

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 21-12922)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-21-11

2010

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 May 19, 2010, Egin Bench Canals Inc. submitted the attached Temporary Change Application TC-21-11 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 changed portion of right no. 21-12922 is authorized only at the points 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. Right(s) 21-12922, 21-12921, and 21-12908 are limited to the irrigation of a total of 14,596 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, 2010 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 20th day of May, 2010.


Lyle Swank
Eastern Regional Manager

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: TC-21-11

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 20th day of May, 2010.

Water District No: 1

Lyle Swank
Watermaster's Signature

Use reverse side of page if you need more space.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

TEMPORARY CHANGE APPLICATION

RECEIVED
MAY 19 2010
Department of Water Resources
Eastern Region

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

Name of Applicant Egin Bench Canals, Inc. Phone 624-3381
Mailing Address P.O. Box 15, St. Anthony, ID 83445 Email fmid@fretel.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 the reason(s) thereof Move 40 cfs of June 21, 1888 from the St. Anthony Union headgate to the Last Chance headgate and 135 cfs of the same right to the Independent headgate.

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>21-12922</u>	<u>6-21-1888</u>	<u>40 cfs</u>	<u>irrigation</u>	<u>4-01</u> to <u>11-01</u>
<u>21-12922</u>	<u>6-21-1888</u>	<u>135 cfs</u>	<u>irrigation</u>	<u>4-01</u> to <u>11-01</u>
2. Total amount of water being transferred 175 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:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	<u>4</u>		<u>NW</u>	<u>SE</u>	<u>14</u>	<u>8N</u>	<u>41E</u>	<u>Fremont</u>	<u>Last Chance Canal</u>
			<u>SE</u>	<u>SE</u>	<u>2</u>	<u>7N</u>	<u>40E</u>	<u>Fremont</u>	<u>Independent Canal</u>

5. Lands irrigated or place of use: Lands of the stockholders within canal's boundary

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	

Total Acres _____

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:
No change - Applicant is just changing
point of diversion amounts
- d. Has the water right sought to be transferred been used this year? yes 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: transferring 40 cfs of water right #21-12922 from the
St. Anthony Union POD to Last Chance POD and 135 cfs of the
same right to the Independent POD.

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 L. Swenson
(Signature of applicant)
Sec. / Treas. Egin Bench Canals, Inc

FOR DEPARTMENT USE ONLY

Received by M. HOLLIDAY Date 5/20/2010 Fee \$ 50
Received M. HOLLIDAY # E035831 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-21-11

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

Witness my hand this _____ day of _____.

For the Director