

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 36-16948

Priority: August 13, 2012

Maximum Diversion Rate: 4.22 CFS  
Maximum Diversion Volume: 1,563.4 AF

It is hereby certified that:

OLD CURRAN RANCH LLC  
PO BOX 3398  
HAILEY ID 83333

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 13, 2012, and has submitted Proof of Beneficial Use on May 15, 2014. An examination confirms water is diverted from:

Source : WASTE WATER

Tributary: BILLINGSLEY CREEK

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
WILDLIFE	01/01 to 12/31	4.22 CFS	1,519.5 AF
WILDLIFE STORAGE	01/01 to 12/31		43.9 AF
DIVERSION TO STORAGE	01/01 to 12/31	4.22 CFS	

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

WASTE WATER NE¼ NE¼ SE¼, Sec. 23, Twp 07S, Rge 13E, B.M. GOODING County

**Place of Use: WILDLIFE**

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		
07S	13E	23															X	X		

**Place of Use: WILDLIFE STORAGE**

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		
07S	13E	23															X	X		

**Conditions of Approval**

1. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
2. 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. 36A.
3. 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).

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4. This right authorizes the annual diversion of 43.9 acre feet for wildlife storage to be used for the initial filling of the pond and for the replacement of losses caused by evaporation from the pond which has an area of 7.5 acres. This right allows for 4.22 cfs for flow through in the pond for wildlife purposes. Right 36-16857 is also associated with this pond.
5. This right does not grant any right-of-way or easement across the land of another.
6. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
7. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

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 9<sup>th</sup> day of June, 20 20.

  
\_\_\_\_\_  
COREY SKINNER  
Southern Regional Manager






State of Idaho  
Department of Water Resources

# Attachment to Water Right License

36-16948

This map depicts the WILDLIFE & WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858  
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

June 9, 2020

OLD CURRAN RANCH LLC  
PO BOX 3398  
HAILEY ID 83333

RE: License No. 36-16948

**Issuance of License**

Dear Water Right Holder(s):

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) 736-3033.

Sincerely,

Corey Skinner  
Southern Regional Manager

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2020, I served a true and correct copy of Water Right License No. 36-16948 by U.S. Mail, postage prepaid, to the following:

OLD CURRAN RANCH LLC (Current Owner)  
PO BOX 3398  
HAILEY ID 83333

WATER DISTRICT #36A  
FRANK ERWIN (Watermaster)  
711 EAST AVE N  
HAGERMAN ID 83332



Denise Maline  
Administrative Assistant 1

## **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.

RECEIVED

MAY 02 2019

DEPT OF WATER RESOURCES  
SOUTHERN REGION

April 29, 2019

IDWR  
650 Addison Ave. W. Ste 500  
Twin Falls, ID 83301-5858

Attn: Kent Aasa

Re., Permit # 36-16948

Dear Kent:

Regarding your letter of April 25, 2016 concerning the referenced Permit, please be advised that we have the measuring device in fabrication right now and hope to have it installed and operational within approximately 2 weeks from now. Frank Erwin is aware of our work in progress, and can add further information to you if needed.

Our desire is to complete this application and license this permit.

Thank you,



Wayne Roth, President

Old Curran Ranch LLC  
Box 3398  
Hailey, ID 83333



April 25, 2019

WAYNE ROTH

PO BOX 2040

SUN VALLEY ID 83353

RE: Permit No. 36-16948

Dear Mr. Roth,

The Department of Water Resources (IDWR) is reviewing the above referenced permit so we can issue a license for the uses developed. In a review of the file, we notice that you have not complied with condition 01J of the permit:

“Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works”.

A review of the Proof of Beneficial Use that was submitted to IDWR indicate that condition 01J has not been satisfied. Subsequent telephone conversations I have had with you also validate the fact that a measuring device has not been installed as well as telephone conversations I have had with Mr. Frank Irwin the Watermaster of Water District 36A- Billingsley Creek. I recommend that one be installed immediately and prior to the field examination. Enclosed is a copy of the permit for your information.

IDWR will withhold further action on you permit for 30 days from the date of this letter in order to allow you time to respond. If IDWR does not receive a response from you within this time period, it will be assumed that you are not interested in pursuing a water right license, and action will be taken to void your permit. If you need additional time to respond, please contact me to discuss your options.

I you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,



Kent Aasa

Water Resource Agent Senior

April 25, 2019

OLD CURRAN RANCH

PO BOX 3398

HAILEY ID 83333

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Sincerely,



Kent Aasa

Water Resource Agent Senior