

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](#).

RECEIVED  
FEB 26 2020  
Department of Water Resources  
Eastern Region

Name of applicant BLACKFOOT IRRIGATION CO Phone (208) 785-6992  
Mailing address 108 E 200 N City BLACKFOOT  
State IDAHO Zip 83221 Email ALANJ@BINGHAMGROUNDWATER.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 #
01S	37E	6	10	SE	NW	SE	BINGHAM	SNAKE RIVER	BLACKFOOT IRR

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: \_\_\_\_\_

- 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: 50 cfs; or \_\_\_\_\_ gpm.  
b. Maximum daily volume: 100 AF; or \_\_\_\_\_ gallons.  
c. Maximum volume over the duration of the request: 8400 AF; or \_\_\_\_\_ gallons.

6. Duration of diversion: from 3/1/2020 (month-day) to 11/30/2020 (month-day).

7. Describe proposed diverting works: EXISTING DIVERSION FOR THE BLACKFOOT IRRIGATION CO

8. a. Who owns the property at the requested point of diversion? BLACKFOOT IRRIGATION CO  
b. Who owns the facilities that will convey water to the place of use? BLACKFOOT IRRIGATION CO  
c. Who owns the land to be irrigated or place of use? BLACKFOOT IRRIGATION CO  
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. \_\_\_\_\_

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 [Signature] Title, if any President Date 2-24-20

Received by CA Date 2/26/2020 Time 12:30  
\$50.00 fee received by CA # E045674 Date 2/26/2020  
Watermaster comments received? CA Date 3/2/2020

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:

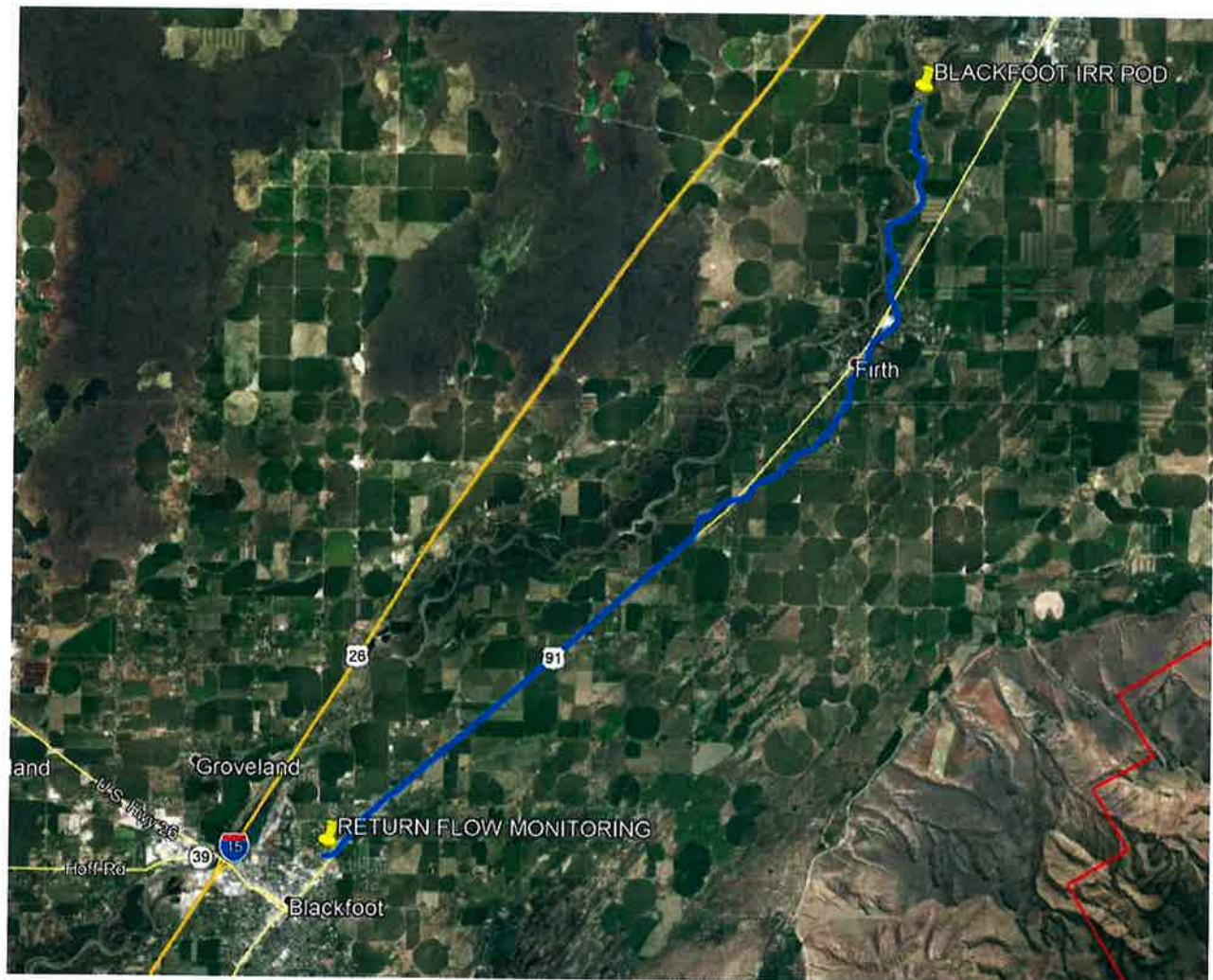
1. Diversion and use of water under this approval is subject to all valid existing water rights.
2. The applicant assumes all risk of the use of the water under this approval.
3. This approval authorizes a maximum diversion volume of 8400 AF and a maximum diversion rate of 50 cfs.
4. This approval does 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 Nov 30, 2020.

Signed this 2nd day of March, 20 20

  
For the Department

## THE BLACKFOOT IRRIGATION CO TEMPORARY WATER USE APPLICATION: PLACE OF USE SUPPLEMENT

The place of use will be the entire length of the Blackfoot Irrigation main canal from the point of diversion on the Snake River and along the channel described in the attached map. For purposes of this application no water will be diverted from the main channels as described in the attached map. Flow measurement at the point of diversion and at the return flow point will be documented daily while water is being diverted under this temporary permit.





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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

March 2, 2020

BLACKFOOT IRRIGATION CO  
108 E 200 N  
BLACKFOOT ID 83221-5811

RE: Application for Temporary Approval of Water Use: TP-1-104

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** November 30, 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](mailto:Christina.Henman@idwr.idaho.gov).

Sincerely,

Christina Henman  
Administrative Asst. I.

Enclosure(s) Receipt

cc: TONY OLENICHAK, Water District 01.

Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

Application for Temporary Approval of Water Appropriation

**TP-1-104**

**BLACKFOOT IRRIGATION CO**

Watermaster's Recommendation:

- a) \_\_\_\_\_ I do not oppose approval of this application.  
b) X \_\_\_\_\_ I do not oppose approval of this application if it is conditioned as follows:

*DISCHARGE AT MINIDOKA DAM MUST EQUAL OR EXCEED DELIVERY TO HYDROPOWER WATER RIGHT 1-217 CURRENTLY LIMITED TO 2,470 CFS. ... AND ... EXCESS WATER IS SPILLING PAST MILNER DAM.*

- c) \_\_\_\_\_ I oppose approval of this application for the following reasons:

- d) \_\_\_\_\_ Additional Comment:

Dated this 28 day of FEBRUARY, 2020.

Water District No: 01

*Tony Oleichak*  
Watermaster's Signature