

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

**2013**

IN THE MATTER OF APPLICATION   )  
FOR TEMPORARY CHANGE OF A   )  
WATER RIGHT   34-13845   )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

**TC-34-94**

**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 29, 2013, Marc Hansen submitted the attached Temporary Change Application TC-34-94 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). 34-13845 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-34-94**

5. Rights 34-33, 34-14316, 34-14318, and 34-13845 are limited to the irrigation of a combined total of 126.5 acres in a single irrigation season.
6. Right 34-13843 shall not exceed a total diversion rate of 0.42 cfs, a total annual maximum diversion volume of 73 af, and the irrigation of 20.9 acres.
7. 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.
8. 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.
9. 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.
10. 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".
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 3rd day of June, 2013.**

  
**Lyle Swank**  
**Eastern Regional Manager**

RECEIVED  
MAY 29 2013  
Department of Water Resources  
Eastern Region

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TC-34-94

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 Marc Hansen Phone 208-604-1054  
Mailing Address 2661 N 3520 W, Moore, ID 83255 Email tenahansen@ymail.com

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. \_\_\_\_\_  
Applicant seeks to change POD from the East Side Canal to the Munsey Canal and to change the POU to land he  
is leasing to the south.

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

1. Right Number Priority Amount Nature of Use Period of Use  
34-13845 8/31/1884 1.31 cfs Irrigation 5/1 6/3 to 10/15  
\_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_
2. Total amount of water being transferred 1.31 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:

Twsp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
4N	26E	26			NW	NW	Butte	Big Lost River	

5. Lands irrigated or place of use:

Twsp	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	
3N	27E	18													20	20	25.6		65.6

Total Acres 65.6

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. Applicant is leasing land to be irrigated. Lessor has agreed to the change.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
20.9 acres of the current POU will be irrigated by right 34-13843 and the remainder will be irrigated with storage.
- 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? \_\_\_\_\_  
It would be use to irrigate the current POU.
- f. Describe other water rights used for the same purpose. 34-33, 34-14316, 34-14318, and storage
- 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.

Max Harris  
Signature of Applicant

5-29-2013  
Date

**FOR DEPARTMENT USE ONLY**

Received by \_\_\_\_\_ Date 5/29/2013 \$50 fee receipted by [Signature] Receipt No. E038732  
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-34-94, and said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Temporary Change Expiration Date 10/15/2013

Signed this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
For the Director

12/99

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC - 34-94

Applicant's Name: Marc Hansen

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 30 day of May, 2013.

Water District No: 34

[Signature]  
Watermaster's Signature

Use reverse side of page if you need more space.

12/99

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-94

Applicant's Name: Marc Hansen

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 31 day of May, 2013.

Big Lost Irrigation  
Water District No: \_\_\_\_\_

[Signature]  
Watermaster's Signature  
Manager

Use reverse side of page if you need more space.