

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHTS: 21-12922 & 21-12934)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-21-22

WHEREAS, a drought emergency has been declared for Fremont County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purposes of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on May 12, 2022, Egin Bench Canals Inc. submitted the attached Temporary Change Application to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of the changed portions of right nos. 21-12922 and 21-12934 is authorized only at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well as a point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought conditions. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Rights 21-12922, 21-12921, and 21-12908 are limited to the irrigation of a total of 14,596 acres in a single irrigation season. Right(s) 21-12897, 21-12934, and 21-12912 are limited to the irrigation of a total of 6103 acres in a single irrigation season.
6. The quantity of water diverted under right 21-12922 during the periods July 2 through July 16 and August 1 through October 31 shall not exceed 500 cfs.
7. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
8. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
9. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. The Watermaster of Water District No. 1 is authorized to administer the temporary change approval.
11. This temporary change approval expires on October 31, 2022 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 20th day of May, 2022.



James Cefalo
Eastern Region Manager

TC-21-22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

MAY 12 2022
Department of Water Resources
Eastern Region

(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 Egin Bench Canals, Inc. Phone 208-624-3381
Mailing Address P.O. Box 15 Email _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and explain the reason(s) they are needed. _____
Applicant desires to transfer 50 cfs of March 1, 1890 from the Egin Canal point of diversion to the Independent
Canal point of diversion and 100 cfs of June 21, 1888 from the St. Anthony Union Canal point of diversion to the
Independent Canal point of diversion. This is all part of the Applicant's canal system.

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
	<u>21-12934</u>	<u>03/01/1890</u>	<u>50 cfs</u>	<u>irrigation</u>	<u>04/01 ^{MH} 5/12 to 10/31</u>
	<u>21-12922</u>	<u>06/21/1888</u>	<u>100 cfs</u>	<u>irrigation</u>	<u>04/01 ^{MH} 5/12 to 10/31</u>
	_____	_____	_____	_____	_____ to _____
	<u>remaining-attached</u>	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 150 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Henry's Fork tributary to Snake River
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
7N	40E	02	6		NE	SE	Fremont	Henry's Fork	Independent Canal

5. 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	

Total Acres _____

TEMPORARY CHANGE APPLICATION

Name of Applicant Egin Bench Canals, Inc. (continued information for B.1.) Phone _____

Mailing Address _____ Email _____

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>
<u>Remaining</u>				to
<u>21-12922</u>	<u>6/21/1888</u>	<u>400-500cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
<u>21-12934</u>	<u>3/1/1890</u>	<u>50-150 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
				to

4. Point(s) of diversion:

[illegible][illegible]

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6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Water management will be more efficient for the lands of the Applicant.
- 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? same
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: Place of use is lands of the stockholders within the boundary of Applicant. Transferring 50 cfs of water right #21-12934 from the Egin Canal point of diversion to the Independent Canal point of diversion and 100 cfs of water right #21-12922 from the St. Anthony Union to the Inde. All points of diversion are owned by the Applicant.

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.

Signature of Applicant

Date

5-10-22

FOR DEPARTMENT USE ONLY

Received by M. Fetter Date 5-12-22 \$50 fee received by M. Fetter Receipt No. E048133

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 _____

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-21-22

Applicant's Name: EGW BENCH CANALS

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: _____

- c) ☐ I oppose approval of this application for the following reasons: _____

- d) ☐ Additional Comment: _____

Dated this 17 day of May, 2022.

Water District No: 1

Tony Olenichat
Watermaster's Signature

Use reverse side of page if you need more space.