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Form 42-1761
01/03

DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____
Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Telford Lands LLC Phone 208-431-5957
Post office address 1450 W. Hwy. 24, Paul, ID 83347

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 34-7092 Decreed to Everett T. Acor
(Name)
in case of In Re SRBA vs _____
dated Jul 15, 2002 in Twin Falls county of District Court of Fifth Judicial District
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (if the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: 6.4 cubic feet per second &/or 1185.33 acre-feet per annum.
- b. Point of diversion: NE ¼ of NW ¼, NE ¼ of Section 4 Township 4N Range 26E,
B.M. in BUTTE County.
Additional points NENENW, T4N., R26E., SEC. 5; SENWSE, T5N., R26E., SEC.
29; SESWNE, T5N., R26E., SEC. 32; SENWSE, T5N., R26E., SEC. 32

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	25E	35	32	33	40	32.2													137.2
		36	29.1	32.6	33	30.6									33.1	40	3.1		201.5

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 338.7

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

See attached Deed.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Used last year when lessor purchased the property. Aerial photography from 2006 shows that lands were irrigated by pivot. When water supplies diminished, corners were no longer irrigated, but pivots continued to be used. The Water Right listed above has not been abandoned or forfeited.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

N/A

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

See attached spreadsheet of water rights. Present place of use will be irrigated because there is a lease from the water bank tied to this lease to the water bank. The lease is necessary to temporarily allow use of wells in NWNW of T5N., R26E., Sec. 21 because of well production issues at authorized points of diversion.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. REMARKS:

See attached spreadsheet of water rights. Present place of use will be irrigated because there is a lease from the water bank tied to this lease to the water bank. The lease is necessary to temporarily allow use of wells in NWNW of T5N., R26E., Sec. 21 because of well production issues at authorized points of diversion. The contemporaneous lease from the water supply bank is also included.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

√ For lease for a period from 07/15/2009 to 10/15/2011
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

Current Rental Rate.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

July 15, 2009
Date

Robert L. Francis, ATTORNEY FOR
Signature
TELFORD LANDS, LLC

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/15/2009

WATER RIGHT NO. 34-7092

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TELFORD LANDS LLC C/O MIKE TELFORD 1450 W HWY 24 PAUL, ID 83347
Attorney	HOLDEN KIDWELL HAHN & CRAPO C/O KENT W FOSTER PO BOX 50130 IDAHO FALLS, ID 83405-0130 (208)523-0620
Original Owner	EVERETT T ACOR JR 3196 N YELLOWSTONE HWY IDAHO FALLS, ID 83401 (208)524-5138

Priority Date: 01/14/1975

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	12 CFS	2222.5 AFA
Total Diversion			12 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENWNE Lt 2	Sec. 04	Township 04N	Range 26E	BUTTE County
GROUND WATER	NWNWNE Lt 2	Sec. 04	Township 04N	Range 26E	BUTTE County
GROUND WATER	NENENW Lt 3	Sec. 05	Township 04N	Range 26E	BUTTE County
GROUND WATER	SWNWNW	Sec. 21	Township 05N	Range 26E	BUTTE County
GROUND WATER	SENWSE	Sec. 29	Township 05N	Range 26E	BUTTE County
GROUND WATER	SESWNE	Sec. 32	Township 05N	Range 26E	BUTTE County
GROUND WATER	SENWSE	Sec. 32	Township 05N	Range 26E	BUTTE County

IRRIGATION Use:

Acre Limit: 635

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03N	25E	12		NENE	39		NWNE	40		SWNE	40		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	31		NWSW	32		SWSW	31		SESW	32
				NESE	39		NWSE	40		SWSE	36		SESE	36
				NENE	11		NWNE	25						
	26E	17		NENW	37		NWNW	39		SWNW	13		SENE	5
				NENE	35		NWNE	39		SWNE	36		SENE	25
				NENW	38	1	NWNW	26	2	SWNW	37		SENE	40
				NESW	17	3	NWSW	10						
				NWSE	2									
04N	25E	35		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
				NENE	38		NWNE	40		SWNE	40		SENE	39
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESE	40
				NESE	39		NWSE	40		SWSE	40		SESE	39
		36		NENE	40		NWNE	40		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40
				NENE	38		NWNE	40		SWNE	40		SENE	39

Total Acres: 1985

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 635 acres within the place of use described above in a single irrigation season.
2.		Rights 34-618, 34-02330B, 34-07080B, 34-07121A, 34-07121B, 34-07092, 34-07077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed the

		irrigation of 2124 acres.
3.	X35	Rights 34-2330B, 34-07077, 34-07080B, 34-07092, 34-07121A, 34-07121B, 34-12376, 34-13840, 34-13842, and that portion of ground water right no. 34-07179 not associated with water right no. 34-618, when combined, shall not exceed a total diversion rate of 37.03 cfs, and shall not exceed a total annual maximum diversion volume of 6,947.5 af at the field headgate.
4.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5.	186	Diversion of water from the additional well(s) authorized under Transfer 74921 located in NWNWNE LT2, Sec. 4, T04N, R26E shall not exceed a maximum diversion rate of 5.00 cfs.
6.	X61	The period of use for the irrigation described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/15/2002.
7.	R05	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.
8.	R02	A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
9.	065	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.
10.		Water delivered through the Moore Diversion and Timberdome Canal.
11.	104	If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12.	X50	The well previously used under Right 34-7092, which will no longer be used, shall be abandoned in a manner which complies with Department well abandonment rules.
13.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
14.		Construction of new wells at the location of existing points of diversion is not authorized unless the water right holder obtains approval through an application for transfer, and the Department determines, by considering the transfer, whether the construction of and pumping from new wells will injure other water rights.
15.	131	Prior to the diversion and use of water under Transfer approval 74921, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
16.	T07	The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
17.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
18.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date:

Decreed Date: 07/15/2002

Permit Proof Due Date: 10/1/1987

Permit Proof Made Date: 6/28/1985

Permit Approved Date: 7/14/1975

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 01/14/1975

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 2124

Combined Volume Limit: 6947.5

Combined Rate Limit: 37.03

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

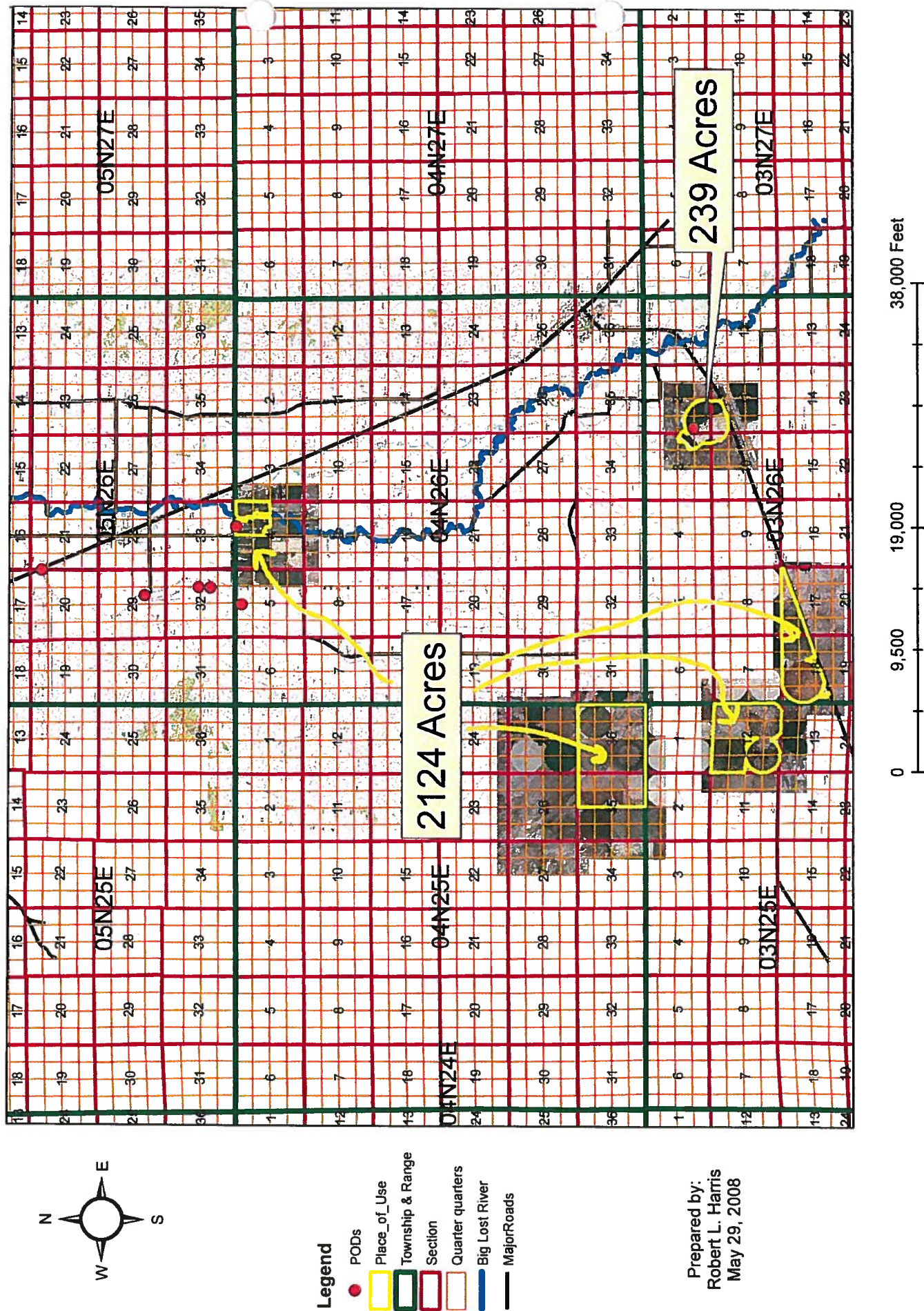
Cary Act Number:

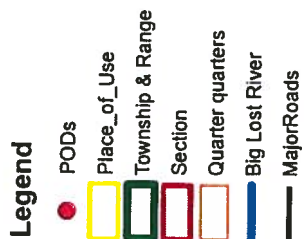
Mitigation Plan: False

Telford Lands LLC Water Rights

Water Right No.	Current Name on Water Right	Basis	Priority Date	Source	Beneficial Use	Period of Use	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Combined Volume Limitation (AFY)	Total Place of Use Acreage	Point of Diversion	Place of Use Description
34-7179 (portion)	Telford Lands LLC	Partial Decree	Apr. 6, 1982	Ground Water	Irrigation	04/01 to 10/31	2.78	37.03	8547.8	1265	L2(NENWNE) 4N, 26E, Sec. 4 L3 (NENW), 4N, 26E, Sec. 5 SWNWNW, 5N, 26E, Sec. 21 (Burnett Well) SENWSE, 5N, 26E, Sec. 29 SESWNE, 5N, 26E, Sec. 32 SENWSE, 5N, 26E, Sec. 32 L2(NWNWNE) 4N, 26E, Sec. 4	See Attached Spreadsheet
34-23308	Telford Lands LLC	Partial Decree	June 1, 1977	Ground Water	Irrigation	04/01 to 10/31	1.75					
34-7077	Telford Lands LLC	Partial Decree	Sept. 5, 1974	Ground Water	Irrigation	04/01 to 11/01	8					
34-70808	Telford Lands LLC	Partial Decree	Sept. 23, 1974	Ground Water	Irrigation	04/01 to 10/31	5.33					
34-7082	Telford Lands LLC	Partial Decree	Jan. 14, 1975	Ground Water	Irrigation	04/15 to 10/15	12					
34-7121A	Telford Lands LLC	Partial Decree	Jan. 9, 1976	Ground Water	Irrigation	04/15 to 10/15	0.48					
34-7121B	Telford Lands LLC	Partial Decree	Jan. 9, 1976	Ground Water	Irrigation	04/01 to 11/01	3.74					
34-12376	Telford Lands LLC	Partial Decree	June 1, 1977	Ground Water	Irrigation	04/01 to 10/31	1.25					
34-13840	Telford Lands LLC	Partial Decree	Apr. 6, 1982	Ground Water	Irrigation	04/01 to 10/31	1.26					
34-13842	Telford Lands LLC	Partial Decree	Dec. 17, 1975	Ground Water	Irrigation	04/01 to 11/01	0.46					

TELFORD WATER RIGHTS





Prepared by:
Robert L. Harris
May 29, 2008

