

T5781 MCDONALD



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

June 30, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JUL 05 2000

Department of Water Resources
Eastern Region

Darrell E. McDonald
P.O. Box 102
Arco, ID 83213

Re: Application for Temporary Change of a Water Right - Transfer 5781,
in the name of Darrell E. McDonald

Dear Mr. McDonald:

Enclosed is a copy of an Order Authorizing Temporary Change and a revised Temporary Change Application for the referenced Transfer No. 5781. Additionally, please note the conditions of approval on this order.

If you have any questions, please contact Glen Saxton or myself at (208)327-7900.

Sincerely,

A handwritten signature in cursive script that reads 'Deborah Drew-Ellis'.

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.

cc: ☒ Eastern Regional office
Doug Rosenkrance, Watermaster - Water District 34 (via fax)

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT - T5781 IN THE)
NAME OF DARRELL E. MCDONALD)
_____)

**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 June 30, 2000, Darrell E. McDonald ("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;

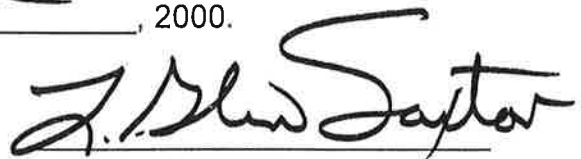
ORDER

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

1. Diversion and use of right no(s). 34-07234 and 34-07028A 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) 34-07234 and 34-07028A are limited to the irrigation of a total of 306 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 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.

DATED this 30th day of June, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

JUN-20-00 TUE 09:38 AM

Form 42-222A
12/99

Ident. No.

5781

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 Darrell E. McDonald Phone 527-3413Post Office Address PO Box 102 Arco, ID 83213

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) thereof
- to compensate for drought conditions by changing our point of diversion and place of use to more effectively use water

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 |
|--------------|-----------|--------------------|---------------|----------------------|
| 34-07234 | 8-15-1979 | 1.16 cfs | irrigation | 6-27 to 10-15 - well |
| 34-07028A | 8-01-1972 | 4.3 cfs | irrigation | 6-27 to 10-15 |

2. Total amount of water being transferred
- 5.96
- cubic feet per second and/or _____ acre-feet per annum.

3. Source of water
- ground water
- 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	SE	SW	34	5N	26E	Butte	Well
		NW	NW	NW	20	4N	26E	Butte	Well

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	
3N	27E	4					✓	✓	✓	✓						✓			
		5	✓	✓	✓	✓													

Total Acres _____

6. General Information:

- a. Who owns the water right to be changed? Ethan Ford
- b. Describe the arrangement allowing use of the right Water exchanged for labor/services
- c. Describe the effect on the land now irrigated if the change is approved pursuant to this application:
no change
- 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? right would go unused
- f. Describe other water rights used for the same purpose.
junior water rights that are shut off due to rights being called
- 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 misrepresentation made in this application may result in voiding its approval.

Charles E. McQuinn
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by VLS Date 6-27-00 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. _____

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

See Attached Order.

Witness my hand this _____ day of _____

For the Director

Place of use after approved change

W I T N E S S E T H :

For and in consideration of the payments, covenants and agreements herein contained, Lessor, leases to Lessee, and Lessee lets from Lessor, the following described real property situate and being in Butte County, Idaho, to-wit:

Township 3 North, Range 27 East Boise Meridian, Butte County, Idaho:

Section 4: NE1/4SW1/4; NW1/4SE1/4; containing approximately 80 acres. Lots 3 and 4, N1/2NW1/4; S1/2NW1/4, containing approximately 160 acres.

Section 5: Lots 1 and 2, N1/2NE1/4; S1/2NE1/4, containing approximately 160 acres.

Together with all water and ditch rights, easements, licenses and irrigation equipment appurtenant thereof.

TERM-RENEWAL