

TC-74-17

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

RECEIVED

AUG 05 2013

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 Fran Tenomine Phone 208-756-3959
Mailing Address P.O. Box 72 Lemhi, ID 83445 Email wro@wildernessriver.com

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 drought conditions and we are out of water 3 to 4 weeks early. We are trying to save a crop on more productive acreage.

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
see attached documents for both the to _____
transfer & the documents that have to _____
an earlier priority date 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	1/4	1/4	1/4	County	Source	Local name or tag number
							See Attached Documents		

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	
							See Attached Documents												

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Tonsmeire Revocable Trust Phone 756-3959
Mailing Address PO Box 72, Lemhi, ID 83465 Email wro@wildernessriver.co

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. _____
Because of drought conditions, we are out of water 3 to 4 weeks early. We are trying to save a crop on more
productive ground.

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

- | <u>Right Number</u> | <u>Priority</u> | <u>Amount</u>
<small>(cfs/ac-ft)</small> | <u>Nature of Use</u> | <u>Period of Use</u> |
|---------------------|-----------------|---|----------------------|----------------------|
| <u>See</u> | _____ | _____ | _____ | _____ to _____ |
| <u>Attached</u> | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |

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

3. Source of water _____ tributary to _____

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	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	9.6		11.9	3.6			17.1	9.6	1.8	25.9							79.5
		30				4.0									34.6			3.5	42.1

Total Acres 121.6

6. General Information:

- a. Who owns the water right to be changed? Tonsmeire Revocable Trust
- b. Describe the arrangement allowing use of the right. We own the water rights
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This acreage will become non usable as the ground will be dry & not as productive but will still be used for pasture
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. used on decreed place of use.
- e. Absent the changes, how would the right be used for the remainder of the year? The water will be used, but would not be utilized to its full potential
- f. Describe other water rights used for the same purpose.
- g. Remarks: We are transferring this right for better utilization of the water & leave more water flow in creek to reach the Lemhi River.

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

8/1/13
Date

FOR DEPARTMENT USE ONLY

Received by SL Date 8/5/13 \$50 fee receipted by SL Receipt No. PD38973
Recommend: ☒ approve ☐ deny Watermaster recommendation WM Rick Sager does not oppose this transfer per telephone conversation on 8/5/13.

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:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

Tonsmeire Revocable Trust

2013 Drought Emergency Transfer

Water Rights to be Transferred

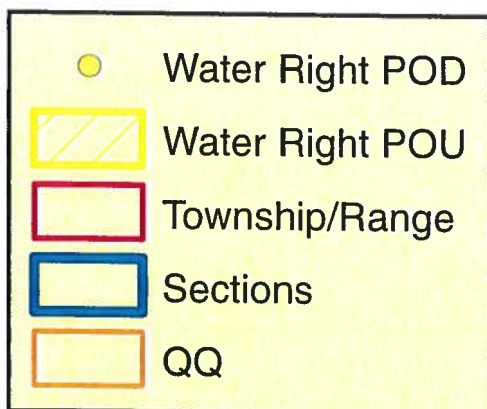
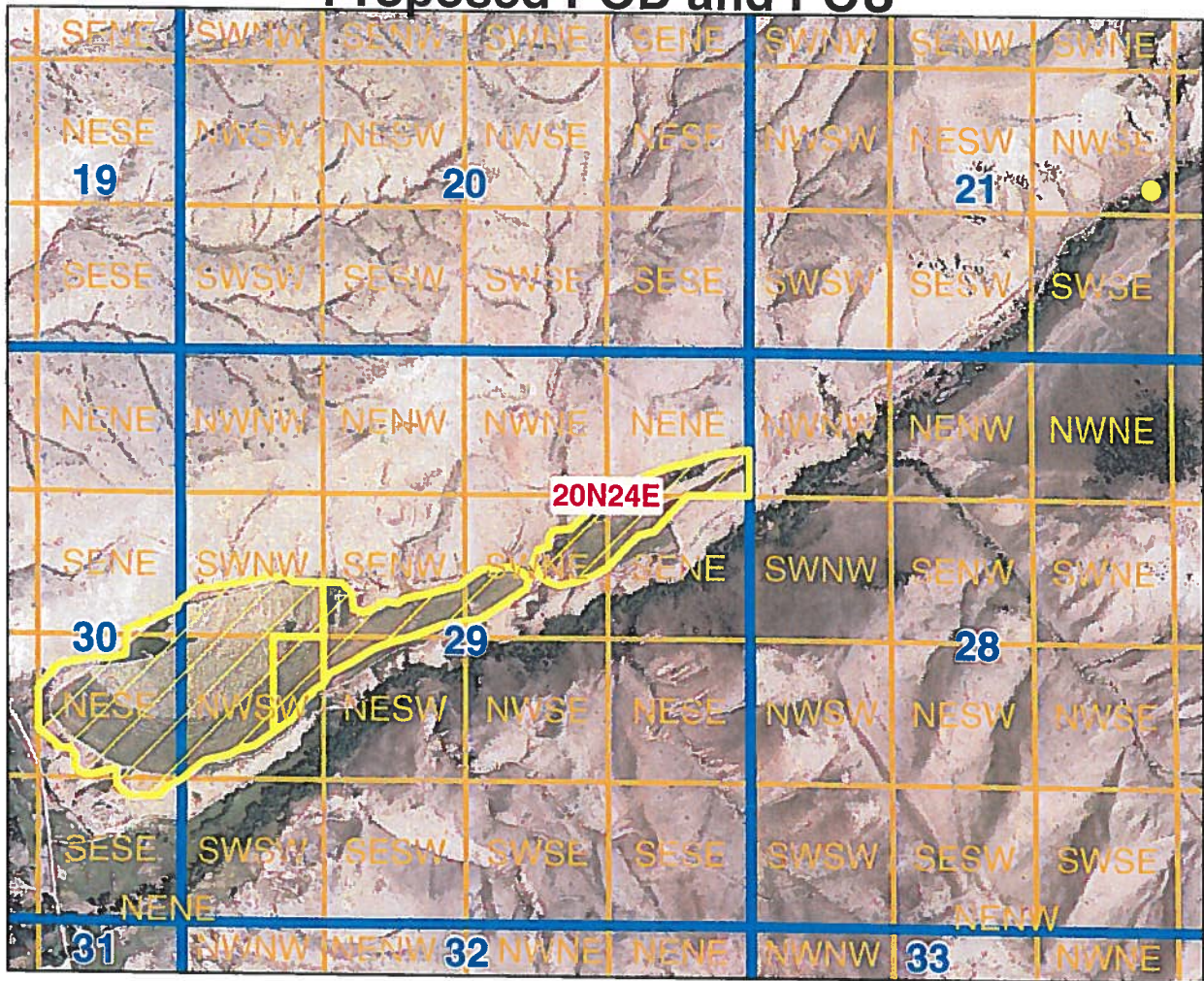
<u>Right #</u>	<u>Priority</u>	<u>CFS</u>	<u>Acres</u>
74-15639	7/19/1893	0.81	40.5
74-15713	11/1/1877	0.22	8.8
74-15773	11/1/1877	0.32	13.1
74-15920	11/1/1877	0.87	35.6
74-15921	11/1/1877	0.34	14
Total		2.56	112

Curtailed Water Rights (to be covered by Transferred Rights)

<u>Right #</u>	<u>Priority</u>	<u>CFS</u>	<u>Acres</u>
74-666	9/2/1922	2.08	76.9
74-2247	8/21/1918	0.92	44.7
Total		3.00	121.6

[Irrigated acres will be limited to 112 acres (or less) within 121.6 acre POU]

Tonsmeire Drought Emergency Transfer Proposed POD and POU



2009 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/5/2013

Water Right 74-15639

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONSMEIRE REVOCABLE TRUST PO BOX 72 LEMHI, ID 83465 (208)756-3959

Priority Date: 7/19/1893

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
KENNEY CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.810 CFS	
	<u>Total Diversion</u>		0.810 CFS	

Source and Point(s) of Diversion

KENNEY CREEK	NESW	Sec. 29, Twp 20N, Rge 24E, LEMHI County
KENNEY CREEK	SWSW	Sec. 29, Twp 20N, Rge 24E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	29											9.2						9.2
20N	24E	30																24.0	24.0
20N	24E	31	2.4	4.9															7.3

POU Total Acres: 40.5

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. U42 Place of use does not include federal public lands

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/5/2013

Water Right 74-15713

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONSMEIRE REVOCABLE TRUST PO BOX 72 LEMHI, ID 83465 (208)756-3959

Priority Date: 11/1/1877

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
KENNEY CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.220 CFS	
	<u>Total Diversion</u>		0.220 CFS	

Source and Point(s) of Diversion

KENNEY CREEK	NESW	Sec. 29, Twp 20N, Rge 24E, LEMHI County
KENNEY CREEK	NWNE	Sec. 31, Twp 20N, Rge 24E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	30							0.9	7.9									8.8
									L2										

POU Total Acres: 8.8

Conditions of Approval:

1. This right is a split from former right 74-15232 .
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/5/2013

Water Right 74-15773

Owner Type **Name and Address**
Current Owner TONSMEIRE REVOCABLE TRUST
 PO BOX 72
 LEMHI, ID 83465
 (208)756-3959

Priority Date: 11/1/1877

Basis: Decreed

Status: Active

Source
KENNEY CREEK

Tributary
LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.320 CFS	
	<u>Total Diversion</u>		0.320 CFS	

Source and Point(s) of Diversion

KENNEY CREEK	NESW	Sec. 29, Twp 20N, Rge 24E, LEMHI County
KENNEY CREEK	NWNE	Sec. 31, Twp 20N, Rge 24E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	30								11.3	1.8								13.1

POU Total Acres: 13.1

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. This right is a split from former right 74-15712 that is a split of former right 74-15232.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/5/2013

Water Right 74-15920

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONSMEIRE REVOCABLE TRUST PO BOX 72 LEMHI, ID 83465 (208)756-3959

Priority Date: 11/1/1877

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
KENNEY CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.870 CFS	
	<u>Total Diversion</u>		0.870 CFS	

Source and Point(s) of Diversion

KENNEY CREEK	NESW	Sec. 29, Twp 20N, Rge 24E, LEMHI County
KENNEY CREEK	NWNE	Sec. 31, Twp 20N, Rge 24E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	30									6.8					20.6	8.2		35.6

POU Total Acres: 35.6

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/5/2013

Water Right 74-15921

Owner Type **Name and Address**
 Current Owner TONSMEIRE REVOCABLE TRUST
 PO BOX 72
 LEMHI, ID 83465
 (208)756-3959

Priority Date: 11/1/1877

Basis: Decreed

Status: Active

Source **Tributary**
 KENNEY CREEK LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.340 CFS	
	<u>Total Diversion</u>		0.340 CFS	

Source and Point(s) of Diversion

KENNEY CREEK	NESW	Sec. 29, Twp 20N, Rge 24E, LEMHI County
KENNEY CREEK	NWNE	Sec. 31, Twp 20N, Rge 24E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	30								1.7	10.3					2.0			14.0

POU Total Acres: 14.0

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/5/2013

Water Right 74-666

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONSMEIRE REVOCABLE TRUST PO BOX 72 LEMHI, ID 83465 (208)756-3959

Priority Date: 9/2/1922

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
KENNEY CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	2.080 CFS	
	<u>Total Diversion</u>		2.080 CFS	

Source and Point(s) of Diversion

KENNEY CREEK NWSE Sec. 21, Twp 20N, Rge 24E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	29							17.1				17.7						34.8
20N	24E	30				4.0									34.6			3.5	42.1

POU Total Acres: 76.9

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. U42 Place of use does not include federal public lands

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/5/2013

Water Right 74-2247

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TONSMEIRE REVOCABLE TRUST PO BOX 72 LEMHI, ID 83465 (208)756-3959

Priority Date: 8/21/1918

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
KENNEY CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.920 CFS	
	<u>Total Diversion</u>		0.920 CFS	

Source and Point(s) of Diversion

KENNEY CREEK NWSE Sec. 21, Twp 20N, Rge 24E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

Twp	Rng	Sec	NE				NW				SW				SE				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				9.6	1.8	8.2							44.7

POU Total Acres: 44.7

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.