

7/92

RECEIVED

MAY 19 2004

2004

Ident. No. TC-34-38

MAY 19 2004
 DEPARTMENT OF WATER RESOURCES
 TEMPORARY CHANGE APPLICATION
 (To change point of diversion, place of use or purpose of use)

Name of applicant Mountain Springs Ranch, LLC Phone 588-3110
Post Office address 5550 Barton Flat Rd. Mackay, ID 83251

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) AND USE | | | | | Period of Use | |
|---------------------------------|------------|--------|------------|-----|---------------|-------|
| 1. Right Number | Priority | Amount | Nature | | to | |
| 34-00611B | 06/01/1882 | 1.5 | Irrigation | 5-1 | to | 10-15 |
| 34-00012B | 06/01/1886 | .8 | Irrigation | 5-1 | to | 10-15 |
| | | | | | to | |
| | | | | | to | |

2. Total amount of water being transferred 2.3 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Sinks

4. Point(s) of Diversion:

4. Point(s) of Diversion:									
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	SE	3	8N	22E	Custer	
		NE	NE	SE	11	"	"	"	
		SW	NW	SW	12	"	"	"	
		SW	NE	NW	13	"	"	"	

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

[illegible]

Total acres

TC-34-38

6. General Information:

- a. Who owns the water right to be changed? Mountain Springs Ranch
- 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 75 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 TC 34-16³⁴⁻²⁷ from 2003-2007-2001
transfer amounts for more than the acreage to allow shrink.

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.

Shane Rosekrance for MSR
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kew Date 5/19/04 Fee \$50
Receipted Kew # E029848 Recommend: approve deny
Watermaster recommendation Verbal approval 5/21/04

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-38

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

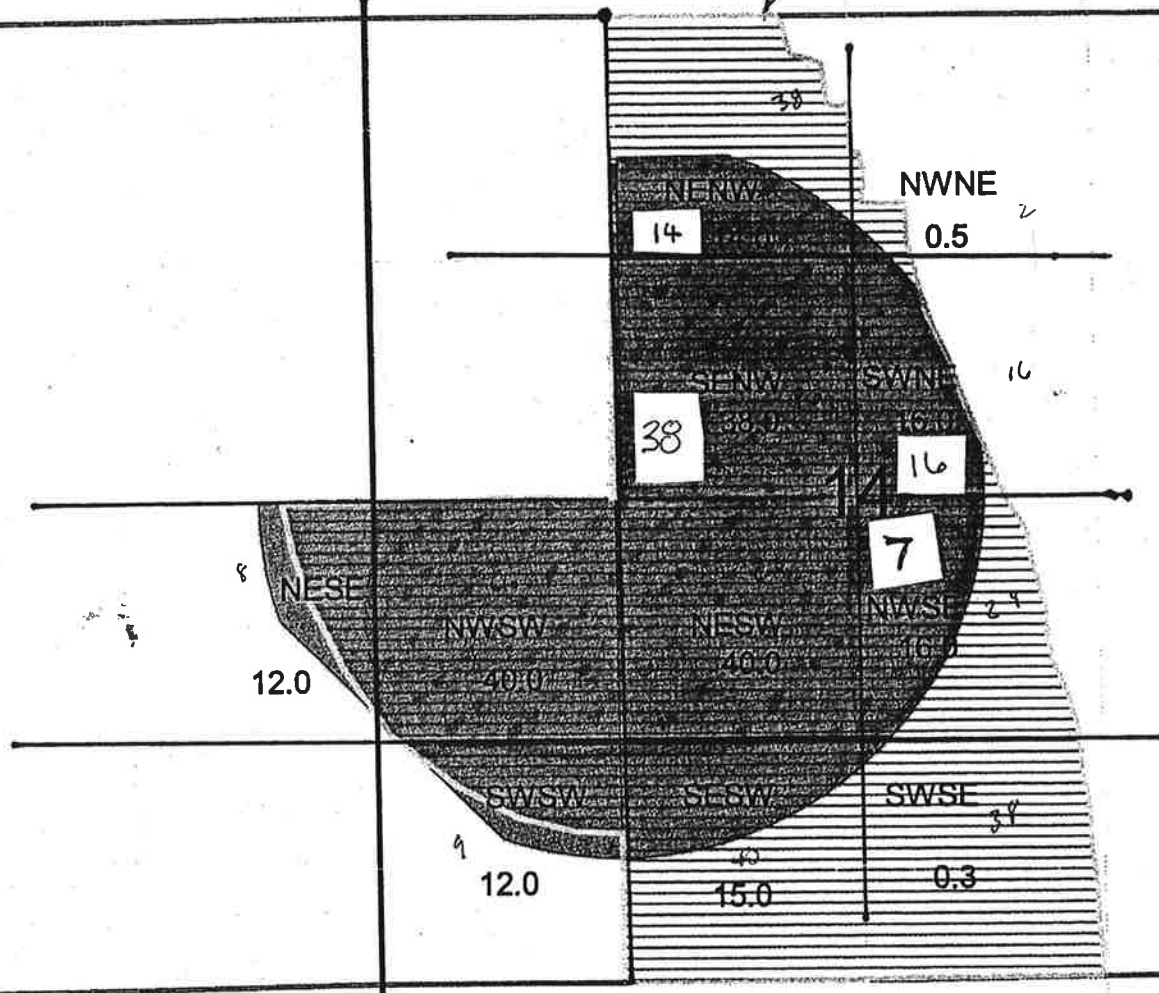
Witness my hand this 24th day of May, 2004

Shane Rosekrance
Ralph Carh

TC-34-38

34-145

15



**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)
Mountain Springs Ranch)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-38

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 19, 2004, Shane Rosentrance for Mountain Springs Ranch submitted the attached Temporary Change Application TC-34-38 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

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5. Right(s) 34-611B & 34-612B are limited to the irrigation of a total of 80 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 24th day of May, 2004.


Ronald D. Carlson
Eastern Regional Manager

Water Right Report 34-611B

WATER RIGHT NUMBER: 34-611B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MOUNTAIN SPRINGS RANCH 5550 BARTON FLAT RD MACKAY, ID 83251

TC-34-38

Priority Date: 06/01/1882

Basis: Decreed

Status: Active

Source

BIG LOST RIVER
PARSONS CREEK

Tributary

SINKS BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	1.500 CFS	

Total Diversion: 1.500 CFS

Location of Point(s) of Diversion

BIG LOST RIVER	SW1/4NW1/4SW1/4	Sec. 12,Twp 08N,Rge 22E, B.M.	CUSTER County
BIG LOST RIVER	NE1/4NE1/4SE1/4	Sec. 11,Twp 08N,Rge 22E, B.M.	CUSTER County
PARSONS CREEK	SW1/4SE1/4SE1/4	Sec. 3,Twp 08N,Rge 22E, B.M.	CUSTER County
BIG LOST RIVER	SW1/4NE1/4NW1/4	Sec. 13,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

<u>Place of Use</u>	IRRIGATION
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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											10.0	25.0						35.0
08N	22E	13					25.0	30.0	40.0	25.0	25.0	30.0						17.0		222.0
08N	22E	14	40.0	10.0		30.0									20.0					100.0

Total Acres: 515

Remarks:

- | | |
|---------------------------------|---|
| 1. Explanatory | THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00612B, 34-00613B, 34-00142 AND 34-10553. |
| 2. Place of Use
- Irrigation | USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 515 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00612B, 34-00613B, 34-00142 AND 34-10553.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON |

Comments:

1. DCARLSON 5/20/1992 ADDED PARSONS CREEK AS A SOURCE
2. CARLSEN 5/22/1992 CHANGED REMARKS ADDED REMARK B04, MULTIPLE SOURCES.
3. DSMITH 1/5/1996 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. *CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS.

Dates and Other Information:

Decreed Date: 12/8/1997
State or Federal: S
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		515

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

Water Right Report 34-612B

WATER RIGHT NUMBER: 34-612B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MOUNTAIN SPRINGS RANCH 5550 BARTON FLAT RD MACKAY, ID 83251

TC-34-38

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

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

<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	

Total Diversion: 0.800 CFS

Location of Point(s) of Diversion

BIG LOST RIVER	NW1/4NE1/4SE1/4	Sec. 11,Twp 08N,Rge 22E, B.M.	CUSTER County
BIG LOST RIVER	NE1/4NE1/4SE1/4	Sec. 11,Twp 08N,Rge 22E, B.M.	CUSTER County
PARSONS CREEK	SW1/4SE1/4SE1/4	Sec. 3,Twp 08N,Rge 22E, B.M.	CUSTER County
BIG LOST RIVER	SW1/4NE1/4NW1/4	Sec. 13,Twp 08N,Rge 22E, B.M.	CUSTER County
BIG LOST RIVER	SW1/4NW1/4SW1/4	Sec. 12,Twp 08N,Rge 22E, B.M.	CUSTER County

<u>Place of Use</u>	IRRIGATION
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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										10.0	25.0						35.0
08N	22E	13					25.0	30.0	40.0	25.0	25.0	30.0	30.0				17.0		222.0
08N	22E	14	40.0	10.0		30.0								20.0					100.0

Total Acres: 515

Remarks:

- | | | |
|----|------------------------------|--|
| 1. | Place of Use
- Irrigation | USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 515 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00611B, 34-00613B, 34-00142 AND 34-10553.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |
| 2. | Explanatory | THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00611B, 34-00613B, 34-00142 AND 34-10553. |

Comments:

1. DSMITH 1/5/1996 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. *CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS.

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Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		515

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