

T5792

WILLIAMS

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

JUL 27 2000

Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT – T5792 IN THE)
NAME OF LEON WILLIAMS)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Butte and Custer counties to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; 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 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, 2000, Leon Williams ("applicant") 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;

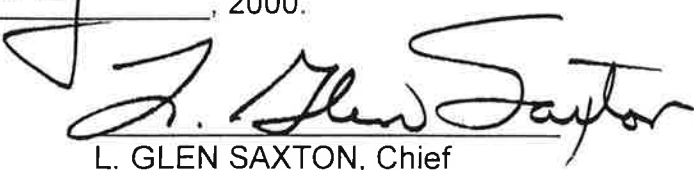
ORDER

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

1. Diversion and use of right no(s). 34-07090A and 34-07090B 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 which 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.
5. Right(s) 34-07090A and 34-07090B are limited to the irrigation of a total of 410.2 acres for the remainder of the irrigation season in year 2000. The rights can not be moved back to the place of use under rights 34-07090A and 34-07090B for the remainder of this irrigation season.
6. Right 34-02425 is diverted from the same ground water point of diversion described by this temporary change. Right(s) 34-07090A, 34-07090B and 34-02425 are limited to a total combined rate of diversion of 5.89 cfs.
7. 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 consent of such corporation or irrigation district.
8. 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.
9. 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.
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This temporary change approval expires on October 31, 2000 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 July, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

JUN-20-00 TUE 09:38 AM

Form 43-222A
12/00Ident. No. 5792STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Leon Williams Phone _____Post Office Address Route 1 Box 20 Moore, ID 83255

A. PURPOSE OF TRANSFER

- 1.
- ☐
- Change point of diversion
-
- ☐
- Change purpose of use

☒ Add diversion point(s)
☐ Other☒ Change place of use

2. Describe the proposed change(s) and the reason(s) therefor
- Temporary transfer to
-
- compensate for drought conditions.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 34-07090AB Priority 01-03-1975 Amount (cfs/ac-ft) 2.95cfs Nature of Use Irrigation Period of Use 7-19 to 9-02 or 45 days
2. Total amount of water being transferred 2.95cfs cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NE	SW	31	7N	25E	Cluster	Well
					33	"	24E	"	"
					31	7N	25E	"	Burnett Ditch - REDIVERSION

5. Lands irrigated or place of use:
- Attached

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 440.2

10-00 TUE 09:38 AM

6. General Information:

- a. Who owns the water right to be changed? Shane Rosenkrance & Gordon Player
- b. Describe the arrangement allowing use of the right water given or lent. I am paying demand charge on pump & all electric charges
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application. Well is not irrigating any ground, currently
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? most likely would not be used this year
- f. Describe other water rights used for the same purpose. none
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222, 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 representations made in this application may result in voiding its approval.

Leon Z. Will
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by VZA Date 7-20-2000 Fee _____

Receipted _____ * _____ 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. 5792

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

on the order authorizing temporary change.

Witness my hand this 24th day of July, 2000.

J. Glen Sauter
For the Director