

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-7118B)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-126

2014

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 purposes 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 August 1, 2014, Gary Rogers submitted the attached temporary change application TC-34-126 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 34-7118B is authorized only at the point(s) 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 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 conditions. 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.

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5. Rights 34-7118B, 34-7186A, and 34-7186B when combined shall not exceed a total annual maximum diversion volume of 1540 af at the field headgate, and the irrigation of 440 acres.
6. The total instantaneous diversion of water from all points of diversion under right 34-7118B shall not exceed 8.81 cfs, nor a total combined annual volume of 1540 af.
7. 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.
8. 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.
9. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on November 1, 2014 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 4th day of August, 2014.



Lyle Swank
Eastern Regional Manager

TC-34-126

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 01 2014

Department of Water Resources
Eastern Region

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Gary Rogers Phone 208-390-2548
Mailing Address 3771 N HWY 93, MOORE, ID 83255 Email _____

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 explain the reason(s) they are needed. _____
Want to add point of diversion because wells are not pumping enough to supply our need.

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

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)
34-7118B 11/24/1975 8.81 cfs Irrigation 4/1 to 11/1
_____ to _____
_____ to _____
_____ to _____

2. Total amount of water being transferred 8.81 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
3N	26E	7	3	NW	NW	SW	Butte	Ground water	2 wells
3N	26E	7		NE	NE	SE	Butte	Ground water	
3N	26E	8		NW	NW	SW	Butte	Ground water	
5N	26E	32		SE	NW	SE	Butte	Ground water	2 wells *

5N 26E 32 SE SW SE BUTTE

GROUND WATER

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	26E	7									30.5	29	29	30.5	30.5	29	29	30.5	238
3N	26E	8									30	29.5	29.5	30	4	19	30	30	202

Total Acres 440

SCANNED

AUG 05 2014

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. Written lease agreement with Telford Lands to use POD.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No change.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. POU will not change. Additional well will be used to provide adequate flow rate to irrigate existing POU.
- e. Absent the changes, how would the right be used for the remainder of the year? Whatever could be pumped from the existing wells would be used for irrigation.
- f. Describe other water rights used for the same purpose. 34-7186A and 34-7186B
- 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.

Dary Rozen
Signature of Applicant

8-1-14
Date

FOR DEPARTMENT USE ONLY

Received by MA Date 8/1/14 \$50 fee received by SC Receipt No. ED40117
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-34-126, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

I Agree to Allow
Gary Rogers to Add
Our well Just to the
North of His well
As A Temporary Point
Of Diversion For
The remainder of this
Irrigation Season.

Telford Lands LLC
by Mark Telford
8-1-14

SCANNED
AUG 05 2014

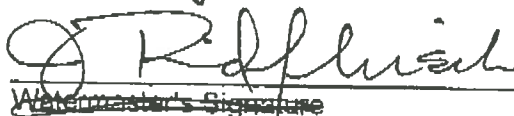
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-126Applicant's Name: GARY ROGERS

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 4 day of August, 2014.Water District No: 34
Watermaster's Signature

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Mgt BLRID

SCANNED
AUG 5 2014

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-126Applicant's Name: GARY ROGERS

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 1 day of August, 2014.Water District No: 34m Todd Penkes
Watermaster's Signature

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SCANNED
AUG 05 2014