

T5552 BROKEN RIVER RANCH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 24 2000

Department of Water Resources
Eastern Region

TRANSFER OF WATER RIGHT

TRANSFER NO. 5552

WATER RIGHT NO(S) . 34-00398/34-00399/34-00861A/34-00868/34-07010

This is to certify that: **BROKEN RIVER RANCH LP**
C/O ROY E CRAWFORD
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 :			
Priority: 08/30/1909			
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
		2.00 CFS	354.0 AF
Right No. 34-00399 :			
Priority: 05/01/1905			
IRRIGATION	05/01 to 10/15	1.20 CFS	210.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
		1.20 CFS	214.0 AF
Right No. 34-07010 :			
Priority: 08/28/1968			
IRRIGATION	05/01 to 10/15	1.60 CFS	276.8 AF
		4.34 CFS *	599.2 AF *
SUBTOTAL			
Right No. 34-00861A :			
Priority: 05/01/1894			
IRRIGATION	05/01 to 10/15	2.98 CFS	455.0 AF
Right No. 34-00868 :			
Priority: 12/06/1913			
IRRIGATION	05/01 to 10/15	3.20 CFS	484.8 AF
		10.52 CFS **	1539.0 AF **
TOTAL			

TRANSFER NO. 5552

WATER RIGHT NO(S) . 34-00398/34-00399/34-00861A/34-00868/34-07010

SOURCETRIBUTARY OF

Right Nos. 34-00398/34-00399/34-00861A :

WARM SPRINGS CREEK

BIG LOST RIVER

Right Nos. 34-00868 :

BIG LOST RIVER

SINKS

Right Nos. 34-07010 :

GARDEN CREEK

SINKS

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 34-00398/34-00399/34-00861A :

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

Right Nos. 34-00868 :

Injection

NESWNW , Sec. 15, Township 08N, Range 21E

Rediversion

SWSWNW , Sec. 27, Township 08N, Range 22E

NWNESEW , Sec. 27, Township 08N, Range 22E

CUSTER County

Right Nos. 34-07010 :

Injection

SWSE , Sec. 28, Township 08N, Range 22E

Rediversion

SWNE , Sec. 28, Township 08N, Range 22E

NWNESEW , 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	SWNW 31.0	SENEW 32.0	NESW 34.4	
			NWSW 36.0	SWSW 32.0	SESW 32.0	
			SWSE 32.0	SESE 32.0		261.4
	28		NESE 40.0	NWSE 40.0		80.0
	34		NWNE 32.0	NENW 32.0	NWNW 32.0	96.0
Total number of acres irrigated:						*** 437.4

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>			
08N	22E	27	SWNW	SENEW	NESW
			NWSW	SWSW	SESW
			SWSE	SESE	
	28		NESE	NWSE	
	34		NWNE	SWNE	NENW
			NWNW		

TRANSFER NO. 5552
WATER RIGHT NO(S) . 34-00398/34-00399/34-00861A/34-00868/34-07010

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. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
6. The total instantaneous diversion of water from all points of diversion under Transfer 5552 shall not exceed 10.52 cfs, nor total combined annual volume of 1539.0 af.
7. Prior to the diversion and use of water under Rights 34-00868 and 34-07010, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and the point of redirection from Warm Springs Creek.
- *** 8. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- *** 9. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- *** 10. Right 34-07010 is limited to the irrigation of 79.1 acres in the place of use described above in a single irrigation season.
- * 11. 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, for the irrigation of 168.9 acres and stockwater use.
- *** 12. Right 34-00861A is limited to the irrigation of 130.0 acres in the place of use described above in a single irrigation season.
- *** 13. Right 34-00868 is limited to the irrigation of 138.5 acres in the place of use described above in a single irrigation season.
- ** 14. Rights 34-00398, 34-00399, 34-00861A, 34-00868 and 34-07010 when combined shall not exceed a total diversion rate of 10.52 cfs, a total annual maximum diversion volume of 1539.0 af at the field headgate, for irrigation of 437.4 acres and stockwater use.

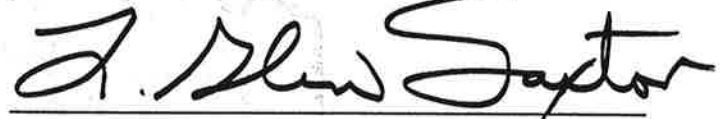
TRANSFER NO. 5552

WATER RIGHT NO(S). 34-00398/34-00399/34-00861A/34-00868/34-07010

CONDITIONS OF APPROVAL AND REMARKS

15. 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 having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Diversion from Warm Springs Creek under Rights 34-00398 and 34-00399 is limited to those times water is available for diversion under these rights and priorities from the original source, Hamilton Springs.
17. The quantity of water under Rights 34-00398 and 34-00399 for stockwater use is not a determination of historical beneficial use, and shall not exceed 13,000 gallons per day.
18. Water is diverted by pumps and a headgate diversion within the NWNESW, S27, T08N, R22E.

Dated this 21st day of March, 2000.


Chief, Water Allocation Bureau

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Broken River Ranch LP c/o Roy E. Crawford Phone (415) 442-1155
(208) 588-2880
Post Office address 5660 W 4920 N Mackay, Idaho 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 _____
2. Describe the reason for the proposed changes Consolidate water rights on contiguous parcels.

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

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use PAGE 1A

2. Total amount of water being transferred 10.52 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water See Pg 1A tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	27	8N	22E	Custer	NOTE: There are two places of
								diversion, (1) pumps in stream and
								(2) headgate to 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 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	27							31	32	34	36	32	32			32	32	261.4
		28													40	40			80.0
		34		32			32	32											96.0
8N	22E	27							S	S	S	S	S	S			S	S	
		28													S	S			
		34		S	S		S	S											

Total acres 437.4

PART 1

6. General Information:

a. Description of diversion system (1) Pump to 12 inch mainline to place of use for sprinkler irrigation. (2) Headworks to ditch to pump for use in 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:

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 _____

PAGE 1A OF 14

Application for Transfer of Water Right
Attachment

Part B.

Right Number	Priority	Amount (cfs)	Nature of Use	Period of Use
a. Warm Springs (Hamilton Springs)				
34-00398 *	8-30-1909	2.00 0.02	Irrigation Stockwater	5-1 to 10-15-99
34-00399 *	5-1-1905	1.20 0.02	Irrigation Stockwater	5-1 to 10-15-99
34-00861A	5-1-1894	2.98	Irrigation	5-1 to 10-15-99
b. Garden Creek				
34-07010 *	8-28-1968	1.60	Irrigation	5-1 to 10-15-99
c. ~~Big Lost~~				
~~34-00868~~	12-6-1913	3.20	Irrigation	5-1 to 10-15-99

2. Total amount of water being transferred: ~~10.98~~ cfs.

10.52

3. Source of water.

a. Warm Springs Creek, tributary to Big Lost River.

b. Garden Creek, tributary to sinks.

c. ~~Big Lost River, tributary to sinks~~

* Limited to 4.34 cfs, total

PART 2

TRANS NO. 5552

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00398 / TRS131

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	2.00 CFS
STOCKWATER	10/16 to 04/30	0.02 CFS
Totals		2.00 CFS

SOURCE

HAMILTON SPRINGS

TRIBUTARY OF

WARM SPRINGS CREEK

Priority: 08/30/1909

LOCATION OF POINT(S) OF DIVERSION:NESW

~~SWNW~~, Sec. 27, Township 08N, Range 22E
~~SENESE~~, Sec. 29, Township 08N, Range 22E
 CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN RGE 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		62.3
34	NENW 30	NWNW 20.5		50.5
Total number of acres irrigated:				168.9

PLACE OF USE: STOCKWATER

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

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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.
- RIGHT NO. 34-00399 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
- POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY OF STOCKWATER.

See condition #9 of transfer 5131

PART 2

TRANS NO. 5552

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00399 / TR 5131

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	1.20 CFS
STOCKWATER	10/16 to 04/30	0.02 CFS
	Totals	1.20 CFS

SOURCE

HAMILTON SPRINGS

TRIBUTARY OF

WARM SPRINGS CREEK

Priority: 05/01/1905

LOCATION OF POINT(S) OF DIVERSION:

NESW
~~SWSW~~, Sec. 27, Township 08N, Range 22E
~~SENESE~~, ~~Sec. 29~~, 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		62.3
		34	NENW 30	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

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. RIGHT NO. 34-00398 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
4. POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY OF STOCKWATER.

See condition #9 on trans 5131

PART 2

TRANS NO. 5552

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00861A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	2.98 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WARM SPRINGS CREEK	BIG LOST RIVER

Priority: 05/01/1894

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 27, Township 08N, Range 22E
CUSTER CountyPLACE 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	SWSE 40	SESE 40		80
		34	NWNE 40	SWNE 10		50
Total number of acres irrigated:						130

CONDITIONS/REMARKS:

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-07010 / TR 5130

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	1.60 CFS	276.8 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
GARDEN CREEK	SINKS

Priority: 08/28/1968

LOCATION OF POINT(S) OF DIVERSION:

~~SWSE~~ ^{S_WSE}, Sec. 28, 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 1		20.5
		28	NWSE 27.3			27.3
		34	NENW 18.3	NWNW 13		31.3
Total number of acres irrigated:						79.1

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.2 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00398 AND 34-00399.

*water is diverted from Garden Creek via ditch & injected into Warm Springs Creek & will be redistributed by pump & ditch.

PART 2

TRANS NO. 5552

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00868

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 12/06/1913

LOCATION OF POINT(S) OF DIVERSION:

Injection
Rediversion

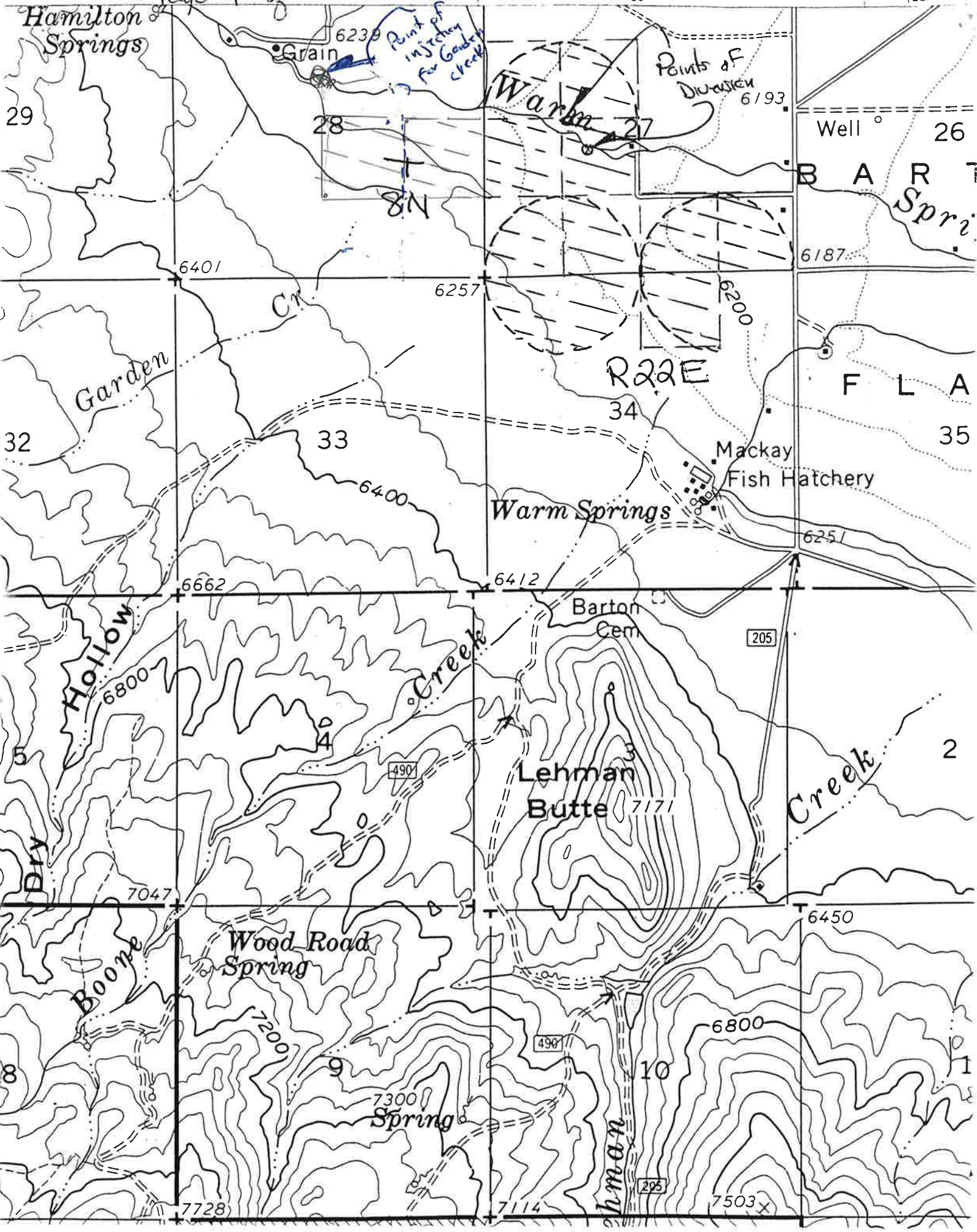
STAYS NESWNW, Sec. 15, Township 08N, Range 21E
↓
SWSWNW, Sec. 27, Township 08N, Range 22E
Changed SWNW, Sec. 27, Township 08N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N 22E 27	SWNW 19	SENW 39	NESW 29	
	NWSW 18	SWSW 4	SESW 28.5	137.5
34	NENW 1			1
Total number of acres irrigated:				138.5

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.
4. TWO POINTS OF REDIVERSION LOCATED IN T08N, R22E, S27, SWNW.
5. WATER IS DELIVERED THROUGH NEILSEN DITCH.



PART 3

B. CHANGES IN NATURE OF USE

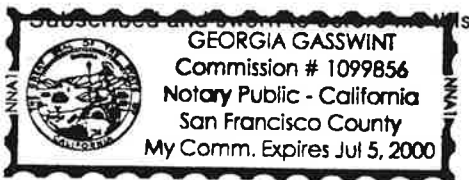
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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.



My commission expires _____

12th day of August, 19 99
 (Signature of Applicant)
Georgia Gasswint
 (Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and _____ attachments

Received by HCT Date 8-18-99 Protest filed by _____

Prelim. check by [Signature] Fee \$100⁰⁰ _____

Receipted by [Signature] # EO25223 Date 8-18-99 _____

Published in Statewide Copies of protest forwarded by _____

Pub. dates 9-23 & 9-30-99 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____