

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 34-7210B,)
34-2412C, & 34-7184)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-177

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 5, 2021, Joel Andersen submitted the attached temporary change application TC-34-177 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 34-2412C, 34-7184, and 34-7210B is authorized only at the points of diversion 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 34-7210B and 34-32A when combined shall not exceed a total diversion rate of 0.40 cfs and the irrigation of 14 acres in a single irrigation season.
6. 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.
7. Rights 34-2412C, 34-259F, 34-738E, 34-60, and 34-13562 when combined shall not exceed the irrigation of 142.1 acres in a single irrigation season.
8. Applicant shall make full beneficial use of all surface water rights available for irrigation of the lands authorized to be irrigated under right 34-2412C. Applicant shall limit the diversion of ground water under right 34-2412C to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under the right.
9. Right 34-2412C shall not exceed a diversion rate of 1.04 cfs from the point of diversion located in the NWSWSW, Sec 4, T04N, R26E.
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 October 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 16th day of May, 2021.



James Cefalo
Eastern Regional Manager

TC-34-177

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

TEMPORARY CHANGE APPLICATION

MAY 05 2021
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 AndersenPhone 208-589-0019Mailing Address 2791 N 3375 W Moore, Idaho 83255

Email _____

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. _____

Consequently, due to drought conditions in the Big Lost River watershed, deliveries of the natural flow rights are fewer resulting in higher shrink loss and greater reliance on Ground Water sources. In order to efficiently deliver Ground Water sources to their POU, the applicant desires to utilize all of their ground water diversion points.

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
34-7210B	11/08/1977	0.21	Irrigation	4/15 to 10/15
34-7184	4/26/1977	0.56	Irrigation	5/01 4/15 to 11/01 10/15
34-2412C	4/13/1961	1.04	Irrigation	4/01 to 10/31

2. Total amount of water being transferred 1.81 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
04N	26E	9		NW	NE	SW	BUTTE	GROUND WATER	A0008048
04N	26E	04	4	NE	NW	NW	BUTTE	GROUND WATER	A0008060
4N	26E	4		NW	SW	SW	BUTTE	GROUND WATER	A0008051

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	

Total Acres _____

SCANNED

MAY 20 2020

6. General Information:

- a. Who owns the water right to be changed? Applicant and Thomas Perkes
- b. Describe the arrangement allowing use of the right. Applicant has a lease agreement with the owner of water right 34-7210B. See attached Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The Land will continue to be irrigated until the end of the crop production season.
- 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? A portion of the volume will be delivered to meet the demand for crop production until the end of the irrigation season.
- f. Describe other water rights used for the same purpose. _____
- 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 of Applicant

Date

FOR DEPARTMENT USE ONLY

Received by CAH Date 5/5/21 \$50 fee received by CH Receipt No. E046917 (mp)

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

SCANNED

MAY 20 2021

Farm Lease Agreement (Agriculture)

This Farm Lease Agreement is between Thomas and Francis Perkes Landlords and Joel and Belva Andersen lessee. Terms of the lease are as follows.

- Lease Agreement is for Seven Years. 2020-2026.
- Cash lease in the amount of [REDACTED] per year due on April 10 of each year.
- Landlord is responsible for Taxes and Water Assessments
- Lessee is responsible for Power Demand Cost and Power cost of the Irrigation pump.
- Lessee is responsible for all cost with production and Maintenance on Irrigation equipment.
- Lessee is responsible for weed control, and keeping good environmental standards.
- A First Right of Refusal shall be offered by the Landlords or their assigned heirs, if and when they decide to sell.

Thomas Perkes 4-10-20

Francis Perkes Landlord

Joel Andersen 4-1-20

Belva Andersen Lessee

SCANNED

MAY 20 2020

12/99

RECEIVED

MAY 10 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

RECOMMENDATION OF WATERMASTER

Application No: TC-34-177Applicant's Name: JOEL 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 May, 2021.Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.

Cefalo, James

From: Holliday, Michael
Sent: Monday, May 10, 2021 8:30 AM
To: Cefalo, James
Subject: FW: 2 more temp changes for Joel Andersen

FYI

From: General Manager [mailto:blridgm@atcnet.net]
Sent: Friday, May 7, 2021 5:51 AM
To: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: RE: 2 more temp changes for Joel Andersen

Hi Michael,

The BLRID approves the following temporary changes

34-175
34-176
34-177
34-178
34-179
34-180

Thank you

Lucas Yockey
General Manager

From: blrid@atcnet.net <blrid@atcnet.net>
Sent: Wednesday, May 05, 2021 3:53 PM
To: blridgm@atcnet.net
Subject: FW: 2 more temp changes for Joel Andersen

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Wednesday, May 5, 2021 3:45 PM
To: watermaster34@atcnet.net; blridgm@atcnet.net
Cc: waterdist34@atcnet.net; BIG LOST RIVER IRR DIST (blrid@atcnet.net) <blrid@atcnet.net>
Subject: 2 more temp changes for Joel Andersen

Lucas,

Attached are the two additional Joel Andersen temp change apps. Thanks.