

2004

Form 42-222A
12/99Ident. No. TC-35-03STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant S & H Farms
% David A. Hinkle, or Rulan Spear Phone (801) 595-6339
 Post Office Address 3500 N 2200 W, Salt Lake City, UT 64116

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 Change in irrigation system

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>35-7173</u>	<u>4/16/1971</u>	<u>7.20 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>
				to
				to
				to

2. Total amount of water being transferred 7.20 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	SE	31	7S	29E	Power	

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	
7S	29E	30																1	1
		31	31	25.2	36.6	34			15.1	31.4	39.6	27.1	29.3	39.4	25.0	33.6	38.6	39.3	445.2

Total Acres 446.2 ac

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6. General Information:

- a. Who owns the water right to be changed? Applicants
- b. Describe the arrangement allowing use of the right NA
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
None current irrigation practices
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain as indicated in the temporary change application
- 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.
NONE
- g. Remarks: Temp. change filed to indicate current irrigation practices that requires a change in the place of use.

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 of applicant)

FOR DEPARTMENT USE ONLY

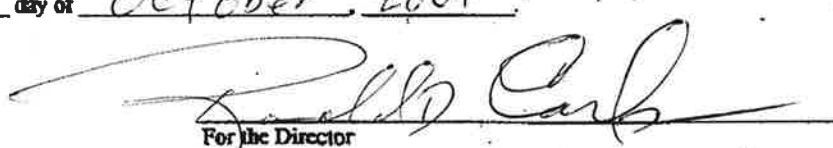
Received by Kaw Date 10/12/04 Fee 50⁰⁰
Receipted KCC # E050326 Recommend: approve deny
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-35-03

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

Witness my hand this 21st day of October, 2004


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 35-7173)
_____))
_____))

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-35-03

WHEREAS, a drought emergency has been declared for Power 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 October 12, 2004, DBA S & H Farms, David Hinckley & Rulan Spear submitted the attached Temporary Change Application TC-35-03 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). 35-7173 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.

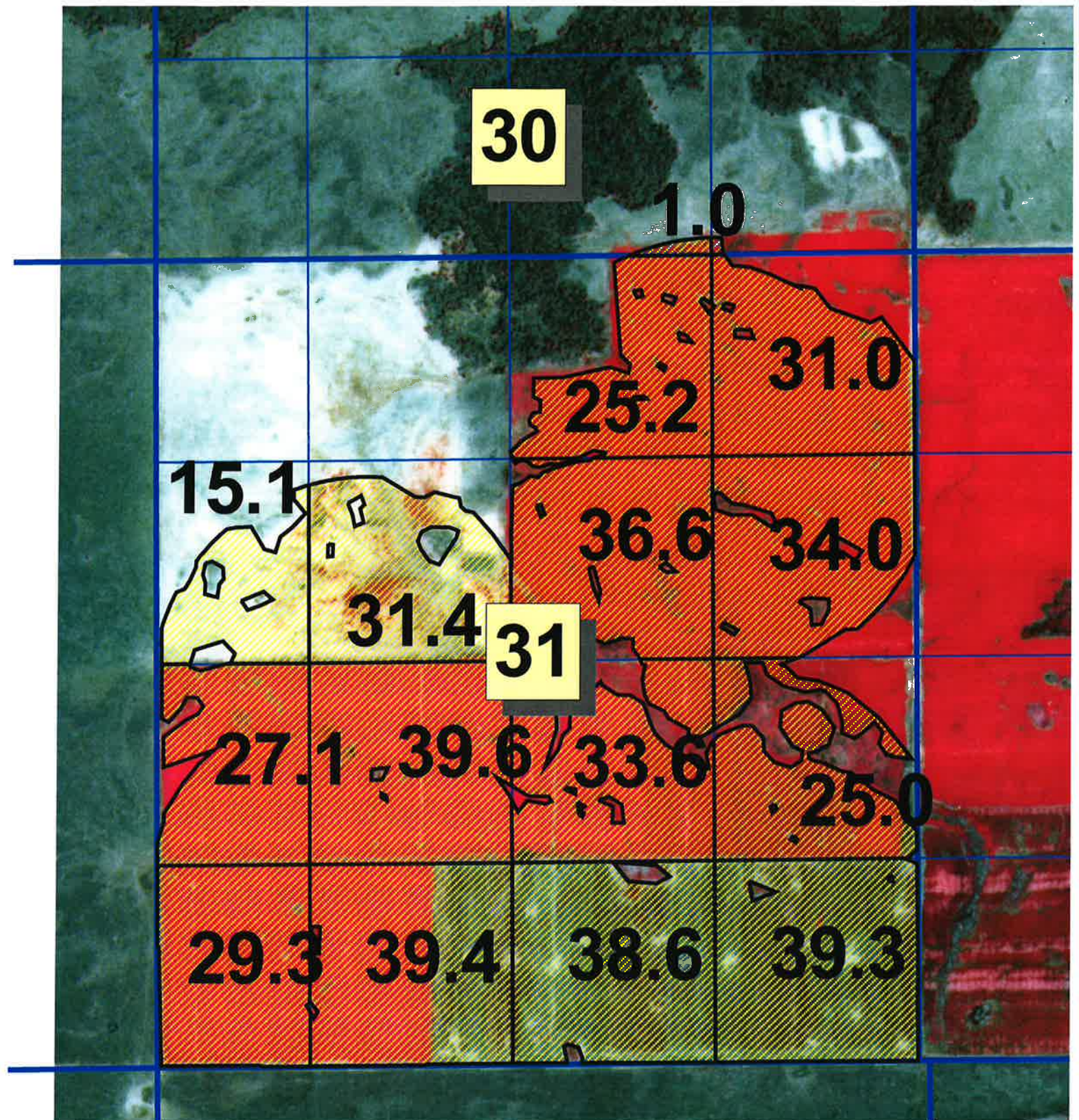
**ORDER AUTHORIZING
TEMPORARY CHANGE**

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5. Right(s) 35-7173 are limited to the irrigation of a total of 446.4 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 is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. 120 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 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.

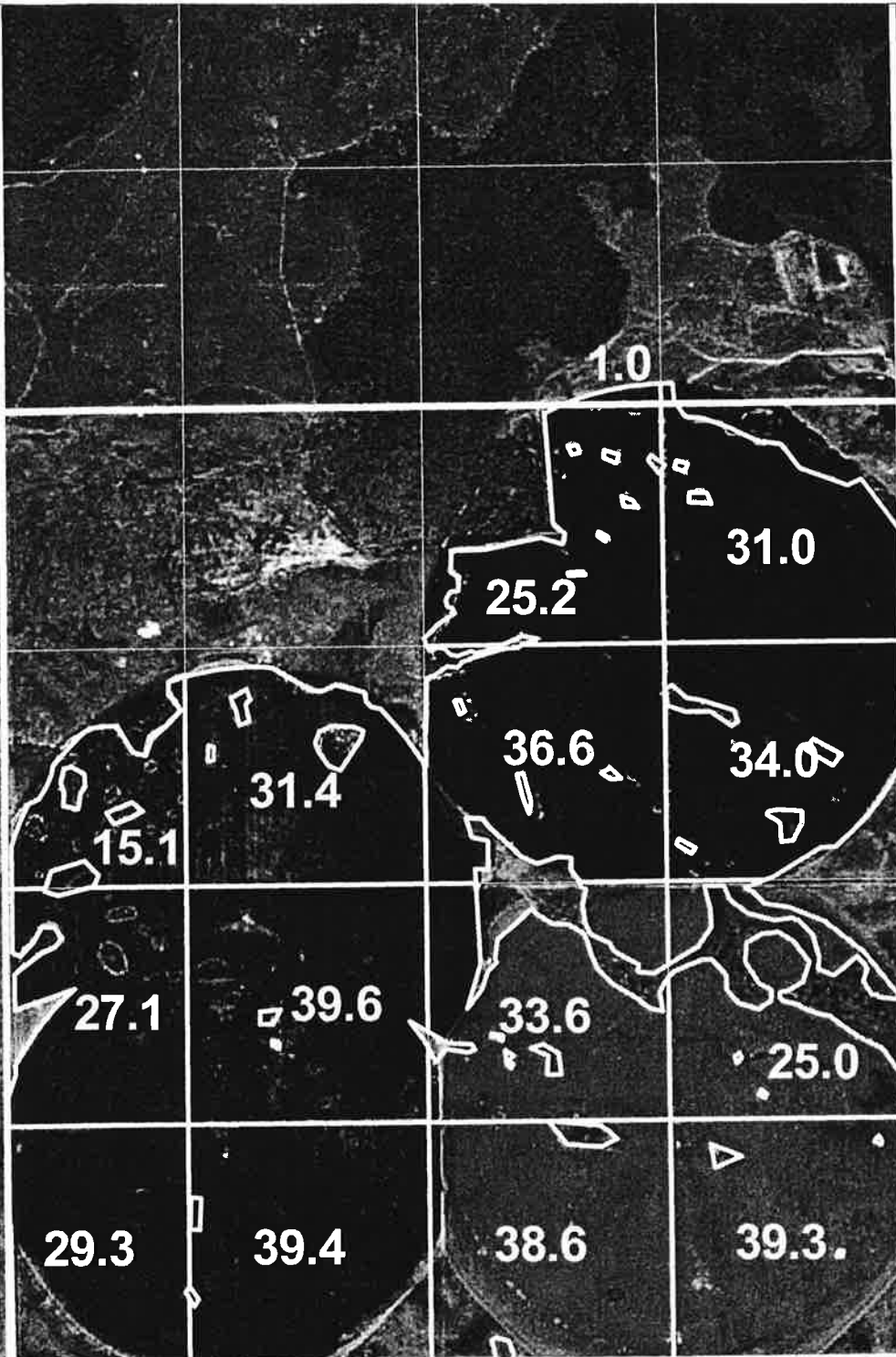
DATED this 21st day of October, 2004.


Ronald D. Carlson
Eastern Regional Manager



T7S, R29E, SEC 30 & 31

35-7173



35-7173

WAPI Rd.

5.3 5-103.2 6-10.4 7-107.0 8-5.6

2-74.5

HEL

3-120.4

455.5

1 6.9
2 74.5
3 120.4
4 5.3
5 103.2
6 10.4
7 107.0
8 5.6

7-31

30
31

30.29
32

T-31

- 1- 5.0
- 2- 69.1
- 3- 126.0
- 4- 0.9
- 5- 1.5
- 6- 106.3
- 7- 113.5
- 8- 7.4
- 9- 10.0
- 10- 5.9

464.2

2112

David Hinkley

8- 7.4

106.3

9- 10.0

7- 113.5

10- 5.9