

**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.: 34-7205,)
34-14346, and 34-14347)
_____)**

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-121

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 July 3, 2014, Telford Lands LLC submitted the attached temporary change application TC-34-121 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:

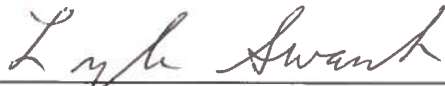
- 1. Diversion and use of right nos. 34-7205, 34-14346, and 34-14347 is authorized only at the point of diversion and place of use described on the application.**
- 2. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full 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
TEMPORARY CHANGE**

TC-34-121

5. Rights 34-7205, 34-14346, and 34-14347 when combined shall not exceed a total diversion rate of 5.37 cfs and the irrigation of 177 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 written consent of such corporation or irrigation district.
7. 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.
8. 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.
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, 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 7th day of July, 2014.



Lyle Swank
Eastern Regional Manager

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 03 2014
Department of Water Resources
Eastern Region

AMENDED

TEMPORARY CHANGE APPLICATION

AMENDED

(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, the leased water rights cannot physically be delivered through the Arco Canal to the current POU. Telford has leased the land where the water rights are used until 2017. Under this transfer, no new acres will be irrigated, but water will be used within existing authorized 1980 acre POU on app. 1620 acres.

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
34-7205	08/01/1977	4.62	Irrigation	04/01 to 11/01
34-14346	08/12/1966	.38	Irrigation	04/01 to 11/01
				to
				to
2. Total amount of water being transferred 5.0 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
4N	26E	3		SW	SW	SE	Butte	Ground water	543053 (Rass. Ex. Well)
									(This is the POD for
									34-7205).

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	
						See	Attac	hed		Spre	adsh	eet							

Total Acres 1980

6. General Information:

- a. Who owns the water right to be changed? Lost River Farms, Limited Liability Company
- b. Describe the arrangement allowing use of the right. Lease agreement and consent from water right holder.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No additional irrigation will occur this year and land will be fallowed for remainder of 2014.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☒ No If yes, explain. Irrigation did occur, but only for once cutting of hay. Water can no longer make it down the Arco Canal to the WR POU.
- e. Absent the changes, how would the right be used for the remainder of the year? Water rights will be diverted from the 34-7205 well, but used at a different POU (Telford) to supplement water supplies at the Telford POU
- f. Describe other water rights used for the same purpose. 34-14347 (surface water right not in priority).
- g. Remarks: This temporary transfer will give the applicant flexibility during difficult drought conditions to allow it to divert water where it can during the irrigation season. No new acres are proposed to be irrigated. The only changes are for where water diverted under the water rights can be used for irrigation.

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. Jamies
Signature of Applicant

July 3, 2014
Date

FOR DEPARTMENT USE ONLY

Received by M. HOLLIDAY Date 7/3/14 \$50 fee received by JJ Receipt No. E040002
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-34-121, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____,

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 02 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, the leased water rights cannot physically be delivered through the Arco Canal to the current
POU. Telford has leased the land where the water rights are used until 2017. Under this transfer, no new acres
will be irrigated, but water will be used within existing authorized 1980 acre POU on app. 1620 acres.

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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>
<u>34-7205</u>	<u>08/01/1977</u>	<u>4.62</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
<u>34-14346</u>	<u>08/12/1966</u>	<u>.38</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 5.0 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of diversion:

Twtp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
4N	26E	3		SW	SW	SE	Butte	Ground water	543053 (Rass. Ex. Well)

5. Lands irrigated or place of use:

Twtp	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	

Total Acres 1980

6. General Information:

- a. Who owns the water right to be changed? Lost River Farms, Limited Liability Company
- b. Describe the arrangement allowing use of the right. Lease agreement and consent from water right holder.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No additional irrigation will occur this year and land will be fallowed for remainder of 2014.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☒ No If yes, explain. Irrigation did occur, but only for once cutting of hay. Water can no longer make it down the Arco Canal to the WR POU.
- e. Absent the changes, how would the right be used for the remainder of the year? The water rights will be diverted from their authorized well, but used at a different POU (Telford) to supplement water supplies at the Telford POU
- f. Describe other water rights used for the same purpose. 34-14347
- g. Remarks: This temporary transfer will give the applicant flexibility during difficult drought conditions to allow it to divert water where it can during the irrigation season. No new acres are proposed to be irrigated. The only changes are for where water diverted under the water rights can be used for irrigation.

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. James, Attorney
Signature of Applicant

July 2, 2014
Date

FOR DEPARTMENT USE ONLY

Received by M. Holliday Date 7/2/2014 \$50 fee received by JS Receipt No. E040002
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-34-121, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

PLACE OF USE DESCRIPTION

[illegible]

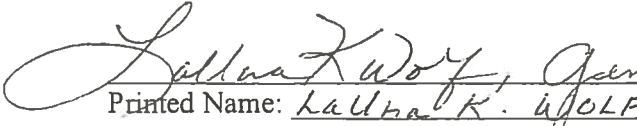
7-2, 2014

To: Idaho Department of Water Resources

From: Douglas Wolf, Managing Partner of Lost River Farms, Limited Liability Company

Subject: Temporary Transfer of Water Rights: Telford Lands LLC

I am the owner of Water Right Nos. 34-7205 and 34-14346, which are appurtenant to property I own just east of Arco. I have leased this property to Telford Sun Valley Seed. I hereby consent to Telford Lands LLC's use of these water rights on the lands described on the attached Exhibit 1 for the 2014 irrigation season. I understand that use of these water rights on Telford's property means that water diverted under these rights can no longer be used on my property for the remainder of the 2014 irrigation season. I am not conveying title to these water rights, but merely am consenting to their use by Telford.

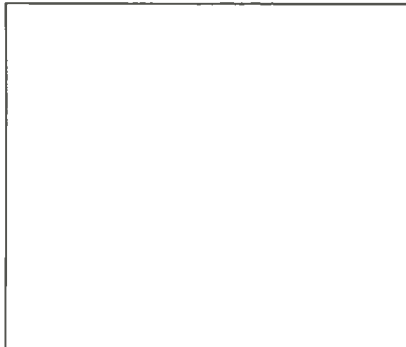

Printed Name: LaUna K. Wolf General Partner of:
Lost River Farms, LLC

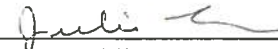
STATE OF Idaho)
) ss.
COUNTY OF Bonner)

On this 2nd day of July 2014, before me, a Notary Public for said County and State, personally appeared LaUna K. Wolf, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as general partner

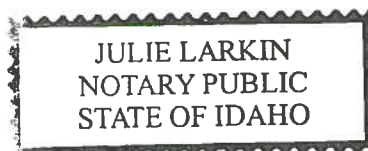
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dated: 7-2, 2014





Notary Public
Residing at Ponderay
My commission expires 1-19-2016



This lease agreement is between Lost River Farms LLC and Telford Sun Valley Seed

This lease is entered into this June 22, 2013

Between Lost River Farms LLC, landlord; and Telford Sun Valley Seed, renter.

The location of the farm is: Arco Idaho, See attached legal description.

Rent is calculated as follows:

The term of this lease shall be 5 crop year, April 1, 2013 to December 30, 2017, with a right of first refusal to rent the farm for the following year.

The terms of this lease are cash rent for Irrigated Farm Ground under above legal description. Surface and ground water rights pertinent to this ground are included in this lease agreement.

Payments to be made as follows: First annual lease payment to be paid on or before May 1, 2013; then on or before May 1 of each year thereafter.

Renter reserves the Right of First Refusal of a sale of the above mentioned farm ground until lease expires. If ground is sold and Right of First Refusal option is not exercised by the renter, the terms of this lease still apply under the new ownership. This lease is binding upon all successors, heirs, etc.

The renter shall pay all electric power costs incurred.

The landlord is to obtain permits that legally allow for pivot to run through the canal, as well as any and all other permits necessary to irrigate the above stated farm. Tenant shall maintain the bridges that carry the center pivot over the canal.

Landlord has in place transport agreement with Big Lost Irrigation District to transport 2100 gpm to point of use

Landlord will pay the cost of getting the irrigation system function able to grow a high quality crop.

Miscellaneous Provisions:

Landlord will pay for expense of irrigation upgrade on the south farm. Telford's will oversee irrigation upgrade, and will approve every expenditure of the project with the landlord.

In the event that irrigation water is curtailed or undeliverable to the farm headgates, rent will be prorated to the irrigatable days in the season.

Livestock grazing is allowed by renter. If other cattle outside of Telford's are grazed, income will be split with landlord.

The renter is allowed to participate in Government programs

The renter shall carry liability insurance

The renter shall make adequate efforts to control weeds

The renter has plans to rotate crops at his discretion and apply herbicides, pesticides, and fertilizer to ground at label rates. Aerial application is allowed.

All normal wear on the irrigation system is the responsibility of the renter up to \$500 per event. All major repairs including but not limited to: deep well, booster pumps, and electrical panels are the responsibilities of the landlord.

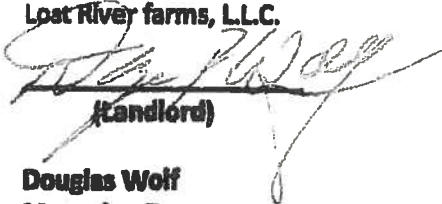
Renter will be responsible to pay Irrigation District Dues and other water fees for the years he rents the farm.

All damage caused by renter is the responsibility of the renter.

Renter is provided access to the above stated farm ground to produce and harvest high quality crops. This may include access through corners, edges of field, etc.

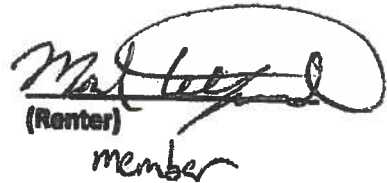
The parties have signed this lease agreement on the date first above written,

Lost River farms, LLC.



(Landlord)

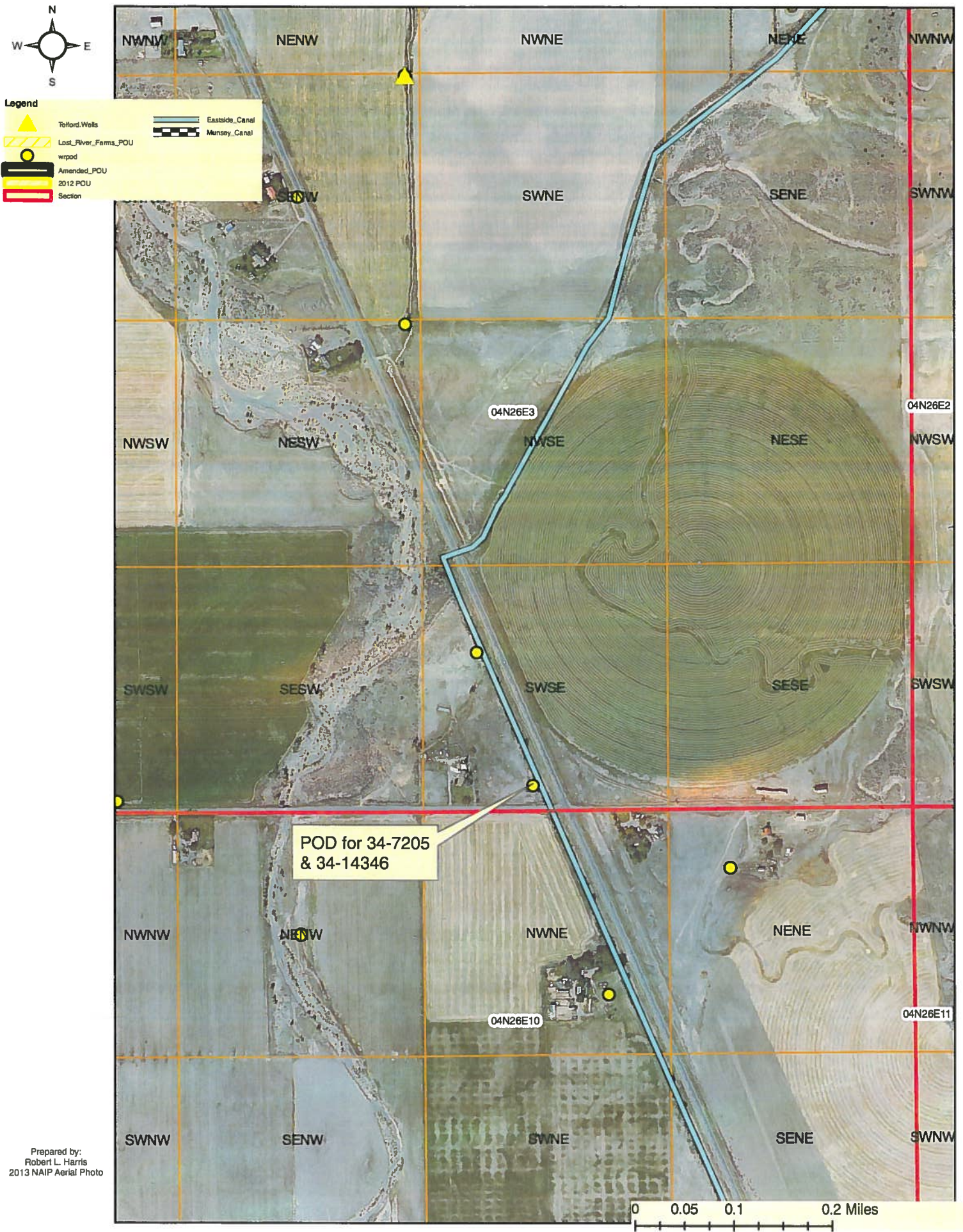
Douglas Wolf
Managing Partner



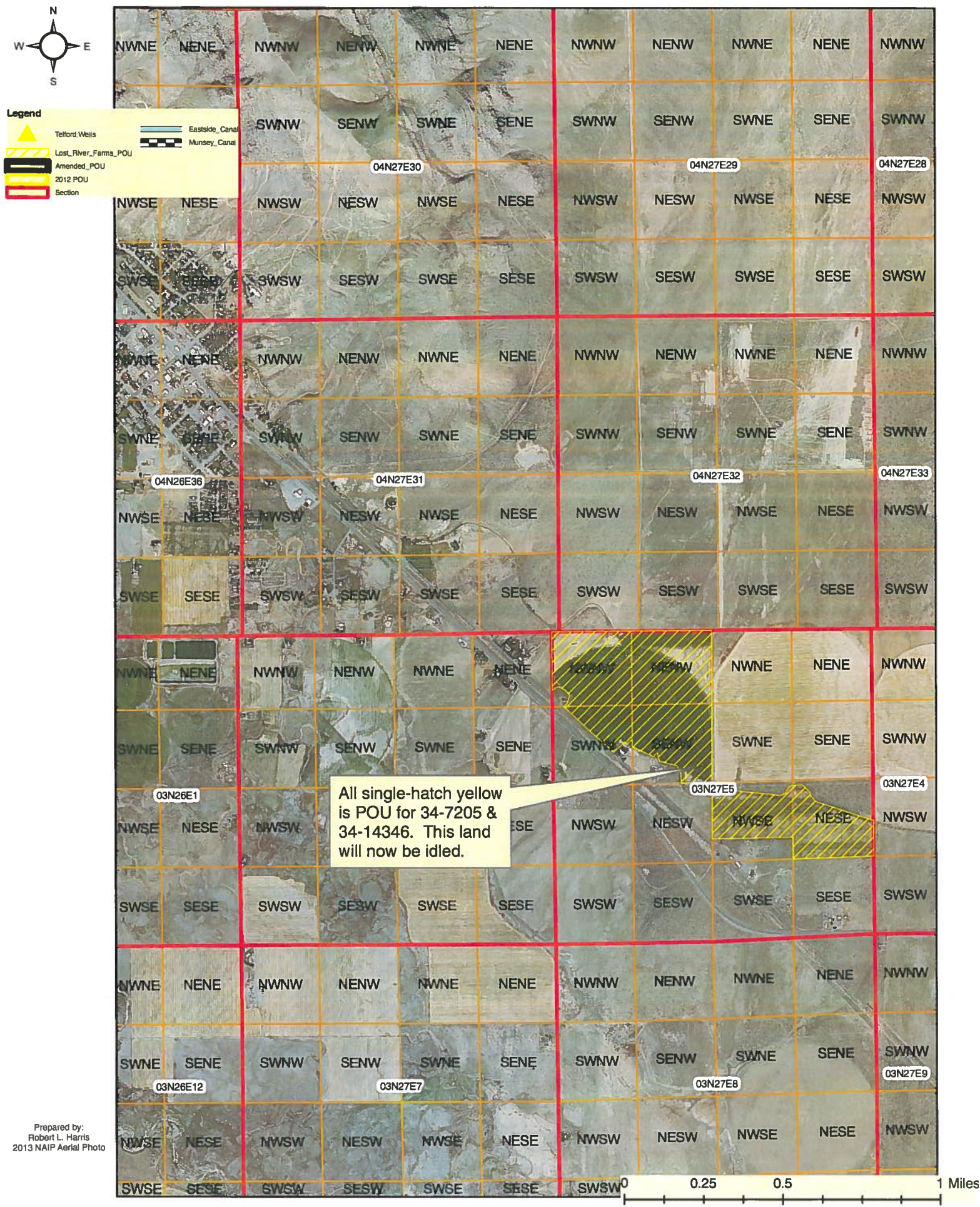
(Renter)

member

TELFORD LANDS, LLC TEMPORARY TRANSFER



TELFORD LANDS, LLC TEMPORARY TRANSFER



12899

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-121

Applicant's Name: _____

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 3 day of July, 2014.

Water District No: 34

M. Todd Parker
Watermaster's Signature

Use reverse side of page if you need more space.

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-121

Applicant's Name: _____

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 3 day of July, 2014.

Water District No: 34

[Signature]
Watermaster's Signature
mgr BLRID

Use reverse side of page if you need more space.