

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-69 IN THE NAME)
BIG WOOD CANAL COMPANY)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Lincoln 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 10, 2013, the Big Wood Canal Company ("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. This temporary approval allows for the installation of a temporary point of diversion on the Little Wood River to be located within the SWSWNE Section 4, T5S, R19E as described on the application. Additionally it allows irrigation of lands outside of the BWCC service area.
2. Portions of rights 37-13043, 37-13112, 37-13113, 37-13114, 37-21401, 37-21402, 37-21403, 37-21404, and 37-21405 may be diverted at the temporary point of diversion but when combined are limited to 4.0 cfs at the temporary point of diversion.

3. This temporary change approval may only be used to provide a temporary point of diversion to lands that normally have a full water supply, except for the drought condition.
4. 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.
5. This temporary change approval does not grant any right-of-way or easement to use of lands or the diversion works or conveyance works of another person or entity.
6. To prevent injury to other water rights the watermaster of Water District 37M is authorized to administer the temporary change approval.
7. Prior to use the applicant shall install an adequate measuring device and a lockable control gate on the temporary point of diversion which will allow the watermaster to fully regulate the diversion.
8. This temporary change approval expires on November 15, 2013 unless rescinded or extended by the director. Thereafter, the water rights shall revert to the point of diversions, place of use and nature of use existing prior to the temporary change approval.
9. This temporary change approval shall not prejudice any permanent transfer pending before the Department.
10. All temporary diversion works installed pursuant to this approval shall be removed from the Little Wood River at the end of the irrigation season unless further written authorization is granted by the Department.
11. All BWCC rights from the Little Wood River deliverable for the remainder of the 2013 irrigation season are limited to irrigation of no more than 39683 acres within the service area of the BWCC and including the 121 acres outside of the BWCC service area described on this application.

DATED this 11th day of July, 2013.



Allen Merritt
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 11th 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:

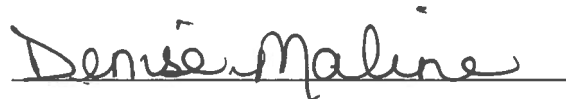
Documents Enclosed: Order Authorizing Temporary Change No. TC-37-69, in the name of Big Wood Canal Company; Water Right No. 37-13043, 37-13112, 37-13113, 37-13114, 37-21401, 37-21402, 37-21403, 37-21404, 37-21405

BIG WOOD CANAL CO.
LYNN HARMON
409 N APPLE ST
SHOSHONE, ID 83352

HOBDEY LAW OFFICE
CRAIG HOBDEY
PO BOX 176
GOODING, ID 83330

BRODY LAW OFFICE
ATTN: ROBYN M BRODY
PO BOX 554
RUPERT, ID 83350

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

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