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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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AUG 13 2003

Department of Water Resources

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-8658/34-177/34-182)
and 34-212 by Dale Huffaker)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-34

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 8/4/03, Dale Huffaker submitted the attached
Temporary Change Application TC-34-34 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). 34-8658, 34-177, 34-182
and 34-212 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

**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-34-34

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.

34-8658, 34-177

5. Right(s) 34-186 & 34-212 are limited to the irrigation of a total of 235 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 10/15/03 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 5th day of August, 2003


**RONALD D. CARLSON
EASTERN REGION MANAGER**

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AUG 04 2003

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

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

Name of Applicant Dale Huffaker Phone 390-2353 cell
554-3100Post Office Address 3929 Antelope Road Moore, Idaho 83255A. PURPOSE OF TRANSFER water will be taken at beginning of Harrahan ditch rather than the normal point approx 2 miles downstream.
1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other2. Describe the proposed change(s) and the reason(s) thereof Transfer 5 inches of water from water right # 34-865B.
Reason: Water needed for irrigation due to low stream flow.
Water to be removed from Sec. 15 of Water Right # 34-865B

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
<u>34-865B</u>	<u>09/30/1879</u>	<u>0.10</u>	<u>IRRIGATION</u>	<u>5/01</u> to <u>10/15</u>
<u>34-177</u>	<u>06/01/1898</u>	<u>0.10</u>	<u>IRRIGATION</u>	<u>5/01</u> to <u>10/15</u>
<u>34-186</u>	<u>11/15/1883</u>	<u>0.10</u>	<u>IRRIGATION</u>	<u>5/01</u> to <u>10/15</u>
<u>34-212</u>	<u>08/20/1886</u>	<u>0.10</u>	<u>IRRIGATION</u>	<u>5/01</u> to <u>10/15</u>

2. Total amount of water being transferred 0.10 cubic feet per second and/or acre-feet per annum.3. Source of water ANTELOPE CREEK tributary to BIG LOST RIVER4. Point(s) of Diversion: Diversion will be from a pump out of Antelope cr. at Harrahan ditch heading

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			SE	NE	21	5N	25E	Custer	Pump in Creek

5. Lands irrigated or place of use: Water Right # 34-10428B

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	
5N	25E	21			1	SE												SE	8.31

Total Acres 8.31
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OCT 07 2003

6. General Information:

- a. Who owns the water right to be changed? Robert Shawver
- b. Describe the arrangement allowing use of the right Lease for year 2003
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
This change will have no affect on land normally irrigated. Water will no longer be used on Sec. 15 described in water right #31-865B
- 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? it would have no use the remainder of the year.
- f. Describe other water rights used for the same purpose.
No other water rights. Water Right # 34-10428B
- g. Remarks: The land of Robert Shawver not being irrigated is one Acre from section 15 N.E 1/4. Five inches will be used on one Acre because of short term 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.

Dale Huffer
 (Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 8/4/03 Fee 50⁰⁰

Received KCW # E029077 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-34-34

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

Witness my hand this 5th day of August, 2003:

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AUG 20 2003

For the Director

MICROFILMED

AUG 07 2003

7C-34-34

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECEIVED
JUL 25 2003

Department of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Transfer Application No: 34-00865B

Water Right No(s):

Transfer Applicant's Name: Dale Huffaker
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 25th, day of July, 2003

Water District No: 34


Watermaster's Signature

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AUG 17 2003

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AUG 20 2003

MEMORANDUM

TO: FILE 34-186

FROM: VAULT

RE: TEMPORARY CHANGE TC 34-36

DATE: 8-31-04

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

FILE # 34-177

**Do not microfilm this file
until a copy of the signed
decree has been inserted on
the left side of the file,
replacing the computer-
generated decree.**