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Attorney for IDWR

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	)	Subcase Nos. 34-00496A, 34-00692D,
	)	34-02428, 34-07096, 34-07097, 34-07223
	)	& 34-12416.
	)	
	)	AFFIDAVIT OF
Case No. 39576	)	CARTER FRITSCHLE
_____	)	

STATE OF IDAHO)
) ss.
County of Ada)

Carter Fritschle, being first duly sworn, deposes and states as follows:

1. My name is Carter Fritschle. I am a Water Rights Supervisor with Adjudication Bureau of the Idaho Department of Water Resources (IDWR). I make this affidavit based upon my own personal knowledge.

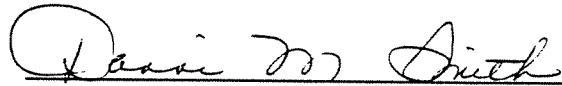
2. I adopt as my testimony, and incorporate in this Affidavit, the Supplemental Director's

Director's Report Regarding IDWR's Recommendation for Water Right Numbers 34-00496A, 34-00692D, 34-02428, 34-07096, 34-07097, 34-07223 & 34-12416, dated October 27, 1997, attached to this Affidavit as Exhibit 1.

Dated this 27th day of October, 1997.


CARTER FRITSCHLE

SUBSCRIBED AND SWORN to before me this 27th day of October, 1997.


Notary Public for the State of Idaho
Residing at: BOISE ID
My commission expires: 12/5/2000

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of October, 1997, I caused to be served a true and correct copy of the foregoing **AFFIDAVIT OF CARTER FRITSCHLE** and **SUPPLEMENTAL DIRECTOR'S REPORT FOR WATER RIGHTS NUMBERS 34-00496A, 34-00692D, 34-02428, 34-07096, 34-07097, 34-07223, and 34-12416** on the following persons by hand delivery, to the address or addresses listed below.

Kent W. Foster
Atty. for Mitchell D. Sorensen
P.O. Box 50130
Idaho Falls, ID 83405

Clive J. Strong
Atty. for the State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

Norman M. Semanko
Atty. for J. Doyle Jensen
and Kirby A. Jensen
P.O. Box 1906
Twin Falls, ID 83303

U.S. Dept. of Justice
Attys. For USDI BLM
Environment & Nat'l Resources
550 W. Fort St., MSC 033
Boise, ID 83724

William R. Hollifield
Atty. for Big Lost River Water
Users Assoc.
P.O. Box 66
Twin Falls, ID 83303

Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

Sandy J. Egbert
Person mailing document(s)

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**SUPPLEMENTAL DIRECTOR'S REPORT
FOR WATER RIGHTS NUMBERS
34-00496A, 34-00692D, 34-02428, 34-07096,
34-07097, 34-07223, and 34-12416**

October 27, 1997

Submitted by Carter Fritschle

SUPPLEMENTAL DIRECTOR'S REPORT FOR
WATER RIGHTS NUMBERS 34-00496A, 34-00692D, 34-02428,
34-07096, 34-07097, 34-07223, and 34-12416

IDENTIFICATION OF AFFIANT

Q. Please state your name.

A. My name is Carter Fritschle.

Q. Where are you employed and in what capacity?

A. I am employed by the Idaho Department of Water Resources as a Water Rights Supervisor with the Adjudication Bureau.

Q. What is your address?

A. My work address is Idaho Department of Water Resources (IDWR), 1301 North Orchard, Boise, Idaho 83706. I reside in Kuna, Idaho.

Q. Please describe your relevant educational background.

A. My educational background includes a bachelor's degree in chemistry that I received from Boise State College in 1973. As part of the curriculum to complete that degree, I completed chemistry, mathematics, physics, and biology courses stressing scientific methods of data collection and interpretation. I have continued my education by periodically completing college level courses in subjects such as hydrogeology, hazardous waste management, hydrology, statistics, and computers. In addition to my education in the sciences, I became certified as a teacher in Idaho in 1975 (recertified in 1986, 1991, and 1996) and have subsequently taught junior high school general science and earth science classes. I have also completed professional training courses through IDWR in hydraulics, ArcView geographical information systems, and ultrasonic flowmeters.

Q. Please describe your work history and your experience in water rights investigations.

A. My work experience includes a position with the University of Utah from 1973 to 1974 where I taught chemistry lab and discussion classes. From 1975 to 1985, I owned and

operated an irrigated farm. In addition to other positions I have held since 1985, I have continued to own and operate a small irrigated farm. During the summers of 1986 and 1987, I worked for IDWR's Western Regional Office where I conducted beneficial use field examinations on water right permits for licensing purposes. During those summers, I conducted approximately 200 beneficial use exams. From 1986 to 1987 I worked for the Boise School District as a teacher where I taught science and earth science classes at West Junior High.

Since 1987 I have worked in IDWR's Adjudication Bureau as a Senior Water Resource Agent (from 1987 to 1992) and as a Water Rights Supervisor (from 1992 to the present). My duties in these positions have included and include now: assisting claimants in filing Notices of Claim to a Water Right in the SRBA; investigating and recommending water rights claimed in the SRBA; training Water Resource Agents in claims review and investigation techniques; and reviewing claim investigation results for accuracy.

Through my experience in owning and operating an irrigated farm, and through my work experience at IDWR as both a Senior Water Resource Agent and as a Water Rights Supervisor, I have gained a good working knowledge of the following:

- a. Water flow measurement methods such as the use of flow meters, various types of weirs, "bucket and stopwatch", and other measurement devices and methods;
- b. The interpretation of aerial photography of various scales;
- c. The calculation of acreage from aerial photographs, orthophoto quads, and other photographs and maps using grids, planimeters and other devices and techniques;
- d. Reading and interpreting legal descriptions in order to locate an area described on maps or aerial photographs;
- e. The public land survey system;
- f. All types of irrigation systems and methods;
- g. Different types of wells and pumps and the calculation of pump outputs;
- i. Various farming practices and techniques.

Q. Are you familiar with water right numbers 34-00496A, 34-00692D, 34-02428, 34-07096, 34-07097, 34-07223, and 34-12416, the water rights at issue in these subcases?

A. Yes, I am familiar with water rights numbers 34-00496A, 34-00692D, 34-02428, 34-07096, 34-07097, 34-07223, and 34-12416.

Q. Please describe how you became familiar with these water rights.

A. As part of my duties as a Water Rights Supervisor, I reviewed the investigating water agent's claim verification records, claim files, IDWR records and other documents pertaining to these rights. I am familiar with the factual basis for IDWR's recommendations for these rights. I have personal knowledge of these rights through my many field trips to the Big Lost River Valley over the past several years, and through my review and research of these rights. The facts and records I relied upon for this Report are from IDWR records and personnel; and are the types of facts or data that are regularly and customarily considered by experts in the field of water use and water right investigation and administration to be a reasonable basis to form an opinion about such water use or water right.

OVERVIEW

Q. Would you please give a brief overview of these rights and how your discussion will be organized?

A. The rights involved in these subcases are as follows: Right Numbers 34-00496A, 34-00692D, 34-02428, 34-07096, 34-07097, 34-07223 and 34-12416 are all claimed by and recommended to Mitchell Sorensen. Mr. Sorensen's right number 34-07223 involves an exchange in place of use with uncontested right number 34-00093 which is claimed by and recommended to Doyle Jensen. Mr. Sorensen's right numbers 34-07096 and 34-07097 also involves a similar exchange with uncontested right number 34-10037 which is claimed by and recommended to Kirby Jensen. (Director's Reports for 34-00093 and 34-10037 are attached for reference.)

The rights involved in these subcases are overlapping water rights and have similar objections and issues raised within each subcase. This Report will give a brief overview of the factual background of these rights and will illustrate how these rights are interrelated. I will

discuss each right or related rights individually, explain the places of use and then conclude with a more detailed explanation of the location of the three wells.

Periodically I will reference the attached map for illustration. The map shows the green area which is the total 945 irrigated acres recommended for Mr. Sorensen. The larger green block in the bottom left of the map is 828 acres and the location of Mr. Sorensen's land in Era Flat. The smaller green block shown in Section 5 is 117 acres. The pink block on the map is the location of Kirby Jensen's land for this discussion. Likewise, the purple block is the location of Doyle Jensen's land for this discussion. Also, Director's Reports, and amended Director's Report as necessary, are attached for reference.

DISCUSSION

34-00496A and 34-00692D

Q. Please describe the factual background to right numbers 34-00496A and 34-00692D.

A. Right numbers 34-00496A and 34-00692D are portions of rights to water from the Big Lost River that were decreed in *Utah Construction Company v. Abbott*, Equity Number 222 (D.E.Id. 1923). (Rights numbers 34-00496A and 34-00692D also referred to as "decreed" or "surface" rights). In the original decree, the place of use for these rights was in T4N, R26E, Sections 5, 8 and 9. Right number 34-00692D, which is a portion of right number 34-00692, was originally appurtenant to 60 acres within the 200-acre place of use in Sections 5, 8 & 9. Right number 34-00496A which is a portion of right number 34-00496, was originally appurtenant to 60 acres within the 80-acre place of use in Section 5.

In the late 1970's and early 1980's Sorensen developed land in T3N, R25E, Section 2 and 3, and T4N, R25E, Section 34 and 35. This land is in the area known as "Era Flat." (See map.) When Mr. Sorenson developed the land in Era Flat, he moved his portions of the decreed water rights from T4N, R26E, Sections 5 and 9 to these new Sections in Era Flat pursuant to an accomplished transfer.

Q. The original Director's Report recommends 34-00496A and 34-00692D pursuant to Idaho Code § § 42-1416A (repealed 1994) and 42-1416 (repealed 1994) which have since been replaced by the amnesty statutes, Idaho Code § §42-1425 and 42-1426. Has the Director's recommendation for these rights changed to be consistent with the amnesty statutes?

A. When the place of use of these decreed rights was moved to Sorensen's lands in Era Flats, the number of acres irrigated with these rights appeared to be expanded. These rights therefore originally included a recommendation pursuant to an accomplished change in place of use under *Idaho Code* § 42-1416A (repealed 1994) and an expansion in irrigated acres under *Idaho Code* § 42-1416(1) (repealed 1994). As the laws have since changed, the original recommendations have been revised. The decreed water rights are now recommended under *Idaho Code* § 42-1425 for 60 acres each within a permissible place of use of 828 acres. (See the green block in the Era Flat area shown on attached map.) (Amended Director's Report for rights numbers 34-00496A and 34-00692D are attached.) If the claimant wishes to have an additional right for the expanded place of use of these decreed rights he may wish to file an enlargement claim for the additional acreage.

Q. *It appears that these water rights were subject to an administrative transfer at one time. Please explain the background to this transfer?*

A. On May 30, 1980, Mr. Sorensen filed an application to transfer the decreed rights and a portion of ground water right number 34-02428 to some of his land in Era Flat. On December 19, 1989, IDWR issued a cease and desist order to Mr. Sorensen ordering him to cease irrigation of lands not described in the decreed place of use of water right numbers 34-00496A and 34-00692D and the licensed place of use of 34-02428. On August 1, 1989, IDWR issued a proposed Memorandum Decision and Order denying an application for transfer of these water rights that sought approval of a change in place of use. The basis for the decision was that the proposed change would result in an enlargement of the rights and thus injure junior water rights because it sought to increase the number of acres irrigated pursuant to the right. A final decision was never issued however, because an adjudication claim was filed for these rights that claimed an accomplished change in place of use and an expansion in irrigated acres. The result of the adjudication claim is that the decreed rights were included in the Director's recommendation with an expansion in irrigated acres pursuant to *Idaho Code* § 42-1416(1) (repealed 1994) and a change in place of use pursuant to *Idaho Code* § 42-1416A (repealed 1994). The recommended place of use for these water rights included the same land which was the subject of the application for transfer.

As mentioned above, the amended recommendations have now been revised to include a recommendation for a permissible place of use of 60 acres within the total 828 acres for each of the decreed rights.

34-02428

Q. Please describe the factual background to right number 34-02428.

A. Right number 34-02428 is a right to ground water that is based on a license issued by IDWR. This right continues to be used on 117 acres of the original place of use and the remainder of the right is used on 76 acres of Sorensen's land in Era Flat. The diversion rate stated on the license is 3.85 cfs and is the same in the Director's recommendation of this right.

This ground water right was developed on the same land as the Big Lost River decreed water rights discussed above. In the application for permit of this water right the permittee sought to have the right as a supplemental water right to the decreed rights. The water right was licensed as a supplemental water right. (A supplemental water right is a right that is not the primary source of water for a place of use.) The portion of this right used in Section 9 (*see* blue block on map) was moved to Sorensen's land in Era Flat as an accomplished transfer. The remaining portion of this right is used in Section 5, (*see* smaller green block on map) but now is used as a "primary right" since the original primary rights (portions of 34-00496A and 34-00692D) were transferred to Sorensen's land in Era Flat.

Q. What term is used when a primary right is moved off the land leaving the supplemental right to become the primary right for the land?

A. This is commonly referred to as "unstacking" of water rights.

Q. How does "unstacking" of rights effect their use?

A. When unstacking of rights occurs the junior right has the priority date advanced to the date of the unstacking in order to prevent injury to other appropriators. In other words when the primary rights are taken off the land leaving the supplemental right as the only source of water for that land, an enlargement in the number of irrigated acres occurs and that may cause injury to other appropriators if the priority date is not advanced to the date the primary rights were transferred off the land.

Q. How was right number 34-02428 originally recommended?

A. This right was recommended in the Director's Report as an accomplished transfer. The 76 acres of the right recommended as transferred is that portion of the right used at the new place of use in Era Flat which is delivered through the Moore Canal and Timber Dome Canal. As a result of the change, the right appears to be the only source of water for irrigation of 193 acres (117 acres in Section 5, and 76 acres in Era Flat) within the total 945 acres (*See* total green area on map) recommended as a permissible place of use, and not supplemental to other water rights. Due to the unstacking of the water rights, the recommended priority date is the date the change in use was made, rather than the earlier licensed priority date. The right was recommended this way to prevent injury to junior water users that could result from this change.

Q. Was this water right also subject to the transfer application and IDWR's proposed Memorandum Decision as discussed above?

A. Yes, it was included as the application for transfer to the place of use in Era Flat along with the decreed rights. Like the decreed rights, IDWR issued a cease and desist order to Mr. Sorensen ordering him to cease irrigation of lands not described in the license for water right number 34-02428. On August 1, 1989, IDWR issued a proposed Memorandum Decision and Order denying an application for transfer of water right number 34-02428 that sought approval of a change in place of use. The basis for the decision was that the proposed change would result in an enlargement of the right and injury to junior water rights because it sought to increase the number of irrigated acres and because the right would be changed from use as a supplemental source, to use as a primary source of water.

Q. Has there been any revision to the recommendation for this right at this point?

A. Yes. Included with this report is a revised recommendation that deletes the point of diversion in T4N, R26E, Section 17 from the original recommendation. This point of diversion was taken out because the water diverted from the well in Section 17 cannot physically reach the place of use described for this right. *See* attached amended Director's Report for water right number 34-02428.

34-07096, 34-07097 and 34-07223

Q. Please describe the factual background to right numbers 34-07096, 34-07097 and 34-07223.

A. These three rights involve exchange agreements between Mitchell Sorensen and Kirby and Doyle Jensen. Each of these rights, 34-07096, 34-07097 and 34-07223 has a ground water source, and they are claimed by and recommended to Mr. Sorensen. These ground water rights were approved by IDWR for an exchange in place of use with decreed water diverted from the Big Lost River that is claimed and recommended to Kirby Jensen and to Doyle Jensen. The Jensens' decreed water is used on Mr. Sorensen's land in Era Flat and Mr. Sorensen's ground water is used on the Jensens' land described in their decreed rights. Although Mr. Sorensen owns the wells located on the Jensens' property, water diverted from these wells cannot physically be delivered to Mr. Sorensen's land in Era Flat. In the recommendation for water rights 34-07096, 34-07097 and 34-07223 the exchange agreement is referenced, indicating that the water diverted under these rights is used at the places of use described in the Jensens' decreed rights, 34-00093 and 34-10037. (See attached Director's Reports.)

Right number 34-07223 is based on a license issued by IDWR. Ground water right number 34-07223 was approved for exchange with surface water right number 34-00093, owned by Doyle and Katherine K. Jensen. The ground water diverted pursuant to right number 34-07223 is the only source of water for irrigation of the place of use described in water right number 34-00093. (See purple colored block on map.)

Right numbers 34-07096 and 34-07097 are ground water rights based on permits. They were approved by IDWR for exchange in place of use with surface water right number 34-10037, which is claimed and recommended to Kirby Jensen. The ground water for right numbers 34-07096 and 34-07097 is diverted from the point of diversion in T4N, R26E, Section 17 and is the only source of water for the irrigation of the place of use described in water right number 34-10037. (See pink colored block on map.)

Q. Has the recommendation for right numbers 34-07096 and 34-07097 been reformatted?

A. Water right numbers 34-07096 and 34-07097 have been reformatted, otherwise they are recommended as they were originally recommended in the Director's Report. *See* attached amended Director's Report for water rights numbers 34-07096 and 34-07097.

Q. Has the recommendation for right number 34-07223 been reformatted?

A. Water right number 34-07223 has been reformatted, otherwise it is recommended as it was originally recommended in the Director's Report. Like the other rights mentioned previously, the revised recommendation still includes a permissible place of use. (*See* attached amended Director's Report for water right number 34-07223.)

34-12416

Q. Please describe the factual background to right number 34-12416.

A. This right is an enlargement right for the use of ground water on Sorensen's land. This right is based upon an enlargement of right numbers 34-02428, 34-07096, 34-07097 and 34-07223 pursuant to *Idaho Code* § 42-1426. There were 365 irrigated acres claimed by Mr. Sorensen that were not covered by these permitted and/or licensed rights. The Director's Report originally recommended an expansion in use for this 365 acres under right number 34-12416, pursuant to *Idaho Code* § 42-1416(2) (repealed 1994), with a priority date as of the date of the expansion in use. This right included a remark limiting the exercise of this right to 365 acres. This is calculated by taking the total 945 acre recommended permissible place of use and subtracting the 580 acres recommended for the licensed and permitted rights. (945 total acres - 164 acres for 34-07096 - 143 acres for 34-07097 - 80 acres for 34-07223 - 193 acres for 34-02428 = 365 enlarged acres).

This enlargement right number 34-12416 was included in the list of the recently published Director's Report for enlargement of rights. The Notice of Enlargement of Water Rights was published in July of 1997, the Amended Director's Report was issued September 19, 1997, and objections were due October 17, 1997. (*See* attached amended Director's Report for water right number 34-12416.)

Place of Use

Q. Please clarify the place of use recommendations for the decreed, the permitted and licensed rights?

A. The recommended place of use for five of these rights, numbers 34-00496A, 34-00692D, 34-07096, 34-07097, and 34-07223, is within the same 828 acre permissible place of use. (See the green block in Era Flat on map). The recommended place of use for the remaining two rights, 34-02428 and 34-12416, is within a 945 acre permissible place of use, (see both green blocks on map) which includes the 828 acre permissible place of use recommended under the other five rights.

The permitted and licensed rights, which are 34-07096, 34-07097, and 34-07223, were originally permitted and/or licensed for the irrigation of a total of 387 acres. The water diverted under these rights is combined with the water diverted under the two decreed rights, 34-00496A, 34-00692D, and beneficially used within the 828 acres in Era Flat. Right number 34-02428 is used on 76 acres within the 828 acres in Era Flat, and for an additional 117 acres on a portion of the original place of use for that right. This recommendation reflects an accomplished change in place of use pursuant to *Idaho Code* § 42-1425. However, the recommended place of use is not an expansion in use of the permitted/licensed rights, because each recommendation includes a remark limiting exercise of the right to the number of acres for which the right was originally permitted/licensed.

Location of Wells

Q. Please clarify the locations of the three wells, who owns the wells and the land in which the water rights from the wells are appurtenant?

A. All three wells are located in T4N, R26E.

The well in Section 8 is located on lands owned by Doyle Jensen (See purple area on map). The well in Section 8 is the recommended point of diversion for right number 34-07223. Right number 34-07223 is recommended for 1.58 cfs which is the measured capacity of the well in Section 8.

The well in Section 5 is located on lands owned by Mr. Sorensen. (See green area on map.) The well in Section 5 is the recommended point of diversion for right number

34-02428. The well in Section 5 has the capacity to produce at least 2.7 cfs in addition to the 3.85 licensed under right number 34-02428. As Mr. Sorensen has used this additional capacity for irrigation of the recommended place of use in Era Flat, IDWR recommended the well in Section 5 as an additional point of diversion of water rights 34-07096 and 34-07097. The permits will need to be amended to show this additional point of diversion prior to the issuance of the licenses.

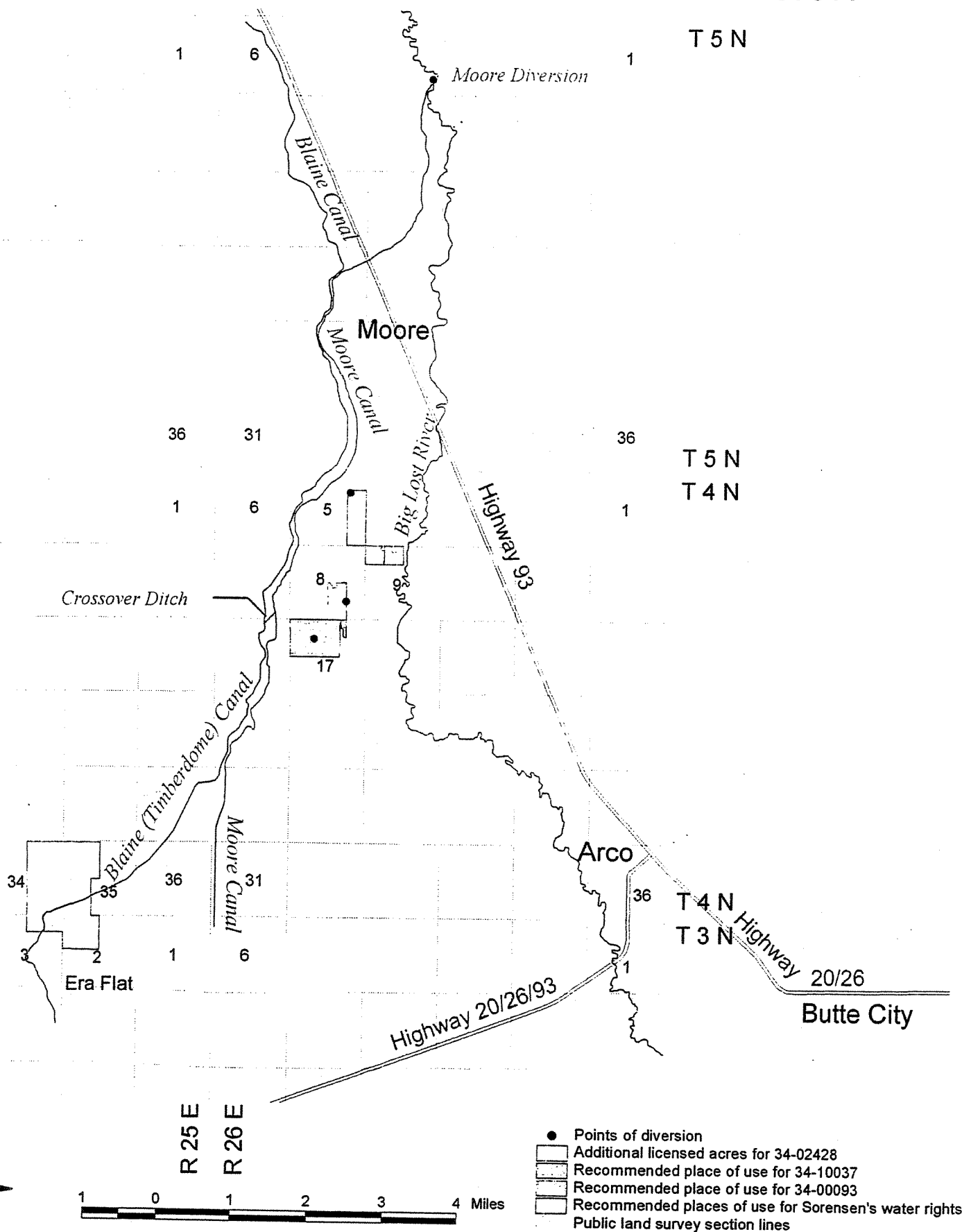
The well in Section 17 is located on lands owned by Kirby Jensen. (*See pink area on map.*) The well in Section 17 is one of the recommended points of diversion for right numbers 34-07096 and 34-07097 (the other point of diversion for these rights is Section 5). The capacity of the well in Section 17 was measured at 3.42 cfs at the licensing field exam for these rights. These two rights were permitted and are recommended for a total diversion rate of 6.12 cfs (2.86 cfs + 3.26 cfs), which is 2.7 cfs more than the measured capacity of the well in Section 17. Therefore, the additional 2.7 cfs for right numbers 34-07096 and 34-07097 comes the well in Section 5.

Finally, as water right number 34-12416 is an enlargement of the four permitted/licensed rights, it includes the wells in Sections 5 and 17 as the points of diversion for the right.

Q. Does this conclude your testimony?

A. Yes. Thank you.

SORENSEN AND JENSEN WATER RIGHTS: PLACES OF USE AND POINTS OF DIVERSION



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

DATE: OCT-23-1997

PAGE: A-3

GHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

GHT NUMBER: 34-00496A

NAME AND ADDRESS: MITCHELL D SORENSEN
RT 1 BOX 63-A
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.2 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION: T05N R26E S04 NWSESE Within BUTTE County

NAME AND ADDRESS:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	IRRIGATION	Irrigation Season	1.2 CFS
		03/01 10/13	

PLACE OF USE:	IRRIGATION	Within BUTTE County				
		T03N R25E S02	Lot 3 (NENW)39	Lot 4 (NWNW)39	SWNW 40	SENW 40
		S03	Lot 1 (NENE)39	Lot 2 (NWNE)39		
		T04N R25E S34	NENE 39	NWNE 38	SWNE 40	SENE 40
			NESE 40	NWSE 40	SWSE 40	SESE 40
		S35	NENW 38	NWNW 38	SWNW 40	SENW 40
			NESW 20	NWSW 40	SWSW 39	SESW 20

828 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-07096, 34-07097, 34-07223, 34-02428, 34-00692D AND 34-12416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

WATER DELIVERED THROUGH THE MOORE AND TIMBER DOME DAMS/
 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
 COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2362.5 AF, AND TO THE
 IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF
 DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON/ COMBINED
 RIGHT NOS./ 34/07096/ 34/07097/ 34/07223/ 34/02428/

Recommended Director's Report - 34-00496A

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

DATE: OCT-23-1997

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4-00496A (CONT.)

~~34/006920 AND 34/124161~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.~~THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42/1416(111)~~WATER DELIVERED THROUGH THE MOORE AND TIMBER DOME CANALS.

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

DATE: OCT-23-1997
PAGE: A-5

RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-00692D

NAME AND ADDRESS: MITCHELL D SORENSEN
RT 1 BOX 63-A
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.2 CFS

PRIORITY DATE: 07/15/1884

POINT OF DIVERSION: T05N R26E S04 NWSESE Within BUTTE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	1.2 CFS
		03/01 10/13	

PLACE OF USE:	IRRIGATION	Within BUTTE County		
	T03N R25E S02	Lot 3 (NENW)39	Lot 4 (NWNW)39	SWNW 40
	S03	Lot 1 (NENE)39	Lot 2 (NWNW)39	SENW 40
	T04N R25E S34	NENE 39	NWNE 38	SWNE 40
		NESE 40	NWSE 40	SESE 40
	S35	NENW 38	NWNW 38	SWNW 40
		NESW 20	NWSW 40	SESW 20

828 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-07096, 34-07097, 34-07223, 34-02428,
34-00469A AND 34-12416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

WATER DELIVERED THROUGH THE MOORE AND TIMBER DOME CANALS/
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 236213 AFD AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON/ COMBINED
RIGHT NOS./ 34/07096/ 34/07097/ 34/07223/ 34/02428/

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34-00692D (CONT.)

~~34/00469A AND 34/12416/~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE #2/1416111/
WATER DELIVERED THROUGH THE MOORE AND TIMBER DOME CANALS.

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RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 34-02428

NAME AND ADDRESS: MITCHELL D SORENSEN
RT 1 BOX 63-A
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 3.85 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.55 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4134.4 AF.
COMBINED RIGHT NOS.: 34-07096, 34-07097, 34-07223 AND 34-12416.
THIS RIGHT AND RIGHT NOS. 34-07096, 34-07097 AND 34-12416 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.97 CFS.

PRIORITY DATE: 04/01/1979

POINT OF DIVERSION: T04N R26E S05 NWSENE Within BUTTE County
~~T04N R26E S17~~ ~~NWSENE~~

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	3.85 CFS
		04/13 10/13	

PLACE OF USE:	IRRIGATION	Within BUTTE County		
	T03N R25E S02	Lot 3 (NENW)39	Lot 4 (NWNW)39	SWNW 40
	S03	Lot 1 (NENE)39	Lot 2 (NWNE)39	SENE 40
	T04N R25E S34	NENE 39	NWNE 38	SWNE 40
		NESE 40	NWSE 40	SWSE 40
	S35	NENW 38	NWNW 38	SWNW 40
		NESW 20	NWSW 40	SWSW 39
	R26E S05	SENE 39	NESE 39	SESE 39
	945 ACRES TOTAL			

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-07096, 34-07097, 34-07223, 34-00496A, 34-00692D AND 34-12416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 193 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

WATER DELIVERED THROUGH THE TIMBER DOME CANAL

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34-02428 (CONT.)

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 236213 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 943 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-07096, 34-07097, 34-07223, 34-00496A, 34-00692D AND 34-12416.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 473414 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-07096, 34-07097, 34-07223 AND 34-12416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 193 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHT NO. 34-12416 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42-1416(2).

RIGHT NOS. 34-07096, 34-07097 AND 34-12416 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 9197 CFS.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.

RIGHT NO. 34-12416 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

RIGHT NOS. 34-07096, 34-07097 AND 34-12416 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

WATER DELIVERED THROUGH THE TIMBER DOME CANAL.

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RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 34-07096

NAME AND ADDRESS: MITCHELL D SORENSEN
RT 1 BOX 63-A
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 3.26 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.55 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4134.4 AF.
COMBINED RIGHT NOS.: 34-02428, 34-07097, 34-07223 AND 34-12416.
THIS RIGHT AND RIGHT NOS. 34-02428, 34-07097 AND 34-12416 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.97 CFS.

PRIORITY DATE: 01/31/1975

POINT OF DIVERSION: T04N R26E S05 NWSENE Within BUTTE County
S17 NWSNW A

WATER DIVERTED UNDER THIS RIGHT FROM THE WELL LOCATED IN SECTION 17 IS EXCHANGED WITH WATER DIVERTED FROM THE BIG LOST RIVER UNDER RIGHT NO. 34-10037. WATER DIVERTED UNDER THIS RIGHT FROM THE WELL IN SECTION 17 IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-10037, AND WATER DIVERTED FROM THE BIG LOST RIVER IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN THIS RIGHT.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	3.26 CFS
		<u>08/18 10/18</u>	

PLACE OF USE:	IRRIGATION	Within BUTTE County		
	T03N R25E S02	Lot 3 (NENW)39	Lot 4 (NWNW)39	SWNW 40
	S03	Lot 1 (NENE)39	Lot 2 (NWNE)39	SENE 40
	T04N R25E S34	NENE 39	NWNE 38	SWNE 40
		NESE 40	NWSE 40	SWSE 40
	S35	NENW 38	NWNW 38	SWNW 40
		NESW 20	NWSW 40	SWSW 39

828 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF

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34-07096 (CONT.)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RIGHT NO. 34-12416 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

RIGHT NOS. 34-02428, 34-07097 AND 34-12416 ARE ALSO DIVERTED
THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 34-07097

NAME AND ADDRESS: MITCHELL D SORESENSEN
RT 1 BOX 63-A
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 2.86 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.55 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4134.4 AF.
COMBINED RIGHT NOS.: 34-07096, 34-02428, 34-07223 AND 34-12416.
THIS RIGHT AND RIGHT NOS. 34-07096, 34-02428 AND 34-12416 ARE LIMITED TO A COMBINED DIVERSION RATE OF 9.97 CFS.

PRIORITY DATE: 01/31/1975

POINT OF DIVERSION: T04N R26E S05 NWSENE Within BUTTE County
S17 NWSENW

WATER DIVERTED UNDER THIS RIGHT FROM THE WELL LOCATED IN SECTION 17 IS EXCHANGED WITH WATER DIVERTED FROM THE BIG LOST RIVER UNDER RIGHT NO. 34-10037. WATER DIVERTED UNDER THIS RIGHT FROM THE WELL IN SECTION 17 IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-10037, AND WATER DIVERTED FROM THE BIG LOST RIVER IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN THIS RIGHT.

PURPOSE AND

PURPOSE OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>Irrigation Season</u>	2.86 CFS
		<u>04/15 10/15</u>	

PLACE OF USE:	IRRIGATION	Within BUTTE County		
	T03N R25E S02	Lot 3 (NENW)39	Lot 4 (NWNW)39	SNNW 40
	S03	Lot 1 (NENE)39	Lot 2 (NWNE)39	SENN 40
	T04N R25E S34	NENE 39	NWNE 38	SWNE 40
		NESE 40	NWSE 40	SWSE 40
	S35	NENW 38	NWNW 38	SNNW 40
		NESW 20	NWSW 40	SWSW 39

828 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF

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34-07097 (CONT.)

DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.COMBINED RIGHT NOS.: 34-07096, 34-02428, 34-07223, 34-00496A,
34-00692D AND 34-12416.THIS RIGHT IS LIMITED TO THE IRRIGATION OF 143 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS CONDITIONED UPON COMPLETION OF THE APPROPRIATION IN ACCORDANCE WITH THE STATUTORY PROCEDURE FOR APPROPRIATION OF WATER RIGHTS. THIS RIGHT REMAINS SUBJECT TO ALL CONDITIONS SET FORTH IN THE PERMIT UPON WHICH THIS RIGHT IS BASED, AND WILL BE SUBJECT TO ALL CONDITIONS SET FORTH IN THE LICENSE ISSUED BY IDWR UPON COMPLETION OF THE STATUTORY APPROPRIATION PROCESS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 236213 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 943 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34/07096, 34/02428, 34/07223, 34/00496A, 34/00692D AND 34/12416.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 413414 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34/07096, 34/02428, 34/07223 AND 34/12416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 143 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHT NO. 34/12416 IS AN EXPANSION OF THIS RIGHT PURSUANT TO IDAHO CODE 42/1416(2).

RIGHT NOS. 34/07096, 34/02428 AND 34/12416 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 9197 CFS.

WATER DIVERTED UNDER THIS RIGHT FROM THE WELL LOCATED IN SECTION 17 IS EXCHANGED WITH WATER DIVERTED FROM THE BIG Lost RIVER UNDER RIGHT NO. 34/00032A. WATER DIVERTED UNDER THIS RIGHT FROM THE WELL IN SECTION 17 IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34/00032A AND WATER DIVERTED FROM THE BIG Lost RIVER IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED ABOVE.

THE AMOUNT OF WATER DIVERTED PURSUANT TO THIS EXCHANGE SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO OTHER RIGHTS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - PERMIT

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

Amended Director's Report - 34-07097

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34-07097 (CONT.)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RIGHT NO. 34-12416 IS AN EXPANSION OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

RIGHT NOS. 34-07096, 34-02428 AND 34-12416 ARE ALSO DIVERTED
THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 34-07223

NAME AND ADDRESS: MITCHELL D SORENSEN
RT 1 BOX 63-A
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 1.58 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 11.55 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 4134.4 AF.
COMBINED RIGHT NOS.: 34-07096, 34-07097, 34-02428 AND 34-12416.

PRIORITY DATE: 04/16/1979

POINT OF DIVERSION: T04N R26E S08 NESWSE Within BUTTE County
WATER DIVERTED UNDER THIS RIGHT FROM THE WELL LOCATED IN
SECTION 8 IS EXCHANGED WITH WATER DIVERTED FROM THE BIG LOST
RIVER UNDER RIGHT NO. 34-00093. WATER DIVERTED UNDER THIS RIGHT
FROM THE WELL IN SECTION 8 IS USED FOR THE PURPOSES AND AT THE
PLACES OF USE DESCRIBED IN RIGHT NO. 34-00093, AND WATER DIVERTED
FROM THE BIG LOST RIVER IS USED FOR THE PURPOSES AND AT THE
PLACES OF USE DESCRIBED IN THIS RIGHT.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u> <u>04/13 10/13</u>	1.58 CFS

PLACE OF USE:	IRRIGATION	Within BUTTE County		
	T03N R25E S02	Lot 3 (NENW)39	Lot 4 (NWNW)39	SWNW 40
	S03	Lot 1 (NENE)39	Lot 2 (NWNE)39	SENW 40
	T04N R25E S34	NENE 39	NWNE 38	SWNE 40
		NESE 40	NWSE 40	SESE 40
	S35	NENW 38	NWNW 38	SWNW 40
		NESW 20	NWSW 40	SESW 20

828 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-07096, 34-07097, 34-02428, 34-00496A,
34-00692D AND 34-12416.

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4-07223 (CONT.)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 236213 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 943 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS: 34/07096, 34/07097, 34/02428, 34/00496A, 34/00692D AND 34/12416.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 413414 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS: 34/07096, 34/07097, 34/02428 AND 34/12416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. RIGHT NO. 34/12416 IS AN EXPANSION OF THIS RIGHT PURSUANT IDAHO CODE 42-1416(2).

RIGHT NO. 34/12416 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 9197 CFS.

WATER DIVERTED UNDER THIS RIGHT FROM THE WELLS IN SECTION 8 IS EXCHANGED WITH WATER DIVERTED FROM THE BIG Lost RIVER UNDER RIGHT NO. 34/00093.

WATER DIVERTED UNDER THIS RIGHT FROM THE WELLS IN SECTION 8 IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34/00093, AND WATER DIVERTED FROM THE BIG Lost RIVER IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED ABOVE.

THE AMOUNT OF WATER DIVERTED PURSUANT TO THIS EXCHANGE SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO OTHER APPROPRIATORS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 34-12416 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

RIGHT NO. 34-12416 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

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RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 34-12416

NAME AND ADDRESS: MITCHELL D SORENSEN
RT 1 BOX 63-A
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 4.46 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 11.55 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 4134.4 AF. COMBINED RIGHT NOS.: 34-07096, 34-07097, 34-07223 AND 34-02428.

PRIORITY DATE: 05/01/1982

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION: T04N R26E S05 NWSENE Within BUTTE County
S17 NWSENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		<u>Irrigation Season</u>	4.46 CFS
		<u>04/13 10/13</u>	

PLACE OF USE:	IRRIGATION	Within BUTTE County		
	T03N R25E S02	Lot 3 (NENW)39	Lot 4 (NWNW)39	SWNW 40
	S03	Lot 1 (NENE)39	Lot 2 (NWNW)39	SENE 40
	T04N R25E S34	NENE 39	NWNE 38	SWNE 40
		NESE 40	NWSE 40	SWSE 40
	S35	NENW 38	NWNW 38	SWNW 40
		NESW 20	NWSW 40	SWSW 39
	R26E S05	SENE 39	NESE 39	SESE 39
	945 ACRES TOTAL			

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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4-12416 (CONT.)

COMBINED RIGHT NOS.: 34-07096, 34-07097, 34-07223, 34-00496A,
34-00692D AND 34-02428.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NOS. 34-07096, 34-07097, 34-02428 AND 34-07223 PURSUANT TO
SECTION 42-1426, IDAHO CODE.

WATER DELIVERED THROUGH THE TIMBER DOME CANAL.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 236213 AF, AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 943 ACRES WITHIN THE PLACE OF
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 34/07096, 34/07097, 34/07223, 34/00496A,
34/00692D AND 34/02428.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 413414 AF IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 34/07096, 34/07097,
34/07223 AND 34/02428.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 365 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 34/07096, 34/07097, 34/07223 AND 34/02428 ARE ALSO
DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE
TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO
11133 CFS.

THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 34/07096, 34/07097,
34/02428 AND 34/07223 PURSUANT TO IDAHO CODE 42/1416(2).

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHT NOS. 34-07096, 34-07097 AND 34-02428 ARE ALSO DIVERTED
THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 365 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

WATER DELIVERED THROUGH THE TIMBER DOME CANAL.

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RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-00093

NAME AND ADDRESS: J DOYLE JENSEN
CATHERINE K JENSEN
RT 1 BOX 43
MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 1.6 CFS

PRIORITY DATE: 05/20/1884

POINT OF DIVERSION: T05N R26E S04 NWSESE Within BUTTE County
WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER
DIVERTED FROM GROUNDWATER UNDER RIGHT NO. 34-07223. WATER
DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE
PLACES OF USE DESCRIBED IN RIGHT NO. 34-07223, AND WATER
DIVERTED FROM GROUNDWATER IS USED FOR THE PURPOSES AND AT THE
PLACE OF USE DESCRIBED ABOVE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	1.6 CFS
		03/01 10/13	

PLACE OF USE: IRRIGATION Within BUTTE County
T04N R26E S08 NWSE 36 SWSE 40
76 ACRES TOTAL

CONSUMPTIVE USE: 19010 AFY

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED
FROM GROUNDWATER UNDER RIGHT NO. 34-07223. WATER DIVERTED
UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF
USE DESCRIBED IN RIGHT NO. 34-07223, AND WATER DIVERTED FROM
GROUNDWATER IS USED FOR THE PURPOSES AND AT THE PLACE OF USE
DESCRIBED ABOVE. THE AMOUNT OF WATER DIVERTED PURSUANT TO THIS

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34-00093 (CONT.)

EXCHANGE SHALL BE REDUCED WHERE NECESSARY TO PREVENT INJURY TO
OTHER APPROPRIATORS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH MOORE CANAL.

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 RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-10037

NAME AND ADDRESS: KIRBY JENSEN
 RT 1 BOX 50
 MOORE ID 83255

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 4.52 CFS

PRIORITY DATE: 05/20/1884

POINT OF DIVERSION: T05N R26E S04 NWSESE Within BUTTE County
WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER
DIVERTED FROM GROUNDWATER UNDER RIGHT NOS. 34-07096 AND 34-07097
FROM THE WELL IN T04N, R26E, S17, NWSENE. WATER DIVERTED UNDER
THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE
DESCRIBED IN RIGHT NOS. 34-07096 AND 34-07097, AND WATER DIVERTED
FROM THE WELL IN T04N, R26E, S17, NWSENE IS USED FOR THE PURPOSES
AND AT THE PLACE OF USE DESCRIBED ABOVE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	4.52 CFS
		<u>03/01 10/15</u>	

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T04N R26E S17	NWNE 36	SWNE 26	NENW 40	NWNW 40
		SWNW 40	SENE 40		
	222 ACRES TOTAL				

CONSUMPTIVE USE: 333/0 AFY

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

WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED
FROM GROUNDWATER UNDER RIGHT NOS. 34-07096 & 34-07097. WATER
DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE
PLACES OF USE DESCRIBED IN RIGHT NOS. 34-07096 & 34-07097, AND
WATER DIVERTED FROM GROUNDWATER IS USED FOR THE PURPOSES AND AT
THE PLACE OF USE DESCRIBED ABOVE. THE AMOUNT OF WATER DIVERTED
PURSUANT TO THIS EXCHANGE SHALL BE REDUCED WHERE NECESSARY TO
PREVENT INJURY TO OTHER APPROPRIATORS.

AJ5856NP

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

DATE: OCT-23-1997

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EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH MOORE CANAL.