

2002

2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT # 34-7120)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-02
12

WHEREAS, a drought emergency has been declared for BUTTE 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 5-29-02 Mitchell Sorenson 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:

1. Diversion and use of right no(s). 34-7120 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) 34-7120 are limited to the irrigation of a total of 43 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. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 10/31/02 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 4th day of June, 2002.


RONALD D CARLSON
EASTERN REGION 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 Mitchell D. Sorensen Phone Hm. 527-3271
Cell. 221-3293
Post Office Address 3871 West 2500 North 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
- Sorensen leases 40 acres with
-
- appurtenant water right (.80 cfs 34-07120) from Acor. Pursuant to lease terms,
-
- Sorensen is entitled to use this water supply but not the diversion equipment (well)
-
- owned by Acor. (see Exhibit "A") and (Notice date March 18, 2012) necessarily
-
- Sorensen has additional diversion capacity from the well located in sec. 5.

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
<u>34-07120</u>	<u>9/05/1974</u>	<u>.80</u>	<u>Irrigation</u>	<u>4-01</u> to <u>10-31</u>
				to
				to
				to

2. Total amount of water being transferred
- .80
- cubic feet per second and/or _____ acre-feet per annum.

3. Source of water
- Ground water
- tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SE	SE		5	4N	26E	Butte	Sorensen South well

5. Lands irrigated or place of use:
- Same 40 acre tract as described in water right of Exhibit "A"

Twp	Rge	Sec	NE 1/4				NW 1/4				E 1/2 SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>4N</u>	<u>26E</u>	<u>35</u>									<u>20</u>			<u>20</u>					<u>40</u>

Total Acres 40 Acres

6. General Information:

- a. Who owns the water right to be changed? Kurt Acor
- b. Describe the arrangement allowing use of the right Renewable Lease Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No Change
- d. Has the water right sought to be transferred been used this year? Unknown If yes, explain.
- e. Absent the changes, how would the right be used for the remainder of the year? Most likely it would not be diverted due to drought conditions
- f. Describe other water rights used for the same purpose.
No other water rights appurtenant to this 40 acre tract
- g. Remarks: There was a similiar transfer of this .80 cfs approved last year.

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] May 29, 2002
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by SC Date 5-29-02 Fee 50⁰⁰/₁₀₀

Receipted # 0027798 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 4th day of June.

[Signature]
For the Director

EXHIBIT "A"

Township 4 North, Range 25 East of the Boise Meridian, Butte County, Idaho:
Section 35: E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$

Together with any and all water rights and ditch rights thereunto appertaining.

- .80 cfs of water right No. 34-07120
- 28 shares of Timberdome Canal Company Stock
- No diversion equipment
- Buyer will be entitled to .80cfs from well until the necessary applications for transfer of water right are completed and approved by IDWR.

G:\WPDATA\KWF\7151.01\MTCH0412.FL:sjw

NO. 030845
RECORDED

DEC - 6 1996

11:10 A.M. 12:00 P.M.
BUTTE COUNTY RECORDER
[Signature]

March 18th, 2002

LESSOR: Kurt Acor
3357 West 2900 North
Moore, Idaho 83255

LESSEE: Mitchell D. Sorensen
3871 West 2500 North
Moore, Idaho 83255

RE: FARM LEASE RENEWAL


NOTICE

Pursuant to the FARM LEASE, dated October 11, 1996, (provision 2. TERM.), Lessee, Mitchell D. Sorensen hereby notifies LESSOR, Kurt Acor of lessee's intent to renew the said lease as provided for and remits the cash lease payment of \$2000.00 for the 2002 season.

Thank you for your attention in this matter.


Mitchell D. Sorensen

Enclosure:

SORENSEN CROP AND LIVESTOCK		1937
MITCHELL D. SORENSEN		
(208) 527-3271		
3871 W 2500 N		
MOORE, ID 83255		
Date <u>MAR. 18, 02</u>		92-41/1241 709
Pay to the Order of <u>Kurt Acor</u>	\$ <u>2000.00</u>	
<u>Two thousand & 00/100</u>	<u>Bank</u>	Dollars
The Bank of Commerce		
MY BUSINESS SUPPORTING YOUR BUSINESS.		
ARCO OFFICE P.O. BOX 9 ARCO, IDAHO 83213		
For <u>40 acre Lease for 2002</u>		MP
⑆ 124100417⑆ 17 0901597 5⑈ 1937		

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7120 V2

WATER RIGHT NUMBER: 34-7120 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KURT P ACOR PO BOX 63C MOORE, ID 83255 (208)527-3528
Original Owner	US DEPT OF AGRICULTURE FARMERS HOME ADMINISTRATION PO BOX 656 ARCO, ID 83213
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO 330 SHOUP AVE PO BOX 50130 IDAHO FALLS, ID 834050130 (208)523-0620
Original Owner	BOYD B BURNETT ID

Priority Date: 12/17/1975

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
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	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NW1/4	Sec. 21, Twp 05N, 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	
03N	25E	12	39.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	31.0	32.0	31.0	32.0	39.0	40.0	36.0	36.0	595.0
03N	26E	17	11.0	25.0			37.0	39.0	13.0	5.0									130.0
03N	26E	18	35.0	39.0	36.0	25.0	38.0	26.0	37.0	40.0	17.0	10.0			2.0				305.0
04N	25E	35	40.0	40.0	40.0	40.0				20.0			20.0	40.0	40.0	40.0	40.0		360.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 34-7120 V2

04N 25E 36	38.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	40.0	40.0	39.0	635.0
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Total Acres: 2025

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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 THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8087.5 AF IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, AND 34-02330B. THIS RIGHT AND RIGHT NO. 34-07077 ARE LIMITED TO A TOTAL COMBINED RATE OF DIVERSION OF 9.26 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2277 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-13663, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07179, 34-07077, 34-02330B, 34-00618, 34-00692C, 34-13659 AND 34-13661. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 43 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Explanatory RIGHT NO. 34-07077 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. WATER DELIVERED THROUGH THE TIMBER DOME CANAL.

Comments:

1. BAUMHOFF 5/22/1992 ADDED D03 REMARK
Comment:
2. FRAZEE 3/3/1994 NOTICE OF APPEARANCE (NOA)
Comment: PER NOA REC'D 1/24/94, ADDED ATTORNEY KENT W FOSTER
3. CFRITSCH 7/23/1997 COPIED FROM REMARKS
Comment: 4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.
4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 34-7120 V2

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:
Owner Name Connector: 0
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed: False
DLE Act Number:
Carey Act Number:
Mitigation Plan:

SubCase:

SubCase Number: 34-7120
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 2/19/1999
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 2/25/1993 Objection Status: Active