

2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

TC-21-03

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A WATER RIGHT)
21-02103,)
IN THE NAME OF DAN REYNOLDS)

**ORDER DENYING
TEMPORARY CHANGE**

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 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 July 15, 2002, Dan Reynolds submitted the attached Temporary Change Application ("Application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application cannot be approved for the following reasons;

ORDER

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

1. The proposed Temporary Change Application constitutes an enlargement of the water right described on the application.
2. The proposed Temporary Change Application cannot be administered to prevent injury to other water users.
3. The proposed Temporary Change Application cannot be regulated.

DATED this th 18 day of July, 2002.


RONALD D CARLSON
EASTERN REGION MANAGER

\$ 50 fee

Ident. No. TC-21-03

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 DAN REYNOLDS Phone 390-3315 cell
652-3465
Post Office Address 1171 N. 3700 E. Ashton, ID 83420

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change(s) and the reason(s) thereof Inject well water into Fork Spring Creek then water will flow to Fall River and be withdrawn thru a canal to a new place of use (Maysville Canal)

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

1. Right Number 21-2103 Priority 2-06-1951 Amount (cfs/ac-ft) 1.20 cfs Nature of Use Irrigation Period of Use 4-01 to 11-01

2. Total amount of water being transferred 1.20 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater 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	NE	SR	25	9N	42E	Fremont	
		NW	NE	NW	23	9N	42E	FREMONT	Injection Point
		NW	NW		35	9N	44E	FREMONT	(Rediversion Point) Maysville Canal

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	
8N	43E	5						##											
							40	20											

Total Acres 60

6. General Information:

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- a. Who owns the water right to be changed? Applicant + partners
- b. Describe the arrangement allowing use of the right see attachment
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land will be dried up
- 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? Would have been use in original place of use
- f. Describe other water rights used for the same purpose.
Shares in Marysville, Farmers and Fremont Madison
- 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.

Dan Reynolds
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 7/15/2002 Fee 50⁰⁰

Received KCW # E027961 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 _____ day of _____.

For the Director

NOTICE OF CONTRACT OF SALE

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NOTICE IS HEREBY GIVEN that DARWIN G. CHAMBERS and CLARA CHAMBERS, husband and wife, of P.O. Box 835, Indian Springs, Nevada 89018, and DON CHAMBERS, a single man, of Libby, MT 59923, hereinafter called "Seller," are selling on written Contract of Sale of this same date, to DEE M. REYNOLDS and NIKKI I. REYNOLDS, husband and wife, of 1344 North 3550 East, Ashton, Idaho 83420, hereinafter called "Buyer," that certain real property located in Fremont County, Idaho, and more particularly described on Exhibit "A", attached hereto, and by reference made a part hereof to-wit:

Together with:

1. Idaho Department of Water Resources Water License #21-2103, for 1.2 cfs, with a priority date of 2-6-1951.
2. 15 horsepower motor and Johnston turbine pump.
3. 25 horsepower G.E. booster motor and a 1770 RPM centrifugal Cornell pump.
4. Together with any and all water and water rights, ditch and ditch rights appurtenant thereto.
5. Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

Subject to easements, if any, of record or in existence for roads, streets, ditches, canals, pipelines and utilities.

The Contract of Sale is payable over a period of five years and is payable to American Land Title Co., Rexburg, Idaho, as escrow holder. Buyer has possession, but the deed shall not be delivered until the Contract is fully paid, and Seller retains remedies in the event of default, all of which are fully set forth in the Contract of Sale and the Escrow Agreement.

Microfilm No. 634928
13 Day Feb 1955
At 11:41 O'clock A M
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 15. Deputy
Recorded At Request of
AMERICAN LAND TITLE CO. INC.

July 1, 2002

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To Whom It May Concern:

Dan W. Reynolds and Dee M. Reynolds are partners on the Spring Creek Farm. Dan has the responsibility of the actual farming operation, including planting, watering, and harvesting the crop.

Dan has full authority to act on any matter pertaining to the farm operation.

Sincerely,


Dee M. Reynolds

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-2103

WATER RIGHT NUMBER: 21-2103

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLARA CHAMBERS PO BOX 235 ASHTON, ID 83420 (208)652-3206
Current Owner	DARWIN G CHAMBERS PO BOX 235 ASHTON, ID 83420 (208)652-3206

Priority Date: 02/06/1951

Basis: License

Status: Active

SourceTributary

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	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	180.00 AF

Location of Point(s) of DiversionGROUND WATER
FREMONT County

SE1/4NE1/4SE1/4

Sec. 25, Twp 09N, Rge 42E, B.M.

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	42E	25				20.0									30.0	10.0			60.0

Total Acres: 60

Conditions of Approval:Remarks:Comments:Dates and Other Information:

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 21-2103

Dates and Other Information:

Claim Received Date: 2/15/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

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



TC-21+03

