

**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-34-87

WHEREAS, a drought emergency has been declared for BUTTE County to all 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 27, 2007, GARY ROGERS submitted the attached Temporary Change Application TC-34-87 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) 34-7118B 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.

2007

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5. Right(s) 34-7118B are 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 SEPTEMBER 14, 2007 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 28th day of August, 2007.

Lyle Swank
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 390-2548
Post Office Address Po Box 476 Arco ID. 83213

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 Adding point of diversion to facilitate delivery of water

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

1. Right Number 34-071188 Priority 11-24-75 Amount (cfs/ac-ft) 10.61 Nature of Use Irrig Period of Use 4-15 to 10-15

2. Total amount of water being transferred 10.61 cubic feet per second and/or 21.04 acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of Diversion: NE NE SE 7 3N 26E BUTTE

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	SE	32	5N	26E	BUTTE	
		NE	NW	NE	8	4N	26E	BUTTE	PERKES WELL
	3	SE	NW	SE	32	5N	26E	BUTTE	
		NW	NW	SW	7	3N	26E	BUTTE	
		NW	NW	SW	8	3N	26E	BUTTE	
	3	NW	NW	SW	7	3N	26E	BUTTE	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	26E	07									370	316	316	317	316	316	316	316	290
3N	26E	08									378	316	316	316	316	316	316	316	240

Total Acres 640
530

6. General Information:

- a. Who owns the water right to be changed? Gary Rogers / Adding point of diversion
- b. Describe the arrangement allowing use of the right Agreement with Todd Penkes
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
NA
- d. Has the water right sought to be transferred been used this year? NA If yes, explain.
- e. Absent the changes, how would the right be used for the remainder of the year? Not Possible to get water without Adding POD.
- f. Describe other water rights used for the same purpose.
NO other water rights intended use
- g. Remarks: to Sept 14 2007 Drought

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 MWIA Date 8/27/2007 Fee \$ 50

Received MWIA # E033284 Recommend: ☒ approve ☐ deny

Watermaster recommendation APPROVE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-87

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____,

For the Director

IDWR Water Right and Adjudication Search

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☐ All SRBA & Water Rights	
SRBA ☐ Claims ☐ Recommendations ☐ Both	Water Rights ☐ Applications ☐ Permits ☐ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin Who What When Where

Clear Search Help

Query parameters:

Township = 4N

Range = 26E

Section = 8

QQ = NW

Quarter = NW

Search for: active Records

POD = 1

Information for type: Statutory Claim, Decree and License

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details												
Related Documents	1	34	7035	A		Decreed	Active	1973-04-12	0.64	GROUND WATER	IRRIGATION	PERKES, MARSHAL TODD (Current)
General Provision												
Details												
Related Documents	2	34	7122	A		Decreed	Active	1976-01-16	4.31	GROUND WATER	IRRIGATION	PERKES, MARSHAL TODD (Current)
General Provision												

Number of records = 2

POLE # 219
 IDWR
 STATE ID. No A0006769

I Agree to allow Gary Roger to use my well
 at 2900 North.

Todd Perkes



12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC - 34 - 87

Applicant's Name: GARY RODGERS

Watermaster's Recommendation:

- a) X 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 28 day of AUGUST, 2007

Water District No: 34

Robert W. Shaffer
Watermaster's Signature

Use reverse side of page if you need more space.