

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-95 IN THE)
NAME OF PICABO LIVESTOCK, INC.)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

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

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the Director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on August 19, 2022, Picabo Livestock, Inc. ("applicant") submitted the attached Temporary Change Application ("application") to the Department; and

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

WHEREAS, the applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

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

1. Diversion and use of rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 is authorized only at the points of diversion described on the application or as otherwise approved in this order.
2. Use of rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 for the remainder of the irrigation season is limited to 2711.3 acres at their authorized place of use.
3. The use of rights 37-21, 37-22, 37-186, 37-187, 37-189, 37-213, 37-215D, 37-333, 37-351A, 37-352A, 37-377, 37-378, 37-695, 37-942, 37-2405, 37-11892, 37-11898, 37-11900, 37-11903, and 37-20609 is limited to the historical use limitations as described by the water right conditions.

4. Use of water under this order may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
5. 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(s).
6. This temporary change approval does not authorize construction of a new point of diversion on Silver Creek.
7. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.
8. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
9. The applicant agrees to hold the Director and the State of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
10. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
11. This temporary change approval expires on October 31, 2022 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 1st day of September, 2022.



Corey Skinner
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2022, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING TEMPORARY CHANGE** to the person(s) listed below:

Documents Enclosed: Order Authorizing Temporary Change No. TC-37-95 and TC-37-96 in the name of Picabo Livestock Inc.

PICABO LIVESTOCK INC.
PO BOX 748
PICABO ID 83348-0748

BROCKWAY ENGINEERING PLLC
CHARLES G BROCKWAY
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301-3082

WATER DISTRICT 37
107 W 1ST ST
SHOSHONE ID 83352-5425



Denise Maline
Administrative Assistant

TC-37-95

RECEIVED
AUG 19 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Picabo Livestock, Inc. Phone (208) 788-3530
Mailing Address P.O. Box 748, Picabo, ID 83348 Email _____

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. _____
Add downstream point of diversion to allow water to be left in Silver Creek to reduce seepage loss and increase irrigation efficiency, needed due to drought conditions.

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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>See attached description of water rights</u>				_____ to _____
_____				_____ to _____
_____				_____ to _____
_____				_____ to _____

- Total amount of water being transferred 72.78 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Silver Creek and Loving Creek tributary to _____.
- Point(s) of diversion: See attached description of PODs

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number

- Lands irrigated or place of use: No change

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

Total Acres _____

6. General Information:

a. Who owns the water right to be changed? Applicant

b. Describe the arrangement allowing use of the right. _____

c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
None

d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. _____

e. Absent the changes, how would the right be used for the remainder of the year? Same

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

g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Signature of Applicant Nick Long / Picasso Livestock

8-19-22
Date

FOR DEPARTMENT USE ONLY

Received by CH Date 8.19.2022 \$50 fee received by DM Receipt No. 5039402
Recommend: ☒ approve ☐ deny Watermaster recommendation: Received 8/31/2022

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. 37-95, and said application is hereby Approved, subject to the following limitations and conditions:

See attached order

Temporary Change Expiration Date 10/31/2022

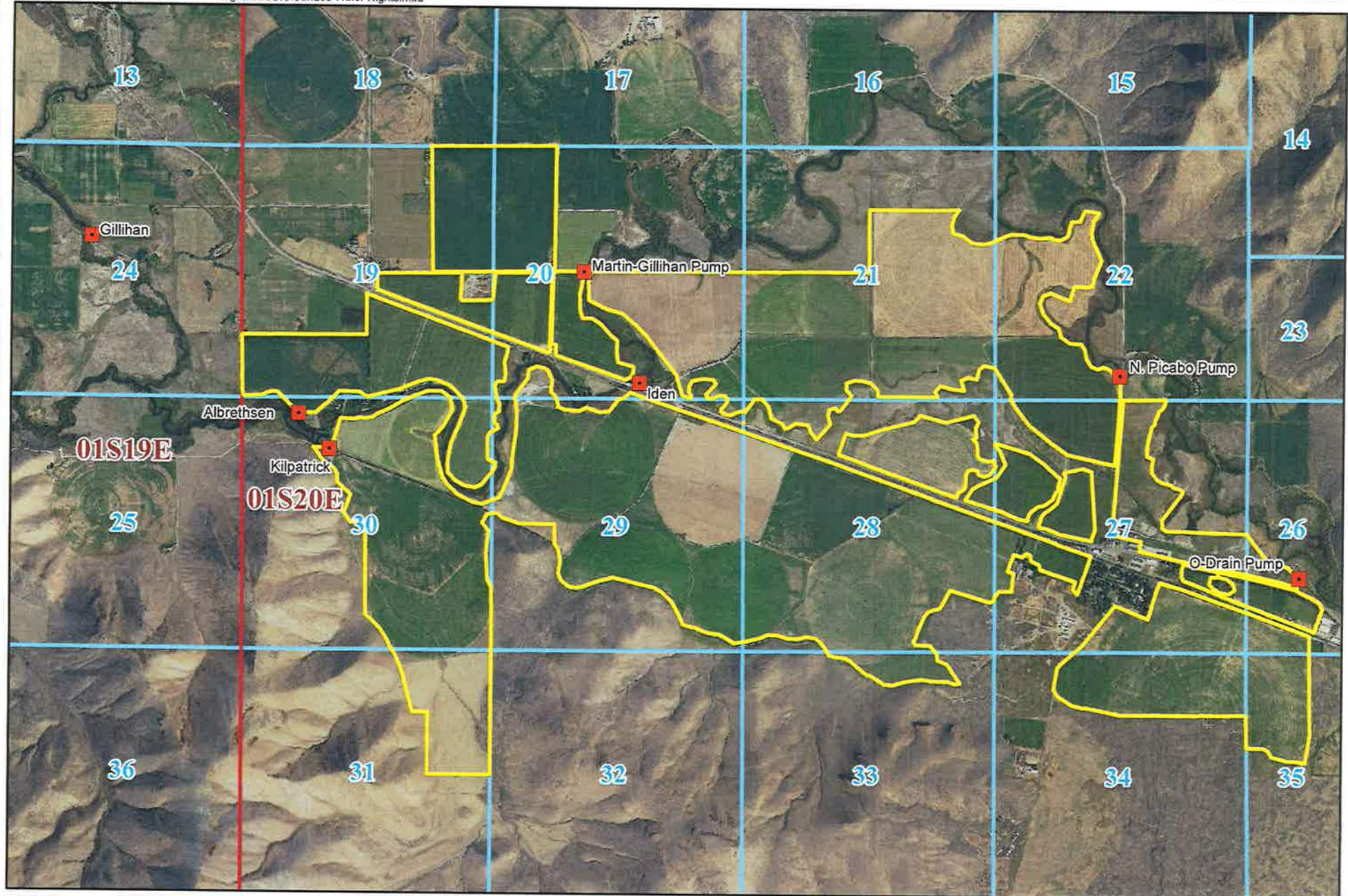
Signed this 1st day of September, 2022

For the Director

Picabo Livestock, Inc. Temporary Transfer Application
Attachment - Part B.1

Right No.	Priority	Amount (cfs)	Nature of Use	Period of Use	
				From	To
37-21	9/1/1887	5.60	Irrigation	4/15	10/31
37-22	6/17/1899	1.00	Irrigation	4/16	10/32
37-186	7/1/1886	0.40	Irrigation	4/17	10/33
37-187	11/1/1892	1.60	Irrigation	4/18	10/34
37-189	4/1/1899	1.80	Irrigation	4/19	10/35
37-213	4/1/1885	1.60	Irrigation	4/20	10/36
37-215D	3/31/1877	4.00	Irrigation	4/21	10/37
37-333	11/1/1889	1.60	Irrigation	4/22	10/38
37-351A	6/1/1886	0.25	Irrigation	4/23	10/39
37-352A	6/15/1887	0.60	Irrigation	4/24	10/40
37-377	4/1/1888	0.80	Irrigation	4/25	10/41
37-378	6/15/1888	2.00	Irrigation	4/26	10/42
37-695	4/1/1889	1.20	Irrigation	4/27	10/43
37-942	8/1/1917	5.00	Irrigation	4/28	10/44
37-2405	2/9/1920	4.00	Irrigation	4/29	10/45
37-11892	4/1/1887	3.30	Irrigation	4/30	10/46
37-11898	6/1/1889	1.54	Irrigation	4/31	10/47
37-11900	4/1/1890	14.00	Irrigation	4/32	10/48
37-11903	6/1/1893	2.80	Irrigation	4/33	10/49
37-20609	9/1/1883	19.69	Irrigation	4/34	10/50
Total		72.78			

Ident. No. TC-37-95



0 1,200 2,400 4,800 Feet

**PICABO LIVESTOCK
TEMPORARY TRANSFER
SURFACE WATER RIGHTS**

BROCKWAY ENGINEERING, PLLC.
JJJ - Date: 8/18/2022

NAIP 2021 AERIAL



IC-37-45

State of Idaho
Department of Water Resources
RECOMMENDATION FORM

RE: Temporary Change Applications to add downstream point of diversion and allow groundwater rights to be injected into Silver Creek

Applicant's Name: PICABO LIVESTOCK, INC
P.O. BOX 748
PICABO, ID 83348

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this temporary change.
- b) X I do not oppose approval of this temporary change if it is conditioned as follows:
1. Approved measuring and control devices for points of diversion. Approved measuring and control devices for injection and redirection points. Measuring device for injection into Silver Creek from Iden well. Measuring device for injection into Silver Creek from Leduc well. Measuring device for irrigation vs injection from Meadow well.
 2. Identification of associated injection and redirection points. Identification of location of injection into Silver Creek from Leduc well.
 3. Conditions to prevent injury to downstream senior surface water users.
 4. 5% to 14% conveyance loss applied to water injected into Silver Creek.
- c) _____ I oppose approval of this temporary transfer for the following reasons:
- d) _____ Additional comments:

Dated this 31st day of August 2022

Sunny Healey
Acting Watermaster's Signature



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

AUG 19 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

August 19, 2022

Idaho Department of Water Resources
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

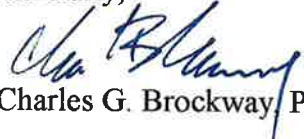
Re: Temporary transfer applications – Picabo Livestock

Enclosed please find two temporary transfer applications regarding groundwater and surface water rights in the name of Picabo Livestock Company, Inc. Due to ongoing drought conditions, additional flexibility is needed to manage the irrigation diversion system to increase system efficiency. The objective is twofold:

- 1) Add points of injection and redirection on the company's groundwater rights, thereby allowing Silver Creek to function as a conveyance system and allowing water to be pumped from two redirection points. This will save seepage losses by reducing the use of ditches to convey the groundwater, and will also benefit the riparian habitat and fishery in Silver Creek by keeping more water in the creek.
- 2) Add the North Picabo pump station as a point of diversion to the surface water rights. This station currently serves a small parcel outside of the main permissible place use, but is needed to allow several center pivots to be fed from this location. Again, seepage losses in the ditch system will be reduced and the efficiency of the system will be increased.

It appears there is adequate justification to allow approval of these transfers under the drought emergency declaration signed by Governor Little on April 29, 2022.

Cordially,


Charles G. Brockway, P.E.

Enc. Applications (2)
Application fee (2 x \$50 = \$100)
Cc: Nick Purdy