

2004

Ident. No. TC-01-58DEI WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant CLARK - EDWARDS CANAL
90 Dale Mortimer Phone 745-7779

Post Office Address 4242 E 400 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 We are putting our 1885 water
into the Harrison CANAL FROM 8/6 Midnight-8/12 Midnight after which it will
revert back to Clark Edwards

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>01-0042</u>	<u>2/27/1885</u>	<u>70.00 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
				to
				to
				to

2. Total amount of water being transferred 70.00 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	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	SW	27	4N	40E	Jefferson	13038055 Harrison Canal

5. Lands irrigated or place of use: Lands of stockholder of the Harrison 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 1735.5 ac

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6. General Information:

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right AGREEMENT BETWEEN CANALS
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Clark-Edwards Land will be dried up until de-moising. IS over
IF LESS TIME IS NEEDED WATER DISTRICT 01 will be notified 24hrs in advance
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. USED ON STOCKHOLDERS LAND
- e. Absent the changes, how would the right be used for the remainder of the year? WOULD BE USED ON STOCKHOLDERS LAND
- f. Describe other water rights used for the same purpose.
SEE Harrison CANAL RIGHTS
- g. Remarks:
SEE ATTACHED AGREEMENT

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.

Dale Mortensen
 (Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Ka Date 8/5/04 Fee 50⁰⁰

Receipted Ka 8/5 # 5030110 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-01-58

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

Witness my hand this 12 day of August, 2004.

K. J. Payer K. J. Payer for Ron Carlson
 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 01-0042)
)
Clark & Edwards)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-58

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 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 August 5, 2004, Larry Rounds (Harrison) Dale Mortimer (Clark Edwards) submitted the attached Temporary Change Application TC-01-58 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). 01-0042 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
TEMPORARY CHANGE**

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5. Right(s) 01-0042 are limited to the irrigation of a total of 1735.5 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 12th day of August, 2004.


Ronald D. Carlson
Eastern Regional Manager

**Temporary Change Application
Drought Emergency**

Identification Number. TC-01-58

The Harrison Canal accepts the natural flow water right 01-0042 for 70.00 cfs from the Clark & Edwards Canal Co. for the period 8/6 midnight to 8/12 midnight, while the Clark & Edwards completes de mowing.

The Harrison Canal will assign a portion of their storage water rights to the Clark & Edwards Canal Co. in the amount of 70.0 af per day for 70.00 cfs from the natural flow right of 01-0042 that the Harrison Canal uses during this period of time.

It is the understanding of the Harrison Canal that if the Clark & Edwards Canal Co. completes the proposed project prior to the ending date of this agreement, the Clark & Edwards Canal Co. will give the Harrison Canal and Water District 01 a twenty-four hour notice prior to re-diversion of this water right.

Larry Rouns
Signature
LARRY Rouns
Printed Name, Title & President - Harrison
Company

Aug 5 - 2004
Date

Dale Mortimer
Signature
DALE MORTIMER
Printed Name, Title & PRESIDENT - CLARK-EDWARDS
Company

Aug 5 - 2004
Date

Keith C. Wells
Witness Signature