

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

2015

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NO. 34-2352)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-137

WHEREAS, a drought emergency has been declared for Custer 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 purposes 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 April 29, 2015, Byron Pehrson submitted the attached temporary change application TC-34-137 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. 34-2352 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 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 conditions. 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) 34-493B and 34-2352 are limited to the irrigation of a combined total of 29 acres for the remainder of the 2015 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 does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on October 15, 2015 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 1st day of May, 2015.



Lyle Swank
Eastern Regional Manager

RECEIVED

APR 29 2015

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Byron Pehrson Phone 208-588-3101
Mailing Address 3580W 3820N Darlington, Idaho 83255 Email _____

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 explain the reason(s) they are needed. _____
Pump the water from Colsons well into my pump pond, There will not be enough surface this year to meet the needs of my crop.

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

1. Right Number Priority Amount Nature of Use Period of Use
34-2352 4-15-59 .74 Irrigation 5-1 to 10-15

2. Total amount of water being transferred .74 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water _____ tributary to _____
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
07N	25E	32			NE	SE	Custer	Ground	F. Scott Colson

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	25E	32									31					34	25		90

Total Acres 90

6. General Information:

- a. Who owns the water right to be changed? Scott Colson
- b. Describe the arrangement allowing use of the right. Mr. Colson has agreed to lease me the water this summer to supplement my short surface water.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Scott will not irrigate his land with ground water.
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? I don't think it will be used because Scott will not have enough to make a crop.
- f. Describe other water rights used for the same purpose. Water from Big Lost River through the Burnet canal.
- 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.

[Signature]
Signature of Applicant

April 29-15
Date

FOR DEPARTMENT USE ONLY

Received by MB Date 4/29/14 \$50 fee received by M. Gunderson Receipt No. E040957
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-34-137, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

WARRANTY DEED

MRS. LELA (VERNON) WARNER

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

F. SCOTT COLSON

whose current address is

in Custer County, Idaho, TO WIT:

PROPERTY:

TOWNSHIP 7 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 32: SE $\frac{1}{4}$; SE $\frac{1}{4}$

SECTION 33: SW $\frac{1}{4}$; SW $\frac{1}{4}$

WATER RIGHTS:

#34-02352; GROUNDWATER

#34-004938; SURFACE WATER; BIG LOST RIVER

MINERAL & GAS RIGHTS:

50% OF ALL

EASEMENTS:

50 FEET TO SAID POINT OF DIVERSION FOR WATER RIGHT #34-02352 AND #34-004938 AND 25 FOOT RADIUS AROUND POINT OF DIVERSION FOR SAID WATER RIGHT #34-02352 AND #34-004938 BEGINNING: TOWNSHIP 7 NORTH, RANGE 25 EAST, BOISE MERIDIAN, SECTION 32; NE $\frac{1}{4}$ SE $\frac{1}{4}$.

with their appurtenances unto the said Grantee, heirs and assigns
that (s)he is the owner(s) in
Custer County, Idaho, and that (s)he is the owner(s) in
rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

Dec. 4-02

Lela Warner
Mrs. Lela (Vernon) Warner

4-30-15

To whom it concerns:

I, Scott Colson, agree to lease
my groundwater diversion to Byrstedhson
for the irrigation year of 2015 only.

Scott Colson
4-30-15

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-137

Applicant's Name: BYRON PEARSON

Watermaster's Recommendation:

a) LY I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows: _____

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

d) _____ Additional Comment: _____

Dated this 30 day of April, 2015.

Water District No: 34

[Signature]
Watermaster's Signature

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-137

Applicant's Name: BYRON PEHRSON

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: _____

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

d) ☐ Additional Comment: _____

Dated this 1 day of May, 2015

Water District No: 34

[Signature]
Watermaster's Signature
mgr. BERID

Use reverse side of page if you need more space.