

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

2015

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

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-134

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 April 23, 2015, Telford Lands LLC submitted the attached temporary change application TC-34-134 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, and 34-10925 is authorized only at the points of diversion described on the application.**
- 2. This temporary change approval does not authorize construction of a new well as a 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 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.**

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5. 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 and the irrigation of 1980 acres.
6. 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.
7. Rights 34-2459, 34-2460, 34-2461, 34-2462, and 34-7037 when combined shall not exceed the irrigation of 1664 acres.
8. 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.
9. 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.
10. 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.
11. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
12. This temporary change approval expires on November 1, 2015 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 28th day of April, 2015.



Lyle Swank
Eastern Regional Manager

TC-34-134

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 23 2015

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 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. _____

To add the "Big Hole" well and "Mark's Well" to the below water rights. The existing wells for these rights (the "Airport Wells") are likely not going to produce the decreed amounts under these rights, so the additional close-by wells are proposed to be added and used to ensure there is sufficient capacity to divert the full amounts.

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
<u>34-2459</u>	<u>April 19, 1965</u>	<u>4.17</u>	<u>Irrigation</u>	<u>4/01</u> to <u>11/01</u>
<u>34-2460</u>	<u>April 19, 1965</u>	<u>4.17</u>	<u>Irrigation</u>	<u>4/01</u> to <u>11/01</u>
<u>34-10925</u>	<u>May 1, 1982</u>	<u>7.6</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
_____	_____	<u>enlargement</u>	_____	_____ to _____

2. Total amount of water being transferred 8.34 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
3N	26E	2		SW	SE	NW	BUTTE	Ground water	Airport Well No. 1
3N	26E	2		SE	NE	SW	BUTTE	Ground water	Airport Well No. 2
3N	26E	1		SW	SE	SW	BUTTE	Ground water	Big Hole
3N	26E	12		NW	NW	NW	BUTTE	Ground water	Mark's Well

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	
				No	chan	ge	to	comb	ined	POU	of	1980	acres						

Total Acres 1980

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. Applicant is the owner of the right, and owns the Big Hole. Mark Telford is a member of the Applicant, and so use of "Marks' Well" is not an issue.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
None. The same POU will be irrigated (1980 acres under the above water rights and a number of other rights.)
- 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? As much as the right as possible would have been diverted from the Airport Wells.
- f. Describe other water rights used for the same purpose. 34-2461, -2462, -7037, and -7138.
- 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 L. Francis, Attorney for Applicant
Signature of Applicant

4/23/2015
Date

FOR DEPARTMENT USE ONLY

Received by Se Date 4/23/15 \$50 fee received by Se Receipt No. E040937
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-34-134, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____,

For the Director

Telford Lands LLC Temporary Transfer

WATER RIGHTS BEFORE TEMPORARY TRANSFER

Water Right No.	Name on Water Right	Basis	Priority Date	Source	Beneficial Use	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Individual Volume Limitation (AFA)	Combined Volume Limitation (AFA)	Individual Acre Limitation	Total Permissible Place of Use	Point of Diversion	Notes
34-2459	Telford Lands LLC	Partial Decree	April 19, 1965	Ground water	Irrigation	4.17	12.5 (with other water rights not listed)	None	8441.5 (with other water rights not listed)	238	1980 (with other water rights not listed)	SWSESNW, 3N, 26E, Sec. 2 (Airport Well) SENESEW, 3N, 26E, Sec. 2 (Airport Well)	
34-2460			April 19, 1966			4.17		None		238			

WATER RIGHTS AFTER TEMPORARY TRANSFER

34-2459	Telford Lands LLC	Partial Decree	April 19, 1965	Ground water	Irrigation	4.17	12.5	None	8441.5	238	1980	SWSESNW, 3N, 26E, Sec. 2 (Airport Well) SENESEW, 3N, 26E, Sec. 2 (Airport Well) SWSESEW, 3N, 26E, Sec. 1 (Big Hole) NWNWNW, 3N, 26E, Sec. 12 (Mark's Well)	
34-2460			April 19, 1966			4.17		None		238			

No. W 23489	Due no later than Apr 30, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE			MICHAEL TELFORD 1450 W HIGHWAY 24 PAUL 83347 3. <u>New</u> Registered Agent Signature:*
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.			
Office Held	Name	Street or PO Address	City State Country Postal Code
MEMBER	JARED P TELFORD	3198 W. 2200 N	ARCO ID USA 83213
MEMBER	MICHAEL S TELFORD	1450 W HIGHWAY 24	PAUL ID 83347
MEMBER	RYAN C TELFORD	960 N 1350 E	RICHFIELD ID 83349
MEMBER	AARON R TELFORD	1375 W HIGHWAY 24	PAUL ID 83347
MEMBER	MARK S TELFORD	1622 N 600 W	PAUL ID 83347
MEMBER	BOB M TELFORD	1309 E 1220 N	RICHFIELD ID USA 83349
5. Organized Under the Laws of: ID W 23489		6. Annual Report must be signed.* Signature: Paige Telford Date: 02/25/2015 Name (type or print): Paige Telford Title: Office Manager	
Processed 02/25/2015		* Electronically provided signatures are accepted as original signatures.	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-134

Applicant's Name: TELFORD LANDS LLC

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 _____ day of _____.

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.

