

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

2014

**IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-2509 and)
34-7226B)
_____)**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-119

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 16, 2014, Phillips Brothers Farm & Livestock LLC submitted the attached temporary change application TC-34-119 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 34-2509 and 34-7226B is authorized only at the two ground water points 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 34-2509, 34-7226B, 34-7181 and 34-12421 when combined shall not exceed the irrigation of 495 acres. Rights 34-2509 and 34-7226B when combined shall not exceed the irrigation of 138 acres.
6. 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.
7. 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.
8. 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.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on October 31, 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 20th day of June, 2014.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC 34-119

RECEIVED

JUN 16 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 Phillips BROTHERS FARM + LIVESTOCK LLC Phone 684-9381
Mailing Address 1851 W. 600 N. Blackfoot ID 83221 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. Drought
Shrink is so high in the Arco Canal/Cemetery Ditch, additional water is needed
to keep the proposed POU wet. Water will be used on 138 acre pivot in the S 1/2 of
Sec 17, T03N, R27E. Crop at original POU has been destroyed & abandoned.

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>34-2509</u>	<u>10/5/1960</u>	<u>4.60</u>	<u>Irrigation</u>	<u>4/1</u> to <u>11/1</u>
<u>34-7226B</u>	<u>2/24/1980</u>	<u>1.52</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
2. Total amount of water being transferred 6.20 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of diversion: No change

TwP	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
<u>4N</u>	<u>26E</u>	<u>23</u>			<u>SW</u>	<u>SE</u>	<u>Butte</u>	<u>GW</u>	
<u>4N</u>	<u>26E</u>	<u>23</u>		<u>SE</u>	<u>SW</u>	<u>SE</u>	<u>Butte</u>	<u>GW</u>	

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	
<u>3N</u>	<u>27E</u>	<u>17</u>									<u>20</u>			<u>20</u>	<u>10</u>	<u>39</u>	<u>39</u>	<u>10</u>	<u>138</u>

Total Acres 138

6. General Information:

- a. Who owns the water right to be changed? MICHAEL + WHENDY STANDLEE L SANDLEE Living TRUST
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Dryed up
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. STARTED CROP, ABANDONED CROP "CROP has been Destroyed"
- e. Absent the changes, how would the right be used for the remainder of the year? IDLE
- f. Describe other water rights used for the same purpose. DECREE water rights on + STORAGE WATER
- g. Remarks: Other surface rights at original POMS - are all junior and will not be deliverable for the remainder of the irrigation season.

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.

Phillips BROTHERS FARM + LIVESTOCK LLC
Signature of Applicant

By: [Signature]
Date 6-11-14

FOR DEPARTMENT USE ONLY

Received by JRC Date 6/16/14 \$50 fee receipted by JJ Receipt No. E039935
Recommend: ☒ approve ☐ deny Watermaster recommendation - does not oppose

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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2014

Water Right 34-7226B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL G STANDLEE & WHENDY L STANDLEE LIVING TRUST 826 S 1700 E EDEN, ID 83325
Current Owner	DARRELL E MC DONALD C/O JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)527-3413
Current Owner	NANCY M MC DONALD PO BOX 102 ARCO, ID 83213 (208)527-3413
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 2/24/1980

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/15	10/15	1.520 CFS	
	<u>Total Diversion</u>		1.520 CFS	

Source and Point(s) of Diversion

GROUND WATER	SWSE	Sec. 23, Twp 04N, Rge 26E, BUTTE County
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Place Of Use

IRRIGATION within BUTTE County

T03N R27E S4	NESW	38.0
T03N R27E S4	NWSE	38.0
POU Total Acres:		76.0

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.99 CFS AND TO A TOTAL COMBINED ANNUAL

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2014

DIVERSION VOLUME OF 346 AF.

2. COMBINED RIGHT NOS.: 34-00437, 34-02491A AND 34-07111A.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 76 ACRES IN A SINGLE IRRIGATION
SEASON.
3. COMBINED RIGHT NOS.: 34-00437, 34-02491A AND 34-07111A.
WATER IS INJECTED INTO THE ARCO CANAL AT A POINT ABOVE THE
MEASURING GUAGE USED BY THE WATERMASTER IN DELIVERY OF WATER TO
ARCO CANAL.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2014

Water Right 34-2509

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL G STANDLEE & WHENDY L STANDLEE LIVING TRUST 826 S 1700 E EDEN, ID 83325
Current Owner	DARRELL E MC DONALD C/O JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)527-3413
Current Owner	NANCY M MC DONALD PO BOX 102 ARCO, ID 83213 (208)527-3413
Security Interest	THE BANK OF COMMERCE C/O WESTERN AG CREDIT 10980 W SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850

Priority Date: 10/5/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	4.680 CFS	
	<u>Total Diversion</u>		4.680 CFS	

Source and Point(s) of Diversion

GROUND WATER	SESWSE	Sec. 23, Twp 04N, Rge 26E, BUTTE County
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Place Of Use

IRRIGATION within BUTTE County

T03N R27E S4 L3	NENW	36.0
T03N R27E S4 L4	NWNW	37.0
T03N R27E S4	SWNW	39.0
T03N R27E S4	SENW	39.0
T03N R27E S5 L1	NENE	37.0
T03N R27E S5 L2	NWNE	30.0
T03N R27E S5	SWNE	38.0
T03N R27E S5	SENE	39.0
POU Total Acres:		295.0

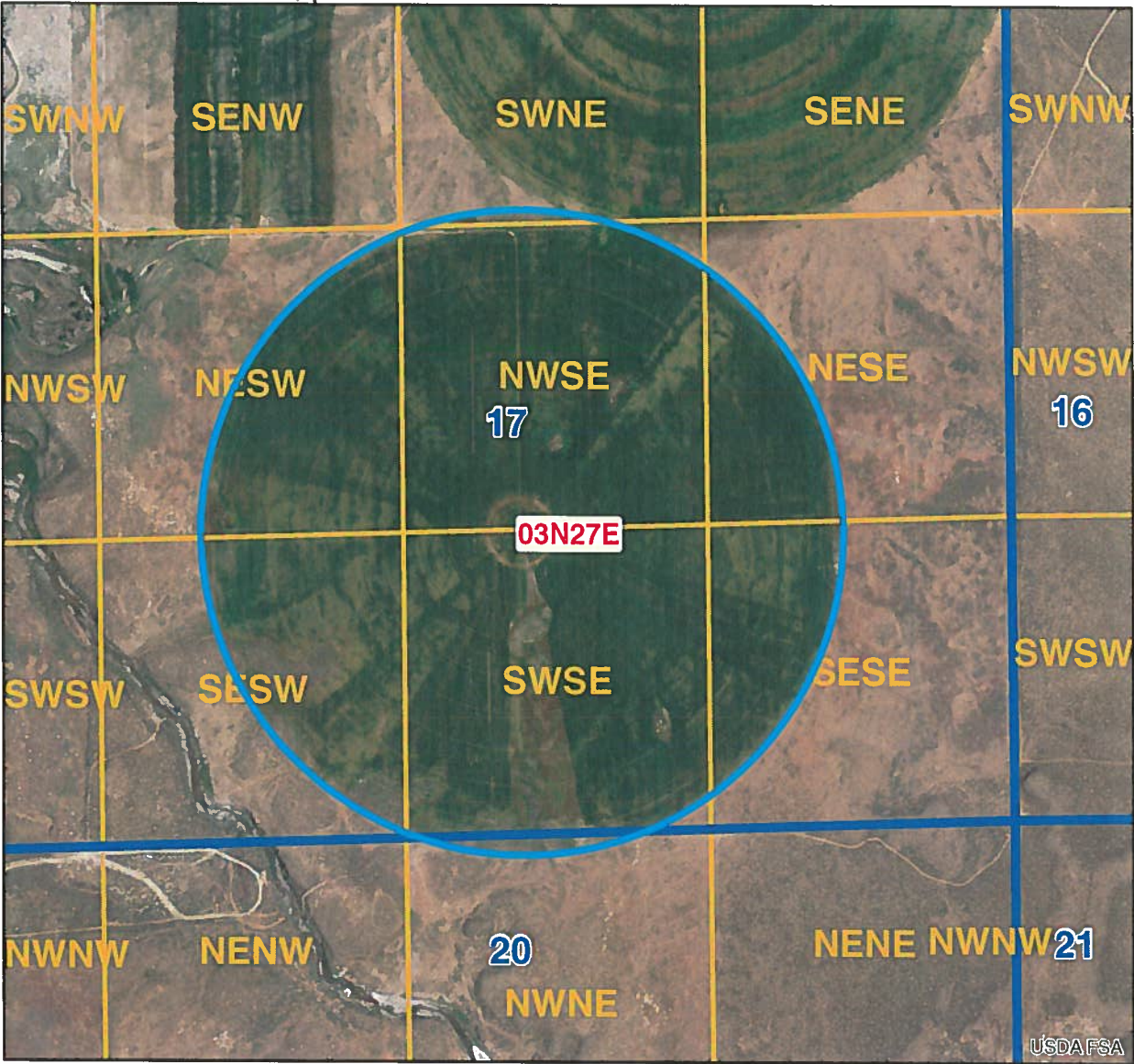
IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/11/2014

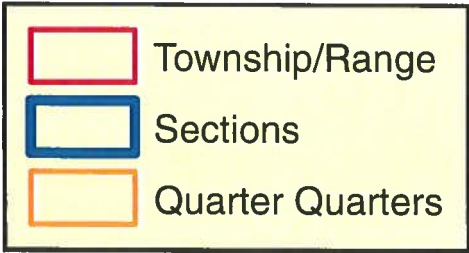
Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 34-00043 AND 34-07112 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.78 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 34-07112 IS LIMITED TO A COMBINED TOTAL ANNUAL DIVERSION VOLUME OF 1032.5 AF.
2. USE OF THIS RIGHT WITH RIGHT NOS. 34-00043 AND 34-07112 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 295 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Land
Quist Drought Emergency Transfer



2011 Aerial Photo



12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: 34-2509 34-1226B

Applicant's Name: Phillips Bco.

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 19 day of June, 2014.

Water District No: 34

M Todd Penker
Watermaster's Signature

Use reverse side of page if you need more space.

IF 525 7177

585 3130