

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**\*AMENDED\*****TRANSFER OF WATER RIGHT****\*AMENDED\*****TRANSFER NO. 70679**

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

| Right  | Origin/Basis | Priority   | Rate     | Volume | Acre Limit | Total Acres | Source            |
|--------|--------------|------------|----------|--------|------------|-------------|-------------------|
| 36-106 | WR/Decreed   | 04/01/1880 | 2.00 cfs | N/A    | N/A        | 10.0        | BILLINGSLEY CREEK |
| 36-37A | WR/Decreed   | 04/01/1880 | 0.61 cfs | N/A    | N/A        | 8.0         | BILLINGSLEY CREEK |
| 36-37B | WR/Decreed   | 04/01/1880 | 0.69 cfs | N/A    | N/A        | 8.0         | BILLINGSLEY CREEK |

**Purpose of Transfer (Changes Proposed)**

| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 36-106         | YES   | NO  | YES | YES     | NO            | NO            |
| 36-37A         | NO    | NO  | YES | YES     | NO            | NO            |
| 36-37B         | NO    | NO  | YES | YES     | NO            | NO            |

**Summary of Water Rights After the Approved Change**

| Existing Right         | New No. (changed portion) | Transfer Rate   | Transfer Volume | Acre Limit  | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|------------------------|---------------------------|-----------------|-----------------|-------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 36-106                 | <b>36-16180</b>           | 0.58 cfs        | N/A             | 3.3         | 19.3        | <b>36-16179</b>             | 2.00 cfs       | N/A              | N/A                  | 6.7                   |
| 36-37A                 | <b>36-37A</b>             | 0.61 cfs        | N/A             | 8.0         | 19.3        |                             | N/A            | N/A              | N/A                  | N/A                   |
| 36-37B                 | <b>36-37B</b>             | 0.69 cfs        | N/A             | 8.0         | 19.3        |                             | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED TOTALS</b> |                           | <b>1.88 cfs</b> | <b>N/A</b>      | <b>19.3</b> | <b>19.3</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 9<sup>th</sup> day of June, 20 05

*Barry Spackman*  
 Chief, Water Allocation Bureau

**SUPPORT DATA**  
**IN FILE # 36-37A**

**WATER RIGHT NO. 36-37A**  
**As Modified by Transfer No. 70679**

In accordance with the approval of Transfer No. 70679, Water Right No. 36-37A is now described as follows.

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

**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> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 02/15 to    | 11/30     | 0.61 CFS              |               |
|                       |             |           | 0.61 CFS              |               |

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

|                   |        |                 |         |                |
|-------------------|--------|-----------------|---------|----------------|
| BILLINGSLEY CREEK | NWSWNE | Sec. 11 Twp 07S | Rge 13E | GOODING County |
| BILLINGSLEY CREEK | NWSENW | Sec. 11 Twp 07S | Rge 13E | GOODING County |
| 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:** 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  |    |    |    |    | 5.7 | .4  | 5.3 | 5.0 |    |    | 2.9 |    |    |    |    |    | 19.3   |
|     |     |     |    |    |    |    | L 2 | L 2 | L 3 |     |    |    |     |    |    |    |    |    |        |

Total Acres: 19.3

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 8 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

**WATER RIGHT NO. 36-37A**  
**As Modified by Transfer No. 70679**

**CONDITIONS OF APPROVAL**

3. 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, diversion of water under this water right is subject to administration by State Water District No. 36A, Billingsley Creek.
4. This right when applied to lands via sprinklers shall be limited to 0.02 cfs per acre and 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. This right when diverted along with other rights for fish propagation, wildlife, or aesthetic purposes at the authorized diversion listed above shall not provide additional diversion rate above the total rate of the rights for fish propagation, wildlife, or aesthetic purposes being called for at the diversion.
6. Rights 36-37B, 36-7282, 36-7314B, 36-7314C, 36-7750A, 36-7750B, 36-16171, 36-16180 and 36-16194 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 9<sup>th</sup> day of June, 20 05

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-37B**  
**As Modified by Transfer No. 70679**

In accordance with the approval of Transfer No. 70679, Water Right No. 36-37B is now described as follows.

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

**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> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 02/15       | 11/30     | 0.69 CFS              |               |
|                       |             |           | 0.69 CFS              |               |

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

|                   |        |                 |         |                |
|-------------------|--------|-----------------|---------|----------------|
| BILLINGSLEY CREEK | NWSWNE | Sec. 11 Twp 07S | Rge 13E | GOODING County |
| BILLINGSLEY CREEK | NWSENW | Sec. 11 Twp 07S | Rge 13E | GOODING County |
| 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:** 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  |    |    |    |    | 5.7 | .4  | 5.3 | 5.0 |    |    | 2.9 |    |    |    |    |    | 19.3   |
|     |     |     |    |    |    |    | L 2 | L 2 | L 3 |     |    |    |     |    |    |    |    |    |        |

Total Acres: 19.3

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 8 acres within the place of use described above in a single irrigation season.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
3. 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, diversion of water under this water right is subject to administration by State Water District No. 36A, Billingsley Creek.

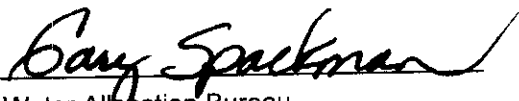
**WATER RIGHT NO. 36-37B**  
**As Modified by Transfer No. 70679**

**CONDITIONS OF APPROVAL**

4. This right when applied to lands via sprinklers shall be limited to 0.02 cfs per acre and 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. This right when diverted along with other rights for fish propagation, wildlife, or aesthetic purposes at the authorized diversion listed above shall not provide additional diversion rate above the total rate of the rights for fish propagation, wildlife, or aesthetic purposes being called for at the diversion.
6. Rights 36-37A, 36-7282, 36-7314B, 36-7314C, 36-7750A, 36-7750B, 36-16171, 36-16180 and 36-16194 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 9<sup>th</sup> day of June, 20 05

  
Chief, Water Allocation Bureau

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

**Tributary:** SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: BILLINGSLEY CREEK SESENW Sec. 11 Twp 07S Rge 13E GOODING County

Total Acres: 6.7

**WATER RIGHT NO. 36-16179**  
**As Modified by Transfer No. 70679**

**CONDITIONS OF APPROVAL**

1. Rights 36-16179 and 36-16180 when combined shall not exceed a total diversion rate of 2.00 cfs.
2. Water is delivered through the Barlogi Ditch.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. The quantity of water decreed for this right for stockwater use is not a determination of historical beneficial use.
5. The portion of this right in excess of 0.41 cfs for irrigation is subordinated to all water rights with priority dates earlier than December 31, 1999.
6. 0.24 cfs of the unsubordinated irrigation portion of this right is limited to use for conveyance losses in the delivery of this right.
7. The portion of this right for aesthetic use is subordinated to all water rights with priority dates earlier than December 31, 1999.
8. The subordinated portions of this water 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 subordinations shall run with and be perpetual servitudes upon this water right and associated lands, including any new lands to which all or any portions of this water right are transferred.
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 9<sup>th</sup> day of June, 2005

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 36-16180**  
**As Modified by Transfer No. 70679**

In accordance with the approval of Transfer No. 70679, Water Right No. 36-16180 is now described as follows.

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

**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> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 02/15 to    | 11/30     | 0.58 CFS              |               |
|                       |             |           | 0.58 CFS              |               |

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

|                   |        |                 |         |                |
|-------------------|--------|-----------------|---------|----------------|
| BILLINGSLEY CREEK | NWSWNE | Sec. 11 Twp 07S | Rge 13E | GOODING County |
| BILLINGSLEY CREEK | NWSENW | Sec. 11 Twp 07S | Rge 13E | GOODING County |
| 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:** 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  |    |    |    |    | 5.7 | .4  | 5.3 | 5.0 | 2.9 |    |    |    |    |    |    |    | 19.3   |
|     |     |     |    |    |    |    | L 2 | L 2 | L 3 |     |     |    |    |    |    |    |    |    |        |

Total Acres: 19.3

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 3.3 acres within the place of use described above in a single irrigation season.
2. Use of this right in excess of 0.09 cfs is subordinated to all water rights with priority dates earlier than December 31, 1999.
3. The subordinated portion 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 associated lands, including any new lands to which all or any portions of this water right are transferred.

**WATER RIGHT NO. 36-16180**  
**As Modified by Transfer No. 70679**

**CONDITIONS OF APPROVAL**

4. This right when diverted along with other rights for fish propagation, wildlife, or aesthetic purposes at the authorized diversion listed above shall not provide additional diversion rate above the total rate of the rights for fish propagation, wildlife, or aesthetic purposed being called for at the diversion.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. 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, diversion of water under this water right is subject to administration by State Water District No. 36A, Billingsley Creek.
7. This right when applied to lands via sprinklers shall be limited to 0.02 cfs per acre and 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Rights 36-37A, 36-37B, 36-7282, 36-7314B, 36-7314C, 36-7750A, 36-7750B, 36-16171, and 36-16194 are also diverted through the points of diversion described above.
9. The right holder shall accomplish the change authorized by this transfer within one (1) 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.

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 9<sup>th</sup> day of June, 20 05

  
Chief, Water Allocation Bureau