

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT – TC-01-89 IN THE)
NAME OF ISLAND IRRIGATION CO)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

A drought emergency has been declared for Jefferson County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources 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 Idaho Code §42-222A; and

On August 17, 2016, Island Irrigation Co. submitted the attached Temporary Change Application to the Department; and

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. 1-113C 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 or diversion works 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 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. Rights 1-81C, 1-82C, 1-83X, 1-117F, 1-118F, 1-4005, and the changed portion of 1-113C when combined are limited to the irrigation of a total of 3166 acres for the remainder of the irrigation season in 2016 at the place of use described in the application.
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 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. When water is diverted into the Island Canal under this temporary change, the West Labelle & Long Island Canal will reduce its diversion by an equivalent amount.
10. Canal managers will adjust both canals close to midnight readings.
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, 2016 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 18th day of August, 2016.



For Lyle Swank
Eastern Region Manager

TC-01-89

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 17 2016

Department of Water Resources
Eastern Region

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 Island Irrigation Co Phone 604-2501
Mailing Address 3837 E 850 N, Rigby, ID 83442 Email _____

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. _____
Long Island Canal and Island Canal have common stockholders. Long Island is moving water to Island Canal for
benefit of common stockholders.

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>1-113C</u> | <u>6/1/1884</u> | <u>20 cfs</u> | <u>Irrigation</u> | <u>8/17</u> to <u>10/31</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
- Total amount of water being transferred 20.00 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Snake River tributary to Columbia River.
- Point(s) of diversion: _____

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
4N	39E	10			NE	SE	Jefferson	Snake River	Island Canal

- Lands irrigated or place of use: WITHIN ISLAND IRR CO SERVICE AREA

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

SCANNED
AUG 23 2016
Total Acres 3166

6. General Information:

- a. Who owns the water right to be changed? Long Island Irrigation Co
- b. Describe the arrangement allowing use of the right. Written water use agreement.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
1000 acres of land within Long Island system will no longer receive Long Island water after approval.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. The Snake River watermaster distributes all water rights in priority.
- e. Absent the changes, how would the right be used for the remainder of the year? Diverted through the Long Island system.
- f. Describe other water rights used for the same purpose. 1-81C, 1-82C, 1-83X, 1-117F, 1-118F, 1-4005
- 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.

Richard Shepard
Signature of Applicant Pres. Island Irr. Co.

8/17/2016
Date

FOR DEPARTMENT USE ONLY

Received by JB Date 8/17/2016 \$50 fee received by JB Receipt No. E0423169
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-01-89, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

SCANNED
7/17/2016

Aug 17th 2016

Like as members of the Long Island Canal Company
and the Island Canal wish to transfer 20 cts.
from the Independent Canal to the Island Canal.
We feel this will enable our Canal System to
run more efficiently at this time. We need to make
a reevaluation after 30 days.

Shawn Whypam (Long Island President)
Board member

SCANNED

AUG 23 2016

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-01-89

Applicant's Name: ISLAND IRR CO

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: APPROVAL SHOULD BE CONDITIONED TO PREVENT
AN EXPANSION OF THE WATER RIGHT.
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 18 day of AUGUST, 2016.

Water District No: 01

Tony Olenick
Watermaster's Signature FOR LYKE SWANK

Use reverse side of page if you need more space.

SCANNED
AUG 23 2016