

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

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT TC-37-98 IN THE)
NAME OF NICHOLAS K &)
JENNIFER WESTENDORF)
_____)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

WHEREAS, a drought emergency has been declared for Lincoln 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, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on April 17, 2026, Nicholas K & Jennifer Westendorf ("applicant") submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, the applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of 0.40 cfs of right 37-1191 is authorized only at the points of diversion and place of use described on the application or as otherwise approved in this order.
3. The use of 0.40 cfs of right 37-1191 is limited to the historical use limitations as described by the water right conditions.
3. Use of water under this order may 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. 37.
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 points of diversion.

5. This temporary change approval does not authorize construction of a new point of diversion or construction of a new well.
6. 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.
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 applicant agrees 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 approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
10. This temporary change approval expires on November 15, 2026, 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 20th day of April 2026.



Corey Skinner
Southern Region Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April 2026, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER AUTHORIZING TEMPORARY CHANGE** to the person(s) listed below:

Documents Enclosed: Order Authorizing Temporary Change No. TC-37-98 in the name of Nicholas K & Jennifer Westendorf. Water Right No(s). 37-1191

NICHOLAS K WESTENDORF
JENNIFER WESTENDORF
439 N 700 W
SHOSHONE ID 83352-5043

SUNNY HEALEY
WATER DISTRICT 37
107 W 1ST ST
SHOSHONE ID 83352-5425



Denise Maline
Administrative Assistant

RECEIVED

APR 17 2026

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Print Form

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 Nicholas K Westendorf & Jennifer Westendorf Phone 208-490-0997
 Mailing Address 439 N 700 W Shoshone, ID 83352 Email nick@4lfarms.com

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.

I would like to temporarily change the place of use for 4 cfs of water right 37-1911 to BWCC/AFRD2 lands that I own. AFRD2 is starting delivery at a 40% reduction and I would like to fill this gap in delivery with the decreed right.

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
37-1911 <u>1191</u>	09/02/1902	<u>2.4 .40</u>	Irrigation	03/15 to 11/15
				to
				to
				to

2. Total amount of water being transferred 8 .40 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Big Wood River tributary to Malad River

4. Point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag number
05S	16E	10					Lincoln	Big Wood River	~~Head~~ BWCC headgate
04S	18E	15			NW	SE	Lincoln	Big Wood River	North Shoshone
03S	18E	9			NE	SE	Lincoln	Big Wood River	Lincoln Bypass

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	
5S	16E	10																	25.5

Temp Change Number: TC-37-98

Total Acres 25.5

6. General Information:

- a. Who owns the water right to be changed? Nicholas K Westendorf
- b. Describe the arrangement allowing use of the right. I am requesting a transfer of .4 cfs to other land I own whose source is AFRD2 shares.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
A portion of the land that would typically be affected is not yet planted and will not require irrigation at this time.
More than 25.5 acres is currently not planted
- 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? _____
I would utilize it the best I can on the lands attached to it, otherwise the water may not be utilized.
- f. Describe other water rights used for the same purpose. _____
- g. Remarks: If AFRD2 were delivering 100%, the transfer would not be needed.
1191
Water right 37-1911 will likely turn off in time priority within 30-60 days and I expect the transfer to be terminated when turned off.

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.

NK Westendorf
Signature of Applicant

04/17/26
Date

FOR DEPARTMENT USE ONLY

Received by A. SKINNER Date 4/17/2026 \$50 fee received by SL6 Receipt No. 5041027
Recommend: ☒ approve ☐ deny Watermaster recommendation OK, received 4/20/2026

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-37-98, and said application is hereby approved, subject to the following limitations and conditions:

see attached order dated 4/20/2026

Temporary Change Expiration Date 11/15/2026

Signed this 20th day of April, 2026

[Signature]
For the Director



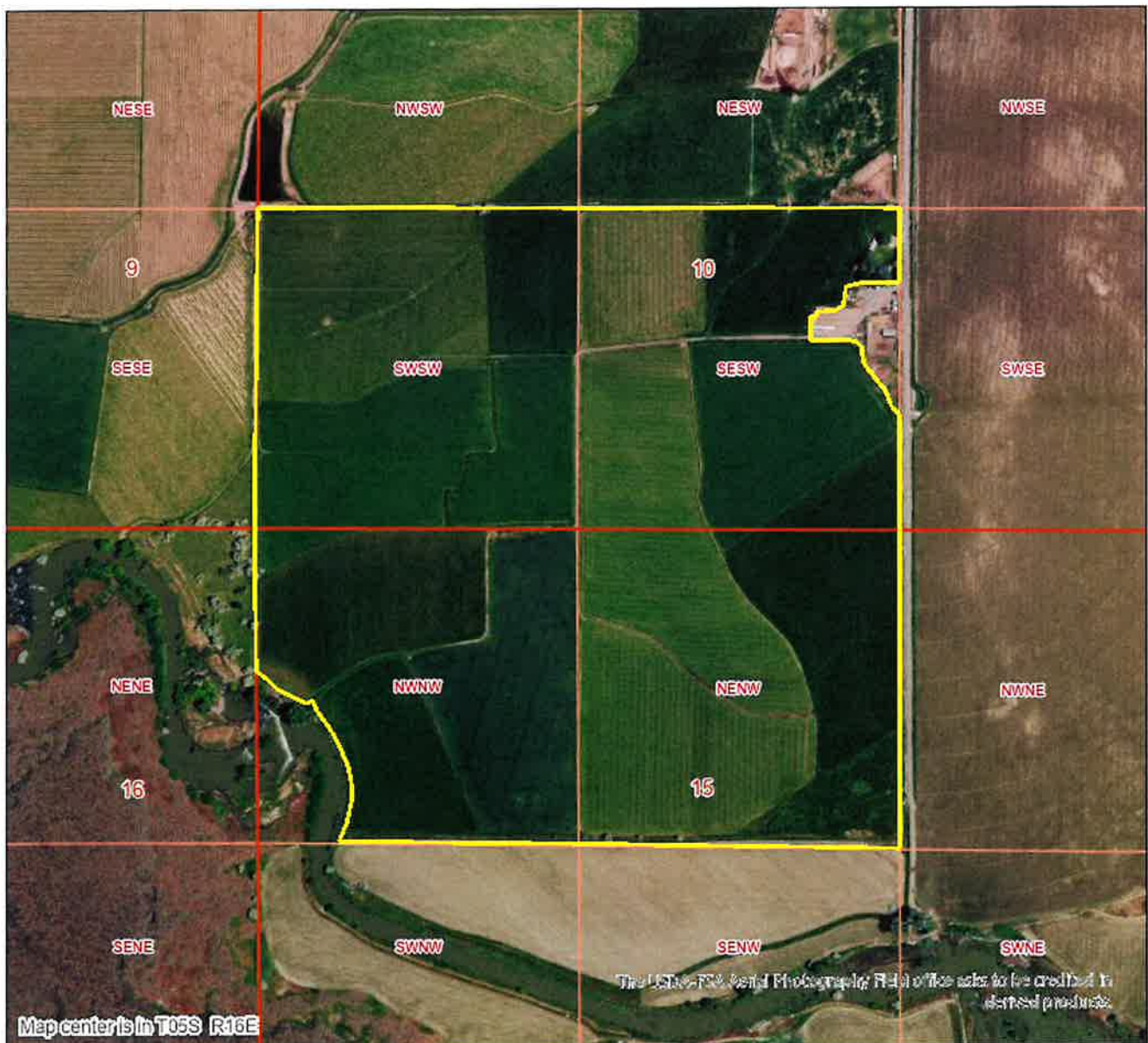
Currently the lands in the SWSW are not planted.
I would like to move the junior 1902 right associated
with these lands to the NESW of Section 10
which is already planted. The 1902 right should only
be good for 30-60 days this season.

State of Idaho
Department of Water Resources
Water Right

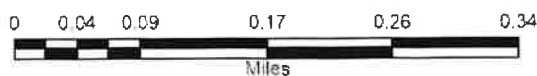
37-1191

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 4/18/2028



Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary



TC-37-98

Skinner, Corey

From: watermanager <watermanager@wd37.org>
Sent: Monday, April 20, 2026 12:41 PM
To: Skinner, Corey; watermstr
Subject: Re: Temporary Change for Nick Westendorf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Corey,

Thank you. I spoke with Nick and he explained his proposal, but this email helped clarify. Your assumption is correct. No concerns.

Thank you,

Sunny

Sunny Healey
Watermaster
Water District 37

From: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Sent: Monday, April 20, 2026 8:52 AM
To: watermanager <watermanager@wd37.org>; watermstr <watermstr@wd37.org>
Subject: Temporary Change for Nick Westendorf

Sunny,

The Westendorfs filed the attached temporary change application as a result of the recent drought declaration. I believe that he may have given you a heads up about this, but the application basically seeks to use a 1902 right on a different field early this season while it is still in priority. There are no changes to points of diversion, and the actual change is a headgate within the BWCC system. He will have to get their blessing, but that is between them.

We are required to get water master comments on these. I am assuming you would have no concerns with this one.

Let me know if you have any questions, or if we need to discuss,

Corey