

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE _____)
WATER RIGHT NOS: 34-7177)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-237

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.

Idaho Code § 42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources 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.

On August 6, 2025, Dean Andersen filed the attached Temporary Change Application, seeking to change the point of diversion and place of use for water right 34-7177.

The Department has reviewed the application and has determined the application can be approved with certain conditions.

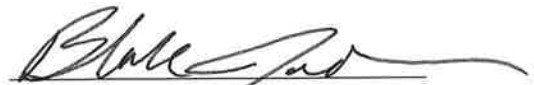
ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right 34-7177 is authorized only at the point of diversion and places of use described on the application.
2. This temporary change approval does not authorize construction of a new well or diversion works 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. Rights 34-634 and 34-7177 when combined shall not exceed a total diversion rate of 0.97 cfs and the irrigation of 36.0 acres.
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 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.
11. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This temporary change approval expires on October 15, 2025 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 8th day of August, 2025.


Blake Jordan
Water Resources Program Manager

TC-34-237

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 06 2025

DEPT. OF WATER RESOURCES
EASTERN REGION

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 Dean Andersen Phone 208-390-0146
Mailing Address 3482 W 2900 N Moore ID Email karalee@atcnet.net

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
☐ Change purpose of use
 ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. _____
Move right 34-7177 to our farm near Moore to create a more reliable supply. Both farms have Big Lost River rights.
Drought conditions won't allow for the use of Big Lost River rights at the proposed place of use.

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>34-7177</u>	<u>4/11/1977</u>	<u>4/0.71/126</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

- Total amount of water being transferred 0.71 cubic feet per second and/or 126 acre-feet per annum.
- Source of water Ground Water tributary to _____
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04N	26E	5			SW	NW	Butte	Ground Water	Wmis # 43

- Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	26E	5									0.1	1.0	23.4	11.5					36

Total Acres 36.0

TC-34-237

6. General Information:

- a. Who owns the water right to be changed? Arlene Bailey and Darlene Higgins
- b. Describe the arrangement allowing use of the right. Agreement with Bailey & Higgins.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
We will continue to irrigate ground with right 34-634.
- 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? _____
If we don't make the changes, water right 34-7177 won't be used.
- f. Describe other water rights used for the same purpose. 34-634
- g. Remarks: We are moving right 34-7177 from a stacked position to a stacked position. We made this same change in the past, see TC-34-218

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.

Dec Anders
Signature of Applicant

08/06/2025
Date

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ \$50 fee received by ced Receipt No. E051049
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:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/6/2025

Water Right 34-7177

Owner Type

Current Owner
Current Owner
Original Owner

Name

ARLENE BAILEY
DARLENE HIGGINS
KATHRYN KIDMAN

Priority Date: 4/11/1977

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

4/15

To

10/15

Diversion Rate

0.710 CFS

Volume

126.0 AF

Total Diversion

0.710 CFS

126.0 AF

Source and Point(s) of Diversion:

GROUND WATER

NWNENE

Sec. 2, Twp 03N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

T03N R26E S2

NENE

29.0

T04N R26E S35

SESE

7.0

POU Total Acres

36.00

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-00634 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.97 CFS.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-00634 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 36.0 ACRES IN A SINGLE IRRIGATION SEASON.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE

IDAHO DEPARTMENT OF WATER RESOURCES

8/6/2025

Proof Report

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.

Combined Use Limits:

Rate

0.970

Volume

Acres

36.0

Water Rights

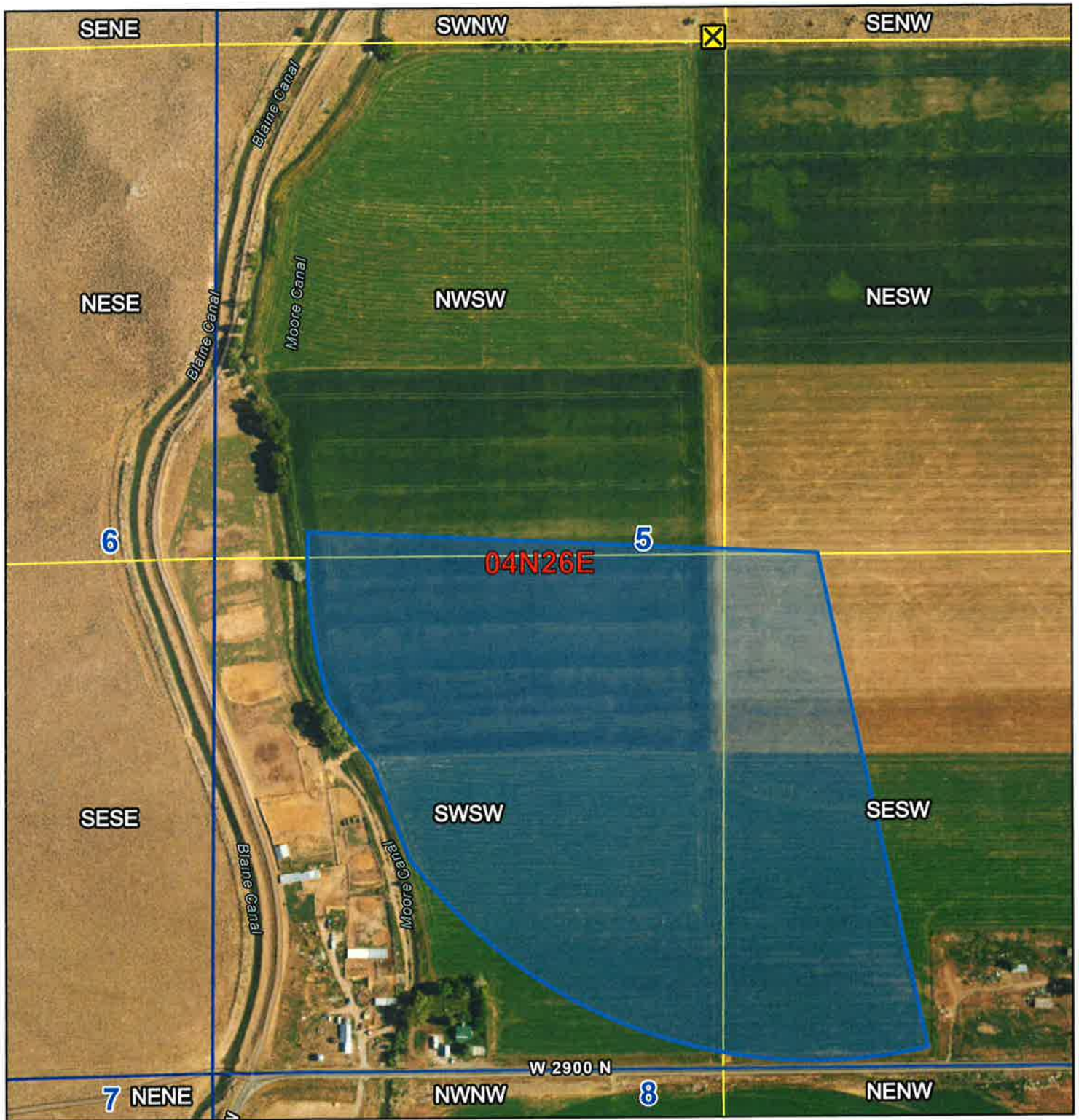
34-7177 ,34-634

SubCase:

N/A

Water Supply Bank:

N/A



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and

Legend

-  36 Acre Place of Use
-  Point of Diversion
-  Township/Range
-  Sections
-  QQ

0 205 410 820 US Feet

N



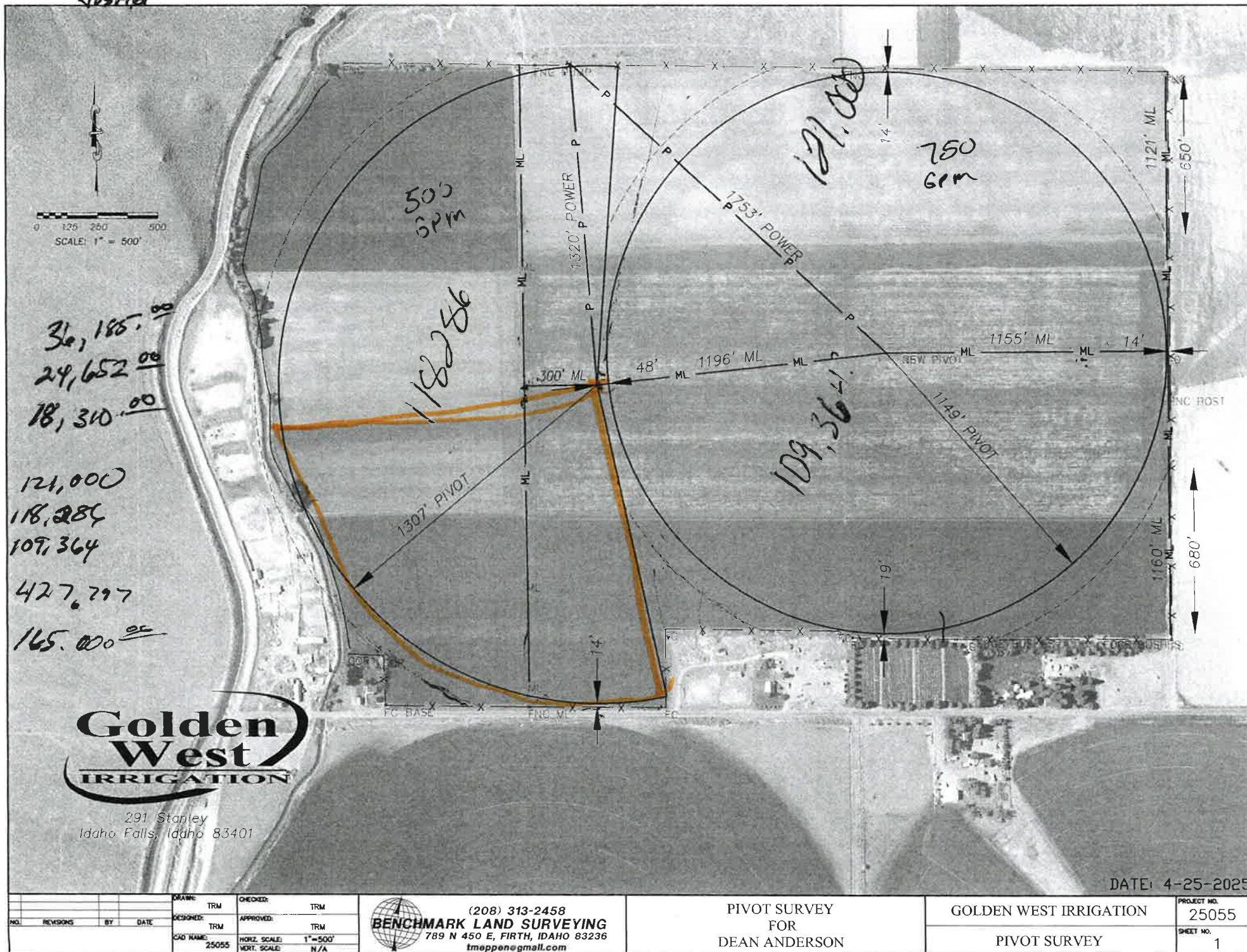
A graphic scale bar is located at the bottom of the page. It is marked with 0, 125, 250, and 500 feet. Below the bar, the text reads "SCALE: 1" = 500'". Above the bar, there is a north arrow pointing upwards.

$$\begin{array}{r} 36,185.00 \\ 24,652.00 \\ 18,310.00 \end{array}$$

121,000
118,285
109,364
427,797
165,000 ⁹⁵



291 Stanley
Idaho Falls, Idaho 83401



DATE: 4-25-2025

				DRAWN: TRM DESIGNED: TRM CAD NAME: 25055	CHECKED: TRM APPROVED: TRM HORZ. SCALE: 1"=500' VERT. SCALE: N/A	 (208) 313-2458 BENCHMARK LAND SURVEYING 789 N 450 E, FIRTH, IDAHO 83236 tmpepp@gmail.com	PIVOT SURVEY FOR DEAN ANDERSON	GOLDEN WEST IRRIGATION	PROJECT NO. 25055
NO. REVISIONS BY DATE								PIVOT SURVEY	SHEET NO. 1

Butte County, Idaho

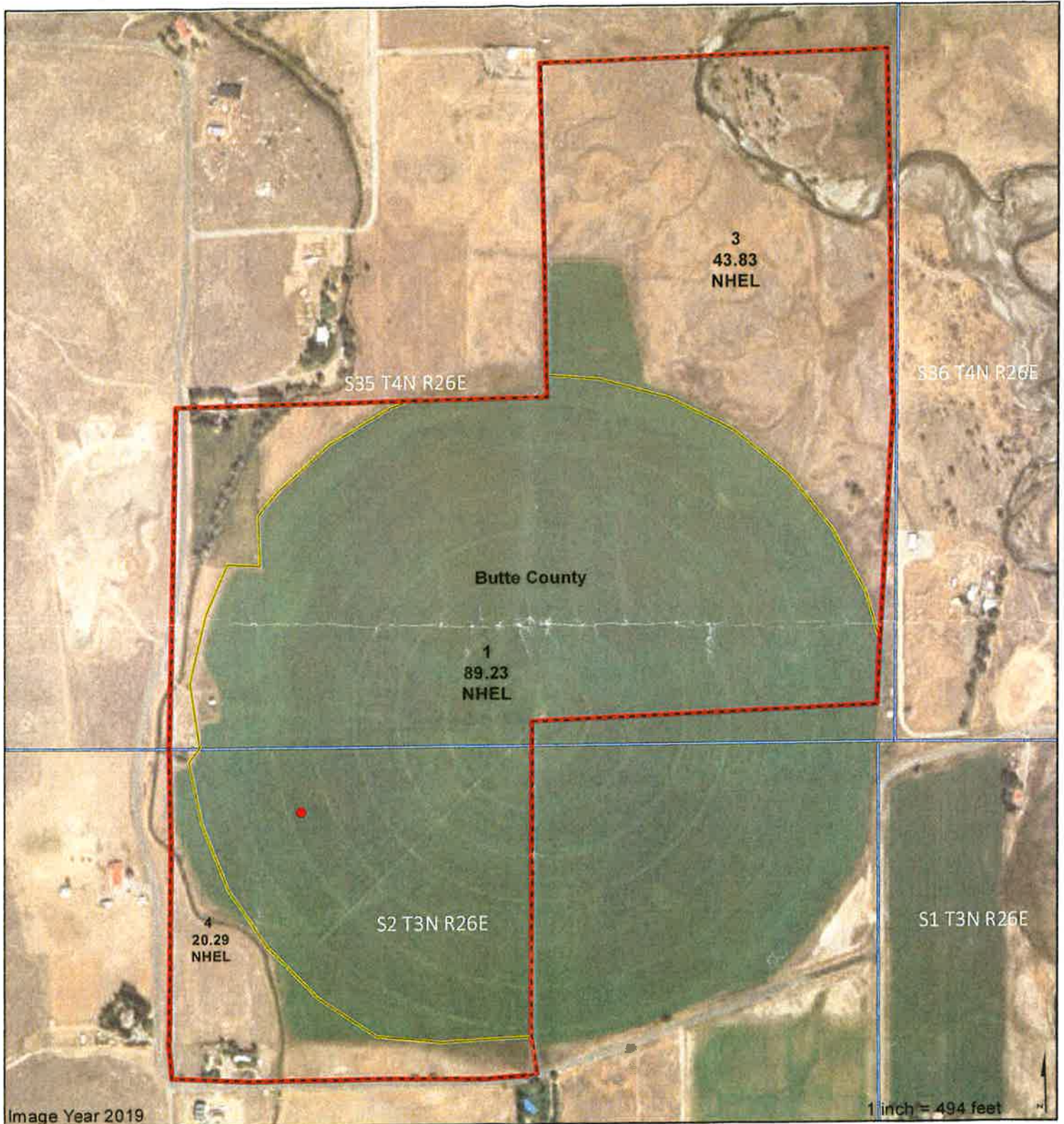


Image Year 2019

Common Land Unit  PLSS
 Cropland  County Boundary
 Tract Boundary

Wetland Determination Identifiers

-  Restricted Use  Limited Restrictions
-  Exempt from Conservation Compliance Provisions

Tract Cropland Total: 153.35 acres

2022 Program Year

Map Created October 20, 2021

Farm 556

Tract 70

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

Subject **Water rights**
From Craig Bailey <craigbaileygsp@gmail.com>
To <karalee@atcnet.net>
Date 2025-07-21 9:52 pm

To Whom it may concern. I have granted Dean Anderson the water rights for the remainder of 2025.

Thank you,

Craig Bailey



0006341749

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0006341749

Date Filed: 7/6/2025 8:34:15 PM

Entity Name and Mailing Address:

Entity Name:

Arco 40 Property LLC

The file number of this entity on the records of the Idaho
Secretary of State is:

0005372864

Address

MICHAEL K. HIGGINS
12805 FLINT LANE
OVERLAND PARK, KS 66213

Entity Details:

Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of
the Idaho Secretary of State was:

The registered agent on record is:

Registered Agent

Charles S Higgins
Registered Agent

Physical Address

12920 N HAWTHORNE
POCATELLO, ID 83202

Mailing Address

12920 N HAWTHORNE
CHARLES S. HIGGINS
POCATELLO, ID 83202

Limited Liability Company Managers and Members

Name	Title	Business Address
Michael Higgins	Manager	MICHAEL K. HIGGINS 12805 FLINT LANE OVERLAND PARK, KS 66213
Charles Scott Higgins	Member	12920 N. HAWTHORNE POCATELLO, ID 83202
Shana J Higgins	Member	709 LEE AVENUE NORTH BRUNSWICK, NJ 08902
Craig Bailey	Member	247 S. 800 E. RIVER HEIGHTS, UT 84321

The annual report must be signed by an authorized signer of the entity.

Job Title: Member

Michael K Higgins

Sign Here

07/06/2025

Date

BL078-1004 U1/06/2025 8:34 PM RECEIVED BY OFFICE OF THE IDAHO SECRETARY OF STATE

Henman, Christina

From: Henman, Christina
Sent: Thursday, August 7, 2025 10:18 AM
To: water34master@gmail.com
Cc: Jordan, Blake
Subject: Temporary Change Watermaster Comment Request: TC-34-237
Attachments: TC Comment Form.docx; TC-34-237 Application.pdf

Importance: High

Preston,

Attached is a temporary change application for your comment. Your prompt response will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by Friday afternoon, August 8, 2025, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Thank You,



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