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JUN 05 2003



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Authorized
H4

TC-41-02

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-41-02 IN THE)
NAME OF REN RALPHS)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Power 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 8, 2002 Ren Ralphs ("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 right no. 41-24B is authorized only at the points of diversion and place of use described on the application or as otherwise approved in this order. Specifically:

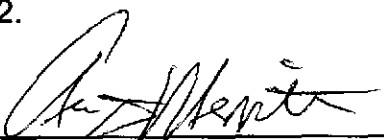
0.90 cfs of right no. 41-24B is authorized to be temporarily moved to the Bench Ditch delivery system for use on 36 acres under the pivot within the S1/2NE1/4 and N1/2SE1/4 of Section 6, T10S, R31E, B.M.

0.10 cfs of right no. 41-24B shall remain in the Rockland Village

Ditch to avoid potential injury to users in the ditch that the temporary change may cause. (This allowance was agreed on during a phone conversation on 7/9/2002 between IDWR, the applicant and the manager of the Rockland City Ditch as a convenience. Said allowance should not prejudice any future transfer of rights by the applicant from the Rockland City Ditch.)

2. This temporary change approval does not authorize construction of 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. The portion of Right 41-24B moved to the Bench Ditch when combined with other rights belonging to the Bench Ditch Irrigation Company shall not irrigate more than 734 acres for the remainder of the irrigation season. The Bench Ditch Irrigation Company rights include right nos.: 41-00018, 41-00020A, 41-00023, 41-00031A, 41-02001 & 41-10009.
5. This temporary approval does not authorize the use of diversion works or delivery system owned by or managed by the Bench Ditch Irrigation Company without the written consent of said company.
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 watermaster of Water District No. 41 is authorized to administer the temporary change approval.
10. This temporary change approval expires on October 31, 2002 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 9th day of July, 2002.


Southern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

TEMPORARY CHANGE APPLICATION

JUL 08 2002

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

Department of Water Resources
Southern RegionName of Applicant Ren Ralphs Phone 234-0927Post Office Address 1836 S 3rd, Pocatello, ID 83201

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 I own 2 farms on the East Fork, but there is not enough water for both places. So I want to concentrate on the upper farm in hopes of getting a decent crop there.

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
41-24B	3-12-1881	1.0 cfs	Irrig	4-1 to 10-31
				to
				to
				to

2. Total amount of water being transferred 1.0 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water East Fork Rock Creek tributary to Rock Creek

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	NW	SE	11	10S	31E	Power	Hwygate & Bench Ditch
									private pipeline from
									Ditch to p/u

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	
10S	31E	6	24	7	31	31									33	33			157

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Total Acres 157

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land won't be irrigated for the rest of the season.
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Was used to water 1 cutting of hay on present p/u.
- e. Absent the changes, how would the right be used for the remainder of the year? Would continue to water hay on present p/u.
- f. Describe other water rights used for the same purpose.
I have 60" of water in the Bench Ditch, so this will add to that.
- g. Remarks: This change should benefit others on the Bench Ditch, as water is shared on a rotation basis.

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.

Ren Ralph

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by J F Stanton Date 7-8-02 Fee \$50.

Receipted js # 5025050 Recommend: X approve _____ deny _____

Watermaster recommendation Approval per telecon w/James Robinson 7-8-02 js

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-41-02

And said application is hereby approved, subject to the following limitations and conditions:

See attached Order Dated 7/9/02

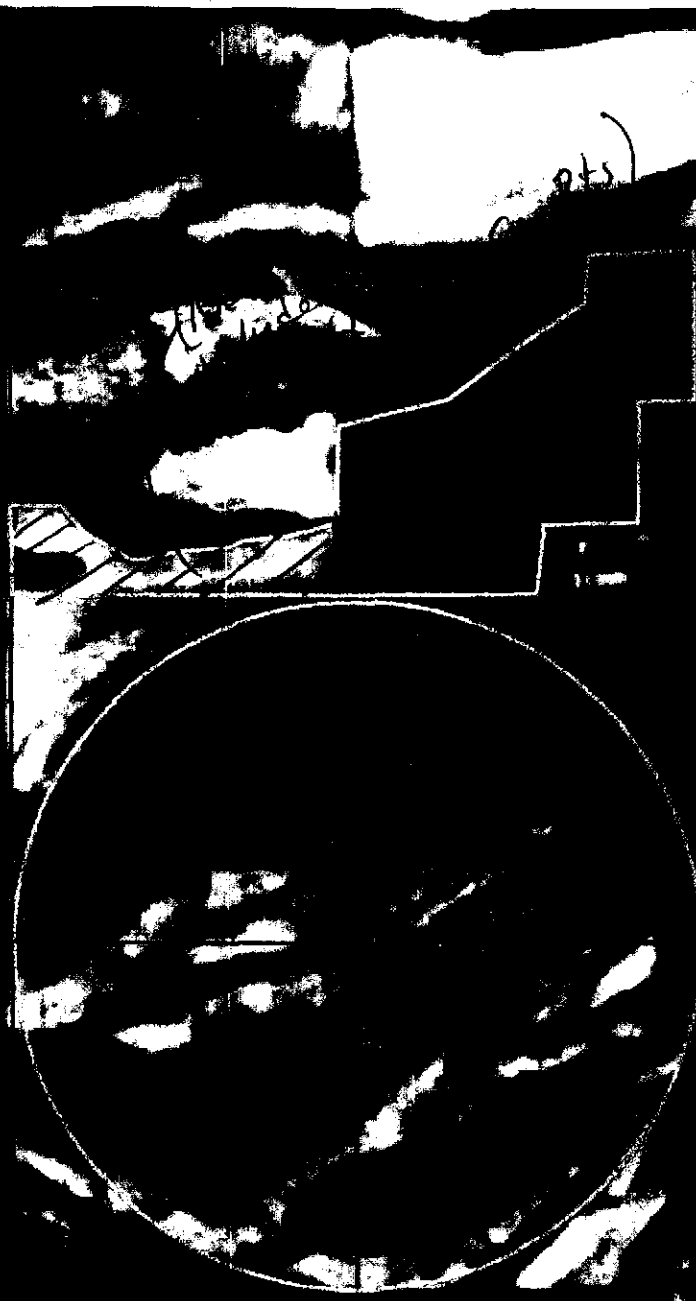
Witness my hand this 9th day of July, 2002

[Signature]
For the Director

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JUN 05 2003

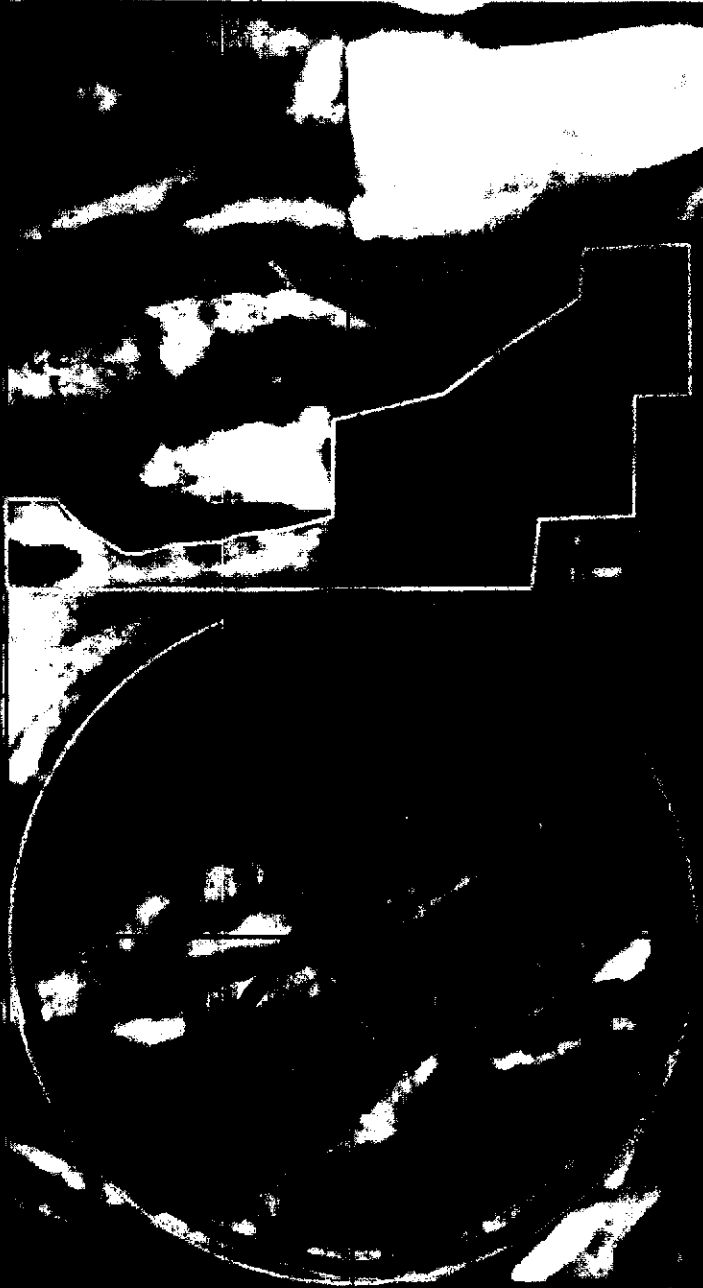
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RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4: 14

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 78 78

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

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 41-00024B
)

On March 28, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 41-00024B is hereby **decreed** as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 20, 2002

Roger Burdick
ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

SCANNED
MAY 22 2002

MICROFILMED 1

ORDER OF PARTIAL DECREE

MAY 22 2002

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 41-00024B

2002 MAY 20 PM 4:17

DISTRICT COURT-SRBA
TWIN FALLS CO IDAHO
FILED 19 18

NAME AND ADDRESS: DELFORD RALPHS
REYNOLD RALPHS
1836 S 3RD AVE
POCATELLO, ID 83201

SOURCE: EAST FORK ROCK CREEK TRIBUTARY: ROCK CREEK

QUANTITY: 1.00 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF
DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF
THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA
COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE
IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE
POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF
WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 03/12/1881

POINT OF DIVERSION: T10S R31E S05 NESWSE Within Power County
S06 NWSWSE

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-01 TO 10-31	1.00 CFS

PLACE OF USE: Irrigation Within Power County
T10S R31E S06 SESW 36.0
36.0 Acres Total

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 MAY 20 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 41-00024B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 41-00024B was mailed
on May 20, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DELFORD RALPHS
REYNOLD RALPHS
1836 S 3RD AVE
POCATELLO, ID 83201

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

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JUN 11 2003

PAGE 1

05/20/02
SCANNED

APR 19 2002



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

RECEIVED

JUL 11 2002

Department of Water Resources

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 9, 2002

REN RALPHS
1836 SOUTH 3RD
POCATELLO ID 83201

Re: Temporary Change Application No. TC-41-02

Dear Mr. Ralphs:

Your Temporary Change Application as referenced above has been **Granted**.

Please be advised that the enclosed **ORDER AUTHORIZING TEMPORARY CHANGE** contains special conditions of approval.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

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

Enclosure(s)

cc:
JAMES ROBINSON WATERMASTER
WATER DISTRICT # 41 - ROCK CREEK
PO BOX 157
ROCKLAND ID 83271

ATTN BILL DEAN
ROCKLAND CITY DITCH MANAGER
PO BOX 116
ROCKLAND ID 83271

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JUL 15 2002