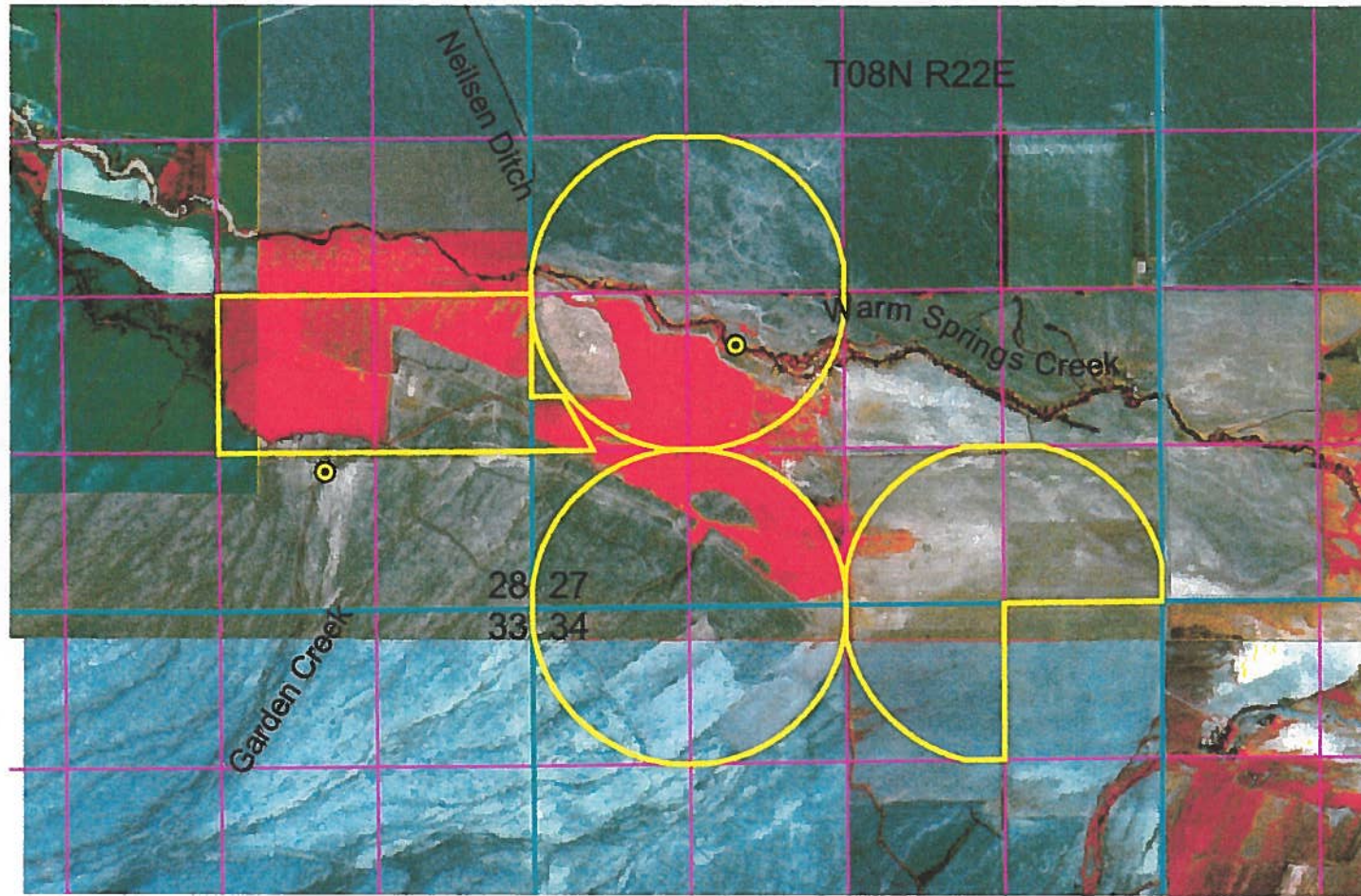


Water Right(s): 34-00398, 34-00399
34-00861A, 34-00868
34-07010



0 1320 2640 3960 5280 6600 Feet

LEGEND

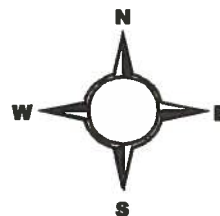


Point of Diversion



Place of Use

Acres Irrigated = 437.4



May 1, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BROKEN RIVER RANCH LP
C/O ROY E CRAWFORD
5660 W 4920 N
MACKAY ID 83251

RE: Transfer #5552 for water right(s) 34-00398, 34-00399, 34-00861A, 34-00868, 34-07010 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir:

On March 21, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5552, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,



Jennifer Crabtree
Technical Records Specialist

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

Water Rights: 34-00398, 34-00399,
34-00861A, 34-00868, 34-07010

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer **5552**
 - ☒ point of diversion ☒ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 4, 00

Ernest Carlson
Signature of IDWR Representative

I certify that on May 8, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
BROKEN RIVER RANCH LP
C/O ROY E CRAWFORD
5660 W 4920 N
MACKAY ID 83251

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

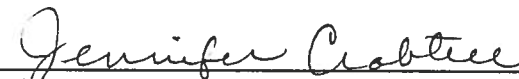
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-00868 (CONT)

PLACE OF USE: (CONT)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 138.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 437.4 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00398, 34-00399, 34-00861A, 34-00868 AND
34-07010.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY
TRANSFER NO. 5552 BY MARCH 21, 2001.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

WATER IS DELIVERED THROUGH NEILSEN DITCH.

WATER RIGHT NO(S). 34-00398/34-00399/34-00861A/34-00868/34-07010

Season
use

pd

pd

Season
of
use

This is to certify that: BROKEN RIVER RANCH LP
C/O ROY E CRAWFORD
5660 W 4920 N
MACKAY ID 83251

Season
of
useSeason
of
use

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-00398 :			
Priority: 08/30/1909			
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
		<u>2.00 CFS</u>	<u>354.0 AF</u>
Right No. 34-00399 :			
Priority: 05/01/1905			
IRRIGATION	05/01 to 10/15	1.20 CFS	210.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
		<u>1.20 CFS</u>	<u>214.0 AF</u>
Right No. 34-07010 :			
Priority: 08/28/1968			
IRRIGATION	~~05/01 to 10/15~~ 03/01 to 10/31	1.60 CFS	276.8 AF
		<u>4.34 CFS *</u>	<u>599.2 AF *</u>
SUBTOTAL			
Right No. 34-00861A :			
Priority: 05/01/1894			
IRRIGATION	05/01 to 10/15	2.98 CFS	455.0 AF
Right No. 34-00868 :			
Priority: 12/06/1913			
IRRIGATION	05/01 to 10/15	3.20 CFS	484.8 AF
		<u>10.52 CFS **</u>	<u>1539.0 AF **</u>
TOTAL			

TRIBUTARY OF

BIG LOST RIVER

SINKS

SINKS

三、

NWNESW , Sec. 27, Township 08N, Range 22E
CUSTER County

NESWNW , Sec. 15, Township 08N, Range 21E
SWSWNW , Sec. 27, Township 08N, Range 22E
NWNESW , Sec. 27, Township 08N, Range 22E
CUSTER County

SWSE , Sec. 28, Township 08N, Range 22E
SWNE , Sec. 28, Township 08N, Range 22E
NWNESW , Sec. 27, Township 08N, Range 22E
CUSTER County

TWN RGE SEC

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
08N	22E	27	SWNW	31.0		SENW	32.0	NESW	34.4
			NWSW	36.0		SWSW	32.0	SESW	32.0
			SWSE	32.0		SESE	32.0		261.4
	28		NESE	40.0		NWSE	40.0		80.0
	34		NWNE	32.0		NENW	32.0	NWNW	32.0
									96.0
						Total number of acres irrigated:		***	437.4

TWN RGE SEC

08N	22E	27	SWNW	SENW	NESW
			NWSW	SWSW	SESW
			SWSE	SESE	
		28	NESE	NWSE	
		34	NWNE	SWNE	NENW
			NWNW		

CONDITIONS OF APPROVAL AND REMARKS

- GEF.
- X Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
 - X This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
 - 3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 - X Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 - 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. The total instantaneous diversion of water from all points of diversion under Transfer 5552 shall not exceed 10.52 cfs, nor total combined annual volume of 1539.0 af.
 - 7. Prior to the diversion and use of water under Rights 34-00868 and 34-07010, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and the point of redirection from Warm Springs Creek.
 - *** 8. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
 - *** 9. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
 - *** 10. Right 34-07010 is limited to the irrigation of 79.1 acres in the place of use described above in a single irrigation season.
 - * 11. Rights 34-00398, 34-00399 and 34-07010 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 599.2 af at the field headgate, for the irrigation of 168.9 acres and stockwater use.
 - *** 12. Right 34-00861A is limited to the irrigation of 130.0 acres in the place of use described above in a single irrigation season.
 - *** 13. Right 34-00868 is limited to the irrigation of 138.5 acres in the place of use described above in a single irrigation season.
 - ** 14. Rights 34-00398, 34-00399, 34-00861A, 34-00868 and 34-07010 when combined shall not exceed a total diversion rate of 10.52 cfs, a total annual maximum diversion volume of 1539.0 af at the field headgate, for irrigation of 437.4 acres and stockwater use.

21 March 2006

34-00868
point of
injection

QNT E27

QNT E27

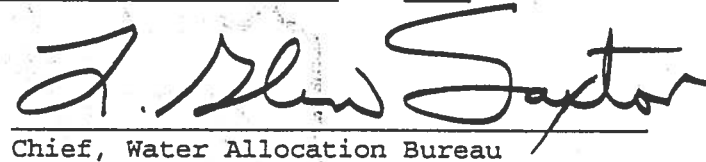
POU1 E14

POU1 E14

CONDITIONS OF APPROVAL AND REMARKS

15. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than ~~the date of this approval~~. *March 21, 2000.*
16. Diversion from Warm Springs Creek under Rights 34-00398 and 34-00399 is limited to those times water is available for diversion under these rights and priorities from the original source, Hamilton Springs.
17. The quantity of water under Rights 34-00398 and 34-00399 for *N11* stockwater use is not a determination of historical beneficial *N13* use, and shall not exceed 13,000 gallons per day.
18. Water is diverted by pumps and a headgate diversion within the NWNESE, S27, T08N, R22E.

Dated this 21st day of March, 2000.



Chief, Water Allocation Bureau

RECEIVED

OCT 28 1999

Department of Water Resources
Eastern Region

Water Right Number(s): 27-00555, 34-00579, 34-07010

34-00868, 34-10514 ^{AWR}
↓ p.d. ^{Date}

[] Old Mailing Address: Broken River c/o Bob Hadley
Ranch

[] New Mailing Address: BROKEN RIVER RANCH
5660 WEST 4920 NORTH
MACKEY IDAHO 83251

[] Telephone Number: (1) 415-442-1155
(2) 208-588-2880

[] Signature of Claimant: JE hpl

[] Date: Oct 22, 1999

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11-1-1999 By: C.V.

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Return: Jennifer
To Idaho Dept Water Resources
900 N Skyline
Idaho Falls ID 83402

November 1, 1999

BROKEN RIVER RANCH
5660 W 4920 N
MACKAY ID 83251

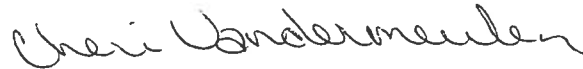
RE: NOTICE OF CHANGE OF ADDRESS FOR PARTIAL DECREE
34-00868

Dear Broken River Ranch:

The Department's records have been modified to reflect the change in address for the above referenced partial decree(s).

Enclosed for your files is a report listing your current address. Review the form and if there are corrections or questions, feel free to contact this office.

Respectfully submitted,



Cheri Vandermeulen
Records Clerk

Enclosure(s)

Ident. Number: A34-00868
Date Received: 12/27/1989
Receipt No: E011549
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAN FELIPE RANCHES 208-588-2805
Address: P.O. BOX 388
MACKAY, ID 83251

2. Date of Priority: DEC 06, 1913

3. Source: BIG LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	21E	15	NE	SW	NW		CUSTER

5. Description of diverting works:
NEILSEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 275.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08N	23E	27	NE	SW		IRR	30.0
			NW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 110.0

10. Place or Use: Continued

Total Acres 110.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A34-00398/00399/07010.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

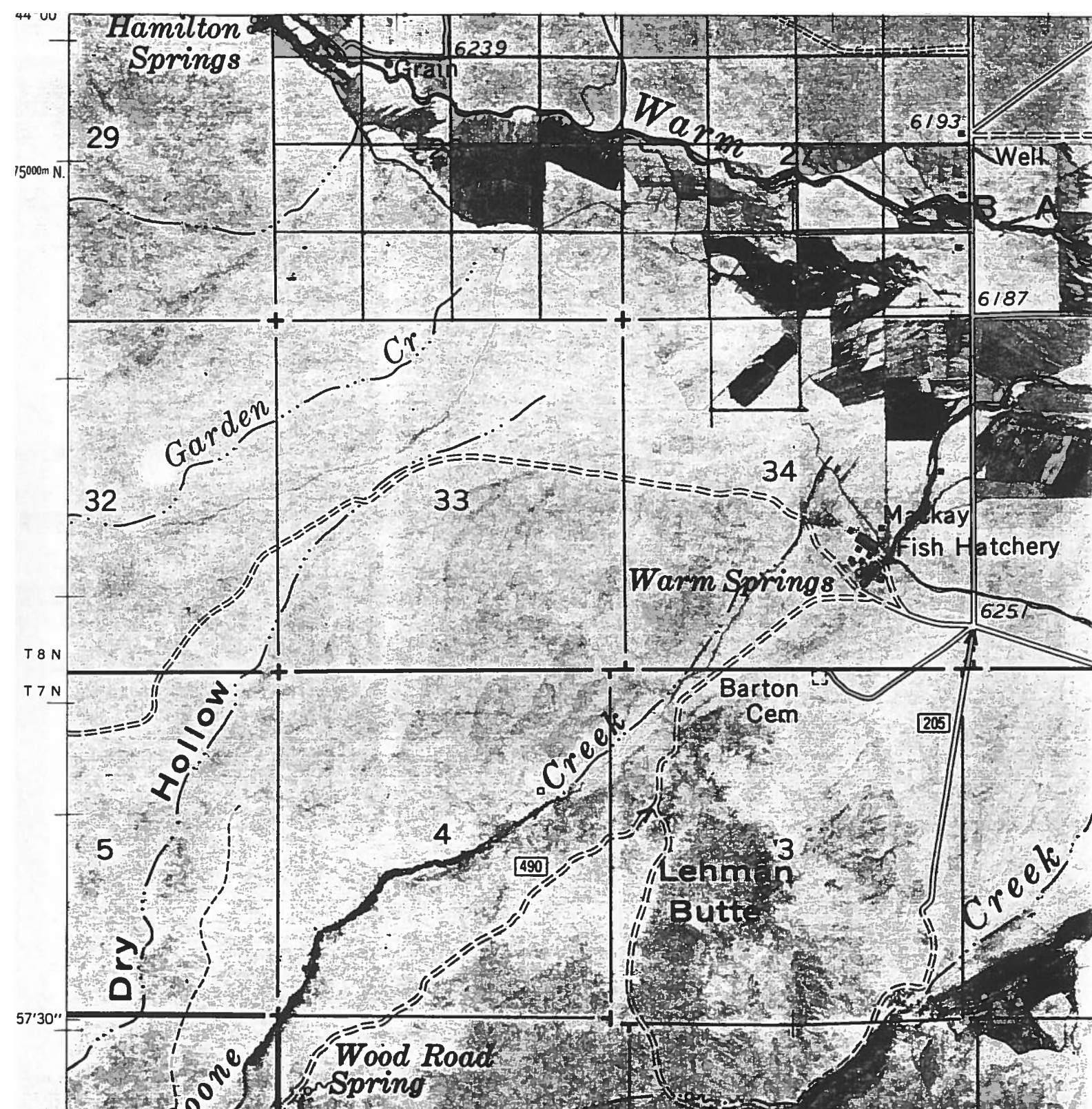
UTAH CONSTRUCTION CO.

Decree Plaintiff

vs

JOHN F. ABBOTT, ET AL.

Decree Defendant



(a.) By signing below, I/we acknowledge that I/we have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am manager of
San Felipe Ranch, that I have signed the foregoing
document in the space below as manager of
San Felipe Ranch and that the statements contained in the
foregoing document are true and correct.

Dave Nelson
Signature of Authorized Agent
manager San Felipe Ranch
Title and Organization
1/8/90
Date

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of January 19 90
Anthony S. Olmsted
Notary Public

Seal

Residing at Leabo Falls
My Commission Expires 9/12/1994

Ident. Number: A34-00868

Date Received: 1/09/1990

Receipt No: E015244

Received By: EMC.

AMENDEDNOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAWAMENDED

1. Name: BROKEN RIVER RANCH
Address: C/O ROBERT C. HADLEY
STAR ROUTE
MACKAY, ID83251

208-588-2880

2. Date of Priority: DEC 06, 1913

3. Source: BIG LOST RIVERTrib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	21E	15	NE	SW	NW		CUSTER

5. Description of diverting works:
NEILSEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or)A.F.A.

8. Total consumptive use is275.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08N	23E	27	SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	32.0
			NW	SW		IRR	18.0

08N	23E	27	SW	SW	IRR	5.0
			SE	SW	IRR	17.0

Section Acres 152.0

Total Acres 152.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A34-00398/00399/07010.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

<u>UTAH CONSTRUCTION CO.</u>		<u>JOHN F. ABBOTT, ET AL.</u>
Decree Plaintiff	vs	Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

I do solemnly swear or affirm that I am MANAGING GENERAL PARTNER or
Title

BROKEN RIVER RANCH, that I have signed the foregoing
Organization
document in the space below as MANAGING GENERAL PARTNER of
Title

BROKEN RIVER RANCH and that the statements contained in the
Organization
foregoing document are true and correct.

Robert C. Hadley
Signature of Authorized Agent

Mg. Gen. Part., BROKEN RIVER RANCH
Title and Organization

9-18-90

Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18 day

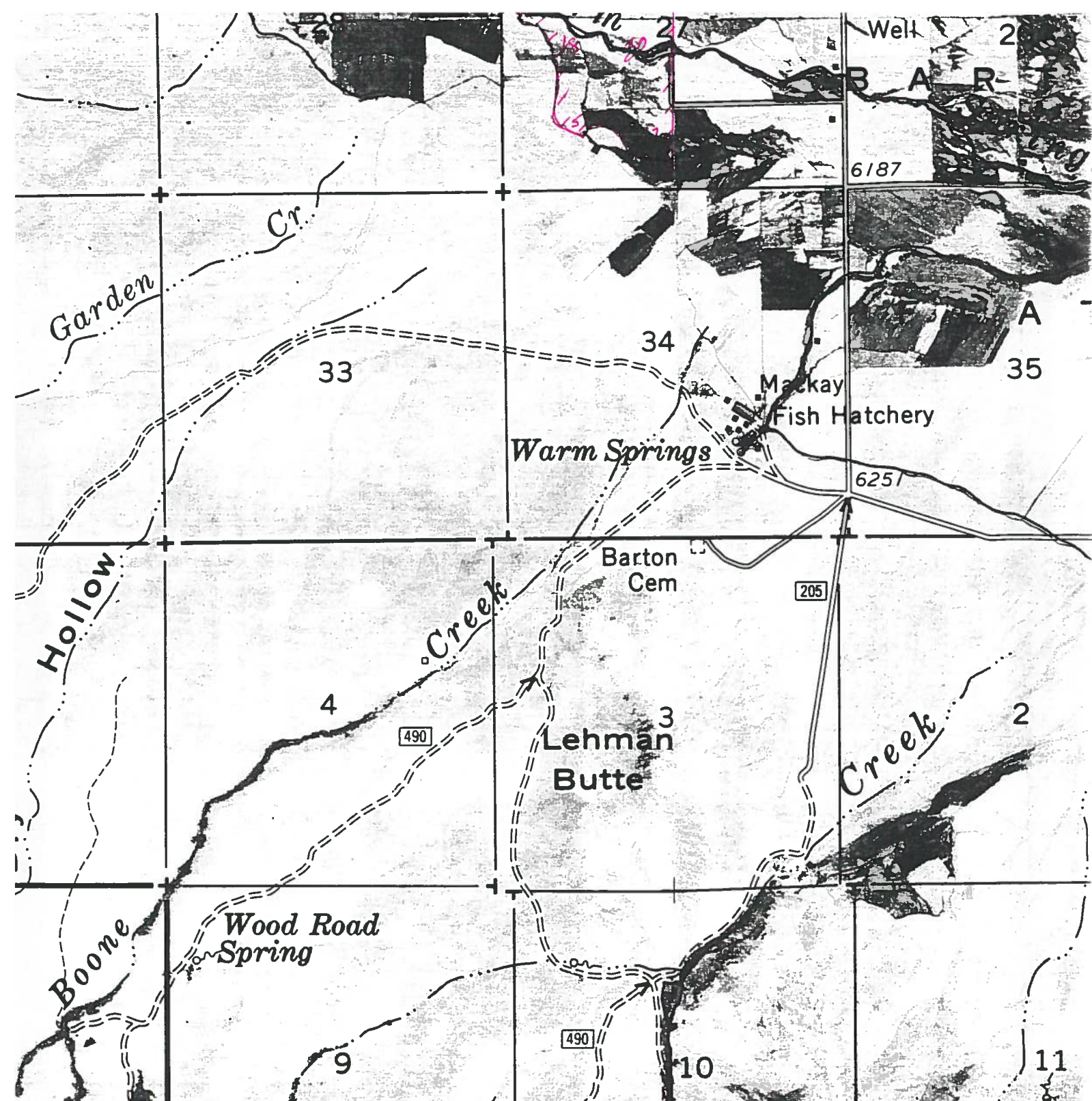
of Sept. 19 90.

Ernest Carlson
Notary Public



Residing at Alabo Falls, ID

My Commission Expires 6-14-1994.



CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 11, 1990

Orlin D. Baker
Star Route
Mackay, ID 83251

RE: APPLICATION FOR TRANSFER NO. 2399 OF RIGHT NO. 34-00868

Dear Mr. Baker:

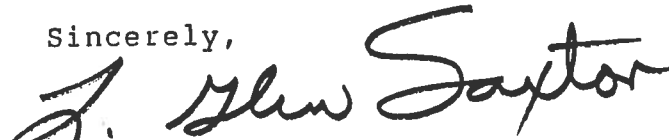
On February 19, 1980, you submitted to the department the above referenced application for transfer which is still pending in department files. Final action to either approve or deny the application has not occurred.

A review of department records shows that the Snake River Basin adjudication claim which was filed on this water right by Broken Arrow Ranch claims the right differently than the original right and differently from the pending application for transfer.

Since the adjudication claim is likely the more current representation of the water right than the application for transfer, the department intends to void the application for transfer and allow the adjudication claim to be the document to represent the water right unless you can show within thirty (30) days why the application for transfer should be considered separately by the department.

Please feel free to contact the department if you have questions.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region - Water rights
- Adjudication
- Harold Jones

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:00:52
08/01/91

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A34-00868

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			EMC 9-26-90			EMC 9-27-91		
POINT OF DIV	Y			Y	5	F#1		
SOURCE				N	5	G#1		
PLACE OF USE	Y			Y	5			
DIV. AMOUNT CFS/VOLUME				N		~~DDZ~~		
CONSUMPTIVE USE	-			Y	6			
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

"VERIFIED BY" CODES

- TOPO MAP/ORTHO-PQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICRO
NOV 2

LAST: SAN FELIPE RANCHES
ADDRESS: P.O. BOX 388
CITY: MACKAY
PHONE NUMBER: 208-588-2805

FIRST:

STATE: ID ZIP: 83251

OWNER CODE: O

LAST: BROKEN RIVER RANCH
ADDRESS: C/O ROBERT C. HADLEY
STAR ROUTE
CITY: MACKAY
PHONE NUMBER: 208-588-2880

FIRST:

STATE: ID ZIP: 83251

OWNER CODE: C

LAST: ZOLLINGER
ADDRESS:
CITY: -
PHONE NUMBER: 208-000-0000

FIRST: ALVIN J.

STATE: ID ZIP: 00000

OWNER CODE: O

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
CLAIM REMARKS: OWNERSHIP CHANGE 9/18/90/EC

DATABASE
Y

FIELD
EXAMINER

MICRO
NOV 2

PAGE: 2
FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A34-00868

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 9/26/90

APPOINTMENT MADE: Y(☒) N(☐)

TIME: ____:____ A(☐) P(☐)

ACCOMPANIED BY: Bob Hadley.

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: Partner.

DIRECTIONS TO PROPERTY / REMARKS:

MICRO
NOV 24

1. AJ CLAIM: # A34-00868 PRIORITY DATE: 12-06-1913 STAGE: D
2. WR RECORD: # 34-00868 PRIORITY DATE: 12-06-1913 STAGE: D

3. FIELD EXAM REQUIRED? DATABASE FIELD
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N EXAMINER

4. ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)
IF YES EXPLAIN.

REMARKS: _____

RECOMMENDED PRIORITY DATE:
12-06-1913

REVIEWED BY SMC

DATE 8-1-91

I. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A34-00868	08N	21E	15	NE	SW	NW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD			WR RECORDS IN SAME 40 ACRE TRACT		
A PREFIX	R PREFIX				
A34-00324C	R34-00584D			34-00021	
A34-00325B	R34-00702B			34-00022	
A34-10568	R34-00563			34-00047	
A34-10587	R34-00743			34-00048	
A34-10563	R34-00699A			34-00139	
A34-00293	R34-00700A			34-00140	
A34-00767	R34-00701A			34-00145	
A34-00252	R34-00702A			34-00252	
A34-00742	R34-00700C			34-00344	
A34-00743	R34-00701C			34-00345	
A34-00025	R34-00702C			34-00421	
A34-00583B	R34-00324C			34-00499	
A34-00584D	R34-00325B			34-00500	
A34-00805	R34-00860A			34-00535	
A34-00084	R34-10567			34-00536	
A34-00294	R34-10803			34-00579	
A34-00768	R34-00324B			34-00580	
A34-00573A	R34-00421			34-00583A	
A34-00699A	R34-10563			34-00583B	
A34-00700A	R34-10564			34-00584A	
A34-00701A	R34-00048			34-00584B	
A34-00702A	R34-00139			34-00693	
A34-00859A	R34-00535			34-00694	
A34-00860A	R34-10587			34-00706	
A34-00324B	R34-00297A			34-00771A	
A34-00421	R34-00298A			34-00771B	
A34-00676B	R34-00252			34-00772	
A34-10567	R34-00343B			34-00804	
A34-00048	R34-00573A			34-00805	
A34-00139	R34-00676B			34-00857	
A34-00145	R34-00859A			34-00858	
A34-00343B	R34-10568			34-02115	
A34-10564	R34-00583C			34-07540	
A34-00774	R34-00584F				
A34-00775	R34-00742				
A34-00583C	R34-00774				
A34-00584F	R34-00125				
A34-00535	R34-00561				
A34-10803	R34-00562				
	R34-00564				
	R34-00565				
	R34-00693				
	R34-00694				
	R34-00775				
	R34-00055				
	R34-00699C				

MICROF
NOV 24

R34-00805
R34-00584C
R34-00701B
R34-10282
R34-00145
R34-00699B
R34-00583B

SOURCE: BIG LOST RIVER

TRIB: SINKS

1. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
34-00868	08N	21E	12		NE	NW		CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

34-00072	A34-00699B	NONE
34-00145	A34-00701B	
34-00342	A34-00702B	
34-00343	A34-10282	
34-00561	A34-00700C	
34-00562	A34-00701C	
34-00563	A34-00702C	
34-00564		
34-00565		
34-00571		
34-00572		
34-00573		
34-00675		
34-00676		
34-00677		
34-00699		
34-00700		
34-00701		
34-00702		
34-00742		
34-00743		
34-00859		
34-00860		
34-02109		
34-02157		

SOURCE: BIG LOST RIVER

TRIB: SINKS

2. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	<u>g</u>
DUE TO SOURCE DISCREPANCY? (Y/N)	N	<u> </u>

MICRO
NOV

AGE: 6
POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A34-00868

REMARKS:
WATER CARRIED IN NELSEN DITCH AND EMPTIED INTO WARM SPRINGS CREEK
THEN REDIVERTED THROUGH OPEN DITCHES.

DECREED POINT OF DIVERSION WAS DAVIDSON DITCH.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:							COUNTY
TWP	RGE.	SEC.	1/4	1/4	1/4	LOT	
8N	21E	15	NE	SW	SW		37
8N	22E	27	SW	SW	NW		POINT OF INJECTION.
		27		SW	NW		POINT OF REDIVERSION. 4 POINTS.
SOURCE: BIG LOST RIVER			TRIB: SINKS				
REVIEWED BY: EMC			DATE: 8-1-91				

CONDITIONS CODE CØ3

EXPANSION / ACCOMPLISHED TRANSFER ANALYSIS SHEET

6/17/9
VERSION

NT: _____

DATE: 8-1-91.

T. 2399.

CLAIM NUMBER: 34 - 00868.

WR NUMBER 34 - 00868

CLAIMED PLACE OF USE

3.20 c/s.

Expansion in Place
occurred?
NO
is it based on
(1) or 42-1416(2)?

Have been an increase
in production rate? YES NO

disallow claim, "No
prop. Shown".

Unrecorded transfer
(?) YES NO

determine if it can
be amended as an
accomplished transfer.

CODES:

cp5

TWP	RGE	SEC	NE				NW				SW				SE		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW
8N	23E	27							40	40	32	18	5	17			
8N	22E	27							6		28.7	16.5	4	23.5			
		34					1										

RECORDED PLACE OF USE

TWP	RGE	SEC	NE				NW				SW				SE		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW
7N	23E	5							X								
		6			X	X				X							
		31				X											
		32			X				X	X							

AND RECOMMENDATIONS:

AGE: 7
PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A34-00868

ROOT WATER RIGHT NUMBERS: A34-00868

POU LISTING

WP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
8N	~~23E~~ 22E	27	SW	NW		BROKEN RIVER RANCH	A34-00868 /40.0	- /		6	6 19
8N	~~23E~~	27	SE	NW		BROKEN RIVER RANCH	A34-00868 /40.0	- /		-	- 39
8N	~~23E~~	27	NE	SW		BROKEN RIVER RANCH	A34-00868 /32.0	- /		28.7	28.7 29
8N	~~23E~~	27	NW	SW		BROKEN RIVER RANCH	A34-00868 /18.0	- /		36	16.5 18
8N	~~23E~~	27	SW	SW		BROKEN RIVER RANCH	A34-00868 / 5.0	- /		5	4 4
8N	~~23E~~	27	SE	SW		BROKEN RIVER RANCH	A34-00868 /17.0	- /		23.5	23.5 28.5
N 22E 34 NE NW TOTAL ACRES A34-00868							152.00			-1	1
RE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()											79.7 13E
F YES SEE ATTACHED SHEET:											

FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER

RESUMPTION FLAG: C

EMARKS:

CLAIMANT HAD DISCED THE S 1/2 NW 1/4. THERE WAS EVIDENCE OF SAGE BRUSH
OVER THE MAJORITY OF THE 80 ACRES. WALKED THE PROPERTIES AND FOUND EVIDENCE
OF OLD DITCHES. SOME ARE SHOWN IN ASCS PHOTO AND MAP. RELIED ON
ACCS MAP FOR IRRIGATED ACREAGE.

RECOMMENDATIONS:

TOTAL ACRES: 79.7 138.5

REVIEWED BY: EMC

DATE: 8-1-91

MICRO
NOV 2

PAGE: 8
PURPOSES REVIEW SHEET

CLAIM NUMBER: A34-00868

AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
34-00868	IRRIGATION	FROM 05-01 TO 10-15	3.200 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	3.200 CFS

WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
34-00868	IRRIGATION	FROM 05-01 TO 10-15	3.200 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	3.200 CFS

RESUMPTION FLAG:

FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	☒
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	☒
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	☒

PERIOD OF USE:

RECOMMEND AS CLAIMED?	Y(☒) N(☐)
RECOMMEND TO WR STANDARDS OR OTHER?	Y(☐) N(☐) Explain in remarks, below.

REMARKS:

AGE: 9
DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A34-00868

1. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(✓) N()

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED? FIELD
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) DATABASE EXAMINER
N

2. MEASUREMENT METHOD NOT MADE FLOW MEASUREMENT, SEE ATTACHED CALCULATIONS.

3. ARE OTHER WATER RIGHTS USED? Y() N(✓) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A34-00398/00399/07040.

0 CLAIMS FOUND WITH SAME POI AND IRRIGATION USAGE
NO RIGHTS WITH SAME POI BUT NOT USED FOR IRRIGATION

MICRO
NOV 2

1. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 79.7 x 0.02 CFS/ACRE = 1.59 CFS
133 (Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(☒) N(☐)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(☐) N(☐) ***

2. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = 332.5
199.7 AF/A
275.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? Y(☐) N(☐)

1b. CALCULATIONS

ACRES OVERLAPPING: 133
79.7 (COMBINED TOTAL)

IRRIGATION METHOD: FLOOD 100 % SPRINKLER _____

DELIVERY LOSS FACTOR USED:
BLR = 30 % _____ =
(SOURCE) (SOURCE)

_____ = _____ %
(SOURCE)

SOURCE	CCE ACRES	DIVERSION RATE		DT VOL
		MIN	MAX	
<u>BLR</u>	<u>79.7</u>	<u>1.70</u>	<u>(3.20)</u> <u>2.27</u>	
			<u>- .93 -</u>	
<u>BLR</u>	<u>133</u>	<u>2.85</u>	<u>3.80</u>	

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

0.42 - 0.93

AGE: 11
DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A34-00868

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
IRRIGATION	05-01	10-15	DATABASE 3.200	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE ~~275.0~~	EXAMINER _____
TOTAL FOR THIS RIGHT			3.200				~~275.0~~	
VIEWED BY: <u>EMC</u>			DATE: <u>8-1-91</u>					

AGE: 12

ASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A34-00868

CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
WNERSHIP	()	()
ORFEIT/ABANDON	()	()
DDITIONAL DIV. AMOUNT	(✓)	()

SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 34-00868

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.200

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A34-00868	3.200	-		34-00868	3.200
TOTAL CFS		3.200				3.200

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)

IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

EMARKS:

UTHENTICATION

SIGNATURE: Ernest Carlsen

DATE: 8-1-91

AME OF FIELD EXAMINER: ERNEST CARLSEN

TITLE: W.R. Supervisor, Adj.

OVERLAPPING RIGHTS ANALYSIS SHEET

6/26/91
VERSION 1.

NT: _____
DATE: _____
=====

OVERLAPPING: _____
TION METHOD: FLOOD _____% SPRINKLER _____%
RY LOSS FACTOR USED:

SOURCE) = _____% (SOURCE) = _____%

SOURCE) = _____%

RANGE OF RECOMMENDABLE DIVERSION RATES & VOLUMES					
SOURCE	ACRES	DIVERSION RATE		DIV VOL	C.U. VOL
		MIN	MAX		

ANALYSIS

SOURCE	NUMBER	ACRES	PRIORITY	CLAIMED CFS
BLR	00868	133	12/6/93.	3.20.

IS FOR CLAIM NO.: _____

rd Conditions: _____

rd Remarks:

[illegible]

penalty of perjury that the following statement is true:

I am familiar with the ranch property now called the Broken River Ranch which is located northwest of Mackay Reservoir in Custer County, Idaho. I worked on this property as a teenager and had responsibilities of irrigating through the ditch system.

I am familiar with the proceedings in the District Court in Twin Falls, Idaho relating to the general adjudication of rights to the use of water from the Snake River Basin water system, and have examined the four notices of claim to a Water right Acquired Under State Law listed below which were amended and signed by Robert C. Hadley on September 18, 1990.

A 34-00868, A 34-00398, A 34-00399, A 34-07010

The photo map attached to the Notices of Claim show the lands within the 400 acre ranch that were under irrigation when an aerial photograph was taken. However, other areas in the ranch have historically been irrigated as well. Specifically:

Land north of Warm Springs Creek and immediately east of the Nielsen Ditch has been irrigated, and the photos taken in 1990 attached as Exhibits Ex M-19 showing old ditches in this area are the old irrigation ditches. (This land is principally located in the southern half of the northwest quarter of Section 27, and includes land north of Warm Springs Creek in the northern half of the Southwest quarter of Section 27.)

Subscribed and sworn to this 13th day of April, 1992,
at Mackay, Idaho.



State Of Idaho

County of Custer

Subscribed and sworn (or affirmed) before me this 13th
day of April, 1992.

Cecelia Joanne Roche
Notary Public, State of Idaho,

Doug Rosenkrance
Doug Rosenkrance

I, Victor Johnson, of Mackay, Idaho, hereby declare under penalty of perjury that the following statement is true:

I am familiar with the ranch property now called the Broken River Ranch which is located northwest of Mackay Reservoir in Custer County, Idaho. I was born on the ranch on July 26, 1924, and have either lived on the ranch or nearby it for all my life.

I am familiar with the proceedings in the District Court in Twin Falls, Idaho relating to the general adjudication of rights to the use of water from the Smoke River Basin water system, and have examined the four Notices of Claim to a Water Right Acquired Under State Law listed below which were amended and signed by Robert C. Hadley on September 18, 1990.

A 34-00868
A 34-00398
A 34-00399
A 34-07010

The photo map attached to the Notices of Claim show the lands within the 400 acre ranch that were under irrigation when an aerial photograph was taken. However, other areas in the ranch have historically been irrigated as well. Specifically:

1. Land north of Warm Springs Creek and immediately east of the Nielsen Ditch has been irrigated, and the photos taken in 1990 attached as Exhibits N1-N12 showing old ditches in this area are the old irrigation ditches. (This land is principally located in the southern half of the northwest quarter of Section 27, and includes land north of Warm Springs Creek in the northern half of the Southwest quarter of Section 27.)

2. The land immediately south of Warm Springs Creek in the northern half of the southwest quarter of Section 27 has long been irrigated. This is the land near the corrals and the house.

3. The area now under the 360 degree center pivot in the southernly 160 areas of the ranch was also irrigated. There were a number of irrigation ditches on this land, and they can be identified in the 1990 photographs attached as Exhibits 51-59 that show the ditches in relationship to the center point. This

MICROFILMED

Subscribed and sworn to this 9th day of ~~February~~ ^{March}, 1992, at
Mackay, Idaho.

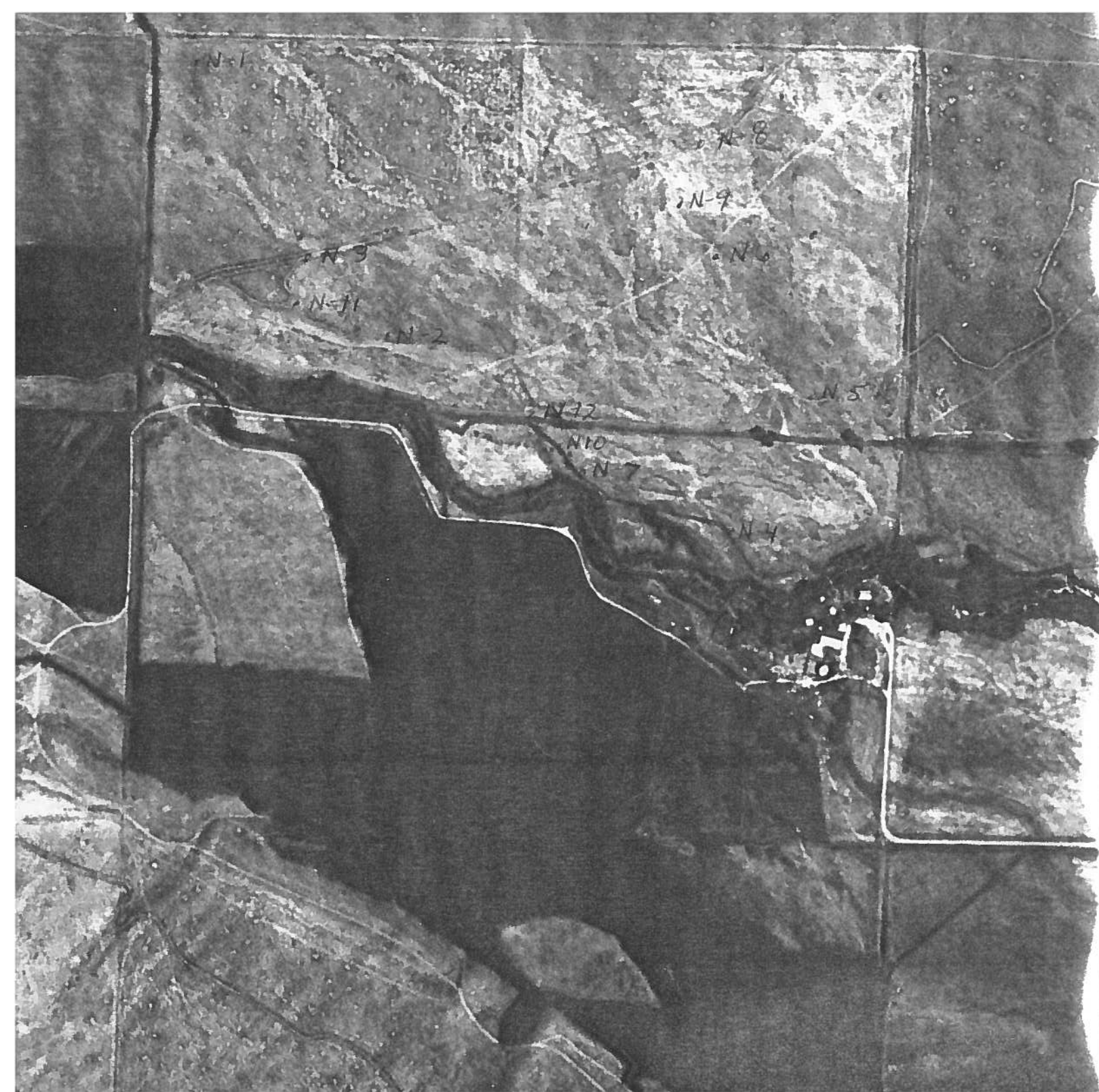
Victor Johnson
Victor Johnson

State of Idaho)
County of Custer) ss

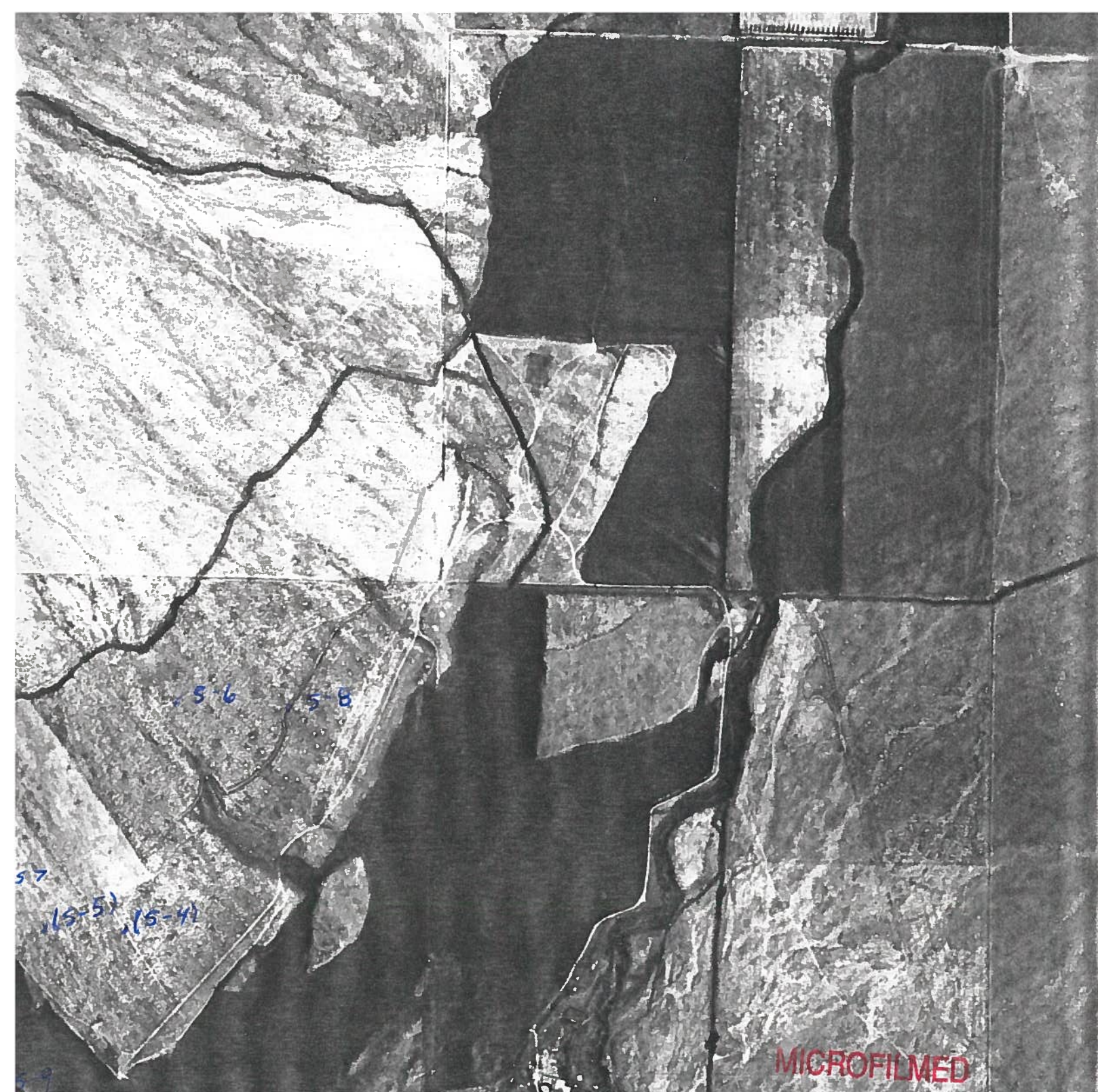
Subscribed and sworn (or affirmed) before me this 9th
day of ~~February~~, 1992.
MARCH

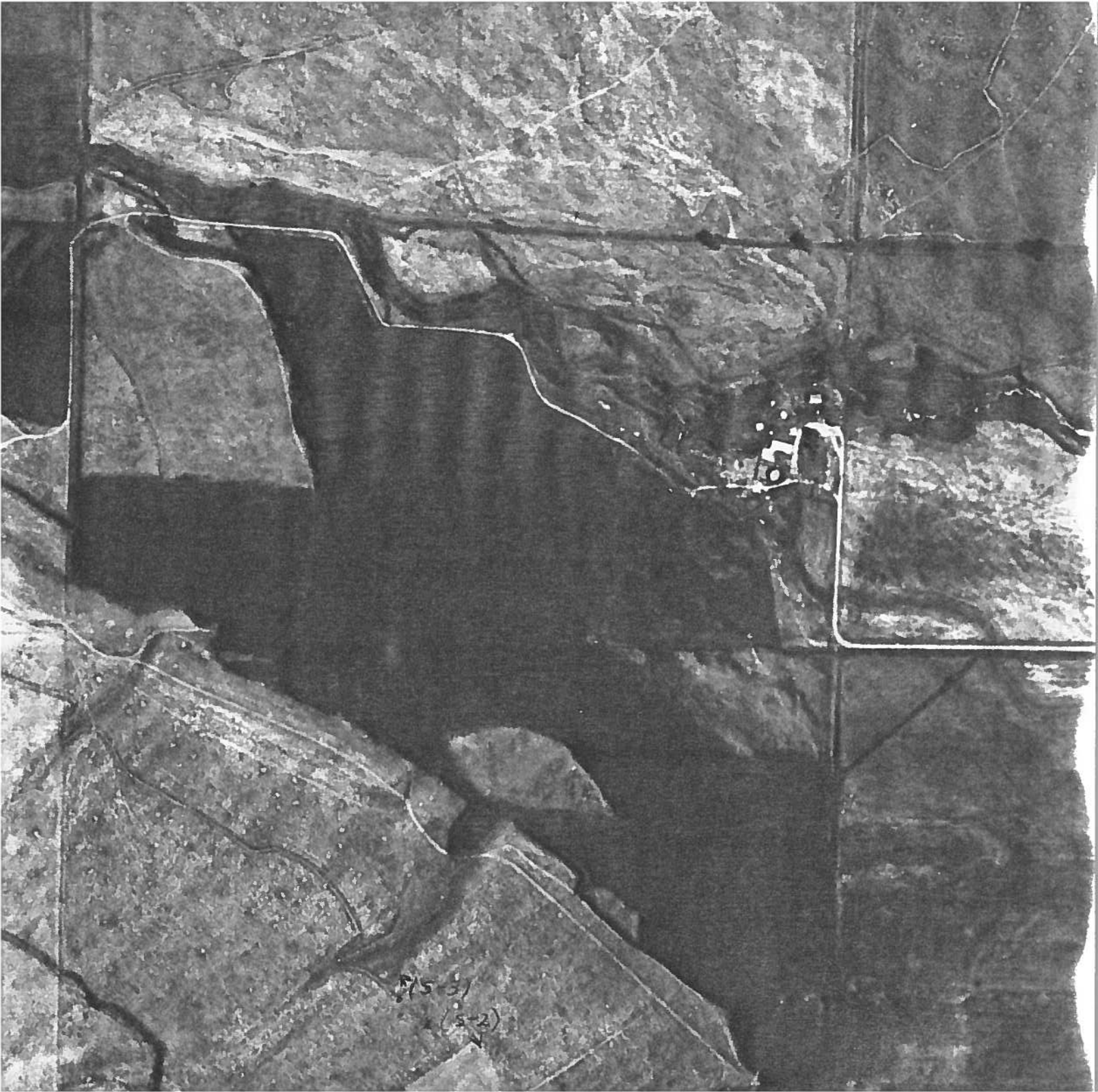


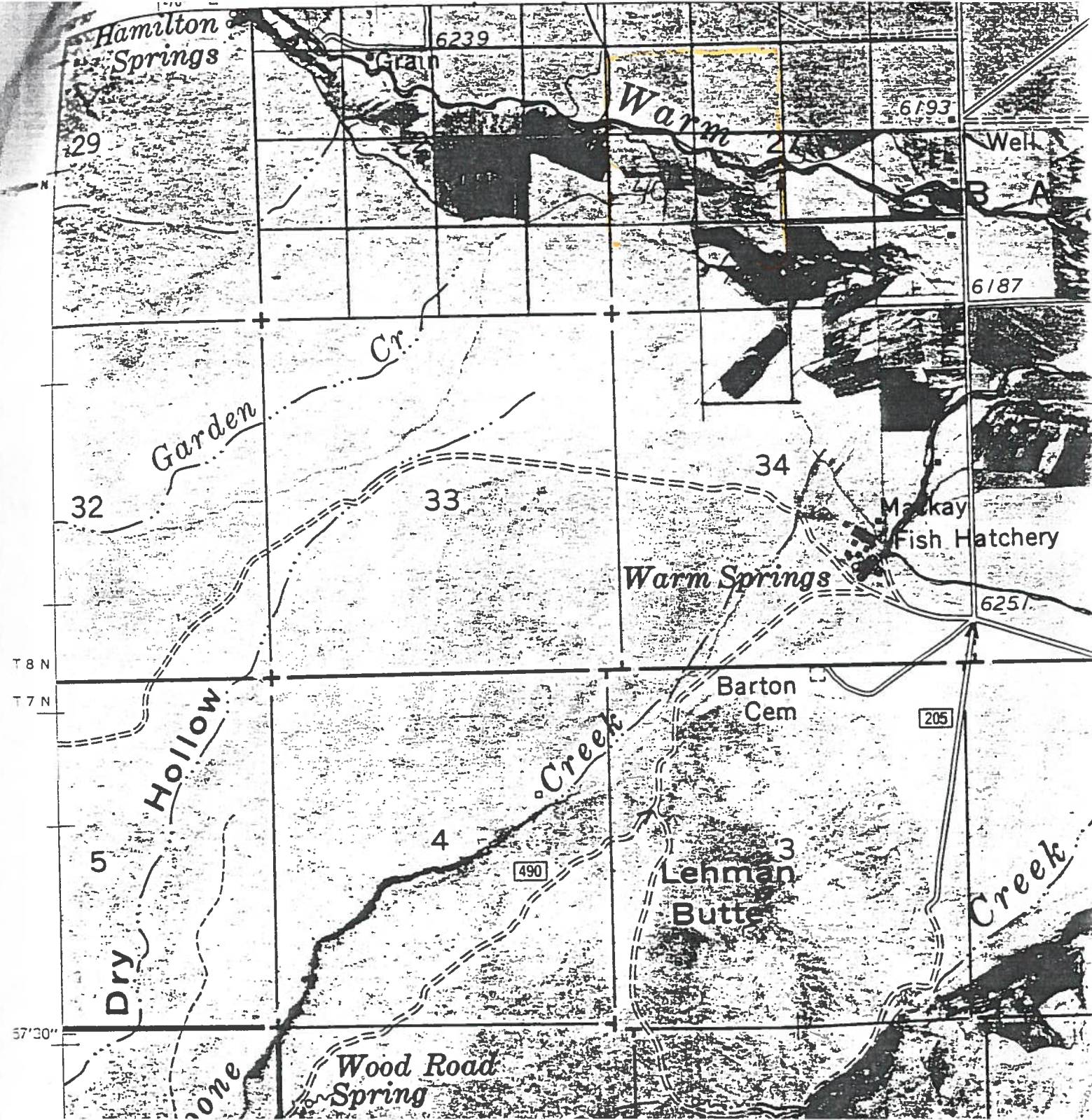
Vickie M. Williams
Notary residing in Mackay ID.
Commission expires 2-13-93











IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 59570

Ident. Number: A34-00868
Date Received: 12/27/1989
Receipt No: E011549
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAN FELIPE RANCHES 208-588-2805
Address: P.O. BOX 388
MACKAY, ID 83251

2. Date of Priority: DEC 06, 1913

3. Source: BIG LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	21E	15	NE	SW	NW		CUSTER

5. Description of diverting works:
NEILSEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/15	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) A.F.A.

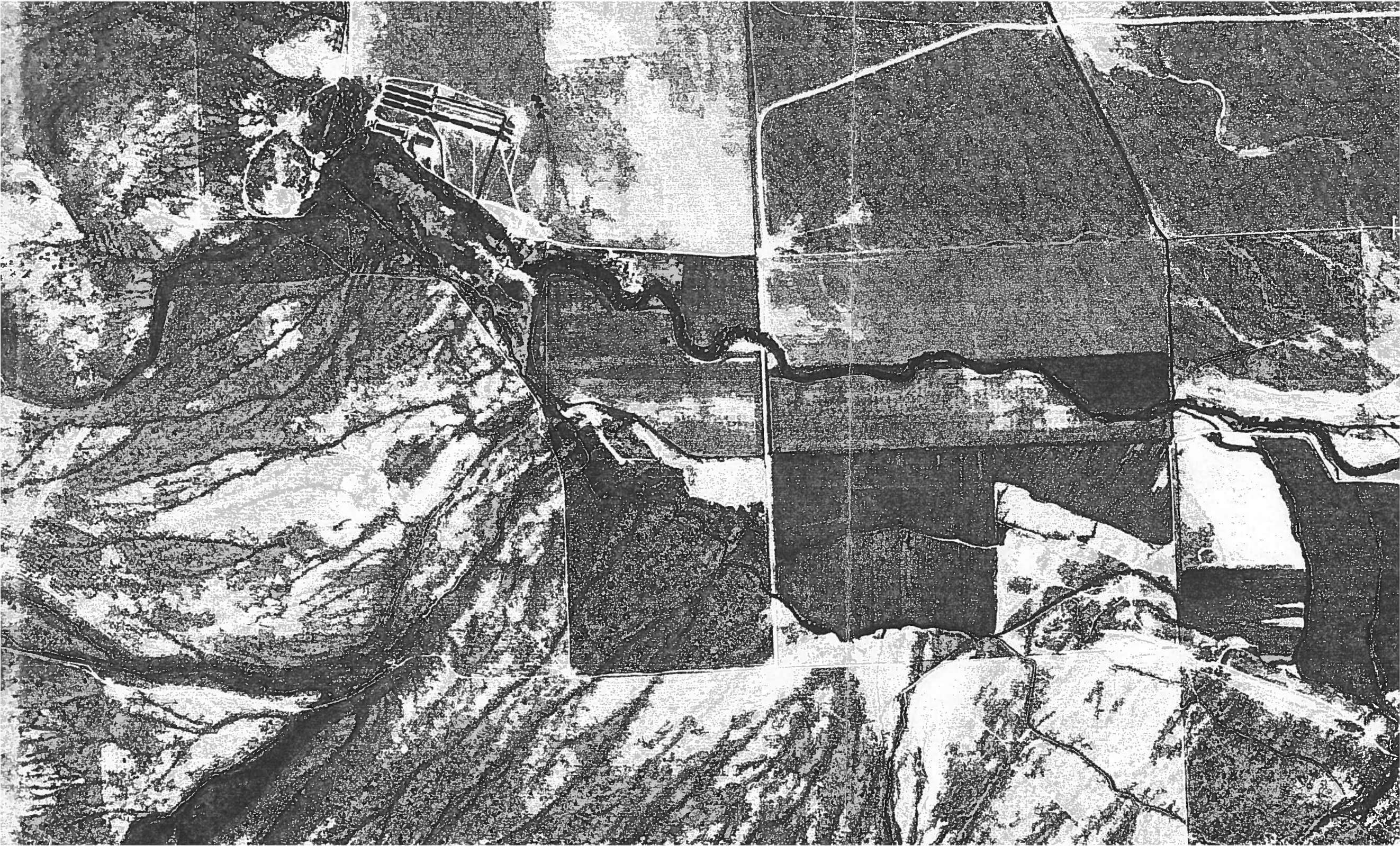
8. Total consumptive use is 275.0 Acre Feet Per Annum.

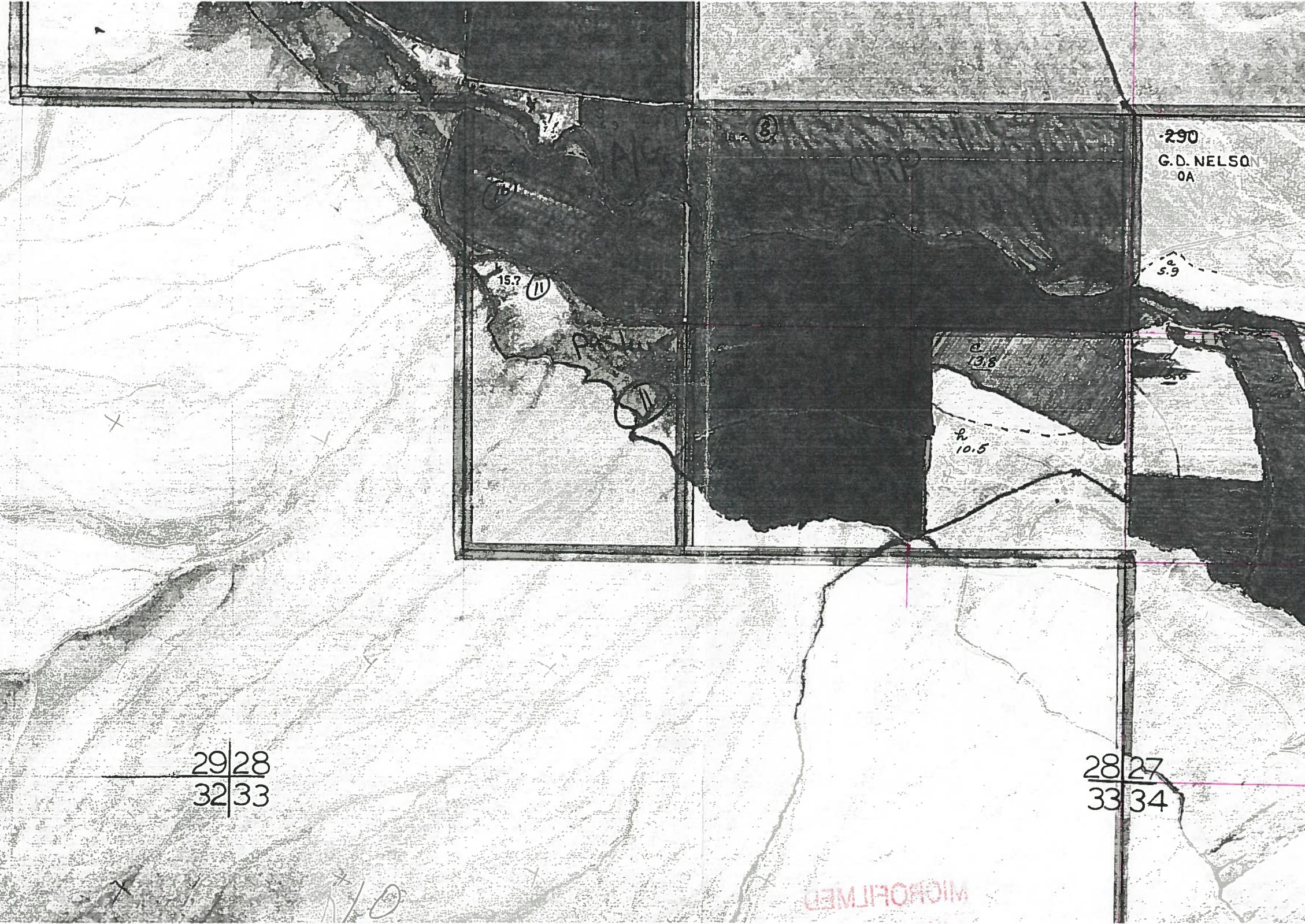
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08N	23E	27	NE	SW		IRR	30.0
			NW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 110.0





290
G.D. NELSON
290A

15.7 (11)

(11)

13.8

h
10.5

5.9

29 28
32 33

28 27
33 34

MICROFILMED

A-290
G.D. NELSON
290A

A-388
M.F.R.

ENC
8-1-91
34-00868

28 27
33 34



IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/28/91 1:
Page

ber - R34-00868 Prefix Translation: RESEARCH Old (D) Number -

Last Name - - - - + + - First Name - - + + - - - - - Address - - - - -

OWNER ***
ANCH

1 - C/O ROBERT C HADLEY
2 - STAR ROUTE
3 -
City- MACKAY State- ID Zip- 83
Phone - 208-588-2880

OWNER ***
CHES

1 - P.O. BOX 388
2 -
3 -
City- MACKAY State- ID Zip- 83
Phone - 208-588-2805

ALVIN J.

1 -
2 -
3 -
City- State- ID Zip- 00
Phone - 208-000-0000

Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status -
13 15 EASTERN D - DECREED

Source - - - - - + + - - - - - Tributary - - - - -
LOST RIVER SINKS

- - - - - Point of Diversion - - - - -
Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

15 NE SW NW (37) CUSTER
27 SW NW R (37) CUSTER
27 SW SW NW I (37) CUSTER

- - - - - Water Use - - - - -
Description Period From Period To Diversion Rate Diversion Volume
IGATION 05/01 10/15 3.200

Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW U:
00 199.7

- - - - - Place of Use - - - - -
Rng Sec Tract Lot Acres Code Description County

22E 27 SW NW 6.0 01 IRRIGATION (37) CUSTER
22E 27 NE SW 28.7 01 IRRIGATION (37) CUSTER
23E 27 NW SW 16.5 01 IRRIGATION (37) CUSTER
23E 27 SW SW 4.0 01 IRRIGATION (37) CUSTER
23E 27 SE SW 23.5 01 IRRIGATION (37) CUSTER
23E 34 NE NW 1.0 01 IRRIGATION (37) CUSTER

Total Acres: 79.7

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NOV 24

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

09/28/91 1:
Page

ber - R34-00868 Prefix Translation: RESEARCH

Means - NEILSEN DITCH

ation Use -

hts for Same Use - NONE

----- Remarks -----
WATER IS DELIVERED THROUGH NEILSEN DITCH.
POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM
SPRINGS CREEK.
0.93 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

----- Old Water Right Numbers -----
No Old Water Right Numbers found.

----- Conditions of Approval -----
C03 - RIGHT INCLUDES CHANGE IN POINT OF DIVERSION.
C05 - RIGHT INCLUDES CHANGE IN PLACE OF USE.

e Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree I
ON CO. JOHN F. ARBOTT, ET AL. 00/00/0000

lds - 09/27/91 CARLSEN

----- Comments -----
1 User Id: CARLSEN Subject: COPIED FROM REMARKS
GE 9/18/90/EC

----- Adjudication Rights Dates and Flags Area -----

t Report Filing	- 00/00/0000	Field Inspection Made	- 09/26/1990	Civil Case Number	- 39576
ction Filed Date	- 00/00/0000	Field Inspection Flag	- Y	Old Case Number	-
onse Filed Date	- 00/00/0000	Verified Date	- 09/27/1991	Old Judicial District	-
m Received Date	- 09/18/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
f Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 34
rised Date	- 00/00/0000	Receipt Number	- E015244	Federal/State Indicator	- S
ms Tape Error Flg	-	FOU Ownership Flag	- Y	Presumption Flag	- C
Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

MICROFILM
NOV 24 1992

JAN-18-1992

NOTICE OF ERROR FORM

RECEIVED
MAR 2 1992

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

Department of Water Resources

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: MAR-02-1992

1. Water right number: *34-00 868*

2. Name:

Zollinger Ranch

Address:

Star Route

Mackay, Idaho 83251

*Zollinger not
current owner*

Weekday Telephone Number:

588-2670

MICROFILMED

NOV 24 1992

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

4. Describe the changes you wish to have made in the proposed recommendation:

5. Describe why you disagree with the proposed recommendation:

6. Date:

SIGNATURE

4-28-92

Burt L. Zelling

MAR 2 1992

Re: Notice of Error

Department of Water Resources

1. Water Right Number:

✓34-00868

2. Name and address:

Broken River Ranch
c/o Robert C. Hadley
Star Route
Mackay, Idaho 83251

Weekday telephone number:

(208) 588-2880 (phone number for Robert C. Hadley,
General Partner) or

(415) 442-1155 (phone number for Roy E. Crawford,
General Partner).

3. Portion of proposed recommendation with which we disagree:

Place of use.

4. Changes required in the proposed recommendation:

The place of use is accurately described in the amended
Notice of Claim filed 1-09-1990.

5. Why we disagree with the proposed recommendation:

The original water rights were for use in the place claimed.
That land had historically been irrigated, and it is
currently being irrigated. We have affidavit and photo
proof of prior use.

6. Date: February 28, 1992.



Roy E. Crawford, Managing General Partner

SAN DIEGO OFFICE
550 WEST C STREET
SUITE 1300
SAN DIEGO, CALIFORNIA 92101
(619) 234-1966

FACSIMILE: (415) 442-1010
TELEX: INT'L 6771160 BPH UW DOMESTIC 34228 BPH SFO
TELEPHONE: (415) 442-0900

(415) 424-0160
NEWPORT BEACH OFFICE
4675 MACARTHUR COURT
SUITE 1000
NEWPORT BEACH, CALIFORNIA 92660
(714) 752-7535

February 28, 1992

RECEIVED
MAR 2 1992

Department of Water Resources

CERTIFIED-RETURN RECEIPT
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Dear Sir:

Enclosed are four Notices of Error to the proposed recommendation of IDWR to the District Court.

In addition, we disagree with one aspect of the proposed general provisions. The current system of administering water rights above Mackay Reservoir, pursuant to the Utah Construction v. Abbott decree should be expressly confirmed in the general provisions.

Very truly yours,



Roy E. Crawford

REC:si
Enclosures
cc: Robert C. Hadley

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD		DIVERSION RATE	DIVERSION VOLUME
				FROM	TO		
C	BROKEN RIVER RANCH C/O ROBERT C HADLEY STAR ROUTE MACKAY ID 83251 (208) 588-2880	12/06/1913	IRRIGATION	05-01	10-15	3.20 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:						3.20 CFS	199.2 AFA

Water Source: BIG LOST RIVER		Tributary to: SINKS		Stage: DECREED	
Point(s) of Diversion:	T08N R21E S15	NESWNW	CUSTER County		
Point(s) of Injection:	T08N R22E S27	SWSWNW	CUSTER County		
Point(s) of Re-diversion:	T08N R22E S27	SWNW	CUSTER County		

Place of use Legal Description for: IRRIGATION																	
		NE				NW				SW				SE			
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
08N	22E 27	:		:		:		:		:		:		:		:	
08N	22E 34	:		:		:	01	:		:	28	:	16	:		:	
																TOTAL ACRES	
																133	

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of use:
A34-00398 A34-00398A A34-00399 A34-07010 R34-00398 R34-00398A R34-00399 R34-07010

Conditions of Approval:
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT
- TO IDAHO CODE 42-1416A.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks: WATER IS DELIVERED THROUGH NEILSEN DITCH.
POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM
SPRINGS CREEK.
0.93 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE
LOSSES IN DELIVERY OF THIS RIGHT.

Dates: Exam Made Date: 09/26/1990 Verified Date: 02/05/1992

Misc: Water District Number: 34 Field Inspection Flag:
Presumption Flag: C

Comments: Date: 09/27/1991 User-ID: CARLSEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 9/18/90/EC

Date: 02/05/1992 User-ID: CARLSEN Subject: CHANGED TYPOGRAPHICAL ERROR
BOB HADLEY ADVISED ME VIA TELECON THIS DAY THAT THE LEGAL
DESCRIPTION FOR THE P.O.U. UNDER THIS RIGHT WAS INCORRECT.

Comments: Date: 02/05/1992 User-ID: CARLSEN Subject: CHANGED TYPOGRAPHICAL ERROR
22E. I CHANGED THE ALL THE RANGES TO 22E. AND ADVISED MR.
HADLEY OF THE CORRECTION.

Audit: 02/05/92 CARLSEN

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 2399 OF WATER RIGHT)
NO. 34-00868 IN THE NAME OF ORLIN)
D. &/OR CLARA J. BAKER)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of Snake River Adjudication claims filed in the Big Lost River Drainage, the department makes the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. On February 19, 1980, Orlin D. Baker (applicant) filed Application for Transfer No. 2399 (application) with the department in connection with water right no. 34-00868.

2. A review of the Snake River Adjudication claim filed in connection with the above captioned water right shows that the proposed transfer does not agree with the later in time adjudication claim.

3. The adjudication claim has been filed pursuant to Section 42-1416A, Idaho Code, as if the change(s) proposed on the pending application can be approved and decreed without the necessity of filing for a change as provided in Sections 42-108 and 42-222, Idaho Code.

4. On October 11, 1990, the department corresponded with the applicant to determine continued interest of the applicant and requested appropriate information from the applicant to justify separate consideration of the application from the more recently filed Snake River Adjudication claim.

5. The applicant has not responded to the department and has not shown any reason why the application should be considered separately from the adjudication claim.

CONCLUSIONS OF LAW

1. Section 42-1416A, Idaho Code, provides in part that:

(1) If any person entitled to the use of water has made a change in point of diversion, place of use, period of use or nature of use of all or a part of the water, including a change as part of an exchange as defined in section 42-105, Idaho Code, prior to the entry of an order commencing a general adjudication pursuant to section

adjudication as changed and an application for change of the water right is not required to be filed pursuant to section 42-222, Idaho Code, and

(b) the water right may be determined by the director in the director's report pursuant to section 42-1411, Idaho Code, and decreed by the district court pursuant to section 42-1412, Idaho Code, as changed, if the change meets the substantive criteria of section 42-222, Idaho Code, for approval of such changes, provided that the change may be approved subject to conditions necessary to satisfy the substantive criteria of section 42-222, Idaho Code, for approval of such changes.

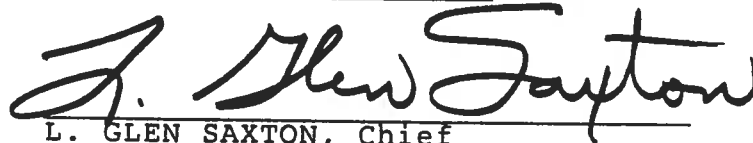
2. The department should set aside Application for Transfer No. 2399 and should consider the change(s) proposed in the application which have been claimed in the related adjudication claim(s) as being combined with and included in the review and recommendation of the adjudication claim in the Director's report as required by Section 42-1411, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 2399 in connection with water right no. 34-00868 is set aside and will not be separately considered by the department.

IT IS FURTHER, HEREBY ORDERED, that the change(s) proposed in the application for transfer which have been claimed on the related Snake River Adjudication claim(s) be included in and considered by the department in the Director's report required by Section 42-1411, Idaho Code.

Dated this 23rd day of November, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau

.....

Name of applicant Orlin D. Baker &/or Clara J. Baker Phone 588-2509

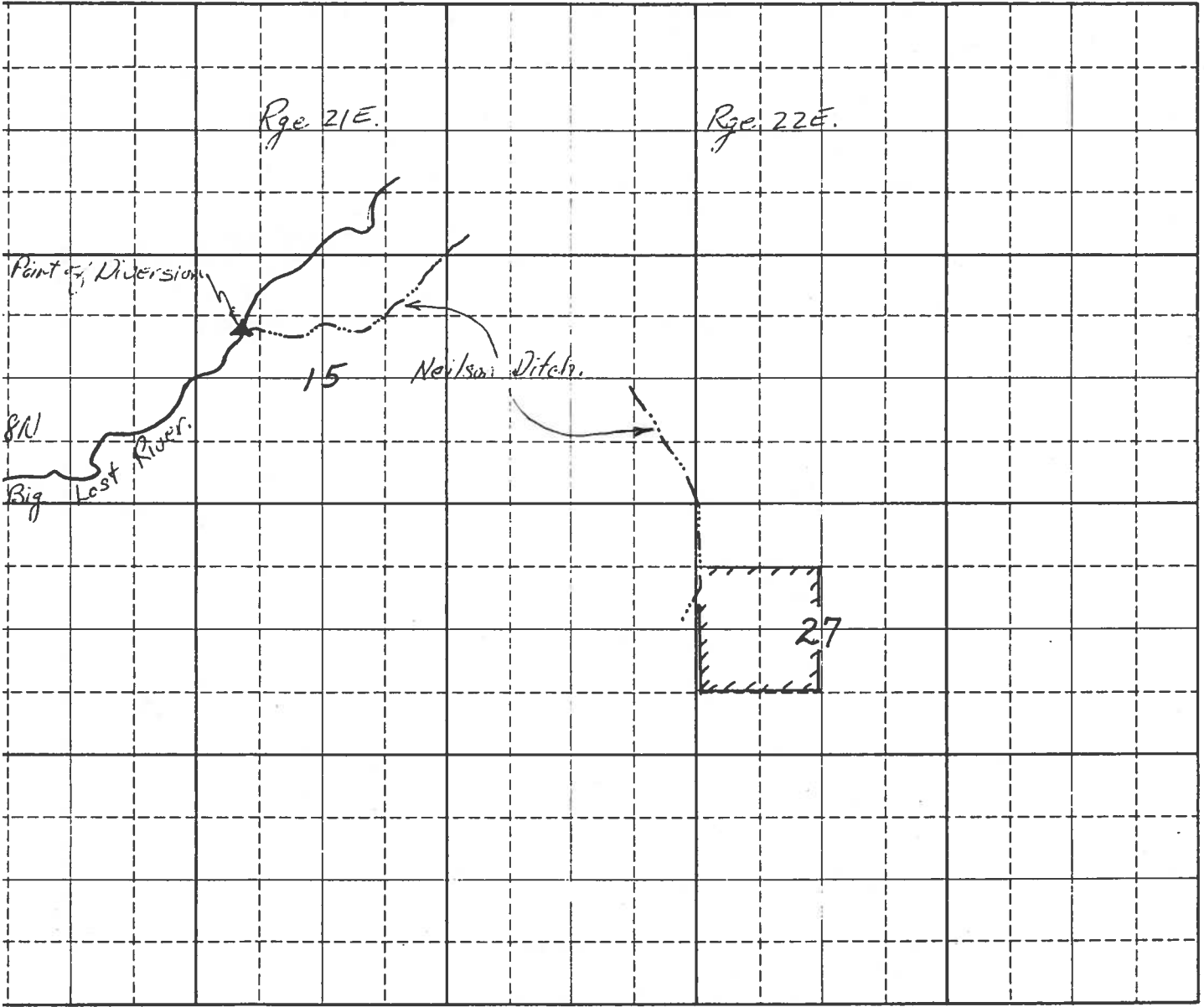
Post office address Star Route, Mackay, ID 83251

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Alvin J. Zollinger (34-0868) (Name)
in case of Utah Construction Co. vs John E. Abbott, et al.
U. S. District Court
dated 3/15/1923 in District of Idaho county of Eastern Division
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Applicant purchased the water right but not the land the water was appurtenant
to.
3. Source of water Big Lost River tributary to sinks
4. Date of priority Dec. 6, 1913
5. Water is used for the following purposes:
amount 3.20 for irrigation purposes from May 1 to Oct. 15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)
6. Total amount of water under right: a. 3.20 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is * % of NW % of Section 12
Township 8N Range 21E, B.M., in Custer County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

[illegible]



SCALE: 2 inches equal 1 mile. Draw plan in ink.

BRINGING IN

used the water right on the property that he sold to other parties. The water
right was understood to accompany the sale of the land.

I hereby assert that no one will be injured by such change and 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.

Orlin D. Baber
(Signature of applicant)

Subscribed and sworn to before me this 12 day of March, 19 80.

Rita M. Hundley
(Notary public)

My commission expires 3/15/1981

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 34-0868
and said application is hereby approved, subject to the following limitations and conditions:
(1) A measuring device of a type approved by this Department shall be permanently
installed and maintained as part of the diverting works. (2) Use of water under this
right is subject to control by the watermaster of State Water District # 34, Big Lost
River

Witness my hand this _____ day of April, 19 80.

NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by kw Date 2/19/80 Protest filed by _____

Prelim. check by ARK Fee 35.00 _____

Receipted by kw Date 2/20/80 #13805 _____

Published in Custer County Publishing Co. Copies of protest forwarded by _____

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	)	Water Right 34-00868
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

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

Dated: 2-5-02



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication