

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-117D,)
34-311B, 34-377B)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-71

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 19, 2007, JAY ANDERSEN submitted the attached Temporary Change Application TC-34-71 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). 34-117D, 34-311B, 34-377B 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-34-71

5. Right(s) 34-117D, 34-311B, 34-377B are limited to the irrigation of a total of 104.5 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 27TH day of APRIL, 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)

RECEIVED
APR 19 2007
Department of Water Resources
Eastern Region

Name of Applicant Jay Andersen Phone (208) 527-3341
Post Office Address RT 1 Box 40, Moore ID 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 The change will help me manage my surface & ground water better during low water years.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-00 117D</u>	<u>6-1-1884</u>	<u>1.368</u>	<u>Irrigation</u>	<u>S-1</u> to <u>10-15</u>
<u>34-00 311B</u>	<u>7-15-1884</u>	<u>1.8</u>	<u>"</u>	<u>S-1</u> to <u>10-15</u>
<u>34-00 377B</u>	<u>6-1-1885</u>	<u>1.5</u>	<u>"</u>	<u>S-1</u> to <u>10-15</u>

2. Total amount of water being transferred 1.668 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Surface tributary to Big Lost River
4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	NW	26	4	26	Butte	Munsey

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	35													23		30.6	21.5	75.1
3N	26E	2																	29.4

Total Acres 104.5

6. General Information:

- a. Who owns the water right to be changed? Jay Andersen
- b. Describe the arrangement allowing use of the right own
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The land will not change I am using my supplementary ground water right
- 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? would not be used
- f. Describe other water rights used for the same purpose.
storage water
- 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.

Jay A Andersen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by SC Date 4/19/07 Fee 50⁰⁰

Received SC # E032799 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-34-71

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

Witness my hand this 27th day of April, 2007.

Lyle Swank
For the Director

Received Time Apr. 27, 11:26AM

ATTN MICHAEL HOLIDAY

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: _____

Applicant's Name: JAY ANDERSEN

Watermaster's Recommendation:

- a) X 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 _____

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.



12/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: _____

Applicant's Name: JAY ANDERSEN

Watermaster's Recommendation:

- a) X 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 26 day of April, 2007

Water District No: 34

J. A. Relford
Watermaster's Signature

Use reverse side of page if you need more space.