

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-865B, 34-177,)
34-186, & 34-212)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-68

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 purpose 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 29, 2005, Dale Huffaker submitted the attached Temporary Change Application TC-34-68 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). 34-865B, 34-177, 34-186 & 34-212 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 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 that 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

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5. Right(s) Parts of 34-8658, 34-177, 34-186 & 34-212 are limited to the irrigation of a total of 1 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 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 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 Water master of Water District No. 34 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2005 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 1st day of August, 2005.


Ronald D. Carlson
Eastern Regional Manager

TC-34-68

Form 42-222A
12/99STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant

Dale Huffaker

Phone

554-3100

Post Office Address

3929 Antelope Road Moore, Idaho 83255

A. PURPOSE OF TRANSFER water will be taken at beginning of Harrahan ditch rather than the normal point approx 2 miles downstream.

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 Transfer 5 inches of water from water right # 34-865B.
 Reason: water needed for irrigation due to low stream flow.
 water to be removed from Sec. 15 of water right # 34-865B

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
34-865B	09/30/1879	0.10	IRRIGATION	5/01 to 10/15
34-177	06/01/1898	0.10	IRRIGATION	5/01 to 10/15
34-186	11/15/1883	0.10	IRRIGATION	5/01 to 10/15
34-212	08/20/1886	0.10	IRRIGATION	5/01 to 10/15

2. Total amount of water being transferred 0.10 cubic feet per second and/or acre-feet per annum.

3. Source of water ANTELOPE CREEK tributary to BIG LOST RIVER

4. Point(s) of Diversion: Diversion will be from a pump out of Antelope cr. at Harrahan ditch headin

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			SE	NE	21	5N	25E	Custer	Pump in Creek

5. Lands irrigated or place of use: Water Right # 34-104288

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	
5N	25E	21			1													1	1

Total Acres

TC-34-68

6. General Information:

- a. Who owns the water right to be changed? Robert Shawver
- b. Describe the arrangement allowing use of the right Lease for year 2005
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This change will have no affect on land normally irrigated. Water will no longer be used on Sec. 15 described in water right #31-865B
- d. Has the water right sought to be transferred been used this year? No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? it would have no use the remainder of the year.
- f. Describe other water rights used for the same purpose.
Water Right # 34-104288
- g. Remarks: The land of Robert Shawver not being irrigated is one Acre from section 15 N.E 1/4. Five inches will be used on one Acre because of short term use.

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.

Robert Shawver
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kcw Date 7/29/05 Fee 50⁰⁰
Received E031116 8/1/2005 Recommend: ☒ approve ☐ deny
Watermaster recommendation NO OBJECTIONS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-68

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

Witness my hand this 1st day of August, 2005.

Robert Shawver
For the Director

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER *TC-34-68*

Transfer Application No: Water Right No(s): 34-865 B
34-177 / 34-186 / 34-212

Transfer Applicant's Name: Dale Huffaker & Robert Shawver
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:

RECEIVED

JUL 29 2005

Department of Water Resources
Eastern Region

Dated this 26th, day of July, 2005

Water District No: 34


Watermaster's Signature

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IDAHO GEM, INC.

P.O. Box 326

Blackfoot, Idaho 83221

I Robert Shawver of 143 South 1200
West Blackfoot Idaho will lease 5 inches of
1879 degree of water for Irrigation to Dale
+ Colleen Huffaker 3927 Antelope Road
for the season of 2003

Robert Shawver

"Our Experience is Your Guarantee of Complete Satisfaction."

TC-34-34
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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-865B

WATER RIGHT NUMBER: 34-865B

Owner Type Name and Address
 Current Owner ROBERT W or PEGGY SHAWVER
 143 S 1200 W
 BLACKFOOT, ID 83221
 (208)684-4880

Priority Date: 09/30/1879

Basis: Decreed

Status: Active

Source

ANTELOPE CREEK

Tributary

BIG LOST RIVER

Beneficial Use

IRRIGATION

From To

5/01 to 10/15

Diversion Rate

1.600 CFS

Annual VolumeTotal Diversion: 1.600 CFSLocation of Point(s) of Diversion

ANTELOPE CREEK NW1/4SE1/4NE1/4 Sec. 21, Twp 05N, Rge 25E, B.M.

CUSTER County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 25E 14					40.0	32.0	40.0	35.0				23.0					170.0
05N 25E 15	1.0			24.0									40.0				65.0

Total Acres: 235

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NOS. 34-00177, 34-00186 AND 34-00212 IS LIMITED TO
 - Irrigation THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Explanatory WATER DELIVERED THROUGH HANRAHAN DITCH

Comments:

1. AJTEMP 5/7/1992 ADDED TOTAL ACREAGE

2. jpeppers 6/3/2003 3:00:08 PM Water Right

Comment: This water right record was updated by decree record from old RightID 27928 to new RightID 361295

Dates and Other Information:

Licensed Date:

Decreed Date: 12/14/2001

State or Federal: S

Owner Name Connector: OR

Water District Number: 34

Civil Case Number: 39576

Judicial District: FIFTH

$$\frac{0.100 \text{ cfs}}{1.60 \text{ cfs}} (80) = 5 \text{ ac}$$

Adjudication Recommendation Report 34-177 V2

Water District Number: 34

07/28/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-186 V2

WATER RIGHT NUMBER: 34-186 V2

Owner Type Name and Address
 Current Owner ROBERT W or PEGGY SHAWVER
 143 S 1200 W
 BLACKFOOT, ID 83221
 (208)684-4880

Priority Date: 11/15/1883

Basis: Decreed

Status: Active

Source

ANTELOPE CREEK

Tributary

BIG LOST RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/01 to 10/15 0.900 CFS

Total Diversion: 0.900 CFSLocation of Point(s) of Diversion

ANTELOPE CREEK NW1/4SE1/4NE1/4 Sec. 21, Twp 05N, Rge 25E, B.M. CUSTER County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 25E 14					40.0	32.0	40.0	35.0	23.0								170.0
05N 25E 15	1.0			24.0									40.0				65.0

Total Acres: 235

Remarks:

1. Explanatory WATER DELIVERED THROUGH HANRAHAN DITCH
2. Place of Use USE OF THIS RIGHT WITH RIGHT NOS. 34-00177, 34-00212 AND 34-00865B IS LIMITED TO
 - Irrigation THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.
 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:

07/28/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-212 V2

WATER RIGHT NUMBER: 34-212 V2

Owner Type Name and Address
 Current Owner ROBERT W or PEGGY SHAWVER
 143 S 1200 W
 BLACKFOOT, ID 83221
 (208)684-4880

Priority Date: 08/20/1886

Basis: Decreed

Status: Active

SourceTributary

ANTELOPE CREEK

BIG LOST RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

5/01 to 10/15

2.400 CFS

Total Diversion: 2.400 CFSLocation of Point(s) of Diversion

ANTELOPE CREEK NW1/4SE1/4NE1/4 Sec. 21, Twp 05N, Rge 25E, B.M.

CUSTER County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 25E 14					40.0	32.0	40.0	35.0				23.0					170.0
05N 25E 15	1.0			24.0									40.0				65.0

Total Acres: 235

Remarks:

1. Explanatory WATER DELIVERED THROUGH HANRAHAN DITCH
2. Place of Use USE OF THIS RIGHT WITH RIGHT NOS. 34-00177, 34-00186 AND 34-00865B IS LIMITED TO
 - Irrigation THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. AJTEMP 5/7/1992 ADDED TOTAL ACREAGE & CHANGED 588 TO 587.5

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 34
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False