

RECEIVED
AUG 13 2004
DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 29-13399 & 29-13401)
Kenneth or Jim Andrus)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-29-10

WHEREAS, a drought emergency has been declared for Bannock 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 purpose 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 27, 2004, Kenneth Andrus submitted
the attached Temporary Change Application TC-29-10 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(s). 29-13399 & 29-13401 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 new 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 condition. 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. Right(s) 29-13399 ; 29-13401 are limited to the irrigation of a total of 44 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 approval 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 shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 29 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2004 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 4th day of August, 2004.


Ronald D. Carlson
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)

Name of Applicant Kenneth D or Jim Andrus Phone 208 276-5380
Post Office Address 6948 East Old Oregon Trail Rd, Lava Hot Springs Id 83246

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☒ Other: CHANGE SOURCE

2. Describe the proposed change(s) and the reason(s) thereof drought condition have cut
junior water rights. water can be used more beneficially

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>29-13399</u>	<u>5/01/1896</u>	<u>0.56 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>9/15</u>
<u>29-13401</u>	<u>7/6/1868</u>	<u>0.72 cfs</u>	<u>IRRIGATION</u>	<u>1/1</u> to <u>10/31</u>
				to
				to

2. Total amount of water being transferred 0.88 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Bob Smith Creek tributary to Portneuf River

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	SW	12	9S	37E	Bannock	

5. Lands irrigated or place of use: 44 acres with in Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	37E	13											17						17
		14															34		34
		23	33																33
		24						31											31

Total Acres 115

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6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right —
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Dry farmed
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain was use prior to applicants purchasing water Rights
- e. Absent the changes, how would the right be used for the remainder of the year? Not Used
- f. Describe other water rights used for the same purpose.
29-187, 29-188, 29-191, 29-193, 29-11678, 29-11681
- g. Remarks: other water rights have 1902 + 1903 priorities

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)

FOR DEPARTMENT USE ONLY

Received by KCW Date 7/27/04 Fee \$ 50.00
Receipted KCW 7/27/04 # E030076 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-29-10

And said application is hereby APPROVED, subject to the following limitations and conditions:

Water can only be diverted if a measuring device found to be satisfactory by the watermaster is installed at the new Point of diversion

Witness my hand this 4th day of August, 2004.

[Signature]
For the Director

12/89

ATTN:

KEITH WILSON

(208) 525-7177 Fax

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-29-10Applicant's Name: Ken or Tim Andrus

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 asfollows: I feel there could
be a measuring device
of some legal means at
his point of diversionc) ☐ I oppose approval of this application for the following reasons:d) ☐ Additional Comment:Dated this 29 day of July 29, 2004Water District No: 29Steven Helander
Watermaster's Signature

Use reverse side of page if you need more space.