

BEFORE THE DEPARTMENT OF WATER R
OF THE STATE OF IDAHO

2003

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 22-7504 & 22-7505)
Teton Pipeline Assn)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-22-05

WHEREAS, a drought emergency has been declared for Madison & Teton
Countys 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 8/14/03, Teton Pipeline Assn Inc
C/o Jack Houpes submitted the attached
Temporary Change Application TC-22-05 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). 22-7504 (Ground water)
22-7505 (Teton River) 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-22-05

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) 22-7504 22-7505 are limited to the irrigation of a total of 315 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 12/01/2003 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 14th day of August, 2003.


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 TETON PIPELINE ASSN INC
% Jack Hoopes ~~President~~ (Vice President) Phone 208 456 2801
Post Office Address PO Box 70, Teton, ID 83452

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 Drought emergency reduction of Diversion rate on Proposed Place of Use

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>22-7504</u>	<u>7-1-1985</u>	<u>2.00 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
<u>22-7505</u>	<u>7-1-1985</u>	<u>2.00 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
				to
				to

2. Total amount of water being transferred 2.00 cubic feet per second and/or _____ acre-feet per annum

3. Source of water GROUNDWATER / TETON RIVER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	SE	3	6N	44E	Teton	Rediversion
			NE	NE	11	6N	40E	MADISON	well
			NW	SE	3	6N	44E	Teton	TETON RIVER

5. Lands irrigated or place of use: LANDS OF BRUCE ARNOLD

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	43E	29	32.5	32.5	32.5	32.5													130

Total Acres 130

6. General Information:

TC-22-05

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right APPLICANT MAKING APPLICATION; Verbal agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will not be irrigated again this year
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. USED TO IRRIGATE GRAIN
- e. Absent the changes, how would the right be used for the remainder of the year? WOULD NOT USE
- f. Describe other water rights used for the same purpose.
22-7504; 22-7505 22-7222/22-7127/22-7406
- g. Remarks: Bruce Arnold's pumps do not produce Licensed amount needs additional water to run pivot on potatoes.

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.

[Signature]
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KW Date 8/14/03 Fee \$50.00
Received KW # E029110 Recommend: ✓ approve deny
Watermaster recommendation

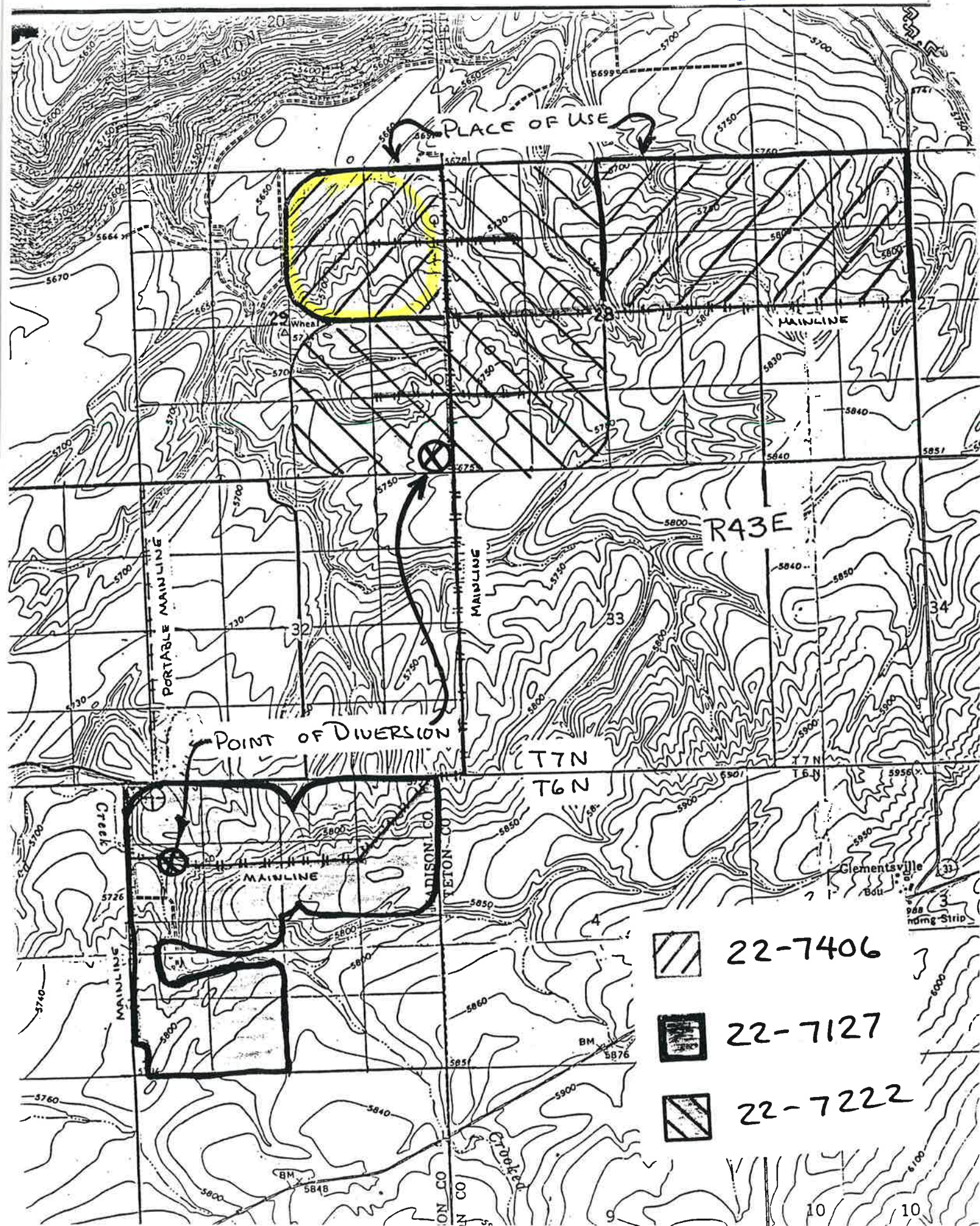
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-22-05

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

Witness my hand this 14th day of August, 2003.

[Signature]
For the Director



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7222

TC-22-05

WATER RIGHT NUMBER: 22-7222

Owner Type Name and Address
 Current Owner BRUCE J ARNOLD
 PO BOX 67
 TETONIA, ID 83452
 (208)456-2537

Priority Date: 07/28/1977

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	3.210 CFS	1,171.50 AF
<u>Total Diversion:</u>		3.210 CFS	1,171.50 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 29,Twp 07N,Rge 43E, B.M.	MADISON County
GROUND WATER	SW1/4NW1/4	Sec. 5,Twp 06N,Rge 43E, B.M.	MADISON County
GROUND WATER	SW1/4SW1/4	Sec. 5,Twp 06N,Rge 43E, B.M.	MADISON County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	43E	5	31.0	29.0	38.0	38.0	31.0	29.0	36.0	40.0	30.0	25.0	35.0	40.0					402.0
			L 1	L 2			L 3	L 4											
07N	43E	27					40.0	40.0	40.0	40.0									160.0
07N	43E	28	40.0	40.0	40.0	40.0	34.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0					469.0
07N	43E	29	40.0	34.0	34.0	40.0									40.0	35.0	35.0	40.0	298.0

Total Acres: 1329

Conditions of Approval:

1. 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 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.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

1. General The total instantaneous diversion of water from all points of diversion under Transfer No. 4866 shall not exceed 9.29 cfs, nor total combined annual volume of 3390.4 af.
 Right No. 22-07222 is limited to the irrigation of 459 acres in the place of use described above in a single irrigation season.

Comments:

1. SKAGGS 6/17/1993 TRANS 4127 filed to add a P/D to a single integrated system under 22-07127,22-07222 & 22-07406.
2. PSKAGGS 8/19/1996 TRANS 4866 filed to add a 3rd P/D under Rights. 22-07127, 22-07222, and 22-07406.

Dates and Other Information:

Licensed Date: 9/29/1989

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7127

TC-22-05

WATER RIGHT NUMBER: 22-7127

Owner Type Name and Address
 Current Owner BRUCE J ARNOLD
 PO BOX 67
 TETONIA, ID 83452
 (208)456-2537

Priority Date: 02/24/1975

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	2.810 CFS	1,025.50 AF
	<u>Total Diversion:</u>	2.810 CFS	1,025.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 5, Twp 06N, Rge 43E, B.M.	MADISON County
GROUND WATER	SE1/4SE1/4	Sec. 29, Twp 07N, Rge 43E, B.M.	MADISON County
GROUND WATER	SW1/4SW1/4	Sec. 5, Twp 06N, Rge 43E, B.M.	MADISON County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	43E	5	31.0	29.0	38.0	38.0	31.0	29.0	36.0	40.0	30.0	25.0	35.0	40.0					402.0
			L 1	L 2			L 3	L 4											
07N	43E	27					40.0	40.0	40.0	40.0									160.0
07N	43E	28	40.0	40.0	40.0	40.0	34.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0					469.0
07N	43E	29	40.0	34.0	34.0	40.0									40.0	35.0	35.0	40.0	298.0

Total Acres: 1329

Conditions of Approval:

- 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 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.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

- General The total instantaneous diversion of water from all points of diversion under Transfer No. 4866 shall not exceed 9.29 cfs, nor total combined annual volume of 3390.4 af.
Right No. 22-07127 is limited to the irrigation of 402 acres in the place of use described above in a single irrigation season.

Comments:

- SKAGGS 6/17/1993 TRANS 4127 filed to add a P/D to a single integrated system 22-07127, 22-07222 & 22-07406.
- PSKAGGS 8/19/1996 TRANS 4866 filed to add a P/D under 22-07127, 22-07222 and 22-07406.

Dates and Other Information:

Licensed Date: 10/4/1989

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7406

WATER RIGHT NUMBER: 22-7406

TC-22-05

Owner Type Name and Address
 Current Owner BRUCE J ARNOLD
 PO BOX 67
 TETONIA, ID 83452
 (208)456-2537

Priority Date: 06/24/1982

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to	10/15	3.270 CFS	1,193.40 AF
<u>Total Diversion:</u>			3.270 CFS	1,193.40 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 5, Twp 06N, Rge 43E, B.M.	MADISON County
GROUND WATER	SW1/4SW1/4	Sec. 5, Twp 06N, Rge 43E, B.M.	MADISON County
GROUND WATER	SE1/4SE1/4	Sec. 29, Twp 07N, Rge 43E, B.M.	MADISON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 43E 5	31.0	29.0	38.0	38.0	31.0	29.0	36.0	40.0	30.0	25.0	35.0	40.0					402.0
	L 1	L 2			L 3	L 4											
07N 43E 27					40.0	40.0	40.0	40.0									160.0
07N 43E 28	40.0	40.0	40.0	40.0	34.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0					469.0
07N 43E 29	40.0	34.0	34.0	40.0									40.0	35.0	35.0	40.0	298.0

Total Acres: 1329

Conditions of Approval:

- 028 After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
- 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 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.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks:

- General The total instantaneous diversion of water from all points of diversion under Transfer No. 4866 shall not exceed 9.29 cfs, nor total combined annual volume of 3390.4 af.
Right No. 22-07406 is limited to the irrigation of 468 acres in the place of use described above in a single irrigation season.

Comments:

- SKAGGS 6/17/1993 TRANS 4127 filed to add a P/D to a single integrated system under 22-07127, 22-07222 & 22-07406.
- PSKAGGS 8/19/1996 TRANS 4866 filed to add a 3rd P/D under Rights. 22-07127, 22-07222 and 22-07406.

Dates and Other Information:

Licensed Date: 4/5/1990

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7505

TC-22-05

WATER RIGHT NUMBER: 22-7505

Owner Type Name and Address
 Current Owner TETON PIPELINE ASSN INC
 PO BOX 272
 TETONIA, ID 83452
 (208) 456-2567
 Original Owner J CLINT HOOPES

Priority Date: 07/01/1985

Basis: License

Status: Active

Source Tributary
 TETON RIVER HENRYS FORK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	6.300 CFS	1,102.50 AF
<u>Total Diversion:</u>		6.300 CFS	1,102.50 AF

Location of Point(s) of Diversion

TETON RIVER NW1/4SE1/4 Sec. 3,Twp 06N,Rge 44E, B.M. TETON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 43E 27									39.0	39.0	39.0	40.0					157.0
07N 43E 28													40.0	39.0	40.0	39.0	158.0

Total Acres: 315

Conditions of Approval:

1. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.
4. 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 Totalizing measuring devices shall be maintained at all points of diversion.
 The maximum combined rate of diversion under this right and all other rights diverting from the North 1 Project shall not exceed 28.7 cfs.
 A total of six pumps are used in the diversion of water under this right.

Comments:Dates and Other Information:

Licensed Date: 9/16/1997