

2002

TC-34-16

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT Mountain Springs Ranch)
34-0611B, 34-0612B)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for
counties 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 6/6/02, Mountain Springs Ranch submitted the attached
Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

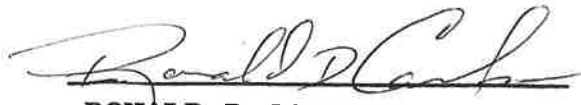
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the
following conditions:

1. Diversion and use of right no(s). 34-0611B
34-0612B 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 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) ^{34-00611B} 34-00612B 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 11/01/2002 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 June, 2002.


RONALD D. CARLSON
EASTERN REGION MANAGER

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 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-34-07 from 2001
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 Foxman for MSR
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HUT Date 6-6-02 Fee \$50

Receipted _____ # E027825 Recommend: _____ approve _____ deny _____

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

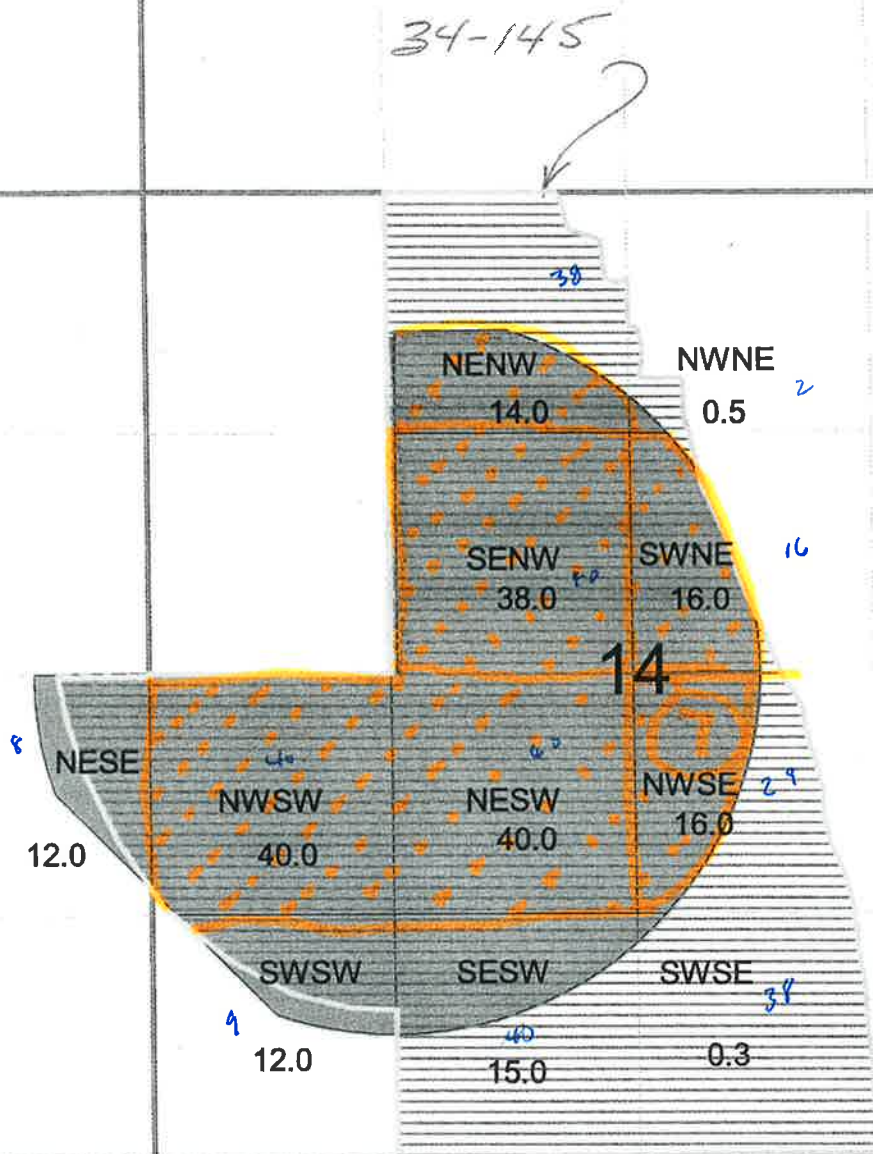
This is to certify that I have examined Temporary Change Application No. _____

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

Witness my hand this 14th day of June, 2002.

Ralph D. Cook
For the Director

15



This plot is approx 200
acres. Will need approx 125
more acres on second transfer,

Handwritten signature

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

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

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO §42-1425
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO §42-1425

Remarks:

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

Comments:

1. DCARLSON 3/4/1992 DROPPED TOTAL DIV RATE IN REMARKS
2. SCHULTZ 3/5/1992 NOTICE OF ERROR FORM
 Comment: NOTICE OF ERROR FORM (NOE) RECEIVED 3/3/92. I CHANGED NOE FLAG FROM "D" TO "A".
3. DCARLSON 5/6/1992 NOTICE OF ERROR Comment: NO CHANGES

4. DCARLSON 5/20/1992 ADDED PARSONS CREEK AS A SOURCE

Decreed Date: 12/8/1997

5. CARLSEN 5/22/1992 CHANGED REMARKS
Comment: ADDED MULTIPLE SOURCE CODE B04.

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

7. DCARLSON 7/23/1997 REFORM/ FLAG CHANGE D TO C
Comment: THESE RIGHTS ARE NOT AN EXPANSION, BUT A C05 CHANGE

8. JHOAGLAN 9/24/1997 OWNERSHIP CHANGE
Comment: CHANGED OWNERSHIP PER REQUEST/NCAP TO COURT

9. PSKAGGS 9/3/1999 TRANSFER 4706
Comment: Based on "R" resubmitted report./SEE X34-00612B.

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 CFSLocation of Point(s) of Diversion

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

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

Conditions of Approval:

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

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.

Comments:

1. DCARLSON 3/4/1992 DROPPED TOTAL DIV RATE IN REMARKS
2. SCHULTZ 3/5/1992 NOTICE OF ERROR FORM RECEIVED 3/3/92. CHANGED FLAG FROM "D" TO "A"
4. DCARLSON 5/20/1992 ADDED PARSONS CREEK AS A SOURCE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-142

WATER RIGHT NUMBER: 34-142

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	SAN FELIPE RANCH PO BOX 388 MACKAY, ID 83251 (208)588-2805
Current Owner	MOUNTAIN SPRINGS RANCH 5550 BARTON FLAT RD MACKAY, ID 83251

Priority Date: 06/30/1897

Basis: Decreed

Status: Active

SourceBIG LOST RIVER
PARSONS CREEKTributarySINKS
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	2.400 CFS	

Total Diversion: 2.400 CFS

Location of Point(s) of Diversion

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

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

Conditions of Approval:Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00611B, 34-00612B, 34-00613B 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, 34-00612B, 34-00613B AND 34-10553.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

Comment: NOTICE OF ERROR FORM (NOE) RECEIVED 3/3/92. I CHANGED NOE FLAG FROM "D" TO "A".

Dates and Other Information:

Licensed Date:
Decreed Date: 12/8/1997

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-10553

WATER RIGHT NUMBER: 34-10553

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	SAN FELIPE RANCH PO BOX 388 MACKAY, ID 83251 (208)588-2805
Current Owner	MOUNTAIN SPRINGS RANCH 5550 BARTON FLAT RD MACKAY, ID 83251

Priority Date: 05/01/1910

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	10/15	6.400 CFS	

Total Diversion: 6.400 CFSLocation of Point(s) of Diversion

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

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

Conditions of Approval:Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 34-00611B, 34-00612B, 34-00613B AND 34-00142.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00143, 34-00144 AND 34-00268.
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, 34-00612B, 34-00613B AND 34-00142.

Comments:Dates and Other Information:

Licensed Date:

Decreed Date: 12/8/1997

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-145

WATER RIGHT NUMBER: 34-145

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	SAN FELIPE RANCH PO BOX 388 MACKAY, ID 83251 (208)588-2805
Current Owner	MOUNTAIN SPRINGS RANCH 5550 BARTON FLAT RD MACKAY, ID 83251

Priority Date: 05/01/1895

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	10/15	3.200 CFS	
STOCKWATER	1/01	12/31	1.000 CFS	
	<u>Total Diversion:</u>		3.200 CFS	

Location of Point(s) of Diversion

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 14		2.0	16.0	38.0				40.0	40.0	40.0	9.0	40.0			29.0	38.0	292.0
08N 22E 15													8.0				8.0

Total Acres: 300

Conditions of Approval:

1. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
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.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00139, 34-10557 AND 34-10558.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Explanatory WATER IS DELIVERED THROUGH NEILSEN DITCH.
STOCKWATER, 1500 CATTLE

Comments:

5. DCARLSON 8/29/1997 COPIED FROM REMARKS
Comment: USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.0 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 750 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 300 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00139, 34-10558, 34-10557. 3.42 CFS OF RIGHT NO. 34-10557 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED ABOVE.

Dates and Other Information:

Licensed Date:
Decreed Date: 12/8/1997
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed: