

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

**2013**

**IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF A )  
WATER RIGHTS 34-2374A, 34- 2374B, )  
34-10740, 34-10742, & 34-10744 )  
\_\_\_\_\_ )**

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

**TC-34-97**

**WHEREAS, a drought emergency has been declared for Custer 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 July 1, 2013, Lynn Metcalf submitted the attached Temporary Change Application TC-34-97 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 the changed portions of right no(s). 34-2374A, 34- 2374B, 34-10740, 34-10742, and 34-10744 are authorized only at the points 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.**

**SCANNED  
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5. Right(s) 34-2374A, 34- 2374B, 34-10740, 34-10742, and 34-10744 are limited to a total combined diversion rate of 9.33 cfs and to the irrigation of a combined total of 362 acres in a single irrigation season. Right no. 34-2374A is limited to the irrigation of 278 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 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. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2013 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 5th day of July, 2013.

  
\_\_\_\_\_  
Lyle Swank  
Eastern Regional Manager

RECEIVED

JUL 01 2013

Department of Water Resources  
Eastern Region

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TC-34-97

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 Lynn Metcalf

Phone 588-3362

Mailing Address 3816 West 4050 North, Moore, ID 83255

Email gary@light farms .com

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.

BLR POD (Burnett Ditch) will not change. Ground water POD will change. 34-10740 is the only BLR still on. Only 310 acres have been irrigated at the existing POU in 2013, and 25 acres irrigated under 34-2374B, leaving 27 acres available for this emergency transfer.

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

| 1. Right Number        | Priority         | Amount                      | Nature of Use     | Period of Use             |
|------------------------|------------------|-----------------------------|-------------------|---------------------------|
| <u>34-2374B</u>        | <u>7/11/1960</u> | <u>0.62/112 (cfs/ac-ft)</u> | <u>IRRIGATION</u> | <u>4/15 7/15 To 10/15</u> |
| <u>34-10740</u>        | <u>5/30/1885</u> | <u>1.48 cfs</u>             | <u>Irrigation</u> | <u>5/1 7/5 to 10/15</u>   |
| <u>34-10742 (Curt)</u> | <u>7/21/1886</u> | <u>4.00 cfs</u>             | <u>Irrigation</u> | <u>5/1 7/5 to 10/15</u>   |
| <u>34-10744 (Curt)</u> | <u>3/10/1894</u> | <u>1.49 cfs</u>             | <u>Irrigation</u> | <u>5/1 7/5 to 10/15</u>   |
| <u>34-2374A</u>        | <u>7/11/1960</u> | <u>5.38 / 973</u>           | <u>Irrigation</u> | <u>4/1 7/5 to 10/31</u>   |

2. Total amount of water being transferred 0.52 cubic feet per second and/or 94.5 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 |
|-----|-----|-----|----------|-----|-----|-----|--------|--------------|--------------------------|
| 06N | 25E | 12  |          |     | NW  | NW  | Custer | Ground Water | Existing well (34-2421)  |
|     |     |     |          |     |     |     |        |              |                          |
|     |     |     |          |     |     |     |        |              |                          |
|     |     |     |          |     |     |     |        |              |                          |

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 |             |
| 06N | 25E | 12  |      |    |    |    | 4    |    |    |    | 23   |    |    |    |      |    |    |    | 27          |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Acres 27

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6. General Information:

- a. Who owns the water right to be changed? Applicant - Lynn Metcalf
- b. Describe the arrangement allowing use of the right. I am moving a portion of my water rights, that have not been used in 2013 to cover a potential violation. Proposed POU will be irrigated from gw well
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
Acres (over 251 acre limit) that have been irrigated by gw will now be covered by BLRID storage water.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☒ No If yes, explain. See below.
- e. Absent the changes, how would the right be used for the remainder of the year? Only 310 acres have been irrigated under combined rights listed in this transfer in 2013.
- f. Describe other water rights used for the same purpose. None
- g. Remarks: This drought emergency transfer is being filed in conjunction with another transfer. These two are intended to address a 39-acre potential violation identified by IDWR earlier this year. Proposed POU will be irrigated with ground water. Only 251 acres will continue to be irrigated by ground water at existing POU.

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.

Lynn J. Metcalf  
Signature of Applicant

6-30-2013  
Date

FOR DEPARTMENT USE ONLY

Received by MPHOLLIDAY Date 7/1/13 \$50 fee received by JS Receipt No. EA38843  
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-34-97, and said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

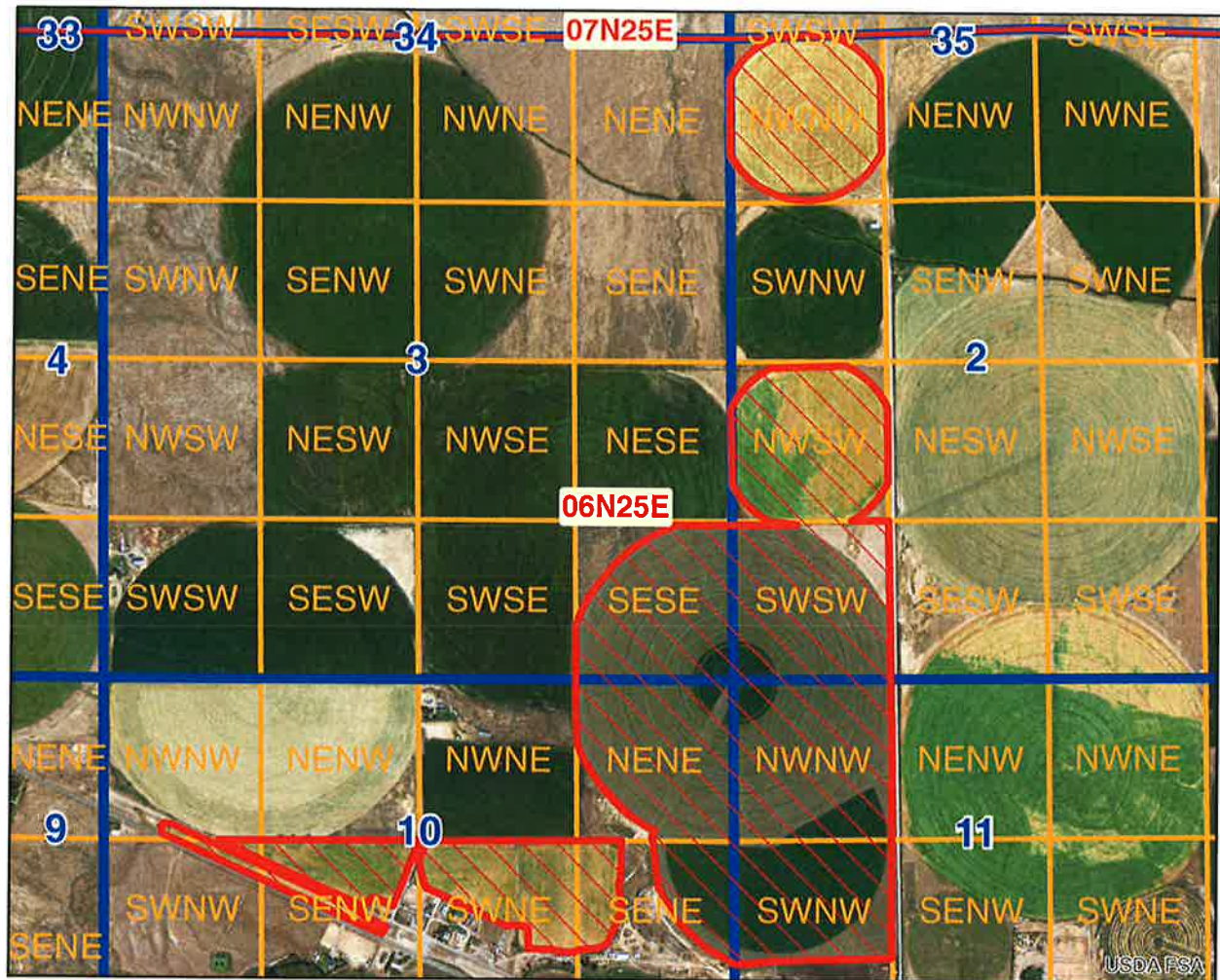
Temporary Change Expiration Date \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_

For the Director



**Acres Irrigated under 34-2374A, 34-10740, 34-10742 and 34-10744  
(310 Acres)**



**Legend**

- Township/Range
- Sections
- QQ
- Irrigated Acres

0 0.4 0.8  
Miles



2011 Aerial Photography

SCANNED  
AUG 22 2012

# Proposed POU for Metcalf Drought Emergency Transfers



## Legend

- Metcalf Proposed POU
- Township/Range
- Sections
- QQ

0 0.1 0.2  
Miles



2011 Aerial Photography

SCANNED

AUG 22 2013

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**RECOMMENDATION OF WATERMASTER**

Application No: TC-34-97

Applicant's Name: LYNN METCALF

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: I spoke with Gary on problem  
with page 2 LED answer, both  
yes & no boxes were checked, he said  
water right to be transferred has not been used.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d) ☐ Additional Comment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Dated this 3rd day of July

Water District No: 34

[Signature]  
Watermaster's Signature

Use reverse side of page if you need more space.