

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

IN THE MATTER OF APPLICATION	)	
FOR TEMPORARY CHANGE OF A	)	ORDER AUTHORIZING
WATER RIGHT TC-37-61	)	TEMPORARY CHANGE
IN THE NAME OF JERRY CENARRUSA	)	
_____	)	

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 August 28, 2012, Jerry Cenarrusa ("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

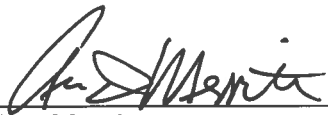
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right 37-2578 bearing a priority date of 8/30/1955, is authorized only at the point of diversion described on the application or as otherwise approved in this order.
2. Use of right 37-2578 for the remainder of the irrigation season is limited to the irrigation of the lands owned by Jerry Cenarrusa. (Approximately 170acres)

3. Use of water for the remainder of the irrigation season is limited to only the place of use identified on this temporary change application and shall not be used on the original decreed place of use or any other place of use.
4. All irrigation from any source at the original decreed place of use of right 37-2578 shall cease for the remaining of the 2012 irrigation season.
5. This temporary change allows for the exchange of ground water with Fish Creek water.
6. Water from Fish Creek shall be delivered via existing facilities of the applicant to the applicant's land in exchange for water from the well associated with right 37-2578 being injected into Fish Creek.
7. To prevent injury to other water rights the watermaster of Water District No. 37-U is authorized to administer the temporary change approval.
8. The use of right 37-2578 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.
9. This temporary change approval does not authorize construction of a new point of diversion on Fish Creek or for construction of a new well.
10. 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.
11. 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.
12. 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.
13. This exchange is subject to a private agreement between Gary and Barbara Carney (owners of the well) and Jerry Cenarrusa (owner of the lands intended to be irrigated under this approval).
14. 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.

15. 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.
16. 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.
17. 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 29th day of August, 2012.



Allen Merritt
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August, 2012, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING TEMPORARY CHANGE** to the person(s) listed below:

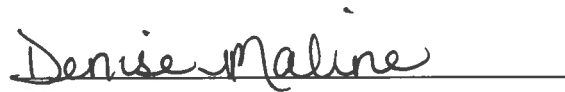
Documents Enclosed: Order Authorizing Temporary Change No. TC-37-61, in the name of Jerry Cenarrusa.; Water Right No. 37-2578

JERRY CENARRUSA
PO BOX 164
CAREY, ID 83320

GARY CARNEY
BARBARA J CARNEY
225 N 1250 W
PAUL, ID 83347

PAUL CARNEY
POLLY CARNEY
291 S 2800 E
PAUL, ID 83347

LAWRENCE KIMBLE, 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