

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

IN THE MATTER OF TEMPORARY)	
CHANGE APPLICATION)	PRELIMINARY ORDER
TC-34-211 IN THE NAME OF)	DENYING APPLICATION
<u>SUNSET FARM & RANCH LLC)</u>	

On May 16, 2022, Sunset Farm & Ranch LLC ("Sunset") filed Temporary Change Application TC-34-211 with the Idaho Department of Water Resources ("Department") proposing to add three points of diversion to ground water rights 34-2277 and 34-2480B.¹ The Temporary Change Application was filed pursuant to Idaho Code § 42-222A. The watermaster for Water District 34 was notified of the proposed change and does not oppose approval of Application TC-34-211.

Currently, water rights 34-2277 and 34-2480B authorize the same two points of diversion (ground water wells), both located in the NWSWNW of Section 8, T03N, R27E, immediately adjacent to the irrigated place of use. Application TC-34-211 proposes to add three points of diversion to water rights 34-2277 and 34-2480B for the 2022 irrigation season. The proposed points of diversion are existing ground water wells located approximately nine miles north of the existing points of diversion and authorized irrigation place of use for water rights 34-2277 and 34-2480B. The proposed points of diversion would inject water into the Island Canal, which flows into the East Side Canal. At the end of the East Side Canal, water would be injected into the Big Lost River and re-diverted into the Arco Canal, which would be used to convey the water to the place of use for water rights 34-2277 and 34-2480B. There are significant evaporative and seepage losses between the proposed points of diversion and the irrigation place of use. The proposed points of diversion are as follows:

<u>Well Name</u>	<u>Location</u>
Quist Exchange Well	SESENW, Sec. 3, T04N, R26E
Lost River Farms Well	SWSWSE, Sec. 3, T04N, R26E
Toone Exchange Well	NESESW, Sec. 34, T05N, R26E

On November 6, 2019, Sunset filed Application for Transfer 83745 with the Department. Among other things, Application 83745 proposed to add the Quist Exchange Well as an authorized point of diversion for water right 34-2480B. Application 83745 was protested and resulted in an administrative hearing before the Department, held on February 4, 2021. On February 25, 2021, the hearing officer for the Department issued a *Preliminary Order Approving Transfer* ("Preliminary Order"). Although most of the changes proposed in Application 83745 were approved, some of the changes proposed by Sunset were denied. The Preliminary Order included a detailed analysis of Sunset's proposal to add the Quist Exchange Well as an

¹ Application TC-34-211 also indicated that Sunset proposed to change the place of use for the rights. The proposed place of use is identical to the existing place of use for the rights and would not constitute a change.

authorized point of diversion for water right 34-2480B and included the following conclusion of law: “Sunset’s proposal to include the Quist Exchange Well as an authorized point of diversion for water right 34-2480B is not consistent with the conservation of water resources in the state of Idaho and must be rejected.”

Idaho Code § 42-222A sets forth the criteria used to evaluate temporary change applications. Section 42-222A(5) states, in pertinent part: “The recipient of an approved temporary change issued pursuant to this section shall assume all risk that the diversion and use of the water . . . is not consistent with the conservation of water resources within the state of Idaho” The Department has already determined that diverting water right 34-2480B from the Quist Exchange Well is not consistent with the conservation of water resources within the state of Idaho. The Department should not impose the liability associated with wasting water (through seepage and evaporation) on Sunset for an issue that has already been determined in a prior contested case. Further, Sunset should not be allowed to accomplish a change through a temporary change (a process with no opportunity for public review or protest) that was explicitly denied in a prior contested case. To do so would diminish the finality of the process described in Idaho Code § 42-222 (governing the processing and review of transfer applications) and would undermine the Department’s contested case decisions. Therefore, the proposal to add the Quist Exchange Well as an authorized point of diversion for water right 34-2480B must be rejected.²

As noted above, water rights 34-2477 and 34-2480B share the same two existing points of diversion. These two points of diversion (ground water wells) are located approximately 50 feet apart in the NWSWNW of Section 8, T03N, R27E. These two wells are adjacent to the irrigation place of use for water rights 34-2277 and 34-2480B. Sunset did not propose to add the Quist Exchange Well to water right 34-2277 as part of contested Application 83745. If Sunset had proposed such a change, however, it would have been rejected for the same reasons that the proposal to add the Quist Exchange Well as a point of diversion for water right 34-2480B was rejected. The Department has already, in the context of the contested case for Application 83745, rejected Sunset’s proposal to add the Quist Exchange Well as an authorized point of diversion for a water right with an irrigation place of use nine miles south of the Quist Exchange Well. For this reason, the proposal to add the Quist Exchange Well to water right 34-2277 must be rejected.

The Quist Exchange Well, Toone Exchange Well and Lost River Farms Well are all located within one mile of each other. All three of these wells are located approximately nine miles from the place of use for water rights 34-2277 and 34-2480B. Sunset did not propose to add the Toone Exchange Well or the Lost River Farms well to water rights 34-2277 or 34-2480B as part of contested Application 83745. If Sunset had proposed such a change, however, it

² On May 19, 2021, the Department approved Temporary Change TC-34-182, authorizing Sunset to divert water rights 34-2277 and 34-2480B from the Quist Exchange Well during the 2021 irrigation season. The Department included a condition on the approval requiring Sunset to divert all of the water available at the existing points of diversion, located in Section 8, T03N, R27E, before diverting water from the Quist Exchange Well, in an attempt to minimize the amount of water pumped under water rights 34-2277 and 34-2480B from the Quist Exchange Well and to reduce Sunset’s liability for wasting water. Sunset did not fully exhaust the water supplies at the existing points of diversion. One of the ground water wells in Section 8, T03N, R27E was not even equipped with a pump. Further, Sunset diverted more than 50% of the total volume diverted under water rights 34-2277 and 34-2480B from the Quist Exchange Well.

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

would have been rejected for the same reasons that the proposal to add the Quist Exchange Well as a point of diversion for water right 34-2480B was rejected. The Department has already, in the context of the contested case for Application 83745, rejected Sunset's proposal to add points of diversion nine miles away from the authorized place of use for water rights 34-2277 and 34-2480B.

ORDER

IT IS HEREBY ORDERED that Temporary Change Application TC-34-211 is DENIED.

Dated this 3rd day of June 2022.



James Cefalo
Regional Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June 2022, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, certified with return receipt requested, postage prepaid and properly addressed, to the following:

Document Served: Preliminary Order Denying Application

ROB HARRIS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130

SUNSET FARM & RANCH LLC
1450 W HWY 24
PAUL, ID 83347

Courtesy copy sent by regular mail to:

LUCAS YOCKEY
WATER DISTRICT 34
211 E CUSTER RD, STE B
MACKAY, ID 83251



Christina Henman
Administrative Assistant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 16 2022

TC-34-211

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

(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 Sunset Farm & Ranch LLC Phone 208-431-5957
Mailing Address 1450 W. Highway 24, Paul, ID 83347 Email _____

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 explain the reason(s) they are needed. _____

~~This transfer adds 3rd, 4th, and 5th wells to the listed WRs as authorized PODs to provide additional water as it is anticipated that the two wells already authorized under the WRs will not be adequate to divert the authorized amount of water.~~

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
34-2277	10/3/1946	2.0 cfs	Irrigation	4/15 to 10/31
34-2480B	9/11/1966	2.0 cfs	Irrigation	4/15 to 11/01
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 4 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water tributary to None listed on WR

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
SEE	ATT	ACH	ED		SPR	EAD	SHEET		

5. 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	
03N	27E	8	1	35	17	20			30	30	31	32			38	33	3	5	275
03N	27E	9						32											32
03N	27E	17	30	33	33	32					19	15			33	39	37	34	305

Total Acres 612

4. Points(s) of Diversion

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local Name	Tag Number
03N	27E	8		NW	SW	NW	Butte	Ground water	Quist Well	A0008050
03N	27E	8		NW	SW	NW	Butte	Ground water	Sunset South Well	0081297
04N	26E	3		SW	SW	SE	Butte	Ground water	Lost River Farms Wells	
04N	26E	3		SE	SE	NW	Butte	Ground water	Quist Exchange Well	
05N	26E	34		NE	SE	SW	Butte	Ground water	Toone Exchange Well	

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. Applicant has an arrangement with Lost River Farms to allow use of the Lost River Farms and Toone wells.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
~~With these rights and others, Applicant will irrigate acres under pivots on the Sunset property.~~
- 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? It would have been used in 2022 as described by its elements.
- f. Describe other water rights used for the same purpose. See attached spreadsheet.
- 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.

Robert L. Hannon
Signature of Applicant

May 16, 2022
Date

FOR DEPARTMENT USE ONLY

Received by CDH Date 5/16 \$50 fee received by CDH Receipt No. E048149
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 DENIED, subject to the following limitations and conditions:

See attached order.

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

TEMPORARY TRANSFER



Legend

Lost_River_Farms_Well

Toone Well

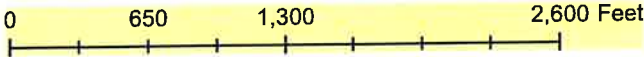
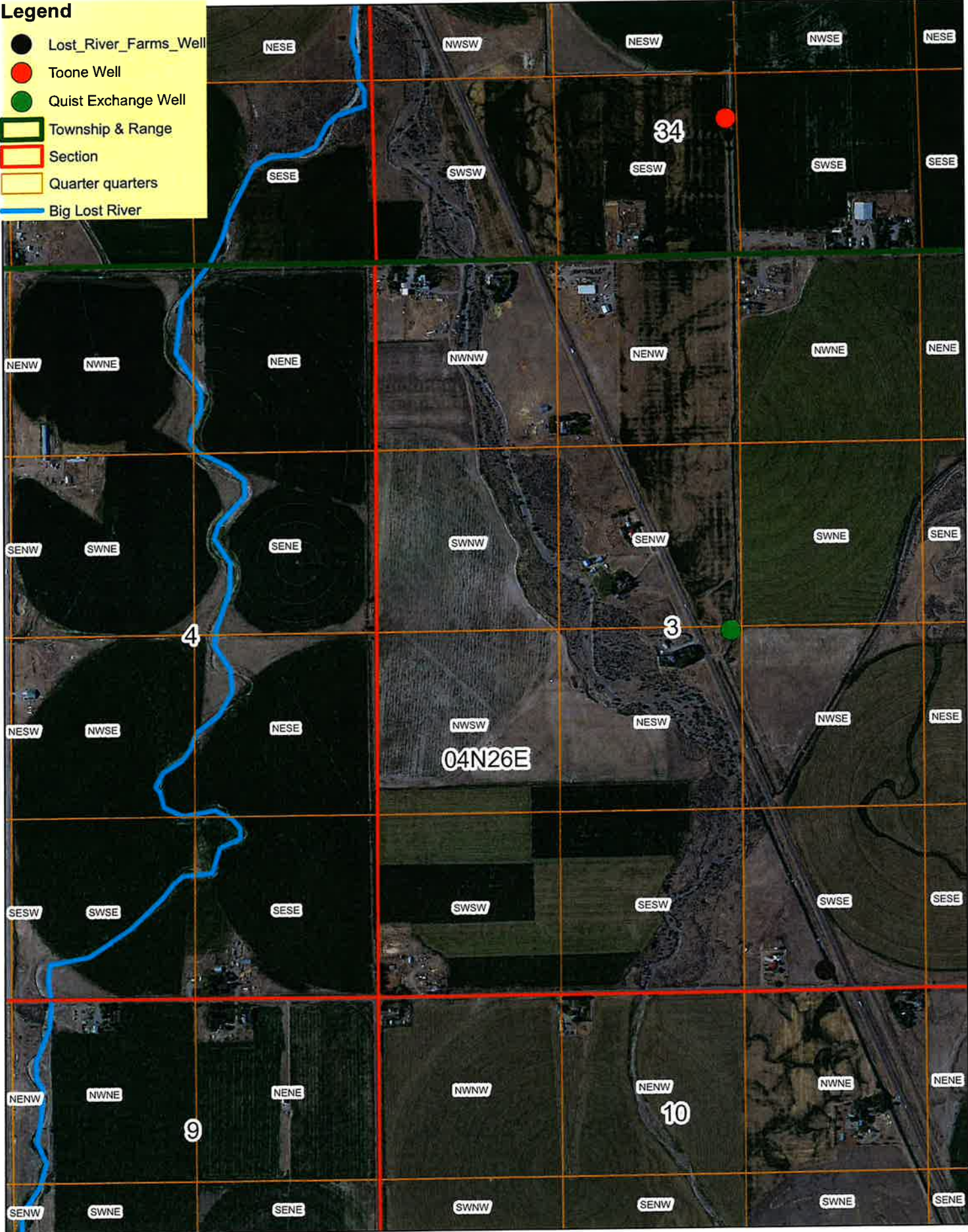
Quist Exchange Well

Township & Range

Section

Quarter quarters

Big Lost River

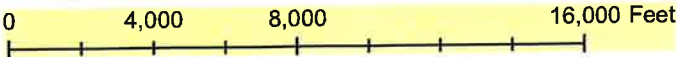
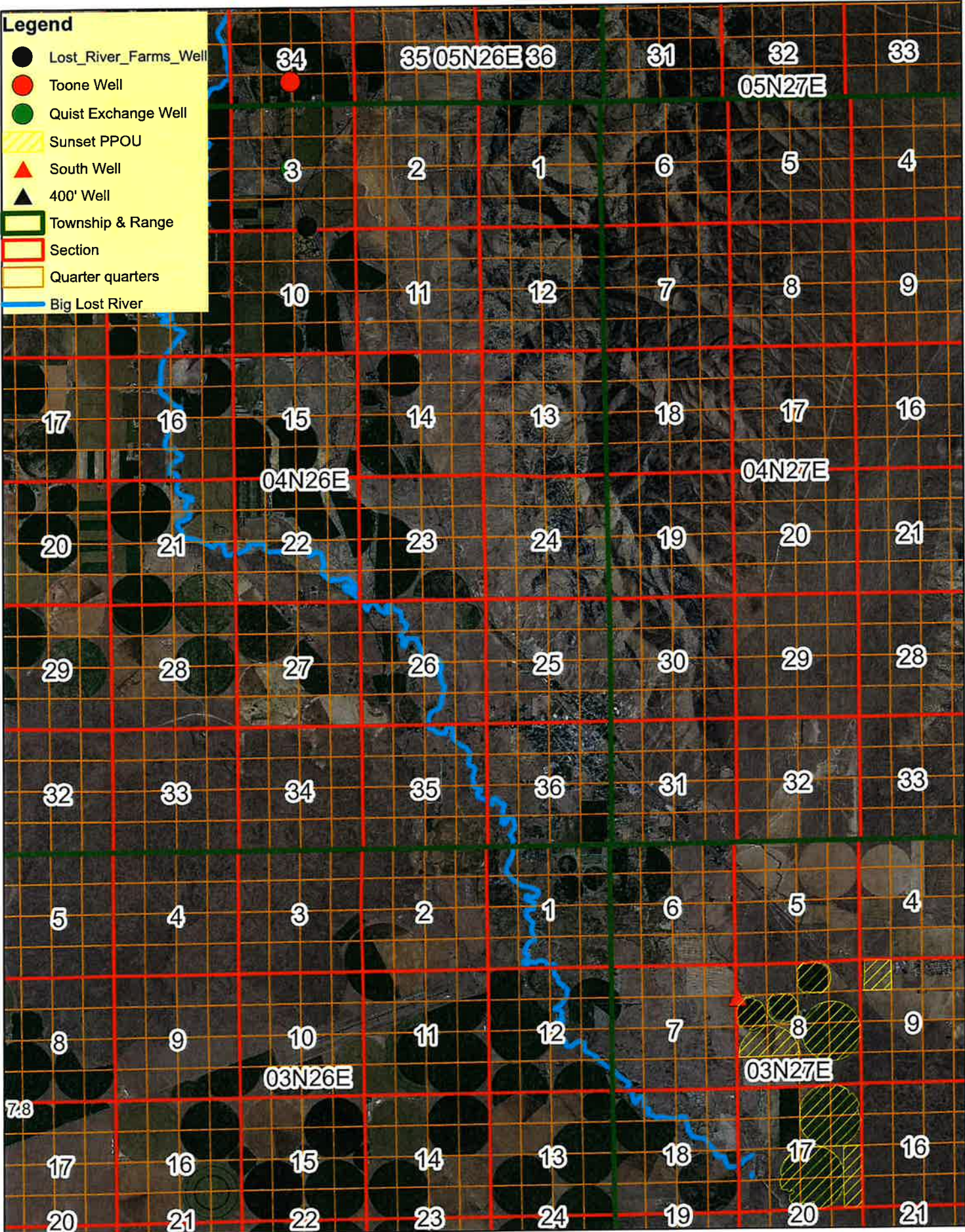


TEMPORARY TRANSFER



Legend

- Lost_River_Farms_Well
- Toone Well
- Quist Exchange Well
- ▨ Sunset PPOU
- ▲ South Well
- ▲ 400' Well
- ▭ Township & Range
- ▭ Section
- ▭ Quarter quarters
- Big Lost River



IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/16/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2277

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNSET FARM & RANCH LLC 1450 W HIGHWAY 24 PAUL, ID 83347-8666
Original Owner	BLAINE A QUIST ARCO, ID

Priority Date: 10/03/1946

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	4/01	10/31	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSWNW	Sec. 08	Township 03N	Range 27E	BUTTE County
GROUND WATER	NWSWNW	Sec. 08	Township 03N	Range 27E	BUTTE County

IRRIGATION Use:

Acre Limit: 110

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	27E	8		NENE	1		NWNE	35		SWNE	17		SENE	20
				SWNW	30		SENE	30						

		NESW	31	NWSW	32				
		NESE	38	NWSE	33	SWSE	3	SESE	5
	9	NWNW	32						
	17	NENE	30	NWNE	33	SWNE	33	SENE	32
		NESW	19	NWSW	15				
		NESE	33	NWSE	39	SWSE	37	SESE	34

Total Acres: 612

Conditions of Approval:

1. X27 This right is limited to the irrigation of 110 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-2277, 34-14770, 34-14771, 34-14772 and 34-14773 when combined shall not exceed a total diversion rate of 9.23 cfs.
3. 206 Water rights 34-187A, 34-195D, 34-196C, 34-2277, 34-2480B, 34-2491G, 34-4002, 34-14770, 34-14771, 34-14772 and 34-14773 are limited to the irrigation of a specific 442 acres within the 612 acre place of use authorized by this right in a single irrigation season. The specific 442 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 442 acres to be irrigated within the 612 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. The place of use changes described in Transfer 83745 shall be accomplished prior to the 2022 irrigation season. Currently, water rights 34-7149, 34-7181, 34-10680, 34-12421 and 34-13414 overlap a portion of the permissible place of use described under this right. If water rights 34-7149, 34-7181, 34-10680, 34-12421 and 34-13414 are not moved off of the overlapping acres by May 1, 2022, then those rights shall be considered combined with this right over 135 acres.
5. The right holder shall not perforate the well casing for the well completed in 2020 (Tag No. D0081297) until 400 feet below land surface.
6. Diversion and use of water from the well located in the NWSWNW, Sec. 8, T03N, R27E (known locally as the original "Quist Well") shall be limited to a total combined diversion rate of 2.00 cfs under water rights 34-2277 and 34-2480B.
7. R05 Use of water under this right may 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. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. 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.
13. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/16/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2480B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNSET FARM & RANCH LLC 1450 W HIGHWAY 24 PAUL, ID 83347-8666
Original Owner	PETER C MONSON
Original Owner	GLEN L PETERSON US DEPT OF JUSTICE INDIAN RES SEC LAND & NATURAL RESOURCE 1961 STOUT ST 8TH FL DENVER, CO 80294 3038441353
Original Owner	FRED H BOYER US DEPT OF JUSTICE INDIAN RES SEC LAND & NATURAL RESOURCE 1961 STOUT ST 8TH FL ARCO, ID 83213
Original Owner	US DEPT OF AGRICULTURE FARMERS HOME ADMINISTRATION 9173 W BARNES STE B BOISE, ID 83709-1555 2083785650
Original Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 2083785650

Priority Date: 09/11/1966

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	2 CFS	252 AFA
Total Diversion			2 CFS	252 AFA

Location of Point(s) of Diversion:

GROUND WATER | NWSWNW | Sec. 08 | Township 03N | Range 27E | BUTTE County
GROUND WATER | NWSWNW | Sec. 08 | Township 03N | Range 27E | BUTTE County

IRRIGATION Use:

Acre Limit: 84

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	27E	8		NENE	1		NWNE	35		SWNE	17		SENE	20
				SWNW	30		SENE	30						
				NESW	31		NWSW	32						
				NESE	38		NWSE	33		SWSE	3		SESE	5
		9		NWNW	32									
		17		NENE	30		NWNE	33		SWNE	33		SENE	32
				NESW	19		NWSW	15						
				NESE	33		NWSE	39		SWSE	37		SESE	34

Total Acres: 612

Conditions of Approval:

1. X27 This right is limited to the irrigation of 84 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-187A, 34-195D, 34-196C, 34-2480B and 34-2491G when combined shall not exceed a total diversion rate of 3.36 cfs.
3. 206 Water rights 34-187A, 34-195D, 34-196C, 34-2277, 34-2480B, 34-2491G, 34-4002, 34-14770, 34-14771, 34-14772 and 34-14773 are limited to the irrigation of a specific 442 acres within the 612 acre place of use authorized by this right in a single irrigation season. The specific 442 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 442 acres to be irrigated within the 612 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

4. The place of use changes described in Transfer 83745 shall be accomplished prior to the 2022 irrigation season. Currently, water rights 34-7149, 34-7181, 34-10680, 34-12421 and 34-13414 overlap a portion of the permissible place of use described under this right. If water rights 34-7149, 34-7181, 34-10680, 34-12421 and 34-13414 are not moved off of the overlapping acres by May 1, 2022, then those rights shall be considered combined with this right over 135 acres.
5. X50 Prior to diversion under this right, the right holder shall abandon the well at the original point of diversion for this right, located in the NESW, Sec. 25, T04N, R26E, in a manner which complies with Department well abandonment rules.
6. The right holder shall not perforate the well casing for the well completed in 2020 (Tag No. D0081297) until 400 feet below land surface.
7. Diversion and use of water from the well located in the NWSWNW, Sec. 8, T03N, R27E (known locally as the original "Quist Well") shall be limited to a total combined diversion rate of 2.00 cfs under water rights 34-2277 and 34-2480B.
8. R05 Use of water under this right may 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.
9. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
10. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
11. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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.
14. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 84

Combined Volume Limit:

Combined Rate Limit: 3.36

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



Prepared by:
Robert L.
Harris

SUNSET FARM & RANCH LLC WATER RIGHTS

Harris													
Water Right No.	Name on Water Right	Basis	Priority Date	Source	Beneficial Use	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Individual Volume Limitation (AFA)	Combined Volume Limitation (AFA)	Individual Acre Limitation	Combined Acre Limitation	Permissible Place of Use	Point of Diversion
34-14733	Sunset Trust Organization	Decreed	10/02/1885	Big Lost River	Irrigation Stockwater	1.49	9.23			74.7	442	612	NWNWNW, Sec. 26, 04N, 26E Arco Diversion
													NWNESW, Sec. 17, 03N, 27E Lower Pump
34-14771		Decreed	05/08/1944	Big Lost River	Irrigation	3.83				174.6			NWNWNW, Sec. 26, 04N, 26E Arco Diversion
									NWNESW, Sec. 17, 03N, 27E Lower Pump				
34-14770		Decreed	06/01/1898	Big Lost River	Irrigation Stockwater	1.55			77.6	NWNWNW, Sec. 26, 04N, 26E Arco Diversion			
									NWNESW, Sec. 17, 03N, 27E Lower Pump				
34-14772		Decreed	08/18/1974	Ground water	Irrigation	6.86	9.23		1253.0	358			SESENW, Sec. 03, 04N, 26E Quist Exchange Well
													NWNWNW, Sec. 26, 04N, 26E Injection
													NWNWNW Sec. 26, 04N, 26E Rediversion (Arco Diversion)
													NWNESW, Sec. 17, 03N, 27E Rediversion (Lower Pump)
34-2277		Decreed	10/03/1946	Ground water	Irrigation	2				110		NWSWNW, Sec. 08, 03N, 27E Quist Well	
												NWSWNW, Sec. 08, 03N, 27E Quist Well	
34-4002		Decreed	07/08/1954	Waste Water	Irrigation Storage Stockwater Storage			5				SESENW, Sec. 08, 03N, 27E	
34-187A		Decreed	05/10/1897	Big Lost River	Irrigation	1.74	3.36					NWNWNW, Sec. 26, 04N, 26E Arco Diversion	
												NWNESW, Sec. 17, 03N, 27E Lower Pump	
34-195D		Decreed	06/01/1888	Big Lost River	Irrigation	0.33					16.5	NWNWNW, Sec. 26, 04N, 26E Arco Diversion	
												NWNESW, Sec. 17, 03N, 27E Lower Pump	
34-196C		Decreed	09/01/1896	Big Lost River	Irrigation	0.13					6.5	NWNWNW, Sec. 26, 04N, 26E Arco Diversion	
												NWNESW, Sec. 17, 03N, 27E Lower Pump	
34-2480B		Decreed	09/11/1966	Ground water	Irrigation	2		252		84		NWSWNW, Sec. 08, 03N, 27E Quist Well	
												NWSWNW, Sec. 08, 03N, 27E Quist Well	
34-2491G		Decreed	05/08/1944	Big Lost River	Irrigation	1.16				84		NWNWNW, Sec. 26, 04N, 26E Arco Diversion	
												NWNESW, Sec. 17, 03N, 27E Lower Pump	
					TOTALS		12.59			442		612	

QUIST WATER RIGHTS LEASED BY SUNSET									
34-7149	Larry Quist	Decreed	6/14/1976	BIG LOST RIVER	IRRIGATION	7	12.98	350	495
34-7225		Decreed	1/4/1979	BIG LOST RIVER	IRRIGATION	2.18		109	
34-7181		Decreed	4/19/1977	GROUND WATER	IRRIGATION	7.07		495	
34-12421		Decreed	5/30/1987	GROUND WATER	IRRIGATION	2.15			
34-10680		Decreed	10/2/1885	BIG LOST RIVER	IRRIGATION, STOCKWATER			3.2	

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-211Applicant's Name: SUNSET FARM + RANCH

Watermaster's Recommendation:

- a) LY I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows: _____

- c) _____ I oppose approval of this application for the following reasons:

- d) _____ Additional Comment: _____

Dated this 24 day of May, 2022.Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.