

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 67-07809

PRIORITY: October 16, 1989

Maximum Diversion Rate: 0.03 CFS

Maximum Diversion Volume: 1.4 AF

It is hereby certified that:

JAMES N WOLFE 1032 UPPER SOULEN RANCH RD MIDVALE ID 83645 And/Or
CAROL R WOLFE 1032 UPPER SOULEN RANCH RD MIDVALE ID 83645

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 16, 1989, and has submitted Proof of Beneficial Use on December 03, 1991. An examination confirms water is diverted from:

SOURCE:
SPRINGS

TRIBUTARY:
SOUTH CRANE CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, Twp 11N, Rge 02W, B.M. WASHINGTON County

PLACE OF USE: STOCKWATER

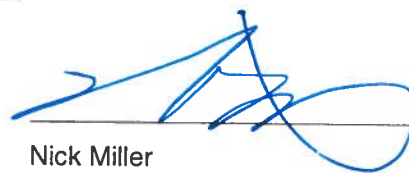
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	02W	16												X					

CONDITIONS OF APPROVAL

1. Rights 67-7809, 67-15164 and 67-15165 when combined shall not exceed a total diversion rate of 0.03 cfs, a total annual maximum diversion volume of 1.4 af.
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. 67.
3. 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.

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.

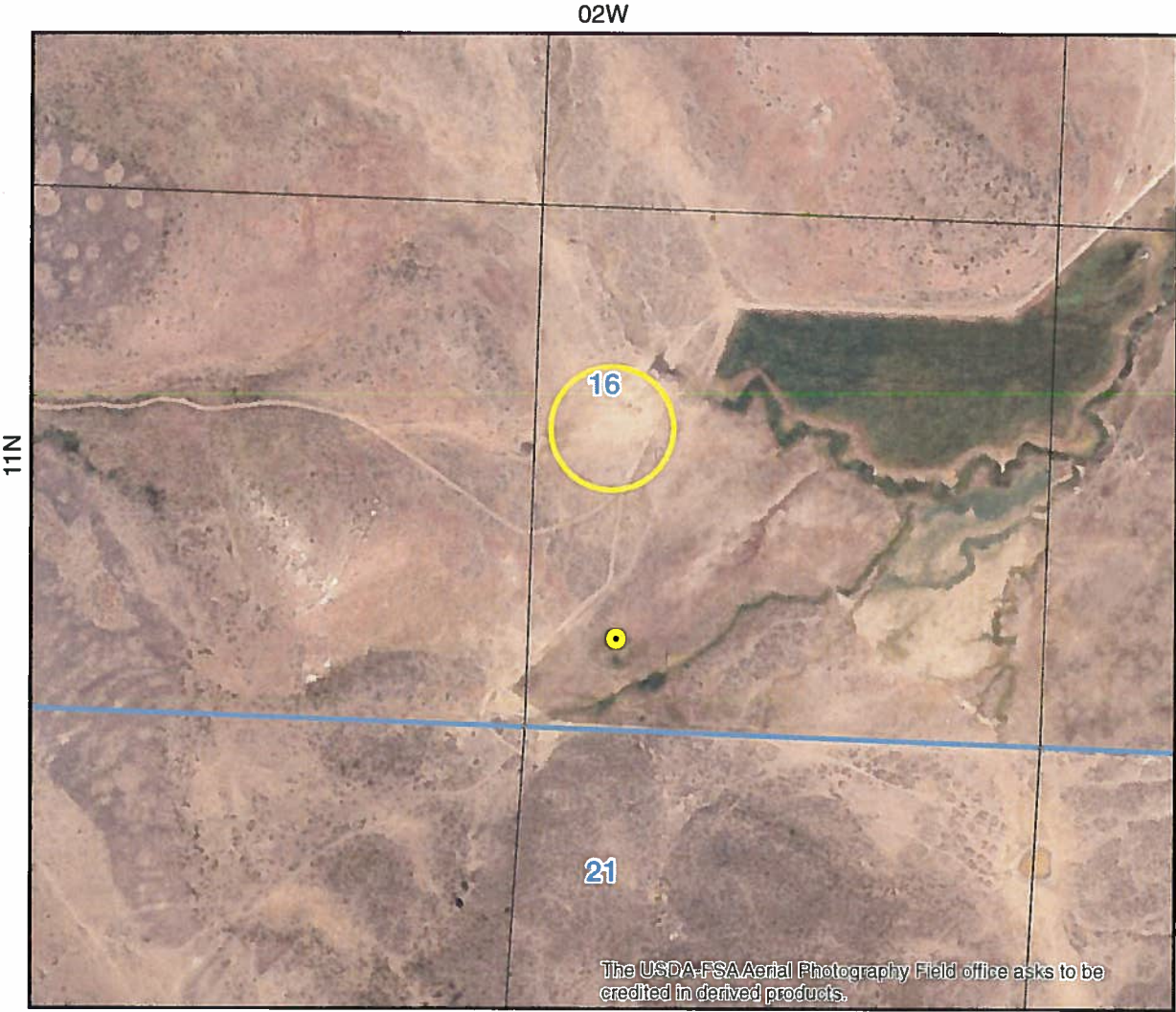
Signed this 16th day of January, 2018.



Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources
Attachment to Water Right License
67-7809

This map depicts the STOCKWATER 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 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07809

RECEIVED

NOV 28 2017

WATER RESOURCES
WESTERN REGION

PRIORITY: October 16, 1989

Maximum Diversion Rate: 0.03 CFS

Maximum Diversion Volume: 1.4 AF

Comes now

JAMES N WOLFE 1032 UPPER SOULEN RANCH RD MIDVALE ID 83645 And/Or

CAROL R WOLFE 1032 UPPER SOULEN RANCH RD MIDVALE ID 83645

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. 67-07809, and requests that the permit be changed as follows:

SOURCE:
SPRINGSTRIBUTARY:
SOUTH CRANE CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.03 CFS	1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, Twp 11N, Rge 02W, B.M. WASHINGTON County
SPRINGS SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, Twp 11N, Rge 02W, B.M. WASHINGTON County
SPRINGS NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 16, Twp 11N, Rge 02W, B.M. WASHINGTON County
SPRINGS SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, Twp 11N, Rge 02W, B.M. WASHINGTON 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	
11N	02W	16			X									X					
11N	02W	22						X											

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 21 day of Nov., 2017.

James N. Wolfe
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 67-07809

FOR DEPARTMENT USE ONLY

Preliminary check by PK Fee = \$100⁰⁰ Receipted by ds # WD45865 Date 11/28/17

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 67-07809 with the following:

CONDITIONS OF APPROVAL

1. 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. 67.
2. 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.

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

Signed this 16th day of January, 2018.



Nick Miller
Manager, IDWR Western Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 16, 2018

JAMES N WOLFE
CAROL R WOLFE
1032 UPPER SOULEN RANCH RD
MIDVALE ID 83645

RE: License No. 67-7809

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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.

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)334-2190.

Sincerely,



Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

67-7809

**CAROL R WOLFE
JAMES N WOLFE
1032 UPPER SOULEN RANCH RD
MIDVALE ID 83645**

**BRANDI S. BONNER
WATERMASTER OF DISTRICT 67
2297 SNAPP LN
MIDVALE ID 83645**



**Rachel Neely
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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 13, 2017

COPY

JAMES N WOLFE
CAROL R WOLFE
1032 UPPER SOULEN RANCH RD
MIDVALE ID 83645

RE: Water Right Permit No. 67-07809

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). 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 permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) 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):

☒ **Point(s) of Diversion**

☒ **Place(s) of Use**

☐ **Other**

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

If you have any questions, please call me at 208-914-8788.

Sincerely,

Patrick Kelly
Water Resource Agent, Sr.

Enclosure(s): Application for Amendment



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 4, 2016

JAMES AND CAROL WOLFE
OR CURRENT RESIDENT
1032 UPPER SOULEN RANCH RD
MIDVALE ID 83645

COPY

RE: Amendment Required for Permit 67-7809

Dear Resident,

On January 17, 1990, the department issued a water permit for stockwater use in Sections 16, 22 & 23, Township 11 North, Range 2 West of Washington County. On May 23, 1996 department staff visited the site and found 3 separate spring systems diverting water to stock troughs within Sections 15 and 16.

The department requires additional information to accurately describe your beneficial use. Please review the enclosed maps and provide the following:

1. Clearly mark where each spring box with an "X".
2. Identify any ditch or conveyance system.
3. Mark where troughs or pools are located for stock to drink from.
4. Any pictures you may or may not be able to provide describing the beneficial use.
5. **Return the completed maps to my office.**

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. Because the stockwater use was developed differently than permitted, a licensing amendment will be required to accurately describe your beneficial use. Information that you provide will be used to complete the Application for Amendment form which will be sent to you for signature.

If you believe you developed a beneficial use of water under Permit 67-7809, please send me supporting documentation within thirty days. If I do not hear from you within thirty days, action will be taken to void your permit. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly

Water Resource Agent, Sr.

Enclosure(s): Map of property



SESW

9

SWSE

SESE

Upper Soulen Ranch Rd

NENW

NWNE

NENE

11N02W

16
poly - 2 fields
pop

SENW

SWNE

SENE

NESW

NWSE

NESE

MAP # 1

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

NWSW

NESW

NWSE

16

11N02W

SWSW

SESW

SWSE

NWNW

NENW

21

NWNE

MAP #2

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

SWSW

15

SESW

Upper Soulen Ranch Rd

300
200
100

11N02W

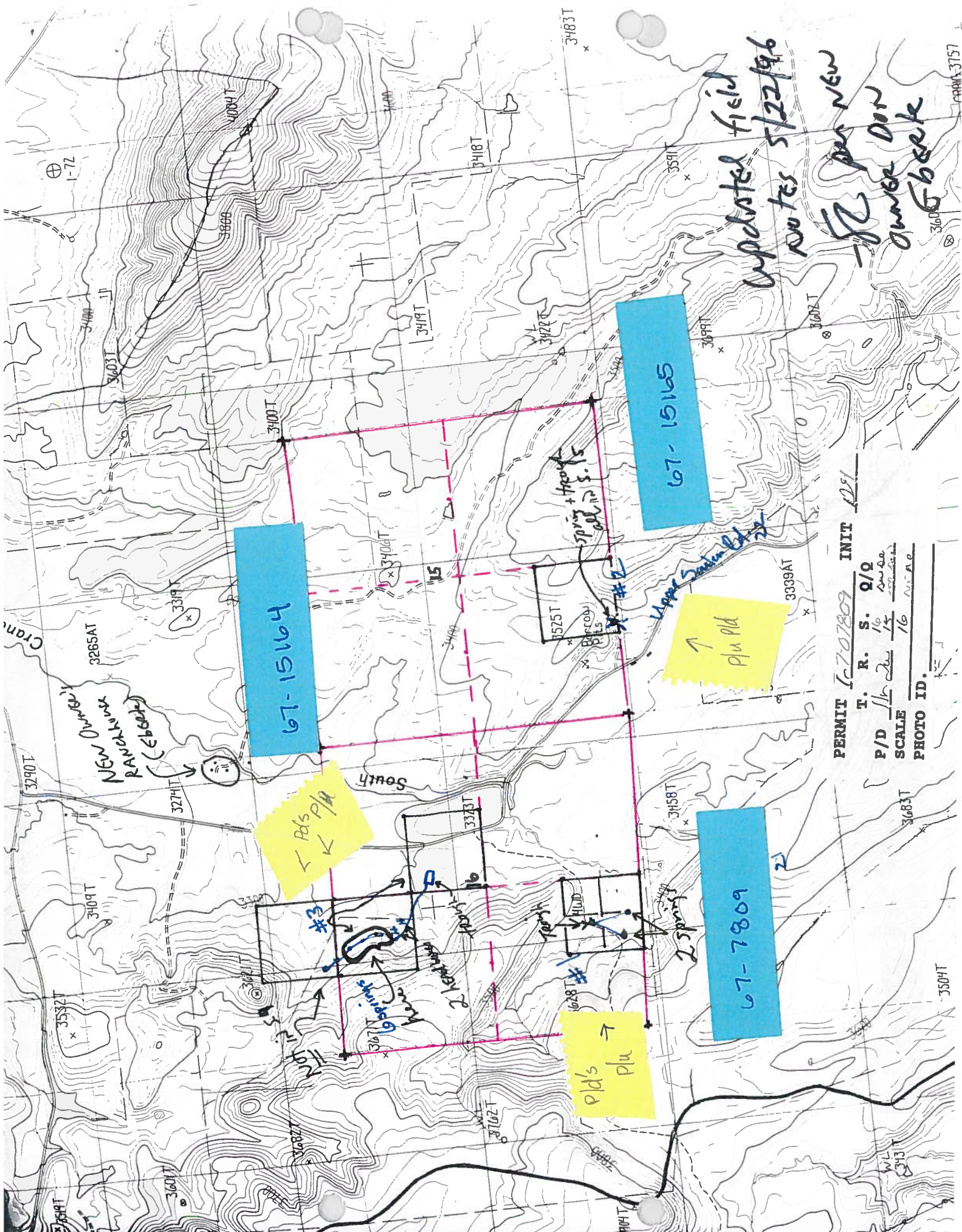
NWNW

22

NENW

MAP #3

The USDA-PSA Aerial Photography Field office asks to be credited in derived products.



Updated field
notes 5/22/96
-52 per new
quartz don
Gberk
3600

PERMIT I-7-07809 INIT DS

T. R. S. Q/Q

P/D 1/16 1/5 1/5

SCALE 1/6 1/6 1/6

PHOTO ID. 1/6 1/6 1/6

3504T

3757



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

December 23, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR DON EBERLE
BOX 1091
MCCALL ID 83638

RE: WATER RIGHT PERMIT NO. 67-07809

Dear Mr. Eberle:

We met in May at your Upper Soulen Road property that used to belong to Wayne Cada. I was re-confirming field examination details in order to compete the licensing process for water developed from several springs for the above-referenced permit.

I sent a follow-up letter to Mr. Cada to request that he assign the permit to you as the new owner. A water right permit remains personal property until licensed, at which point the water right is considered appurtenant to the related site. The letter was returned by the Post Office ("forwarding order expired"). A copy of my May 23, 1996 letter was sent to you at the above address.

The department can issue the license showing the permit owner of record (Cada) rather than the current land owner (Eberle) unless an assignment of permit is completed by that permit owner. That procedure works out rather well because the licensed right is part of the land rather than personal property of the permit holder regardless of the name on the license. However, a current owner often prefers to see a license issued in his or her own name.

Please contact Mr. Cada to complete the enclosed assignment form if you want to have the permit assigned to you prior to licensing. You may also choose to include a \$50 licensing amendment fee to correct the legal descriptions listed on the permit. The latter fee can be paid later in the licensing process if you prefer, although you might find it more convenient to take care of it now.

To summarize, action is not needed at this time, but I thought you might want to pursue the assignment option for permit no. 67-07809. If a completed assignment of permit is not received at this office by February 1, 1997, it will be assumed that the licensing process should resume using the previous owner's name but listing your land; the licensing amendment can be handled now or later.

Please let me know if I can help you with this matter.

Sincerely,

Steve Lester
Deputy Regional Manager

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082



RECEIVED

MAY 28 1996

WATER RESOURCES
WESTERN REGION



DATE 5-24
CARR/INITIALS
ROUTE NO 4
4 RP

MR WAYNE CADA
2000 E VICTORY RD
MERIDIAN ID 83642

RE: PERMIT NO 67-07809



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

May 23, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR WAYNE CADA
2000 E VICTORY RD
MERIDIAN ID 83642

RETURNED
BY P.O. -
See attached
envelope

RE: PERMIT NO. 67-07809

Dear Mr. Cada:

The above-referenced water right permit concerns three stockwater developments located on either side of Upper Soulen Road in T11N, R2W, Sec. 15 and 16. The developments consist of springs and stock troughs. The water right permit was examined in 1993 for licensing purposes and the site was revisited yesterday to clarify vague information in the field report (mapping problem).

While checking the field details, I encountered Mr. Don Eberle, who identified himself as the new owner for the property in question. I told Mr. Eberle that I would follow up on the change in ownership question as it relates to this water right permit.

Permits are personal property not automatically conveyed by the sale of property. A change in water right permit is accomplished via an Assignment of Permit (see enclosed). The fee for an assignment is \$25.

Additionally, the three developments are located in tracts not described by the permit. The license process can accommodate such differences. The field examination report includes recommended amendments to correct a permit as the license is issued. One amendment can correct multiple discrepancies. The amendment fee is \$50.

In summary, to assign the permit to a new owner and to amend the permit for correct licensing, a completed assignment form and \$75 should be submitted. From the department's perspective, it does not matter who pays the required fees. Perhaps that issue is one that you and the new owner might want to address privately.

Please direct any questions and your response to me within 30 days. Your help in this matter will facilitate licensing of permit no. 67-07809.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure / cc Don Eberle