

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

2014

**IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-2440)
_____)
_____)**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-124

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 July 10, 2014, Mitchell and Elaine Sorensen submitted the attached temporary change application TC-34-124 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 34-2440 is authorized only at the point(s) 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. Rights 34-2440 and 34-10473 when combined shall not exceed a total diversion rate of 1.55 cfs, a total annual maximum diversion volume of 565.7 af, and the irrigation of 190 acres.
6. Rights 34-3B, 34-793, 34-2266A, 34-2440, 34-2491D, 34-10473, 34-10476, 34-10478 and 34-10479 when combined shall not exceed a total diversion rate of 16.06 cfs and the irrigation of 574.5 acres.
7. Right no. 34-2440 is limited to the irrigation of 119 acres within the authorized place of use in a single irrigation season.
8. 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.
9. 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.
10. 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.
11. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This temporary change approval expires on November 1, 2014 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 14th day of July, 2014.


Lyle Swank
Eastern Regional Manager

TC-34-124

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 10 2014

Department of Water Resources
Eastern Region

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 Mitchell and Elaine Sorensen Phone _____Mailing Address 3871 W 2500 N, Moore, ID 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. Because of the drought, several of the Applicants' surface water rights are no longer available. The Applicants have entered into an agreement with the owner of Water Right No. 34-2440 to utilize that water right to supplement the Applicants' unavailable surface water rights. No new acres will irrigated, but water will be used on 119 acres within the Applicants' existing authorized place of use.

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>34-2440</u>	<u>10/10/1961</u>	<u>1.55 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.55 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
05N	26E	21		NW	NW	NW	Butte	Ground water	Old Moss Well
				NE	NW	NW	Butte	Ground water	PU Well

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	
03N	25E	2					39	39	40	40	33	33	33	33					290
		3	39	39													33	33	144
		10	33	33															66
04N	25E	34	39	38	40	40									40	40	40	40	317
		35					38	38	40	40	20	40	39	20					275

*Water will be used on 119 acres within the above authorized place of use. Total Acres *1092

6. General Information:

- a. Who owns the water right to be changed? Young Harvey Walker
- b. Describe the arrangement allowing use of the right. The Applicants and the owner of the right have entered into an agreement (see attached) that authorizes the Applicants to utilize the water right.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The current place of use will not be irrigated.
- 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? The right is not currently being utilized.
- f. Describe other water rights used for the same purpose. 34-3B, 34-793, 34-2266, 34-2491D, 34-10476, 34-10478, and
- g. Remarks: PART f. CONT.: 34-10479 (all surface water rights not in priority, or not deliverable).

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.

Juliett Marchant, Attorney
Signature of Applicant

7/9/2014
Date

FOR DEPARTMENT USE ONLY

Received by M. HOLLIDAY Date 7/10/14 \$50 fee received by JS Receipt No. EO400.33
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-34-124, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

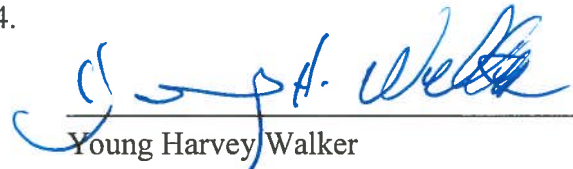
Signed this _____ day of _____, _____.

For the Director

To: Idaho Department of Water Resources
From: Young Harvey Walker
Subject: Temporary Transfer of Water Right: Mitchell and Elaine Sorensen

I am the owner of Water Right No. 34-2440 which is appurtenant to property I own just south of Arco. I hereby consent to Mitchell and Elaine Sorensen's use of this water right on the lands described on the attached Exhibit 1 for the 2014 irrigation season. I understand that use of this water right on the Sorensens' property means that water diverted under these rights can no longer be used on my property for the remainder of the 2014 irrigation season. I am not conveying title to this water right, but merely am consenting to its use by the Sorensens. This consent is neither assignable nor conveyable and shall terminate at the end of the 2014 irrigation season.

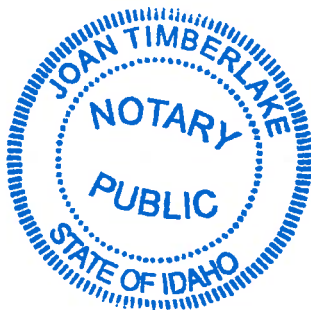
DATED this 10 day of July, 2014.


Young Harvey Walker

STATE OF IDAHO)
) ss.
County of Bonneville)

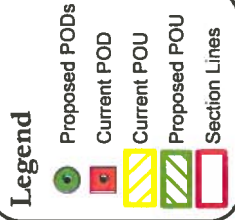
On this 10th day of July, 2014, before me, a Notary Public for said County and State, personally appeared Young Harvey Walker, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




NOTARY PUBLIC FOR IDAHO
Residing at: Idaho Falls ID
My commission expires: 7/23/2018

SORENSEN TEMPORARY CHANGE APPLICATION - WR No. 34-2440



2013 NAIP Photo



Prepared by:
Luke H. Marchant
07/08/2014

12/99

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

Application No: TC-34-124Applicant's Name: MITCHELL SORENSEN

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 11 day of July, 2014.Water District No: 34M. Todd Perkins
Watermaster's Signature

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

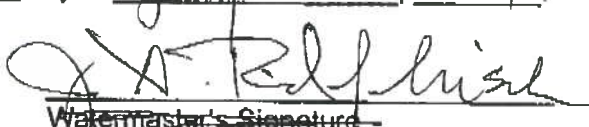
Application No: TC-34-124Applicant's Name: MITCHELL SORENSEN

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 11 day of July, 2014.Water District No: 34
Watermaster's Signature

Mgn BL/RID

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