

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF)
WATER RIGHT NO.: 34-309A)
_____)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-184

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

Idaho Code §42-222A provides that upon declaration of a drought emergency, the director of the Department of Water Resources 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 when the director determines that such changes can be accomplished in accordance with the provisions of Idaho Code §42-222A; and

On May 27, 2021, Danny Waddoups submitted the attached Temporary Change Application to the Department; and

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. 34-309A 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 or diversion works as a new 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 which 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.

5. Rights 34-309A and 34-601A when combined shall not exceed the irrigation of 79 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 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. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on October 15, 2021 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 28th day of May, 2021.


James Cefalo
Eastern Region Manager

RECEIVED

MAY 19 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES Department of Water Resources
Eastern Region

TC-34-184

TEMPORARY CHANGE APPLICATION

(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 Phone _____
Mailing Address 2775 N 3520 W, Moore, ID 83255 Email _____

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 explain the reason(s) they are needed. _____

Because of the drought, Applicant's surface water rights are not available. This application will move senior surface water rights to cover ground that Applicant desires to continue irrigating.

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
34-309A	05/20/1884	1.2	Irrigation	05/01 to 10/15
				to
				to
				to

2. Total amount of water being transferred 1.2 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Lost River tributary to Sinks

4. Point(s) of diversion:

Twsp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
05N	26E	04		NW	SE	SE	Butte	Big Lost River	

5. Lands irrigated or place of use:

Twsp	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	18													20			20	40
		19	20																20

Total Acres 60

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. _____
- 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.
- 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 Marchant
Signature of Applicant

May 19, 2021
Date

FOR DEPARTMENT USE ONLY

Received by JB Date 5/20/2021 \$50 fee receipted by JB Receipt No. E046972
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

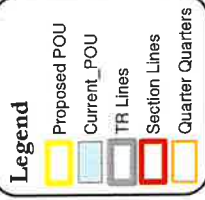
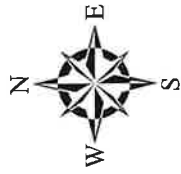
This is to certify that I have examined Temporary Change Application No. _____, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

WADDOUPS TEMP. TRANSFER



2019 NAIP Photo



Prepared by:
Luke H. Marchant
05/19/2021

Holliday, Michael

From: Luke Marchant <lmarchant@holdenlegal.com>
Sent: Wednesday, May 26, 2021 10:53 AM
To: Holliday, Michael
Subject: RE: Waddoups temporary change app
Attachments: Consent_RB Waddoups_signed.pdf

Michael,

Yes, it should be to change the place of use. I have also attached a signed consent from Blair Waddoups. Let me know if you have any questions, or need anything else.

Thanks.



Luke H. Marchant
Holden, Kidwell, Hahn & Crapo, P.L.L.C.
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, Idaho 83405
Phone: (208) 523-0620
Fax: (208) 523-9518
Email: lmarchant@holdenlegal.com

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From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Friday, May 21, 2021 11:00 AM
To: Luke Marchant <lmarchant@holdenlegal.com>
Subject: Waddoups temporary change app

Luke,

The application shows that the purpose of the transfer is to change the purpose of use, but I suspect the intent is to change the place of use. Is that correct?

The applicant indicated that he is the owner of the right. However, our records show that the right belongs to Richard Blair Waddoups and Maria Elena De Loera. Butte County parcel data shows that the current place of use belongs to Maria Elena De Loera. We need evidence of an ownership change, or written documentation from the owners of record allowing use of the water right.

Thanks.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177

CONSENT TO WATER RIGHTS TEMPORARY TRANSFER

I, the undersigned am familiar with the Temporary Change Application which is being submitted to the Idaho Department of Water Resources which involves Water Right No. 34-309A. I consent to the transfer of this water right as requested in the Temporary Change Application.


MARIA ELENA DE LOERA

Date: 5-26-21

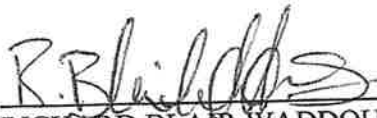
RECEIVED

MAY 27 2021

Department of Water Resources
Eastern Region

CONSENT TO WATER RIGHTS TEMPORARY TRANSFER

I, the undersigned am familiar with the Temporary Change Application which is being submitted to the Idaho Department of Water Resources which involves Water Right No. 34-309A. I consent to the transfer of this water right as requested in the Temporary Change Application.


RICHARD BLAIR WADDOUPS

Date: 5-25-21

RECEIVED

MAY 26 2021

Department of Water Resources
Eastern Region

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No. TC-34-184

Applicant's Name: DANNY WADDUPS

Watermaster's Recommendation:

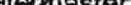
- a) LY I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows: _____

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

- d) _____ Additional Comment: _____

Dated this 21 day of May, 2021

Water District No: 34


Watermaster's Signature

Use reverse side of page if you need more space.

Holliday, Michael

From: General Manager <blridgm@atcnet.net>
Sent: Tuesday, May 25, 2021 10:41 AM
To: Holliday, Michael
Subject: WD 34 Temp Transfers

Michael,

The BLRID does not oppose the following transfers:

34-184

34-185

34-186

Thanks

*Lucas Yockey
General Manager
Big Lost River Irrigation District
P.O. Box 205
Mackay ID 83251*

208-588-2231 – office

208-390-1447 - cell

www.blrid.com