

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-800D,)
34-800E, 34-800F, 34-800J,)
34-800H)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-72

2007

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 APRIL 11, 2007, DANIEL WANSTROM submitted the attached Temporary Change Application TC-34-72 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:

- 34-800J, 34-800H
1. Diversion and use of right no(s). 34-800D, 34-800E, 34-800F, 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
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TC-34-7a

34-800J

5. Right(s) 34-800D, 34-800E, 34-800F, 34-800H are limited to the irrigation of a total of 21.5 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, 2007 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 2ND day of MAY, 2007.


Lyle Swank
Eastern Regional Manager

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Daniel Wanstrom Phone 554-2632
Post Office Address 3492N 3350W Moore Idaho 83255

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 the reason(s) thereof Water is currently delivered via Band 5 canal. I would like to have it delivered through the Moore Canal which runs through my property. And would allow me to pump directly from canal and not use 4 miles of ditches which is what is currently done

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
34-800-D	6-1-1886	0.092	Irrigation	5-1 to 10-15
34-800-E	{ }	0.092		to { }
34-800-F		0.092		to { }
34-800-J		0.145		to { }
34-800-H	6-1-1886	0.065		5-1 to 10-15
2. Total amount of water being transferred		0.536	cubic feet per second and/or	acre-feet per annum.
3. Source of water		<u>Big Lost River</u> tributary to <u>Sinks</u>		
4. Point(s) of Diversion:				

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			SE	SE	4	5N	26E	Butte Co.	Moore Canal

5. Lands irrigated or place of use:

B. Acres irrigated or price of use.																				
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05N	26E	09		21.5																21.5

Total Acres 21.5

6. General Information:

- Daniel and Carol and John Jr Wanstrom
- a. Who owns the water right to be changed? Ed-Carpenter/Christine Fleichman
- b. Describe the arrangement allowing use of the right Right is already on the land
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
no change / ~~ex~~ except a more efficient use of water
- d. Has the water right sought to be transferred been used this year? NO If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? It would ~~not~~ not be used as water District will not deliver through B-J canal
- f. Describe other water rights used for the same purpose.
None
- g. Remarks: Due to drought water shed is only 50% of normal and the B-J canal has a lot of shrink to it, so water District prefers to deliver via Moore Canal.

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.

Daniel Wanstrom

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by M Holliday Date 4/11/2007 Fee 50.00
Receipted MWH # E032767 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-34-72

And said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 2ND day of MAY, 2007.

Lyle Swank
For the Director

POWER OF ATTORNEY

THE UNDERSIGNED does hereby appoint Daniel Wanstrom
of Butte County, State of Idaho, the attorney in
fact in connection with water shares located on Township 5 North,
Range 26 East, Boise Meridian, Butte County, Idaho Section 9:
NW $\frac{1}{4}$ NE $\frac{1}{4}$.

This Power of Attorney shall remain in full force and effect
until written notice of its revocation has been duly served
upon Daniel Wanstrom of Moore, Butte County, Idaho.

This power of attorney is signed and dated at
Twin Falls, ID, this 1st day of April 1996.

Valerie Carpenter
Valerie Carpenter
State of Idaho
County of Jerome

Edward G. Carpenter
Edward G. Carpenter

On 1st day of April 1996 appeared before me
a Notary Public Edward and Valerie
known to be the individuals stated on the above signatures.

Lita Ayers
name
Notary
title

Notary Expiration 06-29-99

POWER OF ATTORNEY

THE UNDERSIGNED does hereby appoint Daniel Wanstrom
of Butte County, State of Idaho, the attorney in
fact in connection with water shares located on Township 5 North,
Range 26 East, Boise Meridian, Butte County, Idaho Section 9:
NW $\frac{1}{4}$ NE $\frac{1}{4}$.

This Power of Attorney shall remain in full force and effect
until written notice of its revocation has been duly served
upon Daniel Wanstrom of Moore Butte County, Idaho.

This power of attorney is signed and dated at Moore, Id.
20th, this 20th day of April 1996.

John Wanstrom

Barbara Wanstrom

State of Idaho

County of _____

On 20th day of April 1996 appeared before me
a Notary Public John Wanstrom and Barbara Wanstrom
known to be the individuals stated on the above signatures.

Valerie Carpenter
name
Notary
title

Notary Expiration 8-10-96

POWER OF ATTORNEY

THE UNDERSIGNED does hereby appoint Daniel Wanstrom
of Butte County, State of Idaho, the attorney in
fact in connection with water shares located on Township 5 North,
Range 26 East, Boise Meridian, Butte County, Idaho Section 9:
NW $\frac{1}{4}$ NE $\frac{1}{4}$.

This Power of Attorney shall remain in full force and effect
until written notice of its revocation has been duly served
upon Daniel Wanstrom of Moore Butte County, Idaho.

This power of attorney is signed and dated at
Idaho Falls, ID, this 16 day of April 1996.

Christine Rose Fleischmann Mary L. Fleischmann

State of Idaho

County of Bonneville

On 16 day of April 1996 appeared before me
a Notary Public Christine Rose Fleischmann and Mary Fleischmann
known to be the individuals stated on the above signatures.

Gather R. Fleischmann

name

Notary

title

Notary Expiration 8-16-97

POWER OF ATTORNEY

THE UNDERSIGNED does hereby appoint Daniel A. Wanstrom of Butte County, State of Idaho, the attorney in fact in connection with water shares located on Township 5 North, Range 26 East, Boise Meridian, Butte County, Idaho Section 9: NW $\frac{1}{4}$ NE $\frac{1}{4}$.

This power of Attorney shall remain in full force and effect until written notice of its revocation has been duly served upon Daniel A. Wanstrom of Moore, Butte County, Idaho.

This power of Attorney is signed and dated at Boise Ada, Idaho
this 23 day of April 2007.
City, County, State

Carol A. Wanstrom
Carol A. Wanstrom

County of Ada

On 23 day of April 2007 appeared before me, a Notary public,
Carol A. Wanstrom known to be the individual stated on the above signature.
Carol A. Wanstrom



Valerie Carpenter
Notary Public for Idaho

Idaho Falls
Resides in:

8-19-2008
Commission Expiration

01-99

State of Idaho
Department of Water Resources**RECOMMENDATION OF WATERMASTER**

Application No:

TC-34-72

Applicant=s Name:

DANIEL WANSTROM

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 18 day of APRIL, 2007.Water District No: 34Robert W. Shaffer
Watermaster=s Signature

Use reverse side of page if you need more space.

