

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 34-02486

Priority: June 07, 2002

Maximum Diversion Rate: 3.76 CFS

It is hereby certified that MARK TELFORD
PO BOX 511
ARCO ID 83213

has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated August 17, 1966; and has submitted Proof of Beneficial Use on June 07, 2002. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

3.76 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4NW1/4 Sec. 12, Twp 03N, Rge 26E, B.M. BUTTE County

GROUND WATER NW1/4NW1/4 Sec. 12, Twp 03N, Rge 26E, B.M. BUTTE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 26E 12					3.0	36.0	39.0	32.0	39.0	39.0							188.0

Total Acres: 188

CONDITIONS OF APPROVAL

1. Rights 34-258, 34-855, 34-862 and 34-2486 when combined shall not exceed the irrigation of 188 acres.
2. 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. 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.

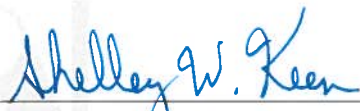
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 34-02486

4. 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. 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. 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.

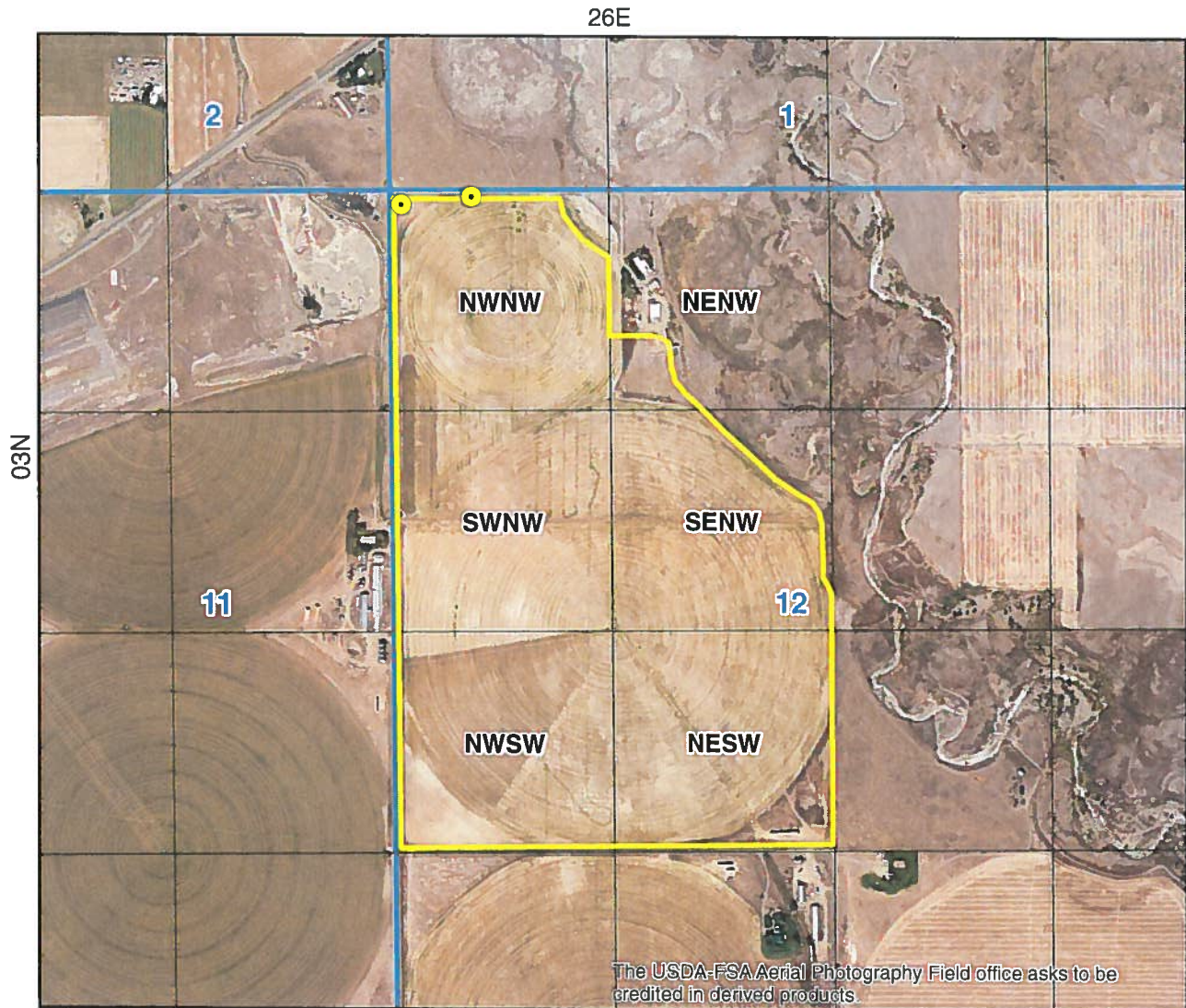
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 1st day of May, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
34-2486

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.125 0.25 0.5 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 34-02486

RECEIVED**APR 27 2015****DEPARTMENT OF
WATER RESOURCES****Date of Priority:** June 07, 2002**Maximum Diversion Rate:** 3.76 CFSComes now MARK TELFORD
PO BOX 511ARCO ID 83213 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 34-02486, and requests that the permit be changed as follows:**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	3.76 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NW1/4NW1/4	Sec. 12, Twp 03N, Rge 26E, B.M.
BUTTE County		
GROUND WATER	NW1/4NW1/4	Sec. 12, Twp 03N, Rge 26E, B.M.
BUTTE County		

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 26E 12					3.0	36.0	39.0	32.0	39.0	39.0							188.0

Total Acres: 188

Permit holder asserts that no one will be injured by such change and that such change will be made at
 permit holder's own risk. Signed this 14th day of April, 2015.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 34-02486

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by J.S. # C100363 Date 4-27-15

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 34-02486 with the following:

CONDITIONS OF APPROVAL

1. Rights 34-258, 34-855, 34-862 and 34-2486 when combined shall not exceed the irrigation of 188 acres.
2. 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. 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. 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. 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. 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.

Witness my hand this 15th day of May, 2015.

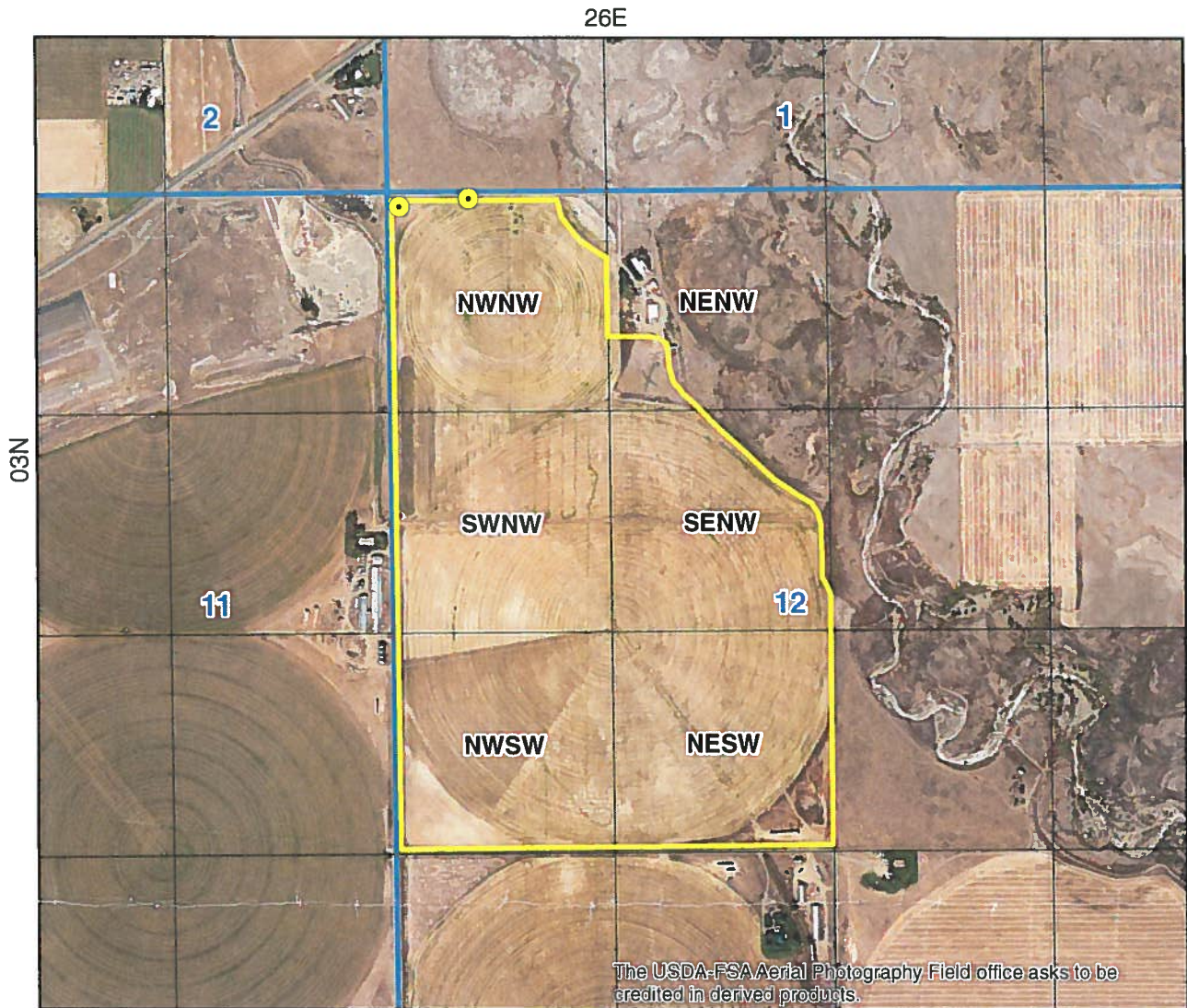
Shelley W. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Application For Amendment

34-2486

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 5, 2015

MARK TELFORD
PO BOX 511
ARCO ID 83213

RE: License No. 34-2486

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

c: WATER DISTRICT #34
ERO RESOURCES

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

34-2486

**MARK TELFORD
PO BOX 511
ARCO ID 83213**

**WATER DISTRICT #34
M TODD PERKES
PO BOX 53
MACKAY ID 83251**

**ERO RESOURCES
DAVID SHAW
4001 E MAIN ST
EMMETT ID 83617**

A handwritten signature in black ink, reading "Darla Block", written over a horizontal line.

**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 16, 2015

MARK TELFORD
PO BOX 511
ARCO ID 83213

RE: Permit No. 34-2486

Dear Permit Holder(s):

JS I previously forwarded to you an Application for Amendment so that you can amend Permit No. ~~29-7783~~³⁴⁻²⁴⁸⁶ to correspond with the findings of the Department's field examiner. I have not yet received your response.

If I do not receive the amendment within fourteen (14) days, your Water Right License will be issued for less than could have been allowed. In case the amendment form I sent you has been misplaced, a new one is enclosed.

If you have any questions, please contact me as soon as possible at (208) 287-4951.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

cc: ERO RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 1, 2015

MARK TELFORD
PO BOX 511
ARCO ID 83213

RE: Water Right Permit No. 34-02486

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

_____ **Place(s) of Use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-287-4951

Sincerely,

for Pam Skaggs
Water Rights Supervisor

Enclosure(s)

c: ERO Resources

MEMORANDUM

Date: March 31, 2015
To: Permit 34-2486
From: Pamela Skaggs *CS*
Re: License Review Adjustment

After reviewing this water right record I recommend the supplemental ground water use under this right coincide with the overlapping surface water rights.

- The original 200 acre irrigation permit was issued in 1966
- Proof of Beneficial Use was due in 1971
- Permit lapsed 1971
- SRBA Partial Decrees issued for overlapping surface water rights in 2001
- Permit was reinstated in 2002
- Field exam by certified examiner submitted 2013
- Earliest aerial photo representing the irrigated place of use in 1978

This ground water right was developed supplementing the surface water rights and will be limited in combination to the same 188 acres. An amendment is required to adjust the place of use. The recommended acres cover the current existing pivots and some additional area irrigated outside the pivots by the previous gravity system most likely in place during the development period.

MEMORANDUM

TO: Water Right File – 34-2486

FROM: Patrick Kelly – Water Resource Agent

DATE: March 26, 2015

SUBJECT: Review of Water Right File for Licensing

This water right field exam was completed by Dave Shaw of ERO Resources Corp. and was received by the Department on Aug 22, 2013. This is a review of the information from the field exam.

OVERLAP REVIEW: Field examiner identified all water rights that overlap the property. 34-258, 34-855 & 34-862 are Big Lost River surface rights which this right supplements. Other rights are owned by Big Lost River Irrigation.

POINT OF DIVERSION: Legal description matches points identified on field map.

PLACE OF USE: Area was measured using aerial imagery and ArcMap tools. Irrigated ground according to the shape I measured totals 175.8 acres. This is slightly less yet comparable to the field report recommendation.

DIVERSION RATE: The field examiner used a Polysonics unit to measure a stabilized diversion rate of 1,720 gallons per minute, or 3.83 cfs. $175.8 \text{ ac} * 0.02 \text{ cfs/ac} = 3.52 \text{ cfs}$. Permit authorizes a rate of 4.00 cfs, so 3.52 cfs will be recommended for licensing.

VOLUME: $175.8 \text{ ac} * 3.5 \text{ af/ac} = 615.3 \text{ af}$. This volume is less than the field report given the lesser acreage used to calculate volume.

AMENDMENTS: Place of Use needs to be fixed to include all of the irrigated land, as recommended in the field report.

Process	Basin Sequence	Draft	Owner	Source	POD/POU	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total Acres	
Water Right	34-10058	N	SCHUREMAN, DOUGLAS D; SCHUREMAN, LORE	GROUND WATER	POU											38.0	32.0					70	
Water Right	34-10161	N	FOLKMAN, LEON D; FOLKMAN,	GROUND WATER	POU																X	0	
Water Right	34-10746	N	SOWARDS, LEOTA M; SOWARDS, WILLIAM T	GROUND WATER	POU														X			0	
Water Right	34-10873	N	BIG LOST RIVER IRRIGATION	BIG LOST RIVER	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-10935	N	BIG LOST RIVER IRRIGATION	BIG LOST RIVER	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-12	N	BIG LOST RIVER IRRIGATION	BIG LOST RIVER	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-13	N	BIG LOST RIVER IRRIGATION	ANTELOPE CREEK	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-13569	N	SCHUREMAN, DOUGLAS D; SCHUREMAN, LORE	BIG LOST RIVER	POU											38.0	32.0					70	
Water Right	34-13710	N	FOLKMAN, LEON D; FOLKMAN,	BIG LOST RIVER	POU															36.0	34.0	70	
Water Right	34-13712	N	FOLKMAN, LEON D; FOLKMAN,	BIG LOST RIVER	POU															36.0	34.0	70	
Water Right	34-13714	N	FOLKMAN, LEON D; FOLKMAN,	BIG LOST RIVER	POU															36.0	34.0	70	
Water Right	34-2486	Y	TELFORD, MARK	GROUND WATER	POU					40.0	40.0	40.0	40.0		40.0							200	
Water Right	34-2507	N	BIG LOST RIVER IRRIGATION	BIG LOST RIVER	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-258	N	TELFORD, MARK; TELFORD, PAIGE	BIG LOST RIVER	POU					3.0	36.0	39.0	32.0	39.0	39.0							188	
Water Right	34-281	N	SCHUREMAN, DOUGLAS D; SCHUREMAN, LORE	BIG LOST RIVER	POU											38.0	32.0					70	
Water Right	34-355	N	SCHUREMAN, DOUGLAS D; SCHUREMAN, LORE	BIG LOST RIVER	POU											38.0	32.0					70	
Water Right	34-356	N	SCHUREMAN, DOUGLAS D; SCHUREMAN, LORE	BIG LOST RIVER	POU											38.0	32.0					70	
Water Right	34-357	N	SCHUREMAN, DOUGLAS D; SCHUREMAN, LORE	BIG LOST RIVER	POU											38.0	32.0					70	
Water Right	34-4132	N	SCHUREMAN, DOUGLAS D; SCHUREMAN, LORE	GROUND WATER	POU											38.0	32.0					70	
Water Right	34-418B	N	BELL, CYNTHIA A; BELL, KENNETH O	BIG LOST RIVER	POU	40.0	25.0	21.0	39.0													125	
Water Right	34-518	N	BELL, CYNTHIA A; BELL, KENNETH O	BIG LOST RIVER	POU	40.0	25.0	21.0	39.0													125	
Water Right	34-810	N	BIG LOST RIVER IRRIGATION	BIG LOST RIVER	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-811	N	BIG LOST RIVER IRRIGATION	BIG LOST RIVER	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-817B	N	BIG LOST RIVER IRRIGATION	BIG LOST RIVER	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-818	N	BIG LOST RIVER IRRIGATION	BIG LOST RIVER	POU	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0	
Water Right	34-855	N	TELFORD, MARK; TELFORD, PAIGE	BIG LOST RIVER	POU					3.0	36.0	39.0	32.0	39.0	39.0							188	
Water Right	34-862	N	TELFORD, MARK; TELFORD, PAIGE	BIG LOST RIVER	POU					3.0	36.0	39.0	32.0	39.0	39.0							188	