

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 1-65)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-73

2007

WHEREAS, a drought emergency has been declared for JEFFERSON County to all 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 17, 2007, PROGRESSIVE IRR DIST submitted the attached Temporary Change Application TC-01-73 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). 1-65 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(s) 1-65 are limited to the irrigation of a total of 12,364 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 is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES".
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. 01 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on JULY 27, 2007 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 17th day of July, 2007.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED

JUL 17 2007

(To change point of diversion, place of use or purpose of use) Department of Water Resources
Eastern RegionName of Applicant Progressive Irrigation District Phone 522-3102Post Office Address 2585 N Ammon Rd, Idaho Falls, ID 83401

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 the reason(s) thereof
- To provide a means for Harrison Canal Co. to consolidate natural flow, and to provide a means to actually irrigate growing crops rather than divert decreed water in such a small amount, that it would be undeliverable and provide little or no benefit to water users of Harrison.

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>01-00065</u> | <u>4-3-1884</u> | <u>340 c.f.s.</u> | <u>irr</u> | <u>07/23/07</u> to <u>07/27/07</u> |
| | | | | to |
| | | | | to |
| | | | | to |

2. Total amount of water being transferred
- 340
- cubic feet per second and/or
- 3400
- acre-feet per annum.

3. Source of water
- South Fork Snake River
- tributary to
- Snake River

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	SW		<u>27</u>	<u>4N</u>	<u>40E</u>	<u>Jefferson</u>	<u>Harrison</u>

5. Lands irrigated or place of use:

37. Lands irrigated or price of use.																			
Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			LANDS OF STOCKHOLDERS OF HARRISON CANAL AND IRRIGATION CO.																

Total Acres _____

6. General Information:

- a. Who owns the water right to be changed? Progressive Irrigation District
- b. Describe the arrangement allowing use of the right See Attached Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Change is taking place during crop rotation
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. Part of our natural flow
- e. Absent the changes, how would the right be used for the remainder of the year? Part of our natural flow
- f. Describe other water rights used for the same purpose.
- 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.

Cynthia Cummins Sec Pres.
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by sc Date 7/17/07 Fee 50

Receipted E033115 # sc 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-01-73

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____.

For the Director

Memorandum and Water Use Agreement

Whereas drought conditions have continued in Idaho, and the need to provide for temporary changes in water right administration is recognized by Idaho Code 42-222A ; and

Whereas it is mutually agreed that no one is materially damaged and benefits may accrue to both parties; the parties, Progressive Irrigation District (Progressive) and Harrison Canal and Irrigation Co. (Harrison) agree to the following;

Beginning July 14, 2007 12:01 A.M. Harrison will transfer 66.33 c.f.s of natural flow decreed water with priority dates of 6-01-1888 and earlier, to be used by Progressive for the following periods; July 14, 2007 through July 22, 2007, and for another period beginning July 30, 2007 through August 15, 2007 for a total of 26 days and a transfer of approximately 3450 acre feet of water.

Beginning July 23 at 12:01 A.M. Progressive will transfer 340 c.f.s. of natural flow decreed water with a priority date of 4-03-1884, to be used by Harrison for the following period; July 23 through July 27, 2007, for a period of 5 days and a transfer of approximately 3400 acre feet of water.

The parties believe that the priority dates of their respective water rights involved will be deliverable for the periods of time and the amounts contemplated in this agreement. However, should that not be the case the parties agree to make adjustments or modifications to the extent necessary to have a result that is near equal in terms of water transferred and diverted by the parties.

The diversion points for Progressive will be any of their recorded points of diversion and the diversion point for Harrison will be the Harrison head works on the Great Feeder Canal.

The purpose of this transfer is to provide a means for Harrison to consolidate natural flow, and to provide a means to actually irrigate growing crops rather than divert decreed water in such a small amount, that it would be undeliverable and provide little or no benefit to water users of Harrison.

This agreement is adopted and approved this day, July 10 2007 ; signing for the parties



Dale Rockwood, Chairman
Progressive Irrigation District



Joel Brighton, President
Harrison Canal and Irrigation Co. Inc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-01-73

Applicant's Name: PROGRESSIVE IRR DIST

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 17th day of July, 2007.

Water District No: 01

Lyle Swank
Watermaster's Signature

Use reverse side of page if you need more space.