

#3

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 70695

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Peter Sturdivant Phone (208) 788-9845

Post Office address P.O. Box 606, Hailey, ID 83333-0606

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To add fish ponds not included in the SRBA decree.

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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>36-7314C</u>	<u>12/31/1986</u>	<u>5.0</u>	<u>Fish Prop.</u>	<u>1/1</u> to <u>12/31</u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

2. Total amount of water being transferred 5.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Billingley Creek tributary to Snake River

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

PART 1

6. General Information:

a. Description of diversion system Headgate from Billingsley Creek to fish ponds.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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

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 _____.

Page _____ of _____

Transfer No. _____

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. 36-7314C Decreed to _____
in case of SRBA 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. Label document as attachment A. check appropriate box below.

☐ Tax notice☐ Warranty Deed☐ Other _____3. Source of water Billingsley Creek tributary to Snake River4. Date of priority 12/31/1986

5. Water is used for the following purpose:

Amount 5.0 cfs for Fish Prop. purposes from 1/1 to 12/31
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.0 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
	NE	SE	NW	11	7S	13E		

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	
7S	13E	11					F	F		F									

Total acres _____

9. Describe any other water rights used for the same purpose as described above 36-7282, 36-7314B, 36-7750A,
36-7750B

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 _____

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

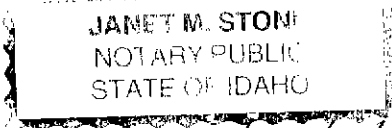
1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:
Water returns to Snake River, governed by NPDES discharge permit.
3. Describe the effects on other water uses resulting from the proposed change:
None.

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.

Subscribed and sworn to before me this 12th day of Nov., 2002



Janet M Stone
(Notary Public)

My commission expires 5/10/06

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by J. F. Stanton Date 11-25-02 Protest filed by _____

Prelim. check by _____ Fee \$410.5025352

Receipted by JS Date 12-3-02

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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RECEIVED

NOV 25 2002

Department of Water Resources
Southern Region

Description of Water Right Transfers Peter Sturdivant / River Grove Ranch

Brockway Engineering, PLLC
November 7, 2002

OVERVIEW

The applicant owns property located north of Hagerman in NW1/4 and SW1/4 of Section 11, T. 7 S., R. 13 E. Within the property, water from Billingsley Creek is used for irrigation of pasture, alfalfa, corn, and turf. Water is also used for fish propagation in a series of concrete and earthen ponds.

For the purposes of accurately quantifying the extent of current use, a low-altitude aerial photo was commissioned. Valley Air Photos of Caldwell, Idaho took the photo on September 3, 2002. This photo was rectified to the ITM grid and used as a base map for the water right transfers.

Figure 1 was prepared, which shows all current irrigation, domestic and fish propagation uses. This figure shows the locations of diversions, ditches, and ponds, and the approximate locations of buried mainlines. Each parcel of irrigation was delineated and the acreage quantified.

Water is delivered to the property at three locations, described in the following sections.

"North" Area

The irrigated land north of the fish facility is supplied by water from the Idaho Power Company ditch under an agreement between IPCO and the applicant. The water flows in a 6-inch steel mainline and drops approximately 120 feet in elevation off a bluff. The water is sufficiently pressurized to sprinkler irrigate Parcel 12. The mainline will be extended in the near future as shown on Figure 1 to connect to the remainder of the Billingsley Creek system.

"Central" Area

The main Billingsley Creek diversion lies just south of the fish facility. At this point, three headgates can divert water from the creek. The water from the west headgate flows to a small irrigation regulation pond. From here, a centrifugal pump delivers

pressurized water to irrigate parcels 7, 8, 9, and 10. Water not pumped from the pond overflows into a buried mainline and travels south. A take-off from this mainline feeds the ponds and wetland areas as shown on Figure 1. The remaining portion of the water empties into the pond known as the "long pond" between parcels 7 and 8, and continues through a short waterway and a small pond behind the main residence. Return flow enters Billingsley Creek near the existing hydropower plant.

Water diverted at the center headgate from Billingsley Creek enters the fish facility, after first passing through a pre-settling pond. A broad-crested weir measures the flow rate diverted at this point. After passing through the raceways, effluent water is treated. Solids are reduced by settlement, and nutrient uptake is achieved within the two millet ponds and wetlands. Effluent from the treatment ponds is discharged to the Snake River as authorized by a NPDES permit.

A small pump draws water from the pond behind the main residence to irrigate a portion of the turf surrounding the pond. In addition, a domestic well irrigates land in the immediate vicinity of the house and across the entrance road. The two systems are not interconnected.

"South" Area

The south area, consisting of parcels 1 and 2, is served with water from the Barlogi Ditch. Water is diverted from the ditch to a standpipe as shown on Figure 1. From here, a centrifugal pump delivers pressurized water to parcels 1 and 2. Excess water overflows the standpipe, travels northward in an open ditch, and enters the forebay to the powerhouse. The powerhouse is functional, and provides power chiefly to the residence and shop just north of parcels 3 and 4. A domestic well is located near this residence, and supplies all irrigation water for the 0.5 acre of irrigation in parcels 3 and 4.

EXISTING WATER RIGHTS

Water rights appurtenant to the applicant's property have been decreed in the Snake River Basin Adjudication. A description of the existing irrigation rights is provided in the following table.

Right No.	Diversion Rate	Acres	Description
36-0037A	0.61 cfs	8.0	Delivered via the IPCO ditch to the area north of the fish facility (parcel 12).
36-0037B	0.69 cfs	8.0	Diverted from Billingsley Creek at the main diversion point, pumped to parcels 7, 8, 9, and 10

36-0106	2.0 cfs irrigation 0.04 cfs stockwater 2.0 cfs aesthetics	10.0	Delivered via the Barlogi Ditch to the south area, pumped to parcels 1 and 2.
Fish rights (decreed): 36-7282 36-7314B 36-7314C	41.0 cfs combined limit	None	Delivered at the main Billingsley Creek diversion to the fish facility and effluent ponds.
Fish rights (permits): 36-7750A 36-7750B	50.0 cfs combined	None	Delivered at the main Billingsley Creek diversion to the fish facility and effluent ponds.
Hydropower right: 36-8099	2.0 cfs power	None	Delivered from the Barlogi Ditch.

PROPOSED TRANSFERS

Proposed Transfer #1

This transfer would create a permissible place of use encompassing parcels 5 through 12. The north and central systems will be tied together at the location shown on Figure 1 to allow the PPU to be created. Rights 36-0037A and 36-0037B together allow 16.0 acres of irrigation. Right 36-0106 allows 10.0 acres on the south area, but only 6.7 acres are irrigated now or will be irrigated in the future (note that this excludes parcels 3 and 4, which are served by a domestic well under I.C. 42-111(a)). The excess acreage of 3.3 acres is being moved to the new PPU. The total acreage within the PPU will be $16.0 + 3.3 = 19.3$ acres, and the water rights after the transfer will be as follows:

Right No.	Diversion Rate	Acreage
36-0037A	0.61 cfs	8.0
36-0037B	0.69 cfs	8.0
36-0106	0.58 cfs	3.3
Total	1.88 cfs	19.3

The diversion rate for 36-0106 accounts for the fact that the decree specifies that 0.24 cfs of the 2.0 cfs for irrigation shall be dedicated for seepage loss. All of the seepage loss was left in the Barlogi Ditch and not transferred.

Proposed Transfer #2

This transfer would move the 2.0 cfs of aesthetic water under 36-0106 from the

Barlogi Ditch to the main Billingsley Creek diversion, with the place of use being the "long pond" and the waterways behind the main residence.

Hydropower right 36-8099 is also delivered via the same system. The total diversion rate allowed under 36-8099 is 2.0 cfs, and the total allowed under 36-0106 is 2.0 cfs. No combined-use conditions were decreed on either of the rights. Therefore, it appears that the allowed diversion rate is 4.0 cfs total from both rights. In the course of this transfer, a combined-use condition should be placed on the rights to limit the diversion rate for both rights from both points of diversion to 4.0 cfs. This will avoid an enlargement in diversion rate.

Proposed Transfer #3

This transfer would modify the place of use on the fish propagation right 36-7314C to include fish ponds that were omitted from the decree. This ponds include the "long pond" between parcels 7 and 8, and the four ponds west of parcels 9 and 10. These ponds all receive water from the main Billingsley Creek diversion. A review of the 1987 infrared photo indicates that the large south pond was definitely present, and the entire area of the three smaller ponds was either water, wetlands, or actively-growing vegetation. Therefore, this transfer will not result in an increase in consumptive use over historical conditions, but will essentially codify the use that should have been addressed in the SRBA.

Proposed Transfer #4

The applicant, along with two other parties, have recently purchased land adjoining the Snake River in the NW1/4 SW1/4 Section 11. There are three parcels, termed Parcel A, Parcel B, and Parcel C as shown on Figure 1. The parcels are jointly owned by three parties, as evidenced by the attached deeds. This land has not been irrigated and there are no appurtenant water rights. It is proposed to transfer 5.6 acres of water right 36-0091A to these parcels. This water right is currently in the name of Arthur Ellston. Mr. Ellston is deceased and Christina Ellston is the representative for the estate, as evidenced by the legal documents attached to the transfer application. A water transfer agreement is also enclosed, along with a concurrence by the board of the Buckeye Ditch Company.

RECEIVED

LIMITED POWER OF ATTORNEY

NOV 25 2002

Department of Water Resources
Southern Region

KNOWN ALL MEN BY THESE PRESENT:

I, Peter Sturdivant, hereby nominate and appoint
Charles G. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers or permit applications before the Idaho Department of Water Resources for the
following water right transactions:
Water right transfers for Right Nos. 36-0037A, 37-0037B, 36-106, 36-0091A,
and 36-7314C.

in Gooding County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 12 day of NOV 2001.

[Signature]

Signature

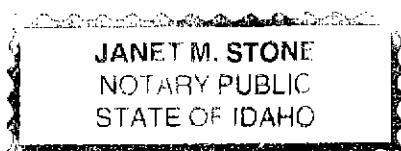
Signature

State of Idaho)
County of Blaine) ss.

On this 12 Day of Nov. 2001, before me, a Notary Public
in and for said County and State, personally appeared Peter Sturdivant,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



Janet M Stone

Notary Public
In and for said State and County
5/10/04

My Commission Expires



T07S, R13E, Section 11

RIVER GROVE FARMS TRANSFER #3

T 70695

LEGEND

- Buried Pipeline
- - Ditches
- - Additional Place of Use
- Other Ponds
- Section Lines
- Quarter Section Lines



T 70695

LEGEND

- Buried Pipeline
- - - Ditches
- Additional Place of Use
- Other Ponds
- Section Lines
- Quarter Section Lines



200 0 200 400 600 800 Feet

T07S, R13E, Section 11
RIVER GROVE FARMS TRANSFER #3

T 70695