

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 01-47E, 01-48,)
and 01-304)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-01-65

WHEREAS, a drought emergency has been declared for Bingham 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 purpose 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 May 18, 2005, Corbett Slough Ditch Co. submitted the attached Temporary Change Application TC-01-65 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) 189 AF of 01-47E, 01-48, and 01-304 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 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 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.

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5. Right(s) N/A are limited to the irrigation of a total of _____ 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 approval 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 Water master of Water District No. 01 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2005 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. Water delivered to Jensen Grove Lake for recharge purposes under this temporary change shall be measured within the SENENE, Sec. 34, T2S, R35E, B.M.

DATED this 10th day of June, 2005

Barry Spackman

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 CORBETT SLOUGH DITCH CO (208) 729-6^(Candy Htqn)
Phone 785-3137
Post Office Address 79 N 100 W, Blackfoot Id 83221

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 Ground water recharge mitigation for 27-11917

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
01-47E	5-1-1889	189 AF	IRRIGATION	4/1 to 10/31
01-48	5-1-1892		Mitigation	to
01-304	4-1-1939			to

2. Total amount of water being transferred 189 cubic feet per second and/or 189 acre-feet per annum.

3. Source of water Snake River tributary to Columbia

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NE	SE	8	2S	36E	Bingham	Corbett Slough headgate

5. Lands irrigated or place of use: E = G.W. Recharge (Tensen Grove)

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	
2S	35E	27											E	E					
		33				E									E				
		34					E	E			E								
PLACE OF USE for Groundwater (27-11917)																			
2S	36E	13													15	40	8.0		

Total Acres 63ac

6. General Information:

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right Rental
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
will not be irrigated
- d. Has the water right sought to be transferred been used this year? NO If yes, explain.
- e. Absent the changes, how would the right be used for the remainder of the year? Not be used
- f. Describe other water rights used for the same purpose.
None
- g. Remarks:
Volume Certificate # 2846 = 22.5 shares x 5"/share = 112.5"
2.25 cfs (1.9836)(43 days) = 191.9 112.5" ÷ 50 = 2.25 cfs

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.

Robert W. Olsen President
(Signature of applicant) Cobbett Slough

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/18/05 Fee 50⁰⁰
Receipted KCW 5/18/05 # E030 886 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. _____

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

Witness my hand this _____ day of _____

For the Director

Candy High

Invoice

Corbett Slough Ditch Company
79 North 100 West
Blackfoot, ID 83221

DATE	INVOICE #
1/25/2005	05-006

BILL TO
Arave Construction 1395 N.W. Main Blackfoot ID 83221

*After View Estates
Do we want 1/25?*

P.O. NO.	TERMS	PROJECT
	Due Upon Receipt	

QUANTITY	DESCRIPTION	RATE	AMOUNT
	Annual Assessment	35.00	450.00
<u>NOTICE OF ASSESSMENT</u> Corbett Slough Ditch Company, 79 North 100 West, Blackfoot, Idaho NOTICE IS HEREBY GIVEN that at a meeting of the Directors held on January 25, 2005, an assessment of \$20.00 per share or \$35.00 minimum was levied upon the capital stock of the corporation payable to the Secretary-Treasurer of the corporation, Candy High, in person or at her address, 78 North 100 West, Blackfoot, Idaho 83221, on or before March 21, 2005. Any shares upon which the assessment remains unpaid on March 25, 2005 will be delinquent and advertised for sale at public auction, and unless payment is made before, will be sold on April 26, 2005 to pay the delinquent assessment, together with interest thereon at the rate of eight percent (8%) per annum, from the date of delinquency, costs of advertising and expenses of sale. Candy High, Secretary-Treasurer, 78 North 100 West, Blackfoot, ID 83221 (Phone 785-7296) NOTICE: Annual Stockholder's Meeting - March 5, 2005 at 2:00 p.m., Bingham County Courthouse			
Cert# 2846 Shares 22.5 $\times 5 = 112.5 = 2.25 \text{ cfs}$		Total	\$450.00

Corbett Slough Ditch Company
78 North 100 West
Blackfoot, ID 83221

This document declares that each share of the Corbett is equal to 5 inches of water

Robert W. Olsen

Robert Olsen, President

Candy High

Candy High, Secretary

5/12/05

TEAMWORK

Corbett Slough indicated
1901.2 shares available

Shares

$$22.5 \times 5''/\text{share} = 112.5''$$

$$112.5'' \div 50 = 2.25 \text{ cfs}$$

Volume = 189 af required

@ 2.25 cfs it will take

42.35 days to provide 189 af

$$(2.25)(1.9835) \text{ days} = 189$$

$$\text{Days} = 189 \div (2.25)(1.9835) = 42.35$$

May 31 05 01:01p

SCHIESS & ASSOC.

(208) 522-9232

P. 1

David R. Schiess
1009 E Presto Road
Shelley, Id. 83274

Subject: Letter Contract to Lease Water for 2005 growing Season.

Dear Mr. Schiess,

This letter will serve as a contract to lease 22.5 shares of water on the Corbett Slough Ditch Company (Slough), Certificate #2846 for the 2005 growing season. Schiess will pay the Slough directly to satisfy the invoice dated 1/25/2005, Invoice #05-006. This contract is valid if IDWR approves the use of the water as part of mitigation plan 27-11917 for the 2005 growing season.


Tom Arave


David R. Schiess

785-3496 (Fax)
785-3494 (phone)

Keen, Shelley

From: Wilson, Keith
Sent: Friday, June 10, 2005 2:53 PM
To: Keen, Shelley
Subject: RE: David Schiess Temp App

Shelley,

GPS data has the point of measurement is in the: SENENE Sec34, T02S, R35E

Keith

-----Original Message-----

From: Keen, Shelley
Sent: Friday, June 10, 2005 8:56 AM
To: Wilson, Keith
Subject: RE: David Schiess Temp App

Keith,

Thanks for following up. I'll just wait to hear from you.

Shelley

-----Original Message-----

From: Wilson, Keith
Sent: Friday, June 10, 2005 8:33 AM
To: Keen, Shelley
Subject: RE: David Schiess Temp App

Shelley,

I talked with Jeff Baldwin this morning about making a measurement. Jensen's Grove is so full that the lake has backed up into the area that he had planned to use for measurement. He is getting with the ditch rider of Corbett Slough this morning to go look for another site. He'll call as soon as he has the GPS coordinates.

Keith

-----Original Message-----

From: Keen, Shelley
Sent: Thursday, June 09, 2005 2:44 PM
To: Wilson, Keith
Subject: David Schiess Temp App

Keith,

Any progress on the measurement location related to David Schiess's temp. app.?

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov

Keen, Shelley

From: Wilson, Keith
Sent: Monday, May 23, 2005 11:42 AM
To: Keen, Shelley
Subject: Temp_Change Corbett Slough/David Schiess

Shelley,

Here are the answers that I received when I talked with the President of Corbett Slough.

Ron thinks that this can now go to Gary for approval. Could you print out the Temporary Change application and have Gary review the application. Also if approved attached is an approval form.



Approval.pdf

You can scan the documents after Gary has signed approving or denying the temporary change and I'll do the data entry if you wish.

Keith

Shelley,

Attached is David Schiess' latest attempt to provide groundwater recharge for mitigation of 27-11971. Could you look it over to see how it appears to you. Looks O.K. to me, but I'm waiting for a response from Corbett Slough to answer the following:

1. Is David Schiess renting/leasing/buying Arave Constructions 22.5 shares (Cert#2846) for discharge into Jensen's Grove?

Confirmed with Robert Olsen (President) and Candy High (Secretary) of Corbett Slough

2. How will water be measured before discharge into Jensen's Grove?

Measurement into canal/ditch that discharges into Jensen's Grove, and section of canal/ditch just before in goes under Airport Road. No users downstream of measurement locations.

3. How long will Corbett Slough divert the 22.5 shares of water into Jensen's Grove?

Discharge started 05/12/2005 and will continue for 45 days until total volume has been delivered.

Please let me know as soon as you can.



200505181_Schiess
TC.pdf

Keith

Memo

TO: Corbett Slough / Schiess TC File

June 14, 2005

FROM: Keith C. Wilson

RE: Progress / Time-line on Corbett Slough / Schiess TC File

05/18/05 Schiess 2nd TC, e-mailed Shelley copy, Shelley replied with questions.

05/19/05 Shelley e-mailed Gary

05/23/05 e-mail to Shelley with answers to his questions

06/02/05 e-mail from Gary with observations/questions.
David Schiess said to call Ron Harwell he knows measurement person.
e-mail to Gary & Shelley copy of TC, Contract/lease, map of area dry from Corbett Slough

06/03/05 Call to Ron Harwell (785-8600 Ext-18), Blackfoot Water Supervisor, message machine.

06/06/05 Call to Ron Harwell, message machine.

06/07/05 David Schiess - measurement person - Jeff Baldwin (684-3367 h, 681-3677 c)
Call to Jeff - will check old measurement site with ditch rider, will call w/legal

06/09/05 e-mail from Shelley, legal of measurement site? Replied no info yet

06/10/05 Called Jeff Baldwin - Jensen's Grove backed up into measurement site will get w/ditch rider to look for new site & call in with GPS coordinates.
e-mailed Shelley about Jeff Baldwin's response.
e-mail from Shelley - he'll wait until reply

≈1400 hrs - GPS info from Jeff Baldwin - ArcView to determine location

1453 hrs - E-mailed Shelley

≈1530 hrs - Called Shelley - Shelley OD Day would try complete ready for Gary Spackman

≈1600 hrs - Shelley called does Ditch (i.e. measurement site) have a name.

06/14/05 E-mail Shelley asking status
E-mail from Shelley Temporary Change Signed Friday 06/10/05 approved copies sent.
E-Mail to Deborah Gibson request copy of signed TC
Received Faxed copy.


Keith C. Wilson


Date



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

June 13, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CORBETT SLOUGH DITCH CO
79N 100W
BLACKFOOT ID 83221

RE: Temporary Change Application TC-01-65

Dear Applicant:

The Department of Water Resources has approved your application for a temporary change to portions of Water Rights 01-47E, 01-48, and 01-304 for the 2005 irrigation season. A copy of the approval order is enclosed. Please be sure to review the approval conditions carefully.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

cc: Water District 01
IDWR Eastern Region
David Schiess

RECEIVED

JUN 14 2005

Department of Water Resources
Eastern Region