

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-7008)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-229

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 August 1, 2022, Brian Andersen 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;

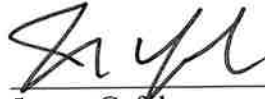
ORDER

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

1. Diversion and use of right 34-7008 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. Rights 34-7008 and 34-3A when combined shall not exceed a total diversion rate of 1.58 cfs and the irrigation of 58 acres.
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 does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on October 15, 2022 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 9th day of August, 2022.



James Cefalo
Eastern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 01 2022

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 Brian Andersen Phone (208) 339-4461
Mailing Address 2358 N 3100 Arco Idaho, 83213 Email rapid.type@gmail.com

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☐ Change place of use
☐ Change purpose of use
 ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed.
Needing to change point of diversion because current well does not produce. The well is negatively impacted by
river drying up 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>34-7008</u>	<u>6/24/1968</u>	<u>0.88</u>	<u>IRRIGATION</u>	<u>8/2/2022</u> to <u>10/15</u>
				to
				to
				to

- Total amount of water being transferred 0.88 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Ground Water tributary to _____
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04N	26E	26			NW	NW	Butte	Ground Water	LAMBERT WELL

- Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	26E	1						14	30										44
								14											

Total Acres 44

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. Applicant the right but the proposed point of diversion is owned by Jay Jensen. Jay Agrees to let Brian Anderson use the point of diversion.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
POD change only.
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? _____
Would not be able to be used.
- f. Describe other water rights used for the same purpose. 34-3A
- 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.

Brian M Anderson
Signature of Applicant

8-1-2022
Date

FOR DEPARTMENT USE ONLY

Received by CxH Date 8/1/22 \$50 fee receipted by CxH Receipt No. E048366
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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/3/2022

Water Right 34-7008

Owner Type

Current Owner

Name

BRIAN M ANDERSON

Priority Date: 6/24/1968

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/15

To

10/15

Diversion Rate

0.880 CFS

Volume

154.0 AF

Total Diversion

0.880 CFS

154.0 AF

Source and Point(s) of Diversion:

GROUND WATER

L4(NWNWNW)

Sec. 1, Twp 03N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

T03N R26E S1 L4

NWNW

14.0

T03N R26E S1

SWNW

30.0

POU Total Acres

44.00

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-00003A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.58 CFS.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-00003A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 58 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 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 AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates and Other Information:

Decreed Date: 12/14/2001

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 34

Monday, August 1, 2022 2:48 PM

August 1, 2022

I, Jay Jensen, do hereby agree to allow Brian Anderson to temporarily move his ground water right's point of diversion from his point of diversion to my point of diversion on the Munsey Canal, in order to access his ground water to irrigate his field. This is necessary as his well is dry due to the drought in Butte County.

Sincerely

8-1-22	Date
Jay Jensen	Jay Jensen

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-229

Applicant's Name: BRIAN ANDERSEN

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 6th day of August, 2022

Water District No: 34

Preston Mancoske
Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: Holliday, Michael
Sent: Wednesday, August 3, 2022 5:54 PM
To: watermaster34@atcnet.net; General Manager
Cc: waterdist34@atcnet.net; BIG LOST RIVER IRR DIST (blrid@atcnet.net)
Subject: Brian Andersen temp change app
Attachments: tc-34-229.pdf

Preston and BLRID General Manager,

Attached is a temporary change application for your comments. Your prompt response will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by Monday, August 8, 2022, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider. Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177