

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 01-181C)
_____)
_____)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-01-64

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 April 21, 2005, Louis Thiel of New Sweden Irr Dist submitted the attached Temporary Change Application TC-01-64 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). 01-181C 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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TC-01-64

5. Right(s) 01-181C are limited to the irrigation of a total of ~2,300 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.

DATED this 21st day of April, 2005.



Ronald D. Carlson
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)

Name of Applicant New Sweden IRRIGATION DIST Louis Thiel 521-0114 cell
Phone 523-0175
Post Office Address 2350 W 17th South, Idaho Falls Id 83402

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☒ Other Nature of Use

2. Describe the proposed change(s) and the reason(s) thereof Agreement with city of Blackfoot for ground recharge

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

1. Right Number 01-181 C Priority 6/16/1900 Amount (cfs/ac-ft) 46.00 Nature of Use Recharge Period of Use 4/1 to 10/31
to
to
to

2. Total amount of water being transferred 46.00 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:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	9		SW	NE	27	2S	3SE	Bingham	Jensen Grove Diversion

5. Lands irrigated or place of use: Jensen Grove Lake

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	
2S	3SE	27											X	X L-18					
													L-15	L-15					
		33				X									X L-10				
		34					X	X	X										
							L-11	L-6	L-11	L-7									

Total Acres _____

TC-01-64

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right _____
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
No change
- 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? Used until cutoff by priority
- 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.

Louis Shul (Chairman of Board)
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 4/21/05 Fee 50⁰⁰

Receipted KCW # 5030819 Recommend: ☒ approve ☐ deny

Watermaster recommendation Approval

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-01-64

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

Witness my hand this 21st day of April, 2005

For the Director

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2
S

Point of
Diversion

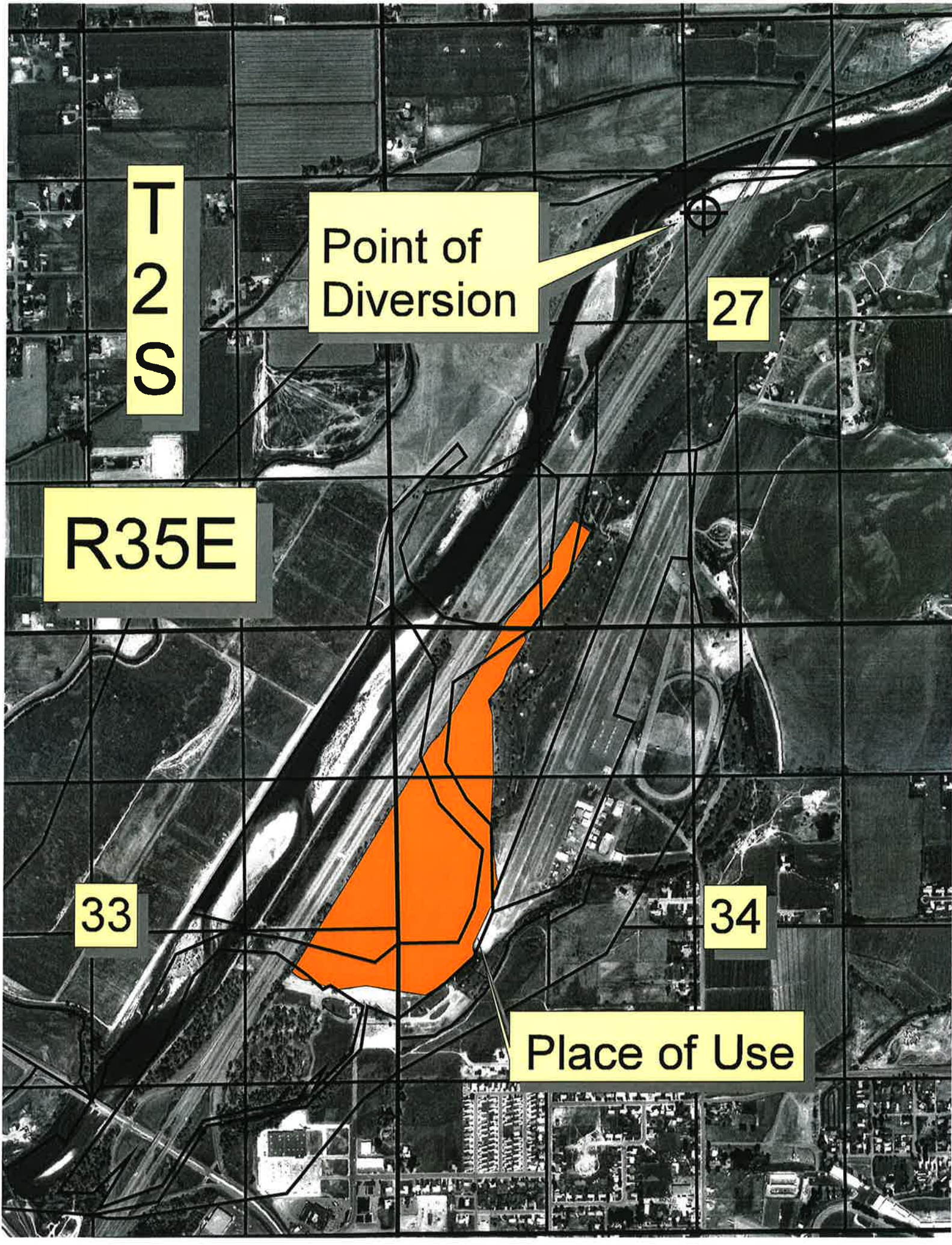
27

R35E

33

34

Place of Use



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 1-181C

WATER RIGHT NUMBER: 1-181C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEW SWEDEN IRRIGATION DIST 2350 W 17TH S IDAHO FALLS, ID 83402 (208)523-0175

Priority Date: 06/16/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	46.000 CFS	

Total Diversion: 46.000 CFSLocation of Point(s) of Diversion
SNAKE RIVERPlace of UseConditions of Approval:Remarks:

1. Explanatory LARGE POU SEE CLAIM 01-135

Comments:Dates and Other Information:

Claim Received Date: 2/11/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-181C

WATER RIGHT NUMBER: 1-181C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TAYLOR & GOSHEN CANAL CO LTD , ZZ

Priority Date: 06/16/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	46.000 CFS	

Total Diversion: 46.000 CFSLocation of Point(s) of Diversion

SNAKE RIVER

Place of UseConditions of Approval:Remarks:

1. General RIGHT LESS TRANS. 129 AND 130.
P/D INCOMPLETE.
P/U INCOMPLETE.
WATERMASTER RECORDS INDICATE NO DELIVERY OF RIGHT.

Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 12/16/1910
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 01
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Teton Irrigation Canal Co, et al
Decree Plaintiff: Rexburg Irrigation Co
Civil Case Number:
Judicial District: Sixth District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

43°15'

4789000m N

12'30"

Mile 764

4783

