

2004

RECEIVED

JUN 30 2004

1289

Department of Water Resources
Eastern Region

Ident. No.

7C-34-54

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use) Eric cell# 589-3160

Name of Applicant Eric Aikele & Herman Aikele Phone 527-8209
Post Office Address 3533 W. 2500 N. Moore, Idaho 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) therefor DRY UP 80+ ACRES DEAD GRASSY HAY IN TOWN & USE WATER IN TOWN & TOWN TO TRY TO SAVE REGISTERED SEED BARLEY CROP.

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

Right Number	Priority	Amount (cfs/ft)	Nature of Use	Period of Use
34-02306	7-22-1968	2.24 0.99 cfs	Groundwater	4-15 to 10-15
34-07009	7-08-1968	1.32 0.58	Groundwater	4-15 to 10-15
		1.57		

2. Total amount of water being transferred 3.56 cubic feet per second and/or 452.5 acre-feet per annum.3. Source of water Groundwater tributary to Big Lost River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	SW	NW	20	05N	26E	Butte	MOORE Diversion
		NE							

5. Lands irrigated or place of use: 80 acres within this 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	05											3.3						3.3
3N	26E	06															1.6	13.8	15.4
3N	26E	07	40	21.8	13.7	37													112.5
3N	26E	08							33	33	21.3								87.6
4N	26E	20							36	40			40	40	20				176

Total Acres 394.7

TC-34-54

6. General Information:

- a. Who owns the water right to be changed? KEN Buckwalter
- b. Describe the arrangement allowing use of the right AGREEMENT WITH OWNER
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Left Dry
- d. Has the water right sought to be transferred been used this year? YES If yes, explain SHORT PIVOT irrigated once.
- e. Absent the changes, how would the right be used for the remainder of the year? Water NOT used in 100 ACRE PIVOT would go UNUSED.
- f. Describe other water rights used for the same purpose.
34-0017D, 34-07164, 34-0016BF, 34-00654A, 34-12417, 34-13575
- g. Remarks SHRUNK ON STORAGE & DEGREE IS VERY HIGH & ONE WELL IS NOT PUMPING BUT ABOUT 30% CAPACITY.

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.

Eric Aikels
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by gc Date 6-30-04 Fee \$50 -
 Received gc # E030016 Recommended: ☒ 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-34-54

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

Witness my hand this 1st day of July 2004

Ronald D. Larkin
For the Director

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-2306 ; 34-7009)
Eric ; Herman Aikele)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-54

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 June 30, 2004, Eric ; Herman Aikele submitted the attached Temporary Change Application TC-34-54 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). 34-2306 ; 34-7009 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-34-54

5. Right(s) 34-23061; 34-7009 are limited to the irrigation of a total of 80 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 shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 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 1st day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-2306 V1

WATER RIGHT NUMBER: 34-2306 V1

TC-34-54

Owner Type Name and Address
 Current Owner GERTRUDE HIBARGER
 PO BOX 630
 MOORE, ID 83255
 (208)554-2364

Priority Date: 07/22/1953

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 10/31 2.240 CFS

Total Diversion: 2.240 CFSLocation of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NE1/4 Sec. 20,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	
05N 26E 17															1.0	7.0	8.0
05N 26E 20	35.0	20.0	25.0	39.0									38.0	16.0			173.0

Total Acres: 181

Remarks:

- Quantity USE OF THIS RIGHT WITH RIGHT NOS. 34-07009 AND 34-10066 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.56 CFS & TO A TOTAL COMBINED ANNUAL DIVERSION VOL OF 633.5 AF. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.24 CFS. COMBINED RIGHT NOS.: 34-00717B, 34-00901, 34-07009 AND 34-10066.
- Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A
 - Irrigation **COMBINED TOTAL OF 181 ACRES** IN A SINGLE IRR SEASON. COMBINED RIGHTS: 34-717B, 34-901, 34-7009 & 34-10066. USE OF THIS RIGHT WITH **RIGHT 34-7009** IS LIMITED TO THE IRR OF A COMBINED TOTAL OF **174 ACRES** IN A SINGLE IRR SEASON. **THIS RIGHT IS LIMITED TO THE IRR OF 102 AC W/IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.**
- Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-07009 & 34-10066. RIGHT 34-10066 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates and Other Information:

Decreed Date:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S

Combined Use Limits:

Rate	Volume	Acres
3.56	633.5	
Combined Water Rights: 34-10066 , 34-2306 , 34-7009		

Enlargement for Tac (GW)

Rate	Volume	Acres
		174

Combined Water Rights: 34-2306 , 34-7009

Rate	Volume	Acres
4.24		181

Combined Water Rights: 34-10066 , 34-2306 , 34-7009 , 34-717B , 34-901

1897 BLR
1896

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7009 V1

WATER RIGHT NUMBER: 34-7009 V1

TC-34-54

Owner Type Name and Address
 Current Owner GERTRUDE HIBARGER
 PO BOX 630
 MOORE, ID 83255
 (208)554-2364

Priority Date: 07/08/1968

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/01 to 9/30 1.320 CFS

Total Diversion: 1.320 CFSLocation of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NE1/4 Sec. 20,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	
05N 26E 17															1.0	7.0	8.0
05N 26E 20	35.0	20.0	25.0	39.0									38.0	16.0			173.0

Total Acres: 181

Remarks:

1. Explanatory RIGHT NO. 34-10066 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 34-02306 AND 34-10066.
2. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A - Irrigation COMBINED TOTAL OF 181 AC IN A SINGLE IRR SEASON. COMBINED RIGHTS: 34-717B, 34-901, 34-2306 & 34-10066. USE OF THIS RIGHT WITH RIGHT 34-02306 IS LIMITED TO THE IRR OF 174 ACRES W/IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHTS. 34-2306 & 34-10066 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.56 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 633.5 AF. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.24 CFS. COMBINED RIGHTS: 34-00717B, 34-00901, 34-02306 AND 34-10066.

Dates and Other Information:

Decreed Date:

Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED

State or Federal: S

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.56	633.5	

Combined Water Rights: 34-10066 , 34-2306 , 34-7009

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		174

Combined Water Rights: 34-2306 , 34-7009

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.24		181

Combined Water Rights: 34-10066 , 34-2306 , 34-7009 , 34-717B , 34-901

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7164

WATER RIGHT NUMBER: 34-7164

NEW POU

TC-34-54

Owner TypeName and Address

Current Owner

HERMAN AIKELE, 3477 W 2700 N, MOORE, ID 83255
(208)527-3113

Priority Date: 12/14/1976

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

3.950 CFS

691.30 AF

Total Diversion:

3.950 CFS

691.30 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4NW1/4 Sec. 20,Twp 04N,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 5									3.3								3.3
03N 26E 6													1.6	13.8			15.4
03N 26E 7	40.0	21.8	13.7	37.0													112.5
03N 26E 8					33.0	33.0	21.5										87.5
04N 26E 20					36.0	40.0			40.0	40.0	20.0						176.0

Total Acres: 394.7

Remarks:

- Quantity USE OF THIS RIGHT WITH 34-12417 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS & A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1381.5 AF IN A SINGLE IRR SEASON.
- Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A
- Irrigation COMBINED TOTAL OF 394.7 AC IN A SINGLE IRR SEASON. COMBINED RIGHTS: 34-17D, 34-168F, 34-654A, 34-12417 & 34-13575. THIS RIGHT IS LIMITED TO THE IRR OF 197.5 AC W/IN THE POU DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- Explanatory RIGHT 34-12417 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE. RIGHT 34-12417 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. VERNER 8/29/1991 COPIED FROM REMARKS

Comment: AC. IRR. = 197.5 WAS THIS AMOUNT. THIS IS AN EXPANSION. THE RATE OF DIVERSION OF WATER FOR IRR UNDER THIS PERMIT SHALL NOT EXCEED 0.02 CFS/AC. WHEN DIVERTED AT THE FIELD HEADGATE IN SEC 31. WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL. THIS RIGHT WITH RIGHTS. 34-168F & 34-654A IS LIMITED TO THE IRR OF 194.2 AC W/IN THE POU DESCRIBED ABOVE IN A SINGLE IRR SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 986.5 AF, & TO THE IRR OF A COMBINED TOTAL OF 394.7 AC IN A SINGLE IRR SEASON. COMBINED RIGHTS: 34-168F & 34-654A.

Dates and Other Information:

Decreed Date: 11/13/2000

State or Federal: S

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
3.95	1381.5	
Combined Water Rights: 34-7164 , 34-12417		
Rate	Volume	Acres
		394.7

Combined Water Rights: 34-7164 , 34-12417 , 34-13575

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-12417

WATER RIGHT NUMBER: 34-12417

Owner Type Name and Address
 Current Owner HERMAN AIKELE
 3477 W 2700 N
 MOORE, ID 83255
 (208)527-3113

Priority Date: 05/01/1981

Basis: Decreed

Status: Active

Source Tributary
 GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 10/31 1.020 CFS

Total Diversion: 1.020 CFSLocation of Point(s) of Diversion

GROUND WATER NE1/4SW1/4NW1/4 Sec. 20,Twp 04N,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 5											3.3						3.3
03N 26E 6													1.6	13.8			15.4
03N 26E 7	40.0	21.8	13.7	37.0													112.5
03N 26E 8							33.0	33.0	21.5								87.5
04N 26E 20							36.0	40.0			40.0	40.0	20.0				176.0

Total Acres: 394.7

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT 34-7164 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.95 CFS & A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1381.5 AF IN A SINGLE IRR SEASON.
2. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-07164 PURSUANT TO SECTION 42-1426, IDAHO CODE.
3. Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A
 - Irrigation COMBINED TOTAL OF 394.7 AC IN A SINGLE IRR SEASON. COMBINED RIGHT.: 34-17D, 34-168F, 34-654A, 34-7164 & 34-13575.
4. Explanatory RIGHT NO. 34-07164 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 197.2 AC WITHIN THE POU DESCRIBED FOR THIS RIGHT.

Dates and Other Information:

Decreed Date: 5/9/2001
 State or Federal: S
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.95	1381.5	
Combined Water Rights: 34-7164 , 34-12417		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		394.7
Combined Water Rights: 34-7164 , 34-12417 , 34-13575		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-13575

WATER RIGHT NUMBER: 34-13575

Owner Type Name and Address
Current Owner HERMAN & ERIC AIKELE
 3477 W 2700 N
 MOORE, ID 83255
 (208)527-3113

Priority Date: 05/01/1981

Basis: Decreed

Status: Active

SourceTributary

BIG LOST RIVER

SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	1.800 CFS	

Total Diversion: 1.800 CFS

Location of Point(s) of Diversion

BIG LOST RIVER NW1/4SE1/4SE1/4 Sec. 4,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	
03N 26E 5											3.3						3.3
03N 26E 6														1.6	13.8		15.4
03N 26E 7	40.0	21.8	13.7	37.0													112.5
03N 26E 8						33.0	33.0	21.5									87.5
04N 26E 20						36.0	40.0			40.0	40.0	20.0					176.0

Total Acres: 394.7

Remarks:

- General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHTS 34-17D, 34-168F & 34-654A PURSUANT TO SECTION 42-1426, IDAHO CODE.
- Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 213.7 AC WITHIN THE POU DESCRIBED FOR THIS RIGHT. WATER DELIVERED THROUGH THE MOORE DIVERSION, WESTSIDE CANAL.
- Quantity USE OF THIS RIGHT WITH RIGHTS. 34-17D, 34-168F & 34-654A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.77 CFS.
- Place of Use USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRR OF A
- Irrigation COMBINED TOTAL OF 394.7 AC IN A SINGLE IRR SEASON. COMBINED RIGHTS.: 34-17D, 34-168F, 34-654A, 34-7164 AND 34-12417.

Dates and Other Information:

Decreed Date: 6/4/2001
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.77		

Combined Water Rights: 34-13575

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		394.7

Combined Water Rights: 34-7164 , 34-12417 , 34-13575

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-2306
34-7009

TC: #34-54

Transfer Applicant's Name: Eric Aikele / Ken Buckwalter
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 1st day of July, 2004

Water District No: 34


Watermaster's Signature

TC-34-54

ARCO FEED AND FERTILIZER, INC.

PHONE 527-8209 - P. O. BOX 10

ARCO, IDAHO 83213

7/1/2004

To Whom it may CONCERN:

I, KEN Buckwalter, give permission
to Eric Aikele to temporarily transfer
80" of water from the "Hibarger"
farm. Transfer to END at END of
irrigation season.

Ken Buckwalter