

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

IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF A )  
WATER RIGHT NOS.: 34-14772 )  
\_\_\_\_\_)  
\_\_\_\_\_)

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

**TC-34-171**

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 June 12, 2020, Sunset Farm & Ranch LLC submitted the attached amended temporary change application TC-34-171 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 no. 34-14772 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. Rights 34-2277 and 34-14772 when combined shall not exceed a total annual maximum diversion volume of 770 af at the field headgate and the irrigation of 220 acres.
6. 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. Rights 34-7075, 34-12421, 34-7181, and 34-14772 when combined shall not exceed a total diversion rate of 7.07 cfs. Rights 34-2277, 34-4002, 34-14770, 34-14771, 34-14772, and 34-14773 when combined shall not exceed the irrigation of 358 acres.
- ★ 7. Water must be used from the current point of diversion to the extent water is available before supplementing from the additional point of diversion shown on the temporary change application.
8. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 14, 2001.
9. 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.
10. 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.
11. 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.
12. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
13. This temporary change approval expires on October 31, 2020 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 18th day of June, 2020.



James Cefalo  
Eastern Regional Manager

AMENDED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 12 2020

Department 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 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 wells for Applicant's water rights are not producing an adequate supply of water. The applicant has made arrangements with Jay Jensen to utilize his well to divert the Applicant's water rights.

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>34-14772</u>	<u>8/18/1974</u>	<u>6.86</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 6.86 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	1/4	1/4	1/4	County	Source	Local name or tag number
05N	26E	27			SW	SW	Butte	Ground water	Jensen Well
04N	26E	03		SE	SE	NW	Butte	Ground water	Current POD

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	
			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. Jay Jensen, the owner of the proposed POD, has agreed to let the Applicant use his well to divert the Applicant's water rights.
- 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 source of 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. Several surface water rights which are not available or
- 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 Marchant*  
Signature of Applicant

June 12, 2020  
Date

**FOR DEPARTMENT USE ONLY**

Received by JL Date 6/12/20 \$50 fee received by CLH Receipt No. E046005  
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


Temporary Change Expiration Date \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
For the Director

**CONSENT TO WATER RIGHTS TEMPORARY TRANSFER**

I, the undersigned am familiar with the Temporary Change Applications which are being submitted to the Idaho Department of Water Resources which involve Water Right Nos. 34-2277, 34-2480B, 34-14772, 34-7205, and 34-14346. I consent to the addition of my well located in the SW1/4SW1/4 of Township 05N, Range 26E, Section 27 as an authorized point of diversion for these water rights for the 2020 irrigation season.

  
JAY JENSEN

Date: 5-19-2020

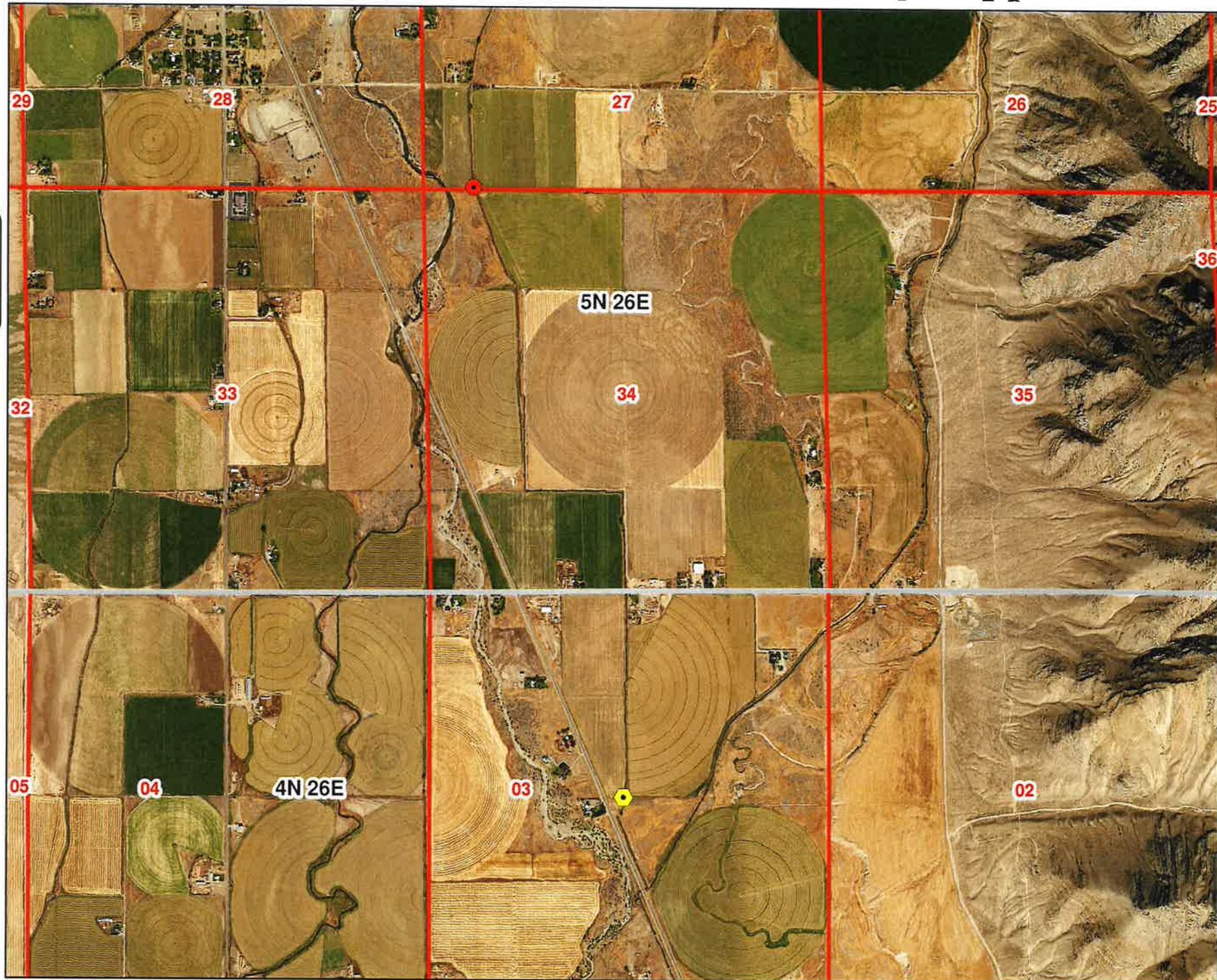


# SUNSET FARM AND RANCH, LLC - Temp. Change Application



## Legend

- Additional POD
- 34-14772 PODs
- TR Lines
- Section Lines



2019 NAIP Photo



Prepared by:  
Luke H. Marchant  
06/12/2020