

ADMINISTRATOR'S MEMORANDUM

To: Water Management Division Staff  
From: Norman C. Young Amended Transfer  
Processing No. 18  
Re: IMPLEMENTATION OF SECTION 42-222A, I.C. - TEMPORARY  
CHANGE AUTHORITY FOR EXISTING WATER RIGHTS  
Date: October 3, 1994

Attached is a copy of Section 42-222A, Idaho Code, which authorizes the department to approve temporary changes to water rights during drought emergencies. After a declaration of a drought emergency for an area by the Director and approval of the declaration by the Governor, the Director can consider expedited approval of temporary transfers within the designated areas.

Section 42-222A, Idaho Code, allows expedited approval of changes to existing water rights without the need to provide public notice of the change. Anticipated use of the authority could be during a drought to authorize rotation between canals and perhaps to change the place of use of water rights from lower value crops for use on higher value crops.

The new authority does not allow:

- a) expedited approval of applications for permit to appropriate water for new or expanded uses,
- b) transfer existing rights to new or expanded uses, or
- c) construction of new wells.

The authority to approve temporary changes in accordance with Section 42-222A, Idaho Code, is hereby delegated to the WR Permits Section Manager, Chief Water Allocation Bureau and the Regional Managers. Regional Managers will exercise approval authority only after Permits Section in the State Office has reviewed the application. Applications may be approved when complete information on the proposed change is received on the Temporary Change Application form, the required fee of \$50 per application is

submitted and a brief review of the application indicates that the proposal meets the following requirements:

1. The purpose of the change is to provide a replacement water supply to lands or for other uses which normally have a full water supply except for drought conditions. This means that the lands intended to receive the transferred water have a water supply from surface and/or ground water sources adequate to allow the usual irrigated crops for the area to be grown successfully during years of normal precipitation. A change that will improve the water supply to a use normally water short or that extends the season of use beyond that normally available should not be approved.

2. The change will not result in a new use of water or expand the existing use. A change that will result in continued use of a water right which has been curtailed for the season because the crops have matured should not be approved.

3. The proposed change can be properly administered. Problems with administration can result if a change proposes a switch in water sources, changes in districts, or requires complex or rigid administrative conditions to allow delivery or accounting for delivery to prevent injury to other rights.

4. An applicant is required to obtain and provide a copy of the written approval of an irrigation district or corporation before the department will approve a change to water use represented by shares of stock or when the right or irrigation works to be used to make the change are owned or managed by an irrigation district.

5. The proposed change can be properly administered and information is not available to the department to indicate that the change will injure other rights.

6. If the water right to be changed is administered by a watermaster, the recommendation of the watermaster must be obtained. To expedite the processing, watermaster comments should be obtained by telephone and recorded on the application form by the office receiving the application. If the watermaster recommends denial, the change should not be

approved unless the concerns can be resolved with the watermaster.

The applicant should be the user of the water right sought under a Temporary Change Application.

Temporary Change Applications should be processed as follows:

1. Staff review to insure that the information provided adequately describes the change and that the proper fee is submitted. Contact the applicant by telephone if possible to resolve any problems or deficiencies with the application.

2. The Temporary Change Application should be identified as described below:

- Call the State Office for the next transfer number.

- On Part B of the Temporary Change Application, use an "X" prefix on the water right(s) identified for transfer:

i.e.

1.	Right Number	Priority	Amount	Etc.
	<u>X63-02140</u>	<u>May 1, 1953</u>	<u>1.0 CFS</u>	

- Fill out the rest of the application form as usual.

When the original Temporary Change Application form is received in the state office, the change information will be entered into the data base using the X prefix. An X will also be entered into the Stage of the changed water right. All other entries should follow existing data entry standards.

Data base search of approved temporary changes can be accomplished using WRS10 (enter X for Stage).

Upon receipt of completed Temporary Change Application and fee, the regional offices should FAX a copy to Permits Section in the State Office for review and comment prior to approval by the regional manager. Emergency applications usually should be processed in forty-eight (48) hours or less.