

RECEIVED
AUG 03 2007DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant MAURICE ELLSWORTH Phone 823-4591Post Office Address PO BOX 158 · CAREY, ID 83320

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 THESE RIGHTS ARE IN THE
PROCESS OF BEING CUT (REDUCED) AND WE WANT TO MOVE THE
WATER TO GRIND FURTHER UP THE DITCH FOR MORE EFFICIENT USE
OF WATER.

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>37-738</u>	<u>4/15 to 10/31</u>	<u>2.0 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/31</u>
	<u>37-749</u>	<u>4/15 to 10/31</u>	<u>3.2 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/31</u>
					to
					to

2. Total amount of water being transferred 5.2 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water FISH CREEK tributary to LITTLE WOOD RIVER

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		<u>SE</u>	<u>NE</u>	<u>SE</u>	<u>33</u>	<u>1N</u>	<u>22E</u>	<u>BLAINE</u>	<u>HIGH LINE CANAL</u>

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	
<u>01S</u>	<u>22E</u>	<u>5</u>									<u>2</u>			<u>29</u>					<u>31</u>
<u>01S</u>	<u>22E</u>	<u>8</u>					<u>40</u>			<u>40</u>									<u>80</u>
<u>01S</u>	<u>21E</u>	<u>13</u>												<u>2.5</u>					<u>2.5</u>
<u>01S</u>	<u>22E</u>	<u>18</u>									<u>2.5</u>								<u>2.5</u>

No acre limit
needed on
37-738 or
37-749

Signed by Maurice
Ellsworth's son via
Power of attorney. A
copy of power of attorney
is to be faxed down

Total Acres 116

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:
ONLY THE PLACE OF USE IDENTIFIED ON FIRST PAGE WILL BE
IRRIGATED THE REST OF THIS YEAR.
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. WATER WAS
USED TO IRRIGATE GRAIN. CHANGE REQUESTED WILL BE MORE EFFICIENT
USE OF WATER.
- e. Absent the changes, how would the right be used for the remainder of the year? _____
CONTINUED TO BE IRRIGATED AS WATER IS AVAILABLE.
- f. Describe other water rights used for the same purpose.
FISH CREEK RESERVOIR WATER WAS USED, BUT IS NO LONGER
AVAILABLE.
- 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] POA P.R.
(Signature of applicant)
Maurice C. Ellsworth

FOR DEPARTMENT USE ONLY

Received by C. SKINNER Date 8/3/2007 Fee \$50.00
Received 8/3/07 # S029650 Recommend: ☒ approve ☐ deny
Watermaster recommendation LAWRENCE KIMBALL OK WITH CHANGE 7/13/07 TELECOM P.S.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-37-57

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

See attached order dated 8/6/07

Witness my hand this 6th day of August 2007.

[Signature]
For the Director

Fish Creek watermaster

styl
rental agreement
or permission from styl
rest up here

styl

Austin

Reay

Peck

Stubb

United States Highway 20

Laidlaw Park

Mecham

Barton

Barton

Dry Creek

Foothill

Lake View

Peatner

Airport

Queen Crown Cenarusa

Main

Griffin

Priest

Priest

Carey, Idaho

Jerry Cennarusa Farm



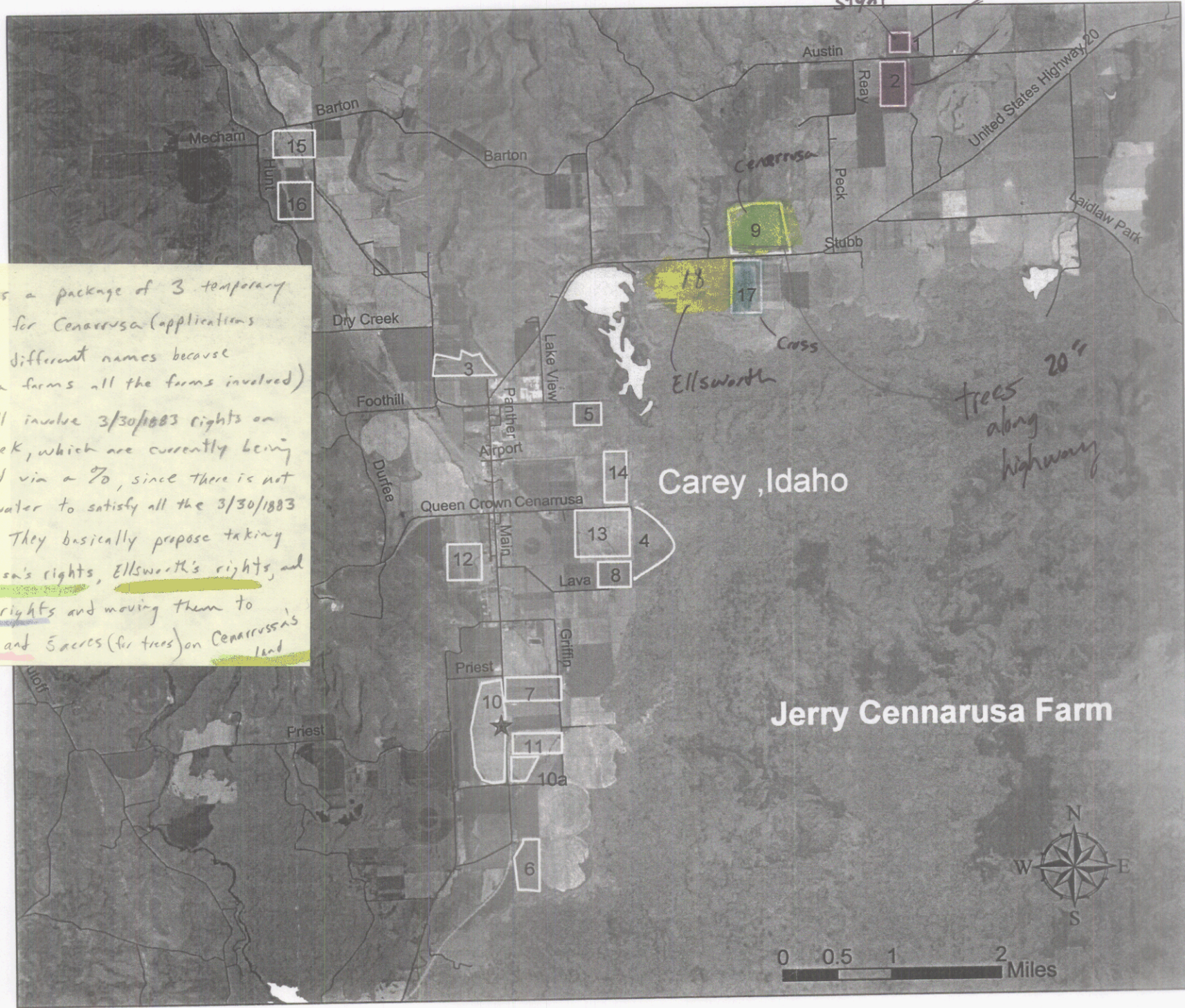
0 0.5 1 2 Miles

Here is a package of 3 temporary changes for Cenarusa (applications filed in different names because Cenarusa farms all the farms involved) They all involve 3/30/1983 rights on Fish Creek, which are currently being delivered via a 70, since there is not enough water to satisfy all the 3/30/1983 rights. They basically propose taking Cenarusa's rights, Ellsworth's rights, and Cross's rights and moving them to Styl's and 5 acres (for trees) on Cenarusa's land

Ellsworth

Cross

trees 20"
along highway



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-738 V1

WATER RIGHT NUMBER: 37-738 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LILLIE I CONDIE
	TWIN FALLS, ID 83301
Original Owner	G A CONDIE
	, ID
Current Owner	MAURICE C ELLSWORTH
	PO BOX 158
	CAREY, ID 83320
	(208)823-4591

Priority Date: 03/30/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

FISH CREEK	SE1/4NE1/4SE1/4	Sec. 33, Twp 01N, Rge 22E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	21E	13											30.0	35.0			40.0		105.0
01S	21E	24			36.0	16.0	28.0	40.0	39.0	23.5									182.5

Total Acres: 287.5

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 287.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-749C & 37-2443.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-738 V1

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.
3. F01 WATER IS DELIVERED THROUGH HIGHLINE CANAL.
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 37U
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		287.5

Combined Water Rights: 37-738 , 37-749C , 37-2443

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-749C V1

WATER RIGHT NUMBER: 37-749C V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAURICE C ELLSWORTH PO BOX 158 CAREY, ID 83320 (208)823-4591
Original Owner	LILLIE I CONDIE TWIN FALLS, ID 83301
Original Owner	IRA ELDREDGE CAREY, ID

Priority Date: 03/30/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
FISH CREEK	LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

FISH CREEK	SE1/4NE1/4SE1/4	Sec. 33, Twp 01N, Rge 22E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	21E	13									30.0	35.0					40.0		105.0
01S	21E	24			36.0	16.0	28.0	40.0	39.0	23.5									182.5

Total Acres: 287.5

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-749C V1

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4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:Comments:Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		287.5

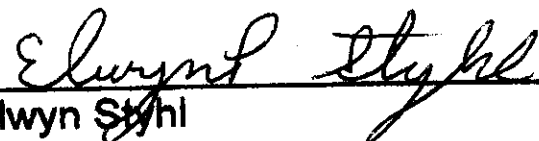
Combined Water Rights: 37-738 , 37-749C , 37-2443

Water Supply Bank:

We understand that the 1883 decreed water rights of Jerry Cenarrusa, Maurice Ellsworth and Raymond Cross are in the process of being temporarily transferred to our ground. We understand that this is only temporary and will be in effect for the remaining 2007 irrigation season only and agree to the changes.



Edith Styhl



Elwyn Styhl