

WA
TC-01-70

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JUL 20 2007

DEPARTMENT OF
WATER RESOURCES

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A) **ORDER AUTHORIZING**
WATER RIGHT) **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 counties; 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 when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on July 11, 2007 Island Canal 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;

ORDER

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

1. Diversion and use of right no(s). 01-113C ^{XL} is authorized
only at the point of diversion and place of use described on the
application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and the 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.
4. 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 development or to allow expansion of the use of water under existing water rights.

5. Right(s) 01 - 113 C are limited to the irrigation of a total of 1000 acres in a single irrigation season.
6. 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.
7. 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.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works or another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 01 is authorized to administer the temporary change approval.
11. This temporary change approval expires on Oct. 31, 2007 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 11th day of July 2007.


LYLE SWANK
Eastern Region Manger