

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

2014

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-14426 and)
34-14086)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-122

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 8, 2014, Dennis Moss submitted the attached temporary change application TC-34-122 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. 34-14426 and the changed portion of 34-14086 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-34-122

5. Rights 34-14038, 34-14039, 34-14086, 34-14426 and the appurtenant share of rights 34-126 and 34-127 when combined shall not exceed a total diversion rate of 0.02 cfs per acre, a total annual maximum diversion volume of 446.6 af at the field headgate, and the irrigation of 127.6 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 applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on October 15, 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 9th day of July, 2014.



Lyle Swank
Eastern Regional Manager

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JUL 08 2014
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC-34-122

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 Dennis Moss Phone 208-554-4140
Mailing Address 3286 N 3350 W, Moore, ID 83255 Email mx222moss@aol.com

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. _____
Surface rights not available for property this year, so need to move ground water rights to cover this acreage.

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>34-14086</u>	<u>5/14/1977</u>	<u>0.74 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
<u>34-14426</u>	<u>5/14/1977</u>	<u>0.15 cfs</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
2. Total amount of water being transferred 0.89 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
6N	26E	31			NW	SE	Butte	Ground water	

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	
6N	26E	31															6.5	20.5	27
		32											20						20

Total Acres 47

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JUL 11 2014

6. General Information:

- a. Who owns the water right to be changed? Estate of Karen Harney and Marshall Jensen
- 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 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 not be used.
- f. Describe other water rights used for the same purpose. TC-34-112, 34-381A, 34-182
- 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

7-8-2013
Date

FOR DEPARTMENT USE ONLY

Received by SC Date 7/8/14 \$50 fee received by SC Receipt No. E040024
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-34-122, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

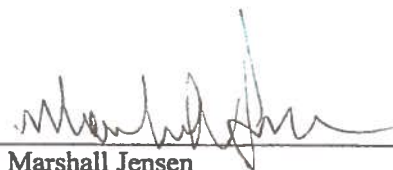
For the Director

Water Lease Agreement

The following ground water right is hereby leased from Marshall Jensen. The purpose of the lease is for a Temporary Change Application to allow Dennis Moss to move this ground water right to a point of diversion location of his choice. The nature of use will be crop irrigation. The lease period shall be from June 30, 2014 to October 31, 2014. The fee for the lease shall be \$10.00 per acre.

Water Right No. 34-14426 Point of Diversion – SENE/Sec. 25/T6N/R25E
Place of Use – NENE/Sec. 19/T6N/R26E
Total Acres – 7.5

Signed


Marshall Jensen

Date 6-30-14

Signed


Dennis Moss

Date 6-30-14

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* Tall Harry

~~James~~ Dennis Moss

Total Acres - 96.8

* Correction made by Dell Harney 29 JUN 2014

Signed Dell Harney Date 29 JUN 2014
Dell Harney
Personal Representative
Estate of Karen Harney

Signed Dennis Moss Date 29 June 2014
Dennis Moss

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JUL 11 2014

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-122Applicant's Name: DENNIS MOSS

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-122Applicant's Name: DENNIS MOSS

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 9 day of July, 2014.Water District No: 34
~~Watermaster's Signature~~
B L R / D mgr.

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