

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

2013

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 1-42)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-85

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 24, 2013, Enterprize Canal Co. submitted the attached Temporary Change Application TC-01-85 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). 1-42 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. Right no. 1-42 is limited to the irrigation of 1551 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. Canal manager will adjust both canals close to midnight readings.
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 August 5, 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.
13. This approval does not serve as a precedent for future drought emergency transfers.

DATED this 24th day of July, 2013.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

TC-01-85

(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 Enterprise Canal Co. Clark and Edwards Canal, att Dale Mortimer Phone (208) 745-7779
Mailing Address 4242 East 400 North Box 583 - Junction 87443 Email dalorisdairy@yahoo.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 explain the reason(s) they are needed. _____
The Clark-Edwards Canal would like to put their 70.00 cfs of 1885 water into the Enterprise Canal from Midnight July 30, 2013 to midnight August 3rd or 4th or 5th depending on the moss kill desired. At which time the water will be diverted back to the Clark-Edwards Canal.

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
01-00042	2/27/1885	70.00cfs	Irrigation	July 30 to Aug 3, or 4, or 5
				to
				to
				to

2. Total amount of water being transferred 70.00 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	¼	¼	¼	County	Source	Local name or tag number
4n	40e	36		sw	se		Jefferson	13037985	

5. Lands irrigated or place of use: within Boundary of Enterprise Canal

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Stockholder's of the			Enterprise Canal																

Total Acres 1735.5

6. General Information:

- a. Who owns the water right to be changed? Applicant Clark and Edwards Canal
- b. Describe the arrangement allowing use of the right. Agreement between canals
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Clark-Edwards Land will be dried up until demossing is complete, either August 3, 4, or 5 midnight.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. Used on Stockholders lands
- e. Absent the changes, how would the right be used for the remainder of the year? Would be used on Stockholders Lands
- f. Describe other water rights used for the same purpose. See Enterprize Canal Rights
- g. Remarks: The Clark-Edwards Canal will notify 24 hours in advance the exact duration of the demossing to the Water District 01 and the Enterprize canal company

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 Mortimer
Signature of Applicant
President Clark/Edwards Canal

Harold R. Jones President Enterprize Canal 7-23-2013
July 23, 2013

Date

FOR DEPARTMENT USE ONLY

Received by M. Holliday Date 7/24/13 \$50 fee received by MS Receipt No. E038925
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-01-85, 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-01-85

Applicant's Name: ENTERPRIZE 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: Water right ^{transfer} has an end date when water reverts to owner.

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

d) ☐ Additional Comment: _____

Dated this 24th day of July, 2013.

Water District No: 1

Lyle Swank
Watermaster's Signature

Use reverse side of page if you need more space.