

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

IN THE MATTER OF:

Application for Transfer of Water Right }
No. 22-0195/22-0196 in the name of }
CANYON CREEK CANAL COMPANY }

MEMORANDUM DECISION
AND ORDER

The Canyon Creek Canal Company holds decreed water rights from Canyon Creek for 16.0 cubic feet per second with priority of June 1, 1900, and 54.0 cubic feet per second with priority of June 1, 1902. The decree is silent as to the point of diversion, but these rights have historically been diverted at the Canyon Creek Canal heading which is located within Lot 4, Sec. 6, Twp. 5 N, Rge. 43 E, B.M., Madison County. The decree describes the lands irrigated by these rights as follows:

"Lands of stockholders of said company, situated in Township 5 North, Range 43 E., B.M., T. 6, N., R. 41 E., B.M., T. 6 N., R. 42 E. B.M., and in T. 7 N. R. 41 E., B.M., aggregating over 10,000 acres."

On April 6, 1976, the Canyon Creek Canal Company applied to the Department of Water Resources for a water right transfer which would add three additional points of diversion on Canyon Creek, downstream from the existing canal heading, and one proposed point of diversion on the Teton River. Notice of this application was published in the Rexburg Journal on May 13 and May 20, 1976.

The Director of the Department of Water Resources has reviewed the application and other files of the Department, and based upon his understanding of the law, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

- 1) Assessment records indicate water users pay Canyon Creek Canal Company assessments on a total of only 1,365 acres of land.
- 2) Records of the Fremont-Madison Irrigation District indicate that as much as 2,547 acres may have been irrigated with water diverted from the Canyon Creek Canal.
- 3) The application for transfer describes lands claimed to have a water right from Canyon Creek totaling 10,615 acres.

4) Section 42-232, Idaho Code, provides that, "The Director of the Department of Water Resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby and the change does not constitute an enlargement in use of the original right."

5) There are several intervening rights to divert water from Canyon Creek downstream from the Canal Company's present point of diversion.

CONCLUSIONS OF LAW

1) The decreed water rights of the Canyon Creek Canal Company entitle it to divert up to 70.0 cubic feet per second from Canyon Creek if available under its priorities to irrigate "over 10,000 acres of land". While it is questionable that that much land has ever previously been irrigated due to availability of water supply and former surface methods of irrigation, the decreed right so provides.

2) Other water right holders who divert water from Canyon Creek under priorities subsequent to the Canyon Creek Canal Company rights are entitled to protection of their diversion and use of water under conditions which existed as their subsequent rights were established.

ORDER

IT IS, THEREFORE, ORDERED and Application for Transfer of Water Right No. 22-0195/22-0196 is hereby APPROVED subject to the following conditions:

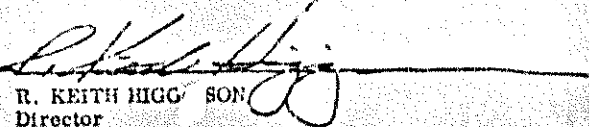
1) The applicant shall install a permanent measuring device in Canyon Creek at the applicant's present point of diversion, in the Canyon Creek Canal, and at each new point of diversion.

2) No more water may be diverted from Canyon Creek and the Teton River under these rights than is actually available and could have been diverted by the Canal Company at its original point of diversion as demonstrated by the record of the measuring devices required in paragraph 1) above.

3) This approval is subject to all prior and intervening water rights which would otherwise be injured by such approval.

4) No more water may be diverted under this approval than the amount heretofore required to irrigate lands served by the Canyon Creek Canal Company.

Dated this 30th day of December, 1976.


R. KEITH HIGGSON
Director

Campbell, C. C.,
Trustee, and
Great Western
Canal & Improve-
ment Company.

(Description of lands not given.)

Campbell, U. F.

NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of Lot 2, Sec. 2 T.
3 S., R. 34 E., B. M. containing 160 acres.

Cannon, Harry

SW $\frac{1}{4}$ of Sec. 1, T. 4 N., R., 45 E., B. M.,
containing 160 acres.

Canyon Creek
Canal & Irriga-
tion Company.

Lands of stockholders of said company,
situated in Township 5 North, Range 43
E., B. M., T. 6 N., R. 41 E., B. M.,
T. 6 N., R. 42 E. B. M., and in T. 7 N. R.
41 E., B. M., aggregating over 10,000 acres.

Carlson, Carl T.

E $\frac{1}{2}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 34, SE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Sec. 27, T. 5 N., R. 39 E.B.M.

Carlson, Carl T.

E $\frac{1}{2}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 34, SE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Sec. 27, T. 5 N., R. 39 E.B.M.

Carlson, Charles

Lots 2, 3 and 4, of Sec. 18, and Lot 1 of
Sec. 19, T. 15 N., R. 42 E., B. M. containing
160 acres.

Carlson, Peter O.

E $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of Sec. 27, T. 5 N., R. 39 E., B. M.
containing 160 acres.

Carrier, Annie E.

S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 25, and Lot 4, less 13
acres sold, in T., 2 N. R., 37 E., B. M.
containing 110 acres.

Carrington, Enoch

NW $\frac{1}{4}$ of Sec. 5, and NE $\frac{1}{4}$ of Sec. 6, T. 4 N.,
R. 45 E., B. M., W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 32,
and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 31, T. 5 N. R.,
45 E. B., M., containing 480 acres.

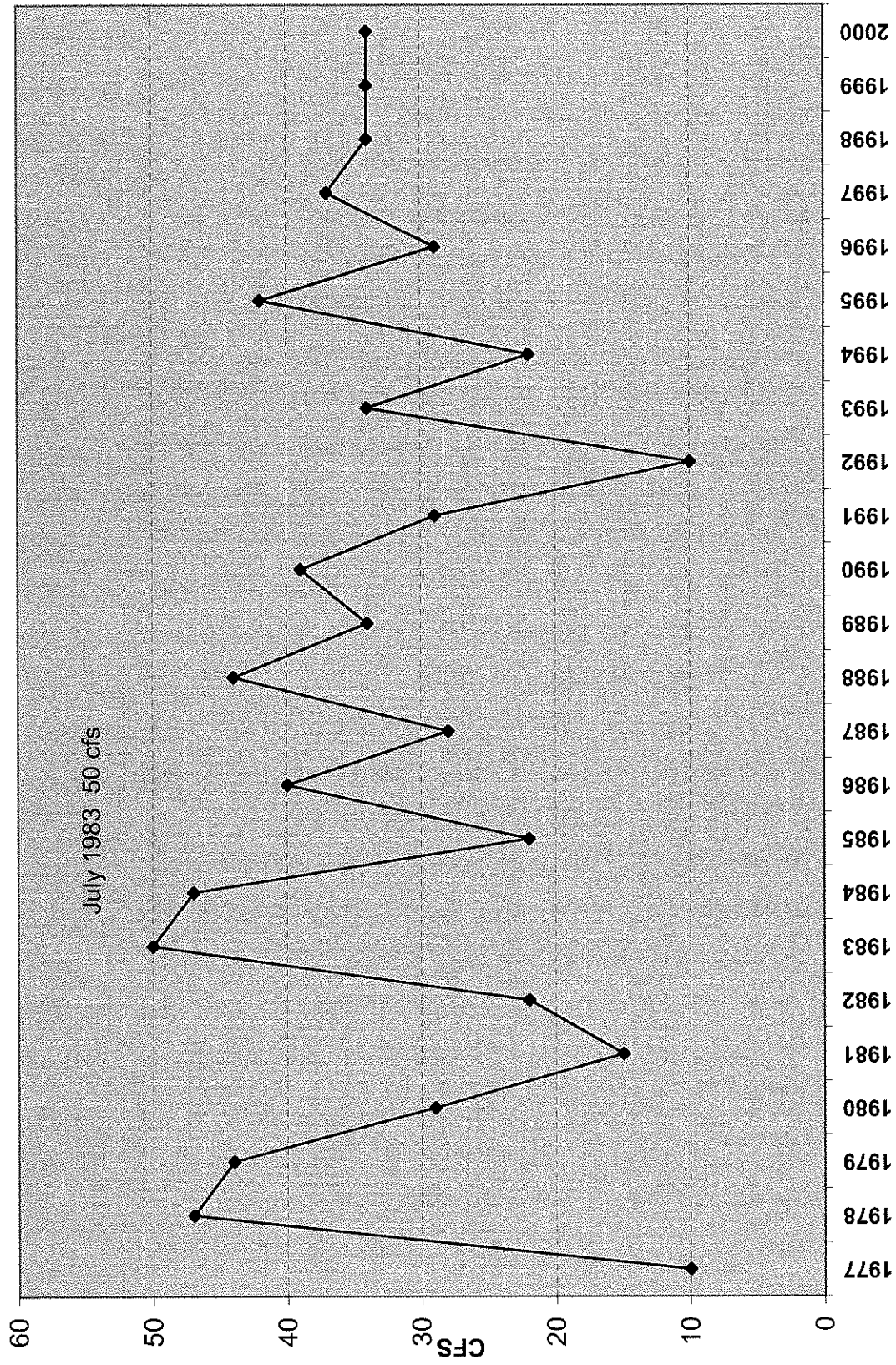
04/17/84

13054515 CANYON CREEK CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1982 TO OCTOBER 1983
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0	0	0	0	0	0	0	0	60	28	15	11
2	0	0	0	0	0	0	0	0	61	26	15	0
3	0	0	0	0	0	0	0	0	62	26	15	0
4	0	0	0	0	0	0	0	0	62	26	16	0
5	0	0	0	0	0	0	0	0	63	25	16	0
6	0	0	0	0	0	0	0	0	63	22	15	0
7	0	0	0	0	0	0	0	0	64	21	16	0
8	0	0	0	0	0	0	0	8	65	19	12	0
9	0	0	0	0	0	0	0	11	65	19	14	0
10	0	0	0	0	0	0	0	16	66	19	13	0
11	0	0	0	0	0	0	0	16	67	19	13	0
12	0	0	0	0	0	0	0	16	67	19	13	0
13	0	0	0	0	0	0	0	16	68	21	13	0
14	0	0	0	0	0	0	0	16	69	18	13	0
15	0	0	0	0	0	0	0	16	69	18	13	0
16	0	0	0	0	0	0	0	30	70	18	13	0
17	0	0	0	0	0	0	0	29	70	18	13	0
18	0	0	0	0	0	0	0	29	47	19	13	0
19	0	0	0	0	0	0	0	29	42	19	13	0
20	0	0	0	0	0	0	0	28	36	19	12	0
21	0	0	0	0	0	0	0	27	36	20	12	0
22	0	0	0	0	0	0	0	26	34	20	12	0
23	0	0	0	0	0	0	0	25	32	13	12	0
24	0	0	0	0	0	0	0	24	32	9	12	0
25	0	0	0	0	0	0	0	23	32	9	12	0
26	0	0	0	0	0	0	0	22	29	9	12	0
27	0	0	0	0	0	0	0	22	30	16	12	0
28	0	0	0	0	0	0	0	21	30	16	12	0
29	0	0	0	0	0	0	0	20	25	16	11	0
30	0	0	0	0	0	0	0	60	27	16	11	0
31	---	0	0	---	0	---	0	---	28	16	---	0
TOTAL	0	0	0	0	0	0	0	530	1571	579	394	11
MEAN	0	0	0	0	0	0	0	18	51	19	13	0
MAX	0	0	0	0	0	0	0	60	70	28	16	11
MIN	0	0	0	0	0	0	0	0	25	9	11	0
AC-FT	0	0	0	0	0	0	0	1100	3100	1100	781	22
IRRIGATION YEAR 1983	TOTAL	3085	MEAN	8	AC-FT	6119						

A-213

MAXIMUM MONTHLY DIVERSION 1977-2000
13054515 CANYON CREEK CANAL



04/17/84

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DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1982 TO OCTOBER 1983
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DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0	0	0	0	0	0	0	0	60	28	15	11
2	0	0	0	0	0	0	0	0	61	26	15	0
3	0	0	0	0	0	0	0	0	62	26	15	0
4	0	0	0	0	0	0	0	0	62	26	16	0
5	0	0	0	0	0	0	0	0	63	25	16	0
6	0	0	0	0	0	0	0	0	63	22	15	0
7	0	0	0	0	0	0	0	0	64	21	16	0
8	0	0	0	0	0	0	0	8	65	19	12	0
9	0	0	0	0	0	0	0	11	65	19	14	0
10	0	0	0	0	0	0	0	16	66	19	13	0
11	0	0	0	0	0	0	0	16	67	19	13	0
12	0	0	0	0	0	0	0	16	67	19	13	0
13	0	0	0	0	0	0	0	16	68	21	13	0
14	0	0	0	0	0	0	0	16	69	18	13	0
15	0	0	0	0	0	0	0	16	69	18	13	0
16	0	0	0	0	0	0	0	30	70	18	13	0
17	0	0	0	0	0	0	0	29	70	18	13	0
18	0	0	0	0	0	0	0	29	47	19	13	0
19	0	0	0	0	0	0	0	29	42	19	13	0
20	0	0	0	0	0	0	0	28	36	19	12	0
21	0	0	0	0	0	0	0	27	36	20	12	0
22	0	0	0	0	0	0	0	26	34	20	12	0
23	0	0	0	0	0	0	0	25	32	13	12	0
24	0	0	0	0	0	0	0	24	32	9	12	0
25	0	0	0	0	0	0	0	23	32	9	12	0
26	0	0	0	0	0	0	0	22	29	9	12	0
27	0	0	0	0	0	0	0	22	30	16	12	0
28	0	0	0	0	0	0	0	21	30	16	12	0
29	0	0	0	0	0	0	0	20	25	16	11	0
30	0	0	0	0	0	0	0	60	27	16	11	0
31	---	0	0	---	0	---	0	---	28	16	---	0
TOTAL	0	0	0	0	0	0	0	530	1571	579	394	11
MEAN	0	0	0	0	0	0	0	18	51	19	13	0
MAX	0	0	0	0	0	0	0	60	70	28	16	11
MIN	0	0	0	0	0	0	0	0	25	9	11	0
AC-FT	0	0	0	0	0	0	0	1100	3100	1100	781	22

IRRIGATION YEAR 1983 TOTAL 3085 MEAN 8 AC-FT 6119