

BEFORE THE DEPARTMENT OF WATER

2003

OF THE STATE OF IDAH

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF WATER RIGHT)
29-8240, 29-8241, & 13-7161)
IN THE NAME OF)
CARL JORGENSEN)

ORDER DENYING
TEMPORARY CHANGE
TC - 29 - 05

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 or temporary changes 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 July 21, 2003, Carl Jorgensen("Applicant"), submitted the attached Temporary Application for Change of Water ("Application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application **CANNOT** be approved for the following reasons;

ORDER

IT IS HEREBY ORDERED that the application is **DENIED** for the following reasons:

1. The proposed Temporary Change Application constitutes an enlargement of the water right described on the application.
2. The proposed Temporary Change Application cannot be administered to prevent injury to other water users.
3. The proposed Temporary Change Application cannot be regulated.

DATED this 28th day of July, 2003.


RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

TC-29-05

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Carl Jorgensen Phone (208) 425-3953
 Post Office Address 1699 Lloyd Rd, Bancroft, Id 83217

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 Drought conditions, well under

13-2198 & 13-7005 went dry, running out of water (canal)

LAST CHANCE CANAL HAS NO WATER -

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>13-2198</u> ²⁹⁻⁸²⁴⁰	<u>12/22/1958</u>	<u>2.88 cfs*</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
<u>13-7005</u> ²⁹⁻⁸²⁴¹	<u>5/15/1969</u>	<u>3.74 cfs*</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
<u>13-7161</u>	<u>4/15/1977</u>	<u>4.54 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>

2. Total amount of water being transferred 8.36 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	NW	32	9S	40E	Caribou	(P/D for 13-7161)

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	
9S	40E	29												38					38
		31	31	32	32	31									31	32	32	31	252
		32					32	31	31	32			16	16					158
10S	40E	5		5	2		38	34	17	21						20			137
				L-2			L-3	L-4											

* ²⁹⁻⁸²⁴⁰ 13-2198 combined with ²⁹⁻⁸²⁴¹ 13-7005 Limited to 355ac and 3.82cfs Total Acres 585

6. General Information:

TC-29-05

- 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 change is approved pursuant to this application:
will be able to raise crop under pivots. Handlines
OLD POU HAVE TO BE DRY
- d. Has the water right sought to be transferred been used this year? yes If yes, explain.
USED ON OLD POU - LAST CHANCE CANAL HAD WATER
- e. Absent the changes, how would the right be used for the remainder of the year? ON THE POU THAT'S
LICENSED
- f. Describe other water rights used for the same purpose.
NONE
- g. Remarks: Drought conditions are forcing us to find
alternative source of water.

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.

Carl B. Jorgensen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by DC Date 7/21/2003 Fee 50

Receipted DC # E029017 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 _____ day of _____.

For the Director