

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES RECEIVED

MAY 19 2004

TEMPORARY CHANGE APPLICATION

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

Department of Water Resources

use or purpose of use) *AL Hawkins 524-7751* (J. 201)

Name of Applicant Guardian Limited Partnership #2 Phone 208-523-0620

Post Office address c/o Holden, Kidwell, Hahn & Crapo, PLLC, P.O. Box 50130, Idaho Falls, Idaho 83405-0130

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: Pivots and partial pivots have been installed on the land over the years and the land currently irrigated by the pivots is not exactly the same as shown under existing water rights. The purpose of this application is to reconfigure the place of use under the water rights so that the pivots and partial pivots can be operated this season. Because of the drought and the prior excess irrigation, none of the lands under the Sawmill pivot or the Wiper pivot will be irrigated this year.

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

- | 1. | <u>Right Number</u> | <u>Priority</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of use</u> |
|----|--|------------------|---------------------------|----------------------|-----------------------------|
| | <u>74-1067</u> | <u>2/27/1915</u> | <u>1.0 cfs</u> | <u>irrigation</u> | <u>3/15</u> To <u>11/15</u> |
| | <u>74-1072</u> | <u>4/1/1965</u> | <u>0.88 cfs</u> | <u>irrigation</u> | <u>3/15</u> To <u>11/15</u> |
| | <u>74-1073</u> | <u>7/30/1902</u> | <u>3.44 cfs</u> | <u>irrigation</u> | <u>3/15</u> To <u>11/15</u> |
| | | | | | _____ To _____ |
| 2. | Total amount of water being transferred <u>5.32</u> Cubic feet per second and/or _____ Acre-feet per annum. | | | | |
| 3. | Source of water for right no. 74-1067 the source is Hayden Creek, tributary to the Lemhi River; for rights nos. 74-1072 and 74-1073, the source is the East Fork of Hayden Creek, tributary to Hayden Creek, but because of serious erosion problems, water will not be diverted from East Fork. | | | | |
| 4. | Point(s) of Diversion: _____ | | | | |

[illegible]

TC-74-06

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	
17N	23E	12	29																29
	24E	5									7	8							15
		6										4		12			5		21
		7	1					28											29
18N	24E	31															25		25
		32										7							7

Total Acres: 126

6. General Information:

- Who owns the water right to be changed? Applicant
- Describe the arrangement allowing use of the right: not applicable
- Describe the effect on the land now irrigated if the change is approved pursuant to this application:
126 acres of the land previously irrigated will no longer be irrigated so that the land under the pivots and partial pivots can be irrigated.
- Has the water right sought to be transferred been used this year? No If yes, explain. _____
- Absent the changes, how would the right be used for the remainder of the year? The rights could not be used and it would be impossible to operate the pivots to cover all of the land under the pivots.
- Describe other water rights used for the same purpose. 74-373, 74-374, 74-985, 74-1066A, 74-1066B and 74-1068
- Remarks: Apparently most of the pivots were installed subsequent to the entry of the Lemhi River decree from which these water rights are derived. We have attached a map prepared by Roxanne Brown on April 16, 2004, which shows the pivots, together with a memo from Roxanne Brown to Tim Luke showing the acreages not covered within each pivot. For the 2004 irrigation season, none of the land in the Sawmill pivot or the Wiper pivot will be irrigated. Ms. Brown calculated that there is a total of 126 acres within the Little pivot, the Section 6 pivot, the Little Wiper pivot, the Number 1 pivot and the Corner shown on her map that presently do not have water rights appurtenant thereto. This temporary change will transfer rights under the three referenced rights for irrigation of this 126 acres. Because of serious erosion problems that resulted from the 2003 fire, the ditch from the East Fork of Hayden Creek will not be used; rather, the water will be allowed to run into Hayden Creek and will all be diverted from the points of diversion on Hayden Creek.