

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 27-0004 ?)
_____)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-27-03

WHEREAS, a drought emergency has been declared for Bingham 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 9, 2005, Paul E Reid submitted the attached Temporary Change Application TC-27-03 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). 27-0004 ? 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-27-03

5. Right(s) 27-0004? are limited to the irrigation of a total of 40 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"
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. 27 is authorized to administer the temporary change approval.
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 13th day of June, 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 Paul Reid Phone 785-1494Post Office Address 875 Reid Rd Blackfoot ID 83221
Firth 83236

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
- Have been using water since 1991 when I purchased it. Though former water master delivered water it was not administratively transferred. The purpose of this application is to obtain a temporary transfer, allowing me to use the water right until a permanent transfer can be obtained.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
claim	<u>27-4?</u> <u>(27-11931)</u>	<u>6-1-1885</u>	<u>0.80 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
					to
					to
					to

2. Total amount of water being transferred 0.80 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Blackfoot River tributary to Snake River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			SW	NW	12	02S	37E	Bingham	Paul Reid Pump.

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	
02S	37E	01									15	9.5	1.8	3.0		4.2	3.0		120.7
		12		39			38	1.8	1.4	3.0									94.4

Total Acres 215.1

6. General Information:

TC-27-03

- a. Who owns the water right to be changed? Paul Reid
- b. Describe the arrangement allowing use of the right - Purposed in 1990.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Right has been delivered to P.O.U. described above since 1991.
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. Pump was turned on for one day, then shut off because of rain.
- e. Absent the changes, how would the right be used for the remainder of the year? It would not be used
- f. Describe other water rights used for the same purpose.
27-1B, 27-2B, 27-3E, 27-42, 27-5B.
- g. Remarks: Water is used on 40 acres within the designated place of use.

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.

Paul E Reid

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by EMC Date June 9, 2005 Fee 50⁰⁰

Received EMC # E030965 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-27-03

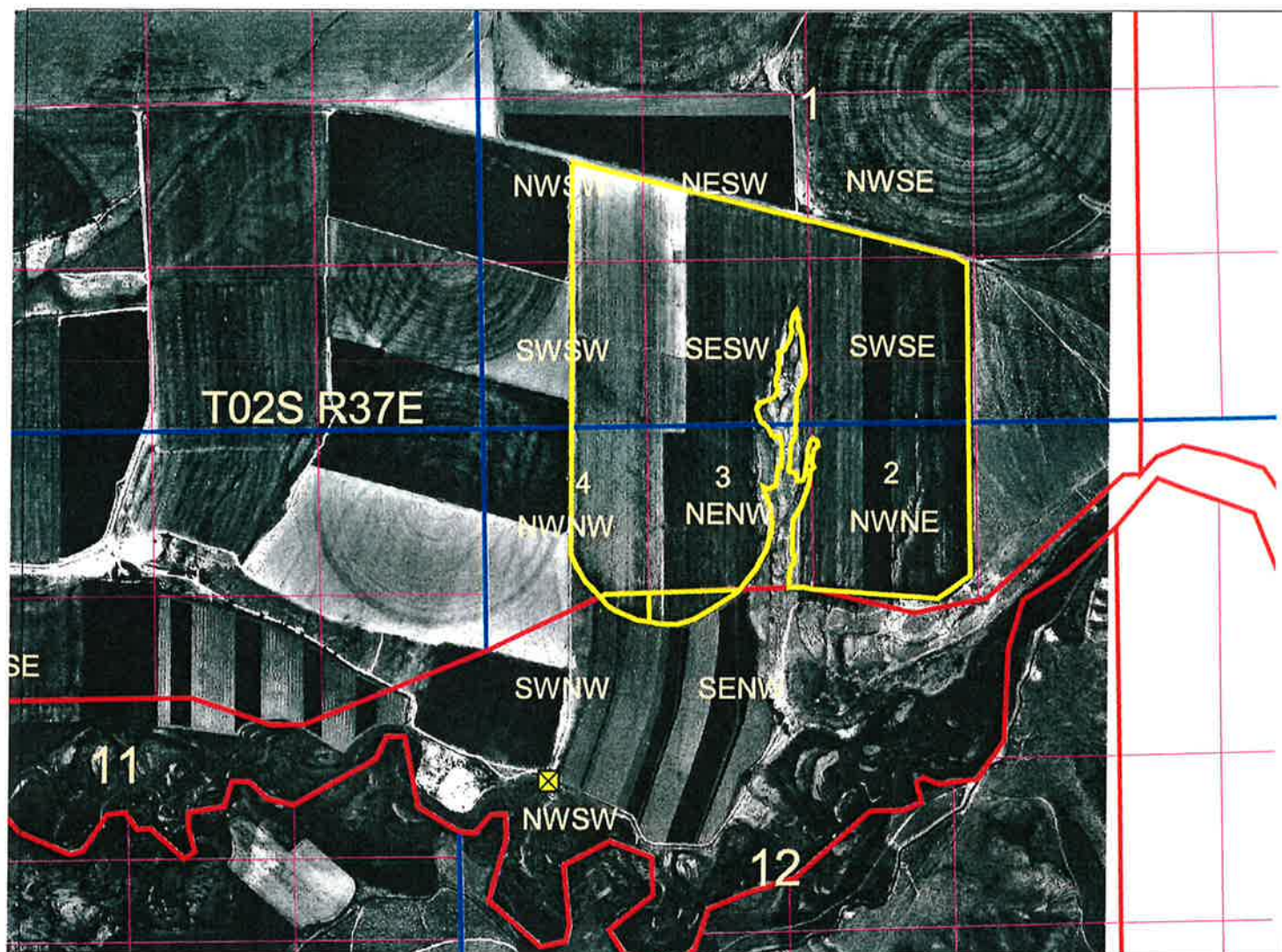
And said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 13th day of June, 2005.

Paul E Reid
For the Director

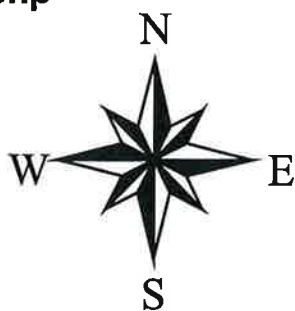
Idaho Department of Water Resources

Claim No.: 27-1B, 27-2B, 27-3E,
27-4Z, 27-5B



0 1320 2640 3960 5280 Feet

- ☒ Point of diversion.shp
- Place of use.shp
- Township/Range
- Sections
- QQ



1992 DOQQ Photography
Prepared by: Ernest Carlsen
Date Prepared: March 2005

BLASER, SORENSEN & HANSEN, *Chartered*

Attorneys at Law

(208) 785-4700

FAX No. 785-7080

Stephen J. Blaser
Murray Jim Sorensen
Scott H. Hansen

265 N.W. Main
P.O. Box 1047
Blackfoot, Idaho 83221

December 20, 1990

Paul Reid
875 Reid Road
Firth, ID 83236

RE: Real Estate Purchase

Dear Paul:

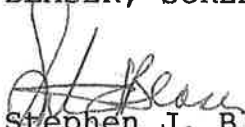
I talked with Rex Hale today in Arizona. He is going to try to get his son sometime in the next couple of months over to his house here in Blackfoot, and have him get the water information.

There may be a delay in getting that because he is not around. In any event, if that isn't accomplished by March, he will be back and we can get it straightened out then.

Have you been able to find anything out from Ed Hall? If so, let me know.

Yours very truly,

BLASER, SORENSEN & HANSEN, Chrt.


Stephen J. Blaser
Attorney at Law

FARM ACCOUNT
PAUL E. OR BILLIE A. REID
SSN 519-60-2534 SSN 519-66-7655
875 REID RD.
FIRTH, ID 83236

294

PAY TO THE ORDER OF Rex Hale Sept 12 19 90 92-7010/3241

Four thousand dollars & no/100 \$ 4000.00 DOLLARS

FIRST FEDERAL SAVINGS
715 WEST JUDICIAL • BLACKFOOT, IDAHO 83221

MEMO 40 inches Blackfoot water Paul E Reid

⑆324170108⑆ 003 8 007088⑈ 0294 ⑆0000400000⑆

BLASER, SORENSEN & HANSEN, *Chartered*

Attorneys at Law

(208) 785-4700

FAX No. 785-7080

Stephen J. Blaser
Murray Jim Sorensen
Scott H. Hansen

265 N.W. Main
P.O. Box 1047
Blackfoot, Idaho 83221

January 7, 1991

Ed Hall
P.O. Box 6
Firth, ID 83236

Re: Rex Hale/Paul Reid

Dear Ed:

This confirms our conversation this date that you feel with the information which I enclose herewith, you will be able to go up and make the necessary transfer from Rex Hale to Paul Reid of the 40 inches of water from the Blackfoot River.

I enclose for your information, a copy of the earlier deeds which Mr. Hale had in his file which was the earlier source of this water. Secondly, it is my understanding that with you as water master signing some affidavit for them confirming that you delivered water to the Rex Hale property for over the past 25 years, that should be sufficient for transfer of water.

I am sending a copy of this to Paul so he is aware of what is happening and will advise if this does not work.

I will assume that this is taken care of unless I hear otherwise.

Yours very truly,

BLASER, SORENSEN & HANSEN, Chrt.


Stephen J. Blaser
Attorney at Law

SJB/la/90856C.1tr
Enclosures
cc: Rex Hale
Paul Reid

STATE OF IDAHO)
) ss.
County of Bingham)

1. I make this affidavit based upon my own personal knowledge.

Mr. Hale was selling the property that he owned.

3. That I was his attorney. I represented him in those matters.

4. That there were also water rights that Mr. Hale was selling.

5. That in 1990, Mr. Hale had contracted with Paul Reid to sell him 40 inches of water from the Blackfoot River.

6. That at that time, we had researched the matter and determined that Mr. Hale owned the water and had the ability to sell that water and that he had ownership of it through a grant from his mother.

7. That this was confirmed with Ed Hall of Firth, Idaho, who was the Water Master at that time. We also confirmed this with the Department of Water Resources.

8. That the water was 40 inches of the Blackfoot River through a portion of right number 27.0004, being initially decreed to P. S. Fox, Jr., William Howard, A. Whitten, et al. This water had a priority date of June 1, 1885.

9. That in January, 1991, Mr. Hall was going to make the necessary transfer from Rex Hale to Paul Reid. At that time Mr. Hall was going to sign an Affidavit confirming that he had delivered that water to the Rex Hale property for over the past

25 years.

10. That after that time, it was assumed that this water was transferred. Mr. Reid had actually purchased the water in September, 1990 by check number 294 from First Federal Savings Bank.

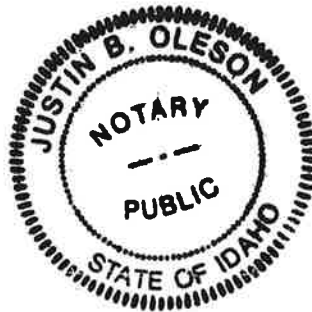
11. That it was my understanding from the time the water was purchased that Mr. Reid has used the water and Ed Hall, as Water Master, delivered that water to Mr. Reid's property on Reid Road in Firth, Idaho.

12. Further the affiant saith not.

DATED AND SIGNED this 23 day of June, 2003.


STEPHEN J. BLASER

SUBSCRIBED AND SWORN to before me this 23 day of June, 2003.




Notary Public for State of Idaho
Residing at Blackfoot, Idaho

My cmn exprs: 2/09

AFFIDAVIT OF JOHN DAVIDSON

STATE OF IDAHO)
) ss.
County of Bingham)

JOHN DAVIDSON, being first duly sworn on oath deposes and says:

1. I make this affidavit based upon my own personal knowledge.
2. That I have been the Water Master since _____.
3. That since the time I have been the Water Master, I have delivered over 40 inches of water to Paul Reid.
4. That during that time, it was my understanding that Paul Reid owned a right to an additional 40 inches of Blackfoot River water that came from Rex Hale.
5. That as Water Master I delivered that water to Paul Reid and assessments were sent to Paul Reid based upon that additional 40 inches of water. Those assessments Paul Reid paid for each year.
6. Further the affiant saith not.

DATED AND SIGNED this ____ day of June, 2003.

JOHN DAVIDSON

SUBSCRIBED AND SWORN to before me this _____ day of June, 2003.

Notary Public for State of Idaho
Residing at Blackfoot, Idaho

My cmn exprs:

AFFIDAVIT OF ED HALL

STATE OF IDAHO)
) ss.
County of Bingham)

ED HALL, being first duly sworn on oath deposes and says:

1. I make this affidavit based upon my own personal knowledge.
2. That I was the Water Master for the Blackfoot River water for ____ years.
3. That in 1990 Paul Reid purchased 40 inches of Blackfoot River water from Rex Hale.
4. That after that purchase, and since 1990 until I retired, I delivered, as Water Master, an additional 40 inches of Blackfoot River water to Paul Reid on Mr. Reid's property on Reid Road. He was assessed and paid for that water.
5. That as far as I am aware, that water had been delivered for 20 plus years to Rex Hales property, but that it was sold outside of any property transfer. That when Rex Hale's property was sold to another party, the water was not sold with it.
6. Further the affiant saith not.

DATED AND SIGNED this ____ day of June, 2003.

ED HALL

SUBSCRIBED AND SWORN to before me this ____ day of June, 2003.

Notary Public for State of Idaho
Residing at Blackfoot, Idaho

My cmn exprs:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-4Z V1

WATER RIGHT NUMBER: 27-4Z V1

Owner Type Name and Address

Current Owner PAUL REID
 875 REID RD
 FIRTH, ID 83236
 (208)785-1494

Original Owner DARRELL L COOK

Original Owner AFTON COOK

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

Source

BLACKFOOT RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.525 CFS

Annual VolumeTotal Diversion: 0.525 CFSLocation of Point(s) of Diversion

BLACKFOOT RIVER NW1/4SW1/4 Sec. 12,Twp 02S,Rge 37E, B.M. BINGHAM 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	
02S	37E	1									15.0	9.5	18.0	36.0		4.2	38.0		120.7
02S	37E	12		39.0			33.0	18.0	1.4	3.0									94.4
				L 2			L 3	L 4											

Total Acres: 215.1

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. jcrabtre 2/15/2005 DRAFT RECOMMENDATION

Dates and Other Information:

Decreed Date:

State or Federal: S

Owner Name Connector: OR

Combined Use Limits:Water Supply Bank:

Basis Decreed

Priority Date

1885-06-01

Source

BLACKFOOT RIVER

Source Table

wrAdjudicationRecommendation

Basin	Sequence	Suffix	Status	Rate(cfs)	Volume(af)	Water Use(s)	Owner(s)
27	4	AA	Disallowed	0.24		IRRIGATION	MARRIOTT, COLLEEN R & JAMES M
27	4	AB	Disallowed	0.16		IRRIGATION	GUNDERSEN, KIM CALVERT
27	4	F	Active	0.2		IRRIGATION	BEAN, AUDREY H
27	4	H	Active	0.2		IRRIGATION	HEINTZELMAN, JOHN B & STACIE D
27	4	S	Active	0.21		IRRIGATION	MATTESON, SUSAN L
27	4	Y	Active	0.7		IRRIGATION	REID, CASEY W
27	4	Z	Active	0.53		IRRIGATION	REID, PAUL
27	10388		Active	1.14		IRRIGATION	REID, ALMA & FRED
27	10390		Active	1.14		IRRIGATION	REID, MARLENE & WALLACE R
27	10398		Active	1.05		IRRIGATION	"
27	10505		Active	0.2		IRRIGATION	BERGEMAN, EDWARD & ILENE
27	10657		Active	0.48		IRRIGATION	REID, BILLIE & PAUL
27	10667		Active	0.57		IRRIGATION	REID, CHRISTY J & ROBERT E

Source Table

wrWaterRight

27	4	A	Active	1.2		DOM, IRR	THOMSON, R A
27	4	B	Active	1		DOM, IRR	STEWART, JOHN I
27	4	C	Active	1		DOM, IRR	JOHNSTON, PETER G
27	4	D	Active	1.55		DOM, IRR	HANSEN, B D
27	4	E	Active	0.4		IRRIGATION	SHAW, ALFRED
27	4	F	Active	0.2		IRRIGATION	COOK, ORVAL E
27	4	G	Active	0.6		IRRIGATION	MICKELSEN, ELMER
27	4	H	Active	0.2		IRRIGATION	CARSON, S GEORGE
27	4	J	Active	3.5		IRR, STOCK	COOK, DARRELL L ; HARRIS, ALVA A
27	4	K	Active	3.15		IRRIGATION	REID, WALLACE R & VINCENT, FRED B

Adjudication Recommendation Report 27-11931 V1

Owner Type

Name and Address

PAUL REID
875 REID RD
FIRTH, ID 83236
(208)785-1494

Basis: Decreed

Status: ☐ Disallowed

Source

Tributary

BLACKFOOT RIVER

SNAKE RIVER

Beneficial Use

From	To
------	----

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 10/31

0.800 CFS

Total Diversion: 0.800 CFS

Location of Point(s) of Diversion

BLACKFOOT RIVER

SW1/4NW1/4

Sec. 12, Twp 02S, Rge 37E, B.M.

BINGHAM County

Place of Use

IRRIGATION

[illegible]

Total Acres: 211.4

Conditions of Approval:

1. P05 CHANGE IN USE; INSUFFICIENT EVIDENCE OF DATE OF CHANGE.
2. P15 CHANGE IN USE, INSUFFICIENT EVIDENCE OF DATE OF CHANGE: This is included for a claim that is PROPOSED to be disallowed because use of the water right was changed without prior IDWR approval and the claimant did not submit sufficient evidence from which the date of the change could be determined. The date of change is necessary to determine if the right may be claimed as changed without prior IDWR approval, and if the change will result in injury to other water right holders.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 27-11931 V1

Comments:

1. ecarlsen 3/15/2005 Disallowed

Comment: Claimant provided affidavits indicating the right was purchased and moved in 1990, without benefit of a transfer.

Since this a after 1987 the right can not be recommended reflecting the change.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

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

Combined Use Limits:

Water Supply Bank: