

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-2480A,)
34-7028A, and 34-7234)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-185

WHEREAS, 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

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 or temporary exchanges of water authorized under 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 24, 2021, Mark Telford and Sunset Farm & Ranch LLC submitted the attached temporary change application TC-34-185 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 right nos. 34-2480A, 34-7028A, and 34-7234 is authorized only at the point of diversion and place of use described on the application.
2. 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.
3. This temporary change approval does not authorize construction of a new well as a point of diversion.
4. 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.

ORDER AUTHORIZING
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5. Rights 34-2480A, 34-7028A, and 34-7234 when combined shall not exceed a total diversion rate of 6.60 cfs and a total annual maximum diversion volume of 1071 af.
6. Rights 34-195C, 34-196D, 34-2491B, 34-10100, 34-2480A, 34-7028A, and 34-7234 when combined shall not exceed a total diversion rate of 9.58 cfs and the irrigation of 306 acres.
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 applicants agree 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 does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on November 1, 2021 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 26th day of May, 2021.



James Cefalo
Eastern Regional Manager

TC-34-185

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

MAY 24 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 Mark Telford, Sunset Farm and Ranch, LLC 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, the Applicants' surface water rights are either not available, or not providing a sufficient supply of water. This Application with change the place of use for several ground water rights that the Applicants are leasing.

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
34-2480A	05/01/1986	0.79	Irrigation	04/01 to 11/01
34-7028A	08/01/1972	4.3	Irrigation	04/01 to 11/01
34-7234	08/15/1979	1.66	Irrigation	04/01 to 11/01
				to

2. Total amount of water being transferred 6.6 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	34		NE	SE	SW	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	
03N	26E	12	23	6	11	37											24	24	125
		13	32																32
	27	7							3										3
		8		35					30	30		1							96
04N	26E	23															36	14	50

Total Acres 306

6. General Information:

- a. Who owns the water right to be changed? Standlee Family Ltd. Partnership
- b. Describe the arrangement allowing use of the right. Standlee has signed a consent agreement allowing the Applicants to use the water rights.
- 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? The water 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.

Rubert Marchant
Signature of Applicant

May 19, 2021
Date

FOR DEPARTMENT USE ONLY

Received by JB Date 5/20/2021 \$50 fee received by JB Receipt No. E046971
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 _____

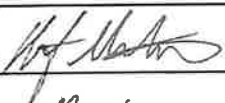
Signed this _____ day of _____

For the Director

CONSENT TO WATER RIGHTS TEMPORARY TRANSFER

I, the undersigned am familiar with the Temporary Change Applications which are being submitted to the Idaho Department of Water Resources which involve Water Right Nos. 34-2480A, 34-7028A, and 34-7234. I consent to the transfer of these water rights as requested in the Temporary Change Application.

STANDLEE FAMILY LTD PARTNERSHIP

By: 
Its: Member
Date: 5/17/21

Lease Agreement

Marlene Folkman and Mark or Paige Telford

This lease agreement is between Marlene Folkman and Mark or Paige Telford

This lease is entered into this April 1, 2020

Between Folkmans, landlord, and Telfords, renter.

- Cash lease \$100 per acre on forage crops
- Share crop 25% landlord and 75% renter on grain crops
- Renter to pay up to \$1000 total on capital repairs (irrigation equipment, pumps, etc.). Once the \$1000 has been met by renters, landlord will pay balance.
- Renters to maintain good crops, use best farming practices
- Lease will auto renew unless previous arrangements are made
- In the event of short water years, landlords will work with renters to adjust the cash lease amounts accordingly.
- First right of refusal on sale of property to be retained by renters
- This lease is binding on all heirs
- Written notice will be given if any party wishes to end this lease agreement

The parties have signed this lease agreement on the date first above written.

Marlene H. Folkman
(Landlord)

Paige Telford
(Renter)

I Mike A. Peterson is Leasing
my property to Mike Telford
on a Crop Sharing the Lease
description is attached 80 Ac.
to be watered For 2021 Season.

Mike A. Peterson

5/14/21

Lease Agreement

Dean Moncur and Mark or Paige Telford

This lease agreement is between Dean Moncur and Mark or Paige Telford

This lease is entered into this April 1, 2021

Between Moncur, landlord, and Telfords, renter.

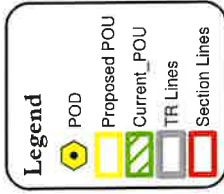
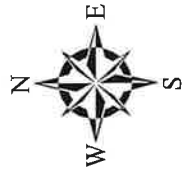
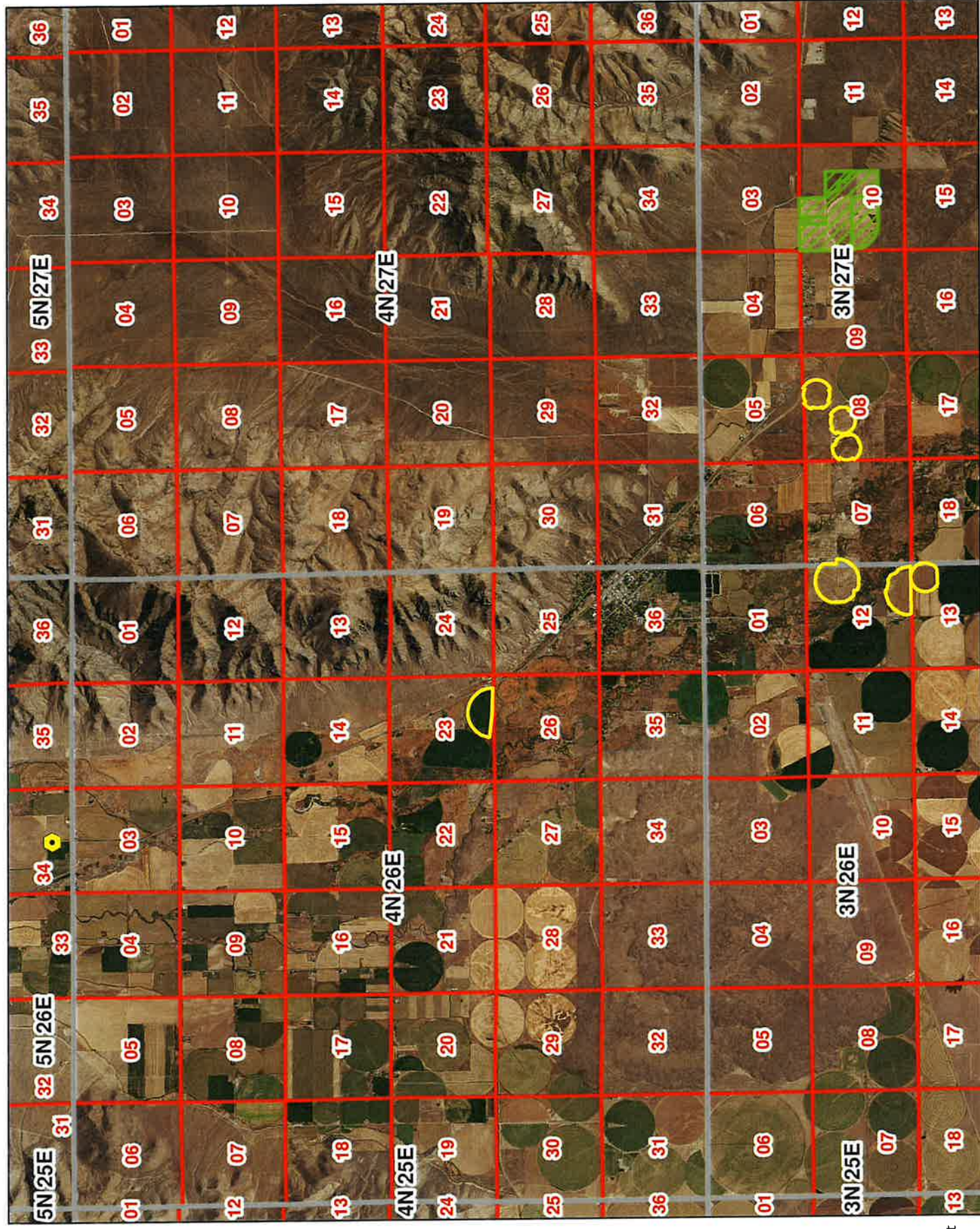
- Location and acres of farm ground 50 acres RP04N26E234400
- Share crop 20%/80%
- Cash lease payment due after sale of tonnage
- Renters to maintain good crops, use best farming practices
- Written notice will be given if any party wishes to end this lease agreement

The parties have signed this lease agreement on the date first above written.

D Moncur
(Landlord)

Paige Telford
(Renter)

TELFORD/SUNSET TEMP. TRANSFER



2019 NAIP Photo



Prepared by:
Luke H. Marchant
05/19/2021

12/99

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: TC-34-185Applicant's Name: MARK TELFORD, SUNSET FARM + RANCH

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 21 day of May, 2021Water 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, May 25, 2021 10:41 AM
To: Holliday, Michael
Subject: WD 34 Temp Transfers

Michael,

The BLRID does not oppose the following transfers:

34-184

34-185

34-186

Thanks

*Lucas Yockey
General Manager
Big Lost River Irrigation District
P.O. Box 205
Mackay ID 83251*

208-588-2231 – office

208-390-1447 - cell

www.blrid.com