

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-28D, 34-897,)
34-898, 34-2409A, & 34-12034A)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-203

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 9, 2022, Joel 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 34-28D, 34-897, 34-898, 34-2409A, and 34-12034A 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. Right 34-28D is limited to the irrigation of 40 acres within the authorized places of use in a single irrigation season.
6. Right 34-2409A is limited to the irrigation of 110 acres within the authorized places of use in a single irrigation season. Rights 34-2409A and 34-12034A when combined shall not exceed a total diversion rate of 2.20 cfs and a total annual maximum diversion volume of 462 af.
7. Rights 34-2409A, 34-28D, 34-61C, 34-373C, 34-891A, 34-892C, 34-897, 34-898, and 34-12034A when combined shall not exceed a total diversion rate of 3.77 cfs and the irrigation of 132 acres.
8. Right 34-12034A is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
9. Right 34-12034A is based upon an enlargement of Right 34-2409A pursuant to Idaho Code § 42-1426. Right 34-12034A is for an enlargement of 22 acres within the places of use described for this right.
10. 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.
11. 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.
12. 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.
13. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
14. 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 12th day of May, 2022.

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

James Cefalo
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 09 2022

TC-34-203

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

(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 Joel and Belva Andersen

Phone 208-589-0019

Mailing Address 2791 N 3375 W Moore, ID 83255

Email andersenangus@gmail...

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. _____

Due to drought conditions in Basin 34 - delivery of water rights will be significantly reduced, increasing the shrink and increasing reliance on ground water right. We propose to move 41.4 acres of rights 34-28D, 34-2409A and 34-12034A to augment the supply of right 34-14231.

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
34-28D	8/31/1884	0.47 cfs	Irrigation	5/1 to 10/15
34-2409A	4/6/1961	0.69 cfs	Irrigation	4/1 to 11/1
34-12034A	6/20/1972	0.12 cfs	Irrigation	4/1 to 10/31
34-897 / 34-898	Unused Jr. Rights		Not available in 2022	to

2. Total amount of water being transferred 1.16 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Big Lost River / Ground Water tributary to sinks
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
05N	26E	4		NW	SE	SE	Butte	Big Lost River	Moore Canal
04N	26E	8			SW	SE	Butte	Ground Water	WMIS #49

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	
04N	26E	8														31.5	9.9		41.4

Total Acres 41.4

6. General Information:

- a. Who owns the water right to be changed? Phyllis Merrill
- b. Describe the arrangement allowing use of the right. Lease agreement with Phyllis Merrill - attached.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The acres being transferred will not be irrigated in 2022.
- 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 the changes were not approved, we would attempt to use the water on the Merrill place of use.
- f. Describe other water rights used for the same purpose. 34-14231 and the proposed place of use.
- 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

5-9-22
Date

FOR DEPARTMENT USE ONLY

Received by MP Date 5/9/22 \$50 fee received by MP Receipt No. E048116
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:

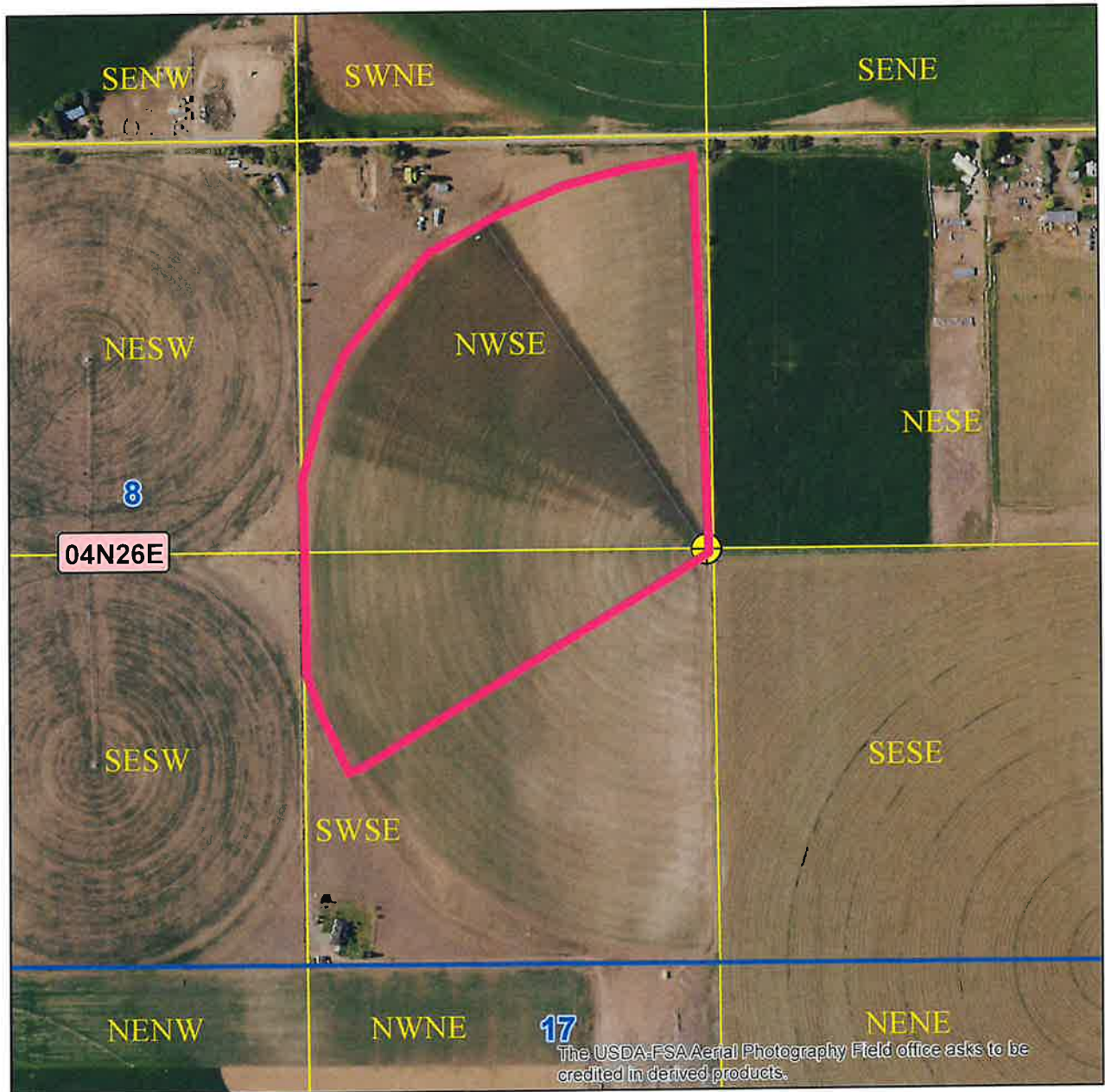
See attached approval.

Temporary Change Expiration Date _____

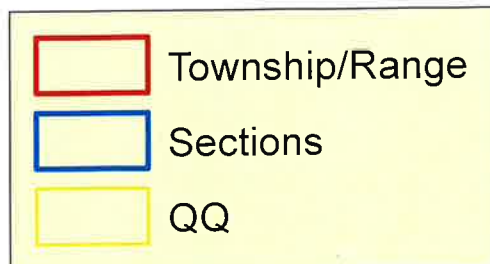
Signed this _____ day of _____

For the Director

Andersen - 2022 Temp Change App 1



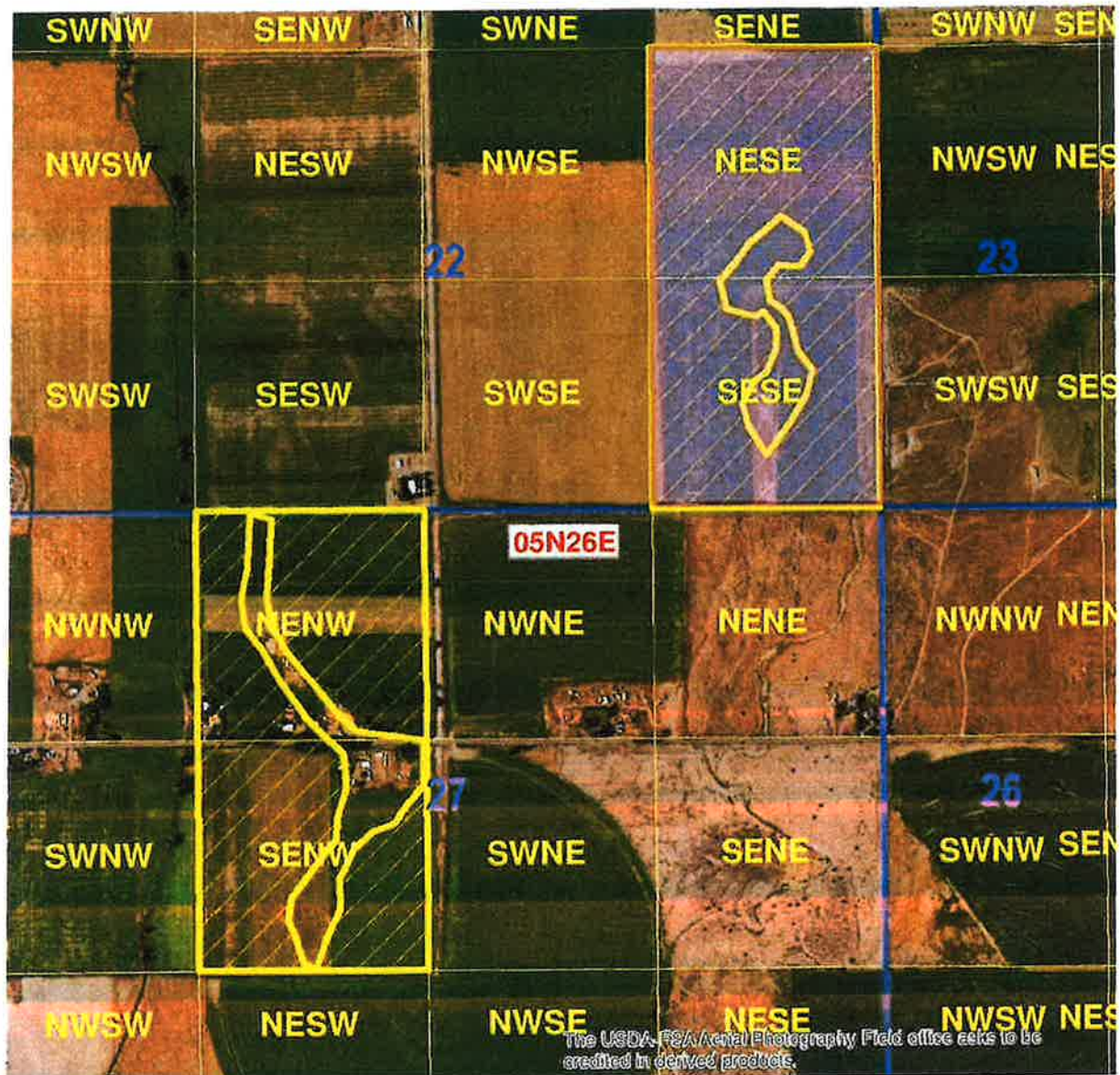
2021 Imagery



0 250 500 1,000 Feet



Temporary Change - Water Rights 34-28D 34-2409A and 34-12034A



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

- Andersen-Acres_to_Move
- Water Right POU
- Township/Range
- Sections
- QQ

0 1,000 2,000 Feet



SCANNED

MAY 20 2020



Legend

- Proposed Rental POD
- Proposed Rental POU
- WR POU 34-14231
- TR
- TRS
- QQ



WSB Rental App
Joel Andersen

RMEA #21-0268

by: MM

Date: 1/11/2022



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

Farm Lease Agreement 2022

This Farm lease agreement is between Phyllis Merrill Owner and Joel Andersen lessee. This lease is for 74 acres of cropland in Butte County Idaho. Due to a mild winter with little snowpack in the Big Lost River Drainage this lease will be modified from prior leases. Terms will be the Lessee will pay the Owner \$4050.00 up front on this date March 20, 2022. Depending on the water supply outlook on April 15, 2022. Lessee will determine to plant a crop (Barley) or to leave the ground fallow. All intentions as of this date are to plant a crop. As of March 20, 2022 the Mackay Dam is at 52%. Big Lost Basin is at 74% snowpack. If the crop is planted and harvested the lessee will pay the remainder of the rent when harvest is over. (\$3450.00). If the crop fails or is not planted the \$4050.00 will be the total amount for the year. The Owner and Lessee will evaluate the water supply and availability around April 15, 2022. Other Terms of this lease are the same as in all prior leases.

Phyllis Merrill

4-5-2022

Joel Andersen

3-20-2022

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-203Applicant's Name: JOEL + BELVA 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 10 day of May, 2022.Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Tuesday, May 10, 2022 3:20 PM
To: Holliday, Michael
Subject: TC Approvals

Michael,

The BLRID does not oppose the following TC's:

TC 204
TC 205
TC 203
TC 201

Thank you

*Lucas Yockey
General Manager
Big Lost River Irrigation District
P.O. Box 205
Mackay ID 83251*

*208-588-2231 - office
208-390-1447 - cell
www.blrid.com*