

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

2015

**IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-7181,)
34-10680, & 34-10315)
_____)**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-155

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 23, 2015, Parkinson Farms submitted the attached temporary change application TC-34-155 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 rights 34-7181, 34-10680, and the changed portion of right 34-10315 is authorized only at the point(s) of diversion and place of use described on the application.**
- 2. This temporary change approval does not authorize construction of a new well as a point of diversion.**
- 3. 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.**
- 4. 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.**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-155

5. Rights 34-7075, 34-7181, and 34-12421 when combined shall not exceed a total diversion rate of 7.07 cfs.
6. Rights 34-7181, 34-7149, 34-7225, and 34-12421 when combined shall not exceed a total annual maximum diversion volume of 2475 af.
7. Rights 34-7181, 34-10680, 34-7225, 34-7149, 34-12421, and 34-13414 when combined shall not exceed a total diversion rate of 12.98 cfs and the irrigation of 495 acres.
8. Rights 34-10680 and 34-13414 when combined shall not exceed a total diversion rate of 4.80 cfs and the irrigation of 160 acres.
9. Rights 34-10315 and 34-13413 when combined shall not exceed the irrigation of 236 acres.
10. Right no. 34-7181 is limited to the irrigation of 400 acres within the authorized place of use in a single irrigation season.
11. 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.
12. 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.
13. 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.
14. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
15. This temporary change approval expires on October 15, 2015 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 26th day of June, 2015.


Lyle Swank
Eastern Regional Manager

TC-34-155

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 23 2015

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 Parkinson FarmsPhone 208 527-3921Mailing Address 2195 N 3000 W Arco, Idaho 83213Email parksg@live.com

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. _____

Change the point of use to supplement other water rights that are not producing enough to finish a crop because of drought.

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
34-7181	04/19/1977	7.07 cfs	irrigation	4/15 to 10/15
34-10680	10/02/1885	3.2 cfs	irrigation	5/01 to 10/15
* 34-10315	10/02/1885	<u>MH</u> 4.5 cfs <u>4.4 cfs</u>	irrigation	5/01 to 10/15
		<u>MH</u>		to _____

2. Total amount of water being transferred 14.77 14.67 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater/Big Lost River tributary to Sinks

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
04N	26E	03		SE	SE	NW	Butte	Groundwater	Larry Quist Well
04N	26E	26		NW	NW	NW	Butte	Big Lost River	
04N	26E	26		NW	NW	NW	Butte	Big Lost River	

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	26E	10													20			37	57
		11	7		34	37			7	21	40	40	40	40	38	40	40	39	423
		14													36.5	37.5	40	39	153
		23	39	40	37.5	36.5													153
	27E	18					1.2	20.8	38	39									99

* CHANGED BECAUSE THE OWNERSHIP OF 5 ACRES UNDER RIGHT NO. 34-10315 WAS NOT CONFIRMED. LEASE AGREEMENT WAS WITH QUIST ALONE.

Total Acres 885

6. General Information:

- a. Who owns the water right to be changed? Larry Quist
- b. Describe the arrangement allowing use of the right. Parkinson Farms and Larry Quist have entered into an agreement to allow the use of the water rights. (see attachment)
- 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 for the remainder of the season.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. It is not physically or economically feasible to deliver to the normal place of use.
- e. Absent the changes, how would the right be used for the remainder of the year? It wouldn't be used for the rest of the year.
- f. Describe other water rights used for the same purpose. 34-00635, 34-02289, 34-02313, 34-02490, 34-02497,
- g. Remarks: (continued from above) 34-02505, 34-0256, 34-04008, 34-07145, 34-10393, 34-12368
Water will be used within the authorized place of use noted in 5 above. No new acres will be irrigated.

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.

Parkinson Farms by Scott Parkinson 06/22/2015
Signature of Applicant Date

FOR DEPARTMENT USE ONLY

Received by JS Date 6-23-2015 \$50 fee receipted by JS Receipt No. E041178
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-34-155, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

Lease Agreement

This agreement allows Parkinson Farms to use the following water rights owned by Larry Quist for the remainder of the 2015 irrigation season.

*34-7181 and the well and pump associated with this groundwater right.

*34-10680 surface water decree.

*34-10315 surface water decree.

Upon approval of the "Temporary Change Application" Parkinson Farms will begin using the above rights. It is agreed that Parkinson Farms will compensate Larry Quist for the associated cost of pumping 34-7181 and the total volume of water used from the above rights.

Signed: Larry Quist
Larry Quist Date: 6-22-2015

Signed: Deot Parkinson
Parkinson Farms by Date: 6/22/2015

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED ROBERT M. THORNTON and BARBARA V. THORNTON, Husband and Wife, the Grantor does hereby grant, bargain, sell and convey unto A. LARRY QUIST, A Single Person, the Grantee, whose current address is Route 1 Box 203, Arco, ID 83213 the following described real estate situated in BUTTE County, State of Idaho, to-wit:

See attached Exhibit A

SUBJECT TO: All easements, rights of way, covenants, restrictions, patent reservations, applicable building and zoning ordinances and use regulations and restrictions and accruing taxes, of record.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments and appurtenances thereto belonging, unto the said Grantee, his successors and assigns forever. Grantor does hereby covenant to and with the said Grantee that IT is the owner in fee simple of said premises and that IT will warrant and defend the same from all lawful claims whatsoever.

In construing this Deed and where the context so requires, the singular includes the plural and the masculine, the feminine and neuter.

DATED: Nov 26 2002

Robert M. Thornton
Robert M. Thornton *attorney in fact*

Barbara V. Thornton
Barbara V. Thornton

STATE OF IDAHO, County of BUTTE 2002
On this 26th day of November, ~~2002~~
before me, Lyle B. Boyer, a
Notary Public in and for the said State personally
appeared

Robert M. Thornton and
Barbara V. Thornton

Known to me to be the person(s) whose name(s) are
subscribed to the within instrument, and acknowl-
edges to me that they executed the same.

Lyle B. Boyer
Notary Public
Residing at Arco, Idaho
Comm. Ex: 5-31-2003

THIS SPACE FOR COUNTY RECORDS USE ONLY.

NO. 0038739

RECORDED

NOV 26 2002

AM 4:35 PM
BUTTE COUNTY RECORDER
CM Todd Baker



STATE OF IDAHO
COUNTY OF BUTTE

On this 26th day of November in the
year 2002, before me, a Notary Public, personally appeared
Barbara V. Thornton

known or identified to me to be the person whose name is subscribed
to the within instrument as the attorney in fact of
ROBERT M. THORNTON and acknowledged to me
that she subscribed the name of Robert M. Thornton
thereto as principal, and his (her) own name as attorney in fact.

Lyle B. Boyer
Notary Public
Residing at Arco, Idaho
Comm. Ex: 5-31-2003

Exhibit A

Township 3 North, Range 27 East, Boise Meridian, Butte County, Idaho.

Section 7: SE1/4 less and excepting

A parcel of land generally described as being a portion of the Southeast Quarter of Seciton 7, Township 3 North, Range 27 East of the Boise Meridian, Butte County, Idaho, and being more particularly described as follows:

Beginning at the Southeast corner of said Seciton 7, (recorded - Instrument No. 32554, Butte Co, records), thence South 89°49'14" West along the South boundary of the Southeast Quarter of said Section 7, a distance of 521.62 feet to a 5/8 inch diameter steel rod at an existing fenceline intersection; thence on or along an existing fenceline, the following three courses:

North 00°03'15" East, 230.15 feet;

North 44°10'14" East, 186.60 feet;

North 02°19'42" East, 95.09 feet to a 5/8 inch diameter steel rod; thence leaving said fenceline, North 89°49'14" East, parallel with the South boundary of the Southeast Quarter of said Seciton 7, a distance of 386.96 feet to a 5/8 inch diameter steel rod on the East boundary of the Southeast Quarter of said Section 7; thence South 00°04'12" East along the East boundary of the Southeast Quarter of said Seciton 7, a distance of 458.58 feet to the point of beginning.

Section 8: S1/2SW1/4

TOGETHER WITH all water and water rights, ditch and ditch rights appurtenant to said property including, but not limited to,

Water under Water Right Number 34-10315 with priority date of October 2, 1889, and 3,509 inches of Storage Water in the Mackay Reservoir.

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: 34-155

Applicant's Name: Parkinson Farms

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 June, 2015.

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: 34-155

Applicant's Name: Parkinson farms

Watermaster's Recommendation:

- a) X 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 23 day of June, 2015

Water District No: 34

J. Redfish
Watermaster's Signature
BLRID mgr

Use reverse side of page if you need more space.