

** THIS TEMPORARY CHANGE BECAME EFFECTIVE ON 8/9/22.
MH*

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-2419B and)
34-12391)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-216

WHEREAS, 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

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 purposes of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on May 20, 2022, Craig Stewart submitted the attached temporary change application to the Department; and

WHEREAS, 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 rights 34-2419B and 34-12391 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 as a 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 that normally have a full water supply, except for the drought conditions. 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 34-2419B is limited to the irrigation of 98 acres within the authorized place of use in a single irrigation season. Rights 34-2419B and 34-12391 when combined shall not exceed a total diversion rate of 1.96 cfs and a total annual maximum diversion volume of 511 af. Right 34-12391 is based upon an enlargement of Right No. 34-2419B pursuant to Idaho Code § 42-1426. Right 34-12391 is for an enlargement of 48 acres within the place of use described for this right.
6. Rights 34-213E, 34-214C, 34-589, 34-943, 34-2419B, and 34-12391 when combined shall not exceed a total diversion rate of 3.70 cfs and the irrigation of 146 acres.
7. Right(s) 34-2419B and 34-12391 when combined are limited to the irrigation of a total of 146 acres for the remainder of the irrigation season in 2022 at the place of use described in the application. The rights cannot be moved back to the place of use under whence they originated for the remainder of this irrigation season. The acres dried up in this temporary change cannot be irrigated from any source (including Big Lost River Irrigation District storage).
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 written consent of such corporation or irrigation district.
9. The applicants agree 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 does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
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 2nd day of June, 2022.



James Cefalo
Eastern Region Manager

RECEIVED

MAY 20 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

TC-34-216

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 Craig Stewart Phone 208-527-3621
Mailing Address 3405 W. 2700 N. Moore ID 83255 Email runnful@hotmail.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. _____

Rearranging POU to make better use of available water supplies, due to shortage of surface water

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
34-2419B	06/05/1961	1.96 cfs	Irrigation	04/29 to 10/31
34-12391	05/02/1984	0.98 cfs	Irrigation	04/29 to 10/31
				to
				to

2. Total amount of water being transferred 1.96 cubic feet per second and/or 511 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
4N	26E	20		NW	NW	NE	BUTTE	GROUND WATER	A0008036

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	
04N	26E	16											22						22
		17																38	38
		20	33			39									13.7				85.7
		21										0.3							0.3

Total Acres 146

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Acres will be dry, unless storage water can be acquired.
- 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 be used on current acreage.
- f. Describe other water rights used for the same purpose. 34-13832, 34-13834, 34-943, 34-589, 34-213E, 34-214C
- g. Remarks: _____

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.

Craig Stewart
Signature of Applicant

5-20-22
Date

FOR DEPARTMENT USE ONLY

Received by _____ Date 5-20-22 \$50 fee received by M. Petter Receipt No. E048165
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

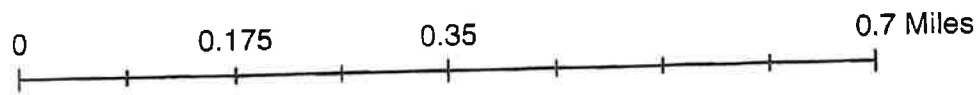
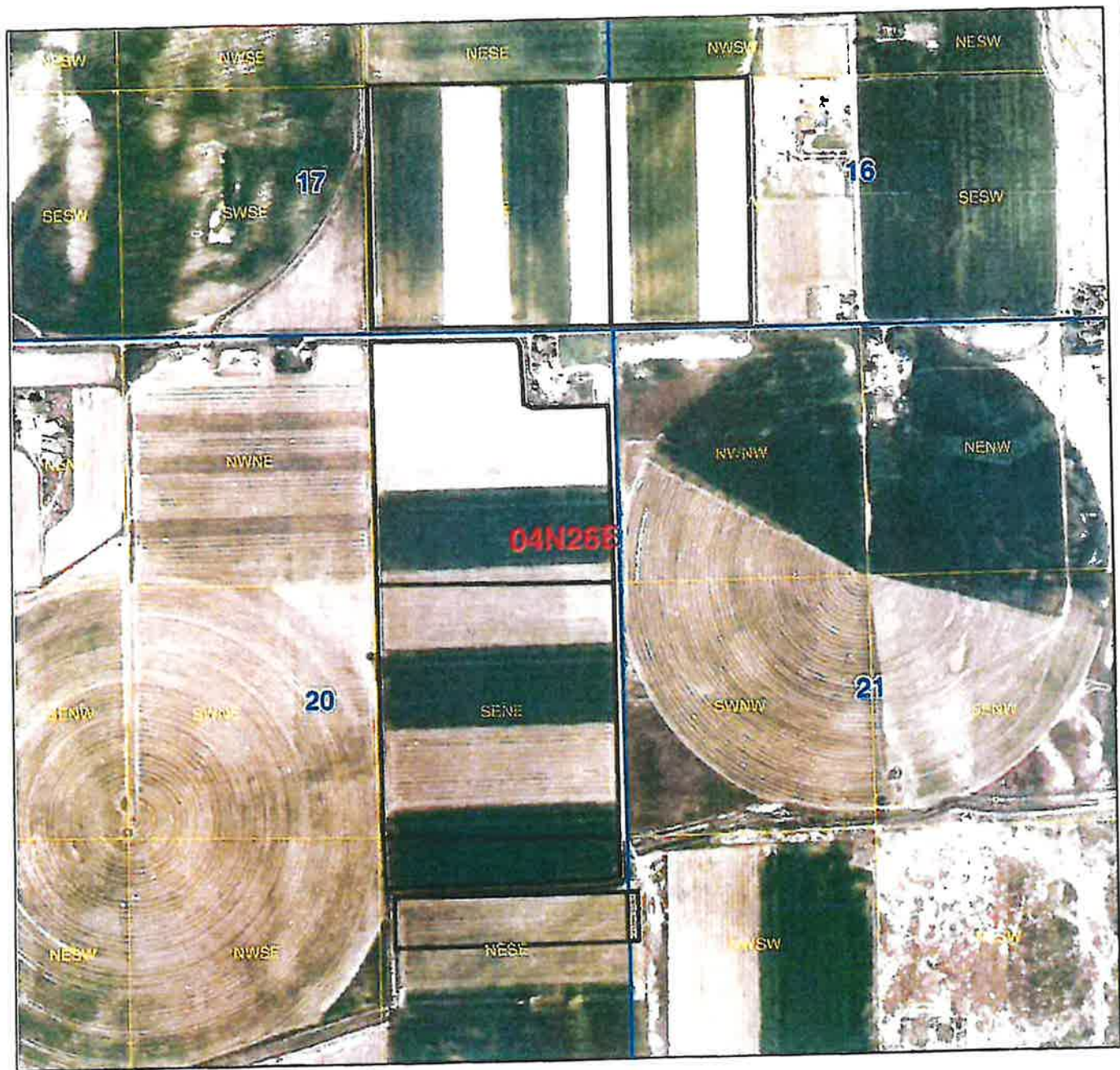
This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

State of Idaho
Department of Water Resources



Legend

-  Changed POU
-  Township/Range
-  Sections
- QQ

12/99

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER**

Application No: TC-34-216

Applicant's Name: CRAIG STEWART

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 24 day of May, 2022.

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.