

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-119B, 34-223A,)
34-228A, 34-856G, & 34-10540)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-226

A drought emergency has been declared for Custer County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights when the director determines that such changes can be accomplished in accordance with the provisions of Idaho Code §42-222A; and

On July 20, 2022, Orville & Jennie Marie Smith Family LP and Hadley Clark submitted the attached Temporary Change Application to the Department; and

The Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

1. Diversion and use of the changed portions of Right No(s): 34-119B, 34-223A, 34-228A, 34-856G, and 34-10540 is authorized only at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well or diversion works as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Rights 34-119B, 34-213A, 34-215, 34-223A, 34-225, 34-227A, 34-2479, 34-10540 and 34-10541 when combined shall not exceed a total diversion rate of 10.84 cfs and the irrigation of 410 acres. Rights 34-228A, 34-360C, 34-856G and 34-14835 when combined shall not exceed the irrigation of 155 acres. The rights cannot be moved back to the place of use under whence they originated for the remainder of this irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the consent of such corporation or irrigation district.
7. The applicant agrees to hold the Director and the State of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on October 15, 2022 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 26th day of July, 2022.



James Cefalo
Eastern Region Manager

TC-34-226

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 19 2022

TEMPORARY CHANGE APPLICATION

Department of Water Resources

(To change point of diversion, place of use, or purpose of use of a water right upon a drought declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Smith, Orville & Jennie & Marie Family LP AND Hadley Clark Phone (208) 604-0877
Mailing Address 3886 W 3700 N Moore ID, 83255 Email lclark@atcnet.net

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. _____
Needing to transfer non deliverable surface water to a deliverable canal on to a different 195 acres. Drought is
causing higher shrinkage on the Burnett Canal. Proposed place of use is supplied by the Darlington Ditch.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)
See Attachment A _____ to _____
_____ to _____
_____ to _____
_____ to _____
2. Total amount of water being transferred 3.86 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Lost River tributary to Sinks
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
07N	24E	33		NW	SW	NE	Custer	Big Lost	Darlington Ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	21	34.0	34.0	33.0	33.0									9.0			26.0	169.0
			L1	L2															
06N	25E	22										9.0	17.0						26.0

Total Acres 195.0

6. General Information:

- a. Who owns the water right to be changed? Melvin J Ellwein (34-856G, 24-228A) Ramshorn Grazing Assn.
- b. Describe the arrangement allowing use of the right. Cash Lease
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Not irrigated for the rest of the season.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Water rights were deliverable when enough volume from junior and storage water was being diverted.
- e. Absent the changes, how would the right be used for the remainder of the year? Inability to deliver down canal.
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Hoody C. Clark Orville and Jannizmarie Smith FIP 7-19-22
Signature of Applicant _____ Date _____
Gene M. Clark

FOR DEPARTMENT USE ONLY

Received by MH Date 7/20/22 \$50 fee received by Cash Receipt No. E048331
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

See attached order

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

Attachment A

Right Number	Priority	Amount	Nature of Use	Period of use	Period of Use
34-119B	4/22/1884	1.057 CFS	IRRIGATION	7/20 ~~05~~	to 10/15
34-223A	6/1/1884	0.4 CFS	IRRIGATION	↓	↓
34-228A	6/1/1884	0.8 CFS	IRRIGATION	↓	↓
34-856G	4/30/1884	0.8 CFS	IRRIGATION	↓	↓
34-10540	4/30/1884	0.8 CFS	IRRIGATION	↓	↓



0 500 1,000 2,000 Feet

-  Proposed Place of Use
-  Township/Range
-  Sections
-  QQ



Farm and Ranch Lease Agreement

THIS LEASE AGREEMENT ("Agreement") is made this 6th day of February, 2022, by and between **Mel Ellwein and/or Debbie Ellwein** 4160 Houston Road Mackay, ID 83251 ("Lessor") and **HADLEY CLARK**, 3886 W. 3700 N., Moore, Idaho, 83255 ("Lessee").

RECITALS:

- A. Lessor is the owner of two thirds (2/3) share of Rams Horn Grazing Association and 120 acres known as the 'Dotzenrod Property' (the "Real Property"). All property is located north of 3700 N. in Butte County, Idaho. Map is attached showing real property of Ram's Horn Grazing and 'Dotzenrod Property.'
- B. Lessee desires to lease the Real Property for grazing and crop purposes subject to the following terms and conditions.

NOW, THEREFORE, for and in consideration of Fifty Thousand (\$50,000) and other good and valuable consideration, Fifty Percent (50%) due May 31 and Fifty Percent (50%) due December 31 of each year, the parties agree as follows:

1. Lessor leases to Lessee the Real Property for grazing of livestock and growing crops.
2. This Agreement shall be in effect for three (3) year, and shall automatically renew on every third year unless either party provides the other at any time with One Hundred and Eighty (180) days written notice of termination.
3. Lessee agrees to occupy the Real Property for agricultural purposes only, and agrees to operate it in a ranch-like manner consistent with Lessee's other properties.
4. As part of the consideration for this Agreement, Lessee agrees to keep and maintain the fence on the Real Property in a reasonable condition in order to prevent livestock from being able to leave the Real Property.
5. Lessee shall not assign or sublet any interest in this Agreement or the Real Property without the prior written consent of the Lessor, which Lessor may grant or withhold in its sole discretion.
6. Lessor shall have no liability for any injuries or damages which may occur on the Real Property during the term of this Agreement, and Lessee shall indemnify, and hold Lessor harmless from, all claims and causes of action which may be asserted or brought against the Lessor arising from, or in any way connected with, Lessee's use or occupation of the Real Property.
7. Lessee accepts the Real Property in an "as is" condition, and in agree to maintain it as so.
8. Lessee agrees to carry and maintain in full force and effect throughout the term of this Agreement, comprehensive public liability insurance covering the Real Property.

9. Hadley Clark (Lessee) has second (2nd) right to refusal if Ram's Horn Grazing is to be sold. Nolan Beard, one third (1/3) share holder for Ram's Horn Grazing Association has first (1st) right to refusal.
10. Failure to make payments on May 31 and December 31 will result in automatic cancel of lease agreement, unless other arrangements have been agreed upon before payments are due.
11. Lease includes 200 head of cattle owned by Mel and Debbie Ellwein. Profits and expenses will be a sixty percent (60%) forty percent (40%) split. Hadley Clark sixty percent (60%) having and Mel and Debbie Ellwein having forty percent (40%).

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective on the day and year first written above.

"LESSOR"

Debbie Ellwein

MEL ELLWEIN AND/OR DEBBIE ELLWEIN

"LESSEE"

Hadley Clark

HADLEY CLARK

STATE OF IDAHO)

ss.

County of Custer)

On this 13th day of February, 2022, before me, a Notary Public for said County and State, personally appeared Debbie Ellwein;
HADLEY CLARK, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same.

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



Stephanie Leavitt
NOTARY PUBLIC FOR IDAHO
Residing at Mackay, ID

Date 7/19/22

I Debbie Ellwein give Hadley Clark permission to temporarily transfer water rights : 34-10540, 34-119-B, 34-2223A, 34-34-856-G, 34-228-A due to drought conditions.

Debbie Ellwein

Holliday, Michael

From: lclark@atcnet.net
Sent: Friday, July 22, 2022 12:03 PM
To: Holliday, Michael
Subject: Re: temporary water right change application

Michael

Yes. Please correct the date. That was an error on our part.

Thank you

Lewene

On 2022-07-22 11:51, Holliday, Michael wrote:

> Lewene,

>

> While reviewing the Smith Fam LP and Hadley Clark temporary change
> application, I noticed that you listed May 1 as the start date for the
> change to the 5 water rights. However, I have corrected the start date
> to the date we received the application, 7/20/2022, since there is no
> way the temporary change could occur before that date. Is that okay
> with you?

>

> Michael Holliday

>

> Water Rights Supervisor

>

> Phone: 208-525-7161

>

> Fax: 208-525-7177

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-226

Applicant's Name: SMITH FAMILY LP & HADLEY CLARK

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

- c) ☐ I oppose approval of this application for the following reasons: _____

- d) ☐ Additional Comment: _____

Dated this 25 day of July 2022

Water District No: 34

Preston Monaghan
Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Saturday, July 23, 2022 10:12 AM
To: Holliday, Michael
Subject: RE: Clark temp change

The BLRID does not oppose this change.

Thank you

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Friday, July 22, 2022 9:32 AM
To: waterdist34@atcnet.net; General Manager <blridgm@atcnet.net>
Cc: BIG LOST RIVER IRR DIST (blrid@atcnet.net) <blrid@atcnet.net>
Subject: Clark temp change

Preston and BLRID General Manager,

Attached is a temp change for your comments. Your prompt response will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by Monday, July 25, 2022, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider. Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2022

Water Right 34-119B

Owner Type
Current Owner

Name
RAMSHORN GRAZING ASSN INC

Priority Date: 4/22/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
05/01	10/15	2.000 CFS
<u>Total Diversion</u>		2.000 CFS

Volume

Source and Point(s) of Diversion:

BIG LOST RIVER

SENWNW

Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	16					4.2	33.0	27.0			24.0							88.2
06N	26E	17									0.4			0.4	34.0	35.0	34.0	34.0	137.8
06N	26E	20	35.0		34.0	35.0									3.0	3.5			110.5
06N	26E	21							25.5		9.0	39.0							73.5

Right Acre Limit: 100.00
POU Total Acres: 410.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 100.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-119B, 34-213A, 34-215, 34-223A, 34-225, 34-227A, 34-2479, 34-10540 and 34-10541 when combined shall not exceed a total diversion rate of 10.84 cfs and the irrigation of 410.0 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2022

- | | | |
|-----|-----|--|
| 6. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 7. | | Water is delivered through Burnett Ditch. |
| 8. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | T19 | Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014. |

Dates and Other Information:

Decreed Date: 1/28/2002

State or Federal: S

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

Combined Use Limits:

Rate

10.840

Volume

Acres

410.0

Water Rights

34-119B ,34-213A ,34-215 ,34-223A ,34-225 ,34-227A ,34-2479 ,34-10540 ,34-10541

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2022

Water Right 34-223A

Owner Type
Current Owner

Name
RAMSHORN GRAZING ASSN INC

Priority Date: 6/1/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
05/01	10/15	0.800 CFS
<u>Total Diversion</u>		0.800 CFS

Volume

Source and Point(s) of Diversion:

BIG LOST RIVER

SENWNW

Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	16					4.2	33.0	27.0			24.0							88.2
06N	26E	17									0.4			0.4	34.0	35.0	34.0	34.0	137.8
06N	26E	20	35.0		34.0	35.0									3.0	3.5			110.5
06N	26E	21							25.5		9.0	39.0							73.5

Right Acre Limit: 40.00
POU Total Acres: 410.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 40.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-119B, 34-213A, 34-215, 34-223A, 34-225, 34-227A, 34-2479, 34-10540 and 34-10541 when combined shall not exceed a total diversion rate of 10.84 cfs and the irrigation of 410.0 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2022

- | | | |
|-----|-----|--|
| 6. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 7. | | Water is delivered through Burnett Ditch. |
| 8. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | T19 | Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014. |

Dates and Other Information:

Decreed Date: 1/28/2002

State or Federal: S

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

Combined Use Limits:

Rate

10.840

Volume

Acres

410.0

Water Rights

34-119B ,34-213A ,34-215 ,34-223A ,34-225 ,34-227A ,34-2479 ,34-10540 ,34-10541

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2022

Water Right 34-228A

Owner Type
Current Owner

Name
MELVIN J ELLWEIN

Priority Date: 6/1/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
5/01	10/15	0.800 CFS
<u>Total Diversion</u>		0.800 CFS

Volume

Source and Point(s) of Diversion:

BIG LOST RIVER

SENWNW

Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within BUTTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	20		38.0			39.0			40.0	38.0								155.0

Right Acre Limit: 40.00
POU Total Acres: 155.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-228A, 34-360C, 34-856G and 34-14835 when combined shall not exceed the irrigation of 155 acres.
3. WATER IS DELIVERED THROUGH BURNETT DITCH.
4. S34 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 OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. C18 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.

Decreed Date: 1/29/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

7/22/2022

Water Right 34-856G

Owner Type
Current Owner

Name
MELVIN J ELLWEIN

Priority Date: 4/30/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.800 CFS	
	<u>Total Diversion</u>		0.800 CFS	

Source and Point(s) of Diversion:
BIG LOST RIVER SENWNW Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use:
IRRIGATION within BUTTE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	26E	20		38.0			39.0			40.0	38.0								155.0

Right Acre Limit: 40.00
POU Total Acres: 155.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-228A, 34-360C, 34-856G and 34-14835 when combined shall not exceed the irrigation of 155 acres.
3. S34 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 OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
4. C18 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH BURNETT DITCH.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2022

Water Right 34-10540

Owner Type
Current Owner

Name
RAMSHORN GRAZING ASSN INC

Priority Date: 4/30/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use
IRRIGATION

From **To** **Diversion Rate**
05/01 10/15 1.600 CFS
Total Diversion 1.600 CFS

Volume

Source and Point(s) of Diversion:

BIG LOST RIVER

SENWNW

Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	16					4.2	33.0	27.0			24.0							88.2
06N	26E	17									0.4			0.4	34.0	35.0	34.0	34.0	137.8
06N	26E	20	35.0		34.0	35.0									3.0	3.5			110.5
06N	26E	21							25.5		9.0	39.0							73.5

Right Acre Limit: 80.00
POU Total Acres: 410.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 80.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-119B, 34-213A, 34-215, 34-223A, 34-225, 34-227A, 34-2479, 34-10540 and 34-10541 when combined shall not exceed a total diversion rate of 10.84 cfs and the irrigation of 410.0 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/22/2022

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| 6. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 4/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 7. | | Water is delivered through Burnett Ditch. |
| 8. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | T19 | Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014. |

Dates and Other Information:

Decreed Date: 1/28/2002

State or Federal: S

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

Combined Use Limits:

Rate

10.840

Volume

Acres

410.0

Water Rights

34-119B ,34-213A ,34-215 ,34-223A ,34-225 ,34-227A ,34-2479 ,34-10540 ,34-10541