

TC-37-45

RECEIVED
SEP 15 2004
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Klyn Cheney Phone 934 4875

Post Office Address 1539 S 1750 E GOODING ID 83330

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 To finish & dig beet crop

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

1. Right Number 37-2670 Priority 7/24/1961 Amount (cfs/ac-ft) 2.32 Nature of Use IRR Period of Use 3/15 to 11/15

2. Total amount of water being transferred 2.32 cubic feet per second and/or 20 acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NE	NE	19	5S	15E	GOODING	Brown well

5. Lands irrigated or place of use:

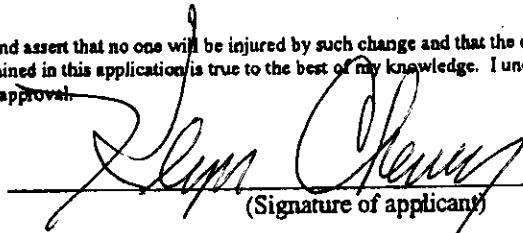
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	14E	24	~~30~~	~~30~~	~~30~~	~~30~~	30	30	30	30									120

Total Acres 120

6. General Information:

- a. Who owns the water right to be changed? Debra Brown (estate of Jay Brown)
- b. Describe the arrangement allowing use of the right Written authorization from owner (attached)
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will not irrigate during term of temporary change - may stubble irrigate after Oct 1st on ground (NWNE & SENE Sec 19)
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. on beans and grain
- e. Absent the changes, how would the right be used for the remainder of the year? Irrigation of 35 ac beets continues in SWNE Sec 19
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: To lands have AFRD #2 shares (confirmed) by CY
Will pipe to west, under road and into BWCC ditch, picked up w/ existing pump
Big Wood Canal company gave verbal approval to use ditches

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 CY Date 9-13-04 Fee \$0 -

Received 9-13-04 # 5027034 Recommend: X approve deny

Watermaster CY recommendation OK - limited use only - through 9-30-04 is sufficient

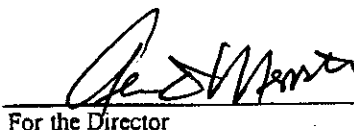
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-37-45

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

See attached order dated 7/14/04

Witness my hand this 14th day of Sept., 2004.


For the Director

2

1

6

5

11

12

7

8

Cheney Temporary Change

14

13

18

17

05S14E

05S15E

To Lands

From Lands (120 ac)

23

24

19

20

26

25

30

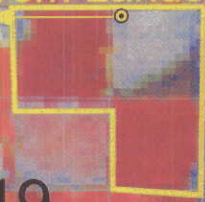
29

35

36

31

32



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2670

WATER RIGHT NUMBER: 37-2670

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAY A BROWN C/O DAVID J BROWN 1853 E 1500 S GOODING, ID 83330 (208)934-5155

Priority Date: 07/24/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3.000 CFS	620.00 AF
	<u>Total Diversion:</u>	3.000 CFS	620.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 19, Twp 05S, Rge 15E, B.M.
GOODING 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	
05S	15E	19	38.0	38.0	40.0	39.0													155.0

Total Acres: 155

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. S05 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

Remarks:Comments:

1. CFRITSCH 10/15/2001 POD
Comment: POD location from WMIS.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2670

Dates and Other Information:

Licensed Date:
Decreed Date: 12/11/2002
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

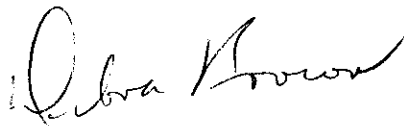
SubCase:

SubCase Number: 37-2670
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Carter Fritschle
Basis of Claim:
Date Filed: 10/11/2002 Objection Status: Active

DEBRA BROWN
1853 E 1500 S
GOODING, IDAHO 83330
208-934-5155

September 13, 2004

I hereby authorize temporary transfer of water from Jay A Brown % David Brown to
Klyn Cheney.

A handwritten signature in cursive script that reads "Debra Brown". The signature is written in dark ink and is located in the lower-left portion of the document.