

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

2014

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-7181)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-125

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 July 25, 2014, Parkinson Farms submitted the attached temporary change application TC-34-125 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 34-7181 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.**

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5. Rights 34-7075, 34-7181, and 34-12421 when combined shall not exceed a total diversion rate of 7.07 cfs.
5. Rights 34-7181, 34-7149, 34-7225, and 34-12421 when combined shall not exceed a total annual maximum diversion volume of 2475 af.
6. 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.
7. Right no. 34-7181 is limited to the irrigation of 400 acres within the authorized place of use in a single irrigation season.
8. 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.
9. 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.
10. 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.
11. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This temporary change approval expires on October 15, 2014 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 28th day of July, 2014.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 25 2014

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 Farms Phone 208-527-3921
Mailing Address 2195 N 3000 W, Arco, Idaho 83213 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. _____
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 Nature of Use Period of Use
(cfs/ac-ft)
34-7181 04/19/1977 7.07 irrigation 4/15 to 10/15
_____ to _____
_____ to _____
_____ to _____

2. Total amount of water being transferred 7.07 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

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

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

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 right.(see attached)
- 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 no longer 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: f.above continued. 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.

Deet Parkinson

Signature of Applicant

07/24/2014

Date

FOR DEPARTMENT USE ONLY

Received by M. HOLLIDAY Date 7/25/14 \$50 fee received by [Signature] Receipt No. ED40095
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-34-125, 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 well and pump located at SESENW section 03, Township 04N, Range 27E, Butte County, Idaho owned by Larry Quist for the remainder of the 2014 irrigation season. In addition Parkinson Farms is applying to Idaho Department of Water Resources using "Temporary Change Application" to transfer water right #34-7181 associated with this well.

Upon approval of the "Temporary Change Application" Parkinson Farms will begin using the well. It is agreed that Parkinson Farms will reimburse ½ of the horsepower charge on the well to whoever Larry Quist designates and pay the ongoing cost for electricity to Lost River Electric Coop. In addition Parkinson Farms will compensate Larry Quist \$350 per thousand inches of water pumped from the well.

Signed: Larry Quist
Larry Quist Date: 7-24-14

Signed: Scot Parkinson
Parkinson Farms by Date: 07/24/2014

12/99

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

Application No: TC-34-125

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 26 day of July, 2014.

Water District No: 34

M Todd Parker
Watermaster's Signature

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12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

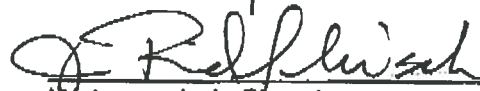
Application No: TC-34-125Applicant's Name: PARKINSON FARMS

Watermaster's Recommendation:

- a) ☒ 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 28 day of July, 2014.Water District No: 34
Watermaster's Signature
BLRID mgr.

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