

2004

DEPAR CES

TEMPORARY CHANGE APPLICATION

RECEIVED
JUN 28 2004

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

Department of Water Resources
Eastern Region

Name of Applicant Albert Fullmer Phone 588-3383

Post Office Address Rt 1 Box 44 Darlington, ID 83231

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 Changing point of diversion to facilitate delivery of water. Place of Use

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

1. Right Number 34-00452E Priority 6-1-85 Amount (cfs/ac-ft) 1.26 Nature of Use Irrigation Period of Use 5-01 to 10-15
2. Total amount of water being transferred 1.26 cubic feet per second and/or 2.49 acre-feet per annum
3. Source of water Surface 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
		NW	NW	NE	24	6N	25E	Custer	Burnett

5. Lands irrigated or place of use: LIMITED TO 63 acres within 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			37	38									40				115
6N	26E	18									38								38

Total Acres 153

6. General Information:

- a. Who owns the water right to be changed? Max Bingham
- b. Describe the arrangement allowing use of the right Agreement with owner
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This ground is not 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 possible to get water to place of use without transfer/Change of POA
- f. Describe other water rights used for the same purpose. 4/22/84 and storage POA
- g. Remarks: Due to shrink and drought he needs more water to irrigate ~~new~~ place of use.

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 Kaw Date 6/28/04 Fee 50⁰⁰

Receipted Kaw # E030010 Recommend: / approve deny

Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-53

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

Witness my hand this 1st day of July, 2004:

[Signature]
For the Director

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECEIVED
JUN 28 2004
Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-00452E

TC 34-53

Transfer Applicant's Name: Albert Fullmer / Max Bingham

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 24th, day of June, 2004

Water District No: 34


Watermaster's Signature

6-23-04

TO WHOM IT MAY CONCERN

I MAX J. BINGHAM AGREE TO TRANSFER MY
6-1-85 WATER RIGHTS TO ALBERT FULLMER
FOR THE YEAR 2004 ONLY

Max J. Bingham

TC-34-53

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-452E)
Albert Fullmer)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-53

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 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 June 28, 2004, Albert Fullmer submitted the attached Temporary Change Application TC-34-53 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). 34-452E 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

TC-34-53

5. Right(s) 34-452E are limited to the irrigation of a total of 63 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 1st day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

INFO

06/29/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 34-452E V1

TC-34-53

WATER RIGHT NUMBER: 34-452E V1

Owner Type Name and Address
Current Owner MAX J & CHERYL J BINGHAM
520 VISTA DR
CLINTON, TN 37716

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Source Tributary
BIG LOST RIVER SINKS

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 5/01 to 10/15 1.260 CFS

Total Diversion: 1.260 CFSLocation of Point(s) of Diversion

BIG LOST RIVER NW1/4NW1/4NE1/4 Sec. 24,Twp 06N,Rge 25E, B.M. CUSTER 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	
06N 26E 19												38.0			36.0	39.0	113.0
06N 26E 30	33.0																33.0

Total Acres: 146

Remarks:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NOS. 34-00282C, 34-02438 AND 34-10795 IS LIMITED TO - Irrigation THE IRR OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRR SEASON. THIS RIGHT IS LIMITED TO THE IRR OF 63 ACRES WITHIN THE POU DESCRIBED ABOVE IN A SINGLE IRR SEASON.
2. Explanatory WATER IS DELIVERED THROUGH LOWER BURNETT DITCH.
3. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 34-00282C, 34-02438 AND 34-10795 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.66 CFS.

Comments:

1. MEYER 2/26/1991 ASSESSMENT OF LOSS
Comment: BIG LOST IRRIGATION CHARGES MR. MC AFFEE 0.14 CFS FOR DITCH LOSS. THE ORIGINAL ROOT RIGHT, 34-00452D, WAS FOR 1.4 CFS. SUBTRACTING THE 0.14 CFS LOSS LEAVES THE 1.26 CFS PORTION CLAIMED HERE. RENUMBERED FROM A34-10797 THIS CLAIM HAS BEEN RENUMBERED FROM A34-10797 TO REFLECT ITS ROOT RIGHT. PORTION OF 34-00452D THIS CLAIM APPEARS TO BE A PORTION OF 34-00452D. 34-00452D HAS BEEN CLAIMED BY MELVIN HINTZE UNDER A34-00452D. FROM INFORMATION ON FILE, IT APPEARS MR. HINTZE SHOULD HAVE FILED ON 34-00452A, WHICH IS APPURTENENT TO HIS LAND. THE 'D' PORTION IS APPURTENENT TO MELVIN MCAFFEE'S MOST OF THE LAND SHOWN IN THE P/U LISTED IN THIS CLAIM, A34-00452E.

Dates and Other Information:

Decreed Date:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: AND

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.66		146

Combined Water Rights: 34-10795 , 34-2438 , 34-452E , 34-282C

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-10795 V1

WATER RIGHT NUMBER: 34-10795 V1

Owner Type Name and Address
 Current Owner MAX J & CHERYL J BINGHAM
 520 VISTA DR
 CLINTON, TN 37716

Priority Date: 04/01/1977

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 10/31 0.400 CFS

Total Diversion: 0.400 CFSLocation of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SW1/4 Sec. 19,Twp 06N,Rge 26E, B.M. CUSTER 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	
06N	26E	19												38.0			36.0	39.0	113.0
06N	26E	30	33.0																33.0

Total Acres: 146

Remarks:

1. Explanatory RIGHT NO. 34-02438 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 20 ACRES WITHIN THE POU DESCRIBED FOR THIS RIGHT.
2. Place of Use USE OF THIS RIGHT WITH RIGHT NOS. 34-00282C, 34-00452E AND 34-02438 IS LIMITED - Irrigation TO THE IRRIGATION OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRR SEASON.
3. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-02438 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-02438 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.52 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 511.0 AF. USE OF THIS RIGHT WITH 34-282C, 34-452E AND 34-2438 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.66 CFS.

Dates and Other Information:

Decreed Date:

Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED

State or Federal: S

Owner Name Connector: AND

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.52	511	

Combined Water Rights: 34-10795 , 34-2438

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.66		146

Combined Water Rights: 34-10795 , 34-2438 , 34-452E , 34-282C

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-282C

WATER RIGHT NUMBER: 34-282C

Owner Type

Current Owner

Name and Address

MAX J & CHERYL J BINGHAM
3861 N HWY 93
LESLIE, ID 83255
(208)588-2080

Priority Date: 06/01/1897

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

5/01 to 10/15

Diversion Rate

1.200 CFS

Annual VolumeTotal Diversion: 1.200 CFSLocation of Point(s) of Diversion

BIG LOST RIVER NW1/4NW1/4NE1/4 Sec. 24,Twp 06N,Rge 25E, B.M. CUSTER 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	
06N	26E	19												38.0			36.0	39.0	113.0
06N	26E	30	33.0																33.0

Total Acres: 146

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH LOWER BURNETT DITCH.
2. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 34-00452E, 34-02438 AND 34-10795 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.66 CFS.
3. Place of Use USE OF THIS RIGHT WITH RIGHT NOS. 34-00452E, 34-02438 AND 34-10795 IS LIMITED TO
- Irrigation THE IRR OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRR SEASON. THIS RIGHT IS LIMITED TO THE IRR OF 60 ACRES WITHIN THE POU DESCRIBED ABOVE IN A SINGLE IRR SEASON.

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Owner Name Connector: AND

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.66		146

Combined Water Rights: 34-282C

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-2438 V1

WATER RIGHT NUMBER: 34-2438 V1

Owner Type

Current Owner

Name and Address

MAX J & CHERYL J BINGHAM
520 VISTA DR
CLINTON, TN 37716

Priority Date: 09/13/1961

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

4/01 to 11/01

Diversion Rate

2.520 CFS

Annual VolumeTotal Diversion: 2.520 CFSLocation of Point(s) of Diversion

GROUND WATER NW1/4SE1/4SW1/4 Sec. 19,Twp 06N,Rge 26E, B.M. CUSTER 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	
06N 26E 19												38.0			36.0	39.0	113.0
06N 26E 30	33.0																33.0

Total Acres: 146

Remarks:

1. Explanatory RIGHT NO. 34-10795 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. Quantity USE OF THIS RIGHT WITH 34-10795 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.52 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 511 AF. USE OF THIS RIGHT WITH RIGHTS. 34-282C, 34-452E & 34-10795 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.66 CFS
3. Place of Use USE OF THIS RIGHT WITH RIGHT NOS. 34-00282C, 34-00452E AND 34-10795 IS LIMITED - Irrigation TO THE IRR OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRR SEASON. THIS RIGHT IS LIMITED TO THE IRR OF 126 ACRES WITHIN THE POU DESCRIBED ABOVE IN A SINGLE IRR SEASON.

Dates and Other Information:

Decreed Date:

Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED

State or Federal: S

Owner Name Connector: AND

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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2.52	511	
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Combined Water Rights: 34-10795 , 34-2438

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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3.66		146
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Combined Water Rights: 34-10795 , 34-2438 , 34-452E , 34-282C

Adjudication Recommendation Report 34-569D V1

Combined Water Rights: 34-2437A , 34-608A , 34-609A , 34-569D