

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 78-07263C

PRIORITY: March 22, 1985

Maximum Diversion Volume: 300.0 AF

It is hereby certified that:

BRUNDAGE WATER USERS ASSN INC PO BOX 333 NEW MEADOWS ID 83654

has complied with the terms and conditions of the permit, issued pursuant to Application for Exchange of Water dated September 30 1991, and has submitted Proof of Beneficial Use on December 12, 1991. An examination confirms water is diverted from:

SOURCE:
BRUNDAGE CREEK

TRIBUTARY:
GOOSE CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION FROM STORAGE	05/01 to 10/01	300.0 AF
IRRIGATION STORAGE	01/01 to 12/31	300.0 AF

LOCATION OF POINT(S) OF DIVERSION:

BRUNDAGE CREEK NW¼NE¼ Sec. 35, Twp 19N, Rge 01E, B.M. ADAMS County(Rediversion)
BRUNDAGE CREEK SE¼SE¼ Sec. 23, Twp 19N, Rge 01E, B.M. ADAMS County(Injection)
BRUNDAGE CREEK NW¼SE¼ Sec. 30, Twp 20N, Rge 03E, B.M. ADAMS County

PLACE OF USE: IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	01E	26				33.0									38.0	5.0	16.0	36.0	128.0

Total Acres: 128

PLACE OF USE: IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	03E	17															X		
20N	03E	20		X	X		X			X	X	X	X	X		X			
20N	03E	29					X	X	X										
20N	03E	30	X		X	X									X	X			

CONDITIONS OF APPROVAL

1. This right is for the exchange of water released from Brundage Reservoir for water diverted from Little Salmon River.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

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3. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
4. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 78C.

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.

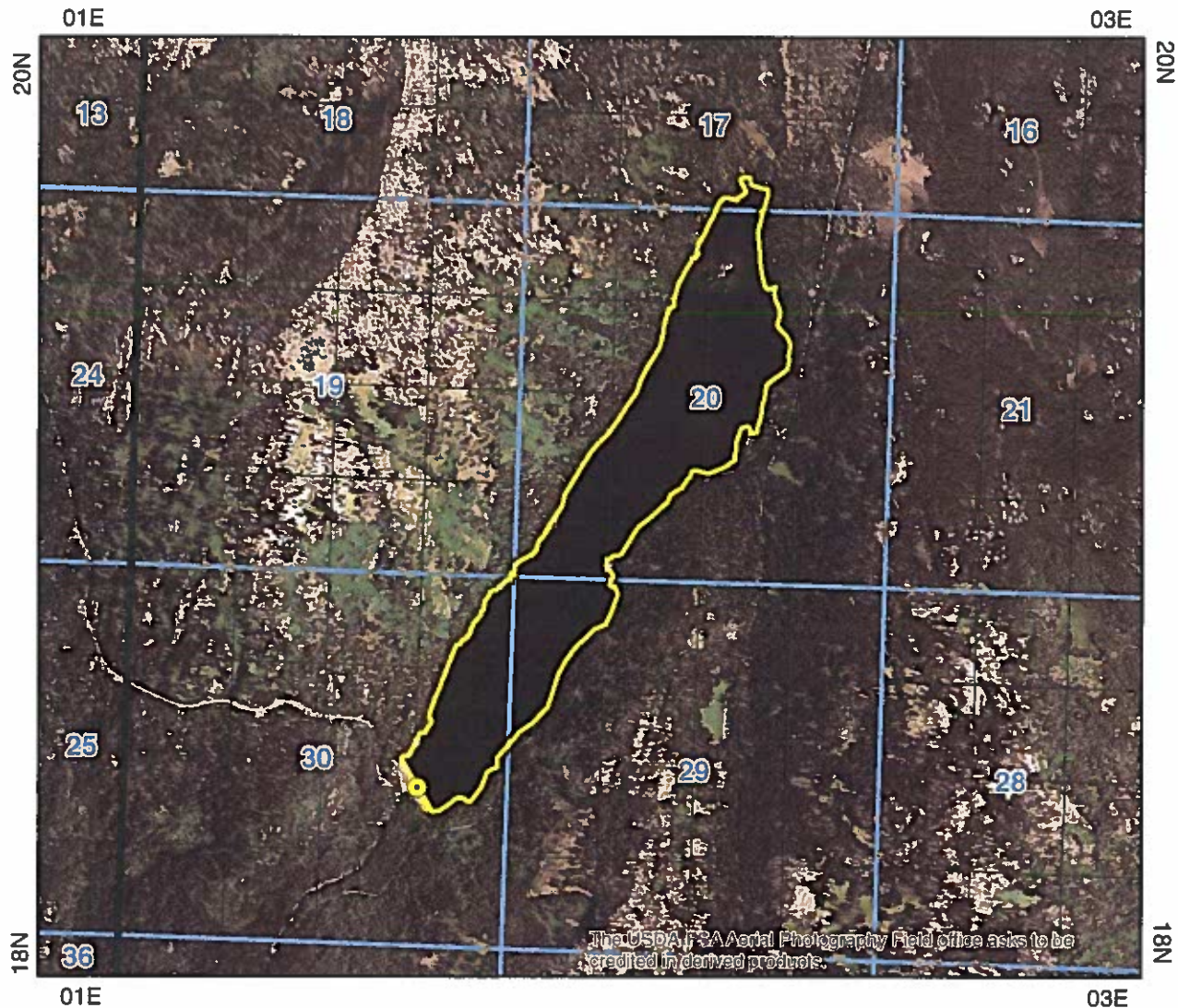
Signed this 3rd day of November, 2016.



Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources
Attachment to Water Right License
78-7263C

This map depicts the IRRIGATION STORAGE 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.



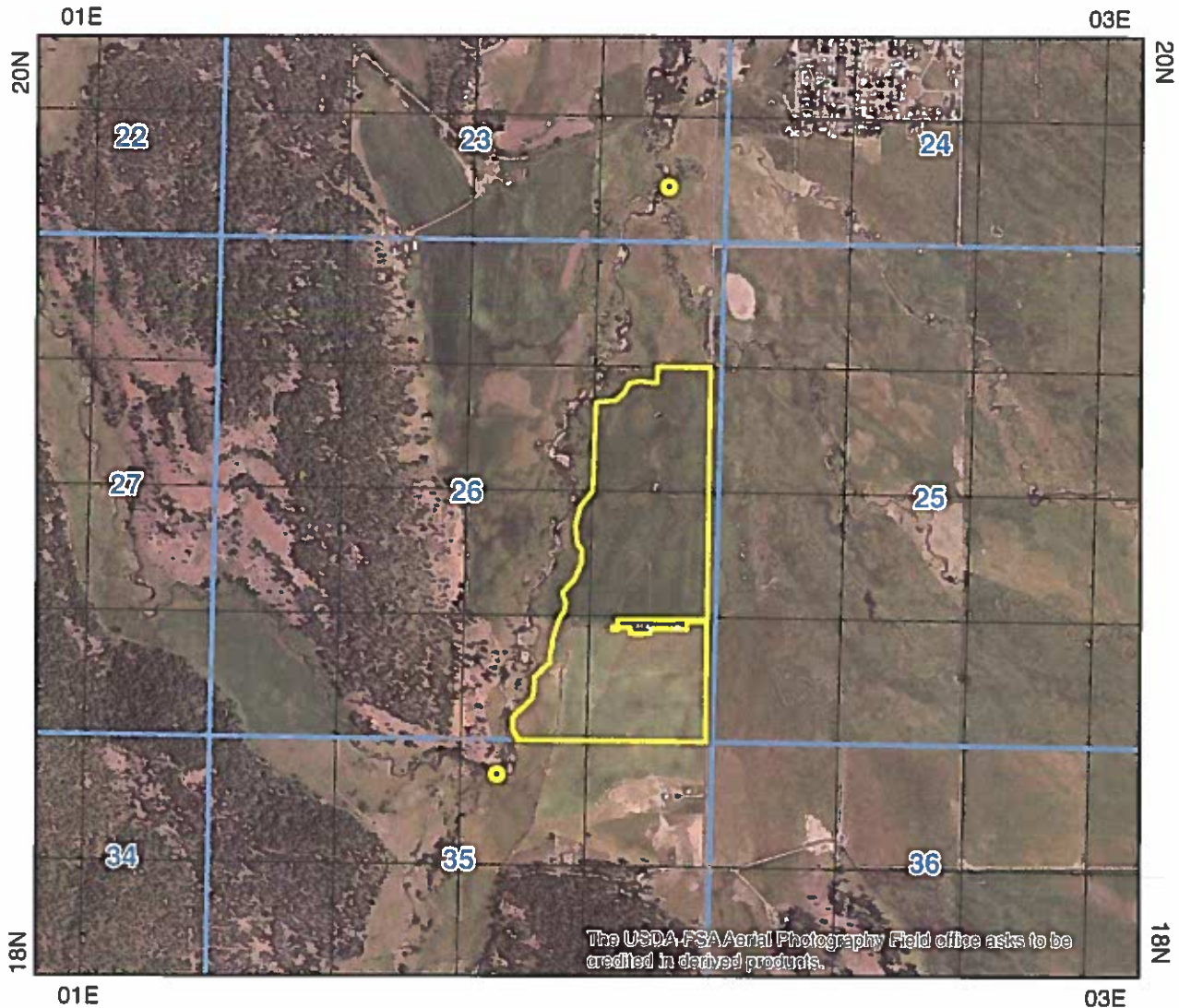
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.3 0.6 1.2 Miles



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This map depicts the IRRIGATION FROM STORAGE 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 0.225 0.45 0.9 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 3, 2016

BRUNDAGE WATER USERS ASSN INC
PO BOX 333
NEW MEADOWS ID 83654

RE: License No. 78-7263C

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 November 3, 2016 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. 78-7263C

**BRUNDAGE WATER USERS ASSN INC
PO BOX 333
NEW MEADOWS ID 83654**

**TONA KERBY
WATER DISTRICT 78C
3175 HWY 55
NEW MEADOWS ID 83654**



**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.

MEMORANDUM

TO: FILE

FROM: JIM JOHNSON

RE: CORRECTING PART 78-7263C

DATE: November 13, 1991

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When I reviewed the application for exchange filed by Brundage Water Users Association I had perceived that the water right needed to be split into two parts in order to properly identify the elements of the exchange. I created parts 78-07263C and 78-07263D in the water right data base. Part 78-07263D contained the information on the exchange and part 78-07263C contained the rest.

After further consideration I realized that the exchange did not require splitting of the water right and that the exchange information could be easily identified in the original right by simply adding the new point of diversion. The water right data base records have been corrected and all references to Part 78-07263C found in this file should refer to 78-07263A.

12/11/2001

Part C was not removed from the database. It has been retained to reflect the exchange part. When this right is licensed, the reviewer should consider whether it should be split or recombined.

S. Keen

11/3/2016

PART A was Licensed w/o 300AC so ultimately Part C was Licensed.

RECORDED
INDEXED

JAN 24 1992