

2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

TC-01-27

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 01-42 IN THE NAME)
OF)
CLARK & EDWARDS CANAL)

ORDER AUTHORIZING
TEMPORARY CHANGE

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 (A 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, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 7/25/02, Dale Mortimer President Clark & Edwards submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

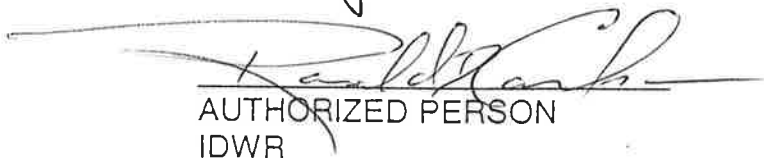
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 01-42 is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. 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.

4. Right(s) 01-0042 are limited to the irrigation of a total of 1735.5 acres in a single irrigation season.
5. 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.
6. 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.
7. 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.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 01 is authorized to administer the temporary change approval.
10. This temporary change approval expires on Aug 8, 2002 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 25th day of July, 2002.


AUTHORIZED PERSON
IDWR

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 CANE ^{C/O 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 70 CFS OF 1885 WATER INTO THE ENTERPRISE CANE FROM AUE KT TO AUE BTH, 2002 WHEN IT WILL DIVERT BACK TO US.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 01-00042 Priority 2/27/1885 Amount (cfs/ac-ft) 70.00 cfs Nature of Use IRRIGATION Period of Use 8-1 to 8-07
to
to
to2. 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

5. Lands irrigated or place of use: LANDS OF STOCKHOLDERS OF ENTERPRISE CANE

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 _____

6. General Information:

TC-01-27

- a. Who owns the water right to be changed? APPLICANT
- b. Describe the arrangement allowing use of the right AGREEMENT BETWEEN PANELS
- 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 MOSSING OPERATION IS OVER (IF LESS TIME IS NEEDED WATERDIST, WILL BE NOTIFIED 24 HR ADVANCE)
- d. Has the water right sought to be transferred been used this year? YES If yes, explain. USED ON OUR STOCK HOLDERS LANDS
- e. Absent the changes, how would the right be used for the remainder of the year? IT WOULD BE USED ON OUR STOCKHOLDERS LANDS.
- f. Describe other water rights used for the same purpose.
SEE ENTERPRISE CANAL RIGHTS
- 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.

Nale M. Mortimer (President)
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 7/25/2002 Fee 50⁰⁰
 Received KCW E028003 # E028003 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 25th day of July, 2002:

[Signature]
For the Director

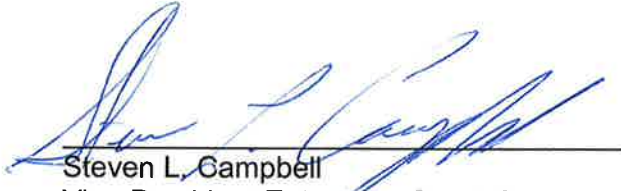
Temporary Change Application Drought Emergency

Identification Number. TC-01-27

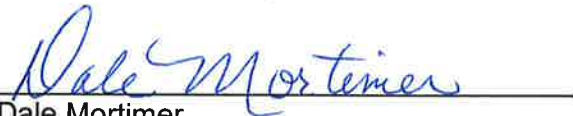
The Enterprize Canal Co. accepts the natural flow water right 01-0042 for 70.00 cfs, from the Clark & Edwards Canal Co. for the period August 1 to August 7, 2002, while the Clark & Edwards completes their de-mossing of their canal.

The Enterprize Canal Co. will assign a portion of their storage water rights to the Clark & Edwards Canal Co. equivalent to the amount of the natural flow right (01-0042) that the Enterprize Canal Co. uses during this period of time. *70 CFS FOR 70 AF PER DAY.* *SLC DM*

It is the understanding of the Enterprize Canal Co. that if the Clark & Edwards Canal Co. completes the de-mossing prior to August 7, 2002, the Clark & Edwards Canal Co. will give a twenty-four hours notice to the Enterprize Canal Co. & Water District 01, prior to re-diversion of this water right.


Steven L. Campbell
Vice-President Enterprize Canal Co.

7-25-02
Date


Dale Mortimer
President Clark & Edwards Canal Co.

7-25-02
Date


Witness

SR Resource AGENT

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