

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

**IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-28D, 34-897,)
34-898, 34-2409A, & 34-12034A)
_____)**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-165

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 13, 2020, Joel Andersen submitted the attached temporary change application TC-34-165 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 34-28D, 34-897, 34-898, 34-2409A, and 34-12034A is authorized only at the points 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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5. Right 34-28D is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
6. Right 34-2409A is limited to the irrigation of 110 acres within the authorized places of use in a single irrigation season. Rights 34-2409A and 34-12034A when combined shall not exceed a total diversion rate of 2.20 cfs and a total annual maximum diversion volume of 462 af.
7. Rights 34-2409A, 34-28D, 34-61C, 34-373C, 34-891A, 34-892C, 34-897, 34-898, and 34-12034A when combined shall not exceed a total diversion rate of 3.77 cfs and the irrigation of 132 acres.
8. Right 34-12034A is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
9. Right 34-12034A is based upon an enlargement of Right 34-2409A pursuant to Idaho Code § 42-1426. Right 34-12034A is for an enlargement of 22 acres within the places of use described for this right.
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 November 1, 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 19th day of May, 2020.



James Cefalo
Eastern Regional Manager

TC-34-165

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 Joel and Belva Andersen

Phone 208-589-0019

Mailing Address 2791 N 3375 W Moore, ID 83255

Email andersenangus@gmail.c

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.

Due to drought conditions in Basin 34, delivery of river rights will be significantly reduced, increasing the shrink increasing reliance on ground water rights. We propose to move 63 acres of rights 34-28D, 34-2409A and 34-12034A to augment the supply for right 34-14231.

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
34-28D	8/31/1884	0.80	Irrigation	5/1 to 10/15
34-2409A	4/6/1961	1.05	Irrigation	4/1 to 11/1
34-12034A	6/20/1972	0.18	Irrigation	4/1 to 10/31
34-897, 34-898	Unused Jr Rights		Not available in 2020	to

2. Total amount of water being transferred 1.80 cubic feet per second and/or 220.5 acre-feet per annum.

3. Source of water Big Lost River / Ground Water tributary to Sinks /

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
04N	26E	9		NW	NE	SW	Butte	Ground Water	WMIS #51
04N	26E	8			SW	SE	Butte	Ground Water	WMIS #49
5N	26E	4		NW	SE	SE	BUTTE	BIG LOST RIVER	MOORE CANAL

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	8														31.5	31.5		63

Total Acres 63

6. General Information:

a. Who owns the water right to be changed? Applicant / Lease agreement with Phyllis Merrill for 2020

b. Describe the arrangement allowing use of the right. Lease agreement for 2020

c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The acres being transferred will not be irrigated in 2020.

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? The acres being moved have been set aside due to drought conditions and will not be irrigated.

f. Describe other water rights used for the same purpose. 34-14231 at the proposed place of use.

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 JC Date 5/13/20 \$50 fee received by CH Receipt No. E045879

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:

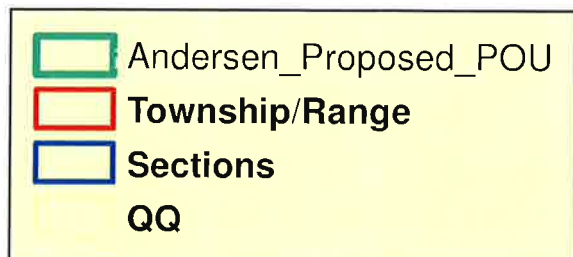
see attached order

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

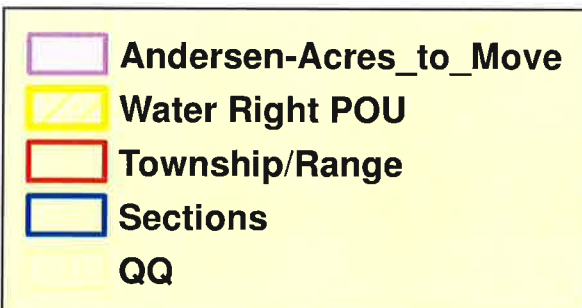
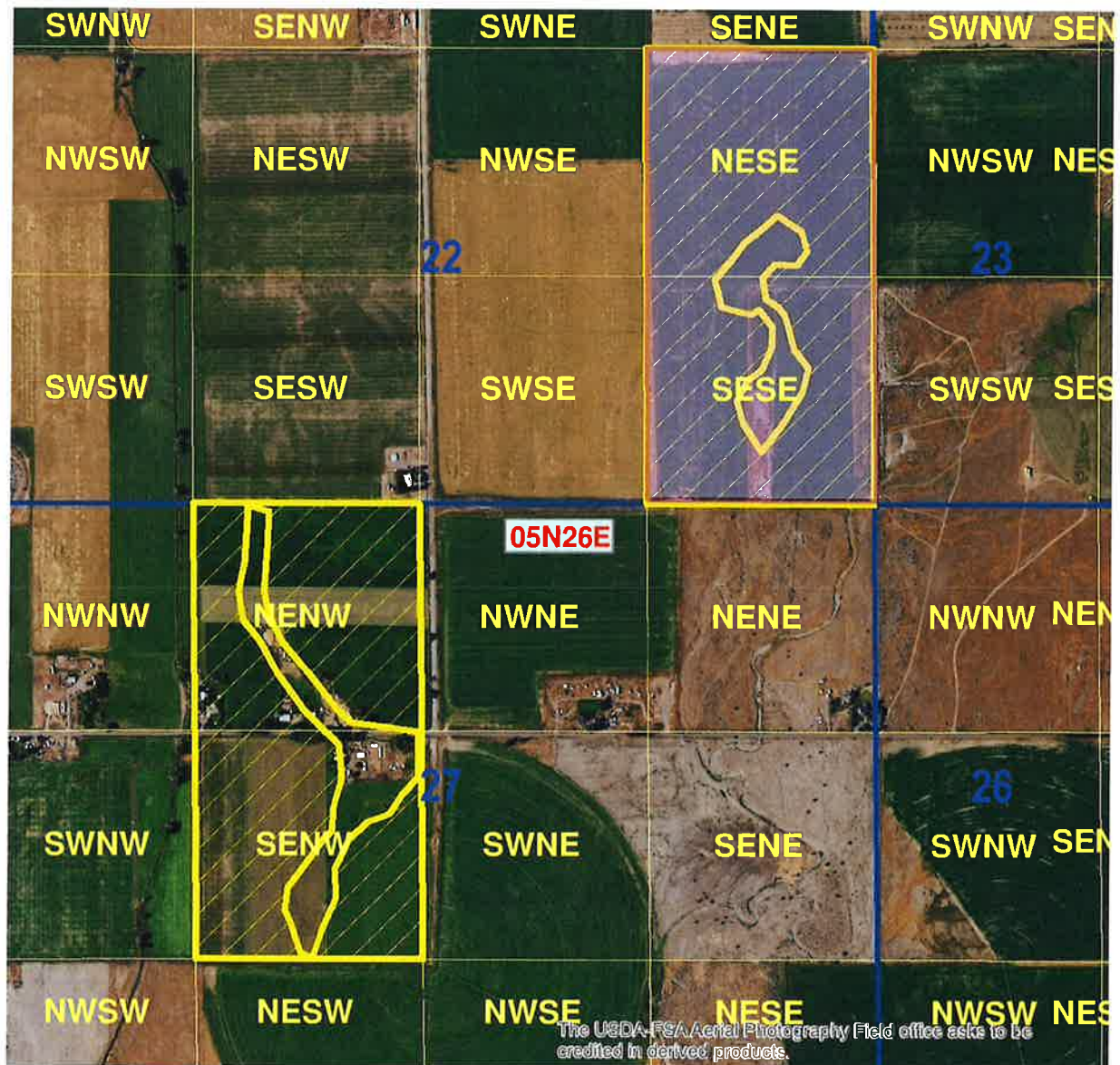
2020 Temporary Change - Proposed POU



0 500 1,000 Feet



2020 Temporary Change - Water Rights 34-28D 34-2409A and 34-12034A



0 1,000 2,000 Feet



Farm Lease Agreement

This lease agreement is between Phyllis Merrill, and Joel and Belva Andersen. Terms of the agreement are as follows.

This lease is a cash lease and is due by April 10th of each year This lease is for 5 years, 2017 through 2021. The lease rate is [REDACTED] per acre for all 76 acres for the years 2017 through 2021. This contract carries an act of God clause. Being the farm has no ground water attached, if drought were to occur and effect the production, both Landlord and Tenant will decide from available water data, such as Idaho Snotel, Big Lost River Irrigation District, Bureau of Reclamation ad other agencies forecasting Big Lost River stream flows and storage water available for that particular season. Based on this data with good common sense by both parties the acres for production would be adjusted to accommodate the amount of water available (This is only in a drought situation).

Tenet is responsible for the following:

- Power demand and consumption charges with Lost River Electric.
- Keeping irrigation system in good working order
- Responsible for repairs on irrigation pump, panel, Pivot, mainline etc,
- Keeping all noxious weeds sprayed and the farm in good appearance and condition
- Tenant is responsible for all production cost associated with the crops
- Tenant is entitled to USDA payment for production
- If USDA changes plans for production payments, Tenant and Landlord will discuss which options should be decided on. (Mutual Agreement)
- Landlord is to notify Lost River Electric of Tenant change and so the Power bill will be sent to Joel or Belva Andersen at 2791 N. 3375 W. Moore, ID 83255
- Landlord is responsible for all property taxes, water assessments.

Belva Andersen
Joel Andersen
Name

4-27-17
Date

P. M.
Name

5-4-17
Date



P.O. Box 82
Lewisville, ID 83431

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-165

Applicant's Name: JOEL + BELVA 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 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 3:51 PM
To: Holliday, Michael
Subject: Anderson Temp Transfer

Michael,

The Big Lost River Irrigation District has no objections to the Anderson TC-34-163, 34-164, 34-165, 34-166 temporary transfers.

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*