

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-8658/34-177/34-181)
and 34-212 by Dale Huffaker)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-34

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 counties; 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 when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 8/4/03, Dale Huffaker submitted the attached Temporary Change Application TC-34-34 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). 34-8658, 34-177, 34-181 and 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

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-34

replacement water supply to lands or other uses which 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.

- ^{34-8658, 34-177}
5. Right(s) ^{34-186, 34-212} are limited to the irrigation of a total of 235 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 applicant agrees 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 watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 10/15/03 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 5th day of August, 2003.


RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECEIVED
AUG 04 2003
TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

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

Name of Applicant Dale Huffaker Phone 390-2353 cell
554-3100

Post Office Address 3929 Antelope Road Moore, Idaho 83255

A. PURPOSE OF TRANSFER *water will be taken at beginning of Hanrahan ditch rather than the normal point approx 2 miles down stream.*
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

| Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|----------------|-------------------|--------------------|-------------------|-----------------------------|
| <u>34-865B</u> | <u>09/30/1879</u> | <u>0.10</u> | <u>IRRIGATION</u> | <u>5/01</u> to <u>10/15</u> |
| <u>34-177</u> | <u>06/01/1898</u> | <u>0.10</u> | <u>IRRIGATION</u> | <u>5/01</u> to <u>10/15</u> |
| <u>34-186</u> | <u>11/15/1883</u> | <u>0.10</u> | <u>IRRIGATION</u> | <u>5/01</u> to <u>10/15</u> |
| <u>34-212</u> | <u>08/20/1886</u> | <u>0.10</u> | <u>IRRIGATION</u> | <u>5/01</u> to <u>10/15</u> |

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

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

Hanrahan ditch heading

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 | | |
| <u>5N</u> | <u>25E</u> | <u>21</u> | | | <u>1</u> | <u>SE</u> | | | | | | | | | | | | <u>SE</u> | <u>SE</u> | <u>1</u> |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

Total Acres 8.31

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 2003
- 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:
No other water rights. Water right # 34-10428B
- 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.

Dale Hoffaker
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 8/4/03 Fee 50⁰⁰
 Received KCW # E029077 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-34-34

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

Witness my hand this 5th day of August, 2003:

[Signature]
For the Director

7C-34-34

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECEIVED
JUL 25 2003

Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Transfer Application No: 34-00865B

Water Right No(s):

Transfer Applicant's Name: Dale Huffaker
Watermaster's Recommendation:

- a) 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 25th, day of July, 2003

Water District No: 34


Watermaster's Signature

TC-34-34

IDAHO GEM, INC.
P.O. Box 326
Blackfoot, Idaho 83221

I Robert Shower of 143 South 1200
West Blackfoot Idaho will lease 5 inch of
1879 degree of water for Irrigation to Dale
+ Colleen Huffaker 3727 Antelope Road
for the season of 2003

Robert Shower

"Our Experience is Your Guarantee of Complete Satisfaction."

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 Tributary
ANTELOPE CREEK BIG LOST RIVER

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 5/01 to 10/15 1.600 CFS

 Total Diversion: 1.600 CFS

Location 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

$$\frac{0.10 cfs}{1.60 cfs} (80) = 5 ac$$

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-177 V2

WATER RIGHT NUMBER: 34-177 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: 06/01/1898 Basis: Decreed Status: Active

Source Tributary
 ANTELOPE CREEK BIG LOST RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/01 to 10/15 1.400 CFS

Total Diversion: 1.400 CFS

Location 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 | | | | | | | | | | | | | | | 40.0 | | 65.0 |

Total Acres: 235

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. 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 HANRAHAN DITCH
2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 34-00186, 34-00212 AND 34-00865B IS LIMITED TO - Irrigation THE IRRIGATION OF A COMBINED TOTAL OF 235 ACRES IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date:
 Notice of Error Flag: NO NOTICE - RECOMMENDATION CHANGED
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 34

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 Tributary
 ANTELOPE CREEK BIG LOST RIVER

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

Total Diversion: 0.900 CFS

Location 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 | | | | | | | | | | | | | | | 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:

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

Source Tributary
 ANTELOPE CREEK BIG LOST RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 5/01 to 10/15 2.400 CFS
 Total Diversion: 2.400 CFS

Location 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

Idaho Department of Water Resources Receipt

Receipt ID E029077

Payment Amount: \$50.00 Date Received: 8/5/2003 12:39:50 PM Region: Eastern Status:
 Payment Type: Check Check Number: 4636

Payer: HUFFAKER, DALE OR COLLEEN

Comment: Temporary Change 0.10 cfs of 34-865B, 34-177, 34-186, 34-212

Fee Detail

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


 Signature Line (Dept. Representative)