

2004

Ident. No. TC-34-40

DE.

SOURCES

RECEIVED

TEMPORARY CHANGE APPLICATION

MAY 20 2004

Department of Water Resources
Eastern Region

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

Name of Applicant Travis Smith Phone 588-3971Post Office Address 4103 N 3600 W 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 34-00259C Priority 5/20/1884 Amount (cfs/ac-ft) 1.6 Nature of Use Irrigation Period of Use 5-1 to 10-15
to
to
to
2. Total amount of water being transferred 1.6 cubic feet per second and/or 3.17 acre-feet per annum.
3. Source of water Surface tributary to Big Lost River
4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	26E	7													38				

Total Acres 38

6. General Information:

- a. Who owns the water right to be changed? Mike Smith
- 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:
Ground is being irrigated with storage 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? not possible to get water to place of use without transfer because of drought.
- f. Describe other water rights used for the same purpose.
Storage water
- g. Remarks: Drought

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.

Mike Smith

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/20/04 Fee 1100AM

Received KCW # E029854 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. _____

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

Witness my hand this 24th day of May, 2004:

Paul D. [Signature]
For the Director

I Mike Smith authorize Travis
Smith to use my 5/20/84 Decree for
The 2004 Irrigation Season.

Mike Smith

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-259C)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-40

Travis Smith for Vaughn & Darlene Jensen

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 May 20, 2004, Travis Smith for Vaughn & Darlene Jensen submitted the attached Temporary Change Application TC-34-40 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). 34-259C 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

TR-34-40

5. Right(s) 34 - 259 c 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 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 24th day of May, 2004.


Ronald D. Carlson
Eastern Regional Manager

State of Idaho
Department of Water Resources
Transfer of Water Rights

TC-34-40
RECEIVED
MAY 20 2004
Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-00259C

Transfer Applicant's Name: Travis Smith

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 19th, day of May, 2004

Water District No: 34


Watermaster's Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-259C

WATER RIGHT NUMBER: 34-259C

TC-34-40

Owner TypeName and Address

Current Owner

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

Priority Date: 05/20/1884

Basis: Decreed

Status: Active

SourceTributary

BIG LOST RIVER

SINKS

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

05/01 to 10/15

1.600 CFS

280.00 AF

Total Diversion:

1.600 CFS

280.00 AF

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	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. At the time of this approval, this water right is within Water District No. 34.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. X27 This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
8. 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 at the field headgate, and the irr of 196 acres.

Comments:

1. MEYER 8/21/1991 COPIED
2. SCOX 3/7/2000 TRANS 5671
3. scurtis 9/20/2002 2:21:06 PM

Dates and Other Information:

Decreed Date: 1/23/2002

Owner Name Connector: /

Water District Number: 34

Generic Max Rate Per Acre:

Generic Max Volume Per Acre: 3.5

Civil Case Number: 39576

Judicial District: FIFTH

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of pages 6

To	Gary Spackman	From	Keith C Wilson
Co.		Co.	
Dept.		Phone #	525-7161
Fax #		Fax #	525 7177

TH THE

Acres

196

377C/379 &

Rate

11.9

Volume

Acres

434

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