

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NOS.: 34-878B)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-189

WHEREAS, a drought emergency has been declared for Custer 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 27, 2021, Josh Pehrson submitted the attached temporary change application TC-34-189 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 no. 34-878B 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.

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5. Rights 34-00484, 34-00488A, 34-878B, 34-02403, 34-12036 and 34-13875 when combined shall not exceed a total diversion rate of 4.91 cfs and the irrigation of 190 acres. Right 34-878B is limited to the irrigation of 25 acres within the authorized place of use 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 applicants agree 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 December 31, 2021 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 1st day of June, 2021.



James Cefalo
Eastern Regional Manager

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 27 2021

TC-34-189

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 Josh Pehrson Phone 208-251-6936
Mailing Address PO Box 32 Email joshpehr@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 purpose of this temp transfer is to change the pou (the 25 acres covered by my end guns) and pod from the
Bernett Ditch to my two pivots off of the Darlington Ditch. Since the Bennett Ditch has run dry for the season and is
now non deliverable.

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>34-878B</u>	<u>4/22/1884</u>	<u>.5</u>	<u>Irrigation</u>	<u>5/01</u> to <u>10/15</u>
<u>34-878B</u>	<u>4/22/1884</u>	<u>.02</u>	<u>Stockwater</u>	<u>1/01</u> to <u>12/31</u>
				to
				to

2. Total amount of water being transferred .5 cubic feet per second and/or acre-feet per annum.

3. Source of water Big Lost River 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
07N	24E	33			SW	NE	Custer	Big Lost River	Darlington Head Gate

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	
06N	24E	2										38	34	37	37				146.0
06N	24E	11			10	19	2	3								40	40	27	167.0

Total Acres 313

AMENDED

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
I will be drying up the 25 acres that my end guns cover on both pivots of my original pou.
- 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? Cant be.
- f. Describe other water rights used for the same purpose. Other supplemental wells
- 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

5-23-21
Date

FOR DEPARTMENT USE ONLY

Received by CH Date 5/25/21 \$50 fee received by CH Receipt No. E046992
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:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

Nebeker, Jake

From: Josh <joshpehr@yahoo.com>
Sent: Thursday, May 27, 2021 11:06 AM
To: Nebeker, Jake
Subject: Fwd: Water transfer permission

Sent from my iPhone

Begin forwarded message:

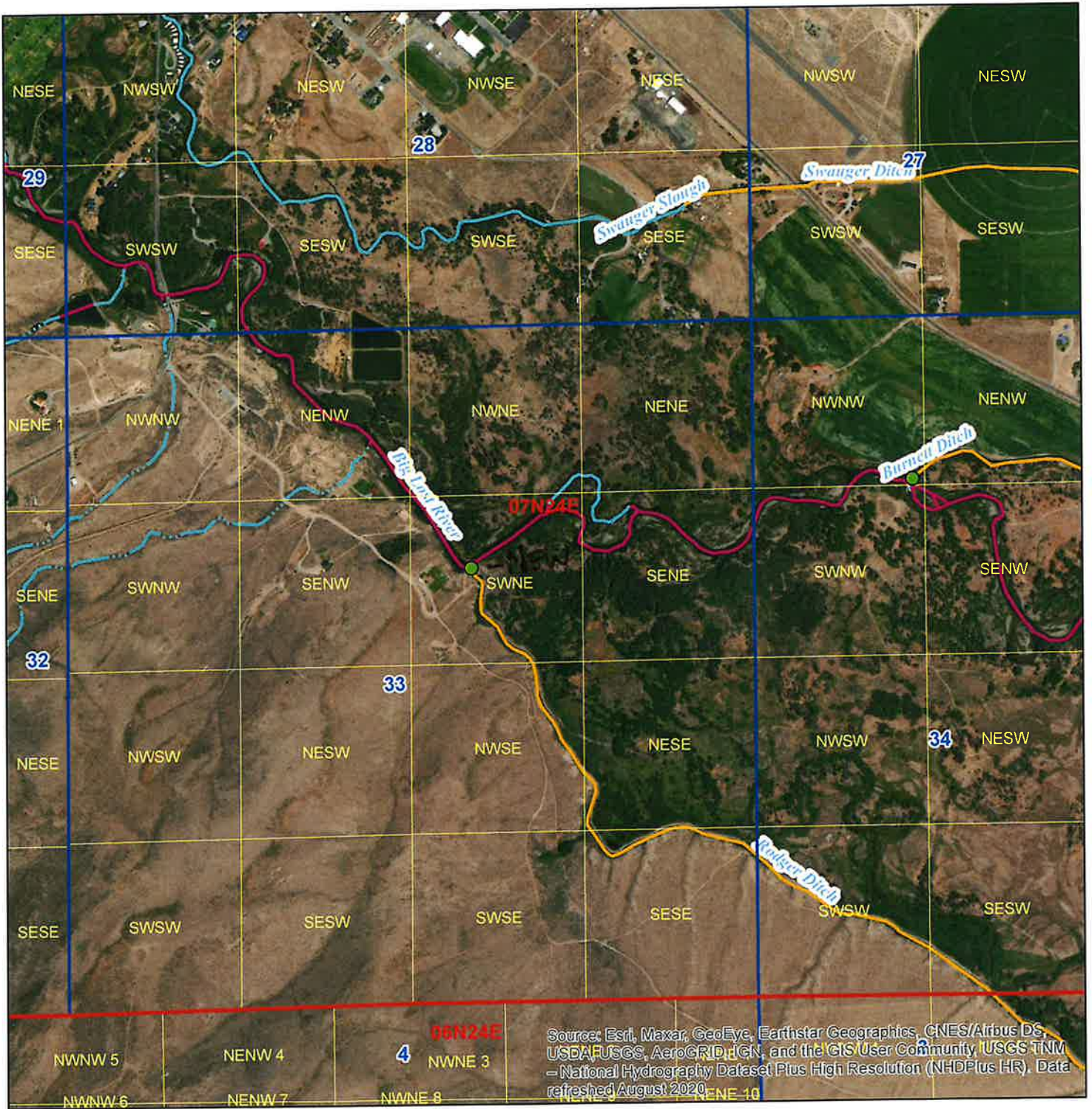
From: Randy Pehrson <pepppeggy@yahoo.com>
Date: May 27, 2021 at 11:05:20 AM MDT
To: Josh <Joshpehr@yahoo.com>
Subject: Water transfer permission

I give Josh Pehrson to permission to use all water on my property and transfer water rights to my property. Randy Pehrson

[Sent from Yahoo Mail for iPad](#)

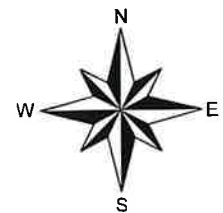
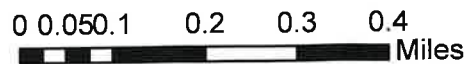
Idaho Department of Water Resources

Pehrson Map

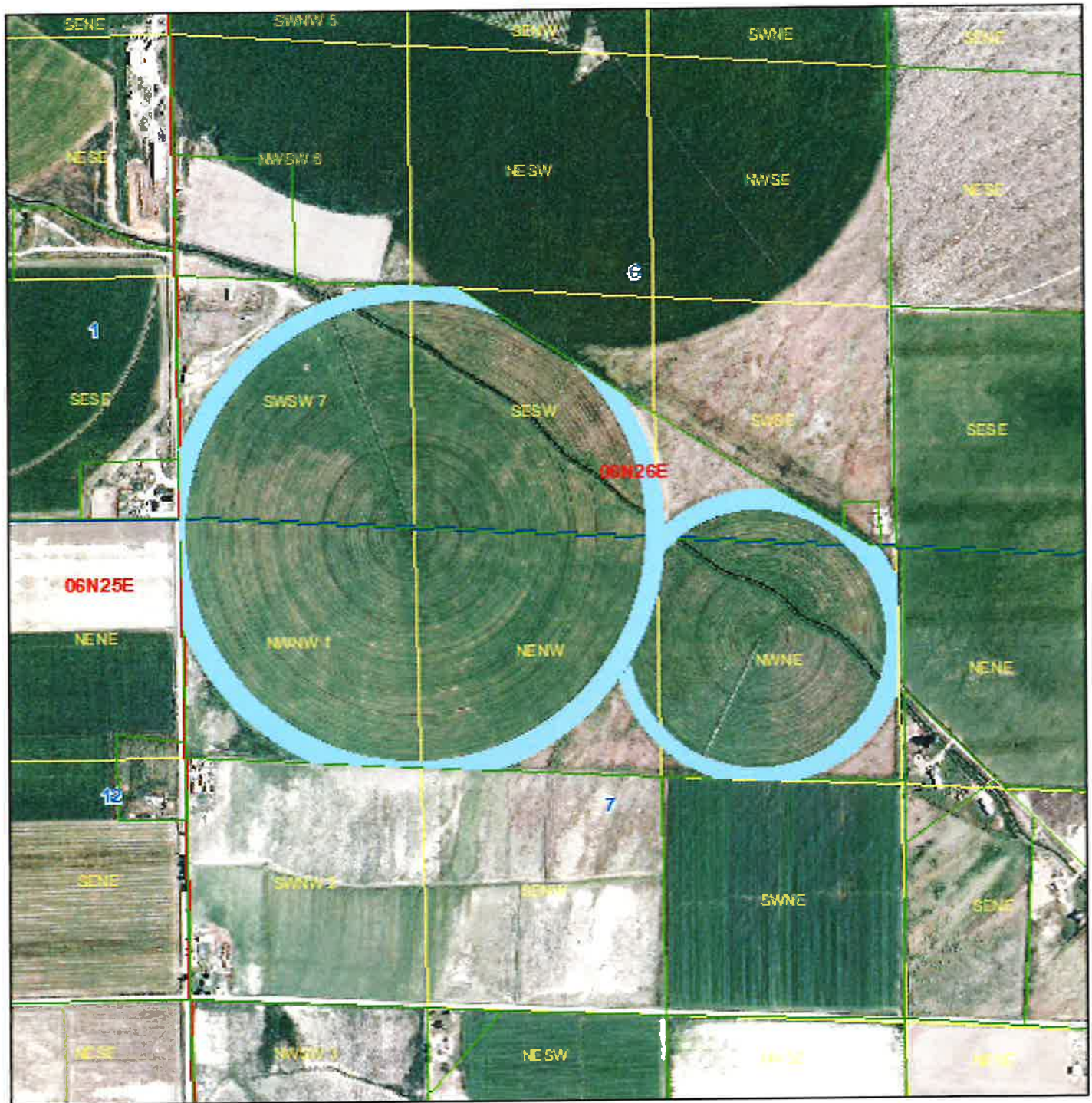


Legend

-  34-878B_NewPOD
 34-878B_POD
 34-878B_POU
 Township/Range
 Sections
 QQ



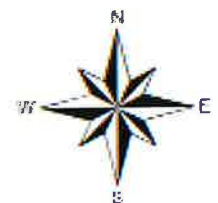
Idaho Department of Water Resources Map



Legend

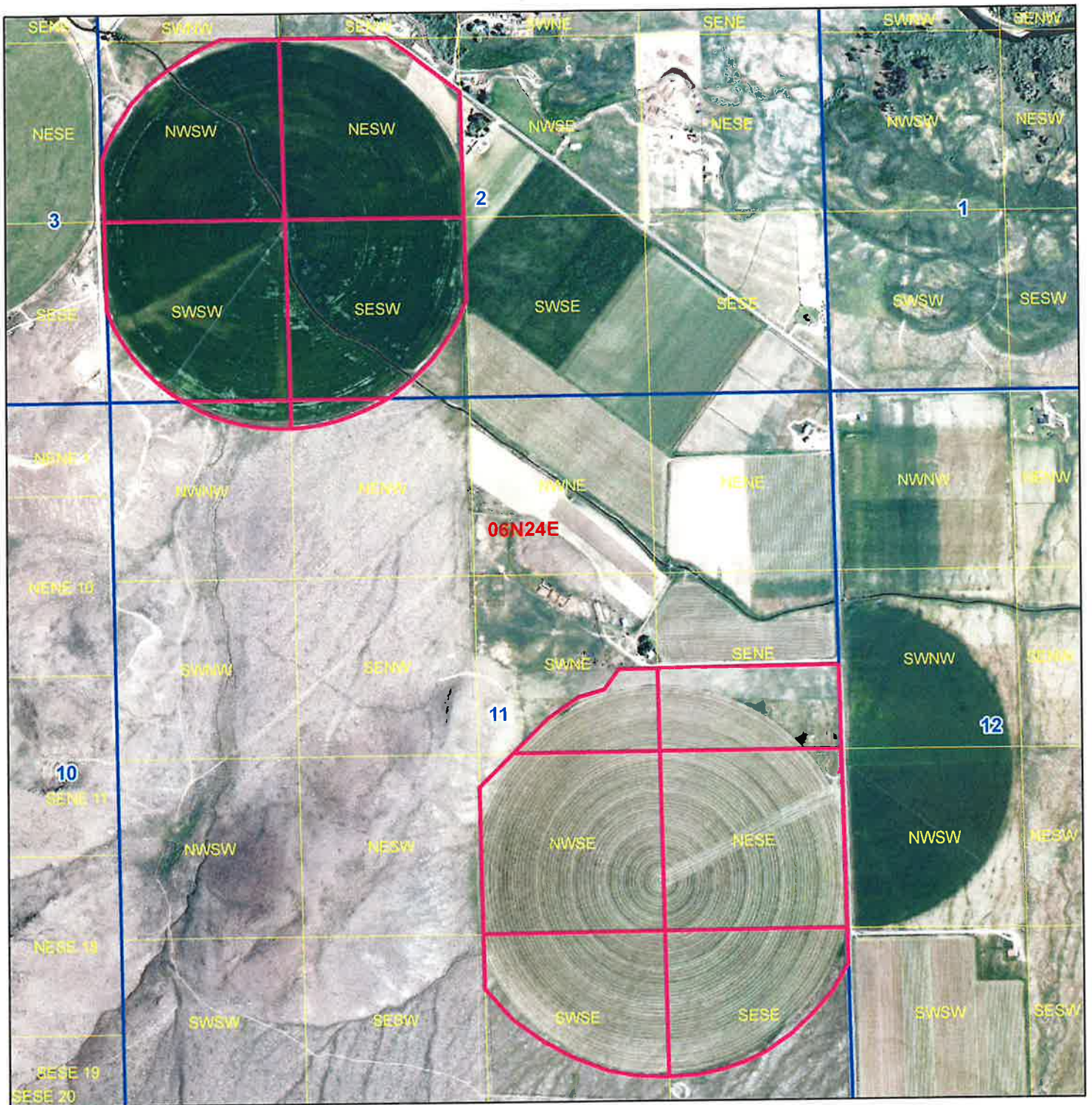
-  Dried Up Land
-  Township/R ange
-  Sections
-  QQ

0 0.0450.09 0.18 0.27 0.36 Miles



Idaho Department of Water Resources

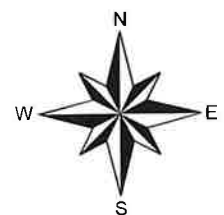
Map



Legend

- 34-10236 POU/Proposed POU
- Township/Range
- Sections
- QQ

0.1 0.2 0.3 0.4 Miles



12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-189Applicant's Name: JOSH PEARSON

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 28 day of May, 2021Water 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: Friday, May 28, 2021 12:19 PM
To: Holliday, Michael
Subject: RE: temp changes for Pehrson & Stewart

The BLRID does not oppose temporary transfer 34-188 or 34-189

Thanks

From: blrid@atcnet.net <blrid@atcnet.net>
Sent: Thursday, May 27, 2021 2:56 PM
To: blridgm@atcnet.net
Subject: FW: temp changes for Pehrson & Stewart

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Thursday, May 27, 2021 2:47 PM
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: temp changes for Pehrson & Stewart

Lucas, attached are a couple more for your review. Thanks.

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