

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-611A, 34-612A,
34-613A, 34-803)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-75

2007

WHEREAS, a drought emergency has been declared for Custer County to a 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 emer 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 May 18, 2007, Churnelasher Ranch submitted the attached Temporary Change Application TC-34-75 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) 34-611A, 34-612A, 34-613A, 34-803 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) 34-611A, 34-612A, 34-613A, 34-803 are limited to the irrigation of a total of 224 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. Diversion of water from Warm Springs Creek is limited to those times water is available for diversion under these rights and priorities from Parsons Creek. Availability of water from Parsons Creek shall be determined based on the lesser of the flow in Parsons Creek at the authorized point of diversion or at the mouth of Parsons Creek.
13. This Temporary change approval expires on Oct 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 21st day of May, 2007.



Lyle Swank
Eastern Regional Manager

Ident. No. TC-34-75

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED
MAY 18 2007

Department of Water Resources
Eastern Region

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

Name of Applicant Chundasher Ranch, Scott or Victor A. Johnson Phone 208 588 3072
Post Office Address 5366 Fish Hatchery Rd Mackay ID 83251

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion
☐ Change purpose of use

☐ Add diversion point(s)
☐ Other

☒ Change place of use

2. Describe the proposed change(s) and the reason(s) thereof Rotate water rights from 3/4" full pivot

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>34-611A</u>	<u>6/1/1882</u>	<u>1.50 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>
<u>34-612A</u>	<u>6/1/1886</u>	<u>0.80 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>
<u>34-613A</u>	<u>11/1/1892</u>	<u>0.50 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>
<u>34-803</u>	<u>8/1/1890</u>	<u>3.20 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>

2. Total amount of water being transferred 2.80 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Parrsons Creek tributary to Big Lost River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NW	SW	26	8N	22E	CLUSTER	Harris Ditch
		SE	NW	NW	36	8N	22E	CLUSTER	Shoup Ditch

5. Lands irrigated or place of use:

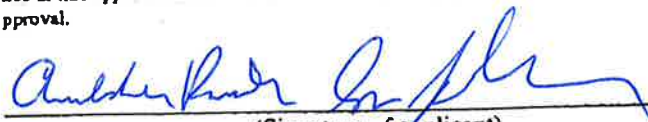
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	25										32		32	32				96
		36			32					32	32					32			128

Total Acres 224

6. General Information:

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right NA
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Able to run pivots one at a time & irrigate more profitable crops
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain as delivered by water master
- e. Absent the changes, how would the right be used for the remainder of the year? could not operate pivots
- f. Describe other water rights used for the same purpose.
- g. Remarks: Temporary change due to drought & pertains to priority dates that are available at differing times. All water regulated by water master

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 SC Date 5/18/07 Fee 50⁰⁰
Receipted MH # E032905 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-3475

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

Witness my hand this 21st day of May, 2007:


For the Director

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-75Applicant's Name: CHURNDASHER RANCH

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this applicationb) ☒ I do not oppose approval of this application if it is conditioned as

follows: THESE WATER RIGHTS CAN ONLY BE DIVERITED
FROM WARM SPRING'S IF THEY ARE AVAILABLE AT
THEIR ACTUAL DIVERSION POINT ON PARSONS CREEK.

c) ☐ I oppose approval of this application for the following reasons:d) ☐ Additional Comment: _____Dated this 18 day of MAY, 2007Water District No: 34

Robert W. Shaffer
Watermaster's Signature

Use reverse side of page if you need more space.

Received Time May. 18. 4:53PM



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 28, 2007

CHURNDASHER RANCH
5366 FISH HATCHERY RD
MACKAY ID 83251

Dear Mr. and Mrs. Johnson:

Yesterday our office received your letter requesting that your application for temporary transfer No. TC-34-75 be withdrawn. We have honored your request and now consider the application null and void.

Please feel free to contact me at 208-525-7161 if you have any questions or concerns regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Holliday', with a long, sweeping horizontal line extending to the right across the page.

Michael Holliday
Water Resource Agent
Adjudication Bureau

RECEIVED

JUN 27 2007

Department of Water Resources
Eastern Region

June 26, 2007

Churndasher Ranch
5366 Fish Hatchery Rd
Mackay, ID 83251

Department of Water Resources
Idaho Falls, ID
Attn: Michael Holliday

RE: Request to withdraw application

We would like to request to withdraw the application of transfer # TC-34-75.

Thank you,

A handwritten signature in cursive script that reads "Julie Johnson".

Julie Johnson
Churndasher Ranch