

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-4035C

WATER RIGHT NUMBER: 34-4035C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SHANE D ROSENKRANCE 5532 BARTON FLAT RD MACKAY, ID 83251 (208)588-3086
Original Owner	W WINN ROCK PO BOX 416 MACKAY, ID 83251 (208)588-2547
Original Owner	MIMI L G ROSENKRANCE 5532 BARTON FLAT RD MACKAY, ID 83251 (208)588-3086
Original Owner	WANDA ROCK PO BOX 416 MACKAY, ID 83251 (208)588-2547
Original Owner	MC CALAB ESTATES INC C/O STEVE VIGILIATORO 1135 YELLOWSTONE STE D POCATELLO, ID 83201
Current Owner	L & S PARTNERS C/O STEVE ASLETT PO BOX B TWIN FALLS, ID 83303-0015 (208)734-5533

Priority Date: 08/01/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.310 CFS	229.30 AF
	<u>Total Diversion:</u>	1.310 CFS	229.30 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 1,	Twp 07N,	Rge 22E, B.M.
CUSTER County				
GROUND WATER	SE1/4NE1/4	Sec. 1,	Twp 07N,	Rge 22E, B.M.
CUSTER County				

Place of Use

IRRIGATION

Twp Rge Sec	NE		NW		SW		SE	
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		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N 22E	1			40.0	25.5													65.5

Total Acres: 65.5

Conditions of Approval:

1. 01H Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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 of Permit 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.
6. 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.
7. WB4 The total instantaneous diversion of water from all points of diversion under Transfer 5400 shall not exceed 1.31 cfs, nor a total combined annual volume of 229.3 af.
8. Surface water Rights 34-00227K and 34-00830 have been relinquished through approval of Transfer 5400 to mitigate the use of groundwater as a primary source under Right 34-04035C.
9. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
10. R05 Use of water under this right will be regulated by the watermaster of State Water District No. 34.

Remarks:Comments:

1. DCARLSON 4/24/1992 NOTICE OF ERROR
Comment: CHANGED TOTAL COMBINED DIV RATE IN REMARKS CHANGED IT BACK 2.59 CFS 5-22-92 DC
2. MCCARTHY 5/10/1992 BASIS OF CLAIM CHANGED
Comment: CHANGED PER LYNN K-H.
3. ECARLSEN 12/9/1996 COPIED FROM REMARKS
Comment: USE OF THIS RIGHT WITH RIGHT NOS. 34-00830C AND 34-00227K IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.75 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 163.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 65.5 ACRES IN A SINGLE IRRIGATION SEASON.
* THIS RIGHT IS PAID FOR UNDER RECEIPT #E010972. INITIAL REFORMAT REFORMATTED REMARKS AND CONDITIONS TO REFLECT A CHANGE OF OWNE RSHIP RECEIVED OCTOBER, 1993, AND NEW PRESUMPTION CODE.
4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
5. DCarlson 2/7/2001 TRANSFER 5400
Comment: SURFACE WATER RIGHTS 34-227K, 34-830 WERE RELINQUISHED THROUGH TRANSFER 5400

07/10/2006

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6. cclark 7/7/2006 Database correction

Comment: The SRBA partial decree was issued on January 2, 1998. Transfer No. 5400 was approved on March 23, 2000 which changed the point of diversion, place of use and ownership. The Period of Use element was corrected through a nunc pro tunc order issued on January 28, 2002. This modified only the season of use as reflected on the decree. Since the decree did not capture the changes approved by the transfer, the database was updated to reflect the transfer.

Dates and Other Information:

Licensed Date:
Decreed Date: 1/31/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
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