

**No Access Ranch
Proposed Amended Mitigation Plan
Water Right 34-7595**

In September 2016, No Access Ranch submitted three transfer applications, aka the Stacey Ranch East transfer, Stacey Ranch West transfer and Idaho Cowboy Ranch transfer, proposing changes to water rights being used to mitigate ground water right 34-7595 and application 34-13789. The applicants have decided to withdraw Application 34-13789. As a result, the Stacey Ranch East transfer application is no longer necessary and is also being withdrawn resulting in modifications to the remaining two transfers, which will now be referred to as Stacey Ranch (SR) and Idaho Cowboy Ranch (ICR) transfers. If approved, the end result will allow the applicant to mitigate ground water permit 34-7594 with Warm Springs Creek (WSC) water rights, which are more reliable than Big Lost River (BLR) water rights. BLR water rights that overlap the WSC proposed mitigation rights have been included for mitigation to prevent unstacking and expansion. To make it easy for regulation, the mitigation rights are proposed for transfer to the ground water place of use. The following is an explanation of the attached mitigation summary table.

Brief - All of the WSC and BLR rights listed in the summary table and appurtenant to the SR and ICR are limited to 269.2 acres when combined. This total acre limit involves two groups of rights: one group limited to 116.2 acres and the other limited to 153 acres. The water rights' historical places of use and overlaps have been previously analyzed and submitted to the Department as part of a revised mitigation plan submitted for application 34-13789 and permit 34-7594 on September 23, 2003 and found in IDWR's back-files for application 34-13789. For easy reference, attached are the revised plan's water right distribution/overlap analysis table and maps downloaded from the Department's web site. Since the applicant is withdrawing application 34-13789, surface water mitigation is now only required for ground water irrigation under permit 34-7595 consisting of a 124-acre pivot and 32.2 acre field irrigated with wheel lines (156.2 acres total).

Mitigation Group 1 (involving 116.2-acre water right group)

Currently: The WSC rights are limited to 100.2 acres when combined. The overlapping BLR rights are limited to 109.2 acres when combined. Total irrigation from both sources combined is limited to 116.2 acres.

Proposed: Transfer all WSC 100.2 acres to ICR for ground water mitigation with 100.2 acres of overlapping BLR rights, limiting irrigation to 100.2 acres when combined. Transfer extra 16 acres of BLR acres under rights 34-573B and 34-584D to SR. These rights were chosen because they both have the same POU.

Mitigation Group 2 (involving 153-acre water right group)

Currently: WSC right 34-704C allows 25.7 acres irrigation, of which 14.4 acres appear to overlap with BLR right 34-701C.

Proposed: Transfer 17.5 acres of WSC right 34-704C and 14.4 overlapping acres of BLR right 34-701C to ICR for ground water mitigation. Transfer the remaining 8.2 acres under WSC right 34-704C to SR.

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Mitigation Group 3 (involving 153-acre water right group)

Currently: WSC right 34-703C allows 38.5 acres irrigation, which do not appear to have overlapping BLR water.

Proposed: Transfer all 38.5 acres to ICR for ground water mitigation. Remaining acres and water rights applicable to the 153-acre group transferred to SR.

End Result

1890 WSC water and overlapping BLR water will mitigate 108.5 ground water acres.

1905 WSC water and overlapping BLR water will mitigate the remaining 47.7 ground water acres.

When 1905 WSC water is in priority, all 156.2 acres will be irrigated with ground water.

When only 1890 WSC water is in priority, the 32.2-acre wheel line field will not be irrigated and pivot irrigation will be curtailed 15.5 acres by reducing sprinkler heads.

As shown on the summary table, accounting for 21% Hatchery Ditch shrink, the deliverable rate from the WSC water rights proposed for mitigation is sufficient for sprinkler irrigation of all 156.2 acres, and even more so with the addition of the overlapping BLR water rights.

With 156.2 acres of surface water devoted to ground water mitigation at ICR, the remaining surface water will be used for irrigation of 113 acres at the SR.

Department Questions per 10/18/2016 Information Request Letter

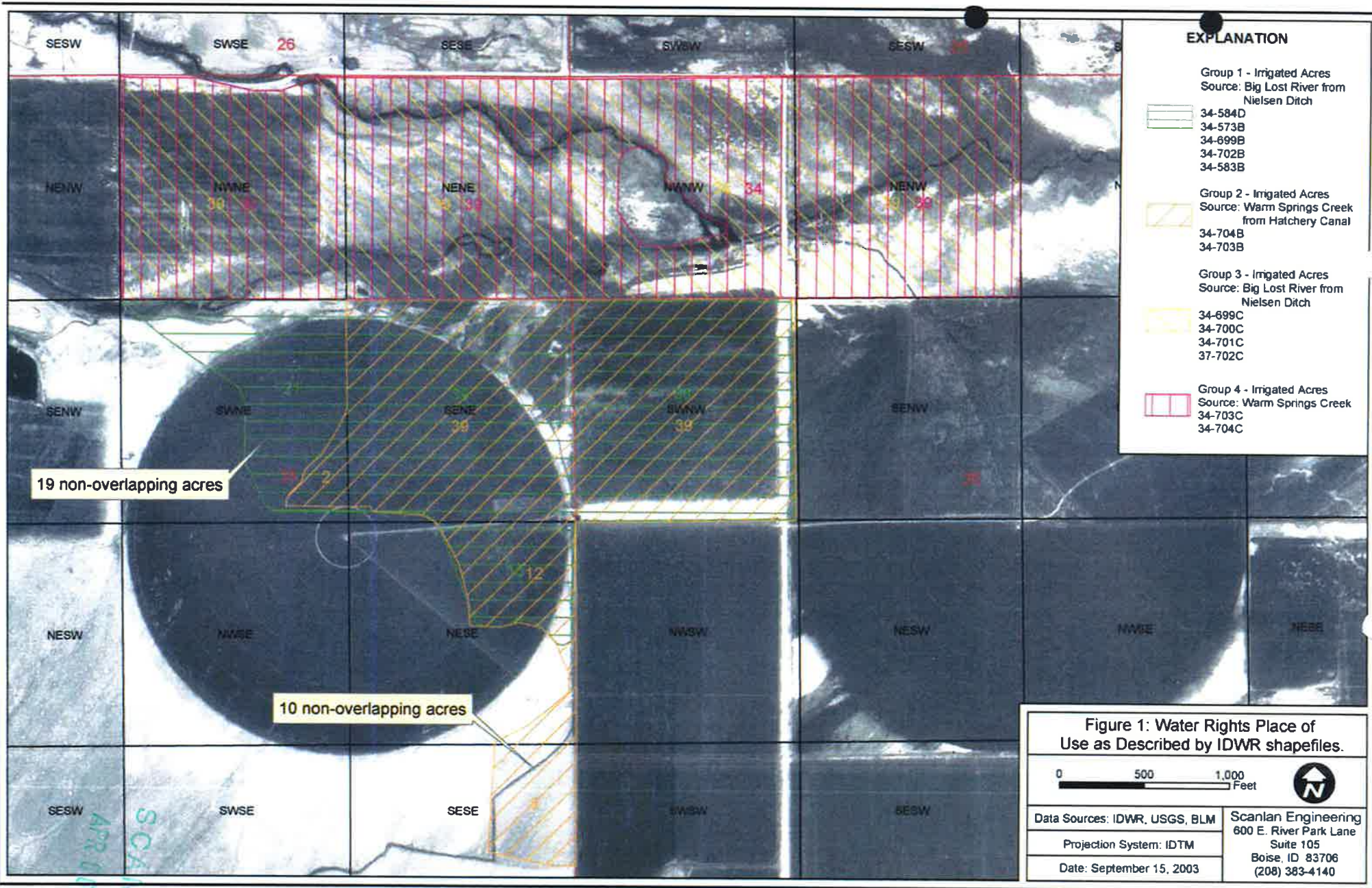
1. Historical Availability of the proposed mitigation water rights? Available to the Department through watermaster records submitted annually for Water District 34.
2. The amount of water available for irrigation after conveyance losses? Addressed in attached table.
3. Description of how the proposed source of water and mitigation source of water are hydraulically connected? Ground water proposed under permit 34-7595 and surface water from Big Lost River and Warm Springs Creek are interconnected via Mackay Reservoir.
4. Description of existing combined limit conditions (rate, volume, acres) and how those combined limits will be preserved and distributed over the new arrangement of water rights to prevent enlargement of the rights? The water right acre limits will remain the same.
5. Plan for measuring the diversion of ground water rights and mitigation water rights? Flow meter for the well; delivered or not delivered for the surface water (see **End Result** above).
6. Analysis for estimating timing, quantity, and location of the proposed depletion? Depletion is assumed to be immediate since both sources are tributary to Mackay Reservoir.
7. An explanation of how the limitations of water right 34-703B affect the mitigation plan? See attached table.

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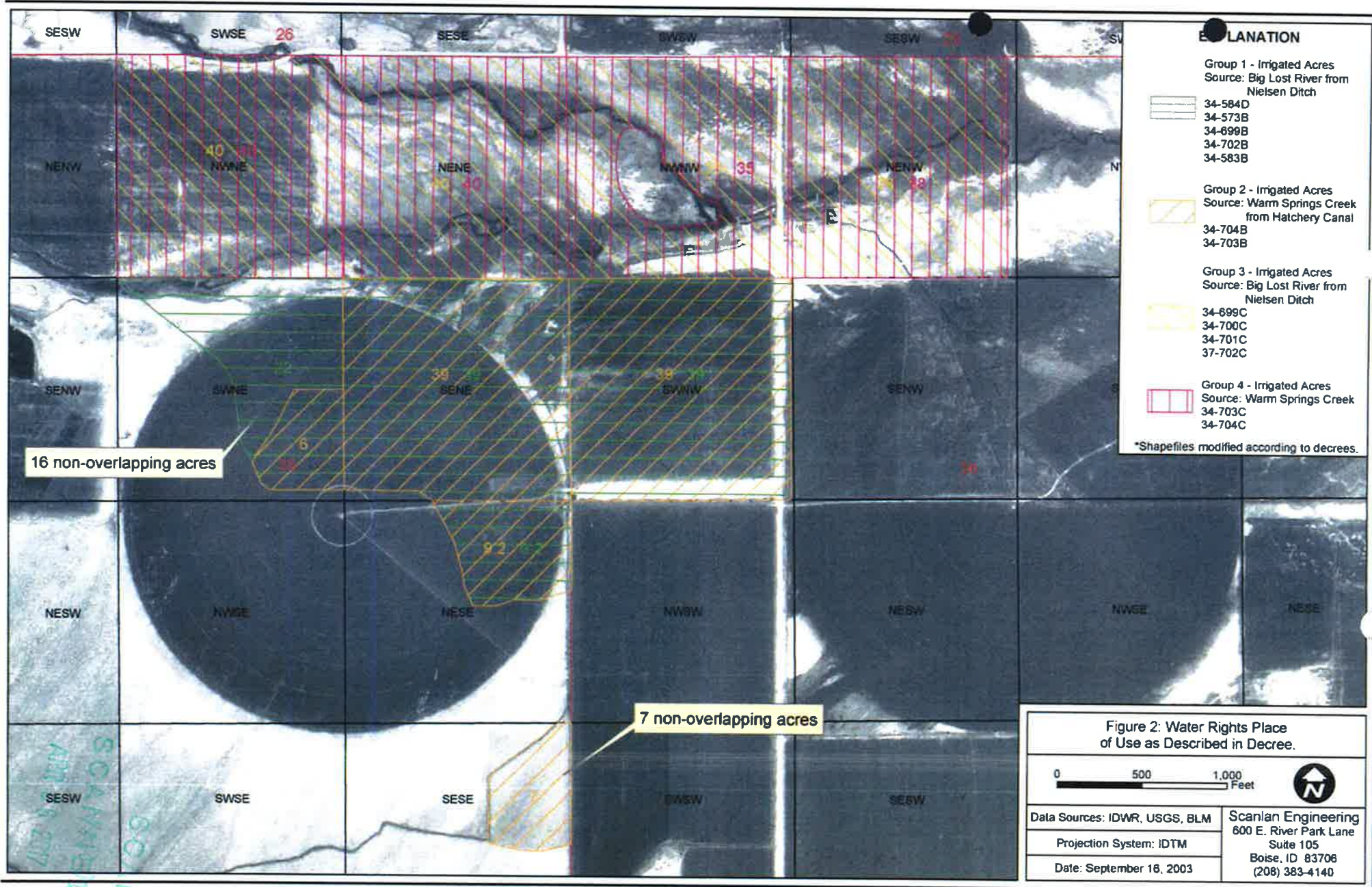
Table 1
Existing Water Right Distribution and Overlap Analysis
Refer to Figures 1, 2 and 3

		Priority	Total	35 NENE	35 NWNE(a)	35 NWNE(b)	35 SWNE(a)	35 SWNE(b)	35 SWNE(c)	35 SENE(a)	35 SENE(b)	35 NESE	35 NWSE	35 SESE	36 NENW	36 NWNW(a)	36 NWNW(b)	36 SWNW	Total
Warm Spr (HC)	703B	1890	70																70
Warm Spr (HC)	704B	1905	30.2						6	15	24	9.2		7				39	30.2
Big Lost (South)	699B	1885	8				8												8
Big Lost (South)	583B	1899	40					8	6	15	11								40
Big Lost (South)	702B	1910	21.3								12.1	9.2							21.3
Big Lost (South)	573B	1912	109.2				8	8	6	15	24	9.2						39	109.2
Big Lost (South)	584D	1916	109.2				8	8	6	15	24	9.2						39	109.2
							8	8	6	15	24	9.2		7				39	116.2
Warm Spr (Stacey)	703C	1890	38.5												38				38.5
Warm Spr (Stacey)	704C	1905	25.7													14.4	0.5 11.3		25.7
Big Lost (Stacey)	699C	1885	7.5		7.5														7.5
Big Lost (Stacey)	700C	1905	18.2			18.2													18.2
Big Lost (Stacey)	702C	1910	20.8			14.3													20.8
Big Lost (Stacey)	701C	1916	56.7	40												14.4	6.5 2.3		56.7
				40	7.5	32.5									38	14.4	20.6		153
1/4 1/4 Section Total				40		40			22		39	9.2	0	7	38		35	39	269.2

Note: Assumed primary water rights are bolded and assumed overlap rights are italicized



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2017

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 34-07595

Priority: January 11, 2000

Maximum Diversion Rate:

3.12 CFS

This is to certify, that IDAHO COWBOY INC
C/O DAVID STOECKLEIN
PO BOX 856
KETCHUM ID 83440

has applied for a permit to appropriate water from: GROUNDWATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
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IRRIGATION	04/01 to 10/31	3.12 CFS
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LOCATION OF POINT(S) OF DIVERSION:

SWNW , Sec. 36, 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	35	SWNE 31.0	SENE 31.0	NESE 31.0	124.0
			NWSE 31.0			32.2
		36	SWNW 32.2			

Total number of acres irrigated: 156.2

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before March 1, 2005.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. 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.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.

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State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 34-07595

CONDITIONS OF APPROVAL AND REMARKS

8. Use of water under this right is subject to the terms of the mitigation plan submitted by the right holder. Rights 34-00703B, 34-00704B, 34-00573B, 34-00583B, 34-00584D, 34-00699B, 34-00702B, and portions of Rights 34-00703C, 34-00704C, 34-00699C, 34-00700C, 34-00701C and 34-00702C are to serve as mitigation for diversion under this right for any irrigation season that the right holder wishes to divert groundwater instead of surface water.
9. The water normally delivered under Rights 34-00703B, 34-00704B, 34-00573B, 34-00583B, 34-00584D, 34-00699B, 34-00702B and portions of Rights 34-0070C, 34-00704C, 34-00699C, 34-00700C, 34-00701C and 34-00702C shall remain undiverted in Warm Springs Creek and the Big Lost River in any year that the right holder diverts groundwater under this right.
10. Water rights from the Warm Springs Creek source shall be subject to 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 No. 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.
11. 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.
12. Water will not be diverted from groundwater under this right at such times when an equivalent amount of the surface water rights provided for mitigation is not deliverable.
13. The right holder shall be entitled to cease use of the groundwater right and resume use of the surface water rights upon request in writing to the Water District 34 watermaster prior to the beginning of the irrigation season. The right holder shall not be entitled to divert from both sources in any year.
14. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and a totalizing meter which displays the instantaneous rate of diversion from the well. Written notice of compliance with this condition shall be submitted to IDWR. If the measuring device or totalizing meter becomes inoperable at any time, diversion of water from the well under this right shall cease.
15. Rights 34-00573B, 34-00583B, 34-00584D, 34-00699C, 34-00700C, 34-00701C, 34-00702B, 34-00702C, 34-00703B, 34-00703C, 34-00704B, 34-00704C, and 34-07595 when combined shall not exceed the irrigation of 269.2 total acres.

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State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 34-07595

CONDITIONS OF APPROVAL AND REMARKS

16. During any irrigation season that groundwater is diverted under this right, use of water rights 34-00573B, 34-00583B, 34-00584D, 34-00699C, 34-00700C, 34-00701C, 34-00702B, 34-00702C, 34-00703B, 34-00703C, 34-00704B and 34-00704C is limited to a total combined diversion rate of 4.70 cfs.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this

19 day of May, 2000.

Karl J. Dreher
for Karl J. Dreher, Director

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/17/2018

Water Right 34-583B

Owner Type **Name and Address**
Current Owner BORAH BORAH RANCH LLC
C/O MICHAEL JOHN
91 LAUREL GROVE AVE
PO BOX 819
ROSS, CA 94957

Priority Date: 6/1/1899

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.800 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.800 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER	NESWNW	Sec. 15, Twp 08N, Rge 21E,	CUSTER County
BIG LOST RIVER	SWSWNW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(I)
BIG LOST RIVER	SESESW	Sec. 26, Twp 08N, Rge 22E,	CUSTER County(R)

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			31.0	31.0									31.0	31.0			124.0
08N	22E	36							32.2										32.2

Right Acre Limit: 40.0

POU Total Acres: 156.2

STOCKWATER within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			X	X													

Conditions of Approval:

1. X27 This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-583B, 34-699B, 34-702B, 34-14582 and 34-14586 when combined shall not exceed the irrigation of 93.2 acres.
3. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582 and 34-14586 when combined shall not exceed a total diversion rate of 3.94 cfs, a total annual maximum diversion volume of 350.7 af at the field headgate, and the irrigation of 100.2 acres.

IDAHO DEPARTMENT OF WATER RESOURCES
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4. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. R43 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(s).
7. X11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and at the point of rediversion from Warm Springs Creek.
8. Water is delivered through the Neilsen Ditch,
9. S34 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 Director of the Idaho Department of Water Resources.
10. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. N15 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/17/2018

Water Right 34-699B

Owner Type **Name and Address**
Current Owner BORAH BORAH RANCH LLC
C/O MICHAEL JOHN
91 LAUREL GROVE AVE
PO BOX 819
ROSS, CA 94957

Priority Date: 6/1/1885

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.160 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.160 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER	SWSWNW	Sec. 27, Twp 08N, Rge 22E, CUSTER County(I)
BIG LOST RIVER	SESESW	Sec. 26, Twp 08N, Rge 22E, CUSTER County(R)
BIG LOST RIVER	NESWNW	Sec. 15, Twp 08N, Rge 21E, CUSTER County

Place Of Use

STOCKWATER within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			X	X													

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			31.0	31.0									31.0	31.0			124.0
08N	22E	36							32.2										32.2

Right Acre Limit: 8.0

POU Total Acres: 156.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 8 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-583B, 34-699B, 34-702B, 34-14582 and 34-14586 when combined shall not exceed the irrigation of 93.2 acres.
3. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582 and 34-14586 when combined shall not exceed a total diversion rate of 3.94 cfs, a total annual maximum diversion volume of 350.7 af at the field headgate, and the irrigation of 100.2 acres.

IDAHO DEPARTMENT OF WATER RESOURCES
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7/17/2018

4. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. R43 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(s).
7. X11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and at the point of rediversion from Warm Springs Creek.
8. Water is delivered through the Neilsen Ditch,
9. S34 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 Director of the Idaho Department of Water Resources.
10. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. N15 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/17/2018

Water Right 34-702B

Owner Type **Name and Address**
Current Owner BORAH BORAH RANCH LLC
C/O MICHAEL JOHN
91 LAUREL GROVE AVE
PO BOX 819
ROSS, CA 94957

Priority Date: 5/1/1910

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.426 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.426 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER	NESWNW	Sec. 15, Twp 08N, Rge 21E,	CUSTER County
BIG LOST RIVER	SESESW	Sec. 26, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	SWSWNW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(I)

Place Of Use

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			31.0	31.0									31.0	31.0			124.0
08N	22E	36							32.2										32.2

Right Acre Limit: 21.3

POU Total Acres: 156.2

STOCKWATER within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			X	X													

Conditions of Approval:

1. X27 This right is limited to the irrigation of 21.3 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-583B, 34-699B, 34-702B, 34-14582 and 34-14586 when combined shall not exceed the irrigation of 93.2 acres.
3. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582 and 34-14586 when combined shall not exceed a total diversion rate of 3.94 cfs, a total annual maximum diversion volume of 350.7 af at the field headgate, and the irrigation of 100.2 acres.

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4. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. R43 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(s).
7. X11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and at the point of redirection from Warm Springs Creek.
8. Water is delivered through the Neilsen Ditch,
9. S34 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 Director of the Idaho Department of Water Resources.
10. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. N15 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/17/2018

Water Right 34-703B

Owner Type **Name and Address**
Current Owner BORAH BORAH RANCH LLC
C/O MICHAEL JOHN
91 LAUREL GROVE AVE
PO BOX 819
ROSS, CA 94957

Priority Date: 6/1/1890

Basis: Decreed

Status: Active

Source **Tributary**
WARM SPRINGS CREEK BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	1.400 CFS	245.0 AF
STOCKWATER	01/01	12/31	0.020 CFS	6.7 AF
	<u>Total Diversion</u>		1.400 CFS	251.7 AF

Source and Point(s) of Diversion

WARM SPRINGS CREEK	SENWSE	Sec. 34, Twp 08N, Rge 22E, CUSTER County
WARM SPRINGS CREEK	SENWNW	Sec. 36, Twp 08N, Rge 22E, CUSTER County

Place Of Use

STOCKWATER within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35															X	X	

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			31.0	31.0									31.0	31.0			124.0
08N	22E	36							32.2										32.2

Right Acre Limit: 70.0

POU Total Acres: 156.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 70 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-703B and 34-704B shall not exceed a total combined diversion rate of 1.85 cfs of water at the point of diversion located in the SENWNW, S36, T08N, R22E.
3. X35 Rights 34-703B and 34-704B when combined shall not exceed a total annual maximum diversion volume of 364.1 AF at the field headgate and the irrigation of 100.2 acres.

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4. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582 and 34-14586 when combined shall not exceed a total diversion rate of 3.94 cfs, a total annual maximum diversion volume of 350.7 af at the field headgate, and the irrigation of 100.2 acres.
5. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
6. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
7. R43 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(s).
8. 201 The combination of changes under Transfer approval 5544 as described under rights 34-703B and 34-704B provide the necessary mitigations for a change to a point of diversion. Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. The right holder shall leave 21 percent of the water associated with the water rights being transferred in the Upper Fish Hatchery canal to mitigate the diversion of water at the new point of diversion in the SENWNW, S36, T08N, R22E, B.M.
9. S34 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 Director of the Idaho Department of Water Resources.
10. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. N15 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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4. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. R43 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(s).
7. 201 The combination of changes under Transfer approval 5544 as described under rights 34-703B and 34-704B provide the necessary mitigations for a change to a point of diversion. Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. The right holder shall leave 21 percent of the water associated with the water rights being transferred in the Upper Fish Hatchery canal to mitigate the diversion of water at the new point of diversion in the SENWNW, S36, T08N, R22E, B.M.
8. S34 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 Director of the Idaho Department of Water Resources.
9. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11. N15 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.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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Water Right 34-14582

Owner Type **Name and Address**
Current Owner BORAH BORAH RANCH LLC
C/O MICHAEL JOHN
91 LAUREL GROVE AVE
PO BOX 819
ROSS, CA 94957

Priority Date: 6/1/1916

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.500 CFS	
STOCKWATER	1/01	12/31	0.010 CFS	
	<u>Total Diversion</u>		0.500 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER	SWSWNW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(I)
BIG LOST RIVER	SESESW	Sec. 26, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	NESWNW	Sec. 15, Twp 08N, Rge 21E,	CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			31.0	31.0									31.0	31.0			124.0
08N	22E	36							32.2										32.2

Right Acre Limit: 93.2

POU Total Acres: 156.2

STOCKWATER within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			X	X													

Conditions of Approval:

1. X27 This right is limited to the irrigation of 93.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-583B, 34-699B, 34-702B, 34-14582 and 34-14586 when combined shall not exceed the irrigation of 93.2 acres.
3. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582 and 34-14586 when combined shall not exceed a total diversion rate of 3.94 cfs, a total annual maximum diversion volume of 350.7 af at the field headgate, and the irrigation of 100.2 acres.

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4. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. R43 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(s).
7. X11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and at the point of rediversion from Warm Springs Creek.
8. Water is delivered through the Neilsen Ditch,
9. S34 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 Director of the Idaho Department of Water Resources.
10. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. N15 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BORAH BORAH RANCH LLC C/O MICHAEL JOHN 91 LAUREL GROVE AVE PO BOX 819 ROSS, CA 94957

Status: Active

Tributary SINKS

50.4 AF

BIG LOST RIVER	NESWNW	Sec. 15, Twp 08N, Rge 21E,	CUSTER County
BIG LOST RIVER	SESESW	Sec. 26, Twp 08N, Rge 22E,	CUSTER County(R)
BIG LOST RIVER	SWSWNW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(I)

IRRIGATION within CUSTER County

[illegible]

POU Total Acres: 156.2

1.	X27	This right is limited to the irrigation of 14.4 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 34-14583, 34-14584 and 34-14585 when combined shall not exceed a total diversion rate of 1.27 cfs, a total annual maximum diversion volume of 202.4 af at the field headgate, and the irrigation of 56 acres.
3.	X35	Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
4.	R05	Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.

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5. R43 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(s).
6. X11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and at the point of rediversion from Warm Springs Creek.
7. This right is specifically conditioned upon the terms and Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit no 34-7591, in the name of L&S Partners, numerous other captioned matters and the Preliminary Order of the Department issued on November 18, 1999. Any change to this right 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.
8. Water is delivered through the Neilsen Ditch.
9. S34 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 Director of the Idaho Department of Water Resources.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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Water Right 34-14584

Owner Type **Name and Address**
Current Owner BORAH BORAH RANCH LLC
C/O MICHAEL JOHN
91 LAUREL GROVE AVE
PO BOX 819
ROSS, CA 94957

Priority Date: 6/1/1890

Basis: Decreed

Status: Active

Source
WARM SPRINGS CREEK

Tributary
BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.770 CFS	134.7 AF
	<u>Total Diversion</u>		0.770 CFS	134.7 AF

Source and Point(s) of Diversion

WARM SPRINGS CREEK SWNWNE Sec. 35, Twp 08N, Rge 22E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			31.0	31.0									31.0	31.0			124.0
08N	22E	36							32.2										32.2

Right Acre Limit: 38.5

POU Total Acres: 156.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 38.5 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-14583, 34-14584 and 34-14585 when combined shall not exceed a total diversion rate of 1.27 cfs, a total annual maximum diversion volume of 202.4 af at the field headgate, and the irrigation of 56 acres.
3. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
4. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. R43 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(s).

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6. X11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and at the point of redirection from Warm Springs Creek.
7. This right is specifically conditioned upon the terms and Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit no 34-7591, in the name of L&S Partners, numerous other captioned matters and the Preliminary Order of the Department issued on November 18, 1999. Any change to this right 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.
8. Water is delivered through the Neilsen Ditch.
9. S34 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 Director of the Idaho Department of Water Resources.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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Water Right 34-14585

Owner Type **Name and Address**
Current Owner BORAH BORAH RANCH LLC
C/O MICHAEL JOHN
91 LAUREL GROVE AVE
PO BOX 819
ROSS, CA 94957

Priority Date: 5/1/1905

Basis: Decreed

Status: Active

Source
WARM SPRINGS CREEK

Tributary
BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.350 CFS	61.3 AF
	<u>Total Diversion</u>		0.350 CFS	61.3 AF

Source and Point(s) of Diversion

WARM SPRINGS CREEK SWNWNE Sec. 35, Twp 08N, Rge 22E, CUSTER County

Place Of Use

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			31.0	31.0									31.0	31.0			124.0
08N	22E	36							32.2										32.2

Right Acre Limit: 17.5

POU Total Acres: 156.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 17.5 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-14583, 34-14584 and 34-14585 when combined shall not exceed a total diversion rate of 1.27 cfs, a total annual maximum diversion volume of 202.4 af at the field headgate, and the irrigation of 56 acres.
3. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
4. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. R43 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(s).

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6. X11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and at the point of rediversion from Warm Springs Creek.
7. This right is specifically conditioned upon the terms and Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit no 34-7591, in the name of L&S Partners, numerous other captioned matters and the Preliminary Order of the Department issued on November 18, 1999. Any change to this right 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.
8. Water is delivered through the Neilsen Ditch.
9. S34 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 Director of the Idaho Department of Water Resources.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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Water Right 34-14586

Owner Type **Name and Address**
Current Owner BORAH BORAH RANCH LLC
C/O MICHAEL JOHN
91 LAUREL GROVE AVE
PO BOX 819
ROSS, CA 94957

Priority Date: 5/13/1912

Basis: Decreed

Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	2.050 CFS	
STOCKWATER	1/01	12/31	0.010 CFS	
	<u>Total Diversion</u>		2.050 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER	NESWNW	Sec. 15, Twp 08N, Rge 21E,	CUSTER County
BIG LOST RIVER	SWSWNW	Sec. 27, Twp 08N, Rge 22E,	CUSTER County(I)
BIG LOST RIVER	SESESW	Sec. 26, Twp 08N, Rge 22E,	CUSTER County(R)

Place Of Use

STOCKWATER within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			X	X													

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	35			31.0	31.0									31.0	31.0			124.0
08N	22E	36							32.2										32.2

Right Acre Limit: 93.2

POU Total Acres: 156.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 93.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-583B, 34-699B, 34-702B, 34-14582 and 34-14586 when combined shall not exceed the irrigation of 93.2 acres.
3. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582 and 34-14586 when combined shall not exceed a total diversion rate of 3.94 cfs, a total annual maximum diversion volume of 350.7 af at the field headgate, and the irrigation of 100.2 acres.

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4. X35 Rights 34-583B, 34-699B, 34-702B, 34-703B, 34-704B, 34-14582, 34-14583, 34-14584, 34-14585 and 34-14586 when combined shall not exceed a total diversion rate of 5.21 cfs, a total annual maximum diversion volume of 553.1 af at the field headgate, and the irrigation of 156.2 acres.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
6. R43 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(s).
7. X11 Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and at the point of rediversion from Warm Springs Creek.
8. Water is delivered through the Neilsen Ditch,
9. S34 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 Director of the Idaho Department of Water Resources.
10. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
12. N15 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.