

T5791 WHITWORTH

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

RECEIVED
JUL 26 2000
Department of Water Resources
Eastern District Office

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT - T5791 IN THE)
NAME OF SCOTT WHITWORTH)
_____)

**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, Scott Whitworth ("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). 34-00856G and 34-00223A 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) 34-00856G and 34-00223A are limited to the irrigation of a total of 80 acres in a single irrigation season. The place of use is the SENW and NESW Section 34, T6N, R25E, B.M.
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 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.
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 watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. 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.
12. Upon receipt of the filing fee, diversion and use of water is authorized.

DATED this 20th day of July, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

JUN-20-00 TUE 09:38 AM

Form 42-222A
12/00

Ident. No.

P. 02

T 5791

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 Scott Whitworth Phone 588-2984 or 896-4432
Post Office Address P.O. Box 147 May, ID

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 Temporary change in point of diversion and place of use to compensate for drought

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
34-00856G	04-30-1884	.8 cfs	Irrigation	7-19 to 10-15
34-00223A	06-01-1884	.8 cfs	Irrigation	7-19 to 10-15

2. Total amount of water being transferred 1.6 cfs cubic feet per second and/or acre-feet per annum.3. Source of water Big Lost River tributary to

4. Point(s) of Diversion:

Ident. No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	~~8~~	SW	NE		33	7N	24E	Custer	Darlington Ditch
		NE	NE	NW	11	5N	25E	Custer	Darlington Ditch (redwin)
		SW	NW	SE	35	6N	25E	Custer	Darlington Ditch (redwin)

5. Lands irrigated or place of use: See Attached rights

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	
10N	25E	35																	
5N	25E	02																	
10N	25E	25																	
"	"	26																	
"	"	34																	

Total Acres

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6. General Information:

- a. Who owns the water right to be changed? Scott Whitworth
- b. Describe the arrangement allowing use of the right From one Ranch to the other
- c. Describe the effect on the land now irrigated if the change is approved pursuant to this application:
Better use of water in center pivots
- d. Has the water right sought to be transferred been used this year? yes If yes, explain: shrink is so high crop must be abandoned
- e. Absent the changes, how would the right be used for the remainder of the year? inadequately as shrink is so high; crop will be abandoned
- f. Describe other water rights used for the same purpose.
none
- g. Remarks:

I hereby assume all risk in accordance with Section 12-222A, Idaho Code, and assert that I do not constitute an enlargement in use of the original right. The information contained in this application, with the representations made in this application may result in voiding its approval.

imposed by such change and that the change does not tie to the best of my knowledge. I understand that any

Scott Whitworth
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by MS Date 7-20-00 Fee _____

Receipted _____ Recommended: _____ approve _____ deny _____

Watermaster recommendation 7-20-00

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. 5791

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

on the attached Order Authorizing Temporary Change

Witness my hand this 20th day of July, 2000

J. Glen Saylor
For the Director