

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NOS.: 34-2509 &)
34-7226B)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-221

WHEREAS, a drought emergency has been declared for Butte 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 purposes of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on May 27, 2022, Danny and Keith Waddoups submitted the attached temporary change application to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

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

1. Diversion and use of right no. 34-7226B and the changed portion of right no. 34-2509 is authorized only at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new well as a point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. 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 conditions. 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.

5. Rights 34-43, 34-2509, and 34-7112 when combined shall not exceed a total diversion rate of 7.78 cfs and the irrigation of 295 acres. Rights 34-2509 and 34-7112 when combined shall not exceed a total annual maximum diversion volume of 1032.5 af. Rights 34-437, 34-2491A, 34-7111A, and 34-7226B when combined shall not exceed a total diversion rate of 1.99 cfs, a total annual maximum diversion volume of 346 af, and the irrigation of 76 acres.
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 applicants agree 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 does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on November 1, 2022 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 7th day of June, 2022.



James Cefalo
Eastern Region Manager

TC-34-221

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED

MAY 27 2022

Department of Water Resources
Eastern Region

(To change point of diversion, place of use, or purpose of use of a water right upon declaration of a drought emergency in accordance with Section 42-222A, Idaho Code.)

Name of Applicant Danny Waddoups, Keith Waddoups Phone _____
Mailing Address 2775 N 3520 W, Moore, ID 83255 Email _____

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other
- Describe the proposed change(s) and explain the reason(s) they are needed. _____
Because of the drought, Applicants' surface water rights are not available. This application will change the place of use and point of diversion for 122.5 acres of two ground water rights.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
	<u>34-2509 (part)</u>	<u>10/05/1960</u>	<u>0.74</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
	<u>34-7226B</u>	<u>02/24/1980</u>	<u>1.52</u>	<u>Irrigation</u>	<u>04/15</u> to <u>10/15</u>
	_____	_____	_____	_____	_____ to _____
	_____	_____	_____	_____	_____ to _____

- Total amount of water being transferred 2.26 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Ground water tributary to _____.
- Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04N	26E	05		SE	SE	SW	Butte	Ground water	

- Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	26E	08	4.5	4	8	8	33	32.5		32.5									122.5

Total Acres 122.5

6. General Information:

- a. Who owns the water right to be changed? Standlee Family Ltd. Partnership
- b. Describe the arrangement allowing use of the right. Standlee Family Ltd. Partnership has consented to this transfer (consent attached).
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
It will not be irrigated.
- d. Has the water right sought to be transferred been used this year? ☐ Yes ☒ No If yes, explain. _____
- e. Absent the changes, how would the right be used for the remainder of the year? It would be used at the current authorized place of use if it could be delivered.
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, 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.

Robert Murchant
Signature of Applicant

May 27, 2022
Date

FOR DEPARTMENT USE ONLY

Received by *Cxth* Date *5/27/22* \$50 fee received by *Cxth* Receipt No. *E048194 (\$100 total)*
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

see attached order

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

CONSENT TO WATER RIGHTS TEMPORARY TRANSFER

I, the undersigned am familiar with the Temporary Change Applications which are being submitted to the Idaho Department of Water Resources which involve Water Right Nos. 34-2509 and 34-7226B. I consent to the transfer of these water rights as requested in the Temporary Change Application.

STANDLEE FAMILY LTD PARTNERSHIP

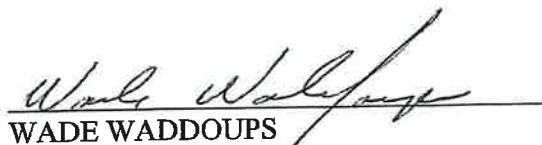
By: Jason Hous

Its: Partner

Date: 5/26/22

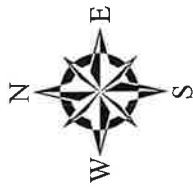
CONSENT TO WATER RIGHTS TEMPORARY TRANSFER

I, the undersigned have reviewed the Temporary Change Application which is being submitted to the Idaho Department of Water Resources which involves transferring water rights onto my property. We have been working together and coordinating these transfers, and have reviewed it in detail, and I consent to the movement of water rights on my property as requested in the Temporary Change Application.


WADE WADDOUPS

Date: 5-27-22

WR Nos. 34-2509 & 34-7226B



Legend

- Proposed POD
- Proposed POU
- TR Lines
- Section Lines
- Quarter Quarters



2021 NAIP Photo



Prepared by:
Luke H. Marchant
05/27/2022



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

RECEIVED

MAY 27 2022

Department of Water Resources
Eastern Region

Established in 1896

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May 27, 2022

Michael Holliday
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Temporary Change Applications for WR Nos. 34-2509 and 34-7226B

Dear Michael:

Enclosed for processing are two Temporary Change Applications that we are submitting for Danny and Keith Waddoups to move portions of two water rights (34-2509 and 34-7226B) owned by Standlee Family LTD Partnership. If you have any questions or need any additional information do not hesitate to contact me.

Best regards,

Luke H. Marchant
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

g:\wpdata\lhm\17938 danny waddoups\06 2022 temporary transfers\2022.05.27 ltr to holliday.docx

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

Application No: TC-34-221Applicant's Name: Waddoups

Watermaster's Recommendation:

- a) LY I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as

follows: _____

- c) _____ I oppose approval of this application for the following reasons:

- d) _____ Additional Comment: _____

Dated this 7 day of June, 2021Water District No: 34
Watermaster's Signature

Use reverse side of page if you need more space.