TC-21-13

REC JUN Department of Easter 2013

TC-21-13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Egin Bench Canals, Inc. Phone 208-624-3381

Mailing Address P.O. Box 15 Email fmid@myidahomail.com

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.
   Applicant desires to transfer 50 cfs of March 1, 1890 from the Egin Canal point of diversion to the Independent Canal point of diversion and 75 cfs of April 21, 1888 from the St. Anthony Union Canal point of diversion to the Independent Canal point of diversion. This is all part of the Applicant's canal system.

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
21-12934	03/01/1890	50	irrigation	~~04/01~~ 6/14 to 10/31
21-12922	06/21/1888	75 cfs	irrigation	~~04/01~~ 6/14 to 10/31
				to
				to

2. Total amount of water being transferred 125 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Henry's Fork tributary to Snake River.
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
7N	40E	02	6		NE	SE	Fremont	Henry's Fork	Independent Canal

5. Lands irrigated or place of use: EGIN BENCH CANALS SERVICE AREA

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	

Total Acres 30102

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Eastern Region

6. General Information:
   a. Who owns the water right to be changed? Applicant
   b. Describe the arrangement allowing use of the right. _____
   c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: Water management will be more efficient for the lands of the Applicant.
   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? same
   f. Describe other water rights used for the same purpose. _____
   g. Remarks: Place of use is lands of the stockholders within the boundary of Applicant. Transferring 50 cfs of water right #21-12934 from the Egin Canal point of diversion to the Independent Canal point of diversion and 75 cfs of water right #21-12922 from the St. Anthony Union to the Inde. All points of diversion are owned by the Applicant.

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.

Dale R. Lorman
Signature of Applicant

06/11/13
Date

FOR DEPARTMENT USE ONLY

Received by MHOLLIDAY Date 6/13/13 $50 fee receipted by JB Receipt No. E038780

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-21-13, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiriation Date 10/31/2013

Signed this 14th day of June, 2013.

Lyle Swank
For the Director

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-21-13

Applicant's Name: EGIN BENCH CANALS INC

Watermaster's Recommendation:

a) ✓ I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows: _____

c) _____ I oppose approval of this application for the following reasons: _____

d) _____ Additional Comment: _____

Dated this 14th day of June, 2013.

Water District No: 1

Lyle Swank
Watermaster's Signature

Use reverse side of page if you need more space.

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION) FOR TEMPORARY CHANGE OF A) WATER RIGHTS 21-12922 & 21-12934)	ORDER AUTHORIZING TEMPORARY CHANGE
)	TC-21-13
)	

WHEREAS, a drought emergency has been declared for Fremont 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 13, 2013, Egin Bench Canals Inc submitted the attached Temporary Change Application TC-21-13 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 the transferred portions of right no(s). 21-12922 and 21-12934 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 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.**

ORDER AUTHORIZING
TEMPORARY CHANGE

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5. **Right(s) 21-12908, 21-12921, and 21-12922 are limited to the irrigation of a total of 14,596 acres in a single irrigation season. Right(s) 21-12897, 21-12934, and 21-12912 are limited to the irrigation of a total of 6103 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 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. **The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".**

10. **The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.**

11. **The Watermaster of Water District No. 1 is authorized to administer the temporary change approval.**

12. **This Temporary change approval expires on October 31, 2013 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** June, 2013.

Lyle Swank

Lyle Swank
Eastern Regional Manager