

Memorandum

Date: February 3, 2010

To: File 34-13763

From: Craig L. Saxton

Re: Recalculating limiting conditions for overlapping rights.

The limiting conditions on overlapping rights will change to reflect the follow combine use limits:

"Rights 34-123B, 34-124B, 34-125B, 34-483B, and 34-2320 when combined shall not exceed a total diversion rate of 4.96 cfs, a total annual maximum diversion volume of 785.8 af at the field headgate, and the irrigation of 219.6 acres."

This was reached by simply subtracting the values appropriated for mitigation from the previous limits.

	CFS	AC	AF
Old Limits:	6.46	294.5	1048.3
Mitigation Amounts:	1.5	75	262.5
New limits:	4.96	219.5	785.8

This method seems to be the most practical for determining a new combine use limits. Numerous calculations were made using proportioning and percentages based on different factors. The end result for diversion rate was always within an inch on either side (4.94 cfs using one method and 4.97 cfs using a slightly different method).

The proportioning calculations did not work on volume however, generally resulting in a combine use limit for volume that was greater than the original. The assumed reason for this is because it was discovered that 34-125B is decreed for a greater diversion volume than can be produced by the decreed diversion rate.

34-125B is decreed for 1.55 cfs with a diversion volume of 596.5 af. The irrigation season of use on 34-125B is from 5/1 to 10/15 which is 168 days.

$$(1.55 \text{ cfs})(1.9835)(168 \text{ days}) = 516.5 \text{ af}$$

1.55 cfs cannot produce the annual diversion volume decreed under 34-125B.

WORKING Docs

12.14.08

MDW

Step 1

Before Split and Transfer WRs Irrigated 305 Acres						
WR No.	Priority Date	Q (cfs) Before Trns/Split	Q (cfs) After Shrink	Acers @ 0.02 cfs/ac	Con. Vol. ac-ft	
34-123	1905	1.40	1.40	70	175	Warm Springs Cr. WRs
34-124	1908	0.20	0.20	10	25	
34-483	1902	3.20	3.20	160	400	
		4.60		240	600	
34-125	1914	1.60	0.80	40	100	Big Lost R. WR 50% Shrinkage
		1.60		40.00	100.00	
Subtotal:		6.40		280.00	700.00	
34-2320	1955	4.00	4.00	200	500	This WR Can Only Be Primary for 25 acres (305-280)
	Primary	0.50		25	62.5	
	Supplemental	3.50		175	437.5	
Total:		6.90		305.00	762.50	
Combined Use Limitations:		6.9		305	762.5	

Step 2a

WR Split						
"B" Portion of WRs + 34-2320: Condition Before Transfer						
WR No.	Priority Date	Q (cfs) Before Trns/Split	Q (cfs) After Shrink	Acers @ 0.02 cfs/ac	Vol. ac-ft	
34-123a	1905	1.380	1.380	69.0	241.5	
34-124a	1908	0.200	0.200	10	35	
34-483a	1902	3.170	3.170	158.5	564.75	
		4.750		237.5	831.25	
34-125a	1914	1.580	0.790	39.50	138.25	
		1.580		39.50	138.25	
Subtotal:		6.330		277.00	969.50	
34-2320	1955	4.00	4.00	200	700	This WR Can Only Be Primary for 22.5 acres (299.5-277)
	Primary	0.45		22.5	78.75	
	Supplemental	3.55		177.5	621.25	
Total:		6.78		301.80	1048.25	
Combined Use Limitations:		6.46		299.5	1048.3	I don't understand where the first two values come from. First appear on Pam's worksheet.

Step 2b

WR Split						
"A" Portion of WRs - Irrigation of 0.7 acres w/in 3.2 ac. PPU						
WR No.	Priority Date	Q (cfs) Before Trns/Split	Q (cfs) After Shrink	Acers @ 0.02 cfs/ac	Vol. ac-ft	
34-123a	1905	0.020	0.014	0.70	--	
34-124a	1908	0.000	0.000	0.00	--	
34-483a	1902	0.030	0.030	1.5	--	
		0.050		2.2	0	
34-125a	1914	0.020	0.01	0.50	--	
		0.020		0.50	--	
Subtotal:		0.070		2.70	0.00	
Total:		0.07		2.70	0.00	
Combined Use Limitations:		--		3.2	--	No shrinkage was applied to the 3.2 value. That is why my calculated values differs.

Step 3a

Trnsf 5001 - Create Rec. Pond w/ Q = 010 cfs & Vol. = 12.5 ac-ft						
Recreational Portion of WRs						
WR No.	Priority Date	Q (cfs) After Shrink	Q (cfs) After Shrink	Acers @ 0.02 cfs/ac	Vol. ac-ft ratio rec/irr	
34-123a	1905	0.02	0.02	1	3.5	
34-124a	1908	0.01	0.01	0.5	1.75	
34-483a	1902	0.05	0.05	2.5	8.75	
		0.08		4	14	
34-125a	1914	0.03	0.015	0.75	2.625	
		0.03		0.75	2.63	
Subtotal:		0.11		4.75	16.63	
34-2320a	1955	0.09	0.09	4.5	15.75	
Total:		0.20		9.25	32.38	
Combined Use Limitations:		0.1		5	17.5	0.1 and 5 from application. 3.5*5 = 17.5

Step 3b

Trnsf 5001 - Create Rec. Pond w/ Q = 010 cfs & Vol. = 12.5 ac-ft						
Remaining Irrigation Portion of WRs						
WR No.	Priority Date	Q (cfs) After Shrink	Q (cfs) After Shrink	Acers @ 0.02 cfs/ac	Vol. ac-ft ratio rec/irr	
34-123a	1905	1.36	1.36	68	238	
34-124a	1908	0.19	0.19	9.5	33.25	
34-483a	1902	3.12	3.12	156	546	
		4.67		233.5	817.25	
34-125a	1914	1.55	0.775	38.75	135.625	
		1.55		38.75	135.63	
Subtotal:		6.22		272.25	952.88	
34-2320a	1955	3.91	3.91	195.5	684.25	This WR Can Only Be Primary for 17.5 acres (294.5-272.5)
	Primary	0.44		22	77	
	Supplemental	3.47		173.5	607.25	
Total:		6.66		294.25	1029.88	
Combined Use Limitations:		6.36		294.5	1030.8	Original Combined Use Limits Subtract Rec C.U. Limits

Step 4a

Mitigation Plan for Application 34-13763						
Mitigation Component of WRs						
WR No.	Priority Date	Q (cfs) After Shrink	Q (cfs) After Shrink	Acers @ 0.02 cfs/ac	Vol. ac-ft ratio rec/irr	
34-123a	1905	0.00	0.00	0	0	
34-124a	1908	0.00	0.00	0	0	
34-483a	1902	1.50	1.50	75	262.5	
		1.50		75	262.5	
34-125a	1914	0.00	0.000	0	0	
		0.00		0.00	0.00	
Subtotal:		1.50		75.00	262.50	
34-2320a	1955	0.00	0.00	0	0	This WR Can Only Be Primary for 17.5 acres (294.5-272.5)
	Primary	0.00		0	0	
	Supplemental	0.00		0	0	
Total:		1.50		75.00	262.50	
Combined Use Limitations:		--		--	--	Not applicable

Step 4b

Mitigation Plan for Application 34-13763						
Irrigation Component of WRs						
WR No.	Priority Date	Q (cfs) After Shrink	Q (cfs) After Shrink	Acers @ 0.02 cfs/ac	Vol. ac-ft ratio rec/irr	
34-123a	1905	1.36	1.36	68.0	238	
34-124a	1908	0.19	0.19	9.5	33.25	
34-483a	1902	1.62	1.62	81.0	283.5	
		3.17		158.5	554.75	
34-125a	1914	1.55	0.775	38.75	135.625	
		1.55		38.75	135.63	
Subtotal:		4.72		197.25	690.38	
34-2320a	1955	3.91	3.91	195.5	684.25	This WR Can Only Be Primary for 22.25 acres (219.5-197.25)
	Primary	0.45		22.3	78.05	
	Supplemental	3.46		173.2	606.2	
Total:		5.17		219.55	768.43	
Combined Use Limitations:		4.86		219.50	768.30	Original "B" Irr. Component Combined Use Limits Subtract Mitigation Values

New Conditions

- 1 34-123b
- 2 34-124b
- 3 34-125b
- 4 34-483b
- 5 34-2320

1,2,3,4,5 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 219.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS: 34-123B, 34-124B, 34-125B, 34-483B, AND 34-02320.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.86 CFS AND A TOTAL ANNUAL MAXIMUM DIVERSOIN VOLUME OF 768.3 AF AT THE FIELD HEADGATE. COMBINED RIGHT NOS.: 34-123B, 34-124B, 34-125B, 34-483B, AND 34-02320.

THE RIGHT HOLDER SHALL MAINTAIN A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE APPROVED BY THE DEPARTMENT IN A MANNER THAT WILL PROVIDE THE WATERMASTER SUITABLE CONTROL OF THE DIVERSION(S).

USE OF WATER UNDER THIS RIGHT WILL BE REGULATED BY A WATERMASTER WITH RESPONSIBILITY FOR THE DISTRIBUTION OF WATER AMONG APPRPRIATORS WITHIN A WATER DISTRICT. AT THE TIME OF THIS APPROVAL , THIS WATER RIGHT IS WITHIN STATE WATER DISTRICT NO. 34.

4 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 81 ACRES WITHIN THE PLACE OF USE DECRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-123B

Place of Use

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	26												X					

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	25							36.0				39.0						75.0
08N	22E	26								40.0			28.0	39.0	40.0	34.5	38.0		219.5

Total Acres: 294.5

RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Conditions of Approval:

1. THIS APPROVAL IS SPECIFICALLY CONDITIONED UPON THE TERMS AND MOTION FOR ORDER FILED WITH THE DEPARTMENT ON OCTOBER 12, 1999, IN THE MATTER OF APPLICATION FOR PERMIT NO. 34-07591, IN THE NAME OF L&S PARTNERS, NUMEROUS OTHER CAPTIONED MATTERS AND THE PRELIMINARY ORDER OF THE DEPARTMENT ISSUED ON NOVEMBER 18, 1999. THIS APPROVAL IS SUBJECT TO ANY FUTURE MODIFICATIONS RESULTING FROM OR REQUIRED BY THE TERMS OF THAT STIPULATION, THE PRELIMINARY ORDER OF THE DEPARTMENT, AND THE ACTIONS TAKEN PURSUANT THERETO.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 68.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.46 CFS AND A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 1048.3 AF AT THE FIELD HEADGATE.
COMBINED RIGHT NOS.: 34-123B, 34-124B, 34-125B, 34-483B, AND 34-02320
4. THE FIRST YEAR THAT WATER IS DIVERTED TO RECREATION STORAGE, THE IRRIGATION USE UNDER THESE COMBINED RIGHTS SHALL BE LIMITED TO 6.16 CFS, 285.2 ACRES AND 998.2 AFA. THE REDUCTION OF IRRIGATION DURING THE FIRST YEAR WILL PROVIDE THE ADDITIONAL STORAGE VOLUME TO FILL THE POND WHEN COMBINED WITH THE 17.5 AF ASSOCIATED WITH THE 5.0 ACRES NO LONGER IRRIGATED.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

H2O MEASUREMENT
COND?MINAT
HY
DO WE DO
THIS?

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-123B

6. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 294.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-123B 34-124B, 34-125B, 34-483B AND 34-02320.
7. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:Comments:

1. DCarlson 2/22/2001 transfer 5001

Comment: t 5001 created a rec storage pond

2. psdaggs 1/9/2003 9:19:45 AM Water Right

Comment: This water right record was updated by decree record from old RightID 371434 to new RightID 550591

3. nmiller 5/25/2006 POD

Comment: Correlated PODID 531579 from SpatialDataID 188946 to SpatialDataID 188881

4. nmiller 5/25/2006 POD

Comment: Correlated PODID 531579 from SpatialDataID 188946 to SpatialDataID 188881

5. nmiller 5/25/2006 POD

Comment: Correlated PODID 531579 from SpatialDataID 188946 to SpatialDataID 188881

Dates and Other Information:

Licensed Date:

Decreed Date: 9/18/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.46	1048.3	294.5

Combined Water Rights: 34-123B , 34-124B , 34-483B , 34-125B , 34-2320

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-123B

WATER RIGHT NUMBER: 34-123B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	6 X RANCH LLC C/O BLAKE QUINN PO BOX 12625 FRESNO, CA 93778 (559)891-5400
Directors Report Owner	GORDON C HARRIS 5550 W 4900 N MACKAY, ID 83251
Directors Report Owner	INA MAE HARRIS 5550 W 4900 N MACKAY, ID 83251 (208)588-2674
Original Owner	LESTER LINGENFELTER , ID
Attorney	GIVENS PURSLEY LLP PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200

Priority Date: 05/01/1905

Basis: Decreed

Status: Active

Source

WARM SPRINGS CREEK

Tributary

BIG LOST RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	05/01 to 10/15	0.020 CFS	4.20 AF
IRRIGATION	05/01 to 10/15	1.360 CFS	238.40 AF
RECREATION STORAGE	01/01 to 12/31		4.20 AF
	<u>Total Diversion:</u>	1.380 CFS	242.60 AF

Location of Point(s) of Diversion

WARM SPRINGS CREEK SE1/4SW1/4 Sec. 26, Twp 08N, Rge 22E, B.M.	CUSTER County
WARM SPRINGS CREEK NW1/4SW1/4 Sec. 26, Twp 08N, Rge 22E, B.M.	CUSTER County
WARM SPRINGS CREEK NW1/4SW1/4 Sec. 27, Twp 08N, Rge 22E, B.M.	CUSTER County
WARM SPRINGS CREEK SW1/4SW1/4 Sec. 26, Twp 08N, Rge 22E, B.M.	CUSTER County

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-124B

WATER RIGHT NUMBER: 34-124B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LESTER LINGENFELTER
	, ID
Current Owner	6 X RANCH LLC C/O BLAKE QUINN PO BOX 12625 FRESNO, CA 93778 (559)891-5400
Directors Report Owner	GORDON C HARRIS 5550 W 4900 N MACKAY, ID 83251
Attorney	GIVENS PURSLEY LLP PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200
Directors Report Owner	INA MAE HARRIS 5550 W 4900 N MACKAY, ID 83251 (208)588-2674

Priority Date: 06/01/1908

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/15	0.190 CFS	34.00 AF
RECREATION	05/01 to 10/15	0.010 CFS	0.70 AF
RECREATION STORAGE	01/01 to 12/31		0.70 AF
	<u>Total Diversion:</u>	0.200 CFS	34.70 AF

Location of Point(s) of Diversion

WARM SPRINGS CREEK NW1/4SW1/4 Sec. 27, Twp 08N, Rge 22E, B.M.	CUSTER County
WARM SPRINGS CREEK SW1/4SW1/4 Sec. 26, Twp 08N, Rge 22E, B.M.	CUSTER County
WARM SPRINGS CREEK NW1/4SW1/4 Sec. 26, Twp 08N, Rge 22E, B.M.	CUSTER County
WARM SPRINGS CREEK SE1/4SW1/4 Sec. 26, Twp 08N, Rge 22E, B.M.	CUSTER County

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-124B

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
08N	22E	25							36.0				39.0						75.0
08N	22E	26								40.0			28.0	39.0	40.0	34.5	38.0		219.5

Total Acres: 294.5

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
08N	22E	26												X					

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. THIS APPROVAL IS SPECIFICALLY CONDITIONED UPON THE TERMS AND MOTION FOR ORDER FILED WITH THE DEPARTMENT ON OCTOBER 12, 1999, IN THE MATTER OF APPLICATION FOR PERMIT NO. 34-07591, IN THE NAME OF L&S PARTNERS, NUMEROUS OTHER CAPTIONED MATTERS AND THE PRELIMINARY ORDER OF THE DEPARTMENT ISSUED ON NOVEMBER 18, 1999. THIS APPROVAL IS SUBJECT TO ANY FUTURE MODIFICATIONS RESULTING FROM OR REQUIRED BY THE TERMS OF THAT STIPULATION, THE PRELIMINARY ORDER OF THE DEPARTMENT, AND THE ACTIONS TAKEN PURSUANT THERETO.
3. THE FIRST YEAR THAT WATER IS DIVERTED TO RECREATION STORAGE, THE IRRIGATION USE UNDER THESE COMBINED RIGHTS SHALL BE LIMITED TO 6.16 CFS, 285.2 ACRES AND 998.2 AFA. THE REDUCTION OF IRRIGATION DURING THE FIRST YEAR WILL PROVIDE THE ADDITIONAL STORAGE VOLUME TO FILL THE POND WHEN COMBINED WITH THE 17.5 AF ASSOCIATED WITH THE 5.0 ACRES NO LONGER IRRIGATED.
4. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 294.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-123B 34-124B, 34-125B, 34-483B AND 34-02320.
5. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
6. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.46 CFS AND A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 1048.3 AF AT THE FIELD HEADGATE. COMBINED RIGHT NOS.: 34-123B, 34-124B, 34-125B, 34-483B, AND 34-02320
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9.7 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-124B

Comments:

1. DCarlson 2/22/2001 TRANSFER 5001
Comment: T 5001- CREATED A RECREATION POND
2. psdaggs 8/22/2002 9:11:54 AM Water Right
Comment: This water right record was updated by decree record from old RightID 371436 to new RightID 550593
3. nmiller 5/25/2006 POD
Comment: Correlated PODID 531584 from SpatialDataID 188946 to SpatialDataID 188881
4. nmiller 5/25/2006 POD
Comment: Correlated PODID 531584 from SpatialDataID 188946 to SpatialDataID 188881
5. nmiller 5/25/2006 POD
Comment: Correlated PODID 531584 from SpatialDataID 188946 to SpatialDataID 188881
6. nmiller 5/25/2006 POD
Comment: Correlated PODID 531584 from SpatialDataID 188946 to SpatialDataID 188881
7. nmiller 5/25/2006 POD
Comment: Correlated PODID 531584 from SpatialDataID 188946 to SpatialDataID 188881
8. nmiller 5/25/2006 POD
Comment: Correlated PODID 531584 from SpatialDataID 188946 to SpatialDataID 188881

Dates and Other Information:

Licensed Date:
 Decreed Date: 9/18/2001
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.46		299.5

Combined Water Rights: 34-124B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.46	1048.3	294.5

Combined Water Rights: 34-123B , 34-124B , 34-483B , 34-125B , 34-2320

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-125B

WATER RIGHT NUMBER: 34-125B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	6 X RANCH LLC C/O BLAKE QUINN PO BOX 12625 FRESNO, CA 93778 (559)891-5400
Original Owner	LESTER LINGENFELTER , ID
Attorney	GIVENS PURSLEY LLP PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200
Directors Report Owner	GORDON C HARRIS 5550 W 4900 N MACKAY, ID 83251
Directors Report Owner	INA MAE HARRIS 5550 W 4900 N MACKAY, ID 83251 (208)588-2674

Priority Date: 06/01/1914

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/01 to 10/15	1.550 CFS	596.50 AF
RECREATION	05/01 to 10/15	0.030 CFS	11.50 AF
RECREATION STORAGE	01/01 to 12/31		11.50 AF
	<u>Total Diversion:</u>	1.580 CFS	608.00 AF

Location of Point(s) of Diversion

BIG LOST RIVER NW1/4SW1/4 Sec. 27, Twp 08N, Rge 22E, B.M.	CUSTER County	(Rediversion)
BIG LOST RIVER NE1/4SW1/4NW1/4 Sec. 15, Twp 08N, Rge 21E, B.M.	CUSTER County	
BIG LOST RIVER SW1/4SW1/4NW1/4 Sec. 27, Twp 08N, Rge 22E, B.M.	CUSTER County	(Injection)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-125B

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08N	22E	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	75.0
									36.0					39.0					
08N	22E	26									40.0		28.0	39.0	40.0	34.5	38.0		219.5

Total Acres: 294.5

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
08N	22E	26	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
											X			X					

← Aldon Puv

Conditions of Approval:

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 294.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-123B 34-124B, 34-125B, 34-483B AND 34-02320.
2. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.
3. THIS APPROVAL IS SPECIFICALLY CONDITIONED UPON THE TERMS AND MOTION FOR ORDER FILED WITH THE DEPARTMENT ON OCTOBER 12, 1999, IN THE MATTER OF APPLICATION FOR PERMIT NO. 34-07591, IN THE NAME OF L&S PARTNERS, NUMEROUS OTHER CAPTIONED MATTERS AND THE PRELIMINARY ORDER OF THE DEPARTMENT ISSUED ON NOVEMBER 18, 1999. THIS APPROVAL IS SUBJECT TO ANY FUTURE MODIFICATIONS RESULTING FROM OR REQUIRED BY THE TERMS OF THAT STIPULATION, THE PRELIMINARY ORDER OF THE DEPARTMENT, AND THE ACTIONS TAKEN PURSUANT THERETO.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.46 CFS AND A TOTAL ANNUAL MAXIMUM DIVERSION VOLUME OF 1048.3 AF AT THE FIELD HEADGATE. COMBINED RIGHT NOS.: 34-123B, 34-124B, 34-125B, 34-483B, AND 34-02320
5. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
6. WATER IS DELIVERED THROUGH NEILSEN DITCH.
7. THE FIRST YEAR THAT WATER IS DIVERTED TO RECREATION STORAGE, THE IRRIGATION USE UNDER THESE COMBINED RIGHTS SHALL BE LIMITED TO 6.16 CFS, 285.2 ACRES AND 998.2 AFA. THE REDUCTION OF IRRIGATION DURING THE FIRST YEAR WILL PROVIDE THE ADDITIONAL STORAGE VOLUME TO FILL THE POND WHEN COMBINED WITH THE 17.5 AF ASSOCIATED WITH THE 5.0 ACRES NO LONGER IRRIGATED.
8. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-125B

Comments:

1. DCarlson 2/22/2001 TRANSFER 5001
Comment: T 5001 CREATED A RECREATION POND
2. kwalker 8/9/2004 7:57:02 AM Water Right
Comment: This water right record was updated by decree record from old RightID 371439 to new RightID 550597
3. nmiller 5/25/2006 POD
Comment: Correlated PODID 531596 from SpatialDataID 188946 to SpatialDataID 188881
4. nmiller 5/25/2006 POD
Comment: Correlated PODID 531596 from SpatialDataID 188946 to SpatialDataID 188881
5. nmiller 5/25/2006 POD
Comment: Correlated PODID 531596 from SpatialDataID 188946 to SpatialDataID 188881

Dates and Other Information:

Licensed Date:
Decreed Date: 9/27/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
6.46	1048.3	294.5

Combined Water Rights: 34-123B , 34-124B , 34-483B , 34-125B , 34-2320

Water Supply Bank:

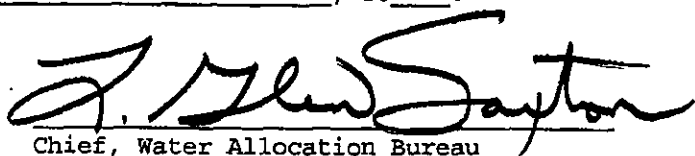
TRANSFER NO. 5001
WATER RIGHT NO(S). 34-00123B/34-00124B/34-00125B
34-00483B/34-02320

- ** 9. Right 34-00124B is limited to the irrigation of 9.7 acres within the place of use described above in a single irrigation season.
- ** 10. Right 34-00483B is limited to the irrigation of 155.9 acres within the place of use described above in a single irrigation season.
- *** 11. Right 34-02320 is limited to the irrigation of 219.5 acres within the place of use described above in a single irrigation season.
- * 12. Rights 34-00123B, 34-00124B, 34-00125B, 34-00483B and 34-02320 when combined shall not exceed a total diversion rate of 6.46 cfs a total annual maximum diversion volume of 1048.3 af at the field headgate, and the irrigation of 294.5 acres.
- 13. The first year that water is diverted to recreation storage, the irrigation use under these combined rights shall be limited to 6.16 cfs, 285.2 acres and 998.2 afa.
- 14. The reduction of irrigation during the first year will provide the additional storage volume to fill the pond when combined with the 17.5 af associated with the 5.0 acres no longer irrigated.
- 15. Approval of Transfer 5001 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
- 16. This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit No. 34-07591, In the Name of L&S Partners, numerous other captioned matters and the Preliminary Order of the Department issued on November 18, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

Dated this 2nd day of

March

2000


Chief, Water Allocation Bureau

MICROFILMED
MAR 17 2000

Custer Co. 879-2325

5 Acres SESW, S24, T08N, R22E

Stoecklein sold to LeX Ranches LLC

Dave Stoecklein 726-5191 ext 12 FAX (208) 726-9752

Jim Speck 726-4421

LeX Ranches - T.5001 - Purchased Harris property from Stoecklein

Blake Quinn (559) 891-5400

123)	1.38 cfs	69.3 acres $1.38/.02 = 69$	WS	1.36 cfs	68.1 acres (1.2")	238.4 af	242.6 af 69.3(3.5)
124)	.20 "	9.9 "	WS	.19 "	9.7 "	34.0 "	34.7 "
125)	1.58 "	299.9 "	BL	.01 "	(.2")	.7 "	9.7(3.5) = 34.65
483)	3.17 "	158.5 "	WS	1.55 "	294.5 "	596.5 "	608.0 " (VDP)
		$3.17/.02 = 158.5$		.03 "	(5.0")	11.5 "	
2320)	4.00 "	224.5 "	GL	3.12 "	155.9 "	545.7 "	554.8 "
				.05 "	(2.6")	9.1 "	158.5(3.5)
				3.91 "	219.5 "	768.3 "	785.7 "
				.09 "	(5.0")	17.5 "	224.5(3.5)
Combined Rt Limits =				6.46 cfs	294.5 acres	1030.8 af	IRR
				(1048.3) 3.5	(5.0")	17.5 af	POND
				-10 cfs		(5)(3.5)	

SAME RATIO
AS Acre Column

FROM APPLICATION

$50 \text{ af} - 17.5 \text{ af} = 32.5 \text{ af} / 3.5 = 9.3$ additional acres out to compensate
for initial fill of 50af storage pond.

$294.5 - 9.3 = 285.2$ acres first yr. pond filled.
+ 6.16 cfs + 998.2 af