

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-377D,)
34-673B)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-74

2007

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 MAY 18, 2007, J. RYAN JONES submitted the attached Temporary Change Application TC-34-74 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:

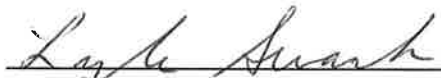
1. Diversion and use of right no(s). 34-377D, 34-673B is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a point of diversion.
3. The applicant assumes all risk of curtailment or 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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TEMPORARY CHANGE

TC-34-74

5. Right(s) 34-3770, 34-673B are limited to the irrigation of a total of 76 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 21ST day of MAY, 2007.



Lyle Swank
Eastern Regional Manager

Form 42-222A
12/98

Ident. No.

TC-34-74

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 J. Pyzdek Jones Phone 588-2211Post Office Address Rt. 1, Box 22 Darlington, Idaho 83255**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 Richard is going to irrigate with ground water this summer and he is going to let me use his surface water to build up my storage and help carry me through the irrigating season.

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>34-377D</u>	<u>6/01/1885</u>	<u>0.8 cfs</u>	<u>Irrigation</u>	<u>5/01/07 to 10/15/07</u>
<u>34-673B</u>	<u>5/01/1885</u>	<u>0.5 cfs</u>	<u>Irrigation</u>	<u>5/01/07 to 10/15/07</u>

2. Total amount of water being transferred 1.3 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Sinks

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SN	11	6N	25E	Quarter	Beck / McGowan

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	
6N	25E	13	1/4																38
6N	26E	18						1/4											38

Total Acres 76

Received Time May. 18. 8:36AM

6. General Information:

- a. Who owns the water right to be changed? Richard + Yvonne Cole
- b. Describe the arrangement allowing use of the right Richard is going to use ground water this year
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
no change. the crop will be irrigated with ground water.
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? this water would not be used.
- f. Describe other water rights used for the same purpose.
34-10242 is the only right of mine that I expect to utilize.
- g. Remarks: Using Richards water to add to mine, will extend my irrigating season. Otherwise, this water will not be utilized.

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)

FOR DEPARTMENT USE ONLY

Received by M HOLLIDAY Date 5/18/07 Fee \$50

Receipted MWH # E032903 Recommend: ☒ approve ☐ deny

Watermaster recommendation APPROVE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

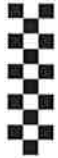
This is to certify that I have examined Temporary Change Application No. TC-34-74

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

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

[Signature]
For the Director

Received Time May. 18. 8:36AM



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-74

Applicant's Name: J. RYAN JONES

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 18 day of MAY, 2007

Water District No: 34

Robert W. Shaffer
Watermaster's Signature

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-74

Applicant's Name: J. RYAN JONES

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 21 day of May, 2007

Water District No: 34

J. A. Relfish
Watermaster's Signature

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my Big Lost Irrigation