

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 29-11458)
)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-29-20

A drought emergency has been declared for Bannock 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 30, 2022, Meadowbrook Ranch 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;

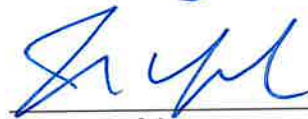
ORDER

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). 29-11458 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. Right 29-11458 is limited to the irrigation of a total of 211 acres within the authorized places of use. The changed portion of the right cannot be moved back to the place of use under whence it originated for the remainder of the 2022 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. 29H is authorized to administer the temporary change approval.
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 5th 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 30 2022

Department of Water Resources
Eastern Region

TC-29-20

Name of Applicant MEADOWBROOK RANCH - RALPH O WHEATLEY

Phone 208-251-1243

Mailing Address PO Box 116 McCammon, ID 83250

Email upb4u@yahoo.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. _____

Change is requested to allow use of early priority date on the west side of the Marsh Creek on current crop acreage while drying up acreage on east side of Marsh Creek. Acreage would net to 211 acres total for remaining 2022 irrigation season with associated water rights below. Approx. 70 acres WR 29-2365B

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
29-11458	04/01/1896	1.54	irrigation	6/30 to 10/31
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.54 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Marsh Creek tributary to Portneuf River

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
9S	36E	10	8		SE	SE	Bannock	Marsh Creek	Marsh Creek Pump

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	
9S	36E	10													1	19	32	14	66
		15	3.6	7.4															11

Total Acres 77

6. General Information:

- a. Who owns the water right to be changed? Meadowbrook Ranch C/O Ralph Wheatley
- b. Describe the arrangement allowing use of the right. Existing owner of both rights
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This would allow to continue to irrigate acreage that is planted in a crop drying up other acreage on east side
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Used for irrigation.
- e. Absent the changes, how would the right be used for the remainder of the year? Would be used for irrigation
- f. Describe other water rights used for the same purpose. Used for Flood irrigation and Sprinkler irrigation
- g. Remarks: Drought and early curtailments would not allow to finish crop associated with WR 29-2365B

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.

Ralph Wheatley
Signature of Applicant

6/30/2022
Date

FOR DEPARTMENT USE ONLY

Received by MA Date 6/30/22 \$50 fee received by CAH Receipt No. E048279
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

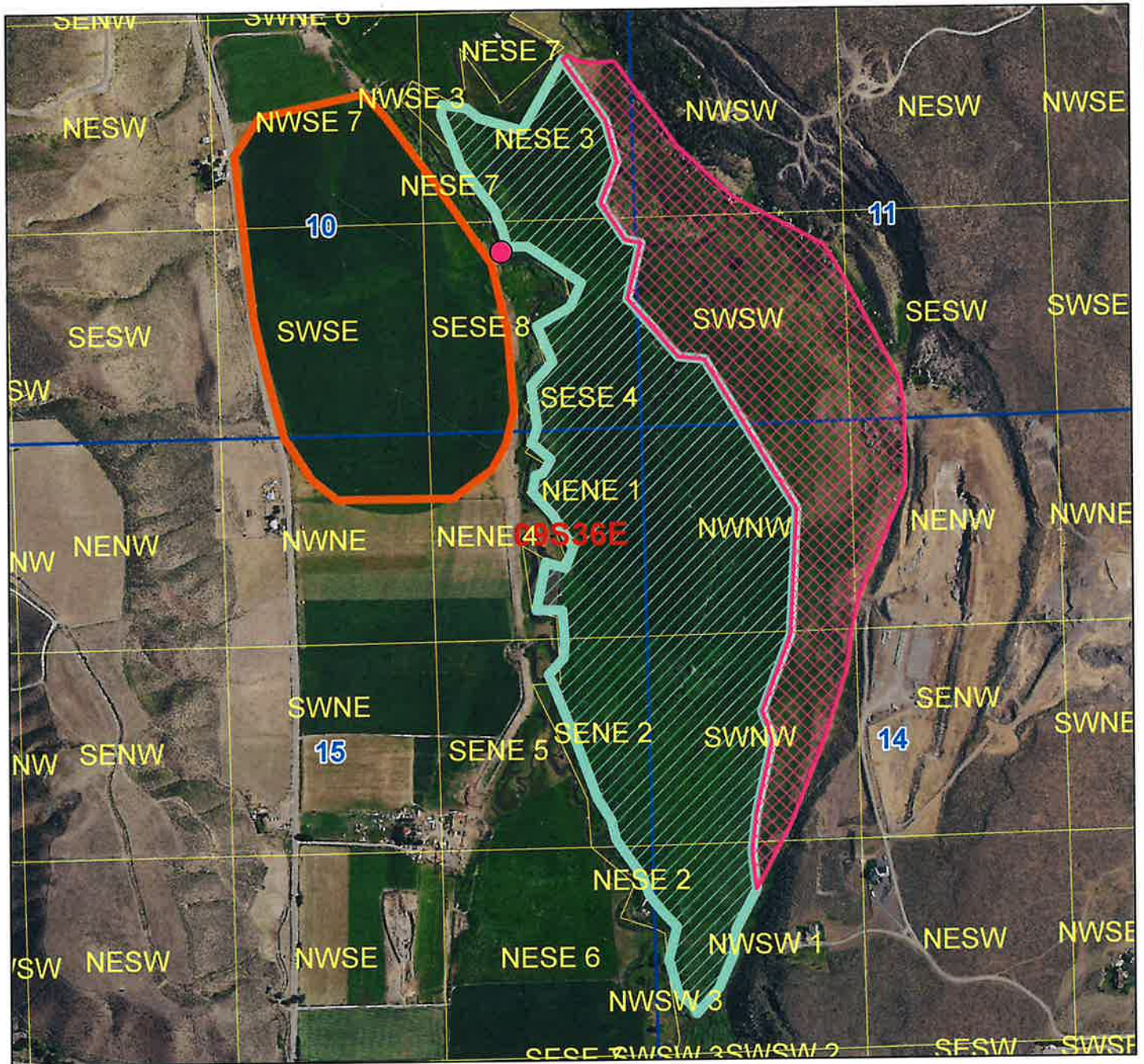
This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

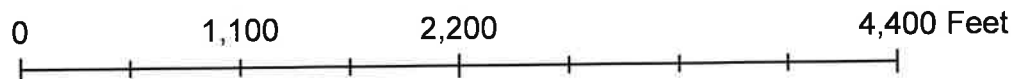
For the Director

Wheatley Temporary Change



Legend

-  Proposed POD
-  Acres to be dry
-  Unchanged acres
-  Temp change acres
-  Township/Range
-  Sections
-  QQ



MH

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

6/30/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 29-11458

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MEADOWBROOK RANCH C/O RALPH WHEATLEY 10053 S MARSH CREEK RD MCCAMMON, ID 83250 2082543186
Original Owner	WAYNE N WHEATLEY 1859 W ARIMO RD ARIMO, ID 83214 2082543538

Priority Date: 04/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MARSH CREEK	PORTNEUF RIVER
UNNAMED STREAM	MARSH CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	4.22 CFS	
STOCKWATER	01/01	12/31	0.07 CFS	
Total Diversion			4.22 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAM	SESE Lt 4	Sec. 10	Township 09S	Range 36E	BANNOCK County
MARSH CREEK	SESE Lt 8	Sec. 10	Township 09S	Range 36E	BANNOCK County
UNNAMED STREAM	SWNW	Sec. 14	Township 09S	Range 36E	BANNOCK County
MARSH CREEK	NWSW Lt 1	Sec. 14	Township 09S	Range 36E	BANNOCK County
MARSH CREEK	NWSW Lt 1	Sec. 14	Township 09S	Range 36E	BANNOCK County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<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>
09S	36E	10	3	NESE	19	4	SESE	17						
		11		NWSW	8		SWSW	39		SESW	5			
		14		NENW	7		NWNW	40		SWNW	34			
			1	NWSW	12									
		15	1	NENE	17	2	SENE	13						

Total Acres: 211

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. STOCKWATER 300 CATTLE
3. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
4. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 29H

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-29-20

Applicant's Name: MEADOWBROOK RANCH

Watermaster's Recommendation:

- a) ☒ 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 1ST day of July, 2022.

Water District No: 29H

Steven P. Visosky
Watermaster's Signature

Use reverse side of page if you need more space.

Steven Visosky
ASSISTANT Watermaster, WD29H