

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED**TRANSFER OF WATER RIGHT*****AMENDED*****TRANSFER NO. 70994**

This is to certify that: RIVER GROVE INC And PETER L STURDIVANT
C/O PETER L STURDIVANT JANE STURDIVANT
PO BOX 606 PO BOX 968
HAILEY ID 83333-0606 HAILEY ID 83333-0968
(208)788-9845 (208)788-9845

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>
36-16179	WR/Decreed	04/01/1880	2.00 cfs	N/A	N/A	6.7	BILLINGSLEY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16179	YES	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-16179	36-16194	1.72 cfs	N/A	N/A	N/A	36-16193	1.04 cfs	N/A	N/A	6.7
COMBINED TOTALS		1.72 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 9th day of June, 20 05


Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 36-16179

WATER RIGHT NO. 36-16193
As Modified by Transfer No. 70994

In accordance with the approval of Transfer No. 70994, Water Right No. 36-16193 is now described as follows.

Right Holder: RIVER GROVE INC
 C/O PETER L STURDIVANT
 PO BOX 606
 HAILEY ID 83333-0606

Priority Date: April 01, 1880

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	12/01	to 02/14	0.28 CFS	
STOCKWATER	02/15	to 11/30	0.04 CFS	
IRRIGATION	02/15	to 11/30	1.04 CFS	
			1.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BILLINGSLEY CREEK SESENW Sec. 11 Twp 07S Rge 13E GOODING County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 11										X							

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	
07S 13E 11											6.7						6.7

Total Acres: 6.7

CONDITIONS OF APPROVAL

1. Water is delivered through the Barlogi Ditch. Stockwater, 50 range cattle.
2. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. The quantity of water decreed for this right for stockwater use is not a determination of historical beneficial use.

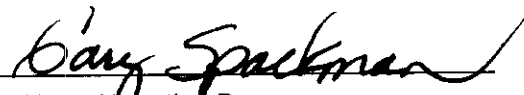
WATER RIGHT NO. 36-16193
As Modified by Transfer No. 70994

CONDITIONS OF APPROVAL

4. The portion of this right in excess of 0.41 cfs for irrigation use is subordinated to all water rights with priority dates earlier than December 31, 1999.
5. 0.24 cfs of the unsubordinated irrigation portion of this right is limited to use for conveyance losses in the delivery of this right for both stockwater and irrigation uses during the irrigation and non-irrigation season.
6. The subordinated portions of this right shall not be asserted, delivered, honored, used, enforced, effective or otherwise recognized as valid if it would cause or require, either directly or indirectly, curtailment of, injury to, or mitigation from any water rights with priority dates earlier than December 31, 1999. The subordination shall run with and be perpetual servitudes upon this water right and the associated lands, including any new lands to which all or any portions of this right is transferred.
7. 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.

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 9th day of June, 2005


Chief, Water Allocation Bureau

WATER RIGHT NO. 36-16194
As Modified by Transfer No. 70994

In accordance with the approval of Transfer No. 70994, Water Right No. 36-16194 is now described as follows.

Right Holder: RIVER GROVE INC	And	PETER L STURDIVANT
C/O PETER L STURDIVANT		JANE STURDIVANT
PO BOX 606		PO BOX 968
HAILEY ID 83333-0606		HAILEY ID 83333-0968
(208)788-9845		(208)788-9845

Priority Date: December 31, 1999

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

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
AESTHETIC	12/01 to 02/14		1.72 CFS	
AESTHETIC	02/15 to 11/30		0.38 CFS	
			1.72 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BILLINGSLEY CREEK	NWSENW	Sec. 11 Twp 07S	Rge 13E	GOODING County
BILLINGSLEY CREEK	NWSENW	Sec. 11 Twp 07S	Rge 13E	GOODING County

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 13E 11							X	X			X						
							L 3										

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 36A.
3. 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.
4. This right is subordinated to all water rights with priority dates earlier than December 31, 1999.

WATER RIGHT NO. 36-16194
As Modified by Transfer No. 70994

CONDITIONS OF APPROVAL

5. This subordinated right shall not be asserted, delivered, honored, used, enforced, effective or otherwise recognized as valid if it would cause or require, either directly or indirectly, curtailment of, injury to, or mitigation from any water rights with priority dates earlier than December 31, 1999. The subordination shall run with and be perpetual servitudes upon this water right and the associated lands, including any new lands to which all or any portions of this right is transferred.
6. Rights 36-37A, 36-37B, 36-7282, 36-7314B, 36-7314C, 36-7750A, 36-7750B, 36-16171, and 36-16180 are also diverted through the points of diversion described above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) 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.

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 9th day of June, 2005



Chief, Water Allocation Bureau