

2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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

ORDER AUTHORIZING
TEMPORARY CHANGE
TC-32-06

WHEREAS, a drought emergency has been declared for CLARK 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 (A 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, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 5/23/02 Lynn Haggan 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; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 32-32 & 32-33 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. 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.

4. Right(s) 32-32¹ 32-33 are limited to the irrigation of a total of 143 acres in a single irrigation season.
5. 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.
6. 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.
7. 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.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 33C is authorized to administer the temporary change approval.
10. This temporary change approval expires on 11/1/02 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 23rd day of May, 2002



AUTHORIZED PERSON
IDWR

Form 42-222A
12/99

Ident. No. TC-32-06

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 Lynn Hoggan Phone (208) 374-5424

Post Office Address Box 1320 Dubois ID 83423

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 Drought relief

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>32-32</u>	<u>10-1-1883</u>	<u>1.5 cfs</u>	<u>Irr.</u>	<u>5-1</u> to <u>10-31</u>
<u>32-33</u>	<u>8-1-1886</u>	<u>1.86 cfs</u>	<u>Irr.</u>	<u>5-1</u> to <u>10-31</u>
				to
				to

2. Total amount of water being transferred 3.36 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Medicine Lodge Creek tributary to Sinks

4. Point(s) of Diversion: CORRECTED TO MATCH P/D 32-48/49 & 50

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SW	21	12N	33E	CLARK	Hoggan Div Medicine Lodge
		NE	SE	SE	17	12N	33E	"	" " " "
			NE	SW	28	12N	33E	"	" " " "

5. Lands irrigated or place of use: CORRECTED TO MATCH P/u 32-48/49 & 50

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	
12N	33E	17													27	17	1	8	53.0
		20	7																7
		21					20	28	18	34	28	12		23					163
		28					17	7	6	23	30	15	3	34					135
		33		22	19	6	15												62

Total Acres 420

6. General Information:

- a. Who owns the water right to be changed? Matt Hoggan
- b. Describe the arrangement allowing use of the right Agreement between Matt and Lynn Hoggan see attached letter
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Will not be irrigated
- 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? Irrigation for wild Hay
- f. Describe other water rights used for the same purpose.
32-48; 32-49, both are off at this time due to Drought
- 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.

Lynn H Hoggan
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Ernest Carlson Date 5/23/2002 Fee 50.00
Received EMC # 15027782 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 23rd day of MAY 2002:

Ronald Carlson
For the Director

WATER DIST. #32-C
GREGORY A. SHENTON – WATERMASTER
BRETT G. MURDOCK – DEPUTY WATERMASTER
P.O. BOX 33
DUBOIS, IDAHO 83423
(208) 374-5274
(208) 374-5696 fax

Idaho Department Of Water Resources

May 22, 2001

As you are aware, our county has been declared a drought emergency county. Lynn Hoggan has come to our office and has asked us about transferring Matt Hoggan's decreed water right, "32-32" to his diversion for the purpose of irrigation of his crops. We do not see a problem with this, as long as Matt Hoggan does not divert water out of his diversion, we see no injury to other senior water right holders by the temporary transfer of this water for this year. Therefore we do endorse approval of this temporary transfer.

Below are the decreed water right in which we believe to be part of this agreement.

Right number	Priority	Amount
0032-025 ³²	10-1-1883	1.5 cfs
0032-033	8-1-1886	1.86 cfs

Sincerely;



Brett G. Murdock
Deputy Water master

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 32-48

WATER RIGHT NUMBER: 32-48

Owner Type Name and Address
 Current Owner ARGORA RANCH
 C/O LYNN H HOGGAN
 PO BOX 1370
 DUBOIS, ID 83423
 (208)374-5424

Priority Date: 05/20/1887

Basis: Decreed

Status: Active

Source Tributary
 MEDICINE LODGE CREEK SINKS
 UNNAMED STREAM MEDICINE LODGE CREEK
 WEBBER CREEK MEDICINE LODGE CREEK

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 7/15 6.400 CFS

Total Diversion: 6.400 CFSLocation of Point(s) of Diversion

MEDICINE LODGE CREEK CLARK County	NE1/4SE1/4SE1/4	Sec. 17, Twp 12N, Rge 33E, B.M.
WEBBER CREEK CLARK County	SW1/4NE1/4	Sec. 17, Twp 12N, Rge 33E, B.M.
MEDICINE LODGE CREEK CLARK County	SW1/4SE1/4SW1/4	Sec. 21, Twp 12N, Rge 33E, B.M.
WEBBER CREEK CLARK County	NE1/4SE1/4NW1/4	Sec. 17, Twp 12N, Rge 33E, B.M.
UNNAMED STREAM CLARK County	NE1/4NE1/4NW1/4	Sec. 28, Twp 12N, Rge 33E, B.M.
MEDICINE LODGE CREEK CLARK County	NE1/4SW1/4	Sec. 28, Twp 12N, Rge 33E, B.M.

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	
12N 33E 17													27.0	17.0	1.0	8.0	53.0
12N 33E 20	7.0																7.0
12N 33E 21					20.0	28.0	18.0	34.0	28.0	12.0		23.0					163.0
12N 33E 28					17.0	7.0	6.0	23.0	30.0	15.0	3.0	34.0					135.0
12N 33E 33		22.0	19.0	6.0	15.0												62.0

Total Acres: 420

Conditions of Approval:Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 32-00049, 32-00050
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 420 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-00049, 32-00050, 32-02075
3. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 16.00 CFS. COMBINED RIGHT NOS.: 32-00049, 32-00050, 32-02075

Comments:

1. DCARLSON 6/4/1999 COPIED FROM REMARKS

Right Report 32-48

Comment: STIPULATED AGREEMENT, 9/15/1953. WATER MAY BE DIVERTED UNDER THIS RIGHT UNTIL 7/15 ONLY. STOCK WATER DIRECTLY FROM DITCHES MAPS # 1 AND # 2 INDICATE THE POINTS OF DIVERSION AND PLACES OF USE FOR WATER DIVERTED FROM MEDICINE LODGE CREEK. MAP # 3 INDICATES THE POINT OF DIVERSION AND PLACES OF USE FOR THE WATER DIVERTED FROM WEBBER CREEK. THE POINT OF DIVERSION FROM WEBBER CREEK IS APPROXIMATELY 100 FEET UPSTREAM FROM THE CONFLUENCE OF WEBBER CREEK AND MEDICINE LODGE CREEK.

Dates and Other Information:

Licensed Date:
Decreed Date: 10/31/2000
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal: S
Owner Name Connector:
Water District Number: 32C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SubCase:

SubCase Number: 32-48
Class: 2
SF5 Filed Date: 7/14/2000
Special Master Recom Signed Date: 7/18/2000
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 12/17/1999 Objection Status: Active

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 32-32

WATER RIGHT NUMBER: 32-32

Owner Type Name and Address
 Current Owner MATTHEW D & KATHRYN HOGGAN
 PO BOX 1050
 DUBOIS, ID 83423
 (208)374-5651

Priority Date: 10/01/1883

Basis: Decreed

Status: Active

Source Tributary
 MEDICINE LODGE CREEK SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	4/01 to 10/31	1.500 CFS	

Total Diversion: 1.500 CFSLocation of Point(s) of Diversion

MEDICINE LODGE CREEK SE1/4NE1/4SE1/4 Sec. 6, Twp 10N, Rge 35E, B.M.
 CLARK 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	
10N 35E 16					1.0	2.0											3.0
10N 35E 17	39.0	29.0	39.0	33.0													140.0

Total Acres: 143

STOCKWATER same as IRRIGATIONConditions 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. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH MEDICINE LODGE 6NESE STOCKWATER, 600 CATTLE
2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 32-00033 IS LIMITED TO THE IRRIGATION OF A
 - Irrigation COMBINED TOTAL OF 143 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. DCARLSON 5/25/1999 COPIED FROM REMARKS STOCK WATER DIRECTLY FROM DITCHES MAPS # 1 AND # 2 INDICATE THE POINTS OF DIVERSION AND PLACES OF USE FOR WATER DIVERTED FROM MEDICINE LODGE CREEK. MAP # 3 INDICATES THE POINT OF DIVERSION AND PLACES OF USE FOR THE WATER DIVERTED FROM WEBBER CREEK. THE POINT OF DIVERSION FROM WEBBER CREEK IS APPROXIMATELY 100 FEET UPSTREAM FROM THE CONFLUENCE OF WEBBER CREEK AND MEDICINE LODGE CREEK.

2. AJU10-EC 7/29/1999 AJU10 CONDITION UPDATE

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

Dates and Other Information:

Licensed Date:
 Decreed Date: 10/27/2000
 Owner Name Connector: AND
 Water District Number: 32C

Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 32-33

WATER RIGHT NUMBER: 32-33

Owner Type Name and Address
 Current Owner MATTHEW D & KATHRYN HOGGAN
 PO BOX 1050
 DUBOIS, ID 83423
 (208)374-5651

Priority Date: 08/01/1886 Basis: Decreed Status: Active

Source Tributary
 MEDICINE LODGE CREEK SINKS

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 10/31 1.860 CFS

Total Diversion: 1.860 CFS

Location of Point(s) of Diversion

MEDICINE LODGE CREEK SE1/4NE1/4SE1/4 Sec. 6, Twp 10N, Rge 35E, B.M.
 CLARK 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	
10N	35E	16						1.0	2.0										3.0
10N	35E	17	39.0	29.0	39.0	33.0													140.0

Total Acres: 143

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.

Remarks:

1. Explanatory WATER IS DELIVERED THROUGH MEDICINE LODGE 6NESE
2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 32-00032 IS LIMITED TO THE IRRIGATION OF A
 - Irrigation COMBINED TOTAL OF 143 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. DCARLSON 5/25/1999 COPIED FROM REMARKS
 Comment: STOCK WATER DIRECTLY FROM DITCHES MAPS # 1 AND # 2 INDICATE THE POINTS OF DIVERSION AND PLACES OF USE FOR WATER DIVERTED FROM MEDICINE LODGE CREEK. MAP # 3 INDICATES THE POINT OF DIVERSION AND PLACES OF USE FOR THE WATER DIVERTED FROM WEBBER CREEK. THE POINT OF DIVERSION FROM WEBBER CREEK IS APPROXIMATELY 100 FEET UPSTREAM FROM THE CONFLUENCE OF WEBBER CREEK AND MEDICINE LODGE CREEK.

2. AJU10-EC 7/29/1999 AJU10 CONDITION UPDATE
 Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
 Decreed Date: 10/27/2000
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Formal Action Date:
 State or Federal: S
 Owner Name Connector: AND

Water District Number: 32C
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH