

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

2015

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NOS.: 22-13810)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-22-17

WHEREAS, a drought emergency has been declared for Teton County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purposes of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on June 17, 2015, Huntsman Springs Inc. submitted the attached temporary change application TC-22-17 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is APPROVED subject to the following conditions:

- 1. Diversion and use of right no. 22-13810 is authorized only at the point(s) of diversion and place of use described on the application.**
- 2. This temporary change approval does not authorize construction of a new well as a point of diversion.**
- 3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.**
- 4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought conditions. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.**

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5. Rights 22-7215B, 22-7215C, 22-13810, and 22-13811 when combined shall not exceed a total diversion rate of 6.14 cfs, a total annual maximum diversion volume of 1075 af at the field headgate and the irrigation of 307 acres.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. This temporary change approval expires on October 31, 2015 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 18th day of June, 2015.



Lyle Swank
Eastern Regional Manager

TC-22-17

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 17 2015
Department of Water Resources
Eastern Region

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Huntsman Springs Inc Phone 354-9660
Mailing Address 97 N Hwy 33, Driggs, ID 83422 Email _____

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
2. Describe the proposed change(s) and explain the reason(s) they are needed. _____
Inadequate water supply at proposed place of use due to drought.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)
- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--------------|-----------|--------------------|---------------|---------------|
| 22-13810 | 2/20/1980 | 3.69 cfs | Irrigation | 6/18 to 10/31 |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 3.69 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground water tributary to _____.
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
5N	45E	23			SW	SW	Teton	Ground water	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	22		40	40										40	40	40	40	240
		23											40	20					60
		26					9.7	40	40	3.8	5	40	40	2					180.5
		27	40	40	40	40									40	40		40	280

Total Acres 760.5

6. General Information:

- a. Who owns the water right to be changed? Fillmore Farms LLC
- b. Describe the arrangement allowing use of the right. Two corporations owned by same company.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Will be watered with surface water.
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? _____
Would not be used.
- f. Describe other water rights used for the same purpose. 22-13811, 22-7215B, 22-7215C
- g. Remarks: Water transfer needed to protect golf course.

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Yang H. Water P.O.A
Signature of Applicant

6/17/2015
Date

FOR DEPARTMENT USE ONLY

Received by MH Date 6/17/15 \$50 fee receipted by [Signature] Receipt No. E041152
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-22-17, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____

For the Director

SCANNED
JUN 18 2015