

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

IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF )  
WATER RIGHT NO(S): 34-7226D )  
\_\_\_\_\_)  
\_\_\_\_\_)

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

**TC-34-161**

**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 1, 2020, Danny Waddoups submitted the attached temporary change application TC-34-161 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 the portion of right 34-7226D included in this temporary change is authorized only at the point(s) 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.**

**ORDER AUTHORIZING  
TEMPORARY CHANGE**

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5. Rights 34-172G, 34-313B, 34-446D, 34-503E, and 34-7226D when combined shall not exceed a total diversion rate of 3.70 cfs and the irrigation of 76 acres.
6. Right 34-7226D is limited to the irrigation of a total of 74 acres within the authorized places of use in a single irrigation season.
7. 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.
8. 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.
9. 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.
10. The Watermaster of Water District No. 34 is authorized to administer the temporary change approval.
11. This temporary change approval expires on November 1, 2020 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 8th day of May, 2020.**



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**James Cefalo  
Eastern Regional Manager**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
MAY 01 2020  
Department of Water Resources  
Eastern Region

**TEMPORARY CHANGE APPLICATION**

TC-34-161

*(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, the Applicant's surface water rights are no longer available. The Applicant owns Water Right No. 34-7226D and wants to move a portion of that water right to supplement the Applicant's unavailable surface 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>34-7226D</u>	<u>02/24/1980</u>	<u>0.68 cfs</u>	<u>Irrigation</u>	<u>04/01</u> to <u>11/01</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
2. Total amount of water being transferred 0.68 cubic feet per second and/or 119.7 acre-feet per annum.
3. Source of water Ground water tributary to \_\_\_\_\_
4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04N	26E	10			NE	SW	Butte	Ground water	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	26E	10													15.6			18.6	34.2

Total Acres 34.2

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right. The Applicant does not own the ground at the proposed place of use. The owner's consent to this Application is attached.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
The current place of use 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? The right is not currently being utilized.
- f. Describe other water rights used for the same purpose. 34-313B, 34-172G, 34-446D, 34-503E, (all surface water
- g. Remarks: PART f. cont.: rights not in priority or not deliverable).

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

April 30, 2020  
Date

**FOR DEPARTMENT USE ONLY**

Received by CA Date 5/1/2020 \$50 fee received by CA Receipt No. E045860  
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 Order Authorizing Temporary Change

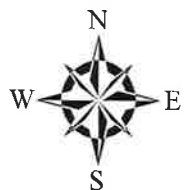
Temporary Change Expiration Date \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
For the Director

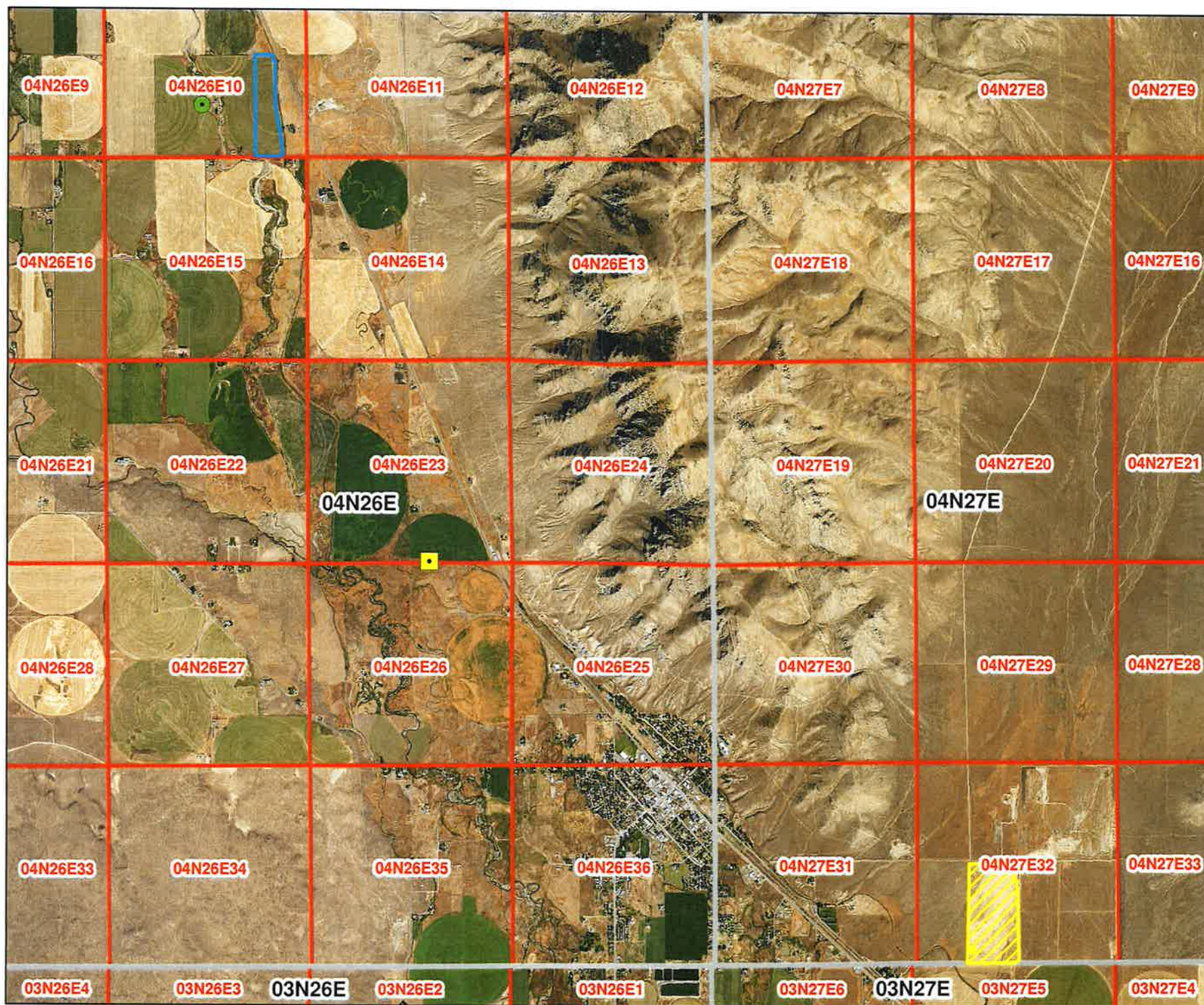


# WADDOUPS - WR No. 34-7226D



## Legend

- Proposed POD
- Current POD
- Proposed POU
- Current POU
- TR Lines
- Section Lines



2019 NAIP Photo




Prepared by:  
Luke H. Marchant  
04/30/2020



## 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 Water Right Number 34-7226D. We have been working together and coordinating this transfer, and have reviewed it in detail, and I consent to the movement of a portion of this water right upon my property as requested in the Temporary Change Application.

  
MIMI ROSENKRANCE  
Date: 4-30-2020

12/99

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

## RECOMMENDATION OF WATERMASTER

Application No: TC-34-161


Applicant's Name: DANNY 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 May, 2020

Water District No: 34

  
Watermaster's Signature

Use reverse side of page if you need more space.