

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

IN THE MATTER OF APPLICATION     )  
FOR TEMPORARY CHANGE OF         )  
WATER RIGHT NOS.: 34-7090A &     )  
34-14407                                 )  
\_\_\_\_\_ )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

**TC-34-192**

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

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources 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 when the director determines that such changes can be accomplished in accordance with the provisions of Idaho Code §42-222A; and

On June 1, 2021, Rafter J Cattle Co. submitted the attached Temporary Change Application to the Department; and

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). 34-7090A and 34-14407 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 or diversion works 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 which 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.

5. Rights 34-7090A and 34-14407 when combined are limited to the irrigation of a total of 128.5 acres for the remainder of the irrigation season in 2021 at the place of use described in the application. The rights cannot be moved back to the place of use under whence they originated for the remainder of this irrigation season.
6. Rights 34-119E, 34-381C, 34-680A, 34-682B, 34-7090A, 34-10392, 34-10396 and 34-10400 when combined shall not exceed a total diversion rate of 6.86 cfs and the irrigation of 228.5 acres. Rights 34-317C and 34-14007 when combined shall not exceed a total diversion rate of 1.04 cfs and the irrigation of 39.5 acres.
7. Water diverted under this temporary change is exchanged with Big Lost River Irrigation District storage water to be used by Shane Rosenkrance. Water diverted under this temporary change is used at the place of use described on the application, and the applicant's Big Lost River Irrigation District storage water will be delivered through the Darlington Ditch for use on the Rosenkrance property. Diversion under this temporary change will cease when the applicant's storage is depleted.
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 consent of such corporation or irrigation district.
7. 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.
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 watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on November 1, 2021 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 4<sup>th</sup> day of June, 2021.



James Cefalo  
Eastern Region Manager

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

JUN 01 2021

Department of Water Resources  
Eastern Region

TC-34-192

## 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 Kirk Jolley / Rafter J Cattle Co Phone 208.390.5052  
 Mailing Address kirkjolley@me.com 794E 425N Fifth ID 83236 Email jkjolley@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. We are changing the place of use for storage that will be used by Shure R. We are eliminating the point of redirection. The new place of use will be irrigated from the Burnett.

## 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>34-7090A</u> | <u>1/03/1975</u> | <u>1.22 CFS</u>    | <u>Irrigation</u> | <u>4/01 to 11/01</u> |
| <u>34-14467</u> | <u>1/03/1975</u> | <u>.255 CFS</u>    | <u>Irrigation</u> | <u>4/01 to 11/01</u> |
|                 |                  |                    |                   | to                   |
|                 |                  |                    |                   | to                   |

2. Total amount of water being transferred 1.475 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
 3. Source of water Ground water tributary to \_\_\_\_\_  
 4. Point(s) of diversion:

| Twp       | Rge        | Sec       | Govt Lot | 1/4       | 1/4       | 1/4       | County        | Source              | Local name or tag number |
|-----------|------------|-----------|----------|-----------|-----------|-----------|---------------|---------------------|--------------------------|
| <u>7N</u> | <u>2SE</u> | <u>31</u> |          | <u>NW</u> | <u>NE</u> | <u>SW</u> | <u>Custer</u> | <u>Ground water</u> | <u>Kittas Exchange</u>   |
|           |            |           |          |           |           |           |               |                     |                          |
|           |            |           |          |           |           |           |               |                     |                          |
|           |            |           |          |           |           |           |               |                     |                          |

## 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 |              |
| <u>CoN</u> | <u>2SE</u> | <u>3</u> |        | <u>20</u> | <u>25</u> |    | <u>34</u> | <u>3.2</u> | <u>4.7</u> | <u>40</u> | <u>1.3</u> |    |    |    |        | <u>0.3</u> |    |    | <u>128.5</u> |
|            |            |          |        | <u>12</u> |           |    | <u>13</u> | <u>14</u>  |            |           |            |    |    |    |        |            |    |    |              |
|            |            |          |        |           |           |    |           |            |            |           |            |    |    |    |        |            |    |    |              |
|            |            |          |        |           |           |    |           |            |            |           |            |    |    |    |        |            |    |    |              |
|            |            |          |        |           |           |    |           |            |            |           |            |    |    |    |        |            |    |    |              |

Total Acres 128.5

6. General Information:

- a. Who owns the water right to be changed? Shane + Miki Rosenkrance
- 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:  
The land will be watered with the applicants storage.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. For approximately 7 days
- e. Absent the changes, how would the right be used for the remainder of the year? It would be diverted as needed if available for use.
- f. Describe other water rights used for the same purpose. 34-778 34-10190
- g. Remarks: Because of the drought our decree is off and our storage is basically undeliverable because of the shrink. In exchange for our storage water we will use shane's well until our storage is depleted.

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.

Kirk J. Toller  
Signature of Applicant

6/1/2021  
Date

FOR DEPARTMENT USE ONLY

Received by \_\_\_\_\_ Date \_\_\_\_\_ \$50 fee received by C + M Receipt No. E047027  
Recommend: ☐ approve ☐ deny Watermaster recommendation \_\_\_\_\_

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

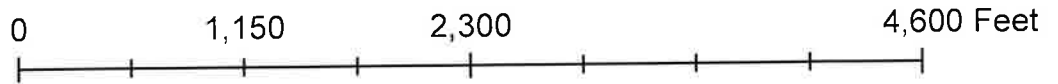
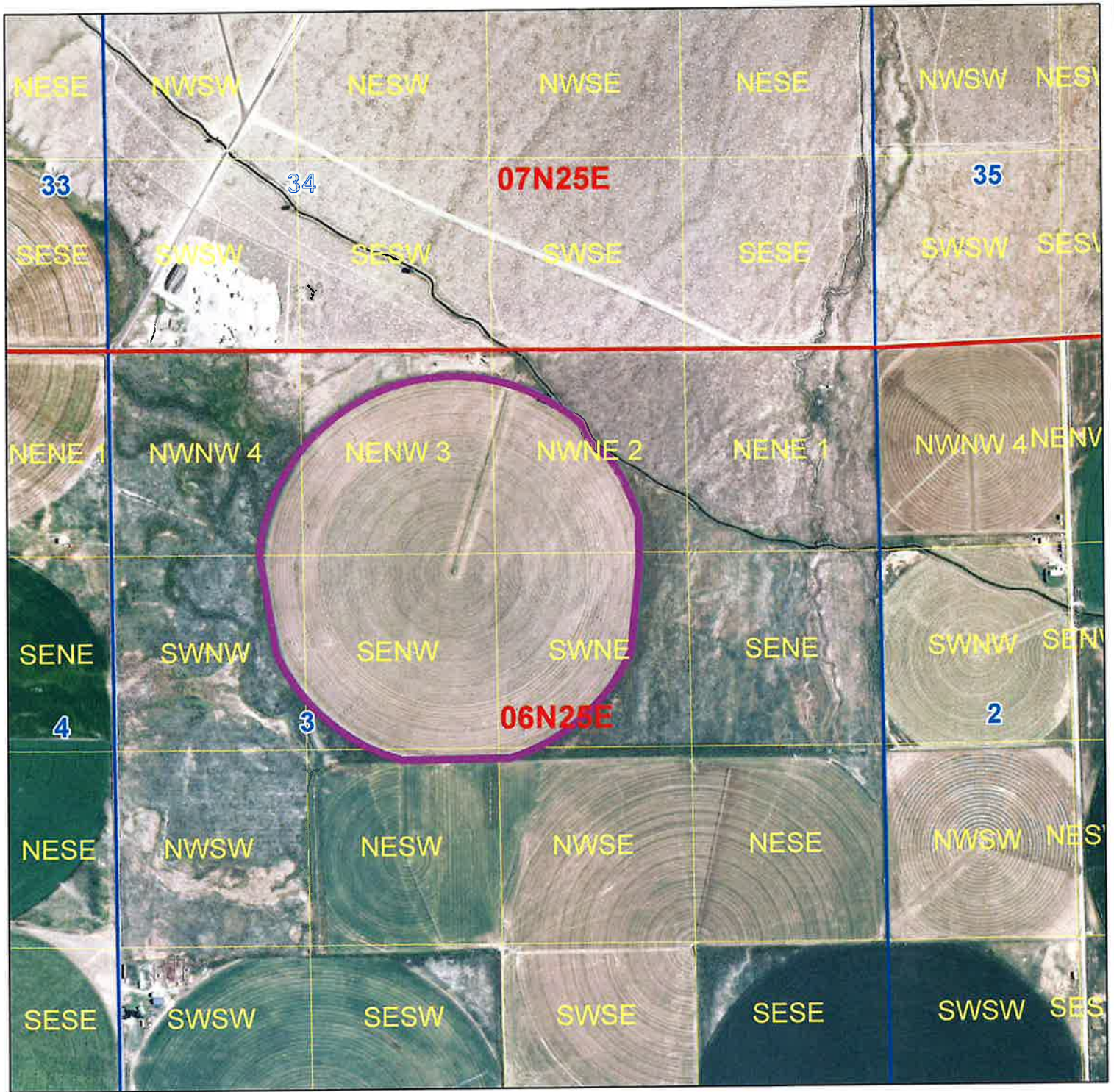
This is to certify that I have examined Temporary Change Application No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Temporary Change Expiration Date \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
For the Director

# Rafter J Cattle Co Temporary Change



## Legend

-  Proposed POU
-  Township/Range
-  Sections
- QQ



## Holliday, Michael

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**From:** General Manager <blridgm@atcnet.net>  
**Sent:** Friday, June 4, 2021 7:44 AM  
**To:** Holliday, Michael  
**Subject:** RE: Rafter J Cattle temp change app

The BLRID does not oppose the Rafter J Cattle temp change

**From:** Holliday, Michael <Michael.Holliday@idwr.idaho.gov>  
**Sent:** Thursday, June 03, 2021 5:19 PM  
**To:** General Manager <blridgm@atcnet.net>  
**Cc:** BIG LOST RIVER IRR DIST (blrid@atcnet.net) <blrid@atcnet.net>  
**Subject:** RE: Rafter J Cattle temp change app

Lucas, once I hear from BLRID on this one, I can forge ahead. Thanks. michael

**From:** Holliday, Michael  
**Sent:** Tuesday, June 1, 2021 5:23 PM  
**To:** [watermaster34@atcnet.net](mailto:watermaster34@atcnet.net); 'General Manager' <blridgm@atcnet.net>  
**Cc:** [waterdist34@atcnet.net](mailto:waterdist34@atcnet.net); BIG LOST RIVER IRR DIST ([blrid@atcnet.net](mailto:blrid@atcnet.net)) <[blrid@atcnet.net](mailto:blrid@atcnet.net)>  
**Subject:** Rafter J Cattle temp change app

Lucas, attached is another temp change app for your comments. Thanks.

Michael Holliday  
Water Rights Supervisor  
Phone: 208-525-7161  
Fax: 208-525-7177

### RECOMMENDATION OF WATERMASTER

Application No: TC-34-192

Applicant's Name: RAFTER J CATTLE CO

**Watermaster's Recommendation:**

- a) LY I do not oppose approval of this application.
- b) \_\_\_\_\_ I do not oppose approval of this application if it is conditioned as follows: \_\_\_\_\_

- c) \_\_\_\_\_ I oppose approval of this application for the following reasons:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- d) \_\_\_\_\_ Additional Comment: \_\_\_\_\_

Dated this 2 day of June, 2021

Water District No: 34

Watermaster's Signature

Use reverse side of page if you need more space.

Rafter J Cattle has permission to use the  
Kitsos exchange well and my permission  
for temporary transfer TC-34-192.

X Shane Rosenkrance

6-2-2021

Shane Rosenkrance