



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0088
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUL 24 2000

Department of Water Resources
Eastern Region

July 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Doug Rosenkrance
Watermaster Dist. 34
P.O. Box 53
Mackay, ID 83251

RE: TEMPORARY CHANGE APPLICATION - SCOTT WHITWORTH

Dear Doug:

I have reviewed the Temporary Change Application in the name of Herb Whitworth which you faxed to the department yesterday, July 19, 2000.

The application is potentially approvable depending on the resolution of several matters described below:

- The points of diversion shown in Section 11, T5N, R25E, B.M. and Section 35, T6N, R25E, B.M. are near Antelope Creek and do not appear to not be from the Big Wood River or from points of rediversion on the Darlington Ditch. Please explain.
- The total number of acres on which rights sought for temporary transfer (34-00856G and 34-00223A) can be used can not exceed 80 acres in order to avoid enlargement in use.
- Your written recommendation concerning approval of the application including your statement that to your knowledge, there will not be enlargement in use or injury to other water users is needed.
- Written approval from the irrigation district that they do not object to use their facilities is needed.
- A \$50 filing fee must be submitted to IDWR.

Sincerely,


L. GLEN SAXTON, Chief
Water Allocation Bureau

c: ✓ IDWR - Region, Skip Jones
Norman C. Young
Tim Luke

JUN-20-00 TUE 09:38 AM

Form 42-22A
12/99

Ident. No. _____

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 Scott Whitworth Phone 588-2984 or 876-4432Post Office Address P.O. Box 147 May, ID

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 Temporary change in point of diversion and place of use to compensate for drought

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-00856G</u>	<u>04-30-1884</u>	<u>.8 cfs</u>	<u>Irrigation</u>	<u>7-19 to 10-15</u>
<u>34-00223A</u>	<u>06-01-1884</u>	<u>.8 cfs</u>	<u>Irrigation</u>	<u>7-19 to 10-15</u>

2. Total amount of water being transferred 1.6 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	<u>8</u>	<u>SW</u>	<u>NE</u>		<u>33</u>	<u>7N</u>	<u>24E</u>	<u>Custer</u>	<u>Darlington Ditch</u>
		<u>NE</u>	<u>NE</u>	<u>NW</u>	<u>11</u>	<u>5N</u>	<u>25E</u>	<u>Custer</u>	<u>Darlington Ditch</u>
		<u>SW</u>	<u>NW</u>	<u>SE</u>	<u>35</u>	<u>6N</u>	<u>25E</u>	<u>Custer</u>	<u>Darlington Ditch</u>

5. Lands irrigated or place of use: See Attached rights

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>6N</u>	<u>25E</u>	<u>35</u>																	
<u>5N</u>	<u>25E</u>	<u>02</u>																	
<u>6N</u>	<u>25E</u>	<u>25</u>																	
<u>"</u>	<u>"</u>	<u>26</u>																	
<u>"</u>	<u>"</u>	<u>34</u>																	

Total Acres _____

2
? antelope
cr.

00 TUE 09:38 AM

6. General Information:

- a. Who owns the water right to be changed? Scott Whitworth
- b. Describe the arrangement allowing use of the right From one Ranch to the other
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Better use of water in center pivots
- d. Has the water right sought to be transferred been used this year? yes If yes, explain: Shrink is so high crop must be abandoned
- e. Absent the changes, how would the right be used for the remainder of the year? inadequately as shrink is so high; crop will be abandoned
- f. Describe other water rights used for the same purpose.
none
- g. Remarks:

I hereby assume all risk in accordance with Section 42-222, Idaho Code, and assert that no c. constitute an enlargement in use of the original right. The information contained in this application with the representations made in this application may result in voiding its approval.

I understand the change and that the change does not is to the best of my knowledge. I understand that any

Scott Whitworth

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Fee _____

Receipted _____ * _____ Recommendation: _____ approve _____ deny

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____

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

Witness my hand this _____ day of _____

For the Director

AJ5809NP

No. 34-00856G

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/19/00

PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIAMOND LAZY L RANCH LTD	04/30/1884	IRRIGATION	05-01 10-15	0.800 CFS	
TOTAL DIVERSION:					0.800 CFS	

Water Source: BIG LOST RIVER

Tributary to: SINKS

Stage: DECREED

Point(s) of Diversion:

T07N R24E S34

SENNW

CUSTER County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE	
T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06N	26E	20	38			39		40	38
								38	
								TOTAL ACRES	
								193.0	

POU County: CUSTER

Other Rights: 34-00360C, 00228A, 00229

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: POU1

USE OF THIS RIGHT WITH THE RIGHTS LISTED ABOVE IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 40 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00228A, 34-00229 AND 34-00360C.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP WATER IS DELIVERED THROUGH BURNETT DITCH.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 34

Field Inspection Flag:

Presumption Flag: C

*Pts
to be
moved*

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. 34-00223A

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C RAMSHORN GRAZING ASSOCIATION INC 06/01/1884 IRRIGATION 05-01 10-15 0.800 CFS
C/O MELVIN J ELLWEIN
PO BOX 329 ID 83251
(208) 588-2636
TOTAL DIVERSION: 0.800 CFS

Water Source: BIG LOST RIVER Tributary to: SINKS Stage: DECREED
Point(s) of Diversion: T07N R24E S34 SENNW CUSTER County

Place of use Legal Description for: IRRIGATION

Place of Use Legend Description for																			
NE				NW				SW				SE							
T		R		S		NENE		NWNE		SWNE		NENE		NWSE		SWSE		SUM	
Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac	
06N 26E 17		:		38		:		37		:		39		:		20		:	
06N 26E 20		:		38		:		37		:		39		:		38		:	
06N 26E 21		:		38		:		37		:		39		:		39		:	
												21		15		39		32	
												23		39		39		183.0	
												30		39		39		135.0	
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												30		39		39		410.0	
												30		39					

POU County: BUTTE

Other Rights: 34-10540,00225,00227A,001198,10541,00213A,00215,02479

Conditions of Approval:
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 10.84 CFS.
COMBINED RIGHT NOS.: 34-001198, 34-00213A, 34-00215, 34-00225,
34-00227A, 34-10540, 34-10541 AND 34-02479.

POU1 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 410 ACRES IN A SINGLE
IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-001198, 34-00213A, 34-00215, 34-00225,
34-00227A, 34-10540, 34-10541 AND 34-02479.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP WATER IS DELIVERED THROUGH BURNETT DITCH.

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 34 Field Inspection Flag: C
Presumption Flag:

AJ5809NP

No. 34-00223A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/19/00
PAGE: 2

Comments: Date: 08/07/1991 User-ID: TAYLOR Subject: COPIED FROM REMARKS
TRANS. 2323

Date: 11/12/1997 User-ID: ARUBERRY Subject: CHANGE OF OWNERSHIP
THIS IS ACTUALLY A CHANGE OF ADDRESS. MR. ELLWEIN IS PRES. OF THE
ASSOC. C/O 11/12/97, ABR***

Audit: 10/17/97 ENORQUES 10/22/97 CFRITSCH 11/12/97 ARUBERRY 04/09/98 PD-DSHAF

DATE: MAY-27-1992
PAGE: A-512

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 34-00196A
NAME & ADDRESS: DIAMOND LAZY L RANCH, LTD.
C/O JAMES LORD
BOX 5
DARLINGTON ID 83231

PRIORITY DATE

PURPOSE OF USE

PERIOD OF USE FROM TO

MAXIMUM QUANTITY

BASIS OF CLAIM

TRIBUTARY: SINKS

SOURCE: BIG LOST RIVER

05/10/1897 IRRIGATION 05-01 10-15 1.696 CFS DECEED

TOTAL QUANTITY: 1.696 CFS

WHSSE
WENEM (I)
SANSSE (R)

WENE 18.0
WENE 39.0
WENE 32.0
WENE 21.0

SAME 36.0
SENE 35.0

221.0 ACRES TOTAL
THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.18 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 552.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 221 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00481, 34-00482, 34-00849B & 34-02367. WATER IS DELIVERED THROUGH THE DARLINGTON DITCH. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM ANTELOPE CREEK.

THE AMOUNT OF WATER DIVERTED FROM ANTELOPE CREEK SHALL BE REDUCED WHERE NECESSARY TO PREVENT INJURY TO APPROPRIATORS OF WATER DOWN-STREAM FROM THE POINT OF REDIVERSION.

Attachment
to Temporary
Change Applic.

Scott Whitworth
Place of Use

Land
to be
irrigated

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

95-586-649

BRIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
	SOURCE- BIG LOST RIVER		TRIBUTARY: SINKS			

44-10729 DARLINGTON RANCH INC.
ROUTE 1 BOX 51
DARLINGTON ID 83231

Attachment

to temporary
Change Applic.

3. Methods

[illegible]

936.0 ACRES TOTAL

PLACE OF USE: STOCKWATER

Lot 4 (HAAH)	Lot 5 (HAAH)
105M N25E S02	105M N25E S02
S03	S03
106M N25E S34	106M N25E S34
S45E	S45E

REMARKS: THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO
INANO CODE 62-1416(1).

THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00640A.

THEIR RIGHT IS A CUMULATION OF OLD MIBH1 NO
71-00180 74-00503 4MT 74-00683

USE OF THIS RIGHT WITH WATER RIGHT NO. 34-00115A AND THE OTHER RIGHTS LISTED THEREIN IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 23.94 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 2340 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 936 ACRES IN A SINGLE IRRIGATION SEASON.

ACRES IN A SINGLE IRRIGATION SEASON.

WATER IS DELIVERED THROUGH THE DARLINGTON UTICH.
THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED