

2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT)

ORDER AUTHORIZING
TEMPORARY CHANGE

34-7118)

TC-34-10

WHEREAS, a drought emergency has been declared for Butte counties 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 5-29-02, BRUCE SOELBERG submitted the attached Temporary Change Application ("application") 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). 34-7118 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 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.

5. Right(s) 34-7118 are limited to the irrigation of a total of 264 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 10/31/02 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 3rd day of June, 2002.



RONALD D. CARLSON
EASTERN REGION 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 R. Bruce Soelberg Phone 525-3327
Post Office Address 1482 Three Fountains Dr Idaho Falls Idaho 83404

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
- Soelberg is leasing property to Mr. Sorensen who also is leasing Mr. Porges' property. At times the Porges wells are available to pump water for the Soelberg property. Drought conditions are reducing the amount of water normally pumped from the Soelberg well. Additional water is needed when it is available.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-07118</u>	<u>11/24/1975</u>	<u>5.29</u> <u>2.40 cfs</u>	<u>irrigation</u>	<u>4-01</u> to <u>10-31</u>
				to
				to
				to

2. Total amount of water being transferred
- 5.29
-
- 2.40
- cubic feet per second and/or _____ 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
		NE	NW	NW	8	4N	26E	Butte	Porges Well
		SW	SW	SE	32	5N	26E	"	Original Well

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	16					33	33	33	33	33	33	33	33					

Total Acres 264

6. General Information:

- a. Who owns the water right to be changed? R. Bruce Soelberg
- b. Describe the arrangement allowing use of the right all three parties (Mr. Sorenson, Mr. Perkes, Mr. Soelberg)
have agreed to this arrangement.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The land will be more fully irrigated.
- d. Has the water right sought to be transferred been used this year? NO/YES If yes, explain. only a portion
of this right has been able to be diverted from the Soelberg well in Sec 5.
- e. Absent the changes, how would the right be used for the remainder of the year? It would not.
- 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.

R. Bruce Soelberg
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by SC Date 5-30-02 Fee 50.00

Receipted SC # E027798 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 _____.

Randy Kark
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7118A V2

WATER RIGHT NUMBER: 34-7118A V2

Owner Type Name and Address
 Current Owner SOELBERG FARMS
 1482 THREE FOUNTAINS DR
 IDAHO FALLS, ID 83404
 (208) 525-3327

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	5.290 CFS	924.00 AF
	<u>Total Diversion:</u>	5.290 CFS	924.00 AF

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4SE1/4 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	
03N	26E	16					33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0					264.0

Total Acres: 264

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:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 34-7118A V2

Comments:

1. AJTEMP 5/6/1992 ADDED DIVERSION RATE & CONDITION M04

Comment:

2. THOMPSON 3/15/1993 C/A

Comment: CHANGE IN ADDRESS 3/15/93/JT

3. SBALL 9/10/1996 REFORMATTED

Comment: REFORMATTED

4. CSAXTON 2/7/2000 SPLIT RIGHT

Comment: ON 2-7-2000 34-07118 WAS SPLIT DUE TO AN OWNERSHIP CHANGE. THE FOLLOWING IS THE RESULTING SPLIT: 34-07118A, 11.09 CFS ON 554 ACRES, WELL 177, SOELBERG FARMS 34-07118B, 4.81 CFS ON 240 ACRES, WELL 176 + 178, ROGERS

5. CSAXTON 4/21/2000 AMENDING SPLIT RIGHT

Comment: DUE TO NEW EVIDENCE PROVIDED BY GARY ROGERS, THE RESULT OF SPLITTING WAS ALTERED. 34-07118A, 5.29 CFS, 264 ACRES, WELL 177, SOELBERG 34-07118B, 10.61 CFS, 530 ACRES, WELL 176 AND 178, ROGERS

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:

Owner Name Connector: 0

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre: 924

Swan Falls Trust or Nontrust:

Swan Falls Dismissed: False

DLE Act Number:

Carey Act Number:

Mitigation Plan:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7118A V1

WATER RIGHT NUMBER: 34-7118A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SOELBERG FARMS PARTNERSHIP 1461 S WOODRUFF IDAHO FALLS, ID 83401 (208)522-3012

Priority Date: 11/24/1975

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	10.400 CFS	
	<u>Total Diversion:</u>	10.400 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SE1/4	Sec. 32, Twp 05N, Rge 26E, B.M.
BUTTE County		
GROUND WATER	NE1/4SW1/4SE1/4	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	
03N	26E	8									35.0	35.0	35.0	35.0	15.0	25.0	35.0	35.0	250.0
03N	26E	18									25.0	15.0	35.0	35.0					110.0
03N	26E	19					40.0	40.0	40.0	40.0									160.0

Total Acres: 520

Conditions of Approval:Remarks:

- General SEE 34-07118.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 34-7118A V1

Comments:

1. SHAFF 7/29/1991 STATUS CHANGE

Comment: FOR THE COMBINED RIGHT I CHANGED THE P STAGE TO A Z STATUS. COPIED FROM REMARKS
THIS RIGHT WAS COMBINED WITH A34-07118B UNDER NOTICE A34-7118 BY AMENDMENT 3/22/91. ESV

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: NONE RECEIVED

State or Federal:

Owner Name Connector: 0

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed: False

DLE Act Number:

Carey Act Number:

Mitigation Plan:

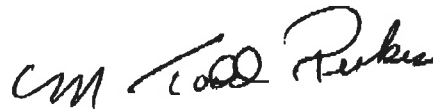
M. Todd Perkes
2790 N 3325 W
Moore, Idaho 83255

May 31, 2002

Idaho Department of Water Resources

Atten; Harold Johnson

I give my permission for Mitchell D. Sorensen to use my
well to divert water for other lands than that of mine.

A handwritten signature in black ink, appearing to read "M. Todd Perkes". The signature is written in a cursive, flowing style.

M. Todd Perkes

Fax Message From:

May 31 2002 09:00

Name: BUTTE COUNTY CLERK

Fax Number: 2085273295
