

2005

Form 42-222A
12/99Ident. No. TC-01-66STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Kym or Anne Ferguson (208) 317-7949
Phone 538-7949
Post Office Address 15533E Rivie Hwy, Rivie Id 83443

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 Pump no longer in use water needs to be delivered through Craig Mattson Canal

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>01-223</u>	<u>6/1/1891</u>	<u>6.00 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
<u>01-258</u>	<u>1/22/1916</u>	<u>3.00 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>

2. Total amount of water being transferred 9.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Snake River tributary to Columbia

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	SE	36	4N	40E	Jefferson	Mattson-Craig Ditch

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	
4N	40E	26						38	35	35									108.0
								L-4		L-3									71
		27	38			33													

Total Acres 179

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6. General Information:

- a. Who owns the water right to be changed? Applicants
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
same lands irrigated No change in place of use
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. has used water out of Mattson-Craig
- e. Absent the changes, how would the right be used for the remainder of the year? Pump is no longer in River
- f. Describe other water rights used for the same purpose.
Palisades water cannot will not be used.
- 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]
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 7/20/2005 Fee 50⁰⁰
 Receipted E031073 # 2/20/05 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-01-66

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

That a transfer be filed that permanently transferred to the Mattson-Craig or the Pump to which this right is appurtenant be again used before May, 2006.

Witness my hand this 21st day of July, 2005

[Signature]
For the Director

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 01-223 & 01-258)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-66

WHEREAS, a drought emergency has been declared for Jefferson 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 July 20, 2005, Kym Ferguson submitted the attached Temporary Change Application TC-01-66 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). 01-223 & 01-253 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.

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5. Right(s) 01-223 & 01-258 are limited to the irrigation of a total of 179 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. 01 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 21st day of July, 2005.


Ronald D. Carlson
Eastern Regional Manager

Mattson-Craig Canal Co.
113 N 4925 E
Rigby, ID 83442

We the undersigned, authorize Kym Ferguson to add an additional 9.00 cfs represented by rights 01-223 & 01-258, to the Mattson-Craig Canal Co. System for the 2005 irrigation season.

Name	Date
<u>Clarence Hickman Sec.</u>	<u>7-31-05</u>
<u>Kym Ferguson Sec.</u>	<u>7-28-05</u>

RECEIVED
AUG 05 2005
Department of Water Resources
Eastern Region