

DEPA

2004

RCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Carl Taylor Sec. Howard Taylor Sons Phone 208-522-7771
Post Office Address PO Box 51780 Idaho Falls, Id. 83405

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 To Utilize irrigation water at a different location in a drought year

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 32-2135 Priority 08/15/75 Amount (cfs/ac-ft) 2.700 cfs Nature of Use Trc. Period of Use 4/01 to 11/01

2. Total amount of water being transferred 2.700 cubic feet per second and/or 903.00 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	NW	31	11N	35E	CLARK	WELL
		SE	SE	NW	31	11N	35E	CLARK	INJECTION INTO MED LODGE
		NW	NW	NW	20	10N	35E	CLARK	REDIVERSION MED LODGE

5. Lands irrigated or place of use: Same as 32-34, 35, 36, 37, 2019, 2076, 2082, 2132

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	

see 32-34 proof report

Total Acres 1043

6. General Information:

TC-32-10

- a. Who owns the water right to be changed? Todd Shenton
- b. Describe the arrangement allowing use of the right Renting Water for season due to drought
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land will continue to be dry.
- d. Has the water right sought to be transferred been used this year? No If yes, explain. Has extension of time until 2005
- e. Absent the changes, how would the right be used for the remainder of the year? Limited Use
- f. Describe other water rights used for the same purpose.
32-34, 35, 36, 37, 2019, 2076, 2082, 2132
- g. Remarks:
WELL WILL BE INJECTED INTO MEDICINE LODGE CREEK AND REDIRECTED AT THE WOODFIELD DIVERSION

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.

Carl Taylor

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by De Date 6/4/2004 Fee \$50

Received SC # ED29918 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-32-10

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

1. Pump is constant speed
2. 20% loss assessed to water pumped into Creek
3. Subject to Water District 32-C including routine Assessments for measurement and delivery.

Witness my hand this 12 day of August, 2004.

For the Director

K. J. Rogers for Ron Carlson

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 32-2135)
)
Carl Taylor for Howard Taylor & Sons)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-32-10

WHEREAS, a drought emergency has been declared for CLARK 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 June 4, 2004, Carl Taylor submitted the attached Temporary Change Application TC-32-10 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). 32-2135 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

TC-32-10

5. Right(s) 32-2135 are limited to the irrigation of a total of 1043 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 is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
please NOTE conditions on transfer application.
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. 32-C is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 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 12 day of August, 2004.

W. Roger Warner for
Ronald D. Carlson
Eastern Regional Manager
Ron Carlson

01-99

State of Idaho
Department of Water Resources

RECEIVED
AUG 10 2004
Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: Temporary Tansfer

Applicant=s Name: Howard Taylor and Sons

Watermaster=s Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if it is conditioned as follows:
a: pump needs to be constant for management purposes.
b: a weir needs to be installed at the pump before water enters the stream
c: a 20% loss needs to be assessed to the water pumped into the creek, the percentage was determined by bed loss measurements taken by the USGS.
d: the water that is used needs to be treated as part of water distict 32-c, meaning that it will receive the same assessment as creek water. Record of the usage will be sent to the water measurement district for their record.
- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment: _____

Dated this 10 day of August, 2004 .

Water District No: 32-C

Burt G. Mowbray
Deputy Watermaster=s Signature

INFO

6/22/2004

Greg Called

still reviewing
Temp Change

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: GREG SHENTON

FROM: KEITH C WILSON

374-5696

DOCUMENT DESCRIPTION: Temporary Change for Howard Taylor's Son

TOTAL NUMBER OF PAGES (Including this page): 7

NEED Water Master comments

HOWARD TAYLOR & SONS, INC.

P.O. BOX 51780
IDAHO FALLS, IDAHO 83405
(208) 522-7770

Tc-32-10

Date: 6/3/04

Howard Taylor & Sons, the buyer, agrees to purchase from Todd Shenton, the seller, irrigation equipment and water from a deep well pump in Clark County, Idaho. Equipment to be purchased consists of:

- (a) 2 Lockwood pivots ten towers each.
- (b) One fuel tank on site
- (c) One 250 Hp gear drive motor, pump bowls, column & shaft and pump head.

All equipment is on site at Sec. 31T11NR35E and is sold in, as is condition.

Water right to be sold is Water Right #32-2135 with Idaho Dept. of Water Resources. Priority date is 4/15/1975 and is for 2.700 CFS & 903.00 AF.

Point of Diversion is SE1/4SE1/4 NW1/2 of Sec. 31T11NR35E.

Howard Taylor & Sons also agrees to rent water and right from Todd Shelton until such time as transfer is completed. Rent is to be \$10.00 and other valuable consideration. Seller agrees to allow buyer to pump water from existing well for 2004 & 2005 irrigation years but no longer. Well can be moved to a new location at any time.

Contract is conditional upon being able to transfer water and right to Taylors downstream farm on Medicine Lodge Creek.

Total contract price is to be \$135,000. \$25,000 due upon signing, \$25,000 due prior to 01/05 and balance of \$85,000, due prior to 2005 irrigation season. If loss of usable water is substantial, cost will be lowered, to be determined by agreement between buyer and seller. Minimum price shall not be below \$100,000.

State of Idaho
County of Bonneville



Date 6/04/04
Buyer Carl Taylor

Subscribed and sworn before me this
4 day of June 2004 Dave Carlson
Rigby, Id
7/7 6 17007



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

IDAHO
Full Office #
1-208-595-7161

TC-32-10

November 8, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOSEPH E EYRE
BONNIE J EYRE
KENT E WOMACK
DELORIS A WOMACK
122 W 100 N
JEROME ID 83338-5254

APT w/Asent

Edna Carlson

JK

Priority Date 1975

RE: WATER RIGHT NO. 32-02135

Dear Water Right Holder:

Enclosed is a copy of approved Application for Extension of Time to Avoid Forfeiture of a Water Right for the above referenced water right. Please note that resumption of beneficial use of water shall occur on or before **November 1, 2005**.

Please notify the Department as soon as you resume use of the water. If you have not notified the Department sixty (60) days prior to the resumption date, the Department will send a Resumption of Use Notice to you by certified mail.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Please contact any office of the Department for the proper form to file a change of ownership of the water right and/or a change in the address of the owner or if you have any questions concerning this matter.

Sincerely,

Deborah J. Gibson

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region
Adjudication Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 32-2135

WATER RIGHT NUMBER: 32-2135

TC-32-10

Owner Type Name and Address
 Current Owner TOD or CAROLYN SHENTON
 HC 61 BOX 1320
 DUBOIS, ID 83423
 (208)374-5813

Priority Date: 04/15/1975

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	4/01 to 11/01	2.700 CFS	903.00 AF
<u>Total Diversion:</u>		2.700 CFS	903.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4NW1/4 Sec. 31,Twp 11N,Rge 35E, B.M. CLARK 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	
10N 35E 6					31.0	32.0	32.0	32.0									127.0
					L 3	L 4	L 5										
11N 35E 31									33.0	33.0	33.0	32.0					131.0
									L 3	L 4							

Total Acres: 258

Conditions of Approval:

1. 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.

Remarks:Comments:

1. ECARLSEN 3/20/2000 DELETED C11

Comment: SINCE THIS CLAIM IS NOT AN ENLARGEMENT AND THE COURT ALLOWED UNTIL MARCH 30 TO FILE AN AMENDED DIRECTOR'S REPORT, I GENERATED A NEW 'R' RECORD AND DELETED C11 FROM CONDITION CODES.

7. CFRITSCH 5/30/2000 REVISIONS

Comment: ADDED CONDITION C11 TO COMPLY WITH APPROVED TRANSFER NO. 5113. DELETED CONDITION M01 SINCE THERE IS NO LONGER ANYTHING "UNIQUE" THAT REQUIRES NON-STANDARD MEANS OF MEASUREMENT.

8. CFRITSCH 6/16/2000 REVISION

Comment: REMOVED CONDITION C11 TO AVERT OBJECTION TO AMENDED DIRECTOR'S REPORT.

9. jpeppers 5/13/2002 11:13:23 AM Water Right

Comment: This water right record was updated by decree record from old RightID 20412 to new RightID 425053

Dates and Other Information:

Decreed Date: 10/23/2000

State or Federal: S

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 32-34

WATER RIGHT NUMBER: 32-34

Tc-32-10

Owner Type Name and Address

Current Owner BRENT E, BLAIR B, WANDA B, KAY, or ELMAN T WOODFIELD
5275 W CANYON CREEK RD
IDAHO FALLS, ID 83402
(208)524-6268

Current Owner ANN W GROW
5290 W CANYON CREEK RD
IDAHO FALLS, ID 83402
(208)522-8434

Priority Date: 10/01/1883

Basis: Decreed

Status: Active

Source Tributary

MEDICINE LODGE CREEK SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	10/31	2.910 CFS	
STOCKWATER	1/01	12/31	0.020 CFS	
<u>Total Diversion:</u>			2.910 CFS	

Location of Point(s) of Diversion

MEDICINE LODGE CREEK NW1/4NW1/4NW1/4Sec. 20,Twp 10N,Rge 35E, B.M. CLARK 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	
09N 35E 5											3.0	3.0					6.0
09N 35E 6											3.0		4.0	3.0			10.0
09N 35E 7	40.0	40.0	40.0	40.0	30.0			28.0	27.0			19.0	25.0	40.0	31.0	37.0	397.0
09N 35E 8	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	600.0
09N 35E 17					10.0	18.0											28.0
09N 35E 18	2.0																2.0

Total Acres: 1043

Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH P/D DESCRIBED ABOVE: 32-00035, 32-00036, 32-00037, 32-02019, 32-02076, 32-02082. STOCKWATER 1000 CATTLE
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 30.78 CFS. COMBINED RIGHTS: 32-35, 32-36, 32-37, 32-2019, 32-2076, 32-2082, & 32-2132.
3. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
- Irrigation OF A COMBINED TOTAL OF 1043 ACRES IN A SINGLE IRR SEASON. COMBINED RIGHTS.: 32-35, 32-36, 32-37, 32-2019, 32-2076, 32-2082, 32-2132.

Comments:

1. DCARLSON 6/7/1999 STIPULATED AGREEMENT 9/15/1953. AS PER TRANS. #1884. SEE MEMORANDUM DECISION AND ORDER. RIGHT REDUCED FROM 3.00 CFS TO 2.91 CFA(3.0%) FOR P/D LOCATED IN SEC 20 T10N R35E.
2. AJU10-EC 7/29/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date: 10/27/2000
State or Federal: S
Water District Number: 32C
Civil Case Number: 39576
Judicial District: FIFTH

Rate Volume Acres

1043

Combined Rights: 32-34/35/36/37/2019/2076/2082/2132

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
30.78		1043

Combined Rights: 32-34/35/36/37/2019/2076/2082/2132

July 22, 2004

Greg Shenton
P.O. Box 33
Dubois, ID 83423

RE: Carl Taylor's Temporary Change Application TC-32-10
(Right 32-22135)

Dear Sir:

As of the date of this letter I have not received the copy of the "Recommendation of Watermaster" for this temporary change. For your convenience enclosed is a copy of the temporary change.

Upon receipt of the completed "Recommendation of Watermaster" form processing of the temporary change will continue.

Your prompt response on or before July 28, 2004, will be appreciated.

Thank you,

Keith C. Wilson
Senior Resource Agent