

2004

Ident. No. TC-74-08

DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Completed
Copy

RECEIVED
MAY 19 2004
Department of Water Resources
Eastern Region

Name of Applicant Lemhi River Estate Phone 208 756-6269

Post Office Address PO Box 37 Tendency ID 83468

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 would like to transfer water from a Wetland Subt Meadow in Native Pasture to higher Ground that is under Sprinkler System and Seeded in ALFALFA

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

1. Right Number 74-02140 B Priority 06/03/1912 Amount (cfs/ac-ft) .28 Nature of Use IRRIGATION Period of Use to _____ to _____ to _____ to _____

2. Total amount of water being transferred .28 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Lemhi River tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NE	SE	5	18N	24E	Lemhi	L-34

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	
18N	24E	5	18.7			7.7													26.4

Total Acres 26 9.6 ac

6. General Information:

TC-74-08

- a. Who owns the water right to be changed? Lombi River Estates
- b. Describe the arrangement allowing use of the right Jack Alvord is Co Owner and Manager
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Ground is wet meadow along the River lower end is Suby
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Have been Irrigating Since May 1st
- e. Absent the changes, how would the right be used for the remainder of the year? Same
- f. Describe other water rights used for the same purpose.
1974 74-7040
- g. Remarks: The Ground I want To Irrigate is higher Ground that is seeded in Alfalfa and I would like to Get a crop off of it and not loose the Stand.

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.

Jack E. Alvord Jr
(Signature of applicant)
Owner / Manager

FOR DEPARTMENT USE ONLY

Received by JC Date 5-19-04 Fee \$50-

Receipted JC # E029844 Recommend: ☒ approve ☐ deny

Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-74-08

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

Witness my hand this 27th day of MAY, 2004:

[Signature]
For the Director

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 74 - 2140B)
Lemhi River Estates)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC - 74 - 08

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 purpose 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 5/19/04 & 5/26/04, Lemhi River Estates % Jack E Alvord Jr submitted the attached Temporary Change Application TC - 74 - 08 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 - 2140B 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 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 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-74-08

5. Right(s) 74-2140B are limited to the irrigation of a total of 9.6 acres in a single 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 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 applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 74 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on December 31, 2004 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 27th day of MAY, 2004.



Ronald D. Carlson
Eastern Regional Manager

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

MAY 26 2004

Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: _____

Applicant's Name: Lemhi River Estates

Watermaster's Recommendation:

- a) X 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 25 day of May, 2004.Water District No: 24
Rich Seger
 Watermaster's Signature

Use reverse side of page if you need more space.

INFO ONLY

TC-74-08

Page 1

05/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-2140B V1

WATER RIGHT NUMBER: 74-2140B V1

Owner Type Name and Address
Current Owner LEMHI RIVER ESTATES SUBDIVISION
12365 MAPLEVIEW ST
LAKESIDE, CA 92040
(619)561-8000

Priority Date: 05/30/1912

Basis: Decreed

Status: Active

Source Tributary
LEMHI RIVER SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	3/15 to 11/15	0.040 CFS	
IRRIGATION	3/15 to 11/15	0.280 CFS	

Total Diversion: 0.280 CFS

Location of Point(s) of Diversion

LEMHI RIVER NE1/4SE1/4 Sec. 5, Twp 18N, Rge 24E, B.M. LEMHI County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	24E	5				6.0									3.6				9.6

Total Acres: 9.6

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. 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.

Remarks:

1. Place of Use This right authorizes the irrigation of 9.6 total acres.

Comments:

1. dsmith 2/27/2004 Recommendation Based on Lemhi Decree

Dates and Other Information:

Decreed Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 74

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-2140B

WATER RIGHT NUMBER: 74-2140B

Owner Type Name and Address
 Current Owner FRANCIS CARRINGTON
 PO BOX 1328
 EUREKA, CA 95502

Priority Date: 05/30/1912

Basis: Decreed

Status: Active

Source Tributary
 LEMHI RIVER SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	3/15 to 11/15	0.040 CFS	
IRRIGATION	3/15 to 11/15	0.280 CFS	

Total Diversion: 0.280 CFSLocation of Point(s) of Diversion

LEMHI RIVER NE1/4SE1/4 Sec. 5,Twp 18N,Rge 24E, B.M. LEMHI County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N 24E 5				6.0									4.0				10.0

Total Acres: 10

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

1. General AC. IRR.=9.6.
 DIV. L-34.

Comments:Dates and Other Information:

Decreed Date: 12/30/1982
 Decree Defendant: Mary Adams, et al
 Decree Plaintiff: State of Idaho
 Civil Case Number: 4948
 Judicial District: Seventh District

Combined Use Limits:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ORIGINAL
COPY

TEMPORARY CHANGE APPLICATION

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

RECEIVED
MAY 19 2004
Department of Water Resources
Eastern Region

Name of Applicant Lemhi River Estates Phone 208 756-6269

Post Office Address PO Box 37 Tendency ID 83468

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 _____

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>74-02140 B</u>	<u>05/03/1912</u>	<u>.28</u>	<u>IRRIGATION</u>	to _____ to _____ to _____ to _____

2. Total amount of water being transferred .28 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Lemhi River tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NE	SE	5	18N	24E	Lemhi	L-34

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	
18N	24E	5	18.7			7.7													26.4

Total Acres 26

6. General Information:

- a. Who owns the water right to be changed? Lemhi River Estates
- 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: _____
- d. Has the water right sought to be transferred been used this year? _____ If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? _____
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: 1974 _____

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.

Jack E. Alvord Jr.
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by JC Date 5-19-04 Fee \$50-

Receipted JC # E029844 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. TC-74-08

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

Witness my hand this _____ day of _____.

For the Director



State of Idaho

Tc-74-08

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 20, 2004

Lemhi River Estates
P.O. Box 37
Tendoy, ID 83468

RE: Temporary Change Application on Water Right No. 74-2140B

Dear Applicant:

Enclosed is a copy of the Temporary Change Application received by this office, with several items highlighted that are incomplete. The following items need to be completed in order to review the application and make recommendations.

- | | |
|------------|---|
| Item A.2 | Describe the purposed change(s) and the reason(s) thereof: |
| Item B.5 | Place of use cannot exceed the 9.6 acres of the right 74-2140B |
| Item B.6.b | The right is in the name of Lemhi River Estates. What authority do you have to file the temporary change application for Lemhi River Estates. |
| Item B.6.c | Describe the effect on the land now irrigated if this change is approved. |
| Item B.6.d | Has the right been used this year? If yes please explain. |
| Item B.6.e | If the change is not approved how would the right be used? |
| Item B.6.f | Is 1974 a priority or a water right number? Please list rights by number. |
| Item B.6.g | Use remarks to explain what you are doing. |
| Signature | Give position held in Lemhi River Estates. |

In addition this office requires a written statement (form enclosed) from the water master agreeing or disagreeing with the proposed temporary change. The water master needs to comment on the 05/03/1912 priority and how long he will be able to deliver this right.

Your prompt response on or before May 28, 2004, will be appreciated.

Thank you,

Keith C. Wilson
Senior Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 74-7040 V1

WATER RIGHT NUMBER: 74-7040 V1

Owner Type Name and Address
 Current Owner WINFRED DUDLEY
 12365 MAPLEVIEW ST
 LAKESIDE, CA 92040
 (619)561-8000

Priority Date: 03/22/1974

Basis: License

Status: Active

Source Tributary
 LEMHI RIVER SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.300 CFS	52.50 AF
	<u>Total Diversion:</u>	0.300 CFS	52.50 AF

Location of Point(s) of Diversion
 LEMHI RIVER NE1/4SE1/4 Sec. 5, Twp 18N, Rge 24E, B.M. LEMHI County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	24E	5				13.0									2.0				15.0

Total Acres: 15

Conditions of Approval:

1. 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.
2. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 74.

Remarks:

1. Explanatory The Director retains jurisdiction to require installation of a measuring device in the future if determined to be necessary.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. rbrown 9/25/2003 Recommendaed as licensed 12/31/1997

Dates and Other Information:

Decreed Date:
 State or Federal: S
 Water District Number: 74
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:

Combined Use Limits: