

**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-34-175

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 April 12, 2021, Dean Andersen submitted the attached temporary change application TC-34-175 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-175

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, 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 6th day of May, 2021.

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

James Cefalo
Eastern Regional Manager

TC-34-175

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 12 2021

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 Dean Andersen Phone 208-390-0146
Mailing Address 3450 W 2900 N, Moore, ID 83255 Email karalee@atcnet.net

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. _____

Move right 34-7177 to our farm near Moore to create a more reliable supply. We will continue to irrigate the existing place of use with WR 34-634. Both farms have Big Lost River rights. The proposed place of use has more senior rights than the existing place of use. We won't pump any more rate at the proposed POD.

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
34-7177	4/11/1977	0.71 / 126	Irrigation	4/15 to 10/15
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.71 cubic feet per second and/or 126 acre-feet per annum.

3. Source of water Ground Water tributary to _____.

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	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 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	5										6				30			36

Total Acres 36

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 have made this same change in the past. See TC-34-135.

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 And
Signature of Applicant

4-12-2021
Date

FOR DEPARTMENT USE ONLY

Received by M. Pettis Date 4-12-21 \$50 fee receipted by 50.00 Receipt No. E046834
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

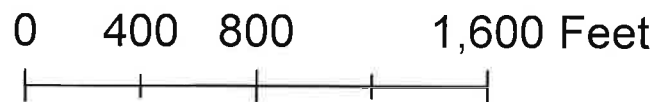
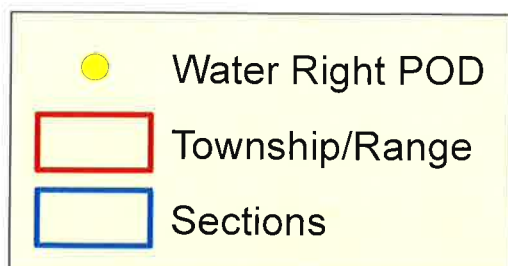
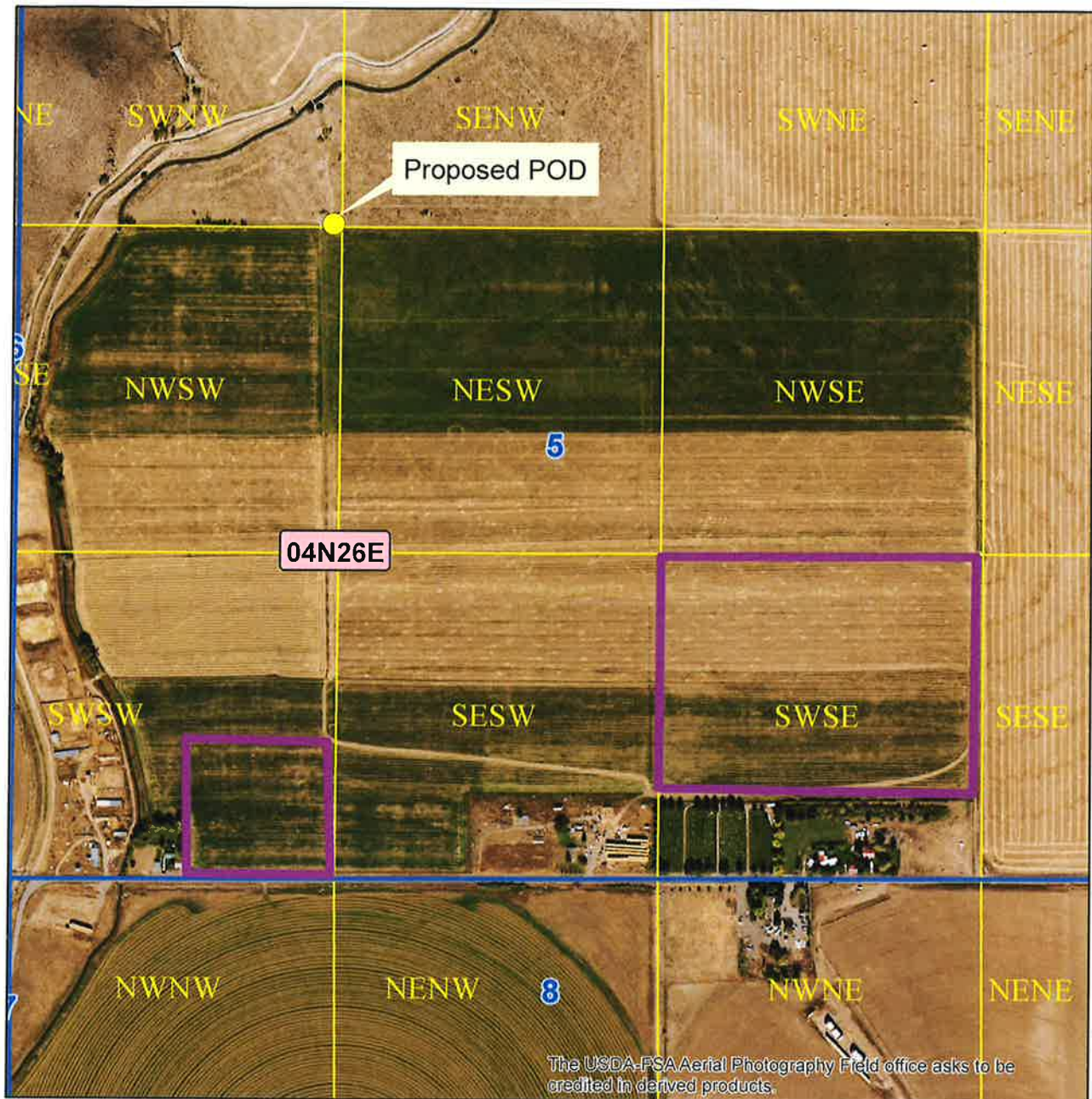
This is to certify that I have examined Temporary Change Application No. TC-34-175, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

Temporary Transfer Application (Andersen)



To whom it may Concern; 4-2-2021
we give Bear Anders the right
to use all ground water for the 2021
irrigation season. On his farm in
moore, for one year only
Thankyou Arlene Bailey
Dorlene Higgins

~~x Ireland Bailey~~

12/99

RECEIVED

MAY 05 2021

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

RECOMMENDATION OF WATERMASTER

Application No: TC-34-175Applicant'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 5 day of May, 2021Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/31/2021

Water Right 34-7177

Owner Type **Name and Address**
Current Owner ARLENE BAILEY
 412 N HIGHLAND BLVD
 BRIGHAM CITY, UT 84302-2375

Current Owner DARLENE HIGGINS
 412 N HIGHLAND BLVD
 BRIGHAM CITY, UT 84302-2375

Priority Date: 4/11/1977

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	0.710 CFS	126.0 AF
	<u>Total Diversion</u>		0.710 CFS	126.0 AF

Source and Point(s) of Diversion

GROUND WATER NWNENE Sec. 2, Twp 03N, Rge 26E, BUTTE County

Place Of Use

IRRIGATION within BUTTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	26E	2	29.0																29.0
04N	26E	35																7.0	7.0

POU Total Acres: 36.0

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.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-00634 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 36.0 ACRES IN A SINGLE IRRIGATION SEASON.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/31/2021

Water Right 34-634

Owner Type **Name and Address**
Current Owner ARLENE BAILEY
 412 N HIGHLAND BLVD
 BRIGHAM CITY, UT 84302-2375

Current Owner DARLENE HIGGINS
 412 N HIGHLAND BLVD
 BRIGHAM CITY, UT 84302-2375

Priority Date: 9/28/1896

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.840 CFS	
	<u>Total Diversion</u>		0.840 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER NWNWNW Sec. 26, Twp 04N, Rge 26E, BUTTE County

Place Of Use

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	26E	2	29.0																29.0
04N	26E	35																7.0	7.0

POU Total Acres: 36.0

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-07177 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.97 CFS.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-07177 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 36.0 ACRES IN A SINGLE IRRIGATION SEASON.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. WATER IS DELIVERED THROUGH MUNSEY DITCH.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.