

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NO. 34-2412A)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-103

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 May 5, 2014, Joel Andersen submitted the attached temporary change application TC-34-103 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 transferred portion of right no. 34-2412A 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-34-103

5. Right(s) 34-646, 34-647, and 34-2412A are limited to a total combined diversion rate of 3.76 cfs and to the irrigation of a combined total of 113 acres in a single irrigation season.
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 31, 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 6th day of May, 2014.



Lyle Swank
Eastern Regional Manager

TC-34-103

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 589-0019
Mailing Address 2791 North 3375 West, Moore, ID 83255 Email andersenangus@gmail

RECEIVED

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use MAY 05 2014
☐ Change purpose of use ☐ Other Department of Water Resources
Eastern Region
2. Describe the proposed change(s) and explain the reason(s) they are needed. Pearsons will idle most of their ground under water rights 34-646, 34-647, and 34-2412A freeing up 75.8 acres to be used on my ground. I have an agreement with Pearsons to use the ground water right and with Perkes and Boegarts to farm their ground.

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>34-2412A</u>	<u>4-13-1961</u>	<u>1.52 cfs</u>	<u>Irrigation</u>	<u>4-1 to 10-31</u>
		<u>265.3 af</u>		to
				to
				to

2. Total amount of water being transferred 1.52 cubic feet per second and/or 265.3 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
4N	26E	9		NW	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	
04N	26E	16							14		27	7.8		27					75.8

Total Acres 75.8

6. General Information:

- a. Who owns the water right to be changed? Jay and Susan Pearson
- b. Describe the arrangement allowing use of the right. Agreement with Pearsons to use the ground water right for the irrigation season. 75.8 acres will not be irrigated at the 34-2412A place of use.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
It will remain dry during the 2014 irrigation season. The remaining 37.2 acres under the right will still be used.
- 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? This right could be used in full at the decreed place of use.
- f. Describe other water rights used for the same purpose. 34-17A, 34-32A, 34-13820
- g. Remarks: This same drought transfer was approved last year.

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

5-5-14
Date

FOR DEPARTMENT USE ONLY

Received by SL Date 5/5/14 \$50 fee received by SL Receipt No. E039799
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-34-103, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

12/99

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: TC-34-103Applicant's Name: JOEL ANDERSEN

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 6 day of MAY, 2014Water District No: 34M. Todd Parker
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-34-103Applicant'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 6 day of May, 2014.Water District No: 34

J. R. Rish
Watermaster's Signature
B2RID mgr.

Use reverse side of page if you need more space.

JAY PEARSON LEASE

Farm Lease Agreement 2014
April 1, 2014

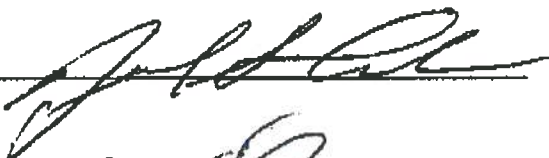
This Farm lease is between Jay Pearson Landlord and Joel Andersen lessee. Farm land to be leased is for 78 acres. Terms of the agreement are as follows;

Cash lease in the amount of \$~~XXXXXX~~.

Lessee will be responsible for all costs of production on the 78 acres.

Lessee will be permitted to use ground water on other lands if farm is left fallow

Taxes and water assessments will be the responsibility of the owner.



4-1-2014



4-1-2014

Farm Lease Agreement 2014

This Agriculture lease agreement is between Billy and Carson Bogart as owners / landlords, and Joel Andersen as lessee or tenet.

Terms of this lease is cash in the amount of [REDACTED]

Tenet is also to pay Billy [REDACTED] for watering the crop (Alfalfa)

Tenet will pay the demand charge on the pump along with accrued energy bills.

Landlord is responsible for property taxes and water assessment charges.

Carson Bogart

4/15/14

Billy J. Bogart

4/15/14

Joel Andersen

4-15-14

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] 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

SCANNED
AUG 27 2013