

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
EXCHANGE OF WATER IN THE NAME OF)
IDAHO IRRIGATION DISTRICT AND)
PROGRESSIVE IRRIGATION DISTRICT)
_____)

PRELIMINARY
ORDER AUTHORIZING
EXCHANGE

WHEREAS, Idaho Code § 42-240 provides that the Director of the Department of Water Resources ("Director" or "Department") is authorized to allow exchanges of surface water authorized under a water right with the same or a different source or with water authorized to be diverted under one or more other rights from the same source or another surface water source when the Director determines that such changes can be accomplished in accordance with the provisions of Idaho Code § 42-240; and

WHEREAS, on April 18, 2005, Idaho Irrigation District and Progressive Irrigation District ("Applicants") requested that the Director approve the attached Application for Exchange of Water and "Carrying Right Agreement," including a letter from the applicants dated December 14, 2005 ("Application"). Idaho Irrigation District and Progressive Irrigation District both hold natural flow water rights from the Snake River for irrigation purposes and propose to exchange 26.63 cfs under right 1-75 held by Idaho Irrigation District with right 1-64 held by Progressive Irrigation District for use upon 1331.45 acres within their respective service areas.

WHEREAS, the Director has reviewed the Application and has determined the Application can be approved with certain conditions.

ORDER

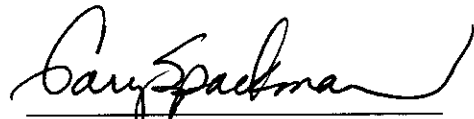
IT IS HEREBY ORDERED that the Application is **APPROVED** subject to the following conditions:

1. The agreement to exchange water under the rights held by the Applicants as described in the Application is authorized at the locations described in the Application.
2. Diversion and use of water under the water rights involved in the exchange shall remain within the irrigated acre limits for each Irrigation District as determined in the Snake River Basin Adjudication. No enlargement of irrigated acres can occur due to the exchange.
3. Prior to diversion of water under this exchange, Idaho Irrigation District shall annex lands identified in the application as the Schwendiman Project and shall

report the annexation to the Department.

4. The watermaster of Water District No. 01 is authorized to administer the exchange as approved. Each Irrigation District shall keep such diversion records as needed to comply with their agreement to exchange water as described in the application.
5. The diversion and use of water described in this exchange may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
6. Failure to comply with the conditions of this exchange is cause for the Director to rescind approval of the exchange.

DATED this 10th day of February, 2006.



Gary Spackman, Chief
Water Allocation Bureau