

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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.

Name of applicant Cody Schmidt - Idaho Transportation Dept. ^{ITD} Phone (208) 705-6631
 Mailing address P.O. Box 97 City Rigby
 State Idaho Zip 83442 Email cody.schmidt@itd.idaho.gov
 1. Source of water South Fork Antelope Creek tributary to Big Lost 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 # |
|-----|-----|-----|----------|-----|-----|-----|--------|----------------|---------------------|
| 05N | 26E | 6 | 3 | NE | NW | | Butte | Antelope Creek | UC Diversion |

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 | |
| UC | Canal | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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: 10 cfs; or 4500 gpm.
 b. Maximum daily volume: 20 AF; or _____ gallons.
 c. Maximum volume over the duration of the request: 300 AF; or _____ gallons.

6. Duration of diversion: from March 23, 2020 (month-day) to April 6, 2020 (month-day).

7. Describe proposed diverting works: Headgate and check across Antelope Creek

8. a. Who owns the property at the requested point of diversion? Big Lost River Irrigation District
 b. Who owns the facilities that will convey water to the place of use? Big Lost River Irrigation District
 c. Who owns the land to be irrigated or place of use? Big Lost River Irrigation District
 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. Written Agreement

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 Walt Schmidt Title, if any Foreman, ITD District 6 Date 3/18/2020

Received by Walt Schmidt Date 3/19/2020 Time 11:45
 \$50.00 fee receipted by Walt Schmidt # E045745 Date 3/19/2020
 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 300 AF and a maximum diversion rate of 10 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: _____
 12. This approval expires on April 6, 2020.

Signed this 20th day of March, 2020.


For the Department

The Idaho Transportation Department is seeking approval for the temporary diversion of water out of the South Fork of Antelope in order to accomplish a necessary repair to the Highway 93 bridge in which antelope creek crosses. Severe erosion has occurred underneath the bridge which has created a public safety hazard if it is not repaired immediately. The damaged bridge needs to be repaired before spring runoff and the high water can cause more flood damage. In order for the work to be completed the bridge site needs to be dry. Currently Antelope Creek's flow is hardly making it the state highway bridge so the diversion will be minimal for the work to be done.

Bridge



Diversion Point

Big Lost River Irrigation District

101 S. Main Street, P.O. Box 205, Mackay ID 83251 (208) 588-2231 www.blrid.com

To whom it may concern,

Big Lost River Irrigation District agrees to allow the Idaho Transportation Department to use the diverting works at the Antelope/UC diversion in compliance with their application for temporary approval of water use.

Thank you,



Lucas Yockey
General Manager
Big Lost River Irrigation District

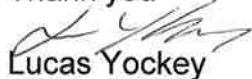
Water District 34

Oscar Warnek Business Park
211 East Custer St. Suite B
Mackay, ID 83251

To whom it may concern,

As watermaster of Water District 34, I support and do not have any opposition to the Idaho Transportation Departments application for temporary approval of water use for the prevention of flood damage.

Thank you



Lucas Yockey
Water Master
Water District 34



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 20, 2020

IDAHO TRANSPORTATION DEPT
PO BOX 97
RIGBY ID 83442-0097

RE: Application for Temporary Approval of Water Use: TP-34-28

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 April 06, 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: LUCAS YOCKEY, Water District 34.