

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

2013

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 1-113C)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-86

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 July 26, 2013, Island Irrigation Co. submitted the attached Temporary Change Application TC-01-86 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). 1-113C 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 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. Rights 1-113C, 1-81C, 1-82C, 1-83X, 1-117F, 1-118F and 1-4005 when combined shall not irrigate more than 3,166 acres in a single irrigation season.
6. Temporary changes TC-01-83 and TC-01-86 when combined shall not exceed 58.97 cfs.
7. 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.
8. 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.
9. 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.
10. Canal managers will adjust both canals close to midnight readings.
11. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
12. The Watermaster of Water District No. 1 is authorized to administer the temporary change approval.
13. 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.
14. This approval does not serve as a precedent for future drought emergency transfers.

DATED this 26th day of July, 2013.


Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

TC-01-86

(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

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. _____
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

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>
<u>1-113C</u>	<u>6/1/1884</u>	<u>58.97 cfs</u>	<u>Irrigation</u>	<u>7/26</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 58.97 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:

Twsp	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

5. Lands irrigated or place of use: WITHIN SERVICE AREA OF ISLAND IRRIGATION CO

Twsp	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	

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. Long Island is making a donation to Island Canal.
- 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 Sheppard
Signature of Applicant

7-26-13
Date

FOR DEPARTMENT USE ONLY

Received by MT Date 7/26/13 \$50 fee receipted by KJ Receipt No. E038943
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-01-86, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____.

For the Director

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECOMMENDATION OF WATERMASTER

Application No: TC-01-86

Applicant's Name: ISLAND IRRIGATION 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: _____

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

d) ☐ Additional Comment: _____

Dated this 26th day of July, 2013.

Water District No: 1

Lyle Swank
Watermaster's Signature

Use reverse side of page if you need more space.