

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

2014

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NOS.: 34-2459,)
34-2460, 34-2461, 34-2462, 34-7037 and)
34-10925)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-108

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 13, 2014, Telford Lands LLC submitted the attached temporary change application TC-34-108 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. 34-2459, 34-2460, 34-2461, 34-2462, 34-7037, and 34-10925 is authorized only at the place of use described on the application.
2. Diversion and use of right nos. 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925 is authorized only at the following points of diversion: SWSESW of Sec. 1, T3N, R26E; SWNWSW, SWSESW, and SENESW of Sec. 2, T3N, R26E; and NWNWNW of Sec. 12, T3N, R26E.
3. Diversion and use of right no. 34-7037 is authorized only at the points of diversion described on the application.
4. This temporary change approval does not authorize construction of a new well as a point of diversion.
5. 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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6. 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.
7. Rights 34-2459, 34-2460, 34-2461, 34-2462, 34-7037, 34-7138, and 34-10925 when combined shall not exceed a total annual maximum diversion volume of 8441.5 af at the field headgate and the irrigation of 1980 acres.
8. Rights 34-2459, 34-2460, 34-2461, 34-2462, and 34-10925 when combined shall not exceed a total diversion rate of 12.5 cfs.
9. Rights 34-2459, 34-2460, 34-2461, 34-2462, and 34-7037 when combined shall not exceed the irrigation of 1664 acres.
10. 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.
11. 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.
12. 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.
13. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
14. This temporary change approval expires on November 1, 2014 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 21st day of May, 2014.


Lyle Swank
Eastern Regional Manager

TC-34-108

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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MAY 13 2014

Department 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 Telford Lands LLC Phone 208 431-5957
Mailing Address 1450 W. Hwy 24, Paul, ID 83347 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 drought conditions, the applicant needs to temporarily allow his water rights to be diverted from any of his wells, including wells closer to his place of use. Right now, pumping into the eastside canal system, without surface water, does not convey water to applicant's place of use. The change in POU is minimal.

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
_____	_____	_____	_____	_____ to _____
_____	See	attached	spreadsheet	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 24.5 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
							See attached	spreadsheet	

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	
						See	Attac	hed		Spre	adsh	eet							

Total Acres 1980

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MAY 21 2014

6. General Information:

- a. Who owns the water right to be changed? Applicant owns all of them.
- b. Describe the arrangement allowing use of the right. N/A
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Very small change to POU to correlate with current irrigation practices.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. The wells have been turned on, but very little irrigation has occurred because most of the water cannot get to the POU.
- e. Absent the changes, how would the right be used for the remainder of the year? The water rights would be used as they are currently authorized under the water rights or by the Department.
- f. Describe other water rights used for the same purpose. 34-7138, a surface right that will not be "on" this year.
- g. Remarks: This temporary transfer will give the applicant flexibility during difficult drought conditions to allow it to divert his rights where he can during the irrigation season. No new acres are proposed to be irrigated. The only changes are for where the water rights can be diverted.

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 L. Jarnis, ATTORNEY FOR APPLICANT
Signature of Applicant

May 12, 2014
Date

FOR DEPARTMENT USE ONLY

Received by MH Date 5/13/14 \$50 fee receipted by JS Receipt No. EO39826
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. TC-34-108, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

SCANNED
MAY 21 2014

STAMPED
 MAY 21 2014

TELFORD LANDS LLC WATER RIGHT SUMMARY AFTER TEMPORARY TRANSFER

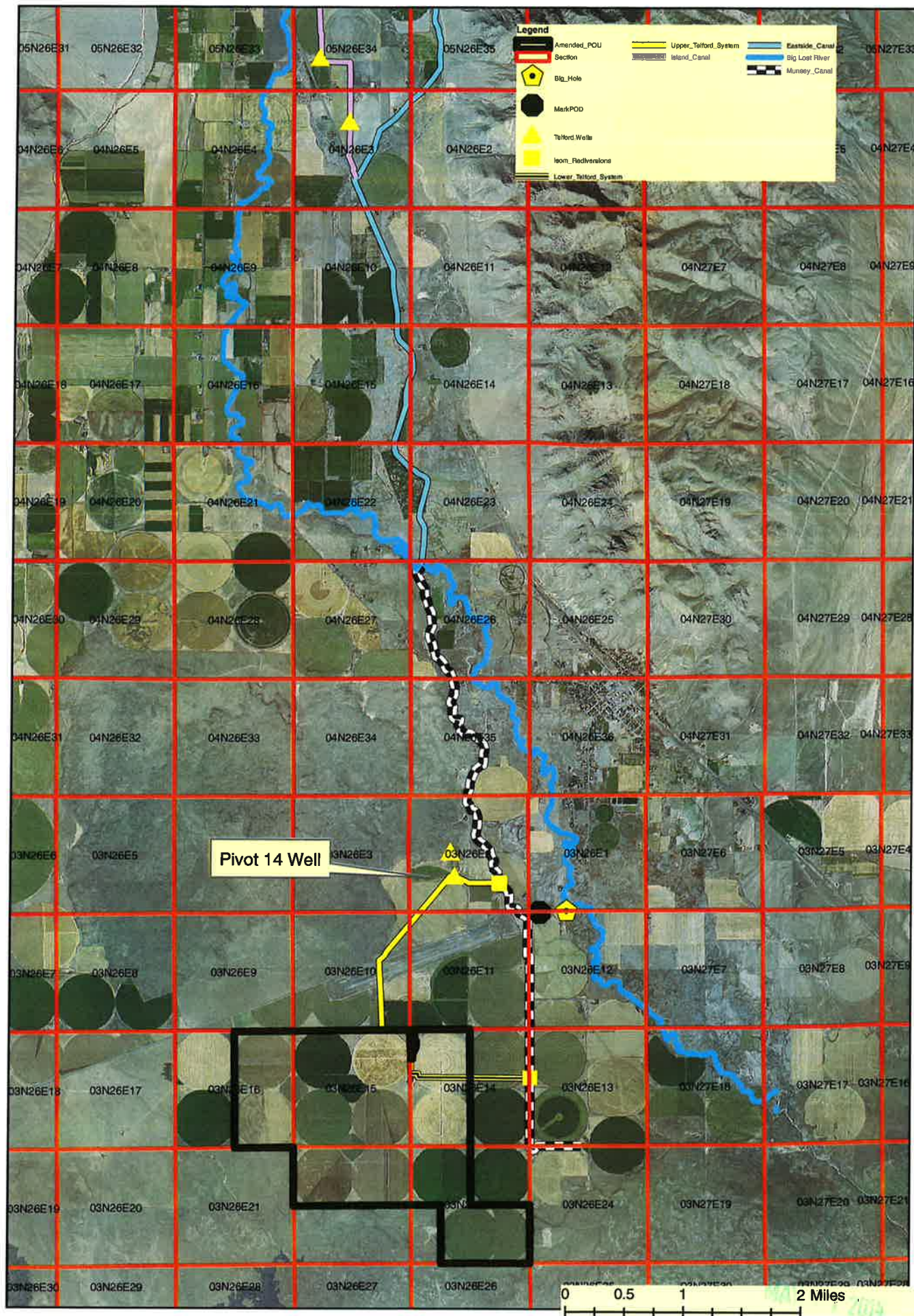
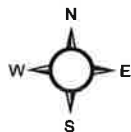
Owner	Water Right No.	Priority Date	Source	Nature of Use	Individual Diversion Rate	Combined Diversion Rate (cfs)	Individual Volume Limitation	Combined Volume Diversion Limitation (Acre feet per year)	Individual Acre Limitation	Combined Acres Limitation	Point of Diversion
Telford Lands LLC	34-2459	April 19, 1965	Ground Water	Irrigation	4.17	24.5	None	8441.5	238	1980 (Rearranged Slightly, See following page)	SWSESW, 3N, 26E, Sec. 2 (Airport Well) SENESW, 3N, 26E, Sec. 2 (Airport Well) NESESW, 4N, 26E, Sec. 3 (Island Well) SENWSW, 5N, 26E, Sec. 34 (Island Well) SWSSEW, 3N, 26E, Sec. 1 (Big Hole) NWNWNW, 3N, 26E, Sec. 12 (Mark's Well) SWNWSW, 3N, 26E., Sec. 2 (Pivot 14 Well)
	34-2460	April 19, 1966	Ground Water	Irrigation	4.17		None		238		
	34-2461	May 3, 1965	Ground Water	Irrigation	2.08		None		119		
	34-2462	May 3, 1966	Ground Water	Irrigation	2.08		None		119		
	34-10925	May 1, 1982	Ground Water	Irrigation	7.6		None		1026 (enlargement)		
	34-7037	May 4, 1973	Ground Water	Irrigation	12		None		1664		
TOTALS						24.5	n/a	8441.5		1980	

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	26E	14					39	34	39	40	40	39	39	40					310
		15	39	39	40	40	39	39	40	40	40	40	40	40	40	40	40	40	636
		16	39	39	40	40									40	39	39	40	316
		22	40	40	40	40	40	40	40	40									320
		23					40	40	40	40	40			40	39	40	40	39	398
TOTAL																			1980

MAY 21 2014

TELFORD LANDS, LLC TEMPORARY TRANSFER





Holden Kidwell
Hahn & Crapo P.L.L.C.
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MAY 13 2014

Department of Water Resources
Eastern Region

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PO Box 50130
Idaho Falls, Idaho 83405

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Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

May 13, 2014

Blake Jordan
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: Temporary Chance Application Submitted on Behalf of Telford Lands, LLC.

Dear Blake:

Enclosed for processing is a *Temporary Change Application* being submitted in accordance with Idaho law. On April 30, 2014, Governor Otter declared a drought emergency in Butte County. As a result of the low water conditions, Telford has been unable to transport water diverted from certain wells known as the "Island Wells" to his farm ground. Therefore, it is necessary to utilize other points of diversion and to equip another well known locally as the "Big Hole" for use on the applicant's property as soon as possible, as it appears there will be delivery issues in the Eastside Canal where water from the Island Wells is delivered.

I was unsure if you were in charge of processing these applications, but trust that you will either process it or provide it to the person within the Department who reviews these applications. We have included the required \$50,000 filing fee. We appreciate your attention to this matter.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH\Temp Client Files\Telford Lands\2014-05-13, Jordan.docx

MAY 13 2014

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC 34-108Applicant's Name: TELFORD LANDS LLC

Watermaster's Recommendation:

- a) ☒ 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 13 day of May, 2014.Water District No: 34Tom Parker
Watermaster's Signature

Use reverse side of page if you need more space.

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MAY 11 2014

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: TC-34-108

Applicant's Name: TELFORD LANDS LLC

Watermaster's Recommendation:

a) ☒ 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 14 day of May, 2014.

Water District No: 34

J. R. Ellis

Watermaster's Signature

B2 R1D mgr.

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MAY 21 2014