

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHTS 34-142, 34-611B,)
34-612B, 34-613B AND 34-10553B)

**ORDER AUTHORIZING
TEMPORARY CHANGE
TC-34-228**

A drought emergency has been declared for Custer County to allow administrative actions to lessen the severe impacts of the drought conditions in the county.

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 section 42-222A, Idaho Code.

On July 27, 2022, Mountain Springs Ranch LLC filed the attached Temporary Change Application, seeking to change the point of diversion and place of use for water rights 34-142, 34-611B, 34-612B, 34-613B and 34-10553B. The proposed point of diversion is located approximately five miles upstream of the existing point of diversion. The Big Lost River often breaks (ceases to flow) between the existing and the proposed points of diversion.

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. **This temporary change is effective only when the Big Lost River is connected and flowing between the proposed point of diversion (Chilly Canal) and the existing points of diversion. The authority to divert water under this temporary change terminates if the Big Lost River becomes physically disconnected between the proposed and existing points of diversion.**
2. Diversion and use of water rights 34-142, 34-611B, 34-612B, 34-613B and 34-10553B is authorized only at the point of diversion and place of use described on the application.
3. The total instantaneous diversion of water from all points of diversion under Rights 34-142, 34-611B, 34-612B, 34-613B and 34-10553B shall not exceed 10.72 cfs, a total annual maximum diversion volume of 1648.5 af at the field headgate, for the irrigation of 471.0 acres.

4. This temporary change approval does not authorize construction of a new well or diversion works as a new point of diversion.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This temporary change approval expires on October 15, 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 29th day of July, 2022.



James Cefalo
Eastern Region Manager

TC-34-228

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 27 2022

Department of Water Resources
Eastern Region

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 Mountain Springs Ranch, LLCPhone (208)588-3110Mailing Address 5550 Barton Flat Road Mackay, ID 83251Email shanemsr588@aol.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. _____

Make better use of water

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>34-10553B</u>	<u>5-1-1910</u>	<u>5.52 cfs</u>	<u>Irrigation</u>	<u>8/1 - 10/15</u>
	<u>34-611B</u>	<u>6-1-1882</u>	<u>1.5</u>	<u>Irr.</u>	<u>8/1 to 10-15</u>
	<u>34-612B</u>	<u>6-1-1886</u>	<u>.8</u>	<u>Irr</u>	<u>8/1 to 10/15</u>
	<u>34-142</u>	<u>6-30-1897</u>	<u>2.4</u>	<u>"</u>	<u>8/1 to 10/15</u>
	<u>34-613B</u>	<u>11-1-1898</u>	<u>.5</u>	<u>"</u>	<u>8/1 to 10/15</u>

2. Total amount of water being transferred 10.72 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Big Lost River

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
<u>8W</u>	<u>21E</u>	<u>1</u>		<u>SE</u>	<u>SW</u>		<u>Custer</u>	<u>Big Lost</u>	<u>Chilly Canal</u>

5. Lands irrigated or place of use:

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	
9 N	21 E	13							32.5	32.5	32.5	32.5	32.5	32.5					195
9 N	21 E	24					32.5	32.5											65

Total Acres 260

6. General Information:

- a. Who owns the water right to be changed? Mountain Springs Ranch
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land will be dry
- 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? use in different ditch with less shrink
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: _____

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

Shane Roskance
Signature of Applicant

6-30-21
Date

FOR DEPARTMENT USE ONLY

Received by M. Pettis Date 7-27-22 \$50 fee received by M. Pettis Receipt No. E048350
 Recommend: ☒ approve ☐ deny Watermaster recommendation Phone call with Preston M. on 7/29/22
→ He does not oppose the proposed changes.

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



Google Earth

Camera: 4,792 m 44°06'23"N 113°55'22"W 1,925 m

44°06'37" N
113° 55'29" W

Idaho Department of Water Resources Receipt

Receipt ID: E048350

Payment Amount	\$50.00	Date Received	7/27/2022	Region	EASTERN
Payment Type	Check	Check Number	3986		
Payer	Mountain Springs Ranch LLC				
Comments	Temporary Change Application Mountain Springs Ranch LLC 34-611B, 612B, 142, 613B				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	TRANSFERS	63105	0229	21		1155



Signature Line (Department Representative)

Cefalo, James

From: General Manager <blridgm@atcnet.net>
Sent: Friday, July 29, 2022 10:22 AM
To: Cefalo, James
Subject: RE: Temporary Change Apps - Williams, Mountain Springs Ranch

The BLRID does not oppose the Williams application and has no obligation to the Mt.Springs application since it is above the reservoir and out of our district.

Thank you

From: Cefalo, James <James.Cefalo@idwr.idaho.gov>
Sent: Friday, July 29, 2022 9:54 AM
To: watermaster34@atcnet.net; General Manager <blridgm@atcnet.net>
Cc: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: Temporary Change Apps - Williams, Mountain Springs Ranch

Preston and BLRID General Manager,

Attached are two temporary changes proposed in Water District 34. Please review the proposed changes and respond to this email if you have any comments or concerns. If IDWR has not received your recommendation by 5pm on Monday, August 1, 2022, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

Thanks,

James

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

Cefalo, James

From: Cefalo, James
Sent: Friday, July 29, 2022 1:39 PM
To: shanemsr588@aol.com
Cc: watermaster34@atcnet.net
Subject: Temporary Change Approval
Attachments: Order Authorizing TC-34-228.pdf

Shane,

I spoke with the watermaster earlier today and determined that your temporary change could be approved because the river is still reaching the upper end of the reservoir. The water rights can be diverted at the Chilly Canal as long as the river remains connected between the existing points of diversion and the Chilly headgate. Attached is the approval for TC-34-228. The connection requirement is described in Condition #1. Feel free to call if you have any questions.

James

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