

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-611B & 34-612B)
_____))
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-67

WHEREAS, 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

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 purpose 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 16, 2005, Mountain Springs Ranch % Shane Rosenkrance submitted the attached Temporary Change Application TC-34-67 to the Department; and

WHEREAS, 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 right no(s). 34-611B & 34-612B 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 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 that 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-67

5. Right(s) 34-611B & 34-612B are limited to the irrigation of a total of 75 acres in a single 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 written consent of such corporation or irrigation district.
7. The applicants agree 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 applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2005 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 15th day of May, 2005.



Ronald D. Carlson
Eastern Regional Manager

26/02/75 11:50

HI 200 327 7500

10 WATER RESOURCES -> EASTERN

7/82

Ident. No. TC-34-67

RECEIVED

MAY 16 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PERMANENT CHANGE APPLICATION

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

Department of Water Resources
Eastern Region
Name of applicant Moranta

Name of applicant

Post Office address

Mountain Springs Ranch, LLC

Norman Springs Ranch
5550 Barton Flat Road

Phone

588-3086
589-3110
588-3110

Mackay, ID 8325

A. PURPOSE OF TRANSFER

1. Change point of diversion
Change purpose of use

Add diversion point(s)
Other

X Change place of use

2. Describe the proposed change(s) and the reason(s) therefor

Put water on alfalfa

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

- | DESCRIPTION OF RIGHT(S) OR PRIORITY | | | | |
|-------------------------------------|----------|--------|------------|----------------------------|
| 1. Right Number | Priority | Amount | Nature | Period of Use |
| 34-00611B | 6/1/1882 | 1.29 | Irrigation | 5-1- to ~~5~~ 10-15 |
| 34-00612B | 6/1/1886 | .8 | Irrigation | 5-1 to 10-15 |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred 2.09 cubic feet/second and/or _____ acre-feet per annum.

2. Total amount of water being transferred 2.5 L
3. Source of water: Big Lost River tributary to Sinks

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
611 B		SE	SE		3	8N	22E	Custer	Parsons Creek
612 B		SE	NW		11	8N	22E	"	Parsons Creek
"		NW	NE	SE	11	8N	22E	"	Big Lost River
"		NW	NE		14	8N	22E	"	Parsons Creek

5. Lands irrigated or Place(s) of Use:

5. Lands irrigated or Place(s) 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	
8N	22E	14			16		3.5			38							7		64.5

Total acres 64.5

TC-34-67

6. General Information:

- a. Who owns the water right to be changed? Mountain Springs Ranch, LLC
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:
will dry up 64.5 acres
- 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? For Pivot
- f. Describe other water rights used for the same purpose. _____

g. Remarks:

Same as transfer 34-38 except less acres + less CFS.
Transfer amounts to more than the acreage to allow sprink

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.

X Shane Rosenkrantz
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/16/2005 Fee \$50
 Receipted KCW 5/16/05 # E030883 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. TC-34-67
 And said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 15th day of May 2005

[Signature]

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No: 2180
00612B.

Water Right No. 34-00611B, 34-

Transfer Applicant's Name: Gary Rogers / Stephan Aikele
Watermaster's Recommendation:

- a) X 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 16th day of May., 2005

Water District No: 34


Watermaster's Signature

R22E

T
8
N

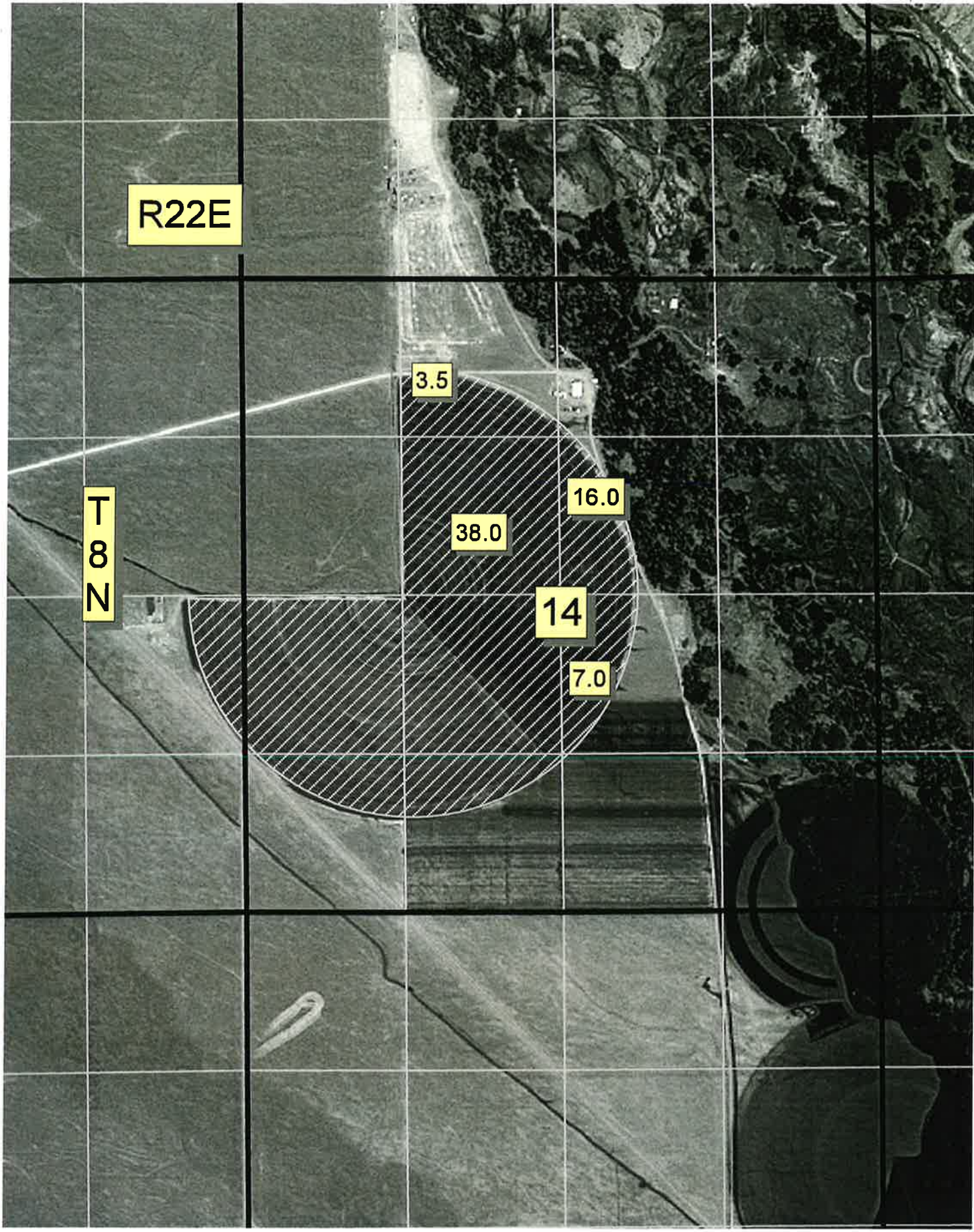
3.5

38.0

16.0

14

7.0





Water District No. 34

P. O. Box 53

Mackay, ID 83251

(208) 588-3137

INFO

FAX TRANSMITTAL

To: IDWR

ATTN: KEITH WILSON

Date: 5-16-05

Of Pages: 2
(including cover sheet)

Comments: THIS TRANSFER WILL ALLOW SOME WATER TO
BE LEFT IN THE SYSTEM FOR MITIGATION. WE'LL TRANSFER
THAT PORTION LEFT OVER AT A LATER DATE.

Best of mitigation
plan for Big Lost River
BOB

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-10563

WATER RIGHT NUMBER: 34-10563

Owner TypeName and Address

Current Owner

G DAVID NELSON, 5688 CHILLY RD, MACKAY, ID 83251
(208)588-2805

Priority Date: 04/01/1908

Basis: Decreed

Status: Active

SourceTributary

BIG LOST RIVER

SINKS

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

5/01 to 10/15

2.040 CFS

STOCKWATER

1/01 to 12/31

2.040 CFS

Total Diversion: 2.040 CFSLocation of Point(s) of Diversion

BIG LOST RIVER

NE1/4SW1/4NW1/4Sec. 15,Twp 08N,Rge 21E, 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	
08N 22E 8	20.0			20.0													40.0
08N 22E 9					20.0	20.0	40.0										80.0
08N 22E 14		10.0	18.0		15.0			40.0	40.0	40.0	20.0	40.0		36.0	40.0		299.0
08N 22E 15													10.0				10.0

Total Acres: 429

STOCKWATER same as IRRIGATIONConditions of Approval:

1. 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.
2. FOR IRRIGATION PURPOSES, THIS RIGHT MAY BE USED EITHER AT PLACE OF USE 1 (T08N R22E S14 AND S15), IN COMBINATION WITH RIGHT NOS. 34-00145, 34-00139, 34-10557, 34-10558 AND 34-10564, OR IT MAY BE USED AT PLACE OF USE 2 (T08N R22E S08 AND S09).
3. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00579, 34-000272, 34-00021, 34-00271, 34-00859.
WATER IS DELIVERED THROUGH NIELSEN DITCH.
STOCKWATER, 1,500 CATTLE
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.

Comments:

1. DCARLSON 8/7/1991 COPIED FROM REMARKS CLAIM COMBINES THE FOLLOWING PORTIONS OF DECREEED RIGHTS: 0.52 CFS 34-00579 1.02 CFS COMBINATION OF 34-00021, 34-00271, & 34-00859 0.50 CFS 34-00272

Dates and Other Information:

Decreed Date: 2/14/2002

State or Federal: S

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-611B

WATER RIGHT NUMBER: 34-611B

Owner Type

Current Owner

Name and AddressMOUNTAIN SPRINGS RANCH, 5550 BARTON FLAT RD, MACKAY, ID 83251
(208)588-3110

Priority Date: 06/01/1882

Basis: Decreed

Status: Active

SourceBIG LOST RIVER
PARSONS CREEKTributarySINKS
BIG LOST RIVERBeneficial Use

IRRIGATION

From To

05/01 to 10/15

Diversion Rate

1.500 CFS

Annual Volume

262.50 AF

Total Diversion:

1.500 CFS

262.50 AF

Location of Point(s) of Diversion

PARSONS CREEK	SE1/4NW1/4	Sec. 11,Twp 08N,Rge 22E, B.M.	CUSTER County
BIG LOST RIVER	NW1/4NE1/4SE1/4	Sec. 11,Twp 08N,Rge 22E, B.M.	CUSTER County
PARSONS CREEK	NW1/4NE1/4	Sec. 14,Twp 08N,Rge 22E, B.M.	CUSTER County
PARSONS CREEK	SE1/4SE1/4	Sec. 3,Twp 08N,Rge 22E, 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	
08N 22E 11									20.0				15.0	20.0	40.0	30.0	158.0
08N 22E 12											18.0						18.0
08N 22E 13						30.0	40.0	23.0	25.0	30.0		30.0			17.0		195.0
08N 22E 14	40.0	10.0		30.0										20.0			100.0

Total Acres: 471

Conditions of Approval:

1. 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.
2. T18 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.
3. 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. WB4 The total instantaneous diversion of water from all points of diversion under Rights 34-142, 34-611B, 34-612B, 34-613B and 34-10553B shall not exceed 10.72 cfs, a total annual maximum diversion volume of 1648.5 af at the field headgate, for the irrigation of 471.0 acres.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. 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.
7. X27 This right is limited to the irrigation of 75.0 acres within the place of use described above in a single irrigation season.
8. 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Comments:

1. pskaggs 12/6/2004 3:14:02 PM Transferred Right This is now an approved transfer, transfer number = 71405

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-611B

Dates and Other Information:

Licensed Date:
Decreed Date: 9/19/2001
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 34
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
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>
10.72	1648.5	471

Combined Water Rights: 34-142 , 34-611B , 34-612B , 34-613B , 34-10553B

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-612B

WATER RIGHT NUMBER: 34-612B

Owner TypeName and Address

Current Owner

MOUNTAIN SPRINGS RANCH, 5550 BARTON FLAT RD, MACKAY, ID 83251
(208)588-3110

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

SourceTributaryBIG LOST RIVER
PARSONS CREEKSINKS
BIG LOST RIVERBeneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

05/01 to 10/15

0.800 CFS

140.00 AF

Total Diversion:

0.800 CFS

140.00 AF

Location of Point(s) of Diversion

PARSONS CREEK	SE1/4NW1/4	Sec. 11,Twp 08N,Rge 22E, B.M.	CUSTER County
BIG LOST RIVER	NW1/4NE1/4SE1/4	Sec. 11,Twp 08N,Rge 22E, B.M.	CUSTER County
PARSONS CREEK	NW1/4NE1/4	Sec. 14,Twp 08N,Rge 22E, B.M.	CUSTER County
PARSONS CREEK	SE1/4SE1/4	Sec. 3,Twp 08N,Rge 22E, 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	
08N 22E 11									20.0			15.0	20.0	40.0	30.0	33.0	158.0
08N 22E 12								18.0									18.0
08N 22E 13					30.0	40.0	23.0	25.0	30.0			30.0			17.0		195.0
08N 22E 14	40.0	10.0		30.0									20.0				100.0

Total Acres: 471

Conditions of Approval:

1. X27 This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.
2. 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.
3. T18 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.
4. 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.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. 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.
7. 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.
8. WB4 The total instantaneous diversion of water from all points of diversion under Rights 34-142, 34-611B, 34-612B, 34-613B and 34-10553B shall not exceed 10.72 cfs, a total annual maximum diversion volume of 1648.5 af at the field headgate, for the irrigation of 471.0 acres.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Comments:

1. pskaggs 12/6/2004 3:14:02 PM Transferred Right This is now an approved transfer, transfer number = 71405

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-612B

Dates and Other Information:

Licensed Date:
Decreed Date: 9/19/2001
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 34
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
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>
10.72	1648.5	471

Combined Water Rights: 34-142 , 34-611B , 34-612B , 34-613B , 34-10553B

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-10558

WATER RIGHT NUMBER: 34-10558

Owner Type

Current Owner

Name and Address

MOUNTAIN SPRINGS RANCH
5550 BARTON FLAT RD
MACKAY, ID 83251
(208)588-3110

Priority Date: 06/01/1899

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

5/01 to 10/15

Diversion Rate

2.740 CFS

Annual VolumeTotal Diversion: 2.740 CFSLocation of Point(s) of Diversion

BIG LOST RIVER NE1/4SW1/4NW1/4 Sec. 15,Twp 08N,Rge 21E, 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	
08N 22E 14		2.0	16.0		38.0			40.0	40.0	40.0	9.0	40.0		29.0	38.0		292.0
08N 22E 15													8.0				8.0

Total Acres: 300

Conditions of Approval:

1. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00579 AND 34-00583A. WATER IS DELIVERED THROUGH NEILSEN DITCH.
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. 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. USE OF THIS RIGHT WITH THE RIGHTS LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00139, 34-00145 AND 34-10557.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 137 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. DCARLSON 8/7/1991 FROM REMARKS CLAIM COMBINES PORTIONS OF RTS 34-00579 (107") & 34-00583A (30").

Dates and Other Information:

Decreed Date: 9/17/2001

Enlargement Statute Priority Date:

State or Federal: S

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
		300

Combined Water Rights: 34-10557 , 34-10558 , 34-139 , 34-145

Water Supply Bank:

Big Lost River

SWNE S14, T08N, R22E

Basin	Sequen	Priority Date	Rate(cfs)	Use(s)	Owner(s)
34	139	3/1/1902	0.9	IRR	MOUNTAIN SPRINGS RANCH (Current)
34	145	1895-05-01	3.2		MOUNTAIN SPRINGS RANCH (Current)
34	10557	6/20/1917	5.16		MOUNTAIN SPRINGS RANCH (Current)
34	10558	1899-06-01	2.74		MOUNTAIN SPRINGS RANCH (Current)
34	10563	4/1/1908	2.04		NELSON, G DAVID (Current)