

2004

Ident. No. TC-41-05

DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED
AUG 23 2004

(To change point of diversion, place of use or purpose of use) Department of Water Resources
Eastern Region

Name of Applicant Call Farms Phone 548-2450
Post Office Address 4373 Coldwater Rd. Am. 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 allocation of Palisades Storage water. This transfer will help us finish out the year. Water that is normally diverted on Fall Creek will flow on down and enter Snake 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>41-4012B</u>	<u>01/22/1897</u>	<u>3.110</u>	<u>Irrigation</u>	<u>Aug 1</u> to <u>Sep 15</u>
				to
				to
				to

2. Total amount of water being transferred 3.110 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Fall Creek tributary to SNAKE 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>33</u>	<u>09S</u>	<u>28E</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-41-05

- 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 won't 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 it 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.

Ball Farms/ M. Evan Ball
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kaw Date 8/23/04 Fee 50⁰⁰

Received Kaw 8/24/04 # E030169 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-41-05

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

Witness my hand this 24th day of August, 2004:

Ralph D. Carr
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 41-4012B)
_____))
CALL FARMS _____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-41-05

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 23, 2004, Evan Call/Call Farms submitted the attached Temporary Change Application TC-41-05 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). 41-4012B 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- 41-05

5. Right(s) 41-4012B are limited to the irrigation of a total of 155.7 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, 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 24th day of August, 2004.



Ronald D. Carlson
Eastern Regional Manager

Call Farms Partnership

Evan, Richard, & Milo Call

4373 Coldwater Rd.

American Falls, ID 83211

August 10, 2004

STATE OF IDAHO

Water District No. 1

900 N. Skyline Dr., Suite

Idaho Falls, ID 83402-1718

Attention: Keith Wilson

Call Farms has rented land from Melvin and Esther Osborn for the 2004-growing season. The property is located in Township 9S Range 29E sections 19 and 20. We have received permission from Melvin and Esther Osborn to temporarily transfer the water from this ground to use on our farm for a period of up to 60 days, beginning August 1, 2004. The signatures below verify this action.

Melvin Osborn P.O.A.
Melvin Osborn

Esther Osborn
Esther Osborn

Call Farms by M. Evan Call
Call Farms by M. Evan Call

Lois Roberts
Notary Public

State of Idaho
County of Power
My Commission Expires 07/05/06

James Robinson
P.O. Box 157
Rockland 83271-0157

548-2255

Called: 8/24/2004 11:38
Left message.

STATE OF IDAHO

NOTARY --- PUBLIC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 1-10216
Date Received: 3/12/1990
Receipt No: M006207
Received By: MWH

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CALL FARMS PARTNERSHIP Phone: (208)548-2487
C/O EVAN CALL
4371 COLDWATER RD
AMERICAN FALLS ID USA 83211

2. Date of Priority: 06/01/1888

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	28E	22	NW NE SE	POWER	

5. Description of diverting works:

3' HEADGATE, DITCH TO A 200HP, TWO 250HP AND A 300HP PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	4.937	

7. Total Quantity Appropriated is:
4.937 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
09S	28E	22	SW SW	IRRIGATION	0.5
				Section Acres	0.5

09S	28E	25	NW	NE	IRRIGATION	0.6
			SW	NE	IRRIGATION	10
			NE	NW	IRRIGATION	14
			NW	NW	IRRIGATION	7.2
			SW	NW	IRRIGATION	25
			SE	NW	IRRIGATION	15
			NE	SW	IRRIGATION	27
			NW	SW	IRRIGATION	24
			SW	SW	IRRIGATION	20
			SE	SW	IRRIGATION	21
			NW	SE	IRRIGATION	9.5
			SW	SE	IRRIGATION	1.4

Section Acres 174.7

09S	28E	26	NE	NE	IRRIGATION	1.6
			NW	NE	IRRIGATION	19
			SW	NE	IRRIGATION	15
			SE	NE	IRRIGATION	1.8
			NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	0.8
			SW	NW	IRRIGATION	2.8
			SE	NW	IRRIGATION	16
			NE	SW	IRRIGATION	41
			NW	SW	IRRIGATION	30
			SW	SW	IRRIGATION	41
			SE	SW	IRRIGATION	41
			NE	SE	IRRIGATION	13
			NW	SE	IRRIGATION	30
			SW	SE	IRRIGATION	23
			SE	SE	IRRIGATION	19

Section Acres 325

09S	28E	27	NE	NE	IRRIGATION	27
			NW	NE	IRRIGATION	41
			SW	NE	IRRIGATION	41
			SE	NE	IRRIGATION	30
			NE	NW	IRRIGATION	28
			NW	NW	IRRIGATION	28
			SW	NW	IRRIGATION	20
			SE	NW	IRRIGATION	37
			NE	SW	IRRIGATION	20
			NW	SW	IRRIGATION	37
			SW	SW	IRRIGATION	21
			SE	SW	IRRIGATION	15
			NE	SE	IRRIGATION	28
			NW	SE	IRRIGATION	24
			SW	SE	IRRIGATION	21
			SE	SE	IRRIGATION	36

Section Acres 454

09S	28E	34	NE	NE	IRRIGATION	28
			NW	NE	IRRIGATION	22
			NE	NW	IRRIGATION	13

Section Acres 63

09S	28E	35	NE	NE	IRRIGATION	30
			NW	NE	IRRIGATION	2.5
			NE	NW	IRRIGATION	17
			NW	NW	IRRIGATION	39

09S

28E 36

NW NW

Section Acres 88.5

IRRIGATION 8.3

Section Acres 8.3

Total Acres 1114

11. Place of use in counties: POWER

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

ON 6/24/2004 CLAIM WAS AMENDED TO ADD ACRES THAT WERE IRRIGATED PRIOR TO 1987. DUE TO MISUNDERSTANDING CLAIMANT DID NOT INCLUDE SOME ACREAGE THAT WAS IN SET ASIDE PROGRAM ADMINISTERED BY FSA.

THIS RIGHT COMBINES SEVERAL DECREED RIGHTS THAT WERE TRANSFERED TO THE PLACE OF USE BY TRANSFER 1670. ORIGIN OF THE RIGHTS IS FROM THE SHATTUCK IRRIGATION COMPANY DISSOLUTIONMENT OF 1973. ++++ AMENDED TO INCLUDE ACRES IRRIGATED BEFORE 1987

15. Basis of Claim: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-4012B

WATER RIGHT NUMBER: 41-4012B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNIE OSBORN PO BOX 173 AMERICAN FALLS, ID 83211-0173 (208)548-2601

Priority Date: 01/22/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.110 CFS	
STOCKWATER	1/01 to 12/31	0.050 CFS	

Total Diversion: 3.110 CFSLocation of Point(s) of Diversion

FALL CREEK	NE1/4NE1/4NE1/4	Sec. 29,Twp 09S,Rge 29E, B.M.	POWER County
FALL CREEK	SE1/4NW1/4SE1/4	Sec. 20,Twp 09S,Rge 29E, B.M.	POWER 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	
09S	29E	19													21.0	6.1	4.3	29.0	60.4
																L 2			
09S	29E	20			3.0						28.0	27.0	23.0	4.7		4.9	3.2	1.5	95.3
					L 2														

Total Acres: 155.7

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:Comments:

1. SCELLAN 6/15/1999 THIS RIGHT IS SPLIT TO SHOW THE SEPARATE SYSTEMS CREATED BY THE POD'S. PART B IS DIVERTED TO THE WEST SIDE VIA #1 & #3 PODS. PART A IS FROM POD #2 TO THE EAST SIDE. THIS POD IS SHARED WITH 41-4013A & B.

Dates and Other Information:

Decreed Date: 3/12/2001
State or Federal: S
Civil Case Number: 39576
Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-4014

WATER RIGHT NUMBER: 41-4014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ESTHER OSBORN 4032 W OSBORN LP AMERICAN FALLS, ID 83211 (208)548-2606
Current Owner	MELVIN OSBORN 4032 W OSBORN LP AMERICAN FALLS, ID 83211 (208)548-2606

Priority Date: 01/22/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	
IRRIGATION	4/01 to 10/31	1.030 CFS	

Total Diversion: 1.030 CFSLocation of Point(s) of Diversion

FALL CREEK	NE1/4NE1/4NE1/4	Sec. 29,Twp 09S,Rge 29E, B.M.	POWER County
FALL CREEK	SE1/4NW1/4SE1/4	Sec. 20,Twp 09S,Rge 29E, B.M.	POWER 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					
09S	29E	19									4.2		8.4	17.0		5.7	16.0	51.3	

Total Acres: 51.3

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
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3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:Dates and Other Information:

Decreed Date: 3/12/2001
 State or Federal: S
 Owner Name Connector: AND
 Civil Case Number: 39576
 Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 41-4012A

WATER RIGHT NUMBER: 41-4012A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JENNIE OSBORN PO BOX 173 AMERICAN FALLS, ID 83211-0173 (208)548-2601

Priority Date: 01/22/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FALL CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to	12/31	0.050 CFS	
IRRIGATION	4/01 to	10/31	0.150 CFS	
	<u>Total Diversion:</u>		0.150 CFS	

Location of Point(s) of Diversion

FALL CREEK NE1/4NE1/4NE1/4 Sec. 29,Twp 09S,Rge 29E, B.M. POWER 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					
09S	29E	20																	.4	.6	3.5	3.0	7.5

Total Acres: 7.5

STOCKWATER same as IRRIGATIONConditions of Approval:

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Comments:

1. SCLELLAN 6/15/1999 THIS RIGHT IS SPLIT TO SHOW THE SEPARATE SYSTEMS CREATED BY THE POD'S. PART B IS DIVERTED TO THE WEST SIDE VIA #1 & #3 PODS. PART A IS FROM POD #2 TO THE EAST SIDE. THIS POD IS SHARED WITH 41-4013A & B.

Dates and Other Information:

Decreed Date: 3/12/2001
 State or Federal: S
 Civil Case Number: 39576
 Judicial District: FIFTH