

37-7242
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SEP 16 2004

DEPARTMENT OF
WATER RESOURCES

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-46 IN THE NAME)
OF FAULKNER LAND & LIVESTOCK CO INC)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for Gooding 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 September 14, 2004 Faulkner Land & Livestock Co Inc ("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 of right no. 37-7242 is authorized only at the point of diversion and places of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well.
3. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that 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.

4. The portion of right no. 37-7242 being temporarily transferred is limited to the irrigation of a total of 15 acres during the remainder of the irrigation season on those lands identified on the application. The portion of right no. 37-7242 being transferred is limited to 15 acre feet for the duration of the irrigation season. In total use of right 37-7242 is limited to 800 acre feet for the entire 2004 irrigation season. For the duration of the irrigation season 15 acres at the original place of use of right 37-7242 shall remain dry.
5. 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.
6. 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.
7. 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.
8. To prevent injury to other water rights the watermaster of Water District 130 is authorized to administer the temporary change approval.
9. This temporary change approval expires on November 15, 2004 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 15th day of September, 2004.



Allen Merritt
Southern Region Manager