

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
 FOR TEMPORARY CHANGE OF A)
 WATER RIGHT 01-138)

ORDER AUTHORIZING
 TEMPORARY CHANGE TC-0139

North Righy Irr. & Canal Co)

WHEREAS, a drought emergency has been declared for _____
 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 7/28/03, N. Righy Irr. & Canal Co. submitted the attached
 Temporary Change Application TC-0139 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

ORDER AUTHORIZING
TEMPORARY CHANGE TC-01-39

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) 01-138 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 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 8/4/03 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 29th day of July, 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 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
- ☐
- Add diversion point(s)
- ☒
- Change place of use
-
- ☐
- Change purpose of use
- ☐
- Other

2. Describe the proposed change(s) and the reason(s) thereof
- Putting our 1983 water into Burgess
-
- Canal from July 30 to Aug while demurring 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 PO4 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 JULY 30 TO AUG 4, 2003
- 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.



(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KW Date 7/29/03 Fee \$50.00

Receipted KW # E029043 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 approve, subject to the following limitations and conditions:

Witness my hand this 29th day of July, 2003.


For the Director

**Temporary Change Application
Drought Emergency**

Identification Number TC - 01 - 39

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 0800 hrs July 30, 2003, to 0800 hrs Aug 4, 2003 (Period of 5 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.

Jesse Byram President
Signature & Title
Jesse BYRAM President.

Printed Name & Title North Rigby Irrigation & Canal Co.

7-29-03
Date

Lloyd R. Hicks; President
Signature & Title
LLOYD R. Hicks; PRESIDENT.

Printed Name & Title Burgess Canal Co.

7/29/03
Date

Keith C. Wilson
Witness Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-138

WATER RIGHT NUMBER: 1-138

TC-01-39

Owner TypeName and Address

Current Owner

NORTH RIGBY IRRIGATION & CANAL CO INC
C/O CALVIN F REED PRES
455 N 3950 E
RIGBY, ID 83442
(208)745-6471

Priority Date: 06/10/1883

Basis: Decreed

Status: Active

SourceTributary

DRY BED

SNAKE RIVER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 11/01

50.000 CFS

Total Diversion: 50.000 CFSLocation of Point(s) of Diversion

DRY BED

SE1/4SW1/4NW1/4

Sec. 9, 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									15.0	30.0	40.0	40.0	20.0	25.0	40.0	40.0	250.0
04N	38E	2			10.0	5.0			20.0	35.0					30.0	40.0	40.0	40.0	220.0
04N	38E	12	40.0	40.0	40.0	40.0													160.0
04N	39E	6									38.0					15.0			53.0
											L 7								
04N	39E	7	38.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0									318.0
							L 1	L 2											
04N	39E	8			18.0	1.0	40.0	29.0	40.0	40.0	12.0	10.0			1.0	20.0			211.0

Total Acres: 1212

Conditions of Approval:Remarks:

1. General P/U INCOMPLETE IN DECREE.
P/D INCOMPLETE IN DECREE.

Comments:Dates and Other Information:

Claim Received Date: 11/15/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-29

WATER RIGHT NUMBER: 1-29

Owner Type Name and Address

Current Owner BURGESS CANAL & IRRIGATING CO, PO BOX 536, RIGBY, ID 83442
(208)745-7711

TC-01-39

Priority Date: 06/10/1886

Basis: Decreed

Status: Active

Source

Tributary

DRY BED
SNAKE RIVERSNAKE RIVER
COLUMBIA RIVER

Total Diversion: 10.000 CFS

Location of Point(s) of Diversion

DRY BED SE1/4SW1/4 Sec. 20,Twp 04N,Rge 40E, 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	
03N	37E	1	38.3	38.9	35.0	38.9	13.8			6.0					38.9	34.0	30.0	38.9	312.7
03N	37E	12	38.9	39.5	39.5	38.9					6.0			4.0	38.9	39.5	33.5	38.9	317.6
03N	37E	13	38.9	24.0	1.0	36.4									25.4			17.4	143.1
03N	38E	4					38.3	38.9			38.9	38.3							154.4
03N	38E	5	38.3	38.4	39.0	38.9	38.4	38.3	38.9	39.0	39.0	38.9	38.3	38.4	38.9	39.0	38.4	38.3	618.4
03N	38E	6	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
03N	38E	7	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
03N	38E	8	37.6	38.2	39.5	38.6	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	620.7
03N	38E	17					38.9	38.3	38.9	39.5	39.5	38.9							234.0
03N	38E	18	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
03N	38E	19	38.3	38.9	39.5	38.9	38.9	30.9	7.5	37.5									270.4
04N	37E	23	39.5	39.5	39.5	39.5	13.0			16.0	38.5	27.0	36.0	32.7	39.5	39.5	38.9	38.9	478.0
04N	37E	24	39.5	39.5	39.5	39.5	39.5	39.5	39.5	39.5	39.5	39.5	38.9	38.9	39.5	39.5	38.9	38.9	629.6
04N	37E	25	38.3	38.9	39.5	38.9	38.9	38.9	39.5	39.5	39.5	39.5	39.5	39.5	38.9	39.5	38.9	38.3	626.0
04N	37E	26	38.9	38.9	32.0	39.5	8.8								39.5	14.0		20.0	231.6
04N	37E	36	38.3	38.9	39.5	38.9	39.5	18.0		35.0	33.0			19.8	38.9	39.5	38.9	38.3	456.5
04N	38E	15											38.3	38.9					77.2
04N	38E	16									39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	311.2
04N	38E	17											38.4				38.4	38.3	115.1
04N	38E	19	38.9	39.5	39.5	38.9	39.5	39.5	39.5	39.5	39.5	39.5	38.9	38.9	38.9	39.5	38.9	38.3	627.2
04N	38E	20	38.3	38.4	39.0	38.9	38.4	38.3	38.9	39.0	39.0	38.9	38.3	38.4	38.9	39.0	38.4	38.3	618.4
04N	38E	21	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	22	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	23	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	24	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	25	36.0	38.9	39.5	34.3	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	36.6	37.2	34.3	38.3	606.3
04N	38E	26	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	27	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	28	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	29	38.3	38.4	39.0	38.9	38.4	38.3	38.9	39.0	39.0	38.9	38.3	38.4	38.9	39.0	38.4	38.3	618.4
04N	38E	30	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	31	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	32	38.3	38.4	39.0	38.9	38.4	38.3	38.9	39.0	39.0	38.9	38.3	38.4	38.9	39.0	38.4	38.3	618.4
04N	38E	33	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	34	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	38E	35	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	35.4	619.5
04N	38E	36					28.9	38.3	38.9	13.5		26.9	9.2						155.7
04N	39E	15									39.5	38.9	38.3	38.9					155.6
04N	39E	16									39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	311.2
04N	39E	17									39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	311.2
04N	39E	18													22.9		4.8	37.3	65.0
04N	39E	19	38.3	36.7	39.5	38.9	37.4	38.3	38.9	35.8	37.7	37.0	34.9	38.9	38.9	39.5	38.9	38.3	607.9
04N	39E	20	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9	38.3	38.9	38.9	39.5	38.9	38.3	622.4
04N	39E	21	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9			38.9	39.5			468.0
04N	39E	22	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5					2.0				313.2
04N	39E	23	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5					25.7	10.0			346.9
04N	39E	24									38.9	39.5	12.0	10.8	15.9	21.5		27.0	165.6
04N	39E	29	38.3	38.9	39.5	38.9	38.9	38.3	38.9	39.5	39.5	38.9							389.6
04N	39E	30	38.3	38.9			38.9	31.9											148.0
04N	40E	19									39.5	30.9	21.6	30.0					122.0

Total Acres: 22200.6

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-29

WATER RIGHT NUMBER: 1-29 (cont)

TC-01-39

Conditions of Approval:

Remarks:

1. General THE PLACE OF USE IS OWNED BY INDIVIDUALS HOLDING STOCK IN THE COMPANY.
THE POINTS OF DIVERSION CONSIST OF THE HEADING FOR THE BURGESS CANAL
AND SEVERAL PUMPS. EACH DIVERSION IS IDENTIFIED BELOW: T4N, R37E, SEC. 23,
SESENW - CARLSON NORTH PUMP.
SEC. 23, SWSESW - CARLSON SOUTH PUMP.
SEC. 26, SESESE - MARTIN PUMP.
SEC. 36, SENWNW - LYNN HANSEN EAST PUMP.
SEC. 36, NWNESW - MC KAY PUMP.
SEC. 36, NWNESW - HEGSTED-WILSON GREY PUMP.
T4N, R40E, SEC. 20, SESW - HEADING FOR BURGESS CANAL.
| ADDRESS CHANGE 10/13/93 SF.

Comments:

Dates and Other Information:

Claim Received Date: 10/2/1989
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

DIVERSION # NAME

Priority	CFS	Cumulative CFS	Water Right Number	Comments
<u>13038085 Rudy Canal</u>				
1885-06-01	2.120	2.120	01-00035D	TR 289
1886-06-01	0.100	2.220	01-00081D	
1886-06-01	2.000	4.220	01-00159	
1887-06-01	0.210	4.430	01-00082D	
1888-06-01	0.200	4.630	01-00117AT	TR 611
1888-06-01	2.000	6.630	01-00160	
1888-08-13	90.681	97.311	01-00162E	
1889-06-01	0.140	97.451	01-00118AR	TR 299, TR 611
1889-06-01	27.195	124.646	01-00163E	
1891-06-01	1.150	125.796	01-00083F	TR 611
1900-06-01	12.698	138.494	01-00164E	
1905-06-01	32.636	171.130	01-00165E	
1916-01-22	120.000	291.130	01-00243	

13038090 Lowder Slough Canal

1890-06-01	26.000	26.000	01-00119
1892-06-01	26.000	52.000	01-00120
1916-01-22	33.000	85.000	01-00237

13038098 Kite & Nord Canal

1890-06-01	0.800	0.800	01-00071B
1890-06-01	1.400	2.200	01-00226A
1890-06-01	0.200	2.400	01-00226B
1890-06-01	4.800	7.200	01-00418
1916-01-22	5.000	12.200	01-00242
1939-04-01	4.000	16.200	01-00299

13038110 Burgess Canal

1885-06-01	1.167	1.167	01-00035P	TR 390
1886-06-10	10.000	11.167	01-00029	+pump 13057115, 13057117, 13057121, 13057144
1887-06-01	0.798	11.965	01-00116AP	+pump 13057115, 13057117, 13057121, 13057144
1887-06-10	10.000	21.965	01-00030	+pump 13057115, 13057117, 13057121, 13057144
1888-06-01	0.608	22.573	01-00117P	+pump 13057115, 13057117, 13057121, 13057144
1888-06-10	380.000	402.573	01-00031	+pump 13057115, 13057117, 13057121, 13057144
1890-06-10	240.000	642.573	01-00032	+pump 13057115, 13057117, 13057121, 13057144
1895-06-01	160.000	802.573	01-00033	+pump 13057115, 13057117, 13057121, 13057144
1916-01-22	200.000	1002.573	01-00249	+pump 13057115, 13057117, 13057121, 13057144
1919-06-02	100.000	1102.573	01-00353	+pump 13057115, 13057117, 13057121, 13057144

13038113 Hill M Pump

1978-04-11	1.000	1.00	01-07020
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13038115 Clark & Edwards Canal

1885-02-27	70.000	70.000	01-00042
1916-01-22	30.000	100.000	01-00234
1939-04-01	5.000	105.000	01-00303

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