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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 34-117D, 34-311B, 34-377B)
34-615, 34-10669, 34-622C, 34-623A, 34-623B)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for .
counties to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; 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 when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 6/14/02, Jay Dean Anderson submitted the attached
Temporary Change Application ("application") 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). 34-117D, 34-311B, 34-377B
34-615, 34-10669, 34-622C
34-623A & 34-623B 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 which 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.

5. Right(s) <sup>34-117D, 311B, 377B, 10669
34-622C, 34-623A & B, 34-615</sup> are limited to the irrigation of a total of ^{104.5} 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 applicant agrees 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 watermaster of Water District No. ³⁴ is authorized to administer the temporary change approval.
11. This temporary change approval expires on 11/1/2002 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 21st day of June, 2002.


RONALD D CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 14 2002

Department of Water Resources
P.O. Box 12000

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Jay Andersen & Dan And Phone 208-527-3341
Post Office Address RR1 Box 40 Moore Id. 83255

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 _____

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 |
|-----------------|-----------|--------------------|---------------|---------------|
| ✓ 34-00117 D | 6-1-1884 | .368 | Irrigation | 5-1 to 10-15 |
| ✓ 34-00311 B | 7-15-1884 | .8 | " | 5-1 to 10-15 |
| ✓ 34-00322 B | 6-1-1884 | .5 | " | 5-1 to 10-15 |
| ✓ 34-10469 | 3-1-1902 | .755 | " | 5-1 to 10-15 |
- Additional - see attached 4.5 3.518 cfs change as per Decree
2. Total amount of water being transferred 4.508 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Surface tributary to Big Lost
4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
34-00117 D		NW	SE	SE	4	5	26	Butte	Moore

5. Lands irrigated or place of use.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	26	35													23		326	215	
3	26	2													129.41				

Total Acres 104.5

MICROFILMED

6 General Information:

- a. Who owns the water right to be changed? Jay & Dean Andersen
- 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:
well dry up.
- d. Has the water right sought to be transferred been used this year? 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.
store water
- 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.

Dean Andersen
Jay A. Andersen
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 6/18/02 Fee 50⁰⁰

Received KCW # 5027874 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. _____

And said application is hereby _____, subject to the following limitations and conditions.

Witness my hand this 21st day of June, 2002:

Ronald D. Clark
For the Director

Important Information About Your Water Right

December 14, 2001

JAY A ANDERSEN
JEAN P ANDERSEN
RT 1 BOX 41
MOORE, ID 83255

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 34-00117D. 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 15, 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

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 34-00117D

1999 JAN 15 PM 1:01

DISTRICT COURT-SSBA
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: JAY A ANDERSEN
JEAN P ANDERSEN
RT 1 BOX 41
MOORE ID 83255

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

QUANTITY: 0.368 CFS

USE OF THIS RIGHT WITH RIGHT NOS. 34-00377B, 34-00615,
34-10669 AND 34-02416B IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 3.518 CFS.

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION: T05N R26E S04

NWSESE

Within BUTTE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE
	IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
0.368 CFS

PLACE OF USE: IRRIGATION
 T04N R26E S05
 134 ACRES TOTAL

Within BUTTE County
NESW 39

NWSW 34.5

SWSW 32.5

SESW 28

USE OF THIS RIGHT WITH RIGHT NOS. 34-00377B, 34-00615,
34-10669 AND 34-02416B IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 134 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 18.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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.

taken as provided by the Idaho Appellate Rules.

Andrew C. Hurd

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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-00117D

ALCANTARA

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