

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-7177)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-218

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 May 24, 2022, Dean 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 34-7177 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. 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.
6. 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.
7. 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.
8. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
9. 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 7th day of June, 2022.

A handwritten signature in black ink, appearing to read 'J. Cefalo', is written over a horizontal line.

James Cefalo
Eastern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 24 2022

Department of Water Resources
Eastern Region

TC-34-218

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 Dean Andersen Phone (208) 390-0146
Mailing Address 3482 W 2900 N, Moore, ID 83255 Email karalee@atcnet.net

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. _____
Move right 34-7177 to our farm near Moore to create a more reliable supply. Both farms have Big Lost River rights.
Drought conditions won't allow for the use of Big Lost River rights at the proposed place of use.

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

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature of Use | Period of Use |
|----------------|------------------|-----------------------|-------------------|-----------------------------|
| <u>34-7177</u> | <u>4/11/1977</u> | <u>0.71/126</u> | <u>Irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 0.71 cubic feet per second and/or 126 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	5			SW	NW	Butte	Ground Water	WMIS #43

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	
04N	26E	5									8.0	20.0				8.0			36.0

Total Acres 36.0

6. General Information:

- a. Who owns the water right to be changed? Arlene Bailey and Darlene Higgins
- b. Describe the arrangement allowing use of the right. Agreement with Bailey & Higgins
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
We will continue to irrigate ground with right 34-634.
- 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? _____
If we don't make the changes, water right 34-7177 won't be used.
- f. Describe other water rights used for the same purpose 34-634
- g. Remarks: We are moving right 34-7177 from a stacked position to a stacked position. We made this same change in the past. See TC - 34- 175.

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.

Dec Ande
Signature of Applicant

5-24-2022
Date

FOR DEPARTMENT USE ONLY

Received by JA Date 5/24/2022 \$50 fee receipted by JB Receipt No. E048179
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

WATER RIGHT REPORT

5/24/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-7177

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ARLENE BAILEY
Current Owner	DARLENE HIGGINS
	412 N HIGHLAND BLVD
	BRIGHAM CITY, UT 84302-2375
Original Owner	KATHRYN KIDMAN
	PO BOX 534
	ARCO, ID 83213

Priority Date: 04/11/1977

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>			
GROUND WATER				
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	0.71 CFS	126 AFA
Total Diversion			0.71 CFS	126 AFA

Location of Point(s) of Diversion:

GROUND WATER|NWNENE|Sec. 02|Township 03N|Range 26E|BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

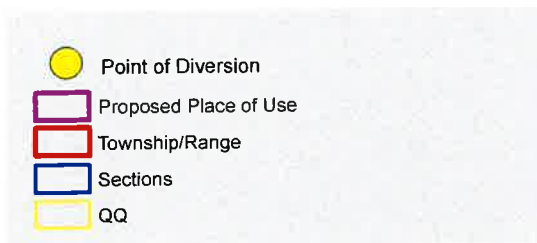
<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	26E	2		NENE	29									
04N		35		SESE	7									

Total Acres: 36

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-00634 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.97 CFS.

Temporary Transfer Application (Andersen)



0 325 650 1,300 Feet



05/24/2022

To whom it may Concern:

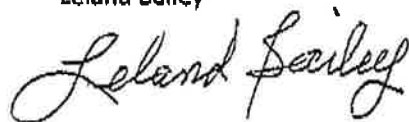
We give Dean Andersen the right to use our ground water for the 2022 irrigation season, on his farm in Moore for one year only.

Thank you,

Arlene Bailey

Darlene Higgins

Leland Bailey

A handwritten signature in cursive script that reads "Leland Bailey".

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-218Applicant's Name: DEAN ANDERSEN

Watermaster's Recommendation:

a) LY 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 7 day of June, 2002.Water District No: 34[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.