

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
MAR 11 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 duration in accordance with Idaho Code § 42-202A.Department of Water Resources
Eastern Region

Name of applicant Darryl Johnson - Teton County ID Phone (208) 354-0245
 Mailing address 150 Courthouse Drive City Driggs
 State ID Zip 83422 Email djohnson@co.teton.id.us

1. Source of water Various diversion pts throughout Teton County tributary to Teton River2. 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 #
							Teton		
							Teton		

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	

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: Road maintenance throughout Teton County

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: _____ cfs; or 200 gpm.
 b. Maximum daily volume: 0.09 AF; or _____ gallons.
 c. Maximum volume over the duration of the request: 5.0 AF; or _____ gallons.

6. Duration of diversion: from May 1 (month-day) to December 1 (month-day).7. Describe proposed diverting works: 2" hose & pump attached to water truck

8. a. Who owns the property at the requested point of diversion? Teton County
 b. Who owns the facilities that will convey water to the place of use? Teton County
 c. Who owns the land to be irrigated or place of use? Diversion points where public roads cross stream channels
 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. Teton County owns and maintains public rights-of-way

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] Public Works Director 3/3/2020
 Signature of Applicant Title, if any Date

Received by [Signature] Date 3/11/2020 Time _____
 \$50.00 fee receipted by [Signature] # 604728 Date 3/13/2020
 Watermaster comments received? _____ Date _____

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 5.0 AF and a maximum diversion rate of 0.45 cfs.
(200 gpm)
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 2700 cfs and excess water
12. This approval expires on Dec 1, 2020 is spilling past Milner Dam.

Signed this 24th day of March, 2020.



For the Department

Cefalo, James

From: Cefalo, James
Sent: Friday, March 13, 2020 11:34 AM
To: 'djohnson@co.teton.id.us'
Subject: Application for Temporary Water Use

Mr. Johnson,

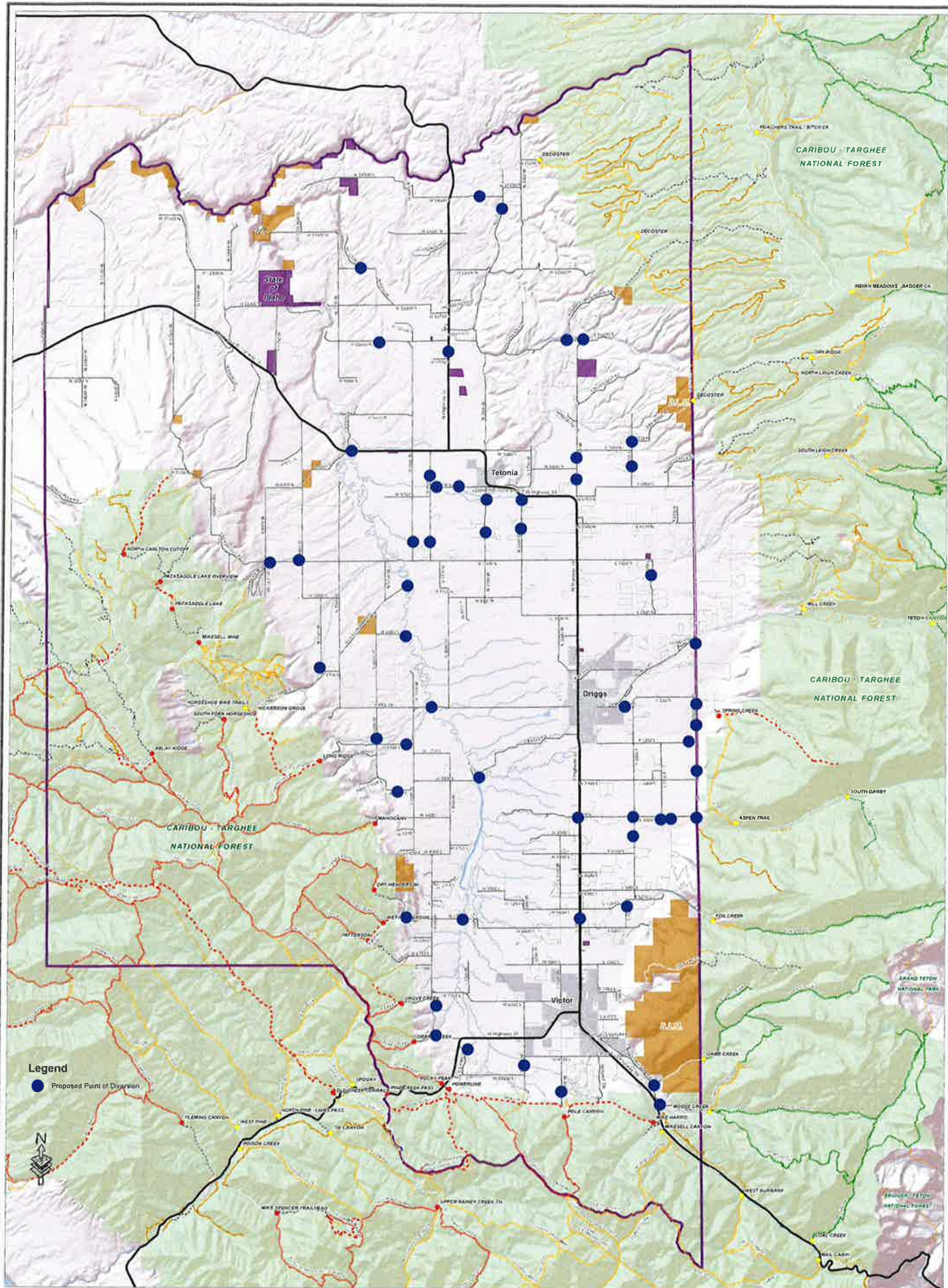
We recently received an Application for Temporary Approval of Water Use from Teton County, seeking an approval to divert up to 5 acre-feet of water for road maintenance activities in Teton County in 2020. The application did not identify specific points of diversion and did not include a map of the proposed points of diversion.

In recent years, the Department of Water Resources has seen a dramatic increase in the number of temporary applications filed every year. Because of the increase in proposed temporary water uses, the Department has increased its efforts to carefully review each application. Consequently, regardless of what has been accepted in the past, moving forward the Department cannot accept incomplete applications. Before Teton County's application will be considered, the deficiencies must be addressed. Please provide a list of the proposed points of diversion to be used in 2020 and a map or maps showing the location of the proposed points of diversion.

Please be aware, temporary approvals are the first water uses to be curtailed on a stream. In other words, temporary approvals cannot be exercised if they would take water away from existing water rights. Currently all water rights are being delivered in the Upper Snake River system, including the Teton River basin. If the temporary use to Teton County is approved, it can only be used during times when all water rights are satisfied. Once water rights begin to be curtailed in the Upper Snake River system, the proposed temporary use must be curtailed. Depending on precipitation and snowmelt, water right curtailments could begin as early as May.

It appears that Teton County intends to use water throughout the summer and fall. Therefore, a temporary approval (which is subject to senior water rights) may not be the best option. You may be aware that Water District 1 operates a local rental pool, which allows water users to rent storage water from the large reservoirs in Eastern Idaho. There are no restrictions on when the rental water can be used during the summer or fall. Perhaps the Water District 1 Rental Pool is the better option for covering the proposed use. If Teton County decides to rent water from the Water District 1 Rental Pool (instead of pursuing the temporary approval), let me know and I will refund the filing fees associated with the Application for Temporary Approval.

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161



TETON COUNTY POINTS OF DIVERSION



Henman, Christina

From: Olenichak, Tony
Sent: Tuesday, March 24, 2020 8:34 AM
To: Henman, Christina
Subject: RE: TP-22-33, TP-22-34, TP-22-35 Watermaster Comment Request

Christina,

I have no objection to approval of these temp apps except the following condition should be placed on them:

"Water delivered towards these temporary water use permits can only be diverted at times when excess water is spilling past Milner Dam."

Tony

From: Henman, Christina
Sent: Friday, March 20, 2020 4:58 PM
To: Olenichak, Tony <Tony.Olenichak@idwr.idaho.gov>
Subject: TP-22-33, TP-22-34, TP-22-35 Watermaster Comment Request

Tony,

Please see attached applications for temp apps for your review and comment.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793



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

March 24, 2020

TETON COUNTY
C/O DARRYL JOHNSON
150 COURTHOUSE DR
DRIGGS ID 83422

RE: Application for Temporary Approval of Water Use: TP-22-35

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** December 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.