

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 11-7014)
)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-11-07

A drought emergency has been declared for Bear Lake County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

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

On August 18, 2022, Widmer Ranch LLC submitted the attached Temporary Change Application to the Department; and

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

ORDER

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

1. Diversion and use of Right No. 11-7014 is authorized only at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well or diversion works as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. The right cannot be moved back to the place of use under whence it originated for the remainder of this irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the consent of such corporation or irrigation district.
7. The applicant agrees to hold the Director and the State of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. Right holder shall allow IDWR staff and the watermaster for Water District 11F access to the measuring devices to monitor the water diverted under this right.
10. 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 19th day of August, 2022.



James Cefalo
Eastern Region Manager

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 18 2022

Department of Water Resources
Eastern Region

TC-11-07

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 Widmer Ranch LLC Phone 208-240-4696
 Mailing Address 461 Widmer Ln. Geneva, ID 83238 Email janetwidmer@live.com

A. PURPOSE OF TRANSFER

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

2. Describe the proposed change(s) and explain the reason(s) they are needed. Need to water newly planted alfalfa

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

1. Right Number 11-7014 Priority 4-10-1970 Amount 1.5 (cfs/ac-ft) Nature of Use irrigation Period of Use 8-18-22 to 10-31-22
 to _____
 to _____
 to _____
2. Total amount of water being transferred 1.5 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water ground water tributary to _____
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
13S	46E	2	1				Bear Lake	ground	
13S	46E	3		NE	SE		Bear Lake	ground	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	46E	2						11											11
13S	46E	2						Lot 1	27.8										27.8
								Lot 2											
27N	120W	24									3.3			23		1.2	11.0		38.5
											Lot 3			Lot 4					

Total Acres 77.3

6. General Information:

- a. Who owns the water right to be changed? Widmer Ranch LLC
- b. Describe the arrangement allowing use of the right. Dry up west side - use water on east side of wiper pivot.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: Dried up
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. We watered grain hay (1st cutting)
- e. Absent the changes, how would the right be used for the remainder of the year? Water 2nd cutting grain hay
- f. Describe other water rights used for the same purpose. N.A.
- 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.

Janet Widmer
Signature of Applicant

8-17-22
Date

FOR DEPARTMENT USE ONLY

Received by MH Date 8-18-22 \$50 fee received by M. Pettis Receipt No. E048424
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

see attached order

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

WATER RIGHT NO. 11-7014
As Modified by Transfer No. 81750

In accordance with the approval of Transfer No. 81750, Water Right No. 11-7014 is now described as follows:

Right Holder: WIDMER RANCH LLC
 461 WIDMER LN
 GENEVA, ID 83238

Priority Date: 4/10/1970

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	5/01	to 10/31	1.500 cfs	232.0 af
			1.500 cfs	232.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	L1 (NWNW)	Sec 2 Twp 13S Rge 46E BEAR LAKE County
GROUND WATER	NESE	Sec 3 Twp 13S Rge 46E BEAR LAKE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	46E	2						1.6	5.2										6.8
								L 1	L 2										
13S	46E	3	1.3			30.7													32.0
			L 1																
27N	20W	24									3.3			23.0		1.2	11.0		38.5
											L 3			L 4					

POU Total Acres: 77.3

CONDITIONS OF APPROVAL

1. Prior to the diversion and use of water under Transfer approval 81750, the right holder shall install and maintain IDWR-approved measuring devices, including data loggers, at both of the authorized ground water wells and on the mainline conveying water into Wyoming, at a location immediately before the mainline crosses under the highway.
2. Right holder shall allow IDWR staff and the watermaster for Water District 11F access to the measuring devices to monitor the water diverted under this right.
3. 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 place of use.
4. Place of use includes the irrigation of 38.5 acres within the State of Wyoming.
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 81750

Holliday, Michael

From: Janet Widmer <janetwidmer@live.com>
Sent: Thursday, August 18, 2022 2:37 PM
To: Holliday, Michael
Subject: [EXTERNAL] RE: Temporary Change Application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Yes 39 shares of Taylor Canal water – which is currently unavailable.

Sent from [Mail](#) for Windows

From: [Holliday, Michael](#)
Sent: Thursday, August 18, 2022 11:55 AM
To: [Janet Widmer](#)
Subject: RE: Temporary Change Application

Janet,

Yes, I need additional information. Question 6.f. says, "Describe other water rights used for the same purpose." You answered, "N.A." Are there any water rights currently associated with the "east side of the wiper pivot" as described in 6.b.? Perhaps shares in the Taylor Canal? If so, how many shares are associated with the 38.8 acres? Thanks.

Michael

From: Janet Widmer <janetwidmer@live.com>
Sent: Thursday, August 18, 2022 9:44 AM
To: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: [EXTERNAL] RE: Temporary Change Application

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Hi Michael,

My daughter brought in the application fee this morning. Is there anything else you need to complete the application? Let me know.

Thanks, Janet

Sent from [Mail](#) for Windows

From: [Holliday, Michael](#)
Sent: Wednesday, August 17, 2022 4:10 PM
To: [Janet Widmer](#)
Subject: RE: Temporary Change Application

That looks better. Thanks.

From: Janet Widmer <janetwidmer@live.com>
Sent: Wednesday, August 17, 2022 3:59 PM
To: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: [EXTERNAL] Temporary Change Application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Michael,

Here is the application with the changes that we talked about.
Thanks again for your help.

Janet