

2004

Ident. No. TC-34-55

DEP

RCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Kirby Jensen Phone 208 527-3385
Post Office Address 2781 N 3375 W Moore Id 83255-8715

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: Agreement Change place of use
due to drought conditions

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>34-2427</u>	<u>6/15/1961</u>	<u>1.74 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>
				to
				to
				to

2. Total amount of water being transferred 1.74 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	SW	16	4N	26E	Butte	Buxton well

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	16							34										34
		17			14	39													53

Total Acres 87

6. General Information:

- a. Who owns the water right to be changed? C Brooks Burton
- b. Describe the arrangement allowing use of the right Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Insufficient water will not be irrigated
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain Well worked on but only produces a portion of entire water right + surface rights cut cannot raise crop
- e. Absent the changes, how would the right be used for the remainder of the year? Not used
- f. Describe other water rights used for the same purpose.
- g. Remarks: Used upon lands covered under 34-7210A & 34-7210B

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 of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 7/22/04 Fee 50⁰⁰

Received KCW 7/22/04 # E030068 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-34-55

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

Witness my hand this _____ day of _____


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 34-2427)
_____))
Kirby Jensen _____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC- 34- 55

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 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 22, 2004, Kirby Jensen submitted the attached Temporary Change Application TC-34-55 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). 34-2427 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
TEMPORARY CHANGE

TC-34-55

5. Right(s) 34-2427 are limited to the irrigation of a total of 87 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 26th day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7210A V1

WATER RIGHT NUMBER: 34-7210A V1

Owner Type Name and Address
 Current Owner KIRBY A JENSEN
 RT 1 BOX 50
 MOORE, ID 83255
 (208)527-3385
 Original Owner THOMAS J PERKES

INFO

Priority Date: 11/08/1977

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.080 CFS	255.50 AF
<u>Total Diversion:</u>		1.080 CFS	255.50 AF

Location of Point(s) of Diversion

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

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 26E 16							20.0										20.0
04N 26E 17			14.0	39.0													53.0

Total Acres: 73

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.

Remarks:

1. Explanatory RIGHT NO. 34-7201B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Comments:

1. TAYLOR 4/3/1991 COPIED FROM REMARKS

Comment: This claim is for 84% of Lic. 34-07210. Application is pending to transfer the decreed water appurtenant to this land to land owned by Juel Aikele. It is intended to use this groundwater source as the primary source of water for these lands.

2. TAYLOR 9/10/1991 COPIED FROM REMARKS

Comment: If withdrawal of water from the well approved under this license depletes flows in the Big Lost River or any of its tributaries, diversions therefrom shall be subject to control by the watermaster of State Water District 34.

3. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date: 12/14/2001
 Civil Case Number: 39576
 Judicial District: FIFTH
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Water District Number: 34

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7210B V2

WATER RIGHT NUMBER: 34-7210B V2

Owner Type Name and Address
 Current Owner THOMAS J PERKES
 RT 1 BOX 50A
 MOORE, ID 83255
 (208)527-3316

CINFO7

Priority Date: 11/08/1977

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.210 CFS	49.00 AF
<u>Total Diversion:</u>		0.210 CFS	49.00 AF

Location of Point(s) of Diversion

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

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 26E 16							14.0										14.0

Total Acres: 14

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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-00032A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.40 CFS.
2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 34-00032A IS LIMITED TO THE IRRIGATION OF A
 - Irrigation COMBINED TOTAL OF 14 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. VERNER 6/4/1991 COPIED FROM REMARKS

Comment: If withdrawal of water from the well approved under this license depletes flows in the Big Lost River or any of its tributaries, diversions therefrom shall be subject to control by the watermaster of State Water District 34. This claim is for 16% of Lic. 34-07210. Application is pending to transfer the decreed water appurtenant to this land to land owned by Juel Aikele. It is intended to use this groundwater source as the primary source of water for these lands.

Dates and Other Information:

Decreed Date: 2/28/2002
 Civil Case Number: 39576
 Judicial District: FIFTH
 State or Federal: S

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
0.4		14

Combined Water Rights: 34-7210B , 34-32A

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2427

WATER RIGHT NUMBER: 34-2427

Owner Type Name and Address
 Current Owner C BROOKS & MARY K BUXTON
 RT 1 BOX 231
 ARCO, ID 83213
 (208)527-3280
 Original Owner A C BUXTON

Priority Date: 06/15/1961

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	2.940 CFS	514.50 AF
<u>Total Diversion:</u>		2.940 CFS	514.50 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NW1/4SW1/4 Sec. 16,Twp 04N,Rge 26E, B.M. BUTTE County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 26E 21					31.0	39.0	38.0	37.0	2.0								147.0

Total Acres: 147

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.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NOS. 34-00866 AND 34-13576 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.10 CFS.
2. Place of Use USE OF THIS RIGHT WITH RIGHT NOS. 34-00866 AND 34-13576 IS LIMITED TO THE
 - Irrigation IRRIGATION OF 147 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. KEEN 6/6/1991 CLAIM REVIEW

Comment: INITIAL REVIEW, FIELD EXAM, AND DATA ENTRY BY PAUL MEYER. FINAL REVIEW BY S.W. KEEN ON 6-7-1991. FINAL DATA ENTRY BY S.W. KEEN ON 6-26-1991. CALC. OF 3.1 CFS COMBINED RATE 1. (2.4 CFS OF SURF. WATER) * (.7 (DITCH LOSS)) = 1.68 CFS OF SW 2. (1.68 CFS) DIVIDED BY (.015 CFS/ACRE) = 112 ACRES 3. [147 ACRES (TOTAL)] - (112 ACRES) = 35 ACRES NEED GROUNDWATER 4. (35 ACRES) * (.02 CFS) = .7 CFS 5. (2.4 CFS OF SW) + (.7 CFS OF GW) = 3.1 CFS NEEDED TO PROVIDE .02 CFS/ACRE SWK 6-6-1991

2. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date: 12/14/2001
 State or Federal: S
 Owner Name Connector: AND
 Civil Case Number: 39576
 Judicial District: FIFTH
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.1		147
Combined Water Rights: 34-2427 , 34-13576		

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:

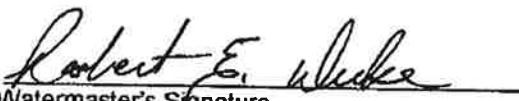
Water Right No(s): 34-2427

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 23rd, day of July, 2004

Water District No: 34


Watermaster's Signature

7-23-04

To : Keith Wilson
Idaho Department of Water Resources
900 North Skyline
Idaho Falls, Idaho 83402

RECEIVED
JUL 27 2004
Department of Water Resources
Eastern Region

Dear Keith,

Kirby Jensen has applied for a temporary transfer of our well water in Sec. 16, T 4N, R26 E

He has conveyed to us that written permission from us is one of the requirements of that transfer. This letter is intended to satisfy that requirement.

Therefore: As the current owners of record of water right 34-2427, we give our permission for Kirby Jensen to transfer and use the water produced from our well described above for the 2004 irrigation season.

C. Brooks Buxton
Rt. 1 Box 231
Arco, Idaho 83213

Mary K. Buxton

C. Brooks Buxton
Rt 1 Box 231
Arco ID 83213

Mary K. Buxton
Rt. 1 Box 231
Arco, ID. 83213