

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Mark Telford Phone _____2. MAILING ADDRESS PO Box 511 City ArcoState ID Zip 83213-0511 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 34-2486

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 3.76 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NW	12	03N	26E	Butte	Ground water	
			NW	NW	12	03N	26E	Butte	Ground water	
		SW	SE	SW	01	03N	26E	Butte	Ground water	Big Hole

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well and pump into pressurized irrigation system.

- b. Who owns the property at the point(s) of diversion? Joel Andersen
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant has an easement to access the point of diversion (see attached).

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

 Luke H. Marchant 12/16/2021
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid \$740.00 Date 12/16/21 Receipted by Ce de Receipt # E047643

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Attorney Roster Search

Type the last name or the beginning of the last name of the attorney you are trying to find. Use more letters to narrow your search. If you cannot find the attorney you are looking for, contact the Licensing Department at (208) 334-4500.

Current Status Definitions (<https://isb.idaho.gov/licensing-mcle/membership-count-statutes/>)

Search again

Results (as of 2/26/21)

Luke Hyrum Marchant

Status Active
Admittance Date 09/30/2008

Firm Holden, Kidwell, Hahn & Crapo, PLLC
Mailing Address PO Box 50130
Idaho Falls, ID 83405

Phone (208) 523-0620
Phone Ext
Fax (208) 523-9518

Bar Email Address lmarchant@holdenlegal.com
Website Address www.holdenlegal.com
Court eService Email efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the Address Change Form

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online Address Change Form or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.

[Current Status Definitions](#)

Disciplinary History

Contact the Bar Counsel's Office at (208) 334-4500 to request a disciplinary history on an attorney.

Former Members

Information on former members of the Idaho State Bar is limited to name, admission date and status. The online records include former members going back to approximately 1994. Records on former members from before 1994 are not available online. Please contact the Licensing Department for more information on former members.

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

12/14/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 34-2486

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK TELFORD PO BOX 511 ARCO, ID 83213-0511 2084315956
Original Owner	WILLARD O BELL 756 15TH AVE E JEROME, ID 83338 2083248984

Priority Date: 06/07/2002

Basis: License

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	04/01	10/31	3.76 CFS	
Total Diversion			3.76 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWNW	Sec. 12	Township 03N	Range 26E	BUTTE County
GROUND WATER	NWNW	Sec. 12	Township 03N	Range 26E	BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	26E	12		NENW	3		NWNW	36		SWNW	39		SENW	32
				NESW	39		NWSW	39						

85633

Total Acres: 188

Conditions of Approval:

1. X35 Rights 34-258, 34-855, 34-862 and 34-2486 when combined shall not exceed the irrigation of 188 acres.
2. WB7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 658.0 af at the field headgate for the place of use.
3. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. R05 Use of water under this right will 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. 34. Big Lost River.
5. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. 105 If surface water rights 34-258, 34-855 or 34-862 are unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), this right to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Dates:

Licensed Date: 05/01/2015

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date: 6/7/2002

Permit Approved Date: 7/22/1959

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

85633

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 188

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

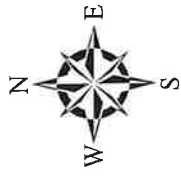
Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

APPLICATION FOR TRANSFER - WATER RIGHT NO. 34-2486



Legend

- New POD
- Current PODs
- POU
- TR Lines
- Section Lines
- Quarter Quarters

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2019 NAIP Photo



Prepared by:
Luke H. Marchant
12/16/2021

Attachment No. 7b
GIS Shapefile

**(Will be sent via email upon
request from IDWR)**

NO. 004763
RECORDED

10:56 A.M. PM.
BUTTE COUNTY RECORDER
[Signature]

David James Lyle and Leslie Dana Lyle, husband and wife

Mark Telford and Paige Telford P.O. Box 511 Arco Id, 83213

Legal description:

An existing easment along the North Boundary of the NW 1/4 of Section 12, Township 3 North Range 26 E.B.M, Butte County, Idaho

IN WITNESS WHEREOF, the parties have signed their names
and affixed their seals this 31st day of March 2008.

Dana James Lyle By Leslie
Leslie & Dana Lyle

State of Idaho)
) ss.
County of Butte)

On this 31st day of March, in the year 2008, before me the undersigned notary public in and for said state, personally appeared Leslie Dana Lyle and _____, known or identified to me to be persons whose names are subscribed to the within instrument and acknowledged to me ^{she} ~~they~~ executed the same. and she subscribed the name of David James Lyle thereto as Principal, and her own name as attorney in fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Lytle B. Boyer
Notary Public

Residing at Arw, ID

My commission expires 6-5-2015



IRRIGATION EASEMENT

65633



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 29, 2021

MARK TELFORD
PO BOX 511
ARCO, ID 83213-0511

RE: Transfer No. 85633
Water Right No(s). 34-2486

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the ARCO ADVERTISER on 1/6/2022 and 1/13/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

CC:
LUKE MARCHANT
PO BOX 50130
IDAHO FALLS, ID 83405-0130

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 29, 2021 12:32 PM
To: arcoadv@aol.com
Subject: Legal Notice for Arco Advertiser
Attachments: 85633 Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT
ARCO ADVERTISER
PO BOX C
ARCO, ID 83213

RE: Transfer No. 85633
Water Right No(s). 34-2486

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 1/24/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85633

MARK TELFORD, PO BOX 511, ARCO, ID 83213-0511 has filed Application No. 85633 for changes to the following water rights within BUTTE County(s): Right No(s). 34-2486; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion. The proposed points of diversion are in NWNW (2 wells) Sec 12, and SWSESW (new) Sec 1, T03N R26E for 3.76 cfs from ground water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 1/24/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/6/2022 and 1/13/2022