

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHTS 34-440B AND 34-638A)

**ORDER AUTHORIZING
TEMPORARY CHANGE
TC-34-245**

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 Department of Water Resources (“Department”) is authorized to allow temporary changes in the point of diversion, the place of use, and the purposes 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 30, 2026, Bruce Warner submitted the attached amended 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 34-440B and 34-638A is authorized only at the point(s) 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 34-440B is limited to the irrigation of 28.6 acres within the place of use authorized by this temporary change. Right 34-638A is limited to the irrigation of 0.7 acres within the place of use authorized by this temporary change.
6. Rights 34-440B and 34-638A when combined shall not exceed the irrigation of 29.3 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 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.
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 becomes effective on the date of signature and 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 1st day of July, 2026.


Blake Jordan
Water Resources Program Manager

TC-34-245

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 30 2026

AMENDED

TEMPORARY CHANGE APPLICATION

DEPT. OF WATER RESOURCES
EASTERN REGION

(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 Bruce Warner Phone 208-589-1468
Mailing Address PO Box 148, Mackay, ID 83251 Email warnerbruce3937@gmail

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.

Pat doesn't use this water and with a drought season I'm wanting to transfer these water rights for water season 2026.

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
	34-638A	10/12/1884	0.03 cfs	Irrigation	5/14 to 10/15
	34-440B	4/22/1884	0.56 cfs	Irrigation	5/14 to 10/15
					to
					to

2. Total amount of water being transferred 0.59 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:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
07N	24E	34			NW	NW	Custer	Big Lost River	Burnett

5. Lands irrigated or place of use:

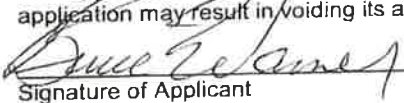
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	28											26.5	2.8					29.3

Total Acres 29.3

6. General Information:

- a. Who owns the water right to be changed? John Powers & Patrick Sean Powers Living Trust
- b. Describe the arrangement allowing use of the right. Written agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No effect because they haven't been using it
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? to irrigate pasture
- f. Describe other water rights used for the same purpose. 34-610A, 34-493A, 34-46B
- g. Remarks: _____

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

5-14-26
Date

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ \$50 fee received by _____ Receipt No. _____
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

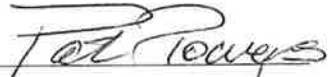
WATER USE AGREEMENT

6/30/2026

PAT POWERS & BRUCE WARNER

I Pat Powers agree to allow Bruce Warner to utilize and use my water right as defined in the attached document. Use is for the irrigation season of 2026, May 1st-Oct15th.

PAT POWERS



DATE

6/30/26

BRUCE WARNER



DATE

6-30-26

TC-34-245

SUPERCEDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 14 2026

DEPT. OF WATER RESOURCES
EASTERN REGION

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 Bruce Warner Phone 208-589-1468
 Mailing Address PO Box 148 Malakay, ID 83251 Email Warnerbruce3937@gmail.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. Pat doesn't use this water and with a drought season I'm wanting to transfer these water rights for water season 2026 34-638A, 34-440B

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>34-638A</u> | <u>10/12/1884</u> | <u>.03</u> | <u>Irrigation</u> | <u>5/1/26 to 10/15/26</u> |
| <u>34-440B</u> | <u>4/22/1884</u> | <u>.50</u> | <u>Irrigation</u> | <u>5/1/26 to 10/15/26</u> |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred .59 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:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
07N	23E	12	0	NW	SE	SE	Custer	Big Lost	Sharp/Swanger
07N	23E	12	0	NW	SE	SE	Custer	Big Lost	Sharp/Swanger
07N	24E	20	0	NW	SE	SW	Custer	Big Lost	Sharp/Swanger

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	
07N	25E	28																	4.0
07N	↓	↓																	13.0
07N	↓	↓																	38.0
07N	↓	↓																	22.8
07N	↓	33																	7.5

Total Acres 85.3

SUPERCEDED

John L Powers 34-4410B

6. General Information:

- a. Who owns the water right to be changed? Patrick Sean Powers Living Trust 34-638A
- b. Describe the arrangement allowing use of the right. _____

- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:

NO - affect because they haven't been using it

- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____

- e. Absent the changes, how would the right be used for the remainder of the year? TO irrigate
Pastures

- f. Describe other water rights used for the same purpose. _____

- g. Remarks: _____

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.

Patrick Sean Powers
Signature of Applicant

5-11-26
Date

FOR DEPARTMENT USE ONLY

Received by _____ Date 5-14-26 \$50 fee received by M. Fetter Receipt No. E051649
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

Holliday, Michael

From: Waterdistric Thirtyfour <water34master@gmail.com>
Sent: Wednesday, July 1, 2026 10:56 AM
To: Holliday, Michael
Cc: Rich@blrid.com; waterdist34@atcnet.net; tanae@blrid.com
Subject: Re: Warner temp change TC-34-245

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.

Yes, I approve.

On Wed, Jul 1, 2026, 9:26 AM 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 4:00 pm today, July 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.



IDAHO DEPARTMENT OF
WATER RESOURCES

Michael Holliday | Water Rights Supervisor

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

(208) 525-7161 | www.idwr.idaho.gov

Holliday, Michael

From: Rich Harry <Rich@blrid.com>
Sent: Wednesday, July 1, 2026 12:13 PM
To: Holliday, Michael
Subject: Re: Warner temp change TC-34-245

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.

Mr. Holliday,

The irrigation district approves this transfer for Mr. Warner and can support it.
Please reach out with any further questions.
Rich

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, July 1, 2026 9:26 AM
To: water34master@gmail.com <water34master@gmail.com>; Rich Harry <Rich@blrid.com>
Cc: waterdist34@atcnet.net <waterdist34@atcnet.net>; Tanae McAfee <Tanae@blrid.com>
Subject: Warner temp change TC-34-245

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 4:00 pm today, July 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.



IDAHO DEPARTMENT OF
WATER RESOURCES

Michael Holliday | Water Rights Supervisor
900 N Skyline Dr, Ste A, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

**Decree Calls Below Reservoir
2025**

RB = River Broke

<u>Day</u>	<u>May</u>	<u>June</u>	<u>July</u>	<u>Aug.</u>	<u>Sept.</u>	<u>Oct.</u>
1	10/31/1884 RB					5/20/1884 RC
2	7/15/1884 RB	3/01/1916 RC			5/20/1884 RC	
3						
4		6/1/1904 RC				
5		6/1/1900 RC		6/1/1884 RC		
6		6/30/1891 RC				
7						
8						
9		11/01/1900 RC				
10	10/31/1884 RB	6/01/1902 RC				
11		6/01/1904 RC				
12	8/15/1905 RC	6/01/1905 RC				
13	10/31/1900 RC	3/01/1916 RC				9/1/1900 RC
14						
15	8/01/1895 RC					EOS
16		6/01/1900 RC				
17		6/01/1886 RC	8/31/1884 RC			
18						
19	8/01/1890 RC					
20	10/02/1885 RC	5/01/1886 RC				
21			7/31/1884 RC			
22	6/01/1885 RC					
23		6/01/1886 RC				
24		5/01/1886 RC				
25		6/30/1885 RC				
26		5/01/1885 RC				
27						
28	9/14/1886 RC					
29	5/6/1899 RC					
30	5/01/1905 RC	9/14/1884 RC			07/01/1884 RC	
31						

ON
↓

ON
↓

2013 1 month
2014

6/1/1889
on 30 days
also has storage