

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

2014

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-7233)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-116

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 5, 2014, Marilyn Mowrey-Lambert submitted the attached temporary change application TC-34-116 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 34-7233 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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5. Rights 34-264, 34-265, 34-434, and 34-7233 when combined shall not exceed a total diversion rate of 3.81 cfs and the irrigation of 150 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 November 1, 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 10th day of June, 2014.


Lyle Swank
Eastern Regional Manager

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC-34-116

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 Marilyn Mowrey-Lambert Phone 208-604-1480
Mailing Address 2524 N 3300 W Arco Id 83213 Email painted@atsnet.net

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. Move ground water right to Jensen Well. I will be out of surface water soon.

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>34-7233</u>	<u>3-6-1986</u>	<u>1.34</u>	<u>Irrigation</u>	<u>4-1</u> to <u>11-1</u>
				to
				to
				to

2. Total amount of water being transferred 1.34 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water _____ tributary to _____.

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
5N	26E	27			SW	SW	Butte	Ground water	Jensen well
4N	26E	26			NW	NW	Butte	Ground water (injection)	Eastside return
4N	26E	26			NW	NW	Butte	Ground water (Rediversion)	Munsey Canal

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	
4N	26E	26					0.7	1.5	11	3.8	15	11	2						45
		27				22													22

Total Acres 67

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6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. Rights moved to Jensen's well sent down ditch to help my Hay crop survive.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: water is off so Jensen can Hay. When my hay is ready to cut, the water would go back to Jensen
- 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? NOT USED
- f. Describe other water rights used for the same purpose. 34-264, 34-265, 34-434
- 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.

M. Jensen
Signature of Applicant

6-5-14
Date

FOR DEPARTMENT USE ONLY

Received by M. HOLLIDAY Date 6/5/14 \$50 fee received by JS Receipt No. E039891

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

Temporary Change Expiration Date _____

Signed this _____ day of _____

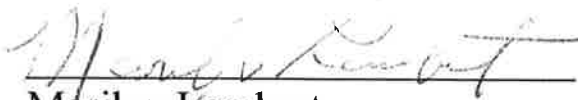
For the Director

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JUN 14 2014

May 29, 2014

An agreement between Jay Jensen and Marilyn Lambert to make an emergency transfer. Water right 34-07233 will be transferred into a well owned by Jay Jensen to be used by Marilyn Lambert. Water right 34-2386 will be transferred into a well owned by Darlene Jensen and leased by Jay Jensen. To be used on property owned by Jay Jensen for the remainder of the irrigation season. There will be property owned by Marilyn Lambert that will not be irrigated in 2014.


Jay Jensen


Marilyn Lambert


Darlene Jensen

RECEIVED
JUN 10 2014

12/99

Filed
6-6-14
9:35 AM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-116

Applicant's Name: MARILYN MOWREY-LAMBERT

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 6 day of June, 2014.

Water District No: 34

M Todd Perkins
Watermaster's Signature

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-116

Applicant's Name: MARILYN MOWREY-LAMBERT

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 7 day of June, 2014.

Water District No: 34

James R. Blish
Watermaster's Signature
mgn B4R11

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SCANNED

JUN 10 2014