

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-60 IN THE)
NAME OF PICABO LIVESTOCK CO.)
_____)

**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 31, 2012 Picabo Livestock Co. ("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 rights no. 37-713B is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new point of diversion.
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. Right 37-713B is limited to the irrigation of a total of 140 acres during the remainder of the irrigation season as described on application. The 284 acres which right 37-713B is appurtenant within Sections 28, 33 and 34, T1N, R19E shall cease to be irrigated from any source for the remainder of the 2012 irrigation season.
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. The watermaster of Water District No. 37 is authorized to administer the temporary change approval.
9. The manager of the District 45 Canal is authorized to administer the temporary change approval according to the bylaws of the district.
10. This temporary change approval expires on October 31, 2012 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 2nd day of August, 2012.



Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd 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:

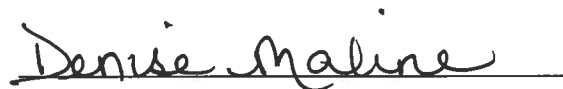
Documents Enclosed: Order Authorizing Temporary Change No. TC-37-60, in the name of Picabo Livestock Co.; Water Right No. 37-713B

PICABO LIVESTOCK CO.
PO BOX 688
PICABO, ID 83348

ROBERT E GARDNER
KATHRYN ALLRED GARDNER
PO BOX 1200
HAILEY, ID 83333

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

WOOD RIVER VALLEY IRRIGATION DISTRICT #45
PO BOX 2223
HAILEY, ID 83333

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

Denise Maline
Administrative Assistant