

TC-01-70

2007

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A) **ORDER AUTHORIZING**
WATER RIGHT) **TEMPORARY CHANGE**

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 counties; 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
purpose of use for valid existing 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 11, 2007 Island Canal submitted the attached
Temporary Change Application ("application") 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). 01-113C ²² 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 new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and the 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 which normally have a
full water supply, except for the drought condition. 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.

5. Right(s) 01 - 113 C are limited to the irrigation of a total of 1000 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 applicant agrees 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 approval does not grant any right-of-way or easement to use the diversion works or conveyance works or 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. 01 is authorized to administer the temporary change approval.
11. This temporary change approval expires on Oct. 31, 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 11th day of July 2007.



LYLE SWANK
Eastern Region Manger

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Island Canal Company Phone (208) 745-6114
Post Office Address 3837 E 850 N Rigby ID 83442

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 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. Right Number 01-113C Priority 6/1/1884 Amount (cfs/ac-ft) 58.96 Nature of Use Irrigation Period of Use 7-11 to 10-31
to
to
to
2. Total amount of water being transferred 58.96 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:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	SE	10	4N	39E	Jefferson	Island Canal

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

6. General Information:

- a. Who owns the water right to be changed? Long Island Canal 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 If yes, explain. The Snake River water master 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.
West Labelle & Long Island combine 18 other rights
- 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.

Burt Thomas
President, Long Island Canal

Richard Sheppard Pres.
Island Canal Co.
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by TC Date 7-11-07 Fee \$50

Received TC # E033093 Recommend: ☒ approve _____ deny _____

Watermaster recommendation APPROVE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-01-70

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

Witness my hand this 11th day of July, 2007.

Lyle Swank
For the Director