

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77970**MAY 30 2012**Department of Water Resources
Eastern Region**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Sally JohnsonPhone 208-588-4024Mailing address 6222 Bartlett Point Road, Mackay, Id 83251Email snafflebithorses@aol.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____

Phone _____

Mailing address _____

Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Sally Rae Johnson

Signature of Applicant or Authorized Representative

Sally Rae Johnson

Print Name and Title if applicable

5-23-2012

Date

Signature of Applicant or Authorized Representative_____
Print Name and Title if applicable_____
Date**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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. See attached page**.

77970**EXHIBIT**

tabbies

A100

Johnson Transfer Part 1A.2

Applicant proposes to add point of diversion, change a point of diversion, and change the places of use for her water rights to accommodate the installation of a center pivot sprinkler system. The place of use change is necessary in order to fit the center pivot system into her farm ground.

To more efficiently transport water from the Big Lost River to her pivot, applicant seeks to add the Nielsen Ditch as a point of diversion. Her diversion rate in the Nielsen Ditch will be limited to 4.0cfs. Applicant has provided a letter from the spokesperson for the Nielsen Ditch verifying that the ditch can carry the additional water, and that no problems associated with the additional water are foreseen.

The applicant also seeks to correct a legal description discrepancy for the water rights that are diverted through the Anderson Ditch. The Anderson Ditch diversion is located in SWSW, Section 16, T08N, R21E. IDWR record describes the Anderson Ditch diversion to be in the SESW, Section 16, T08N, R21E.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	34-24	1.6	Irrigation	5/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-26	2.9	Irrigation	5/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-54	1.7	Irrigation	5/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-55A	0.36	Irrigation	5/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-344	1.0	Irrigation	5/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-351	2.4	Irrigation	5/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-734	4.0	Irrigation	5/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-735	1.25	Irrigation	5/01 to 10/15	Big Lost River/Sinks
☒ ☐	34-352	0.8	Irrigation	5/01 to 10/15	Rock Spr. Cr./Big Lost River

Total authorized under rights 15.31 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 15.31 cubic feet per second and/or acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SE	16	08N	21E	Custer	Big Lost River	Johnson/Hatmaker
			SW	SE	SW	16	08N	21E	Custer	Thalman/Hunter
			SW	SW	16	08N	21E	Custer	Big Lost River	Anderson
			SW	NE	NW	14	08N	21E	Custer	Rock Springs Creek
			NW	SE	16	08N	21E	Custer	Big Lost River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	21E	15									40	40	36	20		34			170
08N	21E	16			2	18									39	34	40	40	173
08N	21E	11												16.4			16.4	36.6	69.4
08N	21E	14	39.9	25			13.3												78.2
08N	21E	13						36.1											36.1
08N	21E	12										1.2	35	1.1					37.3

Total Acres (for irrigation use) 564

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Ident. No. _____

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: there will be a screw headgate
+ a mag meter
- b. Who owns the property at the point(s) of diversion? Looks like diversion sits on diversion line.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Access to diversion is grandfathered in. Ditch has been
in since 1882
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: None

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
That land will be dried up.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Water Right 34-10251 has a diversion rate of 0.1cfs for irrigation and is appurtenant to 5 acres in NWSE, Section 16,
T08N, R21E. It is a spring and is tributary to sinks. Water Right 34-56 has a diversion rate of 1.2cfs for irrigation and is
appurtenant to 86 acres in NESW, NWSE, SESW Section 15, T08N, R21E. The source is Bartlett Creek and it is
tributary to the Big Lost River. The Nielsen Ditch has numerous water rights diverted along its course.
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- | Yes | No | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-54

WATER RIGHT NUMBER: 34-54

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SALLY RAE JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	WALTER H JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	JOAN JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	DIANE K HATMAKER 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236

Priority Date: 10/01/1899

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	1.700 CFS	
	<u>Total Diversion:</u>	1.700 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	NW1/4SE1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		
BIG LOST RIVER	SE1/4SW1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		
BIG LOST RIVER	SW1/4SE1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	21E	15									40.0	40.0	36.0	20.0				34.0	170.0
08N	21E	16			2.0	18.0									39.0	34.0	40.0	40.0	173.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-54

Total Acres: 343

Conditions of Approval:

1. TWO POINTS OF DIVERSION LOCATED IN T08N, R21E, S16, SESW.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00024, 34-00055A AND 34-00026.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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.
6. USE OF THIS RIGHT WITH RIGHT NOS. 34-00055A AND 34-00056 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 103 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 343 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00055A, 34-00026, 34-00056, 34-00024 AND 34-10251.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 85 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:Comments:

1. DCARLSON 5/4/1992 NOTICE OF ERROR
Comment: ADDED ACRES. CHANGED REMARKS

2. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-344

WATER RIGHT NUMBER: 34-344

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SALLY JOHNSON 6222 BARLETT POINT RD MACKAY, ID 83251 (208)588-2236
Attorney	HARRY DE HAAN 335 BLUE LAKES BLVD N TWIN FALLS, ID 83301 (208)733-0731

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	SW1/4SE1/4SW1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
08N	21E	11												16.0				14.0	13.0	43.0
08N	21E	12									18.0		25.0	29.0						72.0
08N	21E	13											34.0							34.0
													L 4							
08N	21E	14	36.0	23.0			13.0													72.0

Total Acres: 221

Conditions of Approval:

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-344

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. 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.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 221 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00344, 34-00734, 34-00352, 34-00735 AND 34-00351.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. E51 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.75 CFS. COMBINED RIGHT NOS.: 34-00344, 34-00734, 34-00352, 34-00735 AND 34-00351.
6. F01 WATER IS DELIVERED THROUGH HUNTER TOLMAN DITCH.

Remarks:Comments:

1. ECARLSEN 11/28/1995 COPIED FROM REMARKS
 Comment: DECREED. THIS PLACE IS IN LITIGATION SINCE THE DEATH OF THE PREVIOUS OWNER. I NOW OWN HALF AND AM IN THE PROCESS OF OBTAINING THE REST OF THE PLACE. ONLY THE 08N 21E 14 SE REMAINS WITH THIS PLACE. THE 3-40'S HAVE PREVIOUSLY BEEN SOLD OFF AND ARE NO LONGER IRRIGATED. THEREFORE I AM APPLYING FOR THE TOTAL AMOUNT WHICH IS 1 CFS. THIS GROUND IS COURSE AND GRAVELY AND TAKES MORE WATER. PRESUMPTION STATUTE WATER USED WHERE NEEDED.

2. CFRITSCH 7/3/1997 COPIED FROM REMARKS
 Comment: 1.00 CFS OF THIS RIGHT AND 0.54 CFS OF RIGHT NO. 34-00735 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 34-00351, 34-00734, AND 1.93 CFS OF 34-00735.

3. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
 Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
 Decreed Date: 9/17/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-24

WATER RIGHT NUMBER: 34-24

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOAN JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	DIANE K HATMAKER 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	SALLY RAE JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	WALTER H JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236

Priority Date: 04/01/1888

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	to 10/15	1.600 CFS	
	<u>Total Diversion:</u>		1.600 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	NW1/4SE1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		
BIG LOST RIVER	SE1/4SW1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		
BIG LOST RIVER	SW1/4SE1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	21E	15									40.0	40.0	36.0	20.0				34.0	170.0
08N	21E	16			2.0	18.0									39.0	34.0	40.0	40.0	173.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-24

Total Acres: 343

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 343 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00055A, 34-00026, 34-00054, 34-00056 AND 34-10251.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00055A, 34-00026 AND 34-00054.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. TWO POINTS OF DIVERSION LOCATED IN T08N, R21E, S16, SESW.
6. 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.

Remarks:Comments:

1. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
 Decreed Date: 1/15/1998
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		343
Combined Water Rights: 34-54 , 34-24 , 34-26 , 34-10251 , 34-55A , 34-56		

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-351

WATER RIGHT NUMBER: 34-351

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	HARRY DE HAAN 335 BLUE LAKES BLVD N TWIN FALLS, ID 83301 (208)733-0731
Current Owner	SALLY JOHNSON 6222 BARLETT POINT RD MACKAY, ID 83251 (208)588-2236

Priority Date: 08/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> _____ <u>To</u> _____	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/15	2.400 CFS	
<u>Total Diversion:</u>		2.400 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	SW1/4SE1/4SW1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
08N	21E	11												16.0				14.0	13.0	43.0
08N	21E	12									18.0		25.0	29.0						72.0
08N	21E	13							34.0											34.0
									L 4											
08N	21E	14	36.0	23.0			13.0													72.0

Total Acres: 221

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-351

2. F01 WATER IS DELIVERED THROUGH THE HUNTER TOLMAN DITCH.
3. 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.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. E51 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.75 CFS. COMBINED RIGHT NOS.: 34-00351, 34-00734, 34-00352, 34-00735 AND 34-00344.
7. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 221 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00351, 34-00734, 34-00352, 34-00735 AND 34-00344.

Remarks:Comments:

1. ECARLSEN 9/7/1995 COPIED FROM REMARKS

Comment: DECREED. THIS PLACE HAS BEEN IN LITIGATION SINCE THE DEATH OF THE PREVIOUS OWNER. I NOW OWN HALF AND AM IN THE PROCESS OF OBTAINING THE REST OF THE PLACE. THIS GROUND IS COURSE AND GRAVELY AND TAKES MORE WATER UNDER THE PRESUMPTION STATUTE THIS WATER IS USED WHERE NEEDED.

2. CFRITSCH 7/3/1997 COPIED FROM REMARKS

Comment: 0.54 CFS OF RIGHT NO. 34-00735 AND 1.00 CFS OF RIGHT NO. 34-00344 ARE LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 34-00351, 34-00734, AND 1.93 CFS OF 34-00735.

Dates and Other Information:

Licensed Date:
 Decreed Date: 9/17/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.75		221

Combined Water Rights: 34-351 , 34-344 , 34-735 , 34-734 , 34-352

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-734

WATER RIGHT NUMBER: 34-734

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SALLY JOHNSON 6222 BARLETT POINT RD MACKAY, ID 83251 (208)588-2236
Attorney	HARRY DE HAAN 335 BLUE LAKES BLVD N TWIN FALLS, ID 83301 (208)733-0731

Priority Date: 06/01/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	10/15	4.000 CFS	
	<u>Total Diversion:</u>		4.000 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	SW1/4SE1/4SW1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	21E	11												16.0			14.0	13.0	43.0
08N	21E	12									18.0		25.0	29.0					72.0
08N	21E	13							34.0										34.0
08N	21E	14	36.0	23.0			13.0												72.0

Total Acres: 221

Conditions of Approval:

77970

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-734

1. 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.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 221 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00351, 34-00352, 34-00734, 34-00735 AND 34-00344.
4. F01 WATER IS DELIVERED THROUGH HUNTER TOLMAN DITCH.
5. E51 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.75 CFS. COMBINED RIGHT NOS.: 34-00351, 34-00352, 34-00734, 34-00735 AND 34-00344.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:Comments:

1. ECARLSEN 12/1/1995 COPIED FROM REMARKS

Comment: DECREED. THIS PLACE IS IN LITIGATION SINCE THE DEATH OF THE PREVIOUS OWNER. I NOW OWN HALF AND AM IN THE PROCESS OF OBTAINING THE REST OF THE PLACE. UNDER THE PRESUMPTION STATUTE THE WATER THAT WAS DECREED TO THE BLM GROUND, NE OF NW HAS BEEN TRANSFERRED TO PRIVATE GROUND MANY YEARS AGO. ALSO THIS GROUND IS COURSE AND GRAVELY AND TAKES MOR WATER UNDER PRESUMPTION STATUTE WATER USED WHEN NEEDED. WATER IS DELIVERED THROUGH HUNTER TOLMAN DITCH. 0.54 CFS OF THIS RIGHT AND 1.0 CFS OF RIGHT NO. 34-00344 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 34-00351, 34-00734, AND 1.93 CFS OF 34-00735. USE OF THIS RIGHT WITH RIGHT NO. 34-00351 AND OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.35 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 552.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 221 ACRES IN A SINGLE IRRIGATION SEASON. COPIED FROM REMARKS DECREED. THIS PLACE IS IN LITIGATION SINCE THE DEATH OF THE PREVIOUS OWNER. I NOW OWN HALF AND AM IN THE PROCESS OF OBTAINING THE REST OF THE PLACE. UNDER THE PRESUMPTION STATUTE THE WATER THAT WAS DECREED TO THE BLM GROUND, NE OF NW HAS BEEN TRANSFERRED TO PRIVATE GROUND MANY YEARS AGO. ALSO THIS GROUND IS COURSE AND GRAVELY AND TAKES MOR WATER UNDER PRESUMPTION STATUTE WATER USED WHEN NEEDED.

2. CFRITSCH 7/3/1997 COPIED FROM REMARKS

Comment: 0.54 CFS OF RIGHT NO. 34-00375 AND 1.0 CFS OF RIGHT NO. 34-00344 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 34-00351, 34-00734, AND 1.93 CFS OF 34-00735.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-55A

WATER RIGHT NUMBER: 34-55A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOAN JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	DIANE K HATMAKER 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	WALTER H JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	SALLY RAE JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236

Priority Date: 02/12/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	to 10/15	0.360 CFS	
	<u>Total Diversion:</u>		0.360 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	NW1/4SE1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		
BIG LOST RIVER	SE1/4SW1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		
BIG LOST RIVER	SW1/4SE1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	21E	15									40.0	40.0	36.0	20.0				34.0	170.0
08N	21E	16			2.0	18.0									39.0	34.0	40.0	40.0	173.0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-55A

Total Acres: 343

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00024, 34-00026 AND 34-00054.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. USE OF THIS RIGHT WITH RIGHT NOS. 34-00054 AND 34-00056 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 103 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 343 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00056, 34-00026, 34-00054, 34-00024 AND 34-10251.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. TWO POINTS OF DIVERSION LOCATED IN T08N, R21E, S16, SESW.

Remarks:

Comments:

1. DCARLSON 5/7/1992 NOTICE OF ERROR
Comment: SPLIT CLAIM TO PROVIDE WATER TO TWO SEPARATE TRACTS OF LAND WITH TWO DIVERSION POINTS. CHANGED REMARKS.
2. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. skeen 7/6/2004 8:56:29 AM Water Right
Comment: This water right record was updated by decree record from old RightID 215753 to new RightID 420314

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-26

WATER RIGHT NUMBER: 34-26

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOAN JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	DIANE K HATMAKER 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	SALLY RAE JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236
Current Owner	WALTER H JOHNSON 6139 TL CREEK RD MACKAY, ID 83251 (208)588-2236

Priority Date: 06/01/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	2.900 CFS	
<u>Total Diversion:</u>		2.900 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	SE1/4SW1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		
BIG LOST RIVER	SW1/4SE1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		
BIG LOST RIVER	NW1/4SE1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	21E	15									40.0	40.0	36.0	20.0					170.0
08N	21E	16			2.0	18.0									39.0	34.0	40.0	40.0	173.0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-26

Total Acres: 343

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 343 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00055A, 34-00024, 34-00054, 34-00056 AND 34-10251.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00055A, 34-00024 AND 34-00054.
3. TWO POINTS OF DIVERSION LOCATED IN T08N, R21E, S16, SESW.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. 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.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:Comments:

1. DCARLSON 5/7/1992 NOTICE OF ERROR
Comment: ADDED ACRES CHANGED REMARKS
2. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
Decreed Date: 11/24/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 34
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

77970

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-352

WATER RIGHT NUMBER: 34-352

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SALLY JOHNSON 6222 BARLETT POINT RD MACKAY, ID 83251 (208)588-2236
Attorney	HARRY DE HAAN 335 BLUE LAKES BLVD N TWIN FALLS, ID 83301 (208)733-0731

Priority Date: 08/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ROCK SPRINGS CREEK	BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01	to 10/15	0.800 CFS	
	<u>Total Diversion:</u>		0.800 CFS	

Location of Point(s) of Diversion

ROCK SPRINGS CREEK	SW1/4NE1/4NW1/4	Sec. 14, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
08N	21E	11																	16.0	14.0	13.0	43.0
08N	21E	12									18.0		25.0	29.0								72.0
08N	21E	13											34.0									34.0
													L 4									
08N	21E	14	36.0	23.0											13.0							72.0

Total Acres: 221

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-352

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.75 CFS. COMBINED RIGHT NOS.: 34-00734, 34-00351, 34-00352, 34-00735 AND 34-00344.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 221 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00734, 34-00351, 34-00352, 34-00735 AND 34-00344.
6. 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.

Remarks:Comments:

1. ECARLSEN 9/7/1995 COPIED FROM REMARKS

Comment: DECREED. THIS PLACE HAS BEEN IN LITIGATION SINCE THE DEATH OF THE PREVIOUS OWNER. I NOW OWN HALF AND AM IN THE PROCESS OF OBTAINING THE REST OF THE PLACE. THIS GROUND IS COURSE AND GRAVELY AND TAKES MORE WATER UNDER THE PRESUMPTION STATUTE THIS WATER IS USED WHERE NEEDED.

2. CFRITSCH 7/3/1997 COPIED FROM REMARKS

Comment: 0.54 CFS OF RIGHT NO. 34-00735 AND 1.00 CFS OF RIGHT NO. 34-00344 ARE LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 34-00351, 34-00734, AND 1.93 CFS OF 34-00735.

Dates and Other Information:

Licensed Date:
 Decreed Date: 9/17/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.75		221

Combined Water Rights: 34-351 , 34-344 , 34-735 , 34-734 , 34-352

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-735

WATER RIGHT NUMBER: 34-735

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	HARRY DE HAAN 335 BLUE LAKES BLVD N TWIN FALLS, ID 83301 (208)733-0731
Current Owner	SALLY JOHNSON 6222 BARLETT POINT RD MACKAY, ID 83251 (208)588-2236

Priority Date: 06/01/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01	to 10/15	1.250 CFS	
	<u>Total Diversion:</u>		1.250 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER	SW1/4SE1/4SW1/4	Sec. 16, Twp 08N, Rge 21E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	21E	11																	43.0
08N	21E	12									18.0		25.0	29.0					72.0
08N	21E	13											34.0						34.0
08N	21E	14	36.0	23.0			13.0												72.0

Total Acres: 221

Conditions of Approval:

7797 0

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-735

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 221 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00351, 34-00352, 34-00734, 34-00735 AND 34-00344.
4. F01 WATER IS DELIVERED THROUGH HUNTER TOLMAN DITCH.
5. 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.
6. E51 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.75 CFS. COMBINED RIGHT NOS.: 34-00351, 34-00352, 34-00734, 34-00735 AND 34-00344.

Remarks:Comments:

1. ECARLSEN 11/30/1995 COPIED FROM REMARKS

Comment: DECREE. THIS PLACE IS IN LITIGATION SINCE THE DEATH OF THE PREVIOUS OWNER. I NOW OWN HALF AND AM IN THE PROCESS OF OBTAINING THE REST OF THE PLACE. UNDER THE PRESUMPTION STATUTE THE WATER THAT WAS DECREEED TO THE BLM GROUND, NE OF NW HAS BEEN TRANSFERRED TO PRIVATE GROUND MANY YEARS AGO. ALSO THIS GROUND IS COARSE AND GRAVELY AND TAKES MORE WATER WHERE NEEDED UNDER PRESUMPTION STATUTE.

2. CFRITSCH 7/3/1997 COPIED FROM REMARKS

Comment: 0.54 CFS OF THIS RIGHT AND 1.0 CFS OF RIGHT NO. 34-00344 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF RIGHT NOS. 34-00351, 34-00734, AND 1.93 CFS OF 34-00735.

Dates and Other Information:

Licensed Date:
 Decreed Date: 9/17/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.75		221

Combined Water Rights: 34-351 , 34-344 , 34-735 , 34-734 , 34-352

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it Attachment #7b. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

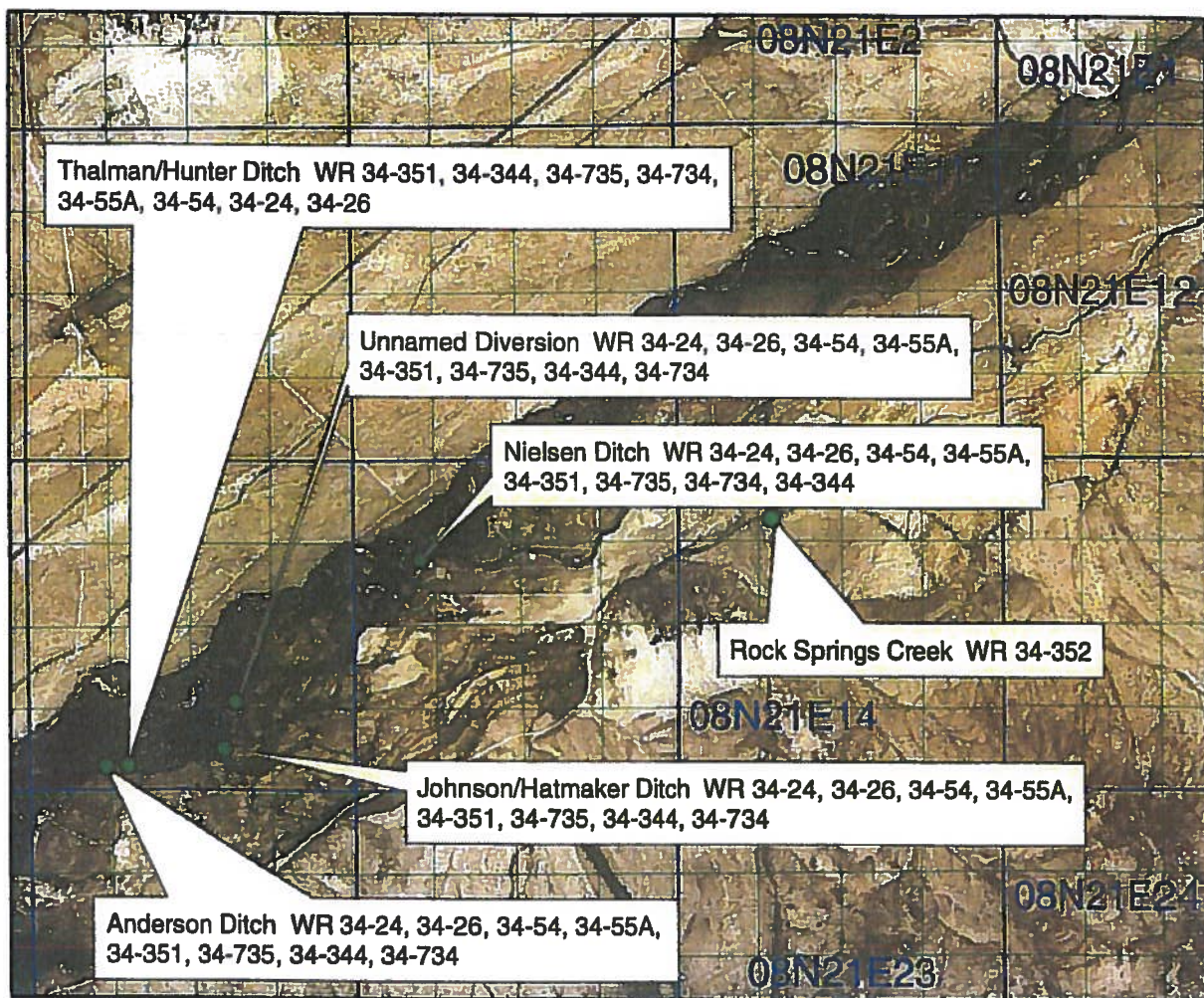
Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Transfer contains _____ pages and _____ attachments.
Received by JB Date 5/30/12 Prelim. Check by JB Date _____
Fee Paid \$ 1700.00 Date _____ Received by _____ Receipt # E037674
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

7797 0

Idaho Department of Water Resources



Water Rights and PODs After Transfer

Legend

- Township/Range
- Sections
- QQ

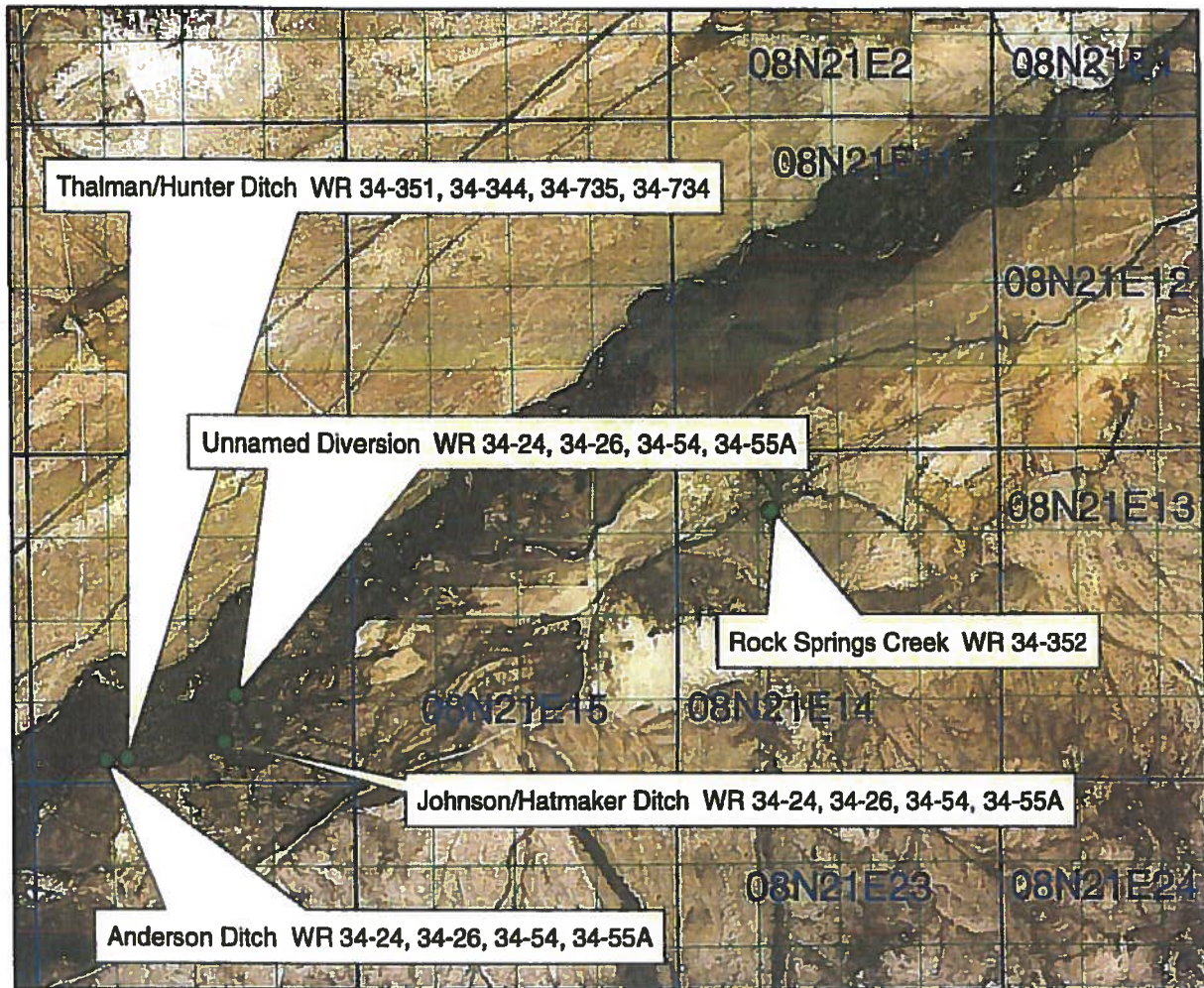
2011 Aerial Photography

1 inch = 2,917 feet

0 1,800 3,600 7,200 Feet



Idaho Department of Water Resources



Water Rights and PODs Before Transfer

Legend

- Township/Range
- Sections
- QQ

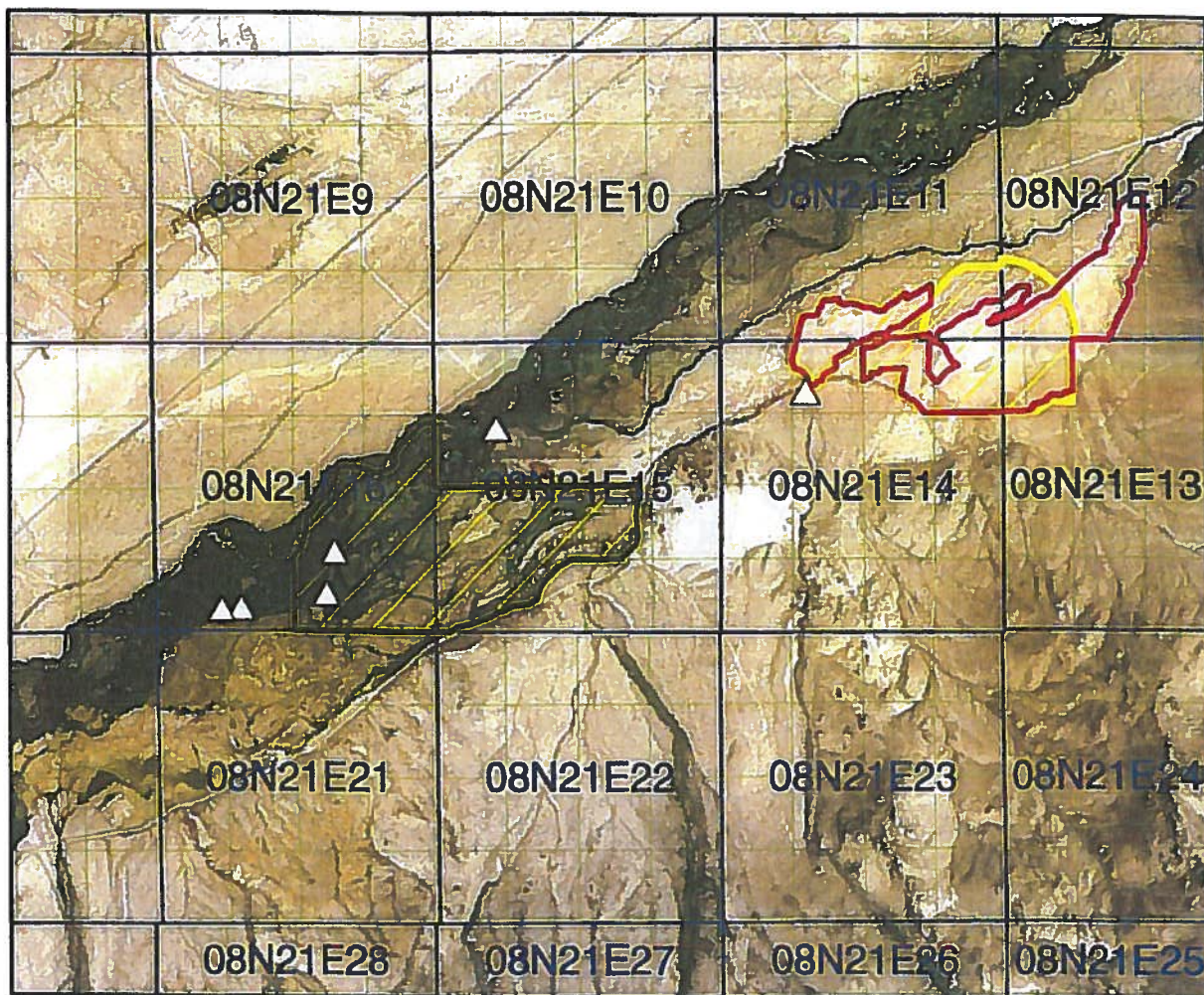
2011 Aerial Photography

1 inch = 2,917 feet

0 1,800 3,600 7,200 Feet



Idaho Department of Water Resources



Legend

- POD
- POU 34-351, 34-735, 34-344, 34-734, 34-352
- POU 34-55A, 34-54, 34-24, 34-26
- Proposed POU
- Township/Range
- Sections
- QQ

2011 Aerial Photography

1 inch = 3,333 feet

0 2,050 4,100 8,200 Feet



RECEIVED

MAY 03 2012

Department of Water Resources
Eastern Region

April 30, 2012

To Whom It May Concern:

I, Shane Rosenkrance, spokesperson for the Nielson Ditch verify that the Nielson Ditch can carry an additional 4 CFS of water.

I see no problems related to the additional water in the ditch.

Signed: Shane Rosenkrance

Date: 4-30-12

77970

Sally Johnson Readings for IDWR Jim Bitcenberg

Year	Location	Reading
2007	Anderson	648
2007	Johnson/Hatmaker	439
2007	Thalman Hunter Ditch	538
2008	Anderson	427.5
2008	Johnson/Hatmaker	127
2008	Thalman Hunter Ditch	329.4
2009	Anderson	442.5
2009	Johnson/Hatmaker	354.1
2009	Thalman Hunter Ditch	364.6
2010	Anderson	240.8
2010	Johnson/Hatmaker	174.2
2010	Thalman Hunter Ditch	251
2011	Anderson	402.9
2011	Johnson/Hatmaker	376.8
2011	Thalman Hunter Ditch	684.2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77970

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- Yes N/A * Means the item is always required and must be included with the application.
- ☐ * Completed Application for Transfer of Water Right form, Part 1.
 - ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
 - ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
 - ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
 - ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
 - ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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