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WATER RESOURCES
WESTERN REGION

State of Idaho

Department of Water Resources

Transfer of Water Right(s)

RECOMMENDATION FORM

Transfer Application No.: 75704 **Water Right No(s):** 57-7400

Transfer Applicant's Name: JUNAYO RANCH LTD PARTNERSHIP
1087 W RIVER ST STE 230
BOISE, ID 83702

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:

- c) X I oppose approval of this application for the following reasons:

See attachments:

Attachment "A"	Civil Case No. 3456/Conditions of Approval
Attachment "B"	Junayo/BLM LUP Stipulations
Attachment "C"	Water Rights - Storage right capacities and acres limited
Attachment "D"	Summary of irrigated acres limited to 160
Attachment "E"	Measuring devices inadequate

- d) X Additional comments:

See attachment "F"

Dated this 28th day of June, 2010.

Water District No. 57R

Connie Brundage
Watermaster's Signature

Printed Name:

Connie Brandau, Watermaster
Reynolds Creek District 57R
9902 Wilson Cemetery Lane
Wilson, ID 83641

Cc:

Idaho Department of Water Resources, Western Region
Attn: Angie Grimm
2735 Airport Way
Boise, ID 83605-5082

Jerry Hoagland, Secretary
Reynolds Creek Dist. 57R
1528 Reynolds Creek Road
Wilson, ID 83641

Attachment "A"

In SRBA Case No. 39576 (Subcase 91-00005-57), then Presiding Judge Roger Burdick at page 5 of 7, III CONSLUSIONS OF LAW, 2. & 3. addresses general provisions by stating - the Idaho Supreme Court held that a general provision based on historical administrative practices could be necessary for the efficient administration of a water right "because is avoids controversy among the water rights holders by clearly notifying them of the mechanism (of administration)." (see Attachment "A-1")

Approval of Water Right Transfer Application No 75704 will violate the "Conditions of Approval" of Water Right No. 7400, a water right that has been decreed in two separate adjudications. The basis for the Conditions of Approval come from Civil Case No. 3456 DECREE filed 5/24/1988, Jim R. Doolittle, District Judge. The Conditions of Approval from the same case also apply to every other water storage right held by Junayo Ranch for itself and as successor in interest to C. T. Ranch Co. and Junayo Ranch Co. (See Attachment "A-2")

I am listing those Conditions of Approval of 57-7400 and why I think that Transfer Application 75704 would be a violation of those Conditions of Approval:

Conditions of Approval 1.

Use of water under this water right will be regulated by the water master of State Water District No. 57R.

Reason for opposing approval: Junayno Ranch LTD Partnership does not have a measuring device in place by which the water master can determine the measurement of water to be stored separately from live flows. There is only one measuring device at the point of diversion which measures the commingled waters of both the live flow rights and the storage rights.

Conditions of Approval 2.

No comment

Conditions of Approval 3.

Rights 57-00249, 57-01073, 57-07040, 57-00252, 57-01070, 57-02296, 57-02325, 57-07472, 57-0732, and 57-07400 when combined shall not exceed the irrigation of 160 acres.

Reason for opposing approval: I very carefully, and to the best of my ability, went through the above listed water rights and created a list (attached) that show there is already 160 acres of land being irrigated under the storage rights. The applicant seeks to incorporate an additional 20 acres of land into the above listed water rights in the form of a storage right transfer. The department states in the legal notice that "The purpose of the transfer is to correct the water right record to accurately reflect current irrigation practices for 20 acres by adding these acres to the place of use of the right" which means that the applicant has been misappropriating water since 1995.

Conditions of Approval 4.

Right of 57-02325, 57-0740, and 57-07400 are limited to a total annual combined storage capacity of 160 acre feet.

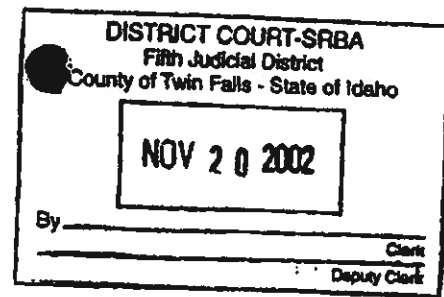
Reason for opposing approval: When reviewing aerial photos (through internet access to "google earth") the historically dated photos show an ever increasing reservoir surface area. This Watermaster has no way of calculating the acre feet capacity of the expanded reservoirs. Civil Case No. 3456, DECREE, Judge Doolittle on page 6 at #6 limits storage capacity at 160 acre feet and defines those amounts throughout the identified water rights.

Conditions of Approval 5.

Rights 57-00252, 57-02070, 57-02325, 57-07040, 57-07472, 57-07532 and 57-07400 when combined shall not exceed a total diversion rate of 4.6 cfs.

Reason for opposing approval: Watermaster documentation (measurement records) shows that at Junayo Ranch and its employees consistently divert water above and beyond the limits allowed by the Conditions of Approval unless closely and consistently monitored. This can negatively impact all downstream District 57R water users. One of my main concerns is that the history of past performance by Junayno Ranch LTD Partnership and its employees shows that without limiting structures in place (such as lockable controlling works, and/or measuring devices) management of the system becomes extremely problematic.

Attachment "A-1"



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

In Re SRBA) Subcase 91-00005-57
Case No. 39576)
) PARTIAL DECREE FOR
) ROTATION IRRIGATION GENERAL
) PROVISION IN BASIN 57 (Reynolds Creek)

Rotation Irrigation General Provision for the
Use of Water in the Reynolds Creek Basin

A historical practice of rotation irrigation during times of water shortage has allowed for more efficient use of water in the Reynolds Creek Basin. This practice applies only to a water right that has more than one point of diversion, or to contiguous parcels of property owned by the same person(s) or entity where there are multiple water rights with multiple points of diversion. Under these conditions, the full amount of water diverted may be diverted through less than all of the points of diversion decreed for the water right or less than all of the points of diversion decreed for multiple water rights and applied to a place of use decreed for multiple water rights, so long as the places of use are contiguous and owned by the same owner. The amount of water that may be diverted is determined according to priority. This practice results in the point of diversion or the place of use for a specific water right or multiple water rights owned by the same person(s) or entity being different from the point of diversion and/or the place of use listed in the Director's Report.

RULE 54(b) CERTIFICATE

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

Dated: November 20, 2002


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED *[Signature]*

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

In Re SRBA

Case No. 39576

) Subcase: 91-0005-57
)
) SPECIAL MASTER'S REPORT AND
) RECOMMENDATION
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR GENERAL PROVISIONS IN BASIN
) 57 DESIGNATED AS BASIN-WIDE
) ISSUE 5-57

I.

INTRODUCTION

This *Special Master's Report* pertains to the general provisions recommended by the Idaho Department of Water Resources (IDWR) regarding the distribution of water rights in the Reynolds Creek Basin located in IDWR administrative Basin 57. These general provisions were previously designated by the SRBA District Court as Basin-Wide Issue 5-57, and the matter was referred to this Special Master for a recommendation.

II.

FINDINGS OF FACT

1. The water right claims in the Reynolds Creek Basin were initially recommended in the 1992 *Director's Report, Part I, Reporting Area 2 (Basin 57)*. An *Amended Director's Report* for these rights was issued in 1995 following the 1994

should be "irrigation season" as opposed to specific dates. The Supreme Court reversed the decision of the District Court concerning the period of use element and remanded the remaining general provisions for evidentiary hearings. See *A&B Irr. Dist. v. Idaho Conservation League*, 131 Idaho 411, 958 P.2d 568 (1998).

5. The SRBA District Court, in a separate *Order*, also ruled that the general provisions regarding "excess water" were not necessary for the definition or efficient administration of water rights. The decision was appealed and the Idaho Supreme Court ruled that the "excess flow" portion of General Provision 2 omitted the necessary elements of a water right and therefore did not establish a water right. However, the Supreme Court ruled that General Provision 2 may be necessary for the efficient administration of water rights in the Reynolds Creek Basin. *State of Idaho v. Idaho Conservation League*, 131 Idaho 329, 955 P.2d 1108 (1998).

6. On remand, IDWR filed a *Supplemental Directors Report, Reporting Area 2, IDWR Basin 57, Reporting Revision of the Following: Period of Use (for irrigation water uses)*, recommending specific dates for the irrigation rights in Basin 57. At the close of the objection and response period, the SRBA District Court issued a series of orders consolidating, separating, and re-designating the issues on remand according to administrative basin. Those remaining issues pertaining to Basin 57 were re-designated as Basin-Wide Issue 5-57. Because the issues regarding period of use were fact specific to individual water rights, and could no longer be resolved collectively as "irrigation season," the subcases where objections were filed to the period of use element were referred to this Special Master for resolution on an individual basis. The issues regarding General Provision 2 remained under the Basin Wide 5-57 designation.

7. Also following remand in *State of Idaho v. Idaho Conservation League*, the parties claiming use of "excess water" under General Provision 2 filed individual late claims for the "excess water" in an attempt to comply with the holding of the Supreme Court. IDWR recommended these late claims in a March 5, 2001, late claims report. Following the objection and response period the contested claims were referred this Special Master on December 21, 2001. The individual late claims for the "excess water" were either uncontested or any objections have now been resolved via SF-5's.

8. Because the "excess water" issue was no longer being pursued as a general provision, this Special Master ordered that IDWR prepare a *Supplemental Director's Report* recommending the remaining portions of General provision 2, if any, that were necessary in light of the individual claims for the "excess water." IDWR filed its *Supplemental Director's Report* on June 19, 2002. According to the *Supplemental Report*, the only remaining portion of General Provision 2 recommended following the filing of the individual late claims is portions of paragraph 5(b), which address the historical practice of rotation irrigation. This recommendation is set forth in **EXHIBIT A**. No objections were filed to this recommendation.

9. This Special Master finds that a general provision on the practice of rotation irrigation as set forth in **EXHIBIT A** is necessary to define, and for the efficient administration of, water rights in the Reynolds Creek Basin in Basin 57. This practice allows for the efficient administration of water rights during times of water shortages in light of the unique circumstances in the Reynolds Creek Basin.

10. The remaining provisions contained in General Provision 2, which address "excess water" are not necessary to either define or administer water rights in the Reynolds Creek Basin because separate claims have been filed for the use of "excess water." IDWR's recommendations for these rights contain all the elements of a water right. Accordingly, the issue of "excess water" no longer needs to be addressed via a general provision.

11. Prior to the individual late claims being filed for the "excess water," IDWR's recommendations in the *Supplemental Directors Report, Reporting Area 2, IDWR Basin 57, Reporting Revision of the Following: Period of Use (for irrigation water uses)* for the period of use element for water rights in the Reynolds Creek Basin also contained the following "subordination language".

DIVERTING WATER BEFORE OR AFTER THE PERIOD OF USE UNDER
THIS RIGHT IS ALLOWED PROVIDED:

- A. THE WATERS SO DIVERTED ARE APPLIED TO A BENEFICIAL USE, AND
- B. THE EXISTING RIGHTS AND FUTURE APPROPRIATIONS ARE FIRST SATISFIED.

This "subordination language" was recommended in an attempt to satisfy the issues raised by the Idaho Supreme Court in *State of Idaho v. Idaho Conservation League*, 131 Idaho 329, 955 P.2d 1108 (1998), regarding "excess water." However, because the use of "excess water" is no longer being recommended as a general provision, this Special Master finds that the subordination language is no longer necessary and should not be included in the *Special Master's Report and Recommendation or Partial Decree*.

III.

CONCLUSIONS OF LAW

1. The filing of the director's report constitutes *prima facie* evidence of the nature and extent of a water right. I.C. § 42-1411(4). In addition, IDWR's role in the SRBA is that of an independent expert and technical assistant who assures that claim to water rights acquired under state law are accurately reported. I.C. § 42-1401B(1996). Accordingly, when IDWR files an expert's report pursuant to I.R.E. 706, said report provides evidentiary value on which this Special Master is entitled to rely.

2. Idaho Code § 42-1411 provides that the director of IDWR shall prepare a report on the water system. "The director may include such general provisions in the director's report, as the director deems appropriate and proper, to define and to administer all water rights." I.C. § 42-1411 (1996). "The decree shall also contain an express statement that the partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights." I.C. § 42-1412(6). In *A & B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 958 P.2d 568 (1998), the Idaho Supreme Court stated:

A general provision is a provision that is included in a water right decree regarding the administration of water rights that applies generally to water rights, is not an element of the water right, or is necessary for the efficient administration of the water rights decreed. A general provision is an administrative provision that generally applies to water rights but it need not apply to every water right.

Id. at 421, 958 P.2d at 578 (citations omitted).

3. Historical practices of administration of water rights can be the basis for a general provision. In *State v. Idaho Conservation League*, 131 Idaho 329, 955 P.2d 1108 (1998), the Idaho Supreme Court held that a general provision based on historical administrative practices could be necessary for the efficient administration of a water right "because it avoids controversy among the water rights holders by clearly notifying them of the mechanism [of administration]."

Id. at 334-35, 955 P.2d at 1113-14.

4. The practice of rotation irrigation is not contrary to law. In *State v. Nelson*, 131 Idaho 12, 951 P.2d 943 (1998), the Idaho Supreme Court acknowledged that a similar practice of rotation for credit should be included as a general provision if necessary for the efficient administration of water. The SRBA District Court also issued a *Partial Decree* for rotation for credit in Basin 34 based on historical practices and the unique conditions in Basin 34. *Order of Partial Decree for General Provision in Administrative Basin 34, Subcase No. 91-00005-34* (May 9, 2001).

5. In *State v. Idaho Conservation League*, 131 Idaho 329, 955 P.2d 1108 (1998), in addressing General Provision 2, including the provision on rotation that is being recommended herein, the Idaho Supreme Court held that General Provision 2 should be included as a general provision necessary for the efficient administration of water rights. Although the portions of General Provision 2 dealing with the use of "excess water" are no longer being recommended by IDWR, those portions of General Provision 2 which pertain to rotation irrigation are the same as those upheld by the Supreme Court.

6. This Special Master concludes as a matter of law that the general provision on rotation irrigation as set forth in **EXHIBIT A** is necessary to define, and for the efficient administration of, water rights in the Reynolds Creek Basin.

7. This Special Master concludes as a matter of law that the remaining portions of General Provision 2 as originally recommended by IDWR are no longer necessary to define water rights or for the efficient administration of water rights in the Reynolds Creek Basin and should not be included as a general provision.

8. This Special Master concludes as a matter of law that the "subordination language" included in the *Supplemental Director's Report* for the period of use element

for those parties in the Reynolds Creek Basin claiming "excess water," is no longer necessary and should not be included in the *Special Master's Report and Recommendation* or *Partial Decree*.

IV.

RECOMMENDATION

Therefore, based on the file and the record herein and the foregoing findings of fact and conclusions of law IT IS RECOMMENDED that the general provision as set forth in EXHIBIT A attached hereto be included as a general provision in Basin 57, and that the SRBA District Court issue a partial decree thereon. The only other general provision applicable to Basin 57 is the general provision on connected sources, which was previously decreed February 27, 2002, as part of Basin-Wide Issue 5. IT IS FURTHER RECOMMENDED that the "subordination language" contained in the *Supplemental Director's Report* for the period of use element not be included in the *Special Master's Report and Recommendation* or the *Partial Decrees* ultimately issued for any Reynolds Creek water rights.

Dated

9/11/02



THOMAS R. CUSHMAN
Special Master for the
Snake River Basin Adjudication

2. A historical practice of rotation irrigation during times of water shortage has allowed for more efficient use of water in the Reynolds Creek basin. This practice applies only to a water right that has more than one point of diversion, or to contiguous parcels of property owned by the same person(s) or entity where there are multiple water rights with multiple points of diversion. Under these conditions, the full amount of water diverted may be diverted through less than all of the points of diversion decreed for the water right or less than all of the points of diversion decreed for multiple water rights and applied to a place of use decreed for multiple water rights, so long as the places of use are contiguous and owned by the same owner. The amount of water that may be diverted is determined according to priority. This practice results in the point of diversion or the place of use for a specific water right or multiple water rights owned by the same person(s) or entity being different from the point of diversion and/or the place of use listed in the Director's Report.

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT AND RECOMMENDATION; FINDINGS OF FACT AND CONCLUSIONS OF LAW; FOR GENERAL PROVISIONS IN BASIN 57 DESIGNATED AS BASIN-WIDE ISSUE 5-57 was mailed September 11, 2002, with first class postage to the following:

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Boise, Idaho 83720-0098

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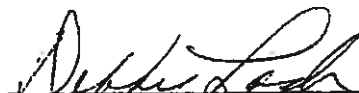
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Deputy Clerk

DIRECTOR'S REPORT FOR REPORTING AREA 2 (BASIN 57)**INTRODUCTION**

This Report Part II of the Director's Report for Reporting Area 2 (Basin 57) is the Director's abstract of the claims to water rights reserved under federal law from Reporting Area 2 which were filed with the director. This Report Part II consists of three parts, a listing of the abstracted claims, a listing of claims/rights not recommended (withdrawn) and a number index. A name index was not included because all abstracted claims are in the name of the U.S. Department of Interior, Bureau of Land Management.

The abstracted claims in the list of claims to water rights are grouped alphabetically by source, and claims to water rights from each source are listed chronologically by priority date. Brief instructions for interpreting an entry in the list of abstracted claims are found at the beginning of the list.

GENERAL PROVISIONS

General provisions 1, 2, 3, 4, 5, 6, 8, 9, 10 and 12 from Part I of the Director's Report for Reporting Area 2 (Basin 57) are incorporated herein by reference. The director recommends that these general provisions be made applicable to water rights reserved under federal law in the decree determining rights to water from Basin 57.

ATTACHMENT "A-2"

ponds. The lack of cold water wells, along with the shorter streamflow period in this area, created the need to use these geothermal resources for irrigation.

GENERAL PROVISIONS

The director recommends that the following general provisions be included in the decree determining rights to water from Basin 57.

GENERAL PROVISIONS 1 - 9 APPLY TO ALL WATER RIGHTS IN BASIN 57.

1. EFFECT OF ADJUDICATION.

a. The decree determining rights to water from Basin 57 supersedes all prior decrees determining rights to water from Basin 57, including all provisions for administration of such rights. Upon entry of the decree determining rights to water from this sub-basin, any right which was required to be claimed in this adjudication and which was not claimed will no longer exist.

b. Nothing herein shall be deemed to diminish the director's authority to administer water rights of Basin 57 pursuant to applicable law. Determinations vested in the director herein are subject to state laws limiting the exercise of administrative discretion.

2. GENERAL ADMINISTRATION PROVISIONS.

a. "AFY" when used in this report means acre foot per calendar year, and "CFS" means cubic foot per second.

b. References to the "director" in these general provisions refer to the director of the Idaho Department of Water Resources (IDWR) or the director's duly authorized designee, including the watermaster.

3. ADMINISTRATION OF GROUND WATER RIGHTS. Ground water appropriators, including geothermal and non-geothermal ground water appropriators, shall not be entitled to maintenance of historic pumping levels.

4. ADMINISTRATION OF BASIN 57 AND SNAKE RIVER BASIN. Information currently available to IDWR does not provide a complete understanding of the interrelationship between water sources in Basin 57 and the Snake River; however, it does indicate that water sources in Basin 57 do not provide a significant amount of water to the Snake River. Therefore, the water sources in Basin 57 are not subject to administration as part of the Snake River at this time, but may become subject to such administration if the director determines that such administration is necessary to protect senior rights from the Snake River.

5. ADMINISTRATION OF SMALL DOMESTIC AND STOCK WATER RIGHTS.

a. Small domestic and stock water rights from surface water are subject to administration to provide water to senior water rights from the water system. See general provisions 11.b., 11.c., and 12.b. below as to the definition of small domestic and stockwater rights.

b. Small domestic and stock water rights from ground water are not subject to administration at this time. However, these rights may be made subject to administration to provide water to senior water rights from the water system if the director determines that administration is necessary.

c. An appropriator who has elected to defer adjudication of a deferrable small domestic and stock water right must have the right adjudicated before water will be distributed pursuant to the right by the director. The director may, however, curtail the delivery of water to an unadjudicated deferred domestic and/or stock water right if the director determines such curtailment is necessary to protect senior water rights. See general provisions 11.b. and 12.b. below as to the definition of deferrable small domestic and stockwater rights.

6. MEASURING DEVICES AND CONTROL WORKS. If the director should determine it necessary for the proper administration of the use of water, the director may require any appropriator, at the appropriator's expense, to install and maintain measuring devices and control works of a type acceptable to the director, at all points of diversion and any other points. The director may prohibit or prevent the diversion of water by an appropriator who refuses or fails to comply with this provision.

7. SPECIAL PROVISIONS AS TO OUT OF STATE STORAGE. Natural watercourses in Idaho may be used for the conveyance of stored water diverted in other states. Conveyance of such water must be in compliance with Idaho Code § 42-801.

8. FIREFIGHTING PURPOSES.

a. Firefighting purposes is an alternate use to which any water right may be put, and firefighting is recognized as a lawful use of water with or without a water right.

b. Firefighting purposes means the use of water in times of emergency: to extinguish an existing fire on private or public lands, facilities, or equipment; to prevent an existing fire from spreading to private or public lands, facilities, or equipment within the vicinity of and endangered by an existing fire; and by firefighting personnel engaged in fighting an existing fire. Firefighting purposes does not include the use of water to prevent a fire from occurring in the future, the use of water for domestic purposes in regularly maintained firefighting stations, or the storage of water for fighting future fires.

9. CONSUMPTIVE USE. Where consumptive use is not stated for a right or a portion of a right, the consumptive use for that right or that portion of the right is so small that it is deemed de minimus.

GENERAL PROVISION 10 APPLIES TO RIGHTS TO WATER FROM THE REYNOLDS CREEK WATER SYSTEM.

10. ADMINISTRATION OF RIGHTS TO WATER FROM THE REYNOLDS CREEK WATER SYSTEM.

The following language is from the "Stipulation by Certain Defendants for Entry of Decree Adjudicating Water Rights", incorporated in the decree filed March 23, 1988, in the Reynolds Creek Adjudication, Owyhee County Civil No. 3456. The boundaries of the Reynolds Creek water system are shown in Figure 1. This language addresses the administration of water rights from the Reynolds Creek water system and is included verbatim herein [explanatory language is added in brackets]:

3. There shall be two different methods of administering the water rights in Reynolds Creek, dependent upon whether there is "excess" water in Reynolds Creek at a given time, with "excess" water

being defined as the amount of water in excess of 37 cfs flowing in Reynolds Creek at the Upper Basin Tollgate weir, hereinafter identified, at any time when the flow at the Outlet weir, hereinafter identified, is more than 57 cfs. The Upper Basin Tollgate weir is located on Reynolds Creek in the SE¼SW¼ of Section 24, Township 3 South, Range 4 West, B.M., and the Outlet weir is located on Reynolds Creek in the NE¼SE¼ of Section 12, Township 2 South, Range 4 West, B.M., Owyhee County, Idaho.

(a) **Distribution During Periods of Water Shortage.** During any period when the flow at the Upper Basin Tollgate weir is at or less than 37 cfs, or the flow at the Outlet weir is at or less than 57 cfs, the Upper Reynolds Creek Basin and the Lower Reynolds Creek Basin shall be administered as one water district under one watermaster, in accordance with the water rights set forth in the Findings [list of recommended water rights for the Reynolds Creek water system], and any subsequent permits or licenses which have been or may be issued by the Department of Water Resources. [Upper and Lower Reynolds Creek Basins are illustrated in Figure 1.]

(b) **Distribution During Periods of Excess Water.** When the flow of water at the Outlet weir is more than 57 cfs, the Lower Users shall not have the right to object to the diversion by the Upper Users of water in excess of the amounts specified for their respective water rights in the Findings, or to require that the Upper Users limit their diversions to the amounts specified for their respective water rights in the Findings. The intent of this provision is that the Upper Users shall have the first opportunity to use "excess" water, so long as the flow of water at the Outlet weir is more than 57 cfs.

4. A watermaster may be called on at any time during the irrigation season, notwithstanding that there may be "excess" water flowing in Reynolds Creek at or above the Outlet weir.

5(a). The Upper Users shall not store excess water during the irrigation season, except as such storage is authorized and recognized in the Findings, or storage for which licenses are subsequently issued under water permits numbers 57-7400, 57-7454, 57-7472 or 57-7473 to the extent, if any, that those permits authorize storage during the irrigation season, and Junayo Ranch Limited Partnership (Junayo Ranch), holder of those permits, acknowledges that no excess water feature or element is included in or authorized by those permits. The Upper Users shall not increase the capacities of their diversion facilities or their storage facilities as the capacities of those facilities existed on June 22, 1987, or were authorized

by water permits issued, or applications for permits filed with the Director, prior to October 14, 1987. Any Lower User who makes an application for permit to appropriate waters of Reynolds Creek for storage purposes shall not have the right to require any Upper User to cease diverting any "excess" water in order to satisfy the new storage right which might be acquired pursuant to any such application. The Lower Users reserve the right, among themselves, to protest any application by another Lower User for a permit to appropriate water of Reynolds Creek for storage purposes. The intent of this paragraph, as between the Upper Users and the Lower Users, is to furnish the Lower Users an opportunity to store any "excess" water, as defined herein, which remains available when the Upper Users are diverting water to the extent of the capacity of their presently existing facilities. The parties to this Stipulation do not intend hereby to establish or set the priorities or quantities of any rights to excess water, or to establish that any presently perfected right does or does not include or authorize the use of excess water.

5(b). The parties to this Stipulation acknowledge an historical practice of rotation irrigation during times of water shortage. Where a water right has more than one point of diversion, or where there are multiple water rights with multiple points of diversion in a single ownership, the amount of water that may be diverted is determined according to priority. However, the full amount of water diverted may be diverted through less than all of the points of diversion decreed for the water right or less than all of the points of diversion decreed for multiple water rights in a single-land ownership. This practice results in the point of diversion or the place of use for specific water right in a single-land ownership being different from the point of diversion and/or the place of use listed in the Director's findings. However, the water is diverted and applied to a point of diversion and place of use listed for that single ownership in the Director's findings. A single ownership is to be determined based upon contiguous places of use decreed to a single entity in this adjudication. This practice has allowed for the more efficient use of the water during times of shortage on the ranches as they are now owned. This practice will not be disturbed by the parties to this Stipulation.

6. Junayo Ranch, for itself and as successor in interest to C. T. Ranch Company and Junayo Ranch Company, former Upper Users, agrees that its water rights other than No. 57-2325 and No. 57-7040 do not entitle it to divert water to storage during the irrigation season, even though it may be physically possible to divert water into its storage facilities during the irrigation season, and that no diversion to storage is authorized under their rights Nos. 57-2325 and 57-7040 during the irrigation

season unless all prior water rights on Reynolds Creek are being satisfied. Junayo Ranch further agrees that (1) storage capacity under permit No. 57-7454 shall not exceed twenty-five acre feet per annum (25 AFA) [AFY], (2) storage under any permit issued pursuant to application No. 57-7473 shall not exceed fifty acre feet per annum (50 AFA), (3) storage under permit No. 57-7454 combined with storage under any permit issued pursuant to application No. 57-7473 shall not exceed seventy-five acre feet per annum (75 AFA), and storage under any permit issued pursuant to application No. 57-7472 shall not exceed ten acre feet per annum (10 AFA) for the storage pond identified in that application, and Junayo Ranch further agrees that the condition or conditions imposed by the Director of the Idaho Department of Water Resources in any water permit now held by Junayo Ranch, or in any permit issued to Junayo Ranch pursuant to an application identified in this Stipulation, or any condition with respect to any such water permit, now held or hereafter issued to Junayo Ranch, imposed by this Stipulation or by an agreement between it and all of the other parties to this Stipulation, shall be carried forward into any supplemental decree entered in this action or any decree entered in any other action adjudicating the rights to the use of the waters of Reynolds Creek.

GENERAL PROVISION 11 APPLIES TO ALL WATER RIGHTS IN BASIN 57 SHOWN WITH DOMESTIC USE AS A PURPOSE OF USE.

11. DOMESTIC USE. Domestic use, when shown as the purpose of use for a right or a portion of a right, is:

- a. the use of water in a home or homes, and for other purposes in connection therewith, including up to one-half acre total of irrigation per water right, or
- b. the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in connection therewith, including irrigation of up to one-half acre of land, if the total use is not in excess of 13,000 gallons per day, but not including water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, or
- c. the use of water for any beneficial uses, if the total use of the right does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gallons per day.

For rights or portions of rights that meet the definition of paragraph b, the annual volume of diversion is the volume actually diverted and beneficially used, subject to a maximum of 13,000 gallons per day. For rights or portions of rights that meet the definition of paragraph c, the annual volume of diversion is the volume actually diverted and beneficially used, subject to a maximum of 2500 gallons per day.

GENERAL PROVISION 12 APPLIES TO ALL WATER RIGHTS IN BASIN 57 SHOWN WITH STOCK WATER USE AS A PURPOSE OF USE.

12. STOCK WATER USE. Stock water use, when shown as the purpose of use for a right or a portion of a right, is:

- a. the use of water for care and/or watering of livestock, or
- b. the diversion and use of water for care and/or watering of livestock and/or wildlife where the total use of the right does not exceed a diversion volume of 13,000 gallons per day. Other uses of water for wildlife are shown with a purpose of use of wildlife.

For rights or portions of rights that meet the definition in paragraph b, the annual volume of diversion is the volume actually diverted and beneficially used, subject to a maximum of 13,000 gallons per day.

GENERAL PROVISIONS 13 - 17 APPLY TO ALL WATER RIGHTS IN BASIN 57 SHOWN WITH IRRIGATION AS A PURPOSE OF USE.

13. IRRIGATION USE. Water rights or portions of water rights shown with a purpose of use for irrigation include the following:

- a. Incidental stock water. When stock water is not specifically included for a water right that includes irrigation, a portion of the quantity described for irrigation use may be diverted and used, from the same point of diversion and at the same place of use as the irrigation use, for purposes of maintaining a reasonable water supply for stock watering use during the period of use for irrigation described in the water right.

b. Early-season irrigation and late-season irrigation. The director may allow the diversion of rights or portions of rights for irrigation use either before or after the period of use for irrigation described in the water right where:

- i.** the water so diverted is applied to a beneficial use, as determined by the director,
- ii.** all water rights, regardless of priority (now existing or developed subsequent to this decree), existing at the time of diversion that are within their period of use can be satisfied, and
- iii.** the diversion and use of the water does not conflict with the public interest as determined by the director.

c. Diversion of additional flows. The director may allow a quantity of surface water in addition to the quantity of surface water described for irrigation use to be diverted for irrigation of the described place of use where:

- i.** the waters so diverted are applied to a beneficial use, as determined by the director,
- ii.** all water rights, regardless of priority (now existing or developed subsequent to this decree), existing at the time of diversion that are within their period of use can be satisfied, and
- iii.** the diversion and use of the water does not conflict with the public interest as determined by the director.
- iv.** diversion of additional flows in the Reynolds Creek water system must also comply with general provision 10 of this report.

14. DIVERSION VOLUME FOR IRRIGATION. The maximum annual volume of water reasonably required at the field headgate for irrigation of lands in Basin 57 is shown in Figure 1. In general the higher elevation lands require a maximum annual volume of 3.5 AFY per acre and the lower elevation lands require a maximum of 4.5 AFY per acre. Where diversion volume is not stated for water rights or portions of water rights for irrigation purposes, either 3.5 AFY per acre or 4.5 AFY per acre, depending on location, is the diversion volume measured at the point of diversion from

the water source that is reasonably required for irrigation unless a higher annual diversion volume is reasonably required due to conveyance losses, method of irrigation, or field conditions, as determined by the director.

15. CONSUMPTIVE USE FOR IRRIGATION. Where the purpose of use for a portion of a right is shown as irrigation, and the remainder of the right is for other purposes, the consumptive use shown is the consumptive use for the irrigation portion of the right only, unless otherwise stated in remarks.

The maximum annual volume of consumptive use reasonably required for irrigation of lands in Basin 57 varies in certain areas.

a. The maximum annual volume of consumptive use in the Reynolds Creek water system, for rights for irrigation purposes decreed in 1988, is shown in Figure 1. In general, the higher elevation lands require a maximum of 2.7 AFY per acre and the lower elevation lands require a maximum of 3.7 AFY per acre.

b. The maximum annual volume of consumptive use for all other rights for irrigation purposes in Basin 57 is shown in Figure 1. In general the higher elevation lands require a maximum of 2.5 AFY per acre and the lower elevation lands require a maximum of 3.5 AFY per acre.

16. AMOUNT OF COMBINED WATER RIGHTS FOR IRRIGATION. Unless specifically stated otherwise in the recommended water right, the combined use of more than one right for irrigation purposes is limited to:

- a. a combined total rate of diversion of .02 CFS per acre,
- b. a combined total annual diversion volume of either 3.5 AFY per acre or 4.5 AFY per acre as stated in general provision 14 above, and
- c. a combined total annual consumptive use volume of either 2.5 AFY per acre, 2.7 AFY per acre, 3.5 AFY per acre or 3.7 AFY per acre as stated in general provisions 15.a. and 15.b. above.

17. DIVERSION RATES IN EXCESS OF .02 CFS PER ACRE.

a. The rate of flow generally required at the field headgate in Basin 57 is .02 cfs per acre. For purposes of determining the water rights in this report, .02 cfs per acre was deemed to be the rate of diversion, measured at the point of diversion from the water source, reasonably required for the irrigation of lands, unless the claimant demonstrated that a higher diversion rate is reasonably required due to actual, reasonable conveyance losses, irrigation methods, or field conditions.

b. The total per acre rate of diversion, measured at the point of diversion from a surface water source shown for some rights, is greater than .02 CFS per acre. Where a rate of diversion in excess of .02 cfs per acre is required due to conveyance losses, then the right contains a remark limiting a portion of the right to use for conveyance losses. Where a rate of diversion in excess of .02 cfs per acre is required due to irrigation methods and/or field conditions, then the right includes a remark stating the diversion rate per acre required at the field headgate. However, for small acreages of five acres or less a diversion rate of up to .03 cfs per acre is recommended without a remark stating the diversion rate per acre at the field headgate.

c. In those cases in which the water right(s) includes an amount limited to use for conveyance losses, the total amount shown for the right(s) includes:

i. the standard amount generally required for the purpose of use of the right, which includes reasonable conveyance losses associated with such uses, plus

ii. an additional amount required for conveyance losses in the particular distribution system determined to be reasonable under currently existing conditions.

d. The diversion of amounts described in the water right that are in excess of .02 CFS per acre may continue so long as:

i. the use does not constitute unreasonable waste, as determined by the director, and

ii. the use does not conflict with the public interest, as determined by the director.

DIRECTOR'S REPORT PART I FOR REPORTING AREA 2 (BASIN 57)

Page: 17

Signed this 9th day of October, 1992.

for Norman C Young
R. KEITH HIGGINSON
Director
Idaho Department of Water Resources

Clive J. Strong
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

A. Lynne Krogh-Hampe
A. LYNNE KROGH-HAMPE
Deputy Attorney General
Idaho Department of Water Resources

A. Lynne Krogh-Hampe for
DANIEL L. STECKEL
Deputy Attorney General
Idaho Department of Water Resources

Attachment "B"

Investigation into this application shows that the applicant has been "misappropriating" water for the purpose of irrigating the 20 acres in Section 19, 2S 3W which is not owned by him, but is BLM managed federal land. At my request both the BLM and the IDWR provided me with a copy of the applicants "BLM Land Use Permit to irrigate Section 19" dated May 13, 2009 (see **Attachment "B-1"**). No. 8 of that Permit states "Permittee must observe all Federal, State and local laws and regulations applicable to the premises..."

The LAND USE PERMIT STIPULATIONS (pertinent to the LUP) clearly states:

1. Title to water associated with this Land Use Permit (LUP) shall continue to be legally authorized by the Idaho Department of Water Resources (IDWR)." Failure of the holder to remain in compliance with IDWR requirements regarding the use of water to the satisfaction of the BLM Authorized Officer will result in the automatic termination of this LUP in accordance with 43 CFR 2920;.9-3....

Reason for opposing approval: The applicant had not yet perfected any type of water right even though he was already farming the land and sprinkler irrigating it. So the applicant is in a catch 22 - he can't hold a permit to farm the land without a legal water right and he can't legally expand the water right because of the Conditions of Approval that carry forward from the 1988 Civil Case No. 3456 DECREE into the Snake River Basin Adjudication water right decrees.

2. The permittee shall cause title to water associated with this LUP to be transferred to the sole name of the United States at the end of three years from the issuing date of the LUP if the use is to continue under this or a renewed authorization.

Reason for opposing approval: This proposed transfer is a thinly veiled attempt to create a water right for ground that is, and has been, irrigated without a water right, by expanding one water right that is very tightly conditioned, and tied to other water rights and their conditions, in two separate decrees.

There is also a disconnect between the BLM and the IDWR in that Junayo Ranch LTD Partnership is applying for the water right but the BLM Land Use Permit is in the name of Owen H. Orndorf and one of the stipulations to that LUP is that the permittee turn the water right over to the United States by May 13, 2012.

The live flow rights allow water to be applied to 139 acres of irrigated land. The storage rights allow water to be applied to 160 acres of irrigated land. At 1 acre foot per acre allowed by the storage rights there isn't sufficient stored water to apply the standard 3 acre feet per acres needed to grow crops to 21 acres of land under the storage rights, let alone add another 20 acres in Section 19. And if the applicant argues that there is enough stored water to irrigate more land the question then becomes "How did you legally store more than the 160 af allowed in the combined storage rights?"

RECEIVED AT
OWYHEE FIELD OFFICE

PERMIT		Permit Number
Permission is hereby granted to Owen H. Oradorff of 1087 W River Street, Suite 230, Boise, Idaho 83702 to use the following described lands:		2009 MAY 13 IDL-36452

TOWNSHIP	RANGE	SECTION	SUBDIVISION
2 S.	3 W.	19	Lot 1, NE¼NW¼

Meridian	State	County	Acres (number)
Boise	Idaho	Owyhee	20 ±

for the purpose of **farming**.

and subject to the following conditions:

1. This permit is issued for the period specified below. It is revocable at the discretion of the BLM, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR 2920) which are made a part hereof.
3. This permit may not be assigned without prior approval of the BLM.
4. Permittee must not enclose roads or trails commonly in public use.
5. Authorized representatives of the Department of the Interior, other Federal agencies, and State and local law officials will at all times have the right to enter the premises on official business.
6. Permittee must pay the United States for any damage to its property resulting from the use.
7. Permittee must notify the BLM of address change immediately.
8. Permittee must observe all Federal, State, and local laws and regulations applicable to the premises and to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and game animals, and must keep the premises in a neat, orderly, and sanitary condition.
9. Permittee must pay the BLM, in advance, the lump sum
16. Special conditions (attach additional sheets, if necessary)

See attached Exhibit B.

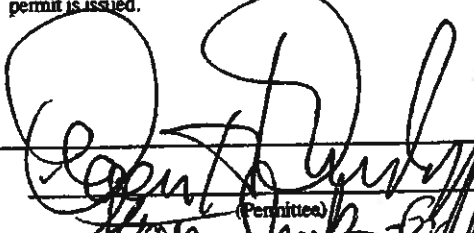
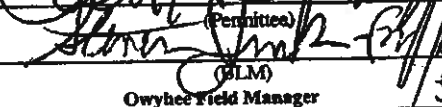
of \$ _____ for the period of use authorized by this permit or \$ 250.00 (Interim) _____, annually, as rental or such other sum as may be required if a rental adjustment is made.

10. Use or occupancy of land under this permit will commence within _____ months from date hereof and must be exercised at least _____ days each year.
11. Permittee must take all reasonable precautions to prevent and suppress forest, brush, and grass fires and prevent pollution of waters on or in the vicinity of the lands.
12. Permittee must not cut any timber on the lands or remove other resources from the land without prior written permission from the BLM. Such permission may be conditioned by a requirement to pay fair market value for the timber or other resources.
13. Permittee agrees to have the serial number of this permit marked or painted on each advertising display or other facility erected or maintained under the authority of such permit.
14. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.
15. Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued.

Permit issued for period

From **05/01/2009**

To **04/30/2012**


 (Permittee)

 (BLM)
 Owyhee Field Manager
 (Title)
5-18-09
 (Date)

INSTRUCTIONS

1. Submit, in *duplicate*, to any local office of the Bureau of Land Management having jurisdiction of the lands.
2. Applications for Land Use Permits will not be accepted unless a notification of the availability of the land for non-BLM use (*Notice of Realty Action*) has been published in the Federal Register and for 3 weeks thereafter in a newspaper of general circulation. This provision does not apply in those situations where the publication of a (*Notice of Realty Action*) has been waived by the BLM.
3. If the annual rental exceeds \$250 dollars per year; costs of processing the application must be paid by the applicant in advance.
4. The BLM may require additional information to process an application. Processing will be deferred until the required information is furnished by the applicant.

PERMIT		BOISE
Permission is hereby granted to Owen H. Orndorff of 1087 W River Street, Suite 230, Boise, Idaho 83709 to use the following described lands:		Permit Number IDI-36452

TOWNSHIP	RANGE	SECTION	SUBDIVISION
2 S.	3 W.	19	Lot 1, NE¼NW¼

Meridian Boise	State Idaho	County Owyhee	Acres (number) 20 ±
-------------------	----------------	------------------	------------------------

for the purpose of farming.

and subject to the following conditions:

1. This permit is issued for the period specified below. It is revocable at the discretion of the BLM, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR 2920) which are made a part hereof.
3. This permit may not be assigned without prior approval of the BLM.
4. Permittee must not enclose roads or trails commonly in public use.
5. Authorized representatives of the Department of the Interior, other Federal agencies, and State and local law officials will at all times have the right to enter the premises on official business.
6. Permittee must pay the United States for any damage to its property resulting from the use.
7. Permittee must notify the BLM of address change immediately.
8. Permittee must observe all Federal, State, and local laws and regulations applicable to the premises and to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and game animals, and must keep the premises in a neat, orderly, and sanitary condition.
9. Permittee must pay the BLM, in advance, the lump sum

of \$ _____ for the period of use authorized by this permit or \$ 250.00 (interim), annually, as rental or such other sum as may be required if a rental adjustment is made.

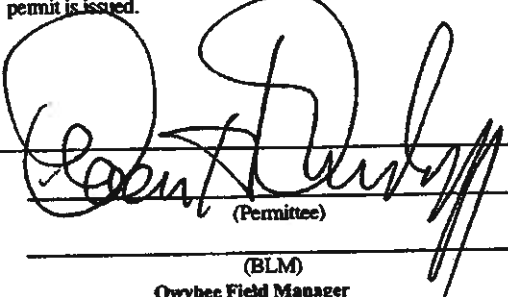
10. Use or occupancy of land under this permit will commence within _____ months from date hereof and must be exercised at least _____ days each year.
11. Permittee must take all reasonable precautions to prevent and suppress forest, brush, and grass fires and prevent pollution of waters on or in the vicinity of the lands.
12. Permittee must not cut any timber on the lands or remove other resources from the land without prior written permission from the BLM. Such permission may be conditioned by a requirement to pay fair market value for the timber or other resources.
13. Permittee agrees to have the serial number of this permit marked or painted on each advertising display or other facility erected or maintained under the authority of such permit.
14. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.
15. Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued.

See attached Exhibit B.

Permit issued for period

From 05/01/2009

To 04/30/2012


 (Permittee)

 (BLM)
 Owyhee Field Manager

 (Title) (Date)

INSTRUCTIONS

1. Submit, in duplicate, to any local office of the Bureau of Land Management having jurisdiction of the lands.
2. Applications for Land Use Permits will not be accepted unless a notification of the availability of the land for non-BLM use (*Notice of Realty Action*) has been published in the Federal Register and for 3 weeks thereafter in a newspaper of general circulation. This provision does not apply in those situations where the publication of

a (*Notice of Realty Action*) has been waived by the BLM.

3. If the annual rental exceeds \$250 dollars per year, costs of processing the application must be paid by the applicant in advance.
4. The BLM may require additional information to process an application. Processing will be deferred until the required information is furnished by the applicant.

Form 2920-1
(February 2005)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAND USE APPLICATION AND PERMIT
(Sec. 302(b) of P.L. 94-579, October 21, 1976, 43 U.S.C. 1732)

FORM APPROVED
OMB NO. 1004-0009
Expires: December 31, 2007

FOR BUREAU OF LAND MANAGEMENT (B.L.M.) USE ONLY

Application Number

1. Name (first, middle initial, and last) Owen H. Orndorff	Address (include zip code) 1087 W River St., Ste 230 Boise, ID 83702	Phone (include area code) 208-343-8880
---	--	---

2. Attach map or sketch showing public lands for which you are applying

3. Proposed date(s) of use: from January 1 to December 31

4. Give legal basis for holding interest in lands in the State of Idaho
(Check appropriate box at right and explain.)

- | | |
|---|---|
| ☐ Resident | ☒ Partnership |
| ☐ Corporation | ☐ County |
| ☐ Local Government | ☐ State Government |
| ☐ Other | |

5. Are the lands now improved, occupied or used? ☒ Yes ☐ No (If "yes" describe improvements and purposes, identify users and occupants.)
~~Farm ground which was part of a cooperative farm wildlife~~
agreement. Ground is in Section 19 as shown on attached BLM map.

6. Do you need access to the land? ☐ Yes ☒ No (Describe needed or existing access)

Existing access is through private ground or road on BLM property.

7a. What do you propose to use the lands for?

Farm ground

b. What improvements and/or land development do you propose? (To complete application processing, engineering and construction drawings may be required)

None, work has previously been done under agreements with BLM.

c. What is the estimated capital cost?

\$ 0

d. What is the source of water for the proposed use?

Private reservoir storage owned by Junayo Ranch Limited Partnership

CERTIFY That the information given by me in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith.

(Signature of Applicant)

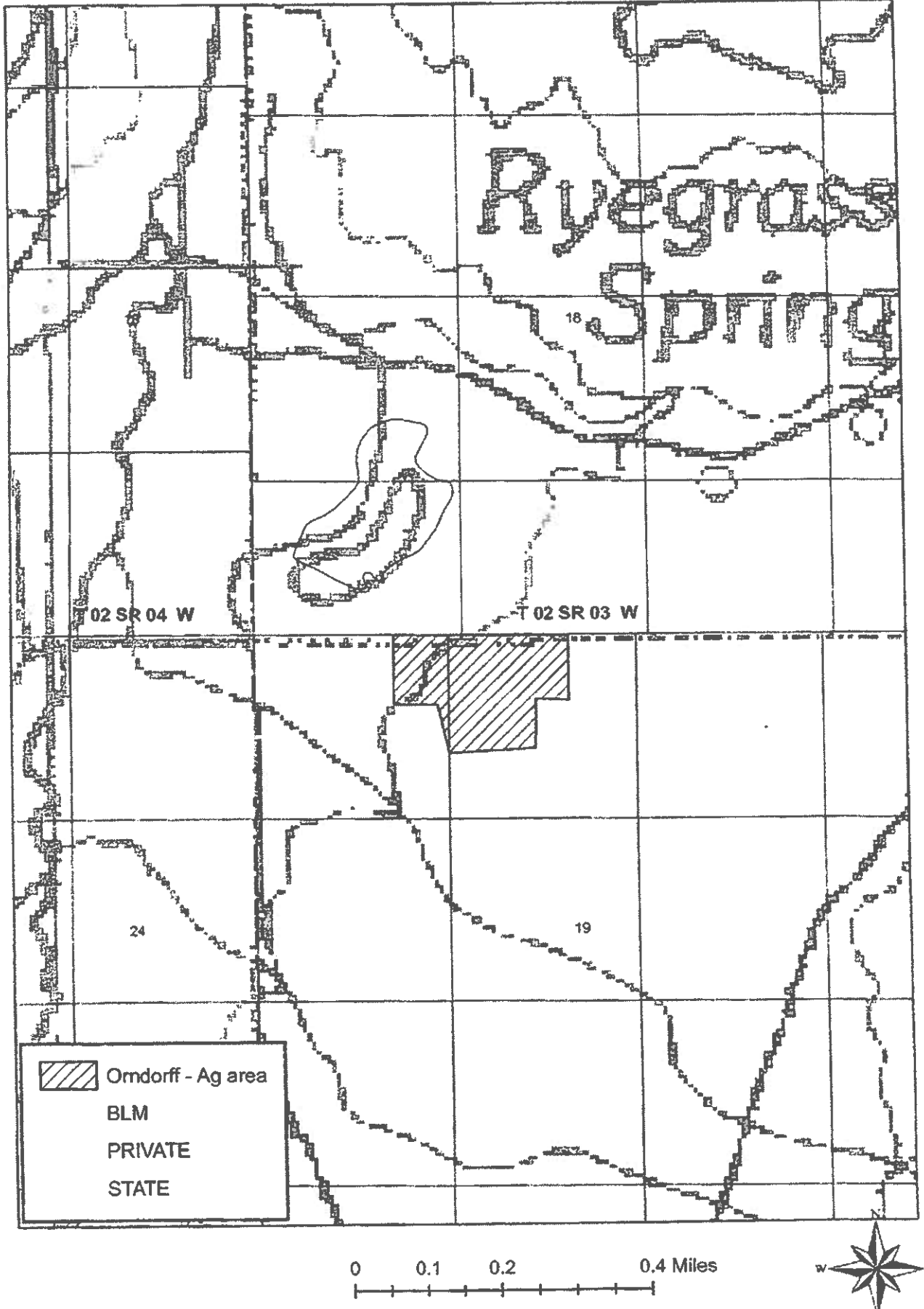
(Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 2)

IDI-36452, Owen Orndorff
T. 2 S., R. 3 W., section 19: Lot 1, NENW

Exhibit A
Page 1 of 1
April 21, 2009



LAND USE PERMIT STIPULATIONS

1. ~~Title to water associated with this Land Use Permit (LUP) shall continue to be legally authorized by the Idaho State Department of Water Resources (IDWR). Failure of the holder to remain in compliance with IDWR requirements regarding the use of water to the satisfaction of the Bureau of Land Management (BLM) Authorized Officer will result in the automatic termination of this LUP in accordance with 43 CFR 2920.9-3.~~ No rights to the public lands accrue due to their description as the place of use in conjunction with a water right beyond those described specifically by this LUP nor beyond the term of this LUP.
2. The permittee shall cause title to water associated with this LUP to be transferred to the sole name of the United States at the end of three years from the issuing date of the LUP if the use is to continue under this or a renewed authorization.
3. The permittee shall control all common and noxious weeds using a herbicide approved for use in the Final Environmental Impact Statement "Vegetation Treatment on Public Lands."
4. Rental based upon fair market value shall be paid annually in advance of the anniversary date of the permit.
5. If this LUP is cancelled or expires, the public land shall be reseeded by the permittee to the satisfaction of the Authorized Officer of the Bureau of Land Management (BLM) within one year of the cancellation or expiration date with a seed mixture to be approved of by an Authorized Officer.
6. No additional disturbance, structures, appurtenances or improvements shall be placed upon the land unless approved in writing by the Authorized Officer, in advance of construction or placement.
7. The United States retains the right to authorize use of the permitted area for other compatible uses (including the subsurface and air space).
8. The permittee shall notify the authorized officer of any change of mailing address.
9. Any cultural and/or paleontological resource (fossil(s) or historic or prehistoric site or object) discovered by the permittee or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Permittee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate values. The permittee will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting

with the permittee.

10. The permittee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant or permit.
11. This permit is subject to an annual compliance check.
12. Permittee shall not exceed the bounds of this permit without authorized officers consent.
13. The permittee will take precautions to prevent fires on the surrounding public lands.
14. As directed by the Authorized Officer the Holder shall be responsible for control of noxious weed species that result or would result from the construction, use, or maintenance of their grant.

If herbicides are used the Holder shall comply with all applicable Federal and State laws and regulations. Herbicides shall be used only in accordance with their registered uses within the limitations imposed by the Secretary of the Interior. Prior to the use of herbicides, the Holder shall obtain from the authorized officer written approval of a Herbicide Use Proposal Plan showing the type and quantity of herbicide to be used, weed(s) to be controlled, method of application, and any other information deemed necessary by the authorized officer.

Applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.

For areas and acres treated the Holder shall submit to the BLM a completed "BLM Pesticide Application Record" form.

Other control methods include but are not limited to annual mowing.

JUNAYO RANCH

Limited Partnership



Murphy, Idaho
Kuna, Idaho

RECEIVED

MAY 26 2009

WATER RESOURCES
WESTERN REGION

Mailing Address
Suite 230
1087 West River Street
Boise, Idaho 83702

General Partner
OWEN H. ORNDORFF

Limited Partner
Harvey H. Orndorff
(1918-1992)

May 21, 2009

Angela Grimm
Water Resource Agent
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705

Re: BLM Land Use Permit

Dear Angela:

Enclosed is a copy of the BLM Land Use Permit to irrigate Section 19.

Thank you for all of your assistance in this regard. Please call if you have any questions.

Very truly yours,

Owen H. Orndorff
General Partner

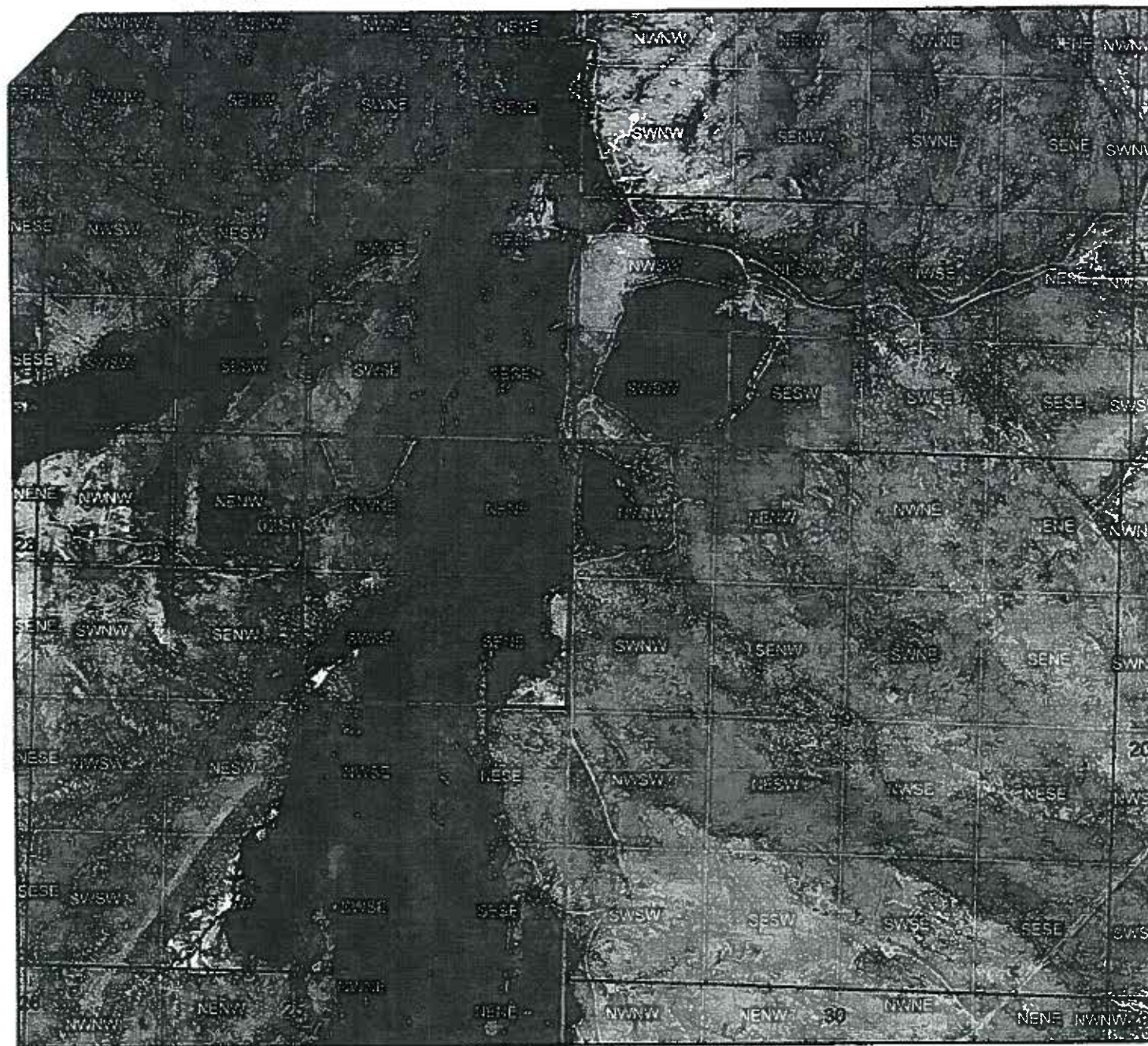
OHO/as
enclosure

Attachment "C"

Junayo Ranch Water Rights

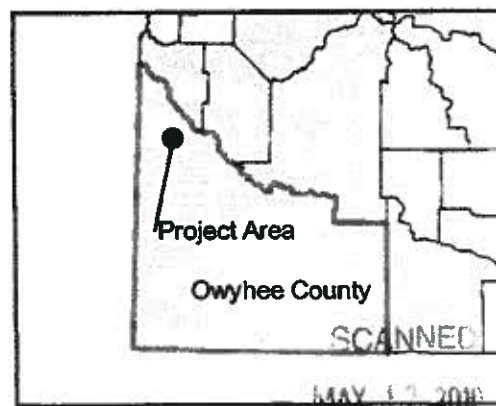
During my review of the Junayo Ranch storage water rights I discovered that Water Right Nos. 57-7532 and 57-7472 for the storage facilities known as Junayo Ranch #3, both siting and beneficial use, are licensed in Section 24, 2 South, 4 West - but that actual facility is located in Section 19, 2 South, 3 West on BLM land. I think that this "error" needs to be addressed and cleared up prior to compounding it with additional transfers or water right changes.

Attachment # 7a & #7b : Transfer Map



Legend

- ☐ 57_7400_POD
☐ Additional_Acres_57_7400_POU
☒ 57_7400_Existing_POU
☐ Township/Range
☐ Sections
 QQ



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2010

WATER RIGHT NO. 57-7532

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880

Priority Date: 12/13/1990
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	12/31		80 AFA
IRRIGATION FROM STORAGE	03/15	11/15		70 AFA
DIVERSION TO STORAGE	11/15	03/15	0.2 CFS	
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	NENE	Sec. 25	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION STORAGE OWYHEE County

Image #3 is in sec 14 S 36

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04W	24		SENE										

Place of Use Legal Description: IRRIGATION FROM STORAGE OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04W	24		NENE	22		NWNE	4		SWNE	3		SENE	14

Total Acres: 43

Conditions of Approval:

1.	R05	Use of water under this right will 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. 57R.
2.	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.
3.	X35	Rights 57-00252, 57-01070, 57-02325, 57-07040, 57-07400, 57-07472 and 57-07532 when combined shall not exceed a total diversion rate of 4.6 cfs.
4.		Rights 57-249, 57-1073, 57-7040, 57-252, 57-1070, 57-2296, 57-2325, 57-7400, 57-7472 and 57-7532 when combined shall not exceed the irrigation of 160 acres.
5.	R63	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.
6.	R40	The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
7.	X36	Rights 57-252, 57-1070, 57-2325, 57-7040, 57-7400 and 57-7472 are also diverted through the point of diversion described above.
8.		Storage facility known as Junayo Ranch No. 3.

Dates:

Licensed Date: 06/28/2002

Decreed Date:

Permit Proof Due Date: 3/2/1992

Permit Proof Made Date: 3/10/1992

Permit Approved Date: 3/21/1991

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 12/05/1990

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 4.6

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2010

WATER RIGHT NO. 57-7472

Owner Type	Name and Address
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880

Priority Date: 08/20/1987

Basis: License

Status: Active

Source	Tributary
REYNOLDS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION STORAGE	01/01	12/31		10 AFA
IRRIGATION FROM STORAGE	03/15	11/15		10 AFA
DIVERSION TO STORAGE	11/15	03/15	0.2 CFS	
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	NENE	Sec. 25	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION STORAGE OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04W	24		SENE										

Place of Use Legal Description: IRRIGATION FROM STORAGE OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04W	24		NENE	22		NWNE	4		SWNE	3		SENE	1

Total Acres: 30

Conditions of Approval:

1.	R05	Use of water under this right will 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. 57R.
2.	X35	Rights 57-252, 57-1070, 57-2325, 57-7040, 57-7400, 57-7532 and 57-7472 when combined shall not exceed a total diversion rate of 4.6 cfs.
3.		Rights 57-249, 57-1073, 57-7040, 57-252, 57-1070, 57-2296, 57-2325, 57-7400, 57-7532 and 57-7472 when combined shall not exceed the irrigation of 160 acres.
4.	R63	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.
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.
6.	R40	The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
7.	X36	Rights 57-00252, 57-01070, 57-02325, 57-07040, 57-07400, 57-07472 and 57-07532 are also diverted through the point of diversion described above.
8.		Storage facility known as Junayo Ranch No. 3.

Dates:

Licensed Date: 06/28/2002

Decreed Date:

Permit Proof Due Date: 5/1/1991

Permit Proof Made Date: 3/6/1991

Permit Approved Date: 4/25/1988

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 08/20/1987
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 4.6

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2010

WATER RIGHT NO. 57-7400

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880

Priority Date: 01/13/1984

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	01/01	12/31		150 AFA
IRRIGATION FROM STORAGE	03/15	11/15		150 AFA
DIVERSION TO STORAGE	11/15	03/15	4.6 CFS	
Total Diversion			4.6 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	NENE	Sec. 25	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	03W	18		NESW	2	3	NWSW	15	4	SWSW	2			
	04W	13		SENE	9									
		24		NENE	22		NWNE	4		SWNE	3		SENE	14

Total Acres: 71

Conditions of Approval:

1.	R04	Use of water under this water right will be regulated by the watermaster of State Water District No. 57R.
2.	X36	Rights 57-00252, 57-01070, 57-02325, 57-07040, 57-07472 and 57-07532 are also diverted through the point of diversion described above.
3.	X35	Rights 57-00249, 57-01073, 57-07040, 57-00252, 57-01070, 57-02296, 57-02325, 57-07472, 57-07532 and 57-07400 when combined shall not exceed the irrigation of 160 acres.
4.		Rights 57-02325, 57-07040, and 57-07400 are limited to a total annual combined storage capacity of 160 af.
5.		Rights 57-00252, 57-01070, 57-02325, 57-07040, 57-07472, 57-07532 and 57-07400 when combined shall not exceed a total diversion rate of 4.6 cfs.
6.	R63	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.		Storage facility known as Tyson West.
8.	R40	The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.

Dates:

Licensed Date: 06/28/2002

Decreed Date:

Permit Proof Due Date: 3/1/1989

Permit Proof Made Date: 1/30/1989

Permit Approved Date: 3/7/1984

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 01/13/1984

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 3.5
Combined Acres Limit:
Combined Volume Limit:
Combined Rate Limit: 4.6
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2010

WATER RIGHT NO. 57-7040

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880
Original Owner	C T RANCH CO MURPHY, ID 83650

Priority Date: 02/24/1970

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	1/01	12/31		60 AFA
IRRIGATION FROM STORAGE	3/15	11/15		195 AFA
DIVERSION TO STORAGE	1/01	12/31	4.6 CFS	
Total Diversion			4.6 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	NENE	Sec. 25	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	03W	18	2	SWNW	8									
			4	SWSW	6	5	SESW	24						

Total Acres: 38

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 57-02325 IS LIMITED TO A TOTAL ANNUAL COMBINED STORAGE CAPACITY OF 160 AF. THE TOTAL COMBINED RATE OF DIVERSION OF THIS RIGHT AND RIGHT NOS. 57-00252, 57-01070 AND 57-02325 IS LIMITED TO 4.6 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 57-00249, AND 57-01073 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON.
3. THE FOLLOWING LANGUAGE IS FROM THE "STIPULATION BY CERTAIN DEFENDANTS FOR ENTRY OF DECREE ADJUDICATING WATER RIGHTS", INCORPORATED IN THE DECREE FILED MARCH 23, 1988 DECREES THIS RIGHT. THE LANGUAGE IS A VERBATUM PORTION OF THE STIPULATION. 6. JUNAYO RANCH, FOR ITSELF AND AS SUCCESSOR IN INTEREST TO C.T. RANCH COMPANY AND JUNAYO RANCH COMPANY, FORMER UPPER USERS, AGREES THAT ITS WATER RIGHTS OTHER THAN NO. 57-2325 AND NO. 57-7040 DO NOT ENTITLE IT TO DIVERT WATER TO STORAGE DURING THE IRRIGATION SEASON, EVEN THOUGH IT MAY BE PHYSICALLY POSSIBLE TO DIVERT WATER INTO ITS STORAGE FACILITIES DURING THE IRRIGATION SEASON, AND THAT NO DIVERSION TO STORAGE IS AUTHORIZED UNDER THEIR RIGHTS NOS. 57-2325 AND 57-7040 DURING THE IRRIGATION SEASON UNLESS ALL PRIOR WATER RIGHTS ON REYNOLDS CREEK ARE BEING SATISFIED. JUNAYO RANCH FURTHER AGREES THAT (1) STORAGE CAPACITY UNDER PERMIT NO. 57-7454 SHALL NOT EXCEED TWENTY-FIVE ACRE FEET PER ANNUM (25 AFA) [AFY], (2) STORAGE UNDER ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7473 SHALL NOT EXCEED FIFTY ACRE FEET PER ANNUM (50 AFA), (3) STORAGE UNDER PERMIT NO. 57-7454 COMBINED WITH STORAGE UNDER ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7473 SHALL NOT EXCEED SEVENTY-FIVE ACRE FEET PER ANNUM (75 AFA), AND STORAGE UNDER ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7472 SHALL NOT EXCEED TEN ACRE FEET PER ANNUM (10 AFA) FOR THE STORAGE POND IDENTIFIED IN THAT APPLICATION, AND JUNAYO RANCH FURTHER AGREES THAT THE CONDITION OR CONDITIONS IMPOSED BY THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES IN ANY WATER PERMIT NOW HELD BY JUNAYO RANCH, OR IN ANY PERMIT ISSUED TO JUNAYO RANCH PURSUANT TO AN APPLICATION IDENTIFIED IN THIS STIPULATION, OR ANY CONDITION WITH RESPECT TO ANY SUCH WATER PERMIT, NOW HELD OR HEREFTER ISSUED TO JUNAYO RANCH, IMPOSED BY THIS STIPULATION OR BY AN AGREEMENT BETWEEN IT AND ALL OF THE OTHER PARTIES TO THIS STIPULATION,

SHALL BE CARRIED FORWARD INTO ANY SUPPLEMENTAL DECREE ENTERED IN THIS ACTION OR ANY DECREE ENTERED IN ANY OTHER ACTION ADJUDICATING THE RIGHTS TO THE USE OF THE WATERS OF REYNOLDS CREEK.

4. RIGHT NOS. 57-00252, 57-01070 AND 57-02325 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 02/20/2003

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 52

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2010

WATER RIGHT NO. 57-2325

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880
Original Owner	C T RANCH CO MURPHY, ID 83650

Priority Date: 08/10/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION STORAGE	1/01	12/31		160 AFA
IRRIGATION FROM STORAGE	3/15	11/15		160 AFA
DIVERSION TO STORAGE	1/01	12/31	4.6 CFS	
Total Diversion			4.6 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	NENE	Sec. 25	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FROM STORAGE OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04W	13		SENE	5									
				NESE	21		SESE	25						

Total Acres: 51

Conditions of Approval:

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.		USE OF THIS RIGHT WITH RIGHT NO. 57-07040 IS LIMITED TO A TOTAL COMBINED ANNUAL STORAGE VOLUME OF 160 AF. RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 4.6 CFS. OTHER RIGHT NOS.: 57-00252, 57-01070 AND 57-07040.
3.		USE OF THIS RIGHT WITH RIGHT NO. 57-02296 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 63 ACRES IN A SINGLE IRRIGATION SEASON.
4.		THE FOLLOWING LANGUAGE IS FROM THE "STIPULATION BY CERTAIN DEFENDANTS FOR ENTRY OF DECREE ADJUDICATING WATER RIGHTS", INCORPORATED IN THE DECREE FILED MARCH 23, 1988 DECREES THIS RIGHT. THE LANGUAGE IS A VERBATUM PORTION OF THE STIPULATION. 6. JUNAYO RANCH, FOR ITSELF AND AS SUCCESSOR IN INTEREST TO C.T. RANCH COMPANY AND JUNAYO RANCH COMPANY, FORMER UPPER USERS, AGREES THAT ITS WATER RIGHTS OTHER THAN NO. 57-2325 AND NO. 57-7040 DO NOT ENTITLE IT TO DIVERT WATER TO STORAGE DURING THE IRRIGATION SEASON, EVEN THOUGH IT MAY BE PHYSICALLY POSSIBLE TO DIVERT WATER INTO ITS STORAGE FACILITIES DURING THE IRRIGATION SEASON, AND THAT NO DIVERSION TO STORAGE IS AUTHORIZED UNDER THEIR RIGHTS NOS. 57-2325 AND 57-7040 DURING THE IRRIGATION SEASON UNLESS ALL PRIOR WATER RIGHTS ON REYNOLDS CREEK ARE BEING SATISFIED. JUNAYO RANCH FURTHER AGREES THAT (1) STORAGE CAPACITY UNDER PERMIT NO. 57-7454 SHALL NOT EXCEED TWENTY-FIVE ACRE FEET PER ANNUM (25 AFA)[AFY], (2) STORAGE UNDER ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7473 SHALL NOT EXCEED FIFTY ACRE FEET PER ANNUM (50 AFA), (3) STORAGE UNDER PERMIT NO. 57-7454 COMBINED WITH STORAGE UNDER ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7473 SHALL NOT EXCEED SEVENTY-FIVE ACRE FEET PER ANNUM (75 AFA), AND STORAGE UNDER ANY PERMIT ISSUED PURSUANT TO APPLICATION NO. 57-7472 SHALL NOT EXCEED TEN ACRE FEET PER ANNUM (10 AFA) FOR THE STORAGE POND IDENTIFIED IN THAT

APPLICATION, AND JUNAYO RANCH FURTHER AGREES THAT THE CONDITION OR CONDITIONS IMPOSED BY THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES IN ANY WATER PERMIT NOW HELD BY JUNAYO RANCH, OR IN ANY PERMIT ISSUED TO JUNAYO RANCH PURSUANT TO AN APPLICATION IDENTIFIED IN THIS STIPULATION, OR ANY CONDITION WITH RESPECT TO ANY SUCH WATER PERMIT, NOW HELD OR HEREAFTER ISSUED TO JUNAYO RANCH, IMPOSED BY THIS STIPULATION OR BY AN AGREEMENT BETWEEN IT AND ALL OF THE OTHER PARTIES TO THIS STIPULATION, SHALL BE CARRIED FORWARD INTO ANY SUPPLEMENTAL DECREE ENTERED IN THIS ACTION OR ANY DECREE ENTERED IN ANY OTHER ACTION ADJUDICATING THE RIGHTS TO THE USE OF THE WATERS OF REYNOLDS CREEK.

Dates:

Licensed Date:

Decreed Date: 01/22/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 4.6

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2010

WATER RIGHT NO. 57-1070

Owner Type	Name and Address
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880
Original Owner	C T RANCH CO MURPHY, ID 83650

Priority Date: 09/21/1911

Basis: Decreed

Status: Active

Source	Tributary
REYNOLDS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.1 CFS	
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	NENE	Sec. 25	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04W	24		NENE	22		NWNE	4		SWNE	3		SENE	14

Total Acres: 43

Conditions of Approval:

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.		RIGHT NOS. 57-00252, 57-02325 AND 57-07040 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 4.6 CFS.
3.		DIVERTING WATER BEFORE OR AFTER THE PERIOD OF USE UNDER THIS RIGHT IS ALLOWED PROVIDED: A. THE WATERS SO DIVERTED ARE APPLIED TO A BENEFICIAL USE, AND B. THE EXISTING RIGHTS AND FUTURE APPROPRIATIONS ARE FIRST SATISFIED.
4.		USE OF THIS RIGHT WITH RIGHT NO. 57-00252 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 12/26/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 43

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/28/2010

WATER RIGHT NO. 57-2296

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880
Original Owner	C T RANCH CO MURPHY, ID 83650

Priority Date: 08/10/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.9 CFS	
Total Diversion			0.9 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	SENE	Sec. 13	Township 02S	Range 04W	OWYHEE County
REYNOLDS CREEK	NESE	Sec. 13	Township 02S	Range 04W	OWYHEE County
REYNOLDS CREEK	SESE	Sec. 13	Township 02S	Range 04W	OWYHEE County
REYNOLDS CREEK	NENE	Sec. 24	Township 02S	Range 04W	OWYHEE County

REYNOLDS CREEK SENE Sec. 24 Township 02S Range 04W OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04W	13		NESE	21		SESE	25						
		24		NENE	12									

Total Acres: 58

Conditions of Approval:

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.		DIVERTING WATER BEFORE OR AFTER THE PERIOD OF USE UNDER THIS RIGHT IS ALLOWED PROVIDED: A. THE WATERS SO DIVERTED ARE APPLIED TO A BENEFICIAL USE, AND B. THE EXISTING RIGHTS AND FUTURE APPROPRIATIONS ARE FIRST SATISFIED.
3.		USE OF THIS RIGHT WITH RIGHT NO. 57-02325 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 63.0 ACRES IN A SINGLE IRRIGATION SEASON.
4.		THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 57-01073 AND 57-00249.

Dates:

Licensed Date:

Decreed Date: 12/23/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 63
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

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Water Right Report

5/28/2010

WATER RIGHT NO. 57-1073

Owner Type	Name and Address
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880
Original Owner	C T RANCH CO MURPHY, ID 83650

Priority Date: 09/21/1911

Basis: Decreed

Status: Active

Source	Tributary
REYNOLDS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.46 CFS	
Total Diversion			0.46 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	SENE	Sec. 13	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	03W	18	2	SWNW	8									
			4	SWSW	6	5	SESW	24						
	04W	13		SENE	14									

Total Acres: 52

Conditions of Approval:

1.		DIVERTING WATER BEFORE OR AFTER THE PERIOD OF USE UNDER THIS RIGHT IS ALLOWED PROVIDED: A. THE WATERS SO DIVERTED ARE APPLIED TO A BENEFICIAL USE, AND B. THE EXISTING RIGHTS AND FUTURE APPROPRIATIONS ARE FIRST SATISFIED.
2.		USE OF THIS RIGHT WITH RIGHT NOS. 57-07040 AND 57-00249 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON.
3.	A03	THE USE OF WATER ON THE LANDS TO WHICH THIS RIGHT WAS APPURTENANT HAS BEEN ABANDONED AND FAILURE TO PUT THE WATER TO BENEFICIAL USE ON THE PLACE OF USE DESCRIBED ABOVE WITHIN FIVE (5) YEARS OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE IN USE TO THE PLACE OF USE DESCRIBED ABOVE SHALL CONSTITUTE FORFEITURE OF THIS RIGHT.
4.		THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-02296, 57-00249.

Dates:

Licensed Date:

Decreed Date: 07/10/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 52
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[Close](#)

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Water Right Report

5/28/2010

WATER RIGHT NO. 57-252

Owner Type	Name and Address
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880
Original Owner	C T RANCH CO MURPHY, ID 83650

Priority Date: 06/01/1879

Basis: Decreed

Status: Active

Source	Tributary
REYNOLDS CREEK	SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	0.76 CFS	
Total Diversion			0.76 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	NENE	Sec. 25	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04W	24		NENE	22		NWNE	4		SWNE	3		SENE	14

Total Acres: 43

Conditions of Approval:

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.		RIGHT NOS. 57-01070, 57-02325 AND 57-07040 ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 4.6 CFS.
3.		DIVERTING WATER BEFORE OR AFTER THE PERIOD OF USE UNDER THIS RIGHT IS ALLOWED PROVIDED: A. THE WATERS SO DIVERTED ARE APPLIED TO A BENEFICIAL USE, AND B. THE EXISTING RIGHTS AND FUTURE APPROPRIATIONS ARE FIRST SATISFIED.
4.		USE OF THIS RIGHT WITH RIGHT NO. 57-01070 IS LIMITED TO A THE IRRIGATION OF A COMBINED TOTAL OF 43 ACRES IN A SINGLE IRRIGATION SEASON.

Dates:

Licensed Date:

Decreed Date: 12/23/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 43

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

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Water Right Report

5/28/2010

WATER RIGHT NO. 57-249

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNAYO RANCH LTD PARTNERSHIP 1087 W RIVER ST STE 230 BOISE, ID 83702 (208)343-8880
Original Owner	C T RANCH CO MURPHY, ID 83650

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
REYNOLDS CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.6 CFS	
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

REYNOLDS CREEK	SENE	Sec. 13	Township 02S	Range 04W	OWYHEE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	03W	18	2	SWNW	8									
			4	SWSW	6	5	SESW	24						
	04W	13		SENE	14									

Total Acres: 52

Conditions of Approval:

1.		DIVERTING WATER BEFORE OR AFTER THE PERIOD OF USE UNDER THIS RIGHT IS ALLOWED PROVIDED: A. THE WATERS SO DIVERTED ARE APPLIED TO A BENEFICIAL USE, AND B. THE EXISTING RIGHTS AND FUTURE APPROPRIATIONS ARE FIRST SATISFIED.
2.		USE OF THIS RIGHT WITH RIGHT NOS. 57-01073 AND 57-07040 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON.
3.	A03	THE USE OF WATER ON THE LANDS TO WHICH THIS RIGHT WAS APPURTENANT HAS BEEN ABANDONED AND FAILURE TO PUT THE WATER TO BENEFICIAL USE ON THE PLACE OF USE DESCRIBED ABOVE WITHIN FIVE (5) YEARS OF THE DATE OF THE ADMINISTRATIVE ORDER APPROVING THE CHANGE IN USE TO THE PLACE OF USE DESCRIBED ABOVE SHALL CONSTITUTE FORFEITURE OF THIS RIGHT.
4.		THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 57-02296, 57-01073

Dates:

Licensed Date:

Decreed Date: 04/24/2003

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 57R

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 52
Combined Volume Limit:
Combined Rate Limit:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

[Close](#)

Attachment "D"

Summary of Juanyo Ranch acres currently under irrigation - 160 acres

Addition of Bureau of Land Management acres +20 acres

Total proposed acres to be irrigated 180 acres

Right Number: N/A[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ tract.)

[illegible]

STORAGE

Total Acres (for irrigation use)
$$\div 3.5 \text{ afa} = 170 \text{ ac}$$

585 afa
167 ac.

PINK = DUPLICATES

YELLOW = IRRIGATED FROM LIVE FLOW RIGHTS
GREEN = IRRIGATED FROM STORAGE RIGHTS

Attachment "E"

Storage of live flow waters during the irrigation season by Junayo Ranch continues to be a problem for Reynolds Creek Dist. 57R. General Provisions that are part of the Finding of Fact, Conclusion and Order in Civil Case No. 3456 limit the water masters time frame by not allowing regulation until the water flow at the Outlet Weir drops to 57 CFS (or below). Therefore, without regulation, Junayo Ranch has the ability and opportunity to store water outside of its allowed timeframe (which is 11/15 through 3/15).

Control of live flow and storage waters continues to be a dist distribution issue because Junayo Ranch has only one Parshall flume measuring device at their point of diversion. The water master has no way to measure the water to be stored separately from the live flow irrigation water that must pass through the storage facility to the irrigated land below the reservoir. This matter of lack of measuring devices has been brought to the attention of IDWR personnel. IDWR Western Regions response has been that Junayo Ranch measuring devices need only to be "adequate" to IDWR.



John/STR file

State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 28, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

OWEN ORNDORFF
JUNAYO RANCH LTD PARTNERSHIP
1087 RIVER ST #230
BOISE ID 83702

RE: Macks Creek Reservoirs

Dear Mr. Orndorff:

Since our last meeting of July 27, 1994, we have reviewed the portion of the "Stipulation by Certain Defendants for Entry of Decree Adjudicating Water Rights" which addresses the administration and delivery of the Reynolds Creek water rights as listed in the proposed finding. The language from this portion of the stipulation was included verbatim in the 1988 Reynolds Creek Decree. As such, it applies to all users in the entire basin.

You indicated during our meeting that measuring device requirements do not or should not apply to the diversions on Macks and Cottle Creeks which are located above the Lower Macks Creek Reservoir. Conclusion of Law #19 in the Reynolds Creek Proposed Findings clearly requires all users of irrigation water rights to install and maintain lockable controlling works and measuring devices at their points of diversion. At no place in the stipulation nor within the final decree can we find language to the contrary. The presence of reservoirs within the Macks Creek drainage does not alter or exempt the measuring device requirement.

You stated that the measuring device requirement needs to be enforced uniformly throughout the Reynolds Creek Water District. We agree. On September 12, we spoke with Watermaster Connie Brandau and asked her where the measuring and/or control device discrepancies were occurring within her administrative area. Besides the Macks and Cottle Creek drainages, there are no devices present on Dobson Creek at the Seven High diversion, on Babbington Creek at the Rueck diversion(s), or on Salmon Creek at the Boston diversion(s), where Junayo Ranch is leasing land. In addition, some devices on the Bass Ranch are unsatisfactory. Ms. Brandau acknowledges that both the Babbington and Salmon Creek drainages are generally dry by the time she is called to duty, but indicates that Macks and Cottle Creeks typically flow for at least a few weeks during the delivery period. On Babbington and Salmon Creeks, devices will be required only if diversions are desired after the Watermaster is called. Measuring device infractions in all other locations will be enforced prior to the 1995 irrigation season.

12/28/94

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The determination and regulation of compensatory outflows from Lower Macks Creek Dam based on negotiated flows, as proposed in Carl Myers' letter of July 18, 1994, is not acceptable. Direct accountability of flows through physical measurements is the only practical and equitable method of ensuring priority deliveries. At a certain point as flows diminish each year, the passage of flows through Lower Macks Creek Dam will become futile to the fulfillment of downstream rights, and regulation of Macks Creek may cease at that time. Perhaps a better position to negotiate should be the flow at which a futile downstream call may be determined.

The measuring device requirements for Macks and Cottle Creeks, as set forth in my July 1, 1994 letter still appear to be appropriate. Mr. Myers' letter cites data collected at the Lower Macks Creek Dam site which shows that average runoff flows in March are 6.88 cfs, in April are 6.05 cfs, and in May are 2.47 cfs. If the Watermaster is called to duty on March 15, there can be 4 to 6 weeks of appreciable flows in an average year in the Macks and Cottle Creek drainages which could be delivered, all or in part, to downstream rights. In April alone, at an average rate of flow of 6.05 cfs, 360 acre-feet of water could be generated within the Macks Creek drainage. We consider this to be a significant amount of water which is worthy of delivery.

Further study of the stipulation revealed additional inconsistencies which must be resolved before any new rights are issued to Junayo Ranch. Paragraph 6 of the stipulation states:

"Junayo Ranch...agrees that its water rights other than No. 57-02325 and No. 57-07040 do not entitle it to divert water to storage during the irrigation season, even though it may be physically possible to divert water into its storage facilities during the irrigation season, and that no diversion to storage is authorized under their rights Nos. 57-02325 and 57-07040 during the irrigation season unless all prior water rights on Reynolds Creek are being satisfied."

The intent of this passage is to avoid storage of those irrigation season flows which might be beneficially used downstream in priority order. Diversions authorized under right nos. 57-02325 and 57-07040 from Reynolds Creek have been conditioned by the stipulation and may be regulated at the Reynolds Creek Reservoir diversion. Diversions to storage from Macks or Cottle Creeks during the irrigation season are not presently authorized by decreed rights or permits currently held by you. Without measuring devices, there is no accountability regarding storage within the Macks Creek drainage. Please provide information which would exempt you from the obligation to show accountability for Macks Creek diversions.

12/28/94

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Paragraph 5 of the stipulation states:

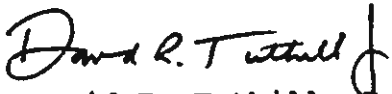
"The Upper Users shall not increase the capacities of their diversion facilities or their storage facilities as the capacities of those facilities existed on June 22, 1987, or were authorized by water permits issued, or applications for permits filed with the Director, prior to October 14, 1987."

Permits no. 57-07525, 57-07532, and application for permit no. 57-07583 were all submitted after October 14, 1987. Each proposes a development or an expansion of a facility which was not in place by June 22, 1987. Please explain why development under these rights would not be in opposition to the stipulation contained within the Reynolds Creek decree as related to new storage development with dates of priority after October 14, 1987.

Unless we are notified to the contrary, we will expect that all required measuring and control devices on Macks and Cottle Creeks be installed at the specified locations within two days after the Watermaster is called to duty. If these devices are not installed, no irrigation diversions from Macks or Cottle Creeks will be allowed by the Watermaster. All available flows will be passed through Lower Macks Creek Dam, based on the Watermaster's best estimate of inflow.

We invite you to submit any further comments or interpretation of this measurement requirement analysis.

Sincerely,



David R. Tuthill, Jr., P. E.
Manager, Western Region Office

DRT:ch

cc: Connie Brandau, Watermaster
Carl Myers

Attachment "F"

Additional comments:

The legal description (Section 19, 2S 4W in the Succor Creek drainage) on the original transfer application as it was legally noticed (May 9 and 26, 2010 in the Owyhee Avalanche) was amended to the correct legal description (to Section 19, 2S 3W in the Snake River Basin drainage) on May 25, 2010. Idaho Code 42-211

Mr. Orndorf failed to check the box on the application which states if the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation, although the documentation for the requirement for a change of ownership was provided to me at a later date by way of the BLM LUP Stipulations.

How does the applicant propose handling the stipulation requiring that the title to water associated with the BLM LUP shall be transferred to the sole name of the United States by May 13, 2012? If the transfer is approved who assumes the responsibility of ditch maintenance, how will the ownership and/or use of the irrigation equipment be accomplished, who will be responsible for the cost of the labor involved in changing sprinklers and who will have the liability of and maintenance for the reservoir/storage facility. It seems to me that there needs to be an extremely detailed lateral users agreement between the parties involved, the BLM as land owner, Owen Orndorf as LUP applicant, and Junayo Ranch LTD Partnership as current water right owner.

There are five water storage rights that all pertain to the same storage facility, with the same point of diversion and the same Conditions of Approval. They each have a different priority date and result in a cumulative total of 160 acre feet of storage with a total cumulative total of 160 acres to be irrigated. My question then becomes "how is there no expansion of the right when the 20 acres of land in Section 19 was never included in the original storage rights?"

My main concern is, regardless of the applicants claim that IC 42-222 allows for an increase in the number of acres irrigated in (sic) no other water rights are injured, there are conditions of approval attached to the Junayo storage rights that limit the application of stored water to a maximum of 160 acres, period, a limit which has already been achieved according to IDWR water right records. The general provisions for the Reynolds Creek adjudication were specific and binding and will injure down stream, senior water right owners - both physically and financially.

If the storage water rights were issued with conditions of approval and those conditions of approval are violated or ignored shouldn't the water right be revoked or terminated?

This application "changes the place" of use by creating a new place of use ($1 + 1 = 2$) , not by removing a use from one area and applying to a different location (1 divided by 1 still equals 1).

Part 1 #4 of the application for transfer should have included the total cumulative acres for the water rights listed in the Conditions of Approval (which total 160 acres) plus the additional 20 acres applied for in the application for transfer to Section 19 for a new cumulative total of 180 acres, when the decrees all limit the storage rights to 160af/160 irrigated acres.