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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-36-01)
IN THE NAME OF KEVIN SLADE)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Gooding 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 1, 2005, Kevin and Delilah Slade ("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. 36-7119 and 36-15229 are authorized only at the points 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 modification of the pumps in existing wells to increase diversion capacity.
3. This temporary change approval may only be used to provide a 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 watermaster of Water District No. 130 is authorized to administer the temporary change approval.
5. Prior to use of the replacement well drilled under drilling permit 833469 the applicant shall install and maintain an acceptable measuring device, including data logger, at the well in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records.
6. Prior to use of the wells owned by others (applicant's father) the applicant shall install an in-line flow meter on the temporary main serving the lands under this approval. Additionally the applicant must provide the watermaster a measurement and use plan to allow the watermaster to account for uses of water pursuant to water rights currently associated with those wells.
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. This change may be subject to private agreement with the owner of the wells being added for the temporary use of their wells.
9. This temporary change approval expires October 15, 2005, 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 5th of July, 2005.



Allen Merritt
Southern Region Manager