

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

2003

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

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-27

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 4/16/03, Mountain Springs Land submitted the attached Temporary Change Application TC-34-27 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

**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-34-27

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) 34-61183-34-6128 are limited to the irrigation of a total of 75 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The 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 16th day of June, 2003.


**RONALD D. CARLSON
EASTERN REGION MANAGER**

Ident. No. TC-34-27

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED**JUN 16 2003****TEMPORARY CHANGE APPLICATION**Department of Water Resources
Eastern Region**(To change point of diversion, place of use or purpose of use)**Name of Applicant Mountain Springs RanchPhone 588-3110, 588-3086, 589-3110Post Office Address 5550 Barton Flat Rd Mackay, ID 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 put water on alfalfa**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>34-00611B</u>	<u>06/01/1882</u>	<u>1.5</u>	<u>irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>34-00612B</u>	<u>06/01/1886</u>	<u>.8</u>	<u>irrigation</u>	<u>5-1</u> to <u>10-15</u>
				to
				to

2. Total amount of water being transferred 2.3 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Big Lost River tributary to sinks

4. Point(s) of Diversion:

Ident No.	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 of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	14			16		14			38					7				75

Total Acres 75

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 change is approved 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-34-16 from 2002
transfer amounts to more than the acreage to allow
for 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 Lounkian for MSR
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/16/03 Fee 50⁰⁰

Received KCW # 5028880 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. _____

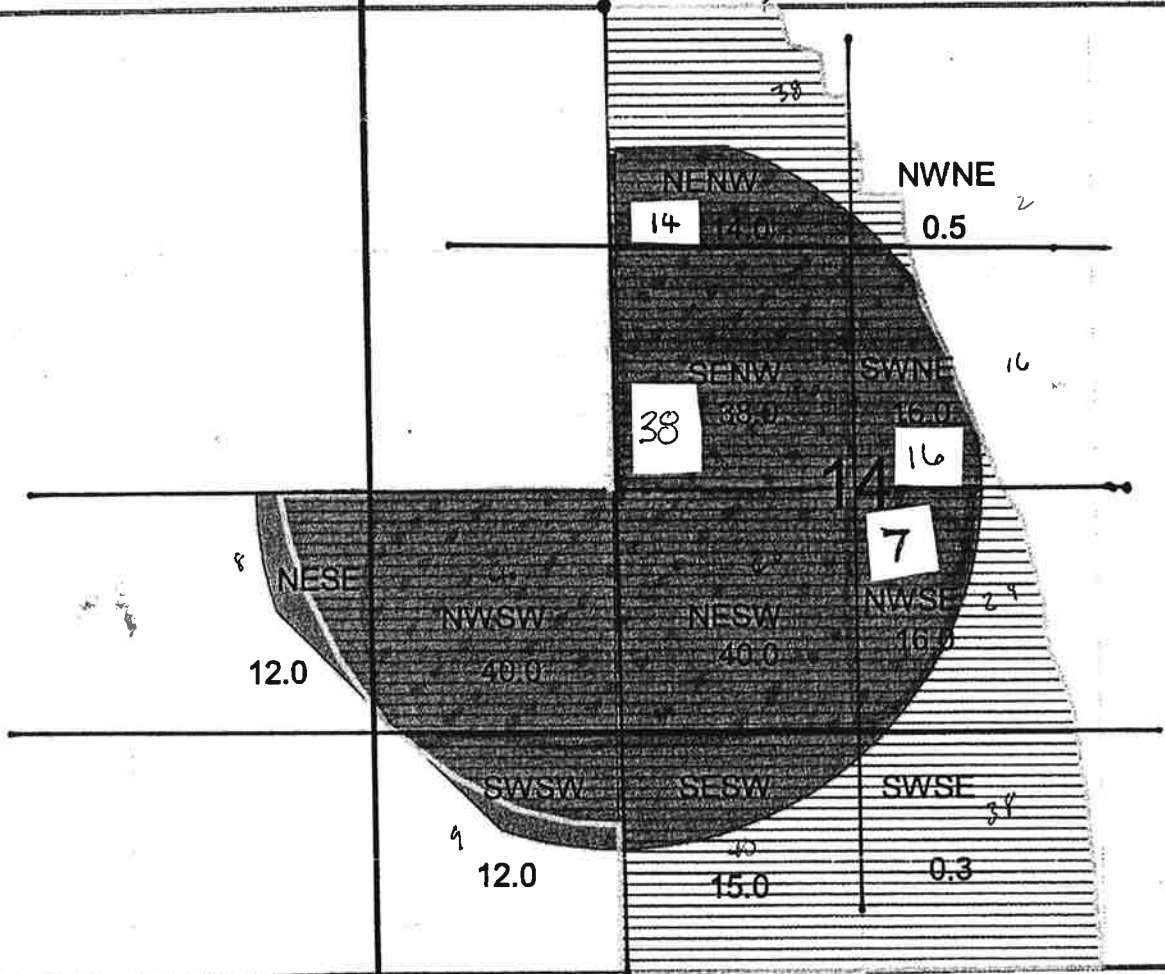
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 16th day of June, 2003

Ronald D. Carl
For the Director

TC-34-27

34-145



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-611B

WATER RIGHT NUMBER: 34-611B

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

Priority Date: 06/01/1882

Basis: Decreed

Status: Active

Source Tributary
 BIG LOST RIVER SINKS
 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 CFSLocation of Point(s) of Diversion

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

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 22E 11									20.0			15.0	20.0	40.0	30.0	33.0	158.0
08N 22E 12									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:

- Place of Use USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
 - Irrigation 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.
- Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION
 DESCRIBED ABOVE: 34-00612B, 34-00613B, 34-00142 AND 34-10553.

Dates and Other Information:

Licensed Date:
 Decreed Date: 12/8/1997
 Water District Number:
 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

TC-34-27

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-612B

WATER RIGHT NUMBER: 34-612B

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

Priority Date: 06/01/1886 Basis: Decreed Status: Active

Source Tributary
BIG LOST RIVER SINKS
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 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

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N 22E 11									20.0			15.0	20.0	40.0	30.0	33.0	158.0
08N 22E 12										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. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00611B, 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.: 34-00611B, 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.

Dates and Other Information:

Licensed Date:
Decreed Date: 12/8/1997
Enlargement Statute Priority Date:
State or Federal: S
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No: 34-00611B / 34-00612B

Water Right No(s).:

Transfer Applicant's Name: Mt. Springs Ranch, LLC
Watermaster's Recommendation:

- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows:
- c) I oppose approval of this application for the following reasons:
- d) Additional Comment:

Dated this 16th day of June, 2003

Water District No: 34


Watermaster's Signature

RECEIVED

JUN 17 2003

Department of Water Resources
Eastern Region