

2004

TC-29-07
Ident. No.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 favors pipeline. Ditches were plowed in before we purchased property

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>SEE ATTACHMENT</u>				<u>4/15</u> to <u>9/15</u>
				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 Tepance Creek tributary to Portneuf 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	35						96
		35	40	41			41	40											162
		36		40			40	40											120

Total Acres 378

Attachment "A"

<u>RIGHT NO.</u>	<u>PRIORITY</u>	<u>AMOUNT(CFS)</u>	<u>NATURE OF USE</u>	<u>PERIOD</u>
29-10327	6/18/1902	2.99	Irrigation	4/15 to 9/15
✓ 29-93B	7/01/1913	0.10	Irrigation	4/15 to 9/15
✓ 29-91B	7/01/1909	0.48	Irrigation	4/15 to 9/15
✓ 29-107B	6/17/1902	0.60	Irrigation	4/15 to 9/15
✓ 29-10330	7/01/1910	0.15	Irrigation	4/15 to 9/15
✓ 29-10329	7/01/1908	0.30	Irrigation	4/15 to 9/15
✓ 29-13231	7/01/1906	0.07	Irrigation	4/15 to 9/15
✓ 29-13232	7/01/1907	0.11	Irrigation	4/15 to 9/15
✓ 29-10331	7/06/1868	3.00	Irrigation	4/01 to 10/31

TC-29-07

6. General Information:

- 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 KCW Date 5/5/04 Fee 50⁰⁰
 Receipted KCW 5/5/04 #E029798 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-29-07

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

Witness my hand this 10th day of May, 2004:

Ronald P. Curb
 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 29-10327/938/918/072)
Kenneth Colleen, Jim Andrus)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-29-07

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 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 5/5/04, Kenneth Colleen, Jim Andrus submitted the attached
Temporary Change Application TC-29-07 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). 29-10327/938/918/1078/10330
29-10329/13231/13232
29-10331 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

ORDER AUTHORIZING
TEMPORARY CHANGE TC-29-07

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.

- 29-10327 et. al
5. Right(s) _____ are limited to the irrigation of a total of 378 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. 29 is authorized to administer the temporary change approval.
 11. This temporary change approval expires on 12/31/04 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 10th day of May, 2004.


RONALD D. CARLSON
EASTERN REGION MANAGER

I WILDER HATCH of King Creek Grazing Association authorize, for the 2004 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 29-10327, 29-93B, 29-91B, 29-107B, 29-10330, 29-10331, 29-10329, 29-13231, & 29-13232. for Temporary Change application TC-29-07.

5/13/04 Dated

Wilder Hatch
Wilder Hatch
President King Creek Grazing Association

TC-29-07

ATTN Rodger

01-99

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No:

TC-29-07

Applicant=s Name:

Kenneth, Colleen & 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: this pipeline is owned by King
Creek & talked to the president Wilder
Hatch and they are willing to continue
what has happened since 1994

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

- d) Additional Comment: I don't see this transfer
harming Mike Chambers or Jerry Hatch's
decreases. Chambers takes his water. The

Dated this 7 day of May, 2004.

Water District No:

29Steven Helton
Watermaster=s Signature

Use reverse side of page if you need more space.

came spot out of the name last that King Creek
pipe-line down Jerry Hotel is down stream
but just below Japan canal and up stream
from many years with decrease as early as
1885 on. Jerry is ~~at the spot~~ of them
so there is water of in direction even after
his right is cut
In recent years at that point
the creek has been dry latter in the
year - mainly because of Drought - but
only when every thing has been cut but
the 1868
How our last Hotel & Chambers
like to see and hear the water
Even before the pipeline we would
go on turns and this stretch of stream
would be dry a % of time.