

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-30)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-174

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 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 August 10, 2020, Vernon Roche submitted the attached Temporary Change Application TC-34-174 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 right no(s). 34-30 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 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.**

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5. Right(s) 34-30 and 34-208A when combined shall not exceed the irrigation of 300 acres.
6. Right 34-30 is limited to the irrigation of 127 acres within the authorized place of use.
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, 2020 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 12th day of August, 2020.



**James Cefalo
Eastern Regional Manager**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 10 2020
Department 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 Vernon Roche DBA 7C Ranch Phone 208 588 2806
Mailing Address 5927 W 5400 N Mackay Id 83251 Email coatesj@atnet.net

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. Drought condition to grow hay + pasture for fall after math Temporary

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

1. Right Number 34-30 Priority 03-10-1884 Amount 2.6 Nature of Use Irrigation Period of Use 8-9-20 to 10-15-20
(cfs/ac-ft)
to
to
to

2. Total amount of water being transferred 2.6 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Chilly Canal tributary to Big Lost River Sink.

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
8N	21E	12	NE NW						
8N	21E	12		NE NW NW			Custer	Chilly Canal	Chilly Canal

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	
02N	22E	6		39	3		40			1									83
02N	22E	31															16	28	44
02N	22E	32			39														39

Total Acres 166

127

6. General Information:

- a. Who owns the water right to be changed? Challis Creek Cattle LLC Steve Bauchman
208 833 5515
- b. Describe the arrangement allowing use of the right. finish crop + fall feed
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Dry up pasture ground
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Water is short and can not reach pasture
- e. Absent the changes, how would the right be used for the remainder of the year? will not be used on pasture
- f. Describe other water rights used for the same purpose. 34-10227, 34-10228, 34-10229
- 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.

Keith Roche
Signature of Applicant

8-10-20
Date

FOR DEPARTMENT USE ONLY

Received by at H Date 8/10/2020 \$50 fee receipted by at H Receipt No. E046173
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

12/99

RECEIVED

AUG 12 2020

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-174Applicant's Name: VERNON ROCHE, DBA TC RANCH

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 10 day of August, 2020.Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.