

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR )  
TEMPORARY CHANGE OF A )  
WATER RIGHT 34-228A, 34-229, 34-360C )  
34-856G )  
MERIDITH J. DOTZENROD )

ORDER AUTHORIZING  
TEMPORARY CHANGE

TC-34-63

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 March 15, 2005, MERIDITH J. DOTZENROD submitted the attached Temporary Change Application TC-34-63 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). 34-288A, 34-229, 34-360C ; 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 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**

TC - 34-63

5. Right(s) 34 - 228 A, 34 - 229, 34 - 360 C & 34 - 856 G are limited to the irrigation of a total of \_\_\_\_\_ 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 Nov 1, 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 6<sup>th</sup> day of April, 2005.

  
Ronald D. Carlson  
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: MS. R. DITH J. DOTSENKROD Phone 208-588-2957  
Post Office Address 3776 W 3700N, DARLINGTON ID 83255

## 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
- change place of use to put water
- 
- to a more beneficial use due to drought

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
34-00228A	6/1/1884	.8 cfs	irrigation	5/1 to 10/15
34-00256G	4/30/1884	.8 cfs	irrigation	5/1 to 10/15
34-00229	6/1/1884	1.6 cfs	irrigation	5/1 to 10/15
34-00360C	6/1/1887	.92 cfs	irrigation	5/1 to 10/15

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:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE		33	7N	24E	Custer	DARLINGTON DITCH

## 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	
6N	25E	35					38	38	40	40	37								193

Total Acres 193

6 General Information:

TC-34-63

- a. Who owns the water right to be changed? MERIDITH J. DOTENROD
- b. Describe the arrangement allowing use of the right partnership
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
Land has been pastured only, not irrigated, for several years  
so there will be no change in effect
- 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? not used
- f. Describe other water rights used for the same purpose.  
WATERS: 34-00194A, 00872A, 10729, 13567
- g. Remarks: Due to drought conditions I would like to use this  
water on irrigated crop lands to put it to beneficial  
use

I hereby assume all risk in accordance with Section 42-223A, 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.

Meredith J. Dotenrod  
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KNT Date 3/15/05 Fee \$ 50.00  
Received 3/15/05 E 030680 # E030680 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-34-64

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

SEE ATTACHED ORDER

Witness my hand this 6<sup>th</sup> day of April, 2005.

Ronald Clark  
For the Director

State of Idaho  
Department of Water Resources  
Transfer of Water Rights

**RECOMMENDATION OF WATERMASTER**

Transfer Application No: 1480                      Water Right No(s): 34-  
00228A, 34-00856G, 34-00229, 34-00360C.

Transfer Applicant's Name: Gary Rogers / Stephan Aikele  
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 4th, day of April., 2005

Water District No: 34

  
Watermaster's Signature

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 34-228A

WATER RIGHT NUMBER: 34-228A

Owner Type                      Name and Address  
 Current Owner                      MERIDITH J DOTZENROD  
    3776 W 3700 N  
    DARLINGTON, ID 83255

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

Source                                      Tributary  
 BIG LOST RIVER                              SINKS

Beneficial Use                      From      To                      Diversion Rate                      Annual Volume  
 IRRIGATION                              5/01 to 10/15                              0.800 CFS

Total Diversion: 0.800 CFSLocation of Point(s) of Diversion

BIG LOST RIVER      SE1/4NW1/4NW1/4      Sec. 34,Twp 07N,Rge 24E, 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	
06N	26E	20		38.0			39.0			40.0	38.0			38.0					193.0

Total Acres: 193

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:

1. Place of Use      USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
     - Irrigation      OF A COMBINED TOTAL OF 193 ACRES IN A SINGLE IRRIGATION SEASON.  
                                  COMBINED RIGHT NOS.: 34-00229, 34-00360C AND 34-00856G.  
                                  THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE  
                                  DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Explanatory      WATER IS DELIVERED THROUGH BURNETT DITCH.

Comments:

1. TAYLOR 1/15/1991 CCL

Comment: NEED TO SEND LETTER EXPLAINING THAT THE DIVERSION IN SECTION 17 IS A DIVERSION FROM THE DITCH AND IS NOT NEEDED ON THE CLAIM BECAUSE IT IS NOT FROM THE BIG LOST RIVER. THE POU WAS CHANGED TO REFLECT WHAT THE CLAIM MAPS AND FIELD INSPECTION SHOWED TO BE THE ACTUAL ACRES IRRIGATED IN 40 ACRE TRACTS. THE ACRES IRRIGATED IN THE SW NW WERE CHANGED TO THE SE NW OF SECTION 20.

2. TAYLOR 8/9/1991 COPIED FROM REMARKS

Comment: TRANSFER #1001/1069 FIELD HEADGATE FROM BURNETT DITCH IS 06N 26E SEC. 17 SE,NW,SE

3. skeen 5/19/2003 2:01:07 PM Water Right

Comment: This water right record was updated by decree record from old RightID 27074 to new RightID 201002

Dates and Other Information:

Decreed Date: 1/29/2002

State or Federal: S

Water District Number: 34

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:RateVolumeAcres

193

Combined Rights: 34-228A, 34-360C, 34-856G, 34-229

March 31, 2005

Meridith J. Dotzenrod  
3776 W 3700 N  
Darlington, ID 83255

RE: Temporary Change Application for Water Rights 34-2228A, 34-856G, 34-229, & 34-360C

Dear Applicant:

Section 42-222A, Idaho Code, authorizes the Director, of the Department of Water Resources, upon declaration of a drought emergency to approve temporary transfers.

As of the date of this letter there has been no declaration of a drought emergency. As such, **the temporary change application cannot be approve at this time**. For your convenience the temporary change application will be held without further action until either a drought emergency has been declared for Custer County or until May 1, 2005, which ever comes first.

Sincerely,

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Keith C. Wilson  
Senior Resource Agent