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2004

Department of Water Resou.
Eastern RegionForm 42-222A
12/99Ident. No. 7C-01-52STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant West Labelle Irrigation Co ²⁰⁸ Phone 745-7944
 Post Office Address 575 N 4000 E, 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 Agreement between West Labelle, Doug Scott, and WD 01

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>01-1956</u>	<u>6/01/1885</u>	<u>0.83 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
				to
				to
				to

2. Total amount of water being transferred 0.83 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Dry Bed 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>SW</u>	<u>SW</u>	<u>NE</u>	<u>1</u>	<u>04N</u>	<u>38E</u>	<u>Idaho</u>	<u>Doug Scott pump</u>

5. Lands irrigated or place of use:

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	
<u>04N</u>	<u>38E</u>	<u>1</u>	<u>NE 1/4</u>										<u>SW 1/4</u>			<u>SW 1/4</u>			

Total Acres 12 AC

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:
Better distribution of water and earlier irrigation
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Was using water right on same ground.
- e. Absent the changes, how would the right be used for the remainder of the year? would be continued to be used only would have to change irrigation system.
- 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.

Steve Wehde VP
(Signature of applicant) Position

FOR DEPARTMENT USE ONLY

Received by JC Date 7-8-04 Fee \$ 50.00
Received JC # E030036 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. _____

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

Witness my hand this 21st day of July, 2004.

Don D. Cook
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 01-1956)
)
West Labelle Irr Co)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-52

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 8, 2004, West Labelle Irr Co submitted the attached Temporary Change Application TC-01-52 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). 01-1956 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- 01-52

5. Right(s) 01- 1956 are limited to the irrigation of a total of 12. 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 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 21st day of July, 2004.

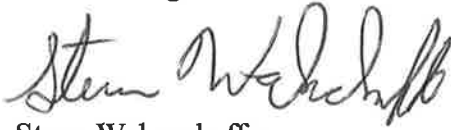

Ronald D. Carlson
Eastern Regional Manager

TC-01-52

Water District One,

June 12, 2004

At a meeting held on June 11, 2004, by the West Labelle Canal Company board of directors, the request was made by Doug Scott to add a point of diversion at his pump sight, it was approved for the immediate use of water for 2004 and also to apply to make it a permanent water diversion sight.

A handwritten signature in dark ink, appearing to read "Steve Wahnschaffe". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Wahnschaffe".

VP Steve Wahnschaffe

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-195G

WATER RIGHT NUMBER: 1-195G

INFO ONLY

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 TRANSFERRED 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:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-195G

WATER RIGHT NUMBER: 1-195G

<u>Owner Type</u>	<u>Name and Address</u>
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

<u>Source</u>	<u>Tributary</u>
DRY BED	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	109.325 CFS	

Total Diversion: 109.325 CFSLocation of Point(s) of Diversion

DRY BED	NW1/4SE1/4	Sec. 10, Twp 04N, Rge 39E, B.M.	JEFFERSON County
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Place of UseConditions of Approval:Remarks:

1. General RIGHT LESS TRANS. 56 & TRANS. 650.
P/D FROM USGS MAP.
P.D LANDS OF STOCKHOLDERS.

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: