

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-4132)
AND 34-10058)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-83

2007

WHEREAS, a drought emergency has been declared for BUTTE County to :
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 29, 2007, DOUG + LORE SCHUREMAN submitted the attached Temporary Change Application TC-34-83 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). 34-4132 + 34-10058 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-34-83

5. Right(s) 34-4132 + 34-10058 are limited to the irrigation of a total of 480 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, 2007 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 3RD day of JULY, 2007.

Lyle Swank
Lyle Swank
Eastern Regional Manager

Form 42-222A
12/89Ident. No. TC-34-83STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant DOUG & LORE SCHUREMAN Phone 527-3147Post Office Address 3059 W 2230 N ARCO ID. 83213

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 the reason(s) thereof THESE TWO WELLS ARE NOT CURRENTLY PRODUCING, ONE IS NOT RUNNING AND THE OTHER IS NOT PRODUCING VERY WELL. WE WOULD LIKE TO DIVERT THESE TWO GROUND WATER RIGHTS FROM A WELL OF OUR OWN WHICH WILL PUMP ENOUGH WATER TO FILL ALL THREE GROUND WATER RIGHTS.

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-----------------|-----------------------|-------------------|---------------------|
| <u>34-10058</u> | <u>7-7-1955</u> | <u>1.67 CFS</u> | <u>IRRIGATION</u> | <u>4-1 to 10-31</u> |
| <u>34-04132</u> | <u>6-1-1955</u> | <u>1.61 (PORTION)</u> | <u>IRRIGATION</u> | <u>4-1 to 10-31</u> |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred 3.28 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUND WATER tributary to _____

4. Point(s) of Diversion: SAME AS RIGHT 34-7100

Ident No.	Lot	%	%	%	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	SE	3	4N	26E	BUTTE	GROUND WATER
		NW	NW	NW	26	4N	26E	BUTTE	GROUND WATER INJECTION
		NW	NW	NW	26	4N	26E	BUTTE	GROUND WATER REDIVERSION

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	26E	13			35	35									35	35			140
3N	26E	12											38	32					70
3N	26E	13		35	35	35	40	39	39	40					35	35			333
3N	27E	18									38	39							77

Total Acres 480

* INCLUDED BELOW

RECEIVED

JUN 29 2007

Department of Water Resources
Eastern Region

6. General Information:

- a. Who owns the water right to be changed? WE DO
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
WILL PROVIDE WATER NEEDED TO FINISH RAISING CROPS.
- d. Has the water right sought to be transferred been used this year? YES If yes, explain 34-4132 HAS BEEN USED, ALTHOUGH WELL NOT PRODUCING MUCH.
- e. Absent the changes, how would the right be used for the remainder of the year? PUMP REMAINING PORTION OF 34-4132, AS WELL IS NOT PRODUCING MUCH.
- f. Describe other water rights used for the same purpose.
34-355, 34-356, 34-357, 34-281, + 34-13569
- 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.

Doug Schumann
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by MWH Date 7/2/2007 Fee \$50
 Received MWH # E033060 Recommend: ☒ approve ☐ deny
 Watermaster recommendation APPROVE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-83

And said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 3RD day of JULY, 2007

Lyle Swank
For the Director

ADDED PER
TELECON ON
7/2/2007

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-83

Applicant's Name: DOUG & LORE SCHUREMAN

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 2 day of July, 2007

Water District No: 34
[Signature]
Watermaster's Signature

Use reverse side of page if you need more space. BLI mfg.

Received Time Jul. 2. 4:21PM

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC - 34-83

Applicant's Name: DOUG & LORE SCHUREMAN

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 2 day of JULY, 2007

Water District No: 34

Robert W. Shaffer
Watermaster's Signature

Use reverse side of page if you need more space.

WATER DISTRICT 34

P.O Box 53 Mackay Idaho 83251

Phone (208)588-3137

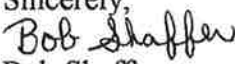
June 15, 2007

Doug Schureman
3059 West 2230 North
Arco Idaho 83213

Dear Doug;

In reviewing ground water diversions it appears that your well on the Eastside Canal is pumping more water than it is licensed for. The only rights we can find for this well is right 34-7100 for a maximum diversion of 2.72 cfs. Our records indicate you are pumping 6 cfs.

If you have any water rights pertinent to this well that are not listed above please produce them within 10 (ten) days or reduce the Volume being diverted to comply with your above listed rights.

Sincerely,

Bob Shaffer
Watermaster
Water District 34

Cc; Nick Miller, IDWR

RECEIVED

JUN 29 2007

Department of Water Resources
Eastern Region