72-4163

**BEFORE THE DEPARTMENT OF WATER RESOURCES**

**OF THE STATE OF IDAHO**

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| IN THE MATTER OF APPLICATION FOR TEMPORARY CHANGE OF A WATER RIGHT TC-72-05 IN THE NAME OF ANTHONY GAMMACHE | **ORDER AUTHORIZING TEMPORARY CHANGE** |

WHEREAS, a drought emergency has been declared for Custer 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 ("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 August 2, 2005, Anthony Gammache ("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 a portion (1.22 cfs for irrigation of 75.1 acres) of right no. 72-12D is authorized only at the points of diversion and places of use described on the application or as otherwise approved in this order. The 0.50 cfs portion intended to be used in the NE¼SW¼ S08, T14N, R19E is limited to irrigation of no more than 30.8 acres. The 0.72 cfs portion intended to be used in the W½NW¼ S16, T14N, R19E is limited to irrigation of no more than 44.3 acres.

2. Use of the remaining unchanged portion of right no. 72-12D shall be limited to 0.90 cfs for irrigation of no more than 55.5 acres within the



**JPPORT DATA**

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