

2004

Ident. No. TC-01-57DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

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

Name of Applicant NORTH RIGBY IRRIGATION CANAL Co.
c/o Jesse Byram 454 N 3900 E RIGBY ID Phone 208 745 7881
83442
Post Office Address _____

A. PURPOSE OF TRANSFER

- 1.
- ☒
- Change point of diversion
-
- ☐
- Change purpose of use

☐ Add diversion point(s)
☐ Other☒ Change place of use

2. Describe the proposed change(s) and the reason(s) thereof
- Putting our 1883 water into Burgess
-
- Canal from 8/6 6AM until 8/12 8AM while demolishing canal after which
-
- water right will revert back to the North Rigby

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>01-138</u>	<u>6/10/1883</u>	<u>50.00 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 50.00 cubic feet per second and/or _____ 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
			SE	SW	20	4N	40E	Jefferson	DRY BED

5. Lands irrigated or place of use: SEE ATTACHED POA FOR BURGESS 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 1212

6. General Information:

- a. Who owns the water right to be changed? NORTH RIGBY CANAL
- b. Describe the arrangement allowing use of the right SEE AGREEMENT BETWEEN CANALS
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
NORTH RIGBY CANAL WILL BE SHUT OFF FOR DEMOSSING. NO IRRIGATION FROM Aug 6 (6AM) until Aug 12 (8AM), 2004
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. USED ON SHAREHOLDERS LAND
- e. Absent the changes, how would the right be used for the remainder of the year? USED ON SHAREHOLDERS LAND
- f. Describe other water rights used for the same purpose.
SEE ATTACHED LIST FOR BURGER CANAL
- 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.

Chris Ryan
(Signature of applicant)
President

FOR DEPARTMENT USE ONLY

Received by KW Date 8/5/2004 Fee \$50.00

Receipted KW # E034109 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-01-57

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

Witness my hand this 8th day of August, 2004.

[Signature]
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 01-138)

N. Rigby Irr. & Canal Co)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-57

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, Jesse Byrnes - N. Rigby Irr. & Canal Co submitted the attached Temporary Change Application TC-01-57 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). 01-138 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

TC-01-57

5. Right(s) 01-138 are limited to the irrigation of a total of 1212 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 August 12, 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 8th day of August, 2004.



Ronald D. Carlson
Eastern Regional Manager

**Temporary Change Application
Drought Emergency**

Identification Number TC - 01 - 57

The Burgess Canal Co. accepts the natural flow water right 01-138 from the North Rigby Irrigation & Canal Co. in the amount of 50.00 cfs for the period starting Aug 6 (6AM), 2004, to Aug 12 (8AM) 2004 (Period of 6 days) while the North Rigby Irrigation & Canal Co. completes de-mossing their canal.

The North Rigby Irrigation & Canal Co. will assign a portion of their water rights to the Burgess Canal Co. in the amount of 99.175 af per day for 50.00 cfs from the natural flow right of 01-138 that the Burgess Canal Co. uses during this period of time.

It is the understanding of the Burgess Canal Co. that any leakage of the head gate of the North Rigby Irrigation & Canal Co. will be charged to the North Rigby Irrigation & Canal Co.


Signature & Title
JESSE BYRAN PRESIDENT
Printed Name & Title North Rigby Irrigation & Canal Co.

8-5-2004
Date


Signature & Title
LYOYD HICKS President
Printed Name & Title Burgess Canal Co.

8-5-2004
Date


Witness Signature