

2002

TC-34-15

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT Ramona Sayer)
34-0181, 34-0688A, 34-0689A)

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 6/13/02, Loren Sayer for Ramona Sayer 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). 34-0181
34-0688A, 34-0689A 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) 34-0181
34-0688A
34-0689A are limited to the irrigation of a total of 188 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 14th 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)

Name of Applicant Ramona Loren Sayer Phone 588-2726
Post Office Address 3839 Houston Rd. Leslie, 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 temporarily transfer surface water decree and storage to Randy Sayer property

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>34-181</u>	<u>7-21-'86</u>	<u>2.4</u>	<u>irrigation</u>	<u>5-1-02 to 10-15-02</u>
<u>34-0689A</u>	<u>5-30-85</u>	<u>.2</u>	<u>"</u>	<u>" to "</u>
<u>34-0688A</u>	<u>7-21-'86</u>	<u>1.4</u>	<u>"</u>	<u>" to "</u>

2. Total amount of water being transferred 4.0 cfs cubic feet per second and/or acre-feet per annum.
3. Source of water irrigation Big Lost River * tributary to Big Lost River Sinks *
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	Custer	

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	
<u>6N</u>	<u>25E</u>	<u>3</u>	<u>4</u>	<u>23</u>	<u>40</u>	<u>35</u>	<u>39</u>	<u>9</u>	<u>5</u>	<u>37</u>									

Twp: Range changed as per 34-778; 34-10190
Added

Total Acres 192

Water Right = 34-181

6. General Information:

- a. Who owns the water right to be changed? Byron Seyer
- b. Describe the arrangement allowing use of the right Shared farming
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Provide needed irrigation for crop
- 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 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.

Byron Seyer for Ramona Seyer
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/14/2002 Fee \$ 50.00

Receipted KCW # E 087863 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 14th day of June, 2002:

Reed D. Carls
For the Director

June 6, 2002

TO WHOM IT MAY CONCERN:

I, Byron M. Sayer, agree to the temporary transfer of my surface water decree and storage for the 2002 year to Loren Sayer for the ground he has leased from Randy Sayer in Leslie, ID.

Please see the description of the property he has leased in the paperwork the watermaster, Doug Rosenkrance, has given him to fill out.

Thank you,

A handwritten signature in cursive script that reads "Byron M. Sayer". The signature is written in dark ink and is positioned to the right of the typed name.

Byron M. Sayer
4102N 3850W
Leslie, ID 83255

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-181

WATER RIGHT NUMBER: 34-181

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BYRON M SAYER RT 1 BOX 1025 LESLIE, ID 83255 (208)588-2241
Current Owner	MARY B SAYER RT 1 BOX 1025 LESLIE, ID 83255 (208)588-2241

Priority Date: 07/21/1886

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	2.400 CFS	

Total Diversion: 2.400 CFSLocation of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4NW1/4	Sec. 34, Twp 07N, Rge 24E, 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	25E	3									38.0				40.0	40.0	39.0		157.0
06N	25E	10			31.0														31.0

Total Acres: 188

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH BURNETT DITCH
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00688A, 34-00689A AND 34-02394.
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS.
COMBINED RIGHT NOS.: 34-00688A, 34-00689A AND 34-02394.

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-688A

WATER RIGHT NUMBER: 34-688A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BYRON M SAYER RT 1 BOX 1025 LESLIE, ID 83255 (208)588-2241
Current Owner	MARY B SAYER RT 1 BOX 1025 LESLIE, ID 83255 (208)588-2241

Priority Date: 07/21/1886

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	1.400 CFS	
		<u>Total Diversion:</u>	1.400 CFS

Location of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4NW1/4	Sec. 34, Twp 07N, Rge 24E, 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	25E	3																	157.0
06N	25E	10			31.0														31.0

Total Acres: 188

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00181, 34-00689A AND 34-02394.
2. Explanatory WATER IS DELIVERED THROUGH BURNETT DITCH
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS.
COMBINED RIGHT NOS.: 34-00181, 34-00689A AND 34-02394.

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-689A

WATER RIGHT NUMBER: 34-689A

Owner Type Name and Address

Current Owner MARY B SAYER
 RT 1 BOX 1025
 LESLIE, ID 83255
 (208)599-2241

Current Owner BYRON M SAYER
 RT 1 BOX 1025
 LESLIE, ID 83255
 (208)599-2241

Priority Date: 05/30/1885

Basis: Decreed

Status: Active

SourceTributary

BIG LOST RIVER

SINKS

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

5/01 to 10/15

0.200 CFS

Total Diversion:

0.200 CFS

Location of Point(s) of Diversion

BIG LOST RIVER

SE1/4NW1/4NW1/4

Sec. 34, Twp 07N, Rge 24E, 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	25E	3									38.0				40.0	40.0	39.0		157.0
06N	25E	10			31.0														31.0

Total Acres: 188

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS.: 34-00688A, 34-00181 AND 34-02394.
 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Explanatory WATER IS DELIVERED THROUGH BURNETT DITCH
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS.
 COMBINED RIGHT NOS.: 34-00688A, 34-00181 AND 34-02394.

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-778

WATER RIGHT NUMBER: 34-778

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RAMONA SAYER 431 JOAN AVE IDAHO FALLS, ID 83401 (208)529-2040
Current Owner	DALE L SAYER 364 LOGAN DR IDAHO FALLS, ID 83401 (208)523-4732

Priority Date: 06/01/1886

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	1.600 CFS	

Total Diversion: 1.600 CFS

Location of Point(s) of Diversion

BIG LOST RIVER	SE1/4NW1/4NW1/4	Sec. 34, Twp 07N, Rge 24E, 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	25E	3	4.0	23.0	40.0	35.0	39.0	9.0	5.0	37.0									192.0
			L 1	L 2			L 3	L 4											

Total Acres: 192

Remarks:

- Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 34-10190 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- Explanatory WATER IS DELIVERED THROUGH BURNETT DITCH.

Comments:

- TAYLOR 8/19/1991 COPIED FROM REMARKS Comment: TRANS. 3061. P/D BURNETT DITCH.
- CFRITSCH 10/30/1997 COPIED FROM REMARKS 3.84 CFS OF RIGHT NO. 34-10190 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT & RIGHT NO. 34-10190.

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:

plu

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-10190

WATER RIGHT NUMBER: 34-10190

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DALE L SAYER 364 LOGAN DR IDAHO FALLS, ID 83401 (208)523-4732
Current Owner	RAMONA SAYER 431 JOAN AVE IDAHO FALLS, ID 83401 (208)529-2040

Priority Date: 03/10/1894

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

5/01 to 10/15

Diversion Rate

6.080 CFS

Annual VolumeTotal Diversion: 6.080 CFSLocation of Point(s) of Diversion

BIG LOST RIVER

SE1/4NW1/4NW1/4

Sec. 34, Twp 07N, Rge 24E, 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 25E 3	4.0	23.0	40.0	35.0	39.0	9.0	5.0	37.0									192.0
	L 1	L 2			L 3	L 4											

Total Acres: 192

Remarks:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 34-00778 IS LIMITED TO THE IRRIGATION OF A
- Irrigation COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00219, 34-00076 AND 34-00745.
WATER IS DELIVERED THROUGH BURNETT DITCH.

Comments:

2. CFRITSCH 10/30/1997 COPIED FROM REMARKS 3.84 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-00778.

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:

Idaho Department of Water Resources Receipt

Receipt ID E027863

Payment Amount Date Received Region Status

Payment Type Check Number

Payer

Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	TRANSFERS	0229	21	63105	1155



Signature Line (Dept. Representative)