

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

IN THE MATTER OF APPLICATIONS	)	
FOR TEMPORARY CHANGE OF A	)	ORDER AUTHORIZING
WATER RIGHT TC-37-55, TC-37-56 & TC-37-57	)	TEMPORARY CHANGE
IN THE NAME OF CENARRUSA/CROSS/ELLSWORTH	)	

WHEREAS, a drought emergency has been declared for Blaine 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 July 13, 2007, Jerry and Janice Cenarrus ("applicant1") submitted the attached Temporary Change Application ("application1") numbered TC-37-55 to the Department; and

WHEREAS, on July 23, 2007, Raymond Cross and Diana Wright ("applicant2") submitted the attached Temporary Change Application ("application2") numbered TC-37-56 to the Department; and

WHEREAS, on August 03, 2007, Maurice Ellsworth ("applicant3") submitted the attached Temporary Change Application ("application3") numbered TC-37-57 to the Department; and

WHEREAS, the Department has reviewed these applications and has determined these applications are related and can be jointly approved with certain conditions; and

WHEREAS, The applicants assume all risk and are the responsible parties respectively if diversion and use of water under these temporary change approvals cause injury to other water rights or constitutes an enlargement in use of the original rights;

ORDER

IT IS HEREBY ORDERED that these applications are **APPROVED** subject to the following conditions:

1. Diversion and use of rights no. 37-781A, 37-781B, 37-780A, 37-738 and 37-749 all bearing a common priority of 3/30/1883 are authorized only at the point of diversion described on the applications or as otherwise approved in this order.
2. Use of right 37-781A is limited to irrigation of no more than 79.8 acres. Use of right 37-781B is limited to irrigation of no more than 78 acres. Use of right 37-780A is limited to irrigation of no more than 70.4 acres. When combined rights 37-781A, 37-781B, 37-780A, 37-738 and 37-749 may be used in the permissible place of use identified on the applications and the total number of acres authorized to be irrigated under these rights for the remainder of the irrigation season is 116 acres.
3. Use of water for the remainder of the irrigation season is limited to only the place of use identified on these applications and shall not be used on the original decreed places of use.
4. These temporary change approvals do not authorize construction of a new point of diversion on Fish Creek.
5. These temporary change approvals may only be used to provide a replacement water supply to lands that normally have a full water supply, except for the drought condition. These temporary change approvals may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.
6. These temporary approvals do 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. These temporary change approvals do not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
8. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under these temporary change approvals.

9. To prevent injury to other water rights the watermaster of Water District No. 37-U is authorized to administer these temporary change approvals. When these rights and others appurtenant to the lands identified on the applications are combined, no more than 0.02 cfs per acre or 3.32 cfs may be diverted at any one time at the field headgate.
10. These temporary change approvals expire on October 31, 2007 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 6th day of August, 2007.



Allen Merritt
Southern Region Manager