



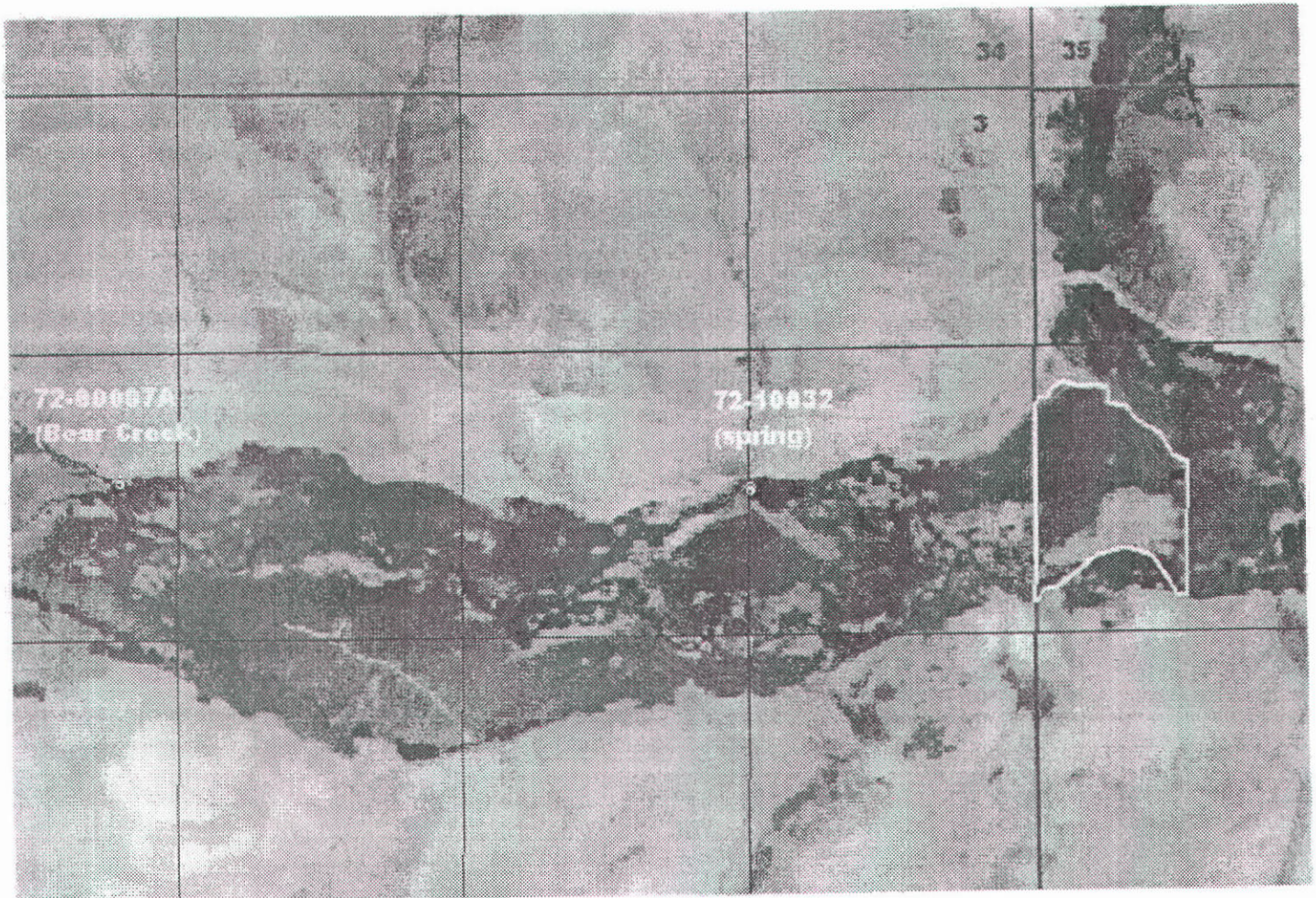
17

T14N
R19E

-32H
-32J

IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 72-10032



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29 1998
TWP 14N, 18E, SEC. 2



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-72-01 IN THE NAME)
OF ROBIN WEGNER)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

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 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 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 July 15, 2004 Robin Wegner ("applicant") 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 portions of right nos. 72-7A are authorized only at the point of diversion and places of use described on the application or as otherwise approved in this order.
2. Use of these portions of said right is subject to a private agreement between the applicant and Tony and Madge Yacomella, (Landowners where water is to be temporarily used).
3. This temporary change approval does not authorize construction of a new point of diversion.

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 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. The right nos. 72-7A identified on the application is limited to the irrigation of a total of 12 acres during the remainder of the irrigation season within the proposed 22 acre permissible place of use identified on the application. Once water from this right is applied to land within the permissible place of use the place of use shall become fixed to the first 12 acres irrigated and shall not be rotated to other acres within the permissible place of use. This approval does not authorize use of water on other lands of the applicant for irrigation or for other purposes.
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. To prevent injury to other water rights the watermaster of Water District 72-C is authorized to administer the temporary change approval.
10. When right 72-7A identified on the application and other rights associated with the proposed place of use (rights 72-32J or 72-32H) are available no more than 0.02 cfs per acre may be diverted at any one time at the field headgate.
11. This temporary change approval expires on October 31, 2004 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 15th day of July, 2004.



Allen Merritt
Southern Region Manager

TC-72-01

RECEIVED

JUL 15 2004

Department of Water Resources
Southern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant ROBIN J WEGNER Phone 208 879 5820Post Office Address HC 63 BOX 1576 CHALUS ID 83226

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 CHANGE DIVERSION TO BE INCLUDED WITH HIGHLINE WATERS TO BE DIVERTED AND USED IN CONJUNCTION IN ADDITION OR IN THE PLACE OF WATER RIGHT NUMBER

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
72-00007A	5/1/1879	.150 CFS	IRRIGATION	04/01 to 10/31

2. Total amount of water being transferred .150 CFS cubic feet per second and/or _____ acre-feet per annum.

3. Source of water BEAR CHALUS CREEK tributary to SALMON RIVER

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
CURRENT 72-00007A		NW	SW	NE	3	14N	18E	CLUSTER	WEGNER
72-00007B									
CHANGE 72-00002N	10	SE	SW	SE	07	14N	19E	CLUSTER	YACOMELLA
72-00002H	10	SE	SW	SE	07	14N	17E	CLUSTER	YACOMELLA

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	
CURRENT 14N	18E	2								12									12
CHANGE 14N	19E	17																	11
CHANGE 14N	19E	17																	11

Total Acres CURRENT 12
CHANGE 22

CERTIFIED # 7002 2030 0002 0335 2656

6 General Information:

- a. Who owns the water right to be changed? ROBIN J WEGNER
- b. Describe the arrangement allowing use of the right UNLIMITED USE OF RIGHT FOR A PERIOD OF ONE YEAR FOR IRRIGATION
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
SAME
- 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? FOR IRRIGATION AS DITCH IS REPAIRED.
- f. Describe other water rights used for the same purpose.
72-10032, 72-16559
- g. Remarks: IRRIGATION OF TREES AND HAY WHICH WILL BE BROUGHT TO OUR PROPERTY. WATER WILL BE ALTERNATED FROM DIVERSION

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.

Robin J Wegner
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by ADM Date 7/15/08 Fee 50⁰⁰
Receipted ADM # 5026909 Recommend: ☒ approve ☐ deny
Watermaster recommendation 7/15/08

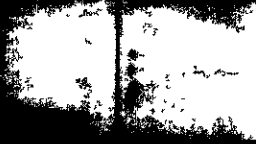
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-72-01
And said application is hereby approved, subject to the following limitations and conditions:

See attached order dated 7/15/08.

Witness my hand this 15th day of July, 2008.

[Signature]
For the Director



RECEIVED

JUL 15 2004

Department of Water Resources
Southern Region

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 72-00007A

RECOMMENDATION OF WATERMASTER

I, RICK PHILPS, watermaster of CHALLIS CREEK,
of Water District No. 72, County of CUSTER, State of Idaho,
whose address is HC 63 Box 1630, CHALLIS, ID 83226
have read the attached copy of the application for transfer of water right for _____
ROBIN WEEGER, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: NO RESTRICTIONS

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at CHALLIS, Idaho, this 14TH day of JULY 2004.

Rick Philps
(signature)

**CUSTER COUNTY RESOLUTION
DISASTER DECLARATION FOR DROUGHT
2004-8**

The current moisture conditions in Custer County are cause for serious concern as we begin another irrigation season with gravely inadequate water resources; the Custer County board of Commissioners hereby declares Custer County to be a disaster area.

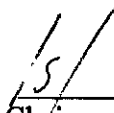
The Big Lost River area is affected by the drought. Mackay Reservoir is at 56% of capacity. The snow pack is below normal. The Lost River Irrigation District will not be able to deliver water to the southern end of the district.

The rest of Custer County is also being affected. Snow pack levels on our major drainage's of Morgan Creek at 74%, Banner Summit at 82%, and the Pahsimeroi drainage are well below normal levels. Domestic wells continue to go dry in areas that had previously not been affected. Beyond the immediate needs of our farmers and ranchers we must consider the overall economic impact on our county.

The Board respectfully requests that the Honorable Governor Dirk Kempthorn declare Custer County a drought area. And request that you submit our request to the appropriate state and federal agencies.

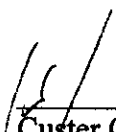
Passed by the Board of Commissioners of Custer County, Idaho, on April 12, 2004.
Those voting "aye": 3. Those voting "nay": 0.

Signed by the Chairman of the Board of Commissioners of Custer County, Idaho, on April 12, 2004.



Chairman, Board of Commissioners

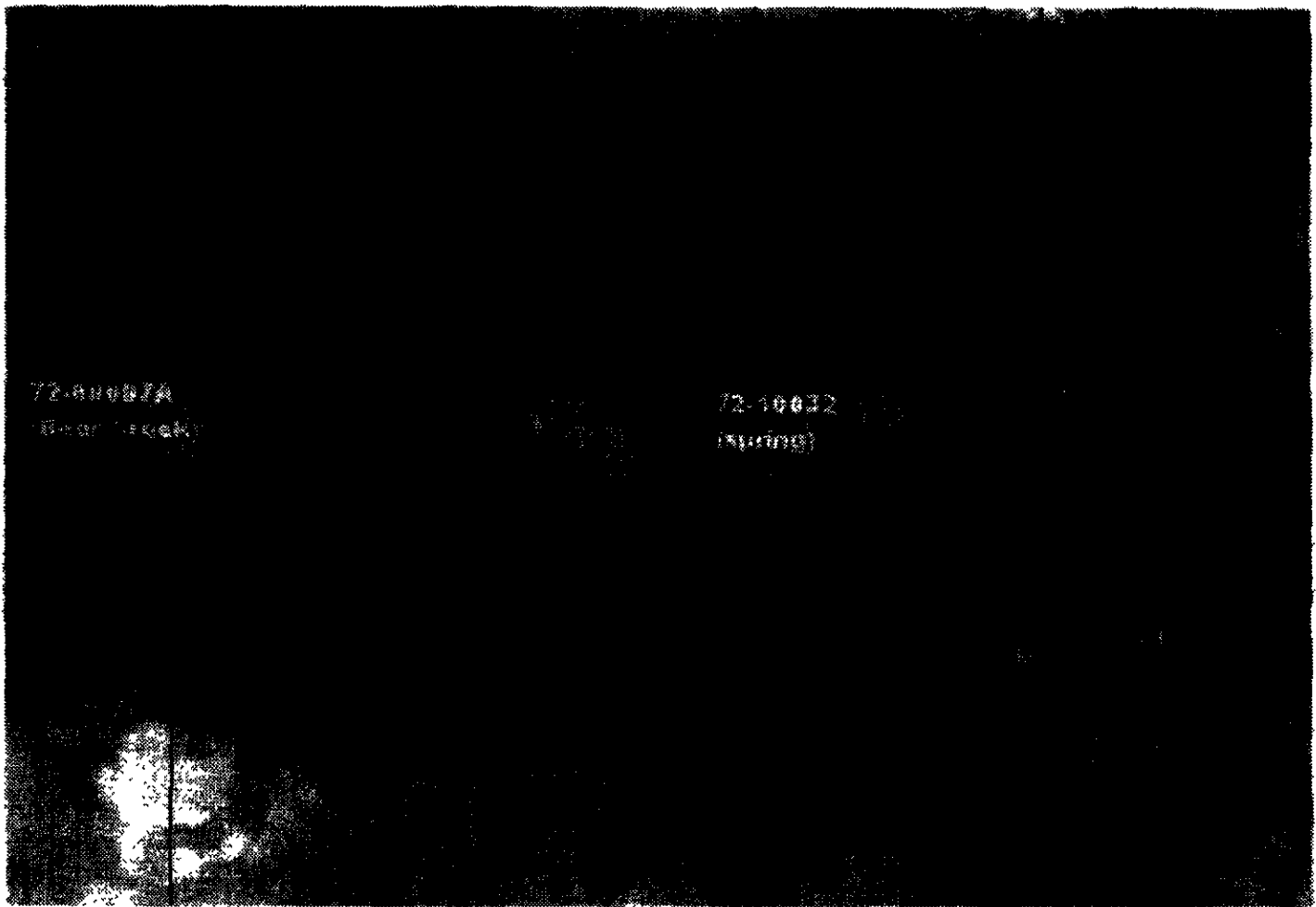
Attest:



Custer County Clerk

IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 72-10032



0 1000 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29 1998
TWP 14N. 18E, SEC. 2



RECOMMENDED PLACE OF USE

● RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-00007A

NAME AND ADDRESS: AFTON M LEWIS
THOMAS H LEWIS
475 N 500 W
MALAD, ID 83252

SOURCE: BEAR CREEK TRIBUTARY: CHALLIS CREEK
QUANTITY: 0.15 CFS
PRIORITY DATE: 05/01/1879
POINT OF DIVERSION: T14N R18E S03 NESWNW Within Custer County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 0.15 CFS
PLACE OF USE: Irrigation Within Custer County
T14N R18E S02 SWNW 12.0
12.0 Acres Total

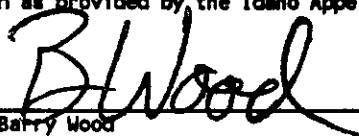
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00007A AND 72-10032.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

72-00007A

RECEIVED

JUL 16 2004

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J DREHER
Director

July 15, 2004

ROBIN J. WEGNER
HC 63 BOX 1576
CHALLIS ID 83226

Re: Temporary Water Permit No. TC-72-01

Dear Mr. Wegner:

Your Application for Temporary Approval of Water Appropriation has been **GRANTED**.

Please be advised that THE PERMIT IS SUBJECT TO THE CONDITIONS STATED ON
PAGE 2 OF THE APPLICATION.

A copy is enclosed for your information and records in addition to a receipt for the filing fee.

If you have any questions or if this office can be of further assistance, please feel free to
contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

cc:

MADGE YACOMELLA
PO BOX 51
CHALLIS ID 83226

RICK PHILPS WATERMASTER
WATER DISTRICT 72-C
HC 63 BOX 1630
CHALLIS ID 83226

DATE: 01/18/00
PAGE: 1

DIVERSION
VOLUME

0.150 CFS

Stage: DECREE
CUSTER County

CUSTER County

ES

3S3S 3S4S

Lt AC Lt AC

1
2
3
4
5
6
7
8
9
10

TAI ARRES

THE HOUSE