

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

2013

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NO. 34-2412A)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-102

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 August 22, 2013, Joel Andersen submitted the attached Temporary Change Application TC-34-102 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 right no(s). 34-2412A 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.**

**SCANNED
AUG 27 2013**

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TC-34-102

5. Right(s) 34-646, 34-647, and 34-2412A are limited to a total combined diversion rate of 3.76 cfs and to the irrigation of a combined total of 113 acres in a single irrigation season.
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 applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2013 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 August, 2013.


Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 20 2013

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 2791N 3375W Moore, ID 83255 Email andersenangus@gmail

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. To make or finish third crop hay on lands without a ground water source when decreed and or storage water is unavailable

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)
34-2412A 2-20-1961 4.74cfs 1.52cfs Irrigation Aug 20 to Oct 1, 2013
____ to ____
____ to ____
____ to ____

2. Total amount of water being transferred 1.74 1.52 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	1/4	1/4	1/4	County	Source	Local name or tag number
4N	26E	9		NW	NE	SW	Butte	Ground water	A0008048

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	16		x				x					x						
4N	26E	16						xx					xx						
4N	26E	16						x					x						
4N	26E	16							15		30		31						76

Total Acres 76

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AUG 27 2013

6. General Information:

- a. Who owns the water right to be changed? Jay Pearson/Joel Andersen ^{1.52}
- b. Describe the arrangement allowing use of the right. Jay Pearson will set aside 1.74 cfs for use on other lands down the canal system to alfalfa 3rd cutting.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: Most land under this water right was not irrigated and put into preventive plant due to a lack of surface water
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Both owners of this water right have used it when surface water was inadequate or unavailable
- e. Absent the changes, how would the right be used for the remainder of the year? The right would not likely be used. Flood irrigation practice is depended on additional surface water volumn flows to irrigate.
- f. Describe other water rights used for the same purpose. Don't have an answer for this question
- g. Remarks: Due to the drought, I'm trying to finish my crops, if and when my surface water become's unavailabe.

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

8-19-2013
Date

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 8/22/13 \$50 fee received by [Signature] Receipt No. E039022
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. TC-34-102, and said application is hereby _____, subject to the following limitations and conditions:

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-34-102

Applicant's Name: JOEL ANDERSEN

Watermaster's Recommendation:

a) ☒ 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 _____ day of _____

Water District No: 34


Watermaster's Signature

Use reverse side of page if you need more space.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-102

Applicant's Name: JOEL ANDERSEN

Watermaster's Recommendation:

- a) ☒ 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 23 day of August, 2013.

Water District No: 34

[Signature]
Watermaster's Signature
BRID, mgr.

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SCANNED
AUG 27 2013