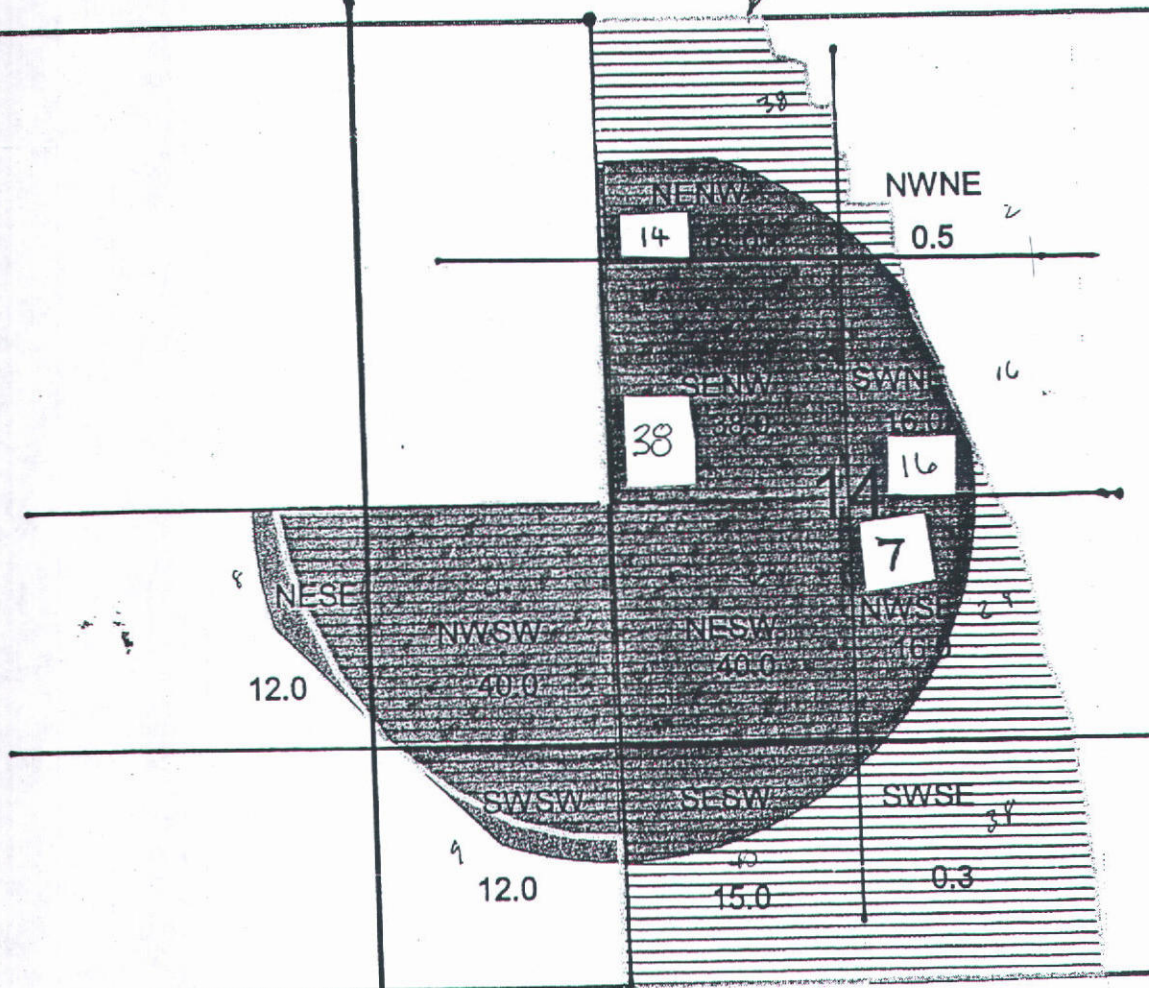


TC-34-38

34-145

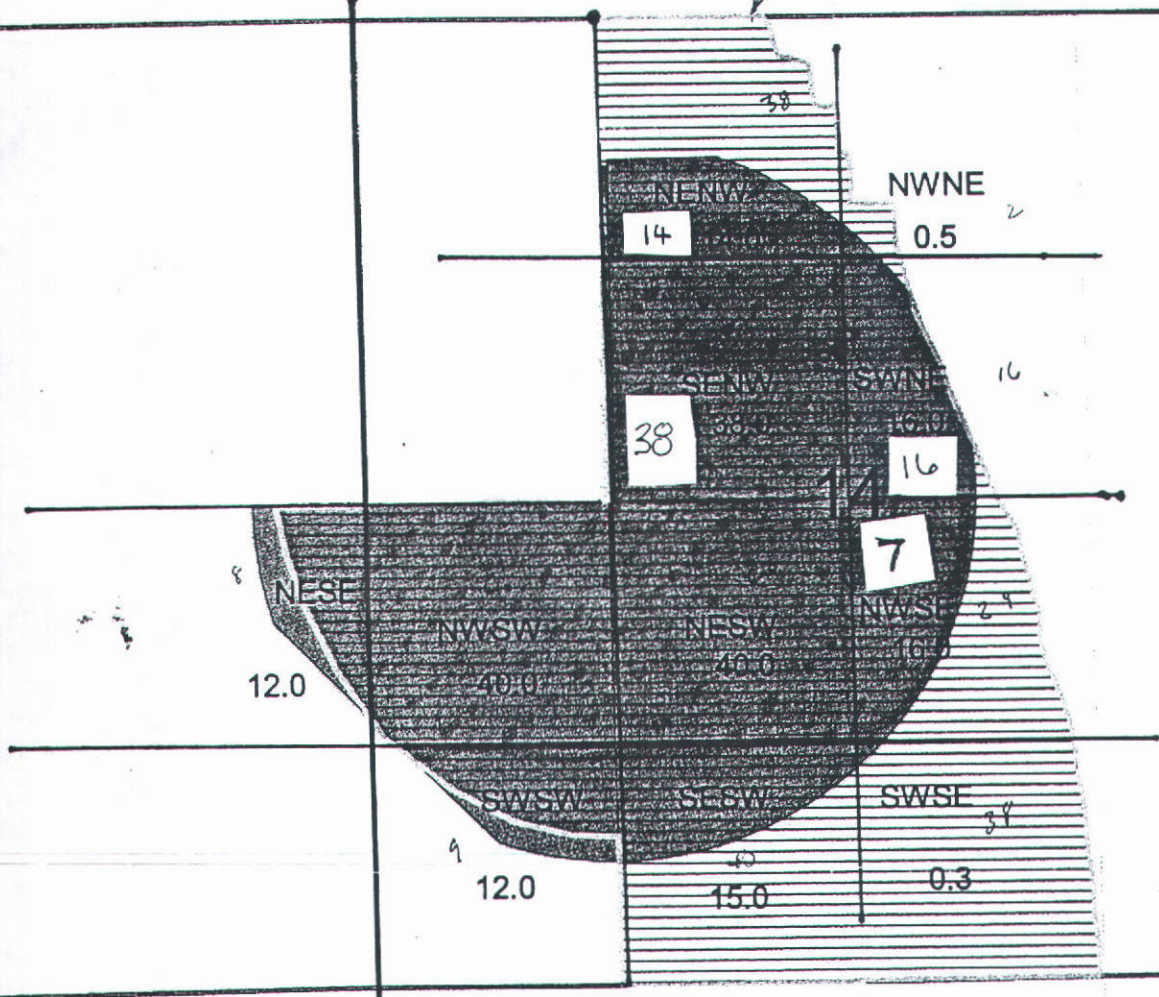
15



TC-34-27

34-145

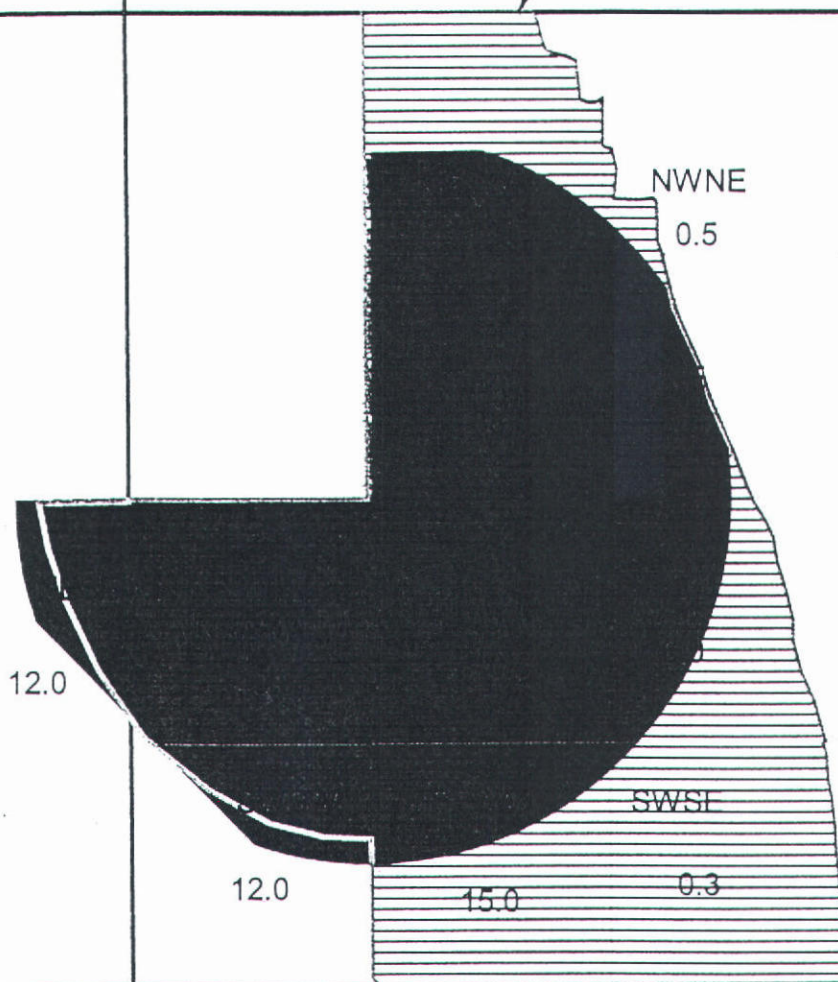
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MICROFILMED
JUL 23 2003

34-145

15



This pivot is approx 200
acres. will need approx 125
more acres on second transfer.

Thuf

MICROFILMED

AUG 08 2001

MICROFILMED

MAY 21 2003

MOUNTAIN SPRINGS RANCH DIVERSIONS
AND ADJACENT DIVERSIONS FROM THE
BIG LOST RIVER AND PARSONS CREEK

September 9, 2003

DRAFT



13122920 MOUNTAIN SPRINGS RANCH 1

13122925 MOUNTAIN SPRINGS RANCH 4

13122205 MOUNTAIN SPRINGS RANCH 3

13122930 MOUNTAIN SPRINGS RANCH 2

13122950 DONAHUE 2

13122230 DONAHUE 1 POD

BOX STRUCTURE
FOR DONAHUE 1

13122245 ZOLLINGER 1

13122960 SIMMONS

LEGEND

- ▲ Physical diversion location based on IDWR GPS survey
- Legal point of diversion location based on IDWR water rights database



May 29 03 01:38p

WATER DISTRICT #34

(208) 588-3137

MAY 29 2004

11:00

MAY 29 2004

7:00

ID WATER RESOURCES DEPARTMENT

P.2

RECEIVED

7/82

RECEIVED
MAY 19 2004JUN 01 2004 Ident. No. TC-34-38STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

588-3086

589-3110

Name of applicant Mountain Springs Ranch, LLC Phone 588-3110
Post Office address 5550 Barton Flat Rd Mackay, ID 83251

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) therefor put water on alfalfa

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

1. Right Number	Priority	Amount	Nature	Period of Use	to
<u>34-00611B</u>	<u>06/01/1882</u>	<u>1.5</u>	<u>Irrigation</u>	<u>5-1</u>	<u>to 12-15</u>
<u>34-00612B</u>	<u>06/01/1886</u>	<u>.8</u>	<u>Irrigation</u>	<u>5-1</u>	<u>to 12-15</u>

2. Total amount of water being transferred 2.3 cubic feet/second and/or _____ acre-feet per annum.3. Source of water Big Lost River tributary to SINKS

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	SE	3	8N	22E	Custer	
		NE	NE	SE	11	"	"	"	
		SW	NW	SW	12	"	"	"	
		SW	NE	NW	13	"	"	"	

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	14			1/2		14			38							7		75

Total acres 75RECEIVED
JUN 1 2004
Department of Water Resources

6. General Information:

a. Who owns the water right to be changed? Mountain Springs Ranch

b. Describe the arrangement allowing use of the right _____

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:

will dry up 75 ACRESd. Has the water right sought to be transferred been used this year? NO If yes, explain. _____e. Absent the changes, how would the right be used for the remainder of the year? for pivot

f. Describe other water rights used for the same purpose. _____

g. Remarks:

Same As transfer TC 34-16³⁴⁻²⁷ from 2003-2007-2001
Transfer amounts to more than the acreage to allow shrink.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Shane Rosebush for MSR
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/19/04 Fee \$50
Receipted Kelk #E029848 Recommend: approve deny
Watermaster recommendation Verbal approval 5/21/04

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-38

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

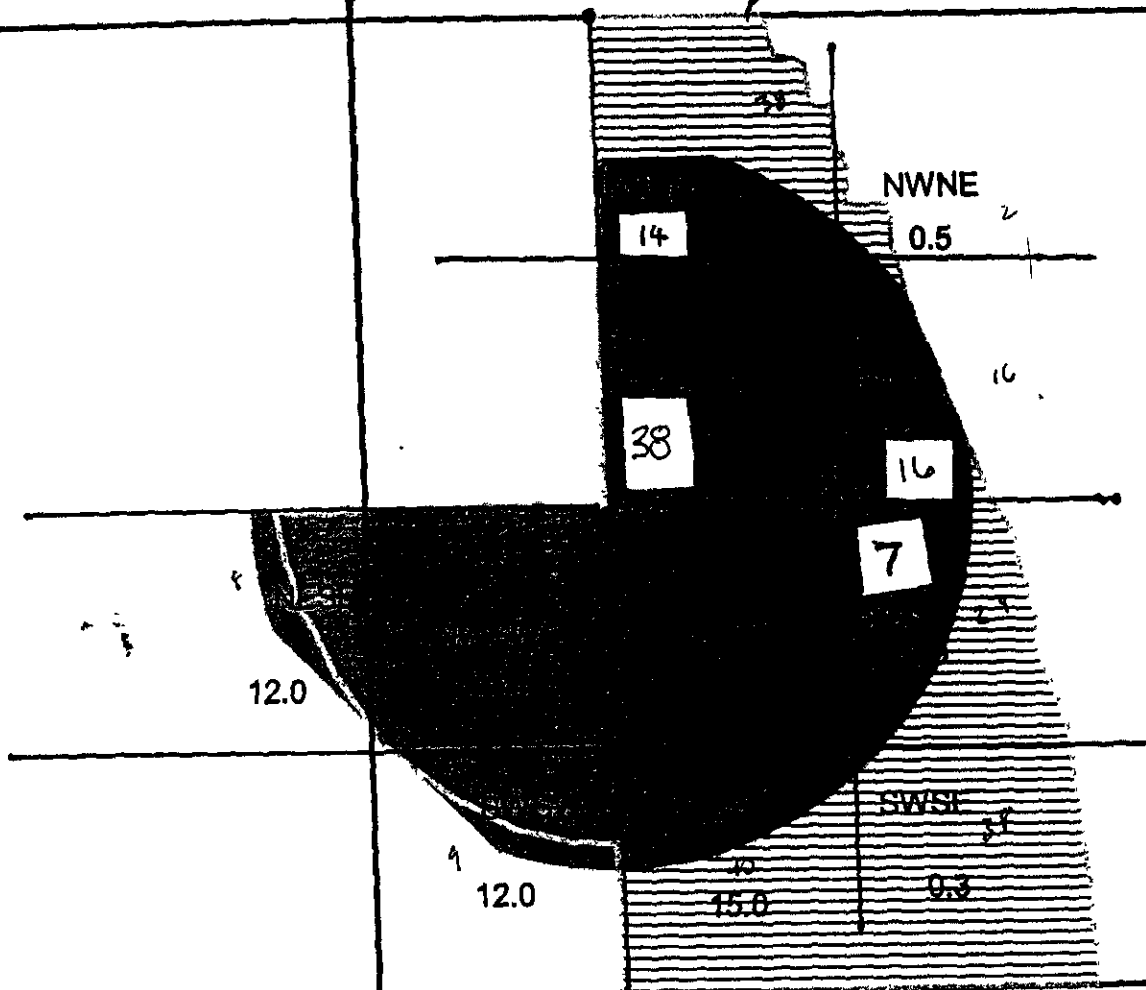
Witness my hand this 24th day of May, 2004

Shane Rosebush
R. D. Carh

TC-34-38

34-145

15



**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-611B & 34-612B)
Mountain Springs Ranch)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-38

WHEREAS, a drought emergency has been declared for Custer County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on May 19, 2004, Shane Rosenkrance for Mountain Springs Ranch submitted the attached Temporary Change Application TC-34-38 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

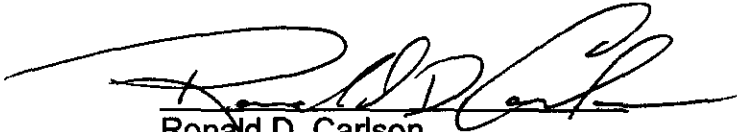
1. Diversion and use of right no(s). 34-611B & 34-612B is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-38

5. Right(s) 34-611B ; 34-612B are limited to the irrigation of a total of 80 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on December 31, 2004 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval..

DATED this 24th day of May, 2004.


Ronald D. Carlson
Eastern Regional Manager

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

JUL -7 2003

Department of Water Resources

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT Mountain Springs Ranch)
34-611B & 34-612B)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-27

WHEREAS, a drought emergency has been declared for Custer
County to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 6/14/03, Mountain Springs Ranch submitted the attached
Temporary Change Application TC-34-27 to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the
following conditions:

1. Diversion and use of right no(s). 34-611B & 34-612B is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a

**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-34-27.

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right(s) 34-6118 & 34-6126 are limited to the irrigation of a total of 75 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 10/31/03 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 16th day of June, 2003.


**RONALD D. CARLSON
EASTERN REGION MANAGER**

JUL - 7 2003

Department of Water Resources

Ident. No. TC-34-27

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

JUN 16 2003

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

(To change point of diversion, place of use or purpose of use)

Name of Applicant Mountain Springs Ranch Phone 588-3110
588-3086, 589-3110
 Post Office Address 5550 Barton Flat Rd Mackay, ID 83251

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof put water on alfalfa

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
34-00611B	06/01/1882	1.5	irrigation	5-1 to 10-15
34-00612B	06/01/1882	.8	irrigation	5-1 to 10-15
				to
				to

2. Total amount of water being transferred 2.3 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to sinks

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SE	3	8N	22E	Custer	
		NE	NE	SE	11	"	"	"	
		SW	NW	SW	12	"	"	"	
		SW	NE	NW	13	"	"	"	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	14			16		14			38					7				75

Total Acres 75

MICROFILMED

JUN 23 2003

6 General Information:

- a. Who owns the water right to be changed? Mountain Springs Ranch
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will dry up 75 acres
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? for pivot
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: Same as transfer TC-34-16 from 2002
transfer amounts to more than the acreage to allow
for shrink.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Shane Penkance for MSR
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KW Date 6/16/03 Fee 50⁰⁰

Received KW # 5028880 Recommend: approve deny

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____

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

Witness my hand this 16th day of June, 2003

Ronald D. [Signature]
For the Director

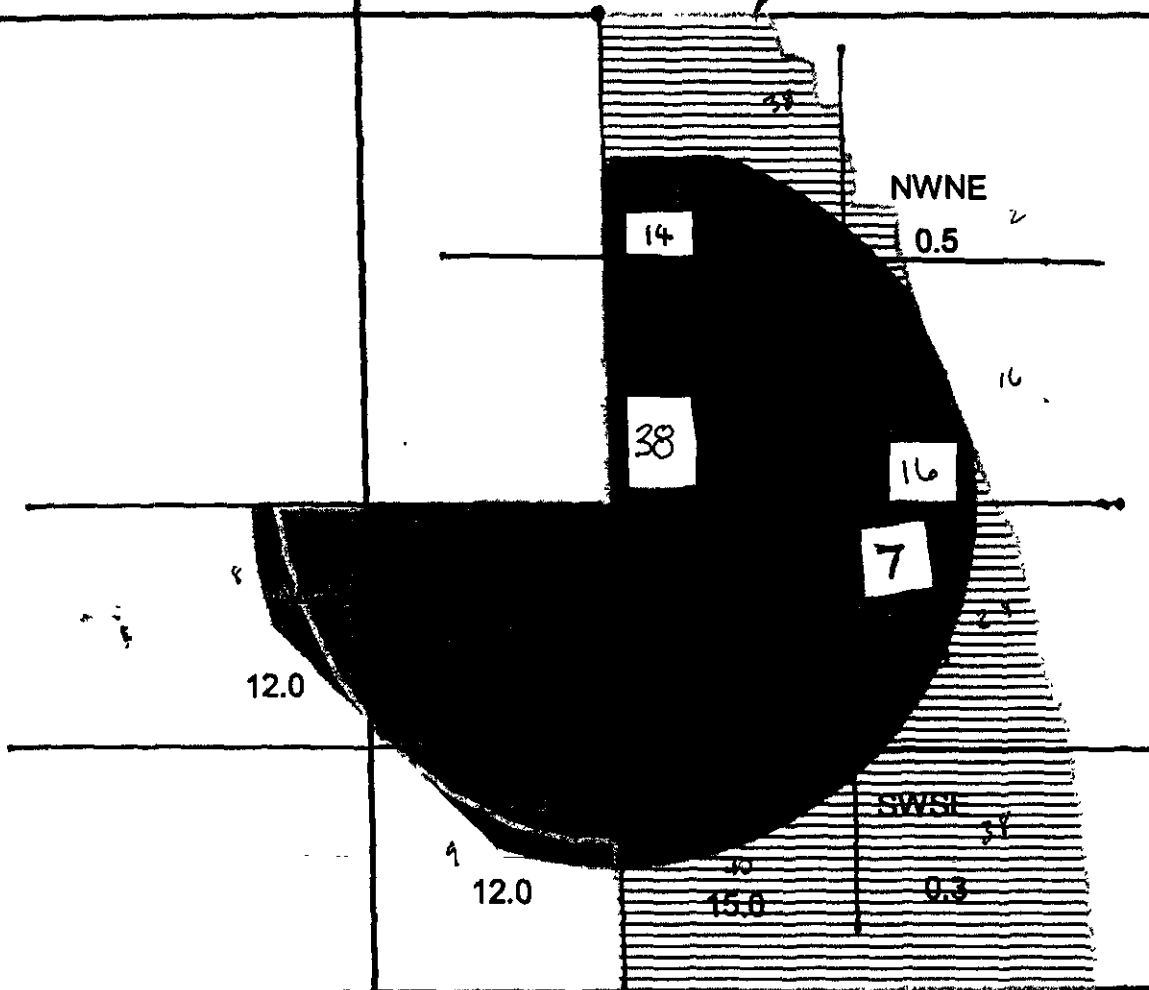
MICROFILMED

JUL 23 2003

TC-34-27

34-145

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MICROFILMED

JUL 23 2003

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

TC-34-16

RECEIVED

JUN 19 2002

Department of Water Resources

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT Mountain Springs Ranch)
34-0611B, 34-0612B)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for
counties to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 6/6/02, Mountain Springs Ranch submitted the attached
Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the
following conditions:

1. Diversion and use of right no(s). 34-0611B
34-0612B is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 19 2002

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use) Department of Water Resources

Name of Applicant Mountain Springs RanchPhone 588-3110, 588-3086, 589-3110Post Office Address 5550 Barton Flat Rd Mackay, ID 83251

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Put water on alfalfa

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-00611B</u>	<u>06/01/1882</u>	<u>1.5</u>	<u>irrigation</u>	<u>5-1</u> to <u>10-15</u>
<u>34-00612B</u>	<u>06/01/1884</u>	<u>.8</u>	<u>irrigation</u>	<u>5-1</u> to <u>10-15</u>

2. Total amount of water being transferred 2.3 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Big Lost River tributary to Sinks

4. Point(s) of Diversion

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SE	3	8N	22E	Custer	
		NE	NE	SE	11	"	"	"	
		SW	NW	SW	12	"	"	"	
		SW	NE	NW	13	"	"	"	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	14			16		14			38						7			75

Total Acres 75

MICROFILMED

JUN 24 2002

6 General Information:

- a. Who owns the water right to be changed? Mountain Springs Ranch
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Will dry up 75 acres
- d. Has the water right sought to be transferred been used this year? no If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? for pivot
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: Same as transfer TC-34-07 from 2001
transfer amounts to more than the acreage to allow
for shrink.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Shane Spauldine for MSR
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HUT Date 6-6-02 Fee \$50

Receipted _____ # E027825 Recommend: _____ approve _____ deny _____

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No _____

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

Witness my hand this 11th day of June, 2002.

Paul D. Cook
For the Director

MICROFILMED

MAY 21 2003

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right(s) ^{34-60611B} 34-00612B are limited to the irrigation of a total of 75 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. ³⁴ is authorized to administer the temporary change approval.
11. This temporary change approval expires on 11/01/2002 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 14th day of June, 2002.



RONALD D CARLSON
EASTERN REGION MANAGER

2001 SEP 19 PM 12:09
FILED SRBA
IDAHO

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

In Re SRBA	)	Water Right 34-00611B
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 9, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P 2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. On July 30, 1999, Claimant Mountain Springs Ranch, LLC- filed an objection to the season of use recommendation, but withdrew the objection on April 20, 2001.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as

PERIOD OF USE 05-01 TO 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following

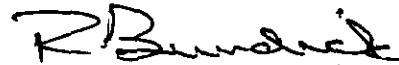
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*

RULE 54(b) CERTIFICATE

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

Dated September 19, 2001.



ROGER BURDICK

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

MAY 21 2003

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT IN PARTIAL DECREE was mailed on September 19, 2001, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:
HARRIET A. HENSLEY
PO BOX 83720
BOISE, ID 83720-0010
Phone: 208-334-4543

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

~~MOUNTAIN SPRINGS RANCH LLC~~
~~5550 BARTON FLAT RD~~
~~MACKAY, ID 83251~~
Phone: 208-588-2805

MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT ROAD
MACKAY, ID 83251
Phone: 208-588-3110

MICROFILMED

MAY 21 2003

Jettie Messick

Form 42 222A
12/99Ident. No. 2-34-07STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

TEMPORARY CHANGE APPLICATION

JUN 25 2001

Department of Water Resources

(To change point of diversion, place of use or purpose of use)

No. of Applicant Mt Springs Ranch 9/0 Share Resurgence Phone 589-3086
 Post Office Address 5550 Barton Flat Rd Mackay ID 83251

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Put water and alfalfa

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-006448</u>	<u>6/01</u>	<u>1.5</u>	<u>IRR</u>	<u>5-1</u> to <u>10-15</u>
<u>006448</u>	<u>1882</u>			

2. Total amount of water being transferred 1.5 cubic feet per second and/or acre-feet per annum.

3. Source of water Big Lost River tributary to sinks

4. Point(s) of Diversion:

Unit No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SE	3	8N	22E	Custer	Box
		NE	NE	SE	11				
		SW	NW	SW	12				
		SW	NE	NW	13				

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	14			16		14		38						7			75	

Total Acres 82.75 *
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Part of larger pivot

3110 0 1 1991

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JUN 21 2003

6. General Information:

- a. Who owns the water right to be changed? Mt Spring Ranch
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: 75
devote more better use on pivot - will dry up 52 acres.
- d. Has the water right sought to be transferred been used this year? NO If yes, explain _____
- e. Absent the changes, how would the right be used for the remainder of the year? for pivot
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Shane Johnson for M.R.
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HUT Date 5-03-01 Fee \$ 50.00

Receipted 5-30-01 # E026758 Recommended: ✓ approve _____ deny _____

Watermaster recommendation Approve 5-30-01

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No TC-3407

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

✓ Subject to Water Master Control

Witness my hand this 11th day of June, 2001

Ronald Carson
For the Director

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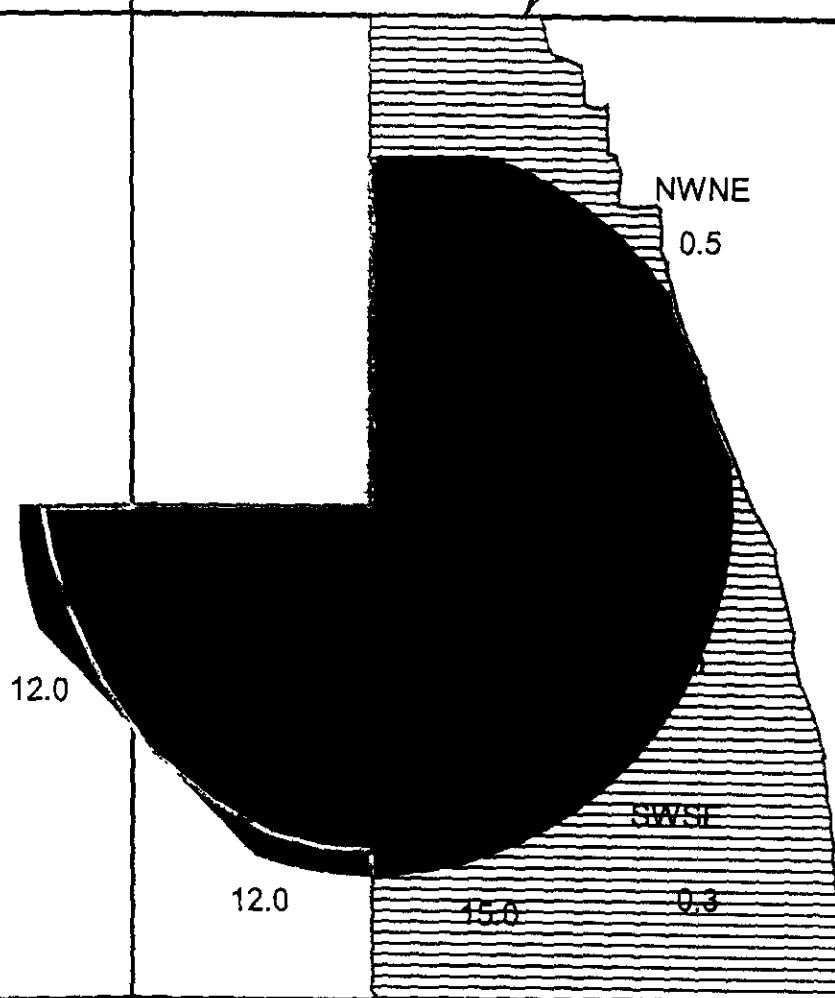
MAY 06 2001

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MAY 21 2003

15

34-145



This pivot is approx 200
acres will need approx 125
more acres on straw transfer.

Handwritten signature

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AUG 8 2001

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MAY 21 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4706
WATER RIGHT NO(S). 34-00142/34-00611B/34-00612B
34-00613B/34-10553B

This is to certify that: **MOUNTAIN SPRINGS RANCH LLC**
5550 BARTON FLAT RD
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. 34-00142 :			
IRRIGATION	05/01 to 10/15	2.40 CFS	420.0 AF
Priority: 06/30/1897			
Right No. 34-00611B :			
IRRIGATION	05/01 to 10/15	1.50 CFS	262.5 AF
Priority: 06/01/1882			
Right No. 34-00612B :			
IRRIGATION	05/01 to 10/15	0.80 CFS	140.0 AF
Priority: 06/01/1886			
Right No. 34-00613B :			
IRRIGATION	05/01 to 10/15	0.50 CFS	87.5 AF
Priority: 11/01/1898			
Right No. 34-10553B :			
IRRIGATION	05/01 to 10/15	5.52 CFS	1648.5 AF
Priority: 05/01/1910			
TOTAL:		* 10.72 CFS	* 1648.5 AF

SOURCE

BIG LOST RIVER
PARSONS CREEK

TRIBUTARY OF

SINKS
BIG LOST RIVER

SEP 22 1999

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MAY 21 2003

TRANSFER NO. 4706
WATER RIGHT NO(S). 34-00142/34-00611B/34-00612B
34-00613B/34-10553B

LOCATION OF POINT(S) OF DIVERSION:

SWSESE , Sec. 3, Township 08N, Range 22E
 NENESE , Sec. 11, Township 08N, Range 22E
 NWNENE , Sec. 11, Township 08N, Range 22E
 SWNWSW , Sec. 12, Township 08N, Range 22E
 SWNENW , Sec. 13, 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	11	NESW 20	SESW 15	NESE 20	
			NWSE 40	SWSE 30	SESE 33	158
		12	SWSW 18			18
		13	NWNW 30	SWNW 40	SENE 23	
			NESW 25	NWSW 30	SESW 30	
			SWSE 17			195
		14	NENE 40	NWNE 10	SENE 30	
			NESE 20			100

Total number of acres irrigated: ** 471

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 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 form all authorized points of diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- * 6. The total instantaneous diversion of water from all points of diversion under Transfer 4706 shall not exceed 10.72 cfs.
- ** 7. Right 34-00142 is limited to the irrigation of 120.0 acres in the place of use described above in a single irrigation season.
- ** 8. Right 34-00611B is limited to the irrigation of 75.0 acres in the place of use described above in a single irrigation season.
- ** 9. Right 34-00612B is limited to the irrigation of 40.0 acres in the place of use described above in a single irrigation season.
- ** 10. Right 34-00613B is limited to the irrigation of 25.0 acres in the place of use described above in a single irrigation season.

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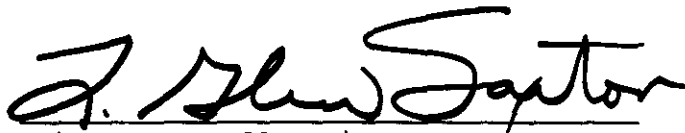
MAY 21 2003

TRANSFER NO. 4706
WATER RIGHT NO(S). 34-00142/34-00611B/34-00612B
34-00613B/34-10553B

CONDITIONS OF APPROVAL AND REMARKS

- * ** 11. Rights 34-00142, 34-00611B, 34-00612B, 34-00613B and 34-10553B when combined shall not exceed a total diversion rate of 10.72 cfs, a total annual maximum diversion volume of 1648.5 af at the field headgate, and the irrigation of 471.0 acres.
12. The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the watermaster for Water District 34.

Dated this 3rd day of September, 1999.


Chief, Water Allocation Bureau

SEP 22 1999

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MAY 21 2003

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 34-00611B

1997 DEC -9 AM 9:35

DISTRICT COURT
TWIN FALLS, IDAHO

NAME & ADDRESS: MOUNTAIN SPRINGS RANCH LLC
5550 BARTON FLAT RD
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS
PARSONS CREEK BIG LOST RIVER

QUANTITY: 1.5 CFS

PRIORITY DATE: 06/01/1882

POINT OF DIVERSION: T08N R22E S03 S11 S12 S13
SWESE NENESE NENESE SWNWSW SWNENW
Within CUSTER County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 1.5 CFS

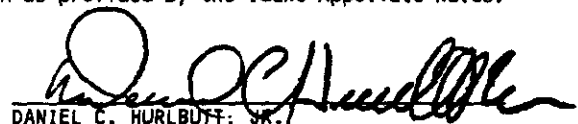
PLACE OF USE: IRRIGATION Within CUSTER County
T08N R22E S11 NESW 20 SESW 15 NESE 20 NWSE 40
SWSE 30 SESE 33
S12 SWSW 10 SESW 25
S13 NENW 25 NWNW 30 SWNW 40 SENW 25
NESW 25 NWSW 30 SESW 30 SWSE 17
S14 NENE 40 SENE 30 NESE 20
515 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 515 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00612B, 34-00613B, 34-00142 AND
34-10553.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 75 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

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


DANIEL C. HURLBUTT, SR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00611B

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MAY 21 2003

PAGE 1
DEC-3-1997

AJ5809NP
No. 34-00611B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/15/95
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SAN FELIPE RANCHES	06/01/1882	IRRIGATION	05-01 10-15	1.50 CFS	
TOTAL DIVERSION:					1.50 CFS	

Water Source: BIG LOST RIVER
PARSONS CREEK

Tributary to: SINKS
BIG LOST RIVER

Stage: DECREED

Point(s) of Diversion:	TO8N R22E S03	SWESE		CUSTER County
	S11	NENESE	NWNESE	CUSTER County
	S12	SWNWSW		CUSTER County
	S13	SWNENW		CUSTER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM			
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac					
08N	22E	11	:					:					:	20			15	:	20	40	30	33	:	158.0			
08N	22E	12	:					:					:			10	25	:					:	35.0			
08N	22E	13	:					:	25	30	40	25	:	25	30		30	:			17		:	222.0			
08N	22E	14	:	40	10		30	:					:					:	20				:	100.0			
																						TOTAL ACRES					515.0

POU County: CUSTER

Other Rights: A34-10553/00612B/00613B/00142

Conditions of Approval:

- C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.

Remarks:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1287.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 515 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00612B, 34-00613B, 34-00142, & 34-10553. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-00612B, 34-00613B, 34-00142 & 34-10553. SOURCES FOR THIS RIGHT ARE BIG LOST RIVER TRIBUTARY TO SINKS AND PARSONS CREEK TRIBUTARY TO THE BIG LOST RIVER.

Dates: Exam Made Date: 09/25/1990 Verified Date: 05/22/1992

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

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MAY 21 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 11, 2003

Mountain Springs Ranch
5550 Barton Flat Rd
Mackay, ID 83251
Attention: Shane Rosenkrance

RE: **Potential Illegal Points of Diversion**

Dear Mr. Rosenkrance:

The Idaho Department of Water Resources (IDWR) has collected GPS data locating physical diversions from Parsons Creek used by Mountain Springs Ranch. According to our records, two of these locations are not legal points of diversion for your water rights.

According to our records, Mountain Springs Ranch owns five surface water rights with points of diversion downstream of the Chilly Bridge. Water right numbers 34-00142, 34-00611B, 34-00612B, 34-00613B, and 34-10553B have a combined place of use of 471 acres and have five legal points of diversion. Transfer number 4706, which was approved in September 1999, changed the place of use for these water rights and split water right number 34-10553 between Mountain Springs Ranch and Dennie Donahue. This transfer did not change the points of diversion, which are described as follows.

1. PARSONS CREEK SW ¼ SE ¼ SE ¼ Sec. 3, Twp 08N, Rge 22E, B.M.
2. BIG LOST RIVER NE ¼ NE ¼ SE ¼ Sec. 11, Twp 08N, Rge 22E, B.M.
3. BIG LOST RIVER NW ¼ NE ¼ SE ¼ Sec. 11, Twp 08N, Rge 22E, B.M.
4. BIG LOST RIVER SW ¼ NW ¼ SW ¼ Sec. 12, Twp 08N, Rge 22E, B.M.
5. BIG LOST RIVER SW ¼ NE ¼ NW ¼ Sec. 13, Twp 08N, Rge 22E, B.M.

The legal point of diversion locations are shown as purple circles on the attached map. Based on IDWR field visits conducted between October 2002 and June 2003, IDWR has identified four physical diversions for your ranch. These physical diversions are shown as red triangles on the attached map. As illustrated on the map, two of your physical diversions from Parsons Creek (Mountain Springs 2 and Mountain Springs 4) are not legal points of diversion for your water rights. ↑

Spatial Data ID 298205

Spatial Data ID 298203

In order for Mountain Springs Ranch to change the location of your points of diversion for these water rights, you must file an Application for Transfer of Water Right with IDWR, as required by Idaho Code §42-222. A copy of the application form is attached. Additional copies of the application form can be obtained from our website at http://www.idwr.state.id.us/water/rights/water_rights_forms.htm, or from any IDWR office. The application needs to be submitted to the Eastern Region office at the address listed on the last page of the instructions. Please contact the Eastern Region office at 208-525-7161 if you

MICROFILMED 7 2003

have questions regarding the application process. I recommend that you apply for the transfer as soon as possible, because diversion of water at the locations of Mountain Springs Ranch 2 and 4 will not be legal until the transfer has been approved by IDWR.

If you believe our records are in error regarding your point of diversion locations, or have questions concerning this notice, please contact me at 208-327-7871.

Respectfully,



Jennifer Berkey
Water Distribution Section

cc: Robert Duke, Water District 34 Watermaster
Ron Carlson, IDWR Eastern Regional Manager

N /Lost River WD34/Corrspondc/2003/09-09MtnSpringsPNOV doc

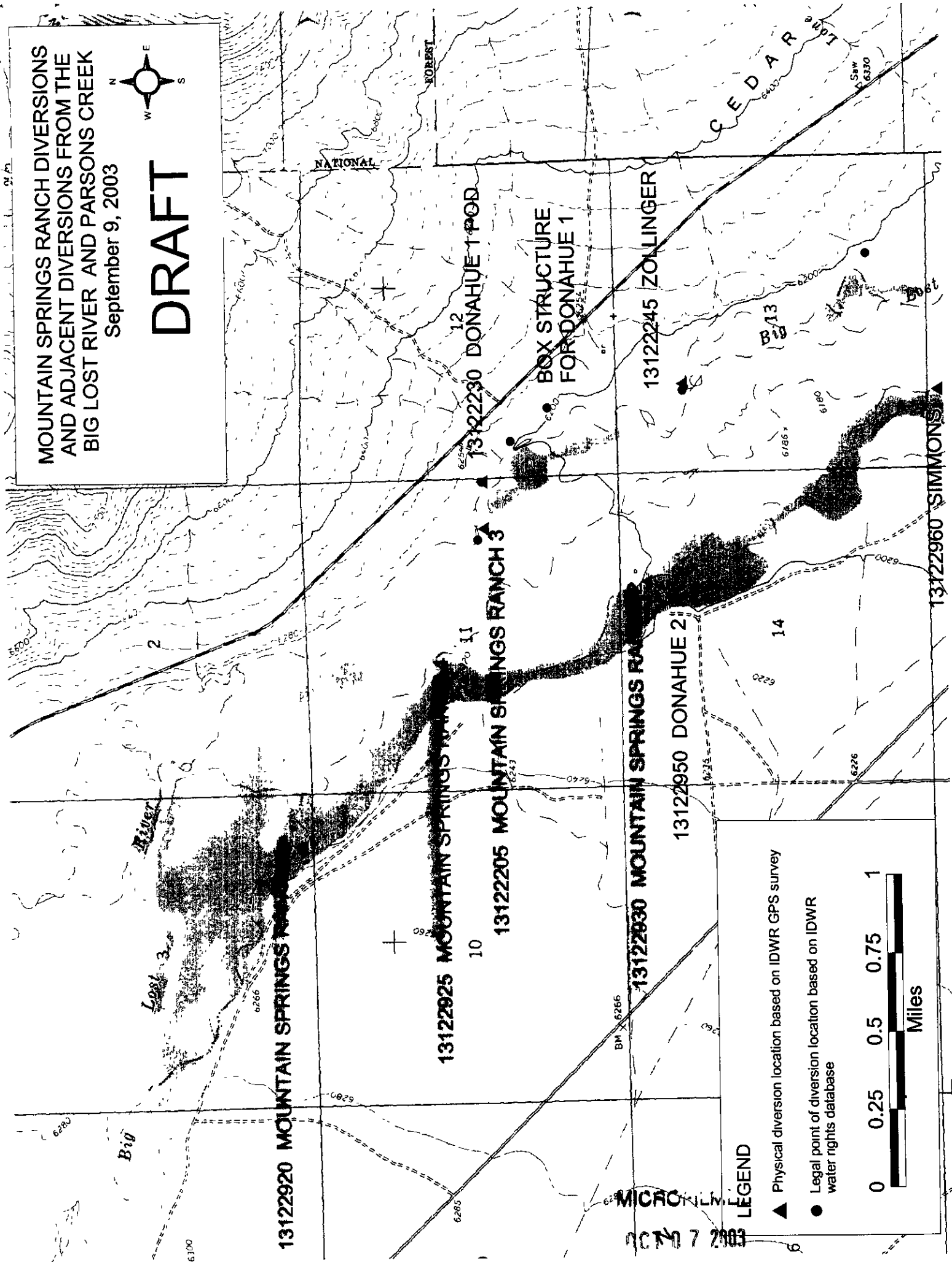
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OCT 03 2003

MOUNTAIN SPRINGS RANCH DIVERSIONS
AND ADJACENT DIVERSIONS FROM THE
BIG LOST RIVER AND PARSONS CREEK
September 9, 2003



DRAFT



LEGEND

- ▲ Physical diversion location based on IDWR GPS survey
- Legal point of diversion location based on IDWR water rights database



MEMORANDUM

TO: Files 34-00142, 34-00611B, 34-00612B, 34-00613B & 34-10553

FROM: Pam Skaggs²⁸/State Office

SUBJECT: Transfer 4706

DATE: September 3, 1999

Transfer 4706 changes the place of use under all of Rights 34-00142, 34-00611B, 34-00612B and 34-00613B, and a portion of Right 34-10553, splitting this right into Parts A & B.

The applicant owned the entire property and sold 44 acres with 0.88 cfs of Right 34-10553. The transfer proposes to change the permissible place of use under the rest of the rights to reflect the remaining 471 irrigated acres, with a small adjustment moving 8 acres from the SESW to the SWSW of Section 12, T08N, R22E to consolidate the acres.

A change of ownership form from the Donahues for the 44 acres will be processed following the approval of this transfer for Right 34-10553A. These rights in the SRBA already reflect a change in ownership to Mountain Springs Ranch LLC as the owner of the 471 irrigated acre parcel of land. Custer County Assessor's office confirmed the chain of ownership of these acres, first to the Donahues and then the remainder to Mountain Spring Ranch LLC.

These rights have been resubmitted to the SRBA court in an amended report to address the irrigation season. Other recommended conditions include measuring devices & lockable controlling works, watermaster control, irrigation overlap, permissible place of use limits, combined right limits and standard transfer conditions.

SEP 2 7 1999

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MAY 21 2003

MEMORANDUM

TO: FILE 34-00611B

FROM: PAM SKAGGS

RE: TRANSFER # 4706

DATE: 9-15-95

=====

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
File # 34-00142.

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SEP 21 2003