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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

JUN 20 2003

Department of Water Resources

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT Meridith J Dotzenrod)
34-228A, 34-856G)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-26

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 counties; 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 when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 6/6/03, Meridith J Dotzenrod submitted the attached
Temporary Change Application TC-34-26 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 no(s). 34-228A {34-856G} is authorized only
at the point 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 new 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 which 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. Right(s) 34-28A
34-852A are limited to the irrigation of a total of 193 acres in a single irrigation season.
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. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on Oct 15, 03 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 6 day of June, 2003

(For

Ronald D. Carlson
RONALD D. CARLSON
EASTERN REGION MANAGER

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 MARILYN J DOTSON ROD Phone 578-7457Post Office Address 3776 W 3700 N DAKLINGTON ID 83235

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 place of use to put water to a more beneficial use due to drought.

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
34-60228.4	6/1/1884	.8 cfs	irrigation	5/1 to 10/15
34-008566	4/26/1884	.8 cfs	irrigation	5/1 to 10/15
34-229	6/1/1894	1.60 cfs	IRRIGATION	5/1 to 10/15
34-360 c	6/1/1887	6.92 cfs	IRRIGATION	5/1 to 10/15

2. Total amount of water being transferred 1.6 (412 cfs) cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to sinks

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE		33	7N	24E	Custer	Daklington ditch

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	
6N	25E	35					38	38	40	40	37								193

Total Acres 193

6. General Information:

- a. Who owns the water right to be changed? Merritt J. Dotzenko
- b. Describe the arrangement allowing use of the right partnership
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
land has been pastured only not irrigated, for several years
so there will be no change in effect
- 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? not used
- f. Describe other water rights used for the same purpose.
various: 34-00194, 00872, 10729, 13567
- g. Remarks: Due to drought conditions I would like to use this
water on irrigated crop lands to put it to beneficial use

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.

Merritt J. Dotzenko
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWT Date 6-6-04 Fee \$ 50.00

Received HWT # 2028842 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 Approved, subject to the following limitations and conditions:

Witness my hand this 12th day of June, 2003.

H. W. Jones
For the Director

State of Idaho
Department of Water Resources
Transfer of Water Rights

TC - 34 - 26

RECOMMENDATION OF WATERMASTER

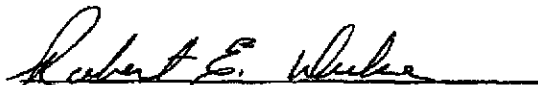
Transfer Application No: Temporary Change 34228A / 34-856G Water Right No(s):

Transfer Applicant's Name: Maridith J. Dotzen Rod
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 9th day of June, 2003

Water District No: 34


Watermaster's Signature

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT - T5791 IN THE)
NAME OF SCOTT WHITWORTH)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Butte and Custer counties to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; 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 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 20, 2000, Scott Whitworth ("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;

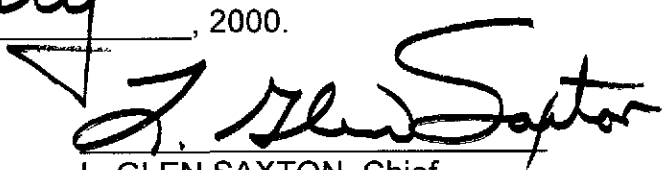
ORDER

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

1. Diversion and use of right no(s). 34-00856G and 34-00223A is authorized only at the point 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 new 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 which 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. Right(s) 34-00856G and 34-00223A are limited to the irrigation of a total of 80 acres in a single irrigation season. The place of use is the SENW and NESW Section 34, T6N, R25E, B M.
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. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on October 31, 2000 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.
12. Upon receipt of the filing fee, diversion and use of water is authorized

DATED this 20th day of July, 2000.


L. GLEN SAXTON, Chief
Water Allocation Bureau

JUN-20-00 TUE 09:38 AM

P. 02

T 5791

Form 42-222A
12/99

Ident. No.

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 Scott Whitworth Phone 688-2984 or 876-4432
Post Office Address P.O. Box 147 May, ID

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 Temporary change in point of diversion and place of use to compensate for drought

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

1. Right Number	Priority	Amount (cfs/sec)	Nature of Use	Period of Use
34-00850G	04-30-1884	.8 cfs	Irrigation	7-19 to 10-15
34-00223A	06-01-1884	.8 cfs	Irrigation	7-19 to 10-15

2. Total amount of water being transferred 1.6 cfs cubic feet per second and/or acre feet per annum.3. Source of water Big Lost River tributary to

4. Point(s) of Diversion

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	3	SW	NE		33	7N	24E	Custer	Darlington Ditch
		NE	NE	NW	11	5N	25E	Custer	Darlington Ditch (redwinn)
		SW	NW	SE	35	10N	25E	Custer	Darlington Ditch (redwinn)

5. Lands irrigated or place of use See Attached rights

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	
10N	25E	35																	
5N	25E	02																	
10N	25E	25																	
"	"	26																	
"	"	34																	

Total Acres

6-00 TUE 09:38 AM

6 General Information

- a. Who owns the water right to be changed? Scott Whitworth
- b. Describe the arrangements allowing use of the right. From one Ranch to the other
- c. Describe the effect on the land now irrigated if the change is approved pursuant to this application.
Better use of water in center pivots
- d. Has the water right sought to be transferred been used this year? yes If yes, explain shrink is so high crop must be abandoned
- e. Absent the changes, how would it be used for the remainder of the year? inadequately as shrink is so high; crop will be abandoned
- f. Describe other water rights used for the same purpose.
none
- g. Remarks

I hereby assume all risk in accordance with Section 42-1227, Public Code, and agree to no constitute an enlargement of use of the original right. The information contained in this application and the representations made in this application may result in voiding its approval.

I understand the change and that the change does not affect the holder's knowledge and understand that any

Scott Whitworth
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by lys Date 7-20-00

Received 7-20-00 Recommended 7-20-00 approve 7-20-00 deny

Watermaster recommendation 7-20-00

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No

5791

And said application is hereby Approved subject to the following limitations and conditions shown

on the attached Order Authorizing Temporary Change

Witness my hand this 20th day of

July, 2000

J. Glen Saylor
For the Director

RECEIVED

FEB - 5 2002

2002 FEB -4 PM 12: 40

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	)	Water Right 34-00856G
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 05-01 to 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated: January 29, 2002



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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 34-00856G

1997 JAN 15 PM 1:07
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILE

NAME & ADDRESS: DIAMOND LAZY L RANCH LTD
C/O JAMES LORD
BOX 5
DARLINGTON ID 83231

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.8 CFS

PRIORITY DATE: 04/30/1884

POINT OF DIVERSION: T07N R24E S34 SENWNW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.8 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T06N R26E S20	NWNE 38	NENW 39	SENW 40	NESW 38
		SESW 38			
	193 ACRES TOTAL				

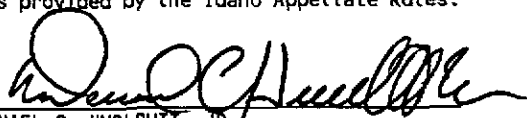
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 193 ACRES IN A SINGLE
IRRIGATION SEASON.

COMBINED RIGHT NOS.: 34-00228A, 34-00229 AND 34-00360C.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MEMORANDUM

TO: FILE 34-856 G

FROM: VAULT

RE: TEMPORARY CHANGE 34-35

DATE: 6/04

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Original Temporary Change Application and correspondence regarding
this matter is located within:

FILE # 34-228A