

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 01-00079(21-12928))
_____)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-21-08

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 purpose 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 JULY 1, 2005, EGIN BENCH CANALS INC submitted the attached Temporary Change Application TC-21-08 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). 01-00079 (21-12928) 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 replacement water supply to lands or other uses that 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.

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5. Right(s) 01-00079 (21-12928) are limited to the irrigation of a total of _____ 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 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 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 Water master of Water District No. 01 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on OCTOBER 31, 2005 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 7th day of July, 2005.


Ronald D. Carlson
Eastern Regional Manager

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION**

RECEIVED

JUL 01 2005

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

Department of Water Resources
Eastern Region

Name of Applicant Egin Bench Canals, Inc. Phone 624-3381

Post Office Address P.O. Box 15, 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 moving 100 cfs of 6-14-1895
from the Independent Canal to the St. Anthony Union Canal. These
diversions are part of our 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
<u>A01-00079</u> <u>(21-12928)</u>	<u>6-14-1895</u>	<u>100 cfs</u>	<u>Irrig.</u>	<u>7-01</u> to <u>11-01</u>
				to
				to
				to

2. Total amount of water being transferred 100 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
				<u>NE</u>	<u>NW 33</u>	<u>8N</u>	<u>41E</u>	<u>Fremont</u>	<u>St. Anthony Union</u>

5. Lands irrigated or place of use: Lands of the share holders

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 _____

6. General Information:

- a. Who owns the water right to be changed? Egin Bench Canals, Inc. - 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
- 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: _____

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. Simon, Secretary
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by _____ Date 7/1/05 Fee 50⁰⁰
KW
 Received 7/6/05 # E031028 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-21-08

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

Witness my hand this 7th day of July, 2005:

[Signature]
For the Director

TC-21-08

Owner(s) EGIN BENCH CANALS INC						
Source HENRYS FORK						
Source Table wrAdjudicationRecommendation Version = 1						
Basin	Sequence	Original NUMBER	Basis	Priority Date	Rate(cfs)	Water Use(s)
21	11193		Beneficial Use	1897-01-09	0.48	STOCKWATER
21	11195		Beneficial Use	1895-06-14	1.52	STOCKWATER
21	11196		Beneficial Use	1885-04-25	0.07	STOCKWATER
21	11197		Beneficial Use	1888-06-21	1.82	STOCKWATER
21	12897	01-0057	Decreed	1885-04-25	200	IRRIGATION
21	12908	01-0347	Decreed	4/1/1939	24	IRRIGATION
21	12910	01-0341	Decreed	4/1/1939	35	IRRIGATION
21	12912	01-0334	Decreed	4/1/1939	23	IRRIGATION
21	12921	01-0176	Decreed	1892-07-29	100	IRRIGATION
21	12922	01-0175	Decreed	1888-06-21	600	IRRIGATION
21	12926	01-0095	Decreed	1897-02-09	210	IRRIGATION
		01-0096	Decreed	1897-02-09		IRRIGATION
21	12928	01-0079	Decreed	1895-06-14	400	IRRIGATION
21	12934	01-0058	Decreed	1890-03-01	200	IRRIGATION

01-0095	1897-02-09	04/01 - 07/01	225 cfs	210 cfs	Recommended
01-0096	1897-02-09	07/01 - 10/31	120 cfs	-0-	NOT Recommended
NOTE: Ryan Mikesell will check and make appropriate changes.					

01-0333 RENUMBERED TO 21-12913
 01-0337 RENUMBERED TO 21-12911
 01-0345 RENUMBERED TO 21-11192
 01-0346 RENUMBERED TO 21-12909