

DEP

2004

JRCS

## TEMPORARY CHANGE APPLICATION

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

Name of Applicant Mitchell J. Sorensen & M. Todd Perkes Phone 527-3271Post Office Address 3871 West 2500 North Moore 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 Sorensen & Perkes have entered into a lease agreement. Because of limited water supply only the most efficient lands can be irrigated. Corners from Sorensen and Perkes property will go without water so sprinklers can be irrigated on the Perkes/Koffus property. (Approx 50 acres)

## 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
34-7247	5/30/1980	4.490 cfs <sup>NO</sup> change	Irrigation <sup>no</sup> change	4/01 to 10/31 <sup>no</sup> change
34-2428	4/01/1979	3.85 cfs "	" "	" to " "
34-7035A	4/12/1973	0.64 cfs "	" "	" to "
34-7122A	1/16/1976	4.31 cfs "	" "	" to " "

65187

2. Total amount of water being transferred 0.93 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

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

4. Point(s) of Diversion: Additional Pt. of Div. for Rights 34-7247 & 34-2428

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	NW	5	04N	26E	Butte	Perkes Weir - LA Ele. CO-OP No. 353 - "Big Burp"

Proposed new  
5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	25E	25			20	30													50

Total Acres Approx. 50

34-7247  
34-2428 34-7122A  
34-7035A

TC-34-43

6. General Information:

- a. Who owns the water right to be changed? Sorensen 34-7247 Perkes 34-7035A  
34-2428 34-7122A
- b. Describe the arrangement allowing use of the right Sorensen is leasing Perkes property. Perkes is  
subleasing Loftus property to Sorensen also.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
These 50 Acres are corners of center pivot fields. They will  
be fallowed or clipped for vegetation control.
- d. Has the water right sought to be transferred been used this year? YES If yes, explain used on remaining  
place of use.
- e. Absent the changes, how would the right be used for the remainder of the year? It would be used on  
remaining place of use, plus corners.
- f. Describe other water rights used for the same purpose.
- g. Remarks:

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.

Mitchell D. Sorensen M. Todd Perkes  
Mitchell D. Sorensen (Signature of applicant) M. Todd Perkes  
May 18, 2004

FOR DEPARTMENT USE ONLY

Received by Kaw Date 5/19/04 Fee \$ 50.00  
Received Kaw # E029850 Recommend: ☒ approve ☐ deny  
Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-43

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

Witness my hand this 27<sup>th</sup> day of May, 2004:

Randy Carls  
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 34-7247, 34-2428, )  
34-7035A & 34-7122A )  
Mitchell D Sorensen & M. Todd Perkes )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

TC-34-43

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 May 19, 2004, Mitchell D Sorensen & M. Todd Perkes submitted the attached Temporary Change Application TC-34-43 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). 34-7247, 34-2428, 34-7035A & 34-7122A 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-34-43

5. Right(s) 34-7247, 34-2428, 34-7035A & 34-7122 A are limited to the irrigation of a total of 945 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 December 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 27<sup>th</sup> day of MAY, 2004.

  
Ronald D. Carlson  
Eastern Regional Manager



TC-34-43

State of Idaho  
Department of Water Resources  
Transfer of Water Rights

**RECOMMENDATION OF WATERMASTER**

Transfer Application No:

Water Right No(s): 34-7247 / 34-2428 / 34-7035A  
34-7122A

Transfer Applicant's Name: Mitchell Sorensen / M. Todd Perkes  
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 21<sup>st</sup>, day of May, 2004

Water District No: 34

  
Watermaster's Signature

# Idaho Department of Water Resources Receipt

Receipt ID E029850

Payment Amount  Date Received  Region  Status

Payment Type  Check Number

Payer Comment 

Tc-34-43

## Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	TRANSFERS	0229	21	63105	1155

  
Signature Line (Dept. Representative)

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-622A V2

WATER RIGHT NUMBER: 34-622A V2

Owner Type                      Name and Address  
 Current Owner                  OWEN or GLORIA LOFTUS  
    RT 1 BOX 11A  
    MOORE, ID 83255  
    (208)554-4672

Priority Date: 06/01/1896

Basis: Decreed

Status: Active

Source  
 BIG LOST RIVER

Tributary  
 SINKS

Beneficial Use                      From   To                      Diversion Rate                      Annual Volume  
 IRRIGATION                      5/01 to 10/15                      1.570 CFS

Total Diversion:                      1.570 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
04N	25E	25	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			4.0		37.0	38.0				1.0									80.0

Total Acres: 80

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. Explanatory WATER DELIVERED THROUGH MOORE CANAL TO CROSSOVER DITCH INTO TIMBERDOME CANAL.

Comments:

1. VERNER 5/22/1991 COPIED FROM REMARKS

Comment: TRANS #1801. P/D MOORE CANAL. WATER IS DELIVERED TO THE PLACE OF USE BY TRANSPORTING IT IN THE MOORE CANAL UNTIL IT REACHES THE SW1/4NE1/4, SECTION 18 TWP. 4N, RGE. 26E WHERE IT IS EMPTIED INTO THE BLAINE CANAL AND CONVEYED TO THE PLACE OF USE.

Dates and Other Information:

Decreed Date: 6/22/2001  
 Civil Case Number: 39576  
 Judicial District: FIFTH  
 Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED  
 State or Federal: S  
 Owner Name Connector: OR  
 Water District Number: 34

Combined Use Limits:

*Proposed Place of Use*  
*TC-34-43*

## IDAHO DEPARTMENT OF WATER RESOURCES

Water **Permit** Report 34-7247

WATER RIGHT NUMBER: 34-7247

TC-34-43

Owner TypeName and Address

Current Owner

MITCHELL D SORENSEN, 3871 W 2500 N, MOORE, ID 83255  
(208)527-3271

Priority Date: 05/30/1980

Basis:

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 10/31

4.490 CFS

Total Diversion: 4.490 CFSLocation of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4

Sec. 5, 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	
04N 25E 35					40.0	40.0	40.0	40.0				40.0					200.0

Total Acres: 200

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 01H Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

Remarks:

1. General Distribution of water for use under this permit shall be in accordance with the Water District 34 rules including requirements for mitigation as therein provided. If mitigation is not provided to avoid injury to existing rights, the well shall be reconstructed to prevent water from any depth less than 300 feet from entering the well.  
This permit does not authorize construction of additional wells. If the existing well is reconstructed, the reconstruction shall comply with the permitting requirements of Section 42-235, Idaho Code.  
The rate of diversion under this permit when combined with Right 34-02428 or any other right or rights determined by the SRBA court to divert from the permit holder's well in the SENE, S5, T4N, R26E, is limited to 8.34 cfs from the well.

Comments:

1. SCURTIS 6/3/1998 MISC. INFORMATION

Comment: The applicants have asked for processing of this application and Application Nos. 34-07410 and 34-07430 under a provision of the existing order placing a moratorium on approval of new consumptive uses in the ESRB including the Big Lost River Basin. In accordance with this provision, the applicants have offered to provide mitigation to protect prior surface and groundwater rights in accordance with IDWR water distribution rules, WD#34.

Dates and Other Information:

Permit Proof Due Date: 12/1/2001

Permit Proof Made Date:

Permit Approved Date: 11/30/1999

Water District Number: 34

Combined Use Limits:



## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2428

WATER RIGHT NUMBER: 34-2428

TC-34-43

Owner TypeName and Address

Current Owner

MITCHELL D SORESENSEN, 3871 W 2500 N, MOORE, ID 83255  
(208)527-3271

Priority Date: 04/01/1979

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

3.850 CFS

Total Diversion: 3.850 CFSLocation of Point(s) of Diversion

GROUND WATER NW1/4SE1/4NE1/4Sec. 5,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 25E 2					39.0	39.0	40.0	40.0									158.0
					L 3	L 4											
03N 25E 3	39.0	39.0															78.0
	L 1	L 2															
04N 25E 34	39.0	38.0	40.0	40.0									40.0	40.0	40.0	40.0	317.0
04N 25E 35					38.0	38.0	40.0	40.0	20.0	40.0	39.0	20.0					275.0
04N 26E 5				39.0									39.0			39.0	117.0

Total Acres: 945

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C06 PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.
3. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
4. 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. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-12416 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.85 CFS.
2. Place of Use  
- Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00496A, 34-00692D, 34-2428, 34-7035B AND 34-12416.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 193 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUM OF 3229.9. COMBINED RIGHT NUMBERS: 34-2428, 34-7035B AND 34-12416.
4. Explanatory WATER IS DELIVERED THROUGH TIMBER DOME CANAL.
5. Explanatory RIGHT NO. 34-12416 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. Explanatory RIGHT NO. 34-12416 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2428

TC-34-43

Comments:

## 1. VERNER 9/11/1991 COPIED FROM REMARKS

Comment: THIS RIGHT IS LIMITED TO IRRIGATING A TOTAL OF 193 ACRES WITHIN THE CLAIMED PLACE OF USE. THE PLACE OF USE FOR A PORTION OF RIGHT NO. 34-2428 WAS CHANGED FROM THAT SHOWN IN THE RECORDS OF THE DEPARTMENT OF WATER RESOURCES TO INCLUDE THE 860 ACRES IN SECTIONS 34, 35, 2 AND 3 OF TOWNSHIPS 4N, 25E AND 3N, 25E (1.51 CFS) COMMENCING WITH THE IRRIGATION SEASON OF 1978. THE 117 ACRES IN SEC. 5 OF 4N, 26E HAVE CONTINUOUSLY BEEN IRRIGATED WITH 2.34 CFS OF THIS RIGHT SINCE 1961. CLAIMANT'S MOTHER, NORMA K. SORESENSEN, OWNS THE 117 ACRES IN SEC. 5, AND THE CLAIMANT OWNS THE OTHER 860. HOWEVER, THE CLAIMANT OWNS ALL OF THE WATER RIGHT NO. 34-2428.

## 2. VERNER 5/15/1992 NOTICE OF ERROR

Comment: CLAIMANT SUBMITTED NOTICE OF ERROR REGARDING COMBINED DIVERSION RATE, PLACE OF USE AND CHANGE OF PRIORITY DATE. 1) COMBINED DIVERSION RATE: THIS WAS VERY LIMITING PRIMARILY DUE TO THE LICENSING RECOMMENDATION FOR PERMITS 34-07096 AND 34-07097. AFTER MEETINGS WITH CLAIMANT AND HIS ATTORNEY AND SUBSEQUENT MEETINGS WITH DAVE SHAW THE RECOMMENDATIONS FOR THESE PERMITS WAS CHANGED TO RECOGNIZE AN ACCOMPLISHED TRANSFER OF POINT OF DIVERSION SO THAT THESE RIGHTS ARE ALSO DIVERTED THROUGH THE SAME WELL AS UNDER LICENSE 34-02428. BY DOING SO THE COMBINED DIVERSION RATE WAS INCREASED TO 13.95 CFS. 2) PLACE OF USE: I REVIEWED THE PLACE OF USE WITH THE CLAIMANT AND DETERMINED THAT I COULD ADD 14 ACRES TO THE RECOMMENDED PLACE OF USE. CHANGE WAS MADE. 3) ADVANCED PRIORITY DATE: I DISCUSSED THE DEPARTMENT'S POLICY REGARDING SEPERATION OF SUPPLEMENTAL RIGHTS VIA AN ACCOMPLISHED TRANSFER. CLAIMANT DID NOT AGREE WITH THIS. THE RECOMMENDATION WAS NOT CHANGED.

## 3. FRAZEE 3/11/1994 NOTICE OF APPEARANCE (NOA)

Comment: NOA REC'D 1/24/94 FROM KENT W FOSTER

## 4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date: 11/13/2000

State or Federal: S

Water District Number: 34

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
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3.85

Combined Water Rights: 34-2428 , 34-12416

Rate	Volume	Acres
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8.83 3229.9

Combined Water Rights: 34-2428 , 34-12416 , 34-7035B

Rate	Volume	Acres
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8.83 3751.6

Combined Water Rights: 34-2428 , 34-12416 , 34-7035B

Rate	Volume	Acres
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945

Combined Water Rights: 34-2428 , 34-12416 , 34-7223 , 34-7096A , 34-7035B

SubCase:

SubCase Number: 34-2428

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date: 2/25/1999

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 2/26/1993 Objection Status: Active

Date Filed: 2/26/1993 Objection Status: Active

Date Filed: 2/26/1993 Objection Status: Active

Date Filed: 2/22/1993 Objection Status: Active

Date Filed: 2/26/1993 Objection Status: Active

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-12416

WATER RIGHT NUMBER: 34-12416

TC-34-43

Owner TypeName and Address

Current Owner

MITCHELL D SORENSEN, 3871 W 2500 N, MOORE, ID 83255  
(208)527-3271

Priority Date: 05/01/1982

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

04/01 to 10/31

3.850 CFS

Total Diversion: 3.850 CFSLocation of Point(s) of Diversion

GROUND WATER NW1/4SE1/4NE1/4 Sec. 5, 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 25E 2					39.0	39.0	40.0	40.0									158.0
					L 3	L 4											
03N 25E 3	39.0	39.0															78.0
	L 1	L 2															
04N 25E 34	39.0	38.0	40.0	40.0									40.0	40.0	40.0	40.0	317.0
04N 25E 35					38.0	38.0	40.0	40.0	20.0	40.0	39.0	20.0					275.0
04N 26E 5				39.0									39.0			39.0	117.0

Total Acres: 945

Conditions of Approval:

1. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

Remarks:

1. Quantity USE OF THIS RIGHT WITH 34-02428, LIMITED TO A TOTAL COMBINED DIV.85 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 34-00496A, 34-00692D, 34-02428, 34-07096A, 34-07097A AND 34-07223.
3. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.85 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3229.9 AF. COMBINED RIGHT NOS.: 34-2428, 34-07096A, 34-07097A, AND 34-07223.
4. Explanatory WATER IS DELIVERED THROUGH TIMBER DOME CANAL.
5. Explanatory RIGHT NO. 34-2428 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-02428, PURSUANT TO SECTION 42-1426, IDAHO CODE.
7. Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 365 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Comments:

1. VERNER 5/15/1992 WATER DELIVERED THROUGH THE MOORE AND TIMBER DOME CANALS. THIS RIGHT IS AN EXPANSION OF RIGHT NOS. 34-07096, 34-07097, 34-07223 AND 34-02428 PURSUANT TO IDAHO CODE 42-1416(2). THIS RIGHT IS LIMITED TO THE IRR OF 197 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRR SEASON.

Dates and Other Information:

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

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-12416

TC-34-43

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.85		

Combined Water Rights: 34-2428 , 34-12416

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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8.83	3229.9	
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Combined Water Rights: 34-2428 , 34-12416 , 34-7035B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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8.83	3751.6	
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Combined Water Rights: 34-2428 , 34-12416 , 34-7035B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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945

Combined Water Rights: 34-2428 , 34-12416 , 34-7223 , 34-7096A , 34-7035B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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945

Combined Water Rights: 34-496A , 34-12416 , 34-7097A

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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8.85	3229.9	
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Combined Water Rights: 34-12416 , 34-7097A

## SubCase:

SubCase Number: 34-12416

Class: 2

SF5 Filed Date:

Special Master Recom Signed Date: 2/25/1999

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 10/17/1997 Objection Status: Active

Date Filed: 10/17/1997 Objection Status: Active

Date Filed: 2/22/1993 Objection Status: Active

Date Filed: 10/17/1997 Objection Status: Active

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7035B

WATER RIGHT NUMBER: 34-7035B

Tc-34-43

Owner TypeName and Address

Current Owner

MITCHELL D SORENSEN, 3871 W 2500 N, MOORE, ID 83255 (208)527-3271

Priority Date: 04/12/1973

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

04/01 to 11/01

4.980 CFS

1,293.30 AF

Total Diversion:

4.980 CFS

1,293.30 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4

Sec. 5, 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 25E 2					39.0	39.0	40.0	40.0									158.0
03N 25E 3	39.0	39.0															78.0
04N 25E 34	39.0	38.0	40.0	40.0									40.0	40.0	40.0	40.0	317.0
04N 25E 35					38.0	38.0	40.0	40.0	20.0	40.0	39.0	20.0					275.0

Total Acres: 828

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. S34 THE PERIOD OF USE FOR IRR DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 & AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:

1. General RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
2. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED  
- Irrigation TOTAL OF 945 ACRES IN A SINGLE IRR SEASON. COMBINED RIGHTS.:  
34-496A, 34-692D, 34-2428, 34-7035B AND 34-12416.
3. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION  
RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3751.6  
AF. COMBINED RIGHT NOS.: 34-2428, 34-7035B AND 34-12416.
4. Explanatory WATER IS DELIVERED THROUGH THE TIMBER DOME CANAL.
5. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 369.5 ACRES WITHIN THE PLACE OF  
- Irrigation USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:Dates and Other Information:

Decreed Date: 2/15/2002  
Civil Case Number: 39576  
Judicial District: FIFTH

Rate	Volume	Acres
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8.83 3751.6

Combined Water Rights: 34-2428 , 34-12416 ,  
34-7035B

Rate	Volume	Acres
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945

Combined Use Limits:

Rate	Volume	Acres
8.83	3229.9	

Combined Water Rights: 34-2428 , 34-12416 ,  
34-7223 , 34-7096A , 34-7035B

Combined Water Rights: 34-2428 , 34-12416 ,  
34-7035B





## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7035A

WATER RIGHT NUMBER: 34-7035A

TC-34-43

Owner TypeName and Address

Current Owner

MARSHAL TODD PERKES, RT 1 BOX 69, MOORE, ID 83255  
(208)527-3157

Priority Date: 04/12/1973

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

04/01 to 11/01

0.640 CFS

166.30 AF

Total Diversion:

0.640 CFS

166.30 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4NW1/4 Sec. 8, Twp 04N, Rge 26E, B.M.

BUTTE County

GROUND WATER NE1/4SE1/4NW1/4 Sec. 5, 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 25E 1	33.0	33.0	33.0	33.0													132.0
04N 25E 25					33.0	33.0	33.0	40.0	40.0	33.0	33.0	39.0	33.0	40.0	39.0	33.0	429.0

Total Acres: 561

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.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
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. Explanatory RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-07122A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 920.5 AF.
3. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. cfritsch 2/7/2002 Revision

Comment: Removed combined POU remark and moved measuring device requirement to explanatory.

Dates and Other Information:

Decreed Date: 2/15/2002

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
4.95	920.5	

Combined Water Rights: 34-7122A , 34-7035A

**From:** Luke, Tim  
**Sent:** Monday, May 24, 2004 9:25 AM  
**To:** Wilson, Keith  
**Subject:** Sorensen Temp Transfers

Keith,

I looked at the Sorensen temp change apps and offer the following concerns:

**Sorensen-Perkes Temp Change:**

- The proposed 50 acres appears to have only a surface water right and no overlapping gw rights. This does look like they are moving pivot corners to the 50 acres in question.
- I'm not sure what well they are really proposing to be used for irrigating the 50 acres. They identify NESWNW, Sec 5, T4N R25E, but then they have stated "Additional POD for Rts 34-7247 & 34-2428". What does this statement mean? It seems to me they are moving some acres from rights 7427 and 2428 to cover some of the 50 acres, and moving some water from 34-7035A and 34-7122A to cover some of the 50 acres, but I would think all the water for the 50 acres need only come from one well.
- Right 34-7247 is a permit where no field exam has been done. This right seems to cover the same POU under 34-2428 except for maybe 20 acres. Conditions of this right required mitigation and/or drilling depth requirements. I'm not sure I understand the purpose of this right except for maybe additional flow rate/capacity.
- My main concern regarding this request is exactly what corners are being dried up. Since this involves wells in the well orchard, and Sorensen's wells have been the subject of complaints, I would prefer that we ask him to identify exactly which acres are being dried up so that we can monitor the changes made.

7/1 254

## Wilson, Keith

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**From:** Luke, Tim  
**Sent:** Wednesday, May 26, 2004 5:04 PM  
**To:** Wilson, Keith  
**Cc:** Berkey, Jennifer; Spackman, Gary  
**Subject:** FW: Basin 34 Vaughn Jensen Temp Change

Keith,  
As per our brief phone call, I do not really have a problem with the three temp transfers you faxed over the other day other than addressing the concerns that I raised in my e-mail the other day. That Sorensen proposal is probably okay - there looks to be enough water and acres to accomodate the Sorensens transfer and still have enough left to accomodate potential mitigation for the Jensens. Total Jensen acreage that may potentially be needed for mitigation is about 295 acres. I understand about half the Acor farm will be idled and that the total farm size is about 2200 acres.  
Tim

-----Original Message-----

**From:** Wilson, Keith  
**Sent:** Wednesday, May 26, 2004 4:14 PM  
**To:** Spackman, Gary  
**Cc:** Luke, Tim  
**Subject:** Basin 34 Vaughn Jensen Temp Change

Gary,  
I just got off the phone with Vaughn Jensen. He is planning to come in tomorrow morning to file a Temporary Change application from his son's well to his place of use. Vaughn's well is not producing capacity. I will fax you a copy of his application as soon as it is completed. I told him I needed to know what ground water rights were involved, the acres to be dried up, and the legal description & acres of the new place of use. And a signed agreement from the owner agreeing to the change.

In addition I already have three Temporary Change Applications for groundwater in Basin 34. I sent copies to Tim Luke the other day. The applicants are:

Bruce Soelberg & Marc T Hansen (34-7118A & 34-7154) (TC-34-41)  
Mitch Sorensen (34-7120) (TC-34-42)  
Mitch Sorensen & Todd Perkes (34-7247, 34-2428, 34-7035A & 34-7122A) (TC-34-43)

These three applications have not yet been approved. Mitch Sorensen indicated that he would bring up these in the meeting that you had yesterday. Do you have any thoughts on how to proceed? From what Mitch Sorensen said to me it sounds O.K. but then again...I just need some assistance. If you need copies and I'll fax them to you.

Keith  
[Luke, Tim]

I looked at the Sorensen temp change apps and offer the following concerns:

### Sorensen-Perkes Temp Change:

- The proposed 50 acres appears to have only a surface water right and no overlapping gw rights. This does look like they are moving pivot corners to the 50 acres in question.
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- Right 34-7247 is a permit where no field exam has been done. This right seems to cover the same POU under 34-2428 except for maybe 20 acres. Conditions of this right required mitigation and/or drilling depth requirements. I'm not sure I understand the purpose of this right except for maybe additional flow rate/capacity.
- My main concern regarding this request is exactly what corners are being dried up. Since this involves wells in the well orchard, and Sorensen's wells have been the subject of complaints, I would prefer that we ask him to identify exactly which acres are being dried up so that we can monitor the changes made.

Sorensen Temp Change - Rt 34-7120

- This proposes to move 0.80 cfs and 40 acres from a well owned by Acor (now I believe presently owned by a Mark Mickelsen) to the Sorensen "South Well". The "South Well", which is a fairly new well (drilled several years ago as a result of a transfer) is one of the two Sorensen wells in the well orchard that has been the subject of complaints over the past several years by neighbors Kirby Jensen and Larman/Joel Anderson. Kirby and the Andrsens think that Mitch was supposed to have abandoned an old well as per an agreement between Kirby, Sorensen and Tod Perkes but I can not find this requirement in the agreement. Nonetheless, Kirby and Andersons perceive an injury because Sorensen did not give something up and because Sorensen is pumping the same amount of water from the wells in the area.
- The 0.80 cfs and 40 acres appears to be on the same Acor farm (now owned by Mark Mickelsen) that we and the Water District are looking at to provide mitigation for mitigation requests made by Jay, Jack and Vaughn Jensens. The right that we are looking at is 34-7179 but I see that it is appurtenant and combined with other gw and sw rights including 34-7120.
- I would be reluctant to approve this one at this time until we can make sure that this is not removing water that could be used to answer the mitigation requests.



## Wilson, Keith

---

**From:** Luke, Tim  
**Sent:** Monday, May 24, 2004 9:25 AM  
**To:** Wilson, Keith  
**Subject:** Sorensen Temp Transfers

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7/1 254

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION  
IDAHO FALLS, ID  
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: TIM Luke

FROM: KEITH C Wilson

DOCUMENT DESCRIPTION: Temp. Change Apps Basin 34  
GROUNDWATER

TOTAL NUMBER OF PAGES (Including this page): 7

If I read your May 13, 2004, letter. It Looks like  
These Three will have to provide mitigation.

\*\*\*\*\*  
\*  
\* BILLING ADDRESS: \_\_\_\_\_  
\* \_\_\_\_\_  
\* \_\_\_\_\_  
\*  
\* NO. OF PAGES \_\_\_\_\_ COST/PAGE \_\_\_\_\_ TOTAL CHARGE \_\_\_\_\_  
\*  
\*\*\*\*\*

Please, Look them over and get back to me.

*Keith*

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a district. At the time of this approval, this water right is within state water right 34.

For do any diversion + use of water under this water right, the right holder shall (1) provide evidence of participation in a water planning approved by the director + administered by a groundwater district or other recognized organization (2) provide individual water rights approved by the director

(1) Water Master control

(2) The Director, IDWR may order curtailment of the above numbered ~~water rights~~

Source  
~~Off drilling permits~~  
~~to new wells~~  
~~NE Stream flow augmentation~~  
 40' POS with center  
 102' Retaining wall 5yrs  
 40' POS Mitigah-160  
 40' POS Conveyance loss

The Director maintains jurisdiction of this transfer up to 5 years for the purpose of determining potential injury to existing right, with quantum search, and the validity of the transferred P/D

Once this permit does not exist once the construction of any new well or the deepening or enlargement of any existing well

11E The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water as well with such stream flow augmentation or other action will be required only upon a determination of need + applicability by the Director