

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 04 2020

APPLICATION FOR TEMPORARY APPROVAL OF WATER USE

For a use not intended to become an established water right and not to exceed one (1) year in Eastern Region duration in accordance with Idaho Code § 42-202A.

Name of applicant City of Idaho Falls Phone (208) 523-0620
 Mailing address c/o HKHC; P.O. Box 50130 City Idaho Falls
 State Idaho Zip 83405 Email rharris@holdenlegal.com

1. Source of water Snake River tributary to Columbia River
 2. Location of point(s) of diversion. If more than two, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County	Source	Local name or tag #
04N	37E	36		NE	SW	NW	Jefferson	Snake River	Idaho Canal

3. Location of place of use. If more rows are needed, attach a Point of Diversion/Place of Use Supplement. ☐

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	38E	33									X								

4. Proposed use of water:
 a. ☐ Prevention of flood damage ☒ Ground water recharge ☐ Ground water or surface water remediation
☐ Other (Limited to a diverted volume of 5 acre-feet.) Describe: _____
 b. Attach a detailed description of how the proposal will accomplish the intended objective, such as prevention of flood damage.
 5. Amount of water. Complete all three:
 a. Maximum rate of diversion: 7.5 cfs; or _____ gpm.
 b. Maximum daily volume: 14.85 AF; or _____ gallons.
 c. Maximum volume over the duration of the request: 2228 (14.85X150) AF; or _____ gallons.
 6. Duration of diversion: from 5/5 (month-day) to 8/1 (or when priority admin beg) (month-day).
 7. Describe proposed diverting works: Existing headgate on Moody Canal into existing ditch; Permission of IID obtained.
 8. a. Who owns the property at the requested point of diversion? Sommers (on Moody); Idaho Irrigation District
 b. Who owns the facilities that will convey water to the place of use? City of Idaho Falls - Idaho Irrigation District
 c. Who owns the land to be irrigated or place of use? N/A City of Idaho Falls.
 d. If any of the items above is owned by a person or entity other than the applicant, describe the arrangement allowing access and attach written evidence of the arrangement. Existing ditch to point of ditch extension; 30 day easement to extend ditch.
 9. Attach an 8 1/2" x 11" map identifying the water source, point(s) of diversion, place(s) of use and conveyance system.

I hereby acknowledge that I assume all risk of the diversion and use of the water under this approval. I certify this is a temporary use and is not intended to become an established water right.

Signature of Applicant Robert L. Harris Attorney _____ Title, if any _____ Date May 4, 2020

Received by CH Date 5/4/2020 Time 4:00pm
 \$50.00 fee received by CH # E045871 Date 5/4/2020
 Watermaster comments received? ☒ Date 5/4/2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources ("Department") has examined this application for temporary approval to use water under the provisions of Idaho Code § 42-202A and has determined that:

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

☒ 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.
5. If the temporary approval is within a water district, the Department has sought and considered the recommendations of the watermaster.

This application is therefore hereby:

☐ A. DENIED

☒ B. APPROVED, subject to the following conditions:

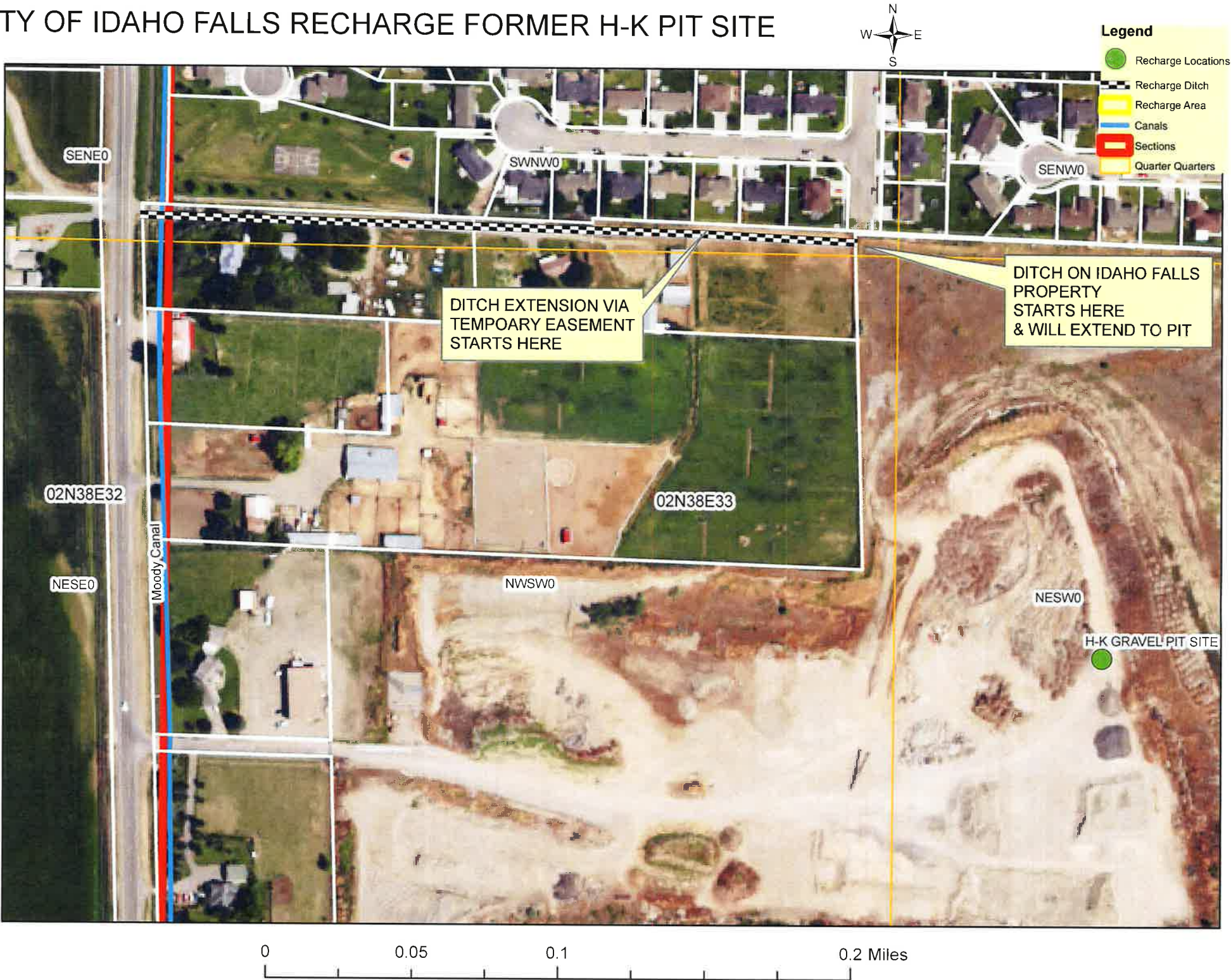
1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of 2220 AF and a maximum diversion rate of 7.5 cfs.
4. This approval does not grant a right-of-way across the land of another.
5. The Department may cancel or reduce the rate of flow or volume authorized by this approval. For example, the Department may cancel or reduce this approval if it concludes the water use is injuring other water rights or adversely affecting fish, wildlife or other public values.
6. The applicant shall not divert water when downstream minimum flow water rights are not being satisfied.
7. This approval does not create a continuing right to use water.
8. A temporary approval for ground water recharge or prevention of flood damage shall be an opportunistic use of surplus water and shall not interfere with the filling of surface water reservoirs.
9. For a temporary approval authorizing ground water recharge or ground water or surface water remediation, the applicant shall measure and record the weekly quantity of water diverted and report the diversion data to the Department upon request.
10. This temporary approval is not an authorization for the described water use to be used as mitigation or credit for any other purpose.
11. Other: Diversion under this approval is limited to times when the flow at the Snake River near Minidoka gage (#13081500) exceeds 2,700 cfs and excess water is spilling past Milner Dam.
12. This approval expires on Aug 1, 2020.

Signed this 5th day of May, 2020.



For the Department

CITY OF IDAHO FALLS RECHARGE FORMER H-K PIT SITE



IDAHO FALLS

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made this 27 day of April, 2020, between, **Zetta Walker**, 4135 S 15th E Idaho Falls, Id 83404, as party of the first part, and the CITY OF IDAHO FALLS, a municipal corporation, County of Bonneville, State of Idaho, the party of the second part.

WITNESSETH

That the said party of the first part, for and in consideration of the sum of ONE AND NO/100 DOLLARS(\$1.00), lawful money of the United States of America, and other good and valuable considerations, to in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said party of the second part a TEMPORARY CONSTRUCTION EASEMENT and right-of-way for the purposes of constructing a temporary ditch across the property described below together with the right and privilege of ingress and egress to and from said strip for said purposes. Upon the following described real estate, situated in the County of Bonneville, State of Idaho, to-wit:

**The north 20 feet of the east 295 feet of the property described as:
Beginning at a point which is South 189.5 feet along the section line and South 86° 24' 40" East 630.4 feet from the West Quarter Corner of Section 33, Township 2 North, Range 38 East of the Boise Meridian; thence South 86° 24' 40" East 689.6 feet; thence North 189.5 feet to the apparent East-West Quarter Section line; thence North 86° 24' 40" West 689.6 feet; thence South 189.5 feet to the point of beginning.**

Said temporary construction easement shall expire 30 (thirty) days after the date of signing and all rights shall revert back to the above named grantor at that time.

It is understood and agreed that the first party may make any use of said premises which does not interfere with or injure the use thereof by the second party for such purposes.

The party of the second part shall have full rights of ingress and egress to said premises for the purpose of construction of said ditch and will restore the disturbed area back to its original state as near as possible.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal and executed these presents, the day and year first above written.


Zetta Walker



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 5, 2020

CITY OF IDAHO FALLS
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: Application for Temporary Approval of Water Use: TP-1-108

Dear Applicant(s):

Your application for temporary water appropriation has been approved and is enclosed. The approval authorizes the temporary use of water and does not grant trespass or other activity on public land or on private property.

Please review the **conditions of approval on page 2 of the Application for Temporary Approval form** to understand the limitations associated with the temporary use of water.

This temporary approval **expires on** August 01, 2020. The expiration date cannot be extended under this temporary approval.

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

If you require additional information regarding this matter, please call me at (208) 497-3793 or email me at Christina.Henman@idwr.idaho.gov.

Sincerely,

Christina Henman
Administrative Asst. I.

Enclosure(s) Receipt

cc: TONY OLENICHAK, Water District 01.

Henman, Christina

From: Olenichak, Tony
Sent: Monday, May 04, 2020 4:54 PM
To: Henman, Christina
Subject: RE: Application for Temporary Approval Number TP- 1-108

Christina,

I don't have any problem with approving the temporary application. However, the ability to use the approved use is only good during the period when excess water is spilling past Milner Dam.....which could end at any time between the end of this week and sometime in June.....so it will be difficult to regulate its usage or notify the applicant of when the temporary use is "in priority". Water District #1 posts whether or not water is spilling past Milner Dam under the PROJECTED WATER RIGHTS tab on the www.waterdistrict1.com webpage....but it should be up to the applicant to check this webpage daily. From this point forward, the status of spilling water past Milner can be on or off depending on the weather between now and July.

Tony

From: Henman, Christina
Sent: Monday, May 4, 2020 4:24 PM
To: Olenichak, Tony <Tony.Olenichak@idwr.idaho.gov>
Subject: Application for Temporary Approval Number TP- 1-108

Attention TONY OLENICHAK,

The Department of Water Resources is seeking comment from you regarding an application to temporarily appropriate water. A copy of the application is attached for your reference.

Please submit your comments within 7 days. No response will indicate that you have no objection, concerns or conditions you wish to be added to the issuance of any approval of this application.

If you have any questions regarding this application, please contact me via email or at (208) 497-3793.

Thank you,
Christina Henman
Administrative Asst. I