

2002

TC-34-20

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-2431)
Leon Williams)

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 4/19/02, Leon Williams 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). 34-02431 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 which 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.

5. Right(s) 34-02431 are limited to the irrigation of a total of 156 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 applicant agrees 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 watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 11/1/2002 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 21st day of June, 2002.


RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

RECEIVED
JUN 19 2002
Department of Water Resources
Eastern Region

Name of Applicant Leon Williams Phone 588-2239

Post Office Address Route 1 Box 20 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 Open discharge into Burnett
up stream of my pumps. Reason is to offset shrink caused by
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>34-02431</u>	<u>06-29-1961</u>	<u>2.67</u>	<u>irrigation</u>	<u>04-15</u> to <u>10-15</u>
				to
				to
				to

2. Total amount of water being transferred 2.67 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SW	11	6N	25E	Butte	McGowan & Burnett
		SE	NW	NW	34	7N	24E		" "

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	05											61	48					
		06																40	
		07	38																
		08					40	40	40	40	13	10	40						
		17			39	33									19	23	39		

0907hrs 6/21/02
* As per telephone conversation w/Leon Williams

Total Acres 721

6. General Information:

- a. Who owns the water right to be changed? Robert Gilbert
- b. Describe the arrangement allowing use of the right lease agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will 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 go unused
- 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.

Sam L. Will
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kaw Date 6/19/02 Fee \$50⁰⁰
Receipted Kaw # E027888 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.

Ronald Kark
For the Director

Water Resources

I Robert Elliott have agreed to
leave my deep well to Leon Williams
for the 2002 irrigation season.

Robert E. Elliott

RECEIVED
JUN 19 2002
Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2431

WATER RIGHT NUMBER: 34-2431

Owner Type Name and Address
 Current Owner ROBERT E GILBERT
 RT 1
 DARLINGTON, ID 83231
 (208)588-3369

Priority Date: 06/29/1961

Basis: Decreed

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	4/15 to 10/15	2.670 CFS	546.00 AF
<u>Total Diversion:</u>		2.670 CFS	546.00 AF

Location of Point(s) of Diversion
 GROUND WATER NE1/4SW1/4NE1/4 Sec. 7, Twp 06N, 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	
06N 26E 7							38.0	39.0							39.0	40.0	156.0
							L 2										

Total Acres: 156

Conditions of Approval:Remarks:

1. Explanatory RIGHT NO. 34-02377 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 156 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00485, 34-00486B AND 34-00732.
3. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.08 CFS. COMBINED RIGHT NOS.: 34-00485, 34-00486B AND 34-00732.

Dates and Other Information:

Licensed Date:
 Decreed Date: 1/15/1998
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Formal Action Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False