

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION     )  
FOR TEMPORARY CHANGE OF A     )  
WATER RIGHT - TC-84-01 IN THE     )  
NAME OF CITY OF PIERCE     )  
\_\_\_\_\_ )

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Clearwater 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 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 August 6, 2007, City of Pierce submitted the attached Temporary Change Application (application) to the Department. The applicant seeks to divert water from Orofino Creek for municipal purposes; and

WHEREAS, the City of Pierce owns Right No. 84-2022, decreed in the Snake River Basin Adjudication (SRBA) on May 18, 2005 for municipal purposes from Canal Creek in the amount of 1.0 cfs with no annual volume limitation. The application did not list the water right number to be changed; however, it is concluded from the information on the application that Right No. 84-2022 is the right to be changed; and

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

**ORDER**

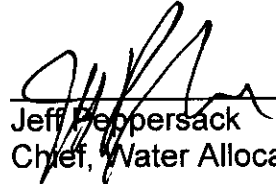
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of Right No. 84-2022 is authorized as decreed in the SRBA with an additional point of diversion authorized from Orofino Creek as described on the application.
2. 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.

3. This temporary change approval may only be used to provide a 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 uses or to allow expansion of the use of water under existing water rights.
4. 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.
5. 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.
6. This temporary change approval expires on December 31, 2007 unless rescinded 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 9<sup>th</sup> day of August, 2007.

  
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Jeff Peppersack  
Chief, Water Allocation Bureau