

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 41-4013B)
_____)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC - 41-06

WHEREAS, a drought emergency has been declared for Power 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 August 1, 2005, Call Farms submitted the attached Temporary Change Application TC-41- 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). 41-4013B 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC - 41-06

5. Right(s) 41-4013B are limited to the irrigation of a total of 80 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 August 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 2nd day of August, 2005.


Ronald D. Carlson
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 01 2005

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern District Office

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

Name of Applicant Call Farms cell 221-9913 Phone 548-2450
Post Office Address 4371 Cold Water Rd American Falls, Id 83211

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. We did not receive our full allocation of Palisades storage water. This transfer will help us finish out the year and I will not have to purchase as much rental water. This water that is normally diverted from Fall Creek will flow on down the river. We would then divert it at our pump on the Snake River

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>401.3.B</u> <u>41-0438B</u>	<u>5/31/1890</u>	<u>1.6</u>	<u>irrigation</u>	<u>July 28</u> to <u>Sep 1</u>
				to
				to
				to

2. Total amount of water being transferred 1.6 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Fall Creek Snake River tributary to Snake River Columbia River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	SE	<u>22</u>	<u>9S</u>	<u>38E</u>	<u>Power</u>	

5. Lands irrigated or place of use: Attached - copy of our 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	

Total Acres _____

6. General Information:

TC-41-06

- a. Who owns the water right to be changed? Melvin & Esther Osborn
- b. Describe the arrangement allowing use of the right We rent land from them and have their permission to temporarily transfer the water
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
It wont affect the land. We turned the water off the last week of July. Our crop of grain was matured
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. We raised a grain crop and finished the last week of July
- e. Absent the changes, how would the right be used for the remainder of the year? It would be used in the fall in preparation for next years crop.
- 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.

Carl James / M. Evan Carl
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 8/1/05 Fee 50.00
 Receipted KCW 8/2/05 # E031123 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-41-06

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

Witness my hand this 2nd day of August, 2005.

Ralph Carl
For the Director