

**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.: 34-2480A,)
34-7028A, and 34-7234)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-118

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 June 10, 2014, Telford Lands LLC submitted the attached temporary change application TC-34-118 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
TEMPORARY CHANGE**

TC-34-118

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, 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 13th day of June, 2014.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 10 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 owned by Standlee. Standlee has leased the water rights and the Toone well to Telford for 2014. 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>
_____	_____	_____	_____	_____ to _____
_____	<u>See</u>	<u>attached</u>	<u>spreadsheet</u>	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 6.6 cubic feet per second and/or 1071 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

6. General Information:

- a. Who owns the water right to be changed? The Michael G. Standlee & Whendy L. Standlee Living Trust
- b. Describe the arrangement allowing use of the right. Lease agreement. We will submit a copy to IDWR.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No irrigation will occur on the currently authorized POU under the water rights.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☒ No If yes, explain. No irrigation actually occurred. The well was turned on, but it did not reach the POU because of drought and ditch loss.
- 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. 34-196D, -10100, -2491B, and -195C (surface rights).
- 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.

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 C. Jannis, Attorney
Signature of Applicant

June 10, 2014
Date

FOR DEPARTMENT USE ONLY

Received by M. Holliday Date 6/10/14 \$50 fee received by Y Receipt No. E039910
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-34-118, 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

N

W

S

E

Legend

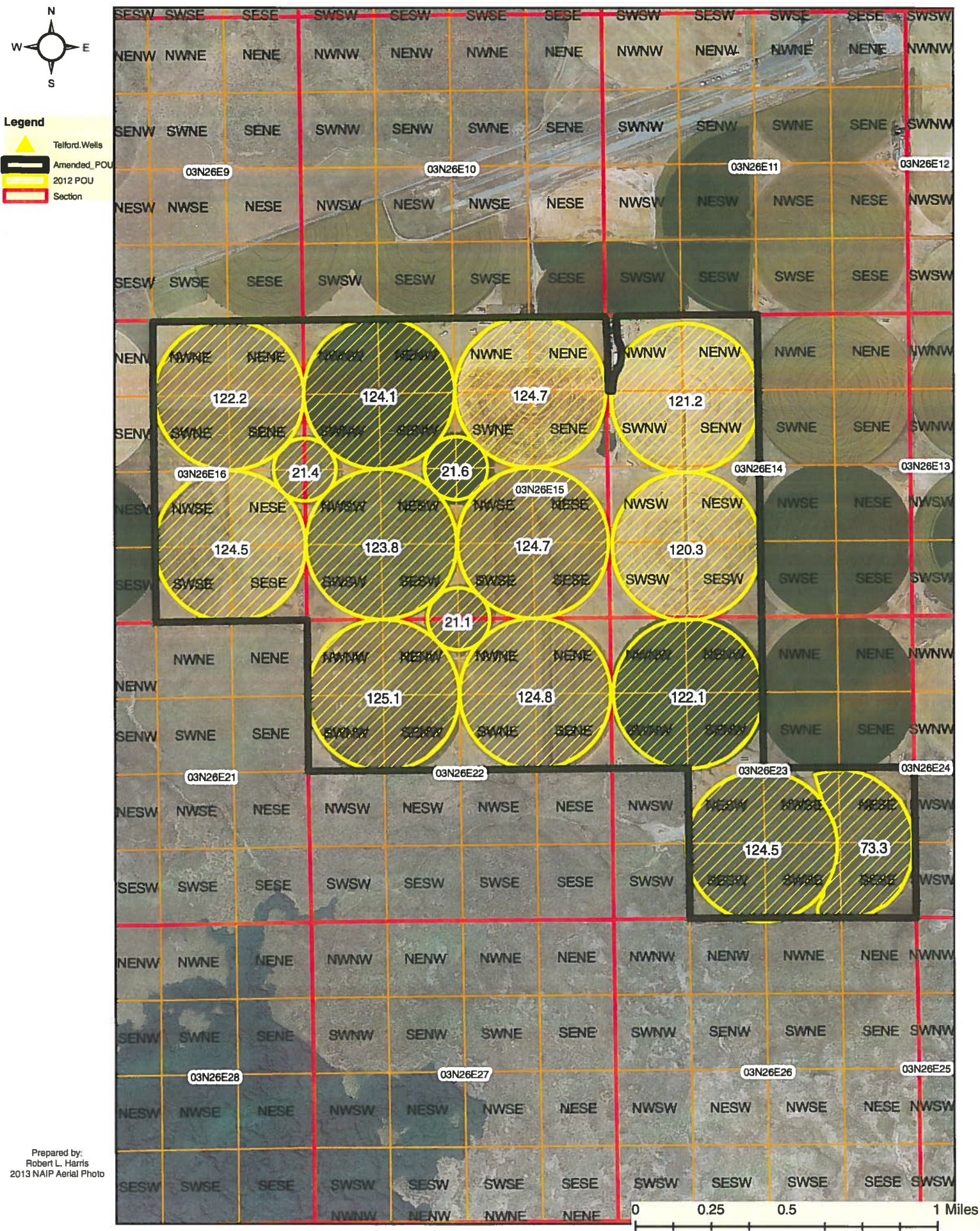
Telford Wells

wrpd

Section



TELFORD LANDS, LLC TEMPORARY TRANSFER



STANDLEE 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	Current Combined Acres Limitation	Combined Acres Limitation AFTER Temporary Transfer	Point of Diversion
Michael G. Standlee and Whandy L. Standlee Living Trust	34-7028A	Aug. 1, 1972	Ground Water	Irrigation	4.3	6.6	None	1071	224	306	1980 PPOU (1620 actually irrigated in 2014)	NESESW, Sec. 34, T5N, R26E (Toona Well)
	34-2480A	May 1, 1986	Ground Water	Irrigation	0.79		None					
	34-7234	Aug. 15, 1979	Ground Water	Irrigation	1.66		None		119			
TOTALS						6.6	n/a	1071		306	1980 (1620)	

EXHIBIT A
(Legal Description)

Parcel 1:

Township 3 North, Range 27 E.B.M., Butte County, Idaho

Section 4: Lots 3 and 4; S $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 5: Lots 1 and 2; S $\frac{1}{2}$ NE $\frac{1}{4}$

Section 10: NE $\frac{1}{4}$ NW $\frac{1}{4}$, except the West 330 feet; NW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT the right-of-way of State Highway as granted to State of Idaho, in Book 15 of Deeds, Page 694.

Parcel 2:

Township 3 North, Range 27 E.B.M., Butte County, Idaho

Section 10: The West 330 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT the right-of-way of State Highway as granted to State of Idaho, in Book 18 of Deeds, Page 64.

TOGETHER WITH any and all water rights appurtenant thereto, including, but not limited to, Idaho Department of Water Resources Water Right Nos. 34-10100, 34-7234; 34-7028A; 34-196D; 34-2509; 34-7111A; 34-2491B; 34-437; 34-43; 34-7226B; 34-2480A; 34-195C; 34-2491A and 34-7112.

Real Estate Lease

November 7, 2013

Standlee Ag Resources, 826 South 1700 East, Eden, Idaho, hereafter referred to as SAR:

AND

Mike Telford, hereinafter referred to as Tenant.

SAR hereby leases to Tenant the premises described as follows:

Arco, Butte City Farm

Fields 101, 102, 103, 104, 105, 106, with acres totaling 611.8.

(See Attached Legal Description)

This acreage will be leased at a cost per acre of [REDACTED] for a total amount of [REDACTED]

Tenant shall at his own expense provide the following utilities: irrigation water assessment, power, irrigation, and normal wear-and-tear maintenance.

SAR shall provide the property taxes.

Tenant shall use the premises for the sole purpose of farming.

Upon expiration of the lease, Tenant will turn over possession of the leased premises in its present condition, reasonable wear-and-tear accepted.

This lease shall be in effect for a period of one calendar year, commencing on November 7, 2013.

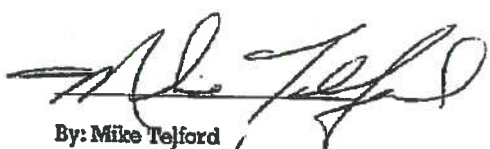
IN WITNESS WHEREOF, the parties hereto have subscribed their names hereunto on the day and year first written above.

Standlee Ag Resources

Mike Telford


By: Dusty Standlee, President

Dated: 


By: Mike Telford

11/9/13

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER**

Applicant's Name: TELFORD LANDS LLC

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 11 day of June, 2014.

Water District No. 39

Watermaster's Signature

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12/99

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER**

Application No: TC-34-118Applicant'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 12 day of June, 2014.Water District No: 34M. Todd Perkins
Watermaster's Signature

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