

Form 42-222A
12/99

Ident. No.

TC-34-05

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 01 2001

Department of Water Resources
Eastern Region

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Victor or Scott Johnson Chamberlain Ranch Phone 588-3072
Post Office Address 5366 Fess Harvey 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
- Drought

2. Describe the proposed change(s) and the reason(s) thereof
- Take Custer Priority Over
-
- Water Rights. We divert it into Shoup Ditch to supply
-
- enough water to operate pivot to irrigate 120
-
- Acres of Hay Ground.

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>34-00611A</u>	<u>06-01-1882</u>	<u>1.5</u>	<u>Irrigation</u>	<u>5-31</u> to <u>until river breaks</u>
<u>34-00612A</u>	<u>06-01-1886</u>	<u>.8</u>	<u>Irrigation</u>	<u>5-31</u> to <u>"</u>
<u>34-00613A</u>	<u>11-01-1898</u>	<u>.5</u>	<u>Irrigation</u>	<u>5-31</u> to <u>"</u>

2. Total amount of water being transferred
- 2.8
- cubic feet per second and/or _____ acre-feet per annum.

3. Source of water
- Fess Harvey Creek - Warm Springs
- 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	NE	SE	34	22E	8N	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	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	36			40				40	40									

Total Acres 120

6. General Information:

- a. Who owns the water right to be changed? self / Churndasher
- b. Describe the arrangement allowing use of the right N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will be left dry until river breaks
- d. Has the water right sought to be transferred been used this year? yes If yes, explain on the ground
it's decreed to except for 34-00613A; it has not been
- e. Absent the changes, how would the right be used for the remainder of the year? on the decreed
ground
- f. Describe other water rights used for the same purpose.
34-00703A; not on this year
- 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.

Self Churndasher
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWT Date 6-1-01 Fee \$50.00

Receipted 6/4/01 HWT # E026776 Recommend: Approve approve deny

Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-05

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

Witness my hand this 5th day of June 2001

R. L. Clark
For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT IN THE NAME)
OF 34-611A, 612A, 613A)
CHURN DASHER RANCH)

ORDER AUTHORIZING
TEMPORARY CHANGE

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 county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (A Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on June 1, 2001 Churn Dasher 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; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

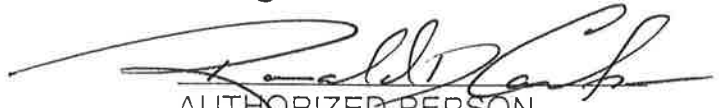
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 34-611A, 612A, 613A is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. This temporary change approval may only be used to provide a

replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

4. Right(s) 34-611A, 612A
613A are limited to the irrigation of a total of 120 acres in a single irrigation season.
5. 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.
6. 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.
7. 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.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on 10-15-01 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 5th day of June, 2001.


AUTHORIZED PERSON
IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

06/04/2001

WATER RIGHT NO. 34-703A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHURN DASHER RANCH
Current Owner	SCOTT JOHNSON
Current Owner	VICTOR JOHNSON
	STAR RT
	MACKAY, ID 83251
Original Owner	F A STACY
Original Owner	JOSIE STACY
	-, ID

Priority Date: 06/01/1890
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
WARM SPRINGS CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01	10/15	0.2 CFS		
STOCKWATER	1/01	12/31	0.02 CFS		
Total Diversion			0.2 CFS		

Location of Point(s) of Diversion:

WARM SPRINGS CREEK SWNESE Sec. 34 Township 08N Range 22E CUSTER County

IRRIGATION Use:
Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	22E	36		SWNE	40									
				SENE	40									
				NESW	40									
				NWSE	40									

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 160

Conditions of Approval:

- 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.
- N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION

4. C18 OF HISTORICAL BENEFICIAL USE.
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.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 34-00236, 34-00573A, 34-00860A, 34-00237, 34-00699A, 34-00700A, 34-00701A, 34-00702A, 34-00704A, 34-00859A AND 34-07057 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 13.45 CFS.
2. Purpose of Use 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 WATERMASTER FOR WATER DISTRICT 34.
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, 34-00573A, 34-00860A, 34-00237, 34-00699A, 34-00700A, 34-00701A, 34-00702A, 34-00704A, 34-00859A AND 34-07057.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. Explanatory WATER IS DELIVERED THROUGH UPPER FISH HATCHERY CANAL.
STOCKWATER 700 CATTLE

Idaho Department of Water Resources Receipt

Receipt ID E026776

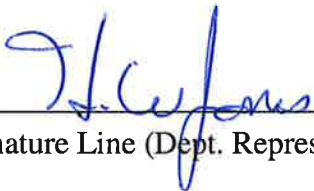
Payment Amount	\$50.00	Date Received	6/4/2001 8:24:28 AM	Region	Eastern	Status
Payment Type	Check	Check Number	1055			

Payer WATER DISTRICT 34

Comment Churndasher Ranch temp transf

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	TRANSFERS	0229	21	63105	1155


Signature Line (Dept. Representative)

06/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 34-613A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHURN DASHER RANCH
Current Owner	SCOTT JOHNSON
Current Owner	VICTOR JOHNSON
	STAR RT
	MACKAY, ID 83251

Priority Date: 11/01/1898
Basis: Decreed
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01	10/15	0.5 CFS		
Total Diversion			0.5 CFS		

Location of Point(s) of Diversion:

PARSONS CREEK NESE Sec. 25 Township 08N Range 22E CUSTER County

IRRIGATION Use:
Acre Limit: 140

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	22E	25		SESE	25									
	23E	30	4	SWSW	35									
		31	1	NWNW	40	2	SWNW	40						

Total Acres: 140

Remarks:

1. 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.
2. 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.
3. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE:
34-00611A AND 34-00612A.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
DCARLSON	5/18/199	CHANGED SOURCE	CHANGED SOURCE TO PARSONS CREEK
	2	TO PARSONS CREEK	
DCARLSON	9/4/1996	REFORMATTED	REFORM

06/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 34-611A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHURN DASHER RANCH
Current Owner	SCOTT JOHNSON
Current Owner	VICTOR JOHNSON
	STAR RT
	MACKAY, ID 83251

Priority Date: 06/01/1882
Basis: Decreed
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01	10/15	1.5 CFS		
Total Diversion			1.5 CFS		

Location of Point(s) of Diversion:

PARSONS CREEK	NESE	Sec. 25	Township 08N	Range 22E	CUSTER County
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IRRIGATION Use:
Acre Limit: 140

Place(s) of use:

Place of Use Legal Description: IRRIGATION	CUSTER County
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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	22E	25		SESE	25									
	23E	30	4	SWSW	35									
		31	1	NWNW	40	2	SWNW	40						

Total Acres: 140

Conditions of Approval:

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

Remarks:

1. Quantity
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.64 CFS.
COMBINED RIGHT NOS.: 34-00612A, 34-00613A AND 34-00803.
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.: 34-00612A, 34-00613A AND 34-00803.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Explanatory
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE:

34-00612A AND 34-00613A.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
DCARLSON	5/18/1992	CHANGED SOURCE TO PARSONS CREEK	CHANGED SOURCE TO PARSONS CREEK
DCARLSON	9/4/1996	REFORMATTED	REFORM

Dates:

Licensed Date:
Decreed Date: 01/15/1998
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

06/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 34-612A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHURN DASHER RANCH
Current Owner	SCOTT JOHNSON
Current Owner	VICTOR JOHNSON
	STAR RT
	MACKAY, ID 83251

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

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01	10/15	0.8 CFS		
Total Diversion			0.8 CFS		

Location of Point(s) of Diversion:

PARSONS CREEK NESE Sec. 25 Township 08N Range 22E CUSTER County

IRRIGATION Use:
Acre Limit: 140

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
08N	22E	25		SESE	25									
	23E	30	4	SWSW	35									
		31	1	NWNW	40	2	SWNW	40						

Total Acres: 140

Conditions of Approval:

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

Remarks:

1. 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.
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, 34-00613A 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.
3. Explanatory
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE:

34-00611A AND 34-00613A.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
DCARLSON	5/18/199	CHANGED SOURCE	CHANGED SOURCE TO PARSONS CREEK
	2	TO PARSONS CREEK	
DCARLSON	9/4/1996	REFORMATTED	REFORM