

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-7179)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-200

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

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources 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 when the director determines that such changes can be accomplished in accordance with the provisions of Idaho Code §42-222A; and

On August 13, 2021, Mark Telford submitted the attached Temporary Change Application to the Department; and

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 the changed portion of Right No. 34-7179 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 or diversion works as a new 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 which 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.

5. Should all or any portion of water right nos. 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-12376, 34-7179, 34-13659, 34-13661, 34-13840, and 34-13842 ever be curtailed as a result of a delivery call, the irrigated place of use for water right nos. 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-12376, 34-13659, 34-13661, 34-13840, 34-13842 (all describing a place of use of 1985 acres) and water right no. 34-7179 (2124 acres) shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right that is curtailed.
6. Rights 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-12376, 34-13840, 34-13842, and that portion of ground water right no. 34-7179 not associated with water right no. 34-618, when combined, shall not exceed a total diversion rate of 37.03 cfs, and shall not exceed a total annual maximum diversion volume of 6,947.5 af at the field headgate.
7. Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed the irrigation of 2124 acres.
8. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
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 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 approval 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. 34 is authorized to administer the temporary change approval.

13. This temporary change approval expires on November 1, 2021 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 18th day of August, 2021.



James Cefalo
Eastern Region Manager

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-200

Applicant's Name: MARK TELFORD

Watermaster's Recommendation:

- a) LY 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 18 day of August, 2021

Water District No: 34

Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Tuesday, August 17, 2021 1:29 PM
To: Holliday, Michael
Subject: RE: Mark Telford temp change

The BLRID does not oppose this temp change.

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Monday, August 16, 2021 2:47 PM
To: watermaster34@atcnet.net; General Manager <blridgm@atcnet.net>
Cc: waterdist34@atcnet.net; BIG LOST RIVER IRR DIST (blrid@atcnet.net) <blrid@atcnet.net>
Subject: Mark Telford temp change

Lucas, attached is the latest temp change app. Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177

RECEIVED

AUG 13 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment 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 Mark Telford Phone _____
Mailing Address PO Box 511, Arco, ID 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. _____

Because of the drought, Applicant's surface water rights are not available. This application will move a portion of
 Water Right No. 34-7179 owned by Telford Lands, LLC to the proposed place of use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

CHANGED FOR APPROVAL

1. Right Number Priority Amount Nature of Use Period of Use
 (cfs/ac-ft)
34-7179 April 6, 1982 0.48 cfs Irrigation 04/01 8/13 to 11/01
 _____ to _____
 _____ to _____
 _____ to _____

2. Total amount of water being transferred 0.48 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Ground water tributary to _____

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04n	26E	04	2		NW	NE	Butte	Ground water	

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	
04N	26E	03						9.5			9.4	5.1							24

Total Acres 24

6. General Information:

- a. Who owns the water right to be changed? Telford Lands, LLC
- b. Describe the arrangement allowing use of the right. The Applicant has been farming the current place of use along with his father, Mike Telford of Telford Lands, LLC. Mike Telford has consented to this change.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
It will not be irrigated for the remainder of the irrigation season.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. The water right was used to irrigate grain. The grain crop has been harvested.
- e. Absent the changes, how would the right be used for the remainder of the year? The water could be used at the current authorized place of use.
- f. Describe other water rights used for the same purpose. _____
- 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.

Kurt H. Marchant
Signature of Applicant

August 13, 2021
Date

FOR DEPARTMENT USE ONLY

Received by CUH Date 8/13/2021 \$50 fee received by CUH Receipt No. E047270
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

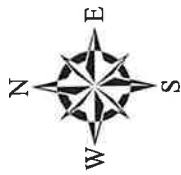
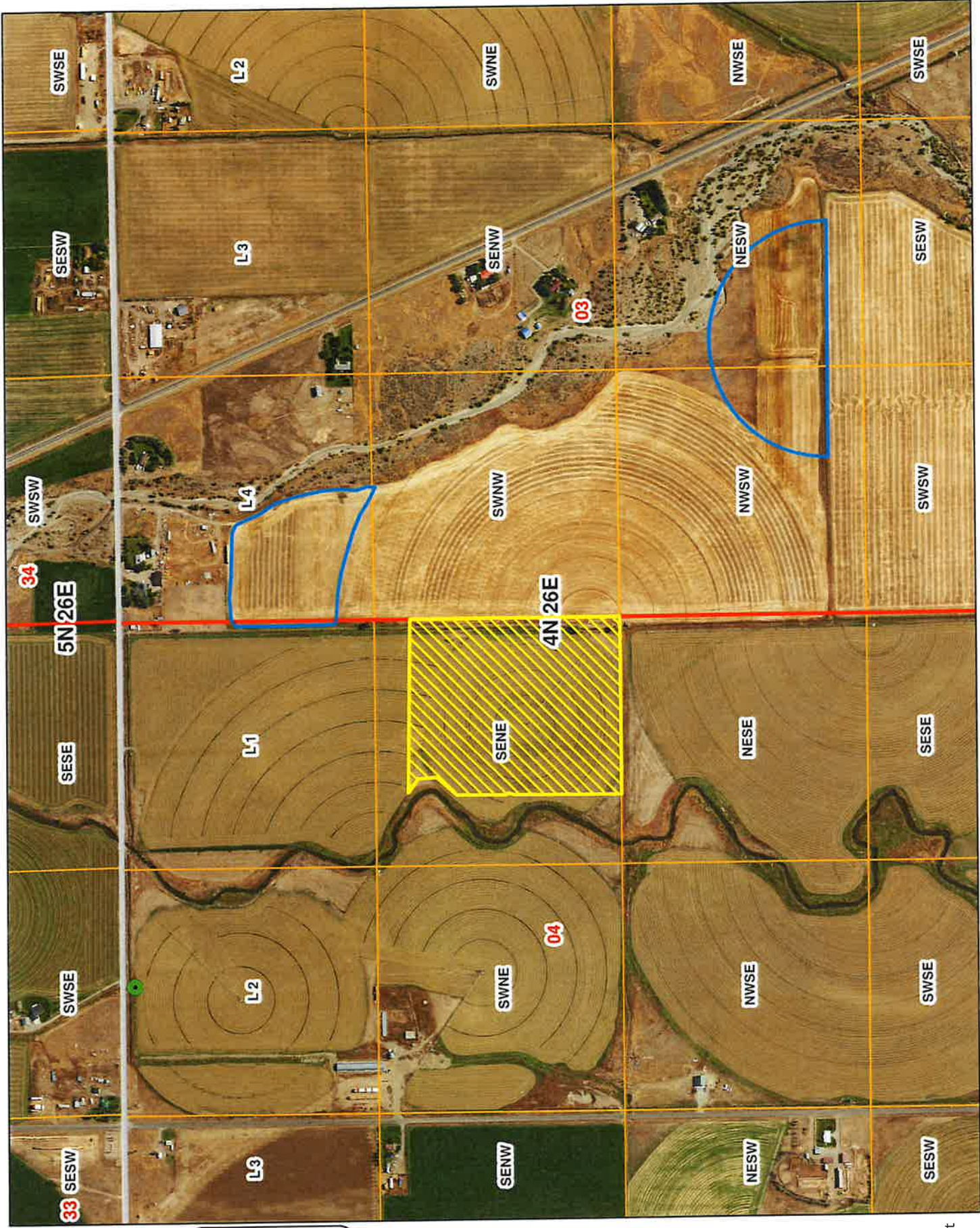
This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

MARK TELFORD TEMP. TRANSFER



Legend

- Proposed POD
- Proposed POU
- Transfer Acres
- TR Lines
- Section Lines
- Quarter Quarters

2019 NAIP Photo



Prepared by:
Luke H. Marchant
08/13/2021