

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

2014

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-14038,)
34-14039, and 34-14086)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-120

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 30, 2014, James Babcock submitted the attached temporary change application TC-34-120 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 nos. 34-14038, 34-14039, and the changed portion of 34-14086 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 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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JUL 18 2014

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-120

5. Rights 34-14038, 34-14039, 34-14086, 34-14426 and the appurtenant share of rights 34-126 and 34-127 when combined shall not exceed a total diversion rate of 0.02 cfs per acre, a total annual maximum diversion volume of 446.6 af at the field headgate, and the irrigation of 127.6 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 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 Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on October 15, 2014 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 2nd day of July, 2014.


Lyle Swank
Eastern Regional Manager

LOGGED
JUL 08 2014

TC-34-120

RECEIVED

JUN 30 2014

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 James Babcock Phone 2085542662
Mailing Address 3260 W 3000 N, 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. _____
Temporary lease of groundwater with change of pod and pou, to prevent loss of crop by lessee.

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>34-14038</u>	<u>5/14/1977</u>	<u>0.16 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
<u>34-14039</u>	<u>5/14/1977</u>	<u>0.29 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
<u>34-14086</u>	<u>5/14/1977</u>	<u>1.13 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.58 cubic feet per second and/or _____ 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
5N	26E	34			SE	NW	Butte	Ground water	864
4N	26E	10			NW	NW	Butte	Ground water	213

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	
4N	26E	3					25			15									40.0
5N	26E	34											9	31					40.0

Total Acres 80.0

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6. General Information:

- a. Who owns the water right to be changed? Kivi Land & Livestock, Estate of Karen Harney
- b. Describe the arrangement allowing use of the right. Written lease agreements (see attached).
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Will be dry.
- 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? _____
Would not be used.
- f. Describe other water rights used for the same purpose. 34-126, 34-127
- 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.

James L Babcock
Signature of Applicant

6-30-14
Date

FOR DEPARTMENT USE ONLY

Received by MH Date 6/30/14 \$50 fee received by JB Receipt No. E039992
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-34-120, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

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Water Lease Agreement

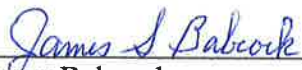
The following ground water rights are hereby leased from KIVI Land & Livestock, LLC to James Babcock. The purpose of the lease is for a Temporary Change Application to allow James Babcock to move these ground water rights to a point of diversion location of his choice. The nature of use will be crop irrigation. The lease period shall be from June 27, 2014 to October 31, 2014. The fee for the lease shall be \$10.00 per acre.

Water Right No. 34-14038 Point of Diversion – SENE/Sec. 25/T6N/R25E
Place of Use – NENE/Sec. 24/T6N/R25E
Total Acres – 8.1

Water Right No. 34-14039 Point of Diversion – SENE/Sec. 25/T6N/R25E
Place of Use – NENE/Sec. 24/T6N/R25E
Total Acres – 15.2

Signed 
Kit Christensen
Manager, KIVI Land & Livestock, LLC

Date 6-27-14

Signed 
James Babcock

Date 6-27-14

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JUL 08 2014

Water Lease Agreement

A portion of the following water right is hereby leased from The Estate of Karen Harney to James Babcock. The amount of water to be leased is 1.13 cfs, to be used on 56.7 acres of crops. The purpose of the lease is for a Temporary Change Application to allow James Babcock to move this ground water right to a point of diversion location of his choice. The nature of use will be crop irrigation. The lease period shall be from June 27, 2014 to October 31, 2014. The fee for the lease shall be \$10.00 per acre.

Water Right No. 34-14086	Point of Diversion – SENE/Sec. 25/T6N/R25E	
	Place of Use – NENE/Sec. 24/T6N/R25E	Acres 12.2
	NWNE/Sec. 24/T6N/R25E	Acres 4.5
	SENE/Sec. 24/T6N/R25E	Acres 13.6
	NWNW/Sec. 19/T6N/R25E	Acres 27.5
	SWNW/Sec. 19/T6N/R25E	Acres 39

Total Acres – 96.8

Signed

Dell Harney

Dell Harney
Personal Representative
Estate of Karen Harney

Date _____

27 June 2014

Signed _____

James S Babcock
James Babcock

James Babcock

Date _____

6-30-14

Water Lease Agreement

A portion of the following surface water rights are hereby leased from the Big Lost River Subdivision Home Owner's Association to James Babcock. The lease period shall be from June 27, 2014 to October 31, 2014. The amount of acreage included in this lease is for irrigating 80 acres, with a proportional diversion rate of 1.03 cfs from water right number 34-126 and .94 cfs from water right number 34-127. This lease shall be included in and complimentary to, the leases for ground water rights 34-14038, 34-14039, and 34-14086, with no additional fees for this lease.

Water Right No. 34-126	Point of Diversion – SWSESW/Sec. 11/T6N/R25E	
	Place of Use – NENE/Sec. 24/T6N/R25E	Acres 32
	NWNE/Sec. 24/T6N/R25E	Acres 5
	SENE/Sec. 24/T6N/R25E	Acres 25
	NWNW/Sec. 19/T6N/R25E	Acres 34
	SWNW/Sec. 19/T6N/R25E	Acres 34

Total Acres – 130 Diversion rate – 1.68 cfs

Water Right No. 34-127	Point of Diversion – SWSESW/Sec. 11/T6N/R25E	
	Place of Use – NENE/Sec. 24/T6N/R25E	Acres 32
	NWNE/Sec. 24/T6N/R25E	Acres 5
	SENE/Sec. 24/T6N/R25E	Acres 25
	NWNW/Sec. 19/T6N/R25E	Acres 34
	SWNW/Sec. 19/T6N/R25E	Acres 34

Total Acres – 130 Diversion rate – 1.52 cfs

Signed

K. Kristensen

Kit Christensen

Vice President

Big Lost River Subdivision Home Owner's Association

Date _____

6-29-2014

Signed

James S Babcock

James Babcock

Date _____

6-30-14

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-120Applicant's Name: JAMES BABLOCK

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 1 day of July, 2014.Water District No: 34M Todd Parker
Watermaster's Signature

Use reverse side of page if you need more space.

SCANNED
JUL 16 2014

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-120Applicant's Name: JAMES BABLOCK

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 1 day of July, 2014.Water District No: 34

[Signature]
Watermaster's Signature
mgr. BLRID

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