

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 2-10565

Priority: July 18, 2018

Maximum Diversion Rate: 0.15 CFS

This is to certify, that LARRY A STEINER
10658 HWY 78
MELBA ID 83641

has applied for a permit to appropriate water from:

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

RATE OF DIVERSION

0.15 CFS

LOCATION OF POINT OF DIVERSION:

SNAKE RIVER L1 (SW¼SE¼) Sec. 8, Twp 01N, Rge 03W, B.M., OWYHEE 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	
01N 03W 8									1.2						3.8		5.0
									L 1						L 1		

Total Acres: 5.0

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2023**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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.
5. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 26th day of NOVEMBER, 2018.



Angela M. Grimm
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

2-10565

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.

03W



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

0 0.0425 0.085 0.17 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

November 26, 2018

LARRY A STEINER
10658 HWY 78
MELBA ID 83641

RE: Permit No. 2-10565

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued 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.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

Anna Kaiser
Anna Kaiser for

Nick Miller
Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2018, I served a true and correct copy of Permit to Appropriate Water No. 2-10565 by U.S. Mail, postage prepaid, to the following:

LARRY A STEINER (Current Owner)
10658 HWY 78
MELBA ID 83641

A handwritten signature in cursive script, reading "Anna Kaiser", written in black ink.

Anna Kaiser
Office Specialist II

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.

MEMORANDUM

Date: November 21, 2018
To: Water Right File 2-10565
From: abradbury
Re: Comment/Analysis

In a phone conversation with Larry Steiner, he described that he is in a ditch with five other neighbors. However, he is on the end of the ditch and has trouble getting enough water to grow a crop of alfalfa. Mr. Steiner alleged that this is due to a lack of maintenance to the ditch by upstream neighbors. He desires additional water from the Snake River to insure he has enough to grow his alfalfa crop.

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

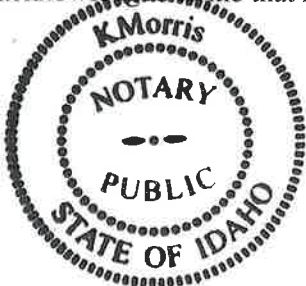
SEPTEMBER 5 & 12, 2018

SIGNED: 

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 12th day of September in the year of 2018 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.





Notary Public of Idaho

Residing at WILDER, IDAHO

My commission expires: August 18, 2023

THE FOLLOWING
APPLICATIONS HAVE
BEEN FILED TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO

2-10565 LARRY A STEINER
10658 HWY 78 MELBA, ID 83641
Point of Diversion L1(SWSE)
S8 T01N R03W OWYHEE
County Source SNAKE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION 03/01 to
11/15 0.15 CFS Total Diversion:
0.15 CFS Date Filed: 7/18/2018
Place of Use: IRRIGATION
T01N R03W S8 L1(SWSE)
L1(SWSE) Total Acres: 5

55-13935 BOB WROTEN
30314 JUNIPER MTN RD
JORDAN VALLEY, OR 97910
Points of Diversion L1(NENE)

L3(NESE) S10 T07S R06W
OWYHEE County Source
GROUND WATER Use:
IRRIGATION 04/01 to 10/31
4.62 CFS Use: STOCKWATER
01/01 to 12/31 0.19 CFS Total
Diversion: 4.81 CFS Date
Filed: 3/30/2017 Place of Use:
IRRIGATION T07S R06W S3
L3(NESE) L4(SESE) T07S
R06WS10 L1(NENE) L2(SENE)
L3(NESE) T07S R06W S11
NW(ALL) NESW NWSW Place
of Use: STOCKWATER T07S
R06W S2 SW(ALL) T07S R06W
S3 L3(NESE) L4(SESE) T07S
R06WS10 L1(NENE) L2(SENE)
L3(NESE) T07S R06W S11
NWNE SWNE NW(ALL)
SW(ALL) NWSE SWSE Total
Acres: 231

RECEIVED

SEP 18 2018

WATER RESOURCES
WESTERN REGION

✓ok
RN
9/25/18

✓ok
RN
9/25/18

57-11986 WOLFE
PROPERTIES LLC PO BOX
398 GRANDVIEW, ID 83624
Point of Diversion SESW S25
T05S R03E OWYHEE County
Source UNNAMED DRAIN
Tributary SHOOFLY CREEK
Use: IRRIGATION 03/01 to
11/15 2.23 CFS Total Diversion:
2.23 CFS Date Filed: 6/26/2018
Place of Use: IRRIGATION
T05S R03E S25 NWNW SWNW
SE(ALL) NWSE

✓ OK RN 9/25/18

T05S R03E S26 NE(ALL)
SE(ALL) T05S R03E S35 NENE
NWNE T05S R03E S36 NWNW
Total Acres: 431

Permits will be subject to all
prior water rights. For additional
information concerning the
property location, contact Western
Region office at (208) 334-2190;
or for a full description of the
right(s), please see [www.idwr.
idaho.gov](http://www.idwr.idaho.gov). Protests may be
submitted based on the criteria
of Idaho Code § 42-203A. Any
protest against the approval of
the application(s) must be filed
with the Director, Dept. of Water
Resources, Western Region, 2735
Airport Way, Boise ID 83705
together with a protest fee of
\$25.00 for each application on or
before 9/24/2018. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN,
Director
9/5,12/2018

