

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

2015

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

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-160

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 October 14, 2015, Dale Keith Waddoups submitted the attached temporary change application TC-34-160 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:

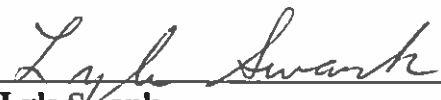
- 1. Diversion and use of right 34-7226D is authorized only at the point(s) of diversion and place of use described on the application.**
- 2. This temporary change approval does not authorize construction of a new well as a point of diversion.**
- 3. The applicant assumes all risk of curtailment or 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.**

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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 150 acres.
6. Right no. 34-7226D is limited to the irrigation of 74 acres within the authorized place 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, 2015 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 16th day of October, 2015.



Lyle Swank
Eastern Regional Manager

TC-34-160

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED
OCT 14 2015
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 DALE KEITH WADDUPS Phone 208-251-6457
Mailing Address 2778N.3520W MOORE, IDAHO 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. CHANGE FROM ORIGINAL POINT OF DIVERSION TO NEW POINT OF DIVERSION TO IRRIGATE NEW HAY SEEDING THAT WAS PLANTED IN AUGUST. CANAL SYSTEM IS DRY.

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>34-72261</u>	<u>2/24-1980</u>	<u>1.482</u>	<u>IRRIGATION</u>	<u>APRIL 1</u> to <u>NOV. 1</u>
~~* 34-135176~~	~~6/22-1961~~	~~1.2~~	~~II~~	~~II~~ to ~~II~~
		<u>1.482 *</u>		

2. Total amount of water being transferred 2.682 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	%	%	%	County	Source	Local name or tag number
04N	26E	20			SW	SE	Butte	groundwater	A0008036
				*	NW	NE			

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~~	~~20~~			36.8					36.8	36.8					37.1			~~147.5~~
* 4N	26E	20		1	40											33			74

* CHANGES MADE BY MH PER 10/15/15 TELECONFERENCE WITH APPLICANT.

Total Acres ~~147.5~~
74

6. General Information:

- a. Who owns the water right to be changed? applicant & John McAffe
- b. Describe the arrangement allowing use of the right. Letter of authorization provided
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Hay seeding will be saved.
- d. Has the water right sought to be transferred been used this year? ☒ Yes ☐ No If yes, explain. 34-13976
was for used for alfalfa irrigation
- e. Absent the changes, how would the right be used for the remainder of the year? Wouldn't be used
- f. Describe other water rights used for the same purpose. Surface water - not available
- 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.

Dale Keith Waddups
Signature of Applicant
DALE KEITH WADDUPS

OCTOBER 14, 2015
Date

FOR DEPARTMENT USE ONLY

Received by SB Date 10/14 \$50 fee receipted by SC Receipt No. E041549
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. TC-34-160, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____

For the Director

TO : IDWR 525-7177

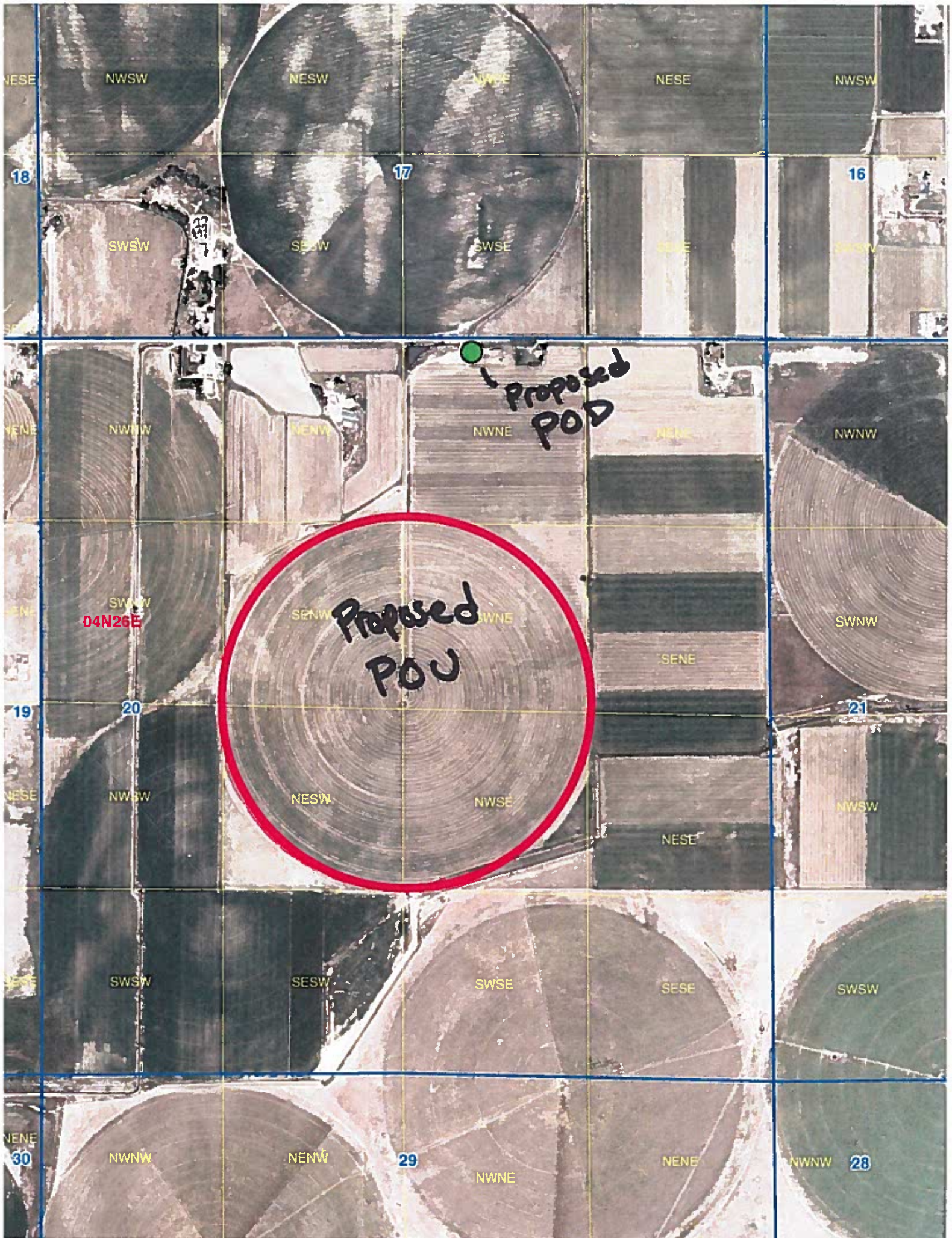
Attention: Mike Holliday

From: Keith Waddoups 251-6457

10/16/2015

I John McAffee allow for a temporary transfer of my ground water right # 34-7226D to Waddoups Farms for the 2015 irrigation season.

John McAffee 10/16/2015



12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-160

Applicant's Name: DALE KEITH WADDOWS

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 15 day of October, 2015.

Water District No: 34

[Signature]
Watermaster's Signature

Use reverse side of page if you need more space.