

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NOS.: 34-7205 &)
34-14346)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-213

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 purposes 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 May 19, 2022, Sunset Farm & Ranch LLC submitted the attached temporary change 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 the changed portions of right nos. 34-7205 and 34-14346 is authorized only at the points of diversion and place of use described on the application.
2. 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 conditions. 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.
3. This temporary change approval does not authorize construction of a new well as a point of diversion.
4. 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.

5. The changed portions of right nos. 34-7205 and 34-14346 shall not be diverted from the Quist Exchange Well.
6. Right 34-14346 is limited to the irrigation of 38.3 acres within the authorized places of use. Rights 34-7205, 34-14346, and 34-14347 when combined shall not exceed a total diversion rate of 5.37 cfs and the irrigation of 177 acres.
7. 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.
8. 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.
9. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on November 1, 2022 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 2nd day of June, 2022.



James Cefalo
Eastern Region Manager

TC-34-213

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

RECEIVED
MAY 19 2022
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. _____

~~Applicant is leasing the Lost River Farms LLC property. Applicant will irrigate under a wiper pivot (83 acres) but will not irrigate remaining 94 acres authorized under the below WRs. Water allocated to the 94 acres will be used on Sunset property as additional water supply (no new irrigated acres).~~

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
34-7205	08/01/1977	2.45 cfs	Irrigation	04/01 to 11/01
34-14346	08/12/1966	0.20 cfs	Irrigation	04/01 to 11/01
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 2.65 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ground water tributary to none listed on WRs

4. Point(s) of diversion:

Twsp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04N	26E	3		SW	SW	SE	Butte	Ground water	Lost River Farms Well
~~04N~~	~~26E~~	~~3~~		~~SE~~	~~SE~~	~~NW~~	~~Butte~~	~~Ground water~~	~~Quist Exchange Well~~
03N	27E	8		NW	SW	NW	Butte	Ground water	Quist Well
03N	27E	8		NW	SW	NW	Butte	Ground water	Sunset South (400')

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	27E	17									19				9	39	17	10	94

Total Acres 94

6. General Information:

- a. Who owns the water right to be changed? Lost River Farms LLC
- b. Describe the arrangement allowing use of the right. Applicant is leasing Lost River Farms property and water rights.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
~~83 acres will be irrigated under the wiper pivot. Remaining 94 acres will not be irrigated under any water rights.~~
- 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? POU of WRs would have been irrigated to the maximum extent possible.
- f. Describe other water rights used for the same purpose. WR 34-14347
- 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. Harris
Signature of Applicant

May 19, 2022
Date

FOR DEPARTMENT USE ONLY

Received by CTH Date 5/19/22 \$50 fee received by CTH Receipt No. E048160
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:

See attached order, one proposed POD not approved

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/18/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-7205

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOST RIVER FARMS 6164 N PINTAIL WAY GARDEN CITY, ID 83714-1297 2083227300
Directors Report Owner	ELSIE M JOHNSON
Directors Report Owner	JOSEPH R JOHNSON RT 1 BOX 187 ARCO, ID 83213 2085273139

Priority Date: 08/01/1977

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	04/01	11/01	4.62 CFS	
Total Diversion			4.62 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSWSE	Sec. 03	Township 04N	Range 26E	BUTTE County
GROUND WATER Injection	NWNWNW	Sec. 26	Township 04N	Range 26E	BUTTE County
GROUND WATER Rediversion	NWNWNW	Sec. 26	Township 04N	Range 26E	BUTTE County

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>
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03N	27E	5	3	NENW	32	4	NWNW	33		SWNW	29		SENW	33
				NESE	24		NWSE	26						

Total Acres: 177

Conditions of Approval:

1. POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM BIG LOST RIVER.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.37 CFS. COMBINED RIGHT NOS.: 34-14346 AND 34-14347.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-14346 AND 34-14347.
4. 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.
5. WATER IS DELIVERED THROUGH THE EASTSIDE DITCH AND THE ARCO CANAL.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Permit Proof Due Date: 11/1/1982

Permit Proof Made Date: 9/21/1982

Permit Approved Date: 11/15/1977

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: 08/01/1977

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: 177

Combined Volume Limit:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

5/18/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-14346

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOST RIVER FARMS 6164 N PINTAIL WAY GARDEN CITY, ID 83714-1297 2083227300
Directors Report Owner	ELSIE M JOHNSON
Directors Report Owner	JOSEPH R JOHNSON RT 1 BOX 187 ARCO, ID 83213 2085273139

Priority Date: 08/12/1966

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	11/01	0.38 CFS	
Total Diversion			0.38 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWNW Lt 4|Sec. 05|Township 03N|Range 27E|BUTTE County

IRRIGATION Use:

Acre Limit: 38.3

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	5	3	NENW	32	4	NWNW	33		SWNW	29		SEnw	33
				NESE	24		NWSE	26						

Total Acres: 177

Conditions of Approval:

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-7205 AND 34-14347. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.37 CFS. COMBINED RIGHT NOS.: 34-14347 AND 34-07205.

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: 177

Combined Volume Limit:

Combined Rate Limit: 5.37

Civil Case Number:

Old Case Number:

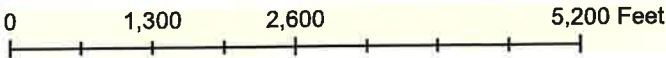
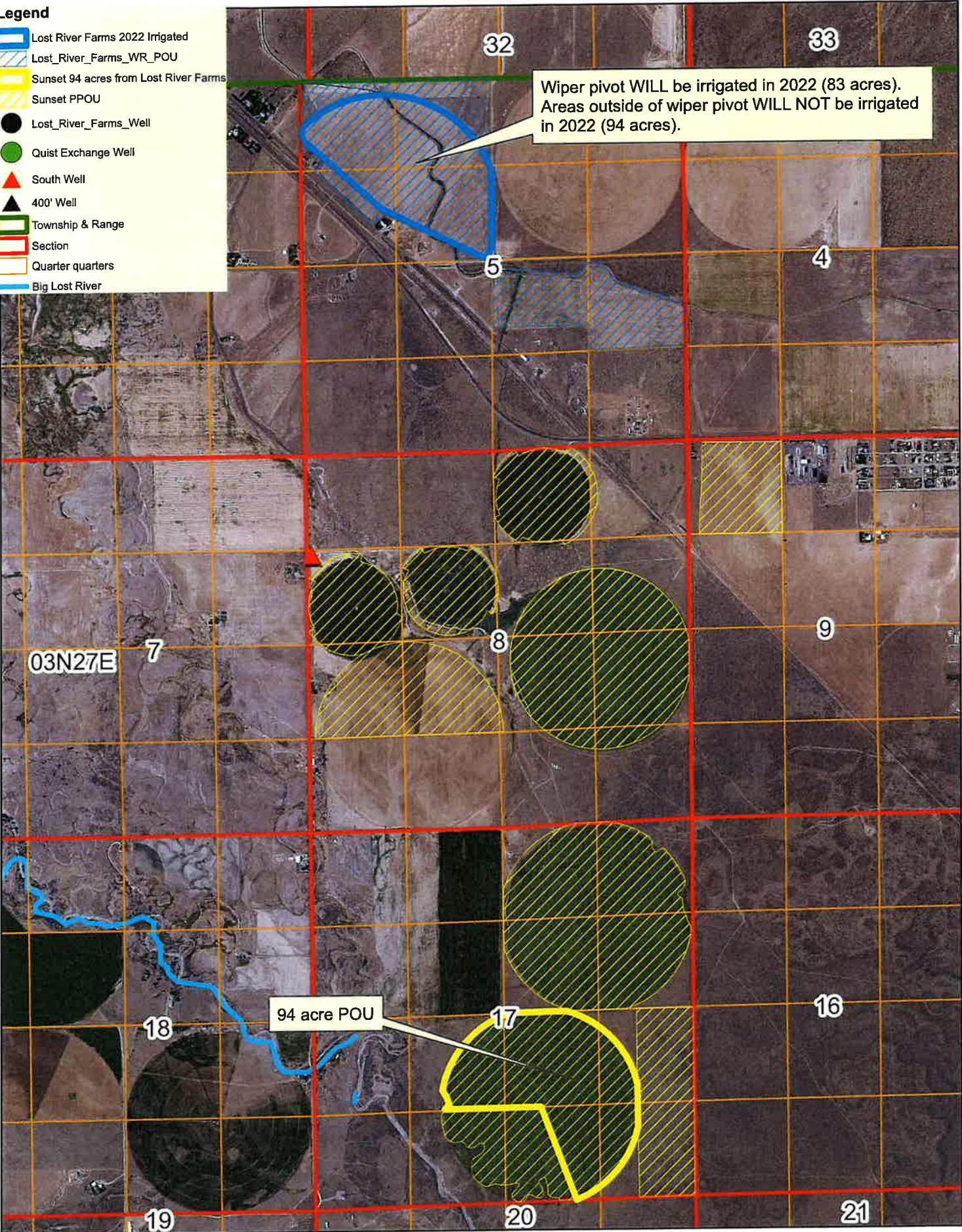
Decree Plaintiff:

TEMPORARY TRANSFER



Legend

- Lost River Farms 2022 Irrigated
- Lost_River_Farms_WR_POU
- Sunset 94 acres from Lost River Farms
- Sunset PPOU
- Lost_River_Farms_Well
- Quist Exchange Well
- South Well
- 400' Well
- Township & Range
- Section
- Quarter quarters
- Big Lost River



TEMPORARY TRANSFER



Legend

Lost River Farms 2022 Irrigated

Lost River Farms_WR_POU

Sunset 94 acres from Lost River Farms

Sunset PPOU

Lost River Farms_Well

Quist Exchange Well

South Well

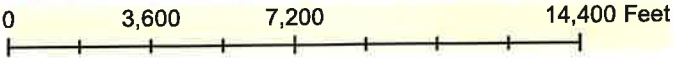
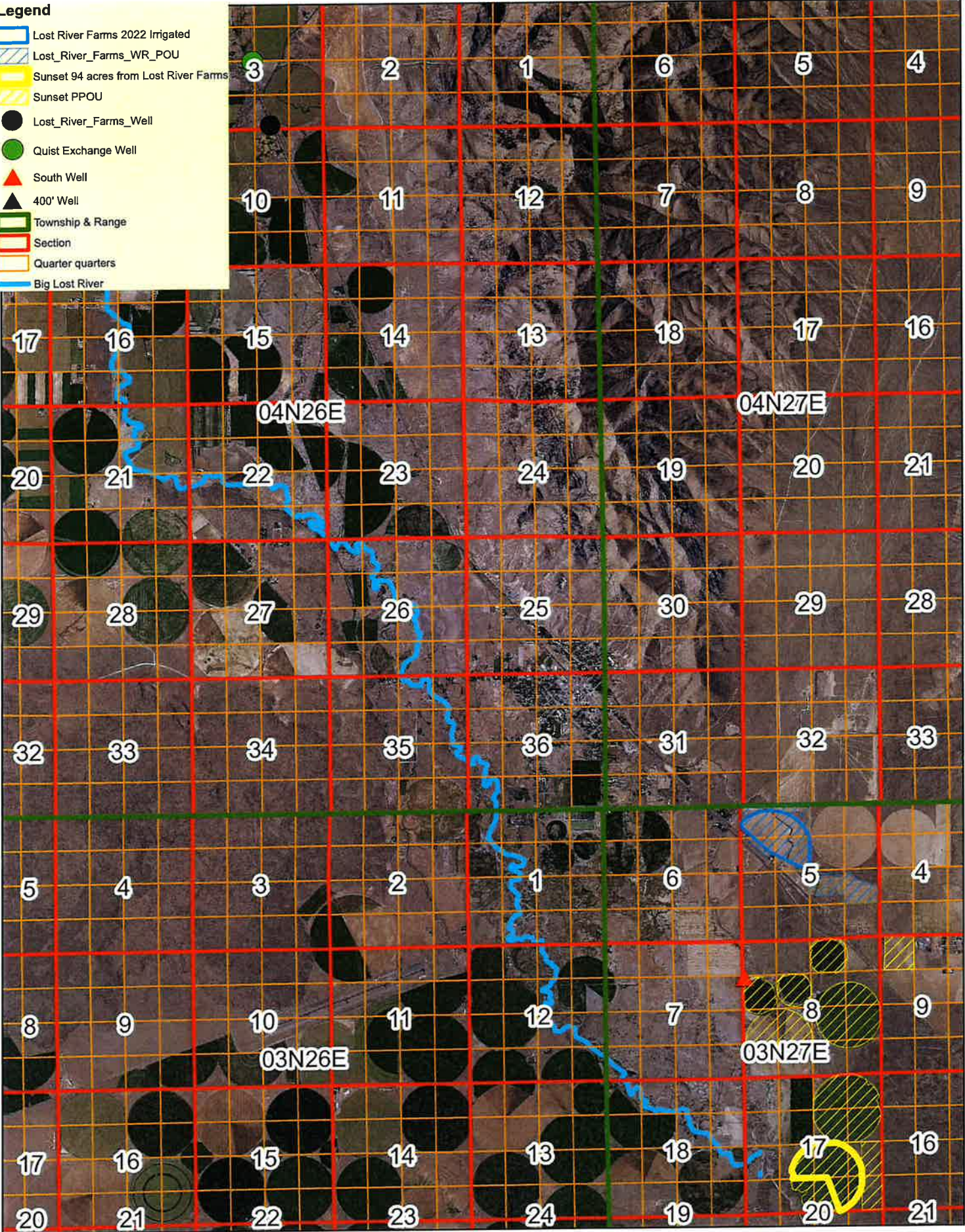
400' Well

Township & Range

Section

Quarter quarters

Big Lost River



12/99

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER**

Application No: ~~34~~ TC-34-213

Applicant'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

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.