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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JUN 03 2004

TEMPORARY CHANGE APPLICATION

JUN 25 2004

Department of Water Resources
Eastern RegionDEPARTMENT OF
WATER RESOURCES

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

Name of Applicant Craig Stewart Phone 589-5118
527-3621
 Post Office Address Rt 1 Box 58B 2700N 3405W Moore, Id. 83255

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 Current licence is for
146 acres. Proposed use for 2004 would be 63
acres. The wells current out put is more compatible to
the 63 acres TOWNSHIP 4N R26E BM Sect. 17 SE 1/4 SE 1/4
Sec. 16 partial of SW 1/4 SW 1/4

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>34-2419B</u>	<u>6-5-61</u>	<u>1.96 cfs</u>	<u>IRRIGATION</u>	<u>5-1</u> to <u>10-15</u>
*	<u>34-12391</u>	<u>5-2-1984</u>	<u>.98 cfs</u>	<u>IRRIGATION</u>	<u>4-1</u> to <u>10-31</u>
					to
					to

2. Total amount of water being transferred 1.96 cubic feet per second and/or _____ 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
		NW	NW	NE	26	4N	26E	Butte	

**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	
4N	26E	16											23.8						23.8
		17															40		40.0

* Completed from Decree 34-2419B * Added because of overlap. Total Acres 63.8 ac **

** Completed from Decree 34-13832 & 34-13834 & Item A.2. (above)

6 General Information:

TC-34-47

- a. Who owns the water right to be changed? Craig Stewart
- b. Describe the arrangement allowing use of the right N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Do to lack of river water, And if it doesn't rain, this ground will be dry.
- d. Has the water right sought to be transferred been used this year? yes If yes, explain To suplliment the river stream.
- e. Absent the changes, how would the right be used for the remainder of the year? would have to reduce acres without District water
- f. Describe other water rights used for the same purpose.
B. L. I. D. water. They say there isn't any.
- g. Remarks: They charged 800' inches against my account to deliver 160 inches. at 48% to start with, that gave me 4 days. So I would like to try and get some what of a crop off the smaller farm.

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.

Craig Stewart
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KW Date 6/3/2004 Fee \$50⁰⁰

Receipted KW 6/4 # 6029912 Recommend: ☒ approve ☐ deny

Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-47

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

Witness my hand this 19th day of June 2004:

Randall C. Cook
For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-2419B)
)
CRAIG STEWART)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-47

WHEREAS, a drought emergency has been declared for Butte 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 authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on June 6, 2004, Craig Stewart submitted the attached Temporary Change Application TC-34-47 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

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

1. Diversion and use of right no(s). 34-2419B is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-47

5. Right(s) 34-2419B are limited to the irrigation of a total of 163.8 acres in a single irrigation season
6. 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.
7. The applicants agree 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.
8. 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.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on December 31, 2014 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 14th day of June, 2004.


Ronald D. Carlson
Eastern Regional Manager

Important Information About Your Water Right

July 10, 2002

G Craig Stewart
Jackie Stewart
Rt 1 Box 588
Moore, ID 83255

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JUL 12 2002

Department of Water Resources

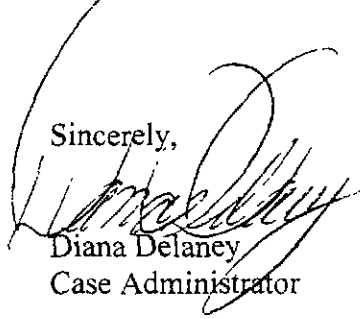
Dear Water Right Claimant(s):

Attached to this letter is a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 34-2419B. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist v Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana Delaney
Case Administrator

202 JUL 10 PM 2:14
DISTRICT COURT-5TH JUDICIAL DISTRICT
TWIN FALLS, IDAHO
FILED _____

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	)	Water Right 34-2419B
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist v Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 10-31

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following.

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).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated July 10, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication