

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-2330B, 34-7077,
34-7080B, 34-7092, 34-7121A, 34-7121B,)
34-7179, 34-12376, 34-13840, & 34-13842)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-196

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 June 29, 2021, Jared and Jenna 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 portions of Right No(s). 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13840, and 34-13842 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. The rights in this temporary change when combined with the rights included in Water Supply Bank Rental Agreement No. 143 shall not exceed a total diversion rate of 5.05 cfs, a total annual maximum diversion volume of 967.5 af, and the irrigation of 276.7 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 consent of such corporation or irrigation district.
7. 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.
8. 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.
9. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. 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 1st day of July, 2021.



James Cefalo
Eastern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 29 2021

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

(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 Jared and Jenna Telford Phone _____
Mailing Address 3198 W 2200 N, 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 portions of ground water rights owned by Telford Lands, LLC to the proposed place of use.

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

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)

SEE ATTACHED SHEET

2. Total amount of water being transferred 0.92 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	¼	¼	¼	County	Source	Local name or tag number
05N	26E	15		NW	NE	NW	Butte	Ground Water	

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	
05N	26E	15					5	23	13.5	11									52.5

Total Acres 52.5

Right Number	Priority	Amount	Nature of Use	Period of Use
34-2330B	June 1, 1977	0.04	Irrigation	04/01-10/31
34-7077	Sept. 5, 1974	0.20	Irrigation	04/01-11/01
34-7080B	Sept. 23, 1974	0.13	Irrigation	04/01-11/01
34-7092	Jan. 14, 1975	0.30	Irrigation	04/15-10/15
34-7121A	Jan. 9, 1976	0.01	Irrigation	04/15-10/15
34-7121B	Jan. 9, 1976	0.09	Irrigation	04/01-11/01
34-7179	Apr. 6, 1982	0.07	Irrigation	04/01-11/01
34-12376	June 1, 1977	0.03	Irrigation	04/01-10/31
34-13840	Apr. 6, 1982	0.03	Irrigation	04/01-10/31
34-13842	Dec. 17, 1975	0.01	Irrigation	04/01-11/01

6. General Information:

- a. Who owns the water right to be changed? Telford Lands, LLC
- b. Describe the arrangement allowing use of the right. See attached consent.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
It will not be irrigated.
- 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? It would 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.

Robert Marchant
Signature of Applicant

June 28, 2021
Date

FOR DEPARTMENT USE ONLY

Received by m. pettis Date 6-28-21 \$50 fee received by m. pettis Receipt No. E047113
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

CONSENT TO WATER RIGHTS TEMPORARY TRANSFER

I, the undersigned am familiar with the Temporary Change Application which is being submitted to the Idaho Department of Water Resources which involves Water Right Nos. 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13840, and 34-13842. I consent to the transfer of these water rights as requested in the Temporary Change Application.

TELFORD LANDS, LLC

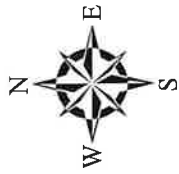


By: MIKE TELFORD

Its: MANAGING MEMBER.

Date: 6-25-21

TELFORD TEMPORARY CHANGE



Legend

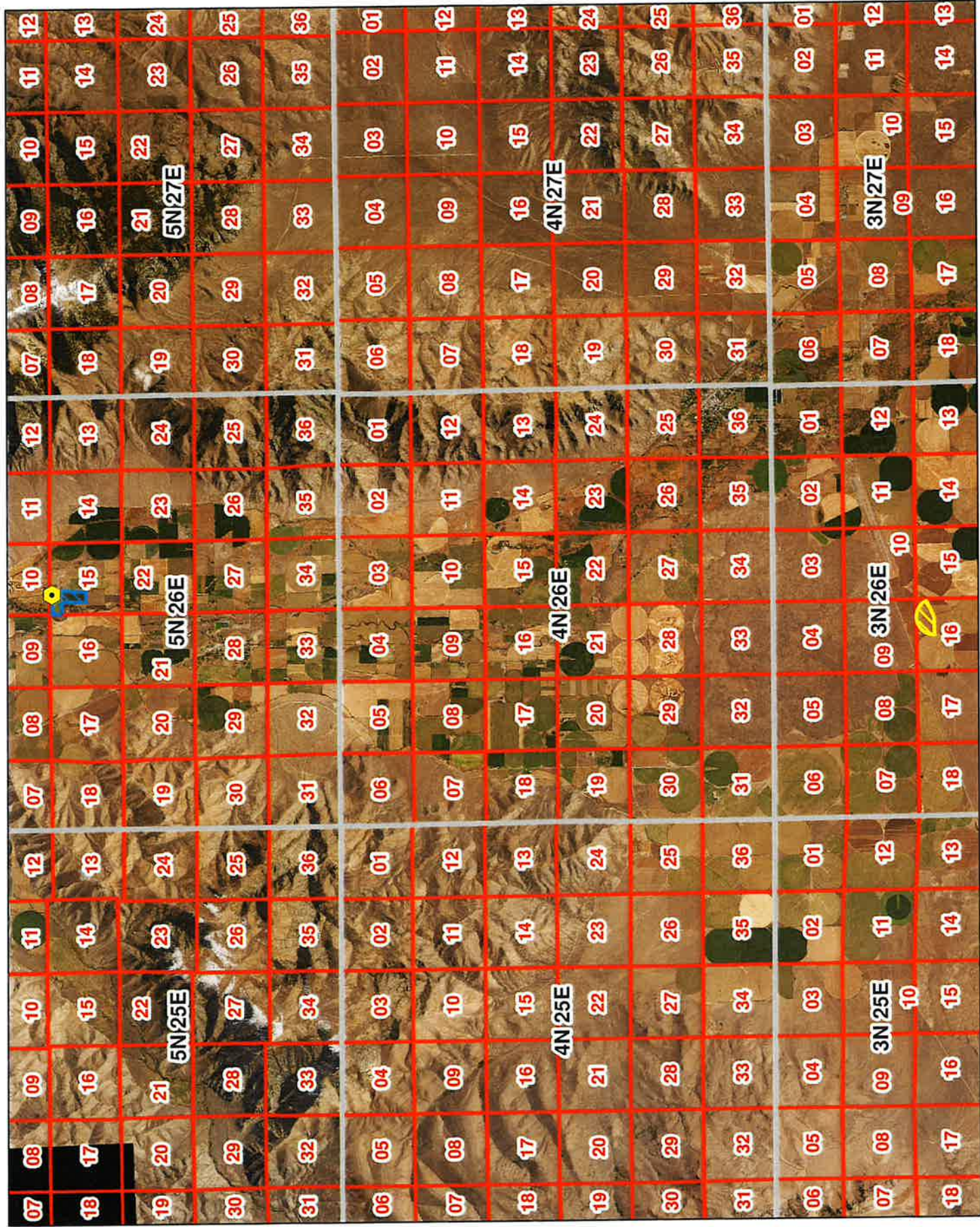
Proposed POD

Transfer Acres

Proposed POU

TR Lines

Section Lines



2019 NAIP Photo



Prepared by:
Luke H. Marchant
06/28/2021

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

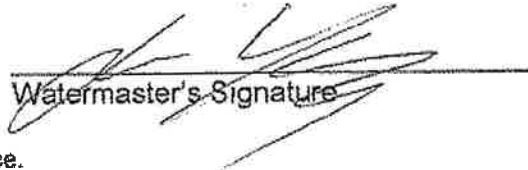
Application No: TC-34-196Applicant's Name: JARED + JENNA TELFORD

Watermaster's Recommendation:

- a) 34 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 30 day of June, 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: Wednesday, June 30, 2021 1:41 PM
To: Holliday, Michael
Subject: RE: Telford temp change

The BLRID does not oppose this transfer.

Thank you

From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Tuesday, June 29, 2021 10:22 AM
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: Telford temp change

Hi Lucas.

Attached is another temp change. Thanks.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT NO. 143

RECEIVED

This is to certify that:

TELFORD LANDS LLC
1450 W HIGHWAY 24
PAUL ID 83347-8666

MAY 04 2017

DEPARTMENT OF
WATER RESOURCES

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
34-618	9/1/1884	BIG LOST RIVER	0.42	63.4	18.1
34-13659	6/1/1889	BIG LOST RIVER	0.13	43.0	5.6
34-13661	6/1/1896	BIG LOST RIVER	0.13	43.0	5.6
Combined Limit Totals			0.13	43.0	5.6
34-7077	9/5/1974	GROUND WATER	1.04	91.3	26.1
34-7080B	9/23/1974	GROUND WATER	0.70	130.5	37.3
34-7092	1/14/1975	GROUND WATER	1.56	289.8	82.8
34-13842	12/17/1975	GROUND WATER	0.06	25.6	18.3
34-7121A	1/9/1976	GROUND WATER	0.06	22.0	37.3
34-7121B	1/9/1976	GROUND WATER	0.49	144.2	41.2
34-12376	6/1/1977	GROUND WATER	0.16	39.9	11.4
34-2330B	6/1/1977	GROUND WATER	0.23	55.9	16.0
34-13840	4/6/1982	GROUND WATER	0.16	32.4	9.3
34-7179	4/6/1982	GROUND WATER	0.36	154.5	276.7
Combined Limit Totals			4.82	914.2	276.7
Combined Rental Totals			5.05	967.5	276.7

Term of Rental: This rental shall take effect when all parties have signed it and shall continue in effect until December 31, 2021

Annual Rental Fee:

2017	\$1,644.75
2018:	\$1,935.00
2019:	\$1,935.00
2020:	\$1,935.00
2021:	\$1,935.00

The fee for rental of the above-described water rights is \$16,447.50 for 2017 and \$19,350.00 annually for years 2018-2021. Because you own the above referenced water right you are obligated to pay ten percent (\$1,644.75/\$1,935.00) to the Department for administrative costs only. An annual payment shall be received by the Department prior to January 1 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date.

Detailed water right conditions are attached.

SUPPORT DATA

IN FILE # 34-618

WATER SUPPLY BANK RENTAL AGREEMENT NO. 143

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

34-618, 34-13659 and 34-13661

BIG LOST RIVER

SESE

Sec. 4, Twp 05N, Rge 26E, BUTTE County

34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13840, and 34-13842

GROUND WATER

NWNW

Sec. 21, Twp 05N, Rge 26E, BUTTE County

GROUND WATER

NWSE

Sec. 29, Twp 05N, Rge 26E, BUTTE County

GROUND WATER

SWNE

Sec. 32, Twp 05N, Rge 26E, BUTTE County

GROUND WATER

NWSE

Sec. 32, Twp 05N, Rge 26E, BUTTE County

GROUND WATER

L3 (NENW)

Sec. 5, Twp 04N, Rge 26E, BUTTE County

GROUND WATER

L2 (NWNE)

Sec. 4, Twp 04N, Rge 26E, BUTTE County

GROUND WATER

L2 (NWNE)

Sec. 4, Twp 04N, Rge 26E, BUTTE County

Beneficial Use

Diversion Rate

Volume

IRRIGATION

5.05 CFS

967.5 AF

BENEFICIAL USE & SEASON OF USE

Water Right No.	From	To	Diversion Rate
34-13840	4/1	10/31	0.16 CFS
34-618	5/1	10/15	0.42 CFS
34-7179	4/1	11/1	0.36 CFS
34-2330 B	4/1	10/31	0.23 CFS
34-7080 B	4/1	11/1	0.70 CFS
34-7121 B	4/1	11/1	0.49 CFS
34-7121 A	4/15	10/15	0.06 CFS
34-7092	4/15	10/15	1.56 CFS
34-7077	4/1	11/1	1.04 CFS
34-12376	4/1	10/31	0.16 CFS
34-13842	4/1	11/1	0.06 CFS
34-13659	5/1	10/15	0.13 CFS
34-13661	5/1	10/15	0.13 CFS

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	26E	15						30.0											30.0
03N	26E	16	30.2	30.0	31.0	31.0									31.0	31.2	31.1	31.2	246.7

Total Acres: 276.7

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

- The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
- Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.

3. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
6. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date. This rental for mitigation by non-use may be ineffective if the mitigating water right is not in priority.
7. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. 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.
10. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
11. This rental agreement does not authorize the construction of a well.
12. The renter must diligently pursue a permanent water right to provide for the uses authorized under this rental agreement.
13. This rental is contingent upon the renters filing an application for transfer. The rental may be terminated beyond 2017 if a transfer application is not filed.
14. Use of water under this agreement 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.
15. Rights 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13840, and 34-13842 may only be rented for use as a supplemental right in conjunction with a primary surface water right.
16. Rights 34-618, 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842 are delivered through the Moore Diversion and/or the Timberdome Canal.
17. 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, 34-13840, 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, 34-13840, 34-13842 (all describing a place of use of 258.6 acres) and water right no. 34-7179 (276.7 acres) shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right that is curtailed.

CONDITION APPLICABLE TO RIGHT 34-618

18. The of use for irrigation described above may be extended in seasons of unusual period characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.

CONDITIONS APPLICABLE TO RIGHT 34-7092

19. The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/15/2002.