

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NOS.: 34-2377)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-173

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 June 16, 2020, Brett Williams submitted the attached temporary change application TC-34-173 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 the portion of right no. 34-2377 included in this application is authorized only at the place of use described on the application.
2. 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.
3. This temporary change approval does not authorize construction of a new well as a point of diversion.
4. 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.

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5. Rights 34-2377, 34-486A, and 34-889 when combined shall not exceed a total diversion rate of 2.04 cfs and the irrigation of 78 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 written consent of such corporation or irrigation district.
7. 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.
8. 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.
9. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on October 31, 2020 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 18th day of June, 2020.



**James Cefalo
Eastern Regional Manager**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 16 2020
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 Brett Williams Phone 208-589-1324
Mailing Address 3962 N 3580W Moore Id 83255 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. move corners
to spread water on # - Drought

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
34-2377	7/22/1960	0.22/37	Irrigation	4/01 to 10/31
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.22 cubic feet per second and/or 37 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

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	
06N	26E	6																10.6	10.6

Total Acres 10.6

6. General Information:

- a. Who owns the water right to be changed? Dan Mc Intosh
- b. Describe the arrangement allowing use of the right. JUST PURCHASING -
change rights to Brett Williams
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
NOT Irrigating corners due to using
Pivots
- 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? Stock Irrigation
- f. Describe other water rights used for the same purpose. BLRI water rights
- g. Remarks: CANDI may be cut off during water
Season

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.

Brett Williams
Signature of Applicant

6-16-20
Date

FOR DEPARTMENT USE ONLY

Received by CAH Date 6/16/2020 \$50 fee receipted by CAH Receipt No. E046023
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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/16/2020

Water Right 34-2377

Owner Type **Name and Address**
Current Owner DAN MC INTOSH
4100 W 4107 N
MACKAY, ID 83251
(208) 588-2647

Priority Date: 7/22/1960

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.600 CFS	273.0 AF
	Total Diversion		1.600 CFS	273.0 AF

Source and Point(s) of Diversion

GROUND WATER NESWNE Sec. 7, Twp 06N, Rge 26E, BUTTE County

Place Of Use

IRRIGATION within BUTTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	26E	7			40.0						38.0								78.0

POU Total Acres: 78.0

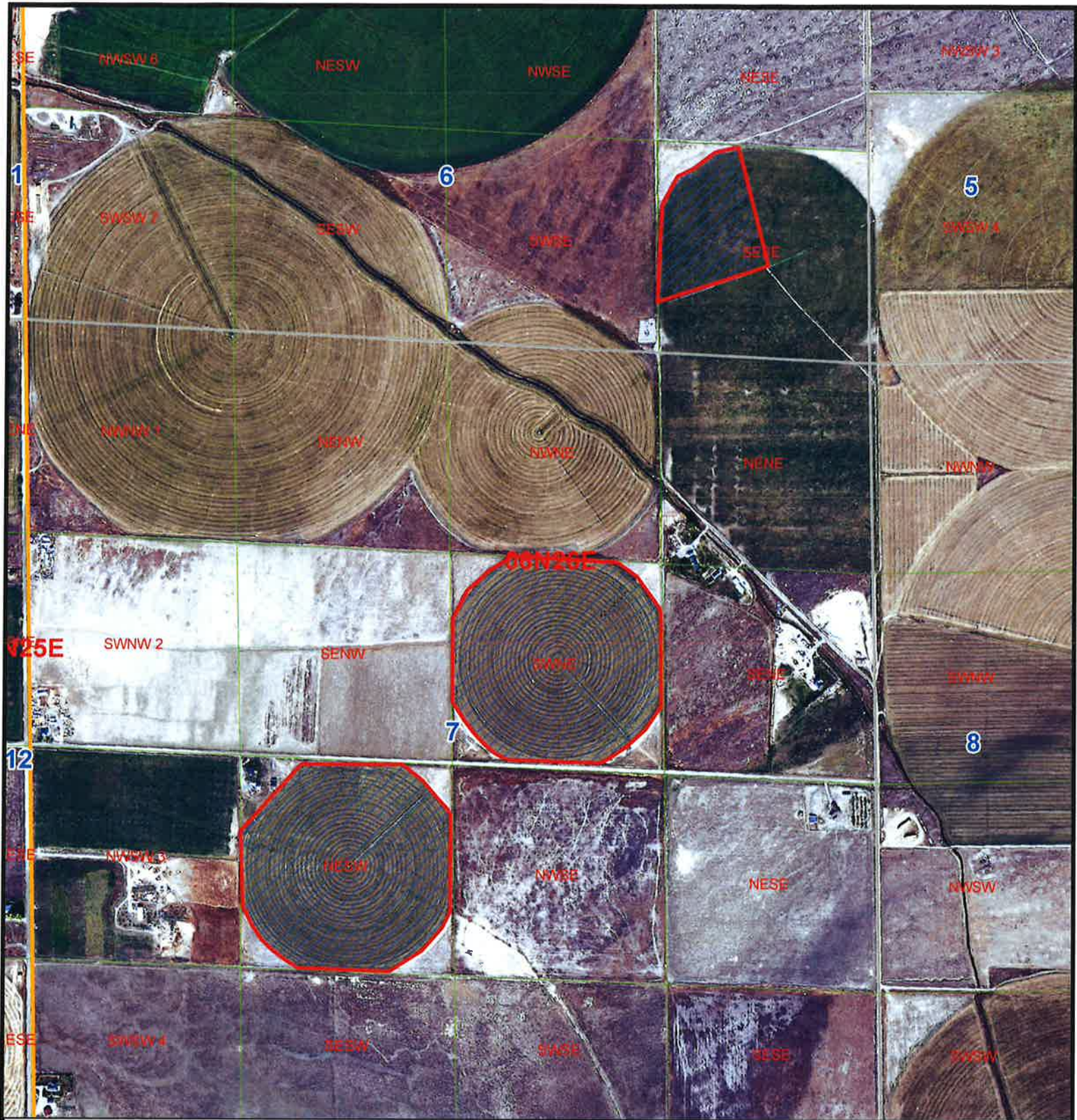
Conditions of Approval:

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.04 CFS.
COMBINED RIGHT NOS.: 34-00486A AND 34-00889.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 78 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00486A AND 34-00889.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. RIGHT NO. 34-02431 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.





Dates and Other Information

Decreed Date: 12/14/2001

Civil Case Number: 39576



Legend

-  34-2377_Proposed_POU
-  Township/Range
-  Sections
-  QQ

0 385 770 1,540 Feet

1 inch = 833 feet



12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-173

Applicant's Name: BRETT WILLIAMS

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 18 day of June, 2020

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Thursday, June 18, 2020 7:34 AM
To: Holliday, Michael
Subject: RE: Brett Williams temp change app

Hi Michael,

The BLRID has no objections with Brett Williams temporary transfer.

Thanks

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Wednesday, June 17, 2020 2:32 PM
To: watermaster34@atcnet.net; blridgm@atcnet.net
Cc: waterdist34@atcnet.net
Subject: Brett Williams temp change app

Hi Lucas.

Another temporary change app is attached for your comments. Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177