

2004

Form 42-222A
12/99Ident. No. TC-01-63

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 Lakeside Ditch Company Phone 208-346-6171
Post Office Address 66 E. River Rd. 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 Aberdeen - Springfield Canal Company wishes to temporarily lease a portion of New Lakeside's natural flow water right to supplement their supply for the remainder of the 2004 irrigation season

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>13061520</u>	<u>Nov 24, 1890</u>	<u>71.24 cfs</u>	<u>Irrigation</u>	<u>Aug 27</u> to <u>Dec 31</u>
<u>01-0133A</u>				

2. Total amount of water being transferred 71.24 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Snake River tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	NE	26	1S	36E	Bingham	
			NE	NE	34	1S	36E	Bingham	13061610

5. Lands irrigated or place of use: Within Aberdeen - Springfield Canal

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:

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- a. Who owns the water right to be changed? New Lava Side Canal Company
- b. Describe the arrangement allowing use of the right Cash lease until September 20, 2004, then
a per acre-foot charge after that.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
None
- d. Has the water right sought to be transferred been used this year? X If yes, explain. New Lava side used
this right earlier in the 2004 irrigation season.
- e. Absent the changes, how would the right be used for the remainder of the year? It would remain unused.
- f. Describe other water rights used for the same purpose.
Aberdeen-Springfield Canal Company and New Lava Side Canal have storage and natural flow
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.

V. S. Cahn

(Signature of applicant) Resident

FOR DEPARTMENT USE ONLY

Received by KCW Date 9/1/04 Fee \$50.00

Receipted KCW # 030201 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-01-63

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

Witness my hand this 1st day of September, 2004.

Ronald R. R.
For the Director

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 01-0133A)
New Lavaside Ditch)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

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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 September 1, 2004, New Lavaside Ditch Co submitted the attached Temporary Change Application TC-01-63 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). 01-0133A 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.

**ORDER AUTHORIZING
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5. Right(s) 01-0133A are limited to the irrigation of a total of 4831 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, 2004 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 1st day of September, 2004.


Ronald D. Carlson
Eastern Regional Manager

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-133A

WATER RIGHT NUMBER: 1-133A

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Owner TypeName and Address

Current Owner

NEW LAVASIDE DITCH CO LIMITED, 638 N 700 E, FIRTH, ID 83236 (208)346-6171

Priority Date: 11/24/1890

Basis: Decreed

Status: Active

SourceTributary

SNAKE RIVER

COLUMBIA RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

71.240 CFS

Total Diversion: 71.240 CFSLocation of Point(s) of Diversion

SNAKE RIVER L1 (SW1/4NE1/4NE1/4) Sec. 26,Twp 01S,Rge 36E, B.M.

BINGHAM County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 36E 33			40.0	40.0							40.0	40.0	40.0	40.0	40.0	40.0	320.0
02S 35E 1				40.0					40.0	40.0			40.0			40.0	200.0
02S 35E 2	40.0										40.0						80.0
	L 1																
02S 35E 4	40.0	40.0			40.0	40.0	40.0										200.0
	L 1	L 2			L 3	L 4											
02S 35E 10				40.0					40.0		40.0	40.0					160.0
02S 35E 11	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02S 35E 12	40.0			28.0	40.0		40.0	40.0	37.0	40.0	40.0	15.0		18.0			338.0
				L 1					L 3			L 4		L 2			
02S 35E 14	40.0	40.0	40.0	39.0	40.0	40.0	40.0	40.0	20.0	20.0	20.0	20.0		21.0	10.0		430.0
				L 1										L 3			
02S 35E 15					40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0		440.0
02S 35E 18	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
02S 35E 21					40.0	40.0	40.0	40.0									160.0
02S 35E 22									40.0					40.0		40.0	120.0
02S 35E 23	40.0	40.0			41.0	40.0	40.0	23.0									224.0
					L 1			L 2									
02S 35E 27	15.0																15.0
	L 1																
02S 36E 4					40.0	40.0	40.0	29.0		30.0							179.0
					L 2	L 3		L 4		L 5							
02S 36E 5	40.0	40.0	40.0	40.0			40.0	40.0	40.0	40.0	21.0	28.0	40.0	15.0	31.0	14.0	469.0
	L 1	L 2									L 5	L 6			L 7	L 8	
02S 36E 6			40.0				33.0		40.0	33.0	33.0	40.0	40.0	40.0	37.0	30.0	366.0
							L 5			L 6	L 7				L 8	L 9	
02S 36E 7																	

Total Acres: 4831

Conditions of Approval:Remarks:

1. General (#5 CONT.) LAVA ROCK DAM ACROSS RIVER. HEADGATES FOR TWO CANALS CONSISTS OF EIGHT (8) FOUR FOOT CAST IRON GATES IN CONCRETE STRUCTURE. (REMARKS FROM HANDWRITTEN NOTICE OF CLAIM) IRRIGATION CANAL COMPANY

Dates and Other Information:

Claim Received Date: 5/17/1989

State or Federal: S

Water District Number: 01

Combined Use Limits: