

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-7118B)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-92

2010

WHEREAS, a drought emergency has been declared for Butte 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 May 27, 2010, Gary Rogers submitted the attached Temporary Change Application TC 34-92 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. 34-7118B 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 34-7118B is limited to the irrigation of a total of 530 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 15th, 2010 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 8th day of June, 2010.



Lyle Swank
Eastern Regional Manager

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Gary Rogers Phone 527-4504
Mailing Address PO Box 476 Arco, ID 83213 Email _____

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 the reason(s) thereof Add a point of diversion to facilitate delivery of water.

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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>34-7118B</u>	<u>11/24/1975</u>	<u>10.61</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 10.61 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	NW	5	4N	26E	Butte	Perkes Well 34-7035A
		NE	NW	NW	8	4N	26E	Butte	Perkes Well 34-7035A
		SE	SE	NW	5	4N	26E	Butte	Perkes Well 34-7136
			SW	SW	21	4N	26E	Butte	Perkes Well 34-7136

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	26E	7									37	36	36	37	36	36	36	36	290
3N	26E	8									33	36	36	36	8	23	34	34	240

Total Acres 530

6. General Information:

- a. Who owns the water right to be changed? Gary Rogers
- b. Describe the arrangement allowing use of the right Agreement with Todd Perkes for use of his ground water well.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No change in POU.
- d. Has the water right sought to be transferred been used this year? N/A If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? Water from Todd Perkes well will be used on my POU, adding POD to my water right.
- f. Describe other water rights used for the same purpose.
None.
- 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.

Gary Rogers
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Se Date 5/27/10 Fee 50-

Receipted Se # ED35853 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:

Witness my hand this _____ day of _____, _____.

For the Director

May 27, 2010

I authorize Gary Rogers to divert his water right from my well when I'm not use the well for Todd Perkes water rights for the 2010 irrigation season..

Todd Perkes

WorkCentre 7345 Transmission Report

G3 ID

21

Date/Time: 06/01/2010; 11:43AM

Page: 1 (Last Page)

Local Name

Logo

Document has been sent.

Document Size 8.5X11"SEF

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS ID
208-525-7161 - PHONE
208-525-7177 - FAX

TRANSMITTAL COVER SHEET

OMNIFAX

TO: _____ FROM: *Shark*

DOCUMENT DESCRIPTION: *(note) 2- applications*
Please review, sign Recommendation form -
return.

Thank you
TOTAL NUMBER OF PAGES (Including this page): *8*

* Billing address: _____ *
* _____ *
* _____ *
* No of Pages _____ Cost / Page _____ Total Charge _____ *

Total Pages Scanned: 8 Total Pages Sent : 8

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	9301	2085882863	6- 1:11:41AM	1m42s	8 / 8	SG3		CP

Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s):

34-7118B

Transfer Applicant's Name: *Gary Rogers*

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 2 day of June, 2010.

Water District No:

Jay Jensen
Watermaster's Signature

State of Idaho
Department of Water Resources
Transfer of Water Right(s)

RECOMMENDATION OF WATERMASTER

Transfer Application No:
Transfer Applicant's Name:

Water Right No(s): 34-7118B

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:

This has nothing to do with BLRID or any obvious impact.

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

- d) ☐ Additional Comment:

Dated this 3 day of June, 2010.

Water District No:

J. A. Redfish
Watermaster's Signature *mgr BLRID*