

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 2-10546

Priority: November 29, 2017

Maximum Diversion Rate: 0.04 CFS

This is to certify, that MATTHEW K MC DONAGH
4356 N ARROW CREST WAY
BOISE ID 83703

And

LAURA L MC DONAGH
4356 N ARROW CREST WAY
BOISE ID 83703

have 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

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER

L3 (NW1/4NW1/4)

Sec. 4, Twp 09S, Rge 14E, B.M.

TWIN FALLS County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 14E 4						X											
						L 3											

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2023**.
2. Subject to all prior water rights.
3. Domestic use is for external use for 1 home.
4. Until a home is constructed on the property the use is limited to no more than 2,500 gallons per day.
5. Once a home is established on the property the domestic use authorized under this right when combined with any other domestic right associated with the property shall not exceed 13,000 gallons per day nor irrigation of more than 1/2 acre.
6. 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. 02.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

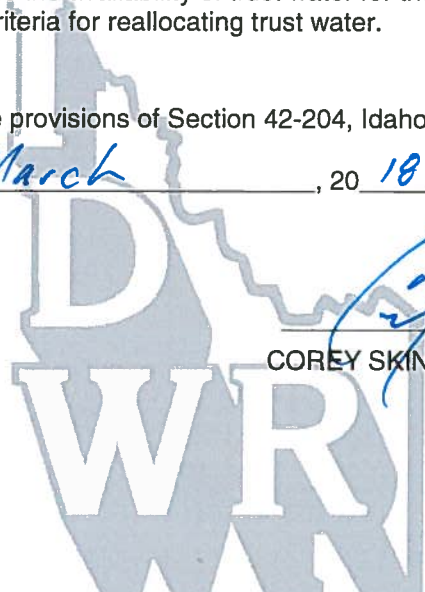
NO. 2-10546

7. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
8. 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.
9. Place of use is located within Lot 1, Blk. 1; Oregon Trail Subdivision.
10. 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.

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

Signed this 9th day of March, 20 18.


COREY SKINNER, Southern Region Manager



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

2-10546

This map depicts the DOMESTIC 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

0 0.035 0.07 0.14 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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 14, 2018

MATTHEW K MC DONAGH
LAURA L MC DONAGH
4356 N ARROW CREST WAY
BOISE ID 83703

RE: Permit No. 2-10546

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

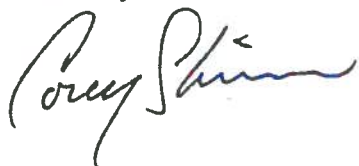
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure(s)

cc: J U B ENGINEERS INC
ROB WHITNEY, WATER MASTER

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 2-10546

**MATTHEW K MC DONAGH
LAURA L MC DONAGH
4356 N ARROW CREST WAY
BOISE ID 83703**

**J U B ENGINEERS INC
HATTIE ZOBOTT
115 NORTHSTAR AVE
TWIN FALLS ID 83301**

**ROB WHITNEY, WATER MASTER
WATER DISTRICT 02
PO BOX 83720
BOISE ID 83720-0098**

via e-mail



**Denise Maline
Administrative Assistant**

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.

Skinner, Corey

From: Jessica Witt <jlw@idahowaters.com>
Sent: Tuesday, February 06, 2018 2:07 PM
To: Skinner, Corey; hzobott@jub.com
Cc: John Simpson
Subject: Application for Permit No. 2-10546, Matt and Laura McDonagh
Attachments: 20180206 JKS ltr to IDWR re informal comments_02-10546.doc.pdf

Dear Mr. Skinner and Ms. Zobott,

Please find attached correspondence from our office regarding the above referenced application for permit. A hard copy will be sent to Matt and Laura. Please reply to confirm receipt.

Sincerely,
Jessica

Jessica L. Witt
Legal Assistant to John K. Simpson
Barker Rosholt & Simpson LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, Idaho 83701-2139
Phone: 208.336.0700
Fax: 208.344.6034
www.idahowaters.com

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
SCOTT A. MAGNUSON



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

163 Second Avenue West
Post Office Box 63
Twin Falls, ID 83301-0063
(208) 733-0700 telephone
(208) 735-2444 facsimile

John K. Simpson
jks@idahowaters.com

February 6, 2018

VIA E-MAIL ONLY

Mr. Corey Skinner
Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

Re: Application for Permit No. 2-10546, Matt and Laura McDonagh

Dear Mr. Skinner,

On behalf of Idaho Power Company, please find the following comments concerning the above referenced application for permit.

Idaho Power Company continues to review new applications for water rights in the vicinity to Swan Falls dam to ensure that such applications which propose to divert water tributary to the Snake River above Swan Falls are appropriately recognized and reviewed in accordance with the 1984 Swan Falls Settlement. The proposed application proposes to divert water from the Snake River above Swan Falls dam. Idaho Power believes that it continues to be the State's responsibility to manage water use to ensure that the terms of the Settlement are recognized and that new appropriations do not impair the existing uses inside the trustwater area.

While Idaho Power does not formally protest application no. 2-10546, the Director should condition the application to require the right holder to provide mitigation necessary to offset the use of water pursuant to this permit, if needed, to ensure flows do not violate the terms of the Settlement. Idaho Power has consistently provided IDWR with proposed Trustwater language for inclusion into any approved permit and would offer the following language for inclusion by IDWR:

This right is for the use of trust water which is identified and defined in the 1984 Swan Falls Agreement and subsequent Settlement. The right shall be 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. Further, the right holder shall cease diverting if such diversions would impact the established minimum stream flows of 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31 at the Murphy gage.

Idaho Department of Water Resources
February 6, 2018
Page 2

Thank you for your consideration on this matter. Please contact me if you have any questions.

Very truly yours,
BARKER ROSHOLT & SIMPSON LLP



John K. Simpson

JKS/jlw

cc: Hattie Zobott (via email)
Matt and Laura McDonagh (via U.S. mail)

Inouye, Allison

From: Hattie Zobott <hzobott@jub.com>
Sent: Wednesday, February 28, 2018 10:31 AM
To: Inouye, Allison
Subject: Re: McDonagh App for Permit 02-10546

Today. I just received it.

Sent from my iPhone

On Feb 28, 2018, at 10:17 AM, Inouye, Allison <Allison.Inouye@idwr.idaho.gov> wrote:

Hi Hattie,

I wanted to follow up because I have not yet received the original signature page for this App for Permit. As a reminder, we can't continue processing it until we receive that.

Please let me know when you expect to be able to submit it.

Best,
Allison

From: Hattie Zobott [<mailto:hzobott@jub.com>]
Sent: Tuesday, February 13, 2018 1:23 PM
To: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>
Subject: RE: McDonagh App for Permit 02-10546

Thank you Allison~!

I was so worried about the advertising I forgot to get the signatures. I will get those by next week.

Thanks,

Hattie Zobott, P.E.
Project Engineer
Water/Wastewater

J-U-B ENGINEERS, Inc.
115 Northstar Ave. Twin Falls, ID 83301
p | 208 733 2414 ext. 6020 c | 208 954 4954
e | hzobott@jub.com
<image003.png>

From: Inouye, Allison [<mailto:Allison.Inouye@idwr.idaho.gov>]
Sent: Tuesday, February 13, 2018 11:41 AM
To: Hattie Zobott <hzobott@jub.com>
Subject: McDonagh App for Permit 02-10546

Hi Hattie,

The App for Permit for Matthew & Laura McDonagh is now out of the advertising and protest period (no protests received). Just a reminder that I will need the original copy of page 2 with original signatures for both applicants in order to move forward.

Thanks,
Allison

Allison Inouye
Water Resource Agent
Southern Regional Office | Idaho Dept. of Water Resources
p (208) 736-3033 | f (208) 736-3037
Allison.Inouye@idwr.idaho.gov

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: * **Proof of Publication** *

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

ORDER NUMBER 60752

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 .SS
COUNTY OF TWIN FALLS)

On this 25 day of January in the year of 2018 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Noelle R. Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-13-2023

PUBLISHED ON: 01/18/2018, 01/25/2018

TOTAL AD COST: 99.21
FILED ON: 1/25/2018

NOELLE R. SMITH
Notary Public
State of Idaho

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

2-10546

MATTHEW K MC DONAGH

LAURA L MC DONAGH

4356 N ARROW CREST WAY

BOISE, ID 83703

Point of Diversion L3(NWNW) S4 T09S R14E TWIN FALLS

County Source SNAKE RIVER Tributary COLUMBIA RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/29/2017

Place Of Use: DOMESTIC

T09S R14E S4 L3(NWNW)

Application for permit proposes to divert 0.04 cfs for domestic use from the Snake River. Point of diversion and place of use are located approximately 5.2 miles north and 3.1 miles west of Buhl.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before **February 5, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on January 18th & 25th, 2018

RECEIVED

JAN 31 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK DM 2/5/2018

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 60752

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	99.21
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	99.21
Fax			
Section	Legals	Start/End Dates	01/18/2018 - 01/25/2018
SubSection		Insertions	2
Category	50 Legal	Size	62
Ad Key	60752-1	Salesperson(s)	Ruby Aufderheide
Keywords	The following application(s) h	Taken By	Ruby Aufderheide
Notes			

Ad Proof

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

2-10546
MATTHEW K MC DONAGH
LAURA L MC DONAGH
4356 N ARROW CREST WAY
BOISE, ID 83703
Point of Diversion L3(NWNW) S4 T09S R14E TWIN FALLS
County Source SNAKE RIVER Tributary COLUMBIA RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11/29/2017
Place Of Use: DOMESTIC
T09S R14E S4 L3(NWNW)
Application for permit proposes to divert 0.04 cfs for domestic use from the Snake River. Point of diversion and place of use are located approximately 5.2 miles north and 3.1 miles west of Buhl.
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before **February 5, 2018**. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on January 18th & 25th, 2018

✓ OK AM 1-16-2018

Proof of Legal Notice

received from Times News 1/15/2018

E-mail sent to newspaper.