

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

**2013**

**IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF A )  
WATER RIGHT 34-228A, 34-229, )  
34-360C, & 34-856G )  
\_\_\_\_\_ )**

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

**TC-34-98**

**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 July 24, 2013, Hadley Clark submitted the attached Temporary Change Application TC-34-98 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). 34-228A, 34-229, 34-360C, and 34-856G 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.**

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

TC-34-98

5. Right(s) 34-198A, 34-00317A, 34-00331, 34-02477A, 34-12363A, 34-228A, 34-229, 34-360C, and 34-856G are limited to the irrigation of a total of 601 acres in a single irrigation season.
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 written consent of such corporation or irrigation district.
7. 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.
8. 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.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 15, 2013 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 29<sup>th</sup> day of July, 2013.

  
Lyle Swank  
Eastern Regional Manager

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

TC-34-98

(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 Hadley Clark Phone 588-2552  
Mailing Address 3886 W 3700 N, Moore, ID 83255 Email lclark@atcnet.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.  
Transfer water to finish a grain crop that is farther along than oat hay crop.

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>34-228A</u>	<u>6/1/1884</u>	<u>0.80 cfs</u>	<u>Irrigation</u>	<u>7/23 to 10/15</u>
<u>34-229</u>	<u>6/1/1894</u>	<u>1.60 cfs</u>	<u>Irrigation</u>	<u>7/23 to 10/15</u>
<u>34-360C</u>	<u>6/1/1887</u>	<u>0.92 cfs</u>	<u>Irrigation</u>	<u>7/23 to 10/15</u>
<u>34-856G</u>	<u>4/30/1884</u>	<u>0.80 cfs</u>	<u>Irrigation</u>	<u>7/23 to 10/15</u>

2. Total amount of water being transferred 4.12 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	¼	¼	¼	County	Source	Local name or tag number
<u>7N</u>	<u>24E</u>	<u>33</u>			<u>SW</u>	<u>NE</u>	<u>Custer</u>	<u>Big Lost River</u>	<u>Darlington Ditch</u>

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	
<u>6N</u>	<u>25E</u>	<u>21</u>	<u>39</u>	<u>39</u>	<u>39</u>	<u>40</u>				<u>38</u>					<u>30</u>	<u>39</u>		<u>39</u>	<u>303</u>
<u>6N</u>	<u>25E</u>	<u>22</u>										<u>20</u>	<u>40</u>						<u>60</u>
<u>6N</u>	<u>25E</u>	<u>27</u>						<u>39</u>	<u>15</u>								<u>10</u>	<u>24</u>	<u>88</u>
<u>6N</u>	<u>25E</u>	<u>28</u>	<u>39</u>			<u>17</u>													<u>56</u>
<u>6N</u>	<u>25E</u>	<u>34</u>					<u>39</u>	<u>38</u>											<u>77</u>

6N 25E 33 17.0

Total Acres 601

6. General Information:

- a. Who owns the water right to be changed? Mike Dotzenrod
- b. Describe the arrangement allowing use of the right. Applicant rents Mike's farm.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
Will cut early or graze for feed.
- d. Has the water right sought to be transferred been used this year?  Yes  No If yes, explain. Used to raise oat hay.
- e. Absent the changes, how would the right be used for the remainder of the year? Raise oat hay that would not mature until late in season.
- f. Describe other water rights used for the same purpose. 34-198A, 34-317A, 34-331, 34-2477A, 34-12363A
- g. Remarks: Abandon a crop that is under par and finish a crop that will produce more.

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

7-23-13  
Date

FOR DEPARTMENT USE ONLY

Received by M HOLLIDAY Date 7/24/13 \$50 fee received by JJ Receipt No. E038929  
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. TC-34-98 and said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Signed this \_\_\_\_\_ day of \_\_\_\_\_

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

12/09

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATERMASTER

Application No: TC-34-98

Applicant's Name: HADLEY CLARK

Watermaster's Recommendation:

- a)  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 25 day of July 2013

Water District No: 34

Ron Totto  
Watermaster's Signature

Use reverse side of page if you need more space.