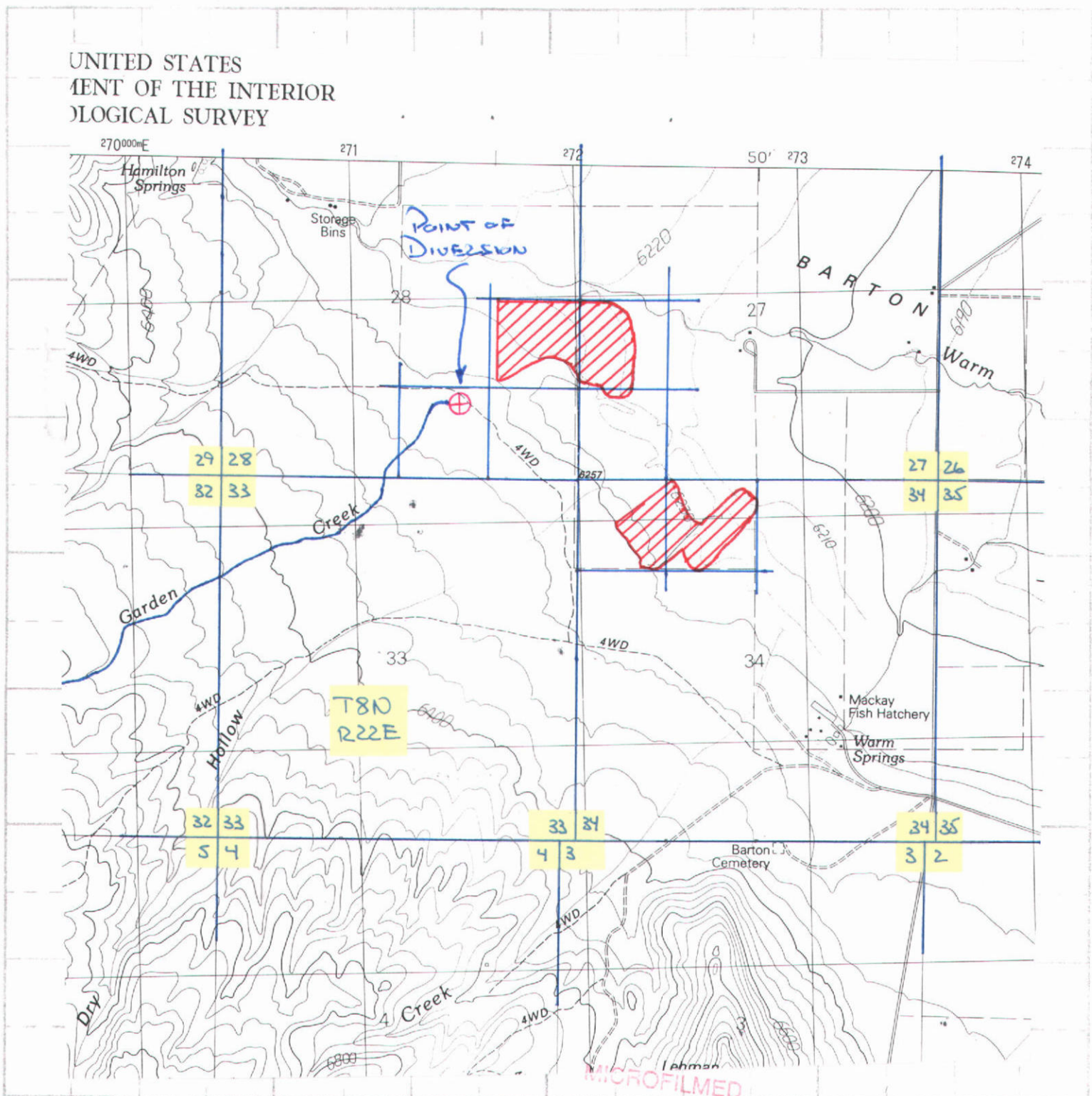


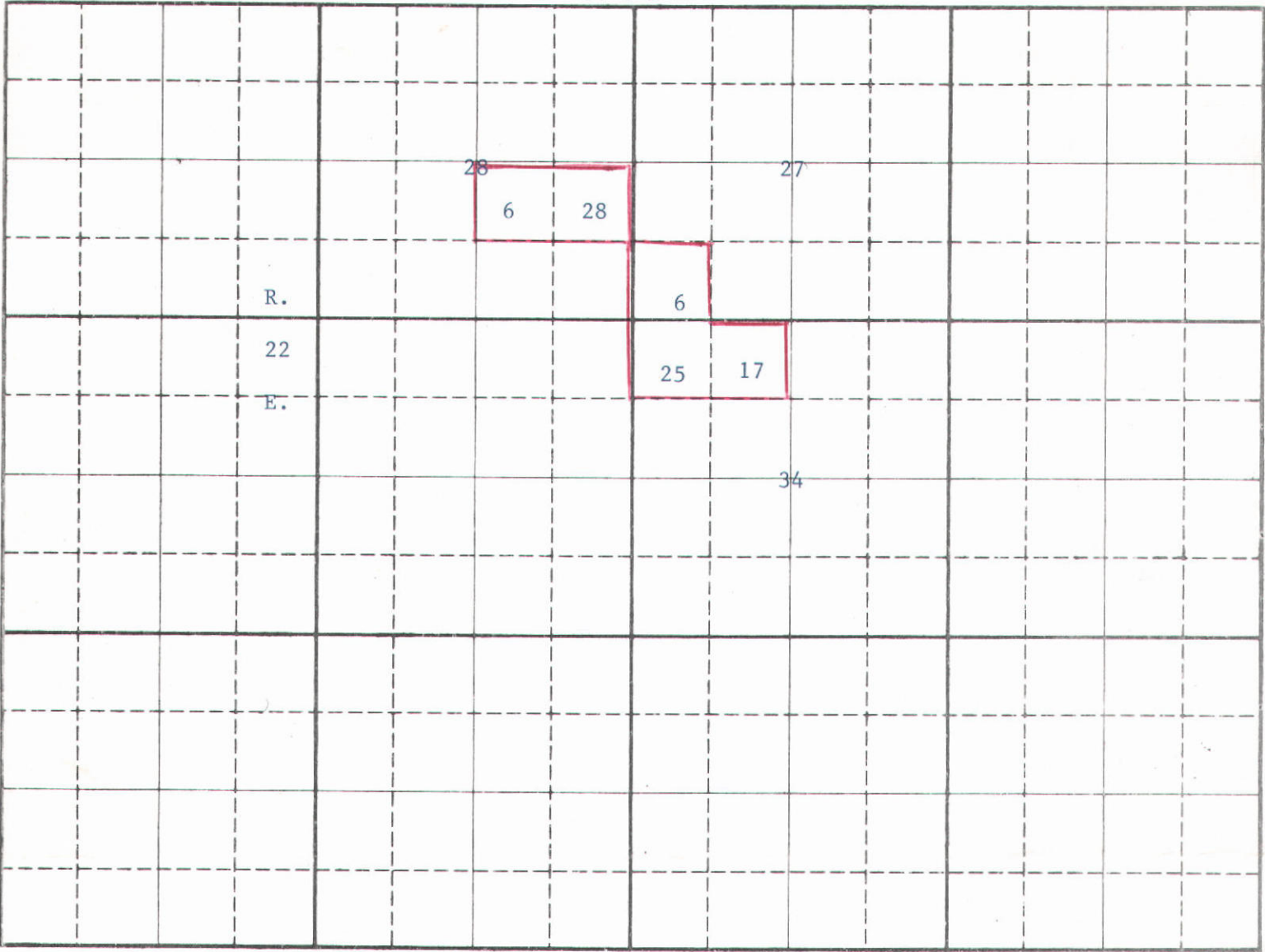
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

T. 8 N



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Mackay, Idaho, this 5th day of July, 1972
Orlin D. Baker
(signature)

Subscribed and sworn to before me this 5th day of July, 1972 Eileen Lamm
Commission Expires: 6/7/73 **ACTION OF STATE RECLAMATION ENGINEER** Notary Public - Mackay, Idaho
Department of Water Administration

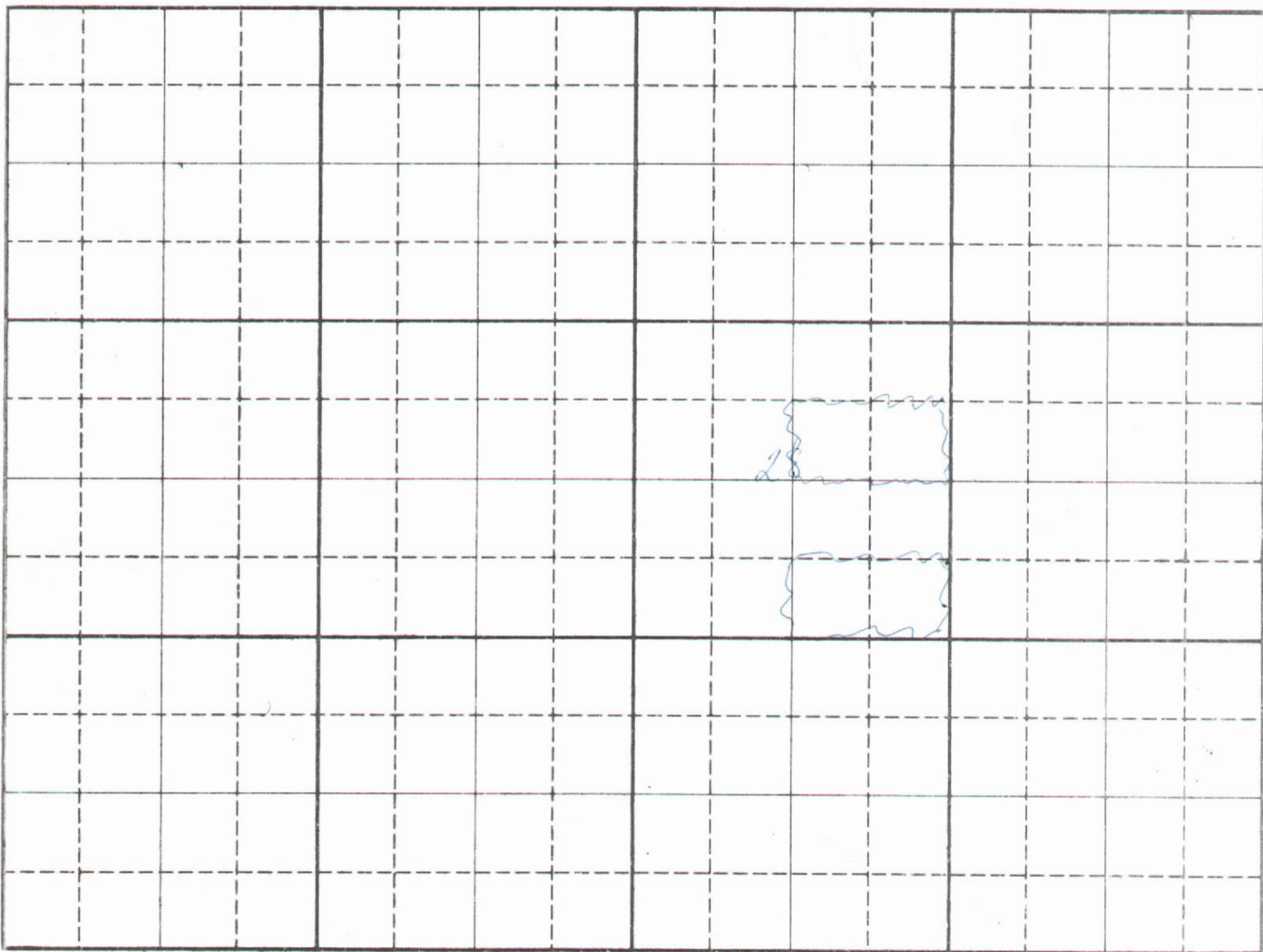
I, R. KEITH HIGGINSON, Director, State Reclamation Engineer of the State of Idaho,

hereby APPROVE the above application for amendment for permit no. 34-7010.

Witness my hand this 2 day of August, 1972

R. Keith Higgins
State Reclamation Engineer
Director

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Mackay, Idaho, this 22nd day of January, 1970.
Orlin D. Baker
(signature)

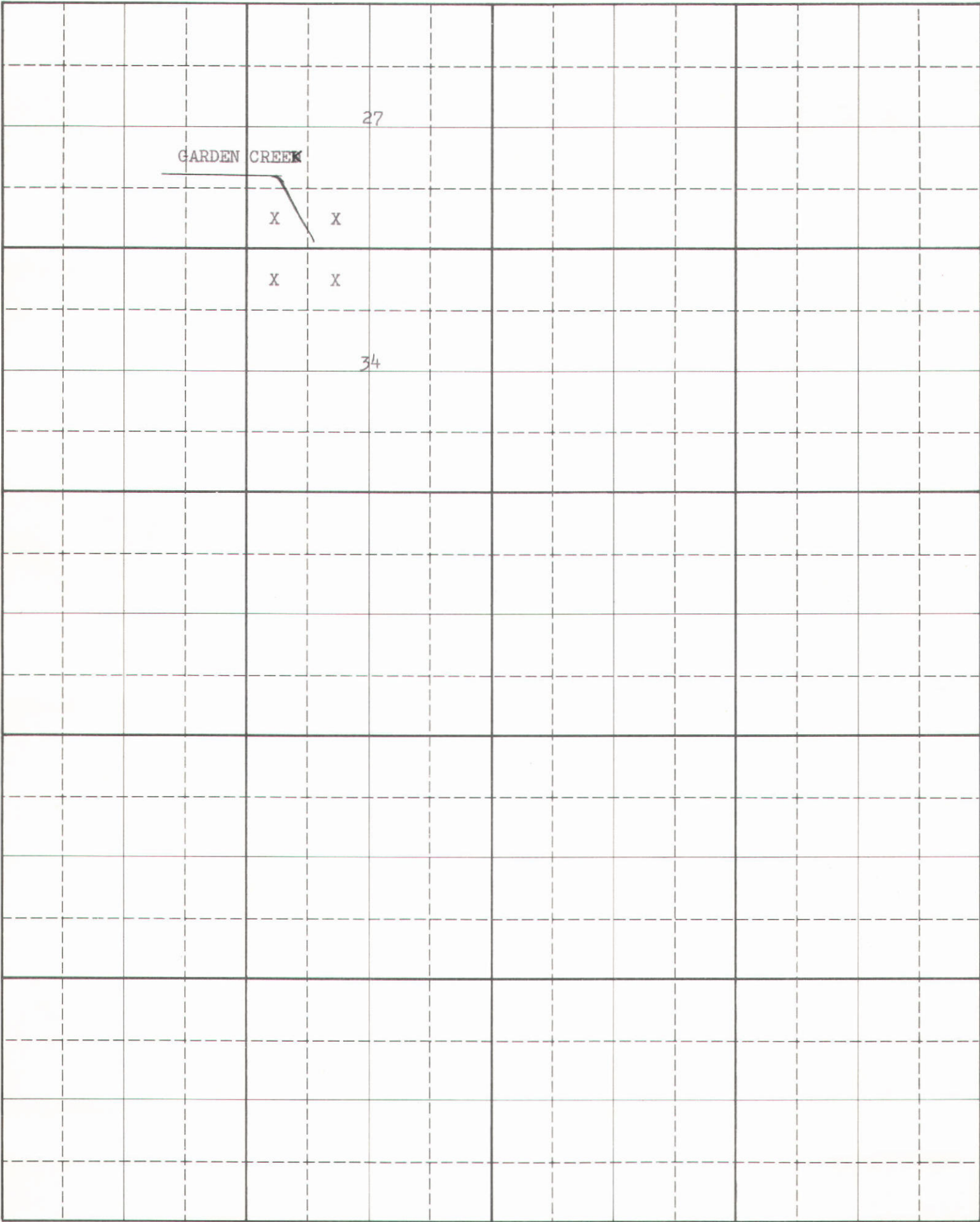
ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby APPROVE the above application for amendment for permit no. 34-7010

Witness my hand this 21st day of January, 19 71.

R. Keith Higgins
State Reclamation Engineer

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Orlin D. Baker
(Applicant)

347010

RECEIVED

OCT 22 1968

Department of Reclamation

2
s.
c

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Orin D. Baker, Star Route, Mackay, Idaho has on August 28, 1968 applied for permit under application No. 34-7010 to divert 2.0 cubic feet per second or 320 acre feet per annum of water from Garden Creek. Water will be diverted by wooden headgate and diversions within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, Twp. 8 N., Rge. 22 E., B.M. in Custer County and is to be used from March 1 to October 31 for irrigation in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 22, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 34, Twp. 8 N., Rge. 22 E., B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice

R. KEITH HIGGINSON
State Reclamation Engineer
Published in the Mackay Miner, on September 26 and October 3.

Affidavit of Publication

STATE OF IDAHO }
County of Custer } ss.

I, Ruth Hanawalt

the co-publisher
of The MACKAY MINER, a weekly newspaper of General Circulation published weekly and entered in the post office Mackay, Idaho, continuously since February 6, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for —

2 consecutive weeks,
commencing with the issue dated

September 26, 1968
and ending with the issue dated

October 3, 1968

Ruth Hanawalt

Subscribed and sworn to before
me this 21st day of

October, 1968

Eileen Lannon

Notary Public.

Notary Public
Residing at Mackay, Idaho

Commission expires 6/2/69

34-7010

will sub 10-28-68

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
T08N R22E S 27																			
3400251	WARM SPRIN :					I	:										:		
*3400251	WARM SPRIN :					40	:										:		
A3400251	WARM SPRIN :					40	:										:		
3400252	BIG LOST R :					I	:										:		
*3400252	BIG LOST R :					40	:										:		
A3400252	BIG LOST R :					40	:										:		
*3400324B	BIG LOST R :						:							38	20		:		
A3400324B	BIG LOST R :						:							38	20		:		
*3400398	HAMILTON S :	T5131					:					19	29	7			:		
A3400398	HAMILTON S :						:					22	35	21			:		
R3400398	HAMILTON S :						:					19	29	7			:		
T3400398	WARM SPRIN :						:					19	29	7			:		
3400398A	WARM SPRIN :						:					I					:		
3400399	WARM SPRIN :						:					I		I			:		
*3400399	HAMILTON S :	T5131					:					19	29	7			:		
A3400399	HAMILTON S :						:					22	35	21			:		
R3400399	HAMILTON S :						:					19	29	7			:		
T3400399	WARM SPRIN :						:					19	29	7			:		
3400420	WARM SPRIN :						:								I	I	:		
*3400420	WARM SPRIN :						:								38	20	:		
A3400420	WARM SPRIN :						:								38	20	:		
3400421	BIG LOST R :						:								I	I	:		
*3400421	BIG LOST R :						:								38	20	:		
A3400421	BIG LOST R :						:								38	20	:		
3400857	BIG LOST R :						:							I			:		
3400858	BIG LOST R :						:							I			:		
3400861A	WARM SPRIN :						:										:		
*3400861A	WARM SPRIN :						:									I	:		
A3400861A	WARM SPRIN :						:									I	:		
*3400868	BIG LOST R :	Broken River Ranches/No Overlap				19	39		29	18	4	28						:	
3407010	GARDEN CRE :						:					6					:		
*3407010	GARDEN CRE :						:					19	1				:		
A3407010	GARDEN CRE :						:						35	9			:		
R3407010	GARDEN CRE :	T5130					:					19	1				:		
T3407010	GARDEN CRE :						:					19	1				:		
3407433	GROUNDWATE :		40	40			:	40	40								:		
3407522	GROUNDWATE :				40		:										:		
--86 MAP--	C37Q-W 28 :				33		:		6		30	39	13	31	19	23	40	38	272

T5130 34-07010

T5131 34-00398 + 399

} Overlapping/Combined Limits.

T5030 + 5031

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				NE				NW				SW				SE				SUM			
		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
T08N R22E S 28		Transferred Acres																																27.3			
*3400398	HAMILTON S :																																	27	35	:	62
A3400398	HAMILTON S :																																	37	35	:	72
R3400398	HAMILTON S :																																	27	35	:	62
T3400398	WARM SPRIN :																																	27	35	:	62
3400398B	WARM SPRIN :																																	1	1	:	
*3400399	HAMILTON S :																																	27	35	:	62
A3400399	HAMILTON S :																																	37	35	:	72
R3400399	HAMILTON S :																																	27	35	:	62
T3400399	WARM SPRIN :																																	27	35	:	62
3400527	WARM SPRIN :																																			:	
*3400527	WARM SPRIN :																																			:	
A3400527	WARM SPRIN :																																			:	
R3400527	WARM SPRIN :																																			:	
3400528	WARM SPRIN :																																			:	
*3400528	WARM SPRIN :																																			:	
A3400528	WARM SPRIN :																																			:	
R3400528	WARM SPRIN :																																			:	
*3400742	BIG LOST R :																																			:	
A3400742	BIG LOST R :																																			:	
R3400742	BIG LOST R :																																			:	
*3400743	BIG LOST R :																																			:	
A3400743	BIG LOST R :																																			:	
R3400743	BIG LOST R :																																			:	
3402056	WARM SPRIN :																																			:	
3402141	GARDEN CRE :																																			:	
3407010	GARDEN CRE :																																			:	
*3407010	GARDEN CRE :																																			:	
R3407010	GARDEN CRE :																																			:	
T3407010	GARDEN CRE :																																			:	
A3413564	WARM SPRIN :																																			:	
R3413564	WARM SPRIN :																																			:	
--86 MAP--	C37Q-W 28 :																																			:	

T08N R22E S 34

3400353	WARM SPRIN :	1	1 :	:	:	I	:
*3400353	WARM SPRIN :	40	12 :	:	:	:	52
A3400353	WARM SPRIN :	40	12 :	:	:	:	52
*3400398	HAMILTON S :	:	:	30	20	:	50
A3400398	HAMILTON S :	:	:	34	23	:	57
R3400398	HAMILTON S :	:	:	30	20	:	50
T3400398	WARM SPRIN :	:	:	30	20	:	50

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
3400399	WARM SPRIN :																	
*3400399	HAMILTON S :							1	1									
A3400399	HAMILTON S :							30	20									50
R3400399	HAMILTON S :							34	23									57
T3400399	HAMILTON S :							30	20									50
3400857	WARM SPRIN :							30	20									50
3400857	BIG LOST R :							1				1						
3400858	BIG LOST R :							1				1						
*3400861A	WARM SPRIN :			40		10												50
A3400861A	WARM SPRIN :			40		10												50
3400861B	WARM SPRIN :																	
*3400861B	WARM SPRIN :																1	
A3400861B	WARM SPRIN :																5	
*3400868	WARM SPRIN :																5	
*3400868	BIG LOST R :																	
3407010	GARDEN CRE :																	
*3407010	GARDEN CRE :							17	25									42
A3407010	GARDEN CRE :							18	13									31
R3407010	GARDEN CRE :							13	23									36
T3407010	GARDEN CRE :							18	13									31
--86 MAP--	C37Q-W 28 :			40		39		17		18		4						118

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated Sept 4 1997 and ending with
the issue dated Sept 11 1997.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 11 day of September in the
year of 1997 before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Dale Browne
Notary Public for Idaho

Residing at Clayton St

My commission expires: 7/6/99

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. T5130

Notice is hereby given that Brok-
en River Ranch, LTD. has applied to
the Department of Water Re-
sources to change point of diver-
sion and place of use of the waters
of Garden Creek. The right sought
to be changed is evidenced by the
Basin 34 SRBA Director's Report
and recorded as follows:

License No.: 34-07010

Source: Garden Creek

Amount: 1.60 cfs

Priority: 08/28/1968

Point(s) of Diversion: SWNESE
SEC 28 T08N R22E, CUSTER
COUNTY

The water is used for irrigation
of 79.1 acres from 05/01 to 10/15
within the W1/2SW1/4 SEC 27
NWSE SEC 28 N1/2NW1/4 SEC
34 T08N R22E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to change
the point of diversion to the SWSE
SEC 28 T08N R22E, which is an
area controlled by the BLM. The
place of use is being corrected by
eliminating the NWSE of SEC 28
as a place of use and including the
NESE SEC 28 (27.3 ACRES) as a
proper place of use.

Any protests against approval of
the proposed change must be filed
with the Idaho Department of Wa-
ter Resources, 900 N. Skyline Dr.,
Idaho Falls, ID, 83402, together
with a protest fee of \$25 on or be-
fore September 22, 1997. The
protestant must also send a copy
of the protest to the applicant.

/s/ KARL J. DREHER

Director

Pub: Sept. 4 & 11, 1997.

MICROFILMED

JUL 31 1998

RECEIVED

SEP 15 1997

Department of Water Resources
Eastern Region

LJ-200
1-63

34-7010
Orlin D. Baker

STATE OF IDAHO Meter # 746
DEPARTMENT OF RECLAMATION

Date 6/2, 1922 DISCHARGE MEASUREMENT NOTES

River at

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
	1.0	.20	EW								
	1.4	.50	.41		30	47	.656			.2050	.1345
	2.0	.45	.72		50	44	1.13			.3240	.3661
	2.3	.30	.72		50	46	1.09			.2160	.2354
	2.6	.30	.72		60	53	1.13			.2160	.2441
	2.9	.30	.72		50	42	1.18			.2160	.2549
	3.2	.30	.70		50	42	1.18			.2100	.2478
	3.5	.30	.65		20	53	0.407			.11950	.0794
	3.8	.25	.50		30	47	0.656			.1250	.0820
	4.0	.25	.50		30	48	0.644			.1250	.0805
	4.3	.15	EW								
	1.0	.10	.45	EW			1.37			.0450	.0677
	1.2	.25	.45		80	46	1.71			.1125	.1924
	1.5	.30	.45		80	46	1.71			.1350	.2309
	1.8	.30	.50		80	45	1.75			.1500	.2625
	2.1	.30	.50		80	42	1.87			.11500	.2805
	2.4	.25	.50		80	48	1.64			.1250	.2050
	2.6	.20	.45		80	41	1.91			.10900	.1719
	2.8	.10	.45	EW			1.53			.0450	.0689
											1.4738
Second measurement not used. Taken in a turbulent area. used 34 7010											

No. 1 of 1 Sheets. Comp. by Chk. by

1971

Gerald Baker

A-290
Orlin Baker

80

23.8

13.8

80

13.8

10.5 H

80

9.0

5.2

PD NE SE 20 28

20 21
33 34

Place Use

10.6

80

3.7

3.7

0127010

R 22 E

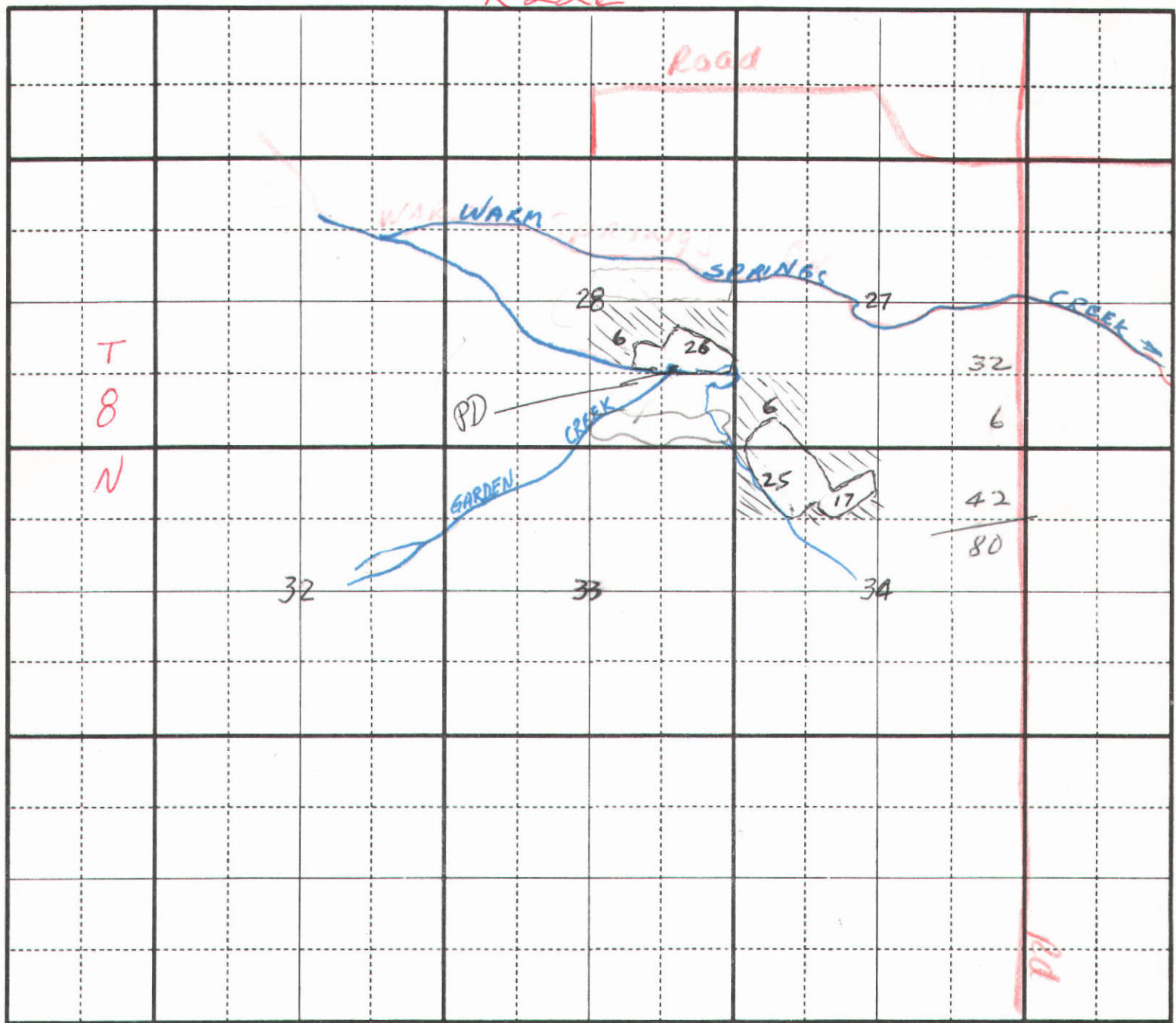
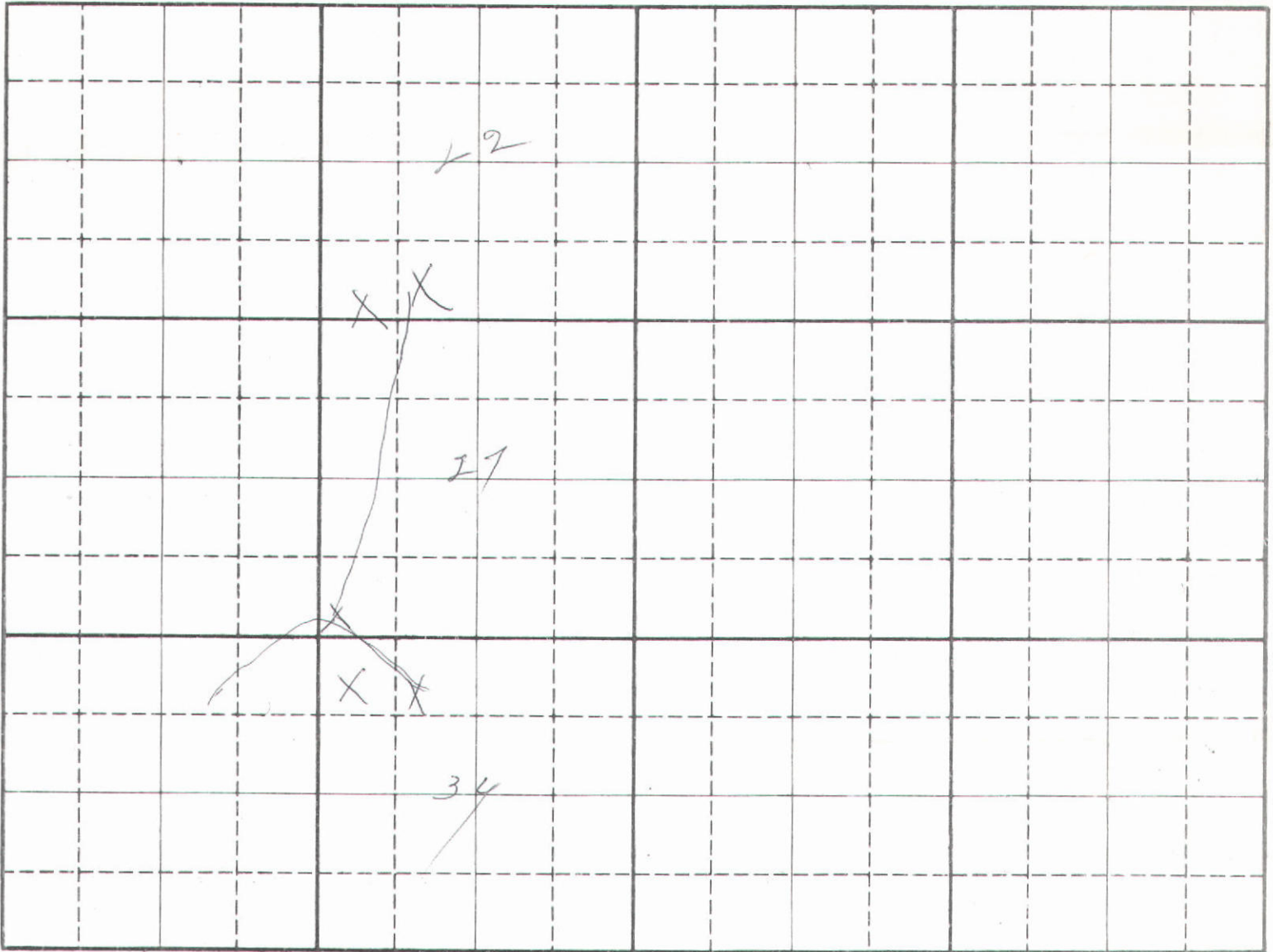


Diagram of System

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Mackay, Idaho, this 9th day of November, 1970.

Orlin D. Baker
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, _____, State Reclamation Engineer of the State of Idaho,
hereby _____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

IDAHO DEPARTMENT OF WATER RESOURCES
PREFIX/SPLIT QUERY

DATE: 03/21/00

TIME: 14:32:24

PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE	DESC	SYSTEM
34-07010	BAKER, ORLIN D.	C	08/28/1968	L/	GARDEN CREEK	IRR	WR		
X34-07010	BROKEN RIVER RANCH LP	C	08/28/1968	L/	GARDEN CREEK	IRR	WR		

34-07010	BROKEN RIVER RANCH	C	08/28/1968	L/	GARDEN CREEK	IRR	AJ		
A34-07010	BROKEN RIVER RANCH	C	08/28/1968	L/	GARDEN CREEK	IRR	AJ		
R34-07010	BROKEN RIVER RANCH	C	08/28/1968	L/	GARDEN CREEK	IRR	AJ		

MICROFILMED

MAR 22 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5552
WATER RIGHT NO(S) . 34-00398/34-00399/34-00861A/34-00868/34-07010

This is to certify that: **BROKEN RIVER RANCH LP**
C/O ROY E CRAWFORD
5660 W 4920 N
MACKAY ID 83251

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 34-00398 :			
Priority: 08/30/1909			
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
		2.00 CFS	354.0 AF
Right No. 34-00399 :			
Priority: 05/01/1905			
IRRIGATION	05/01 to 10/15	1.20 CFS	210.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	4.0 AF
		1.20 CFS	214.0 AF
Right No. 34-07010 :			
Priority: 08/28/1968			
IRRIGATION	05/01 to 10/15	1.60 CFS	276.8 AF
		4.34 CFS *	599.2 AF *
SUBTOTAL			
Right No. 34-00861A :			
Priority: 05/01/1894			
IRRIGATION	05/01 to 10/15	2.98 CFS	455.0 AF
Right No. 34-00868 :			
Priority: 12/06/1913			
IRRIGATION	05/01 to 10/15	3.20 CFS	484.8 AF
		10.52 CFS **	1539.0 AF **
TOTAL			

MICROFILMED

SEP 22 1988

TRANSFER NO. 5552
WATER RIGHT NO(S). 34-00398/34-00399/34-00861A/34-00868/34-07010

SOURCE

TRIBUTARY OF

Right Nos. 34-00398/34-00399/34-00861A :
WARM SPRINGS CREEK BIG LOST RIVER

Right Nos. 34-00868 :
BIG LOST RIVER SINKS

Right Nos. 34-07010 :
GARDEN CREEK SINKS

LOCATION OF POINT(S) OF DIVERSION:

Right Nos. 34-00398/34-00399/34-00861A : NWNESW , Sec. 27, Township 08N, Range 22E
CUSTER County

Right Nos. 34-00868 :

	NESWNW , Sec. 15, Township 08N, Range 21E
Injection	SWSWNW , Sec. 27, Township 08N, Range 22E
Rediversion	NWNESW , Sec. 27, Township 08N, Range 22E

CUSTER County

Right Nos. 34-07010 :

	SWSE , Sec. 28, Township 08N, Range 22E
Injection	SWNE , Sec. 28, Township 08N, Range 22E
Rediversion	NWNESW , Sec. 27, Township 08N, Range 22E
	CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	22E	27	SWNW 31.0	SENW 32.0	NESW 34.4		
			NWSW 36.0	SWSW 32.0	SESW 32.0		
			SWSE 32.0	SESE 32.0			261.4
		28	NESE 40.0	NWSE 40.0			80.0
		34	NWNE 32.0	NENW 32.0	NWNW 32.0		96.0
Total number of acres irrigated:						***	437.4

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>				
08N	22E	27	SWNW		SENW	NESW
			NWSW		SWSW	SESW
			SWSE		SESE	
		28	NESE		NWSE	
		34	NWNE		SWNE	NENW
			NWNW			

MICROFILMED
MAR 22 2000

TRANSFER NO. 5552

WATER RIGHT NO(S). 34-00398/34-00399/34-00861A/34-00868/34-07010

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. The total instantaneous diversion of water from all points of diversion under Transfer 5552 shall not exceed 10.52 cfs, nor total combined annual volume of 1539.0 af.
7. Prior to the diversion and use of water under Rights 34-00868 and 34-07010, the right holder shall install and maintain acceptable measuring devices at the point of injection into Warm Springs Creek and the point of redirection from Warm Springs Creek.
- *** 8. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- *** 9. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- *** 10. Right 34-07010 is limited to the irrigation of 79.1 acres in the place of use described above in a single irrigation season.
- * 11. Rights 34-00398, 34-00399 and 34-07010 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 599.2 af at the field headgate, for the irrigation of 168.9 acres and stockwater use.
- *** 12. Right 34-00861A is limited to the irrigation of 130.0 acres in the place of use described above in a single irrigation season.
- *** 13. Right 34-00868 is limited to the irrigation of 138.5 acres in the place of use described above in a single irrigation season.
- ** 14. Rights 34-00398, 34-00399, 34-00861A, 34-00868 and 34-07010 when combined shall not exceed a total diversion rate of 10.52 cfs, a total annual maximum diversion volume of 1539.0 af at the field headgate, for irrigation of 437.4 acres and stockwater use.

MICROFILMED

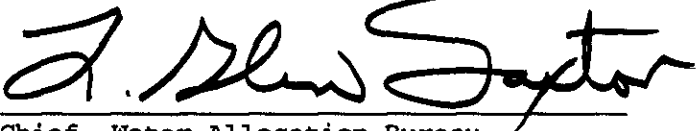
MAR 22 1980

TRANSFER NO. 5552
WATER RIGHT NO(S). 34-00398/34-00399/34-00861A/34-00868/34-07010

CONDITIONS OF APPROVAL AND REMARKS

15. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/20 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 5/1 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Diversion from Warm Springs Creek under Rights 34-00398 and 34-00399 is limited to those times water is available for diversion under these rights and priorities from the original source, Hamilton Springs.
17. The quantity of water under Rights 34-00398 and 34-00399 for stockwater use is not a determination of historical beneficial use, and shall not exceed 13,000 gallons per day.
18. Water is diverted by pumps and a headgate diversion within the NWNESW, S27, T08N, R22E.

Dated this 21st day of March, 2000.


Chief, Water Allocation Bureau

MICROFILMED

MAR 22 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5130
WATER RIGHT NO. 34-07010

This is to certify that: **BROKEN RIVER RANCH LTD**
C/O BUTCH SHIELD
5660 W 4920 N
MACKAY ID 83251

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	* 1.60 CFS	* 276.8 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
GARDEN CREEK	SINKS

Priority: 08/28/1968

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 28, Township 08N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N	22E	27	NWSW 19.5	SWSW 1.0		20.5
		28	NESE 27.3			27.3
		34	NENW 18.3	NWNW 13.0		31.3
Total number of acres irrigated:						* 79.1

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
2. 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. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

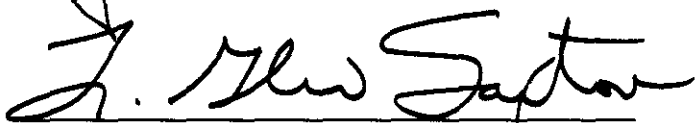
101 3 1 1998

TRANSFER NO. 5130
WATER RIGHT NO. 34-07010

CONDITIONS OF APPROVAL AND REMARKS

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 6. Rights 34-07010, 34-00398 and 34-00399 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 599.2 af at the field headgate, the irrigation of 168.9 acres and stockwater use.
7. Approval of Transfer 5130 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 13th day of July, 1998.


Chief, Water Allocation Bureau

JUL 5 1 1998

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No 5130

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

OCT 08 1997

PART 1

Department of Water Resources

Name of applicant BROWN RIVER RANCH, LTD Phone (208) 588-2880
Post Office address % BUTCH SHIELD 5660 W 4920 N, MACKEY ID 83251

Phone (415) 442-1155 - Crawford
(208) 588-2880

A. PURPOSE OF TRANSFER

- 1 ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 2 Describe the reason for the proposed changes CHANGE POINT OF DIVERSION TO LAND ADMIN-
ISTERED BY BLM. CHANGE PLACE OF USE TO HISTORICAL PLACE AS RE-
CORDED IN SRBA COURT NOTICE 34-07010. THIS TRANSFER ALSO
SERVES TO CORRECT ERROR IN PLACE OF USE AS RECORDED IN SRBA.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1 | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|--|------------|-----------------------|------------------|---------------|
| | 34-07010 | 08-28-1968 | 1.60 cfs | IRRIGATION | 5-1 to 10-15 |
| | | | | | to |
| | | | | | to |
| | | | | | to |
| | | | | | to |
| 2 | Total amount of water being transferred <u>1.60 cfs</u> cubic feet per second and/or _____ acre-feet per annum | | | | |
| 3 | Source of water <u>GARDEN CREEK</u> tributary to <u>SINKS</u> | | | | |
| 4 | Point(s) of Diversion: | | | | |

[illegible]

5 Lands irrigated or place of use.

[illegible]

Total acres 79.1

PART 1**6 General Information**

- a. Description of diversion system HEADWORKS TO DITCH SYSTEM TO PLACE OF
USE FOR IRRIGATION.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
REFLECTS HISTORICAL USE AS RECOMMENDED IN SRBA REPORT
FOR 34-07010. NOTE THAT THIS TRANSFER CORRECTS AN ERROR
IN PLACE OF USE. THE 27 ACRES RECOMMENDED^{ED} IN NOISE 28-810-22E
SHOULD HAVE BEEN IN THE NESE 28-0810-22E.
- d. Remarks:
(9/4/98) PARTNERS ARE; Roy Crawford, Richard H. May, Donna Johnson &
Jerry Cadogan. Alternate address is
165 Phillip Rd
Woodside CA 94062

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No _____

And said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

JUL 31 1998

5130

08/19/97 09:26:22

Page 1

AJ5808NP
(00-26)IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

RB1 Recommendation

Water Right Number - 34-07010

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

BROKEN RIVER RANCH

1 - C/O ROBERT C HADLEY

2 - STAR ROUTE

3 -

City- MACKAY

State- ID Zip- 83251

Phone - 208-588-2880

*** O - ORIGINAL OWNER ***

BAKER

ORLIN D

1 - STAR RT

2 -

3 -

City- MACKAY

State- ID Zip- 83251

Phone - 208-000-0000

SAN FELIPE RANCH

1 - PO BOX 388

2 -

3 -

City- MACKAY

State- ID Zip- 83251

Phone - 208-588-2805

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
08/28/1968 15 EASTERN L - LICENSE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GARDEN CREEK SINKS

+ - - - - Point of Diversion - - - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Diversion Name
----	-----	-----	-------	-----	------	--------	----------------

08N	22E	28	SW NE SE		(37)	CUSTER	
-----	-----	----	----------	--	------	--------	--

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
------	-------------	-------------	-----------	----------------	------------------

01 - IRRIGATION		05/01	10/15	1.600	276.80
-----------------	--	-------	-------	-------	--------

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.600 276.80 0.0

+ - - - - Place of Use - - - - - +

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08N	22E	27	NW SW		19.5	01	IRRIGATION	(37) CUSTER
08N	22E	27	SW SW		1.0	01	IRRIGATION	(37) CUSTER
08N	22E	28	NW SE		27.3	01	IRRIGATION	(37) CUSTER
08N	22E	34	NE NW		18.3	01	IRRIGATION	(37) CUSTER
08N	22E	34	NW NW		13.0	01	IRRIGATION	(37) CUSTER

Total Acres: 79.1

+ - - Diversion Means - HEADGATE/DITCH

+ - - Non-Irrigation Use -

JUL 31 1998

Water right number - 34-07010

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use - 34-00399/00398.

+ - - - - - Remarks - - - - - +

GEN USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 422.2 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00398 AND 34-00399.

+ - - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - Audit Fields - 09/27/91 CARLSEN 01/08/92 SHAW 01/26/92 PR-PRODM 03/05/92 SCHULTZ 04/14/92 CARLSEN
04/15/92 CARLSEN 05/10/92 MCCARTHY 05/22/92 BAUMHOFF 07/01/92 CPSHAW 12/02/92 ADT-SHAW
03/29/95 POST-STD 01/05/96 DSMITH

+ - - Certified Numbers & Date Mailed - 255203 01/21/92

+ - - - - - Comments - - - - - +

Date: 09/27/1991 User Id: CARLSEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 9/18/90/EC

Date: 04/14/1992 User Id: CARLSEN Subject: NOTICE OF ERROR
CLAIMANT DECIDED THAT ORIGINAL RECOMMENDATION WAS CORRECT.
AND 34-00399.

REMARK HAD TO BE CHANGED TO COENSIDE WITH CHANGES TO 34-00398

Date: 05/10/1992 User Id: MCCARTHY Subject: CONDITION ADDED AND REMARKS CHANGED
PER LYNN K-H.

Date: 05/22/1992 User Id: BAUMHOFF Subject: DIV. VOL. DELETED FORM REMARKS
PERE LK-H.

Date: 01/05/1996 User Id: DSMITH Subject: NAME AND/OR ADDRESS CHANGE

THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.

*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS.

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

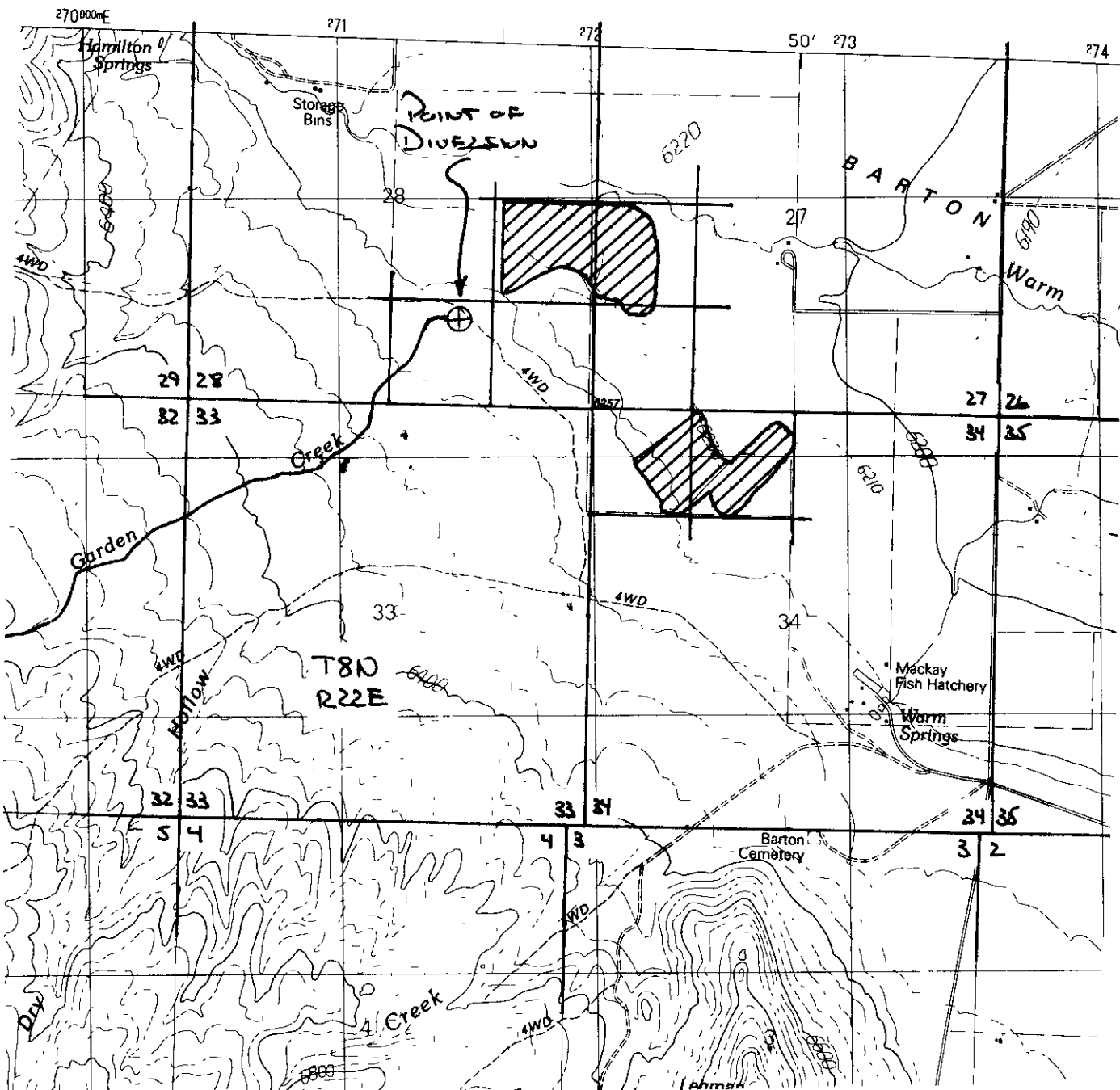
Court Report Filing	- 06/18/1992	Field Inspection Made	- 09/26/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- E011549	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	- C
		Name Connector	-	Notice of Error Flag	- C

JAN 31 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



SCALE: 2 inches equal 1 mile Draw plan in ink.

1998

PART 3**B. CHANGES IN NATURE OF USE**

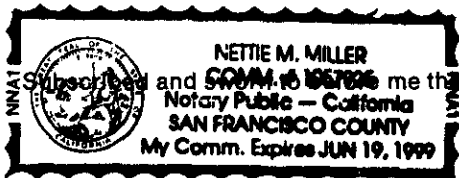
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2 Quantity and quality of return flows and location of discharge:

3 Describe effects on other water uses resulting from the proposed change.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval



(Signature of Applicant)

22d day of July, 1997

Nettie M. Miller
(Notary Public)

My commission expires 6/19/99**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and _____ attachmentsReceived by DEM Date 8-18-97

Protest filed by _____

Prelim check by _____ Fee \$100.00Receipted by DEM 1023519 Date 8-18-97Published in Challin Messenger

Copies of protest forwarded by _____

Pub. dates Sept. 4 & 11, 1997

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denialWD 34-Rosenkrantz rec'd.by ROC

Copy of transfer sent to lien holder _____

CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS ID 83226

IMPORTANT NOTICE-PLEASE READ

ADDRESS CORRECTION REQUESTED

	CATEGORY DESCRIPTION	TAX CODE	LOTS/ACRES	MARKET VALUE
1	IRRGTD AG	45-00	158.000 AC	58,730
10	RURAL HOMESITE		1.000 AC	11,000
19	WASTE		1.000 AC	
31	RURAL RES BLDG			29,199
32	RURAL IMP ON AG			7,522
			160.000	116,451*

1997
TAXPAYER'S
VALUATION
ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE
JUNE 20, 1997

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER RP 08N22E273601 A

S2NW4, N2SW4
SEC 27 T8N R22E

Mail To

BROKEN RIVER RANCH LTD PARTSH
% CRAWFORD ROY
5660 WEST 4920 NORTH
MACKAY ID 83251

CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

IMPORTANT NOTICE-PLEASE READ

ADDRESS CORRECTION REQUESTED

	CATEGORY DESCRIPTION	TAX CODE	LOTS/ACRES	MARKET VALUE
1	IRRGTD AG	43-00	80.000 AC	34,800
			80.000	34,800*

1997
TAXPAYER'S
VALUATION
ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE
JUNE 20, 1997

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER RP 08N22E276001 A

S2SW4
SEC27 T8N R22E

Mail To

BROKEN RIVER RANCH LTD PARTSH
% CRAWFORD ROY
5660 WEST 4920 NORTH
MACKAY ID 83251

11/11/98

CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

IMPORTANT NOTICE-PLEASE READ

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	80.000 AC	34,800
	80.000	34,800*

1997

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 20, 1997

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER RP 08N22E287201 A

Mail To

N2SE4
SEC 28 T8N R22E

BROKEN RIVER RANCH LTD PRTHP
% CRAWFORD ROY

5660 WEST 4920 NORTH

MACKAY

ID 83251

CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

IMPORTANT NOTICE-PLEASE READ

ADDRESS CORRECTION REQUESTED

CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1 IRRGTD AG	60.000 AC	26,100
5 DRY GRAZING	20.000 AC	780
	80.000	26,880*

1997

TAXPAYER'S
VALUATION

ASSESSMENT NOTICE
TAXES ARE BASED ON THE VALUATION
LISTED ON THIS STATEMENT

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 20, 1997

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

PROPERTY ADDRESS
PARCEL NUMBER RP 08N22E342401 A

Mail To

N2NW4
SEC 34 T8N R22E

BROKEN RIVER RANCH LTD PRTHP
% CRAWFORD ROY

5660 WEST 4920 NORTH

MACKAY

ID 83251

PARCEL NO: RP08N22E342401A * I A X R E M I N D E R * CUSTER COUNTY TAX COLLECTOR
YEAR BILL# TAX TOTAL P.O. BOX 350
95 2ND 4913 66.65 66.65 66.65 CHALLIS, IDAHO 83226

DATE PRINTED: 5/02/96

TOTAL DUE: 66.65 VALID THROUGH: 6/20/96
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BROKEN RIVER RANCH LTD PRTSHP N2NW4
% CRAWFORD RDY SEC 34 T8N R22E
PO BOX 394
SUN VALLEY ID 83353

PARCEL NO: RP08N22E287201A * I A X R E M I N D E R * CUSTER COUNTY TAX COLLECTOR
YEAR BILL# TAX TOTAL P.O. BOX 350
95 2ND 4909 86.35 86.35 86.35 CHALLIS, IDAHO 83226

DATE PRINTED: 5/02/96

TOTAL DUE: 86.35 VALID THROUGH: 6/20/96
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BROKEN RIVER RANCH LTD PRTSHP N2SE4
% CRAWFORD RDY SEC 28 T8N R22E
PO BOX 394
SUN VALLEY ID 83353

PARCEL NO: RP08N22E273601A

* I A X R E M I N D E R *

CUSTER COUNTY TAX COLLECTOR

YEAR 95 2ND 4904

P.O. BOX 350
CHALLIS, IDAHO 83226

TAX 71.87

TOTAL 71.87

DATE PRINTED: 5/02/96

TOTAL DUE: 71.87
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

VALID THROUGH: 6/20/96

S2SW4
SEC27

BROKEN RIVER RANCH LTD PRISHP

% CRAWFORD RPY

PO BOX 394

SUN VALLEY

ID 83353

T8N R22E

PARCEL NO: RP08N22E273601A

* I A X R E M I N D E R *

CUSTER COUNTY TAX COLLECTOR

YEAR 95 2ND 4903

TAX 407.61

TOTAL 407.61

P.O. BOX 350
CHALLIS, IDAHO 83226

DATE PRINTED: 5/02/96

TOTAL DUE: 407.61
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

VALID THROUGH: 6/20/96

S2NW4, N2SW4
SEC 27 T8N R22E

BROKEN RIVER RANCH LTD PRISHP

% CRAWFORD RPY

PO BOX 394

SUN VALLEY

ID 83353

PARCEL NO: PP08N22E273601A
YEAR 95 2ND
BILL# 848
TAX 312.83

* I A X R E M I N D E R *

TOTAL
312.83

DATE PRINTED: 5/02/96
PP914200 A

TOTAL DUE: 312.83
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

VALID THROUGH: 6/20/96

BUSINESS PERSONAL PROPERTY

BROKEN RIVER RANCH LTD PARTNE
% CRAWFORD RDY
PO BOX 394
SUN VALLEY ID 83353

7.1.01.023

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 34-7010 Priority August 28, 1968 Amount 1.60 cfs

THIS IS TO CERTIFY, that ORLIN D. BAKER
of Mackay, Idaho, has complied with the terms and conditions of Permit
No. 34-7010 issued pursuant to Application for Permit dated August 28, 1968,
and has submitted proof to the Department of Water Administration on October 7, 1970,
that he has applied water to a beneficial use, an examination by the Department indicates that the
works have a capacity of 1.72 cfs, and that the water has in fact been applied to a
beneficial use, a right to the use of water from Garden Creek
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.60 cfs for Irrigation from March 1 to Oct. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.60 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, Twp. 8 N, Rge. 22 E, B.M.

in the county of Custer; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 240 acre feet per year or _____
3.0 acre feet per acre.

Description and location of place of use:

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8 N	22 E	27											6						6
		28													26	6			32
		34					17	25											42

Total number of acres irrigated 80

A measuring device of a type approved by this Department shall be permanently
maintained as part of the diverting works.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of

September, 19 72.


Director

34 7010

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR AMENDMENT

Permit No. 34-7010

Comes now _____ ORLIN D. BAKER

of (address) _____

Star Route, Mackay, Idaho, and represents to the State Reclamation
Engineer of the State of Idaho:

No. 34-7010, and requests that the permit and permit map be changed as follows:

1. Point of diversion: N.A. 1/4 1/4, Sec. I.

R. _____, B.M. Other points of diversion _____

N.A.2 Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

mo. - day mo. - day

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

For _____ purposes from _____ to _____ (both dates incl.)

3 Place of use or land to be irrigated:

[illegible]

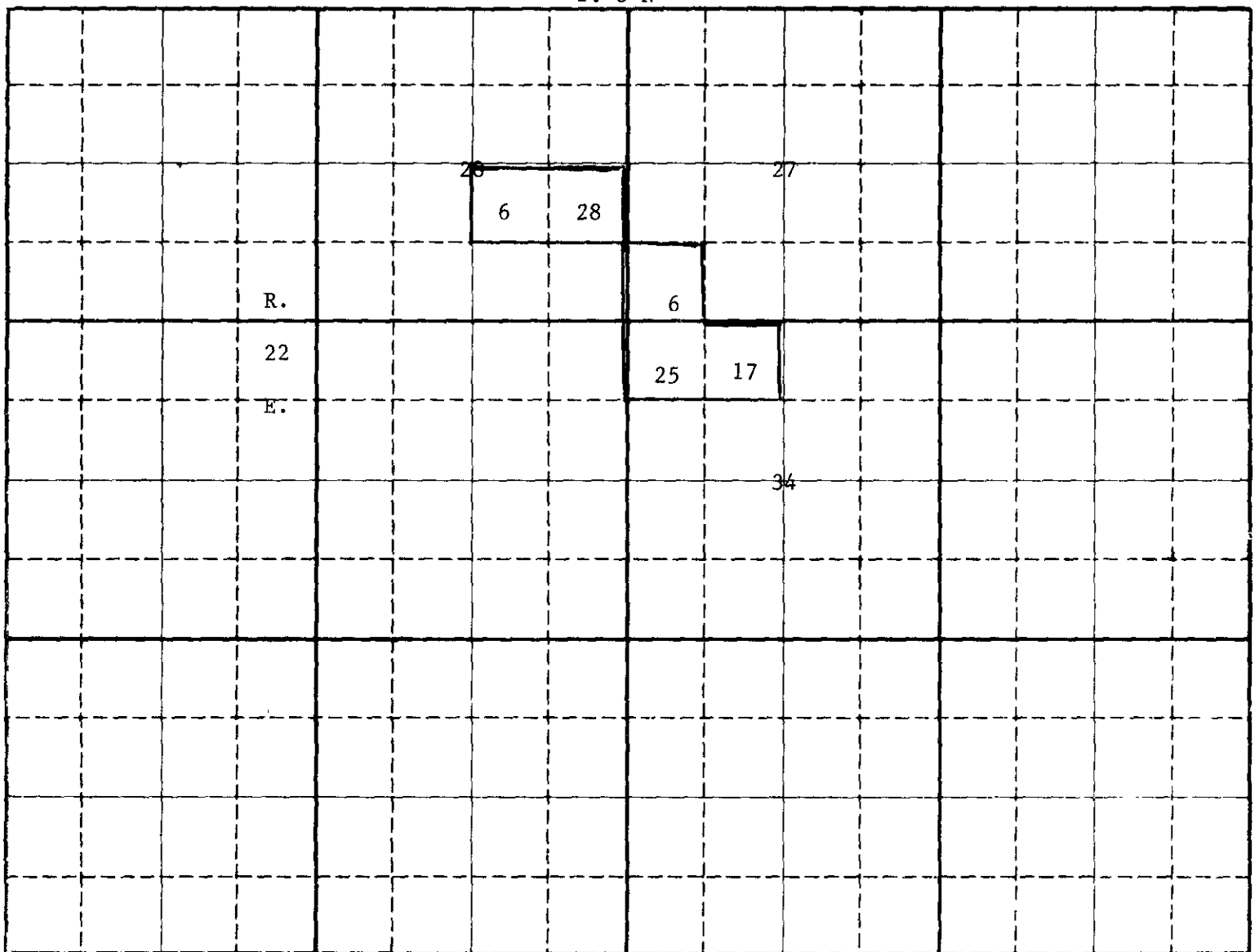
Total number of acres to be irrigated

80

34 7110

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.

T. 8 N



Scale- 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk

Signed at Mackay, Idaho, this 5th day of July, 1972

Orlin D. Baker
(signature)

Subscribed and sworn to before me this 5th day of July, 1972 E. L. Lippman
Commission Expires: 6/7/73 **ACTION OF STATE RECLAMATION ENGINEER** Notary Public - Mackay, Idaho
Department of Water Administration

I, R. KEITH HIGGINSON, Director, ~~State Reclamation Engineer~~ of the State of Idaho,

hereby APPROVE the above application for amendment for permit no. 34-7010.

Witness my hand this 2 day of August, 1972

R. Keith Higgins
State Reclamation Engineer
Director

1921
JAN 10 1921
U.S. DEPARTMENT OF MARINE

Comes now Orlin D. Baker

of (address) _____

Star Route, Mackay, Idaho 83251

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

1. Point of diversion: NE 1/4 SE 1/4, Sec. 28, T. 8 N,

mo. - day mo. - day

irrigation purposes from May 1 to Aug. 1 (both dates incl.)

_____ purposes from _____ to _____ (both dates incl.)

_____ purposes from _____ to _____ (both dates incl.)

_____ purposes from _____ to _____ (both dates incl.)

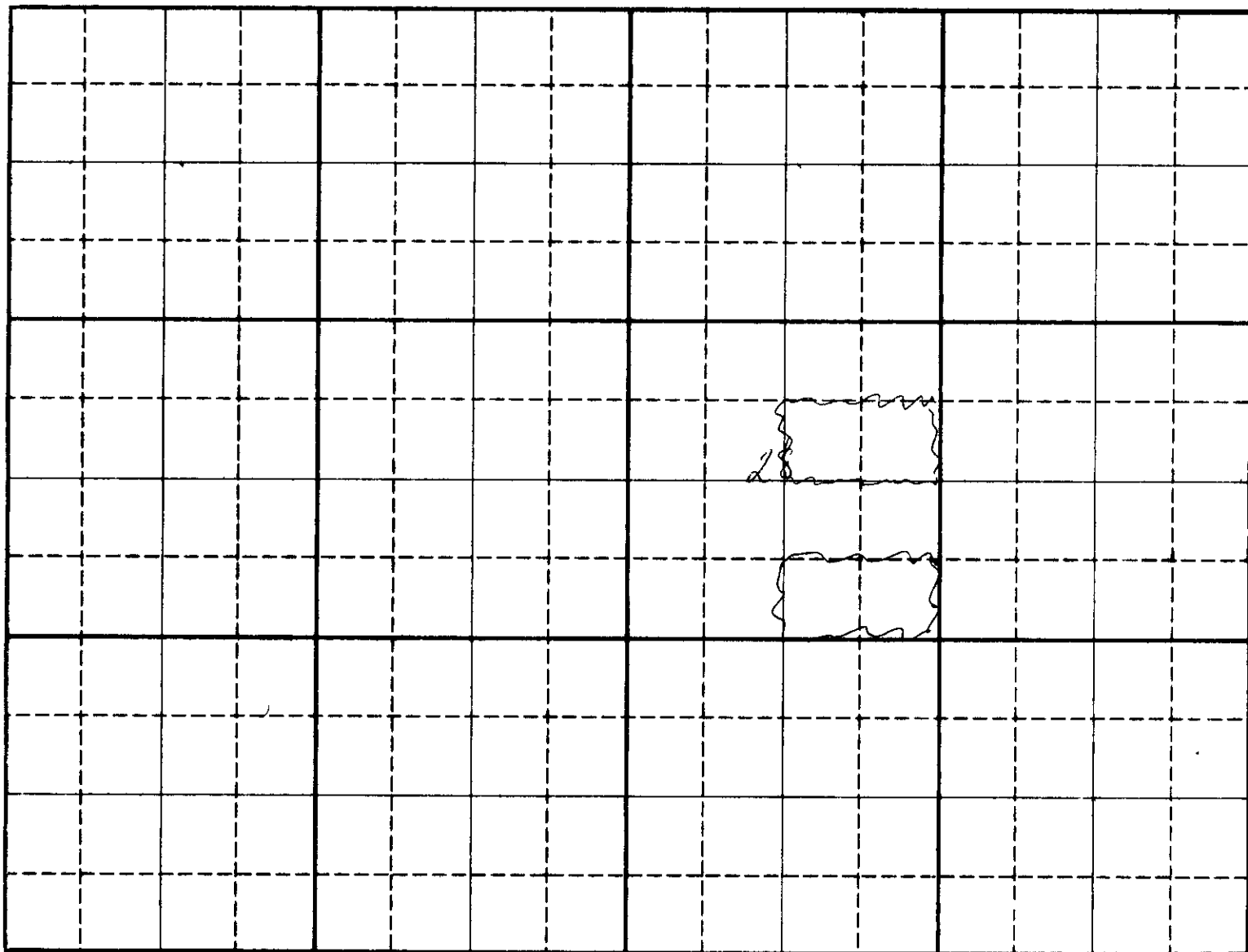
OK DO
RDF

80 TOTAL

34 7010

34 7010

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Blackfoot, Idaho, this 22nd day of January, 1970.

Colin E. Baker
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, R. KEITH HIGGINSON, State Reclamation Engineer of the State of Idaho, hereby APPROVE the above application for amendment for permit no. 34-7010

Witness my hand this 21st day of January, 19 71

R. Keith Higginson
State Reclamation Engineer

Identification No. _____

Permit No. 34-7010

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department

1. a) Name of Permit Holder Orlin D. Baker
b) Post Office Address Star Route, Mackay, Idaho 83251 ✓
2. Permit Number 34-7010
3. Date of Priority that you are prepared to establish August 28, 1968 ✓
4. a) Source from which water was appropriated Garden Creek
b) Location of the point of diversion: NE 1/4 SE 1/4, Section 28
Township 8 North, Range 22 E, Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
amount 1.5 c.f.s. for irrigation purposes from May 1 to Aug. 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated ✓ 1.5 c.f.s. cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: through rectangular weir by Mr.
Orlin D. Baker
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) diverted through a
two-foot rectangular headgate into a private ditch owned by
Mr. Orlin D. Baker
b) Describe the type and size of measuring device which you have installed at your point of diversion: ✓ two-foot rectangular weir
c) Give well drillers name and address and date the well was completed _____

exam typed
3-12-71
dg
34 7010

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

S 1/2, NE 1/4, SE 1/4, Section 28, Township 8 North,

Range 22 E Boise Meridian

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	22 E	28			20 X	20 X											20 X	20 X	1/2 of 1/4

Total number of acres irrigated 80

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

Sept. 6, 1970
(Date)

Orlin L. Becker
(Signature)

State of Idaho)
County of Butte) ss.

On this 6th day of September, 1970, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same.

Eileen L. Lamm
Notary Public residing at Mackay, Idaho

My commission expires June 7, 1973

Identification No. 34-7010

Application No. 42792

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

LICENSE ISSUED FOR 1.60 SEC. FT.
LICENSE PAGE NO. _____

APPLICATION FOR PERMIT

To Appropriates the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Orlin D. Baker
post office address Star Route, Mackay, Custer County, Idaho
2. Source of water supply Garden Creek which is a tributary of 15.
- 3 a Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27 Township 8 N.
Range 22 E. B.M. Custer County; additional points of diversion if any: _____

b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 320 ^{Acre Ft.} for Irrigation purpose from 3-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a 2.0 cubic feet per second ☒ or
b 320 acre feet per annum.
6. Proposed diverting works:
a Description of ditches, flumes, pumps, headgates, etc. Wooden Headgate and diversions

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam. _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is Two years
b. Estimated construction cost is \$ 100.00.
- 8 Description of proposed uses:
a If water is **not** for irrigation:
(1) Give the place of use of water. _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M
(2) Amount of power to be generated: _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe. _____

34-7010

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

TWP	RANGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8 N.	22 E.	34					X	X											
8 N.	22 E.	22											X	X					

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes None

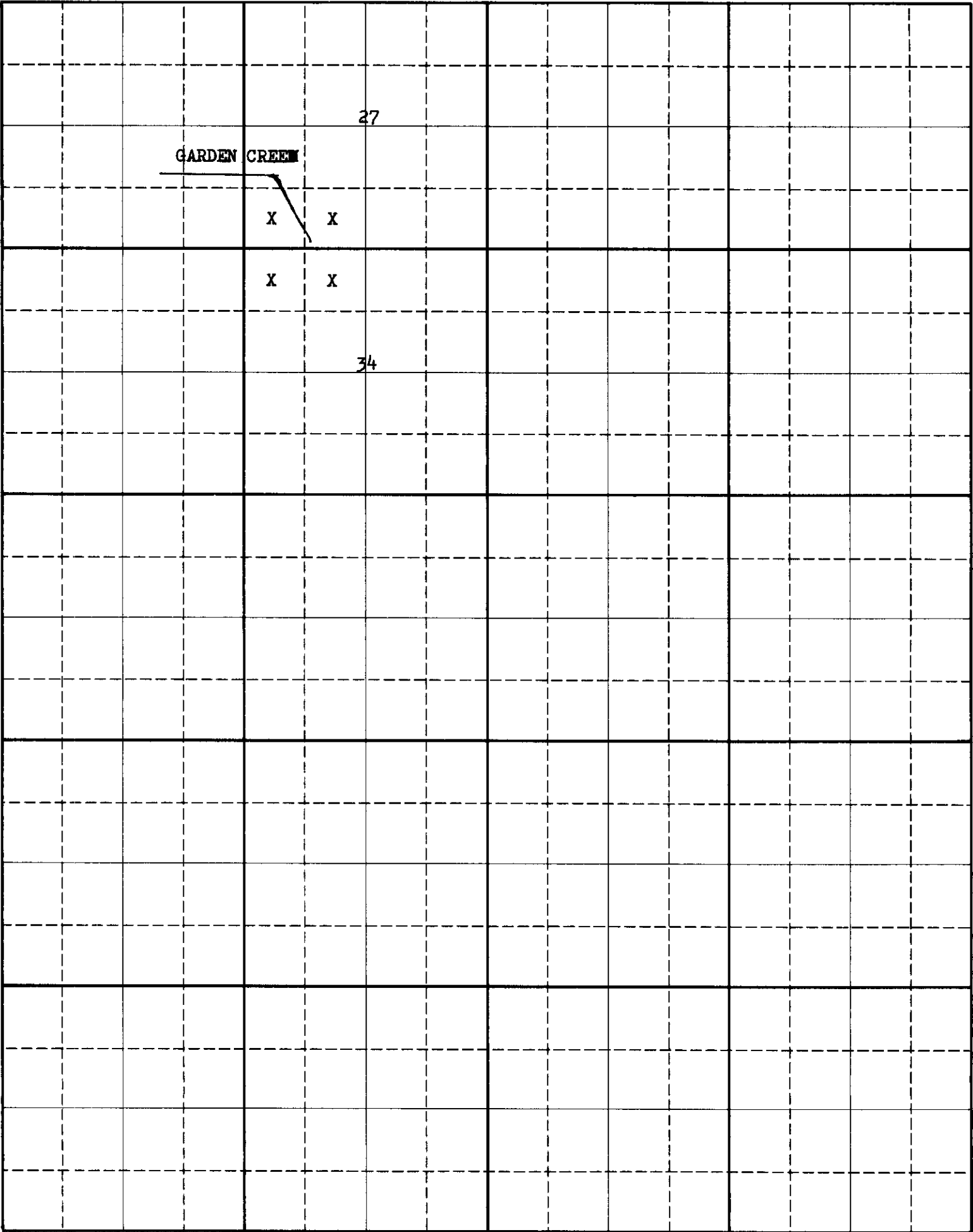
9 (a. Who owns the property at the point of diversion _____

b. Who owns the land to be irrigated or place of use _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks This water is not a tributary to any river or decreed water of any kind.
This 2.0 (Cubic feet per second, inches or gallons per minute) is for new lands.

11. Map of proposed project:



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Orlin D. Baker
(Applicant)

347010

8-28-68 9:00 am
Received by ef Date 8-28-68 Time 9:00 am
Preliminary check by Oct 1 Fee \$ 25.00 8-28-68 Fee based on rate of division 8/24 7-25-68
Receipted by ef Date 8-29-68
Publication prepared by HS Date 9-13-68
Published in Truckee Miner
Publication dates 9-26 & 10-3-68
Publication approved HS Date NOV 11
Priority reduced to _____ Reason _____

Protests filed by None

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HS

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 34-7010, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions.

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 70.
- c. Other The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works.

Subject to the control of the watermaster when and if the stream is tributary to a decreed stream.

2. Denial of said application is for the following reasons: _____

Witness my hand this 31st day of October 19 68.

Jah A. Bennett
Deputy State Reclamation Engineer

RECEIVED

OCT 22 1968

Department of Reclamation



Affidavit of Publication

STATE OF IDAHO }
County of Custer } ss.

I, Ruth Hanawalt
the co-publisher
of The MACKAY MINER, a
weekly newspaper of General Cir-
culation published weekly and en-
tered in the post office Mackay,
Idaho, continuously since Febru-
ary 6, 1906, do solemnly swear
that a copy of the notice, as per
clipping attached, was published
weekly in the regular and entire
issue of said newspaper and not in
any supplement thereof, for —

2 consecutive weeks,
commencing with the issue dated

September 26, 1968

and ending with the issue dated

October 3, 1968

Ruth Hanawalt

Subscribed and sworn to before
me this 21st day of

October, 1968

Eileen Lamm

Notary Public.

Notary Public

Residing at Mackay, Idaho

Commission expires 6/7/69

34-7010

will sub 10-28-68

MEMORANDUM

TO: FILE 34-07010

FROM: PAM SKAGGS

RE: TRANSFER # 5552

DATE: 9/23/99

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 34-00390.

MICROFILMED

MAR 22 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BROKEN RIVER RANCH LTD
C/O BUTCH SHIELD
5660 W 4920 N
MACKAY ID 83251

RE: Water Right 34-07010 (Transfer 5130)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5130). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

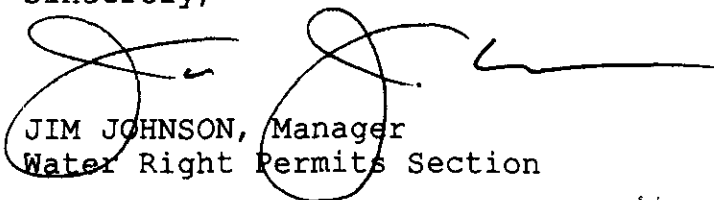
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

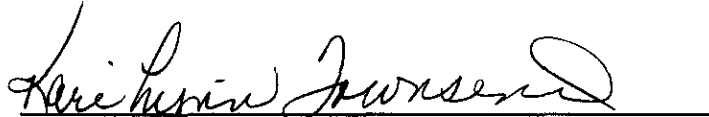
RECORDED
JUL 31 1998

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of July, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 34-07010 (Transfer 5130)

**BROKEN RIVER RANCH LTD
C/O BUTCH SHIELD
5660 W 4920 N
MACKAY ID 83251**


Kari Lynn Townsend
Secretary

RECEIVED
JUL 31 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHT 34-07010

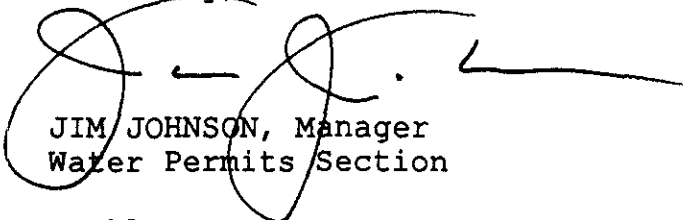
Dear Doug:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water right (Transfer 5130) in the name of Broken River Ranch Ltd.

Also enclosed is a copy of the reviewers notes.

If you have any questions, please call me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Permits Section

JJ:klt

Enclosures

MICROFILMED
JUL 31 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
JUL 31 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

FILED

JUL 31 1998

MEMORANDUM

TO: File 34-07010

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 5130

JS

DATE: July 10, 1998

Transfer 5130 changes the point of diversion and place of use under Right 34-07010. ✓

The applicant has received permission from BLM to change the point of diversion to a location on their property. The place of use change is to correct an error in the recommended place of use, shifting acres from one quarter-quarter to the adjacent quarter-quarter where they have historically been located. ✓

Recommended conditions include watermaster regulation, measuring device/control, ✓
irrigation overlap, combined right limits, right-of-way and standard transfer conditions.

MICROFILMED

JUL 31 1998

TRANSFER REVIEW SHEET

(04-98)

Transfer # 5130

Date Reviewed 7-10-98

Right(s) 34-67010 - SRBA Director's Report / "R" record

☒ WRQ/Split Summary ☒ Run POU Comparison Report

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use

F:Change Period of Use G:Other H:Change P/D & Add P/D

I:Change P/D & P/U Move 27.3 from NWSE to NESE, S28 J:Add P/D & Change P/U

Proof of Ownership SRBA 97 tax notices cover P/U
Lender's Agreement to Transfers - Letter 7-30-97 Eastern ID Ag. Credit Assn.
BLM approves P/D change to this land.

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right Season/Vol. R/3.5

(1) ☒ Priority (2) ☒ Use (3) ☐ Season (4) ☐ Rate (5) ☒ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) 34 Water District (12) Yes Pertinent Conditions (13) No Expansion
WM Comment R&Vd. 9-5-97 per SRBA Retain Limits.

(3) SRBA records & app reflect nonstandard season 5-1 to 10-15 (4-15 to 10-15)

(4) 1.60 cfs / 79.1 acres = .0202 cfs/acre > (.02 x 79.1 = 1.58 cfs)

Surface water combined w/other rights 4.34 cfs / 168.9 acres = .0256 cfs/acre.

(7) Change P/D

(8) Change P/U aa change S28

VER<VDR

Transfer Remarks W57, W35/34-00398 & 399 4.34 cfs/168.9 Acres/599.2 ac

Conditions R04, R43, R59, T07, T08, T09

already recommended.

Database/Processing Notes ☒ Standard ☒ Non-Standard

Copy Approved Version to "X" prefix on water right database

Comment to WR file

"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

7-13-98 38

WR0749NP
No. 734-07010

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BROKEN RIVER RANCH LTD C/O BUTCH SWIHEL 3666 W 4900 N MIDWAY ID 83251 (208) 388-2880	08/28/1968	IRRIGATION	05/01 10/15	1.600 CFS	276.80 AFA
TOTAL DIVERSION:					1.600 CFS	276.80 AFA

Water Source: GARDEN CREEK

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion: T80N R22E S28 SWSE CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
08N	22E	27	:									19	01							20.5
08N	22E	28	:											27						27.3
08N	22E	34	:					18	13											31.3
TOTAL ACRES																			79.1	

Pou County: CUSTER

Conditions of Approval:

- 804 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
- 843 - 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.
- 859 - This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- T87 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T88 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks: GEN Rights 34-07010, 34-80398 and 34-80399 when combined shall not exceed a total diversion rate of 4.34 cfs, a total annual maximum diversion volume of 599.2 af at the field headgate, the irrigation of 168.9 acres, and watermaster use.
Approval of Transfer 5138 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dates:	App. Received:	Priority Date:	08/28/1968
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

WR0749NP
No. T34-07010

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/10/98
PAGE: 2

=====

Misc: Water District Number: 34 Field Exam Fee:

Comments: Date: 09/27/1991 User-ID: CARLSEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 9/18/90/EC

Date: 04/14/1992 User-ID: CARLSEN Subject: NOTICE OF ERROR
CLAIMANT DECIDED THAT ORIGINAL RECOMMENDATION WAS CORRECT.
REMARK HAD TO BE CHANGED TO COINCIDE WITH CHANGES TO 34-00398
AND 34-00399.

Date: 05/10/1992 User-ID: MCCARTHY Subject: CONDITION ADDED AND REMARKS CHANGED
PER LYNN K-H.

Date: 05/22/1992 User-ID: BALMHOFF Subject: DIV. VOL. DELETED FORM REMARKS
PERE LK-H.

Date: 01/05/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS.

Date: 07/10/1998 User-ID: PSKAGGS Subject: TRANSFER 5130
Transfer 5130 changes the point of diversion & place of use under
Right 34-07010.

Audit: 08/20/97 RBODELL 02/08/98 CLEARFLD 07/10/98 PSKAGGS

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
TOON R22E S 27																		
3400251	WARM SPRIN :				I :													
*3400251	WARM SPRIN :				40 :													40
A3400251	WARM SPRIN :				40 :													40
3400252	BIG LOST R :				I :													
*3400252	BIG LOST R :				40 :													40
A3400252	BIG LOST R :				40 :													40
*34003248	BIG LOST R :													38		20		58
A34003248	BIG LOST R :													38		20		58
~~3400398~~	~~WARM SPRIN :~~																	
A3400398	HAMILTON S :																	
R3400398	HAMILTON S :																	
T3400398	WARM SPRIN :																	
~~3400398A~~	~~WARM SPRIN :~~																	
~~3400399~~	~~WARM SPRIN :~~																	
~~3400399~~	~~WARM SPRIN :~~																	
A3400399	HAMILTON S :																	
R3400399	HAMILTON S :																	
T3400399	WARM SPRIN :																	
3400420	WARM SPRIN :																	
*3400420	WARM SPRIN :																	
A3400420	WARM SPRIN :																	
3400421	BIG LOST R :																	
*3400421	BIG LOST R :																	
A3400421	BIG LOST R :																	
3400857	BIG LOST R :																	
3400858	BIG LOST R :																	
3400861A	WARM SPRIN :																	
*3400861A	WARM SPRIN :																	
A3400861A	WARM SPRIN :																	
*3400868	BIG LOST R :																	
3407010	GARDEN CRE :																	
*3407010	GARDEN CRE :																	
A3407010	GARDEN CRE :																	
~~3407010~~	~~GARDEN CRE :~~																	
T3407010	GARDEN CRE :																	
3407433	GROUNDWATE :		40		40		40		40									160
3407522	GROUNDWATE :				40													40
--86 MAP--	C379-W 28 :				33				6		30	39	13	31	19	23	40	272

T5130 34-07010
T5131 34-00348 + 349

} Overlapping/Combined Limits.

T5030 + 5031

(WATER RIGHT NUMBERS THAT BEGIN WITH AN "Q" ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A "Q" HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

TOWN R22E S 34

3400353	WARM SPRIN :	I	I :	:	:	I	:
*3400353	WARM SPRIN :	40	12 :	:	:	:	52
A3400353	WARM SPRIN :	40	12 :	:	:	:	52
							50
A3400398	HAMILTON S :						57
R3400398	HAMILTON S :						50
T3400398	WARM SPRIN :						50

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

AJ5809NP
No. R34-07010

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BROKEN RIVER RANCH C/O ROBERT C HADLEY STAR ROUTE MACKAY ID 83251 (208) 588-2880	08/28/1968	IRRIGATION	05-01 10-15	1.60 CFS	276.80 AFA
TOTAL DIVERSION:					1.60 CFS	276.80 AFA

Water Source: GARDEN CREEK

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion: T08N R22E S28

SWNESE

CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE																				
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
08N	22E	27	:																												20.5	
08N	22E	28	:																												27.3	
08N	22E	34	:																												31.3	
																TOTAL ACRES																79.1

POU County: CUSTER

Other Rights: 34-00399/00398.

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.34 CFS.
COMBINED RIGHT NOS.: 34-00398 AND 34-00399.

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00398 AND 34-00399.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Comments: Date: 09/27/1991 User-ID: CARLSEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 9/18/90/EC

Date: 04/14/1992 User-ID: CARLSEN Subject: NOTICE OF ERROR

AJ5809NP
No. R34-07010

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/10/98
PAGE: 2

=====
Comments: Date: 04/14/1992 User-ID: CARLSEN Subject: NOTICE OF ERROR
CLAIMANT DECIDED THAT ORIGINAL RECOMMENDATION WAS CORRECT.
REMARK HAD TO BE CHANGED TO COENSIDE WITH CHANGES TO 34-00398
AND 34-00399.

Date: 05/10/1992 User-ID: MCCARTHY Subject: CONDITION ADDED AND REMARKS CHANGED
PER LYNN K-H.

Date: 05/22/1992 User-ID: BAUMHOFF Subject: DIV. VOL. DELETED FORM REMARKS
PERE LK-H.

Date: 01/05/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS.

Audit: 12/11/97 DCARLSON 12/16/97 CFRITSCH

SRBA

DIRECTORS REPORT 34-07010

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 34-07010

Name and Address: BROKEN RIVER RANCH
C/O ROBERT C HADLEY
STAR ROUTE
MACKAY, ID 83251

Source: GARDEN CREEK Tributary: SINKS

Quantity: 1.60 CFS
276.80 AFY

Priority Date: 08-28-1968

Diversion Point: T08N R22E S28 SWNESE Within Custer County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	Irrigation Season	1.60 CFS 276.80 AFY

Place of Use:	Irrigation	Within Custer County
	T08N R22E S27	SWSW 1 NWSW 19.5
	S28	NWSE 27.3
	S34	NWNW 13 NENW 18.3
	79.1 Acres Total	

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 422.2 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00398 AND 34-00399.

Return to SRBA Home Page

STATUS.TXT

SRBA STATUS
07-10-98

34-07010 BROKEN RIVER RANCH ADMIN PROCEED PENDNG
 NEXT EVENT/DATE: ADMIN DEADLN 8-18-1998

SD-0611-2 Basin 34 Starting Water Right. 07010

S	Water	Name	W	Priority	STG/	Use	S	
L	Right No	Last, First	N	Date	STS	Desc	S	
-	34-07010	BAKER, ORLIN D	C	08/28/1968	L/	GARDEN CREEK	IRR	WR
-	T34-07010	BROKEN RIVER RANCH L	C	08/28/1968	L/	GARDEN CREEK	IRR	WR
-	34-07010	BROKEN RIVER RANCH	C	08/28/1968	L/	GARDEN CREEK	IRR	AJ
-	A34-07010	BROKEN RIVER RANCH	C	08/28/1968	L/	GARDEN CREEK	IRR	AJ
-	R34-07010	BROKEN RIVER RANCH	C	08/28/1968	L/	GARDEN CREEK	IRR	AJ

(Enter=Continue)

(GOLD7=This Query)

(GOLD8=Cancel)

(Menu ____)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

8/19/97
8-19-97
T 5130

INITIAL REVIEW BY: H.W. JONES

1. Right number 34-07010 Applicant Broken River Ranch
2. Type of right: ☐ Decree ☐ License ☐ Claim ☒ SRBA Recommendation
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) _____
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WD 34 ADD

RECEIVED
OCT - 8 1997
Department of Water Resources

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____
4. By KDC Date 9/30/97 TR 50 8-25-97

* All uses within Watermaster Districts require special conditions.

T5130

INTER-DEPARTMENT MEMO

TO: Tr. 5130SUBJECT: BLM P.D.FROM: H.W. JonesDATE: 9-29-1997

On Sept. 29, 1997 I talked to Rex Smart of the BLM in Salmon, ID. He stated the proposed point of diversion change of transfer #5130 was acceptable to the BLM.

☒ For your information

☐ Response required

H.W. Jones
signature

**Department of Water Resources
Eastern Region**

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Sept 4 1997 and ending with the issue dated Sept 11 1997.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 11 day of September in the year of 1997 before me, a Notary Public, personally appeared Ruth E Burchill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]

Notary Public for Idaho

Residing at Challis, Idaho

My commission expires: 7/6/99

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT

NO. 70400

Notice is hereby given that Broken River Ranch, LTD. has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Garden Creek. The right sought to be changed is evidenced by the Basin 34 Water Right's Report and attached as follows:

License No.: 34-00010

Source: Garden Creek

Amount: 1.00 cfs

Point of Diversion: Challis, Idaho

Place of Use: Challis, Idaho
and 20 foot wide, Garden
Creek

The water is used for irrigation of 70.1 acres from 00/01 to 00/10 within the W1/2NW1/4 SEC 37 N40E SEC 20 W1/2NW1/4 SEC 34 T20N R20E, B.M.

70.111 cfs change to 20.000 cfs

The applicant intends to change the point of diversion to the S40E SEC 20 T20N R20E, which is an area controlled by the B.M. The place of use is being controlled by eliminating the N40E of SEC 20 as a place of use and including the NESE SEC 20 (27.5 ACRES) as a proper place of use.

Any protest against approval of the proposed change must be filed with the Idaho Department of Water Resources, 800 N. Shoshone St., Idaho Falls, ID, 83402, together with a protest fee of \$25.00 or before September 23, 1997. The protestant must also send a copy of the protest to the applicant.

/s/ PAUL J. DUEHER

Notary

Pub: Sept. 4 & 11, 1997.

RECEIVED
SEP 15 1997

Department of Water Resources
Eastern Region

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5130

Notice is hereby given that Broken River Ranch, LTD. has applied to the Department of Water Resources to change point of diversion and place of use of the waters of Garden Creek. The right sought to be changed is evidenced by the Basin 34 SRBA Director's Report and recorded as follows:

License No.: 34-07010 Source: Garden Creek
Amount: 1.60 cfs Priority: 08/28/1968
Point(s) of Diversion: SWNESE SEC 28 T08N R22E, CUSTER COUNTY
The water is used for irrigation of 79.1 acres from 05/01 to 10/15 within the W1/2SW1/4 SEC 27 NWSE SEC 28 N1/2NW1/4 SEC 34 T08N R22E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to change the point of diversion to the SWSE SEC 28 T08N R22E, which is an area controlled by the BLM. The place of use is being corrected by eliminating the NWSE of SEC 28 as a place of use and including the NESE SEC 28 (27.3 ACRES) as a proper place of use.

Any protests against approval of the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, together with a protest fee of \$25 on or before September 22, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Challis Messenger on September 4 & 11, 1997.

JUL 31 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

August 26, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

CHALLIS MESSENGER
CLASSIFIED ADS
PO BOX 405
CHALLIS ID 83226

Dear Publisher:

Enclosed you will find a legal notice which we wish to have on the dates indicated in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before September 22, 1997.

Yours truly,

Rita Bodell
Secretary

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

August 25, 1997

KARI J. DREHER
DIRECTOR

BUREAU OF LAND MANAGEMENT
CHALLIS RESOURCE AREA
RT 2 BOX 610
SALMON ID 83467

RE: Application for Transfer No. 5130

Dear Sir:

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is September 22, 1997, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

101 3 1 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1997

DOUG ROSENKRANCE
WATER DIST 34
PO BOX 53
MACKAY ID 83251

RE: Application for Transfer No. 5130
BROKEN RIVER RANCH

Dear Mr. Shenton:

Please find enclosed a copy of the above referenced application for transfer. Please review the application and submit any comments you may have to our Department as soon as possible.

If we may be of further assistance, please feel free to contact us.

Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ/rb
enc.

61 11 353



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 25, 1997

BROKEN RIVER RANCH
5660 W 4920 N
MACKAY ID 83251

RE: Notice of Application for Transfer No. T5130

Dear Applicant:

This office is currently in the process of advertising the application in the Challis Messenger on Sept. 4 & 11, 1997. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ/rb

11 11 1997



**Eastern Idaho
Agricultural Credit Association**

RECEIVED

JUL 31 1997

**Department of Water Resources
Eastern Region**

Blackfoot Office
PO Box 985 - 188 W Judicial
Blackfoot, Idaho 83221
Bus 208/785-1510
Toll Free 1-800-686-8910
Fax 208/785-4451

July 30, 1997

Paul Meyer
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402

Re: Broken River Ranch, L.P.
Applications for Transfer of Water Rights

Dear Mr. Meyer:

Eastern Idaho Agricultural Credit Association is a lender to Broken River Ranch, L.P.
They have a security interest in the ranch property.

We understand that Broken River Ranch, L.P. has filed two Applications for Transfer of
Water Rights, copies of which are enclosed and incorporated by this reference, relating to the
following rights:

34-00398
34-00399
34-07010

Eastern Idaho Agricultural Credit Association hereby consents to the Applications for
Transfer of Water Rights and requests approval of the transfers.

Very truly yours,

Eastern Idaho ACA

By:

Jon A. Hatt V.P.
Jon A. Hatt, Vice President

11 2 1997

September 11, 1972

Re: Permit No. 34-7010

C
Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251

O
Dear Mr. Baker:

Enclosed herewith is your Water License issued on the above referenced permit.

Sincerely,

P
BOBBY D. FLEENOR
Assistant Director

Y
BDF:DR
Enc: License

bc: Eastern District Office

34 7 10

August 24, 1972

Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251

Dear Mr. Baker:

Enclosed please find a copy of the approved application for amendment for Permit No. 34-7010.

A representative of this Department has made an examination of the works covered by your Permit No. 34-7010 and has found the following:

Quantity of water diverted: 1.72 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 1.60 cfs

The maximum quantity diverted shall not exceed 240 acre feet per year.

Beneficial use: Irrigation of 80 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27; N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 34; Twp. 8 N, Rge. 22 E, B. M.

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 8 N, Rge. 22 E, B. M.

The priority date established: August 28, 1968

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of amendment

bc: Eastern District Office
Enc: none

34 7010

34-7010
 Orlin D. Baker
 STATE OF IDAHO Meter # 7410
 DEPARTMENT OF RECLAMATION
 Date 6/2, 1922 DISCHARGE MEASUREMENT NOTES

River at _____											
Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor angle or -----	Area	Discharge
							At point	Mean in vertical			
	1.3	.20	EW								
	1.4	.50	41		30	47	.656			.2050	.1345
	2.1	.45	.72		5	41	.113			.3250	.1366
		.30	.72		5	42	.109			.2160	.2354
		.30			6	53	.113			.2160	.2441
	2.7	.30			50	42	.118			.2160	.2549
	3.2	.30	.17		50	42	.118			.2100	.2478
	2.5	.30			20	53	.0407			.1150	.0794
	2.1	.25	.50		30	47	.0652			.1250	.0820
	1.4	.25	.5		3		.0644			.1250	.0805
		.15	EW								
										1.7247	
	1.1	.10	.45	EW			.137			.0415	.067
	1.2	.25	.15		20	46	.171			.1125	.1924
	1.5	.30	.15		50	46	.171			.1350	.2309
	1.8	.30	.50		5	45	.175			.1500	.2625
	2.1	.30	.50		2	48	.187			.1150	.2805
	2.7	.25	.50		50		.164			.1150	.2050
		.20	.45				.141			.0700	.1719
	3.1	.10	.45	EW			.15			.1150	.0684
										1.4732	
Second measurement not used. Taken in a turbulent area. used											

No. 1 of 1 Sheets. Comp. by _____ Chk by _____

1971

Gerald Baker

23.9

A-290
Orlin Baker

80

PN ECE

28 21
33 34

10.5 H

80

10.6

80

80

5010

FIELD REPORT

80

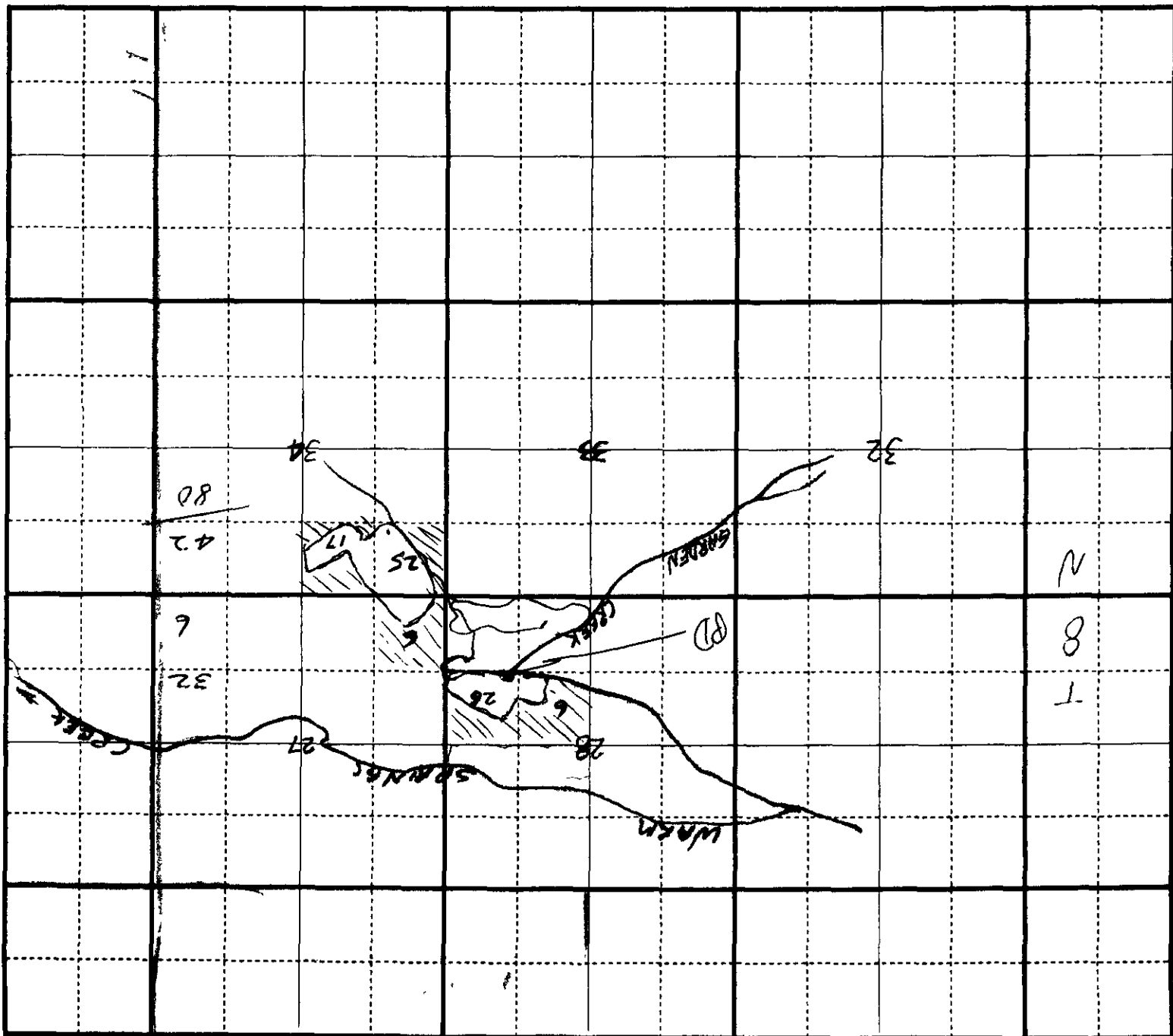


Diagram of System

DATE OF EXAM 2 June 1972

ACREAGE
Found 80 acres
Recommended 80 acres

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 1.60 c f s. V = 240 AF/Ann from 1 April to 1 November
Domestic Q = c f s. V = AF/Ann from to
Livestock Q = c f s. V = AF/Ann from to

Is water co-mingled? yes no ✓

Name source
twp. N/S, Rge. E/W, B M, Sec. , Sub. 1/4 1/4 County

Exchange? yes no ✓

Name source exchanged with.
twp. N/S, Rge. E/W, B.M, Sec. , Sub. 1/4 1/4 County

Point of injection
twp. N/S, Rge. E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange
twp. N/S, Rge. E/W, B.M, Sec. , Sub. 1/4 1/4 County

Total Q measured 1.72 cfs Method of measurement Current Meter

Total Q recommended 1.60 Meter No. 746 Type Pye Condition Good

Total V recommended 240 AF/Ann

Recommended Amendments:

P D MO
Place of Use SW/4 27, NE/4 28, NW/4 34, all in T.8N R.22E.
Other MO
None

MEASUREMENT CALCULATION

Pye Current meter 1.72 cfs

SYSTEM DESCRIPTION

Ditches and headgates

REMARKS

Satisfactory measuring device was not in operation at time of examination

Examiner's Signature William S. Dwyer Date 10 July 1972

Checked by ncy Date

Approved by Date

Hold For Amendment

24 10

July 7, 1972

Re: Application for Amendment No. 35-7010

Mr. Orlin D. Baker
Star Route
Mackay, ID 83251

Dear Mr. Baker:

Attached herewith is departmental receipt No. 7338 in the amount of \$10 for your Application for Amendment which was received in this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:BA

Attachment

34 7010

January 21, 1971

Re: Permit No. 34-7010

Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251

Dear Mr. Baker:

Enclosed is a copy of the APPROVED application for amendment. Since the amendment has been accepted, the affidavit of beneficial use is now acceptable.

Before a license can be issued, a field examination must be made by a representative from this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: copy of APPROVED amendment

34 7010

December 28, 1970

Orlin D. Baker

Star Route

Mackay, Idaho 83251

Dear Mr. Baker:

Returned herewith is Departmental Receipt No. 5453 in the amount of

\$5.00 for Amendment No. 34-7010,

which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

34 7010

December 18, 1970

Re: Permit No. 34-7010

Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251

Dear Mr. Baker:

Due to an inadvertent clerical error, the amendment that we sent to you on November 10, 1970, was in error, as it still listed the same lands and point of diversion as the original permit, instead of corresponding with your proof affidavits. Please sign the enclosed amendment and return it with a current check in the amount of \$5.00, as this is the amount of the filing fee.

We are sorry for any inconvenience this has caused you.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: check # 92-298
self-addressed envelope

34 7 10

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

November 10, 1970

Re: Permit No. 34-7010

Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251

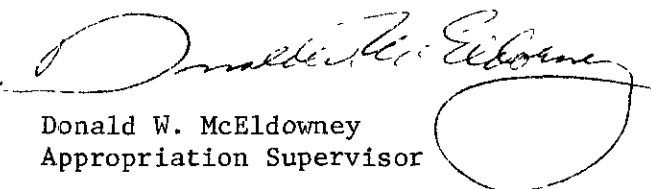
Dear Mr. Baker:

We are herewith returning your application for amendment and check No. 1026 in the amount of \$5.00. You have completed the amendment application exactly as permit 34-7010 was issued.

We assume you wish to amend your permit to correspond with the affidavit submitted as proof of beneficial use. We are enclosing a copy of your permit and also a copy of your proof affidavit for your review. We have taken the liberty to type an amendment application which corresponds with the affidavit.

Your cooperation in this matter is most appreciated.

Very truly yours,


Donald W. McEldowney
Appropriation Supervisor

DWM:DR

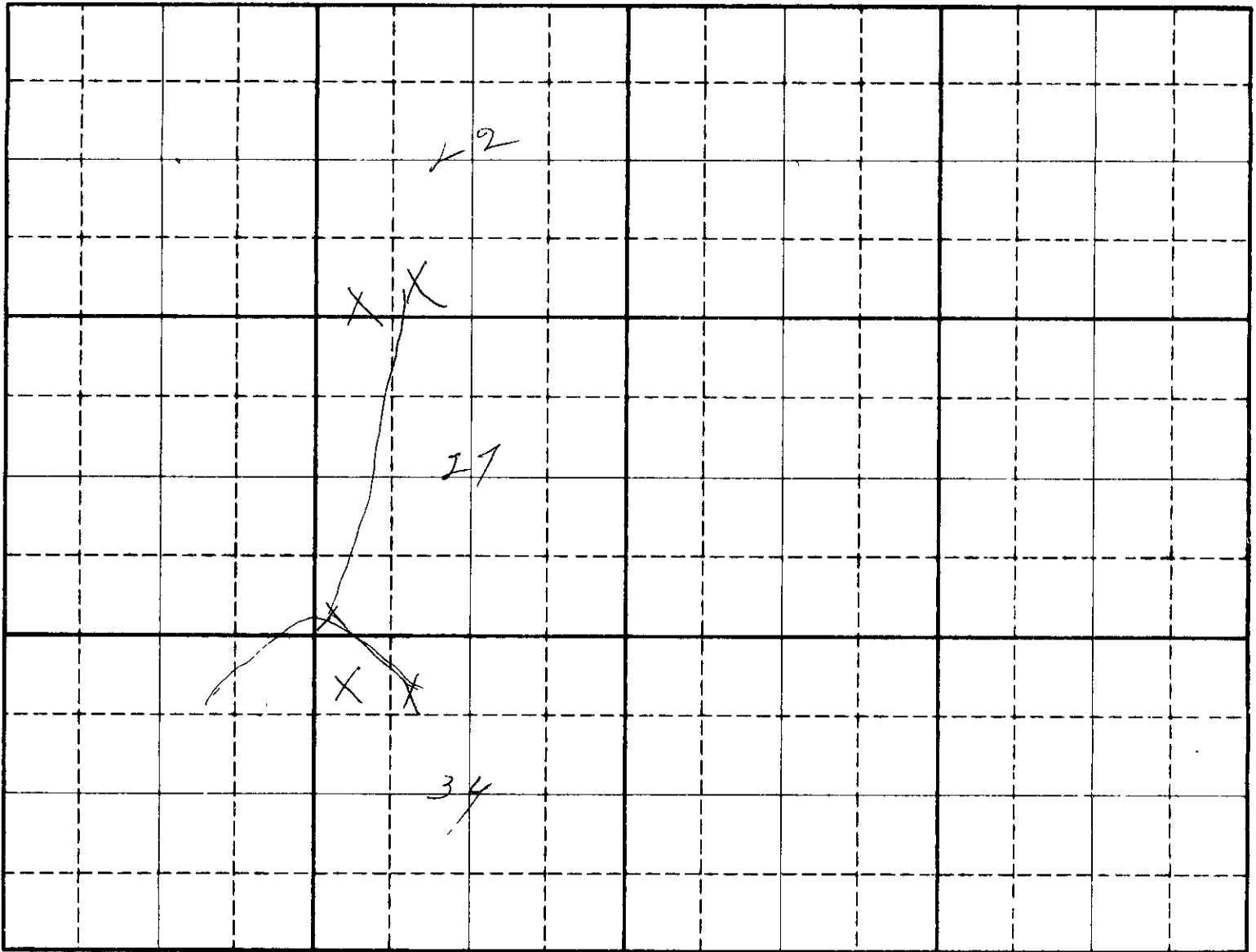
Enc: Copy of permit
Copy of b/u affidavit
Check #1026
Apps. for amend. (2)

34 7010

APPLICATION FOR AMENDMENT

24-7110

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40 acre subdivisions, sections, townships, ranges, and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Mackay, Idaho, this 9th day of November, 1970

Orlin D. Baker
(signature)

ACTION OF STATE RECLAMATION ENGINEER

I, _____, State Reclamation Engineer of the State of Idaho,
hereby _____

Witness my hand this _____ day of _____, 19____.

State Reclamation Engineer

November 10, 1970

Re: Permit No. 34-7010

Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251

Dear Mr. Baker:

We are herewith returning your application for amendment and check No. 1026 in the amount of \$5.00. You have completed the amendment application exactly as permit 34-7010 was issued.

We assume you wish to amend your permit to correspond with the affidavit submitted as proof of beneficial use. We are enclosing a copy of your permit and also a copy of your proof affidavit for your review. We have taken the liberty to type an amendment application which corresponds with the affidavit.

Your cooperation in this matter is most appreciated.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR

Enc: Copy of permit
Copy of b/u affidavit
Check #1026
Apps. for amend. (2)

34 7010

October 26, 1970

Re: Permit No. 34-7010

Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251

Dear Mr. Baker:

We are in receipt of your affidavit submitted as proof of beneficial use for permit 34-7010. However, there are discrepancies between the permit and your affidavit as follows:

	<u>Permit</u>	<u>Affidavit</u>
Point of diversion:	SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 8N, R. 22E, B.M.	NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, T. 8N, R. 22E, B.M.
Place of use:	S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 22 and N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 34, T. 8N, R. 22E, B.M. (160 acres)	S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 28, T. 8N, R. 22E, B.M. (80 acres)

If your affidavit is indeed correct, it will be necessary for you to amend your permit. We are enclosing an application for amendment form for your use; please be advised that there is a \$5.00 filing fee when submitting amendment applications.

Please advise of your intentions in this matter within the next 30 days.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Amendment form

24 1000

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and address where delivered ☐ Deliver ONLY to addressee
(Additional charges required for these services)

RECEIPT

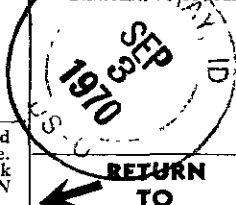
Received the numbered article described below.

REGISTERED NO.	1 2 3	SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 100 107		<i>Orlin D. Baker</i>
INSURED NO.		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY 34 71 EU
DATE DELIVERED 9-3-70		SHOW WHERE DELIVERED (only if requested)

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

NAME OF SENDER

Dept. of Water Administration

STREET AND NO. OR P.O. BOX

Statehouse - Annex 2

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83707

September 1, 1970

Re: Permit No. 34-7010

Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251

Dear Mr. Baker:

One of the conditions of the approval of your Permit No. 34-7010 was that proof of application of the water to beneficial use be submitted to this office on or before November 1, 1970.

Enclosed is an affidavit form which must be used to submit proof of beneficial use. You may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended.

Either the proof affidavit or a request for extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



Director

Enc: Proof affidavit
dr

34 7 00

CERTIFIED MAIL
44127

November 1, 1968

Re: Permit No. 34-7010 - Orlin D. Baker

**Mr. Orlin D. Baker
Star Route
Mackay, Idaho 83251**

Dear Mr. Baker:

We enclose a copy of your approved application for permit 34-7010
in which we direct your attention to the limitations and conditions as given
on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

**C. Stephen Allred, Assistant
State Reclamation Engineer**

CSA:kh

**Enclosures: Copy of application
Receipt No. W-495 for \$25.
1 informational letter**

34-7010

October 29, 1968

Re: Application No. 34-7010
Orlin D. Baker

Mackay Miner
Mackay,
Idaho 83251

GENTlemen:

Returned herewith is the bill of publication for the above referenced application. Please be advised that the bill does not indicate an amount which is due.

Please complete the Bill and return to this department.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: Bill of publication

34-7010

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

October 29, 1968

RECEIVED

OCT 1 1968

Department of Reclamation

Re: Application No. 34-7010
Orlin D. Baker

Mackay Miner
Mackay,
Idaho 83251

Gentlemen:

Returned herewith is the bill of publication for the above referenced application. Please be advised that the bill does not indicate an amount which is due.

Please complete the bill and return to this department.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: Bill of publication

34-7010

October 16, 1968

Re: Application No. 34-7010
Orlin D. Baker

Mackay Miner
Mackay, Idaho 83251

Gentlemen:

As of this date we have not received the affidavit of publication for the above referenced application nor the certified bill of publication. Please forward these items to the department as soon as possible.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:ks
enclosure: none

34-7010

September 13, 1968

Re: Application No. 34-7010 - Orlin D. Baker

Mackay Miner
Mackay,
Idaho 83251

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you can not publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriations Examiner

DWM:kh

Enclosure

34-7010

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Orlin D. Baker, Star Route, Mackay, Idaho

has on August 28, 1968
applied for permit under application No. 34-7010 to divert ~~XXXX~~
2.0 or 320 acre feet per annum
cubic feet per second ~~XXXXXX~~ of water from XXXXXX
Garden Creek. Water will be diverted by XXXXXX
wooden headgate and diversions within the XXXXXX
SW 1/4 Sec. 27, Twp. 8 N., Rge. 22 E., B.M. in Custer County

and is to be used from March 1 to October 31 for irrigation

in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 22; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 34, Twp. 8 N., Rge. 22 E., B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Mackay Miner
on September 14th and September 15th.

34-7010

RECEIVED

AUG 29 1968

August 27, 1968

Department of Reclamation

State of Idaho
Dept. of Reclamation
Statehouse Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

You asked for more information on Item 2. Garden Creek is not a tributary. It is fed by small springs and melting snow from Garden Creek Canyon. It runs to this ranch and has since this ranch has been farmed. It has never run into another stream.

Sometimes it's a real goodstream and sometimes it quits completely. Then it will start again. It isn't a stream one can depend on giving one the same amount day after day, but it does help out.

Yours truly,



Orin D. Baker
Star Route
Jackay, Idaho
83251

34-7010

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

August 21, 1968

RECEIVED

AUG 26 1968

Department of Reclamation

Re: Application for Permit

Orlin D. Baker
Star Route
Mackay, Idaho

Dear Mr. Baker:

We are returning your application to appropriate the public waters of the State of Idaho and your check in the amount of \$25.00. Please be advised that before we can accept and process your application we will require additional information.

Item 2 will require a more complete answer. This requires information concerning the source to which Garden Creek is a tributary.

Under Item 4 of the application you have listed a request to appropriate 320 acre feet per annum for irrigation purposes. We now need information as to the period during each year that the water of Garden Creek will be used for irrigation. This is to be in the form of a month and a day in the spring to a month and a day in the fall. Please insert the proper dates.

After completing the application, please return the application and the \$25.00 check to this department for processing. Please contact us if we may be of further assistance.

Very truly yours,

A handwritten signature in cursive script, reading "Donald W. McEldowney".

Donald W. McEldowney
Appropriation Examiner

DWM:ks

Enclosure: Application for permit
Check for \$25.00

34-7010