

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

IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF A )  
WATER RIGHT NOS. 34-28G & 34-191 )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

TC-34-167

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 13, 2020, Loy Pehrson submitted the attached temporary change application TC-34-167 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 34-28G and 34-191 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  
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TC-34-167

5. **Right 34-28G is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season. Right 34-191 is limited to the irrigation of 12 acres within the authorized places of use in a single irrigation season. Rights 34-28G, 34-131B, 34-132B, 34-191, 34-12378 and 34-13829 when combined shall not exceed a total diversion rate of 5.98 cfs and the irrigation of 252 acres.**
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.**
11. **This temporary change approval expires on October 15, 2020 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.**

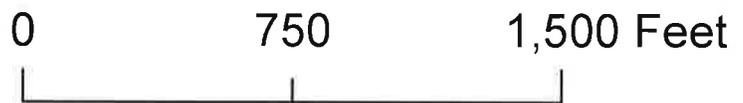
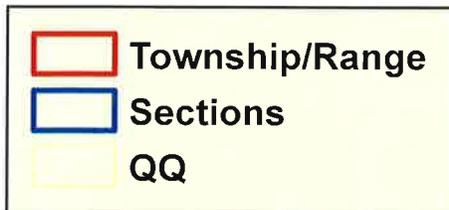
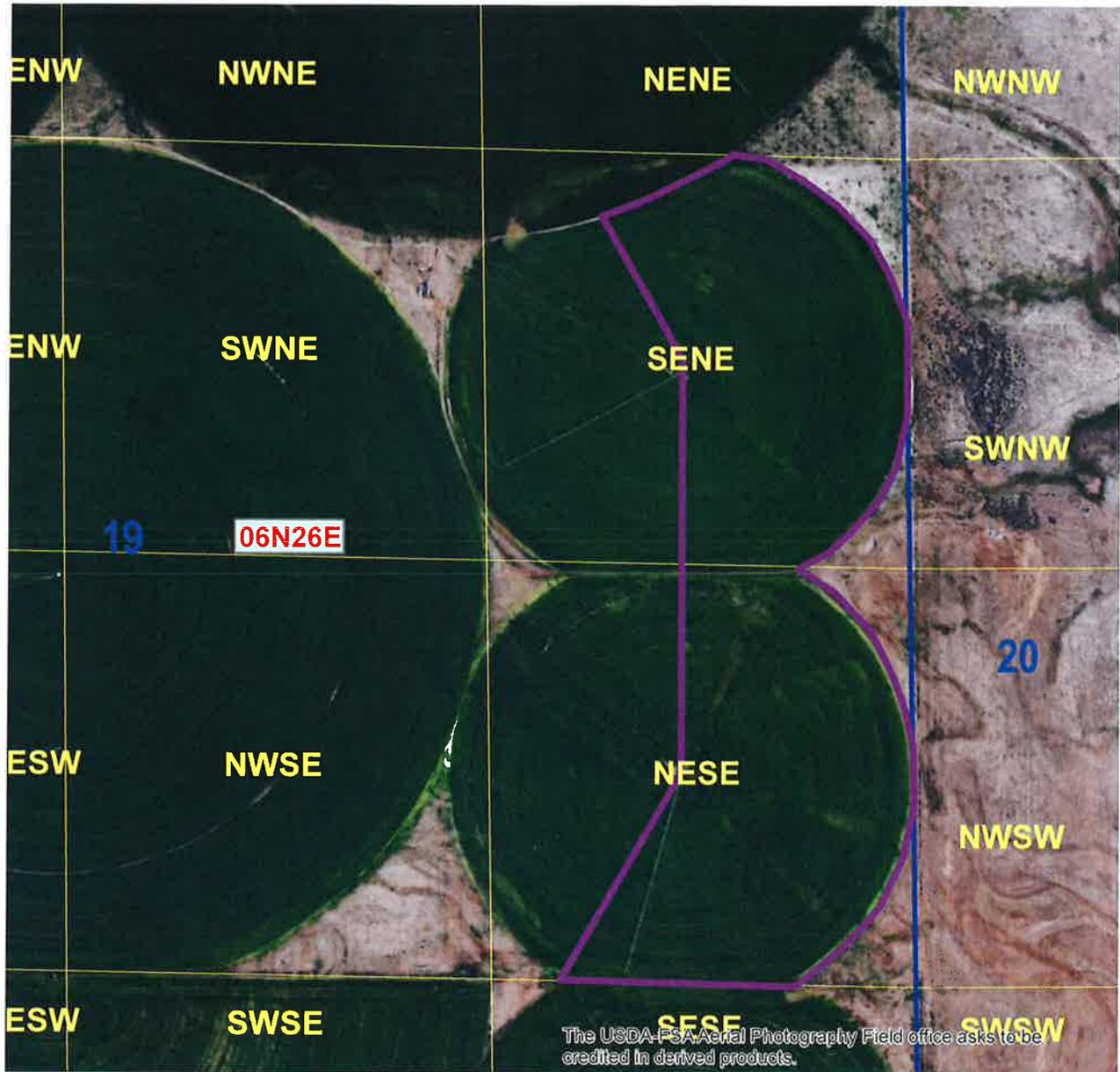
**DATED this 26th day of May, 2020.**



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**James Cefalo  
Eastern Regional Manager**

# Temporary Change TC-34-167 (Pehrson) Authorized Place of Use for Changed Rights



TC-34-167

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**AMENDED**  
by IDWR for  
Approval

**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 Loy Pehrson (and Byron Pehrson, Lana Pehrson, Terri Pehrson) Phone 208-588-3380  
Mailing Address 4624 W 3700 N, Moore, ID 83255 Email \_\_\_\_\_

**A. PURPOSE OF TRANSFER**

- Change point of diversion     Add diversion point(s)     Change place of use  
 Change purpose of use     Other
- Describe the proposed change(s) and explain the reason(s) they are needed. \_\_\_\_\_  
Move rights from the 3-in-1 Ditch to the Lower Burnett Ditch to minimize the shrink charged to these rights. We are the only rights left in the 3-in-1 Ditch and bear all the ditch losses.

**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>34-28G</u>	<u>8/31/1884</u>	<u>0.80 cfs</u>	<u>Irrigation</u>	<u>5/1 to 10/15</u>
<u>34-191</u>	<u>5/10/1897</u>	<u>0.08 cfs</u>	<u>Irrigation</u>	<u>5/1 to 10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

- Total amount of water being transferred 0.88 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
- Source of water Big Lost River tributary to Sinks
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
6N	25E	24			NW	NE	Custer	Big Lost River	Lower Burnett Ditch

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals		
			NE	NW	SW	SE															
6N	26E	19				22											22				44

Total Acres 44

TC-34-167

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
MAY 13 2020  
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 Loy Pehrson (and Byron Pehrson, Lana Pehrson, Terri Pehrson) Phone 208-588-3380  
Mailing Address 4624 W 3700 N Moore, ID 83255 Email pehrsonlk@aol.com

A. PURPOSE OF TRANSFER

- Change point of diversion     Add diversion point(s)     Change place of use  
 Change purpose of use     Other
- Describe the proposed change(s) and explain the reason(s) they are needed. \_\_\_\_\_  
Move rights from the 3-in-1 Ditch to the Burnett Ditch and Pehrson Ditch to minimize the shrink charged to these rights. We are the only rights left in the 3-in-1 Ditch and bear all of the ditch losses.

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>34-28G</u>	<u>8/31/1884</u>	<u>0.80</u>	<u>Irrigation</u>	<u>5/1 to 10/15</u>
<u>34-131B</u>	<u>6/1/1888</u>	<u>0.50</u>	<u>Irrigation</u>	<u>5/1 to 10/15</u>
<u>34-132B</u>	<u>5/10/1897</u>	<u>1.60</u>	<u>Irrigation</u>	<u>5/1 to 10/15</u>
<u>34-191</u>	<u>5/10/1897</u>	<u>0.24</u>	<u>Irrigation</u>	<u>5/1 to 10/15</u>

- Total amount of water being transferred 3.14 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
- Source of water Big Lost River tributary to Sinks
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
06N	25E	24			NW	NE	Custer	Big Lost River	Lower Burnett Ditch
06N	25E	24			NW	NE	Custer	Big Lost River	Pehrson Ditch

- Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE													

Total Acres \_\_\_\_\_

6. General Information:

- a. Who owns the water right to be changed? Loy and Byron Pehrson
- b. Describe the arrangement allowing use of the right. N/A We've already obtained approval for this change from the irrigation district.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
~~No change in place of use.~~ PLACE OF USE WILL CONTINUE TO BE IRRIGATED WITH RIGHTS 34-12378 AND 34-13829
- 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? Rights used on the same place of use through the original points of diversion.
- f. Describe other water rights used for the same purpose. Ground water rights 34-12378, 34-13829
- 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

\_\_\_\_\_  
Date

**FOR DEPARTMENT USE ONLY**

Received by CA [Signature] Date 5/13/2020 \$50 fee received by CA [Signature] Receipt No. E045902  
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 and map

Temporary Change Expiration Date \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
For the Director

12/99

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-167

Applicant's Name: LOY, BYRON, LANA, + TERRI PETERSON

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 15 day of May, 2020

Water District No: 34

[Signature]  
Watermaster's Signature

Use reverse side of page if you need more space.

## Holliday, Michael

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**From:** General Manager <blridgm@atcnet.net>  
**Sent:** Friday, May 15, 2020 3:49 PM  
**To:** Holliday, Michael  
**Subject:** Pehrson Temp Transfer

Michael,

The Big Lost River Irrigation District has no objections to the Pehrson TC-34-167 temporary transfer.

Thanks

*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](http://www.blrid.com)*