

RECEIVED  
MAY 02 2014  
DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

ID No. \_\_\_\_\_

TP-37-56

RECEIVED  
MAY 22 2014  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

# APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(For a use not intended to become an established water right, not to exceed a total diverted volume of five (5) acre-feet and not to exceed one (1) year duration in accordance with Section 42-202A, Idaho Code.)

Name of applicant: Blaine County Operations, c/o Char Nelson Phone: (208) 788-5543  
Mailing address: 206 S. 1st Avenue, Suite 304 City: Hailey  
State Idaho ZIP 83333 Email: cnelson@co.blaine.id.us

1. Source of water: see attached narrative tributary to see attached narrative

2. Location of point(s) of diversion: (SEE ATTACHED NARRATIVE)

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
1S	22E	9		SE	S1/2		Blaine	Fish Creek Reservoir Dist.	

3. Location of place of use: (SEE ATTACHED NARRATIVE)

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

4. Describe proposed use of water Blaine County Road & Bridge Department will use water to fill water trucks for use in county roadway maintenance and construction activities in the area of Blaine County roughly defined as east of Little /Wood Reservoir Road.

5. Amount of water:

Maximum rate of diversion \_\_\_\_\_ cfs or 225 gpm.

Maximum daily volume 0.99 AF; total volume \_\_\_\_\_ AF.

6. Duration of diversion: from determined by FCWD (day-month) to determined by FCWD (day-month).

7. Describe proposed diverting works: 3" pipe works installed by Fish Creek Water District

8. a. Who owns the property at the requested point of diversion? Blaine County

b. Who owns the land to be irrigated or place of use? various public roadways in east Blaine County

c. If the property is owned by a person other than the applicant, describe the arrangement allowing access to the water: (not applicable)

9. Additional remarks: See narrative attached for a description of the transfer of 1 share of Blaine County's 50 shares of Fish Creek Reservoir District water from irrigation use to roadway maintenance and construction use.

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

Signature of applicant Charles Nelson

Date 4/28/14

Received by CS Date 5/2/14 Time 10:20 AM

\$50.00 fee receipted by CS # C098783 Date 5/2/14

Watermaster comments received? Yes Date 6/3/14

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202A, Idaho Code, and has determined that:

☐ A. The application for temporary approval should be denied.

☒ B. The application for temporary approval should be approved, since

1. The temporary approval can be properly administered.
2. Other water sources are not readily available.
3. The approval is in the public interest.
4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

☐ A. DENIED

☒ B. APPROVED, subject to the following conditions:

1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
3. This approval authorizes a maximum diversion of \* AF and a maximum rate of diversion of 0.5 cfs.
4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
5. The department may cancel this approval at any time if the department identifies injury to other water rights.
6. This approval does not create a continuing right to use water.
7. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.
8. Other: See attached sheet for additional conditions
9. This approval expires on 8/1/2014 or 25 indicated on attached sheet.

Signed this 3<sup>rd</sup> day of June, 2014.

FOR

For the Director

ADDITIONAL CONDITIONS OF APPROVAL FOR TEMPORARY  
PERMIT NO. TP-37-56

- All equipment involved with transporting water shall be treated/sterilized to avoid spread of invasive aquatic species prior to use. If equipment involved with transporting water has been moved into Idaho from another state (Particularly from NV, CO, UT, AZ, CA or TX) contact ISDA for an inspection. We recommend contacting ISDA (Amy Ferriter @ 208-332-8686) for treatment recommendations.
- Subject to regulation by watermaster of Water District 37U and Fish Creek Water District.
- This use is mitigated by shares held by Blaine County in the Fish Creek Irrigation District. Use of this permit is limited to the availability of shares being offered as mitigation. In no event shall water be diverted in excess of 5.0 AF or the volume of water available for the shares offered as mitigation (whichever is smaller).
- It is expected that shares will not be available for use mid irrigation season so this permit expires August 1, 2014 but may be extended if water is available under the mitigation shares.
- Water diverted shall be measured and accounted for in a manner acceptable to the watermaster and Fish Creek Water District.



April 28, 2014

Idaho Department of Water Resources  
Southern Region  
650 Addison Ave. W., Suite 500  
Twin Falls, Idaho 83301-5858

RE: **APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION**  
*Blaine County Operations – Fish Creek Reservoir Company*  
*Water Shares Transfer of Use Narrative*

Dear Administrator:

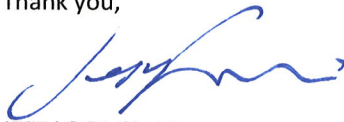
Blaine County recently purchased an approximately 80-acre parcel of land situated west of North Laidlaw Road, in the S1/2 of the SE1/4 of Section 9, Township 1S, Range 22E, B.M., in Blaine County (see attached Site Location Map). This parcel of land, formerly owned by the Kenworthy Estate, is associated with fifty (50) shares of irrigation water from the Fish Creek Reservoir Company. The Blaine County Road & Bridge Department intends to operate a gravel pit on this 80-acre parcel, and desires to transfer the use of one (1) share of the fifty (50) shares of Fish Creek Reservoir Company water from irrigation use to roadway maintenance and construction use. Per conversations with Cory Skinner in the IDWR-Southern Region Office, this "swap" of use of this one share of water can be considered through IDWR's Application for Temporary Approval of Water Appropriation. This letter is a narrative of this desired transfer of use of water, and is intended to supplement IDWR Form 202a (attached).

For the 2014 irrigation season, the Blaine County Road & Bridge Department desires to utilize one share (225 gpm for a 24-hour period, or 0.99 acre-feet) of Blaine County's 50 shares of the Fish Creek Reservoir Company water associated with this property to fill water trucks for use on county roadway maintenance and construction work. The Fish Creek Reservoir Company will determine the duration of the diversion. That is, water is available for diversion when users first call for delivery of water in an irrigation season, and the duration of delivery lasts until the irrigation season ends, or water rights are exhausted. Blaine County Road & Bridge's use will be intermittent through the availability of the water delivery duration, but never in excess of 225 gpm. Blaine County understands this temporary change of use is temporary, and needs to be applied for each year if continued use of the irrigation water from the Fish Creek Reservoir Company is desired for road maintenance and construction purposes.

Road & Bridge crews will fill water trucks on the Kenworthy parcel. The Fish Creek Reservoir Company has improved pipe works from existing conveyance from the reservoir to the northwest corner of the property, ending the conveyance via 3" diameter pipe works (i.e. the point of diversion). Blaine County Road & Bridge intends to use the water on the various county roads maintained by their Carey Shop approximately east of Little Wood Reservoir Road (i.e. place of use). Crews will use a flow meter on the end of the 3" pipe work to measure the amount of water delivered for their road maintenance and construction use.

Please let me know if you have questions, or need additional information, regarding this application.

Thank you,



JEFF LOOMIS, PE  
Blaine County Engineer

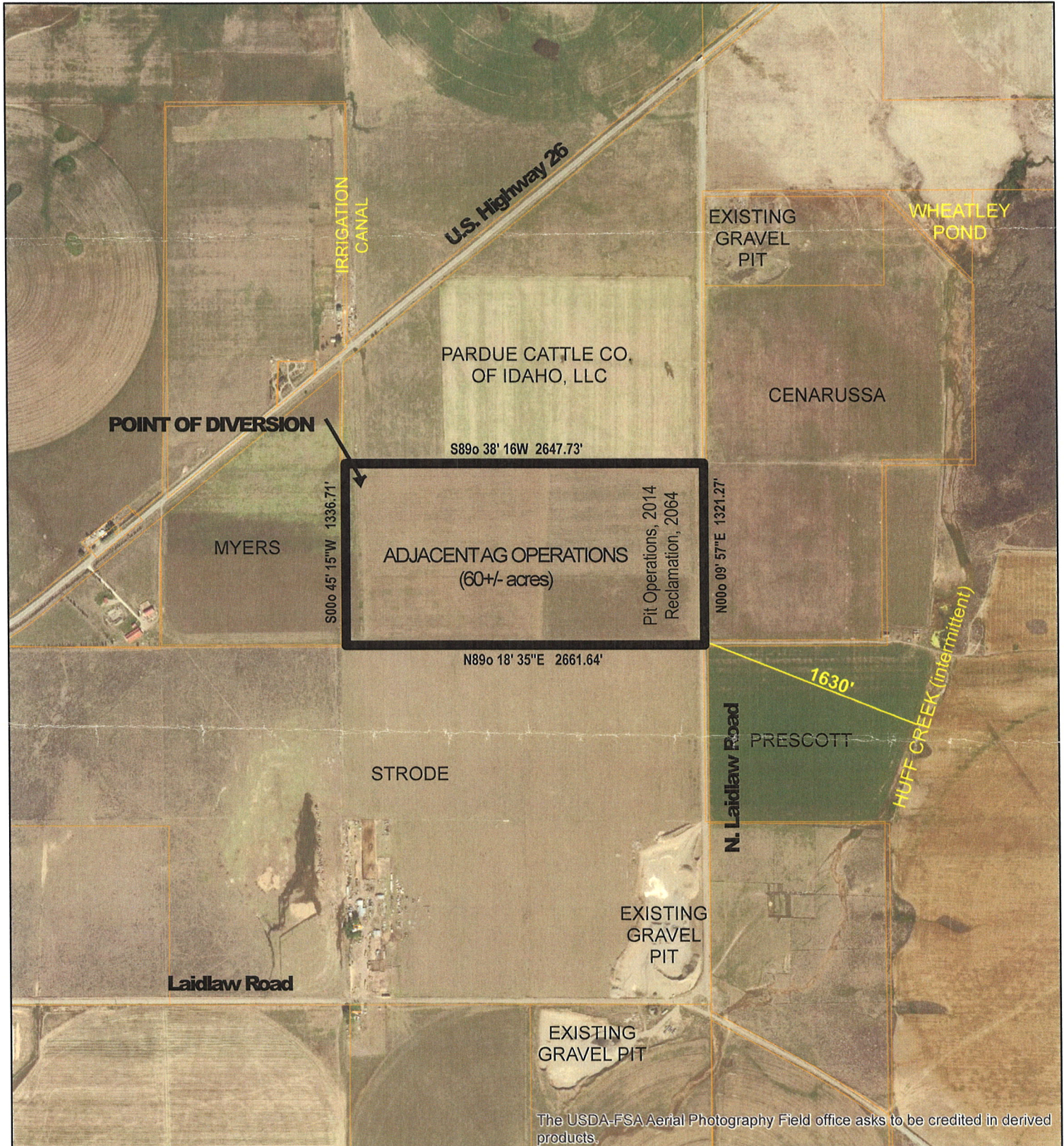


BLAINE COUNTY OPERATIONS  
KENWORTHY GRAVEL PIT WATER USE TRANSFER

SITE LOCATION MAP

S1/2 of the SE1/4, Section 9, T1S, R22E

1,000 500 0 1,000 Feet





## MEMORANDUM

**Date:** June 3, 2014  
**To:** Application for Temporary Approval of Water Appropriation  
**From:** Benny Walker  
**Re:** Blaine County Operations

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Application proposes to divert water from the Fish Creek Irrigation District pipe line to fill water trucks for use in county roadway maintenance and construction activities in the area of Blaine County roughly defined as east of Little Wood Reservoir Road. The proposed point of diversion is located in the SWSE of Section 9, Range 22E, Township 01S.

Blaine County has 50 shares of the Fish Creek Irrigation District and the application proposes that Blaine County set aside 1 share for this use. The Fish Creek Irrigation District will determine the duration of the diversion by the availability of water for the irrigation season.

Yesterday, Corey Skinner and I talked with Lawrence Kimball, water master for 37U Fish Creek, regarding the application. Mr. Kimball indicated he was aware of the application and had no objections to the proposal. Mr. Kimball verified that Blaine County has 50 share of Fish Creek Irrigation District water. We also discussed the amount of water associated with a share in the Fish Creek Irrigation District with Mr. Kimball, who is also the ditch rider for the Fish Creek Irrigation District. Mr. Kimball indicated that a share in the Fish Creek Irrigation District represents storage in the Fish Creek Reservoir and at the reservoir a share historically represented 25 inches (0.5 cfs) of water over a 24 hour period. However, the board would set a percent delivery of this amount based on water level in the reservoir and "shrink" (conveyance loss down the creek & delivery system). In addition, due to the lowering of Fish Creek Dam several years ago, the percentage of amount of water delivered per share has been significantly reduced further. Mr. Kimball indicated that this year the Fish Creek Irrigation District set the percent delivery of a share at 16%. This means that one share in the Fish Creek Irrigation District would represent 4 inches (0.08 cfs) of water delivered for a 24 hour period at the field headgate. Therefore the county's 50 shares would equate to "eight full shares" or fifty shares of four inches (0.08 cfs) delivered for a 24 hour period. This works out to be approximately 7.9 acre-feet delivered at the field headgate.

The temporary water appropriation could potentially allow for the delivery of up to 5 acre-feet of water. The application proposes mitigating the water use by retiring one share. However, this year one share of Fish Creek Irrigation District water would equate to approximately 0.16 acre-feet (52,136 gallons) of water (0.08 cfs for a 24 hour period).

Mr. Kimball indicated that Blaine County was not irrigating their property this year and planned to fill water truck with the water and lease the rest to someone else in the district. It appears reasonable to impose a limit that for a certain amount of water used to fill water trucks, then an equal amount of water be deducted from the amount of water available for delivery/lease under the county's 50 shares. A condition indicating that for every 50,000 gallons of water diverted for the temporary appropriation (filling water trucks) one share of Fish Creek Irrigation District water must be considered delivered and used up (not available for other use/lease) could be incorporated as part of the approval.

On a side note, Mr. Kimball indicated that he thought that there is only enough water in the Fish Creek Reservoir to insure deliveries through the end of June.

After discussing the application and delivery of Fish Creek Irrigation District water with Mr. Kimball, we contacted Aaron Andrews, a director on the Fish Creek Irrigation District (see attached IDSOS annual report). Mr. Andrews indicated that he did not have any problems with the proposed temporary appropriation of water and use of Fish Creek Irrigation District shares. In fact, he indicated that he was actually in favor of it since it would allow for some sort of accounting of the water used by Blaine County for filling their water trucks for roadway maintenance and construction activities in the area.

No. <b>C 62200</b>	<b>Due no later than Oct 31, 2013</b> <b>Annual Report Form</b>		2. Registered Agent and Address <b>(NO PO BOX)</b>																												
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080  <b>NO FILING FEE IF RECEIVED BY DUE DATE</b>			DAWN BENNION 13 RIVER LANE CAREY ID 83320  3. <u>New</u> Registered Agent Signature:*																												
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional). <table border="1"> <thead> <tr> <th>Office Held</th> <th>Name</th> <th>Street or PO Address</th> <th>City</th> <th>State</th> <th>Country</th> <th>Postal Code</th> </tr> </thead> <tbody> <tr> <td>DIRECTOR</td> <td>SHERRI WILDE</td> <td>436 AUSTIN ROAD</td> <td>CAREY</td> <td>ID</td> <td>USA</td> <td>83320</td> </tr> <tr> <td>DIRECTOR</td> <td>AARON ANDREWS</td> <td>84 LAKEVIEW DRIVE</td> <td>CAREY</td> <td>ID</td> <td>USA</td> <td>83320</td> </tr> <tr> <td>DIRECTOR</td> <td>CHIP MOLYNEUX</td> <td>080 LAIDLAW PARK ROAD</td> <td>CAREY</td> <td>ID</td> <td>USA</td> <td>83320</td> </tr> </tbody> </table>				Office Held	Name	Street or PO Address	City	State	Country	Postal Code	DIRECTOR	SHERRI WILDE	436 AUSTIN ROAD	CAREY	ID	USA	83320	DIRECTOR	AARON ANDREWS	84 LAKEVIEW DRIVE	CAREY	ID	USA	83320	DIRECTOR	CHIP MOLYNEUX	080 LAIDLAW PARK ROAD	CAREY	ID	USA	83320
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5. Organized Under the Laws of:  <b>ID</b> <b>C 62200</b>	6. Annual Report must be signed.* Signature: Dawn Bennion Name (type or print): Dawn Bennion Date: 09/09/2013 Title: Secretary																														
Processed 09/09/2013	* Electronically provided signatures are accepted as original signatures.																														





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 3, 2014

BLAINE COUNTY OPERATIONS  
C/O CHAR NELSON  
206 S 1<sup>ST</sup> AVE, STE 304  
HAILEY, ID 83333

RE: Temporary Water Right Application: TP-37-56

Dear Applicant(s):

Enclosed is an approved copy of the above referenced Application for Temporary Approval of Water Appropriation Permit.

If you have any questions, please feel free to contact this office, and any of our agents will be able to assist you.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline  
Administrative Assistant

Enclosure

cc: Lawrence Kimball, Water District 37-U