

DEP

2004

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RECEIVED

## TEMPORARY CHANGE APPLICATION

JUN 17 2004

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

Department of Water Resources  
Eastern RegionName of Applicant Travis Smith Phone 588-3971Post Office Address 4103 N 3600 Darlington, ID

## 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

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

1. Right Number 34-00379 Priority 6/1/1880 Amount (cfs/ac-ft) 1.2 Nature of Use Irrigation Period of Use 5-1 to 10-15
2. Total amount of water being transferred 1.2 cubic feet per second and/or 2.38 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
		SE	NW	NW	34	7N	24E	Butte	Burnett

## 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	26E	7													38				

Total Acres 38

## MEMORANDUM

TO: TC-34-52

July 9, 2004

FROM: Keith C. Wilson

RE: Approval of temporary change TC-34-52

In conversation with Ron Carlson, Ron thinks that if the water master only delivers water to the Burnett Ditch that would solve the problem that the water master has with this approval.

A handwritten signature in cursive script, appearing to read "Keith C. Wilson", written over a horizontal line.

Keith C. Wilson  
Senior Resource Agent

I, Trent Smith agree to transfer my  
60" pass creek water (34-00379) for the year  
of 2004.

Trent Smith

State of Idaho  
Department of Water Resources  
Transfer of Water Rights

TC-34-52

RECOMMENDATION OF WATERMASTER

RECEIVED

JUN 17 2004

Transfer Application No:

Water Right No(s): 34-00379

Transfer Applicant's Name: Travis Smith  
Watermaster's Recommendation:

Department of Water Resources  
Eastern Region

- 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)   X   Additional Comment: I do not oppose of this transfer. This water right originated from Pass Creek drainage which no longer reaches the Big Lost River. The place of use this water right is being transferred to would allow access to the Pass creek Tributary and would be a more fesible usage of this water right.

Dated this 16<sup>th</sup>, day of June, 2004

Water District No: 34

  
Watermaster's Signature

State of Idaho  
Department of Water Resources  
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-00379

TC: #34-542

Transfer Applicant's Name: Trent and Travis Smith  
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: After further review of this transfer it was determined, that this water right would not be deliverable from the Pass Creek tributary through the original Pass creek tributary. Although senior to other water rights its original lower Pass creek filling would cause injury to other designated junior water rights in the upper Pass creek drainage. The only ability to delivery tis water right through the upper Pass Creek drainage would be through a Private ditch which is unacceptable to the ditch owner. If diverted into the the Pass Creek channel this water right would not be deliverable.

- d) ☐ Additional Comment:

Dated this 6th<sup>1</sup> day of July, 2004

Water District No: 34

  
Watermaster's Signature

## Wilson, Keith

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**From:** Wilson, Keith  
**Sent:** Wednesday, July 07, 2004 8:53 AM  
**To:** Berkey, Jennifer  
**Subject:** RE: TC-34-52

Jennifer,

It appears that the department needs to rescind TC-34-52. Ron Carlson, regional manager, is out of the office until late tomorrow. So it would be best to have the state office rescind the temporary change. It would be appreciated if you could have the temporary change rescinded through the state office, thus eliminating any additional delay.

Keith

-----Original Message-----

**From:** Berkey, Jennifer  
**Sent:** Tuesday, July 06, 2004 3:11 PM  
**To:** Wilson, Keith  
**Subject:** FW: TC-34-52

Keith,

Thank you for the fax. It appears that the watermaster has also contacted you about his concerns and has filed another comment reflecting his change in opinion. Unless I hear otherwise from you or the watermaster, I will assume that his issues with the temporary change have been addressed by Eastern Region.

Thanks,  
Jennifer

-----Original Message-----

**From:** Berkey, Jennifer  
**Sent:** Tuesday, July 06, 2004 10:45 AM  
**To:** Wilson, Keith  
**Subject:** TC-34-52

Keith,

I tried to reach you on the phone, but you are with a customer, so I decided to try e-mail instead. I would like to look at a copy of TC-34-52 and it does not appear that we have received it yet here in the state office. Would you please fax me a copy? The watermaster has a question about delivering water pursuant to this TC and I want to see for myself what was filed before answering his question.

Thank you,  
Jennifer

*Jennifer S. Berkey, P.E.  
Water Distribution Section  
Idaho Department of Water Resources  
1301 N. Orchard St., Boise, ID 83706-2237  
208-327-7871*

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-379

WATER RIGHT NUMBER: 34-379

*INFO ONLY*  
*TC-34-52*

Owner TypeName and Address

Current Owner

L VAUGHN & DARLENE B JENSEN, 3347 W 2900 N, MOORE, ID 83255  
(208)527-3398

Priority Date: 06/01/1880

Basis: Decreed

Status: Active

SourceTributaryBIG LOST RIVER  
LOWER PASS CREEKSINKS  
BIG LOST RIVERBeneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

05/01 to 10/15

1.200 CFS

210.00 AF

Total Diversion:

1.200 CFS

210.00 AF

Location of Point(s) of Diversion

BIG LOST RIVER NW1/4SE1/4SE1/4Sec. 4, Twp 05N,Rge 26E, B.M. BUTTE County (Rediversion)

LOWER PASS CREEK SW1/4SE1/4 Sec. 33,Twp 06N, Rge 26E, B.M. BUTTE County

BIG LOST RIVER NW1/4SW1/4SE1/4 Sec. 33, Twp 06N, Rge 26E, B.M. BUTTE County (Injection)

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	
04N 26E 7				9.0									34.0			38.0	81.0
04N 26E 8							37.0		39.0	39.0							115.0

Total Acres: 196

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. This water right is within State Water District No. 34.
2. X27 This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
3. X35 Rights 34-0259C, 34-0377C, 34-0379, 34-0738B, and 34-0925A when combined shall not exceed a total diversion rate of 4.90 cfs, a total annual maximum diversion volume of 686 af, and the irr of 196 acres.

Comments:

1. SCOX 3/7/2000 TRANSFER NO. 5671 SPLITTING FARM INTO 3 UNITS & SELLING PART W/RIGHTS
2. scurtis 9/20/2002 2:21:06 PM This is now an approved transfer, transfer number = 67091

Dates and Other Information:

Decreed Date: 11/27/2001  
 Owner Name Connector: And  
 Water District Number: 34  
 Generic Max Rate Per Acre: 0.02  
 Generic Max Volume Per Acre: 3.5  
 Civil Case Number: 39576  
 Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
11.9		434

Rights: 34-259C, 34-377C, 34-379, 34-738B, 34-925A,  
 34-28H, 34-80, 34-663A, 34-2372, 34-10552, 34-13415,  
 34-372B, 34-2340B

Rate	Volume	Acres
4.9	686	196

Rights: 34-259C, 34-377C, 34-379, 34-738B, 34-925A

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

IN THE MATTER OF APPLICATION FOR )  
TEMPORARY CHANGE OF A )  
WATER RIGHT 34-379 )  
 )  
TRAVIS SMITH )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

TC-34-52

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 June 17, 2004, Travis Smith submitted the attached Temporary Change Application TC-34-52 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). 34-379 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-34-52

5. Right(s) 34-379 are limited to the irrigation of a total of 38 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 Nov 1, 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 23<sup>rd</sup> day of June, 2004.

  
Ronald D. Carlson  
Eastern Regional Manager