

BEFORE THE DEPARTMENT OF WATER RESO
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 22-7253)
Canyon Creek Lateral Ditch Water Users

ORDER AUTHORIZING
TEMPORARY CHANGE TC-22-07

WHEREAS, a drought emergency has been declared for Madison County to allow administrative actions to lessen the severe impacts of the drought conditions in the counties; 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 purpose of use for valid existing 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 9/03/03, Canyon Creek Lat. Ditch Water Users submitted the attached Temporary Change Application TC-22-07 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(s). 22-7253 is authorized only at the point 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 new 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

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-22-07

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. 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.

5. Right(s) 22-7253 are limited to the irrigation of a total of 1720 acres in a single irrigation season.
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 applicant agrees 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 approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 01 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 12/31/03 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 4th day of September, 2007



**RONALD D. CARLSON
EASTERN REGION MANAGER**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Canyon Creek Lateral Ditch Water Users Phone 624-3293

Post Office Address Rt2 Box 155 St. Anthony ID 83445

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 the reason(s) thereof "Injecting well water into the Teton River to flow down the Henry's fork. Water will be ~~re-diverted~~ re-diverted by Fremont-Madison Irr. District at their discretion throughout the District"

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>22-7253</u>	<u>7-29-1977</u>	<u>14 cfs</u>	<u>Irrigation</u>	<u>8-1-03 to 11-1-03</u>
				to
				to
				to

2. Total amount of water being transferred 14 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NE	SE	36	7N	40E	Fremont	Canyon Creek Lateral Exchange Well

5. Lands irrigated or place of use: lands under Fremont-Madison Irrigation District

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

* FROM Teton Pipeline Association Temporary Change filed 9/3/03

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right District meeting held August 7, 2003
agreed to this transfer
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
These lands are now dried up
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. used on
lands described in the license
- e. Absent the changes, how would the right be used for the remainder of the year? Irrigation would
continue
- f. Describe other water rights used for the same purpose.
22-7508
- g. Remarks: _____

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.

x Ryan Cigno
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 9/3/03 Fee \$50.00

Receipted KCW 9/4/03 # E029154 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-22-07

And said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 4th day of September, 2003.

[Signature]
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7253

WATER RIGHT NUMBER: 22-7253

Owner TypeName and Address

Current Owner

CANYON CREEK LATERAL DITCH WATER USERS, C/O GRANT KLINGLER, PO BOX 116
NEWDALE, ID 83436

Priority Date: 07/29/1977

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/15 to 10/15

14.00

Total Diversion: 14.00

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4 Sec. 30,Twp 07N,Rge 42

GROUND WATER NE1/4SE1/4 Sec. 36,Twp 07N,Rge 40

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW							
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
06N 41E 1												
06N 41E 12	39.0	40.0	39.0	38.0								
06N 42E 5			40.0	40.0		38.0	34.0	30.0	40.0	40.0		
						L 4						
06N 42E 6	35.0	37.0	38.0	38.0	32.0		29.0	38.0	40.0	20.0		
	L 1	L 2			L 3		L 5			L 6		
06N 42E 7	40.0	40.0	40.0	40.0	40.0	38.0	38.0	40.0	40.0	38.0		
						L 1	L 2			L 3		
06N 42E 8		40.0	13.0		40.0	40.0	40.0	40.0	40.0	40.0		
07N 42E 30									5.0			
07N 42E 31			40.0	37.0			39.0	40.0	40.0	38.0	36.0	40.0
							L 2					
07N 42E 32									40.0	39.0	39.0	34.0
												152.0

Total Acres: 3060

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No.01
2. R30 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Remarks:

1. General Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pump and the exchange well will be allowed even if the exchange well is pumping water into the Teton River. Totalizing measuring devices shall be maintained at the exchange well and the rediversion pumps from the Teton River. The exchange well must inject water into the Teton Canal whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection. The power supply to the exchange well cannot be contracted under the power company's interruptable rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated. The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well. This right is limited to the irrigation of 1720 acres in the place of use described above in a single irrigation season. The director retains jurisdiction of this right to adjust the terms of the exchange if necessary to prevent injury to prior rights.

Comments:

1. SKAGGS 7/5/1994 TRANS #3925 filed 04-23-92 on Permis 22-07253 & 22-07508, and relinquished/withdrawn 06-21-94.

Dates and Other Information:

Licensed Date: 7/22/1994

Water District Number: 01

INFO ONLY
Kw