

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 29-918, 29-938, 29-1078,)
29-10327, 29-10329, 29-10330, 29-10331,)
29-13231, and 29-13232)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-29-14

WHEREAS, a drought emergency has been declared for Caribou 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 June 2, 2005, Kenneth Andrus submitted the attached Temporary Change Application TC-29-14 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) 29-918/938/1078/10327/10329/10330/10331/13231/13232 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.

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5. Right(s) 29-91B/93B/107B/10327/10329/10330/10331/13231/13232 are limited to the irrigation of a total of 375 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 is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. 29 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on OCTOBER 31, 2005 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 6th day of JUNE, 2005.


Ronald D. Carlson
Eastern Regional 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 Jim Andrews
Kenneth D. Andrews, Colleen Lloyd Andrews, Phone 208 776-5380
Post Office Address 6948 East old Oregon Trail Rd., Lava Hot Springs, Idaho 83246

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 Currently entertaining permanent transfer - 2 - Put water in King Creek Pipeline infrastructure
Levers pipeline. Ditches were plowed in before we purchased property

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

1. Right Number SEE ATTACHMENT Priority SEE ATTACHMENT Amount (cfs/ac-ft) SEE ATTACHMENT Nature of Use SEE ATTACHMENT Period of Use 4/15 to 8/15
to
to
to

2. Total amount of water being transferred 7.80 cubic feet per second and/or acre-feet per annum.

3. Source of water Toponce Creek tributary to Portman River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	SE	33	6S	38E	Caribou	King Creek Pipeline
		SE	NE	SW	34	6S	38E	Caribou	
		NE	NW	SW	35	6S	38E	Caribou	

5. Lands irrigated or place of use: NO CHANGE

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	
6S	38E	26									20	37	39						96
											L-11	L-12	L-13						
6S	38E	35	40	41			41	40											162
			L-1	L-2			L-3	L-4											
6S	38E	36		39			39	39											117
				L-2			L-3	L-4											

Total Acres 375

Item: B.1 Description of Rights(s) or portions thereof, after the requested change

Source		TOPONCE CREEK			Water Use(s) IRRIGATION	
Owner(s)		ANDRUS, COLLEEN L, JIM, KENNETH D				
Basin	Seq	Suffix	Priority Date	(cfs)	Version	Source Table
29	91	B	7/1/1909	0.48	2	wrAdjudicationRecommendation
29	93	B	7/1/1913	0.1	2	wrAdjudicationRecommendation
29	107	B	6/17/1902	0.6	2	wrAdjudicationRecommendation
29	10327		6/18/1902	2.99	3	wrAdjudicationRecommendation
29	10329		7/1/1908	0.3	2	wrAdjudicationRecommendation
29	10330		7/1/1910	0.15	2	wrAdjudicationRecommendation
29	10331		1868-07-06	3.14	2	wrAdjudicationRecommendation
29	13231		7/1/1906	0.07	3	wrAdjudicationRecommendation
29	13232		7/1/1907	0.11	2	wrAdjudicationRecommendation

7.94

TEMPORARY CHANGE 2005

ANDRUS, COLLEEN L, JIM, KENNETH D

TC-29-14

6. General Information:

TC-29-14

- a. Who owns the water right to be changed? Kenneth D. Andrews, Colleen Lloyd Andrews, Jim Andrews
- b. Describe the arrangement allowing use of the right Agreement With King Creek Grazing Assn. to put our water into their new gravity pipeline
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
It will allow it to be irrigated
- 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 could not be used & the land could not be irrigated
- f. Describe other water rights used for the same purpose.
This is our total water right used for irrigation on this
- g. Remarks: Caribou Co. has been declared a disaster Co. and land the change need to be approved so we can irrigate this season

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.

Kenneth Andrews

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KW Date 6/2/2005 Fee 50⁰⁰

Received KW 6/2/05 # E080937 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. TC-29-14

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

Witness my hand this 6th day of June, 2005

[Signature]
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-193 V2

WATER RIGHT NUMBER: 29-193 V2

Owner Type

Current Owner

Name and Address

JIM, KENNETH D, & COLLEEN L ANDRUS, 6948 E OLD OREGON TL RD
LAVA HOT SPRINGS, ID 83246
(208)776-5380

Priority Date: 07/02/1902

Basis: Decreed

Status: Active

SourceEAST BOB SMITH CREEK
SPRINGSTributaryPORTNEUF RIVER
EAST BOB SMITH CREEKBeneficial Use

IRRIGATION

From To

4/15 to 9/15

Diversion Rate

1.000 CFS

Annual VolumeTotal Diversion: 1.000 CFSLocation of Point(s) of Diversion

EAST BOB SMITH CREEK NE1/4SE1/4SW1/4Sec. 12,Twp 09S,Rge 37E, B.M. BANNOCK County
SPRINGS NW1/4SW1/4NW1/4Sec. 13,Twp 09S,Rge 37E, B.M. BANNOCK County
SPRINGS SE1/4SW1/4NW1/4Sec. 13,Twp 09S,Rge 37E, B.M. BANNOCK 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	
09S 37E 12											3.2	5.5					8.7
09S 37E 13						11.0	28.0			21.0	17.0						77.0
09S 37E 14			.7					23.0						34.0		34.0	91.7
09S 37E 23			33.0	20.0				22.0	32.0	12.0							119.0
								L 1									
09S 37E 24								31.0									31.0

Total Acres: 327.4

Conditions of Approval:

1. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE FOR SPRINGS: 29-193, 29-11681.
2. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.55 CFS. COMBINED RIGHT NOS.: 29-187, 29-188, 29-191, 29-193, 29-11678, 29-11681.
3. 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.
4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 327.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-187, 29-188, 29-191, 29-193, 29-11678, 29-11681.
7. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE FOR EAST BOB SMITH CREEK: 29-187, 29-188, 29-191, 29-193, 29-11678, 29-11681.
9. E62 THIS RIGHT WHEN COMBINED WITH RIGHTS 29-187, 29-188, 29-191, 29-193, 29-11678, & 29-11681 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
10. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date:
State or Federal: S
Owner Name Connector: AND

Combined Use Limits:

Rate	Volume	Acres
6.55		327.4

Combined Rights:

29-187, 29-188, 29-191, 29-193, 29-11678, 29-11681

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10331 V2

WATER RIGHT NUMBER: 29-10331 V2

Owner Type Name and Address
 Current Owner: KENNETH D ANDRUS
 Current Owner JIM ANDRUS
 Current Owner COLLEEN L ANDRUS

Priority Date: 07/06/1868

Basis: Decreed

Status: Active

Source Tributary
 TOPONCE CREEK PORTNEUF RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 04/01 to 10/31 3.144 CFS

Total Diversion: 3.144 CFSLocation of Point(s) of Diversion

TOPONCE CREEK SE1/4NE1/4SW1/4 Sec. 34,Twp 06S,Rge 38E, B.M. CARIBOU County
 TOPONCE CREEK L12 (NE1/4NW1/4SW1/4) Sec. 35,Twp 06S,Rge 38E, B.M. CARIBOU 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	
06S 38E 26									20.0	37.0	39.0						96.0
									L 11	L 12	L 13						
06S 38E 35	40.0	41.0			41.0	40.0											162.0
	L 1	L 2			L 3	L 4											
06S 38E 36		39.0			39.0	39.0											117.0
		L 2			L 3	L 4											

Total Acres: 375

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. E56 Use of the rights listed below is limited to the irrigation of a combined total of 375 acres in a single irrigation season. Combined Right Nos.: 29-10331, 29-107B, 29-10327, 29-13231, 29-13232, 29-10329, 29-91B, 29-10330, 29-93B, and 29-10332.
3. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.29-234 AND 29-252.
4. F06 THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 29-13231, 29-13232, 29-10329, 29-91B, 29-93B, 29-10330, 29-10327, 29-10331 AND 29-107B
5. E51 Use of the rights listed below is limited to a total combined diversion rate of 3.144 cfs. Combined Right Nos.: 29-10331 and 29-10332
6. E55 Use of this right with Right No. 29-10332 is limited to the irrigation of a combined total of 157.4 acres in a single irrigation season.
7. 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.
8. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:Comments:Dates and Other Information:

Decreed Date:
 State or Federal: S
 Owner Name Connector: AND

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		375

Water Rights: 29-10331, 29-107B, 29-10327, 29-93B,
 29-10330, 29-91B, 29-10329, 29-13232, 29-13231

WILDER L. HATH of King Creek Grazing Association authorize, for the ~~2005~~ irrigation season, Kenneth, Colleen, or Jim Andrus dba Andrus Suffolk to use the existing gravity flow pipeline as part of their irrigation system for their rights represented by the following water rights:

29-91B	29-10327	29-10331
29-93B	29-10329	29-13231
29-107B	29-10330	29-13232

6/4/05
Date

Shirley L. Fitch
Director VP King Creek Grazing Association
Position

TC-29-14

May 14 04 01:20p

IDWR Eastern Region

(208) 525-7177

p. 1

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-29-14Applicant's Name: Ken & Jim Andrus

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: permission from King Creek

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional Comment: this is Andrus
Toponce water

Dated this 3 day of June 05Water District No: 29Steven J. Helidon
Watermaster's Signature

Use reverse side of page if you need more space.

Keith W. Received Time Jun. 6. 1:27PM