

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

IN THE MATTER OF APPLICATION FOR TEMPORARY)
CHANGE OF WATER RIGHTS 37-738, 37-749C AND)
37-2443 IN THE NAME OF AARON ANDREWS)
NUMBERED TC-37-58)

**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 9, 2012, Aaron Andrews ("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 TC-37-58 is **APPROVED** subject to the following conditions:

1. Diversion and use of rights 37-738 and 37-749C bearing a common priority of 3/30/1883, and 37-2443 bearing a priority date of 8/29/1931, are authorized only at the point of diversion described on the application numbered TC-37-58 or as otherwise approved in this order.
2. When combined rights 37-738, 37-749C, and 37-2443 may be used in the permissible place of use identified on the applications and the total number of acres authorized to be irrigated under these rights for the remainder of the irrigation season is 269 acres.
3. The use of rights 37-738, 37-749C, and 37-2443 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 and may be adjusted to avoid injury to other right holders.

4. This temporary change approval does not authorize construction of a new point of diversion on Fish Creek or the Spring.
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 rights 37-738, 37-749C, and 37-2443 for the remainder of the irrigation season is limited to the irrigation of the lands owned by Aaron Andrews. (Approximately 269 acres) The lands of Maurice Ellsworth where these rights are appurtenant shall cease to be irrigated for the remainder of the 2012 irrigation season.
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, 2012 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 18th day of July, 2012.



Allen Merritt
Southern Region Manager

CERTIFICATE OF SERVICE

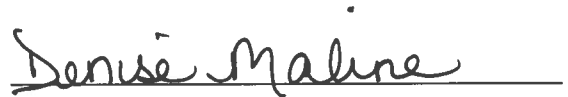
I hereby certify that on this 18th day of July, 2012, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING TEMPORARY CHANGE** to the person(s) listed below:

Documents Enclosed: Order Authorizing Temporary Change No. TC-37-58, in the name of Aaron Andrews; for Water Right No. 37-738, 37-749C, and 37-2443

AARON ANDREWS
85 LAKEVIEW DR
CAREY, ID 83320

MAURICE C ELLSWORTH
PO BOX 158
CAREY, ID 83320

LAWRENCE KIMBALL, WATERMASTER
WATER DISTRICT 37U
35 LAIDLAW RD
CAREY, ID 83320

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

Denise Maline
Administrative Assistant