

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 45-2480, 45-2643,)
45-10984 & 45-11867)
_____)

**AMENDED ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-35-11

WHEREAS, a drought emergency has been declared for Power 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 when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on May 15, 2026, Farmland Reserve Inc. submitted the attached amended temporary change application 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 45-2480, 45-2643, 45-10984, and 45-11867 is authorized only at the point 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.

5. Rights 45-2440, 45-2592B, 45-13471, 45-2592A, 45-13472, 45-2538, 45-10789, 45-2356B, 45-13798, 45-2643, 45-11867, 45-2480, 45-10984, 45-2353B, 45-2357B, 45-2377F, 45-2378B, 45-2423B, 45-2424B, 45-2475B, 45-2533B, 45-2534D, 45-2606D, 45-2702B, 45-4076B, 45-13781, 45-13805, 45-13806, 45-2376C, 45-2398, 45-2400A, 45-2451, 45-2548, 45-2553, 45-2554, 45-4198, 45-4215A and 45-4216A when combined shall not exceed a total diversion rate of 68.12 cfs, a total annual maximum diversion volume of 16,839.4 af at the field headgate, and the irrigation of 5,075.8 acres.
6. Rights 45-2440, 45-2592B, 45-13471, 45-2592A, 45-13472, 45-2538, 45-10789, 45-2356B, 45-13798, 45-2643, 45-11867, 45-2480, 45-10984, 45-2441, 45-2590, 45-10975, 45-11037, 45-2353C, 45-2357C, 45-2377G, 45-2378C, 45-2423C, 45-2424C, 45-2475C, 45-2533C, 45-2534E, 45-2606E, 45-2702C, 45-4076C, 45-13807, 45-13808, 45-13811, 45-2353A, 45-2357A, 45-2377E, 45-2378A, 45-2423A, 45-2424A, 45-2475A, 45-2533A, 45-2534C, 45-2606C, 45-2702A, 45-4076A, 45-13782, 45-13803, 45-13804, 45-2353B, 45-2357B, 45-2377F, 45-2378B, 45-2423B, 45-2424B, 45-2475B, 45-2533B, 45-2534D, 45-2606D, 45-2702B, 45-4076B, 45-13781, 45-13805, 45-13806, 45-2376C, 45-2398, 45-2400A, 45-2451, 45-2548, 45-2553, 45-2554, 45-4198, 45-4215A and 45-4216A when combined shall not exceed a total diversion rate of 91.10 cfs, a total annual maximum diversion volume of 22,824.3 af at the field headgate, and the irrigation of 6,843.8 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Right 45-10984 is an expansion of Right No.45-2480 pursuant to Section 42-1416B, Idaho Code and is limited to the irrigation of 73 acres within the authorized place of use. Right 45-11867 is an expansion of Right No.45-2643 pursuant to Section 42-1416B, Idaho Code and is limited to the irrigation of 36.5 acres within the authorized place of use.
9. 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.
10. 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.
11. 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.
12. The Watermaster of Water District No. 120 is authorized to administer the temporary change approval.

13. This temporary change approval becomes effective on the date of signature and expires on October 31, 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.

DATED this 18th day of May, 2026.


Blake Jordan
Water Resources Program Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 15 2026

DEPT. OF WATER RESOURCES
EASTERN REGION

AMENDED 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 Farmland Reserve, Inc. Phone 801-602-4718
Mailing Address 60 E South Temple, Suite 1600, Salt Lake City, UT 84111 Email See supplemental info

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. See the attached supplemental information

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
Exhibit A				to
				to
				to
				to

- Total amount of water being transferred 2.41 cubic feet per second and/or 482.8 acre-feet per annum.
- Source of water Groundwater tributary to NA
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
7S	30E	23		NE	SE	NW	Power	Existing well	WMIS# 600691

- 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	
7S	30E	14												31.7	38.6		18	32.4	120.7

Total Acres 120.7

6. General Information:

- a. Who owns the water right to be changed? Farmland Reserve, Inc. (FRI)
- b. Describe the arrangement allowing use of the right. FRI leases three fields from Bethkes in Power Co. The rights will only be used here during the 2026 irrigation season. They will return to the Oakley farm in Nov. 2026.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
See the attached supplemental information
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☒ No If yes, explain. See the attached supplemental information
- e. Absent the changes, how would the right be used for the remainder of the year? The rights will remain fallow for 2026 and may not be used as part of mitigation for Southwest Irrigation District
- f. Describe other water rights used for the same purpose. None known.
- g. Remarks: This emergency transfer is being requested because the Aberdeen-Springfield Canal Company has sent letters to their members indicating that they will have no water to deliver after August 1, 2026. The 120.7 acres to be irrigated has been planted in potatoes, which is a high value crop.

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.

Erik Jacobsen
Erik Jacobsen (May 15, 2026 10:44:14 MDT)
Signature of Applicant

05/15/2026
Date

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ \$50 fee received by _____ Receipt No. _____
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. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

Supplemental Information for Temporary Change Application

Email address:

wshakespear@agreserves.com

A2. Describe the proposed change(s) and explain the reason(s) they are needed.

We propose temporarily changing the designated Place of Use for groundwater rights 45-2480, 45-2643, 45-10984, and 45-11867 in Cassia County and moving the Place of Use to farmland in Power County in order to alleviate a water shortage issue. We have several hundred acres of groundwater rights associated with pivot corners in Cassia County that we don't plan to irrigate this year.

We currently lease farmland from Marla and Lance Bethke in the Pleasant Valley area (see the attached lease agreement); the subject fields encompass approximately 120.7 acres, and are located within the south half of Section 14, Township 7 South Range 30 East, Boise Meridian (see the attached map for field locations). These three fields are currently irrigated from the Aberdeen-Springfield Canal. Our 2026 crop rotation plan anticipated planting these three fields in potatoes; however, we recently received notice from the Aberdeen-Springfield Canal Company that canal water delivery could end by August 1 due to regional drought conditions (see the enclosed letter dated March 30, 2026). Without the ability to irrigate these fields beyond August 1, we risk losing our potato crop. The Aberdeen-Springfield Canal Company has also begun rationing their water such that we must irrigate 5 days on and 3 off. This irrigation regime makes it challenging to raise a potato crop.

We recently learned of the Governor's April 13, 2026 emergency drought declaration and the opportunities for temporary change applications to alleviate the impacts of the drought. With the support of our landlord, we would like to be considered for the opportunity to supplement our leased canal water shares with groundwater on these three fields from May 15 through the remainder of the 2026 irrigation season.

Infrastructure to convey groundwater to these fields already exists. There is a pipeline that crosses the road from the irrigation system south of these three fields, which is connected to an existing well (WMIS 600691). Although there is a valve that has the potential to connect the systems, this valve has remained closed during our time leasing the property and groundwater has not been used on these three fields. We do not know why the infrastructure exists to potentially connect these systems, but it would benefit our situation to utilize groundwater on these three fields if this application is approved. If the application is not approved, no groundwater will be used on these three fields beyond what was approved for TC-35-11.

We would greatly appreciate your prompt review of our application to help our planning efforts.

B6c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:

Temporarily transferring this groundwater from our Oakley farm pivot corners will not adversely affect farming as the corners are currently not being irrigated (see the attached map). These pivot corner acres have been utilized by Southwest Irrigation District for mitigation for the past several years. The 758.5 acres proposed in this transfer will not be available for mitigation use by Southwest Irrigation District for the 2026 irrigation season. No other change to the land will occur as a result of this temporary change application.

B6d. Has the water right sought to be transferred been used this year?

All groundwater rights on our Oakley farm share the same Place of Use. We have begun irrigating for the 2026 season on many of the fields within the Place of Use, but irrigation has not begun on pivot corners, which more than make up the 758.5 water right acres associated with 45-2480, 45-2643, 45-10984, and 45-11867. These acres have been utilized by Southwest Irrigation District for mitigation for the past several years. The 758.5 acres proposed in this transfer will not be available for mitigation use by Southwest Irrigation District for the 2026 irrigation season.

Exhibit A

Water Right	CFS	AFA	Acres	Combined Acres
45-2643	2.92	1316	329	365.5
45-11867	0.29		36.5	
45-2480	4.20	1280	320	393
45-10984	0.78		73	
Total				758.5