

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

2014

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NOS.: 34-7035A,)
34-7122A, 34-7096A, 34-7097A, and)
34-7223)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-109

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 May 16, 2014, Marshal Todd and Norma Perkes submitted the attached temporary change application TC-34-109 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 nos. 34-7035A, 34-7122A, 34-7096A, 34-7097A, and 34-7223 is authorized only at the points 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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TEMPORARY CHANGE**

TC-34-109

5. Rights 34-7035A, 34-7122A, 34-7096A, 34-7097A, and 34-7223 when combined shall not exceed a total diversion rate of 9.95 cfs, a total annual maximum diversion volume of 1799.1 af at the field headgate, and the irrigation of 514 acres.
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 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 is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".
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 21st day of May, 2014.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 16 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 Marshal Todd and Norma Perkes

Phone (208) 527-3157

Mailing Address 2790 N. 3325 W., Moore, Idaho 83255

Email tperkes@atcnet.net

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. _____

The first well described in part 4.B below was inadvertently left off of the SRBA decrees for the below water rights.

It is proposed that this well be added as an authorized POD to the below rights, and be used in addition to the other two listed authorized PODs. The tweaked POU correlates with current irrigation practices on the property.

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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>
<u>34-7035A</u>	<u>May 12, 1973</u>	<u>.64/166.3</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>34-7122A</u>	<u>January 15, 1976</u>	<u>4.95/754.3</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>34-7096A/7097A</u>	<u>January 31, 1975</u>	<u>3.42/598.5</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>34-7223</u>	<u>April 16, 1979</u>	<u>1.58/280</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>

2. Total amount of water being transferred 9.95 cubic feet per second and/or 1799.1 acre-feet per annum.

3. Source of water Ground water tributary to _____

4. Point(s) of diversion: _____

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
4N	26E	5		SE	SE	NW	BUTTE	GROUND WATER	
4N	26E	5		NE	SE	NW	BUTTE	GROUND WATER	
4N	26E	8		NE	NW	NW	BUTTE	GROUND WATER	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	25E	25					27	26	26	32	37	34	34	33	31	36	35	32	383
3N	25E	1	33	33	34	31													131

Total Acres 514

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. Applicant owns the water rights.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The POU will be changed slightly to correlate with current irrigation practices.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Irrigation has recently began, but to the same POU that is listed in this application.
- e. Absent the changes, how would the right be used for the remainder of the year? The same POU would be irrigated, the only difference being the addition of the POD listed in this application.
- f. Describe other water rights used for the same purpose. 34-622A (Big Lost River right, priority of June 1, 1896)
- 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.

Robert L. Harris, Attorney
Signature of Applicant

May 16, 2014
Date

FOR DEPARTMENT USE ONLY

Received by M. Holliday Date 5/16/14 \$50 fee received by SC Receipt No. E039844
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

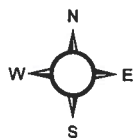
This is to certify that I have examined Temporary Change Application No. TC-34-109, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____,

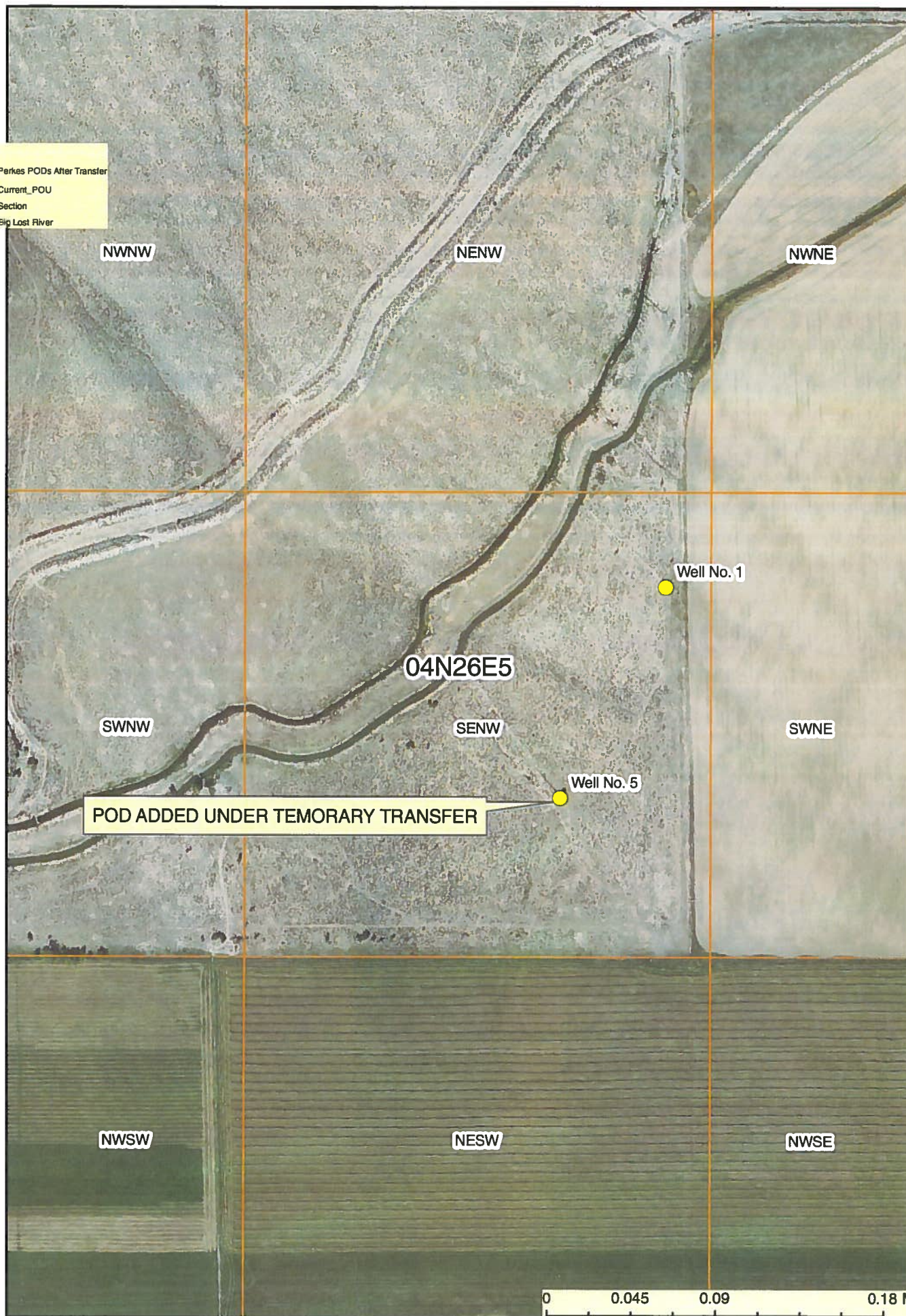
For the Director

PERKES TEMPORARY TRANSFER



Legend

- Perkes PODs After Transfer
- Current_POU
- Section
- Big Lost River



12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-109

Applicant's Name: M. TODD PERKES

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 19 day of May, 2014

Water District No: 34

[Signature]
Watermaster's Signature
mgr/BLRID

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-109Applicant's Name: M. TODD PERKES

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: I am the applicant & Watermaster
and don't feel there are any inconsistency with
other applicants in my determination of not opposing

Dated this 20 day of May, 2014Water District No. 34M Todd Perkes
Watermaster's Signature

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