

2003

BEFORE THE DEPARTMENT OF WATER RE
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-626B/34-629B)
Robert Unger)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-32

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 counties; 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 when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 6/27/03, Robert Unger submitted the attached
Temporary Change Application TC-34-32 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). 34-626B
34-629B 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

**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-34-32

replacement water supply to lands or other uses which 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.

5. Right(s) 34-626B
34-629B are limited to the irrigation of a total of 175 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 applicant agrees 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 watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 10/31/03 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 2nd day of July, 2003.


**RONALD D. CARLSON
EASTERN REGION MANAGER**

TC-34-32

5. General Information:

- a. Who owns the water right to be changed? Robert A. Unger
- b. Describe the arrangement allowing use of the right NA
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:
land will not be irrigated until the river connects again
- 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?
- f. Describe other water rights used for the same purpose.
none
- 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.

Robert A. Unger
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/27/03 Fee \$50
Receipted KCW # 028948 Recommend: approve deny
Watermaster recommendation

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No.
And said application is hereby , subject to the following limitations and conditions:

Witness my hand this 2nd day of July, 2003

Donald L. Clark

TC-34-82

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No: 34-00077

Water Right No(s): 34-626B & 34629B

Transfer Applicant's Name: Bob Unger
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: although this transfer moves the point of diversion upstream from the original location, I can see no harm occurring to water users located on warm springs creek. Reason being most of the water users decrees on warm springs creek would not be on under these conditions.

Dated this 17th, day of June, 2003

Water District No: 34

RECEIVED
JUL 10 2003
Department of Water Resources
Eastern Region

Robert E. White
Watermaster's Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-626B V1

WATER RIGHT NUMBER: 34-626B V1

Owner Type Name and Address
 Current Owner ROBERT UNGER
 24121 S W NEWLAND RD
 WILSONVILLE, OR 97070
 (503)638-2488

Priority Date: 09/01/1884

Basis: Decreed

Status: Active

Source Tributary
 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	1.460 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	

Total Diversion: 1.460 CFSLocation of Point(s) of Diversion

BIG LOST RIVER	NE1/4SE1/4	Sec. 30,Twp 08N,Rge 23E, B.M.	CUSTER County
BIG LOST RIVER	SE1/4SE1/4	Sec. 30,Twp 08N,Rge 23E, B.M.	CUSTER County
BIG LOST RIVER	NE1/4NW1/4	Sec. 30,Twp 08N,Rge 23E, 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 23E 29									7.0	38.0	20.0						65.0
08N 23E 32		32.0			38.0	40.0											110.0

Total Acres: 175

STOCKWATER same as IRRIGATIONRemarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00627B, 34-000628B, 34-000629B AND 34-00630B. STOCKWATER, 200 CATTLE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 73.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 175.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00627B, 34-00628B, 34-00629B, AND 34-00630B.

Comments:

1. DCARLSON 2/25/1992 ADDED A POINT OF DIVERSION
2. DCARLSON 5/20/1992 ADDED PARSONS CREEK AS A SOURCE
3. DSMITH 1/5/1996 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.
4. ARUBERRY 11/18/1996 34-626 SPLIT BY CHANGE OF OWNERSHIP: 34-626A 275.5 AC, 1.84 CFS, T. PENCE 34-626B 203.0 AC, 1.36 CFS, R. UNGER ----- TOTAL 478.5 AC, 3.2 CFS, CLAIMED IN-FULL ***18NOV96,ABR***
5. ARUBERRY 11/20/1996 ORIGINAL OWNER CLAIMED STOCKWATER FOR 600 HEAD. NEW CLAIMANT HAS 200 HEAD.STOCKWATER SPLIT IS BASED ON 1/3, 2/3 X (DIV. RATE). ADDED CONDITIONS N07, N08; DELETED N01 & N02.
6. ECARLSEN 9/3/1997 BASED ON A REQUEST FROM CLAIMANTS ATTORNEY AND FINDINGS DURING A FIELD INVESTIGATION I MODIFIED THE SOURCE, POD, POU AND REMARKS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-629B V1

WATER RIGHT NUMBER: 34-629B V1

Owner Type Name and Address
 Current Owner ROBERT UNGER, 24121 S W NEWLAND RD, WILSONVILLE, OR 97070
 (503)638-2488

Priority Date: 05/01/1884 Basis: Decreed Status: Active

Source Tributary
 BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01	12/31	0.040 CFS	
IRRIGATION	5/01	10/15	0.180 CFS	
<u>Total Diversion:</u>			0.180 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER SE1/4SE1/4Sec. 30,Twp 08N,Rge 23E, B.M. CUSTER County
 BIG LOST RIVER NE1/4SE1/4Sec. 30,Twp 08N,Rge 23E, B.M. CUSTER County
 BIG LOST RIVER NE1/4NW1/4Sec. 30,Twp 08N,Rge 23E, 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 23E 29									7.0	38.0	20.0						65.0
08N 23E 32		32.0			38.0	40.0											110.0

Total Acres: 175

STOCKWATER same as IRRIGATION

Remarks:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00626B, 34-000627B, 34-000628B AND 34-00630B. STOCKWATER, 200 CATTLE.
2. THIS RIGHT IS LIMITED TO THE IRR OF 9.0 AC WITHIN THE POU DESCRIBED ABOVE IN A SINGLE IRR SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRR A COMBINED TOTAL OF 175.0 AC IN A SINGLE IRR SEASON. COMBINED RIGHT NOS.: 34-00626B, 34-00627B, 34-00628B, AND 34-00630B.

Comments:

1. DCARLSON 2/25/1992 ADDED A POINT OF DIVERSION
2. DCARLSON 5/20/1992 ADDED PARSONS CREEK AS A SOURCE
3. DSMITH 1/5/1996 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.
4. ARUBERRY 11/19/1996 34-00629 WAS SPLIT BY CHANGE OF OWNERSHIP AS: 34-00629A 0.23 CFS, 275.5 AC, T. PENCE 34-00629B 0.17 CFS, 203.0 AC, R. UNGER TOTAL 0.40 CFS, 478.5 AC, CLAIMED IN-FULL ***19NOV96,ABR***
6. ARUBERRY 11/20/1996 ORIGINAL OWNER CLAIMED STOCKWATER FOR 600 HEAD. NEW CLAIMANT HAS 200 HEAD.STOCKWATER SPLIT IS BASED ON 1/3, 2/3 X (DIV. RATE). ADDED CONDITIONS N07 & N08: DELETED N01 & N02.
7. ECARLSEN 9/3/1997 BASED ON A REQUEST FROM CLAIMANTS ATTORNEY AND FINDINGS DURING A FIELD INVESTIGATION I MODIFIED THE SOURCE, POD, POU AND REMARKS

Dates and Other Information:

Decreed Date:

Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED

State or Federal: S

Owner Name Connector: OR

Water District Number: 34

7C-34-32

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-627B V1

WATER RIGHT NUMBER: 34-627B V1

Owner Type Name and Address
 Current Owner ROBERT UNGER
 24121 S W NEWLAND RD
 WILSONVILLE, OR 97070
 (503)638-2488

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

Source Tributary
 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	1.410 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	
		<u>Total Diversion:</u>	1.410 CFS

Location of Point(s) of Diversion

BIG LOST RIVER NE1/4SE1/4Sec. 30,Twp 08N,Rge 23E, B.M. CUSTER County
 BIG LOST RIVER SE1/4SE1/4Sec. 30,Twp 08N,Rge 23E, B.M. CUSTER County
 BIG LOST RIVER NE1/4NW1/4Sec. 30,Twp 08N,Rge 23E, 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 23E 29									7.0	38.0	20.0						65.0
08N 23E 32			32.0		38.0	40.0											110.0

Total Acres: 175

STOCKWATER same as IRRIGATIONRemarks:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00626B, 34-000628B, 34-000629B AND 34-00630B. STOCKWATER, 200 CATTLE.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 175.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00626B, 34-00628B, 34-00629B, AND 34-00630B.

Comments:

1. DCARLSON 2/25/1992 ADDED A POINT OF DIVERSION DC ADDED N01 N02 STOCKWATER
2. DCARLSON 5/20/1992 ADDED PARSONS CREEK AS A SOURCE
3. DSMITH 1/5/1996 NAME AND/OR ADDRESS CHANGE THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. *CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS.
4. ARUBERRY 11/19/1996 CHANGE OF OWNERSHIP-SPLIT 34-00627 WAS SPLIT BY CHANGE OF OWNERSHIP AS: 34-00627A 1.78 CFS, 275.5 AC, T. PENCE, 34-00627B 1.32 CFS, 203.0 AC, R. UNGERTOTAL 3.10 CFS, 478.5 AC, CLAIMED IN-FULL ***19NOV96,ABR***
5. ARUBERRY 11/20/1996 STOCKWATER-SPLIT: ORIGINAL OWNER CLAIMED STOCKWATER FOR 600 HEAD. NEW CLAIMANT HAS 200 HEAD.STOCKWATER SPLIT BASED ON 1/3, 2/3 X (DIV. RATE).
6. ECARLSEN 9/3/1997 Comment: BASED ON A REQUEST FROM CLAIMANTS ATTORNEY AND FINDINGS DURING A FIELD INVESTIGATION I MODIFIED THE SOURCE, POD, POU AND REMARKS

Dates and Other Information:

Decreed Date:

Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED

State or Federal: S

Owner Name Connector: OR

Water District Number: 34

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-628B V1

WATER RIGHT NUMBER: 34-628B V1

Owner TypeName and Address

Current Owner

ROBERT UNGER, 24121 S W NEWLAND RD, WILSONVILLE, OR 97070
(503)638-2488

Priority Date: 04/01/1903

Basis: Decreed

Status: Active

SourceTributary

BIG LOST RIVER

SINKS

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

5/01 to 10/15

1.460 CFS

Total Diversion: 1.460 CFSLocation of Point(s) of Diversion

BIG LOST RIVER NE1/4NW1/4Sec. 30,Twp 08N,Rge 23E, B.M. CUSTER County

BIG LOST RIVER SE1/4SE1/4Sec. 30,Twp 08N,Rge 23E, B.M. CUSTER County

BIG LOST RIVER NE1/4SE1/4Sec. 30,Twp 08N,Rge 23E, 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 23E 29									7.0	38.0	20.0						65.0
08N 23E 32			32.0		38.0	40.0											110.0

Total Acres: 175

Remarks:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00626B, 34-000627B, 34-000629B AND 34-00630B. STOCKWATER, 200 CATTLE.

2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A COMBINED TOTAL OF 175.0 AC IN A SINGLE IRR SEASON. COMBINEDRIGHTS.: 34-00626B, 34-00627B, 34-00629B, AND 34-00630B.

Comments:

1. DCARLSON 2/25/1992 ADDED A POINT OF DIVERSION
2. DCARLSON 5/20/1992 ADDED PARSONS CREEK AS A SOURCE

3. DSMITH 1/5/1996 NAME AND/OR ADDRESS CHANGE: THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE. *CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS.

4. JTHOMPSON 4/4/1996 CHANGED ADDRESS PER SF3 4/4/96/JT

5. ARUBERRY 11/19/1996 CHANGE OF OWNERSHIP-SPLIT: 34-00628 WAS SPLIT BY CHANGE OF OWNERSHIP AS: 34-00628A 1.84 CFS, 275.5 AC, T. PENCE, 34-00628B 1.36 CFS, 203.0 AC, R. UNGER TOTAL 3.20 CFS, 478.5 AC, CLAIMED IN-FULL ***19NOV96,ABR***

6. ECARLSEN 9/3/1997 BASED ON A REQUEST FROM CLAIMANTS ATTORNEY AND FINDINGS DURING A FIELD INVESTIGATION I MODIED THE SOURCE, POD, POU AND REMARKS.

Dates and Other Information:

Decreed Date:

State or Federal: S

Owner Name Connector: OR

Water District Number: 34

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-630B V1

7C-34-32

WATER RIGHT NUMBER: 34-630B V1

Owner Type

Current Owner

Name and AddressROBERT UNGER, 24121 S W NEWLAND RD, WILSONVILLE, OR 97070
(503)638-2488

Priority Date: 12/24/1919

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

STOCKWATER

From To

1/01 to 12/31

Diversion Rate

0.050 CFS

IRRIGATION

5/01 to 10/15

0.230 CFS

Total Diversion: 0.230 CFSLocation of Point(s) of Diversion

BIG LOST RIVER SE1/4SE1/4Sec. 30,Twp 08N,Rge 23E, B.M. CUSTER County

BIG LOST RIVER NE1/4NW1/4Sec. 30,Twp 08N,Rge 23E, B.M. CUSTER County

BIG LOST RIVER NE1/4SE1/4Sec. 30,Twp 08N,Rge 23E, 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 23E 29									7.0	38.0	20.0						65.0
08N 23E 32			32.0		38.0	40.0											110.0

Total Acres: 175

STOCKWATER same as IRRIGATIONRemarks:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00626B, 34-000627B, 34-000628B AND 34-00629B. STOCKWATER, 200 CATTLE.

2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A COMBINED TOTAL OF 175.0 AC IN A SINGLE IRR SEASON. COMBINEDRIGHT NOS.: 34-00626B, 34-00627B, 34-00628B, 34-00629B.

Comments:

1. DCARLSON 2/25/1992 ADDED A POINT OF DIVERSION
2. DCARLSON 5/20/1992 ADDED PARSONS CREEK AS A SOURCE
3. DSMITH 1/5/1996 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.
4. ARUBERRY 11/19/1996 34-00630 WAS SPLIT BY CHANGE OF OWNERSHIP AS: 34-00630A 0.29 CFS, 275.5 AC, T. PENCE34-00630B 0.21 CFS, 203.0 AC, R. UNGER TOTAL 0.50 CFS 478.5 AC, CLAIMED IN-FULL***19NOV96,ABR***
6. ARUBERRY 11/22/1996 ORIGINAL OWNER CLAIMED STOCKWATER FOR 600 HEAD. NEW CLAIMANT HAS 200 HEAD.STOCKWATER SPLIT IS BASED ON 1/3, 2/3 X (DIV. RATE)
7. ECARLSEN 9/3/1997 BASED ON REQUEST FROM CLAIMANTS ATTORNEY AND FINDINGS DURING A FIELD INVESTIGATION I MODIFIED THE SOURCE, POD, POU AND REMARKS

Dates and Other Information:

Decreed Date:

Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED

State or Federal: S

Owner Name Connector: OR

Water District Number: 34

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-469

7C-34-32

WATER RIGHT NUMBER: 34-469

Owner Type Name and Address
 Current Owner CUSTER SPRINGS LLC
 C/O JAMES R BENNETTS
 1231 MAIN ST
 CHALLIS, ID 83226
 (208)879-4488

Priority Date: 11/01/1892

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	

Total Diversion: 3.200 CFSLocation of Point(s) of Diversion

WARM SPRINGS CREEK SW1/4NE1/4SE1/4Sec. 34,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	
07N 23E 6					42.0	41.0	5.0	5.0									93.0
					L 3	L 4	L 8										
08N 23E 31									40.0		40.0	40.0					120.0
											L 4						

Total Acres: 213

STOCKWATER same as IRRIGATIONRemarks:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 34-00471 IS LIMITED TO THE IRRIGATION OF A
- Irrigation COMBINED TOTAL OF 213 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory WATER IS DELIVERED THROUGH UPPER FISH HATCHERY CANAL.
STOCKWATER, 350 RANGE CATTLE

Comments:

1. DCARLSON 4/16/1992 NOTICE OF ERROR - STOCKWATER OUTSIDE IRR SEASON
2. CFRITSCH 12/18/1995 REVISED RECOMMENDATION - THE RECOMMENDATION OF THIS RIGHT WAS REVISED TO SHOW THE CHANGE OF LOT 5 INTO LOT 8 AS A RESULT OF A NEW SURVEY DATED 3-17-95.

Dates and Other Information:

Decreed Date: 6/19/2002
 State or Federal: S
 Water District Number: 34
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-471

WATER RIGHT NUMBER: 34-471

TC-34-32

Owner Type Name and Address
 Current Owner CUSTER SPRINGS LLC
 C/O JAMES R BENNETTS
 1231 MAIN ST
 CHALLIS, ID 83226
 (208)879-4488

Priority Date: 07/12/1907

Basis: Decreed

Status: Active

Source
 WARM SPRINGS CREEK

Tributary
 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

WARM SPRINGS CREEK SW1/4NE1/4SE1/4Sec. 34,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	
07N 23E 6					42.0	41.0	5.0	5.0									93.0
					L 3	L 4	L 8										
08N 23E 31									40.0		40.0	40.0					120.0
											L 4						

Total Acres: 213

Remarks:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 34-00469 IS LIMITED TO THE IRRIGATION OF A
 - Irrigation COMBINED TOTAL OF 213 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory WATER IS DELIVERED THROUGH UPPER FISH HATCHERY CANAL.

Comments:

1. CFRITSCH 12/18/1995 REVISED RECOMMENDATION - THE RECOMMENDATION OF THIS RIGHT WAS REVISED TO SHOW THE CHANGE OF LOT 5 INTO LOT 8 AS A RESULT OF A NEW SURVEY DATED 3-17-95.

Dates and Other Information:

Decreed Date: 6/19/2002
 State or Federal: S
 Water District Number: 34
 Civil Case Number: 39576
 Judicial District: FIFTH
 Mitigation Plan: False