

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHTS 34-2377 AND 34-7054A)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE
TC-34-227**

A drought emergency has been declared for Butte 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 22, 2022, Brett Williams filed the attached Temporary Change Application, seeking to change the point of diversion and place of use for a portion of water rights 34-2377 and 34-7054A.

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 the changed portions of water rights 34-2377 and 34-7054A are authorized only at the point of diversion and places of use described on the application.
2. Rights 34-486A, 34-889 and 34-2377 when combined shall not exceed a total diversion rate of 2.04 cfs and the irrigation of 78 acres.
3. Rights 34-486A, 34-889, 34-2377, 34-7A, 34-8A, 34-18, 34-19, 34-20A, 34-253B, 34-569E, 34-608B, 34-609B, 34-10634, 34-13581 and 34-13582 when combined shall not exceed the irrigation of 637 acres.
4. Rights 34-7054A, 34-7A, 34-8A, 34-18, 34-19, 34-20A, 34-253B, 34-569E, 34-608B, 34-609B, 34-10634, 34-13581 and 34-13582 when combined shall not exceed a total diversion rate of 13.84 cfs and the irrigation of 637.7 acres.

5. This temporary change approval does not authorize construction of a new well or diversion works as a new point of diversion.
6. 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.
7. 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.
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 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. 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 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 29th day of July, 2022.



James Cefalo
Eastern Region Manager

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 Brett Williams Phone 208-589-1324
Mailing Address 3962 N 3580 W, Moore, ID 83255 Email bretttrudy@icloud.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. _____
Due to drought conditions in the basin, surface water availability is greatly reduced. Groundwater is required to supplement surface water for healthy crop production. The proposed transfer will move 37 acres to the proposed place of use. The acres from which the water rights are taken are under pasture and can be dry for the season.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
34-7054A	12/10/1973	0.51 cfs	Irrigation	4/01 to 11/01
34-2377	7/22/1960	0.2 cfs	Irrigation	4/01 to 10/31
				to
				to

2. Total amount of water being transferred 0.71 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	¼	¼	¼	County	Source	Local name or tag number
6N	26E	7			NE	NE	BUTTE	Ground water	POD for 34-2377

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	
6N	26E	5											0.4						0.4
													L4						
		6																35	35
		7	8.4																8.4
		8						0.2											0.2

Total Acres 44

6. General Information:

- Who owns the water right to be changed? Applicant
- Describe the arrangement allowing use of the right. _____
- Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The land now irrigated will no longer be irrigated by the overlapping ground water right. If surface rights are available, however, they may be used. No enlargement-all lands overlapped by the same surface water rights.
- Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. It has been used under the existing pivot system.
- Absent the changes, how would the right be used for the remainder of the year? It would be used to irrigate the existing place of use for the growth of fall pasture.
- Describe other water rights used for the same purpose. All lands overlapped by the same surface water rights.
- Remarks: The pasture currently under irrigation at the existing place of use does not require water for the remainder of the season and can be dry. However, the proposed place of use has grain planted and requires irrigation to mature the crop.

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.

Brett Williams
Signature of Applicant

7-14-22
Date

FOR DEPARTMENT USE ONLY

\$50 for this app

Received by MP Date 7/22/22 \$50 fee receipted by MP Receipt No. E048339
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

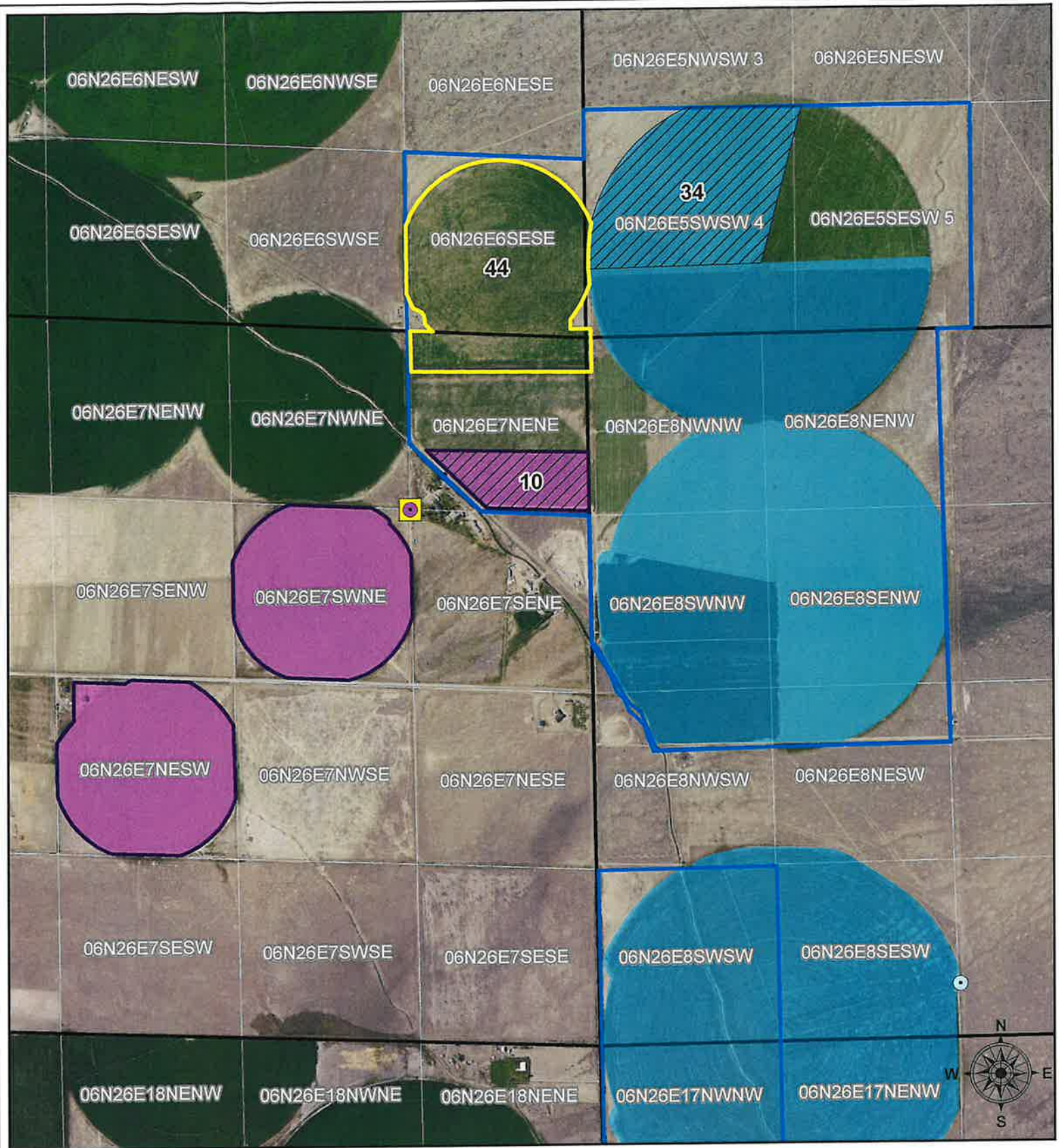
This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

See attached orders.

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director



0 0.25 0.5 1 Miles 2021 NAIP

- Proposed POD
- Proposed POU
- Dry Acres
- POD 34-2377
- POU of SW Overlapping 34-2377
- POU 34-2377
- POD 34-7054A
- POU of SW Overlapping 34-7054A
- Twp § Rng
- Section
- QQ

Temporary Change Application 2022

Brett Williams

RMEA #15-0067

by: KM

Date: 7/14/2022



<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	26E	7		NENE NESW	9.7 34.3		SWNE	34						

Total Acres: 78

Conditions of Approval:

1. X35 Rights 34-486A, 34-889 and 34-2377 when combined shall not exceed a total diversion rate of 2.04 cfs and the irrigation of 78 acres.
2. X35 Rights 34-486A, 34-889, 34-2377, 34-7A, 34-8A, 34-18, 34-19, 34-20A, 34-253B, 34-569E, 34-608B, 34-609B, 34-10634, 34-13581 and 34-13582 when combined shall not exceed the irrigation of 637 acres.
3. R05 Use of water under this right 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. 34.
4. 214 Prior to the diversion and use of water under Transfer approval 84776, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. R63 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.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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.
9. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

7/14/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-7054A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRETT WILLIAMS
Current Owner	TRUDY WILLIAMS 3962 N 3580 W MOORE, ID 83255-8740 2085891324
Original Owner	ALBERT W FULLMER JR 3960 N 3650 W MOORE, ID 83255-8749 2085883383
Security Interest	IDAHO AGCREDIT PCA PO BOX 985 BLACKFOOT, ID 83221-0985 8006868910

Priority Date: 12/10/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	5.86 CFS	1367.1 AFA
Total Diversion			5.86 CFS	1367.1 AFA

Location of Point(s) of Diversion:

GROUND WATER|SWSWSE|Sec. 08|Township 06N|Range 26E|BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	26E	5	4	SWSW	52	5	SESW	12						
		8		NENW	29		NWNW	26		SWNW	37		SENW	39
				NESW	9.6		NWSW	10		SWSW	36		SESW	35
		17		NENW	34		NWNW	35		SWNW	35			
				NWSW	1									

Total Acres: 390.6

Conditions of Approval:

1. X35 Rights 34-7054A, 34-7A, 34-8A, 34-18, 34-19, 34-20A, 34-253B, 34-569E, 34-608B, 34-609B, 34-10634, 34-13581 and 34-13582 when combined shall not exceed a total diversion rate of 13.84 cfs and the irrigation of 637.7 acres.
2. R05 Use of water under this right 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. 34.
3. 214 Prior to the diversion and use of water under Transfer approval 84777, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. R63 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.
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7. 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.
8. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 06/22/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

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 1:30 PM
To: bretttrudy@gmail.com
Cc: Kristin Moore; watermaster34@atcnet.net
Subject: Temporary Change TC-34-227
Attachments: Order Authorizing TC-34-227.pdf

Brett,

Attached is an order approving your recently filed temporary change application. You can move forward with the proposed change. I apologize for the delay in getting this reviewed. Feel free to contact me or Michael Holliday if you have any questions.

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