

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
57-07522 IN THE NAME OF)
JOYCE LIVESTOCK CO.)
_____)

ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of a proposal by the permit holder to comply with Condition of Permit Approval No. 4., the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On October 27, 1993, the department issued a Final Order approving Permit No. 57-07522 in the name of Joyce Livestock Co.

2. Condition of Permit Approval No. 4. (condition) reads as follows:

"Prior to diversion of water under this permit, the permit holder shall submit a plan to the department for review and approval which identifies the mechanism of augmenting depletions of flows from Sinker Creek and Sinker Creek spring during periods when senior water rights are impacted. This plan shall include the results of an engineering analysis which identifies the magnitude and timing of well diversions on these flows."

3. On March 31, 1994, the permit holder offered a plan in lieu of the engineering analysis required by the condition. The permit holder offered to cease diversion of the permit holder's senior surface water rights when there is a potential of impacting senior downstream rights.

4. The permit holder's senior surface water rights are hydraulically upstream from the well described in Permit No. 57-07522 and other water rights which might be impacted by diversion of ground water by the permit holder.

5. The downstream water right most likely to be impacted is the storage water right at Nahas Lake. This storage right generally fills during most years including the 1993-1994 winter which produced below normal surface water runoff.

CONCLUSIONS OF LAW

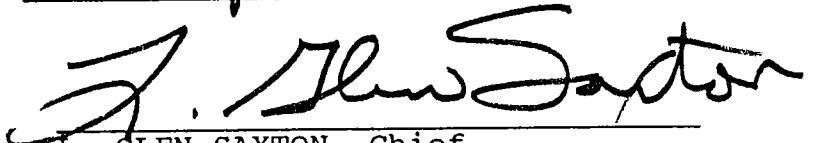
1. The plan offered by the permit holder is reasonable to approve on a qualified basis.
2. The department should approve the plan subject to certain conditions and limitations.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the proposal of the permit holder to cease diverting senior surface water rights when the pumpage of ground water under Permit No. 57-07522 potentially will adversely affect downstream water rights is considered a sufficient interim plan required by Condition of Approval No. 4 of the permit provided:

1. The department shall determine when there is potential that diversion of ground water by the permit holder will adversely affect prior downstream water rights.
2. The department retains the jurisdiction to rescind approval of this proposal of the permit holder and to require the engineering analysis as originally described in Condition of Approval No. 4. in the order issued on October 27, 1993.
3. This approval shall remain effective unless the department determines there is cause to amend or reject it.
4. Use of water under the permit is subject to the control of the watermaster of state Water District No. 57-D, Sinker Creek.

Dated this 22nd day of April, 1994.

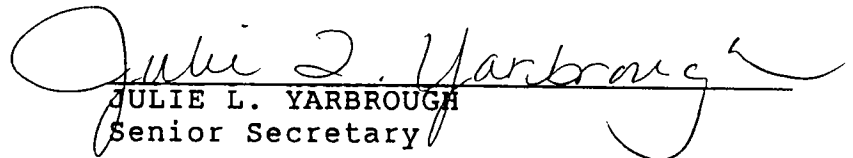

L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 22nd day of April, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Order to the following:

Joyce Livestock
Sinker Creek
Murphy, ID 83650

IDWR - Western Region
2735 Airport Way
Boise, ID 83705


JULIE L. YARBROUGH
Senior Secretary