

FORM 202
2/96
RECEIVED

Ident. No. 02-07474
01-07143

APR 13 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
JUL 09 1998

Department of Water Resources
Southern Region

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant Idaho Water Resource Board Phone (208) 327-7900
Mailing address 1301 N. Orchard St., Boise, ID 83706

2. Source of water supply Snake River which is a tributary of Columbia River

3. Location of point of diversion is Township 10S Range 21E Sec. 29 in the _____ 1/4,
NE 1/4, SE 1/4, Govt. Lot _____, B.M., Twin Falls County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:
Groundwater
Amount 3738.0 cfs for Recharge purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 3738.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Headworks of Twin Falls
Canal Company

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85° F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other, describe fully. Groundwater Recharge using canal systems

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols. SEE ATTACHED RECHARGE PLAN

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS	
			NE	NW	SW	SE														

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Twin Falls Canal Company

b. Who owns the land to be irrigated or place of use? Twin Falls Canal Company

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: There is an agreement signed by the canal and the Board

12. Remarks: _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Charence Parr
 Signature of Applicant (and title, if applicable)

Received by N/A Date 3-20-98 Time 3:30 P. Preliminary check by GLS
 Fee \$ N/A Received by _____ # _____ Date RECEIVED
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

WATER CONVEYANCING AGREEMENT

**BETWEEN THE IDAHO WATER RESOURCE BOARD
AND THE TWIN FALLS CANAL COMPANY**

THIS AGREEMENT is made and entered into this 26th day of May, 1998, by and between the IDAHO WATER RESOURCE BOARD ("IWRB") and the TWIN FALLS CANAL COMPANY. ("TFCC").

W I T N E S S E T H:

WHEREAS, the IWRB is authorized to appropriate water for recharge of the Snake River Plain Aquifer; and

WHEREAS, it appears that unappropriated water and some storage water will be available for use for artificial recharge purposes to the Snake Plain Aquifer through the canal systems of several water user entities; and

WHEREAS, IWRB has requested TFCC's permission to convey water through TFCC's canal system in future years to points where the water can be diverted to recharge; and

WHEREAS, such water conveyances can only be carried in capacity not required by TFCC for irrigation water deliveries; and

WHEREAS, the parties wish to reduce their agreement to writing for 1998 and fully intend to renew this Agreement for 1999, recognizing that neither party shall be obligated to renew, and any extension shall be by additional written Agreement with terms and conditions as the parties may negotiate;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. If flood flows at or over 5,900 cfs exist at Milner Dam for diversion to hydropower between February 15 and June 15 to fill Water Right No. 01-7009, or IWRB obtains a lease of other available water, TFCC agrees to convey up to 3738 cfs in its main canal to diversion points as shown on Exhibit "A" hereto. The parties agree that this Agreement shall constitute adequate permission by TFCC for diversion to artificial recharge through TFCC's canal pursuant to a water right for recharge to be obtained by the IWRB so long as all prior rights are being filled or the water used is rental pool water at the time of the conveyance to recharge.

2. IWRB acknowledges the target bypass flow required by Article 407 of the Milner Hydroelectric Project License in the amount of 200 cfs (FERC License No. 2899-003), and that between April 1 and May 31, delivery under this Agreement shall also be subject to the requirements of Article 415 of the Milner Project License.

3. TFCC shall use its best efforts to divert and convey IWRB's water in TFCC's available capacity prior to the full capacity of the canal being demanded by TFCC shareholders; for irrigation and that the conveyance of any water of IWRB may be curtailed in the discretion of TFCC based on the irrigation demands of TFCC stockholders.

4. TFCC reserves the right to not convey water for recharge pursuant to this Agreement because of seasonal icing and other adverse weather conditions, as determined by TFCC.

5. All water diverted to recharge shall be measured at Milner Dam; i.e., IWRB will assume all losses of any kind in the TFCC system below the diversion at Milner Dam.

Nothing in this Agreement shall be construed as a guarantee of the delivery of IWRB's water.

6. Subject to the availability of funds, IWRB agrees to pay and to the TFCC agrees to accept as additional consideration for this Agreement a per acre-foot conveyance fee, as determined by IWRB.

7. IWRB shall designate one (1) representative and one (1) alternate for the purposes of communication with TFCC and TFCC shall only be authorized to deliver water or turn off water when requested by said designated IWRB representative or his alternate. IWRB's representative will request water deliveries at least forty-eight (48) hours in advance, including the requested amount in cfs. IWRB will give TFCC twenty-four (24) hours notice of a requested turn-off. TFCC will give IWRB twenty-four (24) hours notice of an intended shut-off of IWRB's water because of lack of capacity to convey for IWRB.

8. The parties agree that Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 apply solely to the use of water for agricultural and domestic purposes, and do not apply to water used for recharge purposes. To the extent that Article 15, Section 4 and Idaho Code Section 42-914 may be construed or amended to apply to water used for recharge purposes, the parties agree that the provisions of Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 shall not apply to this Agreement. IWRB expressly and knowingly waives any rights it may have or claim to have under Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914 to compel TFCC to continue to deliver water from TFCC's system after the termination of this Agreement. IWRB represents that it knows of the existence of Article 15, Section 4 of the Idaho Constitution and Idaho Code Section 42-914, understands and agrees with the interpretation herein stated, and further understands that the waiver contained in this paragraph is a condition precedent to TFCC's execution of this Agreement.

9. IWRB shall be responsible for complying with any applicable water quality standards and requirements for all IWRB water conveyed in TFCC's system, and diverted for recharge from the TFCC canal system. IWRB agrees to indemnify and hold harmless TFCC from all liability and expense on account of claims, suits and costs growing out of or connected with willful or negligent acts, errors, or omissions by its employees or agents, provided, however, that TFCC shall not be relieved hereby from liability for its own willful or negligent acts, errors,

or omissions, and those of its employees or agents. IWRB agrees to further indemnify TFCC for additional costs incurred by TFCC in complying with federal or state laws attributable to the delivery of IWRB's water.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

IDAHO WATER RESOURCE BOARD

By: Clarence Parr
Its: Chairman

Date: 5/26/98

TWIN FALLS CANAL COMPANY

By: Charles H. Conroy
Its: PRES.

Date: 5-12-98

01089804.JAR

AQUIFER RECHARGE PLAN
EASTERN SNAKE PLAIN AQUIFER

1. NAME AND ADDRESS OF THE PARTICIPATING ORGANIZATION:

NAME Twin Falls Canal Co.
ADDRESS 357 6th Avenue West
Twin Falls, ID 83301
CONTACT PERSON Jay Barlogi
PHONE (208) 733-6731
ADDRESS _____

2. PROPOSED BEGINNING AND ENDING DATES OF RECHARGE:

ANTICIPATED STARTING DATE: 12 Feb 97
ANTICIPATED ENDING DATE: 10 APR 97

3. AMOUNT OF WATER REQUESTED: 12,000 Acre-feet.
(estimate)

4. MAP OF RECHARGE AREA

Attach a map of the recharge area paying specific attention to location of features directly related to the recharge effort. This would include such things as measuring devices, seepage pits, injection wells etc. These features should be indicated on the map and then identified and described below.

- A. ^{Telemetry} off of B.C. Wein @ Milner B. Radial @ Murtaugh Lake
C. _____ D. _____
E. _____ F. _____
G. _____ H. _____
I. _____ J. _____
K. _____ L. _____

5. MEASUREMENT FREQUENCY FOR EACH MEASURING DEVICE IDENTIFIED IN 4.

- | | |
|------------------------------|---------------------------|
| A. <u>Broad Crested Weir</u> | B. <u>Radial program.</u> |
| <u>every 15 minutes</u> | <u>every 15 minutes</u> |
| C. _____ | D. _____ |
| E. _____ | F. _____ |
| G. _____ | H. _____ |
| I. _____ | J. _____ |
| K. _____ | L. _____ |

6. WRITTEN SUMMARY OF PROPOSED RECHARGE PLAN

This summary should include such things as time limited elements of the plan, the measuring devices and procedures that will be used to identify water that is diverted but not recharged.

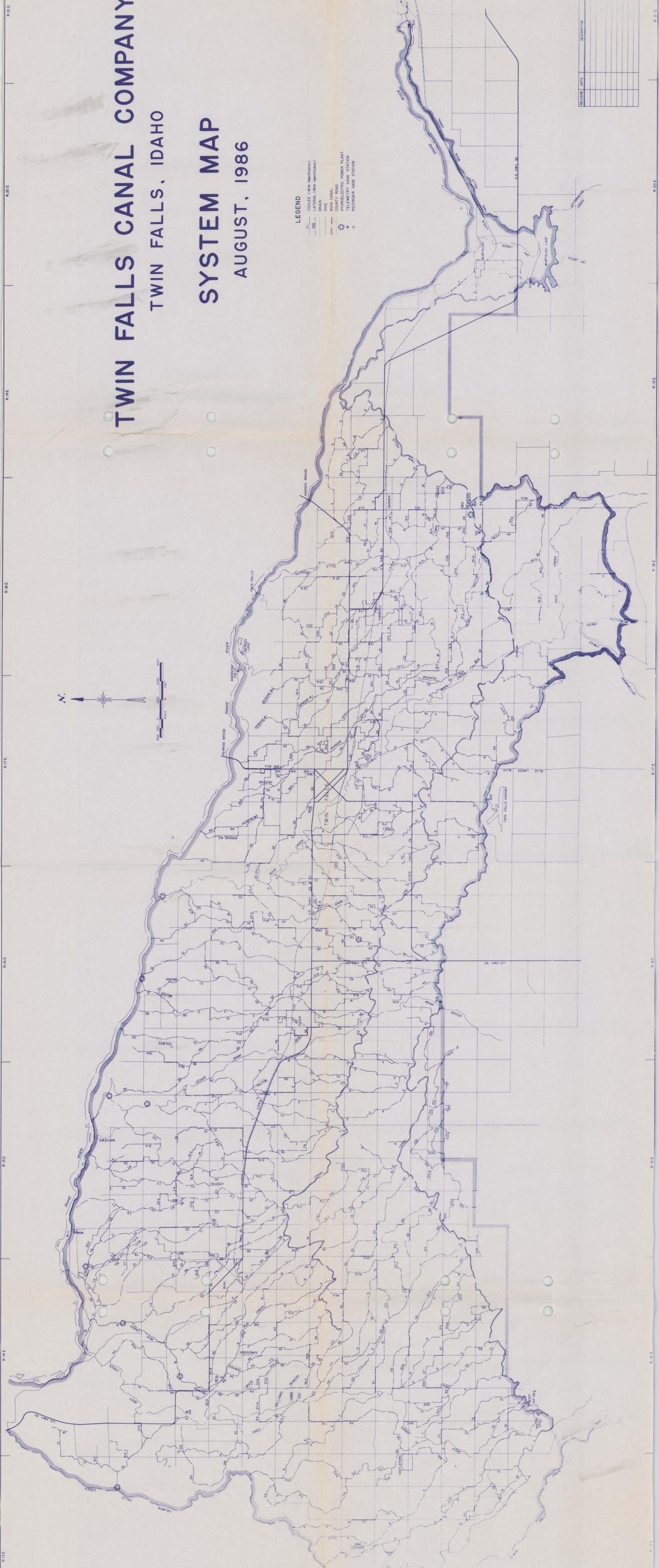
Run water from 12 Feb 97 until irrigation season, approximately 10 APR 97. Water turned in at Melner Dam and measured at broadcrested weir and radial program out of Mustang Lake. Recharge at Mustangs. Difference between top and radial is recharge, minus southwest drawdown for injection well. Average daily recharge - 100 CFS. Measurements every 15 minutes

TWIN FALLS CANAL COMPANY

TWIN FALLS, IDAHO

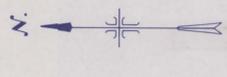
SYSTEM MAP

AUGUST, 1986



LEGEND

- 01 --- COLLEE (With Identification)
- 258 --- LATERAL (With Identification)
- DRAIN
- PIPE
- MAIN CANALS
- ⊙ HYDROELECTRIC POWER PLANT
- ⊙ TELEMETRY GAGE STATION
- ⊙ RECORDER GAGE STATION



REVISION	DATE	DESCRIPTION

R.13E R.14E R.15E R.16E R.17E R.18E R.19E R.20E R.21E R.22E