

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 Everett T. Acer Jr Phone 524-5138
Post Office address 3196 N. Yellowstone Ave, Idaho Falls 83401

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) therefor JAY JENSEN NEEDS
THE WATER FROM OUR WELL - WE ARE DRYING UP - NOT
GOING TO FARM 139 ACRES WE WOULD USUALLY USE THE WATER FOR

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 34-07179 Priority 4/06/1982 Amount 2.78 Nature Irrigation Period of Use 4-15 to 10-15
_____ to _____
_____ to _____
_____ to _____

2. Total amount of water being transferred 2.78 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	2	NE	NW	NE	4	4N	26E	Butte	

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	4													39	39	38	36	152
		9													37	10	10	30	87
		9			27	29													56
		9			36					36									72
		9															9		9

Total acres 376

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:
IT WILL NOT BE FARMED THIS YEAR.
- 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? IT WOULD NOT
- f. Describe other water rights used for the same purpose.
NONE
- 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.

Ernest J. [Signature]
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWS Date 5-22-01 Fee \$50
Receipted HWS # EO26734 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-34-03
And said application is hereby Approved, subject to the following limitations and conditions:

1. Subject to Control of the water master of WD 34
2. Lockable diversion works
3. Adequate measuring device
4. Transfer expires Nov 1, 2001

Witness my hand this 4th day of June, 2001

[Signature]

Harold Jones,

This is a brief explanation of the need for the transference.

We farm 340 acres 5 miles south of Arco, bordering the Arco desert. That land has some storage water, 1996 decree and a deep well 15 miles up the valley. We also own 80 acres in Lost River. This year we have rented 60 Acres from Vaughn Jensen (Jay's father). Jack Jensen (Jay's uncle) also owns land just across the road from Vaughn. All this land, plus some land Vaughn has rented from Raymond Noble for the past 20 years. These are all located in the same area and have 1883 water rights.

The reason we need the temporary transference is: All the land with 1883 water is just below a deep well owned by Bud Acors. Bud Acors land is not being farmed this year and will be set idle.

The deep well is close ~~to the~~ ^{to the} farm with 1883 water and could be used to replace it very easily and without shrink. The land we farm below Arco will burn up without the 1883 water being delivered because:

1. The 1996 decree will not be on this year.
2. The Mackay dam did not fill so the storage is short.
3. Because our deep well up the valley has so much ditch shrink in it it requires more water at the pumping site to shrink and get enough at the end of the ditch. The Acor pump would have no shrink.

We would use the 1883 decree in exchange for the deep well up the valley, we would shut off this well in exchange for the Acor deep well.

The number of acres on Jack Jensen, L. Vaughn Jensen, Raymond Noble, and Jay Jensen would be about the same as the place below Arco.

This transference would make our water use much more efficient and practical.

If you need any more information please call at 554-2093.

Sincerely,
DeAnn Jensen

On Original well for Jay Vaughn Jensen (in Moore) is changed 40-70% shrink. Therefore using the Arco well which is $\frac{1}{4}$ to $\frac{1}{2}$ mile away will be a help in the Temporary Exchange.

Huf

May 29, 2001

The people who have
signed below agree with
the temporary exchange of
1883 decree water for pump
water provided by Jay Jensen.

Jay U. Jensen
For Raymond Noble Lease ground
Jay U. Jensen
Jack H. Jensen

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 Everett T. Acor Jr Phone 524-5138
Post Office address 3196 N. Yellowstone Ave, Idaho Falls 83401

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) therefor JAY JENSEN NEEDS
THE WATER FROM OUR WELL - WE ARE DRYING UP - NOT
GOING TO FARM 139 ACRES WE WOULD USUALLY USE THE WATER FOR

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 34-07179 Priority 4/06/1982 Amount 2.78 Nature Irrigation Period of Use 4-15 to 10-15
_____ to _____
_____ to _____
_____ to _____

2. Total amount of water being transferred 2.78 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>2</u>	<u>NE</u>	<u>NW</u>	<u>NE</u>	<u>4</u>	<u>4N</u>	<u>26E</u>	<u>Butte</u>	

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>4N</u>	<u>26E</u>	<u>4</u>													<u>39</u>	<u>39</u>	<u>38</u>	<u>36</u>	<u>152</u>
		<u>9</u>													<u>37</u>	<u>10</u>	<u>10</u>	<u>30</u>	<u>87</u>
		<u>9</u>		<u>27</u>	<u>29</u>														<u>56</u>
		<u>9</u>	<u>36</u>			<u>36</u>													<u>72</u>
		<u>9</u>															<u>9</u>		<u>9</u>

Total acres 376

6. General Information:

a. Who owns the water right to be changed? Applicant

b. Describe the arrangement allowing use of the right _____

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this application:

IT WILL NOT BE FARMED THIS YEAR

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? IT WOULD NOT

f. Describe other water rights used for the same purpose.

NONE

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.

Ernest J. Pica
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWS Date 5-22-01 Fee \$50

Receipted HWS # E026734 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. _____

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

1. Subject to Control of the water master of WD 34
2. Lockable diversion works
3. Adequate measuring device
4. Transfer expires Nov 1, 2001

Witness my hand this 4th day of June, 2001

Ronald C. Calk

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)
OF)
34-7179)
Everett T. Acer Jr)

ORDER AUTHORIZING
TEMPORARY CHANGE

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 5-22-01 Everett Acer 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) 34-7179 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) 34-7179 are limited to the irrigation of a total of 376 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 5th day of June, 2001.


AUTHORIZED PERSON
IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5611

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Everett T. Acor, Jr.Phone (208) 523-0620Post Office address P.O. Box 50130, Idaho Falls, ID 83405

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes To divide water rights to conform to division of land as a result of sale of land by Acors to Cannons

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
(Split) --- T	<u>34-00692C</u>	<u>07/15/1884</u>	<u>1.60</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
	<u>34-02426D</u>	<u>04/06/1982</u>	<u>1.24</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>
	<u>34-07179</u>	<u>04/06/1982</u>	<u>2.78</u>	<u>Irrigation</u>	<u>04-15</u> to <u>10-15</u>

2. Total amount of water being transferred 5.42 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River-34-00692C tributary to sinks
Source of water Groundwater-34-02426D tributary to _____
Source of water Groundwater-34-07179 tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SE	4	5N	26E	Butte	Moore Diversion for 34-00692C
	NE	SW	SW	28	5N	26E	Butte	Home place well for 34-02426D
02	NE	NW	NE	4	4N	26E	Butte	Dad's place well for 34-07179

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	09					35	35											70 - 34-00692C
5N	26E	28											37	36					73 - 34-02426D
4N	26E	04	35	36	36	32													139 - 34-07179

Total Acres 282

*Adjust surface
its 7 total acres
to reflect earlier
sale to Douglas.
See letter 5-26-2000
from Kent Foster.*

*Not irrigated this
year. Huf*

Post-it Fax Note 7671

To SKIP

Co./Dept.

Date 5-18From PAH

Co.

of pages 4

6. General Information:

- a. Description of diversion system 34-00692C - headgate on canal with sprinkler system
34-02426D - well and pump to hand line sprinklers
34-07179 - well and pump to wheel line sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes No No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
There will be no effect
- d. Remarks:
A copy of the Agreement for Division of Water Rights and Related Property Rights between Acors and Cannons is attached.

ACTION OF THE DIRECTOR DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 1999.

3. 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	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indication the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:
There are no return flows

3. Describe effects on other water uses resulting from the proposed change:
There will be no effects on other water uses resulting from the proposed change.

I hereby 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.

Ernest J. Acosta
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of November, 1999.

Scott D. White
Notary Public

My Commission Expires 11/20/2004

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and _____ attachments

Received by *Thuf* Date 11-17-99 Protest filed by _____

Prelim. check by _____ Fee #100.00

Receipted by *Thuf* # E025479 Date 11-17-99

Published in Arco Advertiser Copies of protest forwarded by _____

Pub. dates Dec 23 & 30, 1999 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd by *APC*

Copy of transfer sent to lien holder _____

G:\WPDATA\K\W\5974\TRANSFER.1.kmc

<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	12		NENE	39		NWNE	40		SWNE	40		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	31		NWSW	32		SWSW	31		SESW	32
				NESE	39		NWSE	40		SWSE	36		SESE	36
	26E	17		NENE	11		NWNE	25						
				NENW	37		NWNW	39		SWNW	13		SENW	5
		18		NENE	35		NWNE	39		SWNE	36		SENE	25
				NENW	38		NWNW	26		SWNW	37		SENW	40
				NESW	17		NWSW	10						
				NWSE	2									
04N	25E	35		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESW	20		SESW	20						
				NESE	40		NWSE	40		SWSE	40		SESE	40
		36		NENE	38		NWNE	40		SWNE	40		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	39		NWSE	40		SWSE	40		SESE	39
	26E	4	1	NENE	35	2	NWNE	36		SWNE	36		SENE	32
05N		33		NENE	14		NWNE	36						

Total Acres: 2214

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.
3. C06 PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.

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, 34-02426C, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-02330B, 34-07077, AND 34-07120.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 2307 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-12376, 34-02426C, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-02330B, 34-07077, 34-07120, 34-00618, 34-00692C, 34-00256 AND 34-00416.
3. Explanatory RIGHT NO. 34-07201 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. WATER DELIVERED THROUGH WEST-SIDE WEST CANAL TO TIMBERDOME CANAL.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
BAUMHOF	5/22/199	ADDED D03	ADDED D03 REMARK
F	2	REMARK	
FRAZEE	3/3/1994	NOTICE OF APPEARANCE (NOA)	PER NOA REC'D 1/24/94, MODIFIED ENTRY FOR ATTORNEY KENT W FOSTER
CFRITSCH	7/23/199	COPIED FROM	4.0 CFS OF RIGHT NO. 34-07077 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN
	7	REMARKS	DELIVERY OF THIS RIGHT AND ALL RIGHTS PREVIOUSLY LISTED.
AJU10-DS	6/9/2000	AJU10 CONDITION UPDATE	CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates:

Licensed Date: 01/21/1985
Claim Received Date: 08/16/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:

Idaho Department of Water Resources Receipt

Receipt ID E026734

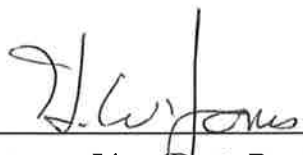
Payment Amount	\$100.00	Date Received	5/22/2001 3:02:22 PM	Region	Eastern	Status
Payment Type	Check	Check Number	1052			

Payer WATER DISTRICT 34

Comment Two temp transfers for Jay Jensen

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	TRANSFERS	0229	21	63105	1155


Signature Line (Dept. Representative)