

2004

Ident. No. TC-34-61

DEF. \_\_\_\_\_

SOURCES

## TEMPORARY CHANGE APPLICATION

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

Name of Applicant Gary Rogers Phone 527-4504

Post Office Address P.O. 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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-07118B</u>	<u>11/24/1975</u>	<u>10.61</u>	<u>Irrig</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 21.04 acre-feet per annum.

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SE	SE	32	5N	26E	Butte	Steven Aikele well under 34 - 7039

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									40	40	40	40	40	40	40	40	
3N	26E	08									40	40	40	40	40	40	40	40	

Total Acres 1640

**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 )

Gary Rogers )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

TC-34-61

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 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 SEPTEMBER 3, 2004, Gary Rogers submitted the attached Temporary Change Application TC-34-61 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 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-34-61

5. Right(s) 34-7118B are limited to the irrigation of a total of 640 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 SEPTEMBER 14, 2004 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 9<sup>th</sup> day of September, 2004.

  
Ronald D. Carlson  
Eastern Regional Manager

8.31.04

Harry Rogers is Authorized  
to use my Well  
from today for 14 (fourteen days)

Steven Aihl

Steven Aihl

3507W 9500N

Mon Id 83255

527-3065

State of Idaho  
Department of Water Resources  
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-7118B / 34-7039

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 7<sup>th</sup>, day of Sept., 2004

Water District No: 34

  
Watermaster's Signature

8.31.04

Larry Rogers is Authorized  
to use my Well  
from today for 14 (fourteen) days

Steven Aihl

Steven Aihl

3507 W 2500 N

Moore ID 83255

527-3065

RECEIVED

SEP 03 2004

Department of Water Resources  
Eastern Region



## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 34-7118B

WATER RIGHT NUMBER: 34-7118B

Owner Type                      Name and Address  
 Current Owner                  GARY ROGERS  
    PO BOX 476  
    ARCO, ID 83213  
    (208)527-4504

Priority Date: 11/24/1975

Basis: Decreed

Status: Active

Source                                      Tributary  
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	10.610 CFS	1,855.00 AF
<u>Total Diversion:</u>		10.610 CFS	1,855.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 32,Twp 05N,Rge 26E, B.M.	BUTTE County
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 32,Twp 05N,Rge 26E, B.M.	BUTTE County
GROUND WATER	L3 (NW1/4NW1/4SW1/4)	Sec. 7,Twp 03N,Rge 26E, B.M.	BUTTE 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	
03N 26E 7									37.0	36.0	36.0	37.0	36.0	36.0	36.0	36.0	290.0
										L 3	L 4						
03N 26E 8									33.0	36.0	36.0	36.0	8.0	23.0	34.0	34.0	240.0

Total Acres: 530

Conditions of Approval:

1. WB4 The total instantaneous diversion of water from all points of diversion under Right 34-7118B shall not exceed 10.61 cfs, nor total combined annual volume of 1855 af.
10. X35 Rights 34-7118B, 34-7186A and 34-7186B when combined shall not exceed a total annual maximum diversion volume of 1855 af at the field headgate, and the irrigation of 530 acres.

Remarks:Comments:

1. pskaggs 2/5/2003 3:04:17 PM Transferred Right This is now an approved transfer, transfer number = 69836

Dates and Other Information:

Decreed Date: 2/6/2002  
 State or Federal: S  
 Water District Number: 34  
 Generic Max Rate Per Acre: 0.02  
 Generic Max Volume Per Acre: 3.5  
 Civil Case Number: 39576  
 Judicial District: FIFTH

Combined Use Limits:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7039

WATER RIGHT NUMBER: 34-7039

Owner Type                      Name and Address  
 Current Owner                  STEVEN J AIKELE  
    BOX 63F  
    MOORE, ID 83255  
    (208) 527-3065

Priority Date: 06/25/1973

Basis: Decreed

Status: Active

Source                                      Tributary  
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/31	9.730 CFS	1,207.50 AF
	<u>Total Diversion:</u>	9.730 CFS	1,207.50 AF

Location of Point(s) of Diversion

GROUND WATER    SE1/4SE1/4SE1/4    Sec. 32,Twp 05N,Rge 26E, B.M.    BUTTE 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	
04N 26E 30		38.0	38.0				13.0	40.0	40.0	24.0	36.0	39.0		39.0	38.0		345.0

Total Acres: 345

Conditions of Approval:

1. 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.

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. SBALL 9/10/1996 COPIED FROM REMARKS 2.83 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT. REFORMATTED.

Dates and Other Information:

Decreed Date: 12/14/2001  
 State or Federal: S  
 Civil Case Number: 39576  
 Judicial District: FIFTH

Combined Use Limits:



P.O. Box 205, Mackay, ID 83251 (208) 588-2231 Fax (208) 588-2863

**Big Lost River  
Irrigation District**

# Fax

To: Keith Wilson From: Linda Hocking  
Fax: 525-7177 Pages: 3  
Phone: \_\_\_\_\_ Date: 9/1/04  
Re: \_\_\_\_\_ CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

I will send original forms w/ check.  
Thx Linda

Form 42-222A  
12/99

Ident. No. \_\_\_\_\_

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### TEMPORARY CHANGE APPLICATION

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				to
				to
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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	26E	07									40	40	40	40	40	40	40	40	
3N	26E	08									40	40	40	40	40	40	40	40	

Total Acres 640

## 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 Steve Duke
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
Steve's ground will go dry and water will be used on Rogers' ground.
- 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? Not possible to get water to place of use without adding POD.
- f. Describe other water rights used for the same purpose.  
No other water rights Intended use to Sept 14, 2004
- g. Remarks: 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 \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_

Receipted \_\_\_\_\_ # \_\_\_\_\_ 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