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Ident. No. TP 12-01TC-32-04STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of applicant Pat McGarry for Steven Worthing (208) Phone 374-5588
 Post Office address HC 61 Box 1080, Dubois Id 83423

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) therefor Drought relief

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount	Nature	Period of Use
<u>32-00025</u>	<u>10/01/1893</u>	<u>3.36 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>
<u>32-00043</u>	<u>10-15-1894</u>	<u>2.00 cfs</u>	<u>Irri.gation</u>	" to "

Priority
is already
off

2. Total amount of water being transferred 3.36 cubic feet/second and/or _____ acre-feet per annum.

3. Source of water Medicine Lodge Creek tributary to SINKS

4. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	NW	20	10 N	35E	CLARK	Woodfield Diversion

5. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	35E	5											3.0	3.0					6.0
		6											3.0			4.0	5.0	10.0	
		7	40	40	40	40	30		28	27			19	25	40	31	37	397	
		8	40	40	40	40	40	40	40	40	40	40	40	40	40		40	600.0	
		17					10	18										28	
		18	2															2	

Total acres 1043

6. General Information:

- a. Who owns the water right to be changed? Pat McGarry
- b. Describe the arrangement allowing use of the right Agreement Between McGarry & Woahing
see attached letter
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
WILL NOT BE IRRIGATED
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. has been used to
irrigate hay on Pat McGarry's land
- e. Absent the changes, how would the right be used for the remainder of the year? Same
- f. Describe other water rights used for the same purpose.
32-00043
- g. Remarks: See attached watermaster comments

I hereby assume all risk in accordance with House Bill No. 4 and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Pat McGarry
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by HWS Date 6-26-01 Fee \$50
Received DN # E026848 Recommend: / approve deny
Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TP-32-01 TC-32-04
And said application is hereby APPROVED, subject to the following limitations and conditions:

1. This approval expires November 1, ²⁰⁰¹~~1992~~ and thereafter the right reverts to the use existing prior to the temporary change.

a/ watermaster control

Witness my hand this 27th day of June

²⁰⁰¹
~~1992~~

MICROFILMED

Ronald P. Carter

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT IN THE NAME)
OF 34-00025)
JACK MCGARRY)

ORDER AUTHORIZING
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for Clark 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 (A 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 June 22 PAT MCGARRY 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 no(s). 32 - 00025 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 well as 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(s) 32-00025 are limited to the irrigation of a total of 293 acres in a single 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 applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 32 is authorized to administer the temporary change approval.
10. This temporary change approval expires on 10-31-01 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 27th day of June, 2001.


AUTHORIZED PERSON
IDWR

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

JUL - 2 2001

IN THE MATTER OF APPLICATION
FOR TEMPORARY CHANGE OF A
WATER RIGHT IN THE NAME
OF JACK MCGARRY
34-00025
32-00025

Department of Water Resources

ORDER AUTHORIZING
TEMPORARY CHANGE

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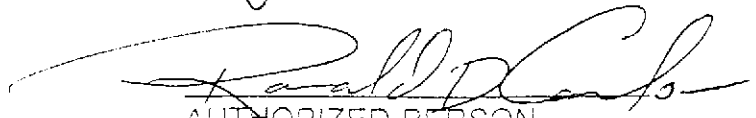
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AUTHORIZED PERSON
IDWR

MICROFILMED

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DEPARTMENT OF WATER RESOURCES
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Locality * already off

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b. Lands irrigated or made so, etc.																			
TWP	PGE	SEC	NE				NW				SW				SE				Totals
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(Signature of applicant)

FOR DEPARTMENT USE ONLY

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Receipted DN # E026848 Recommend: ✓ approve deny
Watermaster recommendation Approve

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TP-32-01
And said application is hereby APPROVED, subject to the following limitations and conditions:

1. This approval expires November 1, ²⁰⁰¹~~2002~~ and thereafter the right reverts to the use existing prior to the temporary change.
2/ Watermaster control

Witness my hand this 27th day of June ²⁰⁰¹~~2002~~

Ronald P. Carter

MEMORANDUM

TO: FILE 32-00043

FROM: VAULT

RE: TEMPORARY CHANGE ~~32~~-32-09

DATE: 6/04

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Original Temporary Change Application and correspondence regarding
this matter is located within:

FILE # 22-1B

SCANNED
NOV 22 2004