

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

IN THE MATTER OF TEMPORARY)
CHANGE APPLICATION TC-34-249)
IN THE NAME OF RANDY PEHRSON)

**PRELIMINARY ORDER
DENYING APPLICATION**

On July 9, 2026, Randy Pehrson (“Pehrson”) filed Temporary Change Application TC-34-249 with the Idaho Department of Water Resources (“Department”), proposing to change the point of diversion and place of use for water right 34-780C. The City of Mackay (“City”) is the owner of record for water right 34-780C. Application TC-34-249 included a letter signed by Richard S. Mangum, mayor for the City, granting Pehrson permission to use the water right during the 2026 irrigation season. Application TC-34-249 proposed to move water right 34-780C to irrigated acres held by Pehrson, located approximately five miles southeast of the City.

Water right 34-780C bears a priority date of April 22, 1884, and authorizes the diversion of 0.64 cfs from the Big Lost River for the irrigation of 32 acres within the city limits of the City of Mackay. Water right 34-780C is delivered through the Sharp Ditch, which is a shared ditch used to deliver dozens of other water rights from the Big Lost River.

The City also holds the following water rights for municipal use:

Water Right No.	Source	Priority Date	Diversion Rate (cfs)
34-960	City Spring	1/1/1902	1.20
34-7073	Ground Water	6/18/1974	0.88
34-7532	Ground Water	1/26/1990	1.12
34-7572	Ground Water	8/29/2005	0.94

Consistent with Idaho Code § 42-222A, the Department may only approve temporary changes for “valid existing water rights.” Therefore, for every temporary change application, the Department must confirm that each water right proposed to be changed is a “valid existing water right” and has not been lost or forfeited through non-use.

As Department staff reviewed the historical irrigation use under water right 34-780C, they could not find evidence of active irrigation from the Sharp Ditch in aerial imagery. Department staff contacted the City to discuss the current use of water right 34-780C. Mayor Mangum confirmed that water right 34-780C had not been used for irrigation within the city limits for several years. Irrigation within the City limits is supplied by the City’s municipal water rights. The City often calls for delivery of the water, as confirmed in the delivery records for Water District 34, but the water diverted by the City is simply used by other water users on the Sharp Ditch. Diversion without beneficial use by the City, is not sufficient to overcome forfeiture concerns under Idaho Code § 42-222. Because neither Pehrson nor the City have

demonstrated that water right 34-780C is a valid existing water right, the Department cannot approve Application TC-34-249.

ORDER

IT IS HEREBY ORDERED that Temporary Change Application TC-34-249 is DENIED.

Dated this 20th day of July 2026.



Blake Jordan
Water Resources Program Manager

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July 2026, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid and properly addressed, to the following:

Document Served: Preliminary Order Denying Application

RANDY PEHRSON
4445 BEVERLAND LANE
MACKAY, ID 83251
rdpehrson@yahoo.com

CITY OF MACKAY
203 S MAIN ST
PO BOX 509
MACKAY, ID 83251

Courtesy copy sent by email to:

PRESTON MARCROFT
WATER DISTRICT 34
Water34master@gmail.com
Waterdist34@atcnet.net



Christina Henman
Administrative Assistant

TC-34-249

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 09 2026

DEPT. OF WATER RESOURCES
EASTERN REGION

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Randy Pehrson Phone 208-589-7417
Mailing Address 4445 Beverland Lane, Mackay, ID 83251 Email rdpehrson@yahoo.com

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
 ☐ Add diversion point(s)
 ☒ Change place of use
☐ Change purpose of use
 ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. The City is not planning on using this water right this year. If I can transfer the right into the Darlington Canal, it will help offset the shrink and losses and provide a full water supply for the acres irrigated with water right 34-14389.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
34-780C	4/22/1884	0.64 cfs	Irrigation	5/1 to 10/15
				to
				to
				to

- Total amount of water being transferred 0.64 cfs cubic feet per second and/or _____ acre-feet per annum.
- Source of water Big Lost River tributary to Sinks
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
07N	24E	33		NW	SW	NE	Custer	Big Lost River	Darlington Ditch

- Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	7										26	6						32

Total Acres 32

DENIED

6. General Information:

- a. Who owns the water right to be changed? City of Mackay
- b. Describe the arrangement allowing use of the right. Letter from City ("Permission to Use City of Mackay 1884 Water Rights for the Remainder of 2026")
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
The acres will continue to be irrigated by the City municipal water system (spring / ground water).
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? The right would not be diverted
- f. Describe other water rights used for the same purpose. Rights 34-14388, 34-14389, 34-14390 (gw)
- g. Remarks: I propose to move a senior BLR right from being stacked with the city ground water right to being stacked with my ground water right. The additional BLR right will help offset shrink charged to my 1884 right and will provide a full water supply for the acres at the proposed place of use.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

R. Randy Lake
Signature of Applicant

7/9/26
Date

FOR DEPARTMENT USE ONLY

Received by _____ Date 7-9-26 \$50 fee receipted by M. Pettis Receipt No. E051774
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

DENIED

For the Director

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/9/2026

Water Right 34-780C

Owner Type **Name and Address**
Current Owner CITY OF MACKAY
 PO BOX 509
 MACKAY, ID 83251-0509

Priority Date: 4/22/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.640 CFS	
	<u>Total Diversion</u>		0.640 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER NWNWSE Sec. 12, Twp 07N, Rge 23E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER 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	
07N	24E	28					8.0	8.0	8.0	8.0									32.0

POU Total Acres: 32.0

Conditions of Approval:

1. WATER IS DELIVERED THROUGH THE SHARP DITCH.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/9/2026

Water Right 34-14389

Owner Type **Name and Address**
Current Owner RANDY D PEHRSON
 4445 BEVERLAND LN
 MACKAY, ID 83251-4435

Current Owner PEGGY PEHRSON
 4445 BEVERLAND LN
 MACKAY, ID 83251-4435

Priority Date: 4/22/1884

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	0.550 CFS	
	<u>Total Diversion</u>		0.550 CFS	

Source and Point(s) of Diversion:

BIG LOST RIVER NWSWNE Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER 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	
06N	25E	7									1.0	27.5	9.2	0.3	1.4				39.4

Right Acre Limit: 27.30
POU Total Acres: 39.4

Conditions of Approval:

1. X35 Rights 34-14388, 34-14389 and 34-14390 when combined shall not exceed a total diversion rate of 1.09 cfs, and the irrigation of 39.4 acres.
2. X27 This right is limited to the irrigation of 27.3 acres within the authorized place of use in a single irrigation season.
3. 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.
4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/9/2026

5. R05 watermaster suitable control of the diversion.
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. Water is delivered through the Darlington ditch.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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.
9. 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.



City of Mackay

203 S Main St
PO Box 509
Mackay, Idaho 83251

July 7, 2026

Idaho Department of Water Resources

RE: Permission to Use City of Mackay 1984 Water Rights for the Remainder of 2026

To Whomever It May Concern,

This letter serves as confirmation that the City of Mackay grants permission to Randy Pehrson of Mackay, Idaho to utilize the City of Mackay's 1984 water rights for the remainder of the 2026 irrigation season, ending December 31, 2026.

This permission is temporary in nature and is limited solely to the remainder of the 2026 calendar year. It does not constitute a permanent transfer, assignment, lease, or conveyance of any ownership interest in the City's water rights, nor does it create any right to continued use beyond December 31, 2026. Any future use of the City's water rights after this date shall require separate authorization by the City of Mackay.

Please retain this letter for your records as evidence of the City's authorization.

If you have any questions, please contact City Hall.

Sincerely,

Richard S. Mangum, Mayor

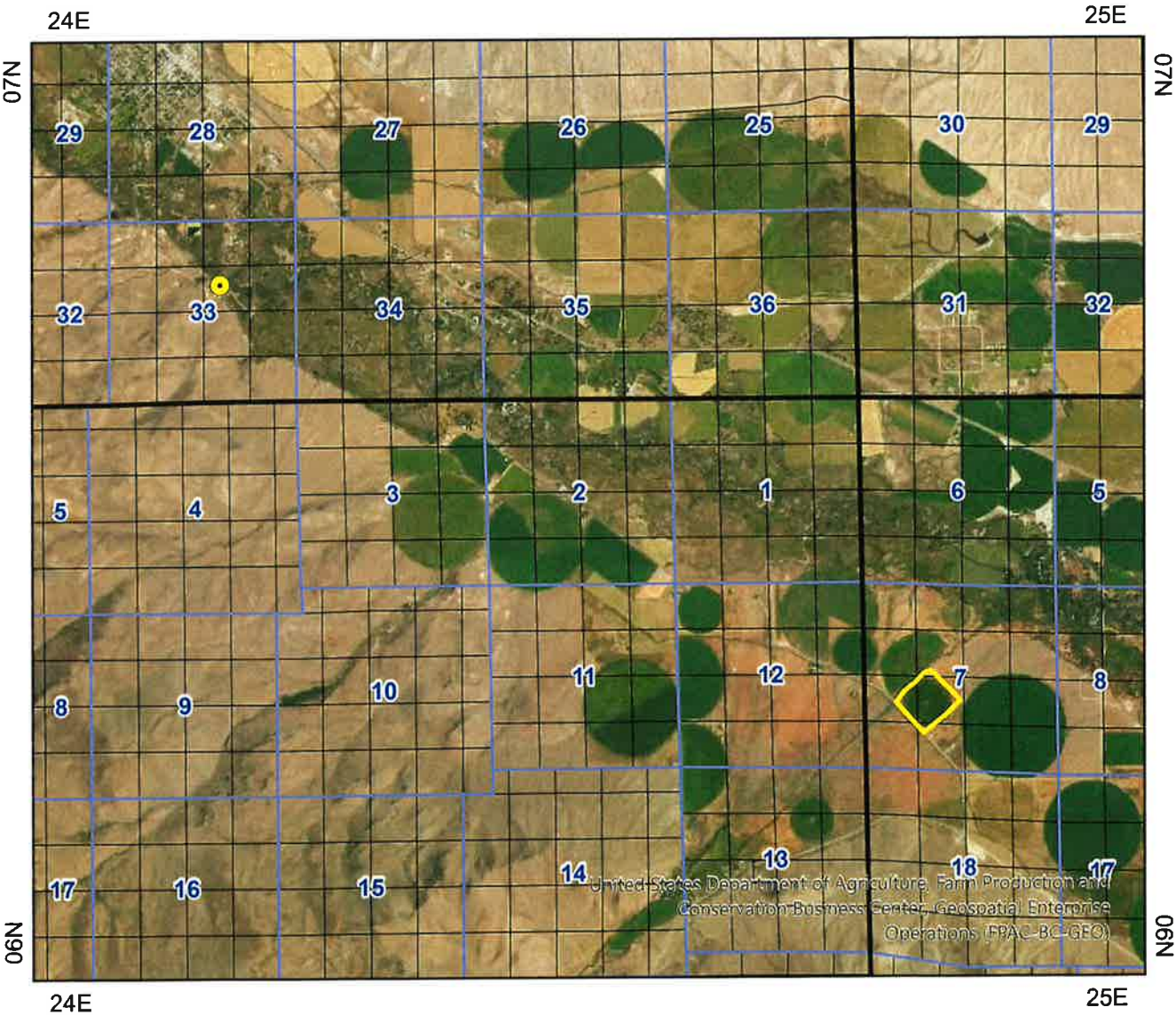
State of Idaho
Department of Water Resources

Water Right

34-14389

(IRRIGATION)

RANDY D PEHRSON



- Point of Diversion
- Place Of Use Boundary
- State Outline
- Townships
- Sections
- Quarter Quarters



0 0.8 1.6 2.4 3.2 Miles



IDAHO DEPARTMENT OF
WATER RESOURCES

Imagery: 2023 Aerial Photography
Prepared By Cefalo, James

Holliday, Michael

From: Waterdistric Thirtyfour <water34master@gmail.com>
Sent: Tuesday, July 14, 2026 7:18 AM
To: Holliday, Michael
Cc: Rich@blrid.com; waterdist34@atcnet.net; tanae@blrid.com
Subject: Re: Pehrson temp change

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Yes, I approve.

On Mon, Jul 13, 2026, 3:42 PM Holliday, Michael <Michael.Holliday@idwr.idaho.gov> wrote:

Preston and Rich,

Attached is a scanned temporary change application for your comments. Your prompt response will ensure that your recommendations can be considered. If IDWR has not received your written recommendations by July 14, 2026, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider. Thanks.



Michael Holliday | Water Rights Supervisor

900 N Skyline Dr, Ste A, Idaho Falls, ID 83402

(208) 525-7161 | www.idwr.idaho.gov

2020

Water User Name: M. C. Family Real Estate LLC / Smith, Dale

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Wells	0	272.2	0	272.2
Summary for M. C. Family Real Estate LLC / Smith, Dale (1 diversion record)				
Total	0.00	272.20	0.00	272.20

Water User Name: M. C. Family Real Estate LLC

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
South Fork 1	0	0	0	0
Wells	0	477	0	477
Summary for M. C. Family Real Estate LLC (2 diversion records)				
Total	0.00	477.00	0.00	477.00

Water User Name: Mackay Springs Ranch / Lezamiz, John

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Burnett	140.81	0	15.63	156.44
Summary for Mackay Springs Ranch / Lezamiz, John (1 diversion record)				
Total	140.81	0.00	15.63	156.44

Water User Name: Mackay Springs Ranch / Lezamiz, John^

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Congdon Springs	4.8	0	0	4.8
Wells	0	0	0	0
Summary for Mackay Springs Ranch / Lezamiz, John^ (2 diversion records)				
Total	4.80	0.00	0.00	4.80

Water User Name: Mackay, City of

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Sharp	85.92	0	0	85.92
Wells	0	95.1	0	95.1
Summary for Mackay, City of (2 diversion records)				
Total	85.92	95.10	0.00	181.02

Water User Name: Magee Family Trust

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
BLRID	0	0	0	0
Wells	0	136.8	0	136.8
Summary for Magee Family Trust (2 diversion records)				
Total	0.00	136.80	0.00	136.80

2019

Water User Name: Mackay, City of

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Sharp	87.22	0	1.46	88.68
Wells	0	159.17	0	159.17
<i>Summary for Mackay, City of (2 diversion records)</i>				
Total	87.22	159.17	1.46	247.85

Water User Name: Magee Family Trust

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Angelo	0	0	0	0
BLRID	0	0	0	0
Burnett	0	0	0	0
Darlington	0	0	0	0
Harris-Vaught	0	0	0	0
Wells	0	344.47	0	344.47
<i>Summary for Magee Family Trust (6 diversion records)</i>				
Total	0.00	344.47	0.00	344.47

Water User Name: Magee Group Inc. / Kimball, Gary

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Harris-Vaught	0	0	0	0
Wells	0	205.05	0	205.05
<i>Summary for Magee Group Inc. / Kimball, Gary (2 diversion records)</i>				
Total	0.00	205.05	0.00	205.05

Water User Name: Magee Group, Inc.

Diversion Name	Decree:	Groundwater:	Stor./Rot.:	Total:
Angelo	0	0	0	0
Burnett	68.98	0	8.5	77.48
Congdon Springs	0	0	0	0
Harris-Vaught	0	0	0	0
Wells	0	139.58	0	139.58
<i>Summary for Magee Group, Inc. (5 diversion records)</i>				
Total	68.98	139.58	8.50	217.06