

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

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

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-127

2014

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 August 4, 2014, Danny Waddoups submitted the attached temporary change application TC-34-127 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.

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-34-127

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, 2014 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 5th day of August, 2014.



Lyle Swank
Eastern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 _____

RECEIVED

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 has entered into an agreement with the owner of Water Right No. 34-7226D to utilize that water right to supplement the Applicant's unavailable surface water rights. No new acres will be irrigated.

AUG 04 2014

Department of Water Resources
Eastern Region

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

1. Right Number Priority Amount Nature of Use Period of Use
(cfs/ac-ft)
- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--------------|------------|--------------------|---------------|----------------|
| 34-7226D | 02/24/1980 | 1.482 cfs | Irrigation | 04/01 to 11/01 |
| | | | | to |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 1.482 cubic feet per second and/or 259 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	18			SE	NE	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	18													37			37	74

Total Acres 74

6. General Information:

- a. Who owns the water right to be changed? John Mc Affee
- b. Describe the arrangement allowing use of the right. The Applicant and the owner of the right have entered into an agreement (see attached) that authorizes the Applicant to utilize the water right.
- 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.

Mark F. Murchant (Attorney)
Signature of Applicant

7/25/2014
Date

FOR DEPARTMENT USE ONLY

Received by SC Date Aug 4 2014 \$50 fee received by SC Receipt No. E040124
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-34-127, and said application is hereby _____, subject to the following limitations and conditions:

Temporary Change Expiration Date _____

Signed this _____ day of _____, _____.

For the Director

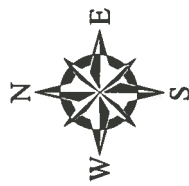
5/16/2014

I John McAfee allow for a temporary transfer of my ground water right # 34-7226D to Waddoups Farms for the 2014 irrigation season.

John McAfee 5/16/2014

Dan Waddoups 5/16/2014

WADDOUPS TEMPORARY CHANGE APPLICATION - WR No. 34-7226D



Legend

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

2013 NAIP Photo



Prepared by:
Luke H. Marchant
07/25/2014

12/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATERMASTER

Application No: TC-34-127

Applicant's Name: DANNY WADDOWS

Watermaster's Recommendation:

- a) ☒ 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 5 day of August, 2014

Water District No: 34

Ralph L. Lisch
Watermaster's Signature

Use reverse side of page if you need more space.

Mgr. BLRID

12/99

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER**

Application No: TC-34-127Applicant's Name: DANNY WADDOWS

Watermaster's Recommendation:

- a) ☒ 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 5 day of August, 2014Water District No. 34M Todd Parker
Watermaster's Signature

Use reverse side of page if you need more space.