

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

2007

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-2350,)
34-232, AND 34-7076)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-80

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 JUNE 26, 2007, JOHN KEZAMIZ FAMILY LP submitted the attached Temporary Change Application TC-34-80 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). 34-2350, 34-232, + 34-7076 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) 34-2350, 34-232, + 34-7076 are limited to the irrigation of a total of 131 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 29 TH day of JUNE, 2007.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant JOHN LEZAMIZ FAMILY LIMITED PARTNERSHIP Phone 208-734-7510
Post Office Address P O BOX 389, TWIN FALLS, ID 83303-0389

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 TO ALLOW DECREED WATER RIGHTS TO BE DIVERTED FROM EXISTING PUMP STATION LOCATED WITHIN CONGDEN SPRINGS CREEK. CURRENTLY LISTED POINT OF DIVERSION IS NO LONGER USABLE. EXISTING WATER RIGHTS PROPOSED TO BE DELIVERED TO PUMP STATION IN CONGDEN SPRINGS CREEK CHANNEL.

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>34-2350</u>	<u>7/13/1959</u>	<u>1.60 CFS</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>
<u>34-232</u>	<u>6/1/1886</u>	<u>0.80 CFS</u>	<u>"</u>	<u>5/1</u> to <u>10/15</u>
<u>34-7076</u>	<u>10/16/1974</u>	<u>0.94 CFS (PORTION)</u>	<u>"</u>	<u>4/1</u> to <u>11/1</u>

2. Total amount of water being transferred 3.34 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GROUNDWATER/CONGDON SPRINGS tributary to CONGDON SPRINGS CREEK
4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	NE	31	7N	25E	CUSTER	EXISTING WELL
			NW	NE	31	7N	25E	CUSTER	POINT OF INJECTION
		NE	SE	NE	31	7N	25E	CUSTER	POINT OF 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	
<u>7N</u>	<u>25E</u>	<u>31</u>	<u>15</u>	<u>4</u>	<u>38</u>	<u>17</u>				<u>27</u>					<u>30</u>				<u>131</u>

Total Acres 131

6. General Information:

- a. Who owns the water right to be changed? APPLICANT
- 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:
MORE EFFICIENT USE OF WATER. NO INCREASE IN TOTAL ACREAGE IRRIGATED.
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. _____
BIG LOST IRRIGATION DISTRICT STORAGE WATER UTILIZED FOR IRRIGATION AS DESCRIBED.
- e. Absent the changes, how would the right be used for the remainder of the year? TRANSFERS PENDING TO AUTHORIZE
USE PERMANENTLY.
- f. Describe other water rights used for the same purpose.
34-230, 34-231, 34-232
- g. Remarks: DROUGHT DECLARATION FOR CUSTER COUNTY MARCH, 2007. LAND CURRENTLY PLANTED AND REQUIRES
WATER. HISTORICAL DELIVERY SYSTEM NO LONGER FUNCTIONING.

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 of applicant)

FOR DEPARTMENT USE ONLY

Received by MWH Date 6/26/2007 Fee \$ 50
Received KC # 5029561 Recommend: ☒ approve ☐ deny
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

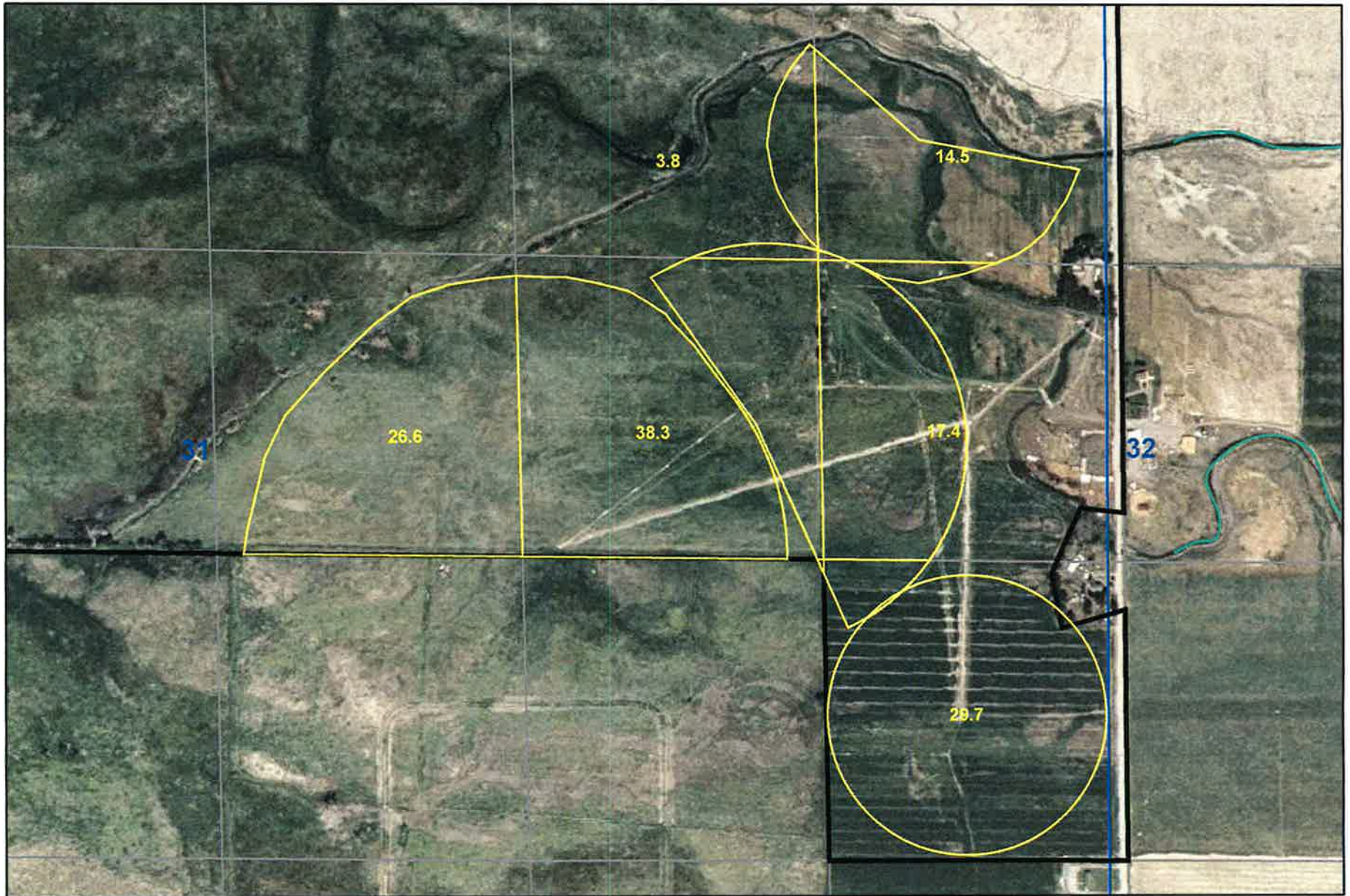
This is to certify that I have examined Temporary Change Application No. TC-34-80

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

Verbal acceptance received from Bob Shafter, with
written copy to be sent.

Witness my hand this 29TH day of JUNE, 2007

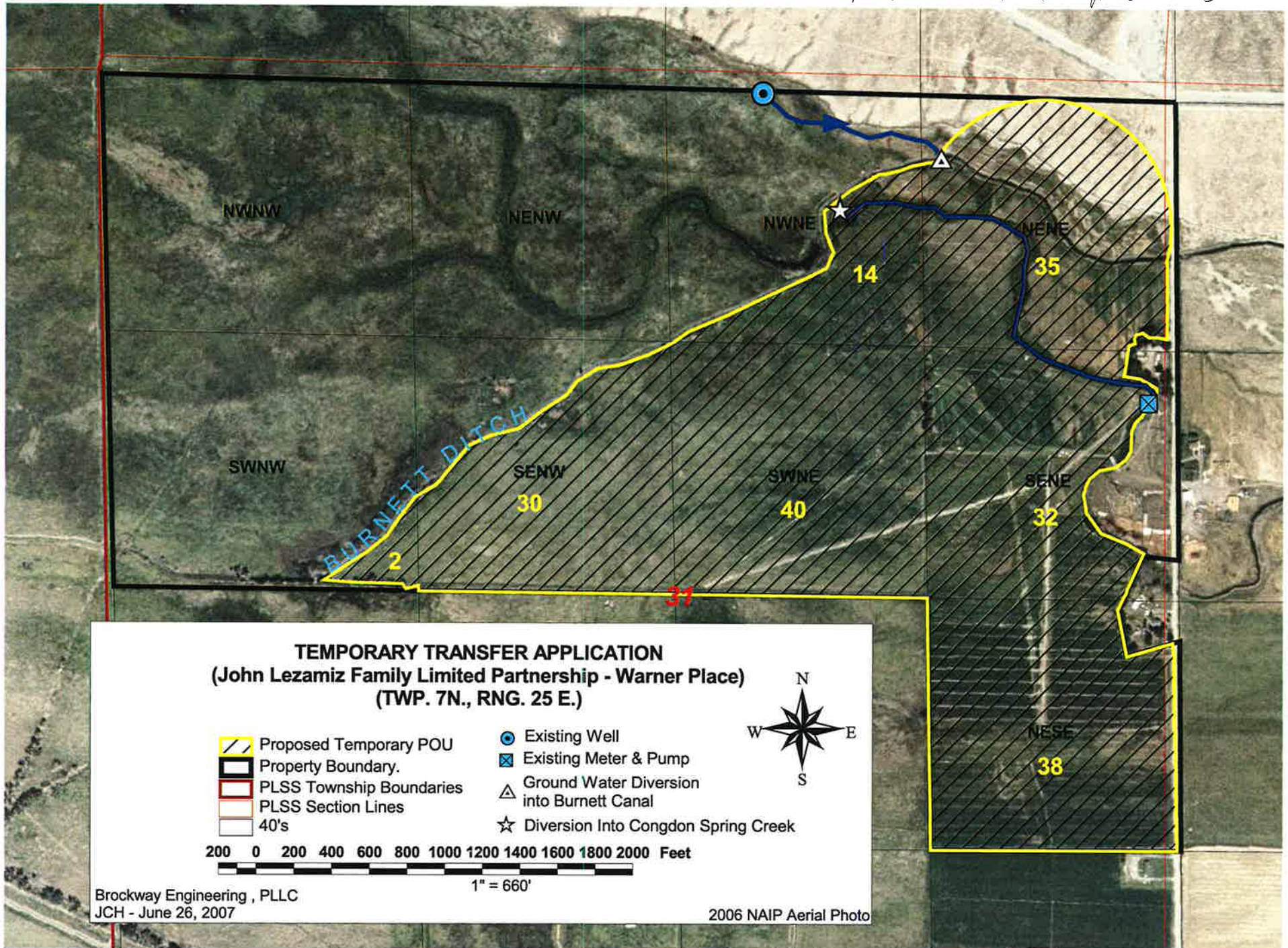
Lyle Swank
For the Director



John Lezamis - Woodbury Place
Pivot ac. Calculation per QQ
NAIP 2006 Aerial Photo

131 AC

NENE = 27 AC ALLOWED



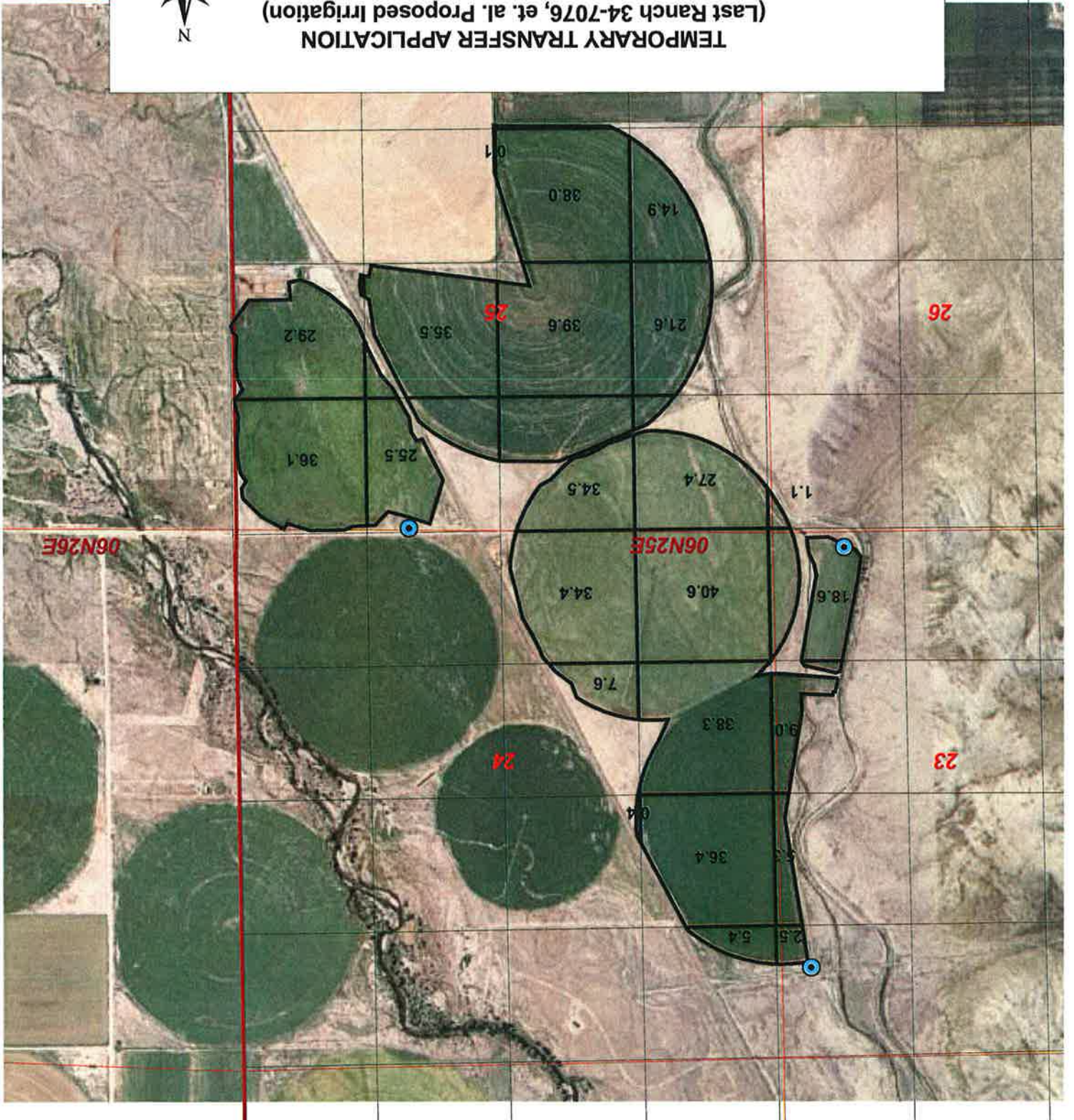


- Proposed Irrigation (503 Acres)
- PLS Section Lines
- PLS Township Boundaries
- 40's
- Existing Well



TEMPORARY TRANSFER APPLICATION (Last Ranch 34-7076, et. al. Proposed Irrigation)

502 ac
STILL
IRRIGATED



TWIN FALLS OFFICE
(208) 734-7510
Toll Free: (877) 343-7510
Fax: (208) 734-4115
133 Shoshone Street North
P. O. Box 389
Twin Falls, ID 83303-0389

John C. Hepworth
John T. Lezamiz
Robyn M. Brody
Benjamin J. Cluff
Joel A. Beck

HEPWORTH, LEZAMIZ & JANIS, CHTD.

L A W O F F I C E S

- ESTABLISHED 1952 -

BOISE OFFICE
(208) 343-7510
Fax: (208) 342-2927
537 West Bannock Street
P. O. Box 2582
Boise, ID 83701-2582

J. Charles Hepworth*
John J. Janis
John W. Kluksdal

*Member CA Bar

June 29, 2007

Via Facsimile 208/525-7177

Michael Holliday
Idaho Department of Water Resources
Eastern Regional Office
900 N. Skyline Drive, Ste. A
Idaho Falls, ID 83402-6105

RE: Last Ranch LLC / John Lezamiz FLP Temporary Transfer

Dear Mr. Holliday:

Thank you for visiting with me and for all of your assistance and courtesies. This letter will serve to verify that I am a member of Last Ranch LLC. I have contacted the other members and they are in unanimous agreement to authorize the temporary transfer of Last Ranch LLC's excess groundwater rights to the John Lezamiz Family Limited Partnership.

Please feel free to give me a call if you should have any questions. Again, Mike, Thank you for making the extra effort to expeditiously authorize the above. It was sincerely appreciated.

Very truly yours,

HEPWORTH, LEZAMIZ & JANIS, CHTD.

By: _____

John T. Lezamiz

JTL:ko

(F:\DOCS\LEZAMIZ\Woodbury-MackaySprings\Corr\holliday070629.wpd)

RECEIVED

JUL 02 2007

Department of Water Resources
Eastern Region

Reply to Twin Falls office



12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC - 34 - 80
Applicant's Name: JOHN LEZAMIZ FAMILY LIMITED PARTNERSHIP
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: METAL WIER BE INSTALLED ON DITCH FROM WELL. (CORRECTLY) WITHIN 10 DAYS.
JULY 9, 2007
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 29 day of JUNE, 2007.

Water District No: 34
Robert W. Shaffer
Watermaster's Signature

Use reverse side of page if you need more space.

12/09

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC 34-80Applicant's Name: JOHN LEZAMIZ FAMILY LIMITED

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: 34J. A. Riffhuth
Watermaster's Signature

Use reverse side of page if you need more space.

BIG Lost IRRIGATION DIST, ny