

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

**IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 74-1556)**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-74-18

WHEREAS, 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

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 purposes 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 17, 2016, McFarland Livestock Co. Inc. submitted the attached Temporary Change Application TC-74-18 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 the changed portion of right 74-1556 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 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 conditions. 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.**

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5. Right(s) 74-1556 is limited to the irrigation of a total of 166.4 acres in a single irrigation season. 122 acres may be irrigated at the proposed place of use. 44.4 acres may continue to be irrigated at the original place of use. Irrigation under right 74-1556 shall cease once the annual volume limit for the water right is reached.
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 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 October 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 17th day of August, 2016.



**For Lyle Swank
Eastern Regional Manager**

TC-74-18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED
AUG 17 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 McFarland Livestock Co, Inc Phone 208-768-2711
Mailing Address PO Box 50, Lemhi, ID 83465 Email _____

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. _____
Because of the drought, the underlying water right on the property, 74-1562, was curtailed very early in the irrigation
season. The fields are planted in alfalfa. This transfer is needed to protect the alfalfa crops on the property.

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

1.

<u>Right Number</u>	<u>Priority</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>
<u>74-1556</u>	<u>3/21/1889</u>	<u>3.00 cfs</u>	<u>Irrigation</u>	<u>8/17</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 3.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Lemhi River tributary to Salmon River

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
17N	24E	24			NW	NW	Lemhi	Lemhi River	L-46A

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	
17N	24E	14							1.0		3.9	36.5	29.1	30			14		114.5
		15													7.5				7.5

Total Acres 122

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
We will dry up 122 acres at the place of use designated for water right 74-1556.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. See below.
- e. Absent the changes, how would the right be used for the remainder of the year? 122 acres used at the proposed place of use. 44.4 acres will still be used at the POU for 74-1556.
- f. Describe other water rights used for the same purpose. 74-1562 has already been curtailed.
- g. Remarks: POD will not change. Same amount of water will be diverted from L-46A.

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.

[Signature]
Signature of Applicant

8/17/2016
Date

FOR DEPARTMENT USE ONLY

Received by MH Date 8/17/16 \$50 fee receipted by [Signature] Receipt No. E042371
Recommend: ☒ approve ☐ deny Watermaster recommendation RICK SAGER DOES NOT OPPOSE APPLICATION PER 8/17/16 TELEPHONE CONFERENCE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-74-18, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____

For the Director

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

AUG 22 2016

Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: TC-74-18

Applicant's Name: McFARLAND LIVESTOCK CO

Watermaster's Recommendation:

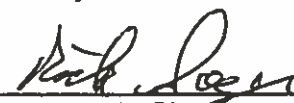
- a) X I do not oppose approval of this application.
- b) I do not oppose approval of this application if it is conditioned as follows: _____

- c) I oppose approval of this application for the following reasons:

- d) Additional Comment: _____

Dated this 17 day of August, 2016.

Water District No: 74


Watermaster's Signature

Use reverse side of page if you need more space.