

2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

TC-01-24

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT IN THE NAME)
OF ERIN Scott, Lois Bong, Velma Anderson)
01-37, 01-37A, 01-37B)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for Madison 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 (A 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, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 7/2/02, Larry Hill submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 01-37/37A/37B is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. 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.

4. Right(s) 01-37, 01-37A, 01-37B are limited to the irrigation of a total of 135 acres in a single irrigation season.
5. 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.
6. The applicant agrees 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.
7. 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.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 01 is authorized to administer the temporary change approval.
10. This temporary change approval expires on 11/1/2002 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 9th day of July, 2002


 AUTHORIZED PERSON
 IDWR

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 Ervin Scott Gaylen/Louis Pond Velma Anderson Scott 356-6565
3890 W 6800 S 3546 W 6800 S 3263 W 5200 S Pond 356-6678
Rexburg Rexburg, ID 83440 Rexburg Anderson 3

Post Office Address Larry Hill (watermaster) 3987 W 6800 S, Rexburg, ID 83440 356-6312

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 Applicants wish to move rights between
diversions based on a 24hr call notice with water Dist 01 to help supplement delivery
losses until water rights are out.

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>01-37</u>	<u>6/1/1891</u>	<u>1.20 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
<u>01-37A</u>	<u>6/1/1891</u>	<u>2.40 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
<u>01-37B</u>	<u>6/1/1891</u>	<u>1.20 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>

2. Total amount of water being transferred 4.80 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	NW	35	5N	39E	Madison	Hill Pettinger Ditch (13038436)
		SE	SE	NW	35	5N	39E	Madison	Ndson Core Canal (13038437)
		SE	SE	NW	35	5N	39E	Madison	Larry Hill Pump (13038438)

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	
5N	39E	35						35	27										62
5N	39E	27							35	16	9	15							75

Total Acres 135

6. General Information:

- a. Who owns the water right to be changed? Velma Anderson, Gaylen Pond Ervin Scott
- b. Describe the arrangement allowing use of the right Agreement between owner & watermaster for Hill-Pettinger, Nelson Corey, & Larry Hill (watermaster)
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
NA
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. water rights are on but not sufficient to deliver all of the Place of Use
- e. Absent the changes, how would the right be used for the remainder of the year? IRRIGATION
- f. Describe other water rights used for the same purpose.
- g. Remarks: Applicants wish to be able to move water between P/O's until water rights are cut.

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.

Larry M Hill
(Signature of applicant)
watermaster Hill-Pettinger Ditch; Nelson Corey Ditch

FOR DEPARTMENT USE ONLY

Received by KCW Date 7-2-2002 Fee 50⁰⁰
 Received KCW # E027925 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 9th day of July, 2002.

[Signature]
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 1-37

WATER RIGHT NUMBER: 1-37

Owner Type Name and Address
Current Owner ERVIN A SCOTT
 3890 W 6800 S
 REXBURG, ID 83440
 (208)356-6565

Priority Date: 06/01/1891 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>
IRRIGATION	4/01 to 11/01	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion
SNAKE RIVER SE1/4NW1/4 Sec. 35, Twp 05N, Rge 39E, B.M.
MADISON 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	
05N	39E	27																20.0	20.0

Total Acres: 20

Conditions of Approval:Remarks:

- General BANNOCK JIM SLOUGH.
P/U INCOMPLETE AC. IRR. = 160.
P/D NOT GIVEN IN DECREE - SOURCE WD01.
THIS CLAIM IS FOR A PORTION OF THE ORIGINAL DECREEED RIGHT 01-0037. THE
RIGHT HAS BEEN SPLIT IN SEPERATE PORTIONS.

Comments:Dates and Other Information:

Claim Received Date: 7/14/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 01
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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 1-37A

WATER RIGHT NUMBER: 1-37A

Owner Type Name and Address
Current Owner GAYLEN & LOIS L POND
 3546 W 6800 S
 REXBURG, ID 83440
 (208)356-6678

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.400 CFS	

Total Diversion: 2.400 CFS

Location of Point(s) of Diversion

SNAKE RIVER
MADISON County

SE1/4SE1/4NW1/4

Sec. 35, Twp 05N, Rge 39E, 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	
05N	39E	27			30.0	22.0									3.0	6.0			61.0

Total Acres: 61

Conditions of Approval:Remarks:

- General THIS CLAIM SHOWS CURRENT OWNERSHIP AND USE OF RIGHT

Comments:Dates and Other Information:

Claim Received Date: 6/24/1988
 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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 1-37B

WATER RIGHT NUMBER: 1-37B

Owner Type Name and Address
Current Owner VELMA M ANDERSON
 3263 W 5200 S
 REXBURG, ID 83440

Priority Date: 06/01/1891 Basis: Decreed Status: Active

Source Tributary
SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 4/01 to 11/01 1.200 CFS
 Total Diversion: 1.200 CFS

Location of Point(s) of Diversion
SNAKE RIVER SE1/4NW1/4 Sec. 35, Twp 05N, Rge 39E, B.M.
MADISON 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						
05N	39E	27																	17.0	17.0

Total Acres: 17

Conditions of Approval:Remarks:

1. General THIS CLAIM IS FOR A PORTION OF THE ORIGINAL DECREED RIGHT 01-0037. THIS DECREED RIGHT HAS BEEN SPLIT INTO SEPERATE PORTIONS.

Comments:Dates and Other Information:

Claim Received Date: 7/26/1988
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

TC-01-24

I, Lois Pond agree to allow Larry Hill (water master for Hill-Pettinger Ditch, Nelson-Corey Ditch) to utilize my water right(s) for a temporary transfer in order to deliver water to lands under the Hill-Pettinger, Nelson-Corey Ditches, and Larry Hill's pumps. It is my understanding that this will only be for the 2002 irrigation season or until these water rights are cut.

In his capacity as water master I allow Larry Hill to sign the temporary transfer in order to facilitate the delivery of the water rights in the Hill-Pittinger & Nelson-Cory Ditches.

Lois Pond
Name

3546 W 6800 S
Address

Rexburg Id 83440
City, State, Zip

208 356-6678
Phone Number

Lois L. Pond 7-8-02
Signature Date

Ervin Scott

TC-01-24

I, Linda Birch agree to allow Larry Hill (water master for Hill-Pettinger Ditch, Nelson-Corey Ditch) to utilize my water right(s) for a temporary transfer in order to deliver water to lands under the Hill-Pettinger, Nelson-Corey Ditches, and Larry Hill's pumps. It is my understanding that this will only be for the 2002 irrigation season or until these water rights are cut.

In his capacity as water master I allow Larry Hill to sign the temporary transfer in order to facilitate the delivery of the water rights in the Hill-Pittinger & Nelson-Cory Ditches.

Linda Birch

Name

3780 W 6800 SO

Address

Parkway Idaho 83440

City, State, Zip

352-6103

Phone Number

356-5987(w)

Linda Birch

Signature

7-8-02

Date

TC-01-24

I, Colene Wilson agree to allow Larry Hill (water master for Hill-Pettinger Ditch, Nelson-Corey Ditch) to utilize my water right(s) for a temporary transfer in order to deliver water to lands under the Hill-Pettinger, Nelson-Corey Ditches, and Larry Hill's pumps. It is my understanding that this will only be for the 2002 irrigation season or until these water rights are cut.

In his capacity as water master I allow Larry Hill to sign the temporary transfer in order to facilitate the delivery of the water rights in the Hill-Pittinger & Nelson-Cory Ditches.

Ron D. Colene Wilson
Name

3654 W 6800 S
Address

Rexburg Id 83440
City, State, Zip

356-6750
Phone Number

Colene Wilson 7-8-02
Signature Date