



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

34-14231

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

Joel S. Andersen  
Belva E Andersen  
2791 N 3375 W  
Moore, ID  
83255

February 28, 2017

Mr. Andersen,

It was brought to the Department's attention that the rate of diversion for water right 34-14231 was split incorrectly as part of an ownership change in 2011. The water right has been updated and reflects a correct diversion rate of 1.46 cfs for the land on Section 8, SENW & SESW, T04N, R26E. This change is based on the Warrantee Deed which described the updated diversion rates. Attached you will find a copy of the water right with the updated diversion rate. Please do not hesitate to contact the office with questions.

Sincerely,

Chelsey Serrano

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

2/28/2017

Water Right 34-14231

| <u>Owner Type</u> | <u>Name</u>          |
|-------------------|----------------------|
| Current Owner     | JOEL S ANDERSEN      |
| Current Owner     | BELVA E ANDERSEN     |
| Original Owner    | DAVID S BOYACK       |
| Previous Owner    | J DOYLE JENSEN       |
| Previous Owner    | CATHERINE K JENSEN   |
| Previous Owner    | KIRBY A JENSEN       |
| Security Interest | THE BANK OF COMMERCE |

**Priority Date:** 5/20/1884

**Basis:** Decreed

**Status:** Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| BIG LOST RIVER | SINKS            |

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 05/01                  | 10/15     | 1.460 CFS             |               |
|                       | <b>Total Diversion</b> |           | 1.460 CFS             |               |

Source and Point(s) of Diversion

|                |        |                                        |
|----------------|--------|----------------------------------------|
| BIG LOST RIVER | NWSESE | Sec. 4, Twp 05N, Rge 26E, BUTTE County |
|----------------|--------|----------------------------------------|

Place Of Use

IRRIGATION within BUTTE County

|                  |      |      |
|------------------|------|------|
| T04N R26E S8     | NWSE | 35.0 |
| T04N R26E S8     | SWSE | 38.0 |
| POU Total Acres: |      | 73.0 |

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. WATER IS DELIVERED THROUGH MOORE CANAL.
3. WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM GROUNDWATER UNDER RIGHT NO. 34-07223. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-07223, AND WATER DIVERTED FROM GROUNDWATER IS USED FOR THE PURPOSES AND AT THE PLACE OF USE DESCRIBED ABOVE.
4. 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.

Combined Use Limits

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

2/27/2017

Water Right 34-14231

(Before correction)

**Owner Type**      **Name and Address**  
Current Owner      JOEL S ANDERSEN  
                                 2791 N 3375 W  
                                 MOORE, ID 83255  
                                 (208)527-3379

Current Owner      BELVA E ANDERSEN  
                                 2791 N 3375 W  
                                 MOORE, ID 83255  
                                 (208)527-3379

**Priority Date:** 5/20/1884

**Basis:** Decreed

**Status:** Active

**Source**  
BIG LOST RIVER

**Tributary**  
SINKS

| <b>Beneficial Use</b> | <b>From</b>            | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 05/01                  | 10/15     | 1.540 CFS             |               |
|                       | <b>Total Diversion</b> |           | 1.540 CFS             |               |

**Source and Point(s) of Diversion**

BIG LOST RIVER      NWSESE      Sec. 4, Twp 05N, Rge 26E, BUTTE County

**Place Of Use**

IRRIGATION within BUTTE County

|     |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |      |      |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW   | SW   | SE |        |
| 04N | 26E | 8   |    |    |    |    |    |    |    |    |    |    |    |    |    | 35.0 | 38.0 |    | 73.0   |

POU Total Acres: 73.0

**Conditions of Approval:**

1.      S34      THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2.           WATER IS DELIVERED THROUGH MOORE CANAL.
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.           WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM GROUNDWATER UNDER RIGHT NO. 34-07223. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

2/27/2017

DESCRIBED IN RIGHT NO. 34-07223, AND WATER DIVERTED FROM  
GROUNDWATER IS USED FOR THE PURPOSES AND AT THE PLACE OF USE  
DESCRIBED ABOVE.

**Dates and Other Information**

Decreed Date: 12/14/2001  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Owner Name Connector: AND  
Water District Number: 34  
Generic Max Rate Per Acre: 0.020  
Generic Max Volume Per Acre: 3.5  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
168 West Pacific/P.O. Box 868  
Blackfoot, ID 83221

NO 0047816

RECORDED

JUN 24 2010

A.M. 2:40 P.M.  
BUTTE COUNTY RECORDER

*Tubby S. McPherson*

Space Above This Line for Recorder's Use Only

## WARRANTY DEED

File No.: 336837-B (Id)

Date: June 17, 2010

For Value Received, Kirby A. Jensen and Sharon W. Jensen, husband and wife, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Joel Andersen and Belva Andersen, husband and wife, hereinafter called the Grantee, whose current address is 2791 North 3375 West, Moore, ID 83255, the following described premises, situated in Butte County, Idaho, to-wit:

**PARCEL 1:**

**TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO  
SECTION 8: W $\frac{1}{2}$ SE $\frac{1}{4}$ ,**

**EXCEPT: BEGINNING AT THE NORTHWEST CORNER OF SAID SE $\frac{1}{4}$  AND RUNNING THENCE EAST 660 FEET; THENCE SOUTH 330 FEET; THENCE WEST 660 FEET; THENCE NORTH 330 FEET TO THE POINT OF BEGINNING,**

**ALSO EXCEPT: BEGINNING AT THE SOUTHWEST CORNER OF SAID SE $\frac{1}{4}$  AND RUNNING THENCE NORTH 300 FEET; THENCE EAST 300 FEET; THENCE SOUTH 300 FEET; THENCE WEST 300 FEET TO THE POINT OF BEGINNING.**

**INCLUDING, 73 inches of Decreed Water (Decree # 34-93) in the Big Lost River, with a priority date of May 20, 1884, together with all ditch rights and other improvements related to the above described property.**

**PARCEL 2:**

**TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO  
SECTION 16: THE WEST <sup>643.5</sup>39 RODS OF THE SOUTH <sup>1287</sup>78 RODS OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$**

**SECTION 17: THE EAST <sup>429</sup>26 RODS OF THE SOUTH <sup>1270.5</sup>77 RODS OF THE SW $\frac{1}{4}$ NE $\frac{1}{4}$**

**SECTION 17: THE SOUTH <sup>1287</sup>78 RODS OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$**

**INCLUDING, 2 Water rights, water right No. 34-7210A from a Well that currently irrigates the parcel and 73 inches described in water right No. 34-10036(Big Lost River).**

**PARCEL 2A:**

**AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING:**

**<sup>14.5</sup>SOUTH 1 ROD OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$  SECTION 16, TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO**

**<sup>27</sup>NORTH 2 RODS OF THE WEST <sup>643.5</sup>39 RODS OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$  SECTION 16, TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO**

Date: 06/17/2010

**Warranty Deed**  
• continued

File No.: 336837-B (Id)

**NORTH 2 RODS OF THE SE¼NE¼ SECTION 17, TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

  
Kirby A. Jensen

Sharon W. Jensen

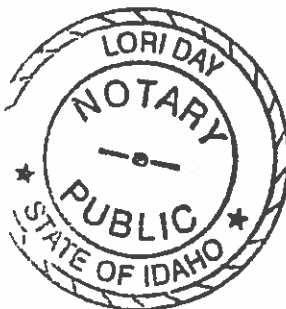
**BUYER(S):**

  
Joel Andersen

Belva Andersen

STATE OF Idaho )  
 )  
 ) ss.  
COUNTY OF Bingham )

On this 2nd day of June, 2010, before me, a Notary Public in and for said State, personally appeared Kirby A. Jensen and Sharon W. Jensen, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



acknowledged to me that he/she/they executed the same



Notary Public for the State of Idaho  
Residing at: Blackfoot, Idaho  
My Commission Expires: 10/21/2015

Water Dist 34

Split Required

RECEIVED

FEB 09 2011

Form 42-248/42-1409(4) 10/07

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Department of Water Resources  
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

| Water Right No(s) | Adjudication Claim No(s) | Split(s) | Water Right No(s) | Adjudication Claim No(s) | Split(s) |
|-------------------|--------------------------|----------|-------------------|--------------------------|----------|
| 34-72109          | OK                       |          |                   |                          |          |
| 34-10036          | 34-10037                 |          |                   |                          |          |
| 34-93             | OK (Split)               | ✓        |                   |                          |          |
| into 34-14230     | 34-14231                 |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |

**SUPPORT DATA**

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

\$125. - IN FILE # 34-93

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

**OR**

D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Kirby A. Jensen  
 2781 N 3375 W  
 Moore, Idaho 83255

4. New Owner/Claimant(s)

Joel Andersen Belva Andersen  
 Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

2791 N 3375 W

City, State and ZIP Code

Moore, Idaho 83255

New Telephone Number

(208) 527-3379 Email:

589-0019

5. Date you acquired the property

6-23-2010

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b> <u>34-7210 A</u>                                                 |                                                                            |                                                              |
| Irrigation                                                                                                           | <u>1.08 CFS</u>                                                            | <u>73 Acres</u>                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b> <u>34-10036</u>                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           | <u>1.46 CFS</u>                                                            | <u>60 Acres</u>                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b> <u>34-93</u>                                                     |                                                                            |                                                              |
| Irrigation                                                                                                           | <u>1.46 CFS</u>                                                            | <u>73 Acres</u>                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Bruce Anderson (title if applicable)  
(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

## For IDWR Office Use Only:

Received by JR  
 Received by JR  
 Processed by AJ

Date 3/11/2011  
 Date 3/11/2011  
 Date 3/11/2011

Receipt Amt. \$250.-  
 Receipt No. E036429  
 WR          Date         

\$125.- for this application