

State of Idaho  
 Department of Water Resources  
**Water Right License**  
 Water Right No. 15-7373

**Priority:** November 26, 2013

**Maximum Diversion Rate:** 2.51 CFS

It is hereby certified that:

MARCENE L WILLIAMS OR  
 THOMAS C WILLIAMS  
 2643 W SAMARIA RD  
 MALAD ID 83252

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 26, 2013, and has submitted Proof of Beneficial Use on February 11, 2019. An examination confirms water is diverted from:

**Source :** GROUND WATER

<u><b>Beneficial Use</b></u> IRRIGATION	<u><b>Period of Use</b></u> 04/01 to 10/31	<u><b>Rate of Diversion</b></u> 2.51 CFS
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**Location of Point(s) of Diversion**

GROUND WATER SW¼ NE¼, Sec. 25, Twp 15S, Rge 35E, B.M. ONEIDA 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					
15S	35E	24																	20.0	2.0	25.0	38.0	85.0
15S	35E	25	37.0	37.0	2.5	13.0	1.5																91.0
15S	36E	19									6.5	2.5											9.0

Total Acres: 185.0

**Conditions of Approval**

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 647.5 af at the field headgate for the place of use.
3. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. 88 shares in Samaria Water & Irrigation Company are appurtenant to the authorized place of use. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 15-7373

discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

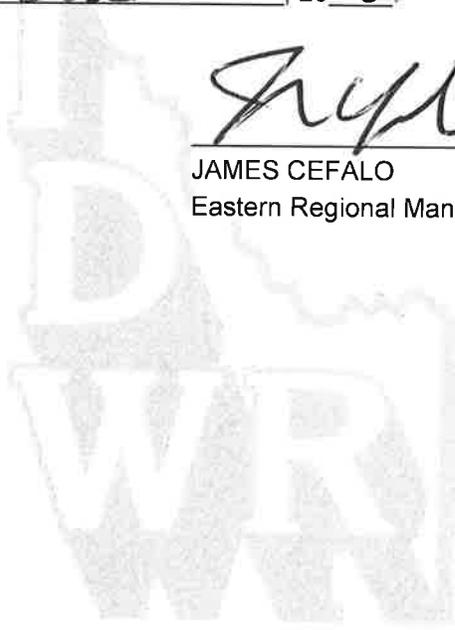
4. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

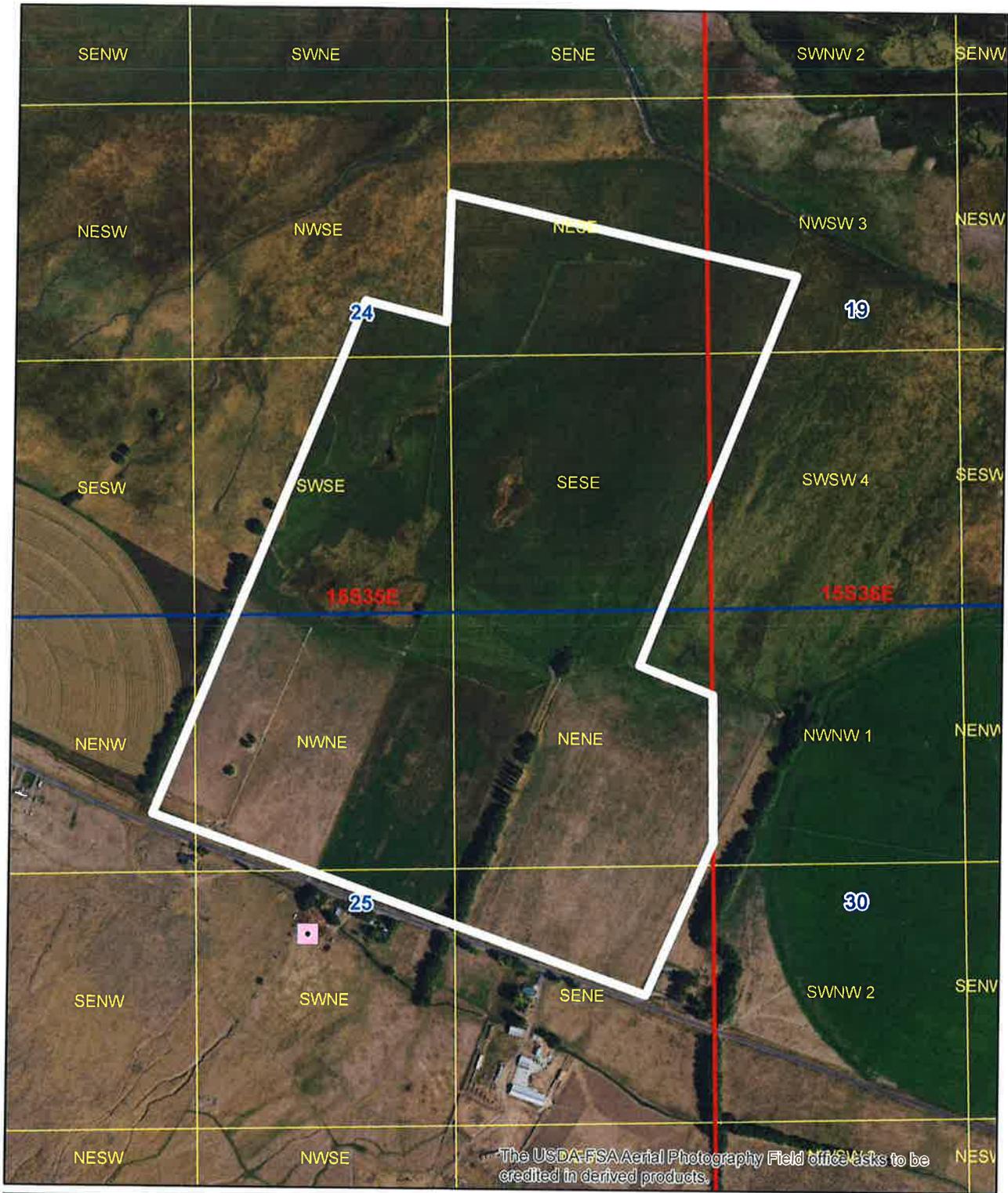
Signed this 20<sup>th</sup> day of October, 2020.



JAMES CEFALO  
Eastern Regional Manager



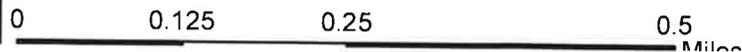
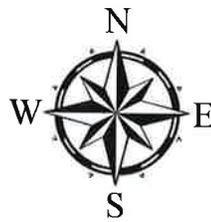
# 15-7373 Place of Use and Point of Diversion at Licensing



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

**Legend**

- Point of Diversion at Licensing
- Place of Use at Licensing
- Township/Range
- Sections
- QQ



Text

State of Idaho  
 Department of Water Resources  
**Application for Amendment**  
 (For Licensing Purposes)  
**Water Right No. 15-7373**

DIVED  
 07 2020  
 Department of Water Resources  
 Eastern Region

**Priority:** November 26, 2013

**Maximum Diversion Rate:** 2.51 CFS

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 15-7373

MARCENE L WILLIAMS 2643 W SAMARIA RD MALAD ID 83252 OR  
 THOMAS C WILLIAMS 2643 W SAMARIA RD MALAD ID 83252

requests the permit be changed as follows:

**Source :** GROUND WATER

<b><u>Beneficial Use</u></b>	<b><u>Period of Use</u></b>	<b><u>Rate of Diversion</u></b>
IRRIGATION	04/01 to 10/31	2.51 CFS

**Location of Point(s) of Diversion**

GROUND WATER SW¼ NE¼, Sec. 25, Twp 15S, Rge 35E, B.M. ONEIDA County

**Place of Use:** IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE							
15S	35E	24																	20.0	2.0	25.0	38.0		85.0	
15S	35E	25	37.0	37.0	2.5	13.0	1.5																		91.0
15S	36E	19									6.5	2.5												9.0	

Total Acres: 185.0

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed this 9<sup>th</sup> day of October, 2020.

  
 (Signature)

**State of Idaho**  
**Department of Water Resources**  
**Application for Amendment**  
 (For Licensing Purposes)  
**Water Right No. 15-7373**

RECEIVED  
 OCT 07 2020  
 Department of Water Resources  
 Eastern Regional Office

FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$100 Received by cut # E046341 Date 10/7/2020

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 15-7373 with the following:

**Conditions of Approval**

1. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 647.5 af at the field headgate for the place of use.
3. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
4. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 15<sup>th</sup> day of October, 2020.



\_\_\_\_\_  
 JAMES CEFALO  
 Eastern Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

October 20, 2020

THOMAS C WILLIAMS  
MARCENE L WILLIAMS  
2643 W SAMARIA RD  
MALAD ID 83252

RE: License No. 15-7373

**Issuance of License**

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov)

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo'.

James Cefalo  
Eastern Regional Manager

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2020, I served a true and correct copy of Water Right License No. 15-7373 by U.S. Mail, postage prepaid, to the following:

THOMAS C WILLIAMS  
MARCENE L WILLIAMS  
2643 W SAMARIA RD  
MALAD ID 83252



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Christina Henman  
Administrative Asst. I

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.