brief

Applicant proposes to move the existing P/D off public land onto their private land. BLM had filed an objection to the existing P/D in the SRBA.

Overlaps

Water right 55-2102 overlaps with the P/U, which is not proposed for change. Right 55-2102 was not claimed or partially decreed in the SRBA. This water right continues to show up as active on the data base until the decree is final. Unless a late claim is filed with the court for some reason, 55-2102 can basically be considered not valid.

Validity

Right 55-4067 was partially decreed 3/5/1999.

Recommendations

Approve transfer as filed. Send comments to BLM.

MILGROVE
MAY 3 5 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 27, 2001

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Transfer No. 69607
Water Right No(s). 55-4067

*filed
12-18-01*

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/22/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MAILED

MAR 1 5 2002

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 69607

THE NATURE CONSERVANCY
PO BOX 165

SUN VALLEY ID 83353, has filed Application No. 69607 for changes to the following water rights within OWYHEE County

Right No. 55-4067

Priority 7/1/1890

Source SOUTH FORK OWYHEE RIVER

Use IRRIGATION (64 acres) 1.28 CFS

Total Amount 1.28 CFS

Point(s) of Diversion SESESE S25 T14S R05W

Place of Use S25 T14S R05W
S36 T14S R05W

Remark: Applicant proposes to move the Point of Diversion off public land onto their private land in the NWNENW S36 T14S R5W.

Protests may be submitted based on the criteria of Sec 42-222, Idaho Code.

Any protest against the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before January 22, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on January 2 and 9, 2002.

NOTED

JAN 15 2002