

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

2015

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT NOS.: 34-7201A)
and 34-621D)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-145

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 14, 2015, Keith Waddoups submitted the attached temporary change application TC-34-145 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 changed portions of right nos. 34-7201A and 34-621D 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.

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TEMPORARY CHANGE**

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5. Rights 34-621D and 34-7201A when combined shall not exceed a total diversion rate of 1.92 cfs and the irrigation of 48 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 October 15, 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 18th day of May, 2015.



Lyle Swank
Eastern Regional Manager

RECEIVED

MAY 18 2015

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TC-34-145

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 Keith WaddoupsPhone 208-251-6457Mailing Address 2778 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. _____

Changes are needed because of lack of surface water.

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>34-7201A</u>	<u>6/28/1977</u>	<u>0.25</u>	<u>Irrigation</u>	<u>5/18</u> to <u>10/15</u>
<u>34-621D</u>	<u>1/1/1892</u>	<u>0.48</u>	<u>Irrigation</u>	<u>5/18</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

* 2. Total amount of water being transferred 0.48 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Ground water & Big Lost River tributary to N/A & Sinks

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag number
4N	26E	5			SE	SW	Butte	Ground water	A0010048
								No change for surface water	

* 5. 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	
4N	26E	8	6			6													12

* APPLICATION PAGE 1 AMENDED VIA TELECONFERENCE W/ APPLICANT ON 5/18/15, BECAUSE ERRORS WERE DISCOVERED DURING REVIEW, AND APPLICANT WAS NOT AUTHORIZED TO CHANGE A 4 ACRE PORTION OF THE RIGHTS.

Total Acres 12

6. General Information:

- a. Who owns the water right to be changed? Jim and Linda Scouten
- b. Describe the arrangement allowing use of the right. Applicant has bought the water right, will submit ownership change soon, Scouten has signed the form.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
It will be dry. A second temporary transfer describes the remainder of the rights watering a portion of a pivot
- 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? Seek to move it to another location or water bank it.
- f. Describe other water rights used for the same purpose. Storage at current POU. At proposed, storage water
- g. Remarks: Only 10% delivery on storage water. Storage water used on the land at the decreed POU will move to other farms.

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.

D. K. [Signature]
Signature of Applicant

May 15-2015
Date

FOR DEPARTMENT USE ONLY

Received by Sc Date 5/14/15 \$50 fee receipted by Sc Receipt No. E041033
Recommend: ☐ approve ☐ deny Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

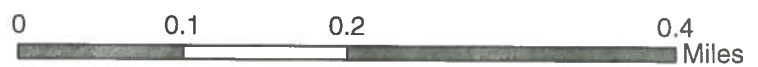
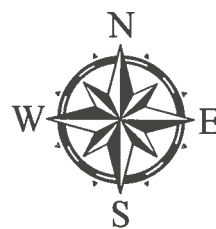
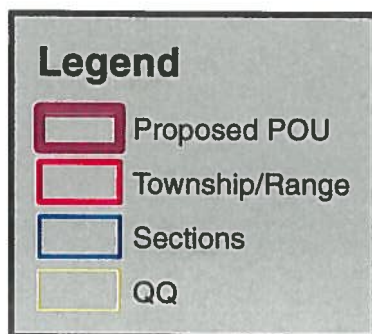
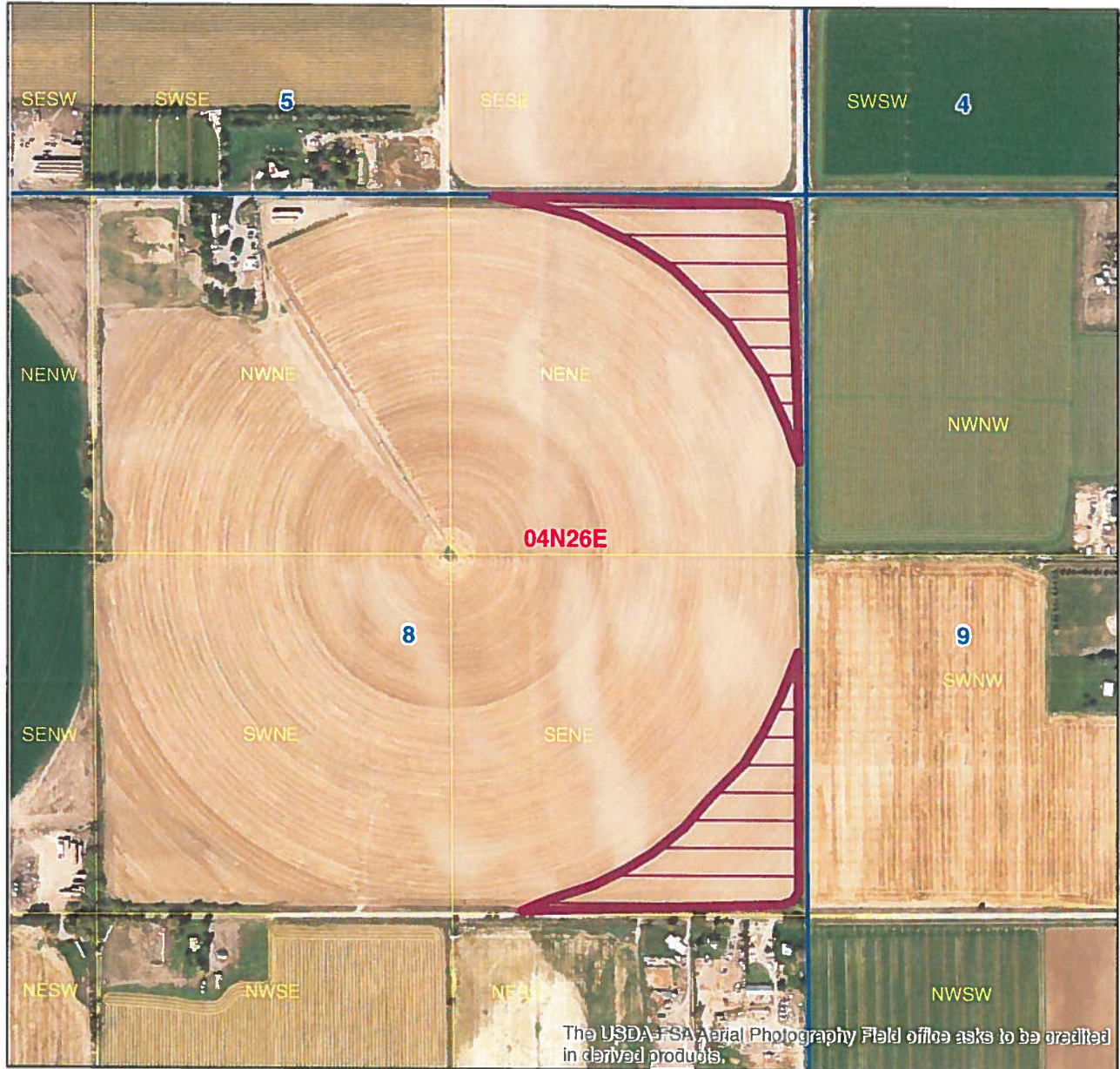
This is to certify that I have examined Temporary Change Application No. TC-34-145, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

Temporary Transfer Map



RECEIVED
MAY 14 2015
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

TC-34-145

(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 Keith Waddoups Phone 251 6457
Mailing Address 2778 North 3520 West Moore, Idaho, 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. _____
Changes are needed because of lack of surface water.

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>34-7201A</u>	<u>6/28/1977</u>	<u>0.33</u>	<u>Irrigation</u>	<u>04/15</u> to <u>10/15</u>
<u>34-621D</u>	<u>01/01/1892</u>	<u>0.64</u>	<u>Irrigation</u>	<u>04/15</u> to <u>10/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
2. Total amount of water being transferred 0.64 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water & Big Lost River tributary to N/A & Sinks
4. Point(s) of diversion:

Tw	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
04N	26E	5			SE	SW	Butte	Ground Water	
								No Change for Surface Water	

5. Lands irrigated or place of use:

Tw	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	8													8			8	16

SUPERCEDED

Total Acres 16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-145

Applicant's Name: 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 May, 2015.

Water District No: 34

Anna Yekany
Watermaster's Signature

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-145

Applicant's Name: KEITH WADDOWS

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 15 day of May, 2015

Water District No: 34

[Signature]
Watermaster's Signature
BZRID, mgr.

Use reverse side of page if you need more space.