

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 )  
34-615, 34-10669, 34-622C, 34-623A, 34-623B )

ORDER AUTHORIZING  
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for  
counties to allow administrative actions to lessen the severe impacts of the drought  
conditions in the counties; 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 when the director determines that such  
changes can be accomplished in accordance with the provisions of section 42-222A,  
Idaho Code; and

WHEREAS, on 6/14/02, Jag Dean Anderson submitted the attached  
Temporary Change Application ("application") 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:

34-117D, 34-311B, 34-377B  
34-615, 34-10669, 34-622C

1. Diversion and use of right no(s). 34-623A & 34-623B 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 which 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.

5. Right(s) <sup>34-117D, 311B, 377B, 10669</sup><sub>34-622C, 34-623A & B, 34-615</sub> 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 applicant agrees 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 watermaster of Water District No. <sup>34</sup> is authorized to administer the temporary change approval.
11. This temporary change approval expires on 11/1/2002 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 21<sup>st</sup> day of June, 2002.

  
RONALD D. CARLSON  
EASTERN REGION MANAGER

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 14 2002

Department of Water Resources  
Eastern Region

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Jay Andersen & Don And Phone 208-527-3341  
Post Office Address RT 1 Box 40 Moore Id. 83258

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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
✓ 34-00117 D	6-1-1884	0.368	Irrigation	5-1 to 10-15
✓ 34-00311 B	7-15-1884	1.8	"	5-1 to 10-15
? 34-00327 B	6-1-1885	1.5	"	5-1 to 10-15
✓ 24-10169	3-1-1902	1.755	"	5-1 to 10-15
2. Total amount of water being transferred 4.5358 cubic feet per second and/or change as per Decree acre-feet per annum.
3. Source of water SURFACE tributary to Big Lost
4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
34-00165		NW	SE	SE	4	5	76	Butte	Moore

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals		
			NE	NW	SW	SE															
4	26	35																	23	326	215
3	26	2																	29.4		

Total Acres 104.5

6. General Information:

- a. Who owns the water right to be changed? Jay & Dean Andersen
- b. Describe the arrangement allowing use of the right \_\_\_\_\_
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
well dry up.
- 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.

Dean Andersen  
Jay A. Andersen  
(Signature of applicant)

**FOR DEPARTMENT USE ONLY**

Received by KCW Date 6/18/02 Fee 50<sup>00</sup>  
 Received KCW # E027874 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. \_\_\_\_\_

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

Witness my hand this 21<sup>st</sup> day of June, 2002:

Ronald P. Cook  
For the Director

√34-00623A	3-1-1902	e 21	Frivigton	8-1 to 10-15
√34-00615	8-1-1896	1, 17	11	11 11
√34-00623B	3-1-1902	e 305	11	11 11
√34-00622B	6-1-1896	1, 4		

Supplement to Temporary Change Application / Jay & Dean Andersen









IDAHO DEPARTMENT OF WATER RESOURCES  
**Adjudication Recommendation Report 34-623A V2**

WATER RIGHT NUMBER: 34-623A V2

Owner Type                      Name and Address  
 Current Owner                      JAY A or JEAN P ANDERSEN  
    RT 1 BOX 41  
    MOORE, ID 83255  
    (208)527-3431

Priority Date: 03/01/1902                      Basis: Decreed                      Status: Active

Source    Tributary  
 BIG LOST RIVER                                      SINKS

Beneficial Use                      From   To                      Diversion Rate                      Annual Volume  
 IRRIGATION                                      5/01 to 10/15                      0.210 CFS

Total Diversion:                      0.210 CFS

Location of Point(s) of Diversion  
 BIG LOST RIVER                                      NW1/4SE1/4SE1/4                      Sec. 4,    Twp 05N,    Rge 26E, B.M.  
    BUTTE County

Place of Use                      IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE														
04N	26E	5																	35.5	35.5

Total Acres: 35.5

Remarks:

1. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 34-00311B IS LIMITED TO THE IRRIGATION OF A - Irrigation COMBINED TOTAL OF 35.5 ACRES IN A SINGLE IRRIGATION SEASON.
2. Explanatory WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

Comments:

3. 0.09 CFS OF THIS RIGHT LIMITED FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT & 34-00311B.

Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag: RECEIVED - RECOMMENDATION CHANGED  
 State or Federal: S  
 Owner Name Connector: OR  
 Water District Number: 34  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-623B

WATER RIGHT NUMBER: 34-623B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DEAN or KARALEE W ANDERSEN RT 1 BOX 40 MOORE, ID 83255 (208)527-3650

Priority Date: 03/01/1902                      Basis: Decreed                      Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	0.305 CFS	
	<u>Total Diversion:</u>	0.305 CFS	

Location of Point(s) of Diversion  
BIG LOST RIVER                      NW1/4SE1/4SE1/4                      Sec. 4,   Twp 05N,   Rge 26E, B.M.  
   BUTTE County

Place of Use      IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE														
04N	26E	5																	40.0	40.0

Total Acres: 40

Conditions of Approval:

Remarks:

1. Place of Use    USE OF THIS RIGHT WITH RIGHT NOS. 34-02416C AND 34-00622C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 40 ACRES IN A SINGLE IRRIGATION SEASON.
2. Quantity        USE OF THIS RIGHT WITH RIGHT NOS. 34-02416C AND 34-00622C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.01 CFS.

Dates and Other Information:

Licensed Date:  
Decreed Date: 3/10/1998  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Formal Action Date:  
State or Federal: S  
Owner Name Connector: OR  
Water District Number: 34  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False



IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 34-377B

WATER RIGHT NUMBER: **34-377B**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALBERT B PEARSON , ZZ
Original Owner	WALTER A JENSEN , ZZ

Priority Date: 06/01/1885                      Basis: Decreed                      Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/15	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion  
BIG LOST RIVER                      SE1/4SE1/4                      Sec. 4,    Twp 05N,    Rge 26E, B.M.  
   BUTTE County

Place of Use            IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE																
04N	26E	5									X	X	X									

Conditions of Approval:

Remarks:

- General            P/D MOORE CANAL.  
   TRANS 842.

Comments:

Dates and Other Information:

Licensed Date:  
**Decreed Date: 10/21/1925**  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Formal Action Date:  
State or Federal:  
Owner Name Connector:  
Water District Number: 34  
Generic Max Rate Per Acre:  
Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

# SRBA

## PARTIAL DECREE 34-00377B

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ISSUED ON 01-15-1998 BUT COPY  
NOT FOUND IN THE SRBA DATABASE

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