

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 61-07664

PRIORITY: May 01, 1991

Maximum Diversion Rate: 0.18 CFS

It is hereby certified that:

MILDRED M NORSTEBON 1458 MAYFIELD RD MOUNTAIN HOME ID 83647

STANLEY G NORSTEBON 14158 NE MEMORY LN MOUNTAIN HOME ID 83647

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 01, 1991, and has submitted Proof of Beneficial Use on November 06, 1991. An examination confirms water is diverted from:

**SOURCE:**  
MUD SPRINGS CREEK

**TRIBUTARY:**  
SQUAW CREEK

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| STOCKWATER            | 01/01 to 12/31       | 0.02 CFS              |
| IRRIGATION            | 03/15 to 11/15       | 0.16 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**MUD SPRINGS CREEK L6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) Sec. 6, Twp 02S, Rge 06E, B.M. ELMORE County**PLACE OF USE:** STOCKWATER

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |     |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW  | SW | SE | NE | NW | SW | SE |        |
| 02S | 06E | 6   |    |    |    |    |    |    |    |    |    | X   |    |    |    |    |    |    |        |
| 02S | 06E | 7   | X  |    |    |    |    |    |    |    |    | L 6 |    |    |    |    |    |    |        |

**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 |        |
| 02S | 06E | 6   |    |    |    |    |    |    |    |    | 8.0 |    |    |    |    |    |    |    | 8.0    |

Total Acres: 8

**CONDITIONS OF APPROVAL**

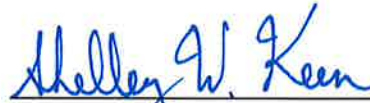
1. Rights 61-7435 and 61-7664 when combined shall not exceed a total diversion rate of 0.16 cfs, a total annual maximum diversion volume of 32.0 af at the field headgate, and the irrigation of 8 acres.
2. This right is for the use of trust water, and it is subject to review 20 years after its initial 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.

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3. 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.
4. 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 license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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.

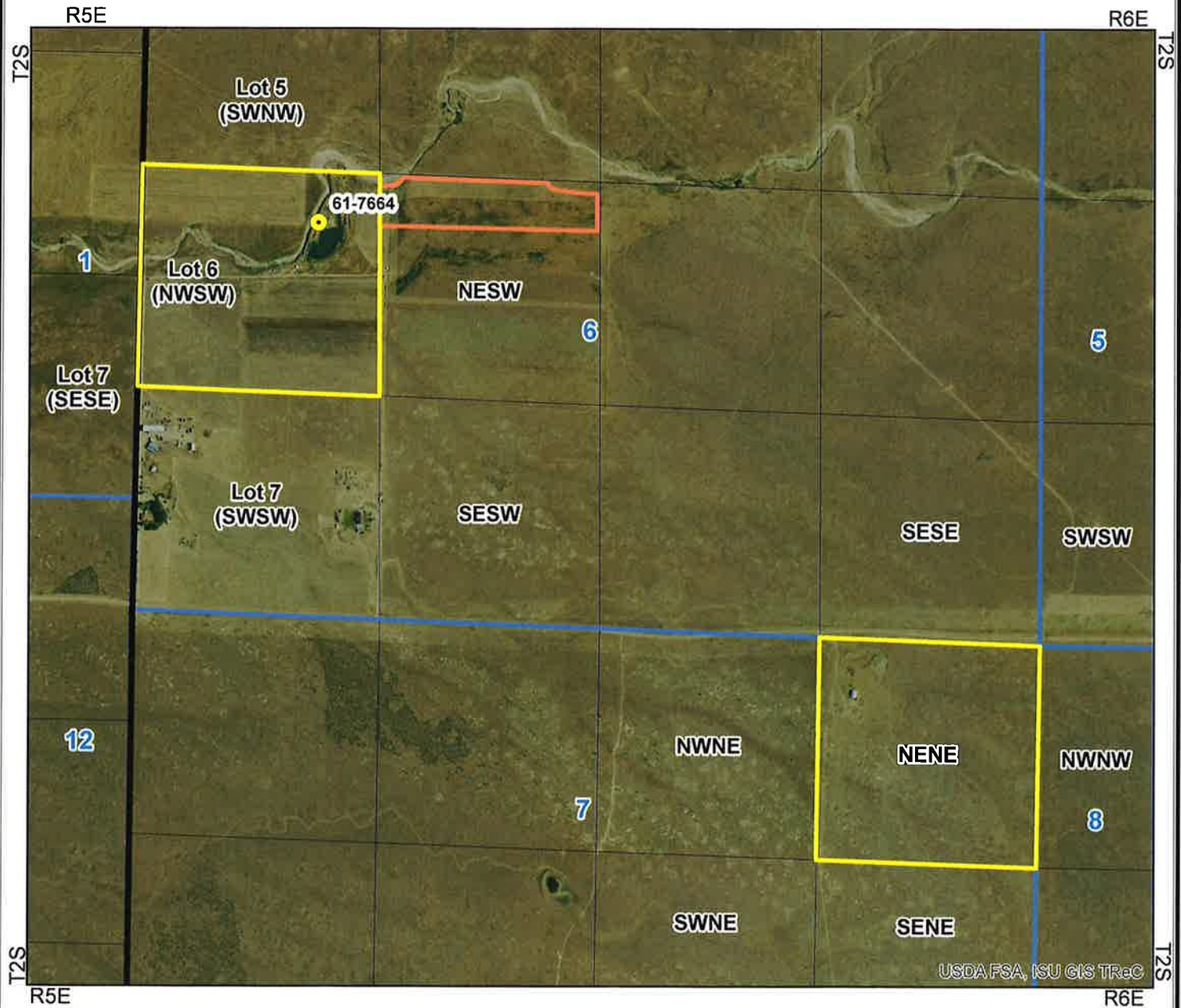
Signed this 5<sup>th</sup> day of June, 2018.

A handwritten signature in blue ink, reading "Shelley W. Keen", is written over a horizontal line.

SHELLEY W. KEEN  
Water Rights Section Manager

State of Idaho  
Department of Water Resources  
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61-7664

This map depicts the IRRIGATION and STOCKWATER places of use boundary and points of diversion for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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



0 0.25 0.5 Miles



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "Butch" Otter  
Governor

Gary Spackman  
Director

June 06, 2018

MILDRED M NORSTEBON  
STANLEY G NORSTEBON  
14158 NE MEMORY LN  
MOUNTAIN HOME ID 83647

RE: License No. 61-7664

### 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) 287-4951.

Sincerely,

A handwritten signature in blue ink that reads "Pamela S Skaggs".

Pamela S Skaggs  
Water Rights Supervisor

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on June 07, 2018, I served a true and correct copy of Water Right License No. 61-7664 by U.S. Mail, postage prepaid, to the following:

MILDRED M NORSTEBON (Current Owner)  
1458 MAYFIELD RD  
MOUNTAIN HOME ID 83647

STANLEY G NORSTEBON (Current Owner)  
14158 NE MEMORY LN  
MOUNTAIN HOME ID 83647

WATER DISTRICT #161  
NICK MILLER (Watermaster)  
2735 AIRPORT WAY  
BOISE ID 83705-5082



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Darla Block  
Technical Records Specialist 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.

TO: Water Rights File 61-7664  
FROM: Sandra Thiel  
DATE: May 31, 2018  
SUBJECT: Water Right License

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The Norstebons also hold ground water right 61-7435 (priority date 1981) for irrigation of the same permitted eight acres. According to application for permit 61-7664, they intend to use the Mud Springs Creek water when it is available and store spring high flows in a pond. The license for 61-7664 should include overlap conditions for irrigation.

Existing ground water right 61-7663 held by the Norstebons covers the stock water place of use. In December 2004, Mr. Doyle submitted application for permit 61-12062. This permit includes irrigation and storage beneficial uses and overlaps both 61-7663 and 61-7664. On the application for permit, Mr. Doyle notes that his permit shares a point of diversion from the creek with permit 61-7664. It is worth noting that the pond is visible on imagery as early as 1987. In 2015 Harold Doyle filed a *Request for Extension of Time* for permit 61-12062. The Department granted the request extending the proof due date until August 1, 2021.