

2-2367
2-2-69

TC-02-04

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF LICENSE NOS.)
2-2269 AND 2-2367 IN THE NAME OF SOUTH)
ELMORE IRRIGATION COMPANY, INC.)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

A drought emergency has been declared for Elmore County to allow administrative actions to lessen the severe impacts of the drought conditions in the county.

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.

On July 7, 2004, South Elmore Irrigation Company Inc. ("applicant") submitted the attached Temporary Change Application ("application") to the Department. The application was in response to a Notice of Violation issued against the applicant by the department.

The applicant proposes to temporarily change the place of use of a portion of license nos. 2-2269 and 2-2367 from land within the place of use of the water rights to adjacent land. The land from which the water will be temporarily removed has been irrigated in previous years under these licenses but was recently converted to a dairy and currently is not irrigated.

The rights serve a permissible place of use. When combined, the rights provide approximately 0.01385 cubic feet per second (cfs) per acre. The combined rights provide a diversion volume of 4.0 acre feet (af) per acre.

The department has reviewed the application and has determined it can be approved with certain conditions.

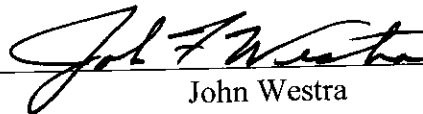
The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights, constitutes an enlargement in use of the original right, is inconsistent with the conservation of water resources within the state of Idaho, or is not in the local public interest.

ORDER

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

1. Diversion and use of the portion of water right nos. 2-2269 and 2-2367 sought to be transferred are authorized at the existing point of diversion of the rights for use on the proposed place of use described on the application. Use under the combined rights for the proposed 144 acres is limited to 1.99 cfs for a diversion volume not to exceed 576 af during the 2004 irrigation season.
2. This temporary change approval does not authorize construction of a new point of diversion.
3. This temporary change approval shall not be used to allow expansion of the use of water under existing water rights.
4. 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.
5. This temporary change approval expires on October 31, 2004, unless rescinded or extended by the director. Thereafter, the water right shall revert to the place of use existing prior to the temporary change approval.
6. The applicant shall seek longer-term water right coverage for the 144 acres to be served by this temporary change. The applicant shall seek this longer-term approval by filing an Application for Transfer or other suitable water right proposal prior to December 31, 2004, for use of water right nos. 2-2269 and 2-2367 in subsequent irrigation seasons.

DATED this 16th day of July,
2004.



John Westra
Western Regional Manager