

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-75 IN THE)
NAME OF DON MCGRATH)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Blaine 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 July 14, 2014 Don McGrath ("applicant") submitted the attached Temporary Change Application TC-37-75 ("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. 37-2609B (0.18 cfs for irrigation of 9.5 acres) is authorized only at the point of diversion, point of injection, point of re-diversion and place 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 as a new point of diversion.
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

surface 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 or to augment existing ground water rights.

4. A portion of Right 37-2609B is limited to the irrigation of 9.5 acres within the SE1/4SE1/4 of Section 35, T01S, R20E for the remainder of the 2014 irrigation season. For this allowance, 9.5 acres within the SW1/4NE1/4 (1.3 acres); SE1/4NE1/4 (0.2 acres); NE1/4SE1/4 (2.3 acres); NW1/4SE1/4 (5.7 acres) of Section 27, T01S, R19E shall not be irrigated from ground water or any other source during the remainder of the 2014 irrigation season.
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. This temporary change is to be administered by the watermaster of Water District No. 37. The watermaster may impose a reasonable conveyance loss to the creek in delivery of the right (10% is normal conveyance loss).
9. This temporary change approval expires on 11/01/2014 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.
10. Subject to private agreement between applicant and right holder.

DATED this 28th day of July, 2014.



Allen Merritt, PE
Southern Region Manager

CERTIFICATE OF SERVICE

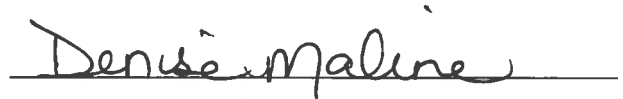
I hereby certify that on this 29th day of July, 2014, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING TEMPORARY CHANGE** to the person(s) listed below:

Documents Enclosed: Order Authorizing Temporary Change No. TC-37-75, in the name of Don McGrath; Water Right No. 37-2609B

DON MCGRATH
3300 POWELL ST
EMERYVILLE, CA 94608

STALKER CREEK RANCH LLC
C/O JIM SPECK, ATTORNEY
PO BOX 987
KETCHUM, ID 83340

KEVIN LAKEY, WATERMASTER
WATER DISTRICT 37
107 W 1ST
SHOSHONE, ID 83352

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**