

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

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

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-21-20

A drought emergency has been declared for Fremont 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 May 9, 2022, Nathan Scafe 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). 21-109C 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(s) 21-109C is limited to the irrigation of a total of 1175 acres at the authorized places of use.
6. Diversion of water under this temporary change approval is limited to those times water is available for diversion under this right and priority at the Squirrel Creek Irrigation & Canal Company's authorized points of diversion.
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. 1 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 12th day of May, 2022.



James Cefalo
Eastern Region Manager

TC-21-20

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 09 2022

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

(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 Nathan Scafe Phone 208.709.5659
Mailing Address 1012 Grainville Rd, Ashton, ID 83420 Email nkscafe@juno.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. _____

Drying up 105 acres of Squirrel Creek Canal POU and moving to 105 acres at nearby location. The right will be
diverted from Griffel pump.

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
21-109C	9/1/1901	1.79	Irrigation	4/15 to 10/15
				to
				to
				to

2. Total amount of water being transferred 1.79 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Squirrel Creek tributary to Conant Creek

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
8N	43E	8		NE	NW	NE	Fremont	Squirrel Creek	Griffel 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	
8N	43E	4											33	33					66
		9							39										39

Total Acres 105

6. General Information:

- a. Who owns the water right to be changed? Squirrel Creek Irrigation & Canal Co
- b. Describe the arrangement allowing use of the right. Written agreement is attached.
- 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 be used on the existing place of use.
- f. Describe other water rights used for the same purpose. 21-13118 and 170 AF of PWU storage
- 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.

[Signature]
Signature of Applicant

5/9/2022
Date

FOR DEPARTMENT USE ONLY

Received by CH Date 5/5/22 \$50 fee received by CH Receipt No. E048098

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 _____, _____

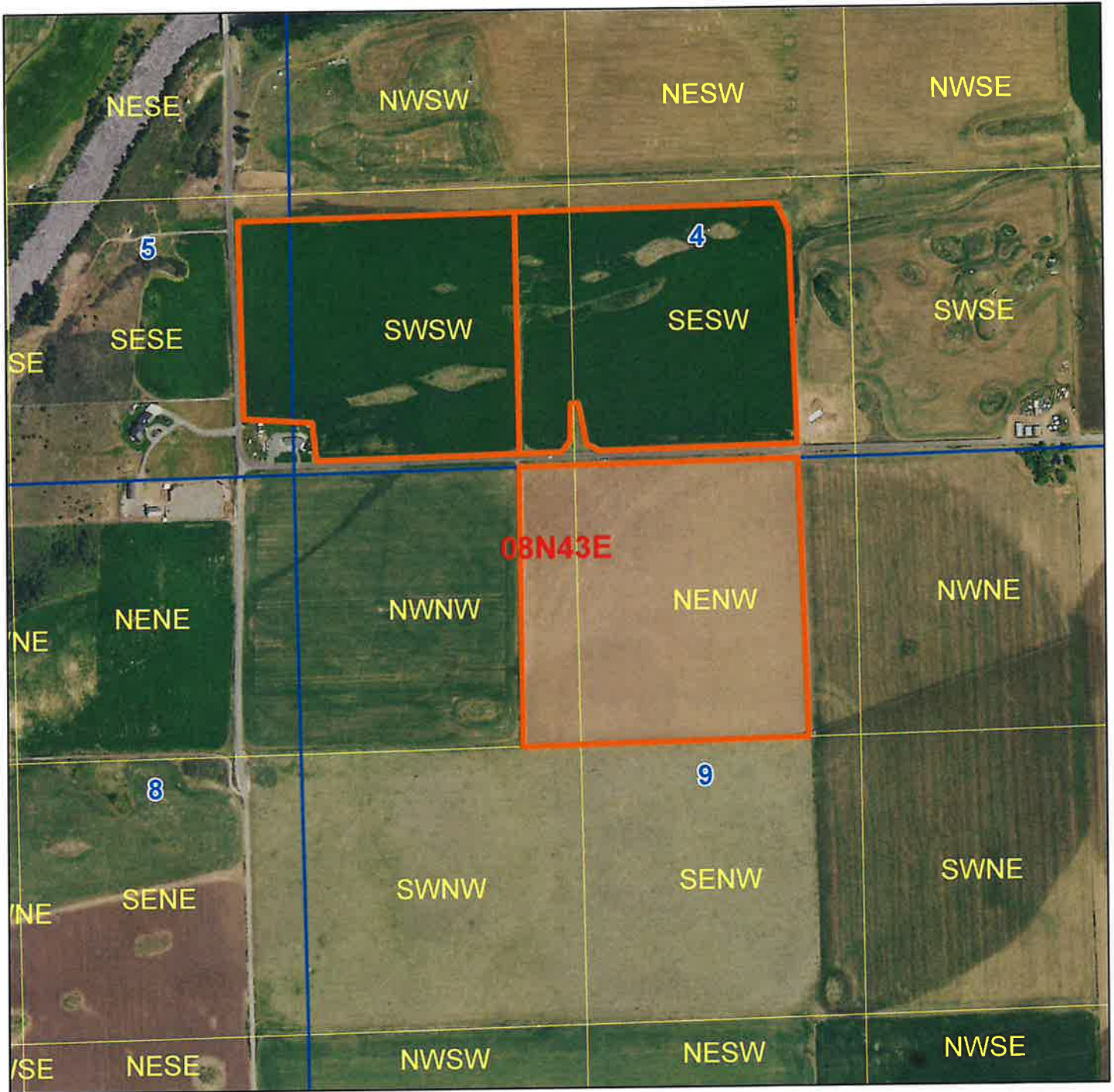
For the Director

Temporary Water Right Agreement

Squirrel Creek Irrigation and Canal Co. does hereby authorize Nathan Scafe to transfer 1.79 cfs and 105 acres of water right no. 21-109C to his property, to be diverted from the Griffel Pump for the 2022 irrigation season.

Nathan Scafe 5/9/22
President of Squirrel Creek Irr.

Nathan Scafe Temporary Change Proposed POU



Legend

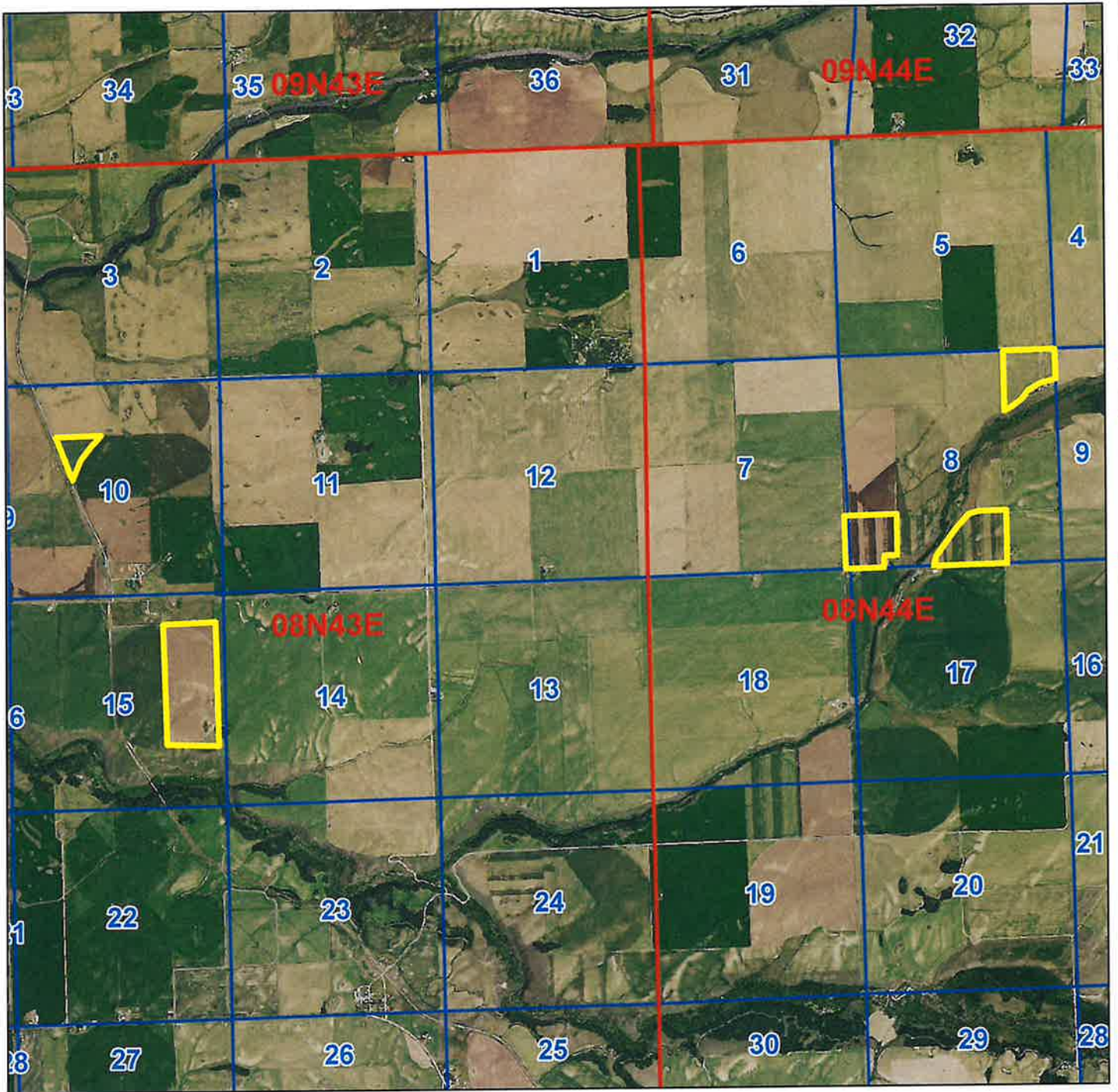
-  Proposed POU
-  Township/Range
-  Sections
- QQ

0 800 1,600 3,200 Feet



MH

Nathan Scafe & Boom Creek Canal Temporary Changes
Proposed 210 Acres to be Dry in 2022



Legend

-  Acres to be dry in 2022
-  Township/Range
-  Sections

MH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-21-20

Applicant's Name: NATHAN SCAFE

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: cannot be delivered if
Squirrel Creek or Conant Creek
goes dry
- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment: _____

Dated this 11 day of May, 2022.

Water District No: 1

Craig Chandler
Watermaster's Signature

Use reverse side of page if you need more space.