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JUN 03 2004

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

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

Name of Applicant Craig Stewart Phone 589-5118
Post Office Address Rt 1 Box 58B 2700N 3405W Moore, Id. 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 Current licence is for 146 acres. Proposed use for 2004 would be 63 acres. The wells current out put is more compatible to the 63 acres TOWNSHIP 4N R26E BM Sect. 17 SE 1/4 SE 1/4 Sec. 16 partial of SW 1/4 SW 1/4

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>34-2419B</u>	<u>6-5-61</u>	<u>1.96 cfs</u>	<u>IRRIGATION</u>	<u>5-1</u> to <u>10-15</u>
<u>34-12391</u>	<u>5-2-1984</u>	<u>.98 cfs</u>	<u>IRRIGATION</u>	<u>4-1</u> to <u>10-31</u>
				to
				to

2. Total amount of water being transferred 1.96 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water* tributary to _____

* 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	26	4N	26E	Butte	

** 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	
4N	26E	16											23.8						23.8
		17															40		40.0

* Completed from Decree 34-2419B * Added because of overlap. Total Acres 63.8 ac **

** Completed from Decree 34-13832 & 34-13834 & Item A.2. (above)

6. General Information:

TC-34-47

- a. Who owns the water right to be changed? Craig Stewart
- b. Describe the arrangement allowing use of the right N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Do to lack of river water, And if it doesnt rain, this ground will be dry.
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. to suplliment the river stream.
- e. Absent the changes, how would the right be used for the remainder of the year? would have to reduce acres without District water
- f. Describe other water rights used for the same purpose.
B. L. I. D. water. They say there isnt any.
- g. Remarks: They charged 800 inches against my account to deliver 100 inches. at 48% to start with, that gave me 4 days. So I would like to try and get some what of a crop off the smaller farm.

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.

Craig Stewart
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kew Date 6/3/2004 Fee \$ 50⁰⁰

Received Kew 6/4 # E 029912 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-34-47

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

Witness my hand this 19th day of June 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 34-2419B)
)
CRAIG STEWART)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-47

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 6, 2004, Craig Stewart submitted the attached Temporary Change Application TC-34-47 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). 34-2419B 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-34-47

5. Right(s) 34-2419B are limited to the irrigation of a total of 63.8 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 December 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 14th day of June, 2004.



Ronald D. Carlson
Eastern Regional Manager

State of Idaho
Department of Water Resources
Transfer of Water Rights

TC-34-47

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-2419B / 34-12391

Transfer Applicant's Name: Craig Stewart
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 10th, day of June, 2004

Water District No: 34


Watermaster's Signature

INFO ONLY

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-2419B

TC-34-47

WATER RIGHT NUMBER: 34-2419B

Owner Type Name and Address
 Current Owner G CRAIG or JACKIE STEWART
 2700 N 3405 W
 MOORE, ID 83255
 (208)527-3621

Priority Date: 06/05/1961

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.960 CFS	511.00 AF

Total Diversion: 1.960 CFSLocation of Point(s) of Diversion

GROUND WATER NW1/4NW1/4NE1/4 Sec. 20,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	
04N 26E 20	38.0			36.0									40.0				114.0
04N 26E 21									32.0								32.0

Total Acres: 146

Remarks:

1. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION - Irrigation OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRR SEASON. COMBINED RIGHTS.: 34-12391/943/213E/214C & 34-00589. THIS RIGHT IS LIMITED TO THE IRR OF 98 AC WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Explanatory RIGHT NO. 34-12391 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE. RIGHTS. 34-02419A & 34-12391 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-12391 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.96 CFS & A TOTAL COMBINED DIVERSION VOLUME OF 511 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.70 CFS. COMBINED RIGHTS.: 34-12391, 34-00943, 34-00213E, 34-00214C AND 34-00589.

Dates and Other Information:

Decreed Date: 7/10/2002
 State or Federal: S
 Owner Name Connector: OR
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.96	511	

Combined Water Rights: 34-2419B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.7		146

Combined Water Rights: 34-2419B

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-13832

WATER RIGHT NUMBER: 34-13832

Owner Type Name and Address
Current Owner G CRAIG or JACKIE STEWART
 2700 N 3405 W
 MOORE, ID 83255
 (208)527-3621

Priority Date: 05/20/1884

Basis: Decreed

Status: Active

Source Tributary
BIG LOST RIVER SINKS

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 05/01 to 10/15 0.540 CFS

Total Diversion: 0.540 CFS

Location of Point(s) of Diversion

BIG LOST RIVER NW1/4SE1/4SE1/4 Sec. 4, Twp 05N, 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	
04N 26E 16											23.8						23.8
04N 26E 17															40.0		40.0

Total Acres: 63.8

Conditions of Approval:

1. THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHTS. 34-307B/309 & 34-00310. WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-13834 IS LIMITED TO THE IRR OF A COMBINED TOTAL OF 63.8 ACRES IN A SINGLE IRRIGATION SEASON.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:Comments:

1. jpeppers 1/20/2004 Owner Change
Comment: Right 34-10213A was split by ownership change into 34-13831 (Reynolds - remaining part) and 34-13832 (Stewart - new owner).

Dates and Other Information:

Decreed Date: 2/7/2002
State or Federal: S
Owner Name Connector: AND/OR
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
		63.8

Combined Water Rights: 34-13832 , 34-13834

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-13834

WATER RIGHT NUMBER: 34-13834

Owner Type Name and Address
Current Owner G CRAIG or JACKIE STEWART
 2700 N 3405 W
 MOORE, ID 83255
 (208)527-3621

Priority Date: 03/27/1899

Basis: Decreed

Status: Active

Source Tributary
BIG LOST RIVER SINKS

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 05/01 to 10/15 0.480 CFS

Total Diversion: 0.480 CFS

Location of Point(s) of Diversion

BIG LOST RIVER NW1/4SE1/4SE1/4 Sec. 4,Twp 05N,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	
04N 26E 16											23.8						23.8
04N 26E 17															40.0		40.0

Total Acres: 63.8

Conditions of Approval:

1. THIS RIGHT IS A COMBINATION OF PORTIONS OF OLD RIGHT NOS. 34-234 & 34-636. WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-13832 IS LIMITED TO THE IRR OF A COMBINED TOTAL OF 63.8 AC IN A SINGLE IRRIGATION SEASON.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Dates and Other Information:

Decreed Date: 2/4/2002
State or Federal: S
Owner Name Connector: And
Water District Number: 34
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
		63.8

Combined Water Rights: 34-13832 , 34-13834

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-12391 V2

WATER RIGHT NUMBER: 34-12391 V2

Owner Type Name and Address
 Current Owner G CRAIG or JACKIE STEWART
 2700 N 3405 W
 MOORE, ID 83255
 (208)527-3621

Priority Date: 05/02/1984

Basis: Beneficial Use

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.980 CFS	
	<u>Total Diversion:</u>	0.980 CFS	

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4NE1/4 Sec. 20,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	
04N 26E 20	38.0			36.0									40.0				114.0
04N 26E 21									32.0								32.0

Total Acres: 146

Remarks:

- Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-02419B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.96 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 511.0 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.70 CFS. COMBINED RIGHT NOS.: 34-00213E, 34-00214C, 34-00589, 34-00943 AND 34-02419B.
- General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-02419B PURSUANT TO SECTION 42-1426, IDAHO CODE.
- Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
 - Irrigation OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS.: 34-00213E, 34-00214C, 34-00589, 34-00943 AND 34-02419B.
- Explanatory RIGHT NOS. 34-02419A AND 34-02419B ARE ALSO DIVERTED THROUGH POINT OF
 DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 48 ACRES WITHIN THE PLACE OF
 USE DESCRIBED FOR THIS RIGHT.

Dates and Other Information:

Decreed Date:

Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED

State or Federal: S

Owner Name Connector: OR

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.96	511	

Combined Water Rights: 34-12391 , 34-2419B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.7		146

Combined Water Rights: 34-589/943/12391/213E,
 34-214C & 34-2419B