

2004

Form 42-222A
12/99

Ident. No. TC-01-49

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 Kite & Nord Ditch Phone 523-3523 Merlin Hill
Verdale
Post Office Address 4572 E 250 N Rigby Id 83442 538-7127 Postett Hill

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 Drought conditions have reduced
amount of water available Kite & Nord Ditch is currently shut down and would
only be in effect when the Kite & Nord is off.

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
	<u>1-10022</u>	<u>6/1/1890</u>	<u>0.86</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
					to
					to
					to

2. Total amount of water being transferred 0.86 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	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	SW	20	4N	40E	Jefferson	Merlin Hill Pump

5. Lands irrigated or place of use: Used on 24 acres within place of use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	40E	20											X	X					24

Total Acres 24

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6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will not be irrigated
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Was used until later water rights cat had to reduce acres
- e. Absent the changes, how would the right be used for the remainder of the year? Would Not be User
- f. Describe other water rights used for the same purpose.
- g. Remarks: This would apply only when the Kdeg Nord Ditch is shut off.

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.

Wendale Hill
President (Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/16/04 Fee 50⁰⁰

Received KCW # EO29972 Recommend: ☒ approve ☐ deny

Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-01-49

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

Witness my hand this 17th day of June, 2004.

[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 01-10022)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

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Kite & Nord Ditch)

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 June 16, 2004, Verdab Hill of Kite & Nord Ditch submitted the attached Temporary Change Application TC-01-49 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). 10-10022 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) 01-10022 are limited to the irrigation of a total of 24 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 shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 01 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on December 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..

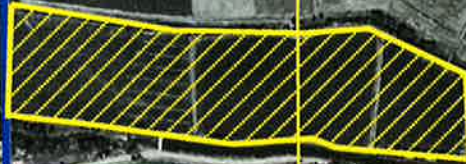
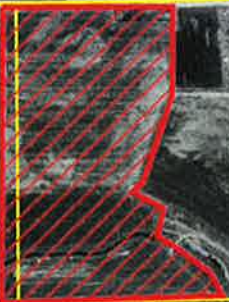
DATED this 17th day of June, 2004.


Ronald D. Carlson
Eastern Regional Manager

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Transfer From P/U

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T04N, R40E

Transfer To P/U

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Kite & Nord Temporary Transfer 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-10022

WATER RIGHT NUMBER: 1-10022

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Owner Type Name and Address
 Current Owner KITE AND NORD DITCH
 C/O VERDALE HILL
 4572 E 250 N
 RIGBY, ID 83442
 (208)538-7127

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

Source Tributary
 SNAKE RIVER COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/01	to 11/01	0.070 CFS	
IRRIGATION	4/01	to 11/01	7.200 CFS	

Total Diversion: 7.200 CFS

Location of Point(s) of Diversion

SNAKE RIVER NW1/4SE1/4

Sec. 36, Twp 04N, Rge 40E, B.M.

JEFFERSON 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	
04N 40E 19			15.0						4.0				35.0	40.0	38.0	37.0	169.0
04N 40E 20										10.0	10.0						20.0
04N 40E 30	20.0																20.0

Total Acres: 209

Conditions of Approval:

= 24 ac

Remarks:

- General THIS CLAIM COMBINES THE FOLLOWING WATER RIGHTS: 01-00071/01-00226 A & B/01-00137.
 RGT NO. 01-0226A & B WERE DECREED IN THE SUIT OF OSCAR J. NORD VS. LYNN CRANDALL, W.M. DATED AUG 31, 1945.

Comments:Dates and Other Information:

Claim Received Date: 10/17/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 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:

$$\frac{24}{209} (7.2) = 0.86 \text{ cfs}$$

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