

2004

Form 42-222A
12/99

Ident. No. TC-34-57

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 Kirby A Jensen Phone (208) 527-3385
Post Office Address 2781 N 3375 W 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 Drought conditions have cut junior rights

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
Exchange	<u>34-10037</u>	<u>5/20/1884</u>	<u>1.28 cfs</u>	<u>IRRIGATION</u>	<u>5/1</u> to <u>10/15</u>
	<u>(34-7097A)</u>	<u>(1/31/1975)</u>	<u>(1.58 cfs)</u>	<u>(IRRIGATION)</u>	<u>(4/1)</u> to <u>(60/31)</u>
	<u>(34-7096A)</u>	<u>(1/31/1975)</u>	<u>(1.84 cfs)</u>	<u>(IRRIGATION)</u>	<u>(4/1)</u> to <u>(10/31)</u>

2. Total amount of water being transferred 1.28 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River / GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SE	NW	17	4N	26E	Butte	Kirby Jensen / Todd Parks Exchange Well

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE													
4N	26E	16																	23.8
		17																	40.0

Total Acres 63.8

TC-34-57

6. General Information:

- a. Who owns the water right to be changed? Kirby Jensen / Todd Perkes
- b. Describe the arrangement allowing use of the right Exchange Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
could not be irrigated
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. has been used for irrigation, but will finish up soon
- 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.

g. Remarks: 34-10037 water diverted under this right is exchanged with water diverted from Groundwater under 34-7096A + 34-7097A from well in Sec 17, T4N R26E. Water diverted under this right is used for the purposes + pow described under 34-7096A + 34-7097A

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)

FOR DEPARTMENT USE ONLY

Received by KCW Date 7/27/04 Fee 50⁰⁰
 Received KCW # E030079 Recommend: approve deny
 Watermaster recommendation Approved

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-57

And said application is hereby Approved, subject to the following limitations and conditions:
This approval is only effective if Todd Perkes agrees that this temporary transfer is consistent with the exchange agreement w/ Kirby Jensen, Rights 34-7097A & 34-7096A.

Witness my hand this 30th day of July, 2004.

[Signature]
For the Director

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-10037)
34-7097A)
34-7096A)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-57

WHEREAS, a drought emergency has been declared for Battle 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 purpose 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 July 27, 2004, Kirby Jensen submitted the attached Temporary Change Application TC-34-57 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:

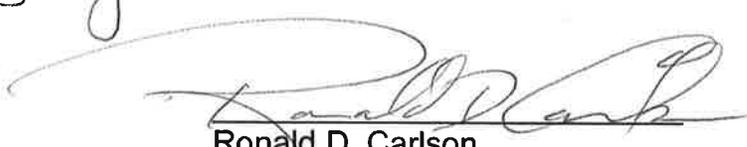
1. Diversion and use of right no(s). 34-10037 34-7097A 34-7096A is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of 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 condition. 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
TEMPORATY CHANGE

TC-34-57

5. Right(s) 34-10037 34-7096A, 34-7097A are limited to the irrigation of a total of 63.8 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 approval 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 shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2004 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 30th day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No: TC-34-57

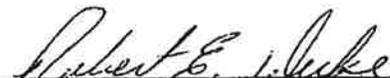
Water Right No(s): 34-10037
34-7097A / 34-7096A

Transfer Applicant's Name: Kirby Jensen
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 30th, day of July, 2004

Water District No: 34


Watermaster's Signature

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-7096A

INFO
TC-34-57

WATER RIGHT NUMBER: 34-7096A

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	MITCHELL D SORENSEN
Current Owner	MARSHAL TODD PERKES RT 1 BOX 69 MOORE, ID 83255 (208)527-3157

Priority Date: 01/31/1975
Basis: Decreed
Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.840 CFS	322.00 AF
	<u>Total Diversion:</u>	1.840 CFS	322.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4NW1/4	Sec. 17, Twp 04N, Rge 26E, B.M.	BUTTE County
GROUND WATER	NE1/4SW1/4SE1/4	Sec. 8, Twp 04N, Rge 26E, B.M.	BUTTE County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
03N	25E	1	33.0	33.0	33.0	33.0													132.0
			L 1	L 2															
04N	25E	25					33.0	33.0	33.0	40.0	40.0	33.0	33.0	39.0	33.0	40.0	39.0	33.0	429.0

Total Acres: 561

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-7096A

INFO
TC-34-57

Remarks:

- 1. Explanatory THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
- 2. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 878.5 AF. COMBINED RIGHT NOS.: 34-7096A, 34-7097A, 34-7223.
- 3. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
- 4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 92 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

- 1. cfritsch 2/7/2002 Revision
Comment: Removed combined POU remark and moved measuring device requirement to explanatory.
- 2. pskaggs 1/9/2003 12:36:08 PM Water Right
Comment: This water right record was updated by decree record from old RightID 547350 to new RightID 550489

Dates and Other Information:

Licensed Date:
 Decreed Date: 2/15/2002
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5	878.5	
Combined Water Rights: 34-7223 , 34-7096A		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		945
Combined Water Rights: 34-2428 , 34-12416 , 34-7223 , 34-7096A , 34-7035B		

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7097A V2

WATER RIGHT NUMBER: 34-7097A V2

INFO
TC-34-57

Owner Type Name and Address
 Directors Report Owner MITCHELL D SORENSEN
 Current Owner MARSHAL TODD PERKES
 RT 1 BOX 69
 MOORE, ID 83255
 (208)527-3157

Priority Date: 01/31/1975 Basis: License Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01	to 10/31	1.580 CFS	276.50 AF
	<u>Total Diversion:</u>		1.580 CFS	276.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4NW1/4	Sec. 17,Twp 04N,Rge 26E, B.M.	BUTTE County
GROUND WATER	NE1/4SW1/4SE1/4	Sec. 8,Twp 04N,Rge 26E, B.M.	BUTTE County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE													
03N	25E	1	33.0	33.0	33.0	33.0													132.0
			L 1	L 2															
04N	25E	25					33.0	33.0	33.0	40.0	40.0	33.0	33.0	39.0	33.0	40.0	39.0	33.0	429.0

Total Acres: 561

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:

1. Explanatory THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 878.5 AF. COMBINED RIGHT NOS.: 34-7096A, 34-7097A, 34-7223.
3. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 79 ACRES WITHIN THE PLACE OF USE - Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. cfritsch 2/7/2002 Revision Removed combined POU remark and moved measuring device requirement to explanatory.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 34-7097A V2

*INFO
TC-34-57*

Dates and Other Information:

Decreed Date: 2/15/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5	878.5	
Combined Water Rights: 34-7223 , 34-7096A , 34-7097A		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		945
Combined Water Rights: 34-496A , 34-692D , 34-2428 , 34-12416 , 34-7223 , 34-7096A , 34-7097A , 34-7035B		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-7223

Comments:

- 1. cfritsch 2/7/2002 Revision
Comment: Removed combined POU remark and moved measuring device requirement to explanatory.

Dates and Other Information:

Licensed Date:
 Decreed Date: 2/15/2002
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 34
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5	878.5	
Combined Water Rights: 34-7223 , 34-7096A		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		945
Combined Water Rights: 34-2428 , 34-12416 , 34-7223 , 34-7096A , 34-7035B		

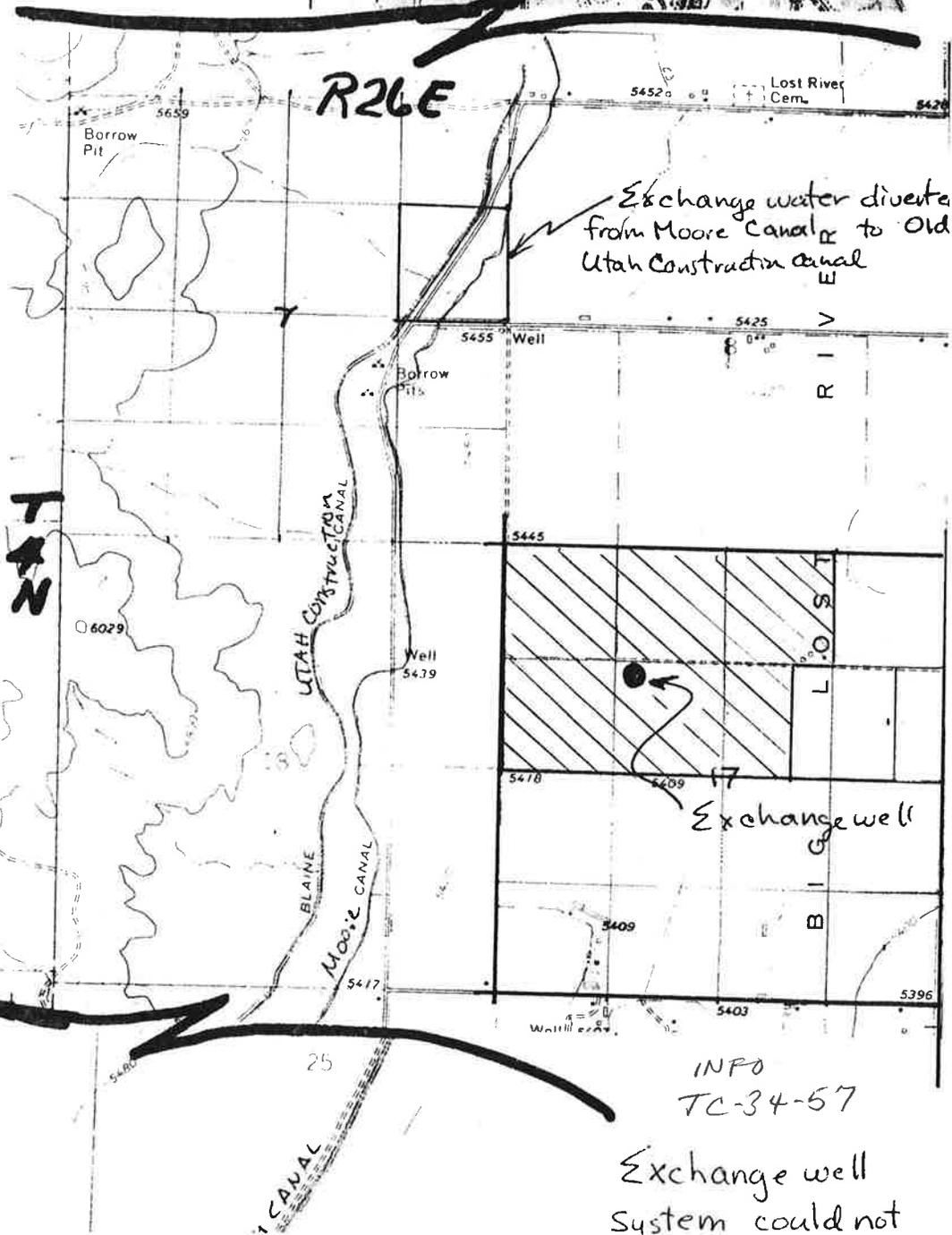
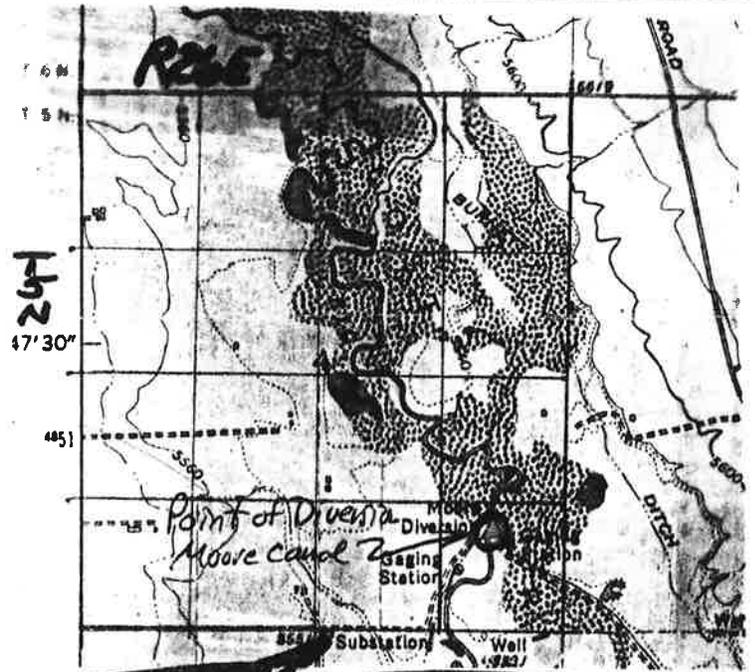
Exchange

34-0032A
(4.52 cfs)

Application for Permit

34-7096
(3.26 cfs)

34-7097
(2.86 cfs)

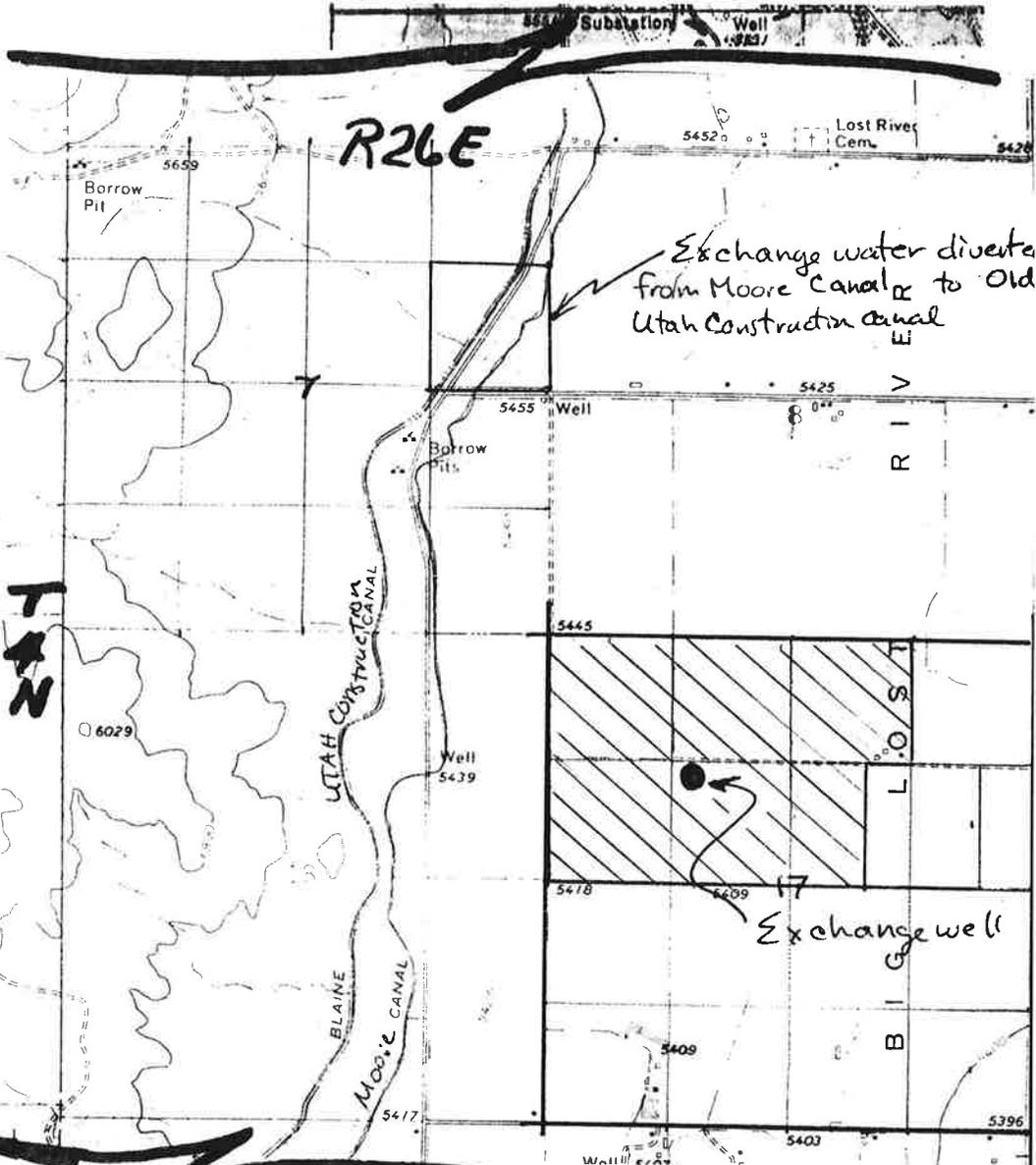


INFO
TC-34-57
Exchange well
System could not

26

25

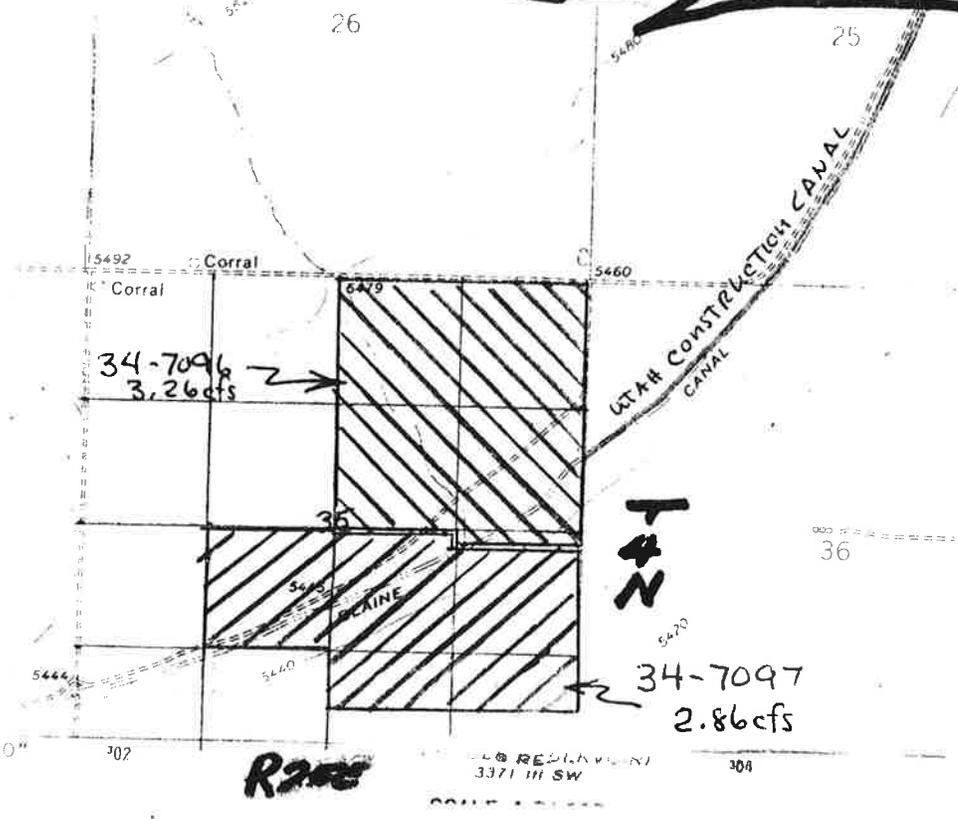
(2.86cfs)



Exchange water diverted from Moore Canal to Old Utah Construction Canal

Exchange well

Exchange well system could not at this time physically divert water into the Utah Construction Canal (3-4-1983)



INFO TC-34-57

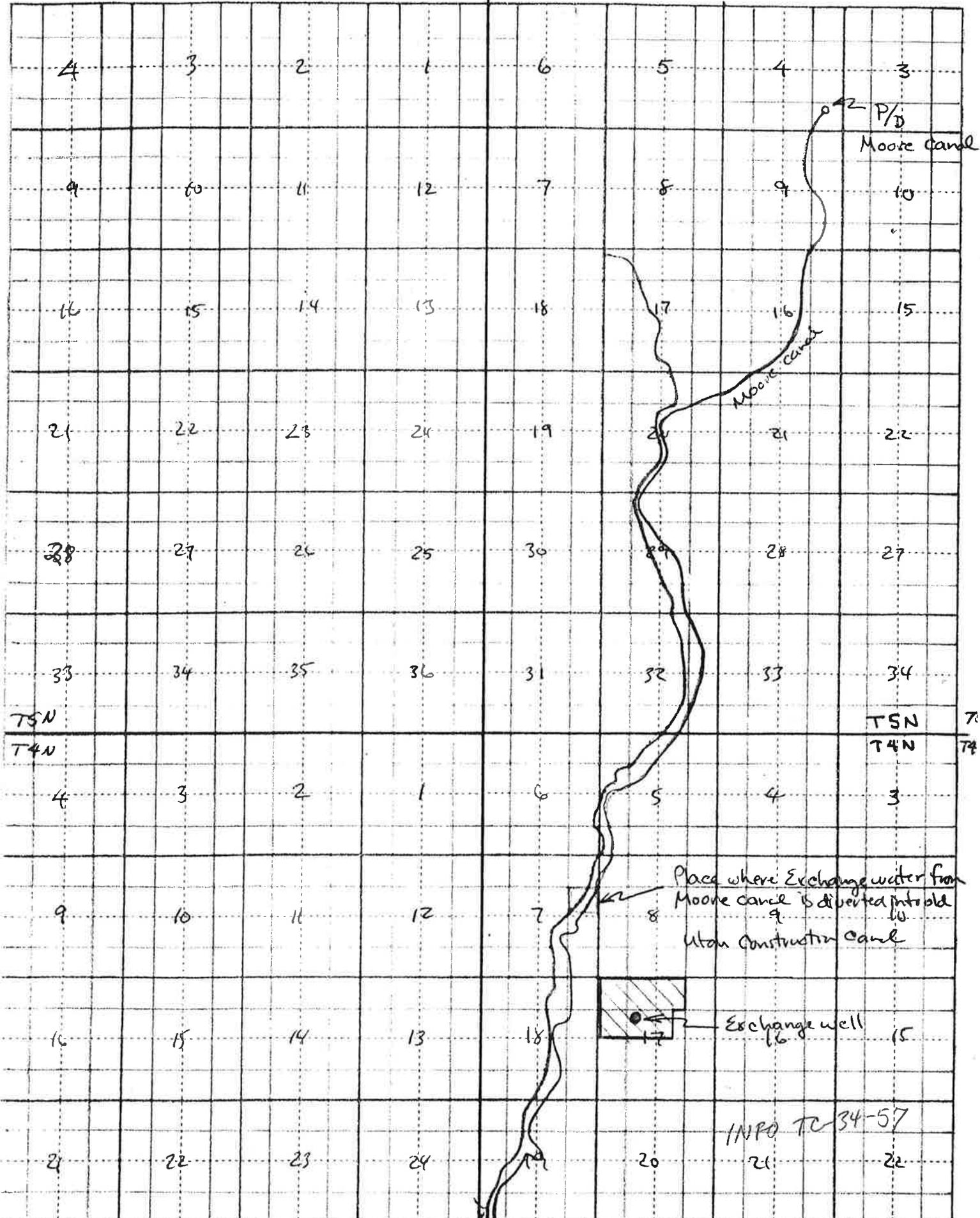
Exchange 34-7096 and 34-0032A
34-7097

NAME OF APPLICANT.....

R25E

R26E

Form No. 0



TSN

T4N

TSN

T4N

7

74

