

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 34-7118B)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-234

WHEREAS, a drought emergency has been declared for Butte 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 purposes of use for valid existing water rights or temporary exchanges of water authorized under 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 8, 2025, Gary & Pamela Rogers Trust submitted the attached temporary change application TC-34-234 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 34-7118B is authorized only at the point(s) 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 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 that normally have a full water supply, except for the drought conditions. 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. Rights 34-7118B, 34-7186A, and 34-7186B when combined shall not exceed a total annual maximum diversion volume of 1540 af at the field headgate, and the irrigation of 440 acres.
6. The total instantaneous diversion of water from all points of diversion under right 34-7118B shall not exceed 8.81 cfs, nor a total combined annual volume of 1540 af.
7. 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.
8. The applicants agree 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.
9. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on November 1, 2025 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 11th day of July, 2025.


Blake Jordan
Water Resources Program Manager

RECEIVED

JUL 07 2025

DEPT. OF WATER RESOURCES
EASTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Gary & Pamela Rogers Trust Phone 2083902548
 Mailing Address P.O. Box 476 Arco ID 83213 Email rogeevan@ISU.edu

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 explain the reason(s) they are needed. _____

Need to add a point of diversion to mitigate for current wells not producing enough to supply our need.

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

1. Right Number Priority Amount Nature of Use Period of Use
 (cfs/ac-ft)
34-7118B 11/24/1975 8.81 cfs irrigation 4/1 to 11/1
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 8.81 cubic feet per second and/or 1540 acre-feet per annum.

3. Source of water Ground water tributary to N/A

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
05N	26E	21		NW	SW	NW	Butte	Ground Water	~~1 well~~ POD ADDED

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	26E	7									30.5	29	29	30.5	30.5	29	29	30.5	238
3N	26E	8									30	29.5	29.5	30	4	19	30	30	202

Total Acres 440

Ident. No. Tc-34-234

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

EXISTING PODS

Description of place of use (POU):

- [illegible]

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. Written lease agreement with 2ME Farms
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No change
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. POU will not change. Additional well will be used to provide adequate flow rate to irrigate existing POU.
- e. Absent the changes, how would the right be used for the remainder of the year? Whatever could be pumped from the existing wells would be used for irrigation.
- f. Describe other water rights used for the same purpose. 34-7186-A, 34-7186-B
- g. Remarks: _____

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.

Wallace & Gary Rogers
Signature of Applicant

7/7/2025

Date

FOR DEPARTMENT USE ONLY

Received by m. pettis Date 7-8-25 \$50 fee receipted by m. pettis Receipt No. E122006
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 _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

As a owner of 2ME Farms LLC, I allow the Gary & Pamela Family Trust use of the well at 05N 26E 21 NW SW NW as a temporary point of diversion for the remainder of the 2025 irrigation season.

Evan Rogers



7/7/2025

2ME Farms LLC

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Thursday, July 10, 2025 7:02 AM
To: Holliday, Michael
Subject: RE: Rogers temporary change app

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good morning,

I have no objection to the temporary change for the Rogers'.
Thanks for asking

Rich Harry

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Tuesday, July 08, 2025 5:31 PM
To: water34master@gmail.com; General Manager <blridgm@atcnet.net>
Cc: waterdist34@atcnet.net; blrid@atcnet.net
Subject: Rogers temporary change app

Preston and Richard,

Attached is a temporary change application for your comments. Your prompt response will ensure that your recommendations can be considered. If IDWR has not received your written recommendations by Thursday, July 10, 2025, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider. Thanks.



IDAHO DEPARTMENT OF
WATER RESOURCES

Michael Holliday | Water Rights Supervisor
900 N Skyline Dr, Ste A, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER**

Application No: TC-34-234

Applicant's Name: GARY + PAMELA ROGERS TRUST

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 July, 2025

Water District No: 34

Preston Maronoff
Watermaster's Signature

Use reverse side of page if you need more space.

7/8/2025

34-7118B

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/8/2025

- District No. 34.
- | | | |
|----|-----|--|
| 3. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 4. | WB4 | The total instantaneous diversion of water from all points of diversion under this right shall not exceed 8.81 cfs, nor a total combined annual volume of 1540 af. |
| 5. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 6. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 7. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |

Dates and Other Information:

Decreed Date: 2/6/2002

State or Federal: S

Water District Number: 34

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False