

Form 42-222A
12/99Ident. No. TC-34-09STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

RECEIVED
JUN 26 2001Department of Water Resources
Eastern RegionName of Applicant Jay Andersen & Dean Andersen Phone 527-3650Post Office Address Rt 1 Box 40 Moore IDA 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 Adding point of diversion to facilitate delivery of water

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>34-2416C</u>	<u>5-16-1961</u>	<u>0.8</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
<u>34-2416B</u>	<u>5-16-1961</u>	<u>1.340</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>

2. Total amount of water being transferred 2.140 cubic feet per second and/or 307.5 acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Unit No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	of NW		5	4N	26E	Butte	
		SE	NW		5	4N	26E		

5. Lands irrigated or place of use: Same ground

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	5														40			34-2416C
		5									39		28						34-2416B

Total Acres 107Tad's
Punk's
well

6. General Information:

- a. Who owns the water right to be changed? Dean Andersen
- ☒ 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:
not changing place of use
- 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? not possible to get water to place of use without transfer/change of POD.
- f. Describe other water rights used for the same purpose.
none surface water
- g. Remarks: this transfer will be used when the surface water right is shut off due to drought

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
M Todd Parker
(Signature of applicant)
Dean Andersen

FOR DEPARTMENT USE ONLY

Received by HWT Date 6-26-01 Fee \$50.00

Receipted 6-26-01 # 2026843 Recommend: ☒ approve ☐ deny

Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-34-09

And said application is hereby Approved, subject to the following limitations and conditions:
Water master control

Witness my hand this 27th day of June, 2001.

[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 IN THE NAME)	ORDER AUTHORIZING
OF <u>34-02416B, -02416C</u>)	TEMPORARY CHANGE
<u>M. TODD PERKES</u>)	

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 (A 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, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on June 26, 2001 Jays 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; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 34-2416B, -2416C is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. 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.

4. Right(s) 34-2416B, -2416C are limited to the irrigation of a total of 107 acres in a single irrigation season.
5. 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.
6. 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.
7. 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.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on 10-15-01 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 June, 2001.


AUTHORIZED PERSON
IDWR

06/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 34-7122A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M TODD PERKES RT 1 BOX 69 MOORE, ID 83255 (208)527-3157
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 834050130 (208)523-0620
Original Owner	MICHAEL AIKELE PO BOX 63 MOORE, ID 83255 (208)527-3611
Original Owner	TIMBERLINE BEEF INC RT 1 BOX 63B MOORE, ID 83255
Original Owner	JUEL AIKELE
Original Owner	RODNEY PEARSON RT 1 BOX 63D MOORE, ID 83255 (208)527-3197

Priority Date: 01/16/1976
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	4.31 CFS	1838 AFA	
Total Diversion			4.31 CFS	1838 AFA	

Location of Point(s) of Diversion:

GROUND WATER	NESENW	Sec. 05	Township 04N	Range 26E	BUTTE County
GROUND WATER	NENWNW	Sec. 08	Township 04N	Range 26E	BUTTE County

IRRIGATION Use:
Acre Limit: 561

Place(s) of use:

Place of Use Legal Description: IRRIGATION

BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	25E	1	1	NENE	33	2	NWNE	33		SWNE	33		SENE	33
04N		25		NENW	33		NWNW	33		SWNW	33		SENW	40
				NESW	40		NWSW	33		SWSW	33		SESW	39

Water Right 34-7122A

NESE 33

NWSE 40

SWSE 39

SESE 33

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.

Remarks:

1. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 561 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-7122A, 34-7035A, 34-7096A, 34-7097A, 34-7223
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-07035A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1963.5 AF.
4. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1963.5 AF. COMBINED RIGHT NOS.: 34-7035A, 34-7122A, 34-7096A, 34-7097A, 34-7223

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
DCarlson	2/14/2001	TRANSFER 5661	TRANSFER CHANGES ADD POD SPLIT 34-7035
DCarlson	2/15/2001	transfer 5660	t 5600 addes two pods to the pou

Dates:

Licensed Date:
Claim Received Date: 01/16/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SP5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): E011709
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Parent Right: 34-7122 Transfer

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 34-2416B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAY A ANDERSEN
Current Owner	JEAN P ANDERSEN
	RT 1 BOX 41
	MOORE, ID 83255
	(208)527-3341
Original Owner	RODNEY PEARSON
	MOORE, ID 83255

Priority Date: 05/16/1961
Basis: Decreed
Status: Active

Source
GROUND WATER

Tributary to

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	1.34 CFS	234.5 AFA	
Total Diversion			1.34 CFS	234.5 AFA	

Location of Point(s) of Diversion:

GROUND WATER SWSESW Sec. 05 Township 04N Range 26E BUTTE County

IRRIGATION Use:
Acre Limit: 67

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	26E	5		NESW	39		SESW	28						

Total Acres: 67

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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.518 CFS.
COMBINED RIGHT NOS. 34-00117D, 34-00377B, 34-00615 AND 34-02416B.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 134 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS. 34-00117D, 34-00377B, 34-00615 AND 34-02416B.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
AJU10-DS	6/9/2000	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates:

Licensed Date:
Claim Received Date: 01/09/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 01/15/1998
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): E011548
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

06/27/2001

WATER RIGHT NO. 34-2416C

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

Original Owner RODNEY PEARSON
MOORE, ID 83255

Priority Date: 05/16/1961
Basis: Decreed
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.8 CFS	140 AFA	
Total Diversion			0.8 CFS	140 AFA	

Location of Point(s) of Diversion:

GROUND WATER SESESW Sec. 05 Township 04N Range 26E BUTTE County

IRRIGATION Use:
Acre Limit: 40

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	26E	5		NWSE	40									

Total Acres: 40

Conditions of Approval:

- 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:

- Quantity USE OF THIS RIGHT WITH RIGHT NOS. 34-00622C AND 34-00623B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.01 CFS.
- Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 34-00622C AND 34-00623B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 40 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
AJU10-DS	6/9/2000	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates:

Licensed Date:
Claim Received Date: 01/04/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date: 03/10/1998
Date Filed with Court:
Objection Filed Date:
SPS Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): X777777
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:NONE RECEIVED
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

06/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 34-7035A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	M TODD PERKES RT 1 BOX 69 MOORE, ID 83255 (208)527-3157
Attorney	KENT W FOSTER HOLDEN KIDWELL HAHN & CRAPO PO BOX 50130 IDAHO FALLS, ID 834050130 (208)523-0620
Original Owner	MICHAEL AIKELE PO BOX 63 MOORE, ID 83255 (208)527-3611
Original Owner	TIMBERLINE BEEF INC RT 1 BOX 63B MOORE, ID 83255
Original Owner	JUEL AIKELE RT 1 BOX 63D MOORE, ID 83255 (208)527-3197
Original Owner	RODNEY PEARSON RT 1 BOX 63D NA, ID

Priority Date: 04/12/1973
Basis: License
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	0.64 CFS	166.3 AFA	
Total Diversion			0.64 CFS	166.3 AFA	

Location of Point(s) of Diversion:

GROUND WATER	NESENW	Sec. 05	Township 04N	Range 26E	BUTTE County
GROUND WATER	NENWNW	Sec. 08	Township 04N	Range 26E	BUTTE County

IRRIGATION Use:
Acre Limit: 561

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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03N	25E	1	NENE	33	NWNE	33	SWNE	33	SENE	33
04N		25	NENW	33	NWNW	33	SWNW	33	SENW	40
			NESW	40	NWSW	33	SWSW	33	SESW	39
			NESE	33	NWSE	40	SWSE	39	SESE	33

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.

Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 561 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-7122A, 34-7035A, 34-7096A, 34-7097A, 34-7223
2. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1963.5 AF. COMBINED RIGHT NOS.: 34-7035A, 34-7122A, 34-7096A, 34-7097A, 34-7223
3. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-07122A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1963.5 AF.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
DCarlson	2/16/2001	transfer 5661	split into a and b by transfer

Dates:

Licensed Date:
 Claim Received Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Other Information:

Receipt Number(s):
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False
 Parent Right: 34-7035 Transfer