

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 33-2101A, 33-2101B)
_____)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

Tc. 33-01

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 APRIL 1, 2005, Vance Hawley submitted the attached Temporary Change Application TC-33-01 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). 33-2101A & 33-2101B 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.
5. Right(s) 33-2101A & 33-2101B are limited to the irrigation of a total of 650.9 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-33-01

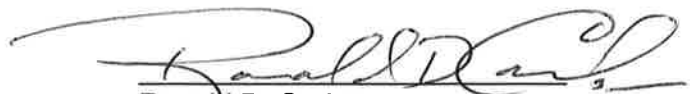
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.

~~11. The Water master of Water District No. _____ is authorized to administer the temporary change approval.~~ *N/A*

11 During the term of this transfer the applicant will use his best efforts to collect and maintain records of ground water levels in available wells within one mile of the point of diversion approved by TC-33-01. Depth to water measurements should be made before pumping starts and at least monthly thereafter.

12. This Temporary change approval expires on October 31, 2005 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 6th day of April, 2005.



Ronald D. Carlson
Eastern Regional 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 VANCE HAWLEY SUNNY ANN HAWLEY 709-4574
578E 4900S 3885 N. LITTLE LOST HOP 767-3444
IDAHO FALLS, ID HOWE, ID 83244 Phone
83404

Post Office Address _____

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 ADDING A FOURTH WELL TO THE
SYSTEM, USING AN EXISTING WELL
3-14 CFS FROM THE NEW WELL

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>33-2101 B</u>	<u>1961</u>	<u>4.68</u>	<u>IRR</u>	<u>4/1</u> to <u>10/31</u>
<u>33-2101 A</u>	<u>1961</u>	<u>3.98</u>	<u>IRR</u>	<u>4/1</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 8.26 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water G-42 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	SE	NE	14	6N	28E	BUTTE	
		SW	SE	NW	14	6N	28E	BUTTE	
		SW	NE	SE	14	6N	28E	BUTTE	
			SE	SE	13	6N	28E	BUTTE	EXISTING WELL (NEW WELL)

5. Lands irrigated or place of use:

5. Land 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		
			NO CHANGE IN P.O.U																	

Total Acres 650.9ac

TC-33-01

6. General Information:

- a. Who owns the water right to be changed? VANCE HAWLEY + SUNNY ANN HAWLEY
- b. Describe the arrangement allowing use of the right NONE - NO OTHER PERSONS OR RIGHTS INVOLVED
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
NONE, NO CHANGE
- 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?
ON DESIGNATED PLACE OF USE
- 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.

Vance Hawley
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KRW Date 4/01/05 Fee 50.00

Receipted KRW # E030738 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. TC-33-01

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

SEE ATTACHED ORDER

Witness my hand this 6th day of April, 2005.

Ralph D. Clark
For the Director

Water Resources Field Services

P.O. Box 94
Iona, ID 83427
208-681-9100

TC-83-01

May 2, 2005

Vance Hawley
578E 4900 S
Idaho Falls ID 83404

Re: Airport well, Howe

Dear Vance,

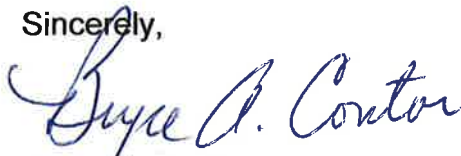
Here are the pre-pumping water levels that you and I measured in the vicinity of the Howe Airport well.

Table 1
Pre-pumping water-level data, 16 April 2005

Well	Depth to Water (ft)	Comment
Airport	104.18	
Simplot	88.44	This is consistent with pattern seen between airport and USGS 06N29E16DDD1. Land surface elevation is lower at Simplot well.
Aaron	103.64	
Scotty Allen Domestic	104.35	
Hawley Domestic	104.16	18 April 2005

Please contact me if you have questions.

Sincerely,



Bryce A. Contor
Hydrologist

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2101A

WATER RIGHT NUMBER: 33-2101A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNNY ANN HAWLEY 3885 N LITTLE LOST HWY HOWE, ID 83244 (208)767-3444
Current Owner	ESTATE OF L R & VANCE HAWLEY 578 E 4900 S IDAHO FALLS, ID 83404 (208)524-7099
Current Owner	VANCE L HAWLEY 3885 N LLR HWY HOWE, ID 83244-8730 (208)524-7099

Priority Date: 07/12/1961

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	04/01 to 10/31	3.580 CFS	770.00 AF
	<u>Total Diversion:</u>	3.580 CFS	770.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4 Sec. 14,Twp 06N,Rge 28E, B.M.	BUTTE County
GROUND WATER	SW1/4SE1/4NE1/4 Sec. 14,Twp 06N,Rge 28E, B.M.	BUTTE County
GROUND WATER	NW1/4SE1/4NE1/4 Sec. 14,Twp 06N,Rge 28E, 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 28E 13							30.0	40.0	39.0	27.0	39.0	32.0		40.0	30.0	36.0	313.0
06N 28E 14				38.0									38.0				76.0
06N 28E 24	34.0	23.0	39.0	26.0	39.0	34.3		28.0				35.0	29.0	40.0	40.0	34.0	401.3
06N 28E 25	32.0	40.0															72.0

Total Acres: 862.3

Conditions of Approval:

1. Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 650.9 acres.
2. Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 862.3 acres.
3. c18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.
5. 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.
6. T07 The right holder shall accomplish the change authorized by transfer 66861 by January 15, 2005.
7. T08 Failure of the right holder to comply with the conditions of transfer 66861 is cause for the Director to rescind approval of the transfer.
8. T18 Prior to diversion of water under transfer 66861, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2101A

Conditions of Approval:

9. wb4 The total instantaneous diversion of water from all points of diversion under Rights 33-2101A and 33-2101B shall not exceed 8.26 cfs, nor a total combined annual volume of 1774.5 af.
10. X27 This right is limited to the irrigation of 220 acres within the place of use described above in a single irrigation season.

Remarks:

1. Quantity Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed a total diversion rate of 21.86 cfs.

Comments:

1. kforsgren 1/23/2004 Version 2, Transfer 66861
Comment: Version 2 created to reflect proved Transfer 66861

Dates and Other Information:

Licensed Date:
Decreed Date: 5/4/2004
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2101B

WATER RIGHT NUMBER: 33-2101B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESTATE OF L R & VANCE HAWLEY 578 E 4900 S IDAHO FALLS, ID 83404 (208)524-7099
Current Owner	VANCE L HAWLEY 3885 N LLR HWY HOWE, ID 83244-8730 (208)524-7099
Current Owner	SUNNY ANN HAWLEY 3885 N LITTLE LOST HWY HOWE, ID 83244 (208)767-3444

Priority Date: 07/12/1961

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	04/01 to 10/31	4.680 CFS	1,004.50 AF
	<u>Total Diversion:</u>	4.680 CFS	1,004.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 14, Twp 06N, Rge 28E, B.M.	BUTTE County
GROUND WATER	SW1/4SE1/4NE1/4	Sec. 14, Twp 06N, Rge 28E, B.M.	BUTTE County
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 14, Twp 06N, Rge 28E, 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 28E 13							30.0	40.0	39.0	27.0	39.0	32.0		40.0	30.0	36.0	313.0
06N 28E 14				38.0									38.0				76.0
06N 28E 24	34.0	23.0	39.0	26.0	39.0	34.3		28.0				35.0	29.0	40.0	40.0	34.0	401.3
06N 28E 25	32.0	40.0															72.0

Total Acres: 862.3

Conditions of Approval:

1. Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 650.9 acres.
2. Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed the irrigation of 862.3 acres.
3. c18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within State Water District No. 33.
5. 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.
6. T07 The right holder shall accomplish the change authorized by transfer 66861 by January 15, 2005.
7. T08 Failure of the right holder to comply with the conditions of transfer 66861 is cause for the Director to rescind approval of the transfer.
8. T18 Prior to diversion of water under transfer 66861, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-2101B

Conditions of Approval (Cont):

9. wb4 The total instantaneous diversion of water from all points of diversion under Rights 33-2101A and 33-2101B shall not exceed 8.26 cfs, nor a total combined annual volume of 1774.5 af.
10. X27 This right is limited to the irrigation of 287 acres within the place of use described above in a single irrigation season.

Remarks:

1. Quantity Rights 33-51, 33-52, 33-53, 33-54, 33-55, 33-56, 33-57, 33-58, 33-59, 33-60, 33-10995, 33-10996, 33-2101A and 33-2101B when combined shall not exceed a total diversion rate of 21.86 cfs.

Comments:

1. kforsgren 1/23/2004 Version 2, Transfer 66861
Comment: Version 2 created to reflect proved transfer 66861

Dates and Other Information:

Licensed Date:
Decreed Date: 5/4/2004
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits: