

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-22672

PRIORITY: December 23, 2011

Maximum Diversion Rate: 0.08 CFS

Maximum Diversion Volume: 15.4 AF

It is hereby certified that:

WILLIAM R RATLIFF And/Or KATHLEEN L RATLIFF
206 BAYHORSE RD
BELLEVUE ID 83313

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 23, 2011, and has submitted Proof of Beneficial Use on June 12, 2014. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
04/15 to 10/31

DIVERSION RATE
0.08 CFS

ANNUAL DIVERSION VOLUME
15.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L4 (SW¼SW¼SW¼) Sec. 31, Twp 02N, Rge 19E, B.M. BLAINE 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	
02N	19E	31											4.4 L 4						4.4

Total Acres: 4.4

CONDITIONS OF APPROVAL

1. Rights 37-22672 and 37-20450 when combined shall not exceed a total diversion rate of 0.08 cfs or the irrigation of 4.4 acres.
2. Use of water under this right will 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. 37.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
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-

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-22672

evaluate the public interest criteria for reallocating trust water.

5. Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
6. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.
7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below.

Moreover, the official record for the following water rights will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes.

Right No.	Use Changed to Mitigation	Mitigation Rate (cfs)	Mitigation Volume (AF)	Mitigation Acres
37-577BY	Irrigation	0.10	N/A	5.0
37-20450	Irrigation	0.06	15.0	5.0

If right 37-577BY is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right shall be reduced by the same proportion as the reduction to right 37-577BY.

Additionally the following conditions will be added to these rights as follows:

Conditions for 37-577BY:

-This right mitigates for the injury to other water users caused by the diversion and use of water under Right 37-22672. To prevent injury to other water right holders, the watermaster shall deliver 0.02 cfs of this right into the Cove Canal where it shall remain undiverted but provide for conveyance loss in the canal. Additionally the watermaster shall deliver 0.08 cfs of this right to the Bypass Canal where it shall remain undiverted but provide for losses in the river reach between the Cove Canal and the Bypass canal which result because of use of water under Right 37-22672.

-If the mitigation portion of this right is used for any purpose other than mitigation and conveyance loss, then water shall not be diverted under Right 37-22672. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the use of Right 37-22672 that is being mitigated shall be reduced by the same proportion as the reduction to this right.

Condition for 37-20450:

-A portion of this right mitigates for the injury to other water users caused by the diversion and use of water under Right 37-22672. If right 37-22672 is delivered, all irrigation use under this right shall cease.

8. The land that will no longer be irrigated under rights 37-577BY and 37-20450 is located within the SWSW (Govt. Lt 4), Section 31, Township 2N, Range 19E, B.M. which is the same land to be

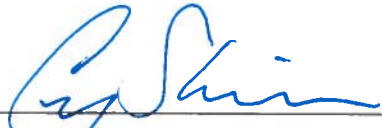
State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-22672

irrigated under right 37-22672.

9. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. Place of use and point of diversion are located within Lot 21A of the Muldoon Ranch Subdivision #2.

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 27th day of September, 2017.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
37-22672

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.





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

September 27, 2017

WILLIAM R RATLIFF
KATHLEEN L RATLIFF
206 BAYHORSE RD
BELLEVUE ID 83313

RE: License No. 37-22672

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 208-736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2017 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. 37-22672

**WILLIAM R RATLIFF
KATHLEEN L RATLIFF
206 BAYHORSE RD
BELLEVUE ID 83313**



**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.

Bitzenburg, James

From: Kevin Lakey <watermanager@cableone.net>
Sent: Monday, September 18, 2017 10:39 AM
To: Bitzenburg, James
Subject: RE: Mitigation rights

Jim,
37-577BY and the irrigation portion of 37-20450 are not being delivered.

Kevin Lakey
Water District 37

From: Bitzenburg, James [mailto:James.Bitzenburg@idwr.idaho.gov]
Sent: Friday, September 15, 2017 4:14 PM
To: Kevin Lakey
Subject: Mitigation rights

Kevin-

I'm working on licensing another small ground water irrigation permit up in the Wood River Valley, on the south end of Bellevue, and there are a couple of mitigation rights involved. The permit is 37-22672 (0.08 cfs, 4.4 acres) and it is supposed to be mitigated by the non-use of Big Wood River right 37-577BY (0.1 cfs, 5.0 acres) which was delivered through the Cove Canal, and the irrigation portion of ground water right 37-20450 (domestic- 0.04 cfs and irrigation- 0.06 cfs, 5.0 acres). Can you confirm that the rights are not being delivered?

Thanks, and let me know if you have any questions.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov