

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT – TC-74-19 IN THE)
NAME OF CECIL T. JACKSON &)
JUDITH BAILEY-JACKSON)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

A drought emergency has been declared for Lemhi County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources 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 Idaho Code §42-222A; and

On August 19, 2016, Cecil T. Jackson and Judith Bailey-Jackson submitted the attached Temporary Change Application to the Department; and

The Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

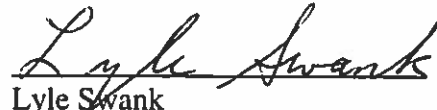
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of Right Nos. 74-15639, 74-15713, 74-15773, 74-15920, and 74-15921 are 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 or diversion works as a new point of diversion.
3. The applicants assume 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. Rights 74-15639, 74-15713, 74-15773, 74-15920, and 74-15921 when combined are limited to the irrigation of a total of 109 acres for the remainder of the irrigation season in 2016 at the place of use described in the application. The rights cannot be moved back to the place of use under whence they originated for the remainder of this 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 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 watermaster of Water District No. 74 is authorized to administer the temporary change approval.
10. This temporary change approval expires on November 15, 2016 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 22nd day of August, 2016.


Lyle Swank
Eastern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC-74-19

AMENDED

TEMPORARY CHANGE APPLICATION

RECEIVED
AUG 19 2016

Department of Water Resources
Eastern Region

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Cecil T. Jackson, Judith Bailey-Jackson

Phone 208-756-2429

Mailing Address 1705 Lemhi Rd, Salmon, ID 83467

Email ctjbj@centurytel.net

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 explain the reason(s) they are needed. _____
Need to finish season for alfalfa crop under junior priority rights which have been curtailed.

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

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)
See attached 2.56 cfs Irrigation 8/19 to 11/15
_____ to _____
_____ to _____
_____ to _____

2. Total amount of water being transferred 2.56 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Kenney Creek tributary to Lemhi River

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
20N	24E	21			NW	SE	Lemhi	Kenney Creek	LKC 1 (KE-1)

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	29	5		8	10			13	10	5	30							81
		30				2									26				28

MH AMENDED PER PHONE CONFERENCE W/ APPLICANT

Total Acres 109

AMENDED

SUPERCEDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 19 2016
Department of Water Resources
Eastern Region

TC-74-19

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant CECIL T JACKSON, JUDITH BAILEY-JACKSON Phone 208-756-2429
Mailing Address 1705 LEMHI RD SALMON ID 83467 Email ctjbj@centurytel.net

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. _____
Need to finish season for alfalfa crop under junior priority rights which have been curtailed.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>SEE ATTACHED</u>				_____ to _____
				_____ to _____
				_____ to _____
				_____ to _____

- Total amount of water being transferred 2.56 cubic feet per second and/or _____ acre-feet per annum.
- Source of water KENNEY CREEK tributary to LEMHI RIVER
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
20N	24E	21			NW	SE	LEMHI	KENNEY CK	KE-1

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	29	9.6		11.9	3.6			17.1	9.6	25.9								79.5
		30				4.0									34.6			3.5	42.1

Total Acres 121.6

SUPERCEDED

1 **SUPERCEDED**

6. General Information:

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
LANDS WILL NOT BE IRRIGATED FOR REMAINDER OF SEASON
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. _____
RIGHTS HAVE BEEN USED TO IRRIGATE GRASS PASTURE
- e. Absent the changes, how would the right be used for the remainder of the year? _____
IRRIGATION WOULD CONTINUE THROUGH END OF SEASON
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: EXISTING PIPELINE AT KE-1 WILL BE USED TO CONVEY WATER TO POU.

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.

John Kelly - John Kelly
Signature of Applicant

8/17/16
Date

FOR DEPARTMENT USE ONLY

Received by MH Date 8/19/16 \$50 fee receipted by JA Receipt No. E042377
Recommend: ☒ approve ☐ deny Watermaster recommendation RICK SAGER DOES NOT OPPOSE
PER PHONE CALL ON 8/22/16.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-74-19, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

CECIL JACKSON
2016 DROUGHT EMERGENCY TRANSFER

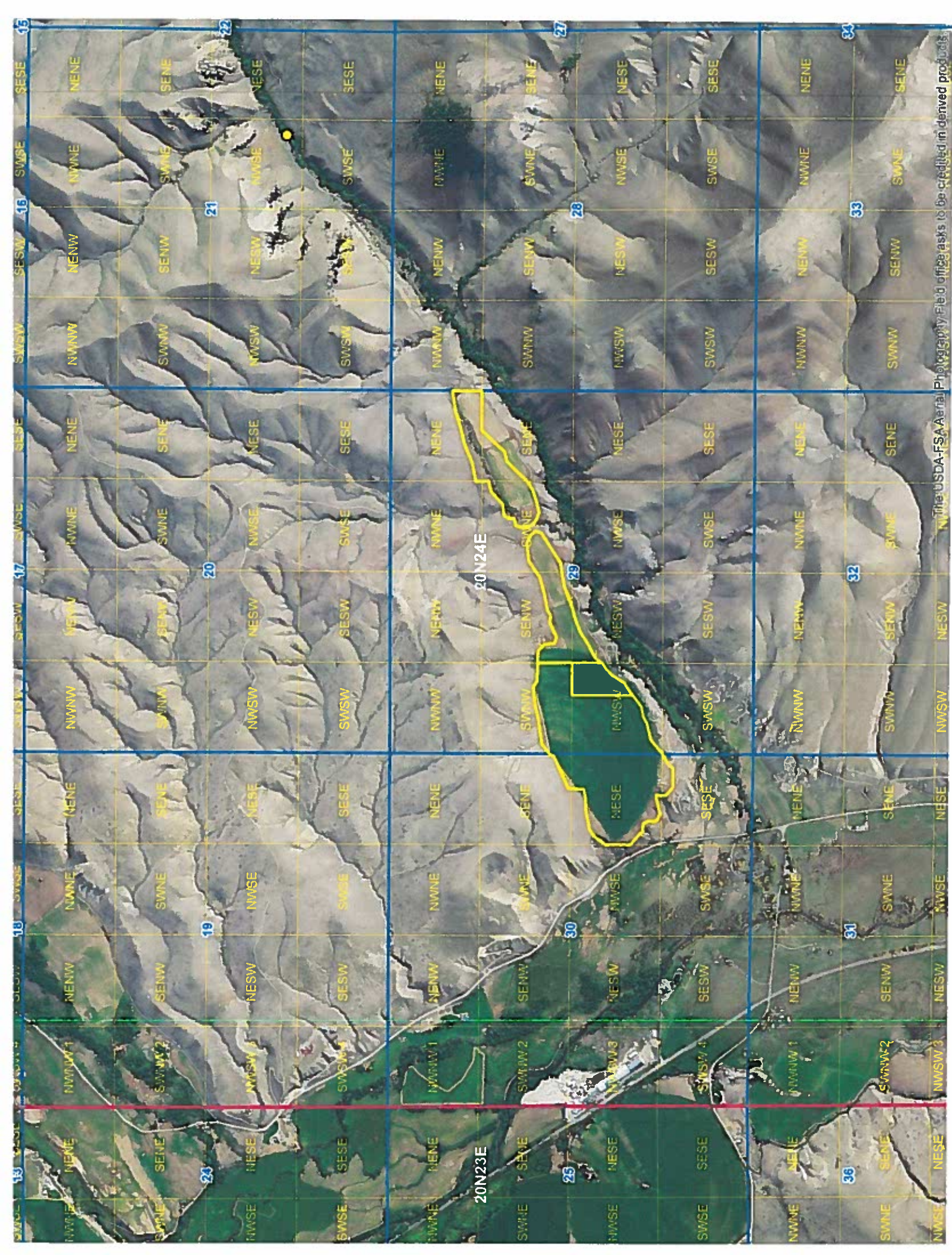
Rights to be Transferred

Right #	Priority	Rate	Acres
74-15639	7/19/1893	0.81	40.5
74-15713	11/1/1877	0.22	8.8
74-15773	11/1/1877	0.32	13.1
74-15920	11/1/1877	0.87	35.6
74-15921	11/1/1877	0.34	14.0
		2.56	112

Curtailed Rights

Right #	Priority	Rate	Acres
74-666	9/2/1922	2.08	76.9
74-2247	8/21/1918	0.92	44.7
		3.00	121.6

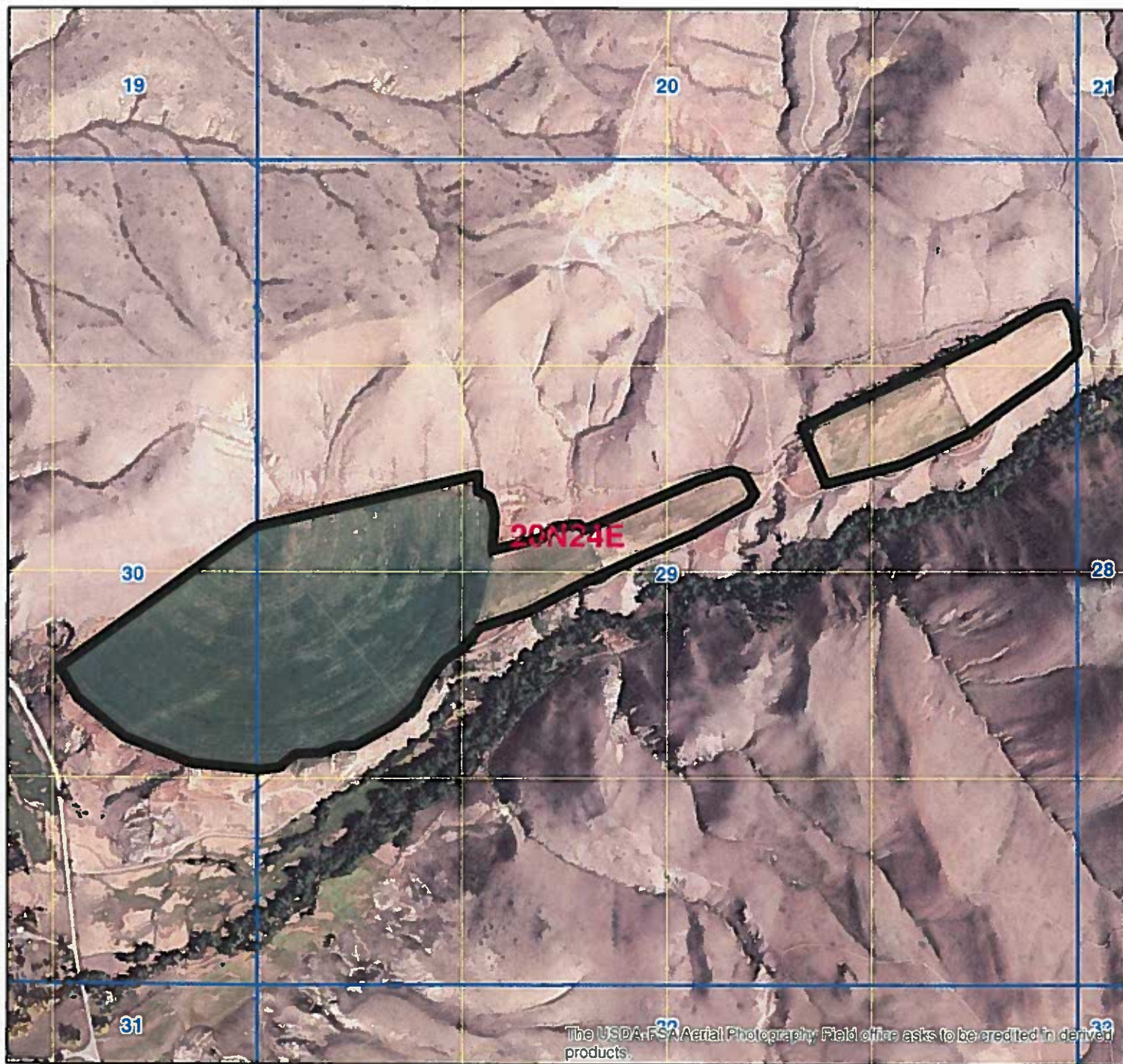
Irrigated acres under temporary transfer will be limited to 112 acres within 121.6 ac POU



State of Idaho
Department of Water Resources

TC-74-19

Date: 8/19/2016



Legend

-  Proposed POU
-  Township/Range
-  Sections
-  QQ

0 0.2 0.4 0.8 Miles



AMENDED Pou MAP

Map prepared by Michael Holliday