

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF WATER RIGHT)
IN THE NAME OF Herb Whitworth)
34-10164)
_____)

**Order
DENYING
TEMPORARY CHANGE
TC - 34 - 49**

WHEREAS, a drought emergency has been declared for Custer 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 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 authorized under 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 June 14, 2004, Herb Whitworth submitted the attached Temporary Application for Change of Water TC-34-49 to the Department; and

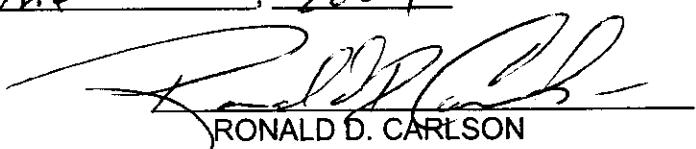
WHEREAS, the Department has reviewed the application and has determined the application **CANNOT** be approved for the following reasons;

ORDER

IT IS HEREBY ORDERED that the application is **DENIED** for the following reasons:

1. The proposed Temporary Change Application constitutes an enlargement of the water right described on the application
2. The proposed Temporary Change Application cannot be administered to prevent injury to other water users.
3. _____

DATED this 23rd day of June, 2004


RONALD D. CARLSON
EASTERN REGION MANAGER