

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-93)
IN THE NAME OF LAWRENCE KIMBALL)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Blaine 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 June 9, 2022, Lawrence Kimball ("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 right 37-8693 bearing a priority of 11/20/1990 is authorized only at the point of diversion described on the application or as otherwise approved in this order.
2. Use of right no. 37-8693 is subject to a private agreement between Patrick Skelton (right holder) and Lawrence Kimball.
3. The use of right 37-8693 is limited to the historical use limitations locally imposed by the watermaster and may further be limited to account for additional conveyance loss in deliverance of this temporary change.
4. This temporary change approval does not authorize construction of a new well or a new diversion from Fish Creek

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. Use of right no. 37-8693 for the remainder of the irrigation season is limited to the irrigation of the lands within the SENW and SWNE S17, T1S, R22E. (Approximately 60 acres)
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. To prevent injury to other water rights the Watermaster of Water District No. 37-U is authorized to administer the temporary change approval. 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.
11. 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 13th day of June, 2022.



Corey Skinner
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June, 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-37-93, in the name of Lawrence Kimball; Water Right No. 37-8693

LAWRENCE KIMBALL
35 LAIDLAW RD
CAREY, ID 83320-5000

LEON SKELTON
FRANCES SKELTON
2958 THAYER BRIDGE CR
IDAHO FALLS, ID 83402-4660

WATER DISTRICT 37-U
JERRY WEAVER, WATERMASTER
PO BOXF 186
CAREY, ID 83320-0186



Denise Maline
Administrative Assistant

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/13/2022

- | | | |
|----|-----|---|
| 3. | 104 | If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required. |
| 4. | R05 | Use of water under this right will 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. 37 U. |
| 5. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 6. | R55 | This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest. |
| 7. | 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. |

Dates and Other Information:

Licensed Date: 6/27/2013

Owner Name Connector: And

Water District Number: 37U

Swan Falls Trust or Nontrust: T

Mitigation Plan: False

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-37-93
RECEIVED
JUN 09 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant LAWRENCE KIMBALL Phone 208-481-0011
Mailing Address 35 LAIDLAW ROAD CAREY ID 83320 Email _____

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. TO IRRIGATE
LAND THAT IS SHORT OF WATER THIS YEAR

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>37-8693</u>	<u>11/20/1990</u>	<u>1.0 CFS</u>	<u>IRRIGATION</u>	<u>6/15/22 to 10/31/22</u>
_____	_____	_____	_____	to _____
_____	_____	_____	_____	to _____
_____	_____	_____	_____	to _____
2. Total amount of water being transferred 1.0 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	1/4	1/4	1/4	County	Source	Local name or tag number
<u>01N</u>	<u>22E</u>	<u>1</u>			<u>NW</u>	<u>SW</u>	<u>BLAINE</u>	<u>GROUND WATER</u>	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>01S</u>	<u>22E</u>	<u>17</u>			<u>39</u>					<u>21</u>									<u>60</u>

Total Acres 60

6. General Information:

- a. Who owns the water right to be changed? PATRICK SKELTON
- b. Describe the arrangement allowing use of the right. PRIVATE AGREEMENT BETWEEN PARTIES
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
LAND HAS NOT BEEN IRRIGATED WITH WELL WATER THIS YEAR
- 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? NO PLANS TO USE THE WELL THIS YEAR, OTHER THAN ON LAND LISTED ON FIRST PAGE
- f. Describe other water rights used for the same purpose. SURFACE RIGHTS FROM EAST FORK
- g. Remarks: FISH CREEK ON CURRENT PLACE OF USE, LAND LISTED ON FIRST PAGE HAS FISH CREEK RESERVOIR STORAGE WATER WHICH IS MORE RELIABLE (RONS LONGER) THAN EAST FORK OF FISH CREEK

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.

James R. Smith
Signature of Applicant

Date

FOR DEPARTMENT USE ONLY

Received by SG Date 6/9/22 \$50 fee received by SG Receipt No. 5039286
Recommend: ☒ approve ☐ deny Watermaster recommendation OK 6/10/2022

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-37-93, and said application is hereby approved, subject to the following limitations and conditions:

See attached order dated 6/13/2022

Temporary Change Expiration Date 10/31/2022

Signed this 13th day of June, 2022.

[Signature]
For the Director

I give Lawrence Kimball
Permission to temporarily transfer
my well water #37-8693 to his property
Paul Skelton

I GIVE LAWRENCE KIMBALL
PERMISSION TO TEMPORARILY TRANSFER
MY WELL WATER #37-8693 TO HIS
PROPERTY.

Paul Skelton

M E M O R A N D U M

Date: June 10, 2022
To: Water Right TC-37-93, Lawrence Kimball
From: Benny Walker
Re: Watermaster Jerry Weaver 37U

On this date I called Jerry Weaver watermaster for 37U, Fish Creek, to discuss Lawrence Kimball's application for temporary change of a water right TC-37-93. Mr. Weaver was aware of Mr. Kimball's application for temporary change and gave his consent and approval for the application.