

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-398

WATER RIGHT NUMBER: 34-398

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	OTTO A JOHNSON
Original Owner	SAN FELIPE RANCH
Current Owner	BROKEN RIVER RANCH LP

Priority Date: 08/30/1909

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	5/01 to 10/15	2.000 CFS	350.00 AF
STOCKWATER	1/01 to 12/31	0.020 CFS	4.00 AF
	<u>Total Diversion:</u>	2.000 CFS	354.00 AF

Location of Point(s) of Diversion

WARM SPRINGS CREEK	NW1/4NE1/4SW1/4	Sec. 27, Twp 08N, Rge 22E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	22E	27							31.0	32.0	34.4	36.0	32.0	32.0			32.0	32.0	261.4
08N	22E	28													40.0	39.0			79.0
08N	22E	34			32.0			32.0	32.0										96.0

Total Acres: 436.4

STOCKWATER

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	27							X	X	X	X	X	X			X	X	
08N	22E	28													X	X			

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Water Right Report 34-398

08N 22E 34	X	X	X	X			
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Conditions of Approval:

1. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00398A AND 34-00398B. STOCKWATER, 300 RANGE
2. 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 DEPARTMENT OF WATER RESOURCES.
3. DIVERSION FROM WARM SPRINGS CREEK IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THE PRIORITY OF THIS RIGHT FROM THE ORIGINAL SOURCE, HAMILTON SPRINGS, IN T08N, R22E, S29, NENE.
THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER NO. 5552 BY MARCH 21, 2001.
4. USE OF THIS RIGHT WITH RIGHT NOS. 34-00399 AND 34-07010 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 436.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00398, 34-00399, 34-00861A, 34-00868 AND 34-07010.
5. USE OF THIS RIGHT WITH RIGHT NOS. 34-00399 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS AND A TOTAL COMBINED DIVERSION VOLUME OF 599.2 AF.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.54 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1390.0 AF.
COMBINED RIGHT NO.: 34-00398, 34-00399, 34-00861A, 34-00868, 34-13810 AND 34-07010.
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. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
8. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-398

Comments:

1. CARLSEN 8/1/1991 COPIED FROM REMARKS

Comment: THIS CLAIM RECOMBINES RIGHTS 34-00398A & B. OWNERSHIP CHANGE 9/18/90/EC

2. CARLSEN 4/15/1992 NOTICE OF ERROR

Comment: APPLICANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING HISTORICAL IRRIGATION. ALSO ADDED STOCKWATER AS A USE DURING THE NON-IRRIGATION SEASON.

3. THORNTON 5/10/1992 CHANGE IN RECOMMENDATION

Comment: CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.

4. KEEN 5/22/1992 COMBINED DIVERSIONAL VOLUME LIMITATION REMOVED FROM REMARKS

Comment:

5. psdaggs 8/22/2002 9:49:20 AM Water Right

Comment: This water right record was updated by decree record from old RightID 27310 to new RightID 137852

6. kwalker 4/12/2005 Reduction in Acres

Comment: One acre of irrigation has been removed from this right pursuant to Preliminary Order approving Permit 34-13810. The acre was used as mitigation water for the permit. The rate and volume for the mitigation use is shown under Rt. 34-861A.

Dates and Other Information:

Licensed Date:

Decreed Date: 1/29/2001

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
10.54	1390	436.4

Combined Water Rights: 34-7010 , 34-398 , 34-399 , 34-861A , 34-868

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.34	599.2	168.9

Combined Water Rights: 34-7010 , 34-398 , 34-399