

2004

DEP.

RCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant R. Bruce Soelberg & Marc T. Hansen Phone 525-3327
527-8905
Post Office Address 1482 Three Fountains Dr. Idaho Falls Idaho 83404

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 Both Soelberg & Hansen each own wells which are not producing all the water which they have a right(s) for. due to drought conditions. To reduce individual cost, they are proposing to share in the expense of equipping an existing abandoned well in section 21. Conveyance would be through the Moore Canal and Timberdome Canal to the existing place of use.

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>34-07118A</u>	<u>11/24/1975</u>	<u>5.29 cfs</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
<u>34-07154</u>	<u>11/16/1976</u>	<u>6.19 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
				to
				to

2. Total amount of water being transferred 6.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	SE	32	5N	26E	Butte	Soelberg Well AR Elec Coop No. 596
		SE	NE	NW	5	4N	26E	Butte	Hansen Well AR Elec Coop No. 327
Proposed new pt of div									
well location									
		NW	NW	NW	21	5N	26E	Butte	Old Moss/Pu Ranch well

5. Lands irrigated or place of use: Same as described in partial decrees

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	
34-7118A																			
3N	26E	16					33	33	33	33	33	33	33	32					264
34-7154																			
3N	26E	1					33	33	33	33	23	33	33	33			37		301
3N	26E	2	28	28	29	29							5	10.9	31	31	32	32	240
		7		118	65		40	35	27	37.4									157.7

Total Acres 978.6 ac

6. General Information:

- a. Who owns the water right to be changed? Soelberg Farms 34-07118A Marc T. Hansen 34-07154
- b. Describe the arrangement allowing use of the right Owners have made a temporary agreement with the property owner (P4 Ranch) for use of the additional pt. of Div. Well Site.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This lands will recieve a more normal seasons supply of water.
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. But to a limited extent due to less pumpage from the two existing wells.
- e. Absent the changes, how would the right be used for the remainder of the year? The righ(s) would be used in a limited or partial manner.
- f. Describe other water rights used for the same purpose.
(see remark conditions in respect to each right description.)
- 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.

R. Bruce Soelberg Marc T. Hansen
R. Bruce Soelberg (Signature of applicant) Marc T. Hansen
May 18, 2004

FOR DEPARTMENT USE ONLY

Received by Kaw Date 5/19/04 Fee \$ 50⁰⁰

Receipted Kaw # E029845 Recommend: ☒ approve ☐ deny

Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-41

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 27th day of May, 2004:

Ronald D. Carl
For the Director

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-7118A)
34-7154)

Bruce Soelberg ; Marc Hansen)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-41

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 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 19, 2004, R. Bruce Soelberg ; Marc T. Hansen submitted the attached Temporary Change Application TC-34-41 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). 34-7118A ; 34-7154 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-34-41

5. Right(s) 34-7118A & 34-7154 are limited to the irrigation of a total of 978.6 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 shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on December 31, 2004 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 27th day of May, 2004.


Ronald D. Carlson
Eastern Regional Manager

TC-34-41

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-07118A / 34-07154

Transfer Applicant's Name: R. Bruce Sorlberg / Marc T. Hansen
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 21st, day of May, 2004

Water District No: 34


Watermaster's Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2332

WATER RIGHT NUMBER: 34-2332

TC-34-41

Owner TypeName and Address

Current Owner

P U RANCH LTD, 4500 IMPERIAL AVE, SAN DIEGO, CA 92113
(208)527-3133

Priority Date: 05/06/1955

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

2.900 CFS

Total Diversion:

2.900 CFS

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4NW1/4 Sec. 21,Twp 05N,Rge 26E, B.M.

BUTTE County

GROUND WATER NE1/4NW1/4NW1/4 Sec. 21,Twp 05N,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	
03N 25E 2									33.0	33.0	33.0	33.0					132.0
03N 25E 3															33.0	33.0	66.0
03N 25E 10	33.0	33.0															66.0

Total Acres: 264

Conditions of Approval:

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

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-07079 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.90 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 435 AF.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.90 CFS.
COMBINED RIGHT NOS.: 34-00170, 34-00556 AND 34-07079.
2. Explanatory RIGHT NO. 34-07079 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 34-07079 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 264 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00170, 34-00556 AND 34-07079.

Comments:

1. THOMPSON 9/6/1991 COPIED FROM REMARKS

Comment: THE RATE OF DIV. & ANNUAL VOLUME OF RTS. 34-7079 & 34-2332 WHEN COMBINED SHALL NOT EXCEED 2.9 CFS OR 435 AF/ANNUM. NO MORE THAN 2.9 CFS OR 435 AF/ANNUM SHALL BE INJECTED INTO THE MOORE CANAL. THE RATE OF REDIVERSION FROM TIMBERDOME CANAL MAY BE SUBJECT TO A CONVEYANCE LOSS ASSESSMENT. APPROVAL OF THIS TRANS. DOES NOT CONSTITUTE A RT. TO USE PRIVATELY OWNED CONVEYANCE FACILITIES. TRANS. 3214. ITEM 5: WELLS AND PUMPS, OPEN DISCHARGE INTO THE MOORE CANAL OF BIG LOST RIVER IRRIGATION DISTRICT, THROUGH MOORE CANAL TO CROSSOVER DITCH TO "U-C" OR BLAINE CANAL THROUGH TIMBERDOME CANAL TO REDIVERSION INTO PRIVATE DITCH TO PUMP FOR PIVOTS (REDIVERSION IS IN THE SE1/4 OF THE NE1/4 OF SECTION 35, T4N R25E REMARKS: THE PLACE OF USE FOR THIS RIGHT WAS CHANGED SEVERAL YEARS AGO TO THE LANDS DESCRIBED HEREIN AND A WATERWAYS TRANSPORT AGREEMENT WITH BIG LOST RIVER IRRIGATION DISTRICT ENTERED INTO FOR CONVEYANCE OF THE WATER THROUGH THE MOORE CANAL IN JULY OF 1985. THIS IS CLAIMED AS AN ACCOMPLISHED TRANSFER UNDER IDAHO CODE 42-1416A.

using well
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2332

2. COX 5/14/1992 CHANGE OF OWNERSHIP

Comment: OWNERSHIP CHANGED FROM HILLCREEK PROPERTIES TO P U RANCH

TC-34-41

3. DSMITH 1/2/1996 NAME AND/OR ADDRESS CHANGE

Comment: 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. *CORRECTED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS

4. ARUBERRY 8/12/1997 TRANSFER NO. 3705

Comment: TRANSFER ADDS A POD IN SEC. 21, NWNWNW, APPROVED 14 AUG 92.

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

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

Dates and Other Information:

Licensed Date:

Decreed Date: 11/13/2000

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

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>
2.9	435	145

Combined Water Rights: 34-2332 , 34-7079

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.9		264

Combined Water Rights: 34-170 , 34-556 , 34-2332 , 34-7079

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7079

WATER RIGHT NUMBER: 34-7079

TC-34-41

Owner TypeName and Address

Current Owner

P U RANCH LTD, 4500 IMPERIAL AVE, SAN DIEGO, CA 92113
(208)527-3133

Priority Date: 09/17/1979

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

2.760 CFS

Total Diversion:

2.760 CFS

Location of Point(s) of Diversion

GROUND WATER NE 1/4NW1/4NW1/4 Sec. 21,Twp 05N,Rge 26E, B.M. BUTTE County

GROUND WATER NW1/4NW1/4NW1/4 Sec. 21,Twp 05N,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	
03N 25E 2									33.0	33.0	33.0	33.0					132.0
03N 25E 3															33.0	33.0	66.0
03N 25E 10	33.0	33.0															66.0

Total Acres: 264

Conditions of Approval:

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

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-02332 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.90 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 435 AF.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.90 CFS.
COMBINED RIGHT NOS.: 34-00170, 34-00556 AND 34-02332.
2. Explanatory RIGHT NO. 34-02332 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 34-02332 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 264 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00170, 34-00556 AND 34-02332.

Comments:

1. THOMPSON 9/6/1991 COPIED FROM REMARKS

Comment: TRANS. 3214. ITEM 5: WELLS AND PUMPS, OPEN DISCHARGE INTO MOORE CANAL OF BIG LOST RIVER IRRIGATION DISTRICT, THROUGH MOORE CANAL TO CROSSOVER DITCH TO "U-C" OR BLAINE CANAL THROUGH TIMBERDOME CANAL TO REDIVERSION INTO PRIVATE DITCH TO PUMP FOR PIVOTS (REDIVERSION IS IN THE SE 1/4 NE 1/4 OF SEC. 35 T4N R25E) REMARKS: THE PLACE OF USE FOR THIS RIGHT WAS CHANGED SEVERAL YEARS AGO TO THE LANDS DESCRIBED HEREIN AND A WATERWAYS TRANSPORT AGREEMENT WITH BIG LOST RIVER IRRIGATION DISTRICT ENTERED INTO FOR CONVEYANCE OF THE WATER THROUGH THE MOORE CANAL IN JULY OF 1985. THIS IS CLAIMED AS AN ACCOMPLISHED TRANSFER UNDER IDAHO CODE 42-1416A.

wing
well

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7079

TC-34-41

2. COX 5/14/1992 CHANGE OF OWNERSHIP

Comment: OWNERSHIP CHANGED FROM HILLCREEK PROPERTIES TO P U RANCH

3. CARLSEN 5/20/1992 NOTICE OF ERROR

Comment: ON APRIL 23, 1992, MET WITH CLAIMANT AND HIS ATTORNEY, KENT FOSTER, TO DISCUSS RECOMMENDATIONS FOR P U RANCH WATER RIGHTS. CLAIMANT WAS ADVISED THE DEPARTMENT'S RECOMMENDATION FOR 34-07079, 34-10904 AND 34-12373 WERE BELIEVED TO BE IN AGREEMENT WITH ORDER ISSUED BY JUDGE HURLBUT. THE LIMITING CONDITIONS ON 34-07079 WERE SPECIFIED IN THE JUDGES ORDER. THE ORDER ALSO INDICATED THAT DIVERSION UNDER THE RIGHTS AND FROM THE TWO WELLS WERE LIMITED. IT WAS RECOMMENDED TO DISALLOW CLAIM 34-10904, BECAUSE THE INTENT OF THIS CLAIM WAS TO INCREASE THE RATE OF DIVERSION FOR A RIGHT BASED ON EXPANSION OF A LICENSE. THE JUDGE'S DECISION STATES SUCH AN EXPANSION IS CONTRARY TO 42-1416. IT WAS ALSO RECOMMENDED TO DISALLOW 34-12373 BECAUSE OF THE DIVERSION RATE LIMITATIONS SPECIFIED IN JUDGES DECISION. THE INITIAL RECOMMENDATIONS FOR THE ABOVE THREE NOTICES WILL NOT BE CHANGED.

4. DSMITH 1/2/1996 NAME AND/OR ADDRESS CHANGE

Comment: 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. *CORRECTED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS

5. ARUBERRY 8/12/1997 TRANSFER NO. 3705

Comment: TRANSFER ADDS A POD IN SEC.21, NWNWNW, APPROVED 14 AUG. 92.

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

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

Dates and Other Information:

Licensed Date:
Decreed Date: 9/26/2001
State or Federal: S
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.9	435	145

Combined Water Rights: 34-2332 , 34-7079

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.9		264

Combined Water Rights: 34-170 , 34-556 , 34-2332 , 34-7079

SubCase:

SubCase Number: 34-7079
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 2/19/1999
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 2/26/1993 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7154

WATER RIGHT NUMBER: 34-7154

TC-34-41

Owner Type Name and Address
 Current Owner TEENA HANSEN
 RT 1 BOX 63A
 MOORE, ID 83255
 (208)527-8246
 Current Owner MARC T HANSEN
 HC 65 BOX 1079
 HOWE, ID 83244
 (208)767-3212

Priority Date: 01/16/1976

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/15 to 10/15 6.190 CFS

Total Diversion: 6.190 CFSLocation of Point(s) of Diversion

GROUND WATER L3 (SE1/4NE1/4NW1/4)Sec. 5,Twp 04N,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	
03N 25E 1					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0			37.0		301.0
03N 25E 2	28.0	28.0	29.0	29.0									31.0	31.0	32.0	32.0	240.0
	L 1	L 2															
03N 26E 6											5.0	10.9					15.9
											L 5						
03N 26E 7		11.8	6.5		40.0	35.0	27.0	37.4									157.7

Total Acres: 714.6

Conditions 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.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 309.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 714.6 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02272A, 34-02308A 34-07059C, AND 34-07122B.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. Quantity USE OF THIS RIGHT WITH RIGHTS 34-07059C AND 34-07122B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2501.1 AF.
4. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-7154

TC-34-41

Comments:

1. VERNER 11/19/1991 RENUMBERING

Comment: TO MATCH WR LICENSE FOR THIS RIGHT, RENUMBERED FROM 34-07154E TO 34-07154. ESV
11/19/1991

2. SHAW 1/10/1992 COPIED FROM REMARKS

Comment: OTHER RIGHTS: 34-00168G, 34-00654B, 34-02272A, 34-02308A, 34-00017C, 34-02358E, 34-07059C
AND 34-07122B.

3. VERNER 5/4/1992 NOTICE OF ERROR-SEE R34-00017C

Comment:

4. FRAZEE 3/11/1994 NOTICE OF APPEARANCE (NOA)

Comment: NOA REC'D 1/24/94 FROM ATTORNEY KENT W FOSTER

5. CFRITSCH 7/24/1997 PRIORITY DATE

Comment: THE "TRUE" PRIORITY DATE FOR THIS APPROPRIATION WAS 07-29-1976; HOWEVER, A DATA
ENTRY ERROR ON THE WR DATA BASE CHANGED THE PRIORITY DATE TO 01-16-1976. SINCE THIS RIGHT
HAS BEEN LICENSED WITH THE 01-16-1976 PRIORITY DATE, THE PERMITS SECTION DOES NOT WISH TO
AMEND THE LICENSE TO CHANGE THE PRIORITY DATE.

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

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

Dates and Other Information:

Decreed Date: 11/24/2000

State or Federal: S

Water District Number: 34

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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2501.1

Combined Water Rights: 34-7122B , 34-7154

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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714.6

Combined Water Rights: 34-7122B , 34-7154

SubCase:

SubCase Number: 34-7154

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 2/19/1999

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 2/25/1993 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7118A

WATER RIGHT NUMBER: 34-7118A

TC-34-41

Owner Type Name and Address
 Current Owner SOELBERG FARMS
 1482 THREE FOUNTAINS DR
 IDAHO FALLS, ID 83404
 (208)525-3327

Priority Date: 11/24/1975

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	04/01 to 11/01	5.290 CFS	924.00 AF
	<u>Total Diversion:</u>	5.290 CFS	924.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 Sec. 32,Twp 05N,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	
03N 26E 16					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0					264.0

Total Acres: 264

Conditions 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.

Remarks:Comments:

1. CSAXTON 2/7/2000 SPLIT RIGHT

Comment: ON 2-7-2000 34-07118 WAS SPLIT DUE TO AN OWNERSHIP CHANGE. THE FOLLOWING IS THE RESULTING SPLIT: 34-07118A, 11.09 CFS ON 554 ACRES, WELL 177, SOELBERG FARMS 34-07118B, 4.81 CFS ON 240 ACRES, WELL 176 + 178, ROGERS

5. CSAXTON 4/21/2000 AMENDING SPLIT RIGHT

Comment: DUE TO NEW EVIDENCE PROVIDED BY GARY ROGERS, THE RESULT OF SPLITTING WAS ALTERED. 34-07118A, 5.29 CFS, 264 ACRES, WELL 177, SOELBERG 34-07118B, 10.61 CFS, 530 ACRES, WELL 176 AND 178, ROGERS

Dates and Other Information:

Decreed Date: 2/6/2002

State or Federal: S

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7223

WATER RIGHT NUMBER: 34-7223

TC-34-41

Owner TypeName and Address

Current Owner

MARSHAL TODD PERKES, RT 1 BOX 69, MOORE, ID 83255, (208)527-3157

Priority Date: 04/16/1979

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

04/01 to 11/01

1.580 CFS

280.00 AF

Total Diversion:

1.580 CFS

280.00 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4SE1/4 Sec. 8, Twp 04N, Rge 26E, B.M. BUTTE County

GROUND WATER NW1/4SE1/4NW1/4 Sec. 17, Twp 04N, 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	
03N 25E 1	33.0	33.0	33.0	33.0													132.0
	L 1	L 2															
04N 25E 25					33.0	33.0	33.0	40.0	40.0	33.0	33.0	39.0	33.0	40.0	39.0	33.0	429.0

Total Acres: 561

Conditions 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. 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.
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.

Remarks:

1. Explanatory RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 878.5 AF. COMBINED RIGHT NOS.: 34-7096A, 34-7097A, 34-7223.
3. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE - Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 2/15/2002

State or Federal: S

Water District Number: 34

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
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5 878.5

Combined Water Rights: 34-7223 , 34-7096A

Rate	Volume	Acres
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945

Combined Water Rights: 34-2428 , 34-12416 , 34-7223 , 34-7096A , 34-7035B

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7096A

WATER RIGHT NUMBER: 34-7096A

TC-34-41

Owner TypeName and Address

Current Owner

MARSHAL TODD PERKES, RT 1 BOX 69, MOORE, ID 83255 (208)527-3157

Priority Date: 01/31/1975

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

04/01 to 10/31

1.840 CFS

322.00 AF

Total Diversion:

1.840 CFS

322.00 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4SE1/4NW1/4 Sec. 17,Twp 04N,Rge 26E, B.M.

BUTTE County

GROUND WATER NE1/4SW1/4SE1/4 Sec. 8,Twp 04N,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	
03N 25E 1	33.0	33.0	33.0	33.0													132.0
	L 1	L 2															
04N 25E 25					33.0	33.0	33.0	40.0	40.0	33.0	33.0	39.0	33.0	40.0	39.0	33.0	429.0

Total Acres: 561

Conditions 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. 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.
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.

Remarks:

1. Explanatory RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 878.5 AF. COMBINED RIGHT NOS.: 34-7096A, 34-7097A, 34-7223.
3. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 92 ACRES WITHIN THE PLACE OF USE - Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 2/15/2002

State or Federal: S

Water District Number: 34

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
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5 878.5

Combined Water Rights: 34-7223 , 34-7096A

Rate	Volume	Acres
------	--------	-------

945

Combined Water Rights: 34-2428 , 34-12416 , 34-7223 , 34-7096A , 34-7035B