

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT Churdasher Ranch)
Scott or Vicki A Johnson 34-611A/34-612A)
34-613A/34-803

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-23

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 6/9/03, Churdasher Ranch, Scott Johnson submitted the attached Temporary Change Application TC-34-23 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

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION**

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

Name of Applicant Churdasher 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

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 to 10/15</u>
<u>34-612A</u>	<u>6/1/1886</u>	<u>0.80 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</u>
<u>34-613A</u>	<u>11/1/1898</u>	<u>0.50 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</u>
<u>34-803</u>	<u>3/1/1890</u>	<u>3.20 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	SW	26	8N	22E	CUSTER	Harris Ditch
		SE	NW	NW	36	8N	22E	CUSTER	Shoup Ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals	
			NE	NW	SW	SE														
8N	22E	25										32		32	32					96
		36			32							32	32					32		128

Total Acres 224

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) 34859A (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.

[Signature]
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/9/2003 Fee \$ 50.00
 Received KCW # E028853 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 Approved, subject to the following limitations and conditions:

Witness my hand this 6 day of June, 2003.

[Signature]
For the Director

TC-34-23

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:34-611A / 34-612A / 34-613A / 34-803

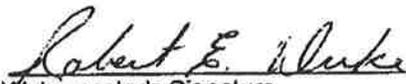
Water Right No(s):

Transfer Applicant's Name: Chumdasher Ranch
Watermaster's Recommendation:

- a) 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 10th day of June, 2003

Water District No: 34


Watermaster's Signature

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

July 16, 2003

Mr. Bob Duke, Watermaster
Water District No. 34
PO Box 205
Mackay ID 83251

RECEIVED

JUL 17 2003

Department of Water Resources
Eastern Region

**Re: Orders Authorizing Temporary Changes TC-34-23 (Johnson)
and TC-34-32 (Unger)**

Dear Bob:

I am writing on behalf of David Stoecklein concerning the delivery of water pursuant to the above-referenced temporary changes under the drought emergency. Mr. Stoecklein is concerned that your delivery of the temporarily changed water rights in both cases is not in compliance with condition no. 4 of each Order. This condition, which is required by the provisions of Idaho Code § 42-222A(6), reads as follows:

This temporary change approval may only be used to provide a replacement water supply to lands or to 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. (Emphasis added)

In the case of the Unger temporary change, it is our understanding that you are delivering the full amount of the temporarily changed water rights (82 inches) together with the full amounts of water rights 34-469 and 34-471 (200 inches) to the Upper Fish Hatchery Canal headgate. The last two water rights provide the normal full water supply to the lands identified in the Order Authorizing Temporary Change to be irrigated by the 82 inches. Therefore, the 82 inches is not acting as a "replacement water supply" and, the place of use under the Order has its normal water supply.

For Johnson, water right nos. 34-860A, 34-859A and 34-573A provide the normal water supply to the irrigated lands identified in the Temporary Change Application. It is our understanding you are continuing to deliver into the Shoup Ditch the entire amount of these three water rights together with the Parsons Creek water rights which, pursuant to the Order Authorizing Temporary Change, may only be delivered as a "replacement water supply."

Mr. Bob Duke
July 16, 2003
Page - 2

Please understand we are in no way contesting the fact that there is, indeed, a drought emergency in Butte County and that temporary water right changes pursuant to the provisions of Idaho Code § 42-222A are proper vehicles to obtain replacement water for lands which would, except for the drought, have a full water supply. However, these changes may not be used to deliver additional water to the same lands which already have their normal full supply of water. We are particularly concerned when the result is to dry up the creeks running through Mr. Stoecklein's property.

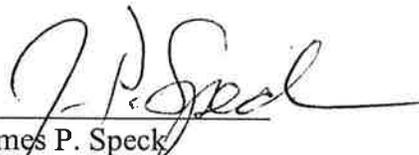
We ask that you request appropriate officials at the Idaho Department of Water Resources to provide you with direction on the interpretation and enforcement of condition no. 4 of each of these two Orders Approving Temporary Changes. I have briefly discussed these matters with Ron Carlson and he agrees with my interpretation of the Orders Authorizing Temporary Changes. The delivery of these water rights directly impacts my client's property. Please keep me apprised of the directions you are given by the Department.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By:


James P. Speck

JPS:jal

cc: Client
Ron Carlson, IDWR, Eastern Division
Scott Campbell, Esq.
Scott Johnson
Michael Creamer, Esq.
Mark Gates

Tc-34-23

INFORMATION ONLY
KW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS
ph. (208) 521-3137

FAX NO. (208) 521-3137

588-3137

(FAX)

TRANSMITTAL CODE

OMNIFA

TO: Bob Duke
Watermaster Dist 34

FROM

DOCUMENT DESCRIPTION: Scott Johnson

TOTAL NUMBER OF PAGES (Including this page)

 *
 * BILLING ADDRESS: _____
 * _____
 * _____
 * _____
 *
 * NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____
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STATE OF IDAHO DEPARTMENT OF WATER RESOURCES TEMPORARY CHANGE APPLICATION

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

Name of Applicant Churdasher Ranch, Scott or Victor A. Johnson Phone 208 588 3072
 Post Office Address 5366 Fish Hatchery 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 Rotate water rights from 3/4 ¹/₄ full pivot

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>34-611A</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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	SW	26	8N	22E	CUSTER	Harris Dital
		SE	NW	NW	36	8N	22E	CUSTER	Shoup Dital

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals	
			NE	NW	SW	SE														
8N	22E	25										32		32	32					96
		36			32					32	32						32			128

Total Acres 224

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES TEMPORARY CHANGE APPLICATION

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

Name of Applicant Churdasher Ranch, Scott or Victor A. Johnson Phone 208 588 3072

Post Office Address 5366 Fish Hatchery 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 Rotate water rights from 3/4 § full pivot

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

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<u>34-611A</u>	<u>6/1/1882</u>	<u>1.50 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</u>
<u>34-612A</u>	<u>6/1/1886</u>	<u>0.80 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</u>
<u>34-613A</u>	<u>11/1/1898</u>	<u>0.50 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</u>
<u>34-803</u>	<u>8/1/1890</u>	<u>3.20 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	SW	26	8N	22E	CLUSTER	Harris Ditch
		SE	NW	NW	36	8N	22E	CLUSTER	Show Ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE													
8N	22E	25									32		32	32					96
		36			32						32	32					32		128

Total Acres 224

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.
- 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.

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Fee _____

Received _____ # _____ 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 _____ day of _____.

For the Director

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.
- 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.

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Fee _____

Received # _____ 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 _____ day of _____.

For the Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 2, 2003

Churndasher Ranch
5366 Fish Hatchery RD.
Mackay, ID. 83251

RE: Temporary Change for water rights 31-236, 34-237, 34-611A, 34-612A, & 34-803

Dear Sirs:

Enclosed is Check #4471 in the amount of \$50.00 and the "Temporary Change Application" for the above numbered water rights.

A temporary change cannot result in an enlargement of water use under the rights. An equal amount of use needs to be given up, usually in terms of acreage that will not have a full water supply during the period of the temporary change. As proposed on your application there is not a reduction in acreage only a rotation between the sources (Parsons Creek and Warm Springs Creek.) This would appear to be an expansion of the water rights, which could affect other water users on Parson Creek and Warm Springs Creek. In addition the place of use as described on the application is incorrect (note enclosed land list for these water rights.)

In addition this office must also obtain and consider comments of the watermaster prior to approval of the temporary change.

For your convenience enclosed is a new "Temporary Change Application" form. I will also send a copy of this letter and your proposed temporary change to the watermaster for Water District 34.

Sincerely,

A handwritten signature in cursive script that reads "Keith C. Wilson".

Keith C. Wilson
Senior Resource Agent

7/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

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

Name of applicant Chandaster Rindy Victor or Scott Johnson Phone 208-588-3072
Post Office address 5366 Fish Hatchery 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) therefor Due to the droughty conditions we would like to switch this old water right so we can keep pivots running for hay and pasture. Rotate water from Parsons Creek to Warm Springs Creek

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

Right Number	Priority	Amount	Nature	Period of Use
A 34-00237	3-27-1912	1.2 CFS	Priority	5-10 to 10-15
B 34-00236	5-1-1892	2.0 CFS	Priority	5-1 to 10-15
C 34-00903	5-1-1890	3.2	Priority	5-1 to 10-15
D 34-006117 P	6-1-1882	1.5	Priority	5-1 to 10-15
D 34-006127 P	6-1-1884	.8	Priority	5-1 to 10-15

2. Total amount of water being transferred 8.9 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Warm Springs creek - Parsons Creek tributary to Big Lost River

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
A		SE	NW	NW	36	8N	22E	Custer	Sharp Ditch Warm Springs Creek
B		SE	NW	NW	36	8N	22E	Custer	Sharp Ditch Warm Springs Creek
C		SW	NW	SW	26	8N	22E	Custer	Harris Ditch Warm Springs Creek
D		NE	SE		25	8N	22E	Custer	Parsons Creek

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

TWP	RGE	SEC	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE														
8N	22E	36	40				40					40				40				160
8N	22E	36	40				40					40								120
8N	22E	25				32								40	16				40	167
8N	22E	25											35						25	60
8N	23E	30					40					40								80

8N 23E 31

RECEIVED Total acres 587

MAY 30 2003

6. General Information:

- a. Who owns the water right to be changed? Chunmbasen Ruck Vizcar or Scott Johnson
- b. Describe the arrangement allowing use of the right Rotate water between Warm Spring Creek and Parkon Creek
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:
It can be irrigated by Rotary Water
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. original Rights use on at beginning of irrigation season
- e. Absent the changes, how would the right be used for the remainder of the year? original use by Date of Priority
- f. Describe other water rights used for the same purpose.
same
- 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.

Chunmbasen Ruck Vizcar
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Fee \$50 _____
 Receipted # _____ 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 _____ day of _____, 199_____

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECEIVED
JUN 05 2003
Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

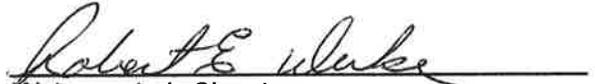
Transfer Application No: 31-236, 34-237, 34-611A, 34-612A & 34-803 Water Right No(s):

Transfer Applicant's Name: CHURNDASHER RANCH
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 4th day of June, 2003

Water District No: 34


Watermaster's Signature

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	
	<u>Total Diversion:</u>	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 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</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	1.580 CFS	
	<u>Total Diversion:</u>	1.580 CFS	

Location 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		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

Owner Type Name and Address
 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

Source Tributary
 WARM SPRINGS CREEK BIG LOST RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/01 to 10/15 1.200 CFS

Total Diversion: 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	
	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. 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 Name and Address
 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: 05/01/1892 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	12/31	0.020 CFS	
IRRIGATION	5/01	10/15	2.000 CFS	
<u>Total Diversion:</u>			2.000 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, 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

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:

- 1 ADDED STOCKWATER OUTSIDE IRRIGATION SEASON
- 2 REFORMATTED 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:

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

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 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. 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.

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 1/10/1874 GW
 0859A 0.82 5/1/1905 BLR
 0699A 0.28 6/1/1885 BLR
 0760A 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

16.00
 Limit (13.45cA)

gated _____

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
 = 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
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

Water Right Report 34-611A

WATER RIGHT NUMBER: 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	25.0
08N	23E	30											35.0							35.0
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

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 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	25.0
08N 23E 30											35.0							35.0
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 5/01 To 10/15 Diversion Rate 0.800 CFS Annual Volume
Total Diversion: 0.800 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	25.0
08N	23E	30											35.0						L 4	35.0
08N	23E	31					40.0	40.0											L 1 L 2	80.0

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: 34

Dates 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