

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

2013

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT _____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-95

_____)
34-7201A)

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 28, 2013, Jimmy Lane Scouten submitted the attached Temporary Change Application TC-34-95 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) 34-7201A 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. Right(s) 34-621D and 34-7201A are limited to a total combined diversion rate of 1.92 cfs and to the irrigation of a total of 48 acres in a single irrigation season.
6. Water diverted under this right is exchanged by injecting water diverted under this right into Westside Canal, and diverting an equal amount from the Big Lost River at the point of redirection described as T5N R26E SEC 4 NWSESE (Moore Canal). Water may be diverted from the Big Lost River only when there is current demand for the water injected into the Westside Canal by users of water from Westside Canal with currently deliverable priorities below the point of injection.
7. 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.
8. 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.
9. 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.
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 30, 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

TC-34-95

RECEIVED
 JUN 28 2013
 Department of Water Resources
 System Planning

(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 JIMMY LANE SCOUTEN Phone 208-554-4181
 Mailing Address PO BOX 623, MOORE, ID 83255-0623 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. _____
Change POD of water right 34-7201A to Waddoups well, due to better accessibility to ground water because of drought.

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
34-7201A	6/28/1977	0.98	Irrigation	4/1 7/5 to 10/31
				to
				to
				to
2. Total amount of water being transferred 0.98 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	28			SW	SW	BUTTE	Ground water	A0008040 (Waddoups)

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	
5N	26E	33	17	31															48

Total Acres 48

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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. Wade Waddoups had agreed to pump right from his well.
Applicant will redirect water to POU from the Westside Canal.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No change to POU.
- 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? _____
Non-use
- f. Describe other water rights used for the same purpose. 34-621D
- 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.

[Signature]
Signature of Applicant

6-28-13
Date

FOR DEPARTMENT USE ONLY

Received by Ronda Jones Date 6-28-13 \$50 fee receipted by Ronda Jones Receipt No. E038835
Recommend: ☒ approve ☐ deny Watermaster recommendation RECEIVED VIA TELEPHONE ON 7/3/13

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-95, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

6/27/2013

I, Wade Waddoups, agree to pump for
Tim Scouten this irrigation season.

Wade Waddoups

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-95Applicant's Name: JIMMY LANE SCOUTEN

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 28 day of June, 2013.Water District No: 134
Big Lost River IrrigationJ. Redfish
Watermaster's Signature
BLRID mgr

Use reverse side of page if you need more space.

SCANNED
AUG 22 2013