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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 21 2004

TEMPORARY CHANGE APPLICATION

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

Department of Water Resources
Eastern Region

DEPARTMENT OF
WATER RESOURCES

MAY 19 2004

RECEIVED

Name of Applicant MERIDITH J. DOTSON ROD Phone 588-2957
Post Office address 3776 W 3700 N, DUBLINGTON ID 83287

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Change place of use in order 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
34-00228A	6/1/1884	.8 cfs	irrigation	5/1 to 10/15
34-00856G	4/30/1884	.8 cfs	irrigation	5/1 to 10/15
34-360E	10/18/1884	.92 cfs	irrigation	5/1 to 10/15
34-229	6/1/1884	.66	irrigation	5/1 to 10/15

Is Per
Phone
call?

2. Total amount of water being transferred 2.52 ^{4.12} 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:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
	SW	NE		33	7N	24E	Custer	DARLINGTON 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

APR 26 2004

6. General Information:

Department of Water Resources
Eastern Region

- a. Who owns the water right to be changed? MERIDITH J. DOTZNER, ROY
- b. Describe the arrangement allowing use of the right partners
- c. Describe the effect on the land now irrigated if the change is approved pursuant to this application:
none The land has been pasture only for some time
- d. Has the water right sought to be transferred been used this year? no If yes, explain, r
- e. Absent the changes, how would the right be used for the remainder of the year? it would not be beneficially used as ground it goes on is dried out pasture
- f. Describe other water rights used for the same purpose.
34-001944 34-008724 34-10729
- g. Remarks: Due to drought for several years this water has been transferred in the way described in this application as the water is put to a more beneficial use by the transfer from pasture to irrigated alfalfa hay ground

I hereby assume all risk in accordance with Section 42-222, 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 representations made in this application may result in voiding its approval.

M. J. Dotzner
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kaw Date 4/26/04 Fee 50⁰⁰

Receipted Kaw 5/7/04 # E029805 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-34-35

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

Witness my hand this 10th day of May, 2004.

Randy D. Smith
For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-228A/856G)
34-360C/229 Dotzen Rod)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-34-35

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 4/21/04, Meridith Dotzen Rod submitted the attached
Temporary Change Application TC-34-35 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:

34-228A/856G

1. Diversion and use of right no(s). 34360C/34-229 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-34-35

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.

34-228A/8569

5. Right(s) 34-360C/229 are limited to the irrigation of a total of 139 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 12/31/04 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 10th day of May, 2004.



RONALD D. CARLSON
EASTERN REGION MANAGER

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

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 MARION J DOTSON ROD Phone 578-2757
Post Office Address 3776 W 3700 N DUBLINGTON 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 the 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
<u>34-002228A</u>	<u>6/1/1884</u>	<u>.8 cfs</u>	<u>irrigation</u>	<u>5/1 to 10/15</u>
<u>34-0025264</u>	<u>4/26/1884</u>	<u>.8 cfs</u>	<u>irrigation</u>	<u>5/1 to 10/15</u>
<u>34-229</u>	<u>6/1/1894</u>	<u>1.60 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</u>
<u>34-360 c</u>	<u>6/1/1887</u>	<u>0.92 cfs</u>	<u>IRRIGATION</u>	<u>5/1 to 10/15</u>

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	Darlington ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	25E	35					38	38	40	40	37								193

MICROFILMED

Total Acres 193

2010-03-2003

6. General Information:

- a. Who owns the water right to be changed? HERVITH J. DOTZNER
- 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.

Hervith J. Dotzner
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HUT Date 6-6-04 Fee \$ 50.00
 Receipted HUT # BO 28842 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. J. Jones
For the Director

MICROFILMED

APR 27 2004

State of Idaho
Department of Water Resources
Transfer of Water Rights

TC-34-26

RECOMMENDATION OF WATERMASTER

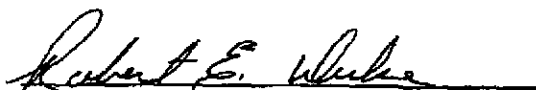
Transfer Application No: Temporary Change 34228A / 34-856G Water Right No(s):

Transfer Applicant's Name: Mandrith 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

MICROFILMED

JUN 10 2003

**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;

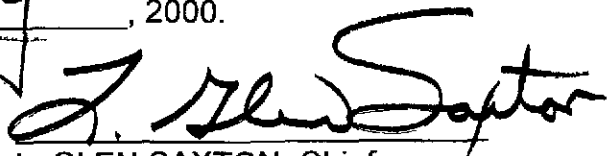
ORDER

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

MICROFILMED

SEP 7 2000

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 588-2984 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) therefor
- 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/acs ft) Nature of Use Period of Use
-
- 34-00856G
- 04-30-1884
- .8 cfs
- Irrigation
- 7-19
- to
- 10-15
-
- 34-00223A
- 06-01-1884
- .8 cfs
- Irrigation
- 7-19
- to
- 10-15
-
- to
-
- to

2. Total amount of water being transferred
- 1.6 cfs
- cubic feet per second and/or
- zero
- 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
		SW	NE		33	7N	24E	Custer	Darlington Ditch
		NE	NE	NW	11	5N	25E	Custer	Darlington Ditch
		SW	NW	SE	35	6N	25E	Custer	Darlington Ditch

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

MICROFILMED

JUN 20 1999

7-00 TUE 09:38 AM

6 General Information:

- a. Who owns the water right to be changed? Scott Whitworth
- b. Describe the arrangement allowing use of the right. From one Ranch to the other
- c. Describe the affect 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 the right 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, 2007, Idaho Code, and assert that I am not making an enlargement of use of the original right. The information contained in this application with representations made in this application may result in voiding its approval.

and that the change does not go to the heart of the right and I understand that any

Scott Whitworth
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by MS Date 7-20-00 Fee

Received _____ Recommended _____ approve _____ 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

MICROFILMED

AUG 10 2001

RECEIVED

FEB -5 2002

~~RECEIVED~~

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 34-00228A
	)	
	)	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:

MICROFILMED
APR 10 2003

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

MICROFILMED
AUG 20 2003

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 34-00228A

1993 JAN 15 PM 1:03

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED _____

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: 06/01/1884

POINT OF DIVERSION: T07N R24E S34 SENWNW Within CUSTER County

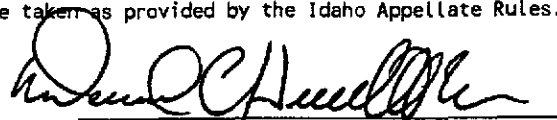
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.8 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T06N R26E S20	NWNE 38	NENW 39	SENE 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.: 34-00229, 34-00360C AND 34-00856G.
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