

BEFORE THE DEPARTMENT OF WATER RES
OF THE STATE OF IDAHO

2003

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 01-0042)
Clark & Edwards Canal)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-01-38

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 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 7/25/03, Clark & Edwards Canal Co
Dale Mortimer submitted the attached
Temporary Change Application TC-01-38 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:

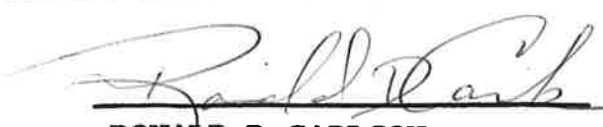
1. Diversion and use of right no(s). 01-0042 is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation 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) 01-0042 are limited to the irrigation of a total of 1735.5 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 7/31/03 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 28th 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 CLARK-EDWARDS CANAL
% Dale Mortimer Phone 745-7779
Post Office Address 4242 E 400 N 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 We are putting our 1885 water
into the ENTERPRISE CANAL FROM 7-24 mid night to 7-30 mid night after which it will
revert back to Clark Edwards

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
01-0042 2/27/1885 70.00 cfs IRRIGATION 7/24 to 7/30
to
to
to

2. Total amount of water being transferred 70.00 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
			SW	SE	36	4N	40E	Jefferson	13037985 ENTERPRISE CANAL

5. Lands irrigated or place of use: STOCK HOLDERS OF ENTERPRISE 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 1735.5 ac

6. General Information:

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right AGREEMENT BETWEEN CANALS
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Clark-Edwards Land will be dried up until July 30, 03 ^{MIDNIGHT} is over
IF LESS TIME IS NEEDED WATER DISTRICT 01 will be notified 24hrs in advance
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. USED ON STOCKHOLDERS LAND
- e. Absent the changes, how would the right be used for the remainder of the year? WOULD BE USED ON STOCKHOLDERS LAND
- f. Describe other water rights used for the same purpose.
SEE ENTERPRIZE CANAL RIGHTS
- g. Remarks: SEE ATTACHED AGREEMENT

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.

Dale M. Mortensen
 (Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KF Date 7/25/03 Fee 50⁰⁰
 Received KF # E029041 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 28th day of July, 2003.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 1-42

WATER RIGHT NUMBER: 1-42

Owner Type Name and Address
 Current Owner CLARK & EDWARDS CANAL CO
 4378 E 300 N
 RIGBY, ID 83442
 (208)745-7567

Priority Date: 02/27/1885

Basis: Decreed

Status: Active

Source Tributary
 DRY BED SNAKE RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 11/01 70.000 CFS

Total Diversion: 70.000 CFSLocation of Point(s) of Diversion

DRY BED SW1/4SW1/4 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	
04N	39E	10									37.0	39.0			23.0	6.0			105.0
04N	39E	13								10.0	39.0	38.0			9.0	23.5			119.5
04N	39E	14					6.0	26.5	20.5	40.0	39.0	34.0	37.0		29.0	35.0	39.0	39.5	345.5
04N	39E	15	36.0	35.5	40.0	39.5	39.5	39.0	39.5	40.0					39.5	40.0	39.5	39.0	467.0
04N	39E	16	39.0	39.5	40.0	39.5													158.0
04N	39E	23	38.5	39.5			3.0												81.0
04N	39E	24	38.5	39.5	39.0	39.0	39.0	38.5	39.0	39.5	9.0	5.5			38.5	39.0			404.0
04N	40E	19					5.0	37.0	13.5										55.5

Total Acres: 1735.5

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 11/29/1988
 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

**Temporary Change Application
Drought Emergency**

Identification Number. TC-01-38

The Enterprize Canal Co. accepts the natural flow water right 01-0042 for 70.00 cfs from the Clark & Edwards Canal Co. for the period 7/24/03 to 7/30/03, while the Clark & Edwards completes demossing canal.

The Enterprize Canal Co. will assign a portion of their storage water rights to the Clark & Edwards Canal Co. in the amount of 70.0 af per day for 70.00 cfs from the natural flow right of 01-0042 that the Enterprize Canal Co. uses during this period of time.

It is the understanding of the Enterprize Canal Co. that if the Clark & Edwards Canal Co. completes the proposed project prior to the ending date of this agreement, the Clark & Edwards Canal Co. will give the Enterprize Canal Co. and Water District 01 a twenty-four hour notice prior to re-diversion of this water right.


Signature & Title
Steven L. Campbell V.P.
Printed name & Title – Enterprize Canal Co.

7-25-03
Date


Signature & Title
Dale M. Mortimer Pres.
Printed Name & Title – Clark & Edwards Canal Co.

7-25-03
Date


Witness Signature
SR RESOURCE AGENT