

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78365
(FORMERLY 77757)**

This is to certify that: **TOMMY C WADDOUPS
6 TAMARACK CT
GARDEN VALLEY, ID 83622**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
34-784	WR/DECREED	6/1/1884	0.600 cfs	N/A	30.0	260.0	ANTELOPE CREEK
34-785	WR/DECREED	5/1/1886	2.900 cfs	N/A	145.0	260.0	ANTELOPE CREEK
34-786	WR/DECREED	9/27/1911	1.700 cfs	N/A	85.0	260.0	ANTELOPE CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
34-784	NO	YES	YES	YES	NO	NO
34-785	NO	YES	YES	YES	NO	NO
34-786	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
34-784	34-784	0.600 cfs	N/A	30.0	260.0	N/A	N/A	N/A	N/A	N/A
34-785	34-785	2.900 cfs	N/A	145.0	260.0	N/A	N/A	N/A	N/A	N/A
34-786	34-786	1.700 cfs	N/A	85.0	260.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.200 cfs	N/A	260.0	260.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 26th day of September, 2013.


Water Resources Program Manager

SUPPORT DATA

IN FILE # 34-784

Transfer No. 78365

WATER RIGHT NO. 34-784**As Modified by Transfer No. 78365 (Formerly 77757)**

In accordance with the approval of Transfer No. 78365, Water Right No. 34-784 is now described as follows:

Right Holder: TOMMY C WADDOUPS LLC
22914 N SHORTHORN
SUN CITY WEST, AZ 85375

Priority Date: 6/1/1884

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE

IRRIGATION

From

05/01

To

to 10/15

Diversion Rate

0.600 cfs

0.600 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1 Twp 04N Rge 24E	BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	24E	1					5.0												5.0
							L 3												
05N	24E	36			19.7	20.0				4.2	34.8			10.2	38.5	40.3	37.2	7.7	212.6
05N	25E	31							23.3			19.1							42.4

Right Acre Limit: 30.0

POU Total Acres: 260.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 30.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-784, 34-785 and 34-786 when combined shall not exceed the irrigation of 260.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. 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(s).

Transfer No. 78365

WATER RIGHT NO. 34-784

As Modified by Transfer No. 78365 (Formerly 77757)

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The source of water for the point of diversion located in the NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 34-785**As Modified by Transfer No. 78365 (Formerly 77757)**

In accordance with the approval of Transfer No. 78365, Water Right No. 34-785 is now described as follows:

Right Holder: TOMMY C WADDOUPS LLC
22914 N SHORTHORN
SUN CITY WEST, AZ 85375

Priority Date: 5/1/1886

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

BENEFICIAL USE

IRRIGATION

From

5/01

To

to 10/15

Diversion Rate

2.900 cfs

2.900 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1 Twp 04N Rge 24E	BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	24E	1					5.0												5.0
							L 3												
05N	24E	36			19.7	20.0				4.2	34.8			10.2	38.5	40.3	37.2	7.7	212.6
05N	25E	31							23.3			19.1							42.4

Right Acre Limit: 145.0

POU Total Acres: 260.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 145.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-784, 34-785 and 34-786 when combined shall not exceed the irrigation of 260.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. 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(s).

Transfer No. 78365

WATER RIGHT NO. 34-785

As Modified by Transfer No. 78365 (Formerly 77757)

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The source of water for the point of diversion located in the NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 34-786**As Modified by Transfer No. 78365 (Formerly 77757)**

In accordance with the approval of Transfer No. 78365, Water Right No. 34-786 is now described as follows:

Right Holder: TOMMY C WADDOUPS LLC
22914 N SHORTHORN
SUN CITY WEST, AZ 85375

Priority Date: 9/27/1911

Source: ANTELOPE CREEK

Tributary: BIG LOST RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	5/01	to 10/15	1.700 cfs 1.700 cfs

LOCATION OF POINT(S) OF DIVERSION

ANTELOPE CREEK	L3 (NENW)	Sec 1 Twp 04N Rge 24E	BUTTE County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County
ANTELOPE CREEK	NWSW	Sec 36 Twp 05N Rge 24E	CUSTER County
ANTELOPE CREEK	SESW	Sec 36 Twp 05N Rge 24E	BUTTE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	24E	1					5.0												5.0
							L 3												
05N	24E	36			19.7	20.0				4.2	34.8			10.2	38.5	40.3	37.2	7.7	212.6
05N	25E	31							23.3			19.1							42.4

Right Acre Limit: 85.0
POU Total Acres: 260.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 85.0 acres within the authorized place of use in a single irrigation season.
2. Rights 34-784, 34-785 and 34-786 when combined shall not exceed the irrigation of 260.0 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 34.
4. 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(s).

WATER RIGHT NO. 34-786
As Modified by Transfer No. 78365 (Formerly 77757)

CONDITIONS OF APPROVAL

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. The source of water for the point of diversion located in the NWSW of 05N, 24E, Sec. 36 is also known as Cherry Creek.
7. 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.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.