

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-2397A,)
34-2412C, 34-2409A, & 34-7210A)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-164

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-34-164 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 34-2397A, 34-2412C, 34-2409A, and 34-7210A 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.**

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TC-34-164

5. Rights 34-299 and 34-2397A when combined shall not exceed a total diversion rate of 3.12 cfs and the irrigation of 120 acres.
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. 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. 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.
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-34-164

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

- ☒ 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. _____
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 unused portions of rights 34-2397A (15 ac),
34-2412C (30 ac), 34-2409A (7 ac) and 34-7210A (5 ac) to augment the supply for right 34-13818.

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>34-2397A</u>	<u>2/20/1961</u>	<u>0.30 / 52.5</u>	<u>Irrigation</u>	<u>4/1 to 11/1</u>
<u>34-2412C</u>	<u>4/13/1961</u>	<u>0.74 / 105</u>	<u>Irrigation</u>	<u>4/1 to 10/31</u>
<u>34-7210A</u>	<u>11/8/1977</u>	<u>0.07 / 17.5</u>	<u>Irrigation</u>	<u>4/1 to 11/1</u>
<u>34-2409A</u>	<u>4/6/1961</u>	<u>0.14 /</u>	<u>Irrigation</u>	<u>4/1 to 11/1</u>

- Total amount of water being transferred 1.25 cubic feet per second and/or 199.5 acre-feet per annum.
- Source of water Ground Water tributary to _____
- 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

- 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	16												23					23
		17													34				34

Total Acres 57

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. 34-13818 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]
Signature of Applicant

5-12-20
Date

FOR DEPARTMENT USE ONLY

Received by MT Date 5/13/2020 \$50 fee received by CA H Receipt No. E045903
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:

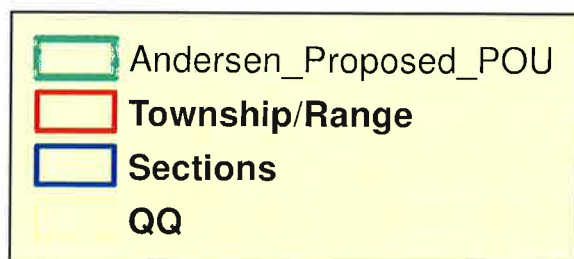
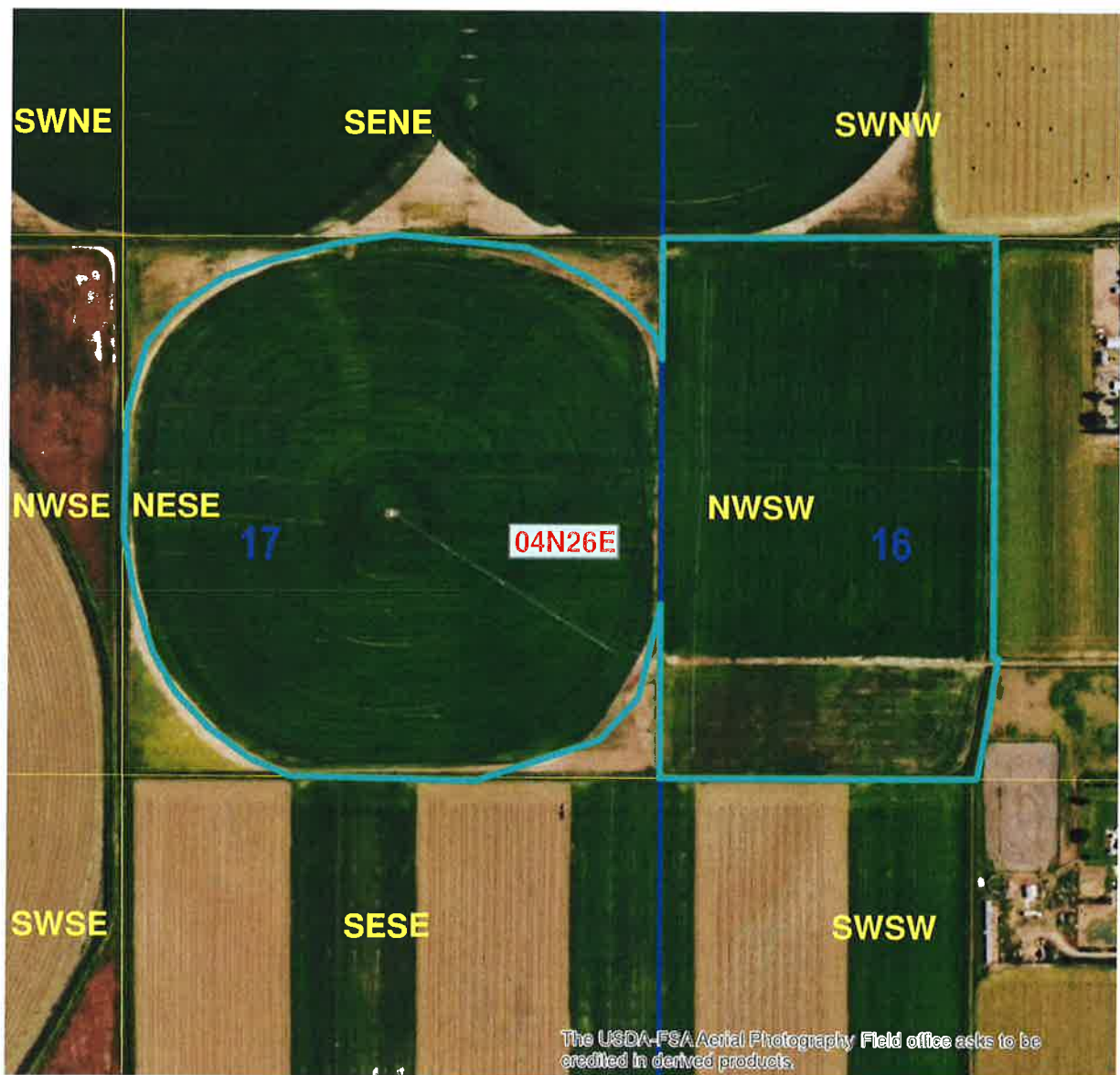
see attached order

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____

For the Director

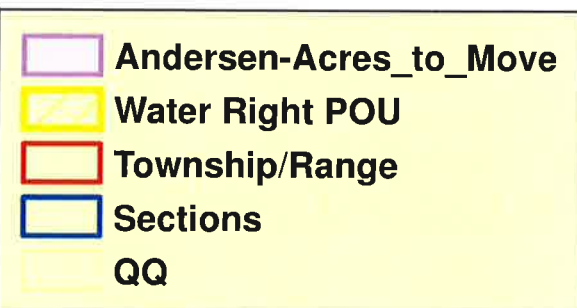
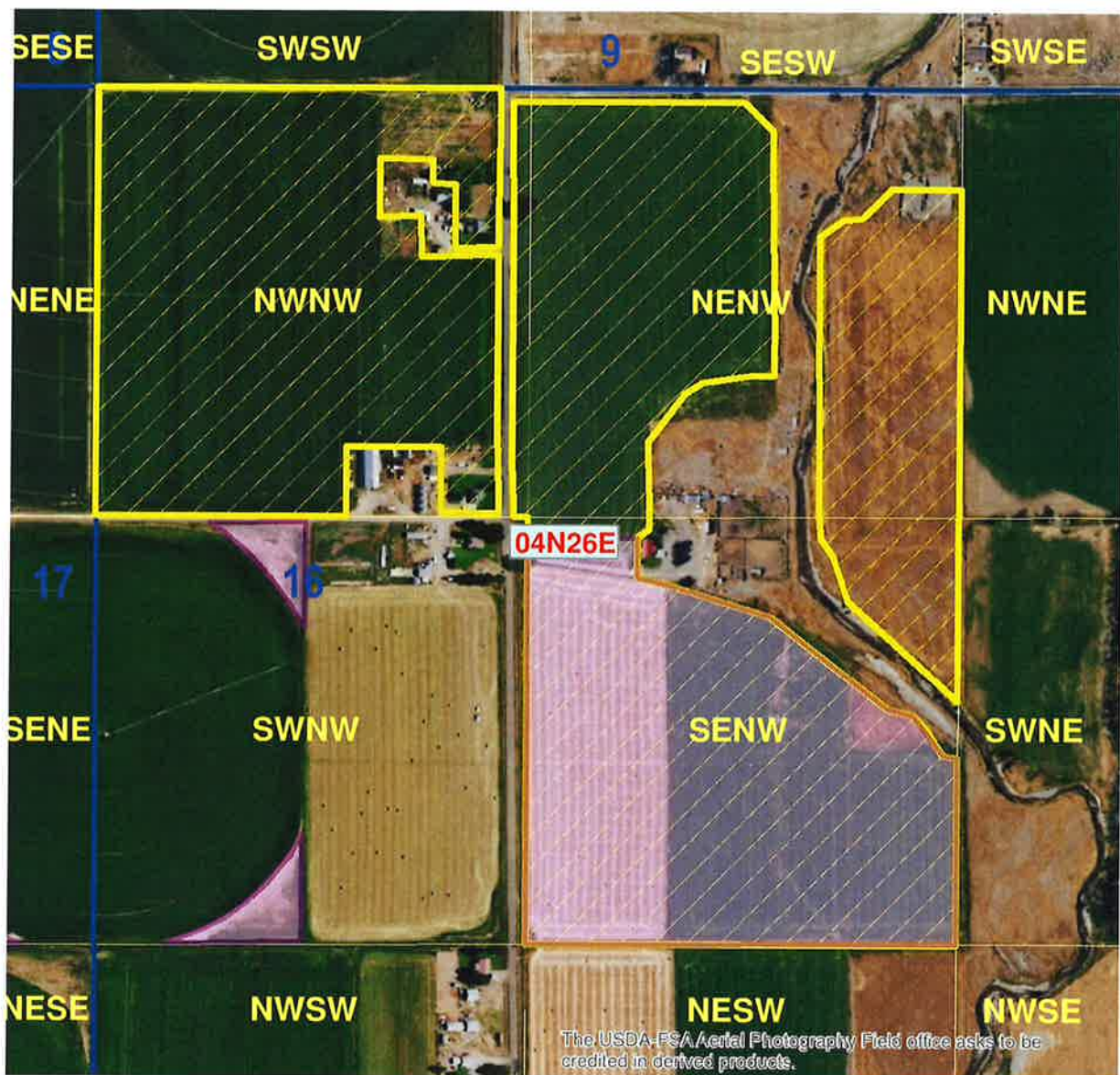
2020 Temporary Change - Proposed POU



0 400 800 Feet



2020 Temporary Change - Water Rights 34-2412C



0 500 1,000 Feet



2020 Temporary Change - Water Right 34-7210A

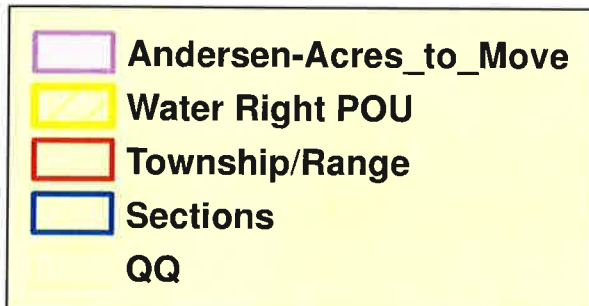
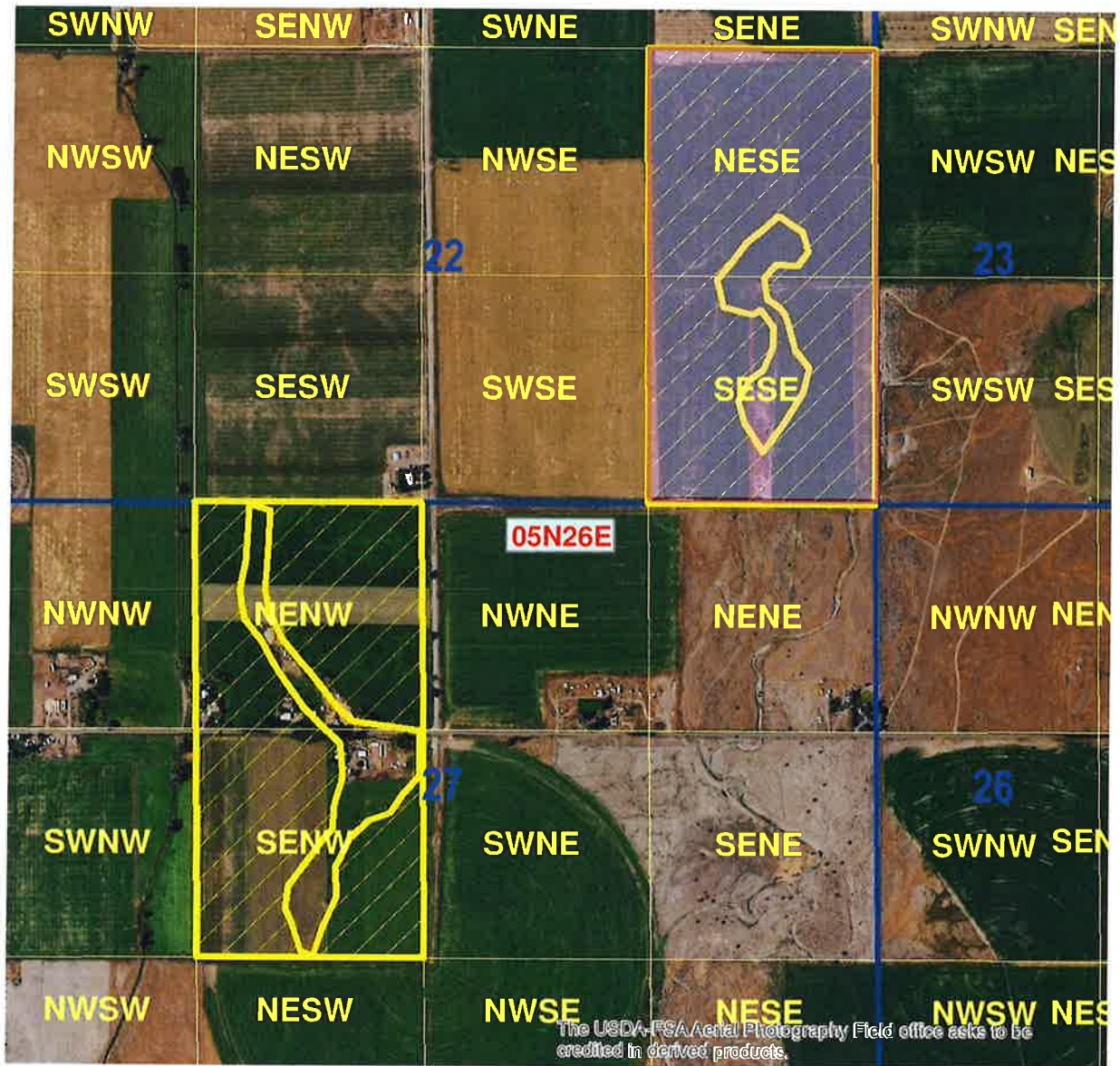


- Andersen-Acres_to_Move
- Water Right POD
- Water Right POU**
- Township/Range**
- Sections**
- QQ**

0 500 1,000 Feet



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



0 1,000 2,000 Feet



12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-164

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

[Signature]
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*

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208-390-1447 - cell
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