

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-142, 34-611B,)
34-612B, & 34-613B)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-197

A drought emergency has been declared for Custer 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 July 2, 2021, Mountain Springs Ranch LLC 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). 34-142, 34-611B, 34-612B, and 34-613B 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 34-142 is limited to the irrigation of 120 acres within the authorized place of use in a single irrigation season. Right 34-611B is limited to the irrigation of 75 acres within the authorized place of use in a single irrigation season. Right 34-612B is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season. Right 34-613B is limited to the irrigation of 25 acres within the authorized place of use in a single irrigation season. Rights 34-142, 34-611B, 34-612B, 34-613B and 34-10553B when combined shall not exceed a total diversion rate of 10.72 cfs, a total annual maximum diversion volume of 1648.5 af at the field headgate, and the irrigation of 471 acres.
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. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on October 15, 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 8th day of July, 2021.



James Cefalo
Eastern Region Manager

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 02 2021

Department of Water Resources
Eastern Region

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 Mountain Springs Ranch LLC Phone 208-588-3110
Mailing Address _____ 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. Make better use of 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
<u>34-611B</u>	<u>5-31-1882</u>	<u>1.5</u>	<u>Irr.</u>	<u>5-1</u> to <u>10-15</u>
<u>34-612B</u>	<u>5-31-1886</u>	<u>.8</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>34-142</u>	<u>6-30-1897</u>	<u>2.4</u>	<u>"</u>	<u>"</u> to <u>"</u>
<u>34-613B</u>	<u>11-1-1898</u>	<u>.5</u>	<u>"</u>	<u>"</u> to <u>"</u>

2. Total amount of water being transferred 5.2 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Big Lost River

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
<u>8N</u>	<u>21E</u>	<u>1</u>		<u>SE</u>	<u>SW</u>		<u>Luster</u>	<u>Big Lost</u>	<u>CHILLY CANAL</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>9N</u>	<u>21E</u>	<u>13</u>							<u>32.5</u>	<u>32.5</u>	<u>32.5</u>	<u>32.5</u>	<u>32.5</u>	<u>32.5</u>					<u>195</u>
<u>9N</u>	<u>21E</u>	<u>24</u>					<u>32.5</u>	<u>32.5</u>											<u>65</u>

Total Acres 260

6. General Information:

- a. Who owns the water right to be changed? Mountains Springs Ranch LLC
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
land 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? use in ditch to
Irrigate Land less shrink
- f. Describe other water rights used for the same purpose. _____
- 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.

Share Purchase manager MSR
Signature of Applicant

6-30-21
Date

FOR DEPARTMENT USE ONLY

Received by M. Pottis Date 7-2-21 \$50 fee received by M. Pottis Receipt No. E047133
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

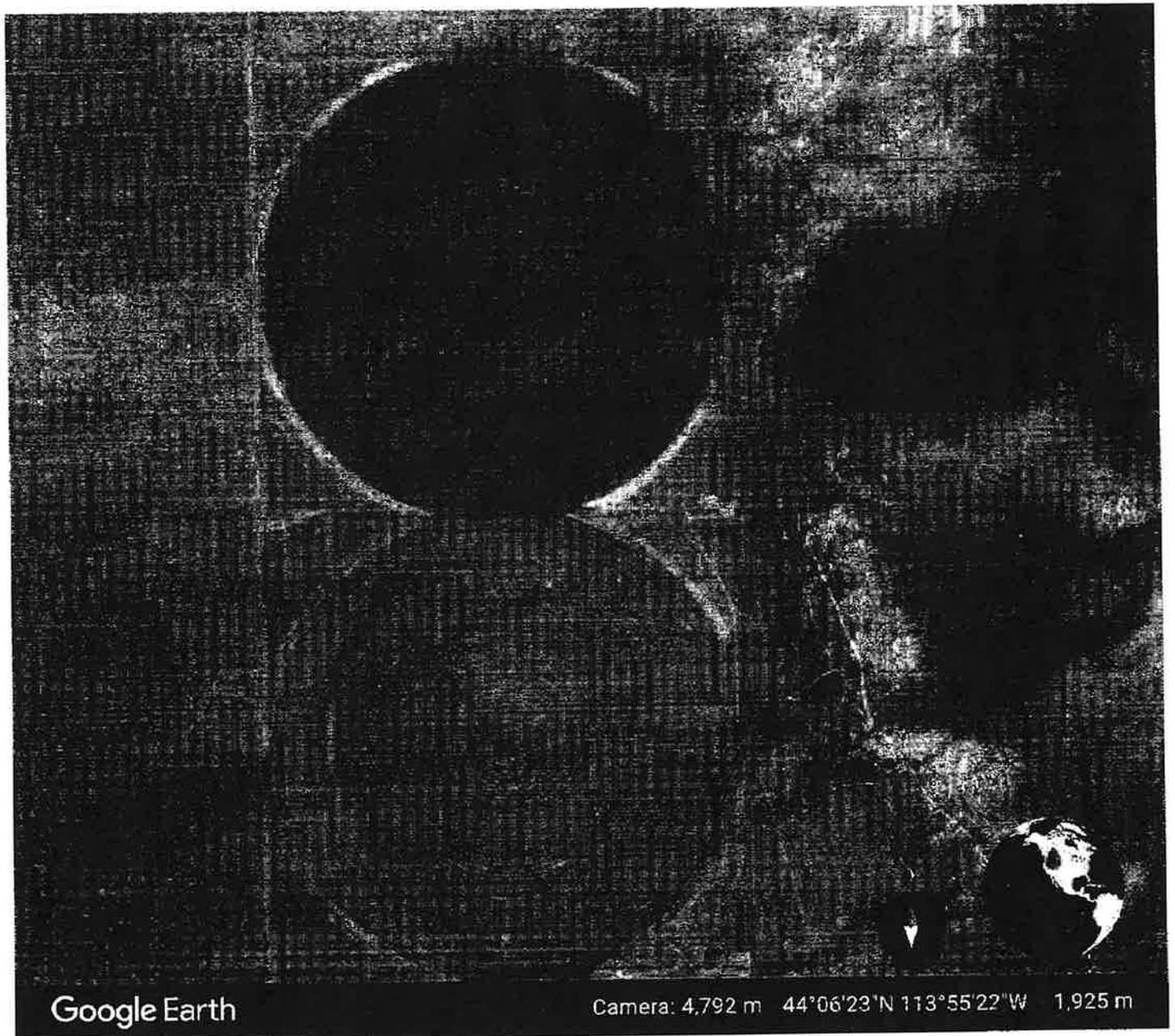
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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



44°06'37" N
113° 55'29" W

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-197

Applicant's Name: MOUNTAIN SPRINGS RANCH

Watermaster's Recommendation:

a) LV 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 7 day of July, 2011

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.