

2004

Ident. No. TC-01-45STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Nelson Corey Canal % Larry M. Hill Phone 208 356 6312Post Office Address 3987W 6800S Rexburg Id 83440

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 Moving water to Hill Pettinger Ditch due to drought conditions. Applicants wish to move rights between Diversion based on a 24hr call notice with Water District 01 to help supplement delivery losses until water rights are cut

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>01-37A</u>	<u>06/01/1891</u>	<u>2.40 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
<u>01-37B</u>	<u>06/01/1891</u>	<u>1.20 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>
<u>01-37</u>	<u>06/01/1891</u>	<u>1.20 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>11/1</u>

2. Total amount of water being transferred 3.60 cfs 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
		SE	SE	NW	35	5N	39E	Madison	Hill Pettinger Ditch (13058436)
		SE	SE	NW	35	5N	39E	Madison	Nelson Corey Ditch (13038437)

5. Lands irrigated or place of use: Lands of Hill Pettinger Ditch

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	
5N	39E	35							35	27									62
5N	39E	27							35	14	9	15							75
																			135

Limited to
Total Acres 78 ac

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6. General Information:

- a. Who owns the water right to be changed? 01-37A (Lois L & Gaylen Pond) 01-37B (Colene Wilson/Kathleen Koon's Pond)
- b. Describe the arrangement allowing use of the right Agreement between owners & watermaster for Hill-Pettinger, Nelson Corey
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
N/A
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Water rights are on but not sufficient to deliver all to the place of use
- e. Absent the changes, how would the right be used for the remainder of the year? Could not get water to place of use
- f. Describe other water rights used for the same purpose.
- g. Remarks: Applicants wish to be able to move water between P/D's until water rights are cut

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.

Larry M Hill
(Signature of applicant)
Watermaster Hill-Pettinger Ditch & Nelson Corey Ditch

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/25/04 Fee \$50⁰⁰
 Receipted KCW # E029884 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-01-45

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

Witness my hand this 23rd day of June, 2004.

Ronald D. [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 01-37A, 01-37B, 01-37)
Nelson Corey % Larry Hill)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-01-45

WHEREAS, a drought emergency has been declared for Madison 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 May 25, 2004, Larry Hill submitted the attached Temporary Change Application TC-01-45 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). 01-37A, 01-37B, 01-37 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) 01-37A, 01-37B, 01-37 are limited to the irrigation of a total of 78 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 December 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 23rd day of June, 2004.


Ronald D. Carlson
Eastern Regional Manager

I Colene Wilson agree to allow Larry Hill (Water master for Hill-Pettinger Ditch & the Nelson-Corey Ditch) to utilize my water rights for a temporary transfer in order to deliver water to lands under the Hill-Pettinger & Nelson-Corey Ditches. It is my understanding that this will only be for the 2004 Irrigation season or until these water rights are cut.

In his capacity as water master I allow Larry M. Hill to sign the temporary transfer in order to facilitate the delivery of the water rights in the Hill-Pettinger & Nelson-Corey Ditches.

Colene Wilson

Name

3654 W. 6800 S.

Address

Reynolds, ID 83440

City, State, Zip

356-6750

Phone Number

Colene Wilson 6-7-04

Signature

Date

RECEIVED

JUN 16 2004

Department of Water Resources
Eastern Region

I Lois Pond agree to allow Larry Hill (Water master for Hill-Pettinger Ditch & the Nelson-Corey Ditch) to utilize my water rights for a temporary transfer in order to deliver water to lands under the Hill-Pettinger & Nelson-Corey Ditches. It is my understanding that this will only be for the 2004 Irrigation season or until these water rights are cut.

In his capacity as water master I allow Larry M. Hill to sign the temporary transfer in order to facilitate the delivery of the water rights in the Hill-Pettinger & Nelson-Corey Ditches.

Lois Pond
Name

3546 W 6800 S
Address

Rexburg Id 83440
City, State, Zip

208 356-6678
Phone Number

Lois Pond 6-7-04
Signature Date

RECEIVED

JUN 16 2004

Department of Water Resources
Eastern Region

INFO ONLY

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-37A

WATER RIGHT NUMBER: 1-37A

Owner Type Name and Address
Current Owner GAYLEN & LOIS L POND
 3546 W 6800 S
 REXBURG, ID 83440
 (208)356-6678

Priority Date: 06/01/1891 Basis: Decreed Status: Active

Source Tributary
SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Annual Volume
IRRIGATION 4/01 to 11/01 2.400 CFS

 Total Diversion: 2.400 CFS

Location of Point(s) of Diversion
SNAKE RIVER SE1/4SE1/4NW1/4 Sec. 35,Twp 05N,Rge 39E, B.M. MADISON 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	
05N	39E	27			30.0	22.0									3.0	6.0			61.0

Total Acres: 61

Conditions of Approval:

Remarks:

- General THIS CLAIM SHOWS CURRENT OWNERSHIP AND USE OF RIGHT

Comments:

Dates and Other Information:

Claim Received Date: 6/24/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
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 1-37B

WATER RIGHT NUMBER: 1-37B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COLENE M WILSON 3654 W 6800 S REXBURG, ID 83440
Current Owner	KATHLEEN L KOON 3654 W 6800 S REXBURG, ID 83440 (208)356-3530
Current Owner	PAMELA J SMITH 3654 W 6800 S REXBURG, ID 83440
Original Owner	VELMA M ANDERSON 3263 W 5200 S REXBURG, ID 83440

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

SNAKE RIVER SE1/4NW1/4 Sec. 35,Twp 05N,Rge 39E, B.M. MADISON 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		
05N 39E 27																	17.0	17.0

Total Acres: 17

Conditions of Approval:Remarks:

1. General THIS CLAIM IS FOR A PORTION OF THE ORIGINAL DECREED RIGHT 01-0037. THIS DECREED RIGHT HAS BEEN SPLIT INTO SEPERATE PORTIONS.

Comments:Dates and Other Information:

Claim Received Date: 7/26/1988

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: