

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 34-2409B &)
34-12034B)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-225

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

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources 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 Idaho Code §42-222A; and

On July 19, 2022, Larry Jensen submitted the attached Temporary Change Application to the Department; and

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 the changed portion of Right No(s). 34-2409B and 34-12034B 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 or diversion works 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. Rights 34-2409B and 34-12034B when combined shall not exceed a total diversion rate of 2.20 cfs and the irrigation of 145 acres. Rights 34-28B, 34-61D, 34-373D, 34-663B, 34-664, 34-910, 34-2409B, and 34-12034B when combined shall not exceed a total diversion rate of 4.91 cfs and the irrigation of 172 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 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 watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on November 1, 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 26th day of July, 2022.



James Cefalo
Eastern Region Manager

ORIGINAL
TC-34-225

STATE 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)

RECEIVED

JUL 19 2022

Department of Water Resources
Eastern Region

Name of Applicant Larry Jensen Phone 208-569-2661
Mailing Address 3243 N King Mtn Rd, Moore, ID 83255 Email larryjens@hotmail.com

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. Change the point of diversion for a portion of two ground water rights to be closer to place of use. Proposed POD is neighbors well. Statement attached authorizing use of well on neighbors property.

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>34-2409B</u>	<u>4/6/1961</u>	<u>0.52</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-12034B</u>	<u>6/20/1972</u>	<u>0.12</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
				to
				to

2. Total amount of water being transferred 0.52 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground Water tributary to _____.

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
05N	26E	23			SE	SW	Butte	Ground Water	D0065508

5. 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	
05N	26E	23									17	17							34

Total Acres 34

6. General Information:

- a. Who owns the water right to be changed? Larry Jensen
- b. Describe the arrangement allowing use of the right. Applicant owns rights.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Irrigating same land from same rights from new well.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Water currently being used for place of use, proposing to change POD.
- e. Absent the changes, how would the right be used for the remainder of the year? right difficult to deliver to far eastern sec.23 transfer to deliver from seperate well.
- f. Describe other water rights used for the same purpose. Decree and big Lost River Storage Water.
- g. Remarks: May not need water at all, but need contingency plan if surface water runs out.
Lost River rights 34-669, 34-663b, 34-61d, 34-28b, 34-910 and 34-373d usually used for this portion POU.

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]
Signature of Applicant

7/18/2022
Date

FOR DEPARTMENT USE ONLY

Received by MH Date 7-19-22 \$50 fee receipted by 50.00 Receipt No. E048328
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

I Joe Wanstrom authorize
Larry Jensen, 3243 N King Mountain RD, Moore,
Idaho, to share the use of my well for
temporary drought emergency use. I will
continue to pump my well as I normally do.

Signed by Joe Wanstrom
Cell (208) 681-5939
Date 7-18-2022

Water Rights 34-2409B & 34-12034B

Temporary Transfer to move 0.70 cfs of ground water rights 34-2409B and 34-12034B to well adjacent to 34 acre POU.



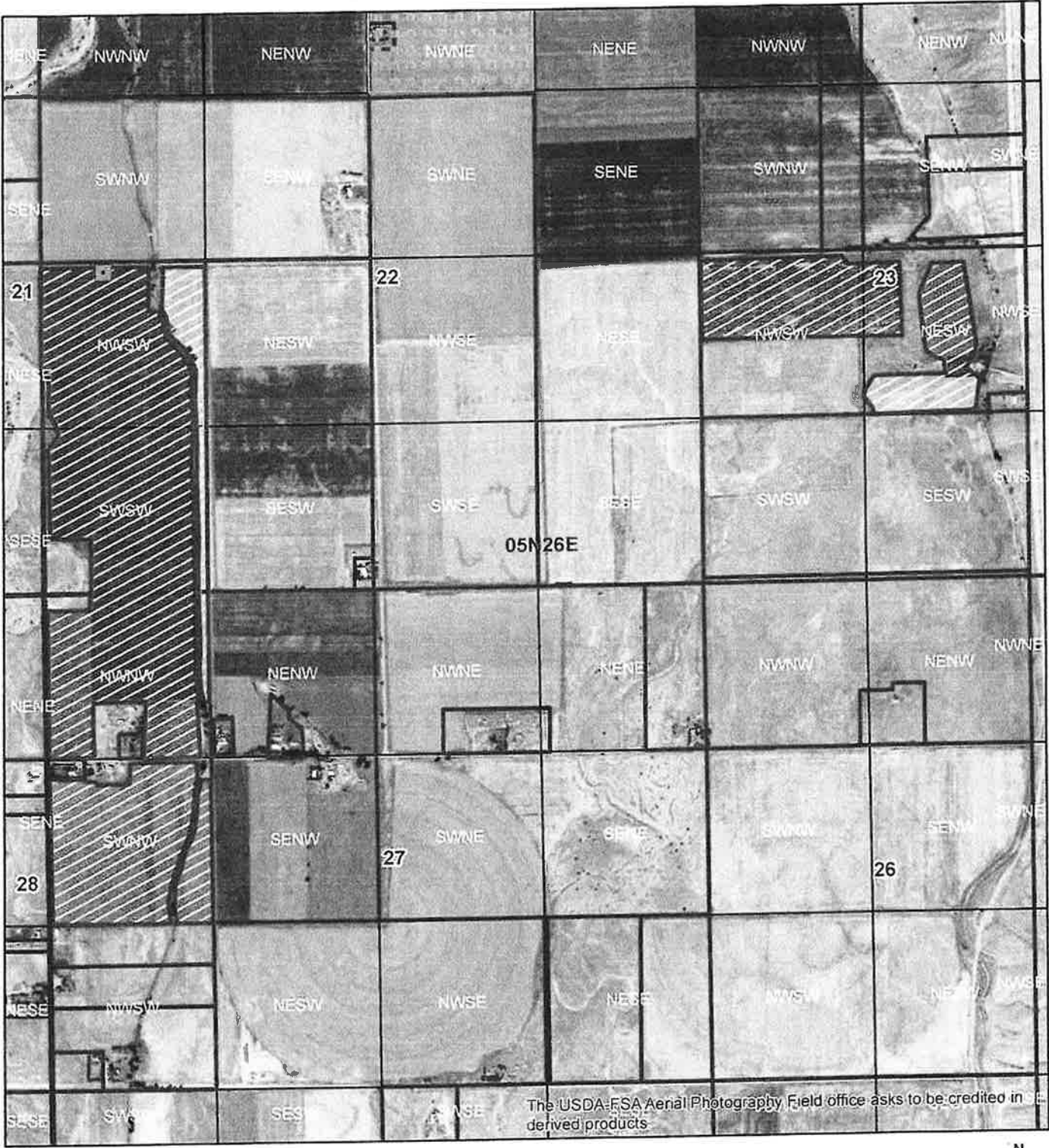
Legend

- Proposed POD
- Water Right POU
- Parcels
- Sections
- QQ

0 0.0425 0.085 0.17 Miles



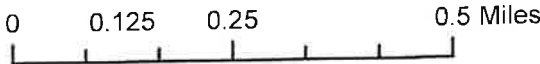
Water Rights 34-2409B & 34-12034B



Legend

-  Water Right POD
 Water Right POU
 Parcels
 Sections
 QQ

The USDA-FSA Aerial Photography Field office asks to be credited in derived products



**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-2409B

Current Owner: GARY JENSEN
LARRY JENSEN

Priority Date: 4/6/1961

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	2.2 CFS	385 AF
	<u>Total Diversion</u>	2.2 CFS	385 AF

Location of Point(s) of Diversion

GROUND WATER NW1/4NW1/4SW1/4 Sec. 22, Twp 05N, Rge 26E B.M.
BUTTE County

Place of Use

IRRIGATION Within BUTTE County

T05N R26E S22	NWSW	37.00	T05N R26E S22	SWSW	34.00
T05N R26E S23	NESW	17.00	T05N R26E S23	NWSW	17.00
T05N R26E S27	NWNW	32.00	T05N R26E S27	SWNW	35.00

Total Acres: 172

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 80045, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
2. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
3. X35 Rights 34-2409B and 34-12034B when combined shall not exceed a total diversion rate of 2.20 cfs and the irrigation of 145 acres.
4. X35 Rights 34-28B, 34-61D, 34-373D, 34-663B, 34-664, 34-910, 34-2409B, and 34-12034B when combined shall not exceed a total diversion rate of 4.91 cfs, and the irrigation of 172 acres.
5. X27 This right is limited to the irrigation of 110 acres within the authorized place of use in a single irrigation season.
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. F06 The following rights are diverted through point(s) of diversion described above: 34-2409A, 34-2409B, 34-12034A, and 34-12034B.
8. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
10. K01 Right No. 34-12034B is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. 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.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 12/14/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 34-12034B

Current Owner: GARY JENSEN
LARRY JENSEN

Priority Date: 6/20/1972

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.53 CFS	122.5 AF
	<u>Total Diversion</u>	0.53 CFS	122.5 AF

Location of Point(s) of Diversion

GROUND WATER
BUTTE County

NW1/4NW1/4SW1/4 Sec. 22, Twp 05N, Rge 26E B.M.

Place of Use

IRRIGATION Within BUTTE County

T05N R26E S22	NWSW	37.00	T05N R26E S22	SWSW	34.00
T05N R26E S23	NESW	17.00	T05N R26E S23	NWSW	17.00
T05N R26E S27	NWNW	32.00	T05N R26E S27	SWNW	35.00

Total Acres: 172

Conditions of Approval:

1. X35 Rights 34-2409B and 34-12034B when combined shall not exceed a total diversion rate of 2.20 cfs and the irrigation of 145 acres.
2. 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.
3. 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.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
5. 214 Prior to the diversion and use of water under Transfer approval 80045, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. K02 This right is based upon an enlargement of Right No. 34-2409B pursuant to Section 42-1426, Idaho Code.
8. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. F06 The following rights are diverted through point(s) of diversion described above: 34-2409A, 34-2409B, 34-12034A, and 34-12034B.
10. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. X35 Rights 34-28B, 34-61D, 34-373D, 34-663B, 34-664, 34-910, 34-2409B, and 34-12034B when combined shall not exceed a total diversion rate of 4.91 cfs, and the irrigation of 172 acres.
13. K09 This right is for an enlargement of 35 acres within the place of use described for this right.

Decreed Date: 12/14/2001

Holliday, Michael

From: Holliday, Michael
Sent: Tuesday, July 19, 2022 1:55 PM
To: waterdist34@atcnet.net
Subject: Larry Jensen temporary change application
Attachments: tc-34-225.pdf

Hello, Preston.

I'm Michael Holliday, and I work for IDWR in the Idaho Falls office. I am the person responsible for processing temporary change applications. Most of our temporary changes come from Basin 34. Whenever I receive a temporary change app, I send a copy to you for watermaster comment. Let me know if you have questions about the process.

Attached is a temp change for your comments. Your prompt response will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 7 days, 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-225

Applicant's Name: LARRY JENSEN

Watermaster's Recommendation:

- a) ☒ 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 27 day of July, 2022.

Water District No: 34

Preston Mancoske
Watermaster's Signature

Use reverse side of page if you need more space.