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FEB 23 2024

DEPT. OF WATER RESOURCES
EASTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Telford Lands LLC Phone 208-431-5957
 Mailing address 1450 W. Hwy 24, Paul, ID 83347-8666 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Robert L. Harris, Holden, Kidwell, Hahn & Crapo, P.L.L.C. Phone 208-523-0620
 Mailing address P.O. Box 50130, Idaho Falls, ID 83402 Email rharris@holdenlegal.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Robert L. Harris Robert L. Harris, Attorney Feb. 20, 2024
 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

 Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8](#)?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Applicant swapped 160-acre properties with neighboring landowner making it easier to install a previously planned pivot.
Transfer only proposes to shift 120 acre portion of POU from the SW1/4 of Sec. 26 to the SE1/4 of Sec. 26
of 4N 25E. POU was recently cleaned up and updated under a prior transfer (Transfer No. 87389).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
☐ All or ☐ Part	SEE ATTACHED	SPREAD	SHEET	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____
☐	_____	_____	_____	_____ to _____	_____

Total authorized under rights 40.4 cfs and/or 7584.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 2.28 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

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	ATT	ACH	ED													
Total Acres (for irrigation use)																			2124

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Diversion of water from wells into Timberdome delivery system for rediversion into pivots and other sprinklers.
- b. Who owns the property at the point(s) of diversion? Applicant, Boyd Burnett, Dean Anderson, R. Babcock.
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Long-established easement rights.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

 It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
POU for one 120 acre pivot will be shifted from SW1/4 to SE1/4 of Section 26, Township 4N., Range 25E.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None.
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☒ ☐ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?
If yes, describe:
See attached WSB Lease Contract 1645, and WSB Rental Contract Nos. 767 and 748. This transfer does not affect the leased portions of these water rights.

PLACE OF USE DESCRIPTION AFTER PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	25E	12	40	40	40	40	40	40	40	40	35	33	34	33	40	40	39	36	610
3N	26E	17	11	26			38	39	14	2									130
3N	26E	18	40	40	35	28	40	27	37	40	16	12				1			316
4N	25E	26													30	30	30	30	120
4N	25E	35	32	33	40	33									32	40	33	32	275
4N	25E	36	33	34	36	33	33	34	36	35	34	34	34	33	31	32	32	30	534
4N	26E	4	37	34	36	32													139
TOTAL																			2124.0

PLACE OF USE DESCRIPTION BEFORE PROPOSED CHANGES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	25E	12	40	40	40	40	40	40	40	40	35	33	34	33	40	40	39	36	610
3N	26E	17	11	26			38	39	14	2									130
3N	26E	18	40	40	35	28	40	27	37	40	16	12				1			316
4N	25E	26									30	30	30	30					120
4N	25E	35	32	33	40	33									32	40	33	32	275
4N	25E	36	33	34	36	33	33	34	36	35	34	34	34	33	31	32	32	30	534
4N	26E	4	37	34	36	32													139
TOTAL																			2124.0

CHANGE IN ACRES

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	25E	12																	
3N	26E	17																	
3N	26E	18																	
4N	25E	26									-30	-30	-30	-30	30	30	30	30	
4N	25E	35																	
4N	25E	36																	
4N	26E	4																	
TOTAL																			0.0

Total positive change in acres	120.0	Used for calculating filing fee
Total negative change in acres	-120.0	
Total WR Allowed Diversion Rate	40.40	
WR Rate/Acre	0.0190	
Diversion Rate for Positive Change in Acres	2.2825	
Diversion Rate for Negative Change in Acres	2.2825	
Filing Fee Based on Positive Change	\$660.00	
Filing Fee Based on Negative Change	\$660.00	

TELFORD LANDS LLC WATER RIGHTS

Water Right No.	Basis	Priority Date	Source	Period of Use	Beneficial Use	Point of Diversion	Individual Diversion Rate Limitation (cfs)	Combined Diversion Rate Limitation (cfs)	Individual Volume Limitation (AFA)	Combined Volume Limitation (AFA)	Individual Acre Limitation	Total Place of Use
34-618	Partial Decree	Sept. 1, 1884	Big Lost River	4/1 to 10/31	Irrigation	NWSESE, 5N, 26E, Sec. 4	3.2	3.37	n/a	486.5	139	2124
34-7179 (portion)	Partial Decree	Apr. 6, 1982	Ground Water	4/1 to 11/01	Irrigation	L2(NENWNE) 4N, 26E, Sec.4 (Dad's Place Well) L3 (NENENW), 4N, 26E, Sec. 5 (Niederer well) SWNWNW, 5N, 26E, Sec. 21 (Burnett Well) SENWSE, 5N, 26E, Sec. 29 (Babcock Well) SESWNE, 5N, 26E, Sec. 32 (N. McAfee Well) SENWSE, 5N, 26E, Sec. 32 (S. McAfee Well) L2(NWNWNE) 4N, 26E, Sec.4 (River 2 Well)	0.17		n/a			
34-7179 (portion)	Partial Decree	Apr. 6, 1982	Ground Water	4/1 to 11/01	Irrigation		2.61	37.03	1185.5	6947.5	none	
34-2330B	Partial Decree	June 1, 1977	Ground Water	4/1 to 10/31	Irrigation		1.75		429		122.5	
34-7077	Partial Decree	Sept. 5, 1974	Ground Water	4/1 to 11/01	Irrigation		8		700		200	
34-7080B	Partial Decree	Sept. 23, 1974	Ground Water	4/1 to 11/01	Irrigation		5.33		1001		286	
34-7092	Partial Decree	Jan. 14, 1975	Ground Water	4/1 to 10/15	Irrigation		12		2222.5		635	
34-7121A	Partial Decree	Jan. 9, 1976	Ground Water	4/1 to 10/15	Irrigation		0.46		169		286	
34-7121B	Partial Decree	Jan. 9, 1976	Ground Water	4/1 to 10/15	Irrigation		3.74		1106		316	
34-12376	Partial Decree	June 1, 1977	Ground Water	4/1 to 10/31	Irrigation		1.25		306.3		87.5	
34-13840	Partial Decree	Apr. 6, 1982	Ground Water	4/1 to 10/31	Irrigation		1.26		248.5		71	
34-13842	Partial Decree	Dec. 17, 1975	Ground Water	4/1 to 11/01	Irrigation		0.46		196.2		140	
34-13659	Partial Decree	June 1, 1889	Big Lost River	5/1 to 10/15	Irrigation	NWSESE, 5N, 26E, Sec. 4	0.97	None	None	150.5	43	
34-13661	Partial Decree	June 1, 1890	Big Lost River	5/1 to 10/15	Irrigation	NWSESE, 5N, 26E, Sec. 4	1	None	None			
					TOTALS		42.2	40.4	7564	7584.5	2326	2124

The diversion rate limitations for 34-618 and the portion of 34-7179 was calculated after review of the preliminary order approving the prior transfer.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/1/2024

Water Right 34-618

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 9/1/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use
IRRIGATION

From
05/01

To
10/15

Diversion Rate
3.200 CFS

Volume

Total Diversion 3.200 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSESE

Sec. 4, Twp 05N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 139.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 139 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.

IDAHO DEPARTMENT OF WATER RESOURCES

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Proof Report

3. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
4. 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.
5. R43 The right holder shall maintain a measuring device, or other suitable method of measurement, and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. F01 Water is delivered through the Moore Diversion.
7. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
8. 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 place of use.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. 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.
11. T19 Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Combined Use Limits:**Rate****Volume****Acres****Water Rights**

2,124.0

34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

N/A

Water Supply Bank:**Lease ID: 1645**

Lease Type: Contract

Lease Status: Active

Lease Start Date: 1/1/2023

Lease End Date: 12/31/2027

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.19	0.00	123.20	123.20

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Water Right 34-2330B

Owner Type
 Current Owner

Name
 TELFORD LANDS LLC

Priority Date: 6/1/1977

Basis: Decreed

Status: Active

Source
 GROUND WATER

Tributary

Beneficial Use
 IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/01	10/31	1.750 CFS
<u>Total Diversion</u>		1.750 CFS

<u>Volume</u>
429.0 AF
429.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SEWNSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SEWNSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 122.50
 POU Total Acres: 2,124.0

Conditions of Approval:

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1. X27 This right is limited to the irrigation of 122.5 acres within the place of use described above in a single irrigation season.
2. X35 Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
3. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
4. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
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. 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.
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. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
10. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
11. 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.
12. F01 Water delivered through the Moore Diversion and Timberdome Canal.
13. Construction of new wells at the location of existing points of diversion is not

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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.

14. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. 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.
16. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

SubCaseNumber: 34-2330B
 Class: 1
 SF5 Filed Date:
 Special Master Recom Signed Date:
 Attorney Assigned:
 Adjudication Agent:
 Basis of Claim: License
 Date Filed: 2/25/1993
 Objection Status: Active

Water Supply Bank:**Lease ID: 1645**

Lease Type: Contract
 Lease Status: Active
 Lease Start Date: 1/1/2023
 Lease End Date: 12/31/2027

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.10	24.88	7.11	123.20

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5/1/2024

Water Right 34-7077

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 9/5/1974

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

From **To**
04/01 11/01
Total Diversion

Diversion Rate **Volume**
8.000 CFS 700.0 AF
8.000 CFS 700.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SEWNSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SEWNSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 200.00
POU Total Acres: 2,124.0

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
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5/1/2024

1. X27 This right is limited to the irrigation of 200 acres within the place of use described above in a single irrigation season.
2. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
3. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
4. 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.
5. 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.
6. 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.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
9. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. 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 place of use.
11. F01 Water delivered through the Moore Diversion and Timberdome Canal.
12. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
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13. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
14. 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.
15. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

SubCaseNumber: 34-7077
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 2/25/1993
Objection Status: Active

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.46	40.60	11.60	123.20

IDAHO DEPARTMENT OF WATER RESOURCES
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5/1/2024

Water Right 34-7080B

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 9/23/1974

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

From **To**
04/01 11/01
Total Diversion

Diversion Rate
5.330 CFS
5.330 CFS

Volume
1,001.0 AF
1,001.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SESWSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 286.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 286 acres within the place of use

IDAHO DEPARTMENT OF WATER RESOURCES
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- described above in a single irrigation season.
2. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
 3. 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.
 4. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
 5. 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.
 6. 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.
 7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
 8. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
 9. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
 10. 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.
 11. F01 Water delivered through the Moore Diversion and Timberdome Canal.
 12. 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.
 13. T07 The right holder shall accomplish the change authorized by this transfer within

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- one (1) year of the date of this approval.
14. 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.
15. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

N/A

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract

Lease Status: Active

Lease Start Date: 1/1/2023

Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.31	58.06	16.59	123.20

IDAHO DEPARTMENT OF WATER RESOURCES
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5/1/2024

Water Right 34-7092

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 1/14/1975

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

From **To**
04/15 10/15
Total Diversion

Diversion Rate
12.000 CFS
12.000 CFS

Volume
2,222.5 AF
2,222.5 AF

Source and Point(s) of Diversion:

GROUND WATER	SESWSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 635.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 635 acres within the place of use

IDAHO DEPARTMENT OF WATER RESOURCES
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- described above in a single irrigation season.
2. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
3. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
4. 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.
5. 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.
6. 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.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
9. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. 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.
11. F01 Water delivered through the Moore Diversion and Timberdome Canal.
12. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
13. Construction of new wells at the location of existing points of diversion is not authorized unless the water right holder obtains approval through an

IDAHO DEPARTMENT OF WATER RESOURCES

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Proof Report

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.

14. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. 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.
16. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

N/A

Water Supply Bank:**Lease ID: 1645**

Lease Type: Contract

Lease Status: Active

Lease Start Date: 1/1/2023

Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.70	128.91	36.83	123.20

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5/1/2024

Water Right 34-7121A

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 1/9/1976

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.460 CFS	169.0 AF
	<u>Total Diversion</u>		0.460 CFS	169.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SENWSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SENWSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 286.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 286 acres within the place of use

IDAHO DEPARTMENT OF WATER RESOURCES
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- described above in a single irrigation season.
2. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
3. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
4. 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.
5. 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.
6. 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.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
9. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. 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.
11. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
12. F01 Water delivered through the Moore Diversion and Timberdome Canal.
13. Construction of new wells at the location of existing points of diversion is not authorized unless the water right holder obtains approval through an

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- 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.
14. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. 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.
16. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

N/A

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract

Lease Status: Active

Lease Start Date: 1/1/2023

Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.03	9.80	16.59	123.20

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Water Right 34-7121B

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 1/9/1976

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

<u>From</u>	<u>To</u>
04/01	11/01
<u>Total Diversion</u>	

<u>Diversion Rate</u>
3.740 CFS
3.740 CFS

<u>Volume</u>
1,106.0 AF
1,106.0 AF

Source and Point(s) of Diversion:

GROUND WATER	SESWSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 316.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 316 acres within the place of use

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- described above in a single irrigation season.
2. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
3. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
4. 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.
5. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
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. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. 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.
11. 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.
12. F01 Water delivered through the Moore Diversion and Timberdome Canal.
13. T07 The right holder shall accomplish the change authorized by this transfer within

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- one (1) year of the date of this approval.
14. 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.
15. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

SubCaseNumber: 34-7121B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 2/25/1993
Objection Status: Active

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.22	64.15	18.33	123.20

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Water Right 34-7179

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 4/6/1982

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

From
04/01

To
11/01

Diversion Rate
2.780 CFS

Volume
1,185.5 AF

Total Diversion 2.780 CFS

Source and Point(s) of Diversion:

GROUND WATER	SEWNSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SEWNSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

POU Total Acres: 2,124.0

Conditions of Approval:

1. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when

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- combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
2. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
3. 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.
4. 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.
5. 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.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
8. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
9. 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 place of use.
10. F01 Water delivered through the Moore Diversion and Timberdome Canal.
11. 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.
12. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. 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.

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14. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

SubCaseNumber: 34-7179
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 2/25/1993
Objection Status: Active

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.16	68.76	123.20	123.20

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Water Right 34-12376

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 6/1/1977

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

From
04/01

To
10/31

Diversion Rate
1.250 CFS
Total Diversion 1.250 CFS

Volume
306.3 AF
306.3 AF

Source and Point(s) of Diversion:

GROUND WATER	SEWNSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SEWNSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 87.50
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 87.5 acres within the place of use

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- described above in a single irrigation season.
2. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
3. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
4. 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.
5. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
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. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. 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.
11. F01 Water delivered through the Moore Diversion and Timberdome Canal.
12. 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.
13. T07 The right holder shall accomplish the change authorized by this transfer within

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- one (1) year of the date of this approval.
14. 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.
15. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

SubCaseNumber: 34-12376
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed: 2/25/1993
Objection Status: Active

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2023
Lease End Date: 12/31/2027

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.07	17.77	5.08	123.20

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Water Right 34-13659

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 6/1/1889

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use
IRRIGATION

From
05/01

To
10/15

Diversion Rate
0.970 CFS

Volume

Total Diversion 0.970 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSESE

Sec. 4, Twp 05N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 43.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 43 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13659 and 34-13661 when combined shall not exceed a total annual maximum diversion volume of 150.5 af at the field headgate and the irrigation of 43 acres.
3. Whenever water right no 34-13659 is deliverable, fifty-five percent of the flow deliverable (up to 0.53 cfs) shall continue to be delivered into the West Side

IDAHO DEPARTMENT OF WATER RESOURCES
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- Canal, and forty-five percent of the flow deliverable (up to 0.44 cfs) can be delivered past the head of the West Side Canal under water right no. 34-13659.
4. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
5. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
6. 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.
7. R43 The right holder shall maintain a measuring device, or other suitable method of measurement, and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
9. 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 place of use.
10. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
11. F01 Water delivered through the Moore Diversion, Westside Canal, and Timberdome Canal.
12. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. 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.
14. 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.

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Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
	150.5	43.0	34-13659 ,34-13661

SubCase:

N/A

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract

Lease Status: Active

Lease Start Date: 1/1/2023

Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.06	0.00	2.49	123.20

IDAHO DEPARTMENT OF WATER RESOURCES
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5/1/2024

Water Right 34-13661

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 6/1/1896

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use
IRRIGATION

From
05/01

To
10/15

Diversion Rate
1.000 CFS

Volume

Total Diversion 1.000 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSESE

Sec. 4, Twp 05N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 43.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 43.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13659 and 34-13661 when combined shall not exceed a total annual maximum diversion volume of 150.5 af at the field headgate, and the irrigation of 43 acres.
3. Whenever water right no 34-13661 is deliverable, fifty-five percent of the flow deliverable (up to 0.55 cfs) shall continue to be delivered into the West Side

IDAHO DEPARTMENT OF WATER RESOURCES
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- Canal, and forty-five percent of the flow deliverable (up to 0.45 cfs) can be delivered past the head of the West Side Canal under water right no. 34-13661.
4. X35 Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
 5. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
 6. 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.
 7. R43 The right holder shall maintain a measuring device, or other suitable method of measurement, and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
 8. 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 place of use.
 9. F01 Water delivered through the Moore Diversion, Westside Canal and Timberdome Canal.
 10. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
 11. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
 12. 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.
 13. 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.

Combined Use Limits:
Rate

Volume

Acres
2,124.0

Water Rights

34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842 ,34-13659 ,34-13661

150.5

43.0

IDAHO DEPARTMENT OF WATER RESOURCES
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5/1/2024

SubCase:

N/A

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract

Lease Status: Active

Lease Start Date: 1/1/2023

Lease End Date: 12/31/2027

Beneficial Use	Div Rate Leased	Div Volume Leased	Acre Limit Leased	Total Acres Leased
Irrigation	0.06	0.00	2.50	123.20

IDAHO DEPARTMENT OF WATER RESOURCES
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5/1/2024

Water Right 34-13840

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 4/6/1982

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.260 CFS	248.5 AF
	<u>Total Diversion</u>		1.260 CFS	248.5 AF

Source and Point(s) of Diversion:

GROUND WATER	SESWSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 71.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 71 acres within the place of use

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2. X35 described above in a single irrigation season.
Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
3. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
4. 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.
5. 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.
6. 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.
7. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
9. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. 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.
11. 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.
12. F01 Water delivered through the Moore Diversion and Timberdome Canal.
13. T07 The right holder shall accomplish the change authorized by this transfer within

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- one (1) year of the date of this approval.
14. 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.
15. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

N/A

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract

Lease Status: Active

Lease Start Date: 1/1/2023

Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.07	14.41	4.12	123.50

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5/1/2024

Water Right 34-13842

Owner Type
Current Owner

Name
TELFORD LANDS LLC

Priority Date: 12/17/1975

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use
IRRIGATION

From **To**
04/01 11/01
Total Diversion

Diversion Rate
0.460 CFS
0.460 CFS

Volume
196.2 AF
196.2 AF

Source and Point(s) of Diversion:

GROUND WATER	SESWSE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L3(NENENW)	Sec. 5, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	L2(NENWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County
GROUND WATER	SWNWNW	Sec. 21, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWNE	Sec. 32, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	SESWSE	Sec. 29, Twp 05N, Rge 26E, BUTTE County
GROUND WATER	L2(NWNWNE)	Sec. 4, Twp 04N, Rge 26E, BUTTE County

Place Of Use:

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	33.0	34.0	33.0	40.0	40.0	39.0	36.0	610.0
03N	26E	17	11.0	26.0			38.0	39.0	14.0	2.0									130.0
03N	26E	18	40.0	40.0	35.0	28.0	40.0	27.0 L1	37.0 L2	40.0	16.0	12.0 L3				1.0			316.0
04N	25E	26	30.0	30.0	30.0	30.0													120.0
04N	25E	35	32.0	33.0	40.0	33.0									32.0	40.0	33.0	32.0	275.0
04N	25E	36	33.0	34.0	36.0	33.0	33.0	34.0	36.0	35.0	34.0	34.0	34.0	33.0	31.0	32.0	32.0	30.0	534.0
04N	26E	4	37.0 L1	34.0 L2	36.0	32.0													139.0

Right Acre Limit: 140.00
POU Total Acres: 2,124.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 140 acres within the place of use

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2. X35 described above in a single irrigation season.
Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 42.2 cfs, a total annual maximum diversion volume of 7434 af at the field headgate, and the irrigation of 2124 acres.
3. Should all or any portion of this water right or any other right in the 2,124 acre combined place of use ever be curtailed as a result of a delivery call, the combined place of use shall be reduced by the number of irrigated acres authorized to be irrigated by the individual water right(s) curtailed.
4. 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.
5. 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.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. 214 Prior to the diversion and use of water under Transfer approval 87389, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
8. 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.
9. 943 The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
10. 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.
11. 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.
12. F01 Water delivered through the Moore Diversion and Timberdome Canal.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause

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14. T07 for the Director to rescind approval of the transfer.
The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. 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.

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
37.030	6,947.5	2,124.0	34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842
		2,124.0	34-13659 ,34-13661 ,34-618 ,34-7179 ,34-2330B ,34-7080B ,34-7121B ,34-7121A ,34-7092 ,34-7077 ,34-12376 ,34-13840 ,34-13842

SubCase:

N/A

Water Supply Bank:

Lease ID: 1645

Lease Type: Contract

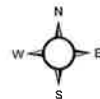
Lease Status: Active

Lease Start Date: 1/1/2023

Lease End Date: 12/31/2027

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.03	11.38	8.12	123.20

TELFORD LANDS LLC TRANSFER APPLICATION

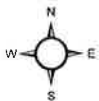


Legend

- New 2024 POU
- Current POU
- Telford Timberdome PODs
- Big Lost River
- TR Lines_2014
- Section Lines_2014
- Quarter Quarters_2014

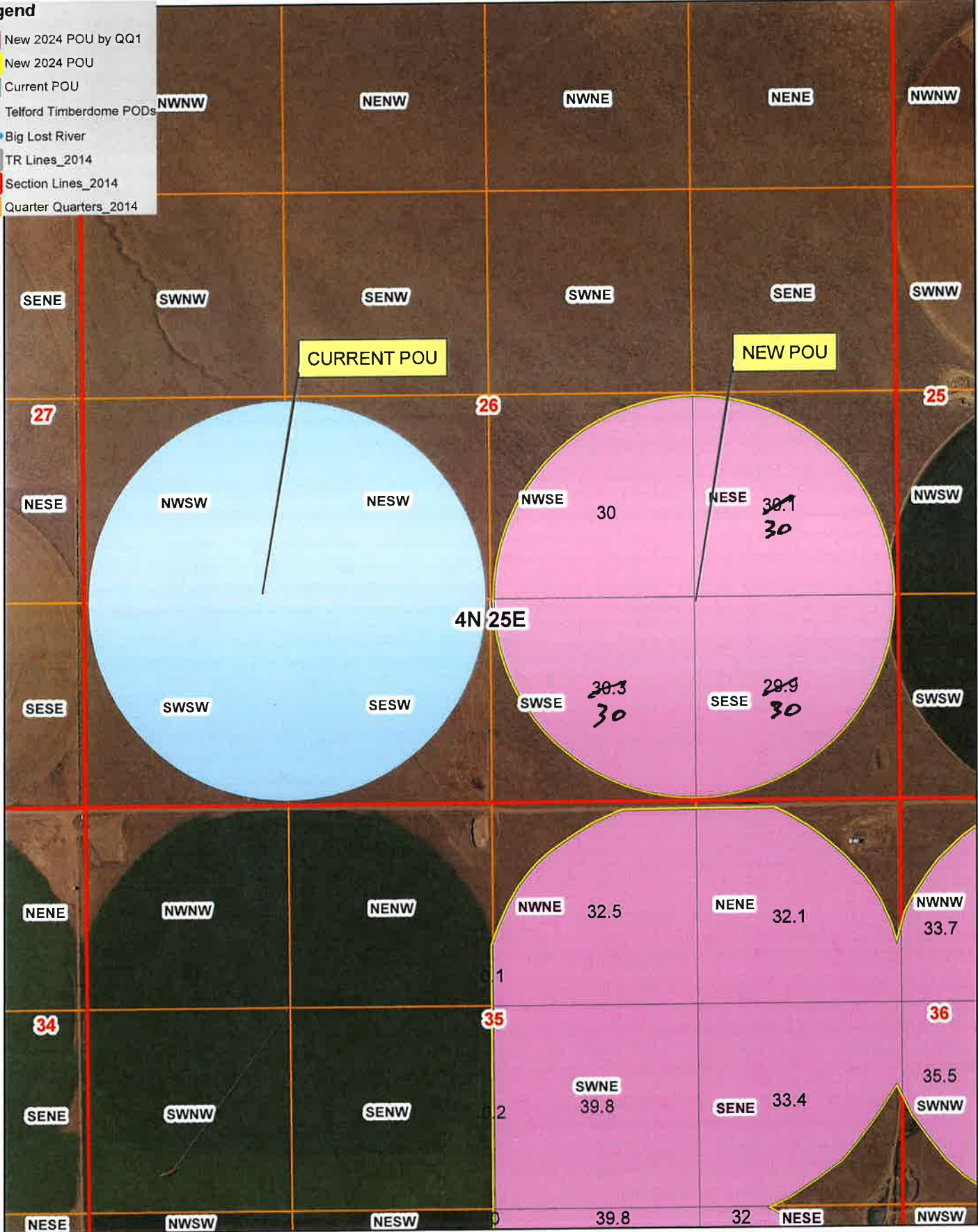


TELFORD LANDS LLC TRANSFER APPLICATION



Legend

- New 2024 POU by QQ1
- New 2024 POU
- Current POU
- Telford Timberdome PODs
- Big Lost River
- TR Lines_2014
- Section Lines_2014
- Quarter Quarters_2014



[Search again](#)

Results (as of 2/14/24)

Robert Lynn Harris

Status

Active

Admittance Date

09/30/2004

Firm

Holden, Kidwell, Hahn & Crapo, PLLC

Mailing Address

PO Box 50130

Idaho Falls, ID 83405

Phone

(208) 523-0620

Phone Ext**Fax**

(208) 523-9518

Bar Email Address

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Website Address

www.holdenlegal.com

Court eService Email

efiling@holdenlegal.com

Need a correction?

Is something not correct? Please use the [Address Change Form](#)

The information above is based on the Idaho State Bar records as of the date listed above. To send us an update on your own listing, please use the online [Address Change Form](#) or send an email to the Licensing Department. Please notify the Licensing Department if you find that another attorney's information is incorrect. Questions on attorney status and good standing should also be directed to the Licensing Department at (208) 334-4500.



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 10, 2023

TELFORD LANDS LLC
1450 W HWY 24
PAUL ID 83347-8666

RE: APPLICATION TO LEASE WATER RIGHTS 34-618, 34-13659, 34-13661, 34-7179, 34-7077, 34-7080B, 34-7092, 34-13842, 34-7121B, 34-7121A, 34-2330B, 34-12376, 34-13840 TO THE WATER SUPPLY BANK CONTRACT 1645

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days. Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2027**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, the lessor may **not** use the right without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at bank@idwr.idaho.gov or 208-287-4800.

Sincerely,

Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Robert Harris – Holden Kidwell Hanh and Crapo PLLC

88811

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1645

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: TELFORD LANDS LLC
1450 W HWY 24
PAUL, ID 83347-8666

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on January 03, 2022.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
34-618	9/1/1884	BIG LOST RIVER, tributary to SINKS	0.19	Not Stated	8.1
34-13659	6/1/1889	BIG LOST RIVER, tributary to SINKS	0.06	Not Stated	2.5
34-13661	6/1/1896	BIG LOST RIVER, tributary to SINKS	0.06	Not Stated	2.5
34-7179	4/6/1982	GROUND WATER	0.16	68.8	123.2
34-7077	9/5/1974	GROUND WATER	0.46	40.6	11.6
34-7080B	9/23/1974	GROUND WATER	0.31	58.1	16.6
34-7092	1/14/1975	GROUND WATER	0.70	129	26.8
34-13842	12/17/1975	GROUND WATER	0.03	11.4	8.1
34-7121B	1/9/1976	GROUND WATER	0.22	64.2	18.3
34-7121A	1/9/1976	GROUND WATER	0.03	9.8	16.6
34-2330B	6/1/1977	GROUND WATER	0.10	24.9	7.1
34-12376	6/1/1977	GROUND WATER	0.07	17.8	5.1
34-13840	4/6/1982	GROUND WATER	0.07	14.4	4.1
Combined Lease Totals			2.46	440	123.2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1645

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
34-618	0.19	28.2	8.1	0.002	0.23
34-13659	0.06	8.7	2.5	0.024	3.00
34-13661	0.06	8.7	2.5	0.025	3.00
34-7077	0.46	40.6	11.6	0.040	3.50
34-7080B	0.31	58.1	16.6	0.019	3.50
34-7092	0.70	129	26.8	0.019	3.50
34-13842	0.03	11.4	8.1	0.003	1.40
34-7121B	0.22	64.2	18.3	0.012	3.50
34-7121A	0.03	9.8	16.6	0.002	0.59
34-2330B	0.10	24.9	7.1	0.014	3.50
34-12376	0.07	17.8	5.1	0.014	3.50
34-7179	0.16	68.8	123.2	0.001	0.56
34-13840	0.07	14.4	4.1	0.018	3.50
Combined Limit Totals	2.46	440	123.2	0.02	3.5

** The water right elements rentable have been changed from the water right elements leased to account for the inclusion of diversion volume.*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2027. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1645

7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1645

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: HOLDEN KIDWELL HAHN &
CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

By _____
Title _____
Date _____

IDAHO WATER RESOURCE BOARD
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

By _____
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date _____

Lease approved by IDWR _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1645

ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

Source and Location of Point(s) of Diversion for Water Right No(s): 34-13659, 34-13661, 34-618
BIG LOST RIVER NWSESE Sec. 4 Twp 05N Rge 26E BUTTE County

Source and Location of Point(s) of Diversion for Water Right No(s): 34-7179, 34-2330B, 34-7080B, 34-7121B, 34-7121A, 34-7092, 34-7077, 34-12376, 34-13840, 34-13842

GROUND WATER	L3NENENW	Sec. 5	Twp 04N	Rge 26E	BUTTE County
GROUND WATER	SWNWNW	Sec. 21	Twp 05N	Rge 26E	BUTTE County
GROUND WATER	L2NENWNE	Sec. 4	Twp 04N	Rge 26E	BUTTE County
GROUND WATER	SEWSE	Sec. 29	Twp 05N	Rge 26E	BUTTE County
GROUND WATER	L2NWNWNE	Sec. 4	Twp 04N	Rge 26E	BUTTE County

Source and Location of Point(s) of Diversion for Water Right No(s): 34-7179, 34-2330B, 34-7080B, 34-7121B, 34-7121A, 34-7092, 34-7077, 34-12376, 34-13840, 34-13842

GROUND WATER	SEWSE	Sec. 32	Twp 05N	Rge 26E	BUTTE County
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Source and Location of Point(s) of Diversion for Water Right No(s): 34-2330B, 34-7080B, 34-7121B, 34-7121A, 34-7092, 34-7077, 34-12376, 34-13840, 34-13842

GROUND WATER	SEWSE	Sec. 32	Twp 05N	Rge 26E	BUTTE County
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Water Right	Beneficial Use	Season of Use			Diversion Rate (CFS)	Volume (AF)
		From		To		
34-13659	IRRIGATION	04/01	to	10/31	0.06 cfs	8.7 AF
34-13661	IRRIGATION	04/01	to	10/31	0.06 cfs	8.7 AF
34-618	IRRIGATION	04/01	to	10/31	0.19 cfs	28.2 AF
34-7179	IRRIGATION	04/01	to	10/31	0.16 cfs	68.8 AF
34-2330B	IRRIGATION	04/01	to	10/31	0.10 cfs	24.9 AF
34-7080B	IRRIGATION	04/01	to	10/31	0.31 cfs	58.1 AF
34-7121B	IRRIGATION	04/01	to	10/31	0.22 cfs	64.2 AF
34-7121A	IRRIGATION	04/15	to	10/31	0.03 cfs	9.8 AF
34-7092	IRRIGATION	04/15	to	10/31	0.70 cfs	129 AF
34-7077	IRRIGATION	04/01	to	10/31	0.46 cfs	40.6 AF
34-12376	IRRIGATION	04/01	to	10/31	0.07 cfs	17.8 AF
34-13840	IRRIGATION	04/01	to	10/31	0.07 cfs	14.4 AF
34-13842	IRRIGATION	04/01	to	10/31	0.03 cfs	11.4 AF
Totals:					2.46 cfs	440 AF

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1645

PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	25E	12	7.0	8.0	7.0	9.0	6.0	9.0	8.0	10				1.0	7.0	7.0	4.0	4.0	87
03N	26E	17						8.0	1.0										9.0
03N	26E	18	1.0	12	4.0	1.0	2.0		1.0 L2		1.0	5.0 L3							27

Total Acres: 123

ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).
6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
 - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
 - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1645

12. 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.
13. When combined with all other rights, the leased rights shall provide not 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.
14. The total volume of surface water diverted under the unleased portion of water rights nos. 34-13659 and 34-13661 shall not exceed the irrigation of 40.5 acres and shall be limited to 142 acre-feet.
15. The unleased portion of rights 34-618 and that portion of ground water right no. 34-7179 associated with water right no. 34-618, when combined shall not exceed a total annual maximum diversion volume of 458 af at the field headgate.
16. The unleased portion of 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 a total diversion rate of 39.8 cfs, a total annual maximum diversion volume of 6994 af, or the irrigation of 2000.8 acres.
17. The unleased portion of 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 34.88 cfs, and shall not exceed a total annual maximum diversion volume of 6,544.5 af at the field headgate.
18. Use of water under this right may 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
19. 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 prior to or in conjunction with beneficial use of associated ground water rights.
20. The unleased portion of right 34-13659 shall not exceed a total diversion rate of 0.91 cfs and the irrigation of 40.5 acres.
21. The unleased portion of right 34-13661 shall not exceed a total diversion rate of 0.94 cfs and the irrigation of 40.5 acres.
22. The unleased portion of right 34-618 shall not exceed a total diversion rate of 3.01 cfs and the irrigation of 15.8 acres.
23. The unleased portion of right 34-7179 shall not exceed a total diversion rate of 2.62 cfs, a total annual maximum diversion volume of 1117 af at the field headgate, and the irrigation of 2000.8 acres.
24. The unleased portion of right 34-2330B shall not exceed a total diversion rate of 1.65 cfs, a total annual maximum diversion volume of 404 af at the field headgate, and the irrigation of 115.4 acres.
25. The unleased portion of right 34-7080B shall not exceed a total diversion rate of 5.02 cfs, a total annual maximum diversion volume of 943 af at the field headgate, and the irrigation of 269.4 acres.
26. The unleased portion of right 34-7121A shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 159 af at the field headgate, and the irrigation of 269.4 acres.
27. The unleased portion of right 34-7121B shall not exceed a total diversion rate of 3.52, a total annual maximum diversion volume of 1042 af at the field headgate, and the irrigation of 297.7 acres.
28. The unleased portion of right 34-7092 shall not exceed a total diversion rate of 11.3 cfs, a total annual maximum diversion volume of 2094 af at the field headgate, and the irrigation of 598.2 acres.
29. The unleased portion of right 34-7077 shall not exceed a total diversion rate of 7.54 cfs, a total annual maximum diversion volume of 659 af at the field headgate, and the irrigation of 188.4 acres.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1645

30. The unleased portion of right 34-12376 shall not exceed a total diversion rate of 1.18 cfs, a total annual maximum diversion volume of 288 af at the field headgate, and the irrigation of 82.4 acres.
31. The unleased portion of right 34-13840 shall not exceed a total diversion rate of 1.19 cfs, a total annual maximum diversion volume of 234 af at the field headgate, and the irrigation of 66.9 acres.
32. The unleased portion of right 34-13842 shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 185 af at the field headgate cfs, and the irrigation of 131.9 acres.
33. Whenever water right no 34-13659 is deliverable, fifty-five percent of the flow deliverable (up to 0.53 cfs) shall continue to be delivered into the West Side Canal, and forty-five percent of the flow deliverable (up to 0.44 cfs) can be delivered past the head of the West Side Canal under water right no. 34-13659.

Idaho Water Resource Board

Water Supply Bank Lease Contract No. 1645

34-618, -34-7179, 34-2330B, 34-7077, 34-7092, 34-7121A, 34-7121B, 34-12376, 34-13840, 34-13842, 34-13659, 34-13661
Effective until December 31, 2027

This map depicts the **place of use** to be idled pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



○ Approved Lease Point of Diversion

□ Township/Range

□ Sections

0 5,000 10,000 Feet





IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 3, 2023

TELFORD LANDS LLC
1450 W HWY 24
PAUL, ID 83347-8666

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK - AGREEMENT 767

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of \$347.76 per year was calculated based on the current rental rate of \$23.00 per acre-foot times a diversion volume of 151.2 acre-feet.

Please send a check for \$347.76 for 2023 made payable to the Idaho Department of Water Resources, **together with the signed rental agreement, within 14 days** so I can complete processing. An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Pursuant to the Water Supply Bank Rules you are only required to pay 10% of the fee, the \$347.76 fee will be retained by the Department to offset administrative costs for 2023.

If you have any questions, please contact this office at bank@idwr.idaho.gov or (208) 287-4800.

Sincerely,

Water Supply Bank

Enclosure: Rental Agreement

cc: Rob Harris, Holden Kidwell Hahn & Crapo PLLC (via email)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 767

This is to certify that:

TELFORD LANDS LLC
1450 W HWY 24
PAUL, ID 83347-8666

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
34-13659	6/1/1889	BIG LOST RIVER, Tributary to Sinks	0.02	3.1	0.9	0.022	3.4
34-13661	6/1/1896	BIG LOST RIVER, Tributary to Sinks	0.02	3.1	0.9	0.024	3.4
Combined Limit Totals			0.02	3.1	0.9	0.022	3.4
34-618	9/1/1884	BIG LOST RIVER, Tributary to Sinks	0.07	9.9	2.9	0.024	3.4
34-7077	9/5/1974	GROUND WATER	0.16	14.3	4.1	0.039	3.5
34-7080B	9/23/1974	GROUND WATER	0.11	20.3	5.8	0.019	3.5
34-7092	1/14/1975	GROUND WATER	0.24	44.8	12.8	0.019	3.5
34-13842	12/17/1975	GROUND WATER	0.01	3.9	2.8	0.004	1.4
34-7121A	1/9/1976	GROUND WATER	0.01	3.4	5.8	0.002	0.6
34-7121B	1/9/1976	GROUND WATER	0.08	22.1	6.3	0.013	3.5
34-12376	6/1/1977	GROUND WATER	0.02	6.3	1.8	0.011	3.5
34-2330B	6/1/1977	GROUND WATER	0.04	8.8	2.5	0.016	3.5
34-7179	4/6/1982	GROUND WATER	0.06	24.1	43.2	0.001	0.6
34-13840	4/6/1982	GROUND WATER	0.02	4.9	1.4	0.014	3.5
Rental Combined Limit Totals			0.86	151	43.2	0.020	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2027: \$347.76 annually

The rental fee is an administrative fee of \$347.76 per year for years 2023 - 2027. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 34-618, 34-13659, 34-13661, 34-7077, 34-7080 B, 34-7092, 34-13842, 34-7121 A, 34-7121 B, 34-12376, 34-2330 B, 34-7179, 34-13840. The full fee and administrative fee required for this rental are calculated using more decimals than the rounded amounts recorded on this agreement.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 767

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Total Water Use Authorized Under Rental Agreement

Beneficial Use	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate/Acre (CFS/AC)	Volume/Acre (AF/AC)
IRRIGATION	0.75	151	43.2	0.017	3.5
Total	0.75	151	43.2	0.017	3.5

** The authorized water usage reflects a reduction from the water right elements rented, to account for the diversion of ground water, only.*

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 767

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Signature of Renter

Date

Printed Name

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By _____
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date _____

Rental approved by IDWR _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 767

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENW Sec. 15, Twp 05N, Rge 26E, BUTTE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
0.86 CFS

VOLUME
151 AF

SEASON OF USE

From To
4/1 11/1

EXCEPT FOR THE FOLLOWING:

Water Right No.	From	To
34-13659	5/1	10/15
34-13661	5/1	10/15
34-618	5/1	10/15
34-7179	4/1	11/1
34-2330 B	4/1	10/31
34-7080 B	4/1	11/1
34-7121 B	4/1	11/1
34-7121 A	4/15	10/15
34-7092	4/15	10/15
34-7077	4/1	11/1
34-12376	4/1	10/31
34-13840	4/1	10/31
34-13842	4/1	11/1

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	26E	15					4.0	19.2	11.0	9.0									43.2

Total Acres: 43.2

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 767

5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. Use of water under this right may 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.
10. 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.
11. This rental agreement does not authorize the construction of a well.
12. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
13. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this rental. The right holder may divert ground water under this rental to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this rental if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
14. This rental 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 place of use.
15. Rental of Right nos. 34-13659 and 34-13661 when combined shall not exceed a total annual maximum diversion volume of 3.1 at the field headgate and the irrigation of 0.9 acres.
16. Rental of ground water Right nos. 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 0.75 cfs, a total annual maximum diversion volume of 151 af at the field headgate, and the irrigation of 43.2 acres.
17. Rental of Right nos. 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840 and 34-13842 when combined shall not exceed a total diversion rate of 0.86 cfs, a total annual maximum diversion volume of 151 af at the field headgate, and the irrigation of 43.2 acres.
18. Rental of Right nos. 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13840 and 34-13842 from the rental diversion located in located in NWNENW Sec. 15 when combined with Right Nos 34-2401A and 34-4015 from the diversion located in located in NWNENW Sec. 15 SENWSW Sec. 34, T5N, R26E, and NESENW Sec. 3, T4N, R26E shall not exceed a total combined maximum diversion rate of 17.34 cfs.
19. Whenever water right no. 34-13659 is deliverable, fifty-five percent of the rental flow deliverable (up to 0.01 cfs) shall continue to be delivered into the West Side Canal, and forty-five percent of the rental flow deliverable (up to 0.01 cfs) can be delivered past the head of the West Side Canal under water right no. 34-13659.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 767

20. Whenever water right no. 34-13661 is deliverable, fifty-five percent of the rental flow deliverable (up to 0.01 cfs) shall continue to be delivered into the West Side Canal, and forty-five percent of the rental flow deliverable (up to 0.01 cfs) can be delivered past the head of the West Side Canal under water right no. 34-13661.
21. The period of use for irrigation described above for the rental of right nos. 34-618, 34-13659 and 34-13661 may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
22. Prior to the diversion and use of water under this agreement, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion 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.
23. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
24. Rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, 34-13842, 34-13741, and 34-13743 when combined shall not exceed a the irrigation of 72.0 acres.

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. 767

Effective until December 31, 2027

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

-  Water Supply Bank Rental POD
-  Water Supply Bank Rental POU
-  Township/Range
-  Sections
- QQ



0 1,250 2,500 Feet



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 10, 2023

TELFORD LANDS LLC
1450 W HWY 24
PAUL, ID 83347-8666

RE: **APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 34-13659, 34-13661, 34-618, 34-7077, 34-7080B, 34-7092, 34-13842,
34-7121A, 34-7121B, 34-12376, 34-2330B, 34-7179, 34-13840, AGREEMENT 748**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources acknowledges receipt of your application to rent water from the Water Supply Bank. **I have enclosed a Water Supply Bank Rental Agreement for your review and signature.** Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$6440.00 per year** was calculated based on the current rental rate of \$20.00 per acre-foot times a diversion volume of 280 acre-feet. Since you are both the lessor and the renter of the right(s), **you are only obligated to pay the 10% administrative fee or \$644.00.** An annual payment shall be received by the Department prior to the execution of this agreement and prior to January 1 in all subsequent years for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. If you would like to terminate the agreement prior to the end of the rental period, you must submit written notice of your intent to the Department at least 30 days prior to the rental fee due date.

Please send a check in the amount of \$644.00 for 2023 made payable to the Idaho Department of Water Resources, together with the signed rental agreement, within 14 days so I can complete processing.

If you have any questions, please contact this office at (208) 287-4800.

Sincerely,



Water Supply Bank

Enclosure(s)

c: IDWR Front Desk
Robert Harris – Holden, Kidwell, Hahn & Crapo PLLC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 748

This is to certify that:

TELFORD LANDS LLC
1450 W HWY 24
PAUL, ID 83347-8666

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
34-13659	6/1/1889	BIG LOST RIVER, Tributary to SINKS	0.04	5.6	1.6	0.025	3.5
34-13661	6/1/1896	BIG LOST RIVER, Tributary to SINKS	0.04	5.6	1.6	0.025	3.5
Combined Limit Totals			0.04	5.6	1.6	0.025	3.5
34-618	9/1/1884	BIG LOST RIVER, Tributary to SINKS	0.12	0.1	5.2	0.023	3.5
34-7077	9/5/1974	GROUND WATER	0.30	26.3	7.5	0.040	3.5
34-7080B	9/23/1974	GROUND WATER	0.20	37.8	10.8	0.019	3.5
34-7092	1/14/1975	GROUND WATER	0.46	83.7	23.9	0.019	3.5
34-13842	12/17/1975	GROUND WATER	0.02	7.5	5.3	0.004	1.4
34-7121A	1/9/1976	GROUND WATER	0.02	6.4	10.8	0.002	0.6
34-7121B	1/9/1976	GROUND WATER	0.14	41.7	11.9	0.012	3.5
34-12376	6/1/1977	GROUND WATER	0.05	11.5	3.3	0.015	3.5
34-2330B	6/1/1977	GROUND WATER	0.06	16.1	4.6	0.013	3.5
34-7179	4/6/1982	GROUND WATER	0.10	44.7	80.0	0.001	0.6
34-13840	4/6/1982	GROUND WATER	0.05	9.5	2.7	0.019	3.5
Combined Rental Totals			1.60	280	80.0	0.020	3.5

Term of Rental: This rental agreement shall take effect when all parties have signed it and shall continue in effect until December 31, 2027. Use of rental water shall be authorized as of either the date this rental agreement takes effect or the first day of the rental season of use, in 2023, whichever occurs last.

Annual Rental Fee:

2023 - 2027: \$644.00 annually

The rental fee is an administrative fee of \$644.00 per year for years 2023 - 2027. Note that the renter is obligated to pay only the administrative fees associated with the water right(s): 34-2330 B, 34-7077, 34-7080 B, 34-7092, 34-7121 A, 34-7121 B, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, 34-13842, 34-618.

An annual payment shall be received by the Department on or before December 31 each year preceding the use of the rented water rights. The agreement will be void if payment is not received by the due date in a given year. Rental fees are non-refundable. To voluntarily terminate the agreement early, notify the Department in writing prior to the rental fee due date.

Detailed water right conditions are attached.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 748

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Signature of Renter

Date

Printed Name

Title

*Title required if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By _____
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date _____

Rental approved by IDWR _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 748

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

BIG LOST RIVER	SESE	Sec. 4, Twp 05N, Rge 26E,	BUTTE County
GROUND WATER	NWSE	Sec. 32, Twp 05N, Rge 26E,	BUTTE County
GROUND WATER	L3(NENW)	Sec. 5, Twp 04N, Rge 26E,	BUTTE County
GROUND WATER	L2(NWNE)	Sec. 4, Twp 04N, Rge 26E,	BUTTE County
GROUND WATER	NWNW	Sec. 21, Twp 05N, Rge 26E,	BUTTE County
GROUND WATER	SWNE	Sec. 32, Twp 05N, Rge 26E,	BUTTE County
GROUND WATER	NWSE	Sec. 29, Twp 05N, Rge 26E,	BUTTE County
GROUND WATER	L2(NWNE)	Sec. 4, Twp 04N, Rge 26E,	BUTTE County

BENEFICIAL USE
IRRIGATION

DIVERSION RATE
1.60 CFS

VOLUME
280 AF

SEASON OF USE

Water Right No.	From	To
34-2330 B	4/1	10/31
34-7077	4/1	11/1
34-7080 B	4/1	11/1
34-7092	4/15	10/15
34-7121 A	4/15	10/15
34-7121 B	4/1	11/1
34-7179	4/1	11/1
34-12376	4/1	10/31
34-13840	4/1	10/31
34-13842	4/1	11/1
34-618	5/1	10/15
34-13659	5/1	10/15
34-13661	5/1	10/15

RENTERS PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	25E	25	4.0		24	38				5.7	3.8				0.4	4.1			80.0

Total Acres: 80.0

RENTAL AGREEMENT CONDITIONS OF ACCEPTANCE

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 748

3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
5. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
6. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
7. Renter acknowledges and agrees that the Director may terminate authorization for the use of a water right based on a water right's priority date.
8. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
9. This rental agreement does not authorize the construction of a well.
10. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
11. This rental of rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842 when combined shall not exceed a total diversion rate of 1.60 cfs, a total annual maximum diversion volume of 280 af at the field headgate, and the irrigation of 80 acres.
12. This rental of rights 34-618, 34-2330B, 34-7080B, 34-7121A, 34-7121B, 34-7092, 34-7077, 34-7179, 34-12376, 34-13659, 34-13661, 34-13840, and 34-13842 when combined with right no. 34-622A shall not exceed a total diversion rate of 1.60 cfs, a total annual maximum diversion volume of 280 af at the field headgate, and the irrigation of 80 acres.
13. Use of water under this right may 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.
14. 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.
15. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
16. This rental 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 place of use.
17. This rental of rights 34-13659 and 34-13661 when combined shall not exceed a total annual maximum diversion volume of 5.6 af at the field headgate and the irrigation of 1.6 acres.
18. Whenever water right no. 34-13659 is deliverable, fifty-five percent of the flow deliverable under this rental (up to 0.03 cfs) shall continue to be delivered into the West Side Canal, and forty-five percent of the flow deliverable under this rental (up to 0.03 cfs) can be delivered past the head of the West Side Canal under water right no. 34-13659.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK RENTAL AGREEMENT No. 748

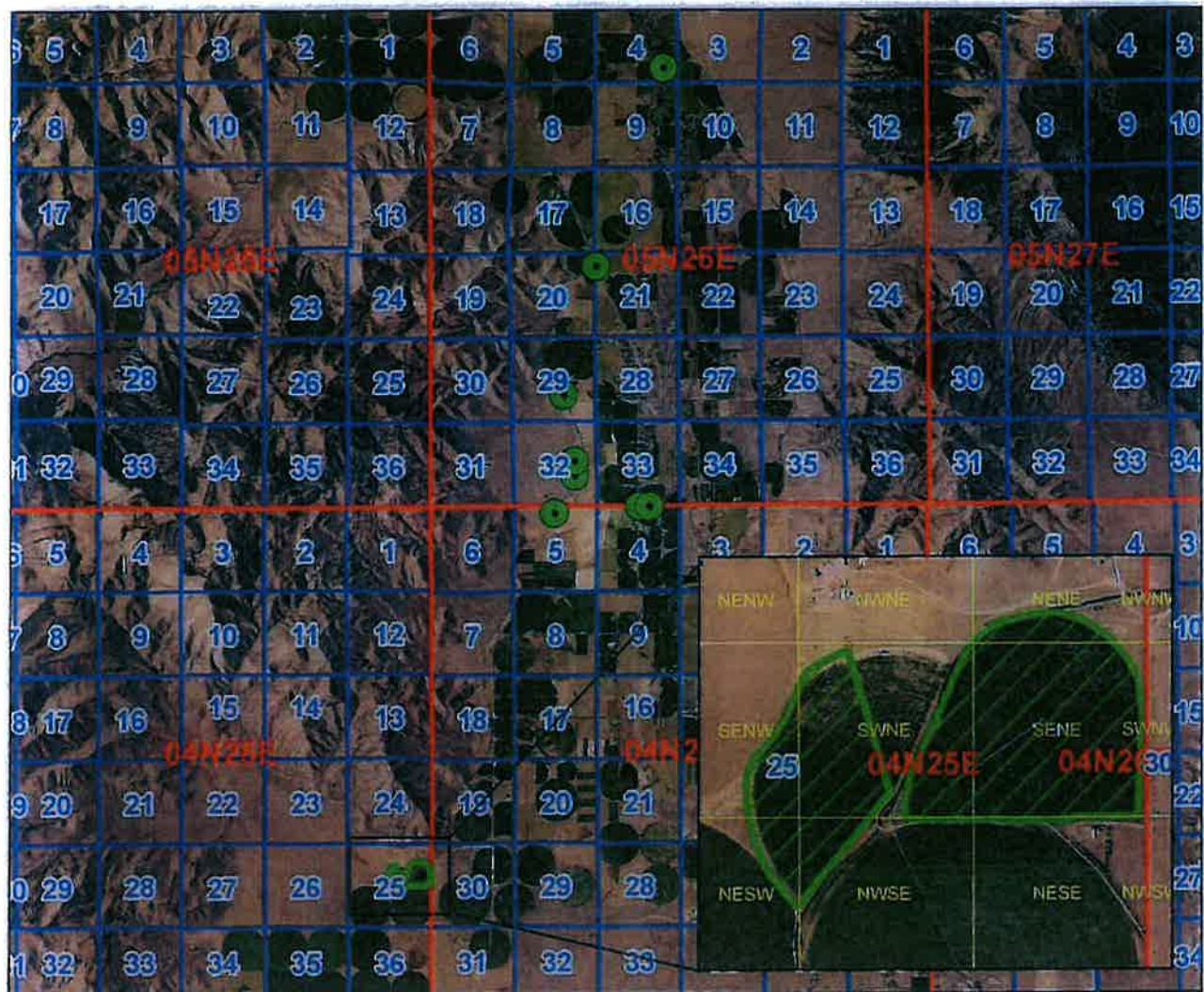
19. Whenever water right no. 34-13661 is deliverable, fifty-five percent of the flow deliverable under this rental (up to 0.03 cfs) shall continue to be delivered into the West Side Canal, and forty-five percent of the flow deliverable under this rental (up to 0.03 cfs) can be delivered past the head of the West Side Canal under water right no. 34-13661.
20. The period of use for irrigation described above for the rental of right nos 34-618, 34-13659 and 34-13661 may be extended in seasons of unusual characteristics to a beginning date of 04/20 and an ending date of 10/31 at the discretion of the Director of the Idaho Department of Water Resources.
21. Water under rental of right 34-618 is delivered through the Moore Diversion.
22. Water under rental of right nos. 34-13659 and 34-13661 delivered through the Moore Diversion, Westside Canal, and Timberdome Canal.
23. Water under rental of right nos. 34-2330B, 34-7077, 34-7080B, 34-7092, 34-7121A, 34-7121B, 34-7179, 34-12376, 34-13840 and 34-13842 delivered through the Moore Diversion and Timberdome Canal.

748

Idaho Water Resource Board
Attachment to Water Supply Bank Rental Agreement No. XXX

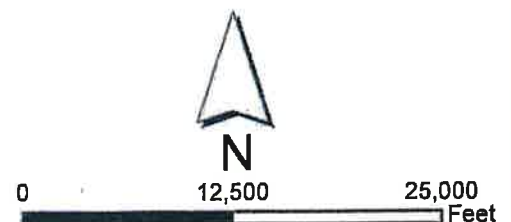
Effective until December 31, 2027

This map depicts the **rental place of use** pursuant to the rental agreement and is attached to the agreement solely for illustrative purposes.



Legend

-  Water Supply Bank Rental POD
-  Water Supply Bank Rental POU
-  Township/Range
-  Sections





Order Number: 24492777

Warranty Deed

For Value Received,

Michael S. Telford and Shannon J. Telford, husband and wife, the Grantors, does hereby grant, bargain sell and convey unto, **Standlee Family Limited Partnership, an Idaho limited Partnership**, whose current address is 22349 Kimberly Road Ste E, the Grantee, the following described premises, in **Butte County, Idaho**, To Wit:

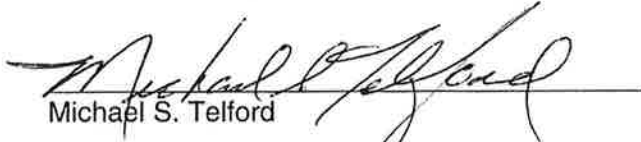
Township 4 North, Range 25 East, Boise Meridian, Butte County, Idaho

Section 26: SW¼

RESERVING unto the Grantors any water rights and/or water entitlements appurtenant and/or associated with the above-described property

TO HAVE AND TO HOLD the said premises, with their appurtenance **excepting the water referenced above** unto the said Grantee, its heirs and assigns forever. And the said Grantors does hereby covenant to and with the said Grantee, that Grantors is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

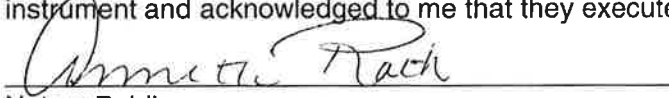
Dated: February 13, 2024


Michael S. Telford


Shannon J. Telford

State of Idaho, County of Minidoka, ss.

On this 13 day of February in the year of 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael S. Telford and Shannon J. Telford, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.


Notary Public
Residing In: Rupert Id
My Commission Expires: 8-4-2024
(seal)





Order Number: 24492779

Warranty Deed

For Value Received,

Standlee Family Limited Partnership, an Idaho limited partnership, the Grantor, does hereby grant, bargain sell and convey unto, **Michael S. Telford and Shannon J. Telford, husband and wife**, whose current address is **1450 East Highway, Paul, ID 83347**, the Grantee, the following described premises, in **Butte County, Idaho**, To Wit:

Township 4 North, Range 25 East, Boise Meridian, Butte County, Idaho

Section 26: SE¼

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of this page intentionally left blank.

Dated: February 13, 2024

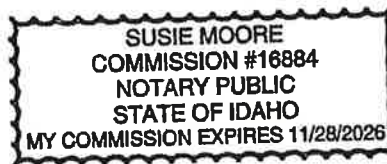
Standlee Family Limited Partnership, an Idaho limited partnership

BY: [Signature]
Dusty Standlee, an Authorized Representative

State of Idaho, County of Twin Falls, ss.

On this 13th day of February in the year of 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Dusty Standlee known or identified to me to be the Authorized Representative in the limited partnership of Standlee Family Limited Partnership and the Authorized Representative who subscribed said limited partnership's name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

[Signature]
Notary Public
Residing at: Twin Falls Idaho
My Commission Expires: 11-28-2026
(seal)



REAL ESTATE EXCHANGE AGREEMENT

THIS REAL ESTATE EXCHANGE AGREEMENT ("Agreement") is made and entered into as of this 13 day of February, 2024 (the "Effective Date"), by and between **Michael S. Telford and Shannon J. Telford**, husband and wife, 1450 East Highway 24, Paul, Idaho 83347 ("Telfords"), and **Standlee Family Limited Partnership**, an Idaho limited partnership, 22349 Kimberly Road, Ste. E, Kimberly, Idaho 83341 ("Standlee"). The parties do hereby agree as follows.

1. **Exchange of Real Property.** Telfords and Standlee shall exchange parcels of real property as follows:

- Telfords exchange with Standlee, and Standlee receives from Telfords, free and clear of all indebtedness, security interests and liens, the real property more particularly described as:

Township 4 North, Range 25 East, Boise Meridian, Butte County, Idaho, Section 26: SW $\frac{1}{4}$, together with all improvements, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including the rents, issues, and profits thereof (the "Telford Property"); and

- Standlee exchanges with Telfords, and Telfords receive from Standlee, free and clear of all indebtedness, security interests and liens, the real property more particularly described as:

Township 4 North, Range 25 East, Boise Meridian, Butte County, Idaho, Section 26: SE $\frac{1}{4}$, together with all improvements, tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including the rents, issues, and profits thereof (the "Standlee Property").

Telfords and Standlee mutually intend this exchange transaction to qualify under Internal Revenue Code § 1031 as a simultaneous exchange, allowing the parties the non-recognition of capital gains with respect to the exchange. Telfords and Standlee mutually agree: (i) the present fair market value of the Standlee Property is [REDACTED]; and (ii) the present fair market value of the Telford Property is [REDACTED].

2. **Closing.** This exchange transaction shall close through TitleOne on or before 30-days from the Effective Date. Telfords and Standlee shall each deliver to TitleOne all escrow instructions, funds, deeds, and other documents and instruments necessary to close this transaction in accordance with such party's obligation hereunder.

3. **Title, Conveyance, Title Insurance.**

- a. **Title Approval.** Telfords and Standlee will provide Commitments for Title Insurance covering respectively the Telford Property and the Standlee Property (each, "Commitment") issued by TitleOne. If either party has objection to any matter disclosed in the Commitment, objecting party shall

promptly, not later than five days prior to the closing described in section 2 of this Agreement, provide written notice of objection to the responding party setting forth the matters to which the objecting party objects. The responding party shall have until the expiration of the 30-days from the Effective Date to make good faith effort to cure the objections. If the objections are not satisfied within such time period: (i) the objecting party may terminate this Agreement, and neither party shall have any further rights or obligations under this Agreement, or (ii) the objecting party may waive the unsatisfied objections and close the transaction in accordance with this Agreement, or (iii) the parties, by mutual agreement, may extend the responding party's time period for the good faith effort to cure or otherwise satisfy the objecting party's objections. If either party does not notify the other in writing of objections to the condition of title within the period of time herein provided, such party shall be deemed to have agreed to accept title to the parcel of property received in this exchange transaction in the condition shown in the Commitment applicable to such parcel of property. All exceptions to title accepted by either party pursuant to the foregoing procedure shall be referred to herein as "Accepted Title Exceptions".

- b. Conveyance. Conveyance of the Telford Property and the Standlee Property shall be by a standard form warranty deed, subject to the Accepted Title Exceptions and the express reservation by Telfords of water rights appurtenant to the Telford Property all as provided in section 4 hereof.
- c. Title Insurance Policy. At the closing, or as soon as available following the closing, each party, at its sole cost and expense, shall provide the other party with a standard owner's policy of title insurance issued by or through TitleOne, which policies of insurance shall insure fee simple title at the insurable value of \$180,000.00, subject only to the Accepted Title Exceptions and the standard printed exceptions and limitations upon an Owner's policy.

4. **Reservation of Appurtenant Water Rights; Transfer of Appurtenant Water Rights.** Notwithstanding anything to the contrary in this Agreement, Telfords reserve unto themselves any and all water rights and/or water entitlements appurtenant and/or associated to the Telford Property. Reservation of said water rights and/or water entitlements shall be expressly stated in said standard form warranty deed conveying the Telford Property to Standlee by the following phrase of reservation: "... **reserving unto [Grantors or other title identifying Telfords] any water rights and/or water entitlements appurtenant and/or associated with the above-described property.**" In the event the phrase of reservation is not included in the deed conveying the Telford Property to Standlee, the parties shall promptly have prepared, execute and record a correction deed or other necessary document to ensure that title to the water rights and/or water entitlements appurtenant and/or associated with the Telford Property are retained by Telfords to be transferred to the Standlee Property through a transfer application filed by Telfords under Idaho Code Section 42-222 after the closing of this exchange transaction.

After closing of this exchange transaction, Standlee consents to the transfer of the water rights and/or water entitlements from the Telford Property to the Standlee Property. Telfords intend to move the authorized place of use of the water rights and/or water entitlements to the Standlee Property pursuant to a transfer application under Idaho Code Section 42-222. To the extend any other document other than this Agreement is required by the Idaho Department of Water Resources evidencing Standlee's consent to the transfer of water rights as provided in this Agreement, Standlee shall execute such consent upon the request of Telfords.

5. **Acceptance of Real Property.** Telfords and Standlee acknowledge and represent to each other to have conducted the inspections and due diligence investigation of the parcel of property received in exchange as they and it deemed appropriate and necessary, and each acquires said parcel of property based upon their and its own inspection and due diligence investigation, and does not rely on any warranty or representation of the other to make the decision to enter into this Agreement and exchange the parcels of property. Telfords receive and acquire the Standlee Property "AS IS" and "WITH ALL FAULTS" with no representation, warranty or covenant, express or implied, of any kind or nature, except as to title subject to the Accepted Title Exceptions, and free and clear of all indebtedness, security interests and liens. Standlee receives and acquires the Telford Property "AS IS" and "WITH ALL FAULTS" with no representation, warranty or covenant, express or implied, of any kind or nature, except as to title subject to the Accepted Title Exceptions, and free and clear of all indebtedness, security interests and liens.

6. **Grant of Easements for Purposes of Irrigation.** Further to the exchange of the Standlee Property and the Telford Property:

- Upon request Telfords shall grant to Standlee, its successors and assigns, a perpetual and non-exclusive easement over, under, into and across the Standlee Property for purposes of irrigation and the delivery of irrigation water, to include without limitation, installation, creation, rebuild, repair, mend, replace and otherwise maintain ditches, pipes and irrigation facilities, and any and all other uses reasonably related and associated with the foregoing purposes and uses. The width of the easement shall be a distance that is reasonably necessary to perform the work of cleaning, maintaining and repairing the ditches, pipes and irrigation facilities with personnel and with such equipment as is commonly used, or is reasonably adapted, to that work. The easement shall be appurtenant to and for the use and benefit of the Telford Property; and each part of the easement shall run with the land and be binding upon and inure to the benefit of the parties and their respective heirs, assigns, successors, and personal representatives, including but not limited to any person or entity acquiring the Telford Property, or any portion thereof or any interest therein.
- Upon request Standlee shall grant to Telfords, their heirs, successors and assigns, a perpetual and non-exclusive easement over, under, into and across the Telford Property for purposes of irrigation and the delivery of irrigation water, to include without limitation, installation, creation, rebuild, repair, mend, replace and otherwise maintain ditches, pipes and irrigation facilities, and any and all other uses reasonably related and associated with the

foregoing purposes and uses. The width of the easement shall be a distance that is reasonably necessary to perform the work of cleaning, maintaining and repairing the ditches, pipes and irrigation facilities with personnel and with such equipment as is commonly used, or is reasonably adapted, to that work. The easement shall be appurtenant to and for the use and benefit of the Standlee Property; and each part of the easement shall run with the land and be binding upon and inure to the benefit of the parties and their respective heirs, assigns, successors, and personal representatives, including but not limited to any person or entity acquiring the Standlee Property, or any portion thereof or any interest therein.

The obligation to grant the easement pursuant to this section and this section shall survive the closing of this exchange transaction. Contemporaneous with the closing Standlee or Telfords shall cause to be recorded in the real property records of Butte County, Idaho, a memorandum of the reciprocal obligation to grant an easement as provided in this section.

7. **Possession; Risk of Loss.** Possession of the Standlee Property and the Telford Property shall exchange and transfer at the time of closing. Risk of loss, injury, damage, or condemnation of the Standlee Property and of the Telford Property shall transfer at the time of closing.

8. **Taxes and Assessments, Closing Costs.** Real estate taxes and assessments shall be prorated between the parties as of the date of closing. Telfords shall bear and pay all escrow, closing and recording fees and costs. All other fees, costs and expenses associated with this transaction, including attorney's fees, shall be paid by the party incurring such fee or expense unless this Agreement provides otherwise.

9. **Default and Remedies.** If a party fails to perform any of its obligations hereunder when and as required hereby prior to the closing, the other party shall be entitled to terminate this Agreement and recover the actual costs and expenses incurred as a result of this Agreement and contemplated transaction. If a party fails to perform any of its obligations hereunder when and as required hereby after the closing of this exchange transaction, the other party shall be entitled to any and all remedies available to such party at law and in equity, to include specific performance; and the prevailing party shall be entitled to recover its reasonable attorney's fees and costs. This section shall survive the closing of this exchange transaction.

10. **Modification; Integration.** No part of this Agreement may be modified without the express written consent of both parties. This Agreement contains the entire agreements of the parties concerning the subject hereof, including all oral understanding or agreements, that certain Letter of Intent dated January 5, 2024 between the parties, and there are no collateral understanding or agreements or representations or warranties not expressly included herein.

11. **Non-Merger.** This Agreement shall not merge in the execution and exchange of the warranty deeds described herein or such other instruments conveying and transferring the property pursuant to this Agreement. This Agreement, the warranty deeds exchanged, and such other instruments conveying and transferring the properties between the parties are an integral part of this transaction and shall be construed together. This Agreement, and the agreements and

representations made herein shall remain in full force and effect, after closing of this exchange transaction, until all obligations created hereunder have been fully performed.

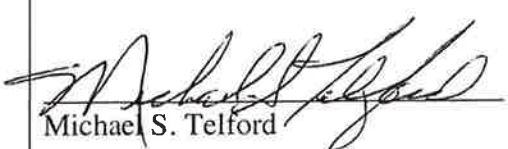
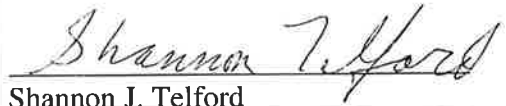
12. **Notices.** Any notice required hereunder shall be in writing and shall be deemed to have been duly given (i) the same day if personally delivered, (ii) the next day if sent by an overnight courier service, or (iii) after three (3) business days if sent by certified mail, return receipt requested, postage prepaid, to the parties at their respective addresses identified below. Either party may change the person and address to which written notices shall be given at any time upon prior written notice to the other party.

If to Telfords: Michael S. Telford and Shannon J. Telford
1450 East Highway 24
Paul, Idaho 83347

If to Standlee: Standlee Family Limited Partnership
Attn: Dusty Standlee
22349 Kimberly Road, Ste. E
Kimberly, Idaho 83341

13. **Time of Essence.** Time is of the essence of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

"Telfords"  Michael S. Telford  Shannon J. Telford	"Standlee" Standlee Family Limited Partnership, an Idaho limited partnership By: _____ Dusty Standlee, Authorized Representative
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representations made herein shall remain in full force and effect, after closing of this exchange transaction, until all obligations created hereunder have been fully performed.

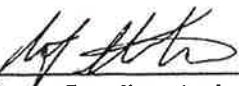
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Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

Established in 1896

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PO Box 50130
Idaho Falls, Idaho 83405
Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
rharris@holdenlegal.com

February 20, 2024

RECEIVED

FEB 23 2024

DEPT. OF WATER RESOURCES
EASTERN REGION

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Application for Transfer Filed on Behalf of Telford Lands LLC.

Dear Reviewing Agent:

Enclosed for processing is an *Application for Transfer* filed on behalf of Telford Lands LLC. The transfer only proposes to shift the place of use for 120 acres of the combined 2,124 acre place of use of the described water rights. The shift in place of use acres is the result of a land swap with Standlee Family Ltd Partnership, which will logistically be better for the Applicant. No other changes are proposed with this transfer. The water rights subject to this transfer were previously subject to a prior transfer that cleaned up the original place of use of the water rights (Transfer No. 87389).

We have included a spreadsheet that shows that there are 120 acres being shifted and based on the diversion rate associated with the water rights for this acreage, enclosed is the filing fee in the amount of \$660.00 for this transfer. Additionally, because there is no change in the points of diversion, it is our understanding that this transfer will not be advertised. If the Department decides to advertise the transfer, please let us know.

Once we know who the reviewing agent is, upon emailed request, we will email you the shapefile for the updated place of use. We appreciate your assistance in the review and processing of this application. If you have any questions or concerns, please let me know.

Best regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\rlh\16450 telford lands llc\019 2022 water rights\2022.12.13 ltr to idwr.docx

88811

MEMORANDUM

Date: March 5, 2024
To: Transfer 88811
From: Jake Nebeker
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.