

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 36-15986

Priority: January 17, 2002

Maximum Diversion Rate: 4.00 CFS

It is hereby certified that:

DEAN T and EDEN C DIMOND
1454 STATE HIGHWAY 25
JEROME ID 83338-6714

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 17, 2002, and has submitted Proof of Beneficial Use on March 17, 2003. An examination confirms water is diverted from:

Source : WASTE WATER

Beneficial Use

IRRIGATION

Period of Use

03/15 to 11/15

Rate of Diversion

4.00 CFS

Location of Point(s) of Diversion

WASTE WATER NW¼ SE¼, Sec. 32, Twp 08S, Rge 19E, B.M. JEROME 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		
08S	19E	32	35.0	38.0	40.0	40.0	40.0	37.0	19.0	35.0	14.0				6.3	15.0				319.3
08S	19E	33							2.7											2.7

Total Acres: 322.0

Conditions of Approval

1. Use of water under this right is affected by an agreement between the right holder and the American Falls Reservoir District #2.
2. Rights 36-2460, 36-7614 and 36-15986 when combined are limited to a combined total annual diversion volume of 1288 acre feet and the irrigation of a total of 322 acres.
3. Use of water under this right 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. 130.
4. Upon specific notification, 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).
5. 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.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 36-15986

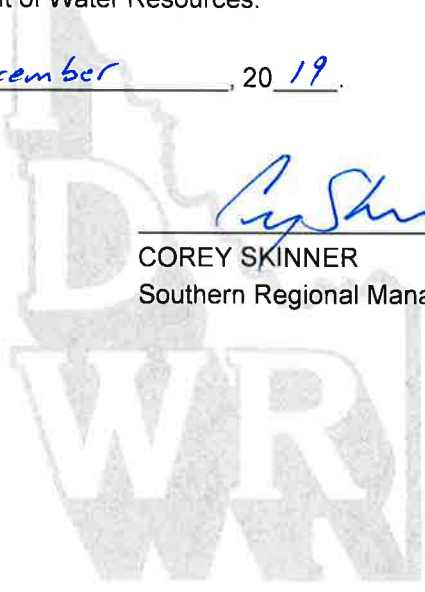
6. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
7. Administration of 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 11th day of December, 2019.



COREY SKINNER
Southern Regional Manager

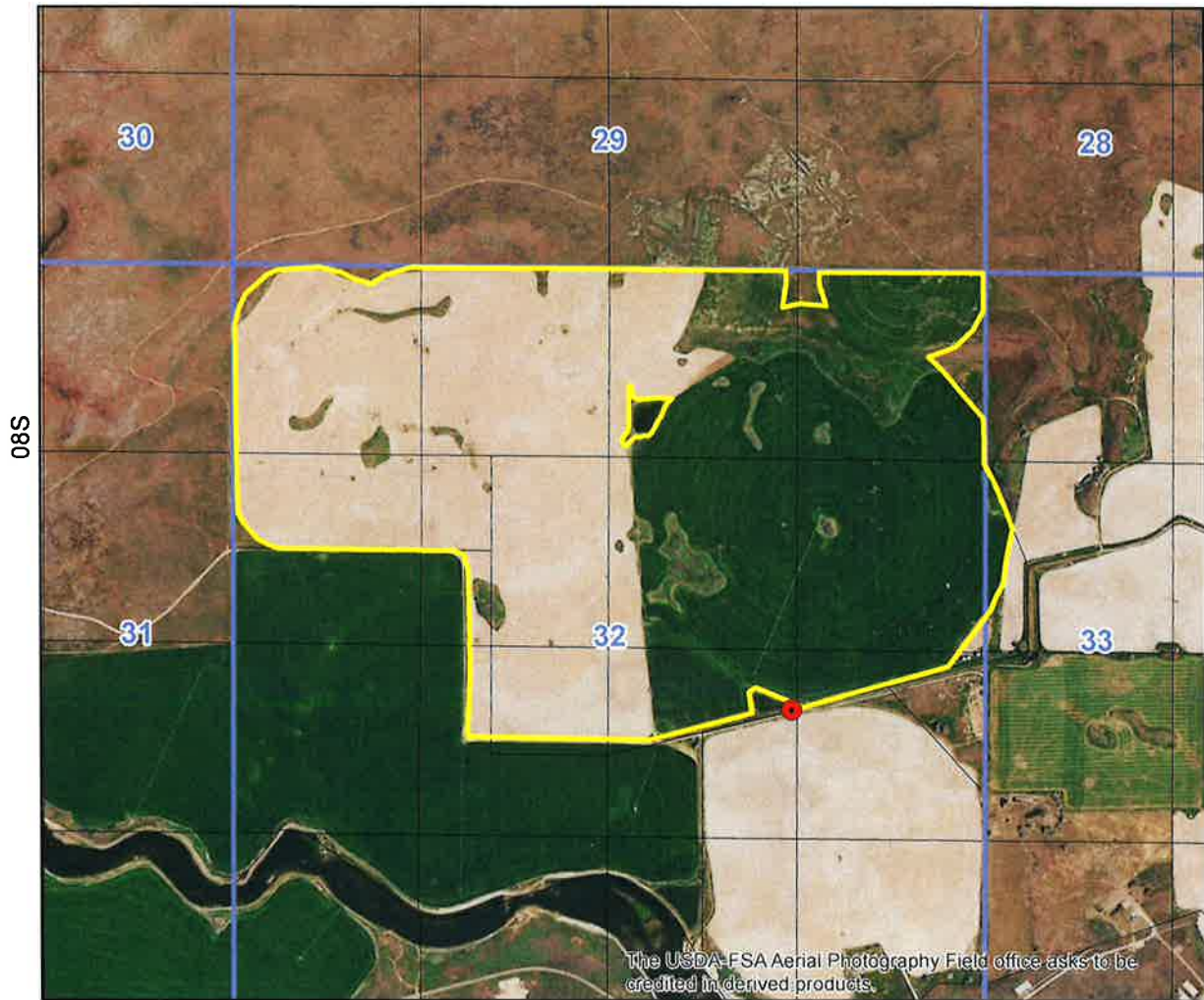


State of Idaho
Department of Water Resources

Attachment to Water Right License 36-15986

This map depicts the IRRIGATION 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.

19E



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

0 0.15 0.3 0.6 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

Brad Little
Governor

Gary Spackman
Director

December 20, 2019

DEAN T DIMOND
EDEN C DIMOND
1454 STATE HIGHWAY 25
JEROME ID 83338-6714

RE: License No. 36-15986

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 water master in a water district. Also enclosed is a copy of the approved application for amendment.

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

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 December 20, 2019, I served a true and correct copy of Water Right License No. 36-15986 by U.S. Mail, postage prepaid, to the following:

DEAN T DIMOND (Current Owner)
EDEN C DIMOND (Current Owner)
1454 STATE HIGHWAY 25
JEROME ID 83338-6714

WATER DISTRICT #130
NATHAN ERICKSON (Watermaster)
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301



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.

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 36-15986

RECEIVED

SEP 30 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION**Priority:** January 17, 2002**Maximum Diversion Rate:** 4.00 CFS

The owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 36-15986

DEAN T DIMOND AND EDEN C DIMOND
1454 STATE HIGHWAY 25
JEROME ID 83338-6714

requests the permit be changed as follows:

Source : WASTE WATER**Beneficial Use**

IRRIGATION

Period of Use

03/15 to 11/15

Rate of Diversion

4.00 CFS

Location of Point(s) of Diversion

WASTE WATER NW¼ SE¼, Sec. 32, Twp 08S, Rge 19E, B.M. JEROME 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		
08S	19E	32	35.0	38.0	40.0	40.0	40.0	37.0	19.0	35.0	14.0				6.3	15.0				319.3
08S	19E	33						2.7												2.7

Total Acres: 322.0

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 25 day of September, 20 19.

Dean Dimond
(Signature)

Eden Dimond
(Signature)

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 36-15986

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by S.G. # 5037561 Date 9/30/2019

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 36-15986 with the following:

Conditions of Approval

1. Use of water under this right is affected by an agreement between the ^{right holder AS.} applicant and the American Falls Reservoir District #2.
2. Use of water under this right 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. 130.
3. ^{AS. After specific notification →} 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).
4. Rights 36-2460, 36-7614 and 36-15986 when combined are limited to a combined total annual diversion volume of 1288 acre feet and the irrigation of a total of 322 acres.
5. 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.
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 amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 11th day of December, 2019.



COREY SKINNER
Southern Regional Manager

WARRANTY DEED

983179

For Value Received

MAX L. AUKER and WENDY A. AUKER, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DEAN T. DIMOND and EDEN C. DIMOND, husband and wife
 Address: 1454 HWY 25, JEROME, ID 83338

Hereinafter called the Grantee, the following described premises situated in Jerome County, Idaho, to-wit:

See attached Exhibit "A"

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1998 and subsequent years.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Interim and Recordable Contract, dated May 14, 1949, recorded May 25, 1949 in Book 143 Page 54 as Instrument Number 106061, Jerome County records.

Power Line Easement dated July 30, 1949, recorded June 10, 1950 in Book 142 Page 210 as Instrument Number 109540, Jerome County records.

Power Line Easement, dated February 2, 1965, recorded May 4, 1965 in Book 168 Page 486 as Instrument Number 163625, Jerome County records.

Power Line Easement dated April 24, 1968, recorded December 3, 1968 in Book 184 Page 216 as Instrument Number 178882, Jerome County records.

Power Line Easement, dated May 20, 1974, recorded November 22, 1974 in Book 184 Page 975 as Instrument Number 208823, Jerome County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: May 15, 1998

Max L. Auker
 MAX L. AUKER

Wendy A. Auker
 WENDY A. AUKER

STATE OF IDAHO)
) ss.
 COUNTY OF Jerome)

MICROFILMED

JUN 11 2002

On this 15th day of May, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MAX L. AUKER and WENDY A. AUKER, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Terri McBride
 Notary Public
 Residing at:

RECEIVED

MAY 19 1998

Department of Water Resources
Bozeman, Montana

227
EXHIBIT "A"

PARCEL NO. 1

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32 and 33: Tract "G", EXCEPTING THEREFROM that portion lying South of L.
21.

PARCEL NO. 2

TOWNSHIP 8 SOUTH, RANGE 19, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 32: Lots 1 and 2; N½N½.

Subject to:

Existing easements for road, highway, ditches, canals, laterals and power and transmission lines, as shown in document dated August 7, 1980, recorded August 7, 1980 as Instrument Number 251624, Jerome County records.

Power Line Easement dated March 24, 1983, recorded July 8, 1983 as Instrument Number 274653, Jerome County records.

Right of Way Option dated December 14, 1988, recorded January 4, 1989 as Instrument Number 314172, Jerome County records.

Right of Way Easement dated December 5, 1990, recorded December 6, 1990 as Instrument Number 323414, Jerome County records.

Mortgages in favor of the United States of America acting through the Farmers Home Administration which the Grantees by acceptance of this Deed assume and agree to pay the balance thereof.

REGISTERED

MAY 19 1998

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION