

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-99 IN THE)
NAME OF CW & RH GARDNER FAMILY)
LIMITED PARTNERSHIP & PAT PURDY)
FOR PICABO LIVESTOCK CO, INC.)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Blaine 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 purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on April 27, 2026, CW & RH Gardner Family Limited Partnership and Pat Purdy for Picabo Livestock Company, Inc. ("applicant") submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, the applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of 0.16 cfs (8.0 acres) of right 37-4433 and 0.13 cfs (6.4 acres) of right 37-2684 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
3. The use of 0.16 cfs (8.0 acres) of right 37-4433 and 0.13 cfs (6.4 acres) of right 37-2684 is limited to the historical use limitations as described by the water right conditions.
3. Use of water under this order may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the points of diversion.
5. This temporary change approval does not authorize construction of a new point of diversion or construction of a new well.
6. 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 condition. 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.
7. 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.
8. The applicant agrees 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.
9. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. This temporary change approval expires on September 15, 2026, 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. *This approval authorizes the diversion of ground water within the Big Wood River Ground Water Management Area (BWRGWMA). Use of water under this approval is subject to the provisions of the BWRGWMA Management Plan approved by the director on December 20, 2024. Note that the diversion of groundwater is limited to a period of use ending on September 15th as outlined in the plan (Section B, on page 8 of the plan).*

DATED this 27th day of April 2026.



Corey Skinner
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April 2026, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING TEMPORARY CHANGE** to the person(s) listed below:

Documents Enclosed: Order Authorizing Temporary Change No. TC-37-99 in the name(s) of C W & R H Gardner Family Limited Partnership and Pat Purdy for Picabo Livestock Company Inc. Water Right No(s). 37-2684 and 37-4433

PAT PURDY
PICABO LIVESTOCK COMPANY INC
PO BOX 688
PICABO ID 83348-0688

ROBERT GARDNER
C W & R H GARDNER FAMILY LIMITED PARTNERSHIP
PO BOX 1200
HAILEY ID 83333-1201

LAWRENCE (LARRY) SCHOEN
18351 US HIGHWAY 20
BELLEVUE ID 83313-5115

SUNNY HEALEY
WATER DISTRICT 37
107 W 1ST ST
SHOSHONE ID 83352-5425



Denise Maline
Administrative Assistant

APR 27 2026

DEPT. OF WATER RESOURCES
SOUTHERN REGION

TC-37-99

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.)

CW & RH Gardner Family Limited Partnership

Name of Applicant Pat Purdy for Picabo Livestock Company, Inc.

Phone 208-631-7788

Mailing Address PO Box 688 Picabo, ID 83348

Email pat@purdyent.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. _____

Temporarily change ground water use from one point of use to another due to drought conditions

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
37-4433	<u>1952 9/1/1952</u>	.16 cfs	Irrigation	05/01/2026 to 09/15/2026
37-2684	<u>1962 10/29/1962</u>	.13 cfs	Irrigation	05/01/2026 to 09/15/2026
				to _____
				to _____

2. Total amount of water being transferred .29 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
01S	19E	23		NE	NE	NW	BLAINE	Groundwater	

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	
01S	19E	23					14.4												14.4

Total Acres 14.4

6. General Information:

- a. Who owns the water right to be changed? C W & R H GARDNER FAMILY LIMITED PARTNERSHIP
- b. Describe the arrangement allowing use of the right. Applicant wishes to fallow land & make a temporary transfer of water right for use by recipient.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Land now being irrigated will be fallowed for the 2026 season when surface water is curtailed.
- 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? Right would be used to irrigate land in question
- f. Describe other water rights used for the same purpose. 37-666F
- 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

4/17/2026
Date
4/23/2026

FOR DEPARTMENT USE ONLY

Received by SG Date 4/27/2026 \$50 fee received by SG Receipt No. 5041046
Recommend: ☒ approve ☐ deny Watermaster recommendation OK Received 4/27/2026

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-37-99 and said application is hereby approved, subject to the following limitations and conditions:

See attached order dated 4/27/2026

Temporary Change Expiration Date 9/15/2026

Signed this 27th day of April, 2026

[Signature]
For the Director

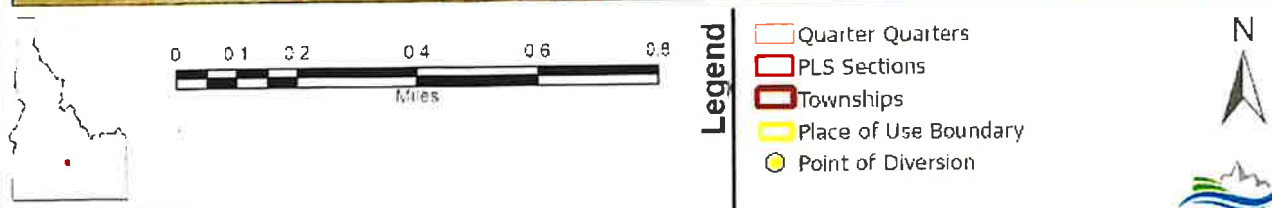
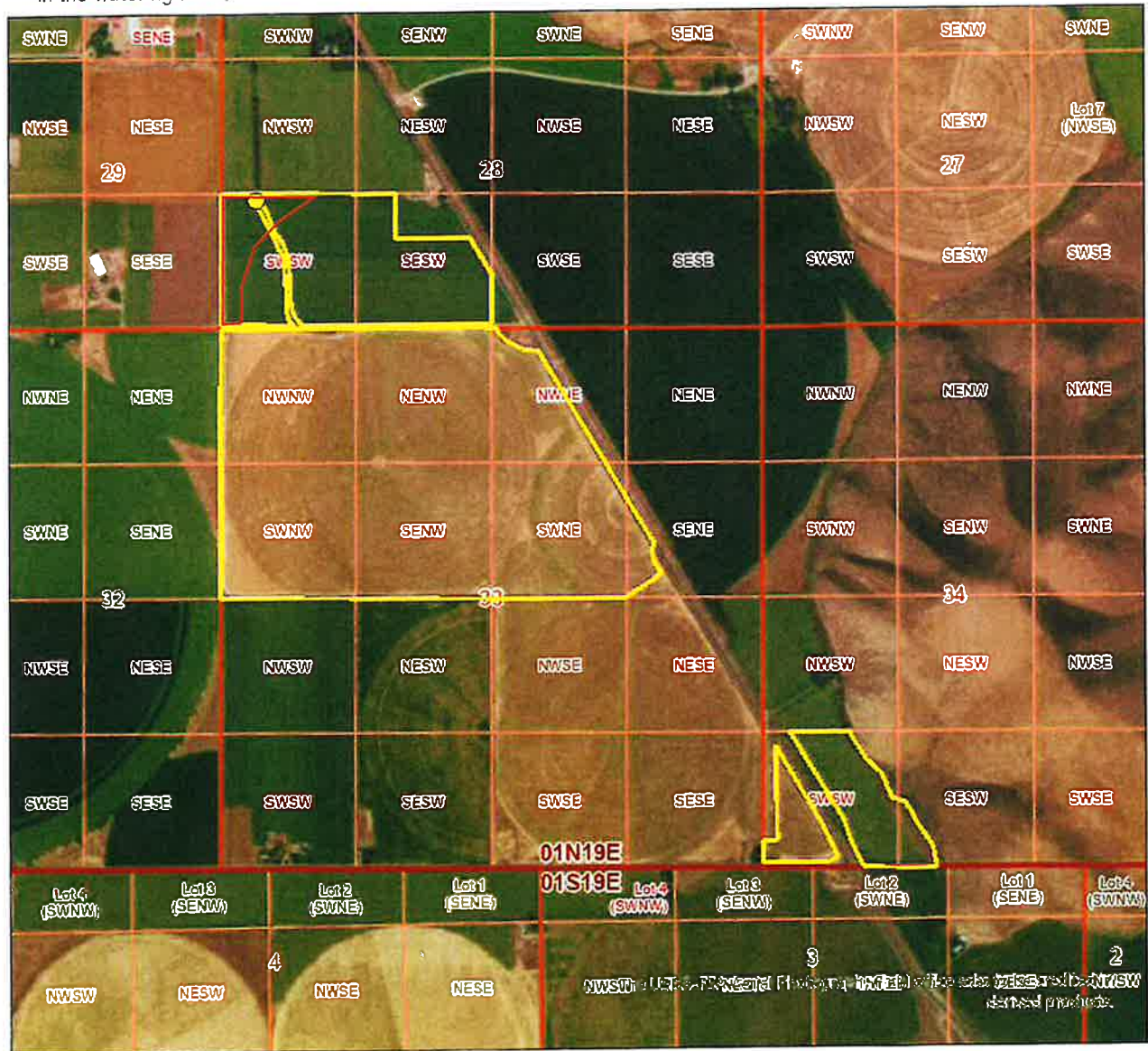
State of Idaho
Department of Water Resources

Water Right

37-2684

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

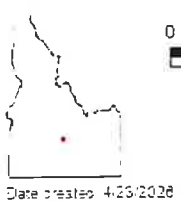


State of Idaho
Department of Water Resources
Water Right

37-4433

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



- Legend**
- Quarter Quarters
 - PLS Sections
 - Townships
 - Place of Use Boundary
 - Point of Diversion



Proposed Point of Diversion & Place of Use



Skinner, Corey

From: watermanager <watermanager@wd37.org>
Sent: Monday, April 27, 2026 2:22 PM
To: Skinner, Corey; watermstr
Subject: Re: Another Temporary Change Application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Corey,

Thank you for the opportunity to review the application. I understand the proposal to be: 14.4 acres of Gardner's property (in the POU of maps provided) will not be irrigated with 37-4433 and 37-2684. The temporary transfer will be to Larry's property to irrigate 14.4 acres (in the POU of maps provided). There are measuring devices at all three wells WMIS 1001093, 10001157, and Larry's surface water right well. After the landowner's consent, there appear to be no issues with this application.

Sunny

Sunny Healey
Watermaster
Water District 37

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Monday, April 27, 2026 1:56 PM
To: watermanager <watermanager@wd37.org>; watermstr <watermstr@wd37.org>
Subject: Another Temporary Change Application

Sunny,

Attached is another Temporary Change Application that we need your comments on. Pat Purdy/Picabo Livestock is farming the CW & RH Gardner Family Limited Partnership properties along Gannett Road. They have agreed to move 0.16 cfs (8.0 acres) of right 37-4433 and 0.13 cfs (6.4 acres) of right 37-2684 (both supplemental groundwater rights) that are associated with pivot corners to Larry Schoen's diversion and place of use to supplement/back up Larry's water rights 37-351B & 37-352B this season. The acres involved are outlined in red on the maps with the attached application.

If you could provide any comments ASAP, it would be greatly appreciated,

Corey

Skinner, Corey

From: I schoen <lschoen@naramail.net>
Sent: Thursday, April 23, 2026 4:12 PM
To: Pat Purdy; Skinner, Corey
Subject: RE: Temporary Water Rights Transfer

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Oops! I meant east of the creek. That is the area outlined.
Sorry about that!
With regards,
Larry

Sent from my Galaxy

----- Original message -----

From: I schoen <lschoen@naramail.net>
Date: 4/23/26 1:16 PM (GMT-07:00)
To: Pat Purdy <Pat.Purdy@deq.idaho.gov>, "Skinner, Corey" <corey.skinner@idwr.idaho.gov>
Subject: RE: Temporary Water Rights Transfer

Pat & Corey,
The area on my map to be irrigated is everything south of the highway & west of the creek surrounding my house to the property line. Please see attached PDF with polygon added.
Thank you both!
With regards,
Larry

Lawrence Schoen
Mobile: 208-727-9580
E.mail: lschoen@naramail.net

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Thursday, April 23, 2026 9:16 AM
To: Pat Purdy <Pat.Purdy@deq.idaho.gov>
Cc: I schoen <lschoen@naramail.net>
Subject: RE: Temporary Water Rights Transfer

Pat,

The application doesn't look to bad. Maps explaining what is going on would be helpful. I have attached a couple of maps showing the water rights you are proposing to change.

You are proposing to change 0.16 cfs of right 37-4433 which would equate to an eight-acre portion. If you can identify eight acres that will not be irrigated this year on the 37-4433 map that would be helpful.

You are also proposing to change 0.13 cfs of right 37-2684 which would equate to the remaining 6.4 acres. If you can identify 6.4 acres that will not be irrigated this year on the 37-2684 map that would be helpful.

I have also included a map of Larry's place. Identifying 14.4 acres in the NENW of Section 23 that will be irrigated this year because of the change would be helpful.

I am meeting with Robert Gardner on another matter this afternoon if that can help facilitate this.

Corey

From: Pat Purdy <pat@purdyent.com>
Sent: Friday, April 17, 2026 12:46 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Cc: Larry Schoen <lschoen@naramail.net>
Subject: Temporary Water Rights Transfer

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Corey,

I have filled this out, and I wanted to make sure that I got it correct, and check with you about what I need to do with the form.

If this looks ok, I will get a landowner consent written up for Robert Gardner to sign.

Pat Purdy
Picabo Livestock Company, Inc.
208-631-7788

