

2015

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF WATER RIGHT) **ORDER DENYING**
NO. 21-12949 IN THE NAME OF) **TEMPORARY CHANGE**
JOHN TOENJES) TC-21-16

WHEREAS, a drought emergency has been declared for Fremont County 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 diversion, the place of use, and the purpose of use, for valid, existing 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 May 13, 2015, John Toenjes submitted the attached Temporary Change Application to the Department; and

WHEREAS, the department has reviewed the application and has determined the application cannot be approved;

ORDER

IT IS HEREBY ORDERED that the application is **DENIED** for the following reasons:

1. Idaho Code 42-222A (6) says, "Temporary changes shall only be approved for the purpose of providing a replacement water supply to lands or other uses which normally have a full water supply except for a drought condition. Temporary changes may not be approved to provide water for new projects or to allow expansion of the use of water under existing water rights." The Temporary Change Application proposes to change the place of use of water right no. 21-12949 to land which does not have a full water supply under normal conditions. In fact, the proposed place of use is not covered by a valid water right.
2. The Temporary Change Application proposes to change a water right which will likely not be in priority for the remainder of the irrigation season.

DATED this 14th day of May, 2015


LYLE SWANK
EASTERN REGION MANAGER

SCANNED
MAY 14 2015

RECEIVED
MAY 13 2015
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Tc-21-16

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant John Toenjes Phone 208- 313-9442
Mailing Address 3511 E 1600 North, Ashton ID 83420 Email jtoenjes94@yahoo.com

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 explain the reason(s) they are needed. making change to cover land that does not have water at present date. Land on water right is not going to irrigated this season. Trying to get Fremont-Madison to annex property into service area.

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
21-12949	6/23/1978	0.38	Irrigation	04/01 to 10/31
				to
				to
				to
2. Total amount of water being transferred 0.38 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Henry's Fork tributary to Snake River
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
09S	42E	33	2		NE	NW	Fremont	Henry's Fork	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	42E	33							23			10							33
									L3			L6							

Total Acres 33

SCANNED
MAY 14 2015

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. written agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The land will be dry farmed. It's in barley at the present date
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? If not transferred, the right would be not used because the land is dry farmed
- f. Describe other water rights used for the same purpose. _____
- 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.

Signature of Applicant

Date

5/13/15

FOR DEPARTMENT USE ONLY

Received by SC Date 5/13/15 \$50 fee received by SC Receipt No. E041015
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-21-16, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____

For the Director

SCANNED
MAY 14 2015

