

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 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
☐ Change purpose of use

☐ Add diversion point(s)
☐ Other

- ☒ Change place of use

2. Describe the proposed change(s) and the reason(s) therefor

We are putting our
70 cfs of 1885 water into the Harrison Canal
until July 30, 2001 when it will revert back to US.

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

1. Right Number	Priority	Amount	Nature	Period of Use
01-00042	2/27/1885	70.00 cfs	Irrigation	7-25 to 7-30
				to
				to
				to

2. Total amount of water being transferred 70.00 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water

Snake River

tributary to

Columbia River

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
			NW	SW	27	4N	40E	Jefferson	Harrison Canal Diversion

5. Lands irrigated or Place(s) of Use:

Lands of stock holder of Harrison Canal

5. Lands irrigated or Place(s) of Use:																			
TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total acres

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 mowing operation is over
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. used on our stockholders 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 Harrison canal rights.
- g. Remarks:

I hereby assume all risk in accordance with House Bill No. 4 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.

Rale M. Mortensen (President)
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWT Date 7-23-01 Fee \$50
Receipted 7-23-01 # E026938 Recommend: ☒ approve ☐ deny
Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-01-07
And said application is hereby Approved subject to the following limitations and conditions:

1. This approval expires July 31, 2001 and thereafter the right reverts to the use existing prior to the temporary change.

Witness my hand this 24th day of July 2001

Rale M. Mortensen

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

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
TC-01-07

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 7-23-01, the applicant 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) 01-42 are limited to the irrigation of a total of 1735 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 7-30-01 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 24th day of July, 2001.


AUTHORIZED PERSON
IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 1-42

WATER RIGHT NUMBER: 1-42

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLARK & EDWARDS CANAL COMPANY 4378 E 300 N RIGBY, ID 83442

Priority Date: 02/27/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
DRY BED	SNAKE 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	70.000 CFS	0.00 AF
	<u>Total Diversion:</u>	70.000 CFS	

Location 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

IDAHO DEPARTMENT OF WATER RESOURCES

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

We, the Harrison canal do accept the
natural flow from Clark & Edwards canal from
July 25 - July 30, 2001. The above natural
flow right is 01-42 in 70 cfs.

Larry Rourke

President of Harrison

07/23/01