

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

**IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF )  
WATER RIGHT NO.: 34-7210B, )  
34-2412C, & 34-7184 )  
\_\_\_\_\_ )  
\_\_\_\_\_ )**

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

**TC-34-163**

**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 7, 2020, Joel Andersen submitted the attached temporary change application TC-34-163 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 34-2412C, 34-7184, and 34-7210B is authorized only at the points of diversion 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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5. Rights 34-7210B and 34-32A when combined shall not exceed a total diversion rate of 0.40 cfs and the irrigation of 14 acres in a single irrigation season.
6. Rights 34-7184, 34-259E, and 34-738D when combined shall not exceed a total diversion rate of 0.91 cfs and the irrigation of 33 acres in a single irrigation season.
7. 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.
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. Right 34-2412C shall not exceed a diversion rate of 1.04 cfs from the point of diversion located in the NWSWSW, Sec 4, T04N, R26E.
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 October 31, 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**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 07 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 Andersen Phone 208-589-0019  
Mailing Address 2791 N 3375 W Moore, Idaho 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. \_\_\_\_\_

Consequently, due to drought conditions in the Big Lost River watershed, deliveries of the natural flow rights are fewer resulting in higher shrink loss and greater reliance on Ground Water sources. In order to efficiently deliver Ground Water sources to their POU, the applicant desires to utilize all of their ground water diversion points.

### 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>34-7210B</u>	<u>11/08/1977</u>	<u>0.21</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
<u>34-7184</u>	<u>4/26/1977</u>	<u>0.56</u>	<u>Irrigation</u>	<u>5/01 4/15</u> to <u>11/01 10/15</u>
<u>34-2412C</u>	<u>4/13/1961</u>	<u>1.04</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>

2. Total amount of water being transferred 1.81 cubic feet per second and/or \_\_\_\_\_ 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
<u>04N</u>	<u>26E</u>	<u>9</u>		<u>NW</u>	<u>NE</u>	<u>SW</u>	<u>BUTTE</u>	<u>GROUND WATER</u>	<u>A0008048</u>
<u>04N</u>	<u>26E</u>	<u>04</u>	<u>4</u>	<u>NE</u>	<u>NW</u>	<u>NW</u>	<u>BUTTE</u>	<u>GROUND WATER</u>	<u>A0008060</u>
<u>4N</u>	<u>26E</u>	<u>4</u>		<u>NW</u>	<u>SW</u>	<u>SW</u>	<u>BUTTE</u>	<u>GROUND WATER</u>	<u>A0008051</u>

### 5. Lands irrigated or place of use:

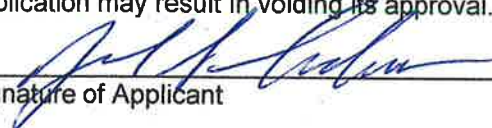
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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

6. General Information:

- a. Who owns the water right to be changed? Applicant and Thomas Perkes
- b. Describe the arrangement allowing use of the right. Applicant has a lease agreement with the owner of water right 34-7210B. See attached Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
The Land will continue to be irrigated until the end of the crop production season.
- 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? A portion of the volume will be delivered to meet the demand for crop production until the end of the irrigation season.
- f. Describe other water rights used for the same purpose. \_\_\_\_\_
- 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

5-7-20  
Date

**FOR DEPARTMENT USE ONLY**

Received by as hr Date 5/7/2020 \$50 fee receipted by CH Receipt No. E0458.79  
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

## Farm Lease Agreement (Agriculture)

This Farm Lease Agreement is between Thomas and Francis Perkes Landlords and Joel and Belva Andersen lessee. Terms of the lease are as follows.

- Lease Agreement is for Seven Years. 2020-2026.
- Cash lease in the amount of [REDACTED] per year due on April 10 of each year.
- Landlord is responsible for Taxes and Water Assessments
- Lessee is responsible for Power Demand Cost and Power cost of the Irrigation pump.
- Lessee is responsible for all cost with production and Maintenance on Irrigation equipment.
- Lessee is responsible for weed control, and keeping good environmental standards.
- A First Right of Refusal shall be offered by the Landlords or their assigned heirs, if and when they decide to sell.

Thomas Perkes 4-10-20

Francis Perkes Landlord

Joel Andersen 4-1-20

Belva Andersen Lessee

12/99


**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**RECOMMENDATION OF WATERMASTER**

Application No: TC-34-163Applicant's Name: JOEL 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, 2020Water District No: 34  
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 3:51 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  
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