

2004

Ident. No.

TC-01-54

DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

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

Name of Applicant Long Island Canal / West Labella Canal Phone 208-754-4557Post Office Address 610 Clyde Beck, 629 N 3400 E, Menan ID 83434

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 wish to move 20 miners inches of West Labella water and 39.25 miners inches of Long Island water to the Foster pump (White Island pump) located on the Dry Bel for 1 year, as the canals have no storage water to provide for this pump this year.

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>01-114C</u>	<u>June 1, 1885</u>	<u>0.785</u>	<u>Irrigation</u>	<u>May 29, 2004 to Nov 15 2004</u>
<u>01-195G</u>	<u>June 1, 1885</u>	<u>0.400</u>	<u>IRRIGATION</u>	<u>May 21 to Nov 15</u>
				to
				to

2. Total amount of water being transferred 1.185 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Dry Bel / Great Falls tributary to Snake River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
<u>13038201</u>			<u>NE</u>	<u>NW</u>	<u>14</u>	<u>4N</u>	<u>39E</u>	<u>Jaymerson</u>	<u>White Island / Foster pump</u>

5. Lands irrigated or place of use: Lands of stockholder

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 _____

7C-01-54

6. General Information:

- a. Who owns the water right to be changed? Applicants
- b. Describe the arrangement allowing use of the right Applicants had a prior agreement to provide storage water in lieu of water owned by Fosters.
- 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? yes If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? same
- 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.

Long Island canal west habelle canal
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW 7/14/04 Date 7/14/04 Fee 50⁰⁰

Received 7/28/04 # E030080 Recommend: _____ approve _____ deny _____

Received c/c 7-27-04
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. 7C-01-54

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

Witness my hand this 28th day of July, 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 01-114C & 01-195G)
)
W. Labelle & Long Island)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-54

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 July 14, 2004, West Labelle & Long Island Canal submitted the attached Temporary Change Application TC-01-54 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:

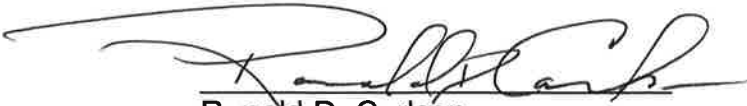
1. Diversion and use of right no(s). 01-114C & 01-195G is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment 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-01-54

5. Right(s) 01-114C¹ 01-195G are limited to the irrigation of a total of 17896.8 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 shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 01 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on November 15, 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 28th day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

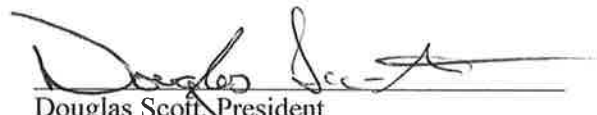
May 20, 2004

Ronald D. Carlson
Snake River Watermaster
900 N. Skyline Drive
Idaho Falls, ID 83402

Dear Mr. Carlson:

On June 12, 1992, the West Labelle Canal and the Long Island Canal entered an agreement to supply storage water to a pump owned by Brad Foster, known as the Foster or White Island pump, which draws water from the Dry Bed / Great Feeder Canal, in lieu of water owned in the two canals by Mr. Foster which could not be delivered to his land. (see attached) As the two canal companies do not have storage water available to supply the pump this year, they hereby request that the point of diversion for the water owned by Mr. Foster, in the amount of 20 miners inches from the West Labelle Canal and 39.25 miners inches from the the Long Island Canal, for a total of 59.25 miners inches, with a priority date of June 1, 1885, in both cases, be transferred from the headgate of the West Labelle / Long Island canals, to the site Mr. Foster's pump (White Island pump). This transfer is for the current irrigation season only.


Clyde Beck, President
Long Island Canal


Douglas Scott, President
West Labelle Canal

RECEIVED

JUN 19 1992

Department of Water Resources
Eastern District Office

June 12, 1992

To Ron Carlson, Watermaster:

The West Labelle and Long Island Canals agree to assign 250 acre-feet of storage water to the Foster (White Island) pump located on the Dry Bed Great Feeder Canal. This amount of storage water is to be delivered in lieu of 20 miners inches (0.40 cfs) of decreed water represented by West Labelle Co. shares of stock and 39.25 miners inches of Long Island water represented by Long Island stock certificate. This agreement shall be in place until such time as all parties or successors in interest agree to renegotiate it.

This agreement shall not have any affect on Clark & Edwards water rights which is delivered to the lands in conjunction to these West Labelle and Long Island Canal.


West Labelle

 President
Long Island

West Labelle

Long Island

DIVERSION # NAME

Priority	CFS	Cumulative CFS	Water Right Number	Comments
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13038225 West Labelle & Long Island (includes diversions 13038340, 13038372, & 13038373)

1880-06-11	38.520	38.520	01-00109G	Long Island Irrigation
1881-06-01	58.970	97.490	01-00110E	Long Island Irrigation
1882-06-01	58.960	156.450	01-00111E	Long Island Irrigation
1883-06-01	58.980	215.430	01-00112E	Long Island Irrigation
1884-06-01	29.200	244.630	01-00080C	Independent Irrigation
1884-06-01	58.970	303.600	01-00113C	Long Island Irrigation
1884-06-01	5.000	308.600	25-00251B	Long Island Irrigation
1884-06-01	0.600	309.200	25-00252A	Long Island Irrigation
1884-06-01	2.600	311.800	25-00252B	Long Island Irrigation
1884-06-01	5.000	316.800	25-00253	Long Island Irrigation
1884-06-01	2.400	319.200	25-00254	Long Island Irrigation
1884-06-01	1.200	320.400	25-00255	Long Island Irrigation
1885-06-01	58.970	379.370	01-00114C	Long Island Irrigation
1885-06-01	109.325	488.695	01-00195G	West Labelle Irrigation
1886-06-01	39.358	528.053	01-00115U	Long Island Irrigation
1916-01-22	28.000	556.053	01-00239	West Labelle Irrigation
1916-01-22	10.000	566.053	01-00246	Long Island Irrigation
1939-04-01	35.000	601.053	01-00317	Long Island Irrigation
1939-04-01	35.000	636.053	01-00331	West Labelle Irrigation

$$\begin{aligned} 39.25'' &= 0.785 \text{ cfs} \\ 20'' &= 0.400 \text{ cfs} \\ \hline &1.185 \text{ cfs} \end{aligned}$$

13038305 Parks & Lewisville Canal

1883-06-01	19.857	19.857	01-00143A
1884-06-01	19.848	39.705	01-00142A
1885-06-01	99.257	138.962	01-00144A
1888-06-01	209.558	348.520	01-00145C
1916-01-22	84.000	432.520	01-00240

13038315 North Rigby Canal

1883-06-10	50.000	50.000	01-00138
1916-01-22	30.000	80.000	01-00238

13038360 Bramwell Canal

1888-06-01	8.800	8.800	01-00362	Combined with Ellis Canal 13038362.
1888-06-01	4.800	13.600	01-00363	Combined with Ellis Canal 13038362.
1909-02-20	15.600	29.200	01-00293	Combined with Ellis Canal 13038362.
1916-01-22	2.000	31.200	01-00257	Combined with Ellis Canal 13038362.
1939-04-01	4.000	35.200	01-00300	Combined with Ellis Canal 13038362.

13038365 Fresh Pac Pump

1888-06-01	2.000	2.000	01-00286A
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13038387 Nelson Pump

1900-04-30	0.180	0.180	01-00125A
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13038201
White Island Pump
T4N R39E Sec 14
NE NW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-114C

WATER RIGHT NUMBER: 1-114C

INFO

Owner TypeName and Address

Current Owner

LONG ISLAND IRRIGATION CO, 729 N 3800 E, RIGBY, ID 83442
(208)745-6147

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

SourceTributary

DRY BED

SNAKE RIVER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

58.970 CFS

Total Diversion: 58.970 CFS

Location of Point(s) of Diversion

DRY BED SW1/4NW1/4SE1/4 Sec. 10, Twp 04N, Rge 39E, B.M. JEFFERSON 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	
04N 37E 1	40.8	37.0	33.0	31.0	30.0	40.7	20.0	1.0	18.0	17.0	20.0	4.0	2.0	27.0	4.0		325.5
	L1	L2			L3	L4											
04N 37E 2	40.7	40.7	40.0	40.0	40.6	40.5	40.0	40.0	40.0	40.0	40.0	35.0	39.0	36.0	4.0	32.0	588.5
	L1	L2			L3	L4											
04N 37E 3													39.0	7.0	34.0	40.0	120.0
04N 37E 11					18.0	24.0											42.0
04N 38E 2					5.0	30.0											35.0
04N 38E 3	30.0	39.0	37.0		38.0	30.0		25.0		4.0			3.0				206.0
	L1	L2			L3	L4											
04N 38E 4	25.0	39.0	37.0		40.5	40.5	40.0	40.0	21.0	17.0	3.0	15.0		3.0			321.0
	L1	L2			L3	L4											
04N 38E 5	40.7	40.7	28.0	40.0	9.0	4.0		5.0					15.0				182.4
	L1	L2			L3	L4											
04N 38E 6	12.0	36.0			27.0	31.0		10.0									116.0
	L1	L2			L3	L4											
04N 39E 4						13.0											13.0
						L4											
05N 37E 13									38.0	16.0	40.0	40.0	40.0	40.0	40.0	40.0	294.0
05N 37E 14												20.0	18.0	19.0	40.0	40.0	137.0
												L5	L7		L6		
05N 37E 22												6.0			24.0	9.0	39.0
															L5	L6	
05N 37E 23	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320.0
05N 37E 24	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
05N 37E 25	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
05N 37E 26	40.0	40.0	40.0	40.0	40.0	40.0	13.0	37.0	22.0			9.0	40.0	40.0	40.0	40.0	481.0
							L1	L2	L5						L3	L4	
05N 37E 27	40.0	40.0	40.0	40.0	28.0	5.0	5.0	40.0	40.0	40.0	10.0	29.0	40.0	40.0	30.0	17.0	484.0
					L7	L2	L3	L4	L5			L5	L20	L6	L16	L17	
05N 37E 28	10.0			20.0									12.0				42.0
	L5			L13									L14				
05N 37E 35	40.0	40.0	40.0	40.0	32.0	6.0	2.0	30.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	550.0
					L1	L2	L2										
05N 37E 36	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
05N 38E 7											30.0						30.0
											L10						
05N 38E 17										8.0							8.0
										L9							
05N 38E 18		10.0	10.0		22.0	40.0	40.0	34.0	40.0	40.0	40.0	40.0	27.0	40.0	40.0	40.0	463.0
		L17	L17		L7	L8	L9	L10	L13	L5	L6	L4	L11	L12	L14	L15	
05N 38E 19	40.0	40.0	40.0	40.0	40.0	38.8	38.9	40.0	40.0	38.8	38.9	40.0	40.0	40.0	40.0	40.0	635.4
						L1	L2			L3	L4						
05N 38E 20	9.0	13.0	40.0	40.0	13.0	32.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	547.0
05N 38E 21		13.0	32.0			3.0	37.0	27.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	432.0
05N 38E 22						22.0	6.0		40.0	40.0	40.0	40.0					188.0
05N 38E 25									15.0	5.0	38.0	40.0	12.0	24.0	40.0	40.0	214.0

IDAHO DEPARTMENT OF WATER RESOURCES

INFO

Adjudication Claim Report 1-114C																			
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	38E	26	33.0		4.0	40.0		38.0	34.0	20.0	40.0	40.0	40.0	40.0	40.0	38.0	40.0	40.0	487.0
05N	38E	27	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
05N	38E	28	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
05N	38E	29	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
05N	38E	30	40.0	40.0	40.0	40.0	40.0	39.0	39.1	40.0	40.0	39.3	39.3	40.0	40.0	40.0	40.0	40.0	636.7
05N	38E	31	40.0	40.0	40.0	40.0	40.0	L 1 L 2		40.0	39.4	39.3	40.0	40.0	39.3	39.3	40.0	40.0	29.0
								L 1 L 2											
05N	38E	32	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	10.0	39.0	40.0	40.0	40.0	40.0	609.0
05N	38E	33	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
05N	38E	34	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
05N	38E	35	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	28.0	588.0
05N	38E	36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	36.0	5.0		10.0	40.0			451.0
05N	39E	30									10.0	23.0	36.8	20.0					89.8
05N	39E	31	10.0	22.0	37.0	17.0	40.0	L 3 L 4		36.7	36.5	40.0							
								L 3 L 4											
05N	39E	32						3.0	8.0		25.0	20.0			40.0	40.0	40.0	40.0	216.0
05N	39E	33									40.0	40.0	40.0	25.0					145.0

Total Acres: 16021.8

Conditions of Approval:Remarks:

1. General SEE NOTICE OF CLAIM A01-00109G FOR MAP OF SERVICE AREA. THE LONG ISLAND IRRIGATION CO. HAS THE AUTHORITY TO CLAIM THIS WATER THROUGH THE OWNERSHIP OF LANDS BY THE STOCKHOLDERS OF THE COMPANY. LANDS SERVICED BY INDEPENDENT CANAL CO., BEAR TRAP CANAL AND DEER PARKS CANAL ALSO RECEIVE WATER THROUGH THE LONG ISLAND IRRIGATION CANAL AND THEREFORE, ARE INCLUDED IN THE ABOVE LAND LIST.

Comments:Dates and Other Information:

Claim Received Date: 2/8/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-195G

INFO

WATER RIGHT NUMBER: 1-195G

Owner TypeName and Address

Current Owner

WEST LABELLE IRRIGATION CO LTD, 575 N 4000 E, RIGBY, ID 83442
(208)745-7944

Priority Date: 06/01/1885

Basis: Decreed

Status: Active

SourceTributary

DRY BED

SNAKE RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

109.900 CFS

Total Diversion: 109.900 CFSLocation of Point(s) of Diversion

DRY BED

SW1/4NW1/4SE1/4

Sec. 10,Twp 04N,Rge 39E, B.M.

JEFFERSON 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	
04N 38E 1	38.0	20.0	25.0	35.0													118.0
	L 1	L 2															
04N 39E 4					38.0	25.0	30.0	39.0	40.0	25.0	39.0	39.0					275.0
					L 3	L 4											
04N 39E 5	30.0	39.0	30.0	30.0	39.0	38.0	39.0	40.0	33.0	37.0	5.0	25.0	35.0	35.0	30.0	38.0	523.0
	L 1	L 2			L 3	L 4											
04N 39E 6	37.0	37.0	39.0	39.0	37.0	35.0	35.0	39.0		18.0							316.0
	L 1	L 2			L 3	L 4	L 5			L 6							
04N 39E 9	6.0	35.0			15.0												56.0
05N 38E 36												30.0	28.0		38.0	38.0	134.0
05N 39E 31				40.0					39.0	35.0	34.0	38.0	38.0	39.0	38.0	39.0	340.0
										L 3	L 4						
05N 39E 32									15.0	20.0	39.0	39.0					113.0

Total Acres: 1875

Conditions of Approval:Remarks:

1. General RESEARCH OF WATER RESOURCES FILES INDICATES THAT THE ORIGINAL WATER RIGHT 01-0195 WAS REDUCED ONLY BY TRAN. 56 THAT TRANSFERED 10.1 CFS (505 INCHES) INTO THE WHITE DITCH. T56 WAS FILED BY GEORGE WHITE & JOHN T. QUINTON. SUBSEQUENT TRANSFERES APPEAR TO TAKE WATER FROM THE WHITE DITCH WATER RIGHT (T293,T537,T650 & T657); HOWEVER, FROM WATER RESOURCES FILES IT APPEARS THAT T650 (LISTS THE P/D AS WHITE DITCH) INCORRECTLY REDUCED WEST LABELLES' WATER RIGHT BY 0.575 CFS(28.75 INCHES). THIS ADJUDICATION CLAIM IS BEING FILED TO CORRECT THIS ERROR AND REFLECT THE CORRECT DECREE AMOUNT OF 109.9 CFS (5495 INCHES).

Comments:Dates and Other Information:

Claim Received Date: 11/30/1988

State or Federal: S

Owner Name Connector:

Water District Number: 01

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: