

2004

Ident. No. TC-34-37

DE SOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED
MAY 13 2004

(To change point of diversion, place of use or purpose of use) Department of Water Resources
Eastern Region

Name of Applicant Churndasher Ranch, Scott or Victor A. Johnson Phone 208 588 3072
Post Office Address 5366 Fish Hatchery Rd Mackay Ida 83251

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 Rotate water rights from 3/4 $\frac{1}{2}$ full pivot

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-611A</u>	<u>6/1/1882</u>	<u>1.50 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>
<u>34-612A</u>	<u>6/1/1886</u>	<u>0.80 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>
<u>34-613A</u>	<u>11/1/1898</u>	<u>0.50 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>
<u>34-803</u>	<u>8/1/1890</u>	<u>3.20 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/31</u>

2. Total amount of water being transferred 2.80 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Parsons Creek tributary to Big Lost River
4. Point(s) of Diversion:

Ident No.	Lot	%	%	%	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	SW	26	8N	22E	CUSTER	Harris Ditch
		SE	NW	NW	36	8N	22E	CUSTER	Shore Ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>8N</u>	<u>22E</u>	<u>25</u>										<u>32</u>		<u>32</u>	<u>32</u>				<u>96</u>
		<u>36</u>				<u>32</u>						<u>32</u>	<u>32</u>				<u>32</u>		<u>128</u>

Total Acres 224

TC-34-37

6. General Information:

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right NA
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Able to run pivots one at a time & irrigate more profitable crops
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. as delivered by water master
- e. Absent the changes, how would the right be used for the remainder of the year? could not operate pivots
- f. Describe other water rights used for the same purpose.
34-860A (1916) 34-859A (1905) 34-573A (1912)
- g. Remarks: Temporary change due to drought & pertains to priority dates that are available at differing times. All water regulated by water master

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.

Julien Rich
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kew Date 5/13/04 Fee \$ 50⁰⁰
 Received Kew # E029822 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-34-37

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

Witness my hand this 14th day of May, 2004:

Paul D. Carls
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 34-611A, 34-612A, 34-613A)
34-803)
Churndasher Ranch Scott or Victor)
Johnson)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-37

WHEREAS, a drought emergency has been declared for Cuoter 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 5/13, 04, Churndasher Ranch Scott or Victor Johnson submitted the attached Temporary Change Application TC-34-37 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). 34-611A 34-612A 34-613A 34-803 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-34-37

5. Right(s) 34-611A, 34-612A, 34-613A; 34-803 are limited to the irrigation of a total of 224 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. 31 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on Dec 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 14th day of May, 2004.


Ronald D. Carlson
Eastern Regional Manager

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-611A / 43-612A / 34-613 A /
34-803

Transfer Applicant's Name: Scott Johnson
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 14th, day of May, 2004

Water District No: 34


Watermaster's Signature

CHURN DASHER RANCH (Current); JOHNSON, SCOTT (Current); JOHNSON, VICTOR A (Current)

wrAdjudicationRecommendation

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Version</u>
34	236		Decreed	1892-05-01	2		WARM SPRINGS CK	IRR, STOCK	2
34	237		Decreed	3/27/1912	1.2		WARM SPRINGS CK	IRRIGATION	2
34	529		Decreed	5/1/1914	3.16		BOONE CK , FOX CK	IRRIGATION	1
34	573 A		Decreed	5/13/1912	1.6		BIG LOST RIVER	IRRIGATION	2
34	611 A		Decreed	1882-06-01	1.5		PARSONS CREEK	IRRIGATION	1
34	612 A		Decreed	1886-06-01	0.8		PARSONS CREEK	IRRIGATION	1
34	613 A		Decreed	1898-11-01	0.5		PARSONS CREEK	IRRIGATION	1
34	803		Decreed	1890-08-01	3.2		WARM SPRINGS CK	IRR, STOCK	1
34	859 A		Decreed	5/1/1905	0.82		BIG LOST RIVER	IRR, STOCK	1
34	860 A		Decreed	5/1/1916	1.58		BIG LOST RIVER	IRRIGATION	1
34	7057		License	1/10/1974	4.74	829.5	GROUND WATER	IRRIGATION	2

wrWaterRight

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Version</u>
34	529		Decreed	5/1/1914	3.16		BOONE CK , FOX CK	IRRIGATION	
34	611 A		Decreed	1882-06-01	1.5		PARSONS CREEK	IRRIGATION	
34	612 A		Decreed	1886-06-01	0.8		PARSONS CREEK	IRRIGATION	
34	613 A		Decreed	1898-11-01	0.5		PARSONS CREEK	IRRIGATION	
34	699 A		Decreed	1885-06-01	0.28		BIG LOST RIVER	IRRIGATION	
34	700 A		Decreed	5/1/1905	0.65		BIG LOST RIVER	IRRIGATION	
34	701 A		Decreed	7/1/1916	2.05		BIG LOST RIVER	IRRIGATION	
34	702 A		Decreed	5/1/1910	0.75		BIG LOST RIVER	IRRIGATION	
34	703 A		Decreed	1890-06-01	0.2		WARM SPRINGS CK	IRR, STOCK	
34	704 A		Decreed	5/1/1905	0.13		WARM SPRINGS CK	IRR, STOCK	
34	803		Decreed	1890-08-01	3.2		WARM SPRINGS CK	IRR, STOCK	
34	859 A		Decreed	5/1/1905	0.82		BIG LOST RIVER	IRR, STOCK	
34	860 A		Decreed	5/1/1916	1.58		BIG LOST RIVER	IRRIGATION	
34	7057		License	1/10/1974	4.74	711	GROUND WATER	IRRIGATION	

Water Right Report 34-611A

Owner Type

Name and Address

Current Owner

CHURN DASHER RANCH, SCOTT or VICTOR A JOHNSON, CHURN DASHER RANCH
5366 FISH HATCHERY RD
MACKAY, ID 83251
(208)588-3072 or (208)588-2537

Priority Date: 06/01/1882

Basis: Decreed

Status: Active

Source

Tributary

PARSONS CREEK

BIG LOST RIVER

Beneficial Use

From _____ To _____

Diversion Rate

Annual Volume

IRRIGATION

5/01 to 10/15

1.500 CFS

Total Diversion: 1,500 CFS

Location of Point(s) of Diversion

PARSONS CREEK

NE1/4SE1/4

Sec. 25, 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	25																	25.0
08N	23E	30											35.0						35.0
													L 4						
08N	23E	31							40.0	40.0									80.0
									L 1	L 2									

Total Acres: 140

Conditions of Approval:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POU PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POD DESCRIBED ABOVE 34-612A & 34-613A.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.64 CFS. COMBINED RIGHT NOS.: 34-00612A, 34-00613A AND 34-00803.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRR. OF A COMBINED TOTAL OF 282 AC IN A SINGLE IRR SEASON. RIGHT NOS.: 34-00612A, 34-00613A AND 34-00803. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE POU DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. CHANGED SOURCE TO PARSONS CREEK
2. REFORMATTED

Dates and Other Information:

Decreed Date: 1/15/1998

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Adjudication Recommendation Report 34-611A V1

Water District Number: 34

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-612A

WATER RIGHT NUMBER: 34-612A

Owner Type Name and Address
 Current Owner VICTOR A or SCOTT JOHNSON, CHURN DASHER RANCH
 5366 FISH HATCHERY RD
 MACKAY, ID 83251
 (208)588-3072 or (208)588-2537

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

Source Tributary
 PARSONS CREEK BIG LOST RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/01 to 10/15 0.800 CFS

Total Diversion: 0.800 CFSLocation of Point(s) of Diversion

PARSONS CREEK NE1/4SE1/4 Sec. 25, 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 25																25.0	25.0
08N 23E 30											35.0						35.0
											L 4						
08N 23E 31						40.0	40.0										80.0
						L 1	L 2										

Total Acres: 140

Conditions of Approval:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POU PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00611A AND 34-00613A.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.64 CFS. RIGHT NOS.: 34-00611A, 34-00613A AND 34-00803.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A COMBINED TOTAL OF 282 AC IN A SINGLE IRR SEASON. RIGHT NOS.: 34-00611A, 34-00613A AND 34-00803. THIS RIGHT IS LIMITED TO THE IRR OF 40 AC WITHIN THE POUDESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. CHANGED SOURCE TO PARSONS CREEK
2. REFORMATTED

Dates and Other Information:

Decreed Date: 1/15/1998
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34
 Civil Case Number: 39576
 Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-612A V1

WATER RIGHT NUMBER: 34-612A V1

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

Source

PARSONS CREEK

Tributary

BIG LOST RIVER

Beneficial Use

IRRIGATION

From To

5/01 to 10/15

Diversion Rate

0.800 CFS

Annual VolumeTotal Diversion: 0.800 CFSLocation of Point(s) of Diversion

PARSONS CREEK

NE1/4SE1/4

Sec. 25, 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 25																25.0	25.0
08N 23E 30											35.0						35.0
											L 4						
08N 23E 31						40.0	40.0										80.0
						L 1	L 2										

Total Acres: 140

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

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 282 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00611A, 34-00613A AND 34-00803.
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 POINT OF DIVERSION DESCRIBED ABOVE: 34-00611A AND 34-00613A.
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.64 CFS.
COMBINED RIGHT NOS.: 34-00611A, 34-00613A AND 34-00803.

Comments:

1. DCARLSON 5/18/1992 CHANGED SOURCE TO PARSONS CREEK
Comment:
2. DCARLSON 9/4/1996 REFORMATTED
Comment: REFORM

Owner Name Connector: AND
Water District Number: 34Dates and Other Information:

Decreed Date: 1/15/1998
 Civil Case Number: 39576
 Judicial District: FIFTH
 Notice of Error Flag: NO NOTICE -
 RECOMMENDATION CHANGED
 State or Federal: S

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-613A

WATER RIGHT NUMBER: 34-613A

Owner Type Name and Address
 Current Owner SCOTT or VICTOR A JOHNSON, CHURN DASHER RANCH
 5366 FISH HATCHERY RD
 MACKAY, ID 83251
 (208)588-3072 or (208)588-2537

Priority Date: 11/01/1898

Basis: Decreed

Status: Active

Source Tributary
 PARSONS CREEK BIG LOST RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/01 to 10/15 0.500 CFS

Total Diversion: 0.500 CFS

Location of Point(s) of Diversion

PARSONS CREEK NE1/4SE1/4 Sec. 25, Twp 08N, Rge 22E, B.M.

TOTAL = 6.00 cfs
 Limited to 0.02 cfs/ac
 CUSTER County = 5.64 cfs

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 25																25.0	25.0
08N 23E 30											35.0						35.0
											L 4						
08N 23E 31						40.0	40.0										80.0
						L 1	L 2										

Total Acres: 140

Conditions of Approval:Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00611A AND 34-00612A.
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.64 CFS.
COMBINED RIGHT NOS.: 34-00611A, 34-00612A AND 34-00803.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 282 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00611A, 34-00612A AND 34-00803.

Comments:

1. DCARLSON 5/18/1992 CHANGED SOURCE TO PARSONS CREEK
2. DCARLSON 9/4/1996 REFORMATTED

Dates and Other Information:

Licensed Date:
 Decreed Date: 1/15/1998
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-803 V1

WATER RIGHT NUMBER: 34-803 V1

Priority Date: 08/01/1890

Basis: Decreed

Status: Active

Source

WARM SPRINGS CREEK

Tributary

BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	5/01 to 10/15	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

WARM SPRINGS CREEK

SW1/4NW1/4SW1/4

Sec. 26, Twp 08N, Rge 22E, B.M.

CUSTER County

<u>Place of Use</u>	IRRIGATION	<u>STOCKWATER same as IRRIGATION</u>																																															
Twp Rge Sec	<table> <thead> <tr> <th colspan="4">NE</th> <th colspan="4">NW</th> <th colspan="4">SW</th> <th colspan="4">SE</th> <th rowspan="2">Totals</th> </tr> <tr> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> <th>NE</th><th>NW</th><th>SW</th><th>SE</th> </tr> </thead> </table>																NE				NW				SW				SE				Totals	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
NE				NW				SW				SE				Totals																																	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE																																		
08N 22E 25	<table> <tbody> <tr> <td></td><td></td><td></td><td>15.0</td> <td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td> <td>32.0</td><td>40.0</td><td>40.0</td><td>40.0</td> <td>167.0</td> </tr> </tbody> </table>																			15.0									32.0	40.0	40.0	40.0	167.0																
			15.0									32.0	40.0	40.0	40.0	167.0																																	

Total Acres: 167

Conditions of Approval:

1. 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.
2. N15 THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
5. 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.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Explanatory STOCKWATER, 700 CATTLE
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 282 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00611A, 34-00612A AND 34-00613A.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.64 CFS.
COMBINED RIGHT NOS.: 34-00611A, 34-00612A AND 34-00613A.

Comments:

1. DCARLSON 5/4/1992 NOTICE OF ERROR
Comment: ADDED STOCKWATER OUTSIDE IRRIGATION SEASON
2. REFORMATTED PRESUMPTION FLAG CHANGED FROM AN EXPANSION D FLAG TO A C05(POU) CHANGE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-803

WATER RIGHT NUMBER: 34-803

Owner Type Name and Address
 Current Owner VICTOR A or SCOTT JOHNSON, CHURN DASHER RANCH
 5366 FISH HATCHERY RD
 MACKAY, ID 83251
 (208)588-3072 or (208)588-2537

Priority Date: 08/01/1890 Basis: Decreed Status: Active

Source Tributary
 WARM SPRINGS CREEK BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	5/01 to 10/15	3.200 CFS	
<u>Total Diversion:</u>		3.200 CFS	

Location of Point(s) of Diversion

WARM SPRINGS CREEK SW1/4NW1/4SW1/4 Sec. 26, Twp 08N, Rge 22E, B.M. CUSTER County

Place of Use IRRIGATION STOCKWATER same as 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	25				15.0									32.0	40.0	40.0	40.0	167.0

Total Acres: 167

Conditions of Approval:

1. QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GPD
2. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE POU DESCRIBED.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POU PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. STOCKWATER, 700 CATTLE
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.64 CFS. COMBINED RIGHT NOS.: 34-00611A, 34-00612A AND 34-00613A.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A COMBINED TOTAL OF 282 ACRES IN A SINGLE IRR SEASON. RIGHT NOS.: 34-00611A, 34-00612A AND 34-00613A. THIS RIGHT IS LIMITED TO THE IRR OF 160 AC WITHIN THE POU DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

- 1ADDED STOCKWATER OUTSIDE IRRIGATION SEASON
- 2REFORMATTED PRESUMPTION FLAG CHANGED FROM AN EXPANSION D FLAG TO A C05(POU) CHANGE.

Dates and Other Information:

Decreed Date: 1/15/1998
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	22E	25				15									32	40	40	40	167
8N	22E	36	40	40	40	40				40	40				40				280
8N	23E	30											L-4 35						35
8N	23E	31						L-1 40	L-2 40										80
																			562 acres

Johnson, Victor A

34-7057	4.74	1/10/1974	GW
0859A	0.82	5/1/1905	BLR
0699A	0.28	6/1/1885	BLR
0700A	0.65	5/1/1905	BLR
0701A	2.05	7/1/1916	BLR
0702A	0.75	5/1/1910	BLR
0703A	0.20	6/1/1890	Warm Sp Ck
860A	1.58	5/1/1916	BLR
704A	0.13	5/1/1905	Warm Sp Ck
237b	2.00	5/1/1892	Warm Sp Ck
237	1.20	3/27/1892	" " "
573A	1.60	5/13/1912	BLR

Limit
16.00
(13.45 cfs)

igated _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-859A V1

WATER RIGHT NUMBER: 34-859A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SCOTT JOHNSON 5366 FISH HATCHERY RD MACKAY, ID 83251 (208)588-3072
Current Owner	VICTOR A JOHNSON CHURN DASHER RANCH STAR RT MACKAY, ID 83251 (208)588-2537

Priority Date: 05/01/1905

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	0.820 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	

Total Diversion: 0.820 CFS

Location of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4SW1/4Sec. 26,Twp 08N,Rge 22E, B.M.	CUSTER County (Rediversion)
BIG LOST RIVER	NE1/4SW1/4NW1/4 Sec. 15,Twp 08N,Rge 21E, B.M.	CUSTER County
BIG LOST RIVER	SE1/4NW1/4NW1/4 Sec. 36,Twp 08N,Rge 22E, B.M.	CUSTER County (Rediversion)
BIG LOST RIVER	SW1/4SW1/4NW1/4 Sec. 27,Twp 08N,Rge 22E, B.M.	CUSTER County (Injection)

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 25									40.0		40.0	40.0					120.0
08N 22E 36			40.0				40.0	40.0					40.0				160.0

Total Acres: 280

STOCKWATER

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 7	X			X													
08N 22E 8	L 1			L 8	X	X	X	X									

Conditions of Approval:

1. 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.
2. N15 THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
5. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-859A V1

6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Explanatory WATER DELIVERED THROUGH NEILSEN DITCH.
STOCKWATER, 700 CATTLE
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.45 CFS.
COMBINED RIGHT NOS.: 34-00236, 34-00860A, 34-00237, 34-00700A, 34-00701A, 34-00702A, 34-00703A, 34-00704A, 34-00699A, 34-00573A AND 34-07057.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 479 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00236, 34-00860A, 34-00237, 34-00700A, 34-00701A, 34-00702A, 34-00703A, 34-00704A, 34-00699A, 34-00573A AND 34-07057.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 41 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. Source POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.

Comments:

1. DCARLSON 6/17/1991 BEN USE
Comment: NO BENEFICIAL USE FOUND/ DRY-SAGEBRUSH
2. SHAFF 9/4/1991 CORRECTED REMARK
Comment: CORRECTED SPELLING OF FORFEITURE THAT HAD TWO T'S AND RESET VER. DATE.
3. DCARLSON 5/4/1992 NOTICE OF ERROR- COPPER BASIN
Comment: REINSTATED FOR DITCH LOSS ON LANDS THAT ARE IRRIGATED AND FOR STOCKWATER
4. WHITE 5/10/1992 ADDED REMARKS
Comment: ADDED "THE AMOUNT OF WATER...FROM THE POINT OF REDIVERSION".
5. CARLSON 5/22/1992 COPIED FROM REMARKS/BEFORE CHANGES WERE MADE
Comment: WATER DELIVERED THROUGH NEILSEN DITCH. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK. THE AMOUNT OF WATER DIVERTED FROM WARM SPRINGS CREEK SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER DOWNSTREAM FROM THE POINT OF REDIVERSION. THE AMOUNT IF WATER DIVERTED FROM WARM SPRINGS CREEK SHALL BE REDUCED WHEN NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER DOWNSTREAM FROM THE POINT OF REDIVERSION. USE OF THIS RIGHT WITH RIGHT NOS. 34-00236, 34-00860A, 34-00859A, 34-00237, 34-00700A, 34-00701A, 34-00702A, 34-00703A, 34-00704A, 34-00699A, 34-00573, AND 34-07057; IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1197.5 AF, AND TO THE IRRIGAION OF A COMBINED TOTAL OF 479 ACRES IN A SINGLE IRRIGATION SEASON.
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:

Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-573A V2

WATER RIGHT NUMBER: **34-573A V2**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTOR A JOHNSON CHURN DASHER RANCH STAR RT MACKAY, ID 83251 (208)588-2537
Current Owner	SCOTT JOHNSON 5366 FISH HATCHERY RD MACKAY, ID 83251 (208)588-3072

Priority Date: **05/13/1912**

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	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4NW1/4 Sec. 36,Twp 08N,Rge 22E, B.M.	CUSTER County (Rediversion)
BIG LOST RIVER	SW1/4SW1/4NW1/4 Sec. 27,Twp 08N,Rge 22E, B.M.	CUSTER County (Injection)
BIG LOST RIVER	SE1/4NW1/4SW1/4 Sec. 26,Twp 08N,Rge 22E, B.M.	CUSTER County (Rediversion)
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 25									40.0		40.0	40.0					120.0
08N 22E 36			40.0					40.0	40.0						40.0		160.0

Total Acres: 280

Conditions of Approval:

1. 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.
2. 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. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POD PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POU PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. WATER DELIVERED THROUGH NEILSEN DITCH.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A COMBINED TOTAL OF 479 AC IN A SINGLE IRR SEASON. COMBINED RIGHTS.: 34-236, 34-860A, 34-859A, 34-237, 34-700A, 34-701A, 34-702A, 34-703A, 34-704A, 34-699A AND 34-7057. THIS RIGHT IS LIMITED TO THE IRR OF 80 AC WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. POINT OF INJECTION INTO & POINT OF REDIVERSION FROM WARM SPRINGS CREEK.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.45 CFS. COMBINED RIGHT NOS.: 34-236, 34-860A, 34-859A, 34-237, 34-700A, 34-701A, 34-702A, 34-703A, 34-704A, 34-699A & 34-07057.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-573A V2

Comments:

1. DCARLSON 6/17/1991 BEN USE
Comment: NO BENEFICIAL USE FOUND/ DRY-SAGEBRUSH
2. SHAFF 9/4/1991 REMARK CORRECTION
Comment: CORRECTED SPELLING OF FORFEITURE THAT HAD TWO T'S AND RESET VER. DATE.
3. DCARLSON 5/4/1992 NOTICE OF ERROR
Comment: REINSTATED CLAIM FOR DITCH LOSS ON GROUND THAT IS IRRIGATED AND FOR STOCKWATER.
4. 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:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 34-573A
Class: 2
SF5 Filed Date:
Special Master Recom Signed Date: 10/16/1997
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 2/26/1993 Objection Status: Withdrawn or Dismissed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-860A V1

WATER RIGHT NUMBER: 34-860A V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTOR A JOHNSON CHURN DASHER RANCH STAR RT MACKAY, ID 83251 (208)588-2537
Current Owner	SCOTT JOHNSON 5366 FISH HATCHERY RD MACKAY, ID 83251 (208)588-3072

Priority Date: **05/01/1916**

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	1.580 CFS	

Total Diversion: 1.580 CFSLocation of Point(s) of Diversion

BIG LOST RIVER	SW1/4SW1/4NW1/4	Sec. 27,Twp 08N,Rge 22E, B.M.	CUSTER County (Injection)
BIG LOST RIVER	SE1/4NW1/4SW1/4	Sec. 26,Twp 08N,Rge 22E, B.M.	CUSTER County (Rediversion)
BIG LOST RIVER	SE1/4NW1/4NW1/4	Sec. 36,Twp 08N,Rge 22E, B.M.	CUSTER County (Rediversion)
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 25									40.0		40.0	40.0					120.0
08N 22E 36			40.0				40.0		40.0					40.0			160.0

Total Acres: 280

Conditions of Approval:

1. 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.
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. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-236, 34-859A, 34-237, 34-700A, 34-701A, 34-702A, 34-703A, 34-704A, 34-699A, 34-573 AND 34-7057 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.45 CFS.
2. Explanatory WATER DELIVERED THROUGH NEILSEN DITCH.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A COMBINED TOTAL OF 479 AC IN A SINGLE IRR SEASON. COMBINED RIGHTS.: 34-236, 34-859A, 34-237, 34-700A, 34-701A, 34-702A, 34-703A, 34-704A, 34-699A, 34-573A AND 34-7057. THIS RIGHT IS LIMITED TO THE IRR OF 79 AC WITHIN THE POU DESCRIBED ABOVE IN A SINGLE IRR SEASON.
4. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-860A V1

Comments:

1. FRAZEE 8/27/1992 CORRECTED ZIP CODE PER D. SHAFF
Comment:

2. 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:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-237 V2

WATER RIGHT NUMBER: 34-237 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICTOR A or SCOTT JOHNSON, CHURN DASHER RANCH 5366 FISH HATCHERY RD MACKAY, ID 83251 (208)588-2537 or (208)588-3072

Priority Date: 03/27/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS 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	10/15	1.200 CFS	
	<u>Total Diversion:</u>			1.200 CFS

Location of Point(s) of Diversion

WARM SPRINGS CREEK SE1/4NW1/4NW1/4 Sec. 36, Twp 08N, Rge 22E, B.M. CUSTER County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
08N 22E 36	40.0	40.0	40.0	40.0					40.0	40.0					40.0		280.0

Total Acres: 280

Conditions of Approval:

1. 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.
2. 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. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POU PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 479 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NOS.: 34-00236, 34-00860A, 34-00573A, 34-00699A, 34-00700A, 34-00701A, 34-00702A, 34-00703A, 34-00704A, 34-00859A AND 34-07057. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 AC WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.45 CFS. RIGHT NOS.: 34-00236, 34-00860A, 34-00573A, 34-00699A, 34-00700A, 34-00701A, 34-00702A, 34-00703A, 34-00704A, 34-00859A AND 34-07057.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POD DESCRIBED ABOVE: 34-236/871 & 470A.

Comments:

- 1CHANGED REMARKS
- 2CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date:
 Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-236 V2

WATER RIGHT NUMBER: 34-236 V2

Owner Type

Current Owner

Name and Address

VICTOR A or SCOTT JOHNSON, CHURN DASHER RANCH
5366 FISH HATCHERY RD
MACKAY, ID 83251
(208)588-2537 or (208)588-3072

Priority Date: 05/01/1892

Basis: Decreed

Status: Active

Source

WARM SPRINGS CREEK

Tributary

BIG LOST RIVER

Beneficial Use

STOCKWATER

From To

1/01 to 12/31

Diversion Rate

0.020 CFS

IRRIGATION

5/01 to 10/15

2.000 CFS

Total Diversion: 2.000 CFSLocation of Point(s) of Diversion

WARM SPRINGS CREEK

SE1/4NW1/4NW1/4 Sec. 36, Twp 08N, Rge 22E, B.M.

CUSTER County

Place of Use

IRRIGATION,

STOCKWATER same as 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 36	40.0	40.0	40.0	40.0				40.0	40.0						40.0		280.0

Total Acres: 280

Conditions of Approval:

1. 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.

2. THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

3. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GPD.

4. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

5. 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.

6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POU PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.45 CFS. 34-07057, 34-00573A, 34-00859A, 34-00237, 34-00699A, 34-00700A, 34-00701A, 34-00702A, 34-00703A, 34-00860A AND 34-00704A.

2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 479 ACRES IN A SINGLE IRRIGATION SEASON. RIGHT NOS.: 34-07057, 34-00573A, 34-00859A, 34-00237, 34-00699A, 34-00700A, 34-00701A, 34-00702A, 34-00703A, 34-00860A AND 34-00704A. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00237, 34-00871 AND 34-00470A. STOCKWATER, 700 CATTLE

Comments:

1. NOTICE OF ERROR ADDED STOCKWATER. CHANGED REMARKS

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

Dates and Other Information:

Decreed Date:

Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED

State or Federal: S

Owner Name Connector: AND

Water District Number: 34