

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-45-04)
IN THE NAME OF EUGENE MATTHEWS)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Cassia 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 July 27, 2022, Eugene Matthews ("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

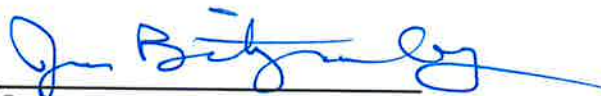
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of rights 45-13552, bearing a priority of 12/10/1956, and 45-13554, bearing a priority of 2/1/1954, is authorized only at the point of diversion described on the application or as otherwise approved in this order.
2. Use of rights 45-13552 and 45-13554 for the remainder of the irrigation season is limited to 171.0 acres at the place of use described in the application.
3. The use of rights 45-13552 and 45-13554 is limited to the historical use limitations locally imposed by the watermaster.
4. This temporary change approval does not authorize construction of a new well.
5. 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.

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 written 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. When this right and others appurtenant to the lands identified on the application are combined, no more than 0.02 cfs per acre may be diverted at any one time at the field headgate.
10. This temporary change approval expires on November 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.
11. This exchange is subject to a private agreement between Alyssa, Rick, Colt, and Morgan Robinson (owners of the water rights) and Eugene Matthews, dba H & E Holdings, LLC (owner of the well proposed as the temporary point of diversion under this approval).

DATED this 5th day of August, 2022.

For 
Corey Skinner
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August, 2022, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING TEMPORARY CHANGE** to the person(s) listed below:

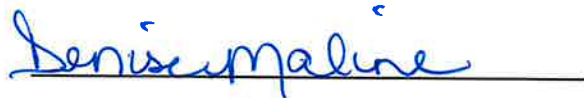
Documents Enclosed: Order Authorizing Temporary Change No. TC-45-04, in the name of Eugene Matthews; Water Right No(s). 45-13552 and 45-13554

EUGENE MATTHEWS
1249 S HWY 27
OAKLEY ID 83346-9755

RICK R ROBINSON
ALYSSA M ROBINSON
161 W 1495 S
OAKLEY ID 83346-8780

COLT T ROBINSON
MORGAN N ROBINSON
1560 S 500 W
OAKLEY ID 83346-9751

WATER DISTRICT 140
ADAM MC COY
355 W 500 S
BURLEY ID 83318-5229



Denise Maline
Administrative Assistant

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.)

TC-45-04

RECEIVED

JUL 27 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant Eugene Matthews

Phone 208-431-3200

Mailing Address 1249 S. HWY 27 Oakley Idaho 83344

Email ematt1954@gmail.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.

Water will be transferred to a nearby parcel of land owned by neighbor who does not have sufficient water from the Oakley Canal Company to irrigate the planted crop for the 2022 season due to the current drought conditions.

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
45-13552	12/10/1956	1.56 cfs	irrigation	3/15 to 11/15
45-13554	2/1/1954	0.74 cfs	irrigation	3/15 to 11/15
				to
				to

2. Total amount of water being transferred 2.3 cubic feet per second and/or 684 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	22E	09		SE	NW	NE	CASSIA	GROUND WATER	A0013301

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	
13S	22E	4	~~42~~	~~42~~	~~40~~	~~40~~													~~164~~
			34	36	37	37													144
12S	22E	27															27		27

EM 7/26/22

Total Acres 164

171

6. General Information:

- a. Who owns the water right to be changed? Colt T Robinson
- b. Describe the arrangement allowing use of the right. Private agreement made between users to allow usage of right as described. See attached signed agreement.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
n/a
- 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? Right would continue to be fallowed or used very little for pasture grass.
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: 11 acres overlapping other ground water rights owned by Matthews

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]
Signature of Applicant

7/25/22
Date

FOR DEPARTMENT USE ONLY

Received by SG Date 7/27/2022 \$50 fee received by SG Receipt No. 5039361
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

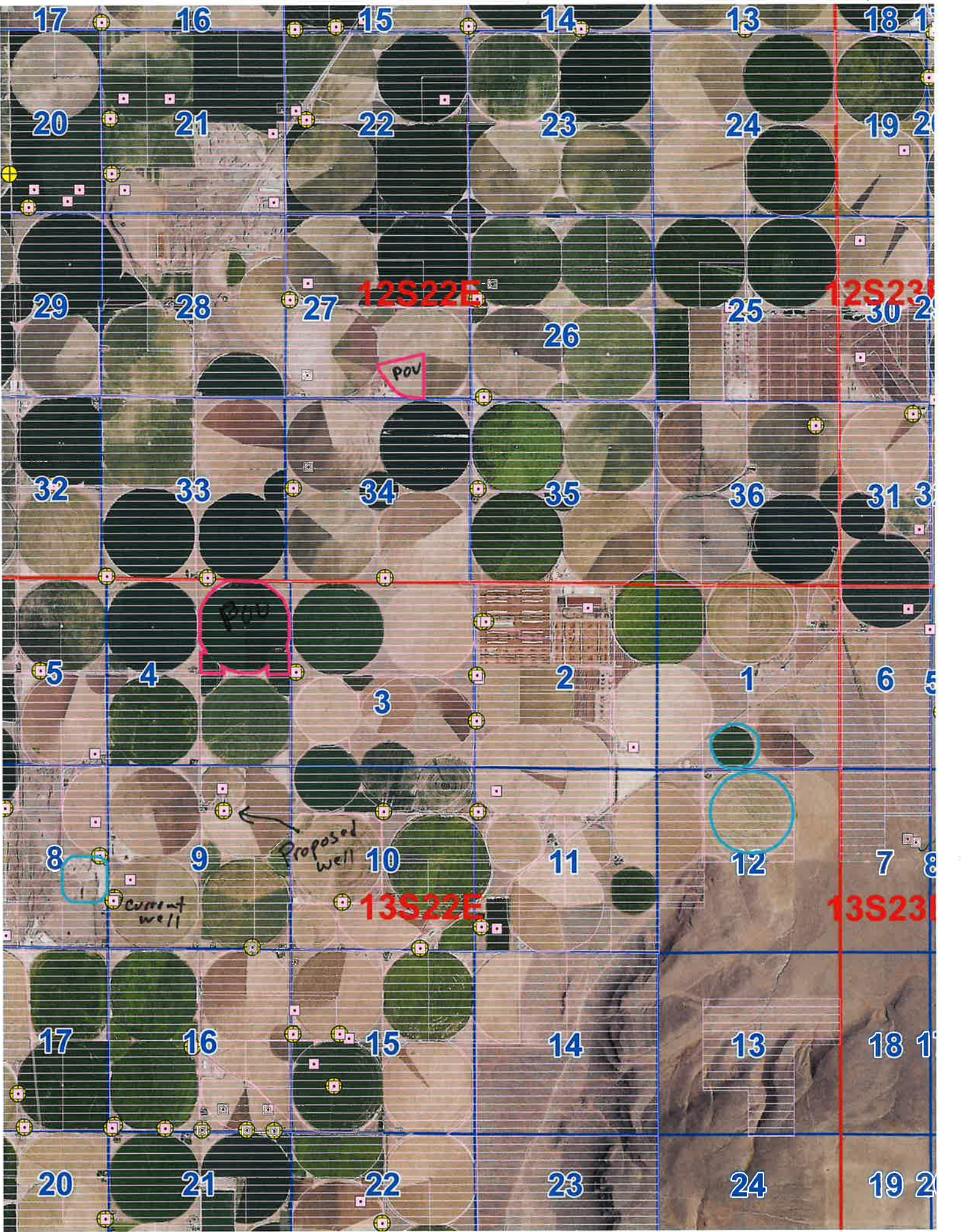
This is to certify that I have examined Temporary Change Application No. TC-45-04, and said application is hereby approved, subject to the following limitations and conditions:

See attached 8/5/2022 order

Temporary Change Expiration Date 11/15/2022

Signed this 5th day of August, 2022.

[Signature] FOR Corey Skinner
For the Director



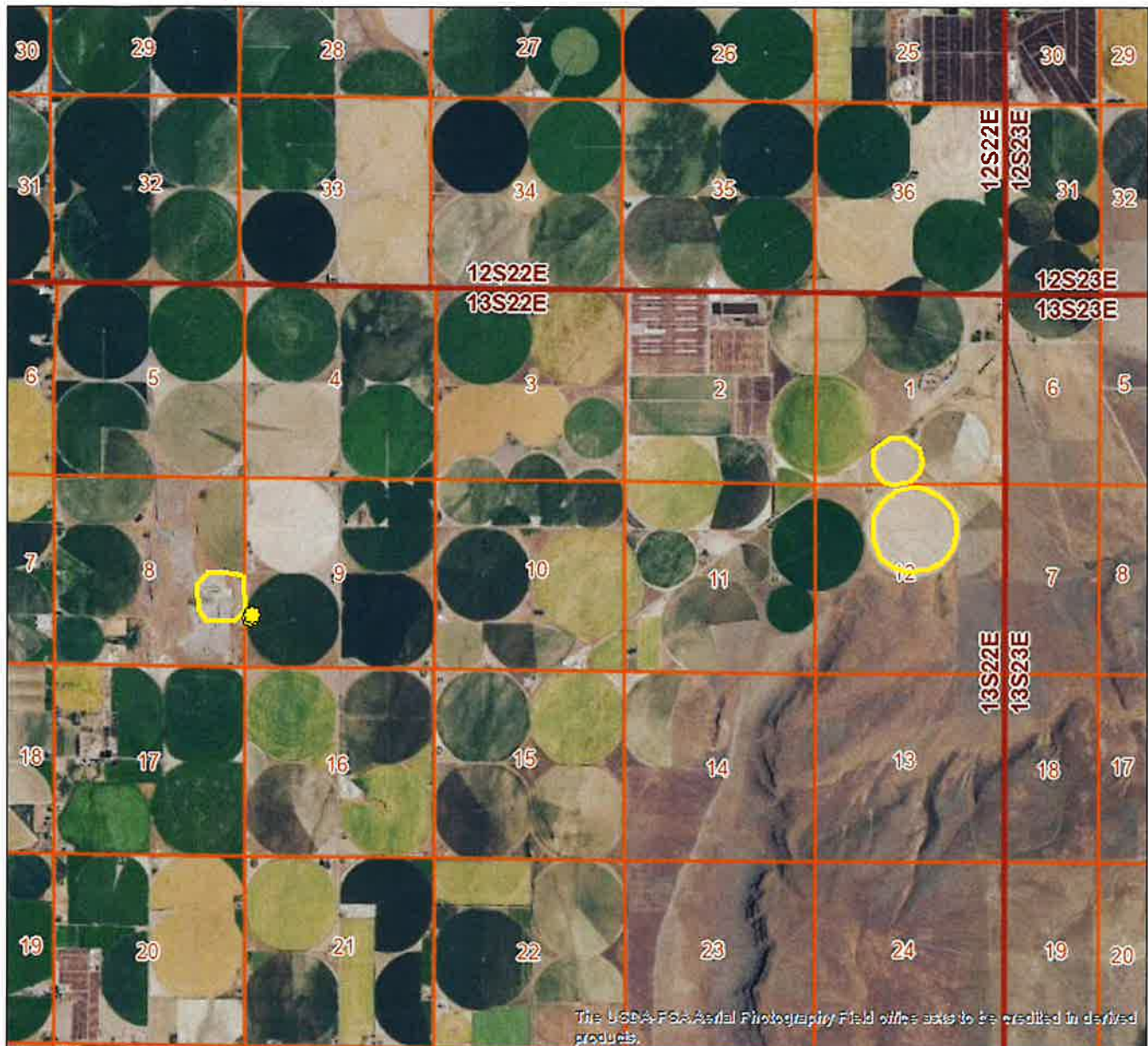
State of Idaho
Department of Water Resources

Water Right

45-13552

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



The USDA FGA Aerial Photography Field office exists to be credited in derived products.



Date created: 7/26/2022



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections



July 25, 2022

Temporarily ^{FM}
CR

I, Colt Robinson, give permission to transfer water rights 45-13552 & 45-13554, to Eugene Matthews, to be used on acres located in 13S 22E S04.

Signature: Colt Robinson

Jack R. Robinson
Hogan Robinson
Alyson Robinson

Bitzenburg, James

From: Adam McCoy <adam@waterwellconsultants.com>
Sent: Thursday, August 4, 2022 3:48 PM
To: Bitzenburg, James
Subject: Re: Comments regarding Temporary Change Application
Attachments: Matthews Temp Change.pdf

Sorry, I've been out of the office doing working. I have no concerns with the transfer.

Adam

Sent from my iPhone

On Aug 4, 2022, at 3:15 PM, Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov> wrote:

Adam-

I sent you an email last week soliciting watermaster comments on a Temporary Change Application (copy attached) we received from Eugene Matthews north of Oakley. I will be writing the order for the Temporary Change tomorrow and I wanted to make sure you had the opportunity to comment on it. Let me know, if you could, by tomorrow if you have any concerns or questions. Thanks for your assistance.

Jim

Jim Bitzenburg
Water Rights Supervisor
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov