

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHTS 1-35D, 1-82D, 1-162E,)
1-10492, 1-10500, 1-10501)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-01-88

2016

WHEREAS, 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

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 August 10, 2016, Rudy Irrigation Canal Company submitted the attached Temporary Change Application TC-01-88 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). 1-35D, 1-82D, 1-162E, 1-10492, 1-10500, and 1-10501 is authorized only at the points of diversion and places 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) 1-35D, 1-82D, 1-83F, 1-162E, 1-164E, 1-165E, 1-243, 1-10492, 1-10500, and 1-10501 are limited to the irrigation of a combined total of 4583 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. When water is diverted into the Rudy Canal under this temporary change, the Harrison Canal will reduce its diversion by an equivalent amount. When water is diverted into the Harrison Canal under this temporary change, the Rudy Canal will reduce its diversion by an equivalent amount.
10. The Watermaster of Water District No. 1 is authorized to administer the temporary change approval.
11. 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.
12. Canal manager for Harrison and Rudy Canals will provide notice to Water District 1 prior to rotating water between canals so water rights database can be adjusted.
13. Canal manager will adjust both canals close to midnight readings.

DATED this 17th day of August, 2016.



For Lyle Swank
Eastern Regional Manager

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: TC-01-88

Applicant's Name: RUDY IRRIGATION CANAL 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: APPLICATION SHOULD BE CONDITIONED TO PREVENT THE
EXPANSION OF NATURAL FLOW AND/OR STORAGE VOLUME USED BY THE
COMBINED DIVERSIONS SO THAT THE SAME VOLUME OF WATER
IS DIVERTED FROM THE SYSTEM WITH OR WITHOUT THE TRANSFER.

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

d) ☐ Additional Comment: _____

Dated this 17 day of AUGUST, 2016.

Water District No: 01

Tony Olenich
Watermaster's Signature *FOR LYLE SWANK*

Use reverse side of page if you need more space.

SCANNED
AUG 23 2016

TC-01-88

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 10 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 Rudy Irrigation Canal Co Phone 208-520-4379
Mailing Address PO Box 376, Rigby, ID 83442 Email _____

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. _____
Rudy Canal and Harrison Canal have agreed to exchange early priority water rights throughout the irrigation season
to maximize the efficiency of use under the water rights. The exchange creates a larger stream of water to push
down the canals.

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>1-35D</u>	<u>6/1/1885</u>	<u>2.12 cfs</u>	<u>Irrigation</u>	<u>8/13 to 10/31</u>
<u>1-10500</u>	<u>6/1/1886</u>	<u>2.10 cfs</u>	<u>Irrigation</u>	<u>8/13 to 10/31</u>
<u>1-82D</u>	<u>6/1/1887</u>	<u>0.21 cfs</u>	<u>Irrigation</u>	<u>8/13 to 10/31</u>
<u>1-10501</u>	<u>6/1/1888</u>	<u>2.20 cfs</u>	<u>Irrigation</u>	<u>8/13 to 10/31</u>

*
SEE
OTHER RTS
IN SEC
P.6.g.

2. Total amount of water being transferred 124.641 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Snake River tributary to Columbia River
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
4N	40E	29		NE	NE	NW	Jefferson	Snake River	Rudy Canal
4N	40E	27			NW	SW	Jefferson	Snake River	Harrison Canal

5. Lands irrigated or place of use: WITHIN THE RUDY AND HARRISON SERVICE AREAS

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
Total Acres _____
AUG 23 2016

6. General Information:

- a. Who owns the water right to be changed? Rudy Canal and Harrison Canal
- b. Describe the arrangement allowing use of the right. Exchange agreement between the canal companies authorizes the exchange of water rights.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No additional acres will be irrigated. Water will be delivered to the lands covered by shares within the 2 canals.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Water rights have been delivered by WD 1.
- e. Absent the changes, how would the right be used for the remainder of the year? Water rights will be diverted in their entirety from the Snake River as long as they are in priority.
- f. Describe other water rights used for the same purpose. Other water rights held by the companies.
- g. Remarks: Emergency transfer also includes:
water right 1-162E, 8/13/1888, 90.681 cfs and water right 1-10492, 6/1/1889, 27.33 cfs

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.

Day Tuleh Pres.
Signature of Applicant

8/10/2016
Date

FOR DEPARTMENT USE ONLY

Received by SC Date 8/10/16 \$50 fee receipted by SC Receipt No. EO 42346
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-01-88, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

SCANNED
AUG 23 2016

Water Trade Agreement

8-16-2016

Rudy Canal agrees to give all deliverable decreed water rights to Harrison Canal until such time as the Rudy canal's 8-13-1888 decree ~~is~~ is able to be filled with certainty.

At such time the Harrison Canal agrees to begin trading their decreed water rights with the Rudy canal. Dates and times will be negotiated between the two canals to insure that Rudy Canal receives fair ~~compensation~~ compensation in decreed water for water received by Harrison Canal

Joel Brighton

Water master

Harrison and Rudy

Canals

SCANNED
AUG 23 2016