

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

IN THE MATTER OF APPLICATION	)	
FOR TEMPORARY CHANGE OF A	)	
WATER RIGHT TC-37-70	)	ORDER AUTHORIZING
IN THE NAME OF LAWRENCE KIMBALL	)	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 5, 2013, Lawrence Kimball ("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 right no. 37-8693 is authorized only at the point of diversion described on the application or as otherwise approved in this order.
2. Use of right no. 37-8693 is subject to private agreement between Frances Skelton (right holder) and Lawrence Kimball.

3. Approval of this temporary change is limited to the historical use limitations locally imposed by the watermaster and may further be limited to account for additional conveyance loss in deliverance of this temporary change.
4. This temporary change approval does not authorize construction of a new well or a new diversion from Fish Creek.
5. 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.
6. Use of right no. 37-8693 for the remainder of the irrigation season is limited to the irrigation of the lands owned by Lawrence Kimball within the SENW and SWNE S17, T1S, R22E. (Approximately 60 acres)
7. 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.
8. 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.
9. 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.
10. To prevent injury to other water rights the watermaster of Water District No. 37-U is authorized to administer the temporary change approval. When these rights and others appurtenant to the lands identified on the application are combined no more than 0.02 cfs per acre may be diverted at any one time at the field headgate.
11. This temporary change approval expires on October 31, 2013 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 16th day of July, 2013.



Allen Merritt
Southern Region Manager

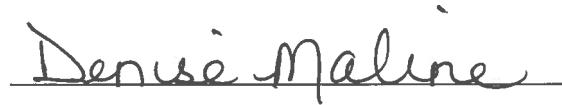
CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 2013, 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-37-70, in the name of Lawrence Kimball; Water Right No. 37-8693

LAWRENCE KIMBALL
35 LAIDLAW RD
CAREY, ID 83320

LEON SKELTON
FRANCES SKELTON
2958 THAYER BRIDGE CIRCLE
IDAHO FALLS, ID 83402

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above a horizontal line.

Denise Maline
Administrative Assistant