

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

2015

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 34-7210B)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-131

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-34-131 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 34-7210B 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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TEMPORARY CHANGE**

TC-34-131

5. Rights 34-7210B and 34-32A when combined shall not exceed a total diversion rate of 0.40 cfs and the irrigation of 14 acres.
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.
10. 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

TC-34-131

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

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. _____
Changing point of diversion to a more productive well due to drought conditions. Place of use will not change.

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

- | Right Number | Priority | Amount
(cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|-----------------------|-------------------|-----------------------------|
| <u>34-7210B</u> | <u>11/8/1977</u> | <u>0.21 cfs</u> | <u>Irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 0.21 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Ground water tributary to _____
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
4N	26E	9			NE	SW	BUTTE	Ground water	A0008048

5. Lands irrigated or place of use:

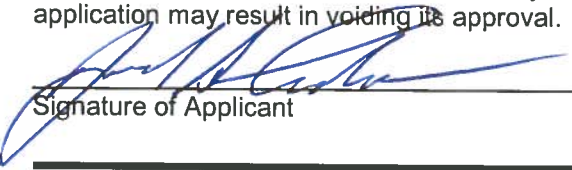
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	16							14										14

Total Acres 14

6. General Information:

- a. Who owns the water right to be changed? Thomas Perkes
- 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:
No change to POU
- 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 if needed on current POU.
- f. Describe other water rights used for the same purpose. 34-32A
- 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 TH 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-34-131, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

Farm Lease Agreement

This lease agreement is between Thomas and Francis Perkes, 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 15 acres. This lease is for 5 years, 2012 through 2017. Tenant is responsible for the following.

- Thomas is paid [REDACTED] for moving wheel lines if his health and will permits
- 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.

Thomas Perkes
Francis Perkes

Joel Andersen
Belva Andersen

9-18-2011

9-18-2011

9-18-2011

9-18-2011

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-131

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-~~131~~

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. Rolfisch
Watermaster's Signature
BLRID, mgr.

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