

2002

TC-34-21

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-377D / 34-673B)
Albert W Fuller)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for
counties to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; 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 when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 6/18/02, Albert Fuller submitted the attached
Temporary Change Application ("application") 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). 34-377D / 673B 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 18 2002

Department of Water Resources
Eastern Region

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Albert W. Fullmer Phone 588-3383Post Office Address 3960 N. 3650 W 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 transfer water to
offset drought conditions

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>34-00377D</u>	<u>06-01-1885</u>	<u>.8 cfs</u>	<u>irrigation</u>	<u>05-01</u> to <u>10-15</u>
<u>34-00013B</u>	<u>05-01-1885</u>	<u>.5 cfs</u>	<u>irrigation</u>	<u>05-01</u> to <u>10-15</u>
				to
				to

2. Total amount of water being transferred 1.3 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Sinks

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SW	11	6N	25E	Custer	Beck Ditch

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	25E	13			37	38									40				
6N	26E	18									38	Lot 3							

Total Acres 153

6. General Information:

- a. Who owns the water right to be changed? Richard Cole
- b. Describe the arrangement allowing use of the right contract
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
remain dry
- 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? would not be used
- f. Describe other water rights used for the same purpose.
none
- 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.


(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kaw Date 6/19/02 Fee \$ 50⁰⁰
Receipted Kaw # E027875 Recommend: approve deny
Watermaster recommendation _____

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 21st day of June, 2002.

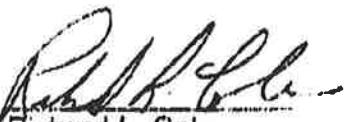

For the Director

TOTAL P.02

To Whom it May Concern:

We agree to transfer our water rights for the 2002 season to Albert & Eleanor Fullmer.

Signed June 17, 2002



Richard L. Cole
3685 US Hwy 93 N
Darlington ID 83255



Yvonne Cole

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 34-377D

WATER RIGHT NUMBER: 34-377D

Owner Type Name and Address
 Current Owner RICHARD L or YVONNE S COLE
 PO BOX 575
 MACKAY, ID 83251
 (208)588-2941

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 0.800 CFS

Total Diversion: 0.800 CFSLocation of Point(s) of Diversion

BIG LOST RIVER SE1/4NW1/4SE1/4 Sec. 14, 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	31					10.0	34.0	7.0	24.0	36.0								111.0
							L 1	L 2			L 3								

Total Acres: 111

Conditions of Approval:Remarks:

- General P/D THREE IN ONE DITCH. TRANS 845.
 THESE CLAIMS WERE SENT TO THORNGREN FOR SIGNATURE AND PAYMENT ON 11-8-91. GJT CHANGED OWNERSHIP 3/27/95/JT/GT_ **AMENDED C/O TO CHANGE "C" OWNER (THORNGREN) TO "O" AND "P" OWNER (COLE) TO "C" 8/31/95/JT**

Comments:Dates and Other Information:

Claim Received Date: 12/24/1991
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 34-673B

WATER RIGHT NUMBER: 34-673B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD L or YVONNE S COLE 3685 US HWY 93 N MOORE, ID 83255

Priority Date: 05/01/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	0.500 CFS	

Total Diversion: 0.500 CFSLocation of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4SE1/4	Sec. 14, 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	31						10.0	34.0	7.0	24.0	36.0							111.0
								L 1	L 2			L 3							

Total Acres: 111

Conditions of Approval:Remarks:

- General TRANSFER #810 P/D THREE IN ONE DITCH THESE CLAIMS WERE SENT TO THORNGREN FOR SIGNATURE AND PAYMENT ON 11-8-91. GJT CHANGED OWNERSHIP 3/27/95/JT/GT ***CHANGED ADDRESS; SENT SF3 TO CLAIMANT 5/31/95/JT/GT***

Comments:Dates and Other Information:

Claim Received Date: 12/24/1991
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False