

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 11-7837)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-11-05

A drought emergency has been declared for Bear Lake 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 September 1, 2021 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 Right No(s). 11-7837 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. Pursuant to Idaho Code 42-617 the watermaster shall not deliver water until the right holder's Water District 11F assessments have been paid in full.
- ★ 6. Prior to diversion of water under this temporary change, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- 7. Rights 11-7837 and 11-7838 when combined shall not exceed the irrigation of 90 acres.
- 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 consent of such corporation or irrigation district.
- 9. 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.
- 10. 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.
- 11. The watermaster of Water District No. 11F is authorized to administer the temporary change approval.
- 12. This temporary change approval expires on October 21, 2021 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 3rd day of September, 2021.



James Cefalo
Eastern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC-11-05

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 Widmer Ranch LLC Phone 208-240-4696
Mailing Address 461 Widmer Lane, Geneva, ID 83238 Email janet.widmere@live.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.

Water new alfalfa to establish the root system
and possibly cut a crop this fall.

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>11-7837</u>	<u>6-15-1885</u>	<u>.666</u>	<u>Irrigation</u>	<u>Aug (21) to Oct (21)</u>

2. Total amount of water being transferred .666 cubic feet per second and/or 290 acre-feet per annum.

3. Source of water Thomas Fork tributary to Bear River

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
12S	46E	26		NW	SW		Bear Lake	Thomas Fork	

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	
12S	46E	27			10														~~40~~ 50

* REMOVED ACRES IN NESE SINCE THERE IS NO
RECORDED WATER RIGHT AT THAT LOCATION. - MH

Total Acres 40
50 *

6. General Information:

- a. Who owns the water right to be changed? Widmer Ranch LLC
- b. Describe the arrangement allowing use of the right. change place of use
temporarily as it is needed on the new alfalfa.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
It will be dried up
- 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? _____
We would continue to use the water on land as permitted
- f. Describe other water rights used for the same purpose. none are used at the present
- g. Remarks: time because of priority

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.

Jane Widmer
Signature of Applicant

8-31-21
Date

FOR DEPARTMENT USE ONLY

Received by M. Pettis Date 9-1-21 \$50 fee received by M. Pettis Receipt No. E047319
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

WATER RIGHT NO. 11-7837

As Modified by Transfer No. 81730

In accordance with the approval of Transfer No. 81730, Water Right No. 11-7837 is now described as follows:

Right Holder: WIDMER RANCH LLC
461 WIDMER LN
GENEVA, ID 83238

Priority Date: 6/15/1885

Source
THOMAS FORK

Tributary
BEAR RIVER

Beneficial Use
IRRIGATION

From	To	Diversion Rate
04/15	10/31	0.660 CFS
Total Diversion		0.660 CFS

Source and Point(s) of Diversion

THOMAS FORK

NWSW

Sec. 26, Twp 12S, Rge 46E, BEAR LAKE County

Place of Use

IRRIGATION within BEAR LAKE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	46E	26								15.6	23.2	27.0		24.2					90.0
										L2	L3			L4					

POU Total Acres: 90.0

Conditions of Approval:

1. Rights 11-7837 and 11-7838 when combined shall not exceed the irrigation of 90 acres.
2. Use of water under this right may 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. 11F.
3. 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).
4. 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.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-11-05

Applicant's Name: WIDMER RANCH LLC

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: Please see attached sheet

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

d) ☒ Additional Comment: _____

Dated this 2 day of September, 2021

Water District No: 11F

Joel C. Tenschler
Watermaster's Signature

Use reverse side of page if you need more space.

RE: TC-11-05
Widmer Ranch llc

Section B:

1. If this is for 2021 only water season
2. I worry they plan to use their new 8-tower pivot to water with 0.66 cfs water right.
They should only be able to use a handline.
3. They have no measurement device.
4. They need to have an access trail to get to measurement device.

Section D.

- Finally, they haven't paid their 2021 assessment by water district according to the water district secretary/treasurer.

Joel C. T. enscher