

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

2013

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-01-82

WHEREAS, a drought emergency has been declared for Jefferson County to allow administ 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 9, 2013, Rudy Irrigation Canal Company submitted the attached Temporary Change Application TC-01-82 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. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
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, 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.
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 10th day of July, 2013.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 Canal Company Phone 529-8043
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>4/1 7/10</u> to <u>10/31</u>
<u>1-10500</u>	<u>6/1/1886</u>	<u>2.10</u>	<u>Irrigation</u>	<u>4/1 7/10</u> to <u>10/31</u>
<u>1-82D</u>	<u>6/1/1887</u>	<u>0.21</u>	<u>Irrigation</u>	<u>4/1 7/10</u> to <u>10/31</u>
<u>1-10501</u>	<u>6/1/1888</u>	<u>2.20</u>	<u>Irrigation</u>	<u>4/1 7/10</u> to <u>10/31</u>

* More rights listed below

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 _____
4. Point(s) of diversion: _____

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04N	40E	29		NE	NE	NW	Jefferson	Snake River	Rudy Canal
04N	40E	27			NW	SW	Jefferson	Snake River	Harrison Canal

5. Lands irrigated or place of use:

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	
			<u>Rudy and Harrison service areas.</u>																

Total Acres _____

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 two 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 WD1.
- 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, 4/1 to 10/31
Water Right 1-10492, 6/1/1889, 27.33 cfs, 4/1 to 10/31

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.

Dany Seleh
Signature of Applicant

7-9-13
Date

FOR DEPARTMENT USE ONLY

Received by M. HULLDAY Date 7/9/13 \$50 fee receipted by K. Jones Receipt No. E038865
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-01-82, 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-01-82

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: a) Watermaster for Rudy Canal and
Harrison Canal will provide advance notice ^(to W.D. 1) ~~in~~ ^{prior}
to rotating water between canals so water

c) ☐ I oppose approval of this application for the following reasons:
b) ^{rights database can be adjusted.} Canal Manager will adjust both canals close to midnight readings,

d) ☒ Additional Comment: Joel Brighton is canal manager
for both Rudy & Harrison canals.

Dated this 10th day of July, 2013.

Water District No: 1

Zyke Swand
Watermaster's Signature

Use reverse side of page if you need more space.