

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

2013

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-2386 & 34-7233)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-100

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 July 30, 2013, Marilyn Mowrey-Lambert submitted the attached Temporary Change Application TC-34-100 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). 34-02386 and 34-07233 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.**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-100

5. Right(s) 34-264, 34-265, 34-434, 34-02386 and 34-07233 are limited to the irrigation of a total of 150 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 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 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 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 31st day of July, 2013.



Lyle Swank
Eastern Regional Manager

JUL 30 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

TC-34-100

(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-LambertPhone 208-604-1480Mailing Address 2524 N 3300 W, Arco, ID 83213Email palntid@atcnet.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 my 2 ground water rights to Jensen well. I am out of surface water. To save hay crop, neighbors have agreed to pump my rights from their well.

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>34-2386</u>	<u>9/9/1960</u>	<u>1.66</u>	<u>Irrigation</u>	<u>4/1 to 10/31</u>
<u>34-7233</u>	<u>3/6/1986</u>	<u>1.34</u>	<u>Irrigation</u>	<u>4/1 to 11/1</u>
				to
				to

2. Total amount of water being transferred 3.00 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	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					6	11	35	18	24	30	4					128	
4N	26E	27				22												22	

Total Acres 150

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 so water can be measured and sent down the ditch to irrigate my hay.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The water is shut off so they can hay. When my hay is ready to cut, the water would go back to Jensen's.
- 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?
Once my hay is cut I am finished irrigating for the season.
- 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.

Michael Mowrey-Lynch
Signature of Applicant

7-30-13
Date

FOR DEPARTMENT USE ONLY

Received by M. HOLLIDAY Date 7/30/13 \$50 fee receipted by K. JONES Receipt No. E038953
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-34-100 and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-100

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 31 day of July, 2013.

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-100

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 31 day of July, 2013.

Water District No: 34

[Signature]
Watermaster's Signature
BLRID mgr.

Use reverse side of page if you need more space.