

No Color
Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

RECEIVED

JUL 30 2004

DEPARTMENT OF
WATER RESOURCESName of Applicant Kirby Jensen Phone 208 527-3385
Post Office Address 2781 N 3375 W Moore Id 83255-8715

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 the reason(s) thereof Agreement Change place of use
due to drought conditions

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-2427</u>	<u>6/15/1961</u>	<u>1.74 cfs</u>	<u>IRRIGATION</u>	<u>4/1 to 10/31</u>
				to
				to
				to

2. Total amount of water being transferred 1.74 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	SW	16	4N	26E	Butte	Buxton well

5. Lands irrigated or 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	
4N	26E	16							34										34
		17			14	39													53

Total Acres 87

For the Director

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-2427)
_____)
Kirby Jensen)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

Tc- 34-55

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 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 22, 2004, Kirby Jensen submitted the attached Temporary Change Application TC-34-55 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). 34-2427 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.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-34-55

5. Right(s) 34-2427 are limited to the irrigation of a total of 87 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. 34 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 26th day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

7-23-04

To . Keith Wilson
Idaho Department of Water Resources
900 North Skyline
Idaho Falls, Idaho 83402

RECEIVED

JUL 27 2004

Department of Water Resources
Eastern Region

Dear Keith,

Kirby Jensen has applied for a temporary transfer of our well water in Sec. 16, T 4N, R26 E

He has conveyed to us that written permission from us is one of the requirements of that transfer. This letter is intended to satisfy that requirement.

Therefore: As the current owners of record of water right 34-2427, we give our permission for Kirby Jensen to transfer and use the water produced from our well described above for the 2004 irrigation season.

C. Brooks Buxton
Rt. 1 Box 231
Arco, Idaho 83213

Mary K. Buxton

C. Brooks Buxton
Rt 1 Box 231
Arco ID 83213

Mary K. Buxton
Rt. 1 Box 231
Arco, ID. 83213

Important Information About Your Water Right

December 14, 2001

MARY K BUXTON
C BROOKS BUXTON
RT 1 BOX 231
ARCO, ID 83213

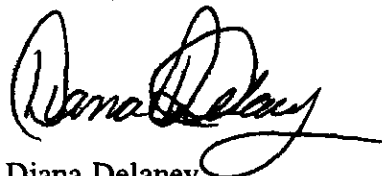
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 34-02427. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order*** in combination with the ***Partial Decree*** that was issued for this water right on January 20, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of the water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued the same date that the ***Partial Decree*** was originally issued.

Sincerely,



Diana Delaney
Case Administrator

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-02427

JAN 29 2:38
JAN 30 1997
JAN 30 1997

NAME & ADDRESS: C BROOKS BUXTON
MARY K BUXTON
RT 1 BOX 231
ARCO ID 83213

RECEIVED

JAN 30 1997

Snake River Basin Water Resources

SOURCE: GROUNDWATER

QUANTITY: 2.94 CFS
514.5 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 34-00866 AND 34-13576 IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.10 CFS.

PRIORITY DATE: 06/15/1961

POINT OF DIVERSION: T04N R26E S16 NENWSW Within BUTTE County

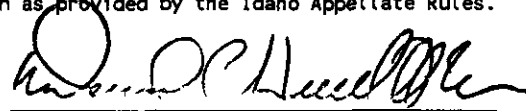
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	2.94 CFS 514.5 AFY

PLACE OF USE:	IRRIGATION	Within BUTTE County			
	T04N R26E S21	NENW 31	NWNW 39	SWNW 38	SENEW 37
		NWSW 2			
	147 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NOS. 34-00866 AND 34-13576 IS
LIMITED TO THE IRRIGATION OF 147 ACRES IN A SINGLE IRRIGATION
SEASON.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication