

2003

BEFORE THE DEPARTMENT OF WATER RES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF A )  
WATER RIGHT 01-65 )

ORDER AUTHORIZING  
TEMPORARY CHANGE TC-01-43

Progressive Irrigation District for )  
Foster AGRO

WHEREAS, a drought emergency has been declared for Bonneville  
County to allow administrative actions to lessen the severe impacts of the drought  
conditions in the counties; 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 when the director determines that such  
changes can be accomplished in accordance with the provisions of section 42-222A,  
Idaho Code; and

WHEREAS, on 8/5/03, Progressive Irrigation <sup>For Foster AGRO</sup> submitted the attached  
Temporary Change Application TC-01-43 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). TC-01-65 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

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replacement water supply to lands or other uses which 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.

5. Right(s) 01-65 are limited to the irrigation of a total of 31,533.3 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 applicant agrees 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 watermaster of Water District No. 01 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 9/01/2003 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 7<sup>th</sup> day of August, 2003.

  
RONALD D. CARLSON  
EASTERN REGION MANAGER

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Progressive IRRIGATION District Brad Foster 589-6170  
Boyd Foster 589-1999  
Post Office Address 2585 N Ammon Rd Idaho Falls Id 83401-1949 Phone 522-3102

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 No storage & drought emergency for Foster AGRO

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  
61-65 4/3/1884 2.90 IRRIGATION 4/1 to 11/1  
to  
to  
to
2. Total amount of water being transferred 2.90 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         |
|-----------|-----|-----|-----|-----|-----|-----|-----|------------|----------------------------------|
|           |     |     | NW  | SE  | 8   | 3N  | 41E | Bonneville | B. Foster (Snake) Pump #13037490 |
|           |     |     |     |     |     |     |     |            |                                  |
|           |     |     |     |     |     |     |     |            |                                  |
|           |     |     |     |     |     |     |     |            |                                  |

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 |        |
|     |     | 17  |        | 12 |    |    | 3      |    | 3  |    |        | 1  |    |    |        |    |    |    | 19     |
|     |     | 18  |        |    | 30 | 31 |        |    |    |    |        |    |    |    | 31     | 30 |    |    | 122    |
|     |     | 8   |        |    |    |    |        |    |    |    |        |    | 3  |    |        | 5  | 33 |    | 41     |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres 182.0 ac

## 6. General Information:

- a. Who owns the water right to be changed? Applicants
- b. Describe the arrangement allowing use of the right Applicants filed own water right
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
None
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. used upon land of stockholders
- e. Absent the changes, how would the right be used for the remainder of the year? would not be used
- f. Describe other water rights used for the same purpose.  
01-064, 01-65, 01-61, 01-66 01-7090/01-7091/01-10214
- g. Remarks: Water will be used during the month of August 2003

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.

  
(Signature of applicant)  
Board of Directors

## FOR DEPARTMENT USE ONLY

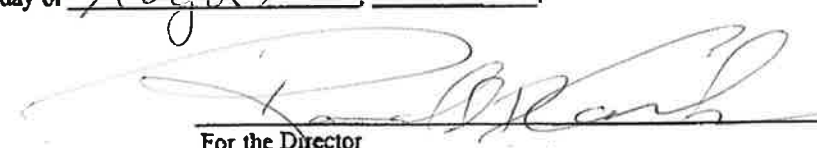
Received by Kaw Date 8/5/03 Fee \$ 50<sup>00</sup>  
 Receipted Kaw # E029078 Recommend: ☒ approve ☐ deny  
 Watermaster recommendation \_\_\_\_\_

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-01-43

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

Witness my hand this 7<sup>th</sup> day of August, 2003.

  
For the Director

TC-01-43

**DIVERSION #    NAME**

| Priority                                 | CFS     | Cumulative<br>CFS | Water Right<br>Number | Comments                                        |
|------------------------------------------|---------|-------------------|-----------------------|-------------------------------------------------|
| <b><u>13037505    Anderson Canal</u></b> |         |                   |                       |                                                 |
| 1880-08-01                               | 160.000 | 160.000           | 01-00064              | Includes diversion 13037975, Progressive Irrig. |
| → 1884-04-03                             | 340.000 | 500.000           | 01-00065              | Includes diversion 13037975, Progressive Irrig. |
| 1888-01-18                               | 16.900  | 516.900           | 01-00061              | Includes diversion 13037975, Progressive Irrig. |
| 1889-04-15                               | 300.000 | 816.900           | 01-00066              | Includes diversion 13037975, Progressive Irrig. |
| 1902-06-01                               | 24.000  | 840.900           | 01-00156              | Anderson Canal to Poplar Irrigation             |
| 1916-01-22                               | 12.000  | 852.900           | 01-00202              | Anderson Canal to Poplar Irrigation             |
| 1916-01-22                               | 300.000 | 1152.900          | 01-00241              | Includes diversion 13037975, Progressive Irrig. |
| 1939-04-01                               | 80.000  | 1232.900          | 01-00322              | Includes diversion 13037975, Progressive Irrig. |

**13037855    Newby Pumps**

|            |       |        |          |                                       |
|------------|-------|--------|----------|---------------------------------------|
| 1902-05-01 | 5.600 | 5.600  | 01-00072 | Includes pumps 13037860 and 13037880. |
| 1939-04-01 | 6.000 | 11.600 | 01-00321 | Includes pumps 13037860 and 13037880. |
| 1945-04-19 | 2.100 | 13.700 | 25-02103 | Includes pumps 13037860 and 13037880. |

**13037980    Farmers Friend (S.Fk.)**

|            |         |         |            |                |
|------------|---------|---------|------------|----------------|
| 1885-06-01 | 2.000   | 2.000   | 01-00035F  | TR 295         |
| 1885-06-01 | 0.833   | 2.833   | 01-00035H  | TR 306         |
| 1885-06-01 | 0.840   | 3.673   | 01-00093B  |                |
| 1887-06-01 | 12.000  | 15.673  | 01-00116K  | TR 352         |
| 1887-06-01 | 1.180   | 16.853  | 01-00116AB | TR 449         |
| 1887-06-01 | 3.200   | 20.053  | 01-00116AV | TR 484, TR 562 |
| 1888-01-18 | 283.100 | 303.153 | 01-00061   |                |
| 1888-06-01 | 1.360   | 304.513 | 01-00094D  |                |
| 1888-06-01 | 20.000  | 324.513 | 01-00117M  | TR 352         |
| 1888-06-01 | 1.040   | 325.553 | 01-00117AK | TR 449         |
| 1889-06-01 | 8.000   | 333.553 | 01-00118H  | TR 352         |
| 1889-06-01 | 1.180   | 334.733 | 01-00118AD | TR 449         |
| 1916-01-22 | 160.000 | 494.733 | 01-00248   |                |

**13037985    Enterprize Canal**

|            |         |         |          |  |
|------------|---------|---------|----------|--|
| 1895-03-22 | 120.000 | 120.000 | 01-00059 |  |
| 1898-04-15 | 68.000  | 188.000 | 01-00060 |  |
| 1916-01-22 | 62.000  | 250.000 | 01-00233 |  |