

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-259E, 34-738D,)
34-7184, & 34-7210A)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-212

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 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 17, 2022, Jason 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 the changed portions of rights 34-259E, 34-738D, 34-7184, and 34-7210A is authorized only at the points 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 34-7184, 34-259E, and 34-738D when combined shall not exceed a total diversion rate of 0.91 cfs and the irrigation of 33 acres in a single irrigation season.
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 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 25th day of May, 2022.



James Cefalo
Eastern Region Manager

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 17 2022

Department 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 Jason Andersen Phone 208-589-5898
Mailing Address P.O. Box 474, Moore, ID 83255 Email andejaso66@yahoo.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. _____
The well for 34-7210A went dry for the season. The proposed transfer will allow the water under this right to be used at a neighboring pivot to supplement surface water.

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 |
|-----------------|------------|-----------------------|---------------|---|
| 34-7210A | 11/08/1977 | 1.02 cfs | Irrigation | 4/01 ^{OK} to 11/01 ^{OK} |
| 34-7184 | 4/26/1977 | 0.10 cfs | Irrigation | 4/01 ^{4/15} to 11/01 ^{10/15} MH |
| 34-738D | 6/30/1891 | 0.09 cfs | Irrigation | 4/01 ^{5/1} to 11/01 ^{10/15} |
| 34-259E | 5/20/1884 | 0.07 cfs | Irrigation | 4/01 ^{5/1} to 11/01 ^{10/15} |
2. Total amount of water being transferred 1.28 ^{1.19} 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
4N	26E	8			SW	SE	BUTTE	GROUND WATER	WMIS #49/ A0010082
4N	26E	9			NE	SW	BUTTE	GROUND WATER	WMIS #51/ A0008048
5N	26E	4		NW	SE	SE	BUTTE	BIG LOST RIVER	MOORE CANAL

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	
4N	26E	8													3			40	40.3
		17	34.9																34.9

Total Acres 75.2
74.9

6. General Information:

- a. Who owns the water right to be changed? Joel Andersen
- b. Describe the arrangement allowing use of the right. Joel Andersen has authorized the change. See the attached document.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The land will not be irrigated with ground water for the remainder of the season due to a seasonally dry well.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Until recently, the well was diverting for irrigation of existing pivots. It has since gone dry and cannot be used at existing POU.
- e. Absent the changes, how would the right be used for the remainder of the year? Since the well is dry, it could not be used for the remainder of the year.
- f. Describe other water rights used for the same purpose. All properties are overlapped by surface water rights.
- 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.

[Signature]
Signature of Applicant

5/17/2022
Date

FOR DEPARTMENT USE ONLY

Received by JC Date 5/17/22 \$50 fee receipted by M. Pettis Receipt No. E048153
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



Legend

- Proposed Wells
- TR
- TRS
- QQ



TO Location
Jason Anderson

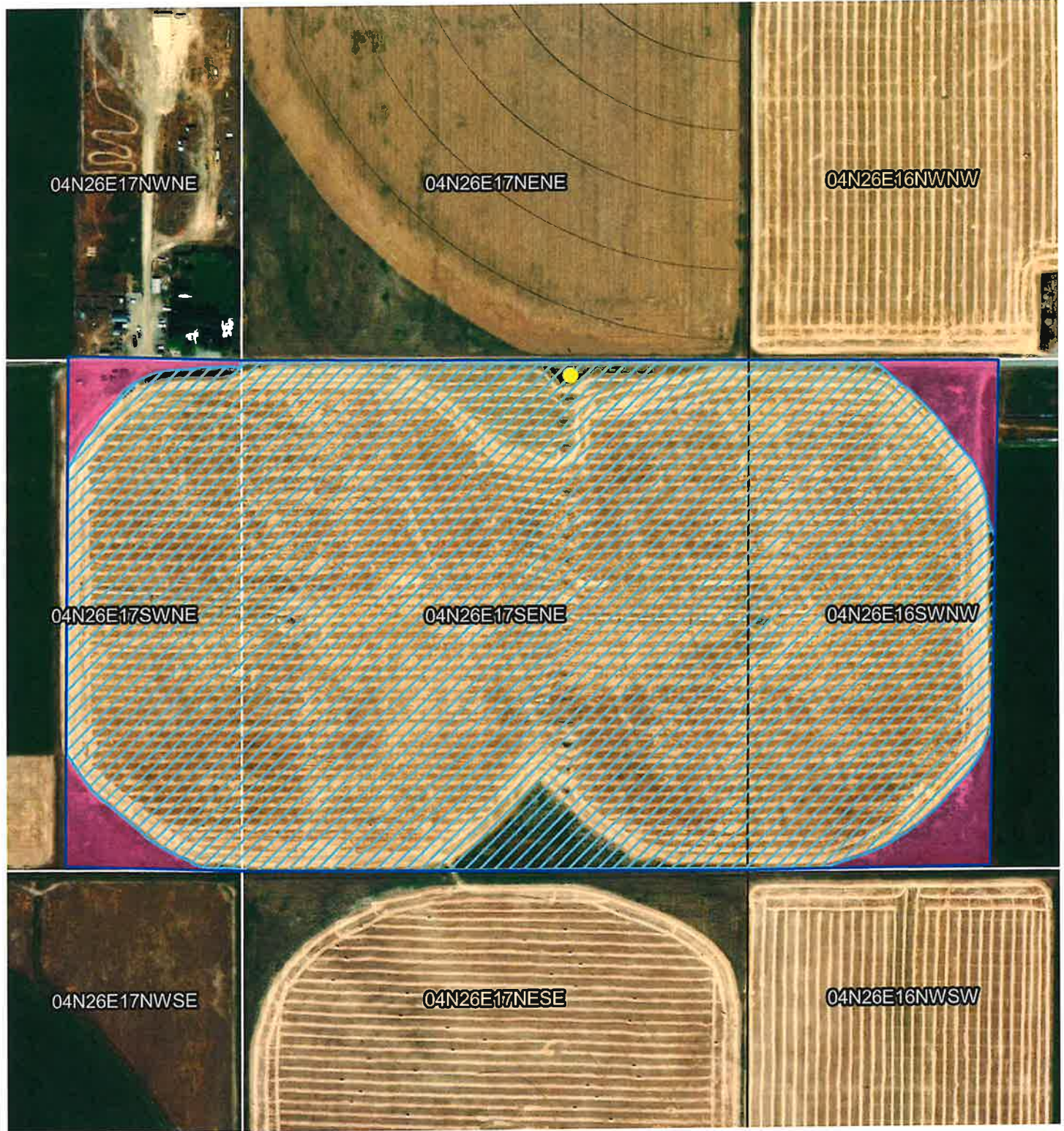
RMEA #21-0268

by: MM

Date: 5/17/2022



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.



Legend

- | | |
|---|--|
| WR POU 34-7210A | TR |
| ● WR POD 34-7210A | TRS |
| WSB Acres | QQ |
| POU 34-7210A Emergency Acres | |

From Location
Jason Anderson

RMEA #21-0268

by: MM

Date: 5/17/2022



Authorization

I Joel Andersen, give Jason Andersen permission to use my wells as points of diversion and to use the available water represented under water right 34-7210A and 34-7184 and associated rights at the proposed location.

Joel Andersen

 Joel S. Andersen 5-17-22
Signature Printed Name Date

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Friday, May 20, 2022 3:04 PM
To: Holliday, Michael
Subject: RE: Jason Andersen temp change

Michael,

I do not oppose approval of this TC as the water master or the BLRID. My printer is down but I will follow up on Monday with my "recommendation of watermaster" form.

Thanks

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Friday, May 20, 2022 8:25 AM
To: watermaster34@atcnet.net; General Manager <blridgm@atcnet.net>
Cc: waterdist34@atcnet.net; BIG LOST RIVER IRR DIST (blrid@atcnet.net) <blrid@atcnet.net>
Subject: Jason Andersen temp change

Lucas,

For this app, a portion of 34-7210A is being leased to the water supply bank. I'm in the process of trying to find out how much. I don't believe the total diversion rate (and perhaps the acres) is correct. Just wanted to let you know that if this one gets approved, the application will likely get changed a little. Thanks.

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

Holliday, Michael

From: Ritter, Ashley
Sent: Friday, May 20, 2022 9:19 AM
To: Holliday, Michael
Subject: RE: status of 34-7210A

Michael,

It looks like they are proposing to lease 0.06 cfs, 14.4 Af, 4.1 acres of right 34-7210A into the bank and then renting that amount as well. Did you need anymore info on the lease/rental?

Ashley M. Ritter, E.I.T., G.I.T. | Associate Engineer
Idaho Department of Water Resources-State Office
(208) 287-4907 | www.idwr.idaho.gov

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Friday, May 20, 2022 9:14 AM
To: Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>
Subject: RE: status of 34-7210A

Ashley, when you get an opportunity, could you help me with the question I sent to Mary below? Thanks.

From: Edl, Michele <Michele.Edl@idwr.idaho.gov>
Sent: Friday, May 20, 2022 9:06 AM
To: Ritter, Ashley <Ashley.Ritter@idwr.idaho.gov>
Cc: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>; Condon, Mary <Mary.Condon@idwr.idaho.gov>
Subject: FW: status of 34-7210A

Michael,
Ashley Ritter has this lease-rental and I caught her in-office this morning.
Michele

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Friday, May 20, 2022 8:06 AM
To: Edl, Michele <Michele.Edl@idwr.idaho.gov>
Subject: FW: status of 34-7210A

Michele,

I haven't gotten a response from Mary. Is this something you or someone else working in the WSB could help me with?
Thanks.

Michael

From: Holliday, Michael
Sent: Wednesday, May 18, 2022 2:53 PM