

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

**2015**

IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF )  
WATER RIGHT NOS.: 34-7198 and )  
34-2353 )  
\_\_\_\_\_ )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

TC-34-130

**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-34-130 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 34-2353 and the changed portion of right 34-7198 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-34-130**

5. Rights 34-7198, 34-13803, 34-13805, 34-13807, and 34-13809 when combined shall not exceed a total diversion rate of 8.92 cfs and the irrigation of 315 acres.
6. Rights 34-2353 and 34-788 when combined shall not exceed a total diversion rate of 3.28 cfs and the irrigation of 84 acres.
7. 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.
8. 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.
9. 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.
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on November 1, 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**

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 corners from 34-7198 and rearranging POU of 34-2353 in order to cover more valuable crops due to drought conditions.

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

| 1. Right Number | Priority         | Amount<br>(cfs/ac-ft) | Nature of Use     | Period of Use              |
|-----------------|------------------|-----------------------|-------------------|----------------------------|
| <u>34-7198</u>  | <u>6/13/1977</u> | <u>0.45 cfs</u>       | <u>Irrigation</u> | <u>4/1</u> to <u>11/1</u>  |
| <u>34-2353</u>  | <u>7/31/1959</u> | <u>1.87 cfs</u>       | <u>Irrigation</u> | <u>4/1</u> to <u>10/31</u> |
| _____           | _____            | _____                 | _____             | _____ to _____             |
| _____           | _____            | _____                 | _____             | _____ to _____             |

2. Total amount of water being transferred 2.32 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 | ¼  | ¼  | ¼  | County | Source       | Local name or tag number |
|-----|-----|-----|----------|----|----|----|--------|--------------|--------------------------|
| 5N  | 26E | 27  |          | NW | NW | NE | BUTTE  | Ground water | A0018665                 |
|     |     |     |          |    |    |    |        |              |                          |
|     |     |     |          |    |    |    |        |              |                          |
|     |     |     |          |    |    |    |        |              |                          |

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 |             |
| 5N  | 26E | 27  | 3.5  | 30 | 29 |    |      |    |    |    | 30   |    |    |    |      | 32 |    |    | 124.5       |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Acres 124.5

6. General Information:

- a. Who owns the water right to be changed? Robert Crump & Alvin Wheeler
- b. Describe the arrangement allowing use of the right. Written lease agreements
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
Acres moved under these rights will be dry.
- 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 available on current POU.
- f. Describe other water rights used for the same purpose. 34-13803, -13805, -13807, -13809, -270, -382, -383B
- 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

4/21/2015  
Date

FOR DEPARTMENT USE ONLY

Received by M. Holliday Date 4/21/15 \$50 fee received by [Signature] Receipt No. E040926  
Recommend: ☐ approve ☐ deny Watermaster recommendation \_\_\_\_\_

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

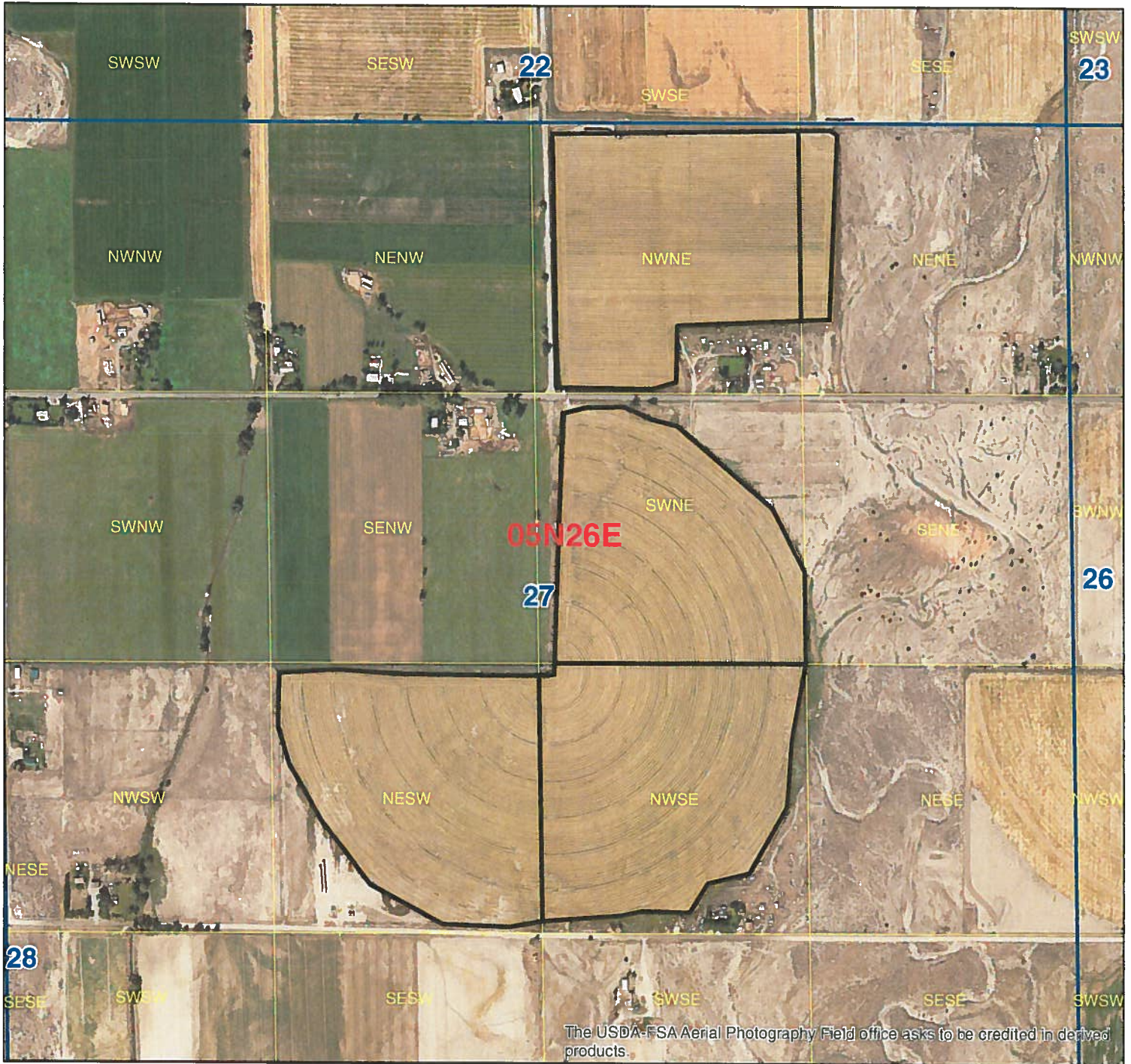
This is to certify that I have examined Temporary Change Application No. TC-34-130, and said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Temporary Change Expiration Date \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
For the Director

State of Idaho  
Department of Water Resources  
Proposed POU  
Date: 4/21/2015



**Legend**

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

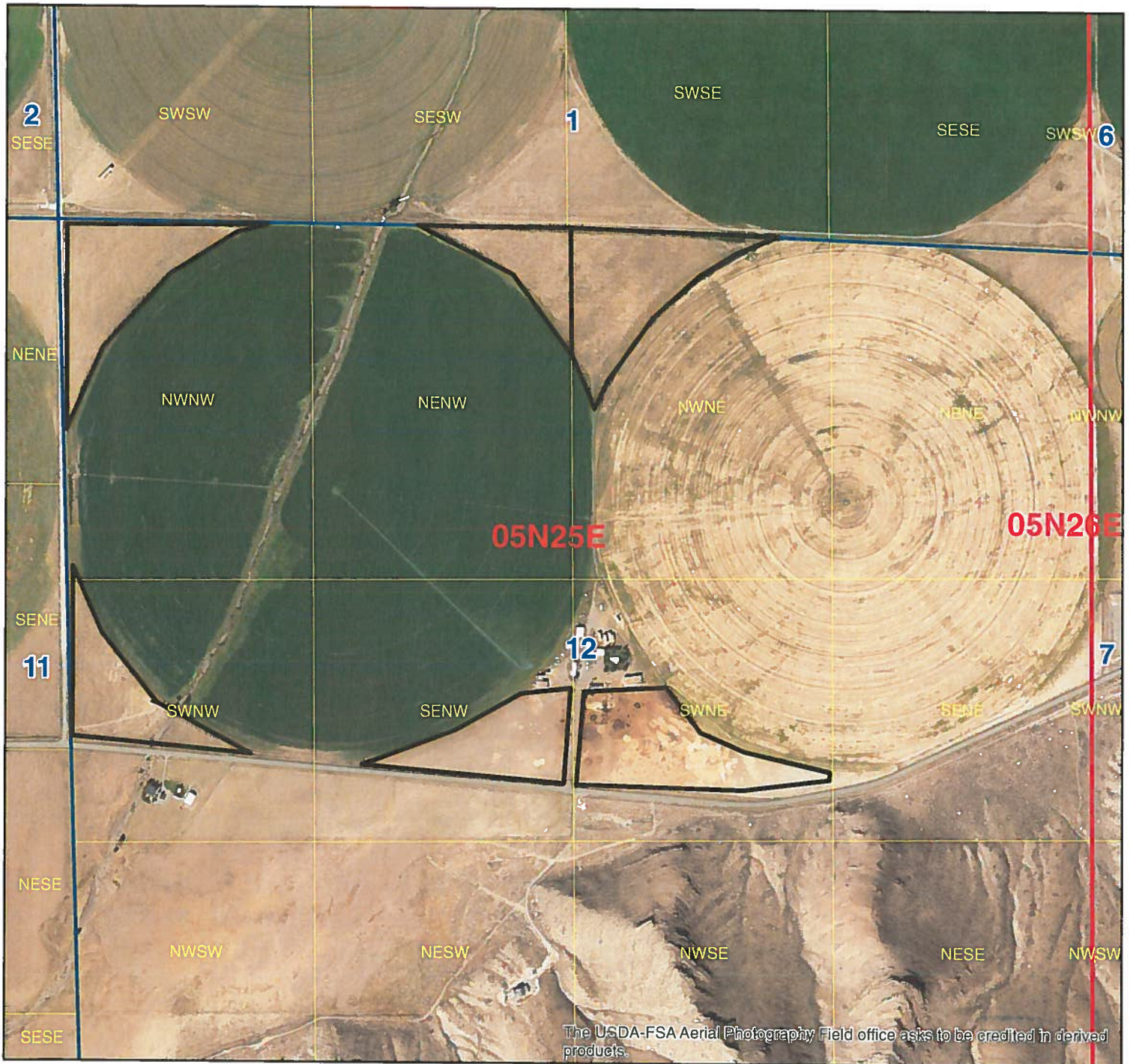
0 0.15 0.3 0.6 Miles



State of Idaho  
Department of Water Resources

34-7198 acres to be moved

Date: 4/21/2015



**Legend**

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

0 0.15 0.3 0.6 Miles



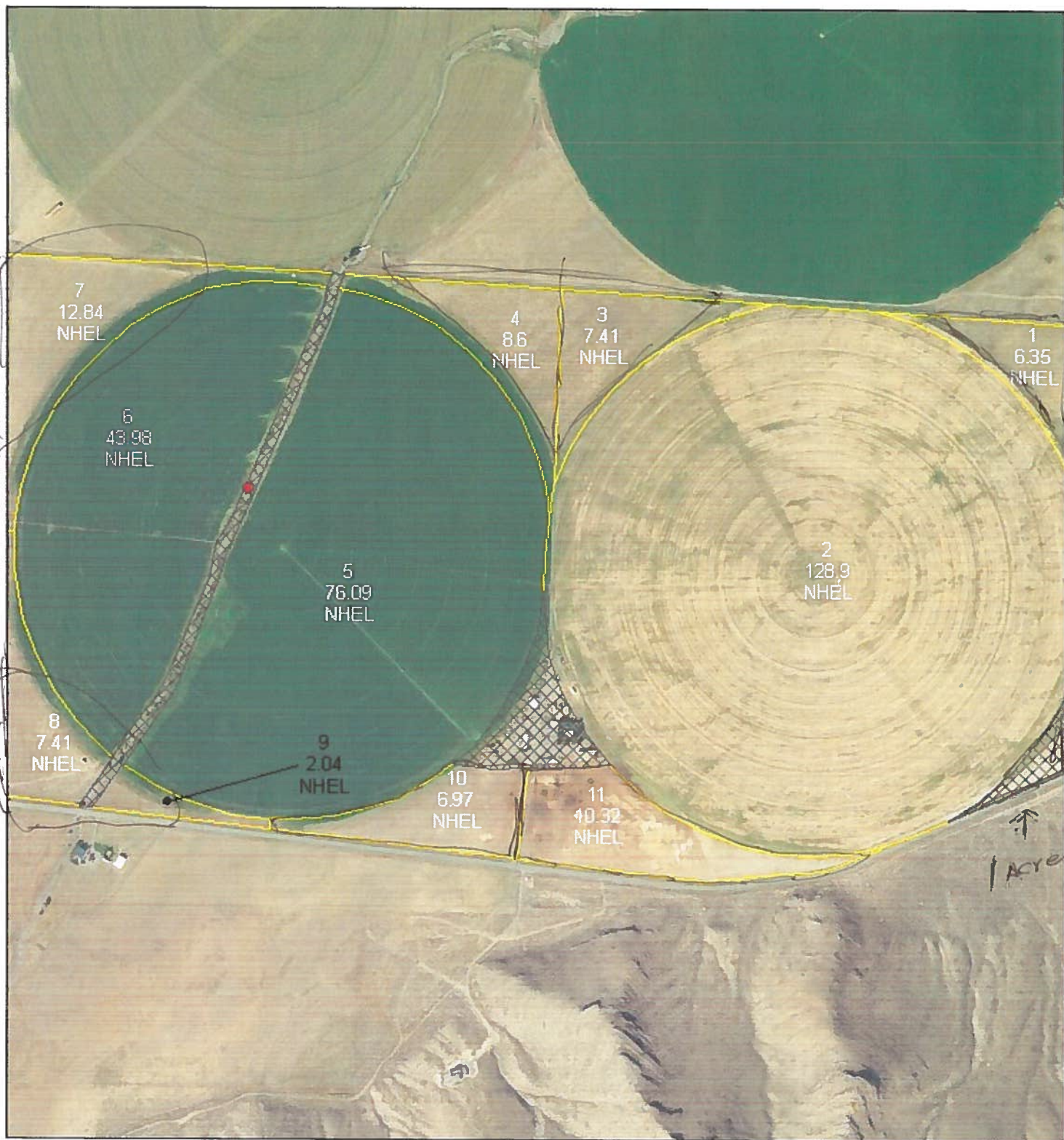
April 20, 2015

To Whom It May Concern:

I have leased my 8 pivot corners  
to Alvin Wheeler for the 2015 growing  
season.

The groundwater right # is 34-7198.

Robert Crump  
3646 Wantelque Rd  
Moore, Id. 83255



United States Department of Agriculture  
Farm Service Agency

Farm: 379  
Tract 398

**Butte County, ID**  
1:7,920

January 30, 2014



**Disclaimer:** Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-028 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.  
This acreage is for FSA purposes only

I AM Leasing The Pivot corner water  
Rights for the year 2015 from Bob Crump.

8 Pivot corners AS  
Shown ON Map

My well is  
34-2353 -

Alvin Wheeler  
3246 W 3120 N  
Moore Idaho

83255-  
Alvin Wheeler

4-21-15

I am in agreement with the  
Current temporary transfer for 2015

John Wheeler

## Farm Lease Agreement

- This farm lease agreement is between Alvin and Gay Wheeler as owners/landlord and Joel and Belva Andersen as lessee.
- Terms of the lease agreement is cash rent in the amount of [REDACTED] per annum . [REDACTED] will be due on April 10<sup>th</sup> of each year and the balance will be due by November 1<sup>st</sup>
- This lease is for five years beginning on April 10<sup>th</sup> 2013 through November 1<sup>st</sup> of 2017.
- Other terms of the lease are as follows. Lessee is responsible for maintenance of the irrigation system.
- Lessee is responsible for all costs of production
- Lessee is responsible for weed control and maintaining liability insurance on property.
- Lessee is responsible for accrued power cost on well and pivot.
- Landlord is responsible for taxes, water assessments, and the demand charge on the pump and pivot.
- Lessee will grant to the landlord grazing for landlords cattle in the fall months at the discretion of the lessee and the landlord. (Verbal only)

Alvin Wheeler

6-23-13

Gay Wheeler

6-23-13

Joel Andersen

5-1-2013

Belva Andersen

5-1-2013

12/99

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**RECOMMENDATION OF WATERMASTER**

Application No: TC-34-130

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

Use reverse side of page if you need more space.

12/99

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-130

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. Relfrich  
Watermaster's Signature  
BLRID, mgr.

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