

JAN 29 2024

42-222 POD - 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
EASTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to Idaho Code § 42-221.O.8. Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Joel S Andersen Phone 208-589-00192. **MAILING ADDRESS** 2791 N 3375 W City MooreState ID Zip 83255 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 34-2412C and 34-7184

- ☒ Attach a copy of the water right(s) as recorded, available at idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 1.6 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☒ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at idwr.idaho.gov, *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Both water rights: 0.56 cfs of 34-7184 and 1.04 cfs of 34-2412C										
N	4		NW	NW	4	4N	26E	Butte	Ground water	A0008060/Haney
N		NW	SW	SW	4	4N	26E	Butte	Ground water	A0008051/Andersen

34-2412C Only - No change associated with this well.

N		NW	NE	SW	9	4N	26E	Butte	Ground water	A0008048

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well in SWSW Section 4 currently delivers to a combined system with surface water from the neighboring ditch, and into wheel line irrigation systems. Proposed well is existing POD and already equipped with meas. device.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

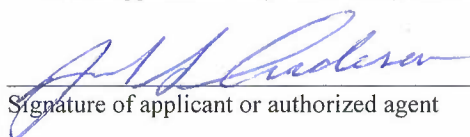
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Joel S. Andersen
Print name and title if applicable

1-29-24
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$580.- Date 1/29/2024 Received by JB Receipt # E049769

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/2/2024

Water Right 34-2412C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOEL S ANDERSEN 2791 N 3375 W MOORE, ID 83255-8715 (208) 527-3379
Current Owner	BELVA E ANDERSEN 2791 N 3375 W MOORE, ID 83255-8715 (208) 527-3379

Priority Date: 4/13/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.520 CFS	522.6 AF
	<u>Total Diversion</u>		3.520 CFS	522.6 AF

Source and Point(s) of Diversion:

GROUND WATER	NWNESW	Sec. 9, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	NWSWSW	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

T04N R26E S4	NWSW	38.0
T04N R26E S4	SWSW	4.0
T04N R26E S16	NENW	33.0
T04N R26E S16	NWNW	34.6
T04N R26E S16	SEnw	32.5
POU Total Acres		142.10

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T18 Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points

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- of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
8. WB4 The total instantaneous diversion of water from all points of diversion under Right 34-2412C shall not exceed 3.52 cfs, nor a total combined annual volume of 522.6 af.
9. X35 Rights 34-2412C, 34-259F, 34-738E, 34-60, and 34-13562 when combined shall not exceed the irrigation of 142.1 acres in a single irrigation season.
10. Right 34-2412C shall not exceed a diversion rate of 1.04 cfs from the point of diversion located in the NWSWSW, Sec 4, T04N, R26E.
11. X36 Right 34-2412A is also diverted through the point of diversion in the NWNESW Sec 9, T04N, R26E.
12. Right 34-7184 is also diverted through the point of diversion in the NWSWSW Sec 4, T04N, R26E.
13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates and Other Information:

Decreed Date: 9/17/2001

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate Per Acre: 0.030

Mitigation Plan: False

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Water Right 34-7184

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BELVA E ANDERSEN 2791 N 3375 W MOORE, ID 83255-8715 (208) 527-3379
Current Owner	JOEL S ANDERSEN 2791 N 3375 W MOORE, ID 83255-8715 (208) 527-3379

Priority Date: 4/26/1977

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.560 CFS	115.5 AF
	<u>Total Diversion</u>		0.560 CFS	115.5 AF

Source and Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 4, Twp 04N, Rge 26E, BUTTE County
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Place Of Use:

IRRIGATION within BUTTE County

T04N R26E S4	SWSW	33.0
	POU Total Acres	33.00

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-00259E AND 34-00738D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.912 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 34-00259E AND 34-00738D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 33 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
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2/2/2024

Dates and Other Information:

Decreed Date: 11/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Mitigation Plan: False

Combined Use Limits:

Rate

0.910

Volume

Acres

33.0

Water Rights

34-7184 ,34-259E ,34-738D

Eastern Snake Plain Aquifer Modeling Analysis and Narrative

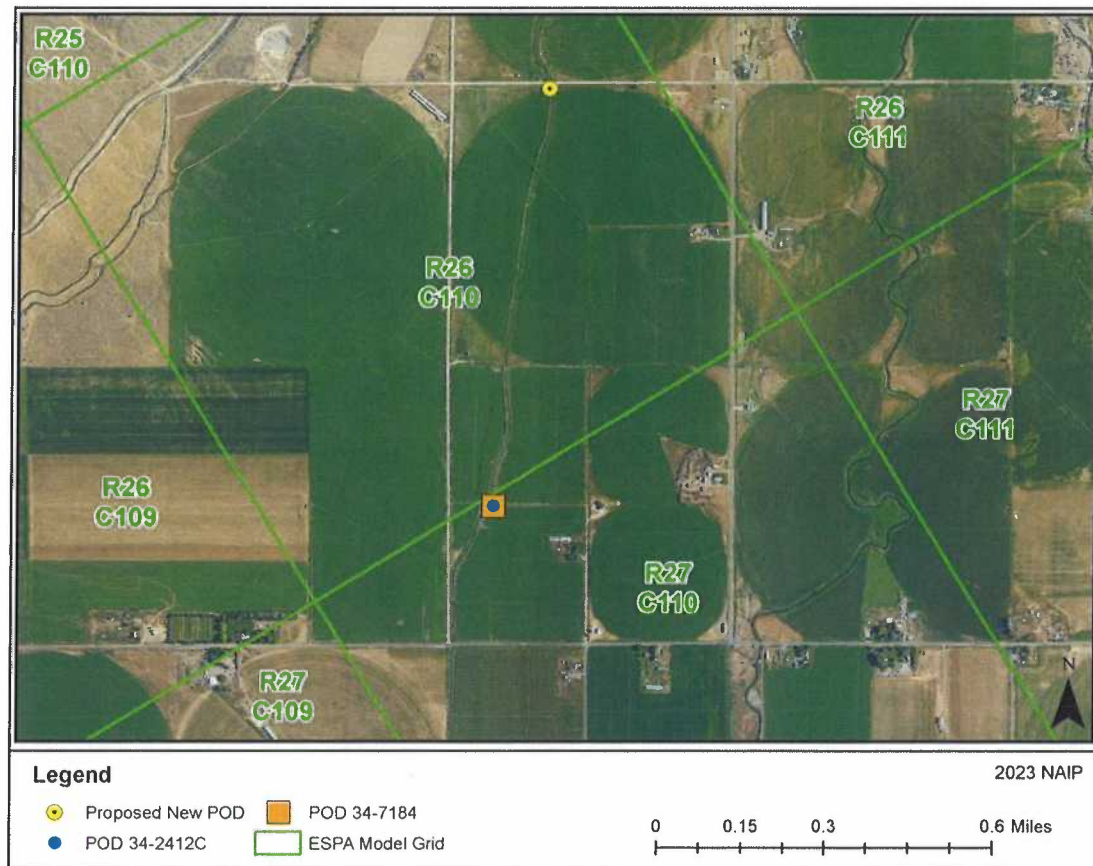
Application for Transfer of Water Right #34-2412C and 34-7184

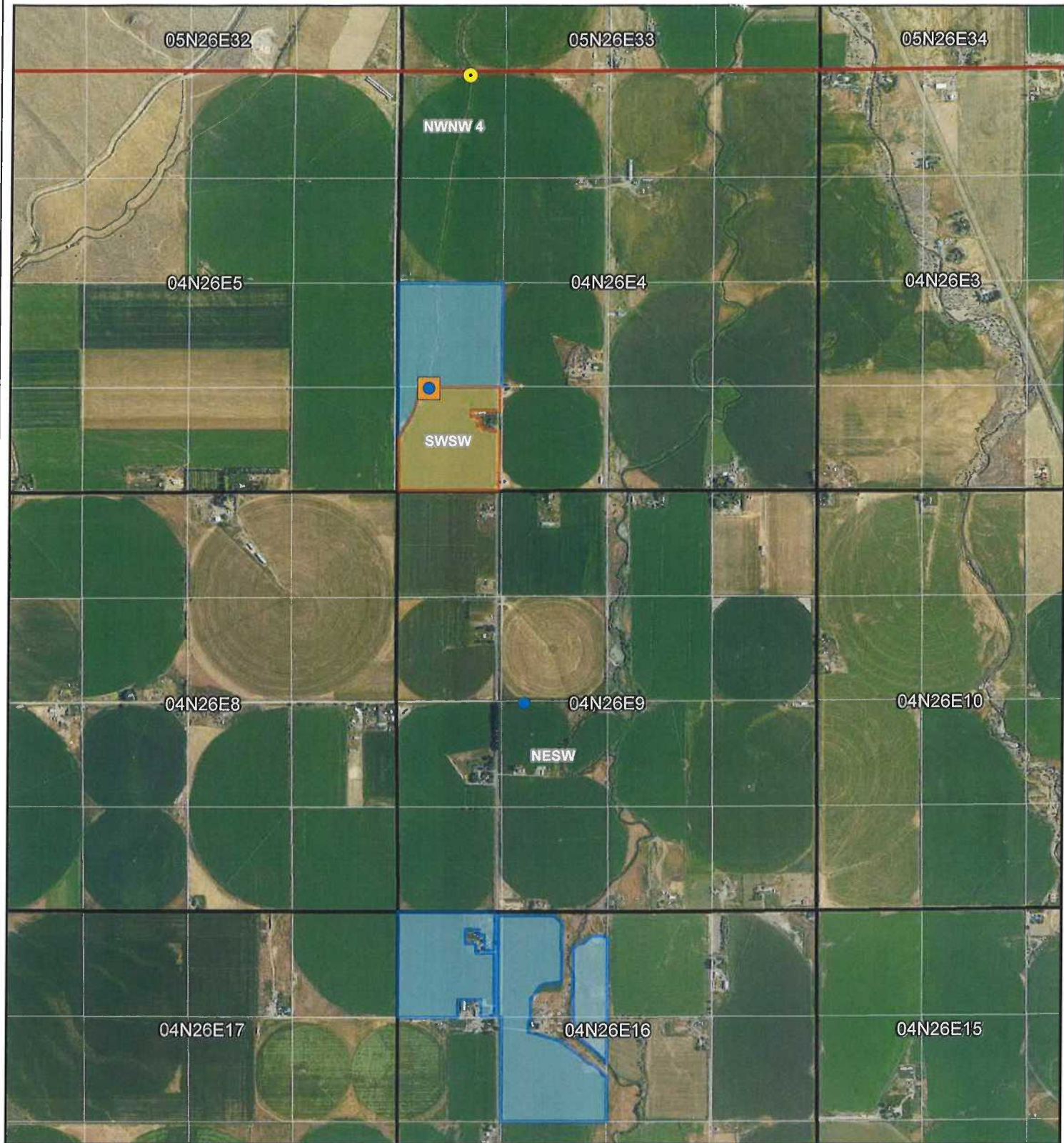
The Applicant proposes to connect an existing well to the irrigation system for water rights 34-2412C and 34-7184 to supplement the existing supply. The TO Well is the proposed well located in the NWNW of Section 4, within model grid cell R26 C110. The FROM 1 Well is located in the SWSW of Section 4, within model grid cell R27 C110.

The POD in Section 9 is not considered in this application. No pumping changes will occur at this well.

Both the TO and FROM well are in adjacent cells. No modeling is required.

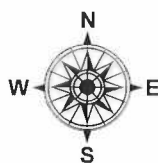
Figure 1. ESPA Model Grid





Legend

- Proposed New POD
- POD 34-2412C
- POD 34-7184
- POU 34-7184
- POU 34-2412C
- Twp & Rng
- Section
- QQ



Attachment 7. Map of Locations

Joel S. Andersen

RMEA # 21-0268

by: KM

Date: 1/24/2024





IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 7, 2024

JOEL S ANDERSEN
2791 N 3375 W
MOORE, ID 83255-8715

RE: Transfer No. 88758
Water Right No(s). 34-2412C, 34-7184

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the ARCO ADVERTISER on 2/15/2024 and 2/22/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, February 7, 2024 2:39 PM
To: 'arcoadv@aol.com'
Subject: Legal Notice for Arco Advertiser
Attachments: 88758 Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT
ARCO ADVERTISER
PO BOX C
ARCO, ID 83213

RE: Transfer No. 88758
Water Right No(s). 34-2412C, 34-7184

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/4/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88758**

JOEL S ANDERSEN, 2791 N 3375 W, MOORE, ID 83255-8715 has filed Application No. 88758 for changes to the following water rights within BUTTE County(s): Right No(s). 34-2412C, 34-7184; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion. Proposed points of diversion are in Lot 4 (NWNW) (new) and NWSWSW Sec 4 T04N R26E for 1.60 cfs from ground water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 3/4/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 2/15/2024 and 2/22/2024