

T5131 BROKEN RIVER RANCH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5131
WATER RIGHT NO(S). 34-00398/34-00399

RECEIVED

JUL 20 1998

Department of Water Resources
Eastern Region

This is to certify that: **BROKEN RIVER RANCH LTD**
5660 W 4920 N
MACKAY ID 83251

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-00398 :			
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Priority: 08/30/1909		<u>2.00 CFS</u>	<u>354.0 AF</u>
Right No. 34-00399 :			
IRRIGATION	05/01 to 10/15	1.20 CFS	210.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Priority: 05/01/1905		<u>1.20 CFS</u>	<u>214.0 AF</u>
TOTAL:		* 3.20 CFS	* 568.0 AF

SOURCE

**** WARM SPRINGS CREEK**

TRIBUTARY OF

BIG LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 27, Township 08N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	22E	27	NWSW 19.5	SWSW 29.5	SESW 7.1	56.1
		28	NESE 27.3	NWSE 35.0		62.3
		34	NENW 30.0	NWNW 20.5		50.5
Total number of acres irrigated:						*** 168.9

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
08N	22E	27
		NWSW

TRANSFER NO. 5131
WATER RIGHT NO(S). 34-00398/34-00399

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- *** 6. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- *** 7. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- * 8. Rights 34-00398, 34-00399 and 34-07010 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 599.2 af at the field headgate, the irrigation of 168.9 acres and stockwater use.
- ** 9. Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from the original source, Hamilton Springs.
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Dated this 14th day of

July

, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: Files 34-00398 & 34-00399

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5131

DATE: July 13, 1998

Transfer 5131 changes the point of diversion[✓] and source[✓] under Rights 34-00398 and 34-00399. The point of diversion is proposed to be moved from Hamilton Springs to the tributary Warm Springs Creek to consolidate pumping locations and increase efficiency in delivery to the adjacent place of use. These rights are used in conjunction with Right 34-07010 (See Transfer 5130) to irrigate the 168.9 acres identified under this transfer.

Diversion volume was adjusted to current standards to represent the uses as recommended[✓] in the SRBA. Recommended conditions include watermaster control, measuring device & lockable controlling works, permissible place of use, combined right limits, diversion limited to availability from original source, stockwater limits, irrigation overlap and standard transfer conditions.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 5131

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant BROKEN RIVER RANCH, LTD. Phone (208)-588-2880
 Post Office address 5660 W 4920 N, Moscow ID 83251

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change Source
2. Describe the reason for the proposed changes CONSOLIDATE PUMPING LOCATIONS. INCREASE EFFICIENCY BY MOVING CLOSER TO PLACE OF USE

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

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|-----------------|------------------|-----------------------|-------------------|-----------------------------|
| <u>34-00398</u> | <u>8-30-1909</u> | <u>2.00</u> | <u>IRRIGATION</u> | <u>5-1</u> to <u>10-15</u> |
| | | <u>0.02</u> | <u>STOCKWATER</u> | <u>10-16</u> to <u>4-30</u> |
| <u>34-00399</u> | <u>5-1-1905</u> | <u>1.20</u> | <u>IRRIGATION</u> | <u>5-1</u> to <u>10-15</u> |
| | | <u>0.02</u> | <u>STOCKWATER</u> | <u>10-16</u> to <u>4-30</u> |
2. Total amount of water being transferred 3.20 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water WARM SPRINGS CREEK tributary to BIG Lost RIVER
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	27	8N	22E	CUSTER	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
8N	22E	27									14.5 49	24.5 29	16.1 7						56.1
		28												21.5 27	35				62.3
		34					30	26.5 20											50.5

Total acres 168.9

PART 1

6. General Information:

a. Description of diversion system 40 HORSEPOWER PUMP WITH 12" MAINLINE TO PLACE
OF USE FOR SPRINKLER IRRIGATION

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NO CHANGE

d. Remarks:

TRANSFER BASED ON SRBA NOTICES OF CLAIM AS PRESENTED TO SRBA
DISTRICT COURT IN IDWR DIRECTOR'S REPORT, BASIN 34.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

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

Witness my hand this _____ day of _____, 19 _____

93058

PART 2

5131

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

08/19/97 09:25:35
Page 1

SRBA Recommendation

Water Right Number - 34-00399

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BROKEN RIVER RANCH

1 - C/O ROBERT C HADLEY
2 - STAR ROUTE
3 -
City- MACKAY State- ID Zip- 83251
Phone - 208-588-2880

*** O - ORIGINAL OWNER ***
SAN FELIPE RANCHES

1 - PO BOX 388
2 -
3 -
City- MACKAY State- ID Zip- 83251
Phone - 208-588-2805
1 -
2 -
3 -
City- X State- ID Zip- 00000
Phone - 208-000-0000

JOHNSON OTTO A

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1905 15 EASTERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
HAMILTON SPRINGS WARM SPRINGS CREEK

Point of Diversion						Diversion Name
Twn	Rng	Sec	Tract	Lot	RFlg	County
08N	22E	27	SW NW			(37) CUSTER
		29	SE NE NE			(37) CUSTER

Water Use		Period From	Period To	Diversion Rate	Diversion Volume
Code	Description				
01	IRRIGATION	05/01	10/15	1.200	
04	STOCKWATER	10/16	04/30	0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.200 0.0

Place of Use							
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description
08N	22E	27	NW SW		19.5	01	IRRIGATION
08N	22E	27	SW SW		29.5	01	IRRIGATION
08N	22E	27	SE SW		7.1	01	IRRIGATION
08N	22E	28	NE SE		27.3	01	IRRIGATION
08N	22E	28	NW SE		35.0	01	IRRIGATION
08N	22E	34	NE NW		30.0	01	IRRIGATION
08N	22E	34	NW NW		20.5	01	IRRIGATION
08N	22E	27	NW SW			04	STOCKWATER

Total Acres: 168.9

Water right number - 34-00399

Prefix Translation: WATER RIGHT

- + - - Diversion Means - HAMILTON SPRINGS/DITCH
- + - - Non-Irrigation Use - STOCKWATER, 300 RANGE
- + - - Other Rights for Same Use - A34-00398/07010.

+ - - - - - Remarks - - - - - +

GEN USE OF THIS RIGHT WITH RIGHT NOS. 34-00398 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 34-00398 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY OF STOCKWATER.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
UTAH CONSTRUCTION	JOHN F. ABBOTT, ET AL	00/00/0000

+ - - Audit Fields - 08/01/91 CARLSEN 09/27/91 CARLSEN 09/30/91 CARLSEN 01/10/92 SHAW 01/26/92 PR-PRODM
03/05/92 SCHULTZ 04/15/92 CARLSEN 05/10/92 THORNTON 05/22/92 KEEN 07/01/92 CPSHAW
12/02/92 ADT-SHAW 03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 254973 01/21/92

+ - - - - - Comments - - - - - +

Date: 08/01/1991 User Id: CARLSEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 9/18/90/EC
Date: 04/15/1992 User Id: CARLSEN Subject: NOTICE OF ERROR
CLAIMANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING HISTORICAL IRRIGATION. ALSO ADDED STOCKWATER AS A NATURE OF
USE DURING THE NON-IRRIGATION SEASON.
Date: 05/10/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.
Date: 05/22/1992 User Id: KEEN Subject: COMBINED DIVERSION VOLUME REMOVED FROM REMARKS.

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing - 06/18/1992	Field Inspection Made - 09/26/1990	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 09/18/1990	Last Amended Date - 00/00/0000	Temporary Right - P
Proof Due Date - 00/00/0000	Proof Made Date - 00/00/0000	Water District - 34
Licensed Date - 00/00/0000	Receipt Number - E015244	Federal/State Indicator - S
	POU Ownership Flag - Y	Presumption Flag - C
	Name Connector -	Notice of Error Flag - C

Water Right Number - 34-00398

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

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08N	22E	27	SW NW		(37)	CUSTER
		29	SE NE NE		(37)	CUSTER

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		05/01	10/15	2.000	
04 - STOCKWATER		10/16	04/30	0.020	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.000 0.0

+ - - - - Place of Use - - - - - +								
TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08N	22E	27	NW SW		19.5	01	IRRIGATION	(37) CUSTER
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08N	22E	27	SE SW		7.1	01	IRRIGATION	(37) CUSTER
08N	22E	28	NE SE		27.3	01	IRRIGATION	(37) CUSTER
08N	22E	28	NW SE		35.0	01	IRRIGATION	(37) CUSTER
08N	22E	34	NE NW		30.0	01	IRRIGATION	(37) CUSTER
08N	22E	34	NW NW		20.5	01	IRRIGATION	(37) CUSTER
08N	22E	27	NW SW			04	STOCKWATER	(37) CUSTER

Total Acres: 168.9

Water right number - 34-00398

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- + - - Non-Irrigation Use - STOCKWATER, 300 RANGE
- + - - Other Rights for Same Use - A34-00399/07010.

+ - - - - - Remarks - - - - - +

GEN THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00398A AND 34-00398B.
USE OF THIS RIGHT WITH RIGHT NO. 34-00399 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
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UTAH CONSTRUCTION

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JOHN F. ABBOTT, ET AL

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12/02/92 ADT-SHAW 03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 254972 01/21/92

+ - - - - - Comments - - - - - +

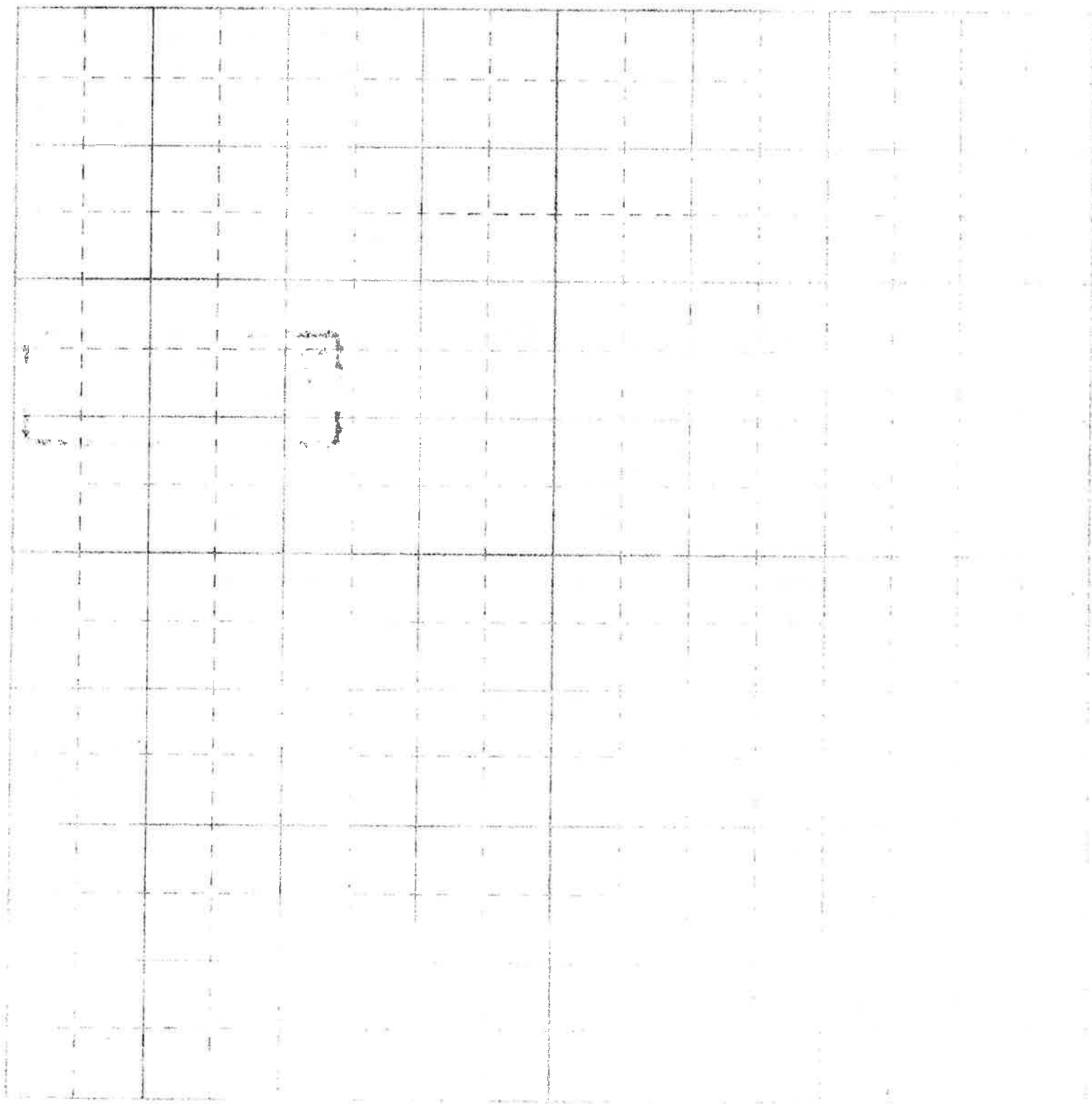
Date: 08/01/1991 User Id: CARLSEN Subject: COPIED FROM REMARKS
THIS CLAIM RECOMBINES RIGHTS 34-00398A & B. OWNERSHIP CHANGE 9/18/90/EC
Date: 04/15/1992 User Id: CARLSEN Subject: NOTICE OF ERROR
APPLICANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING HISTORICAL IRRIGATION. ALSO ADDED STOCKWATER AS A USE DURING THE NON-IRRIGATION SEASON.
Date: 05/10/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.
Date: 05/22/1992 User Id: KEEN Subject: COMBINED DIVERSIONL VOLUME LIMITATION REMOVED FROM REMARKS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 06/18/1992	Field Inspection Made	- 09/26/1990	Civil Case Number	- 39576
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Claim Received Date	- 01/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 34
Licensed Date	- 00/00/0000	Receipt Number	- E011541	Federal/State Indicator	- S

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby 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)

22d day of July, 1997Nettie M. Miller

(Notary Public)

My commission expires 6/19/99**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 2 attachmentsReceived by HPM Date 8-18-97

Protest filed by _____

Prelim. check by _____ Fee \$100.00Receipted by HPM 5023520 Date 8-18-97Published in Challis Messenger

Copies of protest forwarded by _____

Pub. dates Sept. 4 & 11, 1997

Hearing held by _____ Date _____

Watermaster recommendation requested on 8-25-97Recommended for ☒ approval ☐ denialWD 34 rec'd. _____by HPM

Copy of transfer sent to lien holder _____

