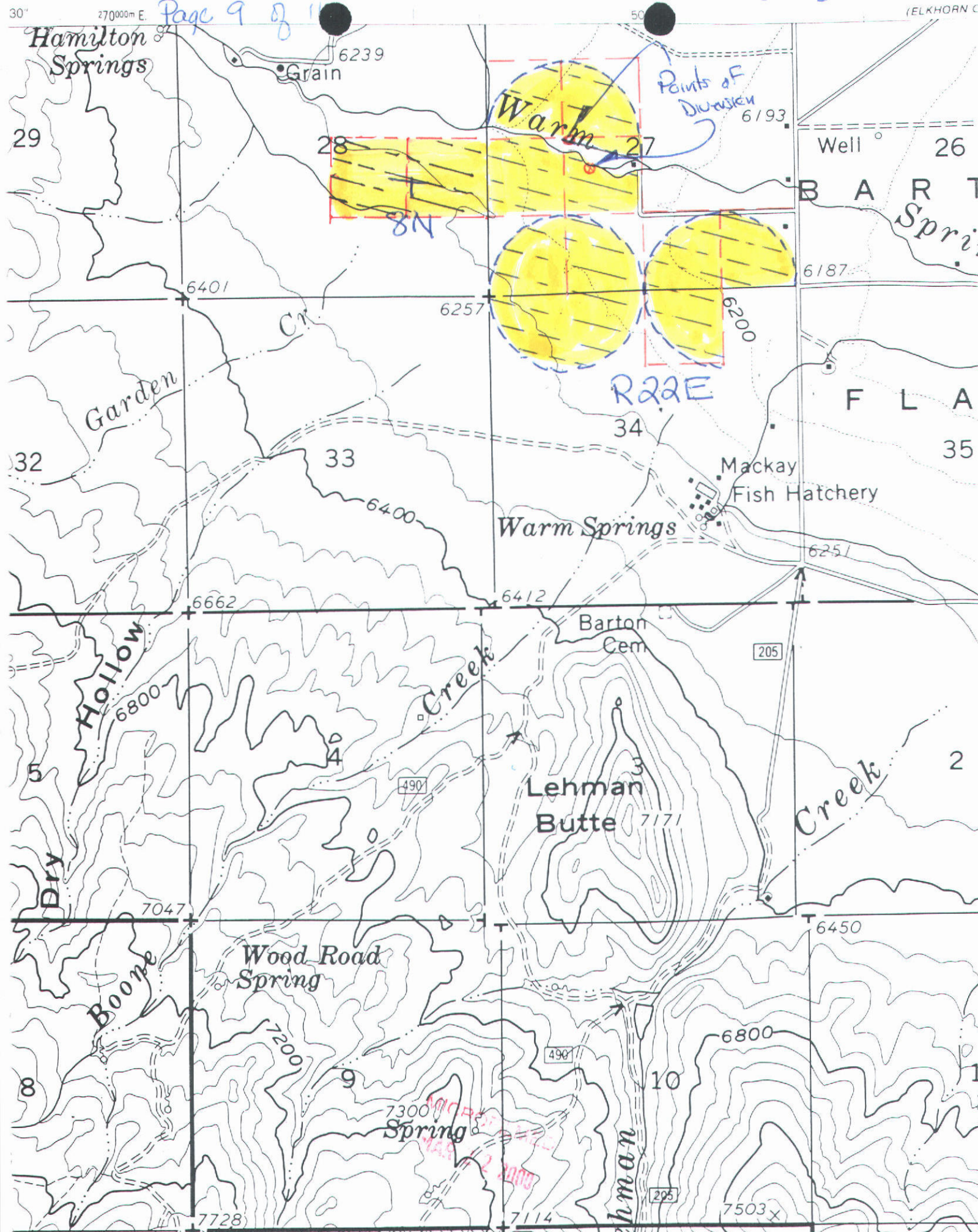


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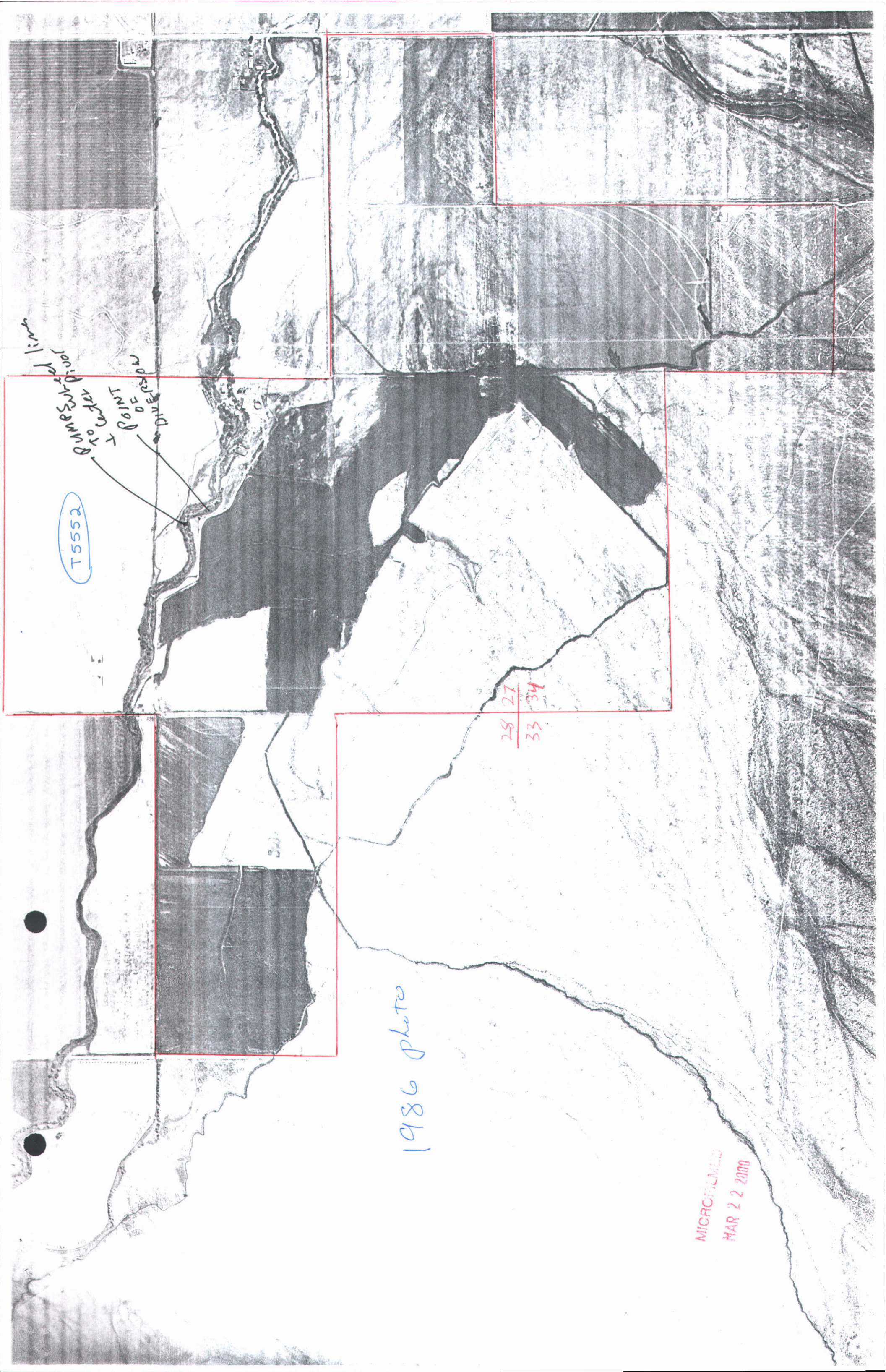
MICROFILMED
MAR 22 2000

1986 photo

28 27
33 34

T5552

Quarry Subdiv
No. 10
Point
of
Division



1992
PHOTO

PUMPS

Point of
diversion to
ditch

T5552

Sec
27

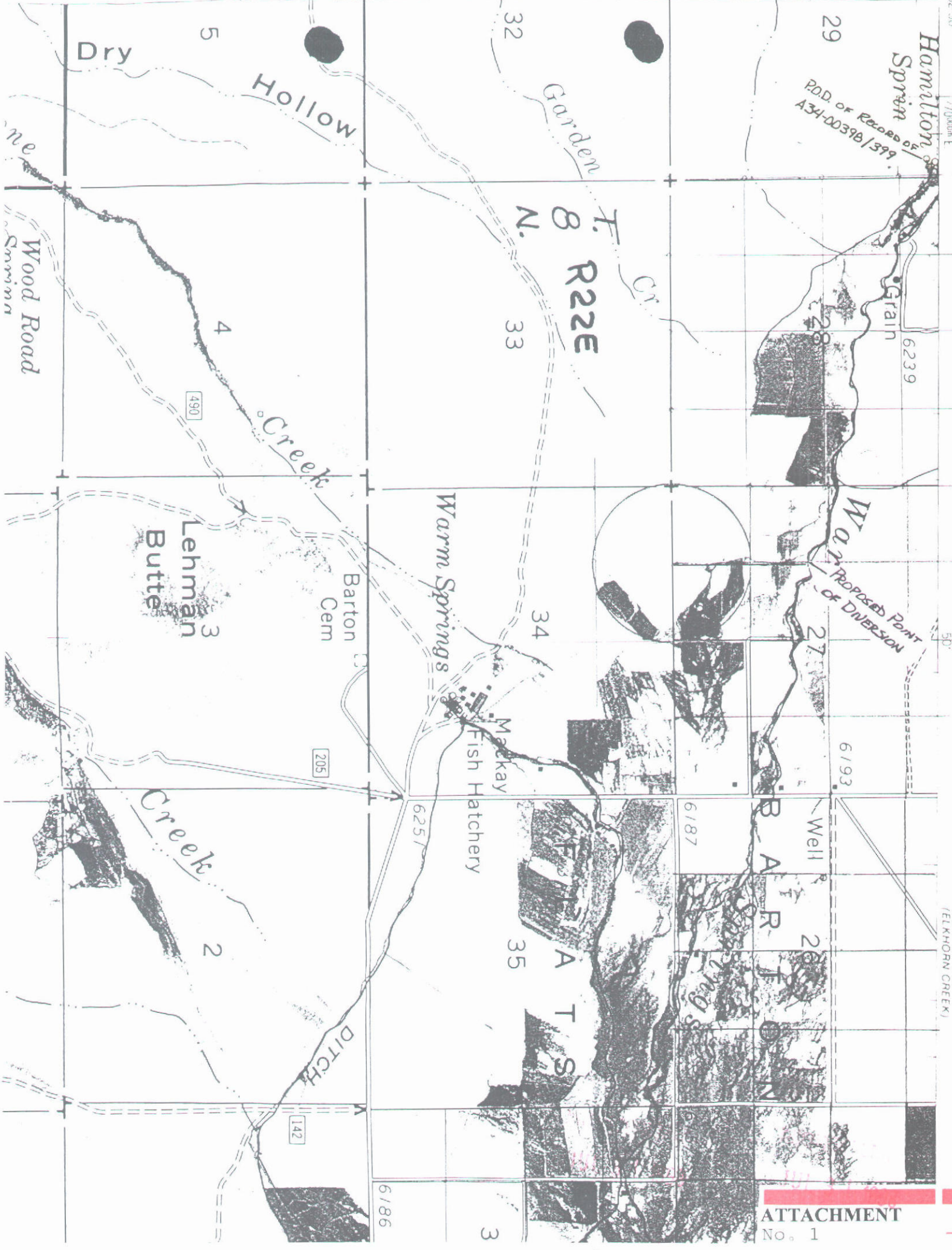
Sec
28

Sec
34

Sec
33

1/4
Sec 31
one half mile

Sec 32



LEGAL NOTICES

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Otto L. Johnson of Mackay, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion of the waters of Warm Springs Creek as follows: Amount: 1.2 cubic feet per second with priority of May 1, 1905, —

2.0 cubic feet per second with priority of August 30, 1909. Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8 N., Range 22 E. Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, Township 8 North, Range 22 East.

Transfer to Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 28; NW $\frac{1}{4}$ Section 27, all in Township 8 North, Range 22 East.

And that on the 14th day of June, 1956 at 10:00 o'clock A. M., at 107 State House Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,
State Reclamation Engineer
Publish June 7 - 14, 1956

Affidavit of Publication

RECEIVED
OCT 31 1956

Department of Reclamation

State of Idaho

County of Custer

ss.

Ruth Hanawalt
I, ~~E. A. Sprakles~~, Editor of THE MACKAY MINER, a weekly

newspaper of General Circulation published weekly at Mackay, Idaho,

continuously since February 16, 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 June 7, 1956, and ending with

the issue dated June 14, 1956.

Ruth Hanawalt

Subscribed and sworn to before me this 29th day
of October, 1956.

Gregory H. Smith

Notary Public

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 23 1999 and ending with
the issue dated Sept 30 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 30th day of September in the
year of 1999 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-
knowledge to me that he executed the same.

Janet G. Mangis
Notary Public for Idaho

Residing at Challis

My commission expires: 4/30/04

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT - NO. T5552

Notice is hereby given that Brok-
en River Ranch LP, c/o Roy E
Crawford, 5660 W 4920 N, Mack-
ay ID 83251, has applied to the
Department of Water Resources to
change the point of diversion and
to change the place of use of a sur-
face water source. The rights
sought to be changed are evi-
denced by decrees and a license
and recorded as follows:

Decree No.: 34-00398, Source:
Hamilton Springs, Amount: 2.00
cfs, Priority: 08/30/1909, Point(s)
of Diversion: NESW SEC 27 T08N
R22E, CUSTER COUNTY.

Decree No.: 34-00399, Source:
Hamilton Springs, Amount: 1.20
cfs, Priority: 05/01/1905, Point(s)
of Diversion: NESW SEC 27 T08N
R22E, CUSTER COUNTY. The wa-
ter is used for irrigation of 168.9
acres within SEC 27, 28 and 34
T08N R22E, B.M.

Decree No.: 34-00861A, Source:
Warm Springs Creek, Amount:
2.98 cfs, Priority: 05/01/1894,
Point(s) of Diversion: NESW SEC
27 T08N R22E, CUSTER
COUNTY. The water is used for ir-
rigation of 130 acres within SEC
27 and 34 T08N R22E, B.M.

Decree No.: 34-00868, Source:
Big Lost River, Amount: 3.20 cfs,
Priority: 12/06/1913 Point(s) of
Diversion: NESWNW SEC 15
T08N R21E, CUSTER COUNTY,
SWSWNW SEC 27 T08N R22E,
CUSTER COUNTY, SWNW SEC 27
T08N R22E, CUSTER COUNTY.
The water is used for irrigation of
138.5 acres within SEC 27 and 34
T08N R22E, B.M.

License No.: 34-07010, Source:
Garden Creek, Amount: 1.60 cfs,
Priority: 08/28/1968, Point(s) of
Diversion: SWSE SEC 28 T08N
R22E, CUSTER COUNTY. The wa-
ter is used for irrigation of 79.1
acres within SEC 27, 28 and 34
T08N R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to re-
arrange his 437.4 acres in Section
27, 28 and 34 T08N R22E and use
the NESW SEC 27 T08N R22E for
his diversion point utilizing
pumps and a ditch. The water
from the Big Lost River, Garden
Creek and Hamilton Springs are
injected into Warm Springs Creek
and re-diverted at the site listed
above.

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 October 12, 1999. The protes-
tant must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director
Pub: Sept. 23 & 30, 1999.

MICROFILMED
MAR 22 2000

**NOTICE OF PROPOSED CHANGE OF A
WATER RIGHT NO. T5552**

Notice is hereby given that Broken River Ranch LP, c/o Roy E Crawford, 5660 W 4920 N, Mackay, ID 83251, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and a license and recorded as follows:

Decree No.: 34-00398 Source: Hamilton Springs
Amount: 2.00 cfs Priority: 08/30/1909
Point(s) of Diversion: NESW SEC 27 T08N R22E,
CUSTER COUNTY

Decree No.: 34-00399 Source: Hamilton Springs
Amount: 1.20 cfs Priority: 05/01/1905
Point(s) of Diversion: NESW SEC 27 T08N R22E,
CUSTER COUNTY
The water is used for irrigation of 168.9 acres within SEC 27, 28 and 34 T08N R22E, B.M.

Decree No.: 34-00861A Source: Warm Springs Creek
Amount: 2.98 cfs Priority: 05/01/1894
Point(s) of Diversion: NESW SEC 27 T08N R22E,
CUSTER COUNTY
The water is used for irrigation of 130 acres within SEC 27 and 34 T08N R22E, B.M.

Decree No.: 34-00868 Source: Big Lost River
Amount: 3.20 cfs Priority: 12/06/1913
Point(s) of Diversion: NESWNW SEC 15 T08N R21E,
CUSTER COUNTY
SWSWNW SEC 27 T08N R22E,
CUSTER COUNTY
SWNW SEC 27 T08N R22E,
CUSTER COUNTY
The water is used for irrigation of 138.5 acres within SEC 27 and 34 T08N R22E, B.M.

License No.: 34-07010 Source: Garden Creek
Amount: 1.60 cfs Priority: 08/28/1968
Point(s) of Diversion: SWSE SEC 28 T08N R22E,
CUSTER COUNTY
The water is used for irrigation of 79.1 acres within SEC 27, 28 and 34 T08N R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to re-arrange his 437.4 acres in Section 27, 28 and 34 T08N R22E and use the NESW SEC 27 T08N R22E for his diversion point utilizing pumps and a ditch. The water from the Big Lost River, Garden Creek and Hamilton Springs are injected into Warm Springs Creek and re-diverted at the site listed above.

Any protests against approval of the proposed changes must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, together with a protest fee of \$25.00 on or before October 12, 1999. The protestant must also send a copy of the protest to the applicant.
Karl J. Dreher, Director

PUBLISH: September 23 and 30, 1999

Notice of Publication

IN THE STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 32240

I, Ruby Auzdenheide being first duly sworn upon oath, depose that I am principal clerk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per attached, was published in the regular and entire issue of said newspaper, and not in any thereof, for two consecutive weeks, beginning with the issue dated Sept 23, 1999, and ending with the issue dated Sept 30, 1999.

I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Sunday, of which newspapers prior to consolidation had been published under said names in said city and county and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said paper was published under said name in said city and county continuously and uninterruptedly.

I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the legal notice day by law or by order of any court of competent jurisdiction within the state of Idaho, to be published; and that at the head of the editorial column of said combined newspapers, and in each Thursday is announced as the day on which said legal notices will be published.

IN THE STATE OF IDAHO
COUNTY OF TWIN FALLS
30th day of Sept in the year of 1999, before me,
Ruby Auzdenheide, personally appeared Neve R. Feltman, identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, depose and acknowledge that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at Twin Falls, Idaho.

My commission expires: 5/19/2000

RECORDED

MAR 22 2000

RECEIVED

OCT 04 1999

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

Department of Water Resources
Eastern Region

Date 09/30/1999INVOICE NO. 211913Account No. 446600Description 211913NOTICE OF PROPOSTimes 2Lines 44

Tab. Lines _____

LEGAL ADVERTISING
INVOICE

SOLD TO: IDAHO DEPT. OF WATER RESOURCES
900 N. SKYLINE
IDAHO FALL ID 83402

\$ 132.00

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5552

Notice is hereby given that Broken River Ranch LP, c/o Roy E Crawford, 5660 W 4920 N, Mackay ID 83251, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and a license and recorded as follows:

Decree No.: 34-00398 Source: Hamilton Springs
Amount: 2.00 cfs Priority: 08/30/1909
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY
Decree No.: 34-00399 Source: Hamilton Springs
Amount: 1.20 cfs Priority: 05/01/1905
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY
The water is used for irrigation of 168.9 acres within SEC 27, 28 and 34 T08N R22E, B.M.

Decree No.: 34-00861A Source: Warm Springs Creek
Amount: 2.98 cfs Priority: 05/01/1894
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY
The water is used for irrigation of 130 acres within SEC 27 and 34 T08N R22E, B.M.

Decree No.: 34-00868 Source: Big Lost River
Amount: 3.20 cfs Priority: 12/06/1913
Point(s) of Diversion: NESWNW SEC 15 T08N R22E, CUSTER COUNTY
SWSWNW SEC 27 T08N R22E, CUSTER COUNTY
SWNW SEC 27 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 138.5 acres within SEC 27 and 34 T08N R22E, B.M.

License No.: 34-07010 Source: Garden Creek
Amount: 1.60 cfs Priority: 08/28/1968
Point(s) of Diversion: SWSE SEC 28 T08N R22E, CUSTER COUNTY
The water is used for irrigation of 79.1 acres within SEC 27, 28 and 34 T08N R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to re-arrange his 437.4 acres in Section 27, 28 and 34 T08N R22E and use the NESW SEC 27 T08N R22E for his diversion point utilizing pumps and a ditch. The water from the Big Lost River, Garden Creek and Hamilton Springs are injected into Warm Springs Creek and re-diverted at the site listed above.

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 October 12, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER Director

Published in the Lewiston Morning Tribune on September 23 and 30, 1999.

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 211913NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 09/23, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 09/23/1999 and the last publication thereof being on the 09/30/1999 and said 211913NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30day of September 1999

Notary Public in and for the State of Id
residing at Lewiston, therein
Commission Expires 7/1/03

MICROFILMED

MAR 22 2000

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 15th 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.

Della Brewer
Notary Public for Idaho
Residing at Clayton St
My commission expires: 7/6/99

NOTICE OF ~~PT~~ ED CHANGE OF A WATER RIGHT NO. T5131

Notice is hereby given that Broken River Ranch, LTD., has applied to the Department of Water Resources to change point of diversion and source of the waters of Hamilton Springs tributary to Warm Springs Creek. The rights sought to be changed are evidenced by Basin 34 SRBA Director's Report and recorded as follows:

No.: 34-00398

Amount: 2.0 cfs

Priority: 08/30/1909

No.: 34-00399

Amount: 1.20 cfs

Priority: 05/01/1905

Source: Hamilton Springs

Point(s) of Diversion: SWSW

SEC 27 SENENE SEC 29 T08N
R22E, CUSTER COUNTY

The water is used for irrigation of 168.9 acres from 05/01 to 10/15 and stockwater from 10/16 to 04/30 within the W1/2SW1/4 SESW SEC 27 N1/2SE1/4 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 NWNESEC SEC 27 T08N R22E, Custer County. This puts the pumping station at Warm Springs Creek proper, rather than Hamilton Springs.

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.

/s/ KARL J. DREHER
Director

MICROFILMED

JUL 31 1998

RECEIVED

SEP 15 1997

Department of Water Resources
Eastern Region

Name of Applicant.....

O. L. Johnson

SEC.

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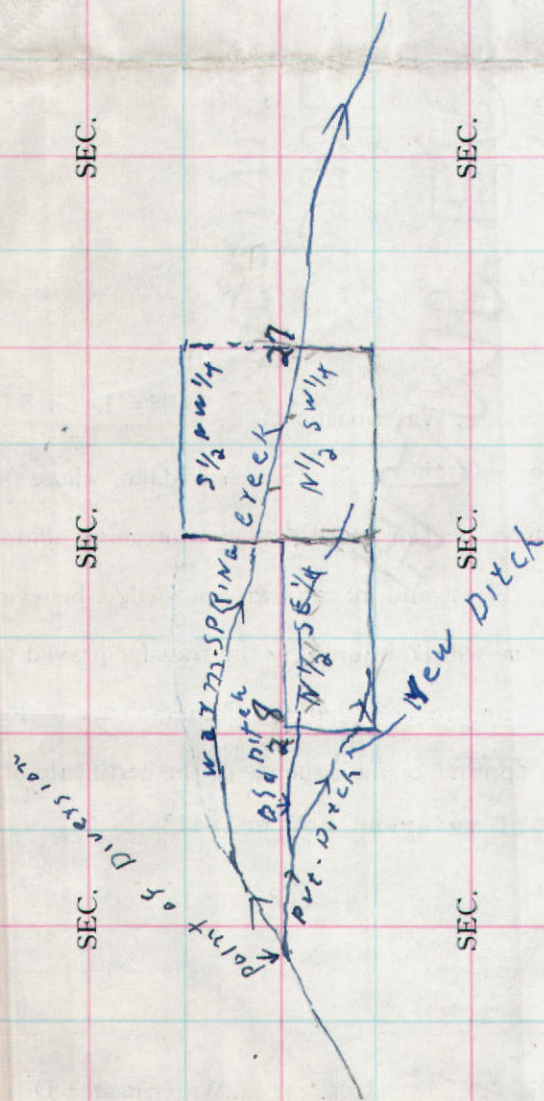
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MICROFILMED

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-00398				00/00/0000	/Z			WR
34-00398A	JOHNSON, OTTO A.	C		08/30/1909	D/	WARM SPRINGS CREEK	IRR	WR
34-00398B	JOHNSON, OTTO A.	C		08/30/1909	D/	WARM SPRINGS CREEK	IRR	WR
X34-00398	BROKEN RIVER RANCH LP	C		08/30/1909	D/	WARM SPRINGS CREEK	IRR	WR
							STOCK	
34-00398	BROKEN RIVER RANCH	C		08/30/1909	D/	HAMILTON SPRINGS	IRR	AJ
							STOCK	
34-00398A	COMBINED RIGHT	C		08/30/1909	/Z	WARM SPRINGS CREEK	IRR	AJ
						COMBINED RIGHT		
34-00398B	COMBINED RIGHT	C		08/30/1909	/Z	WARM SPRINGS CREEK	IRR	AJ
						COMBINED RIGHT		
A34-00398	BROKEN RIVER RANCH	C		08/30/1909	D/	HAMILTON SPRINGS	IRR	AJ
A34-00398A	COMBINED RIGHT	C		08/30/1909	/Z	WARM SPRINGS CREEK	IRR	AJ
						COMBINED RIGHT		
A34-00398B	COMBINED RIGHT	C		08/30/1909	/Z	WARM SPRINGS CREEK	IRR	AJ
						COMBINED RIGHT		
R34-00398	BROKEN RIVER RANCH	C		08/30/1909	D/	WARM SPRINGS CREEK	IRR	AJ
							STOCK	

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			

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.

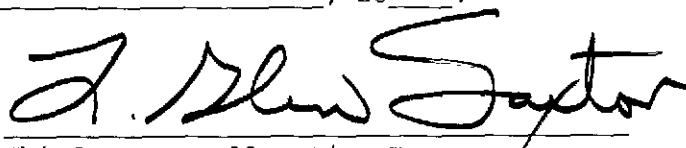
TRANSFER NO. 5552

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 NWNESE, S27, T08N, R22E.

Dated this 21st day of March, 2000.


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5775.2

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NOV 5 1999

PART 1

Name of applicant Broken River Ranch LP c/o Roy E. Crawford Phone (415) 442-1155
 Post Office address 5660 W 4920 N Mackay, Idaho 83251

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 Consolidate water rights on contiguous parcels.

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

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use PAGE 1A
2. Total amount of water being transferred 10.52 cubic feet per second and/or _____ acre-feet per annum
3. Source of water See Pg 1A tributary to _____
4. Point(s) of Diversion _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	27	8N	22E	Custer	NOTE: There are two places of
								diversion, (1) pumps in stream and
								(2) headgate to ditch.

5. Lands irrigated or place of use.

Twp.	Rge.	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	22E	27							31	32	34	36	32	32			32	32	266.4
		28													40	40			80.0
		34		32			32	32											96.0
8N	22E	27							S	S	S	S	S	S			S	S	
		28													S	S			
		34		S	S		S	S											

TSSS

Total acres 437.4

PAGE 1A OF 14

Application for Transfer of Water Right
AttachmentPart B.

	<u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
a.	Warm Springs (Hamilton Springs)				
	34-00398 *	8-30-1909	2.00 0.02	Irrigation Stockwater	5-1 to 10-15-99
	34-00399 *	5-1-1905	1.20 0.02	Irrigation Stockwater	5-1 to 10-15-99
	34-00861A	5-1-1894	2.98	Irrigation	5-1 to 10-15-99
b.	Garden Creek				
	34-07010 *	8-28-1968	1.60	Irrigation	5-1 to 10-15-99
c.	~~Big Lost~~				
	~~34-00868~~	12-6-1913	3.20	Irrigation	5-1 to 10-15-99

2. Total amount of water being transferred: ~~10.98~~ cfs.

10.52

3. Source of water.

a. Warm Springs Creek, tributary to Big Lost River.

b. Garden Creek, tributary to sinks.

c. ~~Big Lost~~ River, tributary to sinks.

* Limited to 4.34 cfs. total

PART 2

TRANS NO. 775

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00398/TRS131

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	2.00 CFS
STOCKWATER	10/16 to 04/30	0.02 CFS
Totals		2.00 CFS

SOURCE

HAMILTON SPRINGS

TRIBUTARY OF

WARM SPRINGS CREEK

Priority: 08/30/1909

LOCATION OF POINT(S) OF DIVERSION:

NESW
~~SWNW~~, Sec. 27, Township 08N, Range 22E
~~SENESE~~, ~~Sec. 29~~, 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 29.5	SESW 7.1	56.1
		28	NESE 27.3	NWSE 35		62.3
		34	NENW 30	NWNW 20.5		50.5
Total number of acres irrigated:						168.9

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
08N	22E	27

NWSW

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00398A AND 34-00398B.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-00399 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 34-00399 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY OF STOCKWATER.

See condition #9 of transfer S131

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00399 / TRS131

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	1.20 CFS
STOCKWATER	10/16 to 04/30	0.02 CFS
Totals		1.20 CFS

SOURCE

HAMILTON SPRINGS

TRIBUTARY OF

WARM SPRINGS CREEK

Priority: 05/01/1905

LOCATION OF POINT(S) OF DIVERSION:

NESW, Sec. 27, Township 08N, Range 22E
~~S2SW~~, Sec. 27, Township 08N, Range 22E
~~SENE~~, Sec. 29, 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	NWSW 19.5	SWSW 29.5	SESW 7.1		56.1
		28	NESE 27.3	NWSE 35			62.3
		34	NENW 30	NWNW 20.5			50.5
Total number of acres irrigated:							168.9

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
08N	22E	27
		NWSW

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NOS. 34-00398 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
3. RIGHT NO. 34-00398 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
4. POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY OF STOCKWATER.

See condition #9 on trans 5131

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 34-00861A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	2.98 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WARM SPRINGS CREEK	BIG LOST RIVER

Priority: 05/01/1894

LOCATION OF POINT(S) OF DIVERSION: NESW , 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>TOTAL</u>
08N	22E	27	SWSE 40	SESE 40		80
		34	NWNE 40	SWNE 10		50
Total number of acres irrigated:						130

CONDITIONS/REMARKS:

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 34-07010 / TR 5130

STAGE: LICENSE

<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~~ ^{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		20.5
		28	NWSE 27.3			27.3
		34	NENW 18.3	NWNW 13		31.3
Total number of acres irrigated:						79.1

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3. 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.

*water is diverted from Garden Creek via ditch & injected into Warm Springs Creek & will be redistributed by pump & ditch.

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. 34-00868

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 12/06/1913

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	
Injection	NESWNW , Sec. 15, Township 08N, Range 21E
Rediversion	SWSWNW , Sec. 27, Township 08N, Range 22E
	SWNW , Sec. 27, Township 08N, Range 22E
	CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N 22E 27	SWNW 19	SENW 39	NESW 29	
	NWSW 18	SWSW 4	SESW 28.5	137.5
34	NENW 1			1

Total number of acres irrigated: 138.5

CONDITIONS/REMARKS:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.
4. TWO POINTS OF REDIVERSION LOCATED IN T08N, R22E, S27, SWNW.
5. WATER IS DELIVERED THROUGH NEILSEN DITCH.

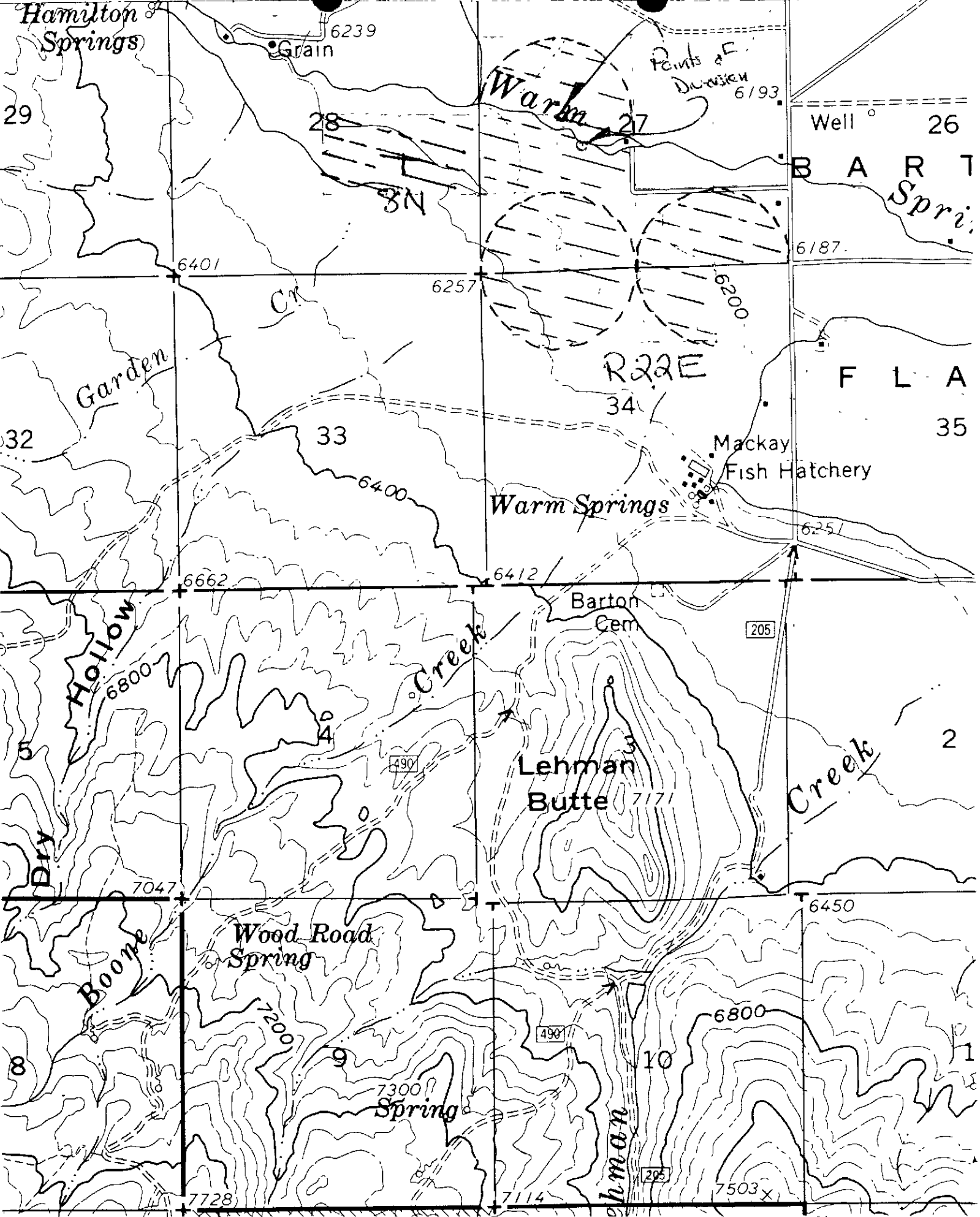
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Page 9

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TELKHORN C



PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**Water Right No. **X34-00868**STAGE: **DECREED**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	3.20 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
HAMILTON SPRINGS	WARM SPRINGS CREEK
WARM SPRINGS CREEK	BIG LOST RIVER
GARDEN CREEK	SINKS
BIG LOST RIVER	SINKS

Priority: 12/06/1913

LOCATION OF POINT(S) OF DIVERSION:

Injection
Rediversion

NESWNW , Sec. 15, Township 08N, Range 21E
SWSWNW , Sec. 27, Township 08N, Range 22E
NWNESW , Sec. 27, Township 08N, Range 22E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N 22E 27	SWNW 31	SENW 32	NESW 34.4	
	NWSW 36	SWSW 32	SESW 32	
	SWSE 32	SESE 32		261.4
28	NESE 40	NWSE 40		80
34	NENW 32	NWNW 32	NWSE 32	96
		Total number of acres irrigated:		437.4

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.
- TWO POINTS OF REDIVERSION LOCATED IN T08N, R22E, S27, SWNW.
- WATER IS DELIVERED THROUGH NEILSEN DITCH.

Describe any other water rights used for the same purpose as described above:

Page ____ of ____

TRANS NO.

Water Right No. X34-00868

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. X34-00861A

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	2.98 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
HAMILTON SPRINGS	WARM SPRINGS CREEK
WARM SPRINGS CREEK	BIG LOST RIVER
GARDEN CREEK	SINKS
BIG LOST RIVER	SINKS

Priority: 05/01/1894

LOCATION OF POINT(S) OF DIVERSION: 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>TOTAL</u>
08N	22E	27	SWNW 31	SENW 32	NESW 34.4	
			NWSW 36	SWSW 32	SESW 32	
			SWSE 32	SESE 32		261.4
	28		NESE 40	NWSE 40		80
	34		NENW 32	NWNW 32	NWSE 32	96
Total number of acres irrigated:						437.4

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. X34-07010

STAGE: LICENSE

<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		20.5
		28	NESE 27.3			27.3
		34	NENW 18.3	NWNW 13		31.3
Total number of acres irrigated:						79.1

CONDITIONS/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.
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

Water Right No. X34-07010

easement for use of a delivery system owned by person(s) other
than the right owner.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more
consecutive years of non-use? ____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is
appurtenant or other documents which show ownership. Label document as attachment A.
Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. X34-00399

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	1.20 CFS	210.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Totals		1.20 CFS	214.0 AF

SOURCETRIBUTARY OF

WARM SPRINGS CREEK

BIG LOST RIVER

Priority: 05/01/1905

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 27, Township 08N, Range 22E
CUSTER CountyPLACE 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 29.5	SESW 7.1	56.1
		28	NESE 27.3	NWSE 35		62.3
		34	NENW 30	NWNW 20.5		50.5
Total number of acres irrigated:						168.9

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
08N	22E	27

NWSW

CONDITIONS/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.
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.

Water Right No. X34-00399

CONDITIONS/REMARKS:

6. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
7. 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, the irrigation of 168.9 acres and stockwater use.
8. Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from the original source, Hamilton Springs.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. X34-00398

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Totals		2.00 CFS	354.0 AF

SOURCETRIBUTARY OF

WARM SPRINGS CREEK

BIG LOST RIVER

Priority: 08/30/1909

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 27, Township 08N, Range 22E
CUSTER CountyPLACE 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 29.5	SESW 7.1	56.1
		28	NESE 27.3	NWSE 35		62.3
		34	NENW 30	NWNW 20.5		50.5
Total number of acres irrigated:						168.9

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
08N	22E	27

NWSW

CONDITIONS/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.
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.

Water Right No. X34-00398

CONDITIONS/REMARKS:

6. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
7. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
8. 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, the irrigation of 168.9 acres and stockwater use.
9. Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from the original source, Hamilton Springs.
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

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.

Attached are three maps:

1. USGS map.
2. 1986 photo, showing sections, place of diversion, and pump location.
3. 1992 photo, which is an accurate description of place of use, and also shows location of pumps and place of diversion.

PART 3

B. CHANGES IN NATURE OF USE

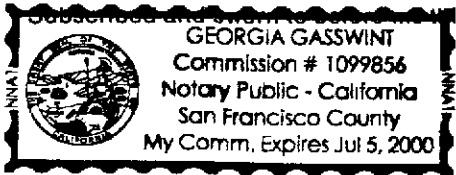
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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.



My commission expires _____

12th day of August, 19 99

 (Signature of Applicant)
Georgia Gasswint
 (Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and _____ attachments

Received by HWT Date 8-18-99 Protest filed by _____

Prelim. check by _____ Fee \$100~~0~~

Receipted by [Signature] # EO25223 Date 8-18-99

Published in Statewide Copies of protest forwarded by _____

Pub dates 9-23 & 9-30-99 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd _____ by [Signature]

Copy of transfer sent to lien holder _____

MICROFILMED
 AUG 22 1999

CHRIS JAMES
CLUSTER COUNTY ASSESSOR
P.O. BOX 597
CHALLIS ID 83226

IMPORTANT NOTICE-PLEASE READ

RETURN SERVICE REQUESTED

TAX CODE 43-00

	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*

1993
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 19, 1998

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 PARTSH
% CRAWFORD ROY

5660 WEST 4920 NORTH

MACKAY

ID 83251

CHRIS JAMES
CLUSTER COUNTY ASSESSOR
P.O. BOX 597
CHALLIS ID 83226

IMPORTANT NOTICE-PLEASE READ

RETURN SERVICE REQUESTED

TAX CODE 45-00

	CATEGORY DESCRIPTION	LOTS/ACRES	MARKET VALUE
1	IRRGTD AG	158.000 AC	68,730
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*

1993
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 19, 1998

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

PROPERTY ADDRESS

PARCEL NUMBER RP 08N22E273601 A

Mail To

S2NW4, N2SW4
SEC 27 T8N R22E

BROKEN RIVER RANCH LTD PARTSH
% CRAWFORD ROY

5660 WEST 4920 NORTH

MACKAY

ID 83251

AN APPEAL REGARDING THE ASSESSED MARKET VALUE OF THIS PROPERTY MUST BE IN WRITING, ON A FORM PROVIDED BY THE COUNTY, AND FILED WITH THE BOARD OF EQUALIZATION ON OR BEFORE THE FOURTH MONDAY OF JUNE. AN APPEAL OF AN ASSESSMENT LISTED ON THE SUBSEQUENT PROPERTY ROLL MUST BE FILED ON OR BEFORE THE FOURTH MONDAY OF NOVEMBER.

FAILURE TO OBSERVE THE ABOVE DEADLINES WILL RESULT IN THE FORFEITURE OF THE RIGHT OF APPEAL

CONTACT THE COUNTY COMMISSIONERS AS TO DATES AND LOCATION OF MEETINGS OF THE BOARD OF EQUALIZATION.

A NUMBER OF LAWS ALLOW EXEMPTIONS OR OTHER TAX BENEFITS TO PROPERTY OWNERS, INCLUDING

- HOMEOWNER
- AGRICULTURE
- HARDSHIP
- EXCEPTIONAL SITUATIONS
- PROPERTY TAX REDUCTION (CIRCUIT BREAKER)
- FOREST LAND TAXATION

CONTACT THE ASSESSOR'S OFFICE FOR DETAILS AND DEADLINES FOR THESE AND OTHER PROVISIONS REFER TO TITLE 63, CHAPTER 6.

BOARD OF EQUALIZATION DATES AND RESPONSIBILITIES

**The board of county commissioners shall meet as a BOARD OF EQUALIZATION AT LEAST ONCE IN EVERY MONTH THROUGH THE FOURTH MONDAY IN JUNE AND DAY TO DAY THROUGH THE SECOND MONDAY OF JULY at which time it must adjourn, for the purposes of equalizing the assessment of real and personal property, allowing or disallowing claims for hardship exemptions, and hearing appeals regarding the assessment of property See Idaho Code sections 63-501 and 63-502

**The board of county commissioners of each county shall meet as a BOARD OF EQUALIZATION on the fourth Monday of November for the purposes of equalizing the assessment of all property entered upon the subsequent property assessment rolls, allowing or disallowing exemptions and rebates claimed, and hearing appeals regarding such assessments. It shall complete its business on or before the first Monday of December. If other personal or real property is discovered and assessed after the subsequent board has adjourned, the taxpayer may appeal that assessment to the county BOARD OF EQUALIZATION during the monthly meeting in January of the following year. See Idaho Code section 63-501(2)(c)

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MICROFILMED

APR 22 1985

CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS ID 83226

ASSESSMENT NOTICE

RETURN SERVICE REQUESTED

CATEGORY DESCRIPTION

1 IR 300 AC

Tax Code 4-5-0
LOTS/ACRES

20.000 AC

MARKET VALUE

34,800

Taxes are based on the
valuation listed on this statement

**FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE**

JUNE 25, 1999

TOTAL:

20.000

34,800

PARCEL #
RP 051225278401

S2SE4
SEC 27 T3N R22E

PROPERTY ADDRESS

VALUE

TAX

See back for details

PRIOR YEAR

CURRENT YEAR

34,800

ESTIMATED

DO NOT PAY ESTIMATE

Mail To

BROKEN RIVER RANCH
LIMITED PARTNERSHIP
165 PHILLIP ROAD
WOODSIDE

CA 94032

CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS ID 83226

ASSESSMENT NOTICE

RETURN SERVICE REQUESTED

CATEGORY DESCRIPTION

1 IR 300 AC

Tax Code 4-5-0
LOTS/ACRES

20.000 AC

MARKET VALUE

34,800

Taxes are based on the
valuation listed on this statement

**FOR ANY QUESTIONS
PLEASE NOTIFY THE
ASSESSOR'S OFFICE BEFORE**

JUNE 25, 1999

TOTAL:

20.000

34,800

PARCEL #
RP 05122-340605

W2NE4
SEC 34 T3N R22E

PROPERTY ADDRESS

VALUE

TAX

See back for details

PRIOR YEAR

CURRENT YEAR

34,800

ESTIMATED

DO NOT PAY ESTIMATE

Mail To

BROKEN RIVER RANCH
LIMITED PARTNERSHIP
165 PHILLIP ROAD
WOODSIDE

CA 94032

YOUR RIGHT TO APPEAL YOUR PROPERTY VALUE

To appeal your property value, you must file a written form with the county board of equalization (BOE). The form requires you to identify yourself, your property, and the reason for your appeal. You can get the form from your county assessor, clerk or commissioners.

The form must be filed on or before the end of the county's business day on the 4th Monday of June. (For subsequent property rolls, the filing deadline is the 4th Monday of November. For the missed proper-

ty rolls, the filing deadline is the following year's January meeting date for the BOE.) See Idaho Code §63-501A.

If you do not file by the above deadline, you will lose your right to appeal your property value for the current year.

Contact your county assessor to learn more about property tax exemptions or other tax benefit programs.

BOARD OF EQUALIZATION (BOE) DATES AND RESPONSIBILITIES

For equalizing the value of property, granting property tax exemptions, and hearing appeals of value, the board of county commissioners, meeting as the BOE, must meet at least once every month through the 4th Monday in June; and day to day through the 2nd Monday of July.

For subsequent property assessment rolls, the BOE will meet from the 4th Monday of November to the 1st Monday of December. For missed property, the BOE will hear appeals at its January meeting. See Idaho Code §§63-501 and 63-502.

CURRENT YEAR ESTIMATED TAX

The current year estimated tax shown on the front of this card is calculated using this year's property value multiplied by last year's levy rate. It does not include new voter-approved budget overrides or bonds, or changes in property use, parcel splits or other variables that might affect the value or tax.

The actual tax, for which you will be billed in November, will be different than the estimated tax

shown on this notice. Actual taxes will be based on the current year's taxable value multiplied by the current year's levy rate which will not be determined until September after the taxing districts' budgets are completed and final.

Remember to participate in setting district budgets, such as school, city and county budgets. These budgets determine how much tax you pay.

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MICROFILMED

APR 2 1979

CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

IMPORTANT NOTICE-PLEASE READ

RETURN SERVICE REQUESTED

CATEGORY DESCRIPTION
1 IRRGTD AG

TAX CODE 43-00

LOTS/ACRES
80.000 AC
80.000

MARKET VALUE
34,800
34,800*

1998
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 19, 1998

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 PARTSH
% CRAWFORD ROY

5660 WEST 4920 NORTH

MACKAY

ID 83251

CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS ID 83226

IMPORTANT NOTICE-PLEASE READ

RETURN SERVICE REQUESTED

CATEGORY DESCRIPTION
1 IRRGTD AG

TAX CODE 43-00

LOTS/ACRES
80.000 AC
80.000

MARKET VALUE
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34,800*

1998
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PROPERTY ADDRESS
PARCEL NUMBER

RP 08N22E276001 A

Mail To

S2SW4
SEC 27 T8N R22E

BROKEN RIVER RANCH LTD PARTSH
% CRAWFORD ROY

5660 WEST 4920 NORTH

MACKAY

ID 83251

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- AGRICULTURE
- HARDSHIP
- EXCEPTIONAL SITUATIONS
- PROPERTY TAX REDUCTION (CIRCUIT BREAKER)
- FOREST LAND TAXATION

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MICROFILMED

APR 1 1979

: RP08N22E273601A

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

CUSTER COUNTY TAX COLLECTOR

LL#
096

TAX
596.19

TOTAL
596.19

P.O. BOX 350
CHALLIS, IDAHO 83226

DATE PRINTED: 5/11/98
RP08N22E273601A

=====

TOTAL DUE:	596.19	VALID THROUGH:	6/20/98
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=====

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BROKEN RIVER RANCH LTD PRTSHP
% CRAWFORD ROY
5660 WEST 4920 NORTH
TACKAY ID 83251

S2NW4, N2SW4
SEC 27 T8N R22E

: RP08N22E276001A

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

CUSTER COUNTY TAX COLLECTOR

LL#
097

TAX
157.90

TOTAL
157.90

P.O. BOX 350
CHALLIS, IDAHO 83226

DATE PRINTED: 5/11/98
RP08N22E276001A

=====

TOTAL DUE:	157.90	VALID THROUGH:	6/20/98
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=====

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BROKEN RIVER RANCH LTD PRTSHP
% CRAWFORD ROY
5660 WEST 4920 NORTH
TACKAY ID 83251

S2SW4
SEC27 T8N R22E

: RP08N22E287201A

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

CUSTER COUNTY TAX COLLECTOR

LL# TAX
102 157.90

TOTAL
157.90

P.O. BOX 350
CHALLIS, IDAHO 83226

DATE PRINTED: 5/11/98
RP08N22E287201A

=====

TOTAL DUE:	157.90	VALID THROUGH:	6/20/98
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=====

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BROKEN RIVER RANCH LTD PRTSHP
% CRAWFORD ROY
5660 WEST 4920 NORTH
IACKAY ID 83251

N2SE4
SEC 28 T8N R22E

: RP08N22E342401A

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

CUSTER COUNTY TAX COLLECTOR

LL# TAX
106 121.96

TOTAL
121.96

P.O. BOX 350
CHALLIS, IDAHO 83226

DATE PRINTED: 5/11/98
RP08N22E342401A

=====

TOTAL DUE:	121.96	VALID THROUGH:	6/20/98
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=====

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BROKEN RIVER RANCH LTD PRTSHP
% CRAWFORD ROY
5660 WEST 4920 NORTH
IACKAY ID 83251

N2NW4
SEC 34 T8N R22E

CHECK PAYABLE TO:
COUNTY TAX COLLECTOR
X 350
IDAHO 83226

1998 TAX BILL/RECEIPT

PARCEL NUMBER
RP08N22E278401A

BILL# 5240 CODE AREA -00

HALF DUE	TAX	2ND HALF DUE	TAX	FULL DUE	TOT MV
.00	LATE	.00	LATE	.00	
	INT		INT		
	COST		COST		
	TOT		TOT		

BROKEN RIVER RANCH
LIMITED PARTNERSHIP
165 PHILLIP ROAD
WOODSIDE CA 94032

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.001823945	
SCHOOL #182	.003885244	
LOST RIVER HWY	.000655763	
B.L.R. CEMETERY	.000214273	
SO. CUSTER FIRE	.000755991	
MACKAY LIBRARY	.000320278	
L. R. HOSP	.001512986	
BATGND MOS ABAT	.000454607	
S. C. AMBULANCE	.000249294	
*** NO TAX/SPECIAL DUE ***		

S2SE4
SEC 27 T8N R22E

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE
KEEP TOP PORTION FOR YOUR RECORDS
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE

NOT VALID UNTIL CHECK CLEARS
DU

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

RIVER RANCH 1998
5240

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

BROKEN RIVER RANCH 1998
5240

2ND HALF

1ST HALF

FULL

AMOUNT DUE .00

AMOUNT DUE .00

.00

COUNTY
E278401A

LATE
INT
COST
TOT

CUSTER COUNTY
RP08N22E278401A
45-00

LATE
INT
COST
TOT

LATE
INT
COST
TOT

IF NOT PAID ON OR BEFORE

AID
Y

JUNE 20, 1999
CHECK #
CASH

DELINQUENT IF NOT PAID ON OR BEFORE

DATE PAID
PAID BY

DECEMBER 20, 1998
CHECK #
CASH

NOTE: A 2% LATE CHARGE IS CHARGED ON LATE PAYMENTS MADE BETWEEN DECEMBER 21 AND DECEMBER 31. BEGINNING JANUARY 1, ON THE DELINQUENT TAX AND LATE CHARGE IS CALCULATED AT THE RATE OF 1% PER MONTH ON THE DELINQUENT TAX AND LATE CHARGE.

a tax delinquency.

becomes delinquent, payments are posted to the roll and applied to the delinquent tax and late charge and delinquent tax in the proportion each bears to the delinquent tax.

CODE 63-1002

Material by mail. Date effective.

A cancellation is considered the filing date. A postage meter is not an official office cancellation mark.

CODE 63-217.

Failure to receive notice.

If a taxpayer receives a tax notice on property, this does not excuse the late charge for non-payment.

CODE 63-902(9)

PROPERTY

Taxes on property are payable on or before December 20. The taxes are paid in two equal halves. If the first half is not paid on or before December 20, that half becomes delinquent and a 2% late charge must be added. The delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year. If the first half tax has been paid in part, late charge and interest are calculated on the remaining first half tax. If the second half is not paid on or before June 20, that half becomes delinquent and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of that year. If the second half has been paid in part, late charge and interest are calculated on the remaining

Taxes on subsequent or missed property rolls are payable within thirty days of the billing date and become delinquent if unpaid thirty (30) days after mailed. See IDAHO CODE 63-903.

PROPERTY or MANUFACTURED HOUSING

CODE 63-904(2).

Taxes on personal property and manufactured housing are due and payable on or before December 20. If no demand is made, the taxes may be paid in two equal halves. The taxes are due and payable on or before December 20, and the second half is due on or before June 20 of the following year. If the first half is not paid on or before December 20, that half becomes delinquent and the **entire tax becomes delinquent**. A 2% late charge must be added to the delinquent half. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year. If the first half was paid in part, late charge and interest are calculated on the unpaid portion of the first half. If the second half is not paid on or before June 20, that half becomes delinquent and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of that year. If the second half has been paid in part, late charge and interest are calculated on the remaining tax.

A tax collector may issue a demand for payment on any personal or manufactured housing tax which becomes due and payable on the demand date. If the tax is not paid, it becomes delinquent the day following the demand date.

When any part of a tax becomes delinquent, a **warrant of distraint** is issued to the county sheriff for its collection.

Before the tax becomes delinquent, the board of county commissioners may grant up to a four month extension to pay the tax, late charge and interest. A warrant of distraint is not issued until the extended time expires. There are **no extensions given on the second half**.

See IDAHO CODE 63-201(13), 63-904, and 63-1013.

TRANSIENT PERSONAL PROPERTY

Taxes on transient personal property are due in full on demand. If no demand is made, the taxes are due and payable on or before December 20. If the tax is not paid on or before December 20 or the demand date, the full tax becomes delinquent and a 2% late charge must be added. Interest on the delinquent tax and late charge is calculated at the rate of 1% per month beginning January 1 of the following year. If the tax has been paid in part, late charge and interest are calculated on the remaining tax.

When any part of a tax becomes delinquent, a **warrant of distraint** is issued to the county sheriff for its collection.

See IDAHO CODE 63-201(24), 63-313, and 63-904(5).

OCCUPANCY TAX

Occupancy tax is due and payable according to the same schedule as manufactured housing, or real property, whichever is applicable.

See IDAHO CODE 63-317, 63-602Z, and 63-903.

When any part of the tax becomes delinquent, the tax may be collected in the same manner as tax is collected for manufactured homes or real property, whichever is applicable.

Total tax due shown on this statement may not be deductible for Internal Revenue Service (IRS) purposes. Please check with an accountant.

Levy Sheets Available

Market Value Legend

L = Land I = Improvements P = Personal Property HM = Homeowner
MVE = Market Value Exemption

★ ★ ★ MONTHLY PAYMENTS ACCEPTED ★ ★ ★

Any portion of a property tax may be paid at any time. However, to avoid delinquency, total payment must be made in full by the due date. Partial payment of any tax will not invalidate any collection process as defined by Idaho Code 63-903.

MICRO

NOV 2 1999

216597

Custer County Reg. of

Custer County
title

Time 3:25 P.M.

9/4 1998

Ethel M Peck, Clerk

Janet Dangis
Deputy

\$ 15.00

RECORDING REQUESTED BY AND)
WHEN RECORDED RETURN TO.)
Broken River Ranch, LP)
165 Phillip Road)
Woodside, CA 94032)

Warranty Deed

FOR VALUE RECEIVED, THE GRANTOR, STATE OF IDAHO, DEPARTMENT OF FISH AND GAME conveys and warrants to **BROKEN RIVER RANCH LIMITED PARTNERSHIP**, whose address is 165 Phillip Road, Woodside, California 94032, **GRANTEE**, the following described real estate, situated in the County of Custer, State of Idaho

Township 8 North, Range 22 East, Boise Meridian
Section 27 SW1/4SE1/4, SE1/4SE1/4
Section 34 NW1/4NE1/4, SW1/4NE1/4

TOGETHER WITH those water rights described in Idaho Department of Water Resources Adjudication Claims Proofreading Report dated August 20, 1996, a copy of which is attached hereto as Exhibit A and by this reference incorporated herein.

SUBJECT TO all encumbrances, liens, restrictions, reservations, easements, covenants, and rights-of-way of record.

RESERVING UNTO GRANTOR an Easement for ingress, egress, and for the purpose of maintenance of an outlet ditch, settlement pond and associated facilities coming from the Mackay Fish Hatchery The location of said Easement is more particularly described in Exhibit B attached hereto and by this reference incorporated herein

WITH WARRANTY COVENANTS

TO HAVE AND TO HOLD the said property, with its appurtenances, unto the Grantee, its heirs and assigns forever

Grantor covenants and warrants that it is lawfully seized and possessed of the real property aforesaid and has the full, right, power and authority to execute this conveyance and that said real property is free and clear of all liens, claims or encumbrance, except as shown above, and that it will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons

216597

Dated 8/31, 1998

GRANTOR

STATE OF IDAHO
DEPARTMENT OF FISH AND
GAME

By:

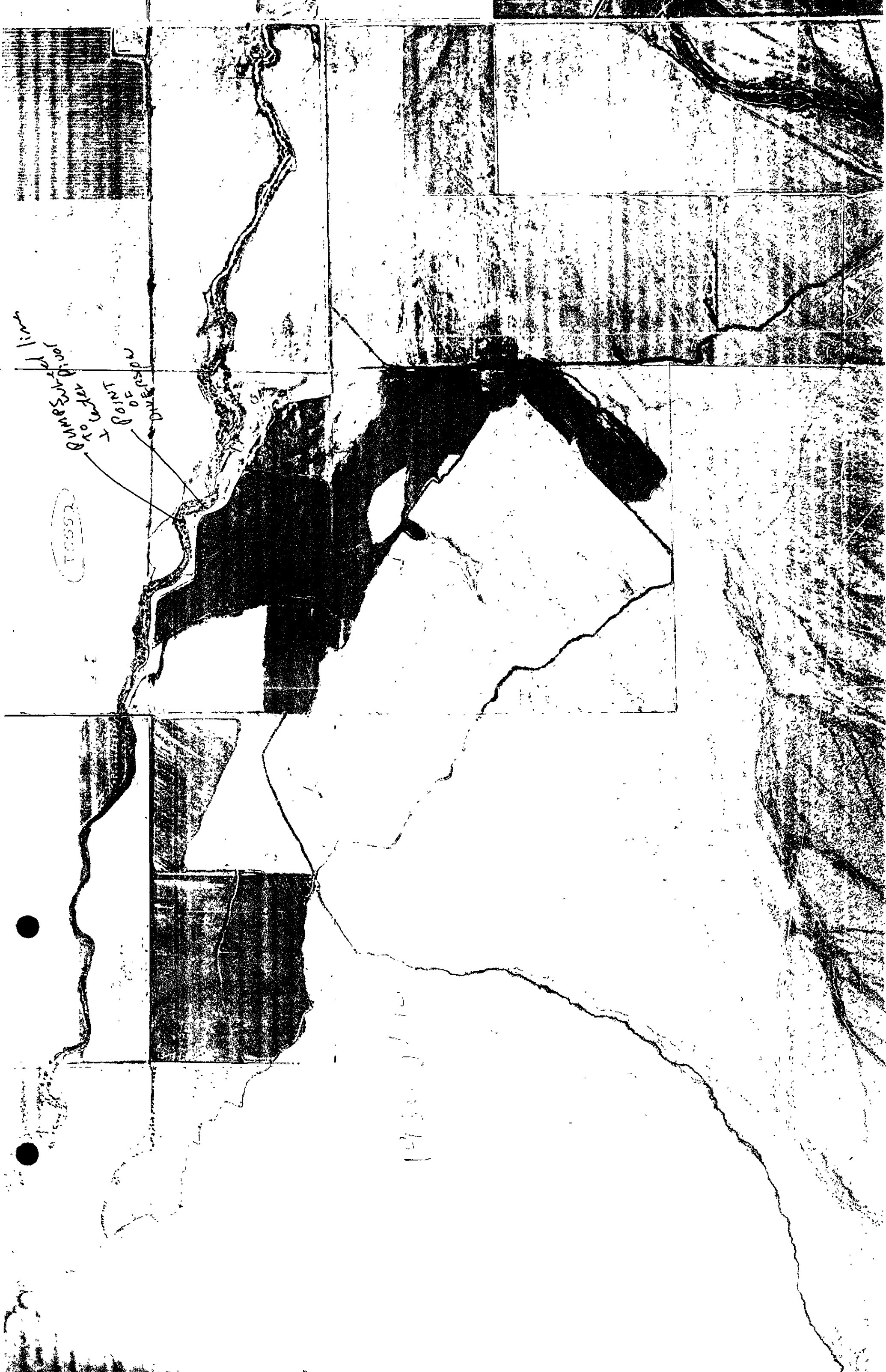
Its:

Stephen P. Mealey
Director

State of Idaho)
) S.S.
County of Ada)

On this 31st day of August, 1998, before me, Terry L. Vernholm, a notary public, personally appeared Stephen P. Mealey, Director, Idaho Department of Fish and Game, personally known to me to be the person whose name is subscribed to this instrument, and acknowledged that he executed the same.

Terry L. Vernholm
Notary Public
My Commission Expires on
8-15-99



Point of view

Point of view

Point of view

Point of view

1992
PHOTO

PUMPS
POINT OF
VIEW LOW TO
DITCH

Sec
28 27

Sec
33 34

one half mile

Scale:

VOID

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

Transfer No

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Broken River Ranch LP

(415) 442-1155

Phone (208) 588-2880Post Office address 5660 W 4920 N Mackay, Idaho 83251

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 Consolidate water rights on contiguous parcels.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
				<u>PAGE 1A</u>
				to
				to
				to
				to

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

3. Source of water _____ tributary to _____

4. Point(s) of Diversion

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	27	8N	22E	Custer	NOTE: There are two places of
								diversion, (1) pumps in stream and
								(2) headgate to ditch.

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	27							19	39	29	57	34.5	35.6			40	40	294.1
		28													54.6	35			89.6
		34		40	10		49.3	33.5											132.8
8N	22E	27							S	S	S	S	S	S			S	S	
		28													S	S			
		34		S	S		S	S											

Total acres 516.5

PART 1

6 General Information

a. Description of diversion system (1) Pump to 12 inch mainline to place of use for sprinkler irrigation. (2) Headworks to ditch to pump for use in sprinkler 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
No change.

d. Remarks

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

MAR 22 1986

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by

- a. Decree No _____ Decreed to _____
 in case of _____ vs _____
 dated _____ in _____ county of _____
- b. License No 34-07010 issued by the Idaho Department of Water Resources
- c. Claim No _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 5130 which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water GARDEN CREEK tributary to SINKS

4. Date or priority 08-28-1968

5. Water is used for the following purpose:

amount 1.60 cfs for IRRIGATION purposes from 5-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.60 cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	27	8N	22E	CUSTER	

8. Lands irrigated or place of use

Twp.	Rge.	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	22E	27									19.5	1							20.5
		28													27.3				27.3
		34					16.3	13											29.3
																			46.8

Total acres 79.1

9. Describe any other water rights used for the same purpose as described above 34-00398 e/ 34-00394

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by

- a. Decree No 34-00868 Decreed to _____
 in case of _____ vs _____
 dated _____ in _____ county of _____
- b. License No _____ issued by the Idaho Department of Water Resources
- c. Claim No _____ on file with the Idaho Department of Water Resources
- d. Transfer No _____ which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Big Lost River tributary to SINKS

4. Date or priority 12-06-1913

5. Water is used for the following purpose

amount 3.2 cfs for Irrigation purposes from 05-61 to 10-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 3.2 cubic feet per second and/or 346.2 acre-feet per annum

7. Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp	Rge	County	Local name for diversion
	NE	SW	NW	15	8N	21E	CUSTER	NEILSEN DITCH
	SW	SW	NW	27		22E	CUSTER	

8. Lands irrigated or place of use

Twp.	Rge.	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	22E	27					27	19	39	29	18	4	28.5						137.5
		34					1												1

Total acres 138.5

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp.	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge.	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp	Rge	County	Local name for diversion

3 Lands irrigated or place of use

Twp.	Rge.	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34-00861A Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water WARM SPRINGS CREEK tributary to BIG Lost RIVER

4. Date or priority 05-01-1894

5. Water is used for the following purpose:

amount 2.98 cfs for irrigation purposes from 05/01 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.98 cubic feet per second and/or 325.0 acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	27	8N	22E		FISH & GAME DITCH

8. Lands irrigated or place of use:

Twp.	Rge.	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	22E	27															40	40	80
		34		40	10														50

Total acres 130

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use.

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by:

- a. Decree No. 34-00398 Decreed to _____
in case of _____ vs _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
- d. Transfer No. 5131 which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water WARM SPRINGS CREEK tributary to B. & L. RIVER

4 Date or priority 05-01-1905

5. Water is used for the following purpose:

amount 1.2 cfs for irrigation purposes from 05-01 to 12-15
(cfs/ac-ft)
amount .62 cfs for stockwater purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.2 cubic feet per second and/or 214 acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	27	8N	22E	CUSTER	

8. Lands irrigated or place of use

Twp.	Rge.	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	22E	27									19.5	29.5	7.1						56.1
		28													47.3	35			82.3
		34					50	20.5											50.5

Total acres 168.9

9 Describe any other water rights used for the same purpose as described above 34-00398 and 34-07010

- 10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C)

- 1 amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2 Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

- 1 amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2 Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 34 00398 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources
- d. Transfer No. 5131 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water WARM SPRINGS CREEK tributary to BIG Lost River

4. Date or priority 08/30/1909

5. Water is used for the following purpose.

amount 200 cfs for irrigation purposes from 05-01 to 10-15
(cfs/ac-ft)
amount .02 cfs for stockwater purposes from 01-01 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.00 cubic feet per second and/or 354.0 acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NE	SW	27	8N	22E	CLUSTER	

8. Lands irrigated or place of use:

Twp.	Rge.	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	22E	27									19.5	19.5	7.1						56.1
		28													27.2	25			62.2
		34					20	105											50.5

Total acres 168.9

9. Describe any other water rights used for the same purpose as described above 34-00399 and 34-07010

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5131
WATER RIGHT NO(S). 34-00398/34-00399

This is to certify that: **BROKEN RIVER RANCH LTD**
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 :			
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Priority: 08/30/1909			
		<u>2.00 CFS</u>	<u>354.0 AF</u>
Right No. 34-00399 :			
IRRIGATION	05/01 to 10/15	1.20 CFS	210.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Priority: 05/01/1905			
		<u>1.20 CFS</u>	<u>214.0 AF</u>
TOTAL:		<u>* 3.20 CFS</u>	<u>* 568.0 AF</u>

SOURCE

TRIBUTARY OF

** WARM SPRINGS CREEK

BIG LOST RIVER

LOCATION OF POINT(S) OF DIVERSION:

NESW , 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>TOTAL</u>
08N	22E	27	NWSW 19.5	SWSW 29.5	SESW 7.1	56.1
		28	NESE 27.3	NWSE 35.0		62.3
		34	NENW 30.0	NWNW 20.5		50.5
Total number of acres irrigated:						*** 168.9

PLACE OF USE: STOCKWATER

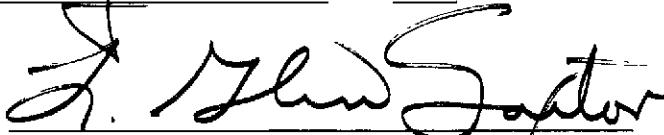
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
08N	22E	27
		NWSW

TRANSFER NO. 5131
WATER RIGHT NO(S). 34-00398/34-00399

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.
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. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
- *** 7. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
- * 8. 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, the irrigation of 168.9 acres and stockwater use.
- ** 9. Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from the original source, Hamilton Springs.
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Dated this 14th day of July, 1998.


Chief, Water Allocation Bureau

Page 1 of 8
RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No 5/31OCT 08 1997 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources

Name of applicant BROKEN RIVER RANCH, LTD. Phone (208)-588-2880
Post Office address 5660 W 4920 N, MACWAY ID 83251

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 1.8-11.4, 5-11.4
- 2 Describe the reason for the proposed changes CONSOLIDATE PUMPING LOCATIONS. INCREASE EFFICIENCY BY MOVING CLOSER TO PLACE OF USE

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 |
|---|-----------------|------------------|-----------------------|-------------------|-----------------------------|
| | <u>34-00398</u> | <u>8-30-1909</u> | <u>2.00</u> | <u>IRRIGATION</u> | <u>5-1</u> to <u>10-15</u> |
| | | | <u>0.02</u> | <u>STOCKWATER</u> | <u>10-16</u> to <u>4-30</u> |
| | <u>34-00399</u> | <u>5-1-1905</u> | <u>1.20</u> | <u>IRRIGATION</u> | <u>5-1</u> to <u>10-15</u> |
| | | | <u>0.02</u> | <u>STOCKWATER</u> | <u>10-16</u> to <u>4-30</u> |
2. Total amount of water being transferred 3.20 cubic feet per second and/or _____ acre-feet per annum
- 3 Source of water WARM SPRINGS CREEK tributary to BIG LOST RIVER
- 4 Point(s) of Diversion.

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	NW	NE	SW	27	8N	22E	CUSTER	

5 Lands irrigated or place of use.

Twp	Rge.	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	22E	27									19	29	7						56.1
		28													27	35			62.3
		34					30	20											50.5

Total acres 168.9

PART 1

6 General Information:

a Description of diversion system 40 HORSEPOWER PUMP WITH 12" MAINLINE TO PLACE
OF USE FOR SPRINKLER 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

NO CHANGE

d. Remarks

TRANSFER BASED ON SRBA NOTICES OF CLAIM AS PRESENTED TO SRBA
DISTRICT COURT IN IDWR DIRECTOR'S REQUEST, BASIN 34.

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 _____

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

08/19/97 09:25:35
Page 1

SIRBA Recommendation

Water Right Number - 34-00399

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 ***

SAN FELIPE RANCHES

1 - PO BOX 388

2 -

3 -

City- MACKAY

State- ID Zip- 83251

Phone - 208-588-2805

JOHNSON

OTTO A

1 -

2 -

3 -

City- X

State- ID Zip- 00000

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/01/1905 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
HAMILTON SPRINGS WARM SPRINGS CREEK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name

08N 22E 27 SW NW (37) CUSTER
29 SE NE NE (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 05/01 10/15 1.200
04 - STOCKWATER 10/16 04/30 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.200 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

08N 22E 27 NW SW 19.5 01 IRRIGATION (37) CUSTER
08N 22E 27 SW SW 29.5 01 IRRIGATION (37) CUSTER
08N 22E 27 SE SW 7.1 01 IRRIGATION (37) CUSTER
08N 22E 28 NE SE 27.3 01 IRRIGATION (37) CUSTER
08N 22E 28 NW SE 35.0 01 IRRIGATION (37) CUSTER
08N 22E 34 NE NW 30.0 01 IRRIGATION (37) CUSTER
08N 22E 34 NW NW 20.5 01 IRRIGATION (37) CUSTER
08N 22E 27 NW SW 04 STOCKWATER (37) CUSTER

Total Acres: 168.9

Water right number - 34-00399

Prefix Translation: WATER RIGHT

+ - - Diversion Means - HAMILTON SPRINGS/DITCH

+ - - Non-Irrigation Use - STOCKWATER, 300 RANGE

+ - - Other Rights for Same Use - A34-00398/07010.

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

GEN USE OF THIS RIGHT WITH RIGHT NOS. 34-00398 AND 34-07010 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL
COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.5 AF, AND TO THE
IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE
IRRIGATION SEASON.

RIGHT NO. 34-00398 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY
OF STOCKWATER.

+ - - - - - 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.

+ - - - - Decree Plaintiff - - - +

UTAH CONSTRUCTION

+ - - - - Decree Defendant - - - +

JOHN F. ABBOTT, ET AL

+ - - Decree Date - +

00/00/0000

+ - - Audit Fields - 08/01/91 CARLSEN 09/27/91 CARLSEN 09/30/91 CARLSEN 01/10/92 SHAW 01/26/92 PR-PRODM
03/05/92 SCHULTZ 04/15/92 CARLSEN 05/10/92 THORNTON 05/22/92 KEEN 07/01/92 CPSHAW
12/02/92 ADT-SHAW 03/29/95 POST-STD

+ - - Certified Numbers & Date Mailed - 254973 01/21/92

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

Date: 08/01/1991 User Id: CARLSEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 9/18/90/EC

Date: 04/15/1992 User Id: CARLSEN Subject: NOTICE OF ERROR

CLAIMANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING
USE DURING THE NON-IRRIGATION SEASON.

Date: 05/10/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.

Date: 05/22/1992 User Id: KEEN Subject: COMBINED DIVERSION VOLUME REMOVED FROM REMARKS.

+ - - - - - 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	- 09/18/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 34
Licensed Date	- 00/00/0000	Receipt Number	- E015244	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	- C
		Name Connector	-	Notice of Error Flag	- C

Water Right Number - 34-00398

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

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JOHNSON

OTTO A

1 -

2 -

3 -

City- -

State- ID Zip- 00000

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/30/1909 15 EASTERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
HAMILTON SPRINGS WARM SPRINGS CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

08N 22E 27 SW NW (37) CUSTER
29 SE NE NE (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 05/01 10/15 2.000
04 - STOCKWATER 10/16 04/30 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
2.000 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

08N 22E 27 NW SW 19.5 01 IRRIGATION (37) CUSTER
08N 22E 27 SW SW 29.5 01 IRRIGATION (37) CUSTER
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08N 22E 28 NE SE 27.3 01 IRRIGATION (37) CUSTER
08N 22E 28 NW SE 35.0 01 IRRIGATION (37) CUSTER
08N 22E 34 NE NW 30.0 01 IRRIGATION (37) CUSTER
08N 22E 34 NW NW 20.5 01 IRRIGATION (37) CUSTER
08N 22E 27 NW SW 04 STOCKWATER (37) CUSTER

Total Acres: 168.9

Water right number - 34-00398

Prefix Translation: WATER RIGHT

+ - - Diversion Means - HAMILTON SPRINGS/DITCH

+ - - Non-Irrigation Use - STOCKWATER, 300 RANGE

+ - - Other Rights for Same Use - A34-00399/07010.

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

GEN THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00398A AND 34-00398B.
USE OF THIS RIGHT WITH RIGHT NO. 34-00399 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 34-00399 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY OF STOCKWATER.

+ - - - - - 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.

+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
UTAH CONSTRUCTION	JOHN F. ABBOTT, ET AL	00/00/0000

+ - - Audit Fields - 08/01/91 CARLSEN 09/27/91 CARLSEN 09/30/91 CARLSEN 01/10/92 SHAW 01/26/92 PR-PRODM
03/05/92 SCHULTZ 04/15/92 CARLSEN 05/10/92 THORNTON 05/22/92 KEEN 07/01/92 CPSHAW
12/02/92 ADT-SHAW 03/29/95 POST-STD

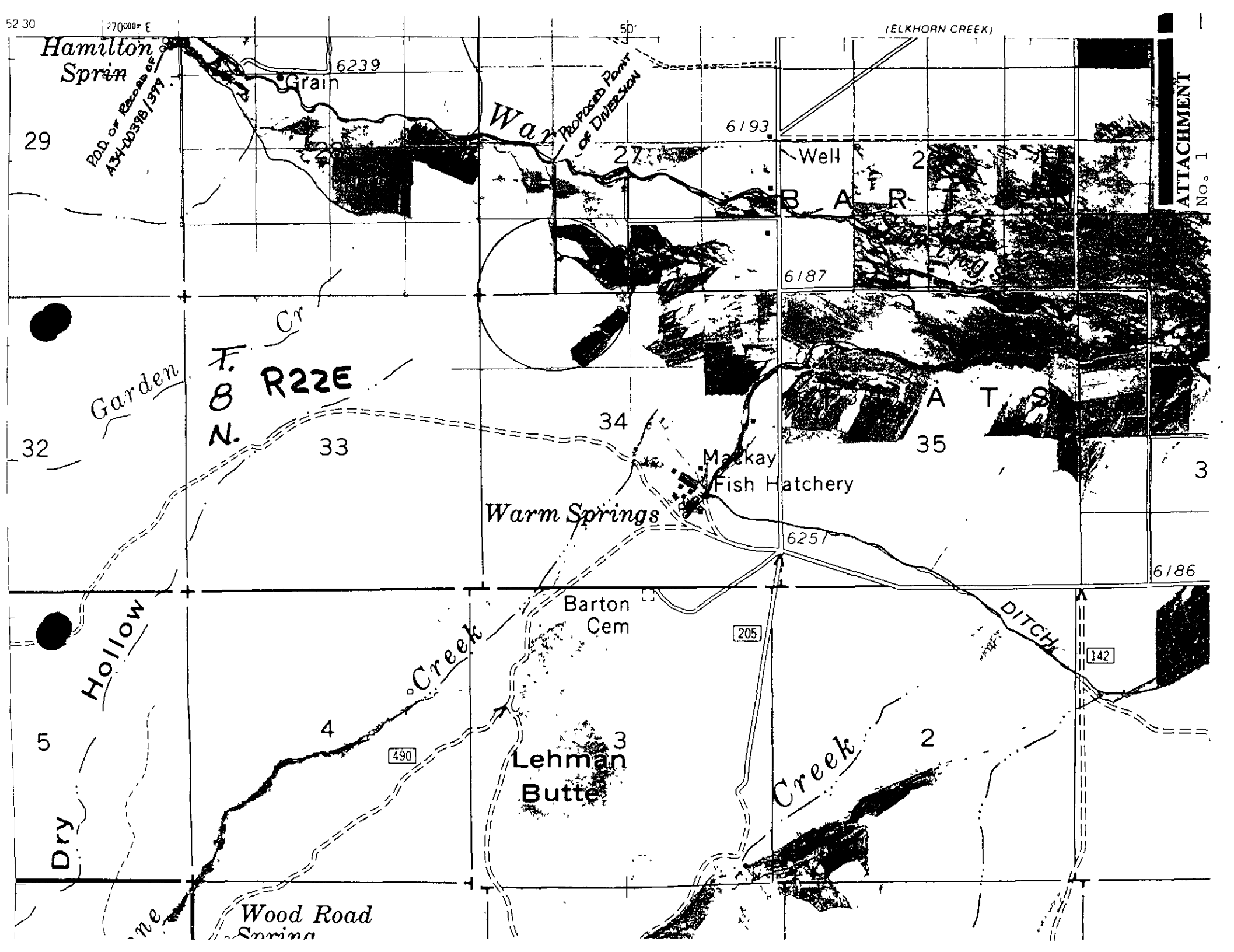
+ - - Certified Numbers & Date Mailed - 254972 01/21/92

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

Date: 08/01/1991 User Id: CARLSEN Subject: COPIED FROM REMARKS
THIS CLAIM RECOMBINES RIGHTS 34-00398A & B. OWNERSHIP CHANGE 9/18/90/EC
Date: 04/15/1992 User Id: CARLSEN Subject: NOTICE OF ERROR
APPLICANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING HISTORICAL IRRIGATION. ALSO ADDED STOCKWATER AS A USE DURING THE NON-IRRIGATION SEASON.
Date: 05/10/1992 User Id: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.
Date: 05/22/1992 User Id: KEEN Subject: COMBINED DIVERSIONL VOLUME LIMITATION REMOVED FROM REMARKS

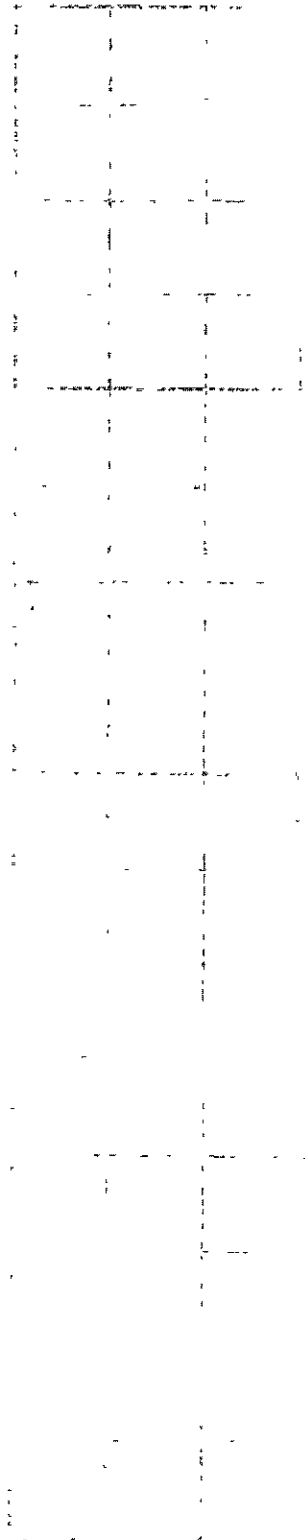
+ - - - - - Adjudication Rights Dates and Flags Area - - - - -

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 - 34
Licensed Date - 00/00/0000	Receipt Number - E011541	Federal/State Indicator - S



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.



SEE ATTACHED MAP
(ATTACHMENT #1)

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

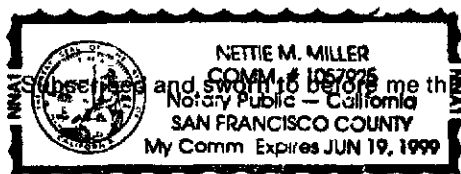
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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, 1997Nettie M. Miller

(Notary Public)

My commission expires 6/19/99**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 2 attachmentsReceived by WVA Date 8-18-97

Protest filed by _____

Prelim check by _____ Fee \$100.00Received by IPM 5023520 Date 8-18-97Published in Challis Messenger

Copies of protest forwarded by _____

Pub. dates Sept. 4 & 11, 1997

Hearing held by _____ Date _____

Watermaster recommendation requested on 8-25-97Recommended for ☒ approval ☐ denialWD 34 rec'd. _____by WVA

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	68,730
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**

Mail To

**S2NW4, N2SW4
SEC 27 T8N R22E**

**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**

Mail To

**S2SW4
SEC 27 T8N R22E**

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

ATTACHMENT

No. 2

Pg 1 of 5

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
		30.000	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 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	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 PARTSH
% CRAWFORD ROY

5660 WEST 4920 NORTH

MACKAY

ID 83251

ATTACHMENT

No. 2

Page 2 of 5

PARCEL NO: RP08N22E342401A

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

CUSTER COUNTY TAX COLLECTOR

P.O. BOX 350

CHALLIS, IDAHO 83226

YEAR BILL# TAX
95 2ND 4913 66.65

TOTAL
66.65

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
% CRAWFORD ROY
PO BOX 394
SUN VALLEY ID 83353

N2NW4
SEC 34 T8N R22E

PARCEL NO: RP08N22E287201A

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

CUSTER COUNTY TAX COLLECTOR

P.O. BOX 350

CHALLIS, IDAHO 83226

YEAR BILL# TAX
95 2ND 4909 86.35

TOTAL
86.35

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
% CRAWFORD ROY
PO BOX 394
SUN VALLEY ID 83353

N2SE4
SEC 28 T8N R22E

PARCEL NO: RP08N22E276001A

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

CUSTER COUNTY TAX COLLECTOR

P.O. BOX 350

CHALLIS, IDAHO 83226

YEAR BILL# TAX
95 2ND 4904 71.87

TOTAL
71.87

DATE PRINTED: 5/02/96

TOTAL DUE: 71.87 VALID THROUGH: 6/20/96
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BROKEN RIVER RANCH LTD PARTSHIP
% CRAWFORD POY
PO BOX 394
SUN VALLEY ID 83353

S2SW4
SEC27 T9N R22E

PARCEL NO: RP08N22E273601A

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

CUSTER COUNTY TAX COLLECTOR

P.O. BOX 350

CHALLIS, IDAHO 83226

YEAR BILL# TAX
95 2ND 4903 407.61

TOTAL
407.61

DATE PRINTED: 5/02/96

TOTAL DUE: 407.61 VALID THROUGH: 6/20/96
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BROKEN RIVER RANCH LTD PARTSHIP
% CRAWFORD POY
PO BOX 394
SUN VALLEY ID 83353

S2NW4, N2SW4
SEC 27 T8N R22E

ATTACHMENT

No. 2

Pg 4 of 5

PARCEL NO: PP08N22E273601A

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

CUSTER COUNTY TAX COLLECTOR
P.O. BOX 350
CHALLIS, IDAHO 83226

YEAR BILL# TAX
95 2ND 848 312.83

TOTAL
312.83

DATE PRINTED: 5/02/96
PP914200 A

TOTAL DUE: 312.83 VALID THROUGH: 6/20/96
RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

BUSINESS PERSONAL PROPERTY

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

ATTACHMENT

No. 2

Pg 5 of 5

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

	~~Johnson, Otto A.~~	~~2.0~~		~~34-0398~~
866	Johnson, Otto L.	1.6	0.4	34-0398A
878	Johnson, Otto L.	0.4	0	34-0398B

S

N

A

R

T

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

OTTO L. JOHNSON)

of)

MACKAY, IDAHO)

ORDER GRANTING TRANSFER

NO. 878

For a Transfer of Water Right, in Water,
District No. 27, Custer County, Idaho)

WHEREAS, On the 3rd day of January, 1957, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of OTTO L. JOHNSON of Mackay, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby:

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of February, A. D. 1957.

MARK R. KULP

State Reclamation Engineer

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 878

THIS IS TO CERTIFY That OTTO L. JOHNSON of Mackay, Idaho, is the owner of and using a certain water right from Warm Springs Creek in the amount of forty hundredths (0.40) cubic foot per second bearing date of priority of August 30, 1909 and one and two ^{hundredths} (1.20) cubic feet per second bearing date of priority of May 1, 1905, said water being decreed to Otto A. Johnson, by Judge E. S. Farrington of the United States District Court in and for the District of Idaho, Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY

Plaintiff

vs.

JOHN F. ABBOTT, et al.,

Defendants,

said decree bearing date of March 15, 1923, and being appurtenant to the following described lands, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27,
Township 8 North, Range 22 E., B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees beginning at Page 104 thereof.

That said OTTO L. JOHNSON has become the owner of said water right through purchase.

And that now, upon the application of OTTO L. JOHNSON of Mackay, Idaho, for the transfer of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted the right to the use of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34, and the S $\frac{1}{2}$ SW $\frac{1}{4}$,
Section 27; 8 North, Range 22 E., B. M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

Forty-hundredths (0.40) cubic foot per second bearing priority date August 30, 1909, and one and twenty-hundredths (1.20) cubic feet per second with priority date of May 1, 1905.

That the water right hereby transferred has heretofore been conducted from Warm Springs Creek to the first above described lands through private ditch with point of diversion in the N W $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditch with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 15th day of February, A. D. 1957.

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

OTTO L. JOHNSON,)
of Mackay, Idaho)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

For a Change of Point of Diversion on)
Warm Springs Creek, Blaine County,)
Idaho, in Water District No. 27.)

No. 238

WHEREAS, On the 14th day of June, 1956, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Otto L. Johnson, of Mackay, Idaho, for a change of point of diversion on Warm Springs Creek, a tributary of Big Lost River, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protests have been filed against the application, and the evidence filed by the applicant, with the application, shows that a more efficient and beneficial use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of October, A. D. 1956.

Dec

(SALB)

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

DEPARTMENT OF RECLAMATION

CERTIFICATE FOR CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHT

No. 238

THIS IS TO CERTIFY That Otto L. Johnson, of Mackay, Idaho, is the owner of and using a certain water right from Warm Springs Creek, a tributary of Big Lost River, as follows:

1.2 cubic feet per second, with priority of May 1, 1905;
2.0 cubic feet per second, with priority of August 30, 1909

said water being decreed to Otto A. Johnson by Judge E. S. Farrington, of the United States District Court in and for the District of Idaho, Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY,

Plaintiff,

Vs.

JOHN F. ABBOTT, et al.,

Defendants,

said decree bearing date of March 15, 1923, and being appurtenant to the following described lands, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ S $\frac{1}{2}$ Section 27,
Township 8 North, Range 22 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at page 104 thereof.

That said Otto L. Johnson has become the owner of said water right by purchase.

And that now, upon the application of Otto L. Johnson, of Mackay, Idaho, for a Certificate of Change of Point of Diversion, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to change the point of diversion of 3.2 cubic feet per second of the waters of Warm Springs Creek is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water rights or place of use.

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amounts, to-wit:

- 1.2 cubic feet per second, with priority of May 1, 1905
- 2,00 cubic feet per second, with priority of August 30, 1909.

That the water right hereby transferred has heretofore been conducted from Warm Springs Creek to the first above described lands, through a private ditch, with point of diversion in the SW₄ NE₄ Section 28, Township 8 North, Range 22 East, B. M.

That the water right hereby transferred will hereafter be conducted from Warm Springs Creek to the same lands, through private ditches with points of diversion in the SW₄ NE₄ and NE₄ Section 28, and NE₄ Section 27; all in Township 8 North, Range 22 East, B. M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 17th day of October, A. D. 1956.

Dec.

Mark R. Kulp
MARK R. KULP

(CML)

State Reclamation Engineer

Affidavit of Publication

RECEIVED
OCT 31 1956

Department of Reclamation

State of Idaho

County of Custer

ss.

I, Ruth H. Harnett
~~E. A. Spradles~~, Editor of THE MACKAY MINER, a weekly

newspaper of General Circulation published weekly at Mackay, Idaho,
continuously since February 16, 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 June 7, 1956, and ending with
the issue dated June 14, 1956.

Subscribed and sworn to before me this 29th day

of

October, 1956

[Signature]
Notary Public

COPIES
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KULP,
Engineer

Affidavit for Change of Point of Diversion of Decreed Water Right

STATE OF IDAHO,

County of Custer,

ss.

RECEIVED
MAY 28

Otto L. Johnson, being first duly sworn, deposes and says: That his postoffice address is Mackay, Idaho; That he is the owner of and using a certain water right, bearing date of priority of May 1, 1905, 1905, for 2.0 cubic feet per second of the waters of Warm Springs Creek, Trib. of Big Lost River County of Custer, State of Idaho, decreed to Otto A. Johnson by decree of Judge F.S. Farrington, of the U.S. District Court Eastern Division the State of Idaho, in and for the County of Custer, in the case of Utah Construction Company vs. John F. Abbott, et al., said decree bearing date of March 15, 1923, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 27, in the County of Custer, and State of Idaho, to-wit: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, Twp. 8.N. R. 22.E.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By Purchase,

That said waters are now diverted from said stream in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28, Twp. 8.N., Range. 22.E., and conducted to the above described lands through the

Private ditch, as per map filed herewith and of this affidavit made a part; The affiant desires to add two additional points of diversion, N $\frac{1}{2}$ Sec 28 That affiant desires to ~~change the point of diversion of said water from the point above described~~ and to a point located in $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 27, Twp. 8.N., Range. 22.E., and thereafter conduct same to the above described land through the Private ditch, as per map above referred to:

That his reasons for desiring to make such change are as follows:

Requires two additional points of diversion to properly irrigate said lands. as the creek has divided his acreage to be irrigated.

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

Otto L. Johnson

Affiant.

Subscribed and sworn to before me this 15 day of May, 1906

A. D. Smith
Notary Public

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

I hereby approve ~~or disapprove~~ the above stated change of point of diversion

Watermaster
Watermaster, District 27,

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 866.

THIS IS TO CERTIFY that OTTO L. JOHNSON of Mackay, Idaho, is the owner of and using a certain water right from Warm Springs Creek in the amount of two (2) cubic feet per second bearing date of priority of August 30, 1909, said water being decreed to Otto A. Johnson, by Judge E. S. Farrington of the United States District Court in and for the District of Idaho, Eastern Division, in the case of

UTAH CONSTRUCTION COMPANY

Plaintiff

vs.

JOHN F. ABBOTT, et al.,

Defendants,

said decree bearing date of March 15, 1923, and being appurtenant to the following described lands, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27,
Township 8 North, Range 22 East, B. 1.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees beginning at Page 104 thereof.

That said OTTO L. JOHNSON has become the owner of said water right through purchase.

And that now, upon the application of OTTO L. JOHNSON of Mackay Idaho, for the transfer of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted the right to the use of One and six-tenths (1.6) cubic feet per second of the waters of Warm Springs Creek upon the above described lands is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28
Township 8 North, Range 22 East, B. 1.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

One and six-tenths (1.6) cubic feet per second
bearing date of priority of August 30, 1909.

Microfilm

That the water right hereby transferred has heretofore been conducted from Warm Springs Creek to the first above described lands through private ditch with point of diversion in the NW $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditch with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 2nd day of May, A. D. 1956.

Mark R. Kulp

MARY E. KULP
State Reclamation Engineer

MAILED
MAY 10 1956

C O L U M B I A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Otto L. Johnson
of Mackay, Idaho)

ORDER GRANTING TRANSFER

NO. 866.

For a Transfer of Water Right, in Water)
District No. 27, Custer County, Idaho.)

WHEREAS, On the 10th day of February, 1956, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of OTTO L. JOHNSON of Mackay, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby:

NOW, THEREFORE, IT IS HEREBY ORDERED that the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 2nd day of May, A. D. 1956.

Mark R. Kulp

MARK R. KULP

State Reclamation Engineer

RECEIVED
MAY 10 1956

IN EQUITY No. 222

DECREE

IN THE UNITED STATES DISTRICT COURT, IN
AND FOR THE DISTRICT OF IDAHO, EASTERN
DIVISION

THE UTAH CONSTRUCTION COMPANY, a corporation, Plaintiff,

vs.

John F. Abbott, William Adams, A. P. Adair, Esther L. Adair (successor in interest of A. P. Adair, Eugene A. Aern, Andreas Aikele (or A. Aiken), Calvin S. Allen, Frank A. Allen, Gladys Allen, L. C. Allen, Richard Roe Alson, George L. Ambros, Charles B. Anderson, Francis G. Anderson (or Francis C. Anderson, F. Gus Anderson (or F. G. Anderson or Gus Anderson), H. W. Anderson, Myrum Anderson, James E. Anderson, Jas. Earl Anderson, J. L. Anderson, James P. Anderson, Josephine Anderson, J. Wesley Anderson, Jos. W. Anderson (or J. W. Anderson), N. A. Anderson, Niels R. Anderson, Peter C. Anderson (or P. C. Anderson), S. W. Anderson, W. V. Anderson, Louis Andreason (or Lewis Andreson), H. W. Angelo (or Wallace Angelo), Frank Anthony, Marie L. Anthony, Arco Townsite Company, an unincorporated Association; Eleazer Asay, Ernest W. Asay, Emma M. Ashton, Margaretta S. Askew, Anna Atha (or Annie Atha), Ivan J. Atwood, J. H. Augustine.

Mrs. Hanken Babcock (or Mrs. Albert Babcock, A. Rowley Babcock (or R. Babcock), William Babcock (now deceased), Jacob F. Baird, Bank of Nyssa, an Oregon Banking corporation; John L. Bardsley, Josie Bardsley, Jerome K. Bartlett (or J. K. Bartlett), A. H. Bascom, E. W. Bascom, Pete Basick, Harlow Bassett (or H. Bassett), Clara M. Bate, J. M. Bate (or Joseph M. Bate), Ralph Bate, E. J. Bates, Leslie Bates, Erin Beal (or Aron Beal) or C. Beal, Eldon E. Beck; J. W. Beck and John Doe (or John Pingree) and Richard Roe (or P. S. Lack,) as statutory trustees of Beck Land Livestock Company, a defunct Idaho Corporation; William Beck, Beck Land and Livestock Company, an Idaho corporation; A. W. Bell, Lee Bell, John C. Bell, J. L. Bell, George Bennett (or George Bennetts), James Bennetts, F. S. Bernard, John Bernard (successor in part to New World Life Insurance Company); Gus Bertsch, Arnes T. Best (or Agnes Best), Harold C. Best (or Harold Best), Alexander Beverland, Francis Beverland (a successor in interest of James Beverland), George Beverland, Effie Beverland (or Mrs. George Beverland), James Beverland, as executor of the estate of Charles Beverland, deceased; James Beverland, Joanna Beverland, Henry Bews (or Harry Bews), Peter Bidgain, Lota C. Billings, Elizabeth Bills, John L. Bills, Norman Bills, Ole Bills, Albert F. Bischoff (or A. F. Bischoff), Lewis A. Bitton (or John Doe Britton), Tina Bitton (or Tina Pritton), B. Bjornson (or B. Bjornsen), Blackfoot City National Bank, an Idaho Banking corporation (successor in interest to Heber G. Johnson); Charles H. Black, Mary E. Black, Wils J. Bladh (successor in interest of Ole Bills), John L. Blosser (or John L. Blasser), Henry Blattner, Lulu E. Bliss, Phillip R. Bliss, Arthur L. Bodine, John J. Bodine, Oscar Bodine, William T. Bodine, Joseph A. Boillin, Racia Boling, Rachael Boone, Wm. A. Boone, David J. Boyack (or D. Boycock or David D. Boycock, Jr.), Sylvanus Boyack (or S. Boycock), Mary E. Boyd, Robert E. Boyd (successor in interest of Charles H. Hampton), I. A. Boyer, Elizabeth Bradshaw (now deceased), George Bradshaw, John Bradshaw, Pearl Bradshaw, William Bradshaw, William Bradshaw, as administrator of the estate of Elizabeth Bradshaw, deceased (substituted for Elizabeth Bradshaw deceased); Francis Braithwaite, F. F. Braithwaite (or Robert Braithwaite), William V. Braithwaite, H. C. Brake, William M. Brasher, H. T. Brengman, Charles Brown, Edna Brown, Edna E. Brown, as executrix of the estate of Martin L. Brown, deceased (substituted for

J. L. Johnson & Elmer C. Morgan.

1888-June 1 2.4 c.f.s.

To be diverted from Big Lost River through the Darnley ditch having its point of diversion in the Southeast quarter of Section 4, Township 5 North, Range 26 East, B. M., for the irrigation of the following described land, to-wit:

The West half of the Northwest quarter of Section 14 and the East half of the Northeast quarter of Section 15, all in Township 5 North, Range 26 East, B. M.; also commencing at a point 12 rods due South of the Northeast corner of the Southeast quarter of the Southeast quarter of Section 10, Township 5 North, Range 26 East, B. M., thence South along the East line thereof to the Southeast corner of said Southeast quarter of said Section 10, thence along the South line thereof to the Southwest corner thereof thence 25 rods, thence in a northeast direction across the said Southeast quarter of the Southeast quarter to the point of beginning containing 103½ acres; also a fractional part of the Southeast quarter of the Southeast quarter of said Section 10 bounded and described as follows:

Commencing at a point 25 rods North of the Southwest corner of said Southeast quarter of the Southeast quarter of Section 10; thence along the West line of said quarter section to the Northwest corner thereof, thence East along the North line of said quarter section to the Northeast quarter thereof, thence South 12 rods, thence in a Southwesterly direction across the said Southeast quarter of the Southeast quarter of Section 10, to place of beginning containing 10.93-3/4 acres.

To be diverted from Warm Springs Creek through private ditches having their points of diversion in the Northwest quarter of Section 28, Township 8 North, Range 22 East, B. M., for use on the following described land, to-wit:

The South half of the Northwest quarter and the North half of the Southwest quarter of Section 27, Township 8 North, Range 22 East, B. M.

No. 247.

Otto A. Johnson

1909-August 30 ✓ 64 1909 2.0 c.f.s.
1905-May 1 ✓ 64 1909 1.2 c.f.s.

Trans. 846-847 of 1964's

878- 8-2- 29 - 64 "

11-15-12

No. 248



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

March 22, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

BROKEN RIVER RANCH LP
C/O ROY E CRAWFORD
5660 W 4920 N
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHTS 34-00398/34-00399/34-00861A/
34-00868/34-07010 (Transfer 5552)

Dear Mr. Crawford:

Enclosed is the copy of your approved Transfer of Water Rights for the above referenced water rights (Transfer 5552). 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 an **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.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Samuel S. Skaggs
for Jeff Peppersack, Manager
Water Right Permits Sections

JP:klt

Enclosures

Roy Crawford
Phone 1-415-442-1122
Fax 1-415-479-2631
e-mail - rcrawford@trulock.com

MICROFILMED

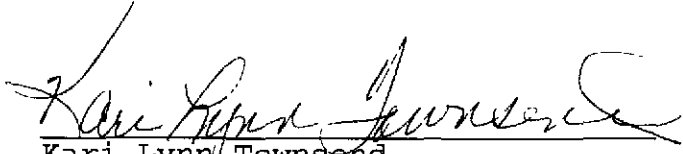
MAR 22 2000

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of **March, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: TRANSFER OF WATER RIGHTS 34-00398/34-00399/34-00861A/
34-00868/34-07010 (Transfer 5552)

BROKEN RIVER RANCH LP
C/O ROY E CRAWFORD
5660 W 4920 N
MACKAY ID 83251


Kari Lynn Townsend
Secretary



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHFR
DIRECTOR

March 21, 2000

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251-0053

RE: TRANSFER OF WATER RIGHTS 34-00398/34-00399/
34-00861A/34-00868/34-07010 (Transfer 5552)

Dear Doug:

Enclosed is a copy of the recently approved Transfer of
Water Right for the above referenced water rights (Transfer
5552) in the name Broken River Ranch, LP.

If you have any questions, please call me at 208-327-7940.

Sincerely,

Camila S. Shaggs
for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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.

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.

TRANSFER REVIEW SHEET

(10-99)

Transfer # 5552

Date Reviewed 03-18-2000

T5/3/ Right(s) X34-00398 ✓ X34-07010 ✓ Garden Creek
Hambon Springs to X34-00399 ✓ R34-00368 ✓ Big Lost
Warm Spring Creek R34-00861A ✓

WRQ/Split Summary ☒ SRBA Status ☐ 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 J:Add P/D & Change P/U

Proof of Ownership Tax Notices, Warranty deed for State of ID, Field & Game.
Covers entire original P/U & proposed P/U

Transfer ☒ All of Right ☐ Portion of Right
Resulting Split(s) NONE

Check Transfer Against Recorded Right:

Standard Season 4-1 to 10-31 Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☒ Use (3) Season W61 (4) Rate (5) Volume

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

(11) 34 Water District (12) ☒ Pertinent Conditions (13) No Expansion
with comment Revid 09-21-99 W/limits

(3) Season previously set by xfer & srba as 5-1 to 10-31. 'R' records identity
extended season of 4-20 to 10-31 instead of standard.

(4) All decreed 2.02 ac/acre

(5) Standard Vol 3.5 ac/acre

(6) Multiple sources this transfer.

(7) Change P/D on WSC rrs + redirection pts on BLR & GL rrs

(8) Combine 3 separate parcels to create a 43.24 acre PP/U.

P/E 34-07010 SWNE, S28, Ditch from Garden Creek to Warm Springs Creek per App. & H&W 5-21-00

Transfer Remarks PP/U each rt 4 (W35) Injection 4 (34-08108 + 7010)
Season per R 4-20-10-31 Redirection into WSC (W34)

Conditions R64, R63, T07, T08 R43/T17 T18

Database/Processing Notes Standard Non-Standard ☒
Copy approved versions to A prefixes - (delete existing "X" versions (not)
Special edit approval - P/Ds & sources by Rts. Delete T's
"T" Files Update Complete ☒ Approval Form ☒ Transfer Memo ☒
Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

WR Evaluation on Back

28 03-21-00

WSC	X 34-00398	2.00 cts	^{168.9} ~~168.9~~ Acres	350.0 afa	STOCK .02 cts/4.0 afa
WSC	X 34-00399	1.20 "	^{61.0} ~~168.9~~ "	210.0 "	" .02 "/410 "
GC	X 34-07010	1.60 "	79.1 "	276.8 "	— —
		.0257 cts/acre	<u>4.34 cts</u>	<u>168.9 Acres</u>	591.2 afa and 8 afa (stock) = <u>599.2 afa</u>
WSC	R 34-00861A	2.93 cts	130.0 Acres	455 afa	.0229 cts/acre
BLR	R 34-00868	3.20 cts	138.5 Acres	4848 afa	.0231 cts/acre
Transfer TOTAL			<u>10.52 cts</u>	<u>437.4 Acres</u>	1531.0 afa + 8 afa (stock) = <u>1539.0</u>

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. X34-00398

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	05/01 to 10/15	2.00 CFS	350.0 AF
STOCKWATER	10/16 to 04/30	0.02 CFS	4.0 AF
Per "R"	6/01 12/31		
	Totals	2.00 CFS	354.0 AF

SOURCETRIBUTARY OF

WARM SPRINGS CREEK

BIG LOST RIVER

Priority: 08/30/1909

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 27, Township 08N, Range 22E
CUSTER CountyPLACE OF USE:

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	:	SUM	
08N	22E	27	:									19	32	:	29		19	✓	29	✓	07	✓	:							40	40	1	:	56.1
08N	22E	28	:											:									:					27	✓	35	✓		:	62.3
08N	22E	34	:			40	10	✓				30	✓	20	✓	:							:										:	50.5
																TOTAL ACRES									168.9									

STOCKWATER

08N	22E	27	:											:								:											
-----	-----	----	---	--	--	--	--	--	--	--	--	--	--	---	--	--	--	--	--	--	--	---	--	--	--	--	--	--	--	--	--	--	--

CONDITIONS/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.

163.4
130.0
138.5
437.4

Water Right No. X34-00398

CONDITIONS/REMARKS:

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
7. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
8. 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, the irrigation of 168.9 acres and stockwater use.
9. Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from the original source, Hamilton Springs. IN NENE, S22, T04N, R22E
10. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
11. The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

Water Right No. X34-00399

CONDITIONS/REMARKS:

4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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. Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.
7. 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, the irrigation of 168.9 acres and stockwater use.
8. Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from the original source, Hamilton Springs.
9. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. X34-07010

STAGE: LICENSE

<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>	per "R" 6/3/61 10/31		
	<u>TRIBUTARY OF</u>		
GARDEN CREEK	SINKS		

Priority: 08/28/1968

LOCATION OF POINT(S) OF DIVERSION: SWSE, Sec. 28, Township 08N, Range 22E
 Injection - WNE, 328' from ... CUSTER County

PLACE OF USE: Rediversion Pts per App.

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	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		

CONDITIONS/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.
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.

Water Right No. X34-07010

CONDITIONS/REMARKS:

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.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? ____ If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**Claim No. ~~34~~-00861A *

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	2.98 CFS

455 ac. < 1/22

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
WARM SPRINGS CREEK	BIG LOST RIVER

Priority: 05/01/1894

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 27, Township 08N, Range 22E
CUSTER CountyPLACE OF USE:

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	:	SUM
08N	22E	27	:									:									:									:	80.0
08N	22E	34	:			40 ✓	10 ✓					:									:									:	50.0
																TOTAL ACRES								130.0							

CONDITIONS/REMARKS:

1. 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.

Describe any other water rights used for the same purpose as described above:

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Claim No. R34-00868

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	05/01 to 10/15	3.20 CFS

484.8 at 10/15

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BIG LOST RIVER	SINKS

Priority: 12/06/1913

LOCATION OF POINT(S) OF DIVERSION:

Injection
Rediversion

NESWNW , Sec. 15, Township 08N, Range 21E
 SWSWNW , Sec. 27, Township 08N, Range 22E
 SWNW , Sec. 27, Township 08N, Range 22E
 CUSTER County

Quincy, 1/2 NW 1/4 SW

PLACE OF USE:

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	:	SUM	
08N	22E	27	:									19	✓ 39	✓	:	29	✓	18	✓	04	✓	28	✓	:									:	137.5
08N	22E	34	:									01	✓		:									:									:	1.0
																TOTAL ACRES								:	138.5									

CONDITIONS/REMARKS:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM WARM SPRINGS CREEK.
- TWO POINTS OF REDIVERSION LOCATED IN T08N, R22E, S27, SWNW.
- 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.
- WATER IS DELIVERED THROUGH NEILSEN DITCH.

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-00398				00/00/0000	/Z			WR
34-00398A	JOHNSON, OTTO A.	C		08/30/1909	D/	WARM SPRINGS CREEK	IRR	WR
34-00398B	JOHNSON, OTTO A.	C		08/30/1909	D/	WARM SPRINGS CREEK	IRR	WR
T34-00398	BROKEN RIVER RANCH LP	C		08/30/1909	D/	HAMILTON SPRINGS	IRR	WR
						WARM SPRINGS CREEK	STOCK	
						GARDEN CREEK		
						BIG LOST RIVER		
X34-00398	BROKEN RIVER RANCH LTD	C		08/30/1909	D/	WARM SPRINGS CREEK	IRR	WR
							STOCK	
34-00398	BROKEN RIVER RANCH	C		08/30/1909	D/	HAMILTON SPRINGS	IRR	AJ
							STOCK	
34-00398A	COMBINED RIGHT	C		08/30/1909	/Z	WARM SPRINGS CREEK	IRR	AJ
						COMBINED RIGHT		
34-00398B	COMBINED RIGHT	C		08/30/1909	/Z	WARM SPRINGS CREEK	IRR	AJ
						COMBINED RIGHT		
A34-00398	BROKEN RIVER RANCH	C		08/30/1909	D/	HAMILTON SPRINGS	IRR	AJ
A34-00398A	COMBINED RIGHT	C		08/30/1909	/Z	WARM SPRINGS CREEK	IRR	AJ
						COMBINED RIGHT		
A34-00398B	COMBINED RIGHT	C		08/30/1909	/Z	WARM SPRINGS CREEK	IRR	AJ
						COMBINED RIGHT		
R34-00398	BROKEN RIVER RANCH	C		08/30/1909	D/	WARM SPRINGS CREEK	IRR	AJ
							STOCK	

WATER RIGHT NO.	NAME	OWNER	PRIORITY	DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-00861				00/00/0000	/Z			WR
34-00861A	STATE OF IDAHO	C		05/01/1894	D/	WARM SPRINGS CREEK	IRR	WR
34-00861B	STATE OF IDAHO	C		05/01/1894	D/	WARM SPRINGS CREEK	IRR	WR
							DOMEST	
T34-00861A	BROKEN RIVER RANCH LP	C		05/01/1894	D/	HAMILTON SPRINGS	IRR	WR
						WARM SPRINGS CREEK		
						GARDEN CREEK		
						BIG LOST RIVER		

34-00861				00/00/0000	/Z		IRR	AJ
34-00861A	STATE OF IDAHO	C		05/01/1894	D/	WARM SPRINGS CREEK	P DECR	AJ
34-00861B	STATE OF IDAHO	C		05/01/1894	D/	WARM SPRINGS CREEK	P DECR	AJ
A34-00861A	STATE OF IDAHO	C		05/01/1894	D/	WARM SPRINGS CREEK	IRR	AJ
A34-00861B	STATE OF IDAHO	C		05/01/1894	D/	WARM SPRINGS CREEK	IRR	AJ
							DOMEST	
R34-00861A	STATE OF IDAHO	C		05/01/1894	D/	WARM SPRINGS CREEK	P DECR	AJ
R34-00861B	STATE OF IDAHO	C		05/01/1894	D/	WARM SPRINGS CREEK	P DECR	AJ

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
34-00868	ZOLLINGER, ALVIN J.	C	12/06/1913	D/	BIG LOST RIVER	IRR	WR
T34-00868	BROKEN RIVER RANCH LP	C	12/06/1913	D/	HAMILTON SPRINGS	IRR	WR
					WARM SPRINGS CREEK		
					GARDEN CREEK		
					BIG LOST RIVER		

34-00868	BROKEN RIVER RANCH	C	12/06/1913	D/	BIG LOST RIVER	P DECR	AJ
A34-00868	BROKEN RIVER RANCH	C	12/06/1913	D/	BIG LOST RIVER	IRR	AJ
R34-00868	BROKEN RIVER RANCH	C	12/06/1913	D/	BIG LOST RIVER	P DECR	AJ

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
T34-07010	BROKEN RIVER RANCH LP	C		08/28/1968	L/	HAMILTON SPRINGS	IRR	WR
						WARM SPRINGS CREEK		
						GARDEN CREEK		
						BIG LOST RIVER		
X34-07010	BROKEN RIVER RANCH LTD	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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

Statewide
Advertising needed

8-26-99

T5552

INITIAL REVIEW BY: HWT

1. Right number 34-00398, etc Applicant Borden River Ranch

2. Type of right: ☐ Decree ☐ License ☐ Claim

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

Send copy to water master
+ Fish & Game

Done
Nere lity
Holtzok

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* water master control, measuring requirement

4. By RDC Date 10/26/99

From: H W Jones
To: Tr 5552

The concerns listed by Mr. Semanko and Mr. Specks letters are mine also. The rights from Hamilton springs, Garden creek and the Big Lost River need measuring devices at the point of injection to allow the water master to compare how much water is being delivered to Warm springs creek for withdrawel purposes. Naturally measuring devices will be needed on the diversions from Warm springs creek.

HWJ

11-2-99

MICROFILMED

NOV 11 1999



**Eastern Idaho
Agricultural Credit Association**

Blackfoot Office
PO Box 985 - 188 W Judicial
Blackfoot, Idaho 83221
Bus 208/785-1510
Toll Free 1-800-686-8910
Fax 208/785-7066

October 28, 1999

State of Idaho
Department of Water Resources
Eastern Region
900 N Skyline
Idaho Falls, ID 83402

RECEIVED

OCT 28 1999

Department of Water Resources
Eastern Region

Att Harold W Jones
Re Broken River Ranch/Roy Crawford Proposed Transfer—Reference #5552

Dear Mr Jones

Pursuant to our conversation this morning and upon further review and examination of the proposed referenced transfer, Eastern Idaho Agricultural Credit Association hereby agrees to Transfer No 5552, which consolidates water rights on contiguous parcels, subject to the changes discussed with you this afternoon by Mr Jon Hatt, Association Senior Appraiser

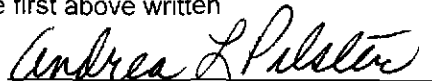
Signed,
Eastern Idaho Agricultural Credit Association


Greg Rose
Vice President

STATE OF IDAHO)
)ss
County of Bingham)

On this 28th day of October, 1999, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Greg Rose, known to me to be the Vice-President, of the corporation that executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same

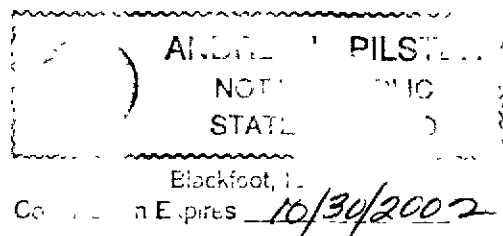
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written



Notary Public for the State of Idaho

Residing at Blackfoot Idaho

My Commission Expires 10/30/2002



MICROFILMED
10/28/1999

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

120 EAST AVENUE
P. O. BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FAX (208) 726-0752

October 28, 1999

VIA FACSIMILE 208-525-7177
NO ORIGINAL WILL FOLLOW

Mr. Harold Jones
Idaho Department of Water Resources
Eastern Region
900 N. Skyline, Suite A
Idaho Falls ID 83402-1718

RE: Application for Transfer No. 5552-Broken River Ranch LP

Dear Harold:

You should have received by now a letter from Mr. Norman Semanko on behalf of Mark Gates regarding the above-referenced Application for Transfer filed by Broken River Ranch LP. I am writing this letter on behalf of Dave and Mary Stoecklein, Bar Horseshoe Cattle & Livestock Company and Idaho Cowboy, Inc. All of my clients own water rights diverted from Warm Springs Creek and/or lands adjacent to Warm Springs Creek. Their water rights and properties will be directly impacted by this Application for Transfer.

My clients fully support all of the points made and conditions requested by Mr. Semanko. Once the Department determines precisely the changes requested by this Application, it can implement the appropriate and required conditions to protect my clients and all other downstream owners of water rights from Warm Springs Creek as well as the local public interest. I want to ~~emphasize~~ **emphasize** that the only way such conditions can be enforced is through the requirement of accurate measuring devices at all points of injection into and diversion out of Warm Springs Creek. The ~~measuring~~ **measuring** devices must, of course, be subject to the continuing monitoring and control of the Department and the Watermaster.

We trust the Department will proceed to process this Application pursuant to the requirements and provisions of I.C. §§ 42-105 and 42-222 taking into account the request made by Mr. Semanko and me. Kindly call me if you have any questions.

MICROFILMED

Mr. Harold Jones
October 28, 1999
Page 2

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd

cc: Dave Stoecklein
Norm Semanko
Mike Creamer
Doug Rosenkrance
Broken River Ranch, LP

MICROFILMED

SEP 2 1999

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JOHN K. SIMPSON
NORMAN M. SEMANKO
JERRY V. JENSEN
TIMOTHY J. STOVER

Twin Falls Office
142 3rd Ave. North
P O BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO SUITE 600
P O BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 27, 1999

Harold Jones
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

VIA FAX and U.S. MAIL

Re: Application for Transfer No. 5552 -- Broken River Ranch LP

Dear Harold:

As you know from discussing the matter with our client Mark Gates on Wednesday, October 13, while we did not submit a protest to the above-referenced transfer application, we do have some concerns about the impact of the transfer and its implementation. We understand that David Stoecklein, represented by Jim Speck, has similar concerns and that you will likely receive a letter from him, as well.

We request that these matters be addressed through conditions to the transfer as the Department evaluates the application pursuant to the statutory criteria of Idaho Code Section 42-222. As you know, the Department has an obligation to determine whether the proposed change in use will injure other water rights and is in the local public interest, whether the application is protested or not, and to include appropriate conditions in any transfer approval. I.C. Sec. 42-222.

Our primary concern is with the amount of water that will be available to the applicant to divert at the new point of diversion from Warm Springs Creek. We want to assure that other water rights are not injured and that the flow of Warm Springs Creek is not reduced below the current baseline as a result of the transfer. We would also like the Department and/or the Watermaster to be able to verify and enforce the amount of water that is available to be diverted, and that is actually diverted, through measuring devices and reporting.

Currently, the applicant's water rights are authorized to be diverted from Hamilton Springs (34-00398 and 34-00399), the Big Lost River (34-00868), Garden Creek (34-07010), and Warm Springs Creek (34-00861A). The transfer application would move all of the existing water rights to the Warm Springs Creek point of diversion.

The transfer application is difficult to interpret. At least two interpretations can be made: (1) the applicant seeks to simply move the existing points of diversion to Warm Springs Creek; or (2) the applicant intends to transport water from some of the existing sources to Warm Springs Creek and redivert the water from Warm Springs Creek. It needs to be made clear exactly what the applicant is proposing.

RECEIVED
OCT 28 1999
Department of Water Resources
Eastern Region

If the transfer application is proposing to simply move the points of diversion from the existing sources to Warm Springs Creek, replacement water would be required because water from some of the sources (e.g., Garden Creek and the Big Lost River) is not tributary to Warm Springs Creek. Approving the application without requiring replacement water to be injected into Warm Springs Creek would obviously result in a reduction in the amount of water in Warm Springs Creek, to the detriment of downstream water users and the local public interest.

If the application proposes to transport and inject water from some of the other sources to Warm Springs Creek and redirect the water at the new point of diversion, the concerns are lessened somewhat, but certain conditions would be necessary. Under this scenario, water from some of the existing sources (e.g., Garden Creek and the Big Lost River) would be conveyed to Warm Springs Creek through a ditch or ditches before being injected into Warm Springs Creek and redirected. Of course, water will be lost through seepage and evaporation in the conveyance process before it reaches Warm Springs Creek. In addition, there may be losses from Hamilton Springs to Warm Springs Creek.

As a result, the amount of water actually reaching Warm Springs Creek will be less than the amount that the applicant is proposing to divert out of Warm Springs Creek. The amount of water which can be redirected from Warm Springs Creek should be reduced accordingly to account for the conveyance losses and natural losses. Otherwise, the applicant's redirection would impact Warm Springs Creek and other water users further downstream. This could cause injury to downstream water users like Mark Gates and adversely impact the local public interest.

In addition, measuring devices and reporting should be required to verify the amount of water that actually reaches Warm Springs Creek from the other sources and the amount that is redirected from Warm Springs Creek.

We trust that a recommendation on the transfer application has been, or will be, requested by the Department from the Watermaster as required by I.C. Sec. 42-222, and will be factored into the Department's decisionmaking process. The Watermaster for Water District 34 should have jurisdiction over the transfer.

We believe these are reasonable conditions to place upon the transfer application. Moreover, they appear to be required by statute. A review of the transfer application suggests that portions of this proposal may result in a commingling of surface water, subject to Section 42-105, Idaho Code, as amended in 1998. Under this statute, water from one surface source may be turned into the channel of another waterway and reclaimed, as seems to be proposed here. However, the statute makes clear that the amount of water available to other water users may not be reduced, and due allowance must be made for losses by evaporation and seepage. The statute also provides that such arrangements shall at all times be subject to supervision, control and regulation by the director and the watermaster and that the amounts of water turned into or diverted from all natural waterways are subject to measurement and reporting. We request that Transfer No. 5552 be expressly subject to these provisions and the conditions suggested above.

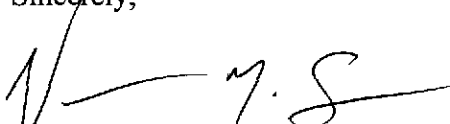
MICROFILMED

1999-10-27

Harold Jones
October 27, 1999
Page 3

Please let us know if you have any questions and thank you for your consideration.

Sincerely,



NORMAN M. SEMANKO

10159901.NMS

cc: Mark Gates
Jim Speck
Doug Rosenkrance, Basin 34 Watermaster
Broken River Ranch LP, c/o Roy E. Crawford

ORIGINAL
10/27/99

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 5552

RECEIVED

SEP 21 1999

Department of Water Resources
Eastern Region

WATER DISTRICT: #34

WATERMASTER: Doug Rosenkrance

DATE: 9-20-99

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES X NO

COMMENTS: Water user needs a measuring device

X I do endorse approval of this change.

 I do not endorse approval of this change.

I recommend the following conditions of approval:

Doug Rosenkrance **Watermaster**

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

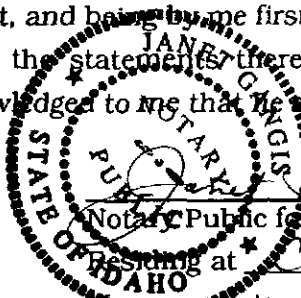
I, Ruth E Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated Sept 23 1999 and ending with
the issue dated Sept 30 1999.

Ruth E. Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 30th day of September in the
year of 1999 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-
knowledge to me that he executed the same.



Notary Public for Idaho

Residing at

Challis

My commission expires: 4/30/04

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT - NO. 75552

Notice is hereby given that Broken River Ranch LP, c/o Roy E Crawford, 5660 W 4920 N, Mackay ID 83251, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and a license and recorded as follows:

Decree No. 34-00398, Source: Hamilton Springs, Amount: 2.00 cfs, Priority: 08/30/1909, Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY

Decree No.: 34-00399, Source: Hamilton Springs, Amount: 1.20 cfs, Priority: 05/01/1905, Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY. The water is used for irrigation of 168.9 acres within SEC 27, 28 and 34 T08N R22E, B.M.

Decree No. 34-00861A, Source: Warm Springs Creek, Amount: 2.98 cfs, Priority: 05/01/1894, Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY. The water is used for irrigation of 130 acres within SEC 27 and 34 T08N R22E, B.M.

Decree No.: 34-00868, Source: Big Lost River, Amount: 3.20 cfs, Priority: 12/06/1913 Point(s) of Diversion: NESWNW SEC 15 T08N R21E, CUSTER COUNTY, SWSWNW SEC 27 T08N R22E, CUSTER COUNTY, SWNW SEC 27 T08N R22E, CUSTER COUNTY. The water is used for irrigation of 138.5 acres within SEC 27 and 34 T08N R22E, B.M.

License No.: 34-07010, Source: Garden Creek, Amount: 1.60 cfs, Priority: 08/28/1968, Point(s) of Diversion: SWSE SEC 28 T08N R22E, CUSTER COUNTY. The water is used for irrigation of 79.1 acres within SEC 27, 28 and 34 T08N R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to re-arrange his 437.4 acres in Section 27, 28 and 34 T08N R22E and use the NESW SEC 27 T08N R22E for his diversion point utilizing ditches and a ditch. The water from the Big Lost River, Garden Creek and Hamilton Springs are directed into Warm Springs Creek and re-diverted at the site listed above.

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 October 12, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director
Pub Sept 23 & 30, 1999.

The Idaho Statesman

RECEIVED

OCT 06 1999

Department of Water Resources
Eastern Region

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

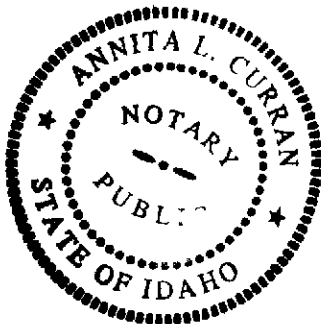
Account #	DTI#	Identification	Amount
100564	119530	PROPOSED CHANGE OF WATER RIGHTS - T5552	\$150.00
Ordered by	P.O. #	Rate	Run Dates
SHARLA COX		TT	SEPTEMBER 23, 30, 1999
IDAHO DEPARTMENT OF WATER RESOURCES, EAST 900 N. SKYLINE DRIVE IDAHO FALLS, IDAHO 83402			Number of Lines 49 X 2
			Affidavit 1
			Legal # 5031

JANICE HILDRETH, being duly sworn, deposes and says That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended for TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning with the issue of SEPTEMBER 23, 1999
and ending with the issue of SEPTEMBER 30, 1999

Janice Hildreth



STATE OF IDAHO)
)ss
COUNTY OF ADA)

On this 1 day of OCTOBER in the year of 1999
before me, a Notary Public, personally appeared before me Janice Hildreth
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 state-
ments therein are true, and acknowledged to me that she executed the same

Annita L. Curran

Notary Public for Idaho
Residing at Boise, Idaho
My Commission expires

10/13/2001

MICROFILMED

MAY 22 2000

**LEGAL NOTICE
PROPOSED CHANGE OF A WATER RIGHT NO. T5552**

Notice is hereby given that Broken River Ranch LP, c/o Roy E Crawford, 5660 W 4920 N, Mackay ID 83251, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and a license and recorded as follows:

Decree No. 34-00398	Source: Hamilton Springs
Amount: 2.00 cfs	Priority: 08/30/1909
Point(s) of Diversion:	NESW SEC 27 T08N R22E, CUSTER COUNTY

Decree No. 34-00399	Source: Hamilton Springs
Amount: 1.20 cfs	Priority: 05/01/1905
Point(s) of Diversion:	NESW SEC 27 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 168.9 acres within SEC 27, 28 and 34 T08N R22E, B.M.

Decree No. 34-00861A	Source: Warm Springs Creek
Amount: 2.98 cfs	Priority: 05/01/1894
Point(s) of Diversion:	NESW SEC 27 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 130 acres within SEC 27 and 34 T08N R22E, B.M.

Decree No. 34-00868	Source: Big Lost River
Amount: 3.20 cfs	Priority: 12/06/1913
Point(s) of Diversion:	NESWNW SEC 15 T08N R21E, CUSTER COUNTY SWSWNW SEC 27 T08N R22E, CUSTER COUNTY SWNW SEC 27 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 138.5 acres within SEC 27 and 34 T08N R22E, B.M.

License No. 34-07010	Source: Garden Creek
Amount: 1.60 cfs	Priority: 08/28/1968
Point(s) of Diversion:	SWSE SEC 28 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 79.1 acres within SEC 27, 28 and 34 T08N R33E, B.M.

TO BE CHANGED AS FOLLOWS.

The applicant intends to re-arrange his 437.4 acres in Section 27, 28 and 34 T08N R22E and use the NESW SEC 27 T08N R22E for his diversion point utilizing pumps and a ditch. The water from the Big Lost River, Garden Creek and Hamilton Springs are injected into Warm Springs Creek and re-diverted at the site listed above.

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 October 12, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Pub. Sept. 23, 30, 1999

5031

AFFIDAVIT OF PUBLICATION

I, COLLEEN BABCOCK

of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, 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 SEPT. 23, 1999

and ending with the issue dated

SEPT. 30, 1999
Colleen Babcock

STATE OF IDAHO }

COUNTY OF BUTTE }

On this 30th day of September

in the year of 1999, before me, a Notary Public,

personally appeared

Colleen Babcock

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

Thomas D. [Signature]
Notary Public for Idaho

Residing at Arco, ID

My commission expires 1-23-2004

**NOTICE OF PROPOSED CHANGE OF A
WATER RIGHT
NO. T5552**

Notice is hereby given that Broken River Ranch LP c/o Roy E Crawford, 5660 W 4920 N, Mackay ID 83251, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and a license and recorded as follows.

Decree No 34-00398 Source Hamilton Springs
Amount 2.00 cfs Priority 08/30/1909
Point(s) of Diversion. NESW SEC 27 T08N R22E, CUSTER COUNTY

Decree No 34-00399 Source Hamilton Springs
Amount 1.20 cfs Priority 05/01/1905
Point(s) of Diversion NESW SEC 27 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 168.9 acres within SEC 27, 28 and 34 T08N R22E, B.M.

Decree No 34-00861A Source Warm Springs Creek
Amount 2.98 cfs Priority 05/01/1894
Point(s) of Diversion NESW SEC 27 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 130 acres within SEC 27 and 34 T08N R22, B.M.

Decree No 34-00868 Source Big Lost River
Amount 3.20 cfs Priority 12/06/1913
Point(s) of Diversion NESWNW SEC 15 T08N R21E, CUSTER COUNTY
SWSWNW SEC 27 T08N R22E, CUSTER COUNTY
SWNW SEC 27 T08N R22E CUSTER COUNTY

The water is used for irrigation of 138.5 acres within SEC 27 and 34 T08N R22E, B.M.

License No 34-07010 Source Garden Creek
Amount 1.60 cfs Priority 08/28/1968
Point(s) of Diversion. SWSE SEC 28 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 79.1 acres within SEC 27, 28 and 34 T08N R33E, B.M.

TO BE CHANGED AS FOLLOWS:

The applicant intends to rearrange his 437.4 acres in Section 27, 28 and 34 T08N R22E and use the NESW SEC 27 T08N R22E for his diversion point utilizing pumps and a ditch. The water from the Big Lost River, Garden Creek and Hamilton Springs are injected into Warm Springs Creek and rediverted at the site listed above.

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 October 12, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in The Arco Advertiser on September 23 and 30, 1999

PROPOSED CHANGE OF A
RIGHT NO. 10882

that Broken River Ranch LP, c/o
4400 N. Mackay, ID 83251, has
of water resources to change
the place of use of a
The right sought to be changed
and a license and recorded as

Right of Publication

IDAHO
OF TWIN FALLS } SS.

No 32210

Source: Hamilton Springs
Priority: 08/30/1909

Division: NESW SEC 27 T08N R22E,

Source: Hamilton Springs
Priority: 05/01/1905

Division: NESW SEC 27 T08N R22E,

Irrigation of 168.9 acres within SEC
R22E, B.M.

Source: Warm Springs Creek
Priority: 05/01/1894

Division: NESW SEC 27 T08N R22E,

Irrigation of 130 acres within SEC
R22E, B.M.

Source: Big Lost River
Priority: 12/06/1913

Division: NESWNW SEC 15 T08N R21E,

CUSTER COUNTY

SWSWNW SEC 27 T08N R22E,

CUSTER COUNTY

SWNW SEC 27 T08N R22E,

CUSTER COUNTY

Irrigation of 138.5 acres within SEC

R22E, B.M.

Source: Garden Creek
Priority: 08/28/1968

Division: SWSE SEC 28 T08N R22E,

CUSTER COUNTY

Irrigation of 79.1 acres within SEC

R33E, B.M.

TO BE CHANGED AS FOLLOWS:

MICROFILMED

intends to re-arrange his 437.4 acres in
SEC 28 and 34 T08N R22E and use the NESW
SEC 27 T08N R22E for his diversion point utilizing pumps
The water from the Big Lost River, Garden
Creek and Hamilton Springs are injected into Warm
Springs Creek and diverted at the site listed above.

The applicant requests approval of the proposed changes

from the Idaho Department of Water Resources

at the Dr. Ste A, Idaho Falls, ID 83402,

with a fee of \$25.00 on or before October

1999. The applicant must also send a copy of the

to the

Director

September 23 and 30, 1999

by Ruby Augdenheide being first duly sworn upon oath, depose

that I am principal clerk of the TIMES-NEWS, published daily, at

Idaho, and do solemnly swear that a copy of the notice of advertisement, as per

attached, was published in the regular and entire issue of said newspaper, and not in any

thereof, for two consecutive weeks,

beginning with the issue dated Sept 27, 1999,

and ending with the issue dated Sept 30, 1999.

I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho

Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except

one of which newspapers prior to consolidation had been published under said names in said city and county

and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since

consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said

newspaper had daily publication under said name in said city and county continuously and uninterruptedly

and I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated

for the publication of legal notices by law or by order of any court of competent jurisdiction within the state of Idaho, to be

published; and that at the head of the editorial column of said combined newspapers, and in each

Thursday is announced as the day on which said legal notices will be published

IDAHO
TWIN FALLS

day of Sept in the year of 1999, before me,

personally appeared Ruby Augdenheide,

known to me to be the person whose name subscribed to the within instrument, and being by me first duly

advised that the statements therein are true, and acknowledged to me that he executed the same

Notary Public for Idaho

Residing at Twin Falls, Idaho

My commission expires

Ineva R. Feltman
5/19/2000

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS } SS.

No 32240

I, Ruby Auzdenhede being first duly sworn upon oath, depose and say that I am principal clrk of the TIMES-NEWS, published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive issues, commencing with the issue dated Sept 23, 1999, and ending with the issue dated Sept 30, 1999.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 30th day of Sept in the year of 1999, before me, a Notary Public, personally appeared Ruby Auzdenhede, 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.

Heva R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

FILMED

RECEIVED

OCT 04 1999

TRIBUNE PUBLISHING COMPANY, INC.

The Lewiston Morning Tribune
505 C St, P O Box 957
Lewiston, Idaho 83501
(208) 743-9411

Department of Water Resources
Eastern Region

Date 09/30/1999

INVOICE NO 211913

Account No 446600

Description 211913NOTICE OF PROPOS

Times 2

Lines 44

Tab Lines

LEGAL ADVERTISING
INVOICE

SOLD TO IDAHO DEPT OF WATER RESOURCES
900 N SKYLINE
IDAHO FALL ID 83402

\$ 132.00

NOTICE This is an invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, ss.
County of Nez Perce

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO T5552

Notice is hereby given that Broken River Ranch LP, c/o Roy E Crawford, 5660 W 4920 N, Mackay ID 83251, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and a license and recorded as follows:

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Amount: 2.00 cfs Priority: 08/30/1909
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY
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Amount: 1.10 cfs Priority: 05/01/1905
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY
The water is used for irrigation of 168.9 acres within SEC 27, 28 and 34 T08N R22E, B.M.

Decree No.: 34-00861A Source: Warm Springs Creek
Amount: 2.98 cfs Priority: 05/01/1894
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY
The water is used for irrigation of 130 acres within SEC 27 and 34 T08N R22E, B.M.

Decree No.: 34-00868 Source: Big Lost River
Amount: 3.20 cfs Priority: 12/06/1913
Point(s) of Diversion: NESWNW SEC 15 T08N R22E, CUSTER COUNTY
SWSWNW SEC 27 T08N R22E, CUSTER COUNTY
SWNW SEC 27 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 138.5 acres within SEC 27 and 34 T08N R22E, B.M.

License No.: 34-07010 Source: Garden Creek
Amount: 1.60 cfs Priority: 08/28/1968
Point(s) of Diversion: SWSE SEC 28 T08N R22E, CUSTER COUNTY
The water is used for irrigation of 79.1 acres within SEC 27, 28 and 34 T08N R22E, B.M.

TO BE CHANGED AS FOLLOWS.

The applicant intends to re-arrange his 437.4 acres in Section 27, 28 and 34 T08N R22E and use the NESW SEC 27 T08N R22E for his diversion point utilizing pumps and a ditch. The water from the Big Lost River, Garden Creek and Hamilton Springs are injected into Warm Springs Creek and re-diverted at the site listed above.

Any protests against approval of the proposed change must be filed with the Department of Water Resources, 900 N Skyline Dr, Idaho Falls, ID 83402, together with a protest fee of \$25 on or before October 12, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER Director

Published in the Lewiston Morning Tribune on September 23 and 30, 1999.

Karen Lewis being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, publishers of the LEWISTON MORNING TRIBUNE, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho, That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 21 consecutive years next immediately preceding the first publication of this notice and has been so published uninterrupted for said period; that the 211913NOTICE OF attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune,

2 time(s) Publication being on 09/23 or once a WEEK for 2 consecutive WEEK for the first publication thereof being on the 09/23/1999 and the last publication thereof being on the 09/30/1999 and said 211913NOTICE OF was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above

Karen J. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS THE 30

day of September 1999

MICROFILMED

Notary Public in and for the State of k
residing at Lewiston, therein
Commission Expires 11/1/03

Proof of Publication

The Post Register

State of Idaho
County of Bonneville

I, S Bob Bright or Robert Park, first being duly sworn, depose and say That I am the Production Supervisor or Asst Prod Supervisor of The Post Company, a corporation of Idaho Falls, Bonneville County, Idaho, publishers of The Post Register, a newspaper of general circulation, published daily at Idaho Falls, Idaho, said Post Register being a consolidation of the Idaho Falls Times, established in the year 1890, The Idaho Register, established in the year 1880 and the Idaho Falls Post, established in 1903, such consolidation being made on the First day of November, 1931, and each of said newspapers have been published continuously and uninterruptedly, prior to consolidation, for more than twelve consecutive months and said Post Register having been published continuously and uninterruptedly from the date of such consolidation, up to and including the last publication of notice hereinafter referred to.

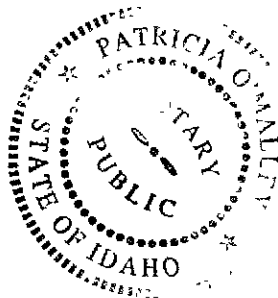
That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Post Register for two consecutive (days) weeks, first publication having been made on the 23rd day of September, 1999, last publication having been made on the 30th day of September, 1999, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement

Robert Park

Subscribed and sworn to before me, this 6th day of October, 1999

Patricia O'Malley
Notary Public

My commission expires January 3, 2003



**NOTICE OF PROPOSED
CHANGE OF A WATER RIGHT
NO T5552**

Notice is hereby given that Broken River Ranch LP, c/o Roy E Crawford, 5660 W 4920 N Mackay ID 83251, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and a license and recorded as follows:

Decree No. 34-00398
Source: Hamilton Springs
Amount: 2.00 cfs
Priority: 08/30/1909

Point(s) of Diversion: NESW SEC 27
T08N R22E, CUSTER COUNTY

Decree No. 34-00399
Source: Hamilton Springs
Amount: 1.20 cfs
Priority: 05/01/1905

Point(s) of Diversion: NESW SEC 27
T08N R22E, CUSTER COUNTY

The water is used for irrigation of 168.9 acres within SEC 27, 28 and 34 T08N R22E, B.M.

Decree No. 34-00861A
Source: Warm Springs Creek
Amount: 2.98 cfs
Priority: 05/01/1894

Point(s) of Diversion: NESW SEC 27
T08N R22E, CUSTER COUNTY

The water is used for irrigation of 130 acres within SEC 27 and 34 T08N R22E, B.M.

Decree No. 34-00868
Source: Big Lost River
Amount: 3.20 cfs
Priority: 12/06/1913

Point(s) of Diversion: NESWNW SEC 15
T08N R21E, CUSTER COUNTY

SWSWNW SEC 27 T08N R22E,
CUSTER COUNTY

SWNW SEC 27 T08N R22E, CUSTER
COUNTY

The water is used for irrigation of 138.5 acres within SEC 27 and 34 T08N R22E, B.M.

License No. 34-07010
Source: Garden Creek
Amount: 1.60 cfs
Priority: 08/28/1968

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

The water is used for irrigation of 79.1 acres within SEC 27, 28 and 34 T08N R33E, B.M.

**TO BE CHANGED
AS FOLLOWS.**

The applicant intends to re-arrange his 437.4 acres in Section 27, 28 and 34 T08N R22E and use the NESW SEC 27 T08N R22E for his diversion point utilizing pumps and a ditch. The water from the Big Lost River, Garden Creek and Hamilton Springs are injected into Warm Springs Creek and re-diverted at the site listed above.

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 October 12, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published September 23, 30 1999



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 15, 1999

BROKEN RIVER RANCH LP
C/O ROY E CRAWFORD
5660 W 4920 N
MACKAY ID 83251

RE: Application for Transfer #5552

Dear Applicant:

This office is currently in the process of advertising the application in the Idaho Statesman, Times News, Lewiston Morning Tribune, Post Register, Challis Messenger and the Arco Advertiser on September 23 and 30, 1999. 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::sc



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 15, 1999

ID FISH & GAME
1515 LINCOLN RD
IDAHO FALLS ID 83401

RE: Applications for Transfer #5552

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 Oct 12, 1999, 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: sc

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 15, 1999

DOUG ROSENKRANCE
WATERMASTER #34
PO BOX 53
MACKAY ID 83251

RE: Application for Transfer #5552

Dear Doug:

Please find enclosed a copy of the above referenced application. Please review the application and submit any comments you may have to our Department by October 12, 1999.

If you have any questions, please feel free to contact us.
Thank you for your cooperation in this matter.

Respectfully submitted,

Harold W. Jones
Water Right Supervisor

HWJ:sc

enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 14, 1999

TIMES NEWS
PO BOX 548
TWIN FALLS ID 83303

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published 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 October 12, 1999.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Sharla Cox'.

Sharla Cox
Administrative Assistant

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 14, 1999

POST REGISTER
PO BOX 1800
IDAHO FALLS ID 83403

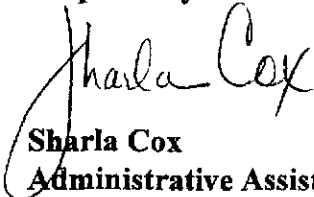
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Please send the affidavit of publication and publication billing to this office before October 12, 1999.

Respectfully submitted,


Sharla Cox
Administrative Assistant

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 14, 1999

LEWISTON MORNING TRIBUNE
PO BOX 957
LEWISTON ID 83501

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published 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 October 12, 1999.

Respectfully submitted,

Sharla Cox
Administrative Assistant

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 14, 1999

CHALLIS MESSENGER
PO BOX 405
CHALLIS ID 83226

Dear Publisher:

Enclosed you will find a legal notice which we wish to have published 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 October 12, 1999.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Sharla Cox'.

Sharla Cox
Administrative Assistant

Enc.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 14, 1999

**ARCO ADVERTISER
PO DRAWER C
ARCO ID 83213**

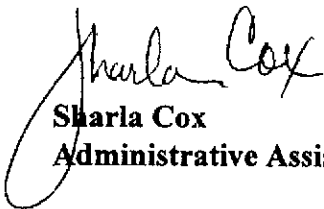
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An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before October 12, 1999.

Respectfully submitted,



**Sharla Cox
Administrative Assistant**

Enc.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 14, 1999

ID STATESMAN
PO BOX 40
BOISE ID 83707

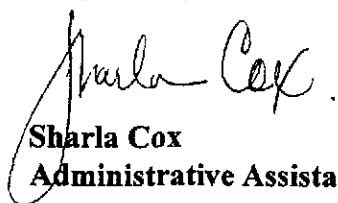
Dear Publisher:

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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 October 12, 1999.

Respectfully submitted,


Sharla Cox
Administrative Assistant

Enc.

**NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5552**

Notice is hereby given that Broken River Ranch LP, c/o Roy E Crawford, 5660 W 4920 N, Mackay ID 83251, has applied to the Department of Water Resources to change the point of diversion and to change the place of use of a surface water source. The rights sought to be changed are evidenced by decrees and a license and recorded as follows:

Decree No.:	34-00398	Source:	Hamilton Springs
Amount:	2.00 cfs	Priority:	08/30/1909
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY			

Decree No.:	34-00399	Source:	Hamilton Springs
Amount:	1.20 cfs	Priority:	05/01/1905
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY			
The water is used for irrigation of 168.9 acres within SEC 27, 28 and 34 T08N R22E, B.M.			

Decree No.:	34-00861A	Source:	Warm Springs Creek
Amount:	2.98 cfs	Priority:	05/01/1894
Point(s) of Diversion: NESW SEC 27 T08N R22E, CUSTER COUNTY			
The water is used for irrigation of 130 acres within SEC 27 and 34 T08N R22E, B.M.			

Decree No.:	34-00868	Source:	Big Lost River
Amount:	3.20 cfs	Priority:	12/06/1913
Point(s) of Diversion: NESWNW SEC 15 T08N R21E, CUSTER COUNTY			
SWSWNW SEC 27 T08N R22E, CUSTER COUNTY			
SWNW SEC 27 T08N R22E, CUSTER COUNTY			
The water is used for irrigation of 138.5 acres within SEC 27 and 34 T08N R22E, B.M.			

License No.:	34-07010	Source:	Garden Creek
Amount:	1.60 cfs	Priority:	08/28/1968
Point(s) of Diversion: SWSE SEC 28 T08N R22E, CUSTER COUNTY			
The water is used for irrigation of 79.1 acres within SEC 27, 28 and 34 T08N R33E, B.M.			

TO BE CHANGED AS FOLLOWS:

The applicant intends to re-arrange his 437.4 acres in Section 27, 28 and 34 T08N R22E and use the NESW SEC 27 T08N R22E for his diversion point utilizing pumps and a ditch. The water from the Big Lost River, Garden Creek and Hamilton Springs are injected into Warm Springs Creek and re-diverted at the site listed above.

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 October 12, 1999. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER
Director

Published in the Lewiston Morning Tribune on September 23 and 30, 1999.

Published in the Post Register, Idaho Statesman, Arco Advertiser, Challis Messenger and Times News

AUG 2 1949

August 20, 1999

SERLIB\REFC\5263212 01(34T4C01) DOC)

165 Phillip Road
Woodside, California 94062

RECEIVED
AUG 11 1999
Department of Water Resources
Eastern Region

August 12, 1999

Ernie Carlsen
Department of Water Resources
State of Idaho
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Broken River Ranch, LP

Dear Ernie,

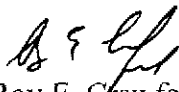
Enclosed is the application of Broken River Ranch for transfer of water rights. In essence, the enclosed applications provide that our five separate water rights to contiguous property be amended to provide for place of use on that contiguous property.

Also enclosed is our check in the amount of \$100. It was not entirely clear to me whether the appropriate filing fee is \$100 or \$500, the latter amount representing the number of separate rights. Please let me know if my interpretation was not correct.

By copy of this letter to Eastern Idaho Agricultural Credit Association, which has a mortgage interest in the land, I request that they furnish DWR with a consent to these transfers.

Please call me at (415) 442-1155 to discuss any questions that might arise in connection with this application.

Very truly yours,


Roy E. Crawford

REC:si
Enclosures

cc: Greg Rose - w/encls



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 16, 1998

PHILIP E. BAIT
GOVERNOR

KARL J. DREHER
DIRECTOR

BROKEN RIVER RANCH LTD
5660 W 4920 N
MACKAY ID 83251

RE: Water Rights 34-00398/34-00399 (Transfer 5131)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water rights (Transfer 5131). 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.

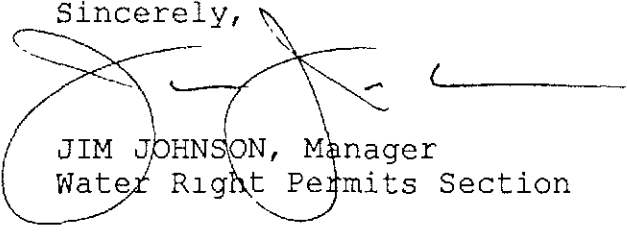
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

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

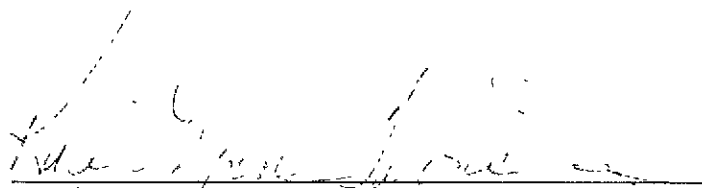
JJ:klt
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 16th 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 RIGHTS 34-00398/34-00399 (Transfer 5131)

**BROKEN RIVER RANCH LTD
5660 W 4920 N
MACKAY ID 83251**



Kari Lynn Townsend
Secretary



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 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DOUG ROSENKRANCE
WATERMASTER
PO BOX 53
MACKAY ID 83251

RE: TRANSFER OF WATER RIGHTS 34-00398/34-00399 (Transfer 5131)

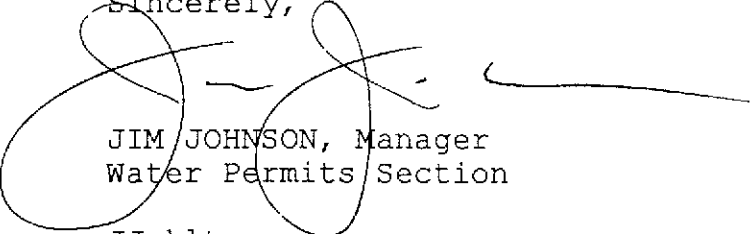
Dear Doug:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 5131) 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

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.

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.

MEMORANDUM

TO: Files 34-00398 & 34-00399

FROM: Pam Skaggs²⁸ State Office

SUBJECT: Transfer 5131

DATE: July 13, 1998

Transfer 5131 changes the point of diversion[✓] and source[✓] under Rights 34-00398 and 34-00399. The point of diversion is proposed to be moved from Hamilton Springs to the tributary Warm Springs Creek to consolidate pumping locations and increase efficiency in delivery to the adjacent place of use. These rights are used in conjunction with Right 34-07010 (See Transfer 5130) to irrigate the 168.9 acres identified under this transfer.

Diversion volume was adjusted to current standards to represent the uses as recommended[✓] in the SRBA. Recommended conditions include watermaster control, measuring device & lockable controlling works, permissible place of use, combined right limits, diversion limited to availability from original source, stockwater limits, irrigation overlap and standard transfer conditions.

TRANSFER REVIEW SHEET

(04-98)

Transfer # 5/31

Date Reviewed 07-10-98

Right(s) 34-00398
34-00399 } SRBA Recommendations

☒ WRQ/Split Summary

☒ Run POU Comparison Report
 Sect 5/36 (34-07010)

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

Change P/D & Source

J:Add P/D & Change P/U

Proof of Ownership 1997 tax notices cover P/U - SRBA

Release from Lender - Eastern ID Ag. Credit Assn

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. B/35

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

Conserved limit .025 cfs/acre

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

(11) 34 Water District (12) Yes Pertinent Conditions (13) No Expansion

WMA Enment Revd 9-5-97 Per SRBA recommendations

(3) Non-Standard (4-15 to 10-15) ERR Season recommended SRBA 5-1 to 10-15

(5) Standard Vol = $100 \times 3.5 = 350 \text{ cfs}$ $66 \times 3.5 = 231 \text{ cfs}$ < VDR

STOCK/300 = $300 \times 12 \text{ gpd} \times 365 = 4.0 \text{ cfs}$

4.0 cfs

< 13,600 gpd / 19. days

354 cfs

214 cfs

(6) Change Source to current Tributary

(7) Change P/D

Transfer Remarks Div. from Warm Springs Creek - availability at original source.

Conditions R04, R43, R74, T07, T08, T09

already recommended

Database/Processing Notes

Standard ☐ Non-Standard ☒

(copy approved version to an "X" prefix & comment to base WR)

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

Database Updated Following Approval ☒ Memo/Form Files Deleted ☒

7-14-98 . 28

WR0749NP
No. T34-00398

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 5660 W 4920 N MACKAY ID 83251 (208) 588-2880	08/30/1909	IRRIGATION STOCKWATER	05/01 10/15 10/16 04/30	2.000 CFS 0.020 CFS	350.00 AFA 4.00 AFA
TOTAL DIVERSION:					2.000 CFS	354.00 AFA

Water Source: WARM SPRINGS CREEK

Tributary to: BIG LOST RIVER

Stage: DECREED

Point(s) of Diversion: T08N R22E S27 NESW 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	Lt	Ac	SUM	
08N	22E	27	:									19	29	07	:								56.1
08N	22E	28	:												:	27	35						62.3
08N	22E	34	:					30	20						:								50.5
																					TOTAL ACRES	168.9	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

NW 34, S27

Pou County: CUSTER

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
- R43 - 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.
- R59 - 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.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks: GEN Right 34-00398 is limited to the irrigation of 100.0 acres in the place of use described above in a single irrigation season.
~~Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season.~~
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, the irrigation of 168.9 acres and stockwater use.

Delete when approved.

WR0749NP
No. T34-00398

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/10/98
PAGE: 2

Remarks: Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from the original source, Hamilton Springs.
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Dates: App. Received: Priority Date: 08/30/1909
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 34 Field Exam Fee:

Comments: Date: 08/01/1991 User-ID: CARLSEN Subject: COPIED FROM REMARKS
THIS CLAIM RECOMBINES RIGHTS 34-00398A & B.
OWNERSHIP CHANGE 9/18/90/EC

Date: 04/15/1992 User-ID: CARLSEN Subject: NOTICE OF ERROR
APPLICANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING
HISTORICAL IRRIGATION. ALSO ADDED STOCKWATER AS A USE DURING
THE NON-IRRIGATION SEASON.

Date: 05/10/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.

Date: 05/22/1992 User-ID: KEEN Subject: COMBINED DIVERSIONL VOLUME LIMITATION REMOVED FROM REMARKS

Date: 07/10/1998 User-ID: PSKAGGS Subject: TRANSFER 5131
Transfer 5131 changes the point of diversion & source under
Rights 34-00398 & 34-00399.

Audit: 08/21/97 RBODELL 02/08/98 CLEARFLD 07/10/98 PSKAGGS

WR0749NP
No. T34-00399

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 5660 W 4920 N MACKAY ID 83251 (208) 588-2880	05/01/1905	IRRIGATION STOCKWATER	05/01 10/15 10/16 04/30	1.200 CFS 0.020 CFS	210.00 AFA 4.00 AFA
TOTAL DIVERSION:					1.200 CFS	214.00 AFA

Water Source: WARM SPRINGS CREEK

Tributary to: BIG LOST RIVER

Stage: DECREED

Point(s) of Diversion: T08N R22E S27 NESW 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	:						:																						56.1	
08N	22E	28	:						:																27		35				62.3	
08N	22E	34	:						:	30		20																			50.5	
																TOTAL ACRES										168.9						

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

NW50, S27

Pou County: CUSTER

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 34.
- R43 - 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.
- R59 - 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.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks: GEN Right 34-00399 is limited to the irrigation of 60.0 acres in the place of use described above in a single irrigation season. 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, the irrigation of 168.9 acres and stockwater use. Diversion from Warm Springs Creek is limited to those times water is available for diversion under this right and priority from

WR0749NP
No. T34-00399

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/10/98
PAGE: 2

Remarks: the original source, Hamilton Springs.
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
The quantity of water under this water right for stockwater use is not a determination of historical beneficial use.

Dates: App. Received: Priority Date: 05/01/1905
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 34 Field Exam Fee:

Comments: Date: 08/01/1991 User-ID: CARLSEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 9/18/90/EC

Date: 04/15/1992 User-ID: CARLSEN Subject: NOTICE OF ERROR
CLAIMANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING
HISTORICAL IRRIGATION. ALSO ADDED STOCKWATER AS A NATURE OF
USE DURING THE NON-IRRIGATION SEASON.

Date: 05/10/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.

Date: 05/22/1992 User-ID: KEEN Subject: COMBINED DIVERSION VOLUME REMOVED FROM REMARKS.

Date: 07/10/1998 User-ID: PSKAGGS Subject: TRANSFER 5131
Transfer 5131 changes the point of diversion & source under
Rights 34-00398 & 34-00399.

Audit: 08/21/97 RBODELL 02/08/98 CLEARFLD 07/10/98 PSKAGGS 07/10/98 PSKAGGS

AJ5809NP
No. R34-00399

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/10/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BROKEN RIVER RANCH	05/01/1905	IRRIGATION	05-01 10-15	1.20 CFS	
	C/O ROBERT C HADLEY		STOCKWATER	01-01 12-31	0.02 CFS	
	STAR ROUTE					
	MACKAY ID 83251			TOTAL DIVERSION:	1.20 CFS	
	(208) 588-2880					

Water Source: HAMILTON SPRINGS

Tributary to: WARM SPRINGS CREEK

Stage: DECREED

Point(s) of Diversion: T08N R22E S27 S29 SWNW SENENE CUSTER County CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE								
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
08N	22E	27	:	:	:				:		19	29	07	:					:	56.1
08N	22E	28	:	:	:				:					:	27	35			:	62.3
08N	22E	34	:	:	:	30	20		:					:					:	50.5
																			TOTAL ACRES	168.9

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE								
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
08N	22E	27	:	:	:				:		S			:					:	

POU County: CUSTER

Other Rights: A34-00398/07010.

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NOS. 34-00398 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS.

POD POINT OF DIVERSION IN T08N, R22E, S27, SWNW, IS USED FOR DELIVERY OF STOCKWATER.

POU1 USE OF THIS RIGHT WITH RIGHT NOS. 34-00398 AND 34-07010 IS

AJ5809NP
No. R34-00399

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/10/98
PAGE: 4

Remarks: LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A
SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 60 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 34-00398 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
STOCKWATER, 300 RANGE

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

Misc: Water District Number: 34 Field Inspection Flag:
Presumption Flag: C

Comments: Date: 08/01/1991 User-ID: CARLSEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 9/18/90/EC

Date: 04/15/1992 User-ID: CARLSEN Subject: NOTICE OF ERROR
CLAIMANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING
HISTORICAL IRRIGATION. ALSO ADDED STOCKWATER AS A NATURE OF
USE DURING THE NON-IRRIGATION SEASON.

Date: 05/10/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.

Date: 05/22/1992 User-ID: KEEN Subject: COMBINED DIVERSION VOLUME REMOVED FROM REMARKS.

Audit: 11/25/97 ENORQUES 12/16/97 CFRITSCH

SRBA

DIRECTORS REPORT 34-00399

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 34-00399

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

Source: HAMILTON SPRINGS Tributary: WARM SPRINGS CREEK

Quantity: 1.20 CFS

Priority Date: 05-01-1905

Diversion Point: T08N R22E S27 SWNW Within Custer County
S29 SENENE

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	Irrigation Season	1.20 CFS
	Stockwater	10-16 TO 04-30	.02 CFS

Place of Use:	Irrigation	Within Custer County
	T08N R22E S27	SWSW 29.5 ✓ NWSW 19.5 ✓
		SESW 7.1 ✓
	S28	NESE 27.3 ✓ NWSE 35 ✓
	S34	NENW 30 ✓ NWNW 20.5 ✓
	168.9 Acres Total	

Stockwater	Within Custer County
T08N R22E S27	NWSW

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

Explanatory Material: Basis of Claim - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
USE OF THIS RIGHT WITH RIGHT NOS. 34-00398 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 34-00398 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY OF STOCKWATER.

AJ5809NP
No. R34-00398

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	08/30/1909	IRRIGATION	05-01 10-15	2.00 CFS	
	C/O ROBERT C HADLEY		STOCKWATER	01-01 12-31	0.02 CFS	
	STAR ROUTE					
	MACKAY ID 83251					
	(208) 588-2880					
				TOTAL DIVERSION:	2.00 CFS	

Water Source: HAMILTON SPRINGS

Tributary to: WARM SPRINGS CREEK

Stage: DECREED

Point(s) of Diversion: T08N R22E S27 SWNW CUSTER County
S29 SENENE 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	27	:					:					:		19	29	07	:					:	56.1
08N	22E	28	:					:					:					:	27	35			:	62.3
08N	22E	34	:					:	30	20			:					:					:	50.5
																						TOTAL ACRES		168.9

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
08N	22E	27	:					:					:		S			:					:	

POU County: CUSTER

Other Rights: A34-00399/07010.

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.
- N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NOS. 34-00399 AND 34-07010 IS
IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS.

POD POINT OF DIVERSION IN T08N, R22E, S27, SWNW, IS USED FOR
DELIVERY OF STOCKWATER.

POU1 USE OF THIS RIGHT WITH RIGHT NOS. 34-00399 AND 34-07010 IS

AJ5809WP
No. R34-00398

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/10/98
PAGE: 2

Remarks: LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES
IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00398A AND
34-00398B.

RIGHT NO. 34-00399 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
STOCKWATER, 300 RANGE

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

Misc: Water District Number: 34 Field Inspection Flag:
Presumption Flag: C

Comments: Date: 08/01/1991 User-ID: CARLSEN Subject: COPIED FROM REMARKS
THIS CLAIM RECOMBINES RIGHTS 34-00398A & B.
OWNERSHIP CHANGE 9/18/90/EC

Date: 04/15/1992 User-ID: CARLSEN Subject: NOTICE OF ERROR
APPLICANT PROVIDED AFFIDAVIT FROM PREVIOUS OWNER CONFIRMING
HISTORICAL IRRIGATION. ALSO ADDED STOCKWATER AS A USE DURING
THE NON-IRRIGATION SEASON.

Date: 05/10/1992 User-ID: THORNTON Subject: CHANGE IN RECOMMENDATION
CHANGE MADE TO REMARKS PER LYNN KROGH-HAMPE.

Date: 05/22/1992 User-ID: KEEN Subject: COMBINED DIVERSIONL VOLUME LIMITATION REMOVED FROM REMARKS

Audit: 11/25/97 ENORQUES 12/16/97 CFRITSCH

SRBA

DIRECTORS REPORT 34-00398

[Return to SRBA Home Page](#)

IWT072

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

Right Number: 34-00398

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

Source: HAMILTON SPRINGS Tributary: WARM SPRINGS CREEK

Quantity: 2.00 CFS

Priority Date: 08-30-1909

Diversion Point: T08N R22E S27 S29 SWNW SENENE Within Custer County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	Irrigation Season	2.00 CFS
	Stockwater	10-16 TO 04-30	.02 CFS

Place of Use:	Irrigation	Within Custer County
	T08N R22E S27	NWSW 19.5 SWSW 29.5
		SESW 7.1
	S28	NESE 27.3 NWSE 35
	S34	NENW 30 NWNW 20.5
	168.9 Acres Total	

Stockwater	Within Custer County
T08N R22E S27	NWSW

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

Explanatory Material: Basis of Claim - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00398A AND 34-00398B.
USE OF THIS RIGHT WITH RIGHT NO. 34-00399 AND 34-07010 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 422.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 168.9 ACRES IN A SINGLE IRRIGATION SEASON.
RIGHT NO. 34-00399 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
POINT OF DIVERSION IN T08N R22E S27 SWNW IS USED FOR DELIVERY OF STOCKWATER.

SRBA STATUS 07-10-98

34-00398 BROKEN RIVER RANCH ADMIN PROCEED PENDNG
NEXT EVENT/DATE ADMIN DEADLN 8-18-1998

34-00399 BROKEN RIVER RANCH ADMIN PROCEED PENDNG
NEXT EVENT/DATE: ADMIN DEADLN 8-18-1998

SD-0611-2 Basin. 34 Starting Water Right 00398

S	O	S	
E Water	Name	W Priority STG/	Use Y
L Right No	Last, First	N Date STS	Source Desc S

_ 34-00398 00/00/0000 / WR
_ 34-00398A JOHNSON, OTTO A C 08/30/1909 D/ WARM SPRINGS CRE IRR WR
_ 34-00398B JOHNSON, OTTO A. C 08/30/1909 D/ WARM SPRINGS CRE IRR WR
_ T34-00398 BROKEN RIVER RANCH L C 08/30/1909 D/ WARM SPRINGS CRE IRR WR
_ STOCK
_

_ 34-00398 BROKEN RIVER RANCH C 08/30/1909 D/ HAMILTON SPRINGS IRR AJ
_ STOCK

_ 34-00398A COMBINED RIGHT C 08/30/1909 /Z WARM SPRINGS CRE IRR AJ
_ COMBINED RIGHT

_ 34-00398B COMBINED RIGHT C 08/30/1909 /Z WARM SPRINGS CRE IRR AJ
_ COMBINED RIGHT

_ A34-00398 BROKEN RIVER RANCH C 08/30/1909 D/ HAMILTON SPRINGS IRR AJ

_ A34-00398A COMBINED RIGHT C 08/30/1909 /Z WARM SPRINGS CRE IRR AJ
_ COMBINED RIGHT

_ A34-00398B COMBINED RIGHT C 08/30/1909 /Z WARM SPRINGS CRE IRR AJ
(GOLD6=Print Profile Rpt For All Rights/Claims on Screen)

(Enter=Continue) (GOLD7=This Query) (GOLD8=Cancel) (Menu _____) - -----

_ A34-00398B 08/30/1909 /Z COMBINED RIGHT AJ

_ R34-00398 BROKEN RIVER RANCH C 08/30/1909 D/ HAMILTON SPRINGS IRR AJ

SD-0611-2 Basin 34 Starting Water Right 00399

S	O	S	
E Water	Name	W Priority STG/	Use Y
L Right No.	Last, First	N Date STS	Source Desc S

_ 34-00399 JOHNSON, OTTO A. C 05/01/1905 D/ WARM SPRINGS CRE IRR WR
_ T34-00399 BROKEN RIVER RANCH L C 05/01/1905 D/ WARM SPRINGS CRE IRR WR
_ STOCK

_ 34-00399 BROKEN RIVER RANCH C 05/01/1905 D/ HAMILTON SPRINGS IRR AJ
_ STOCK
_ A34-00399 BROKEN RIVER RANCH C 05/01/1905 D/ HAMILTON SPRINGS IRR AJ
_ R34-00399 BROKEN RIVER RANCH C 05/01/1905 D/ HAMILTON SPRINGS IRR AJ
_ STOCK
_

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET8/19/97
8/20

T 5131

INITIAL REVIEW BY: H.W. JONES

1. Right number 34-00398, -00399 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) NA
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? UD 34 - Day R. ADJ

RECEIVED

OCT - 8 1997

Department of Water Resources

Need Cooperation
Members

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on NOV - Sept. 22
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* WATER MASTER CONSERVATION
4. By RW Date 9-22-97

TR 50 8-25-97

* All uses within Watermaster Districts require special conditions.

T5131

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Fairchild, 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 _____
consecutive weeks, commencing with the issue
dated Sept 4 1997 and ending with
the issue dated Sept 11 1997

Ruth E. Fairchild

STATE OF IDAHO

COUNTY OF CUSTER

On this 11th day of September in the
year of 1997 before me, a Notary Public,
personally appeared Ruth E. Fairchild
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.

Della T. [Signature]
Notary Public for Idaho
Residing at Challis, ID
My commission expires: 7/6/99

NOTICE OF PUBLISHED CHANGE OF A WATER RIGHT NO. T5131

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 source of the waters of
Hamilton Springs tributary to
Warm Springs Creek. The rights
sought to be changed are evi-
denced by Basin 34 SRBA Direc-
tor's Report and recorded as fol-
lows:

No.: 34-00398

Amount: 2.0 cfs

Priority: 08/30/1909

No.: 34-00399

Amount: 1.20 cfs

Priority: 05/01/1905

Source: Hamilton Springs

Point(s) of Diversion: SWSW

SEC 27 SENENE SEC 29 T08N
R22E, CUSTER COUNTY

The water is used for irrigation
of 168.9 acres from 05/01 to 10/
15 and stockwater from 10/16 to
04/30 within the W1/2SW1/4
SESW SEC 27 N1/2SE1/4 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
NWNESW SEC 27 T08N R22E,
Custer County. This puts the
pumping station at Warm Springs
Creek proper, rather than Hamil-
ton Springs.

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

RECEIVED

SEP 15 1997

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF
WATER RIGHT NO. T5131

WATER DISTRICT: 34

WATERMASTER: Doug Rosenkrance

DATE: August 25, 1997

HAS THIS WATER RIGHT(S) BEEN DELIVERED WITHIN THE LAST FIVE YEARS?

YES X

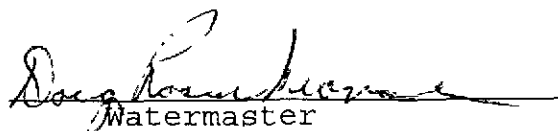
NO 34-07010

COMMENTS: _____

X I do endorse approval of this change.

_____ I do not endorse approval of this change.

I recommend the following conditions of approval:


Watermaster

9-3-97
DATE

RECEIVED
SEP 05 1997

Department of Water Resources
Eastern Region



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

KARE 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.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. T5131

Notice is hereby given that Broken River Ranch, LTD., has applied to the Department of Water Resources to change point of diversion and source of the waters of Hamilton Springs tributary to Warm Springs Creek. The rights sought to be changed are evidenced by Basin 34 SRBA Director's Report and recorded as follows:

No.: 34-00398 Amount: 2.0 cfs Priority: 08/30/1909

NO.: 34-00399 Amount: 1.20 cfs Priority: 05/01/1905

Source: Hamilton Springs

Point(s) of Diversion: SWSW SEC 27 SENENE SEC 29 T08N R22E, CUSTER COUNTY

The water is used for irrigation of 168.9 acres from 05/01 to 10/15 and stockwater from 10/16 to 04/30 within the W1/2SW1/4 SESW SEC 27 N1/2SE1/4 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 NWNESEC SEC 27 T08N R22E, Custer County. This puts the pumping station at Warm Springs Creek proper, rather than Hamilton Springs.

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.



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. DRCHER
DIRECTOR

August 25, 1997

DOUG ROSENKRANCE
WATER DIST 34
PO BOX 53
MACKAY ID 83251

RE: Application for Transfer No. 5131
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
Water Right Supervisor

HWJ/rb
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 F. 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. T5131

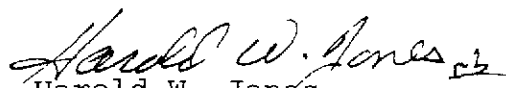
Dear Applicant:

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

165 Phillip Road
Woodside, California 94062

RECEIVED

AUG 18 1997

Department of Water Resources
Eastern Region

August 13, 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 Right

Dear Paul

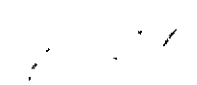
Enclosed are two Applications for Transfer of Water Right:

- (1) Right number: 34-07010 (Garden Creek)
- (2) Right numbers: 34-00398 (Warm Springs Creek)
34-00399

At her request, I am sending a copy of the Application for right number 34-07010 (Garden Creek) to Gloria Romero at the BLM office in Salmon, Idaho, so that she can correct her records. I have asked her to send directly to you the documentation that evidences our BLM easement.

By separate cover you have been sent a letter from Eastern Idaho Agricultural Credit Association consenting to the applications. A copy is enclosed for your convenience.

Very truly yours,


Roy E. Crawford

REC:si
Enclosure
cc: Gloria Romero

165 Phillip Road
Woodside, California 94062

August 13, 1997

Gloria Romero
Bureau of Land Management
Route 2, Box 610
Salmon, Idaho 83467

Re: Broken River Ranch, L.P.
Application for Transfer of Water Right

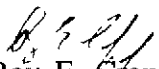
Dear Gloria:

Enclosed is a copy of an Application for Transfer of Water Right relating to Garden Creek (near Warm Springs Creek at Barton Flats in Custer County) Paul Meyer of the Idaho Department of Water Resources prepared the form, which I believe has a corrected description of the point of diversion.

Please furnish Mr. Meyer the document evidencing our BLM easement that he needs to process our application.

If you have any questions, please call me at (415) 442-1155.

Very truly yours,


Roy E. Crawford

REC:s1
Enclosure
cc: Paul Meyer



**Eastern Idaho
Agricultural Credit Association**

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: for A. Katt V.P.

United States Postal Money Order

15- 4,424,640

MAY BE CASHED AT ANY POST OFFICE
OR COLLECTIBLE THROUGH ANY FEDERAL RESERVE BANK

15-119
000

PAY AMOUNT IN THIS BLOCK →

DOLLARS		#	CENTS
1	00		

BUT NOT
MORE THAN

111

DOLLARS

INFORMATION BELOW TO BE INSERTED BY PURCHASER

TO

Mr Roy Thompson

PAYEE'S NAME

PURCHASER

Otto L Johnson

PURCHASER'S NAME

Box 305

PURCHASER'S STREET ADDRESS

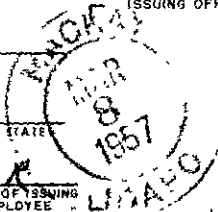
IF C.O.D.
ENTER NO. HERE

Mackay Ida

PURCHASER'S CITY

STATE

ISSUING OFFICE



VOID IF ALTERED

DO NOT FOLD, STAPLE, SPINDLE OR MUTILATE

gnk
INITIAL OF ISSUING
EMPLOYEE

PAYEE MUST ENDORSE BELOW ON LINE MARKED "PAYEE"

OWNERSHIP ~~OF~~ THIS ORDER MAY BE ~~TRANSFERRED~~ TRANSFERRED TO ANOTHER PERSON OR ~~FIRM~~ FIRM IF THE PAYEE WILL WRITE THE NAME OF SUCH PERSON OR FIRM ON THE LINE MARKED "PAY TO" BEFORE WRITING HIS OWN NAME ON THE SECOND LINE. MORE THAN ONE ENDORSEMENT IS PROHIBITED BY LAW. BANK STAMPS ARE NOT REGARDED AS ENDORSEMENTS.

CAUTION
IDENTIFICATION REQUIRED

PAY TO _____

PAYEE

Blackfoot, Idaho

March 7, 1937

Mr. Fay Thompson
Dept. of Reclamation,
State House,
Boise, Idaho

Dear Mr. Thompson,

I'm enclosing the \$1.00
you asked me to send you
for the filing fee in the
water transferred recently
completed.

Thank you for inform-
ing the B. L. M. of the com-
pleted transferred for all
your help in this matter.

34-5398

Yours truly,
Otto L. Johnson
R/ 31

December 18, 1956

Mr. Otto L. Johnson
Box 305
Mackay, Idaho

Dear Mr. Johnson:

We enclose herewith Certificate for Change of Point of Diversion of 3.2 cubic feet per second of the waters of Warm Springs Creek, a tributary to Big Lost River, as applied for.

By this same mail, we are sending a copy of this certificate to Mr. J. H. Pearson, Water Master of Water District No. 27 for his information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:ab
Encl.

cc:-J. H. Pearson
Mackay, Idaho

Bozeman, Idaho

Nov. 5, 1956

Mr. Ray Thompson

Dept. of Reclamation

Boise, Idaho

RECEIVED
NOV 7 1956
Department of Reclamation

Dear Mr. Thompson:

I'm replying you an affidavit of fulfillment where I advertised for two additional points of diversion. They fouled up the wording in the advertisement, and I tried to make it clear how it should be before it is finally recorded. First I want it clear that I asked for additional points of diversion as well as keeping the original point (S14--W1--Sec. 22). Also the description for the new point of diversion should read S14--of the W1--Sec. 22 ^{and 1/4 of 36.17} instead of as it is printed. Will you let me know if it is correctly recorded.

Also I'm enclosing 1 recording fee. Thank you.
Yours truly,

Otto J. Johnson

September 28, 1956

Mr. Otto L. Johnson
Mackay, Idaho

Dear Mr. Johnson:

No protests have been filed in connection with your application for transfer of water from Warm Springs Creek.

A Certificate of Transfer can therefore be issued upon receipt of the affidavit of publication, which the Mackay Miner was instructed to send you, and the statutory recording fee of \$1.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A

The Mackay Miner

Printers - Publishers

Mackay, Idaho

June 2, 1956

Roy W. Thompson
Dept. of Reclamation
Boise;

This is to acknowledge receipt of legal for Otto Johnson, Notice of Proposed Transfer of Water Right, which will be published in the Mackay Miner, issues of June 7 and 14. Checking copy under separate cover will be sent June 7.

Yours Truly

T. E. Hanawalt

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Lackay Miner
Lackay
Idaho

Date: June 1, 1956.

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to June 14, 1956, the date set for hearing, the expense of the publication to be paid by the applicant, Otto L. Thompson of Lackay, Idaho, to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

State Reclamation Engineer
By

Ray L. Thompson
Office June 31

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Otto L. Johnson
of Lackey, Idaho has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing him to change the point of diversion
~~and place of use~~ of the waters of West Spring Creek
as follows: Amount: 1.2 cubic feet per second with priority of March 1, 1905
2.0 cubic feet per second with priority of August 30, 1909.
~~as follows: Amount:~~

Point of diversion: S¹/₂ NW¹/₄, Section 26, Township 8 N.,
Range 22 E. Place of Use: S¹/₂ NW¹/₄, N¹/₂ SW¹/₄, Section 27,
Township 8 North, Range 22 East.

Transfer to

~~Point of diversion:~~ 24 ~~Section~~ 24 ~~Township~~
~~Range~~ 24 ~~Place of Use:~~
Point of diversion: S¹/₂ NW¹/₄, NW¹/₄, Section 26; NW Section 27, all in Township
8 North, Range 22 East.

And that on the 25th day of June, 1956
at 10:00 o'clock A. M., at 10th State Board, Boise, Idaho.

before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARC R. JUMP

State Reclamation Engineer.

May 2, 1956

Mr. J. H. Pearson , Watermaster
Water District No. 27
Mackay, Idaho

Dear Mr. Pearson:

We enclose herewith a copy of Transfer Certificate No.
866, issued to Otto L. Johnson, for your information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:hll

Enc.
cc - Mr. Otto L. Johnson

May 2, 1956

Mr. Nolan F. Keil, Manager
Idaho District Land Office
P. O. Box 2337
Boise, Idaho

Dear Mr. Keil:

We enclose, herewith, a copy of Transfer Certificate No. 866, of Otto L. Johnson, to be used in connection with his desert land entry filed in your office.

Very truly yours,

MARK E. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:hll

Enc.

cc - Mr. Otto L. Johnson
Mackay, Idaho

May 2, 1956

Mr. Otto L. Johnson
Mackay
Idaho

Dear Mr. Johnson:

We enclose Certificate of Water Right Transferred Right
No. 866.

By this same mail, we are sending a copy of this
Certificate to Mr. J. H. Pearson, Watermaster, for his information
and also a certified copy of same to the Idaho District Land Office
to be used in connection with your desert land entry.

We also enclose departmental receipt No. 27939 for \$2.50
which includes \$1.00 for recording the Certificate of Transfer and
\$1.50 for the certified copy to the Land Office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:hll
Enc.

776 Enc 7-53



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

April 4, 1956

RECEIVED
APR 16 1956
Department of Reclamation

Mr. Otto L. Johnson
Mackay
Idaho

Dear Mr. Johnson:

Relative to your Application for Transfer of Water Right transferring 1.6 cubic feet per second of your water right to the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East, B.M. This has been advertised in the Mackay Miner but it is necessary that we have the affidavit of publication from the Mackay Miner to complete our files. It will also be necessary to have the fee for recording said transfer which is \$1.00 and a fee of \$1.50 for cost of furnishing a certified copy to the Bureau of Land Management.

We will try and get this certified copy to the Bureau of Land Management within the next few days.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Roy W. Thompson
Supervisor of Water Distribution

T:hll

Dear Mr. Thompson,
Enclosed is the amount to cover the
above mentioned fees. Thank you for
your interest.
Otto L. Johnson

April 5, 1956

Mr. Otto L. Johnson
Box 305
Mackay, Idaho

Dear Mr. Johnson:

In answer to your request of March 30, 1956, in which you request forms for making Application for two additional points of diversion from Warm Springs Creek.

The Writer has taken the liberty to fill out said Application, which if correct you may sign and return after securing (Harry Pearson's) the Watermaster's approval or disapproval of same.

Would suggest that you check with Harry Pearson as to the location of your additional points of diversion requested, as the map I have does not show the creek as flowing through the SE $\frac{1}{4}$ Section 28.

If it is necessary to make changes in the Affidavit please feel free to do so and if for any reason I have the wrong water right we are sending an additional form for your use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu
Enc.

APR 10 1956

March 20, 1956

Dept. of Reclamation

State House

Boise, Idaho

RECEIVED
APR 2 1956
Department of Reclamation

Dear Mr. Thompson,

I am writing you in regard to the use of water from more than one point of diversion. I now have a point of diversion at the NW corner of $31\frac{1}{2}$ $11\frac{1}{2}$ Sec. 20 T.22 N.22 E.B.1. But it is also necessary for me to use water from Warm Springs creek at these other two points of diversion:

1. $31\frac{1}{2}$ Sec. 23 T.3 N.22 E.B.1.

2. NW $\frac{1}{4}$ Sec. 27 T.3 N.22 E.B.1.

I need these points of diversion because the creek divided my land and because of the way the land lays. Water has been diverted from these points for a number of years. But according to the court order we are under now, it is necessary for me to have permission from the Bureau of Reclamation to use these places to divert water. Will you please send me the necessary forms to fill out in order to receive this permission. I am addressing this to you for you are familiar with the situation here.

Yours truly,

Otto J. Johnson

April 4, 1956

Mr. Otto L. Johnson
Mackay
Idaho

Dear Mr. Johnson:

Relative to your Application for Transfer of Water Right transferring 1.6 cubic feet per second of your water right to the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East, B.M. This has been advertised in the Mackay Miner but it is necessary that we have the affidavit of publication from the Mackay Miner to complete our files. It will also be necessary to have the fee for recording said transfer which is \$1.00 and a fee of \$1.50 for cost of furnishing a certified copy to the Bureau of Land Management.

We will try and get this certified copy to the Bureau of Land Management within the next few days.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:hll

**NOTICE OF PROPOSED
TRANSFER OF
WATER RIGHT**

Notice is hereby given that Otto L. Johnson of Mackay, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Warm Springs Creek. Amount: 1.6 cubic feet per second with priority of August 30, 1909. Point of diversion: NW $\frac{1}{4}$, Section 28, Township 8 North, Range 2 East. Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, Township 8 North, Range 22 East.

Transfer to Place of Use. N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East.

And that on the 10th day of February, 1956 at 10 o'clock A. M. at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,
State Reclamation Engineer
Pub. Jan. 19 ~~1956~~, 1956

RUTH M. HANAWALT, Editor

The Mackay Miner

Printers - Publishers

Mackay, Idaho

January 18, 1956

to acknowledge receipt of legal publication for
on which will be published in issues of Mackay Miner,

Yours truly
Ruth Hanawalt

Ruth Hanawalt

Affidavit of Publication

RECEIVED
APR 16 1956

Department of Reclamation

State of Idaho

County of Custer

ss.

Ruth H. Harnswalt
I, ~~F. A. Sprakes~~, Editor of THE MACEAY MINER, a weekly

newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 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 Jan 19, 1956, and ending with the issue dated Jan 26, 1956.

Ruth H. Harnswalt

Subscribed and sworn to before me this 12th day of April 1956.

August H. Harnswalt
Notary Public

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Otto L. Johnson of Mackay, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Warm Springs Creek. Amount 1.6 cubic feet per second with priority of August 30, 1909 Point of diversion: NW $\frac{1}{4}$, Section 28, Township 8 North, Range 2 East Place of Use: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27, Township 8 North, Range 22 East.

Transfer to Place of Use N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, Township 8 North, Range 22 East.

And that on the 10th day of February, 1956 at 10 o'clock A. M. at Room 107, State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,
State Reclamation Engineer

Pub. Jan. 19 - 26, 1956

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Mackay Miner
Mackay
Idaho

Date:
January 17, 1956

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **February 10, 1956**, the date set for hearing, the expense of the publication to be paid by the applicant, **Mr. Otto L. Johnson** of **Mackay, Idaho**, to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARY R. VINT
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Otto L. Johnson
of Mosby, Idaho, has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing him to change the ~~point of diversion~~
and/or place of use of the waters of Warm Springs Creek
~~Amount:~~ Amount: 1.6 cubic feet per second with priority of August 30, 1909.
~~as follows: Amount:~~

Point of diversion: ~~12~~ $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, Township 8 North,
Range 2 East. Place of Use: ~~S~~ $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27,
Township 8 North, Range 22 East.

Transfer to

~~Point of diversion:~~ ~~12~~ $\frac{1}{4}$ Section, Township ~~8 North~~,
~~Range~~ Place of Use: ~~N~~ $\frac{1}{4}$ SE Section 28,
Township 8 North, Range 22 East.

And that on the 10th day of February, 1916
at 10 o'clock A. M., at Room 107, State House, Boise, Idaho,
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation Engineer.

Application for Transfer of Water Right

STATE OF IDAHO,

County of

) ss

RESERVED
JAN 11 1909

Department of Reclamation

, being first duly sworn, deposes and says:

That his name is Otto L. Johnson : that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Mackay Idaho

That he is the owner and using a certain water right, bearing date of priority of August 30 1909 , for 2.0 cubic feet per second of the waters of Warm Springs Creek County of Custer , State of Idaho, decreed to Otto A. Johnson by decree of Judge, E. S. Farrington of the U. S. District Court, Eastern Division of Idaho, in and for the County of Custer & Butte , in the case of Utah Construction Company vs vs. John F. Abbott et al , said decree bearing date of March 15 1923 (or obtained by virtue of License No. , issued by the State Engineer or the Commissioner of Reclamation of the State of Idaho, dated , 19 , bearing date of priority of , 19) for the purpose of irrigating the following described lands situate, lying and being in water District No 27 in the County of Custer and State of Idaho, to-wit:

The South half of the North West quarter and
the North half of the South-west quarter of
Section 27, Township 8 North, Range 22 East B.M.

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.
By Purchase

as per abstract of title of said water right hereto attached and made a part of this statement.

That said waters are now diverted from said stream in the Northwest quarter of Section Twenty eight , Township Eight North Range Twenty two East B.M. B. M. , and conducted to the above described lands through private ditches as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.6 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Custer and State of Idaho, to-wit:

North half of South East quarter of Section 28,
Township eight North , Twentytwo East B.M.

That his reasons for desiring to make such transfer are as follows

Better use of water on better soil.

That he intends to divert and convey said 1.6 second feet of water to the tract of land last above described in the following manner, to-wit: Through private ditch

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Subscribed and sworn to before me this
A D 19 6

Otto L. Johnson
Applicant.
17th day of January
W. J. [illegible]
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS.

From what stream is the water now diverted? Warm Springs Creek
Where is the diversion point now located? NW $\frac{1}{4}$ Section 28 T.8 N, R 22 E, B.M.
Through what ditch is it now conducted? Private ditch
How much land is now irrigated by the water sought to be transferred? 80 acres
Give the description N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27, 8, 22

What is the total amount of water in inches, or second feet, dedicated to said land? 320 inches

What kind of crops are being raised? hay and grain

How much water per acre is now required to irrigate said land? one inch

What will be the effect on the land now irrigated, if the use of water on it is discontinued? None

Give location of new point of diversion, if change is to be made No change

Through what ditch will it be conducted after transfer? Private

How much water will be required per acre to irrigate the land to which this water is transferred?
one inch

Do you claim any other water right for the land from which you seek to abandon the use of this water? yes

If so, give amount, date and source 3.2 C.F.S 12-6-1913 from Big Lost River

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source None

Signed *Otto L. Johnson*
Applicant.

STATE OF IDAHO,

County of *Custer*

} ss.

Frank Leavitt

and

Winston Blevins

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at *Mackay* that he is a user of water from *Wagon Spring Creek*, in Water District No. *27*, County of *Custer*, State of Idaho; that he has read or heard read the foregoing affidavit and petition of *Otto L. Johnson* and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Subscribed and sworn to before me this

A. D. 19*56*.

Frank Leavitt
Winston Blevins
9th day of *January*

Eugene B. [Signature]

STATE OF IDAHO,

County of *Custer*

} ss.

I,

J.H. Pearson

, Watermaster of

Big Lost River

Water District No. *27*, County of *Butte & Custer*, State of Idaho, whose postoffice address is *Moore, Idaho*, have read or heard read the foregoing affidavit and petition of *Otto L. Johnson*, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: *Better use of water and better soil*

[Signature]

.. Watermaster Dist No. *27*

Dated at *Mackay*

, Idaho, this

9,

day of *January*

, 19 *56*

Name of Applicant *O. H. T. Johnson*

SEC.

U.S.

SEC.

DES

SEC.

55

SEC.

SEC.

SEC.

RES

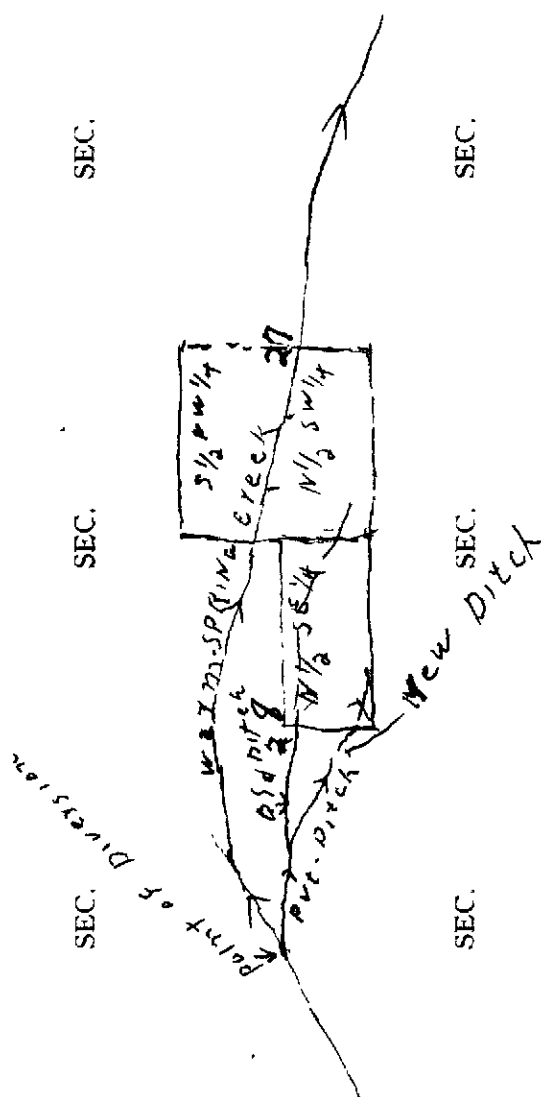
SEC.

YES

SEC.

SEC.

YES



Mackay Miner

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that C. H. L. Johnson
of Mackay, Idaho has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing him to change the ~~point of diversion~~
~~and/or~~ place of use of the waters of Reclamation Project No.
Amount: 1.6 cfs & Co. = 30, 1909.
~~as follows: Amount:~~
Point of diversion: Nur 1/4 1/4, Section 28, Township 8 N,
Range 2 E Place of Use: 52 Nur, N2 SW, 4
27 T 8 N. of 22 E

Transfer to

Point of diversion: 1/4 1/4, Section 28, Township 8 N,
~~Range~~ Place of Use: N2 SW 4
T 8 N. of 22 E

And that on the 10th day of Feb., 1966
at 2:00 o'clock A.M., at Reclamation Station, Home, Boise, Idaho,
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

C. H. L. Johnson
State Reclamation Engineer.