

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-63 IN THE NAME)
OF EUGENE SHAW)

**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 June 11, 2013 Eugene Shaw ("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 portions of right no. 37-7314 are authorized only at the point of diversion and places of use described on the application or as otherwise approved in this order. (A total of 103 acres are authorized to be irrigated in Government Lots 8, 9, 10 and 11 in the SW portion of Section 18, T6S, R19E.)
2. This temporary change approval does not authorize construction of a new well.

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 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.
4. The portion of right no. 37-7314 identified on the application is limited to the irrigation of a total of 103 acres during the remainder of the irrigation season. Water shall not be rotated to other acres owned by the applicant or for other purposes.
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. To prevent injury to other water rights the watermaster of Water District 130 is authorized to administer the temporary change approval.
9. When the portion of the right 37-7314 identified on the application and shares in the American Falls Reservoir District No. 2 or shares in the Big Wood Canal Company are combined no more than 0.02 cfs per acre may be diverted at any one time at the field headgate.
10. 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 diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 12th day of June, 2013.



Allen Merritt
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 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-37-63, in the name of Eugene Shaw; Water Right No. 37-7314

EUGENE L SHAW
JOYCE SHAW
803 E 270 S
DIETRICH, ID 83324

CINDY YENTER, WATERMASTER
WATER DISTRICT 130
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

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

Denise Maline
Administrative Assistant