

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.)

RECEIVED
JUL 31 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant Picabo Livestock Phone 208-720-5150
Mailing Address Box 688 Picabo ID 83348 Email npurdy@earthlink.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.

Can't get water down Dist 45 canal because of drought
want to use at head of canal on other property.

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>37-0713B</u>	<u>1990/6/10</u>	<u>3</u>	<u>Irrig of Hay</u>	<u>Aug 1 to Oct 1</u>
<u>37-0577</u>	<u>1983/3/24</u>	<u>1.3</u>	<u>"</u>	<u>to</u>
<u>37-0665H</u>	<u>1984/10/15</u>	<u>2.6</u>	<u>"</u>	<u>to</u>

2. Total amount of water being transferred 6.43 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Wood / Dist 45 tributary to _____

4. Point(s) of diversion:

Twp	Rge	Sec	Dist	1/4	1/4	1/4	County	Source	Local name or tag number
T1N	R18E	1	JMP				Blaine	Dist 45 / COVA canal	
O2N	R18E	36		NE	SW	NW			

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4												Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
T1N	R18E	1	37.8	3.0		19.0													59.8
1N	19E	6					3.1	3.1	33	13.1									80.2

Total Acres 140

6. General Information:

- a. Who owns the water right to be changed? Gardner Ranch
- b. Describe the arrangement allowing use of the right. Leased by Applicant
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
no effect, will use supplemental well
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. used on Hay fields - Can't get water there
- e. Absent the changes, how would the right be used for the remainder of the year? not used because
to much ditch loss in 45
- f. Describe other water rights used for the same purpose. NA
- 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 misrepresentations made in this application may result in voiding its approval.

Nich Purdy
Signature of Applicant

7-31-02
Date

FOR DEPARTMENT USE ONLY

Received by J. Cooper Date 7/31/2012 \$50 fee received by J. Cooper Receipt No. 5032702
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. TC-37-60, and said application is hereby Approved, subject to the following limitations and conditions:

See attached order dated 8-2-2012

Temporary Change Expiration Date 10/31/2012

Signed this 2nd day of August, 2012

[Signature]
For the Director



Temporary Change
Application #TC-37-60

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-00713B

NAME AND ADDRESS:

KATHRYN ALLRED GARDNER
ROBERT E GARDNER
PO BOX 1200
HAILEY, ID 83333

SOURCE:

BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY:

3.00 CFS

PRIORITY DATE:

06/10/1880

POINT OF DIVERSION:

T02N R18E S36 NESWN Within Blaine County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-31

QUANTITY
3.00 CFS

PLACE OF USE:

Irrigation

Within Blaine County

T01N R19E S28
S33

SWSW 39.0
SWNE 12.0
NENW 39.0
SWNW 40.0
NWSW 15.0
SESW 1.0

SESW 29.0
SENE 3.0
NWNW 39.0
SENW 40.0
SWSW 27.0

284.0 Acres Total

Right Nos. 37-353D, 37-418D, 37-419D, 37-443, 37-480B, 37-637,
37-665H, 37-666F, 37-667K, 37-713B, 37-802, 37-2345A, 37-2684
and 37-11671 are limited to the irrigation of a combined total
of 1528 acres in a single irrigation season.

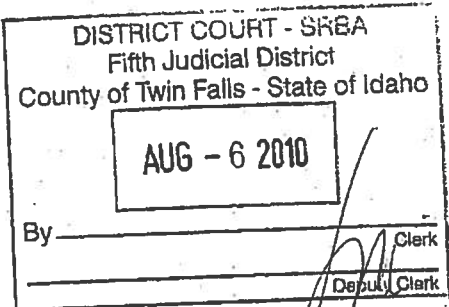
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wigman
Presiding Judge of the
Snake River Basin Adjudication



TP-37-60

MEMORANDUM

TO: PICABO LIVESTOCK TEMPORARY CHANGE APPLICATION
FROM: JEFF COOPER
SUBJECT: WATERMASTER & DISTRICT 45 CANAL COMMENTS
DATE: 8/1/2012

On August 1, 2012, I spoke with both the watermaster for WD 37 (Kevin Lakey) and the manager for the District 45 Canal (Joel Teeley) regarding a temporary change application filed by Picabo Livestock on July 31, 2012. Neither Kevin nor Joel had any objections or issues to the proposed temporary changes.