

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

2013

**IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT 74-15639, 74-15713)
74-15773, 74-15920, and 74-15921)**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-74-17

WHEREAS, a drought emergency has been declared for Lemhi 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 August 5, 2013, Tonsmeire Revocable Trust submitted the attached Temporary Change Application TC-74-17 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 74-15639, 74-15713, 74-15773, 74-15920, and 74-15921 is authorized only at the point of diversion and place of use described on the application. The authorized point of diversion is identified as KE-1.**
- 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.**

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5. The rights listed above are limited to the irrigation of a total of 112 acres within the designated place of use. Irrigation at the decreed place of use under the rights listed above shall cease for the remainder of the 2013 irrigation season.
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 applicant is also subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".
10. The Watermaster of Water District No. 74 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on November 15, 2013 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 6th day of August, 2013.



Lyle Swank
Eastern Regional Manager

TC-74-17

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 05 2013

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 Fran TonameirePhone 208-756-3959Mailing Address P.O. Box 72 Lemhi, ID 83465Email wroa@wildernessriver.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. Because of drought conditions and we are out of water 3 to 4 weeks early. We are trying to save a crop on more productive acreage.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)

see attached documents for both the transfer of the documents that have an earlier priority date

2. Total amount of water being transferred 2.56 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Kenney Creek tributary to Lemhi River

4. Point(s) of diversion:

Tw	Rge	Sec	Govt Lot	%	%	%	County	Source	Local name or tag number
							See Attached Documents		

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	
							See Attached Documents												

Total Acres _____

TEMPORARY CHANGE APPLICATION

Name of Applicant Tonsmeire Revocable Trust Phone 756-3959
Mailing Address PO Box 72, Lemhi, ID 83465 Email wro@wildernessriver.co

6. General Information:

- a. Who owns the water right to be changed? Tonsmeire Revocable Trust
- b. Describe the arrangement allowing use of the right. We own the water rights
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This acreage will become nonusable as the ground will be dry & not as productive but will still be used as pasture
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Used on decreed place of use.
- e. Absent the changes, how would the right be used for the remainder of the year? The water will be used, but would not be utilized to its full potential
- f. Describe other water rights used for the same purpose.
- g. Remarks: We are transferring this right for better utilization of the water & leave more water flow in creek to reach the Lemhi River.

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

8/1/13
Date

FOR DEPARTMENT USE ONLY

Received by SL Date 8/5/13 \$50 fee received by SL Receipt No. E038973
Recommend: ☒ approve ☐ deny Watermaster recommendation WM Rick Sager does not oppose this transfer per telephone conversation on 8/5/13.

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

Tonsmeire Revocable Trust

2013 Drought Emergency Transfer

Water Rights to be Transferred

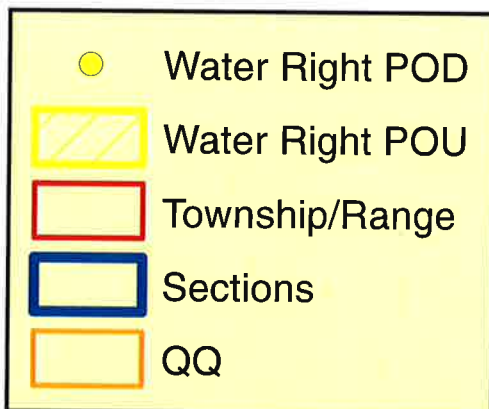
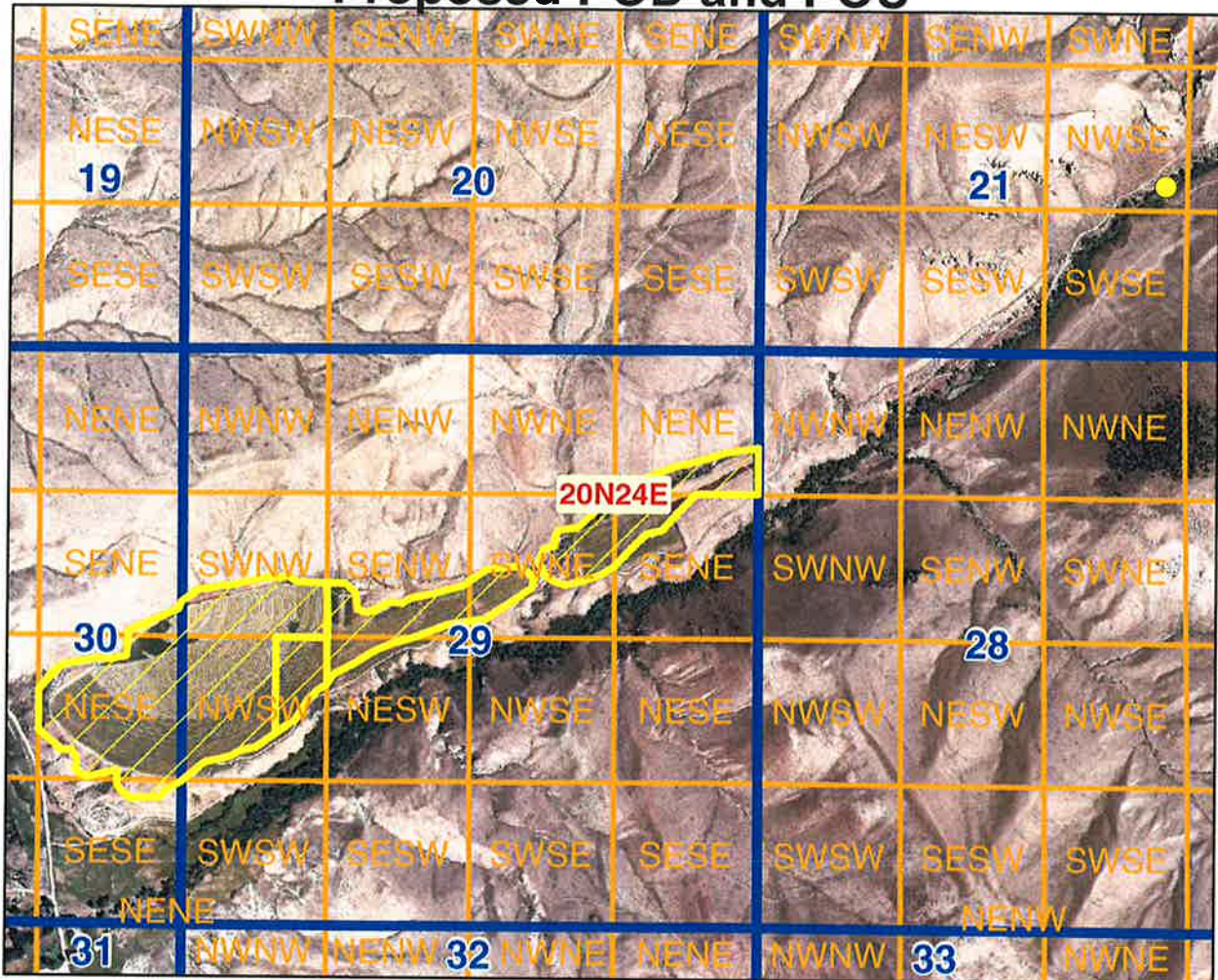
<u>Right #</u>	<u>Priority</u>	<u>CFS</u>	<u>Acres</u>
74-15639	7/19/1893	0.81	40.5
74-15713	11/1/1877	0.22	8.8
74-15773	11/1/1877	0.32	13.1
74-15920	11/1/1877	0.87	35.6
74-15921	11/1/1877	0.34	14
Total		2.56	112

Curtailed Water Rights (to be covered by Transferred Rights)

<u>Right #</u>	<u>Priority</u>	<u>CFS</u>	<u>Acres</u>
74-666	9/2/1922	2.08	76.9
74-2247	8/21/1918	0.92	44.7
Total		3.00	121.6

[Irrigated acres will be limited to 112 acres (or less) within 121.6 acre POU]

Tonsmeire Drought Emergency Transfer Proposed POD and POU



2009 Aerial Photography