

2004

TC-34-59
Ident. No.

DEP/

JRCES

TEMPORARY CHANGE APPLICATION

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

Name of Applicant Keith Waddoups Phone 527-3613
Post Office Address 2778 N 3520 W Moore, ID 83255

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) thereof Adding point of diversion to facilitate delivery of water

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-07035</u>	<u>4/12/1973</u>	<u>1.20</u>	<u>Irrigation</u>	<u>4-15</u> to <u>10-15</u>
<u>34 2417A</u>	<u>5/1/1983</u>	<u>1.20</u>	<u>"</u>	<u>4/1</u> to <u>10/31</u>
				to
				to

2. Total amount of water being transferred 1.2 cubic feet per second and/or 2.38 acre-feet per annum.

3. Source of water groundwater tributary to

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	NW	8	4N	26E	Butte	Timberdore Canal

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	26E	8			40	40													

Total Acres 80

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

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 34-2417A)
KEITH WADDOWS)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC- 34-59

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 purpose 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 August 13, 2004, Keith Waddows submitted the attached Temporary Change Application TC-34-59 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(s). 34-2417A 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 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 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.

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-59

5. Right(s) 34-2417A are limited to the irrigation of a total of 1750.7 acres in a single irrigation season
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 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 applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. 34 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2004 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 24th day of August, 2004.


Ronald D. Carlson
Eastern Regional Manager

To IDWR

AUG. 11, 04

I JUEL MIKELE, HAVE AGREED TO LEASE
MY IRRIGATION WELL & PUMP TO KEITH WADDUPS

Paul A. Mikele

TC-34-59

TC-34-59

RECEIVED

AUG 13 2004

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources
Transfer of Water Rights

RECOMMENDATION OF WATERMASTER

Transfer Application No:

Water Right No(s): 34-07035

Transfer Applicant's Name: Keith Waddoups
Watermaster's Recommendation:

- a) X 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 12th, day of Aug., 2004

Water District No: 34

Robert E. Waddoups
Watermaster's Signature

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2417A

WATER RIGHT NUMBER: 34-2417A

INFO
TC-34-59Owner TypeName and Address

Current Owner

JUEL AIKELE, RT 1 BOX 63D, MOORE, ID 83255 [(208)527-3197]

Priority Date: 05/01/1983

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial Use

From To

Diversion RateAnnual Volume

IRRIGATION

4/01 to 10/31

2.670 CFS

Total Diversion: 2.670 CFSLocation of Point(s) of Diversion

GROUND WATER

NW1/4NE1/4SW1/4 Sec. 8, Twp 04N, Rge 26E, B.M.

BUTTE County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 25E 13	23.0	33.0	37.0	37.0	33.0			36.0	37.0			19.0	39.0	40.0	23.0	6.0	363.0
03N 26E 5										16.7							16.7
03N 26E 6	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	40.0	40.0	34.0	29.0	37.0	40.0	38.0	26.0	602.0
03N 26E 7		6.4	19.0			4.0	12.0	2.6									44.0
04N 26E 29									34.0	7.0							41.0
04N 26E 30			6.0	3.0								40.0				39.0	88.0
04N 26E 31	34.0	35.0	39.0	39.0	28.0	33.0	39.0	37.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	39.0	596.0

Total Acres: 1750.7

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 26.31 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 8753.5 AF. COMBINED RIGHT NOS.: 34-02358A, 34-02315, 34-02419A, 34-02429B, 34-02472A AND 34-12419.

2. Explanatory WATER DELIVERED THROUGH THE MOORE CANAL. RIGHT NOS. 34-02417B AND 34-12419 ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NO. 34-12419 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

3. Place of Use USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF - Irrigation 1750.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02358A, 34-02315, 34-02419A, 34-02429B, 34-02472A, 34-12419 AND 34-10036. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 133.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Comments:

1. CFRITSCH 12/24/1996 COPIED FROM REMARKS 1.40 CFS OF RIGHT NO. 34-02358A IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED BELOW. 0.344 CFS OF RIGHT NO. 34-02429B IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND THE RIGHTS LISTED BELOW EXCEPT FOR RIGHT NO. 34-12419. COMBINED RIGHT NOS.: 34-02358A, 34-02315, 34-02419A, 34-02429B, 34-02472A AND 34-12419. * REFORMATTED TO INCLUDE PARTIALLY OVERLAPPING RIGHT 34-10036.

7. cfrisch 3/22/2002 POU A discrepancy in the tabular description of the POU and the actual POU was discovered. The 6 acres described in T04N R26E S30 SWNE should actually be in the SENE. The 3 acres described in T04N R26E S30 SENE should actually be in T04N R26E S29 SWNW.

Dates and Other Information:

Licensed Date:

Decreed Date: 11/24/2000

State or Federal: S

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
26.31	8753.5	1750.7

Combined Water Rights: 34-2417A/ 2419A/ 2472A/ 12419/ 2315/ 2358A/ 2429B

Rate	Volume	Acres
		1750.7

Combined Water Rights: 34-2417A , 34-2419A , 34-2472A , 34-12419

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Use(s)</u>	<u>Owner(s)</u>
34	2315		Decreed	Active	1/7/1955	7.02		IRR	AIKELE, JUEL
34	2358	A	Decreed	Active	2/1/1961	5.6		IRR	AIKELE, JUEL
34	2417	A	Decreed	Active	5/1/1983	2.67		IRR	AIKELE, JUEL
34	2419	A	Decreed	Active	5/1/1984	2.01		IRR	AIKELE, JUEL
34	2429	B	Decreed	Active	6/22/1961	2.78		IRR	AIKELE, JUEL
34	2472	A	Decreed	Active	12/29/1965	6.82		IRR	AIKELE, JUEL
34	7080	A	Decreed	Active	9/23/1974	2.67	490	IRR	AIKELE, JUEL; PERKES, TODD
34	7136		Decreed	Active	3/26/1976	5.5	469	IRR	AIKELE, JUEL; PERKES, TODD
34	7169		Decreed	Active	1/6/1977	4.48	549.5	IRR	AIKELE, JUEL; PERKES, TODD
34	12419		Decreed	Active	5/1/1980	9.31		IRR	AIKELE, JUEL

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 34-7035A

WATER RIGHT NUMBER: 34-7035A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	RODNEY A PEARSON, JUEL AIKELE, TIMBERLINE BEEF INC, MICHAEL AIKELE
Current Owner	MARSHAL TODD PERKES, RT 1 BOX 69, MOORE, ID 83255 [(208)527-3157]
Priority Date: 04/12/1973	Basis: Decreed Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.640 CFS	166.30 AF
	<u>Total Diversion:</u>	0.640 CFS	166.30 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4NW1/4	Sec. 8,Twp 04N,Rge 26E, B.M.	BUTTE County
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 5,Twp 04N,Rge 26E, B.M.	BUTTE County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 25E 1	33.0	33.0	33.0	33.0													132.0
04N 25E 25					33.0	33.0	33.0	40.0	40.0	33.0	33.0	39.0	33.0	40.0	39.0	33.0	429.0

Total Acres: 561

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.

Remarks:

1. Explanatory THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WD 34.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-07122A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.95 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 920.5 AF.
3. Explanatory WATER DELIVERED THROUGH THE TIMBERDOME CANAL.
4. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47.5 ACRES WITHIN THE PLACE OF USE - Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 2/15/2002
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.95	920.5	
Combined Water Rights: 34-7122A , 34-7035A		

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-7035B

WATER RIGHT NUMBER: 34-7035B

Owner Type Name and Address
 Original Owner TIMBERLINE BEEF INC, MICHAEL AIKELE, RODNEY A PEARSON, JUEL AIKELE
 Current Owner MITCHELL D SORENSEN, 3871 W 2500 N, MOORE, ID 83255 [(208)527-3271]
 Priority Date: 04/12/1973 Basis: Decreed Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	4.980 CFS	1,293.30 AF
<u>Total Diversion:</u>		4.980 CFS	1,293.30 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4 Sec. 5,Twp 04N,Rge 26E, B.M. BUTTE County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 25E 2					39.0	39.0	40.0	40.0									158.0
03N 25E 3	39.0	39.0															78.0
04N 25E 34	39.0	38.0	40.0	40.0									40.0	40.0	40.0	40.0	317.0
04N 25E 35					38.0	38.0	40.0	40.0	20.0	40.0	39.0	20.0					275.0

Total Acres: 828

Remarks:

- General THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 34.
- Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
- Irrigation TOTAL OF 945 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
34-496A, 34-692D, 34-2428, 34-7035B AND 34-12416.
- Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3751.6
AF. COMBINED RIGHT NOS.: 34-2428, 34-7035B AND 34-12416.
- Explanatory WATER IS DELIVERED THROUGH THE TIMBER DOME CANAL.
- Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 369.5 ACRES WITHIN THE PLACE OF
- Irrigation USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 2/15/2002
 Civil Case Number: 39576
 Judicial District: FIFTH

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.83	3229.9	945

Combined Water Rights: 34-496A , 34-692D , 34-2428 , 34-12416 , 34-7223 , 34-7096A , 34-7097A , 34-7035B

Combined Water Rights: 34-2428 , 34-12416 , 34-7035B

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
8.83	3751.6	

Combined Water Rights: 34-2428 , 34-12416 , 34-7035B

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2416D

WATER RIGHT NUMBER: 34-2416D

Owner Type

Current Owner

Name and Address

ROBERT D WADDOUPS
PO BOX 42
MOORE, ID 83255

Priority Date: 05/16/1961

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To

4/01 to 10/31

Diversion Rate

1.600 CFS

Annual Volume

400.00 AF

Total Diversion:

1.600 CFS

400.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4SW1/4 Sec. 5, Twp 04N, Rge 26E, B.M.

BUTTE County

GROUND WATER NW1/4SE1/4SE1/4 Sec. 4, Twp 05N, Rge 26E, B.M.

BUTTE County (Rediversion)

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	26E	8			40.0	40.0													80.0

Total Acres: 80

Remarks:

- Point of Diversion WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED BY INJECTING WATER DIVERTED UNDER THIS RIGHT INTO WESTSIDE CANAL, AND DIVERTING AN EQUAL AMOUNT FROM THE BIG LOST RIVER AT THE POINT OF REDIVERSION DESCRIBED ABOVE. WATER MAY BE REDIVERTED FROM THE BIG LOST RIVER ONLY WHEN THERE IS CURRENT DEMAND FOR WATER INJECTED INTO THE WESTSIDE CANAL BY WESTSIDE CANAL WATER USERS WITH CURRENTLY DELIVERABLE PRIORITIES BELOW THE POINT OF INJECTION.
- Quantity USE OF THIS RIGHT WITH RIGHT NOS. 34-00311A AND 34-00622D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.29 CFS.
- Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 34-00311A AND 34-00622D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 12/29/1997
State or Federal: S
Owner Name Connector: OR
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

Rate	Volume	Acres
2.29		80

Combined Water Rights: 34-311A , 34-2416D , 34-622D

Rate	Volume	Acres
2.29		80

Combined Water Rights: 34-2416D

Water Right Report 34-311A

Status: Active

Combined Water Rights: 34-311A , 34-2416D , 34-622D

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-622D

WATER RIGHT NUMBER: 34-622D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT D WADDOUPS PO BOX 42 MOORE, ID 83255

Priority Date: 06/01/1896

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01	10/15	0.400 CFS	
	<u>Total Diversion:</u>		0.400 CFS	

Location of Point(s) of Diversion

BIG LOST RIVER NW1/4SE1/4SE1/4 Sec. 4,Twp 05N,Rge 26E, B.M. BUTTE County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 26E 8			40.0	40.0													80.0

Total Acres: 80

Remarks:

- Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NOS. 34-00311A AND 34-02416D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 80 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
- Quantity USE OF THIS RIGHT WITH RIGHT NOS. 34-00311A AND 34-02416D IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.29 CFS.
- Explanatory WATER DELIVERED THROUGH THE MOORE DIVERSION, MOORE CANAL.

Comments:

1. VERNER 5/28/1991 COPIED FROM REMARKS
 Comment: TRANS #461 RIGHT SPLIT BY AMENDING ORIGINAL CLAIM TO BETTER REFLECT ACTUAL USE OF THIS RIGHT. FILED AS A PORTION OF 34-00622B. ESV 5/15/91 / OWNERSHIP CHANGED 5/28/91 SC

Dates and Other Information:

Decreed Date: 12/14/2001
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 34
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.29		80
Combined Water Rights: 34-311A , 34-2416D , 34-622D		