

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 35-2543)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-35-08

A drought emergency has been declared for Power County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

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

On July 28, 2021, Aberdeen-Springfield Canal Co. submitted the attached Temporary Change Application to the Department; and

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 Right No(s). 35-2543 is authorized only at the points of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well or diversion works as a new 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 which normally have a full water supply, except for the drought condition. 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. Prior to the diversion and use of water under this temporary change, 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.
6. 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 consent of such corporation or irrigation district.
7. The applicant agrees 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.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The watermaster of Water District No. 120 is authorized to administer the temporary change approval.
10. This temporary change approval expires on October 31, 2021 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 28th day of July, 2021.


James Cefalo
Eastern Region Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 28 2021

TC-35-08

TEMPORARY CHANGE APPLICATION

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 Aberdeen-Springfield Canal Company Phone 208-397-4192
Mailing Address PO Box 857, Aberdeen, ID 83210 Email Tonyd@ascanal.org

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. _____

Add point of diversion to ground water rights 35-4246 and 35-2543. Point of diversion provides water to lower
canal system and was previously drilled under listed rights.

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

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>35-2543</u>	<u>08/07/1958</u>	<u>6cfs/2547af</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 6 cfs cubic feet per second and/or 2547 acre-feet per annum.

3. Source of water Ground Water tributary to _____.

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
07S	30E	26			NW	NW	Power	Ground Water	D0032868
05S	31E	11		NW	NE	SW	Bingham	Ground Water	Mann

5. Lands irrigated or place of use: Aberdeen Springfield canal Service area

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres 61,773

6. General Information:

- a. Who owns the water right to be changed? Aberdeen-Springfield Canal Company
- b. Describe the arrangement allowing use of the right. Company already owns well although it is not listed on water rights as a POD. Well is currently unused.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Large POU will be irrigated using company ground water right instead of surface water rights.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Water rights have been diverted and used at listed POD's.
- e. Absent the changes, how would the right be used for the remainder of the year? All all PODs including the added POD but would still pump under allowed diversion rate/volume.
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: An NOV had previously been issued on this POD and it has gone unused. Company is seeking to temporarily add it as a POD to existing ground water rights to avoid crop loss on lower canal acres due to extrem

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]
Signature of Applicant

7/27/21
Date

FOR DEPARTMENT USE ONLY

Received by M. Peltis Date 7-27-21 \$50 fee receipted by M. Peltis Receipt No. E047224
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-35-08

Applicant's Name: ABERDEEN SPRINGFIELD CANAL CO

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: Measuring Device ^{condition} placed on
Temporary approval doc.

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

d) ☐ Additional Comment: _____

Dated this 28th day of July 2021.

Water District No: 120


Watermaster's Signature

Use reverse side of page if you need more space.

Blake Jordan