

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHTS 34-20C & 34-2421A)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-96

2013

WHEREAS, a drought emergency has been declared for Butte and Custer Counties 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-34-96 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 portion of right no(s). 34-20C and 34-2421A is 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.

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5. Right(s) 34-20C and 34-2421A are limited to a total combined diversion rate of 1.60 cfs and to the irrigation of a combined total of 77 acres in a single irrigation season. Right no. 34-2421A is limited to the irrigation of 76 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

TC-34-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUL 01 2013
Department of Water Resources
Eastern Region

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@wrightfarms.com

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. Points of diversion (well and Burnett Ditch) will not change. 12 acres will be moved 1/4 mile north to cover a potential violation. Right 34-20C is already curtailed. Right 34-2421A authorizes the irrigation of 76 acres. Only 64 acres have been irrigated at the existing POU in 2013, leaving 12 acres available for this emergency transfer.

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>34-20C (curtailed)</u>	<u>6/1/1889</u>	<u>1.60 cfs</u>	<u>Irrigation</u>	<u>5/1 7/5</u> to <u>10/15</u>
<u>34-2421A</u>	<u>6/6/1961</u>	<u>1.52 / 266</u>	<u>Irrigation</u>	<u>4/1 7/5</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

- Total amount of water being transferred 0.24 cubic feet per second and/or 42 acre-feet per annum.
- Source of water Ground Water tributary to _____
- Point(s) of diversion: _____

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
							No Change		

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								12									12

Total Acres 12

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 is irrigated from the same gw well.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
12 acres being moved are corners which have not been irrigated this year. Pivot was installed in 2012.
- 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? Rights 34-20C and 34-2421A will continue to be used to irrigate 64 acres under the pivot installed in 2012.
- f. Describe other water rights used for the same purpose. _____
- 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. Rights 34-20C and 34-2421A are overlapping. Right 34-20C is shown on this application because of the overlap.

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

6-30-13
Date

FOR DEPARTMENT USE ONLY

Received by M Holliday Date 7/1/13 \$50 fee receipted by JS Receipt No. EO.38843
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-34-96, 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 34-20C and 34-2421A (64 Acres)



Legend

-  Township/Range
-  Sections
-  QQ
-  Irrigated Acres

0 0.1 0.2
Miles







2011 Aerial Photography

Proposed POU for Metcalf Drought Emergency Transfers



Legend

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

0 0.1 0.2
Miles



2011 Aerial Photography

12/89

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER**

Application No: TC-34-96

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: _____

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

d) ☐ Additional Comment: _____

Dated this 3rd day of July, 2013.

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.