

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

IN THE MATTER OF APPLICATION	)	
FOR TEMPORARY CHANGE OF A	)	
WATER RIGHT TC-72-08 IN THE NAME	)	ORDER AUTHORIZING
OF ANTONY AND MADGE YACOMELLA	)	TEMPORARY CHANGE
_____	)	

WHEREAS, a drought emergency has been declared for Custer 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 purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on July 21, 2010, Antony and Madge Yacomella ("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; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

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

1. Diversion and use of right no. 72-6D and 72-7A are authorized for use only at the points of diversion and places of use described on the application or as otherwise approved in this order. The described place of use is intended to be the land normally irrigated by rights 72-32H and 72-32J in the SESE S17, T14N, R19E.
2. Diversion and use of right 72-6D identified above shall cease to be use on the property of James Swigert and right 72-7A identified above shall cease

to be used on the property of Robin Wegner for the remainder of the 2010 irrigation season.

3. This temporary change is subject to the private agreements between Antony and Madge Yacomella (applicant) and James Swigert and/or Robin Wegner.
4. This temporary change approval does not authorize construction of a new point of diversion.
5. 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 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.
6. The right nos. 72-6D and 72-7A identified on the application are limited to the irrigation of a total of 14.6 acres during the remainder of the irrigation season within the authorized 22 acre place of use identified on the application. This approval does not authorize use of water on other lands of the applicant for irrigation or for other purposes.
7. 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.
8. 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.
9. 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.
10. To prevent injury to other water rights the watermaster of Water District 72-A and/or watermaster of Water District 170 are authorized to administer the temporary change approval.

11. This temporary change approval expires on October 31, 2010 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 23rd day of July, 2010.


Allen Merritt
Southern Region Manager

CERTIFICATE OF MAILING

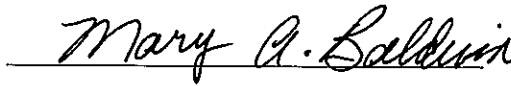
I hereby certify that on the 23rd day of July, 2010 a true and correct copy of the above and foregoing Order Authorizing Temporary Change No. TC-72-08 was forwarded with all required charges prepared, by Regular U.S. Mail to the parties listed:

ANTHONY YACOMELLA &
MADGE YACOMELLA
PO BOX 51
CHALLIS ID 83226

ROBIN WEGNER
HC 63 BOX 1576
CHALLIS ID 83226

JAMES STEWART SWIGERT
HC 63 BOX 1521
CHALLIS ID 83226

RICK PHILPS WATERMASTER
WATER DISTRICT #72-A
PO BOX 910
CHALLIS ID 83226-0910

A handwritten signature in cursive script, reading "Mary A. Baldwin", is written over a horizontal line.

Mary A. Baldwin
Administrative Assistant I

7/20/10

Allen Merritt -

I am aware of this
transaction/transfer of use.
It will be fine with
me as watermaster.

Rick Phelps

RECEIVED

JUL 21 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

TC-72-08

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

208-879-4399

Name of Applicant Antony & Madge Yalomella Phone _____

Mailing Address P.O. Box 51, Challis Idaho 83226 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 the reason(s) thereof Transfer senior rights on Challis Creek to lands with junior rights likely to be cut due to drought.

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>72-7A</u>	<u>5/1/1879</u>	<u>0.15 cfs</u>	<u>Irrig</u>	<u>4/1</u> to <u>10/31</u>
<u>72-6D</u>	<u>5/1/1879</u>	<u>0.16 cfs</u>	<u>Irrig</u>	<u>4/1</u> to <u>10/31</u>

2. Total amount of water being transferred 0.31 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Bezu/Challis Creek tributary to Salmon River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	10	SW	NW	NW	7	14N	19E	Custer	Highline Canal
		SE	SW	SE	17	14N	19E		Re-div pump

5. Lands irrigated or place of use:

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	
2-32J	14N	19E	17															11	11
2-32H	14N	19E	17															11	11

RECEIVED

Total Acres 22

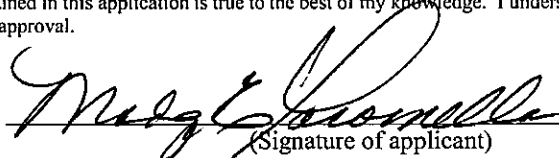
JUL 21 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

6. General Information:

- 72-7A - Robin Wegner
72-6D - James Stewart Swigert
- a. Who owns the water right to be changed? _____
- b. Describe the arrangement allowing use of the right Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Lands will not be irrigated
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Raised crop of grass hay.
- e. Absent the changes, how would the right be used for the remainder of the year? Not used.
- f. Describe other water rights used for the same purpose.
None
- 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.


(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by ADM Date 7/21/10 Fee 50⁰⁰
Receipted ADM # 5031544 Recommend: _____ approve _____ deny _____
Watermaster recommendation Received 7/21/10

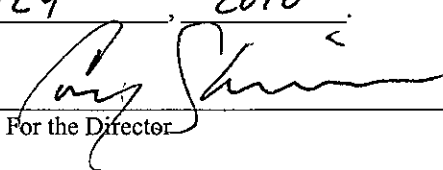
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-72-08

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

See attached order dated 7/23/2010.

Witness my hand this 23rd day of JULY, 2010


For the Director

RECEIVED
JUL 23 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

7/22/10

Idaho Water Resources

Anthony and Marge Yacomella

Are welcome to use my 8.

inches of 1879 Water for the balance
of the 2010 irrigation season.

Thanks You -

Ed Light

Hc63 Box 1521

Challis ID 83226

RECEIVED
JUL 23 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

7/22/10

Idaho Water Resources

Anthony and Marge Yaconella

are welcome to use my 7½
inches of 1879 Water for the balance
of the 2010 irrigation season.

Thank You -

Robin Wegner

Robin Wegner

HC 63 Box 1576

Challis, ID 83226