

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-563, 34-564,)
and 34-565)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-238

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 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 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 August 14, 2025, Vernon Roche submitted the attached temporary change 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 rights 34-563, 34-564, and 34-565 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 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. Right 34-563 is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season. Right 34-564 is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season. Right 34-565 is limited to the irrigation of 20 acres within the authorized place of use in a single irrigation season.
6. Rights 34-561, 34-562, 34-563, 34-564, 34-565, 34-694, 34-693, 34-324A, 34-325A and 34-2310 when combined shall not exceed a total diversion rate of 10.08 cfs and the irrigation of 264 acres.
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 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.
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 October 15, 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 19th day of August, 2025.


Blake Jordan
Water Resources Program Manager

TC-34-238

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 14 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

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 VerNon Roche Phone 208.339.1262
Mailing Address 5927 W 5400 N, Mackay, ID 83251 Email coatesj@atcnet.net

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. _____
Moving rights to another property in order to finish a hay crop

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
34-563	6/1/1884	0.80 cfs	Irrigation	8/14 to 10/15
34-564	11/1/1882	1.20 cfs	Irrigation	8/14 to 10/15
34-565	6/1/1884	0.40 cfs	Irrigation	8/14 to 10/15
7 other junior rts	not in priority			to

2. Total amount of water being transferred 2.40 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:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
08N	21E	1			SE	SW	Custer	Big Lost River	Chilly Canal

5. Lands irrigated or place of use:

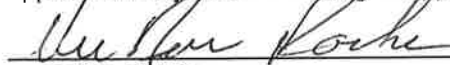
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	22E	32			39										10			49	
		31														15	7	22	
8N	22E	6		21			25											46	
				L2			L3												

Total Acres 117

6. General Information:

- a. Who owns the water right to be changed? Dwight Simmons
- b. Describe the arrangement allowing use of the right. Written agreement to allow use of his water rights
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Current place of use will be dried up.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Applicant can no longer get water from the Chilly Canal and needs additional rights to complete hay crop.
- e. Absent the changes, how would the right be used for the remainder of the year? Would not be used on the property.
- f. Describe other water rights used for the same purpose. 34-14121, -14123, -10227, -10228, -10229
- g. Remarks: The rights listed above are no longer in priority.

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.


Signature of Applicant

8/14/2025
Date

FOR DEPARTMENT USE ONLY

Received by MH Date 8-14-25 \$50 fee received by M. Peltier Receipt No. E051064
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:

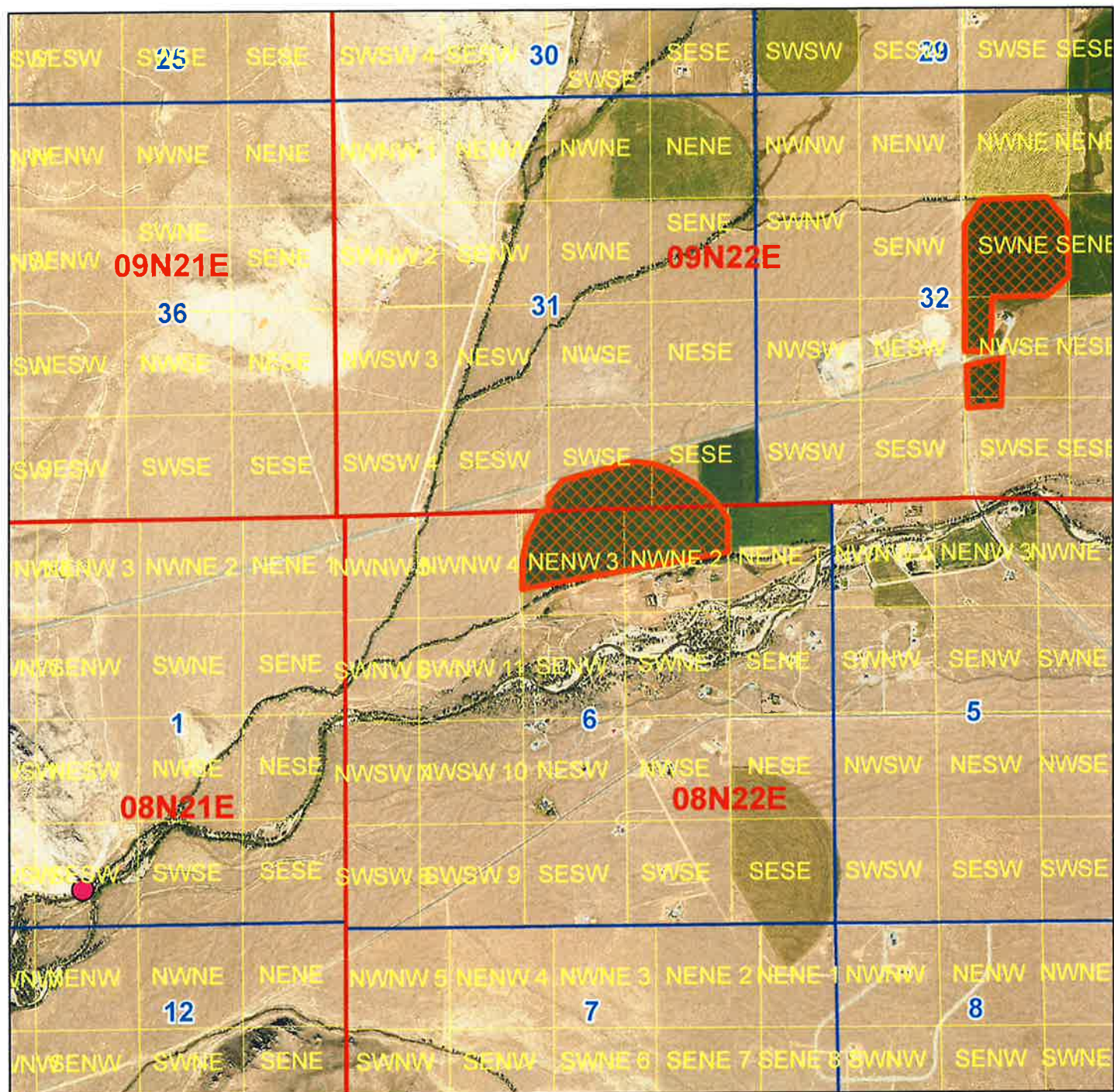
See Attached order

Temporary Change Expiration Date _____

Signed this _____ day of _____

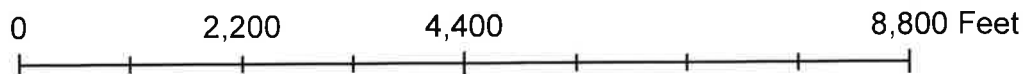
For the Director

VerNon Roche Temporary Change Application



Legend

-  Proposed POD
 Proposed POU
 Township/Range
 Sections
 QQ



MH

August 18, 2025

Department of Water Resources
Michael Holliday
900 N. Skyline Drive
Idaho Falls, ID 83402

RE: Temporary Transfer of Water Rights

This letter is to authorize the temporary transfer of my water rights #34-563, #34-564, and #34-565, from the Nielsen Heading to the Chilly Heading for use by VerNon Roche for the remainder of the 2025 irrigation season.

A handwritten signature in cursive script, appearing to read "Dwight Simmons", written over a horizontal line.

Dwight Simmons

5457 Fish Hatchery Road
Mackay, ID 83251
208-731-2141
Email: simmonscd@hotmail.com