

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 47-7170

Priority: February 28, 1973

Maximum Diversion Rate: 3.41 CFS

Maximum Diversion Volume: 800.0 AF

It is hereby certified that:

ED YRAGUI
PO BOX 975
TWIN FALLS ID 83303-0975

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 22, 1972, and has submitted Proof of Beneficial Use on October 23, 1992. An examination confirms water is diverted from:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.41 CFS	800.0 AF

Location of Point(s) of Diversion

GROUND WATER SW¼ SE¼, Sec. 23, Twp 14S, Rge 15E, B.M. TWIN FALLS 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		
14S	15E	23	34.0	34.0	32.0	33.0									33.0	32.0	2.0			200.0

Total Acres: 200.0

Conditions of Approval

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 47-7170 and 47-17686 when combined shall not exceed a total diversion rate of 3.41 cfs.
3. 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.
4. This right is for the use of trust water, and it is subject to review 20 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.
5. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 47-7170

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 19th day of February, 2019.

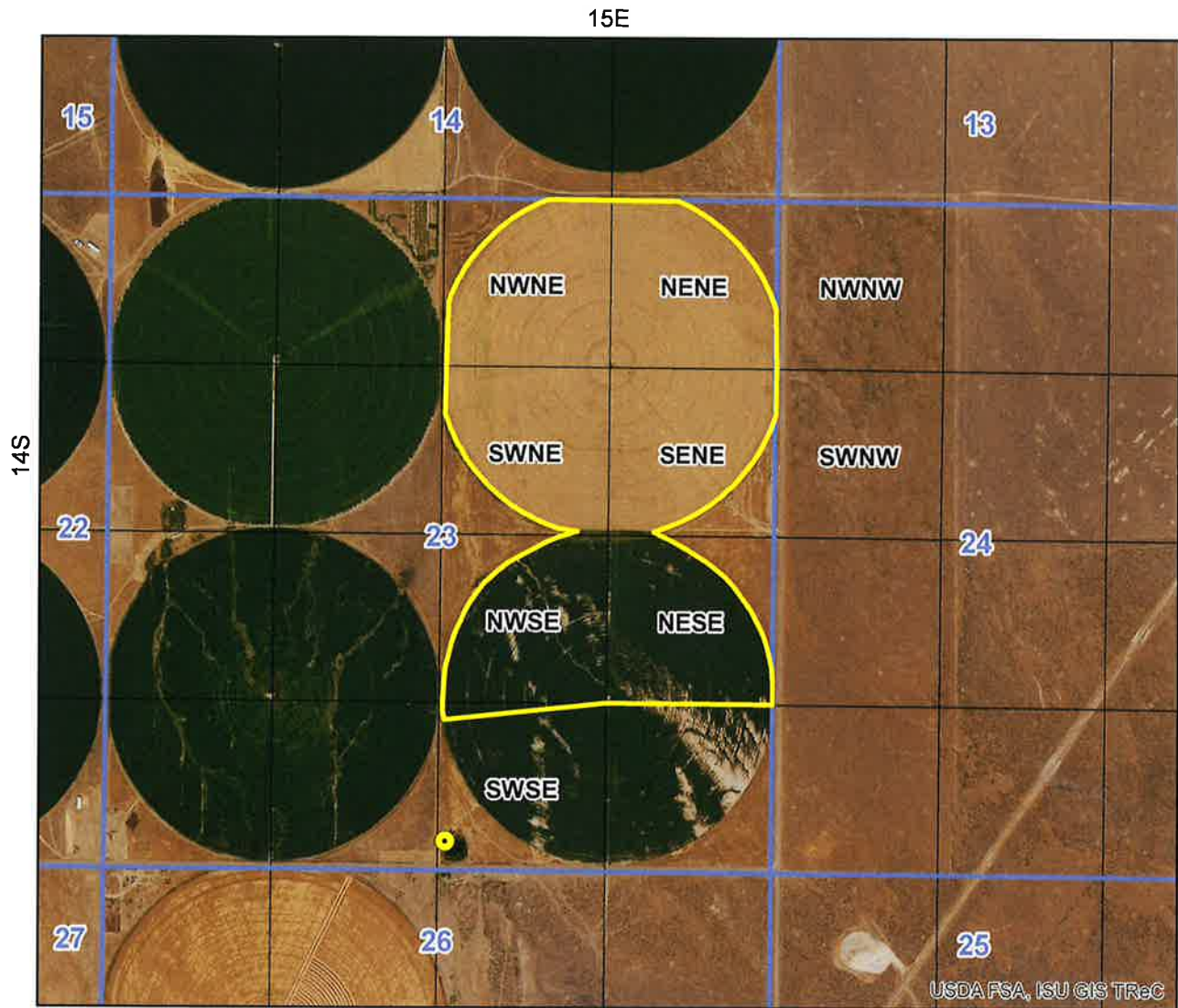


COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources
Attachment to Water Right License
47-7170

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.



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

0 0.175 0.35 0.7 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

February 21, 2019

ED YRAGUI
PO BOX 975
TWIN FALLS ID 83303-0975

RE: License Nos. 47-7169, 47-7170, 47-17686

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review all the conditions of approval listed on your licenses. 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. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). They can and will become final orders 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 February 21, 2019, I served a true and correct copy of Water Right License Nos. 47-7169, 47-7170, 47-17686 by U.S. Mail, postage prepaid, to the following:

ED YRAGUI (Current Owner)
PO BOX 975
TWIN FALLS ID 83303-0975



Allison Inouye
Water Resource Agent, Senior

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. 47-07170

RECEIVED

FEB 05 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION

PRIORITY: February 28, 1973

Maximum Diversion Rate: 3.41 CFS
Maximum Diversion Volume: 800.0 AF

Comes now

ED YRAGUI PO BOX 975 TWIN FALLS ID 83303-0975

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 47-07170, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

TRIBUTARY:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/01 to 10/31

DIVERSION RATE
3.41 CFS

ANNUAL DIVERSION VOLUME
800.0 AF

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, Twp 14S, Rge 15E, B.M. TWIN FALLS County**PLACE OF USE:** IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	15E	23	34.0	34.0	32.0	33.0									33.0	32.0	2.0		200.0

Total Acres: 200

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 30 day of January, 2019.



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-07170

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Receipted by AI # SD37147 Date 2/5/19

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 47-07170 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 47-7170 and 47-17686 when combined shall not exceed a total diversion rate of 3.41 cfs.
3. 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.
4. This right is for the use of trust water, and it is subject to review 20 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.
5. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.

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

Signed this 19th day of February, 2019.



COREY SKINNER
Southern Regional Manager

STEPHAN, KVANVIG, STONE & TRAINOR

ATTORNEYS AT LAW

RUSSELL G. KVANVIG
LAIRD B. STONE
JEREMY C. VAUGHN - ASSOCIATE
L. CLYEL BERRY - OF COUNSEL

102 MAIN AVENUE SOUTH, STE #3
POST OFFICE BOX 83
TWIN FALLS, IDAHO 83303-0083

FRANK L. STEPHAN 1886-1952
DANIEL A. SLAVIN 1938-1987
ROBERT W. STEPHAN 1917-2003
KEVIN F. TRAINOR - RETIRED

TELEPHONE 208-733-2721

E-MAIL sks&t@idaho-law.com
FACSIMILE 208-733-3619

Over 100 Years of Legal Services to the Magic Valley

February 5, 2019

RECEIVED

FEB 05 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION

HAND DELIVERED

Bill Mills
Sr. Water Resource Agent
IDWR Southern Region
650 Addison Ave. W, Suite 500
Twin Falls, ID. 83301

Re: Ed Yragui Water Right Permit No. 47-17686

Dear Bill:

Please find enclosed the following:

1. Application for Amendment for Water Right No. 47-07169 signed by Michelle M. Fletcher as Trustee of the Ed Yragui's Trust;
2. Application for Amendment for Water Right No. 47-07686 signed by Michelle M. Fletcher as Trustee of the Ed Yragui's Trust;
3. Application for Amendment for Water Right No. 47-07170 signed by Michelle M. Fletcher as Trustee of the Ed Yragui's Trust;
4. A copy of Michelle M. Fletcher's Letters of Trusteeship issued by the Court acknowledging her as the trustee of the trust; and
5. Our check in the amount of \$300.00 to process these applications

In prior correspondence you wanted Michelle M. Fletcher's contact information. Her contact information is as follows:

Michelle M. Fletcher
3271 N. 3000 E.
Twin Falls, ID. 83301
Phone No. 208-308-5684

Bill Mills
Sr. Water Resource Agent
February 5, 2019
Page 2

If you need any additional information to process these applications, please let me know. As you know the land related to these applications are owned two-thirds by Ed Yragui's trust and one-third by Nick Yragui's trust. I believe you have had contact with the trustees of Nick's trust.

Sincerely yours,

STEPHAN, KVANVIG, STONE & TRAINOR


Russell G. Kvanvig

RGK:mj
Enclosures
cc: Michelle M. Fletcher w/encls.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 23, 2019

Ed Yragui
PO BOX 975
TWIN FALLS ID 83303-0975

RE: Water Right Permit No. 47-17686

Dear Permit Holder:

The Department of Water Resources is reviewing the permits referenced above prior to issuing water right licenses. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permits have been developed differently than described on your permits. Changes that do not increase the authorized use of water under the permits can be requested and approved in accordance with Section 42-211, Idaho Code. Before licenses can be issued, your permits must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☒ **Points of Diversion** (47-7170; 47-17686)

☒ **Places of Use** (47-7169; 47-17686)

☐ **Other**

The enclosed Application for Amendment forms depicts the elements of the water rights as they will appear on the licenses when issued. Please review the amendment forms carefully. If you concur with the information presented, please sign and return the forms with the \$300.00 filing fee (three license amendments at \$100.00 each) within 14 days.

If you have any questions, please call me at (208) 733-3033.

Sincerely,

Bill Mills
Sr Water Resource Agent
IDWR Southern Region

Enclosures: Applications for Amendment

Skinner, Corey

From: Skinner, Corey
Sent: Tuesday, January 15, 2019 2:06 PM
To: 'Russ Kvanvig'
Cc: 'karenprovince@gmail.com'
Subject: RE: Contact info

Russ,

Thanks for the update. Bill and I will start heading down this path. It might take a couple of weeks before we can get the licensing amendments prepared. Last week I had the opportunity to visit with Karen Province about this matter. I believe she is associated with the "other 1/3" of the ownership of the lands. I am copying her on this e-mail also.

Corey

From: Russ Kvanvig [mailto:Rkvanvig@idaho-law.com]
Sent: Monday, January 14, 2019 3:54 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Contact info

Hi Corey,

We have discussed these options with Craig. Michelle wants to go with option 3. If I understand this it will add more irrigated acres to the picture. Michelle Fletcher is the trustee of Ed Yragui's trust that owns an undivided 2/3 of these parcels. Please prepare the documents to proceed from the permit process to the water right process. Thank you for your attention to this matter.

Russ

>>> "Skinner, Corey" <Corey.Skinner@idwr.idaho.gov> 1/9/2019 11:44 AM >>>

Craig,

Here are the facts that IDWR has gathered...

- Permit 47-7169 for 4.0 crfs and 200 acres in Section in Section 26
- Permit 47-7170 for 4.0 cfs and 200 acres in Section 23.
- The well for 47-7169 was measured at 4.45 cfs
- The well for 47-7170 was measured at 3.41 cfs.
- The Yragui family developed two pivots in Section 26 and two pivots in Section 23. However, they only own a portion of the land where the two pivots were developed in Section 26. They do own all of the land where the two pivots were developed in Section 23.

We discussed possible options....

- License 47-7169 for 4.0 cfs and roughly 170 acres + or - in Section 26 on Yragui property in Section 26.
- License 47-7170 for 3.41 cfs for 200 acres in Section 23.

Or

- License 47-7169 for 4.0 cfs for 200 acres in a roughly 280 acre permissible place of use in Section 26 (note that this would place some of the license on property not owned by the Yragui family potentially decreasing their portion of the resulting license).
- License 47-7170 for 3.41 cfs for 200 acres in a roughly 280 acre permissible place of use in Section 23.

Or

Moving approximately 30 acres (200 – 170) of the 47-7169 acres from Section 26 to Section 23 via a licensing amendment resulting in the following...

- License a portion of 47-7169 for approximately 3.4 cfs and roughly 170 acres + or - in Section 26 on Yragui property in Section 26. (this would be from the well in Section 26)
- Licenses a portion of 47-7169 for approximately 30 acres in Section 23 (from the well in Section 23) plus licensing 47-7170 for 3.41 cfs for 200 acres in Section 23. This would result in a total of 3.41 cfs (Section 23 well capacity) for an approximate total of 230 acres in Section 23.

Note all of the options above would require a \$100.00 licensing amendment for each license to correct well locations and possibly adjust acre locations. (First option \$200.00 total, second option \$200.00 total, third option \$300.00 total). These licensing amendments would have to be signed by a representative of the Ed Yragui properties.

Let me know if you want to discuss further,

Corey

From: craig@lemoynerealty.com [mailto:craig@lemoynerealty.com]

Sent: Wednesday, January 09, 2019 12:00 PM

To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>

Subject: Contact info

Russ Kvanvig, attorney for the Estate of Edward Yragui

208-733-2721

rkvanvig@idaho-law.com

Sincerely,

Craig Moore

Lemoine Realty & Appraisals, Inc.

1346 Fillmore Street
Twin Falls, Idaho 83303-5225

Phone: (208) 731-7283

E-mail: craig@lemoynerealty.com