

**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
TEMPORARY CHANGE**

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.



**James Cefalo
Eastern Regional Manager**

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ENW SWNE SENE SWNW

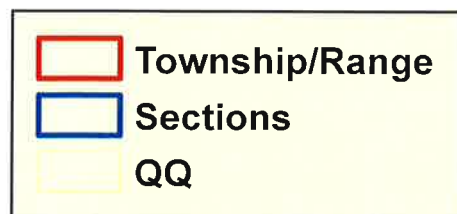
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The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



0 750 1,500 Feet



TC-34-167

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

AMENDED
by IDWR for
approval

(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

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 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 _____ |

2. Total amount of water being transferred 0.88 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Sinks

4. 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 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 6N | 26E | 19 | | | | 22 | | | | | | | | | 22 | | | | 44 |
| | | | | | | | | | | | | | | | | | | | |
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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 | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
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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


Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

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*