

TL-34-158

RECEIVED

SEP 03 2015

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Mitchell and Elaine Sorensen Phone _____
Mailing Address 3871 W 2500 N, Moore, ID 83255 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, several of the Applicants' surface water rights are no longer in priority. The Applicants have entered into an agreement with the owner of Water Right No. 34-2357A to utilize that water right to supplement the Applicants' unavailable surface water rights. No new acres will irrigated, but water will be used on 23 acres within the Applicants' existing authorized place of use.

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

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)
- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--------------|------------|--------------------|---------------|----------------|
| 34-2357A | 04/01/1979 | 0.46 cfs | Irrigation | 04/01 to 11/01 |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.46 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
04N	26E	5		SW	SE	SE	Butte	Ground water	South Well

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	25E	2					39	39	40	40									158
		3	39	39															78
04N	25E	34	39	38	40	40									40	40	40	40	317
		35					38	38	40	40	20	40	39	20					275

*Water will be used on 23 acres within the above authorized place of use. Total Acres *828

2015

6. General Information:

- a. Who owns the water right to be changed? Ronald Scott Staley and Tekla A Staley
- b. Describe the arrangement allowing use of the right. The Applicants and the owner of the right have entered into a lease agreement (see attached) that authorizes the Applicants to utilize the water right.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The current place of use will not be irrigated.
- 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? The right is not currently being utilized.
- f. Describe other water rights used for the same purpose. _____
- 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.

[Signature]
Signature of Applicant

September 3, 2015
Date

FOR DEPARTMENT USE ONLY

Received by SC Date 9/3/15 \$50 fee received by SC Receipt No. E041412
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. TC-34-158, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____,

For the Director

WATER RIGHT LEASE AGREEMENT

THIS WATER RIGHT LEASE AGREEMENT (this "Agreement") is made and entered to be effective as of the 1st day of April, 2015 (the "Effective Date"), by and between Ronald Scott Staley and Tekla A. Staley, husband and wife, whose address is 1443 W. 3700 N. Howe, Idaho 83244 (hereinafter "Staley"), and Mitchell and Elaine Sorensen, husband and wife, whose address is 3871 W. 2500 N., Moore, Idaho 83255 (hereinafter "Sorensen"). Buyer and Seller are individually a "Party" and together the "Parties".

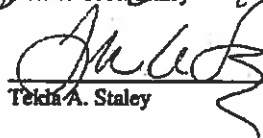
AGREEMENTS:

1. Property Leased. Staley hereby agrees to lease to Sorensen Water Right No. 34-2357A (the "Water Right") for the Term described below.
2. Term: The Term of this Agreement shall be from the Effective Date (April 1, 2015) until April 1, 2020.
3. Property Retained. Staley reserves and retains unto Staley all remaining other water rights that may be appurtenant to the currently authorized place of use for the Water Right. No land, easements, or other property interests are included in this Agreement.
4. Lease Price. The lease price paid by Sorensen shall be [REDACTED] per year.
5. Water Bank Application. It is understood and agreed that within thirty (30) days after execution of this Agreement, Sorensen shall file the necessary applications to lease and rent the Water Right through the Idaho Water Supply Bank (the "Water Bank Applications"). Sorensen shall pay the filing fees associated with the Water Bank Applications and the costs associated with preparation of the Water Bank Applications. Staley shall not be obligated to pay any such costs. Sorensen shall make the first lease payment to Staley within thirty (30) days of Sorensen's receipt of approved Water Bank Applications acceptable to Sorensen.
6. Costs of Preparation of Agreement. Sorensen shall pay all attorney fees and other costs associated with preparation of this Agreement.

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement effective on the date set forth above.

"STALEY"


Ronald Scott Staley


Tekla A. Staley

4-3-15

4/3/15

"SORENSEN"



Mitchell Sorensen



Elaine Sorensen

SORENSEN TEMPORARY CHANGE APPLICATION - WR No. 34-2357A



Legend

Proposed POD

Current POD

Proposed POU

Current POU

Section Lines



Holliday, Michael

From: Luke Marchant [lmarchant@holdenlegal.com]
Sent: Wednesday, September 30, 2015 4:22 PM
To: Holliday, Michael
Subject: RE: Sorensen and Perkes temp changes

Michael,

After talking with my clients regarding the Temporary Change Applications that we filed, they have decided to withdraw them instead of pursuing them further this year. If you have any questions or need anything else, let me know.

Thanks.



Luke H. Marchant
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Phone: (208) 523-0620
Fax: (208) 523-9518
Email: lmarchant@holdenlegal.com

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From: Holliday, Michael [<mailto:Michael.Holliday@idwr.idaho.gov>]
Sent: Friday, September 04, 2015 10:58 AM
To: Luke Marchant
Subject: Sorensen and Perkes temp changes

Hi Luke.

Yesterday we received the temporary change applications you submitted on behalf of Perkes and Sorensen. After my initial review, I have some forfeiture concerns. Based on a quick review of aerial photography, it did not appear that the place of use had been watered for many years. I also looked at the WMIS data for 34-2357A, which showed no use since 2007.

Also, 42-222A says in part that, "Temporary changes shall only be approved for the purpose of providing a replacement water supply to lands or other uses which normally have a full water supply except for a drought condition." The 80 acres sought to be covered by the Perkes application does not appear to have a full water supply in a normal year, as that land is covered only by 34-622A, which is not available for delivery past spring in most years.

In order to move forward with processing, we need additional information to address these concerns. Feel free to contact me if you have questions.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: lmarchant@holdenlegal.com

September 3, 2015

Michael Holliday
Idaho Department of Water Resources
900 S. Skyline Drive, Suite A
Idaho Falls, ID 83402-1717

RECEIVED
SEP 03 2015
Department of Water Resources
Eastern Region

RE: *Temporary Change Applications for Water Right No. 34-2357A*

Dear Michael:

Enclosed for processing are two Temporary Change Applications for Water Right No. 34-2357A that we are filing for Mitchell and Elaine Sorensen and Todd Perkes. These applications seek to change the point of diversion and place of use for this water right. Water Right No. 34-2357A is owned by Ronald and Tekla Staley. Mitchell and Elaine Sorensen have entered into a lease agreement with the Staleys to utilize this right. In turn, the Sorensens have entered into an agreement with Todd Perkes to utilize a portion of the right. As you can see from the applications, 80 acres of this water right will be used on the Perkes property and 23 acres will be used on the Sorensen property.

Along with the applications, you will find the necessary filing fees as well as the associated agreements between Staleys and Sorensens and between Sorensens and Perkes. You will also find GIS maps showing the current and proposed points of diversion as well as the current and proposed places of use.

If you have any questions, do not hesitate to contact me.

Best Regards,

Luke H. Marchant
Holden, Kidwell, Hahn & Crapo, P.L.L.C.

Enclosures

G:\WPDATA\RLJ\17151 SORENSEN, MITCH\020, Staley water right\2015-09-03, Holliday.docx

Established in 1896

Cox, Sharla

From: Cox, Sharla
Sent: Friday, October 02, 2015 11:11 AM
To: Carlos, Rhea
Subject: Refund Please

Please refund the following:

Receipt # E041412
Amount to be refunded: \$100.00
Payable to:
Holden Kidwell Hahn & Crapo
PO Box 50130
Idaho Falls ID 83405-0130

Reason: Applicant withdrew applications for temporary change,

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*