

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NOS.: 34-2277 &)
34-2480B)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-182

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 13, 2021, Sunset Farm & Ranch LLC submitted the attached amended temporary change application TC-34-182 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 nos. 34-2277 and 34-2480B is authorized only at the points of diversion 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.

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5. Right 34-2277 is limited to the irrigation of 110 acres within the authorized place of use in a single irrigation season. 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.
6. Right 34-2480B is limited to the irrigation of 84 acres within the authorized place of use in a single irrigation season. 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.
7. 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.
8. 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.
- ★ 9. Water must be used from the current point(s) of diversion to the extent water is available before supplementing from the additional point of diversion shown on the temporary change application.
10. 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.
11. 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.
12. 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.
13. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.

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14. This temporary change approval expires on November 1, 2021 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 19th day of May, 2021.



James Cefalo
Eastern Regional Manager

TC-34-182

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

TEMPORARY CHANGE APPLICATION

MAY 13 2021

(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.)

Department of Water Resources
Eastern Region

Name of Applicant Sunset Farm and Ranch, LLC Phone _____

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. _____

~~Because of the drought, the authorized wells for Applicant's water rights are not producing an adequate supply of~~
water. The applicant needs to add another well to provide an adequate supply.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>
<u>34-2277</u>	<u>10/3/1946</u>	<u>2 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
<u>34-2480B</u>	<u>09/11/1966</u>	<u>2 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>1101</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

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

3. Source of water Ground water _____ tributary to _____.

4. Point(s) of diversion:

TwP	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
03N	27E	08		NW	SW	NW	Butte	Ground water	Current POD
03N	27E	08		NW	SW	NW	Butte	Ground water	Current POD
04N	26E	03		SE	SE	NW	Butte	Ground water	Quist Exchange Well

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	
			There will be no change to the authorized POU.																

Total Acres _____

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. The Quist Exchange Well is owned by the Applicant.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
~~There will be no change to the land that is currently irrigated, only the addition of another well to divert the water.~~
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. The application will only add a new POD to the water rights.
- e. Absent the changes, how would the right be used for the remainder of the year? The Applicant would irrigate the POU with the current authorized wells to the extent possible given their limited production.
- f. Describe other water rights used for the same purpose. 34-14772 and several surface rights which are not
- g. Remarks: PART f. cont.: not deliverable due to the drought.

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 Attorney
Signature of Applicant

May 11, 2021
Date

FOR DEPARTMENT USE ONLY

Received by CTH Date 5/12/21 \$50 fee received by CTH Receipt No. E046942 (\$100 check)
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

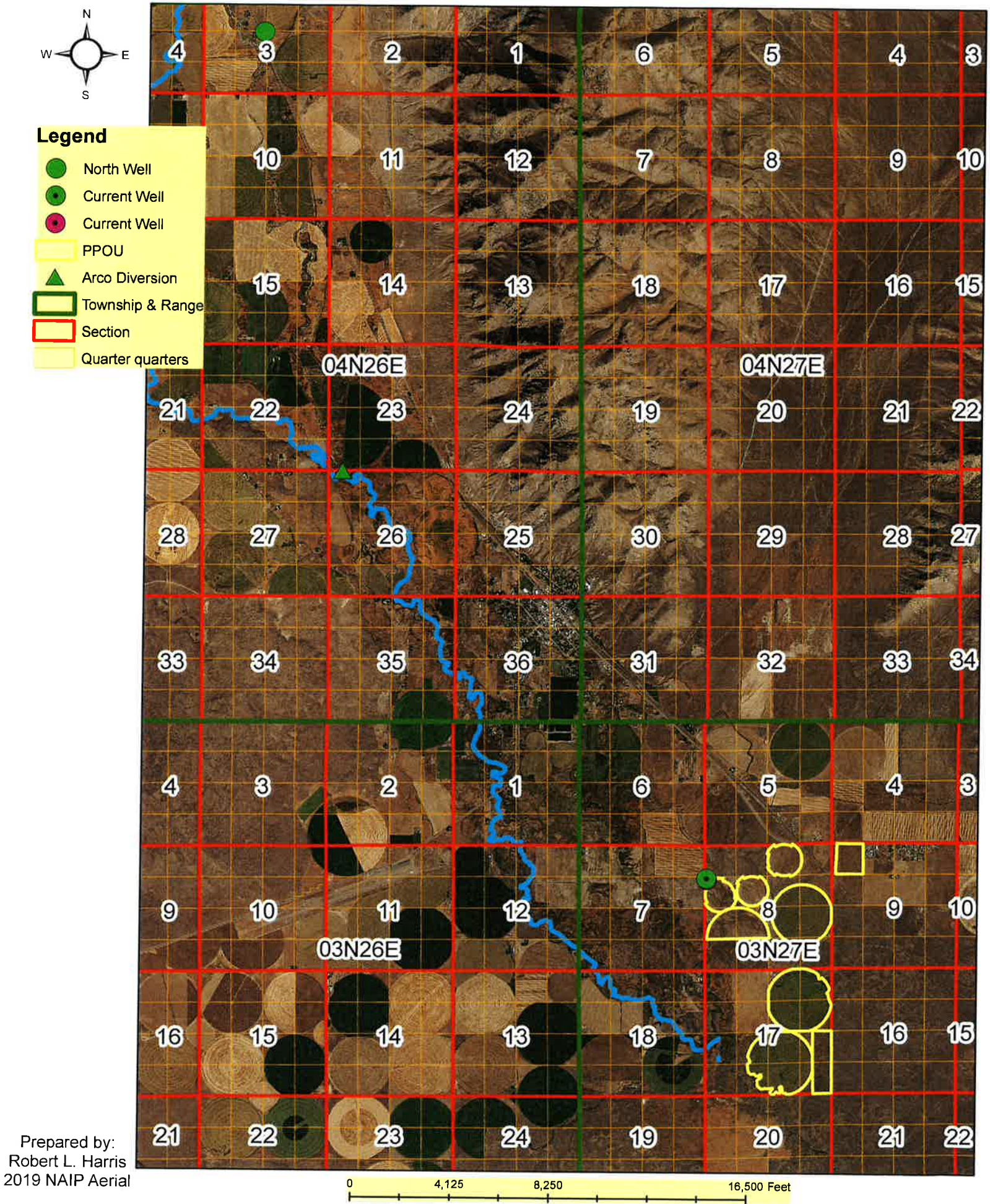
This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____

For the Director

TEMPORARY TRANSFER



12/99

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

Application No: TC-34-182Applicant's Name: SUNSET FARM & RANCH

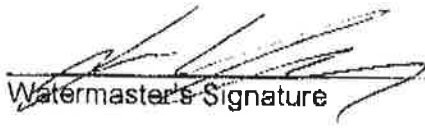
Watermaster's Recommendation:

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 14 day of May, 2021Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: Lucas Yockey <watermaster34@atcnet.net>
Sent: Friday, May 14, 2021 12:11 PM
To: Holliday, Michael
Subject: RE: Sunset temp change amendment

Michael,

The Big Lost River Irrigation District does not appose TC_34-183, TC_34-182 or TC_34-181.

Thank you

Lucas Yockey
BLRID General Manager