

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-598, 34-826B,)
34-14330 and 34-14333)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-240

WHEREAS, a drought emergency has been declared for Custer 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 April 29, 2026, Mark Enszt submitted the attached temporary change application 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 rights 34-598, 34-826B, 34-14330 and 34-14333 is authorized only at the points 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 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 conditions. 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.

5. Right 34-598 is limited to the irrigation of 80 acres within the authorized place of use in a single irrigation season. Right 34-826B is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season. Right 34-14330 is limited to the irrigation of 29.4 acres within the authorized place of use in a single irrigation season. Right 34-14333 is limited to the irrigation of 88.2 acres within the authorized place of use in a single irrigation season.
6. Rights 34-13876, 34-14329, 34-14330, 34-14331, 34-14332 and 34-14333 when combined shall not exceed a total diversion rate of 7.45 cfs and the irrigation of 257.3 acres. Rights 34-136, 34-282A, 34-498, 34-594, 34-598, 34-599, 34-2312, 34-7076 and 34-10885 when combined shall not exceed a total diversion rate of 14.52 cfs and the irrigation of 588 acres.
7. 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.
8. The applicant agrees 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.
9. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on October 15, 2026, 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 4th day of May, 2026.


Blake Jordan
Water Resources Program Manager

APR 29 2026

DEPT. OF WATER RESOURCES
EASTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Mark and Melanie Enszt Phone 806-333-6669
 Mailing Address 3760 N US HWY 93, Moor, ID 83255-8725 Email markensztz@icloud.com

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 explain the reason(s) they are needed. _____
See attached page

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
34-826B	10/12/1884	0.40 CFS	Irrigation	5/01 to 10/31 10/15 *
34-598	6/1/1885	1.6 CFS	Irrigation	5/01 to 10/31 10/15
34-14330	6/1/1885	.59 CFS	Irrigation	5/01 to 10/31 10/15
34-14333	10/12/1884	1.76 CFS	Irrigation	5/01 to 10/31 10/15

2. Total amount of water being transferred 4.35 cubic feet per second and/or _____ acre-feet per annum.
 3. Source of water Big Lost River tributary to Sinks
 4. Point(s) of diversion: *** CORRECTED FOR APPROVAL**

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
06N	25E	11		SW	SE	SW	Custer	Big Lost River	Beck Ditch
06N	25E	10		NE	NE	SW	Custer	Big Lost River	Beck Ditch ANGELO *

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	12											29.7	37.6					
06N	25E	12															33.2	22.7	
06N	25E	13		35			36.2	23.2											

Total Acres 217.6

6. General Information:

- a. Who owns the water right to be changed? Mark and Melanie Ensz
- b. Describe the arrangement allowing use of the right. Property owner owns the water rights and POU
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
See attached page
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. Irrigation has not started yet
- e. Absent the changes, how would the right be used for the remainder of the year? Water would be used to irrigate crops at the original POU but would not allow for the full need of crops present.
- f. Describe other water rights used for the same purpose. See attached page
- g. Remarks: See attached page

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]
Signature of Applicant

4-29-26
Date

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 4-29-26 \$50 fee received by m. pettis Receipt No. E051602
Recommend: ☐ 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:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

A.2 -Applicant proposes to change the POD and POU for water rights 34-598 and 34-826B to the POU and POD for water rights 34-14330 and 34-14333 The original combined water rights with 598 and 826B allow for 588 acres. However the rights junior to 1885 will not be delivered this year per BLRID. This is the same situation in the combined rights with 14330 and 14333. Applicant proposes to temporarily combine 598, 826B, 14330, 14333 for the 2026 irrigation season to promote the growth of a new hay crop, limiting the total amount of acres irrigated to 217.6

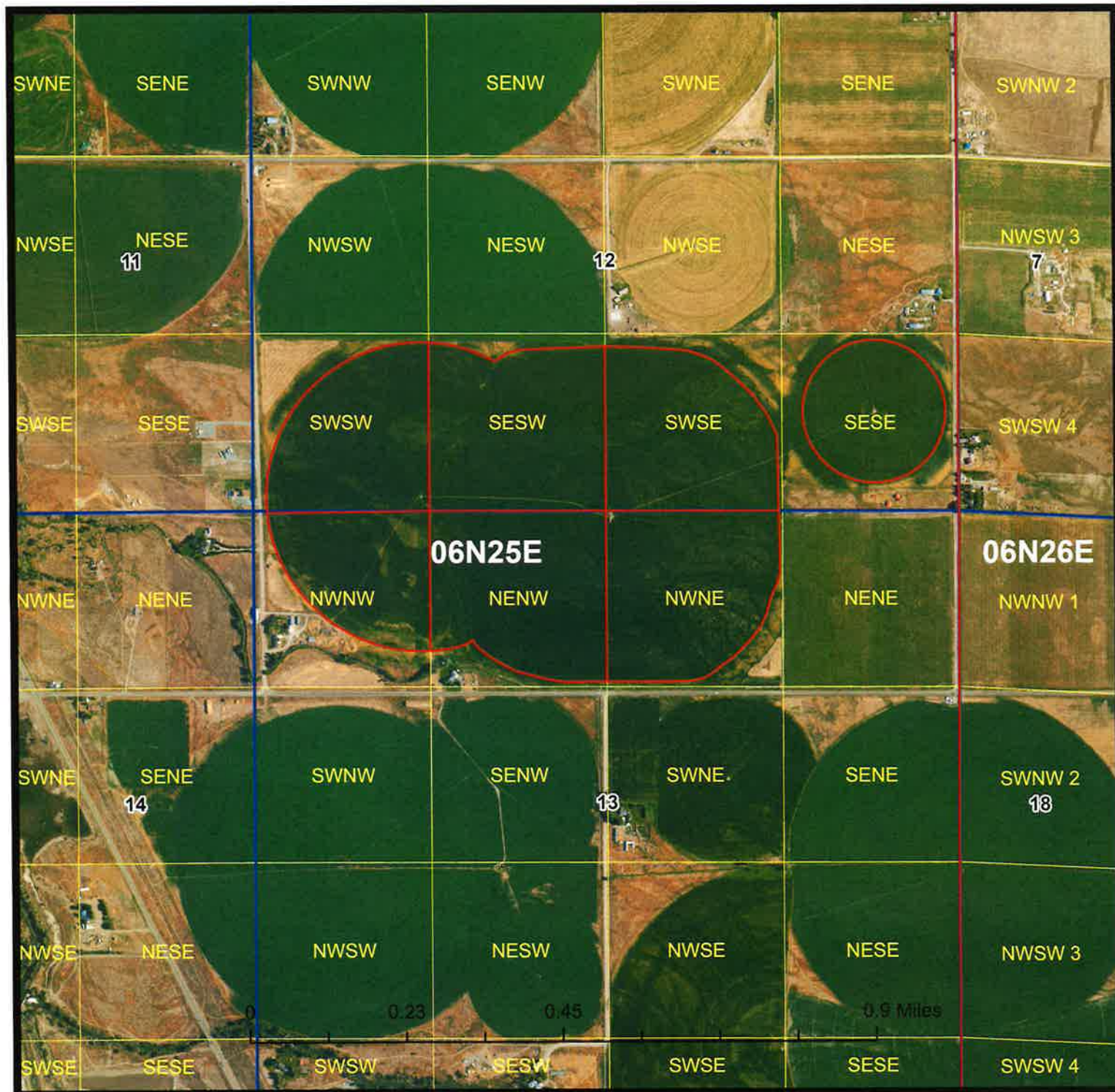
B.6.c – The entire combined POU will not be irrigated in 2026

B.6.e – Water would be used as priority allows, but ultimately would not provide enough water for the crop to be sustained for the season.

B.6.f – Combined water rights 34-13876, 34-14329, 34-14330, 34-14331, 34-14332, and 34-14333 when combined shall not exceed a total diversion rate of 7.45 cfs and the irrigation of 257.3 acres. Combined water rights 34-00136, 34-00282A, 34-00498, 34-00594, 34-00598, 34-00599, 34-02312, 34-07076 AND 34-10885 when combined shall not exceed 14.52 cfs and the irrigation of 588 acres.

Temp. Change Proposal: Mark Ensz

-  Proposed Place of Use
-  Township
-  Sections
-  QQ



Holliday, Michael

From: Rich Harry <Rich@blrid.com>
Sent: Thursday, April 30, 2026 9:30 AM
To: Holliday, Michael
Subject: Re: Ensz temporary change application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello,

The irrigation district is aware and does not oppose this transfer

Richard Harry

Big Lost River Irrigation District
Rich@blrid.com
208.833.1447
P.O. Box 205 Mackay ID. 83251

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Wednesday, April 29, 2026 4:36 PM
To: Rich Harry <Rich@blrid.com>; Tanae McAfee <Tanae@blrid.com>
Subject: FW: Ensz temporary change application



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender
Michael.Holliday@idwr.idaho.gov

I'm sending this again, just in case the BLRID email addresses below don't work anymore. Please let me know which email address(es) I should be sending these to. Thanks.

From: Holliday, Michael
Sent: Wednesday, April 29, 2026 4:30 PM
To: water34master@gmail.com; General Manager <blridgm@atcnet.net>
Cc: waterdist34@atcnet.net; BIG LOST RIVER IRR DIST (blrid@atcnet.net) <blrid@atcnet.net>
Subject: Ensz temporary change application

Preston and Rich,

Attached is a scanned temporary change application for your comments. Your prompt response will ensure that your recommendations can be considered. If IDWR has not received your written recommendations by Thursday, May 1, 2026, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider. Thanks.

Holliday, Michael

From: Waterdistric Thirtyfour <water34master@gmail.com>
Sent: Friday, May 1, 2026 8:41 PM
To: Holliday, Michael
Subject: Re: Ensz temporary change application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

I don't oppose this transfer. I don't know why you are contacting Rich.. he has nothing to do with decree surface water. He is in charge of the storage water only. I am the watermaster of W.D 34. He has no control of the temporary water transfers. I would really like to know who told you to send this to him. WD34 WATERMASTER PRESTON MARCROFT

On Wed, Apr 29, 2026, 4:30 PM Holliday, Michael <Michael.Holliday@idwr.idaho.gov> wrote:

Preston and Rich,

Attached is a scanned temporary change application for your comments. Your prompt response will ensure that your recommendations can be considered. If IDWR has not received your written recommendations by Thursday, May 1, 2026, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider. Thanks.

I noticed that the point of diversion in section 10 says Beck, but I think it should be Angelo.

Michael Holliday



Michael Holliday | Water Rights Supervisor

900 N Skyline Dr, Ste A, Idaho Falls, ID 83402