

2004

Ident. No. TC-13-05DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

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

425-3864 (Terry)

Name of Applicant Jorgensen Farms Joint Venture LLS Phone (208) 425-3953
Post Office Address 11699 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 has
gone dry

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>13-7010</u>	<u>3/5/1970</u>	<u>0.68 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
		<u>0.06 cfs</u>	<u>Domestic</u>	<u>1/1</u> to <u>12/31</u>
				to
				to

2. Total amount of water being transferred 0.68 cubic feet per second and/or 108.6 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
			SE	NW	5	10S	40E	CARIBON	Existing well under 13-7005

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	
10S	40E	5															35		35.0

Total Acres 35.0

6. General Information:

- a. Who owns the water right to be changed? Jorgensen Farms Joint Venture
- b. Describe the arrangement allowing use of the right NA
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will remain irrigated as crop land.
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. For Domestic/stockwater purposes
- e. Absent the changes, how would the right be used for the remainder of the year? Could not be used
- f. Describe other water rights used for the same purpose.
Domestic + Stockwater
- 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.

Carl Jorgensen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 4/30/04 Fee \$ 50⁰⁰
 Receipted KCW # E029781 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-13-05

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

Witness my hand this 9th day of May, 2004:

[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)
13-7010)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-13-05

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

WHEREAS, on 4/30/04, Carl Jorgensen submitted the attached
Temporary Change Application TC-13-05 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). 13-7010 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-13-05

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.

5. Right(s) 13-7010 are limited to the irrigation of a total of 35 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. 13 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 12/31/2004 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 3rd day of May, 2004.


RONALD D. CARLSON
EASTERN REGION MANAGER



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RECEIVED

JUL 12 2004

Department of Water Resources
Eastern Region

July 8, 2004

Carl Jorgensen
1699 Lloyd Rd.
Bancroft, ID 83217

Re: Temporary Change Application TC-13-05; Use of Water from Well Located in T5S, R40E, Section 5, SENW

Dear Mr. Jorgensen,

On May 4, 2004, the Idaho Department of Water Resources ("IDWR") approved Temporary Change Application No. TC-13-05 for Jorgensen Farms Joint Venture LLS ("Jorgensen Farms"), which authorized a change in point of diversion under water right 13-7010. You signed the Temporary Change Application on behalf of Jorgensen Farms. Specifically, the application allowed you to temporarily change your point of diversion from a well located in the SWSE, Section 5, T10S, R40E, which you stated had gone dry, to a well located in the SENW, Section 5, T10S, R40E.

The well at the location in the SENW of Section 5 is a well that was formerly used for irrigation purposes under water rights 13-2198 and 13-7005. Temporary Change Application TC-13-05 states that the well to which the water under right 13-7010 is being moved to is an "existing well under (right) 13-7005". In April of 2004, IDWR approved water right transfer no. 4842 that moved the place of use and point of diversion of water rights 13-2198 and 13-7005 to a new location in Administrative Basin 29, Sections 13 and 14, T9S, R40E. The water rights were respectively renumbered to 29-8240 and 29-8241. Condition of Approval no. 11 of water right transfer 4842 provides that:

The well previously used under Rights 13-2198 and 13-7005 shall be abandoned in a manner which complies with the Department (IDWR) well abandonment rules.

A copy of the IDWR Well Construction Standard Rules pertinent to abandonment of wells is attached for your reference (IDAPA 37.03.09.12 – Rule 12). The water district 13-T watermaster, Craig Shuler, recently inspected the well located in the SENW, Section 5, T10S, R40E that was formerly used under rights 13-2198 and 13-7005. The watermaster has confirmed that this well is being used for irrigation of the 35 acres under water right 13-7010. It appears you have not complied with Condition no. 11 of approved water right transfer no. 4842 since you have sought to use this well for the above referenced Temporary Change Application.

The purpose of this letter is to verify with you that the well located in the SENW, Section 5, T10S, R40E has not been properly abandoned in accordance with IDWR well abandonment rules as required by water right transfer 4842. If the well has not been

abandoned, please provide an explanation why this action was not taken. Please provide your response to this office on or before July 15, 2004. Failure to respond to this inquiry may result in IDWR immediately rescinding the Temporary Change Application and ordering you to properly abandon the well. If you have failed to comply with the conditions of transfer 4842, IDWR may take additional action to assure compliance with this transfer and the Department's well abandonment rules.

You may contact me directly at 327-7864 regarding questions and/or resolution of this matter.

Respectfully,

A handwritten signature in cursive script, appearing to read "Tim Luke".

Tim Luke

Cc: Craig Shuler, Watermaster
Roger Warner, Eastern Region
Cindy Bird, IDWR Soda Springs Office