

T5456 CUSTER SPRINGS LLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5456
WATER RIGHT NO(S). 34-00469/34-00471

RECEIVED

JUL 17 2000

Department of Water Resources
Eastern Region

This is to certify that: CUSTER SPRINGS LLC
C/O JAMES R BENNETTS
1231 MAIN ST
CHALLIS ID 83226

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. 34-00469 :			
Priority: 11/01/1892			
IRRIGATION	05/01 to 10/15	3.20 CFS	745.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.7 AF
		3.20 CFS	750.2 AF
Right No. 34-00471 :			
Priority: 07/12/1907			
IRRIGATION	05/01 to 10/15	0.80 CFS	307.8 AF
TOTAL:		4.00 CFS	* 750.2 AF

SOURCE

WARM SPRINGS CREEK

TRIBUTARY OF

BIG LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

SWNESE , Sec. 34, 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>
07N	22E	1	SWNE 40			40
	23E	6	Lot 3 (NENW) 42	Lot 4 (NWNW) 41	Lot 5 (SWNW) 5	
			SENE 5			93
08N	23E	31	Lot 4 (SWSW) 40	SESW 40		80
Total number of acres irrigated:						* 213

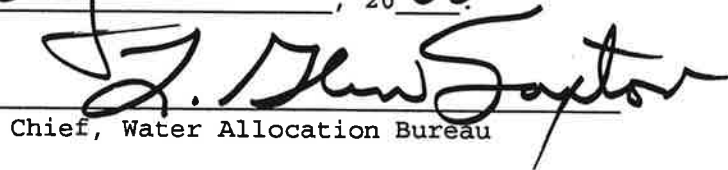
PLACE OF USE: STOCKWATER, same as IRRIGATION use

TRANSFER NO. 5456
WATER RIGHT NO(S). 34-00469/34-00471

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 0.02 cfs per acre nor 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. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. The quantity of water decreed for Right 34-00469 for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. The appropriator is entitled to the quantity of water described for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described.
- * 9. Rights 34-00469 and 34-00471 when combined shall not exceed a total annual maximum diversion volume of 750.2 af at the field headgate for the irrigation of 213.0 acres and stockwater use.
10. Approval of Transfer 5456 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
11. This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit 34-07591, In the Name of L & S Partners, numerous other captioned matters, and the Preliminary Order of the Department issued on November 18, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

Dated this 10th day of July, 2000


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5456

ORIGINAL
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
APR 26 1999

Department of Water Resources
Eastern Region

Name of applicant Aslett Ranches Phone (208) 734-5535
Post Office address P.O. Box B, Twin Falls, ID, 83303 c/o Scott L. Campbell, Elam & Burke, P.A.
P.O. Box 1539, Boise, ID, 83701
(208) 343-5454

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 _____
2. Describe the reason for the proposed changes Applicant desires to re-arrange the 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>34-00469</u>	<u>11/01/1892</u>	<u>3.20</u>	<u>Irrigation</u>	<u>05/01</u> to <u>10/15</u>
<u>34-00471</u>	<u>07/12/1907</u>	<u>0.80</u>	<u>Irrigation</u>	<u>05/01</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4.00 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
	SW	NE	SE	34	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	
7N	22E	1			40														40
7N	23E	6					42	41	5	5									93
							42	41	5	5									
8N	23E	31											40	40					80

Total acres 213

PART 1

6. General Information:

a. Description of diversion system Water is diverted from Fish Hatchery Canal via pump
to sprinklers.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X 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:
NESW of Section 31 will not be irrigated.

d. Remarks:

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 _____.

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PART 2

T5456

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-00469

NAME & ADDRESS: ASLETT RANCHES
PO BOX B
TWIN FALLS ID 83303

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 3.2 CFS

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.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 11/01/1892

POINT OF DIVERSION: T08N R22E S34 SWNESE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		05-01 10-15	3.2 CFS
STOCKWATER		01-01 12-31	0.02 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T07N R23E S06 Lot 3 (NENW)42 Lot 4 (NWNW)41 Lot 8 (SWNW) 5 SENW 5
T08N R23E S31 NESW 40 Lot 4 (SWSW)40 SESW 40
213 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00471 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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PART 2

75456

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 34-00471

NAME & ADDRESS: ASLETT RANCHES
PO BOX B
TWIN FALLS ID 83303

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.8 CFS

PRIORITY DATE: 07/12/1907

POINT OF DIVERSION: T08N R22E S34 SWNESE Within CUSTER County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-15	0.8 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County	
	T07N R23E S06 Lot 3 (NENW)42 Lot 4 (NWNW)41 Lot 8 (SWNW) 5 SENW 5		
	T08N R23E S31 NESW 40 Lot 4 (SWSW)40 SESW 40		
	213 ACRES TOTAL		

USE OF THIS RIGHT WITH RIGHT NO. 34-00469 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 213 ACRES IN A SINGLE
IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

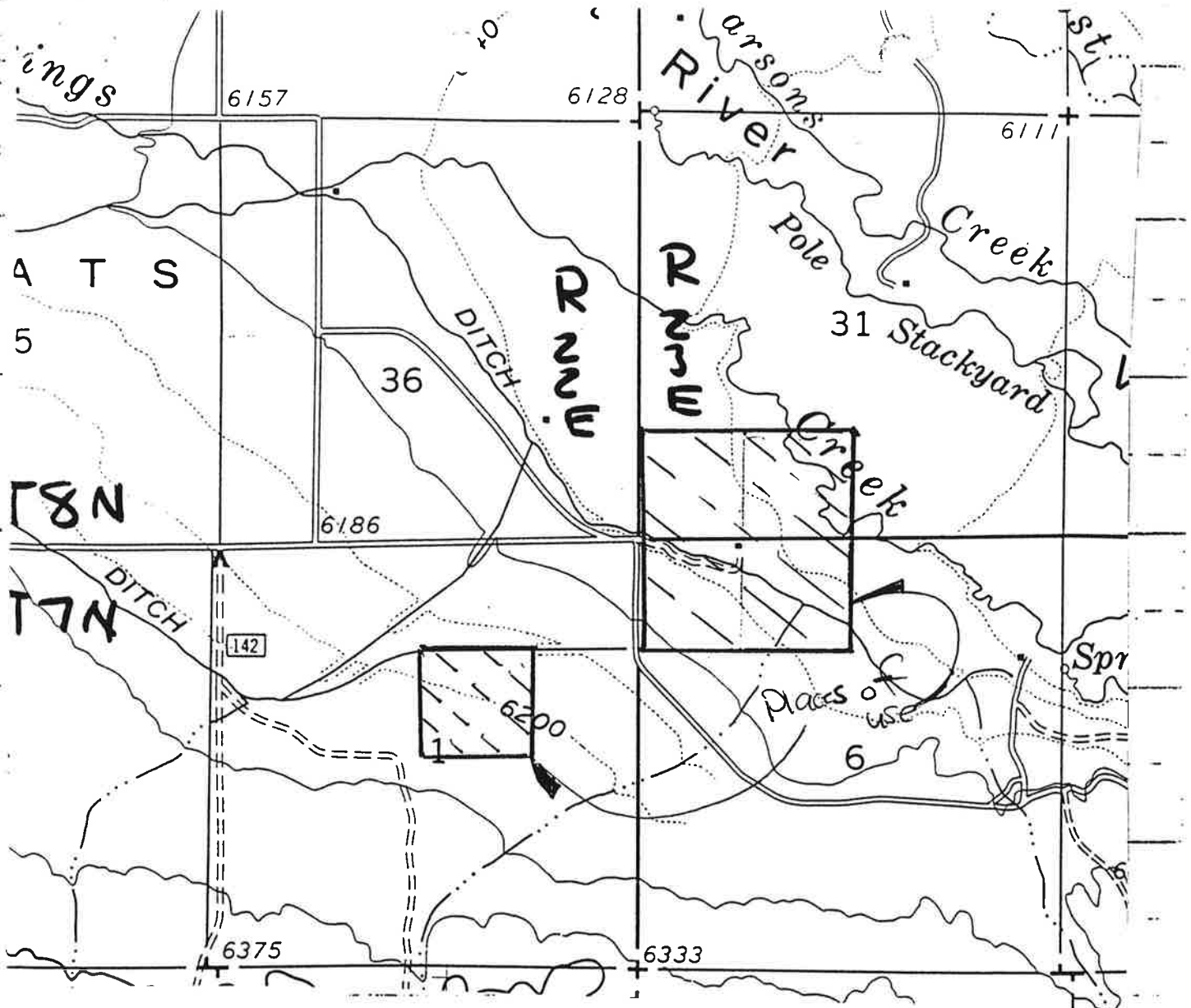
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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.

See Attachment B



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.

Robert Ranches By Steve Phil
(Signature of Applicant)

Subscribed and sworn to before me this 21 day of April, 19 99.

Bonnie Templeman
(Notary Public)

My commission expires 2/12/02

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by _____ Date 4-26-99

Protest filed by _____

Prelim. check by _____ Fee \$100

Receipted by HWS #E024948 Date 4-26-99

Published in Challis Messenger

Copies of protest forwarded by _____

Pub. dates May 13 & 20, 1999

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____