

DEP

2004

RCES

## TEMPORARY CHANGE APPLICATION

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

Name of Applicant Garrell E. McDonald Phone 527-3413  
Post Office Address P.O. Box 102 - 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

irrigate potatoes - to take care of shrink charged by District

## 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>34-7205</u>	<u>8/01/1977</u>	<u>4.67 cfs</u>	<u>irrigation</u>	<u>4-01</u> to <u>11/01</u>
				to
				to
				to

2. Total amount of water being transferred 4.67 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	SE	03	4N	26E	Butte	East side to ARCO Canal

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	27E	5	40	35	40	40													145

Total Acres 145

## 6. General Information:

TC-34-58

- a. Who owns the water right to be changed? Larry E Rasmussen
- b. Describe the arrangement allowing use of the right Rent for
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
No Land being irrigated
- 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? Not used
- f. Describe other water rights used for the same purpose.  
34-43 (7-22-1901) <sup>BLR</sup> 34-2509 (10-5-1960) <sup>GW</sup> 34-7112 (5-15-1975) <sup>BLR</sup>
- 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.

James E McDonald  
(Signature of applicant)

## FOR DEPARTMENT USE ONLY

Received by KCW Date 7/29/04 Fee 50<sup>00</sup>

Received KCW # E030092 Recommend: ☒ approve ☐ deny

Watermaster recommendation Approved

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-58

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

Witness my hand this 2 day of August, 2004.

[Signature]  
For the Director

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

IN THE MATTER OF APPLICATION FOR )  
TEMPORARY CHANGE OF A )  
WATER RIGHT 34-7205 )  
\_\_\_\_\_)  
DARRELL McDonald )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

TC-34-58

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 purpose 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 29, 2004, Darrell McDonald submitted the attached Temporary Change Application TC-34-58 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:

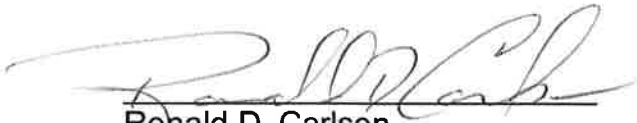
1. Diversion and use of right no(s). 34-7205 is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation 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 condition. 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

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5. Right(s) 34-7205 are limited to the irrigation of a total of 179 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 approval 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 shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2004 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 2 day of August, 2004.

  
Ronald D. Carlson  
Eastern Regional Manager

State of Idaho  
Department of Water Resources  
Transfer of Water Rights

7c-34-5B

**RECOMMENDATION OF WATERMASTER**

Transfer Application No:

Water Right No(s): 34-7205

Transfer Applicant's Name: Darrell E. McDonald  
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 30<sup>th</sup>, day of July, 2004

Water District No: 34

  
Watermaster's Signature

To: Idaho Department of Water Resources

August 2, 2004

From: Larry E. Rasmussen:

RE: Use of Water right 34-7205 by Darrell E. McDonald for 2004 irrigation season.

I Larry E. Rasmussen hereby authorize Darrell E. McDonald of P.O. Box 102 Arco, ID 83213, to use all of my groundwater right 34-7205 for irrigation purposes for the 2004 irrigation season. The original place of use is in summer fallow and water has not been used this year.

  
\_\_\_\_\_  
Larry E. Rasmussen

8-2-04  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Witness



## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7205

WATER RIGHT NUMBER: 34-7205

TC-34-58

Owner Type                      Name and Address  
 Current Owner                  LARRY E or SHERRY A RASMUSSEN  
    1779 E HWY 101  
    LOGAN, UT 84321  
    (435)245-6487

INPS

Priority Date: 08/01/1977

Basis: Decreed

Status: Active

SourceTributary

## GROUND WATER

Beneficial Use                      From      To                      Diversion Rate                      Annual Volume  
 IRRIGATION                      4/01 to 11/01                      4.670 CFS  
    Total Diversion:                      4.670 CFS

Location of Point(s) of Diversion

GROUND WATER      SW1/4SW1/4SE1/4      Sec. 3, Twp 04N, Rge 26E, B.M.      BUTTE County

Place of Use      IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 27E 5					32.0	33.0	29.0	35.0					24.0	26.0			179.0
					L 3	L 4											

Total Acres: 179

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH THE EASTSIDE DITCH AND THE ARCO CANAL.
2. Source POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM BIG LOST RIVER.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-02484 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 665 AF.  
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.43 CFS.  
COMBINED RIGHT NOS.: 34-00089A AND 34-07205.
4. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
- Irrigation OF A COMBINED TOTAL OF 190 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00089A AND 34-07205.

Comments:Dates and Other Information:

Decreed Date: 12/14/2001  
 State or Federal: S  
 Owner Name Connector: OR  
 Water District Number: 34  
 Civil Case Number: 39576  
 Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	665	

Combined Water Rights: 34-7205 , 34-2484

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.43		190

Combined Water Rights: 34-7205 , 34-2484