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BEFORE THE DEPARTMENT OF WATER RESOURCES

Department of Water Resources

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR TEMPORARY CHANGE OF A)
WATER RIGHTS TC-37-21)
IN THE NAME OF HARRY S. RINKER)
_____)

**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 19, 2002 Harry S. Rinker ("applicant") through his representative Charles G. Brockway submitted the attached Temporary Change Application TC-37-21 ("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

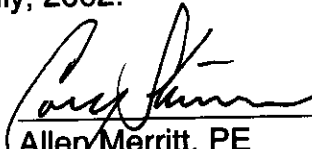
IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 37-30030 (part) as described on the application and operations plan is authorized only at the point of diversion and place of use described on the application and operations plan or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new diversion point from the Big Wood River.
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 37-30030 (part) described above is limited to the irrigation of 14.3 acres as described on the application and operations plan at the place of use described on the application and operations plan for the remainder of the 2002 irrigation season. For this allowance 14.3 acres shall remain un-irrigated from any source during the 2002 irrigation season at the original place of use established by transfer 5423.
5. This temporary change approval does not prejudice a permanent transfer application which has been filed to modify right 37-30030. The pending transfer application will be judged on it's own merits.
6. 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.
7. 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.
8. 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.
9. This temporary change approval expires on 10/15/2002 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.
10. This temporary transfer is under the administration of the watermaster of Water District 37 (Big Wood River).
11. Use of water from any other source to provide water to the lands described on this application and operations plan, if not already appurtenant, is not authorized without further approval.

DATED this 26th day of July, 2002.

 FOR
Allery Merritt, PE
Southern Region Manager