

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

2015

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 34-2397A,)
34-2412C, 34-2409A, & 34-12034A)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-132

WHEREAS, a drought emergency has been declared for Butte 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 21, 2015, Joel Andersen submitted the attached temporary change application TC-34-132 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 the changed portions of rights 34-2397A, 34-2412C, 34-2409A, and 34-12034A 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.

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-132

5. Rights 34-299 and 34-2397A when combined shall not exceed a total diversion rate of 3.12 cfs and the irrigation of 120 acres.
6. Rights 34-2409A and 34-12034A when combined shall not exceed a total diversion rate of 2.20 cfs and a total annual maximum diversion volume of 462 af.
7. Rights 34-2409A, 34-28D, 34-61C, 34-373C, 34-891A, 34-892C, 34-897, 34-898, and 34-12034A when combined shall not exceed a total diversion rate of 3.77 cfs and the irrigation of 132 acres.
8. Applicant shall limit the diversion of ground water under 34-2412C to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the original place of use authorized under the right.
9. The total instantaneous diversion of water from all points of diversion under Right 34-2412C shall not exceed 3.52 cfs, nor a total combined annual volume of 522.6 af.
10. Rights 34-2412C, 34-259F, 34-738E, 34-60, and 34-13562 when combined shall not exceed the irrigation of 142.1 acres in a single irrigation season.
11. 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.
12. 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.
13. 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.
14. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
15. 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 24th day of April, 2015.


Lyle Swank
Eastern Regional Manager

T2-34-132

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 Joel Andersen Phone 208-589-0019
Mailing Address 2791 N 3375 W, Moore ID 83255 Email andersenangus@gmail

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. _____
Moving ground water rights to land that has a more established crop, due to drought conditions.

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>34-2397A</u>	<u>2/20/1961</u>	<u>0.32 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-2412C</u>	<u>4/13/1961</u>	<u>0.25 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
<u>34-2409A</u>	<u>4/6/1961</u>	<u>0.47 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-12034A</u>	<u>6/20/1972</u>	<u>0.08 cfs</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>

2. Total amount of water being transferred 1.04 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
4N	26E	9			NE	SW	BUTTE	Ground water	A0008048

5. Lands irrigated or place of use:

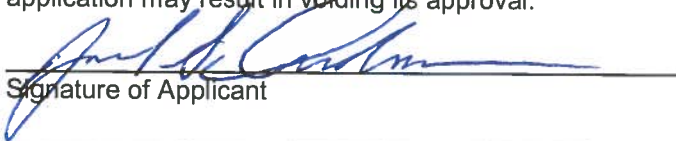
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	16									27			27					54

Total Acres 54

6. General Information:

- a. Who owns the water right to be changed? Applicant and Penny Hawkins and Phyllis Jones
- b. Describe the arrangement allowing use of the right. Written lease agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Will be followed.
- 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? _____
Would be used on current POUs if available.
- f. Describe other water rights used for the same purpose. 34-17A
- 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 of Applicant

4/21/2015
Date

FOR DEPARTMENT USE ONLY

Received by M HOLLIDAY Date 4/21/15 \$50 fee receipted by JS Receipt No. E040926
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-34-132, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

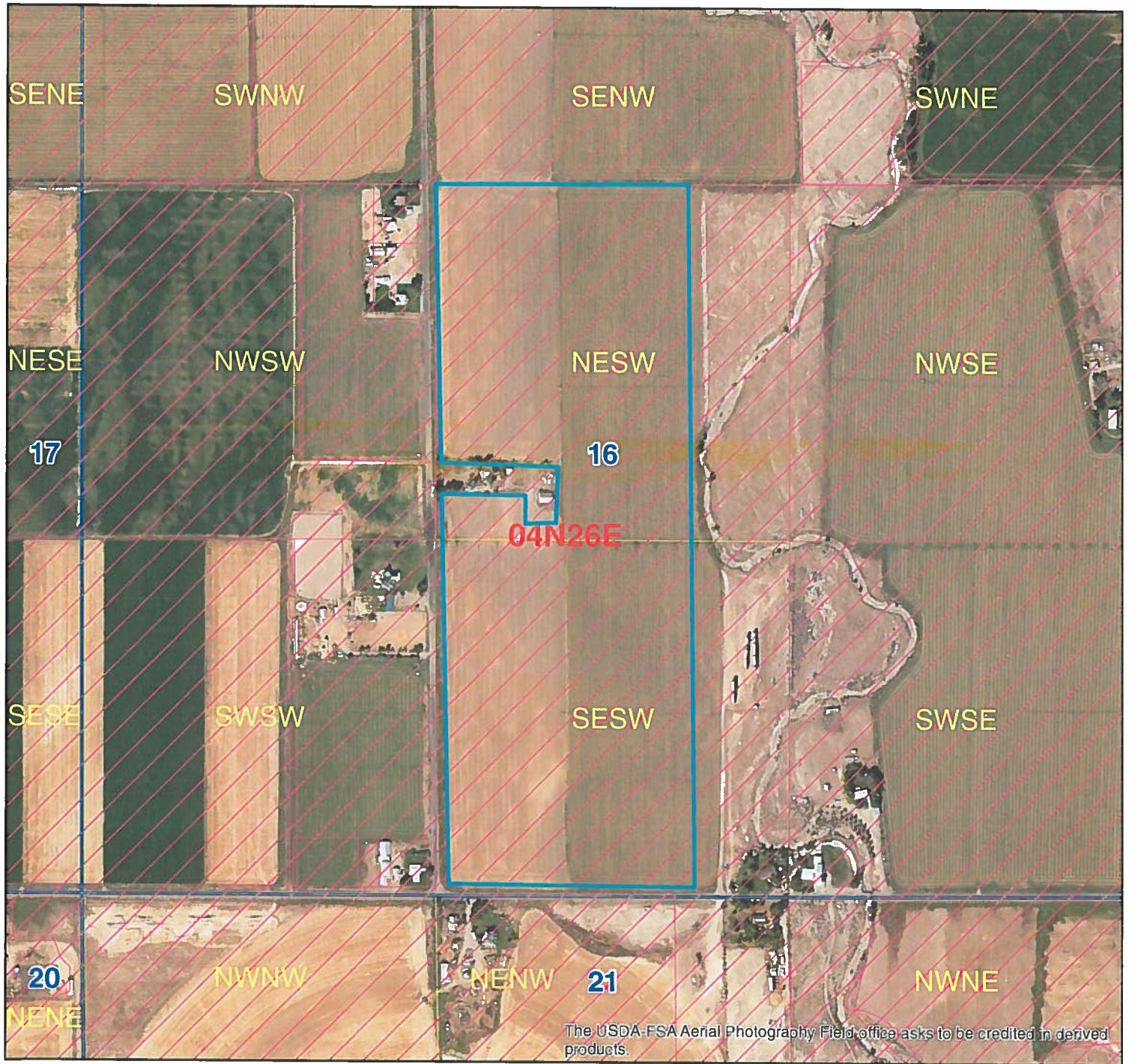
Signed this _____ day of _____.

For the Director

State of Idaho
Department of Water Resources

Proposed POU

Date: 4/22/2015



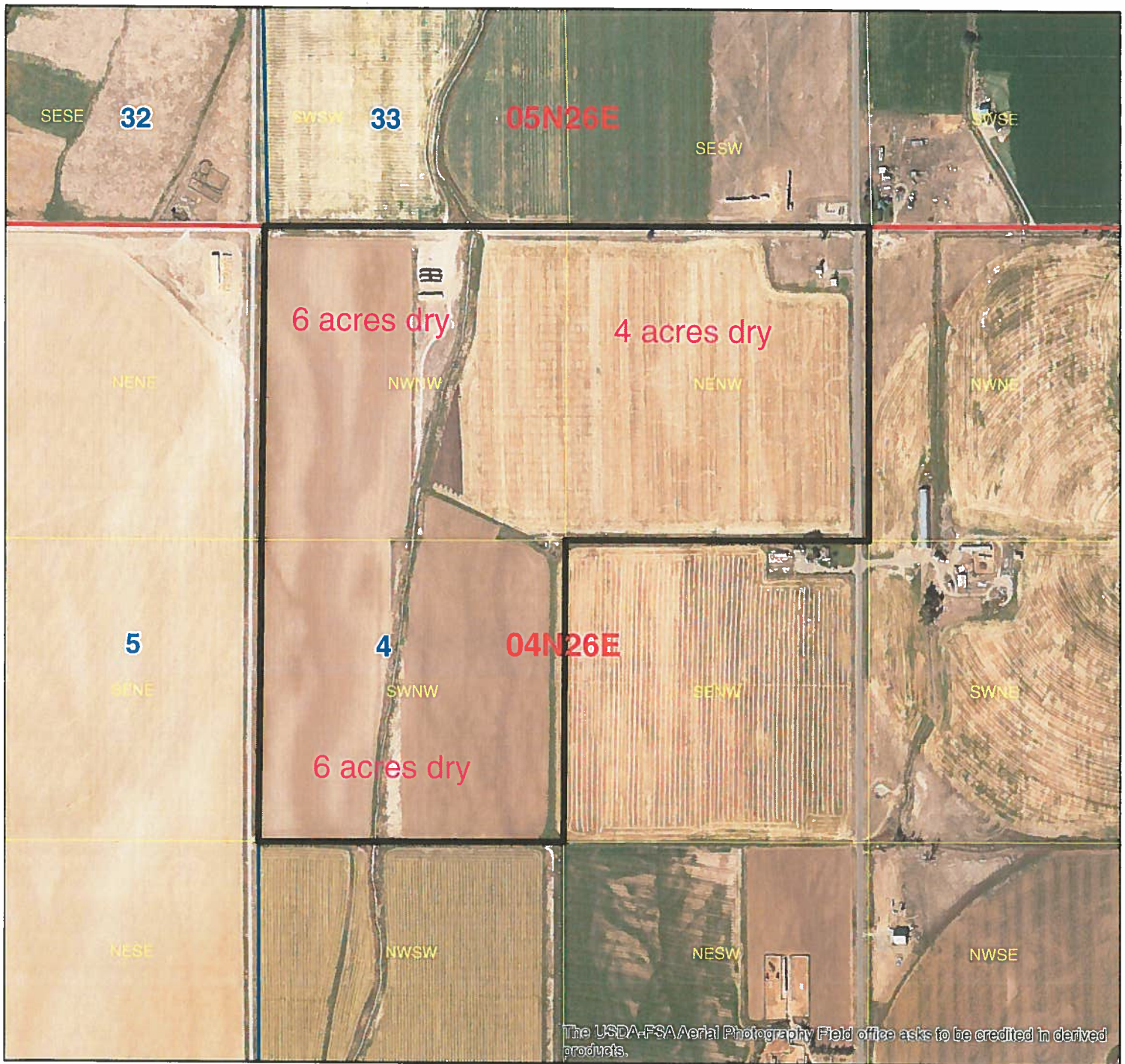
0 0.125 0.25 0.5 Miles

Legend

- Township/Range
- Sections
- QQ

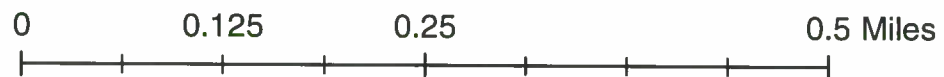


State of Idaho
Department of Water Resources
Water Right No. 34-2397A
Date: 4/22/2015

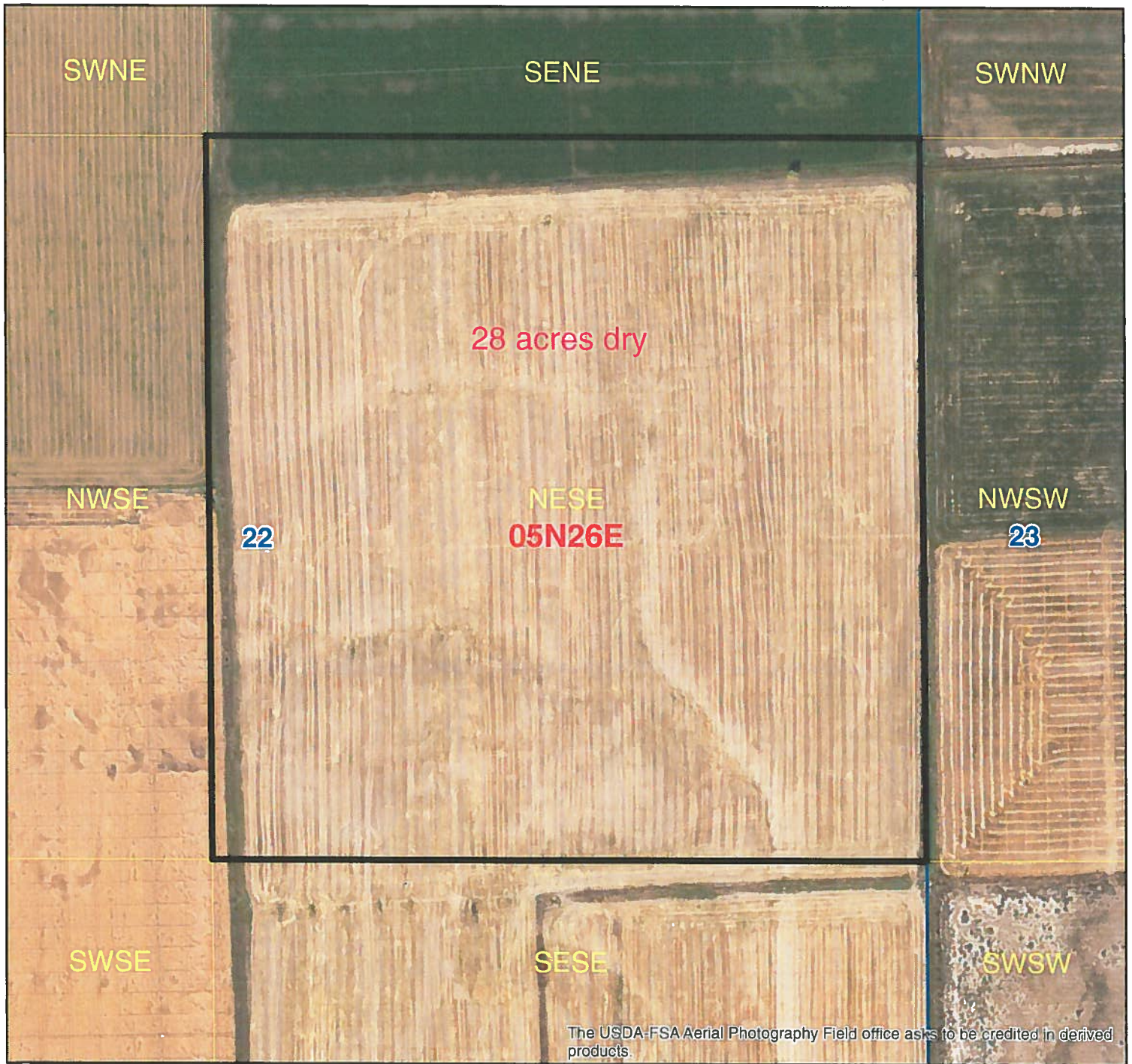


Legend

- place of use
- Township/Range
- Sections
- QQ



State of Idaho
Department of Water Resources
Water Right Nos. 34-2409A & 34-12034A
Date: 4/22/2015

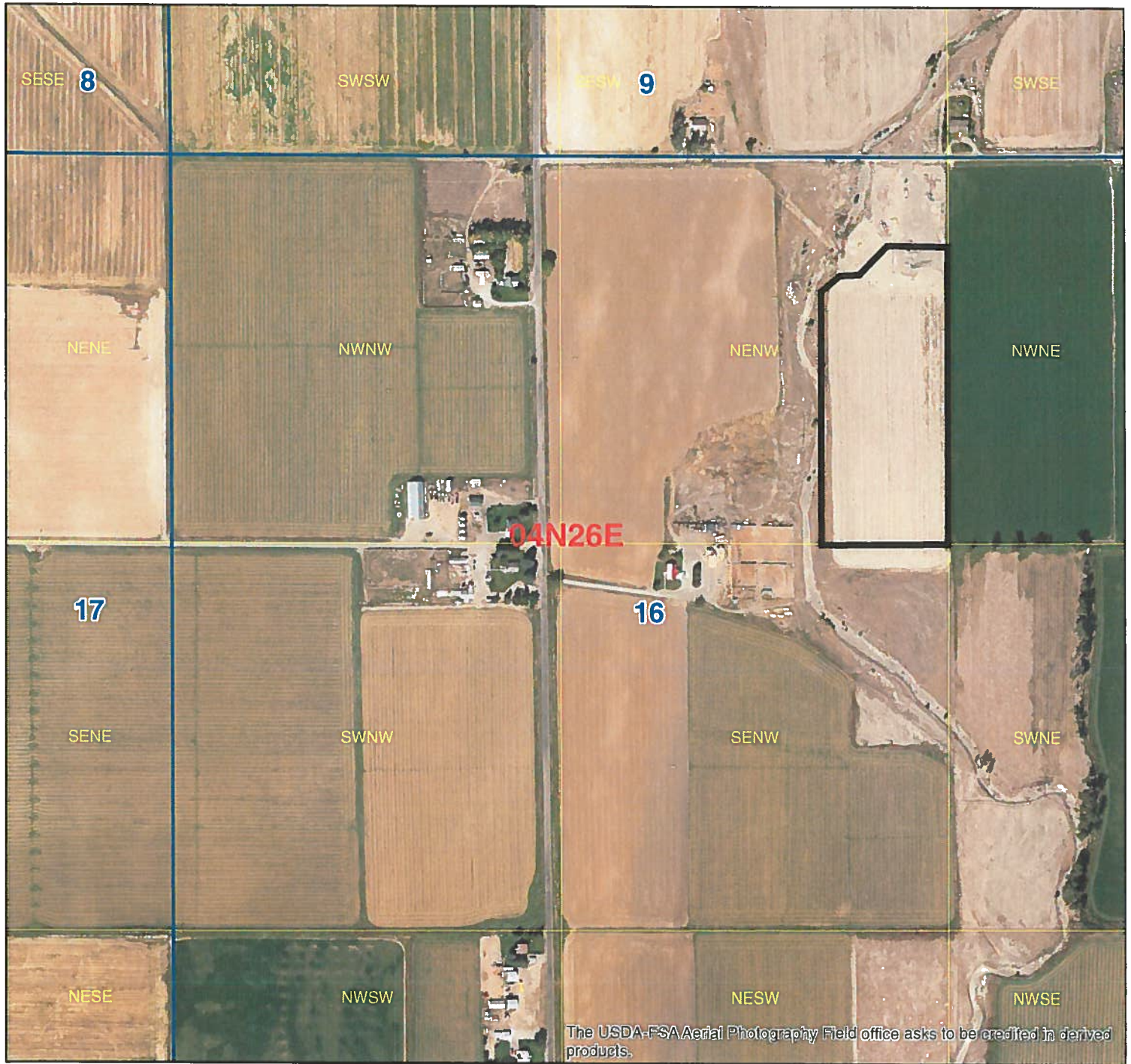


Legend

-  Acres to be dry
-  Township/Range
-  Sections
-  QQ



State of Idaho
Department of Water Resources
Water Right No. 34-2412C
Date: 4/22/2015



Legend

-  Acres to be dry
-  Township/Range
-  Sections
-  QQ

0 0.1 0.2 0.4 Miles



Farm Lease Agreement

This lease agreement is between Phyllis Merrill, and Joel and Belva Andersen. Terms of the agreement are as follows.

This lease is a cash lease and is due by April 10th of each year. The lease amount is for [REDACTED] per acre for each acre planted to new seeding alfalfa in 2012 and [REDACTED] per acre for all other acres in 2012. This lease is for 5 years, 2012 through 2016. The lease rate is [REDACTED] per acre for all 76 acres for the years 2013 through 2016. This contract carries an act of God clause. Being the farm has no ground water attached, if drought were to occur and effect the production, both Landlord and Tenant will decide from available water data, such as Idaho Snotel, Big Lost River Irrigation District, Bureau of Reclamation and other agencies forecasting Big Lost River stream flows and storage water available for that particular season. Based on this data with good common sense by both parties the acres for production would be adjusted to accommodate the amount of water available (This is only in a drought situation).

Tenant is responsible for the following:

- Power demand and consumption charges with Lost River Electric.
- Keeping irrigation system in good working order
- Responsible for repairs on irrigation pump, panel, Pivot, mainline etc,
- Keeping all noxious weeds sprayed and the farm in good appearance and condition
- Tenant is responsible for all production cost associated with the crops
- Tenant is entitled to USDA payment for production
- If USDA changes plans for production payments, Tenant and Landlord will discuss which options should be decided on. (Mutual Agreement)
- Landlord is to notify Lost River Electric of Tenant change and so the Power bill will be sent to Joel or Belva Andersen at 2791 N. 3375 W. Moore, ID 83255
- Landlord is responsible for all property taxes, water assessments.

Phyllis Merrill
Name
Belva Andersen
Name

10-3-2011
Date
9-18-2011
9-18-2011
Date

To: IDWR

Date: 4-23-2015

I give Joel Andersen permission to move 0.47cfs of ground water
from 34-2409A to 34-2412C for 2015 season.

Signed

Ray R. Hill

4-23-2015

FAX 525-7177

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-132

Applicant's Name: JOEL ANDERSEN

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 23 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-34-132

Applicant's Name: JOEL ANDERSEN

Watermaster's Recommendation:

a) X 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 23 day of April, 2015

Water District No: 34

J. A. Radtke
Watermaster's Signature
BLRID mgr.

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