

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 34-302)
)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-224

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; 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 June 29, 2022, Richard Reynolds 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 the changed portion of Right No(s). 34-302 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. Rights 34-302, 34-7019B, and 34-10056B when combined shall not exceed a total diversion rate of 0.61 cfs, and the irrigation of 23 acres. The changed portion of right 34-302 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. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. 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 14th 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.)

RECEIVED
JUN 29 2022
Department of Water Resources
Eastern Region

TC-34-224

Name of Applicant Richard Reynolds Phone 208.680.9368
Mailing Address 3253 W 2800 N, Arco, ID 83213 Email reynre@hotmail.com

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. Suffering significant shrink in the East Side Canal due to drought. Moving water right 34-14590 and a portion of 34-302 to my POU to supplement my existing rights in order to have adequate water for pivot.

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
~~34-14590~~	~~4/22/1889~~	~~0.80 cfs~~	~~Irrigation~~	~~6/29 to 10/15~~
34-302	4/22/1889	0.56 cfs	Irrigation	6/29 to 10/15
				to
				to

- Total amount of water being transferred ~~1.36~~ 0.56 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Big Lost River tributary to Sinks
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
5N	26E	4		NW	SE	SE	Butte	Big Lost River	East Side Ditch

5. Lands irrigated or place of use:

6. Land irrigated or plowed																			
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	
4N	26E	15			~~30~~	21													21 51

* APPLICATION CHANGES IN RED PER TELECON W/ APPLICANT ON 7/12/22.

Total Acres 21 51

6. General Information:

- a. Who owns the water right to be changed? ~~Beverly & Shelton Beach~~; Jamie & Kathy Hjelm
- b. Describe the arrangement allowing use of the right. Written agreements
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
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? Would not be used
- f. Describe other water rights used for the same purpose. 34-301F, 34-301E, 34-2496
- g. Remarks: ~~Rights 34-14591 and 34-14592 will not be used at the existing POU this yr because the well went dry.~~
2 of the 23 acres under the Hjelm right will not be moved, leaving 21 acres for this transfer.

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

6/29/2022

Date

FOR DEPARTMENT USE ONLY

Received by CXH Date 6/29/22 \$50 fee received by CXH Receipt No. E048274
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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2022

Water Right 34-302

Owner Type

Current Owner
Current Owner

Name

JAMIE HJELM
KATHY HJELM

Priority Date: 4/22/1889

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

0.920 CFS

Volume

Total Diversion

0.920 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSESE

Sec. 4, Twp 05N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

T04N R26E S14

NWNW

18.0

T04N R26E S14

SWNW

5.0

POU Total Acres

23.00

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E52 The rights listed below are limited to a total combined diversion rate of 0.61 cfs. Combined Right Nos.: 34-302, 34-7019B, and 34-10056B
3. E56 The rights listed below are limited to the irrigation of a combined total of 23 acres in a single irrigation season. Combined Right Nos.: 34-302, 34-7019B, and 34-10056B
4. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
5. Water is delivered through Eastside Canal.
6. PIN Parcel No. RP04N26E143150, RP04N26E143440, and RP04N26E143900
7. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2022

Dates and Other Information:

Decreed Date: 10/25/2016
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
2.120			34-302 ,34-7019B ,34-10056B
		53.0	34-302 ,34-7019B ,34-10056B
3.520		132.0	34-7019 ,34-10056 ,34-302 ,34-2252

SubCase:

SubCaseNumber: 34-302
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 2/26/1993
Objection Status: Withdrawn or Dismissed

Water Supply Bank:

N/A

J Jamie Helm Lit

Rick Reynolds Use my
WATER Rights For the year
of 2022.

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

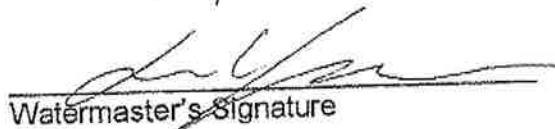
Application No: TC-34-224Applicant's Name: RICHARD REYNOLDS

Watermaster's Recommendation:

- a) LY I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows: _____

- c) _____ I oppose approval of this application for the following reasons: _____

- d) _____ Additional Comment: _____

Dated this 5 day of July, 2022Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Tuesday, July 5, 2022 8:57 AM
To: Holliday, Michael
Subject: RE: Reynolds temporary change app

The BLRID does not oppose TC 34-224.

Thanks

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Thursday, June 30, 2022 10:20 AM
To: General Manager <blridgm@atcnet.net>; watermaster34@atcnet.net
Subject: Reynolds temporary change app

Lucas,

Attached is a temp change for your comments. Your prompt response will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 7 days, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider. Let me know if you have any questions. Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177