

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHTS 34-377D and)
34-673B)
_____)
_____)

**ORDER DENYING
TEMPORARY CHANGE**

TC-34-93

2010

WHEREAS, a drought emergency has been declared for Butte County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

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

WHEREAS, on May 28, 2010, J. Ryan Jones submitted the attached Temporary Change Application TC 34-93 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application CANNOT be approved;

ORDER

IT IS HEREBY ORDERED that the application is DENIED based on the following information:

- 1. The application states that the owner of the surface water rights proposed to be transferred, Richard Cole, will not use those water rights and will instead use his ground water right to irrigate his property.**
- 2. Richard Cole has five water rights associated with the property in question (34-65A, 34-377D, 34-840, 34-841, and 34-2379C). Water right 34-2379C is for ground water. The rest of the water rights are from the Big Lost River.**
- 3. Water rights 34-65A, 34-377D, 34-840, 34-841, and 34-2379C combined are limited to the irrigation of 111 total acres within an irrigation season. In a phone conversation, Mr. Jones stated that Mr. Cole intended to irrigate all of his acres using his ground water right.**
- 4. Allowing Mr. Cole to irrigate 111 acres with ground water and transfer his surface rights to Mr. Jones to irrigate additional acres would be a violation of the conditions of Mr. Cole's water rights and an enlargement of his water rights.**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-92

5. In a telephone conversation, Mr. Jones noted that an identical temporary change application was approved in 2007. Given the described acreage limitations associated with Mr. Cole's water rights, that application should not have been approved.

DATED this 8th day of June, 2010.



**Lyle Swank
Eastern Regional Manager**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 28 2010
Department of Water Resources
Eastern Region

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant J. Ryan Jones Phone 208-588-2211
Mailing Address 3998 N. 3600 W. Moore, ID 83255 Email 1234doublej@gmail.com

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 the reason(s) thereof Richard is going to use ground water this summer and has agreed to let me use his surface water to help carry me through the irrigating season.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-377 D</u>	<u>6-01-1885</u>	<u>0.8 cfs</u>	<u>Irrigation</u>	<u>5/01/10 to 10/15/10</u>
<u>34-673 B</u>	<u>5-01-1885</u>	<u>0.5 cfs</u>	<u>Irrigation</u>	<u>5/01/10 to 10/15/10</u>

2. Total amount of water being transferred 1.3 cfs 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:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SW	11	6N	25E	Custer	Beck / McGowan

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	25E	13	1/4																38
6N	26E	18						1/4											38

Total Acres 76

6. General Information:

- a. Who owns the water right to be changed? Richard + Yvonne Cole
- b. Describe the arrangement allowing use of the right Richard is going to use ground water this summer.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: No change. the crop will be irrigated with ground water
- d. Has the water right sought to be transferred been used this year? No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? this water would not be used.
- f. Describe other water rights used for the same purpose. 34-10242 is the only right of mine that I expect to be on.
- g. Remarks: Using Richards' water will extend the irrigating season for me and maybe allow my crop to mature.

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.


(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Se Date 5/28/10 Fee 50
Received Se # E035855 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:

Witness my hand this _____ day of _____, _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
208-525-7161 - PHONE
208-525-7177 - FAX

TRANSMITTAL COVER SHEET

OMNIFAX

TO: _____ FROM: Sharla

DOCUMENT DESCRIPTION: (Note) 2- applications
Please review, sign Recommendation form -
return.

Thank you
TOTAL NUMBER OF PAGES (Including this page): 8

*
* Billing address: _____ *
* _____ *
* _____ *
* _____ *
* No of Pages _____ Cost / Page _____ Total Charge _____ *

WorkCentre 7345 Transmission Report

G3 ID

21

Date/Time: 06/01/2010; 11:41AM
Page: 1 (Last Page)

Local Name
Logo

Document has been sent.
Document Size 8.5X11" SEF

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
208-525-7161 - PHONE
208-525-7177 - FAX

TRANSMITTAL COVER SHEET

OMNIFAX

TO: _____ FROM: *Shark*

DOCUMENT DESCRIPTION: *(Note) 2 applications*
Please review, sign Recommendation form -
return.

Shark you
TOTAL NUMBER OF PAGES (Including this page): *8*

* Billing address: _____ *
* _____ *
* _____ *
* No of Pages _____ Cost / Page _____ Total Charge _____ *

Total Pages Scanned: 8 Total Pages Sent : 8

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	9300	2085882247	6- 1:11:39AM	2m07s	8 / 8	ECM		CP

Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s):

34-377D, 34-673B

Transfer Applicant's Name: J. Ryan Jensen

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 2 day of June, 2010

Water District No:

Jay Jensen
Watermaster's Signature

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Transfer Application No:
Transfer Applicant's Name:

Water Right No(s):

34-877D
34-673B

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 3rd day of June, 2010.

Water District No:

Don Brown for

Watermaster's Signature

B2Rtd

Jim Rindfleisch
for kulecon

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-673B

WATER RIGHT NUMBER: 34-673B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	YVONNE S COLE 3685 US HWY 93 N MOORE, ID 83255
Original Owner	CLYDE MC AFFEE RT 1 BOX 129 ARCO, ID 83213
Original Owner	FLORA A SHERMAN , ID
Directors Report Owner	LARRY THORNGREN PO BOX 38 HAILEY, ID 83333 (208)788-3923
Current Owner	RICHARD L COLE 3685 US HWY 93 N MOORE, ID 83255

Priority Date: 05/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4SE1/4	Sec. 14, Twp 06N, Rge 25E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	31					10.0	34.0	7.0	24.0	36.0							111.0	
							L 1	L 2		L 3									

Total Acres: 111

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-673B

2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.44 CFS.
COMBINED RIGHT NOS.: 34-00065A, 34-00377D, 34-00840, 34-00841 AND 34-02379C.
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. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.
5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 111 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00065A, 34-00377D, 34-00840, 34-00841 AND 34-02379C.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
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.

Remarks:Comments:

1. TAYLOR 12/31/1991 COPIED FROM REMARKS
Comment: TRANSFER #810 P/D THREE IN ONE DITCH THESE CLAIMS WERE SENT TO THORNGREN FOR SIGNATURE AND PAYMENT ON 11-8-91. GJT
2. BAUMHOFF 5/22/1992 TYPO CORRECTED IN REMARKS
Comment: PER LK-H..
3. JTHOMPSO 3/27/1995 CHANGED OWNERSHIP
Comment: 3/27/95/JT/GT 1409 FORM REC'D; SF3 MAILED TO CLAIMANT; ADDED "P" OWNER.
4. JTHOMPSO 5/31/1995 NAME CHANGE
Comment: THE DATA IN THE NAME FILE WAS CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. TYPICALLY THIS CHANGE IS TO THE CURRENT OWNER OF THE WATER RIGHT. HOWEVER, THE CHANGE MAY BE TO ADD OR DELETE AN ATTORNEY OR LIENHOLDER, FOR EXAMPLE, WITHOUT CHANGING THE CURRENT OWNER OF THE WATER RIGHT. CHANGED ADDRESS SF3 SENT TO CLAIMANT 5/31/95/JT. THORNGREN (D); COLE (C). NAME AND/OR ADDRESS CHANGE THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.
5. CFRITSCH 6/16/1997 COPIED FROM REMARKS
Comment: 1.24 CFS OF RIGHT NO. 34-00841 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NOS. 34-00065A, 34-00377D AND 34-00840.
6. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
7. kwalker 8/4/2004 11:15:39 AM Water Right
Comment: This water right record was updated by decree record from old RightID 27685 to new RightID 371729

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-673B

Dates and Other Information:

Licensed Date:
Decreed Date: 12/14/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.44		111

Combined Water Rights: 34-65A , 34-377D , 34-673B , 34-2379C , 34-840 ,
34-841

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-377D

WATER RIGHT NUMBER: 34-377D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WALTER A JENSEN
	, ZZ
Directors Report Owner	LARRY THORNGREN PO BOX 38 HAILEY, ID 83333 (208)788-3923
Original Owner	CLYDE MC AFFEE RT 1 BOX 129 ARCO, ID 83213
Current Owner	YVONNE S COLE PO BOX 575 MACKAY, ID 83251 (208)588-2941
Current Owner	RICHARD L COLE PO BOX 575 MACKAY, ID 83251 (208)588-2941

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

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

Location of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4SE1/4	Sec. 14, Twp 06N, Rge 25E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	31						10.0	34.0	7.0	24.0	36.0							111.0
								L 1	L 2			L 3							

Total Acres: 111

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-377D

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 111 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00065A, 34-00673B, 34-00840, 34-00841 AND 34-02379C.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. WATER IS DELIVERED THROUGH 3 IN 1 DITCH.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.44 CFS.
COMBINED RIGHT NOS.: 34-00065A, 34-00673B, 34-00840, 34-00841 AND 34-02379C.
6. 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.

Remarks:Comments:

1. TAYLOR 12/31/1991 COPIED FROM REMARKS
Comment: P/D THREE IN ONE DITCH. TRANS 845. THESE CLAIMS WERE SENT TO THORNGREN FOR SIGNATURE AND PAYMENT ON 11-8-91. GJT
2. BAUMHOFF 5/22/1992 CORRECTED TYPO IN REMARKS
Comment: PER LK-H
3. JTHOMPSON 3/27/1995 CHANGED OWNERSHIP 3/27/95/GT/JT
Comment: 1409 FORM REC'D; SF3 MAILED TO CLAIMANT; ADDED "P" OWNER
4. JTHOMPSON 8/31/1995 CORRECTION ON CHANGE OF OWNERSHIP
Comment: CHANGED "P" OWNER CODE TO "C"; CHANGED "C" OWNER CODE TO "D" 8/31/95/JT
5. CFRITSCH 6/16/1997 COPIED FROM REMARKS
Comment: 1.24 CFS OF RIGHT NO. 34-00841 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHTS 34-00065A, 34-00377D, 34-00673B AND 34-00840.
6. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
7. jpeppers 8/22/2003 8:28:28 AM Water Right
Comment: This water right record was updated by decree record from old RightID 27279 to new RightID 371726

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-377D

Dates and Other Information:

Licensed Date:
Decreed Date: 12/14/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.44		111

Combined Water Rights: 34-65A , 34-377D , 34-673B , 34-2379C , 34-840 ,
34-841

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2379C

WATER RIGHT NUMBER: 34-2379C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD L COLE 3685 US HWY 93 N MOORE, ID 83255
Original Owner	BOYD OVARD DARLINGTON, ID 83231
Original Owner	CLYDE MC AFFEE RT 1 BOX 129 ARCO, ID 83213
Current Owner	YVONNE S COLE 3685 US HWY 93 N MOORE, ID 83255
Original Owner	PAUL STRICKLAN , ID
Original Owner	JACK L MC AFFEE C/O STERLING MC AFFEE RT 1 MOORE, ID 83255 (208)554-3581
Directors Report Owner	LARRY THORNGREN PO BOX 38 HAILEY, ID 83333 (208)788-3923

Priority Date: 08/08/1960

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.020 CFS	333.00 AF
	<u>Total Diversion:</u>	2.020 CFS	333.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4NW1/4SW1/4 Sec. 31, Twp 06N, Rge 26E, B.M.
BUTTE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	31						10.0	34.0	7.0	24.0	36.0							111.0
							L 1	L 2				L 3							

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-2379C

Total Acres: 111

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 111 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00065A, 34-00377D, 34-00673B, 34-00840, AND 34-00841.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.44 CFS.
COMBINED RIGHT NOS.: 34-00065A, 34-00377D, 34-00673B, 34-00840, AND 34-00841.
3. 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-2379C

Comments:

1. TAYLOR 12/31/1991 COPIED FROM REMARKS

Comment: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 107 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. THE Q RATE FOR THIS CLAIM WAS BASED ON A PER ACRE DIVERSION RATE OF 0.01889. THE ACREAGE WAS FOUND BASED ON THE FACT THAT 113 ACRES WEST OF THE HIGHWAY WERE ORIGINALLY LICENSED AND NOW 6 OF THOSE ACRES ARE PART OF THE DARLINGTON TOWNSITE. MR. THORNGREN OWNS 107 ACRES OF THE ORIGINAL LICENSE. THESE CLAIMS WERE SENT TO THORNGREN FOR SIGNATURE AND PAYMENT ON 11-08-91.

2. CARLSEN 5/4/1992 PERIOD OF USE

Comment: 04/01 - 11/01 CHANGED TO 04/15 - 10/15

3. JTHOMPSO 3/27/1995 CHANGED OWNERSHIP 3/27/95/JT/GT

Comment: 1409 FORM REC'D SF3 SENT TO CLAIMANT; ADDED "P" OWNER.

4. JTHOMPSO 5/31/1995 NAME CHANGE

Comment: THE DATA IN THE NAME FILE WAS CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. TYPICALLY THIS CHANGE IS TO THE CURRENT OWNER OF THE WATER RIGHT. HOWEVER, THE CHANGE MAY BE TO ADD OR DELETE AN ATTORNEY OR LIENHOLDER, FOR EXAMPLE, WITHOUT CHANGING THE CURRENT OWNER OF THE WATER RIGHT. 1.00 CFS ON 317 AC * 33-00050 1.00 CFS DECREE DOES NOT SPECIFY ACREAGE * CLAIMED ACREAGE IS PROBABLY AN EXPANSION OF THE ORIGINAL USE *****EMC 10 MAR 95***** CHANGED ADDRESS SENT SF3 TO CLAIMANT 5/31/95/JT. THORNGREN (D); COLE (C). NAME AND/OR ADDRESS CHANGE THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. ----- 1.00 CFS ON 317 AC * 33-00050 1.00 CFS DECREE DOES NOT SPECIFY ACREAGE * CLAIMED ACREAGE IS PROBABLY AN EXPANSION OF THE ORIGINAL USE *****EMC 10 MAR 95*****

5. JTHOMPSO 7/19/1995 OWNERSHIP CHANGE

Comment: PER MEMO/DSHAFF, 7/12/95. MODIFIED OWNER BASED ON C/O REC'D 2/9/94. 7/19/95/JT

6. CFRITSCH 2/24/1999 WELL NO. ADDED

Comment: ADDED WELL 260 PER INFORMATION SUPPLIED BY SCOTT KING.

7. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

8. jberkey 10/14/2004 POD

Comment: Correlated PODID 435440 from SpatialDataID 354766 to SpatialDataID 302253

9. jberkey 10/14/2004 POD

Comment: Correlated PODID 435440 from SpatialDataID 354766 to SpatialDataID 302253

10. jberkey 10/14/2004 POD

Comment: Correlated PODID 435440 from SpatialDataID 354766 to SpatialDataID 302253

11. jberkey 10/14/2004 POD

Comment: Correlated PODID 435440 from SpatialDataID 354766 to SpatialDataID 302253

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-2379C

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/14/2001
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.44		111

Combined Water Rights: 34-2379C

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.44		111

Combined Water Rights: 34-65A , 34-377D , 34-673B , 34-2379C , 34-840 , 34-841

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	1/2/2004 4:55:11 PM	ecarlson	Edited point location
POU	1/5/2004 10:39:43 AM	ecarlson	Edited shape boundary
POU	1/5/2004 10:38:48 AM	ecarlson	Edited shape boundary

Water Supply Bank: