

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

2007

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT – TC-74-14 IN THE)
NAME OF MC FARLAND LIVESTOCK)
CO. INC.)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

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 13, 2007, McFarland Livestock Co. Inc. submitted the attached Temporary Change Application No. TC-74-14 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions.

ORDER

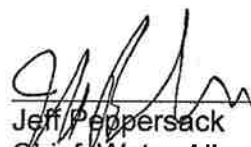
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 74-1554 and 74-1556 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 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

5. Rights 74-1554 and 74-1556 when combined are limited to the irrigation of a total of 122 acres for the remainder of the irrigation season at the place of use described in the application. The rights cannot be moved back to the original place of use until this temporary change approval expires
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 shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
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, 2007 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 16th day of August, 2007.



Jeff Peppersack
Chief, Water Allocation Bureau

Form 42-222A
12/99Ident. No. TC-74-14STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION



(To change point of diversion, place of use or purpose of use)

Name of Applicant McFarland Livestock Co. Inc. Phone 208-768-2718
 Post Office Address Box 50 Lemhi, Idaho 83465

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 the reason(s) thereof Drought emergency to transfer
from pasture land to Hay Land to keep from dying out

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>74-1554</u>	<u>5/27/1890</u>	<u>.95</u>	<u>Irrigation</u>	<u>Rest of Season (3/15 to 11/15)</u>
<u>74-1556</u>	<u>3/21/1889</u>	<u>5.00</u>	<u>Irrigation</u>	<u>3/15 to 11/15</u>

2. Total amount of water being transferred 5.95 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water Lemhi River tributary to Salmon River
 4. Point(s) of Diversion: L52

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
<u>74-1562</u>			<u>NE</u>	<u>SW</u>	<u>33</u>	<u>T17N</u>	<u>R25E</u>	<u>Lemhi</u>	<u>L-52</u>

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>T17N</u>	<u>R24E</u>	<u>S14</u>							<u>2</u>		<u>6</u>	<u>37</u>	<u>27</u>	<u>29</u>			<u>16</u>		<u>117</u>
<u>"</u>	<u>"</u>	<u>S15</u>													<u>5</u>				<u>5</u>

Total Acres 285.9 acres122 AC

RECEIVED

AUG 10 2007

Department of Water Resources
Eastern Region

6. General Information:

- a. Who owns the water right to be changed? McFarland Livestock
- b. Describe the arrangement allowing use of the right Both diversion and water rights
by McFarland Livestock
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Pasture land - some burning but need to use on Hay
ground instead
- d. Has the water right sought to be transferred been used this year? yes. If yes, explain Pasture irrigated
covered twice
- e. Absent the changes, how would the right be used for the remainder of the year? Same as above
- 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.

McFarland Livestock Co Inc
Ley J. Kauer
(signature of applicant)

FOR DEPARTMENT USE ONLY

Received by MWA Date 8/13/2007 Fee \$50

Received MWA # E033226 Recommend: ☒ approve ☐ deny

Watermaster recommendation APPROVE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-74-14

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____

For the Director



**WATER DIST 74
SALMON, ID. 83467**

TRANSMITTAL COVER SHEET

**TO: Michael Holliday
FROM: Rick Sager**

**Mike I have no problems with this transfer.
Could you please call me if there is no problem with it at (208) 303-7449**

And then fax me the transfer so we can get this underway.

Thanks

Rick Sager

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: _____

Applicant's Name: McLarland Livestock Co

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: _____

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

- d) ☐ Additional Comment: _____

Dated this 13 day of August, 2007.Water District No: 24

Paul J. Leger
Watermaster's Signature

Use reverse side of page if you need more space.