

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 36-15958

PRIORITY: October 16, 2001

Maximum Diversion Rate: 0.20 CFS

Maximum Diversion Volume: 4.2 AF

It is hereby certified that:

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 16, 2001, and has submitted Proof of Beneficial Use on November 14, 2003. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.20 CFS	4.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) Sec. 1, Twp 08S, Rge 13E, B.M. GOODING 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	
08S	13E	1	X L1	X L2															

CONDITIONS OF APPROVAL

1. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home, shop and visitor center.
2. Domestic use is for 5 homes, shop and visitor center restrooms and does not include lawn, garden, landscape, or other types of irrigation.

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.

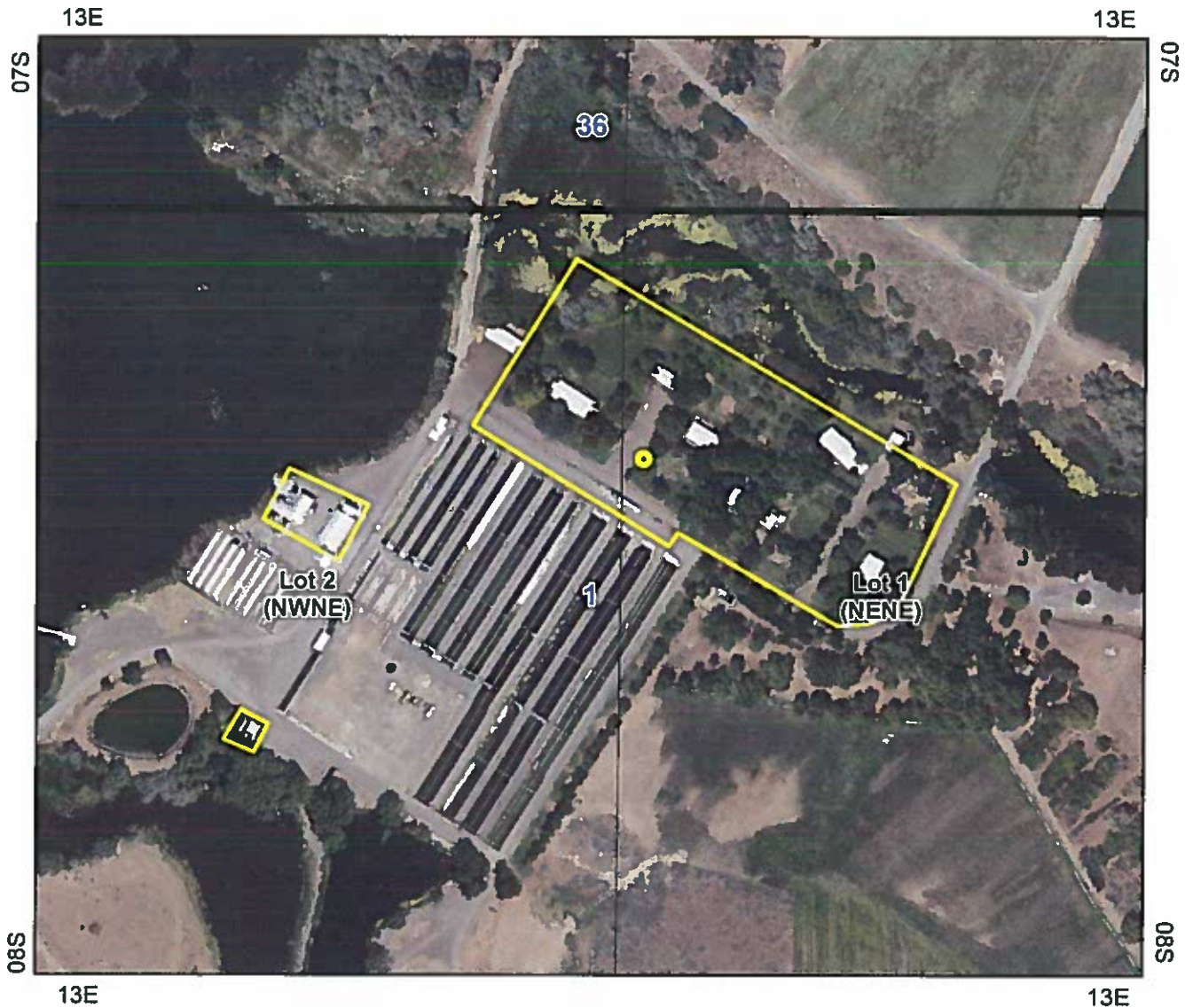
Signed this 9th day of September, 2016.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
36-15958

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, 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 12, 2016

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: License No. 36-15958

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,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner
Southern Regional Manager

Enclosure(s)

cc: Joe Chapman

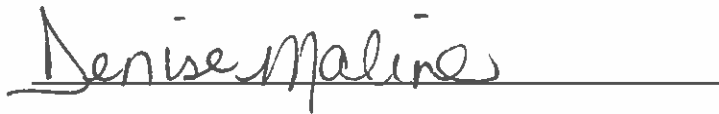
CERTIFICATE OF SERVICE

I hereby certify that on September 12, 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. 36-15958

**STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707**

**JOE CHAPMAN
IDAHO DEPT OF FISH & GAME
1060 STATE FISH HATCHERY RD
HAGERMAN ID 83332**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**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.

Maline, Denise

From: Sutcliffe, Lorna
Sent: Monday, November 23, 2015 11:42 AM
To: Maline, Denise
Subject: RE: Interagency billing - Fish & Game 36-15958

Hi Denise,

This bill was paid by F&G on 11/20/15, BILL028801.

\$100-

Thanks,
Lorna

Walker, Benny

From: Bates, Megan [megan.bates@idfg.idaho.gov]
Sent: Thursday, October 08, 2015 1:18 PM
To: Sutcliffe, Lorna
Cc: Walker, Benny
Subject: RE: Interagency billing

Great. Thank you.

Megan Bates
Accounts Payable
Idaho Department of Fish and Game
Work: 208-287-2835

From: Sutcliffe, Lorna [<mailto:Lorna.Sutcliffe@idwr.idaho.gov>]
Sent: Thursday, October 08, 2015 12:56 PM
To: Bates,Megan
Cc: Walker, Benny
Subject: RE: Interagency billing

The application needs to be given to one of our Water Resource Agents and they would email the request with information to me to start the interagency bill. In this case it would be, Benny Walker. I don't believe I have gotten that from Benny. I have ccd him for the application and request.

Thanks,
Lorna

From: Bates,Megan [<mailto:megan.bates@idfg.idaho.gov>]
Sent: Thursday, October 08, 2015 12:09 PM
To: Sutcliffe, Lorna
Subject: RE: Interagency billing

Lorna-

Were you able to issue a bill for this permit 36-15958 for \$100.00? Walt Poole in my office is in the field this week so I can't get in touch with him regarding whether he had received the bill for this permit and was working on it. Thank you for your help!

Megan Bates
Accounts Payable
Idaho Department of Fish and Game
Work: 208-287-2835

From: Sutcliffe, Lorna [<mailto:Lorna.Sutcliffe@idwr.idaho.gov>]
Sent: Thursday, September 10, 2015 4:16 PM
To: Bates,Megan
Subject: RE: Interagency billing

Great!

Thanks,
Lorna

From: Bates,Megan [<mailto:megan.bates@idfg.idaho.gov>]
Sent: Thursday, September 10, 2015 3:46 PM
To: Sutcliffe, Lorna
Subject: RE: Interagency billing

Oh and sorry, it was Benny Walker in the Twin Falls location who is sending the check back to me.

Megan Bates
Accounts Payable
Idaho Department of Fish and Game
Work: 208-287-2835



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 9, 2015

IDAHO DEPT OF FISH & GAME
ATTN: MEGAN BATES
PO BOX 25
600 S WALNUT ST
BOISE, ID 83712

RE: Filing fees for Amendment of a Permit No. 36-15958

Dear Ms. Bates:

Enclosed is a Warrant in the amount of \$100, recently issued to the Department for the filing fees of an Amendment of a Permit. This Warrant was issued to Water District 130; however should have been issued to Idaho Department of Water Resources.

Per a telephone conversation earlier today between Joe Chapman and Benny Walker, we are returning this to you in order for Fish & Game to re-issue another Warrant for the filing fees.

If you have any questions, please feel free to contact our office at (208) 736-3033.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name.

Denise Maline
Administrative Assistant
Southern Region

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-15958

RECEIVED

SEP 08 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: October 16, 2001

Maximum Diversion Rate: 0.20 CFS

Maximum Diversion Volume: 4.2 AF

Comes now STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

and represents to the Director of 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. 36-15958, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.20 CFS	4.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

L1 (NE1/4NE1/4)

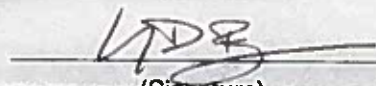
Sec. 1, Twp 08S, Rge 13E, B.M.

GOODING 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	
08S 13E 1	X	X															
	L1	L2															

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 31st day of August, 2005.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-15958

RECEIVED
SEP 08 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100- Receipted by Bill S.O. # 038801 Date 11/20/2015

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 36-15958 with the following:

CONDITIONS OF APPROVAL

1. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home, shop and visitor center.
2. Domestic use is for 5 homes, shop and visitor center restrooms and does not include lawn, garden, landscape, or other types of irrigation.

Witness my hand this 9th day of September, 2016, 2015.

For 
GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 6, 2015

Joe Chapman
1060 State Fish Hatchery Rd
Hagerman, ID 83332

RE: Water Right Permit No. 36-15958

Dear Mr. Chapman:

Our office has on file permit 36-15958 in the name of State of Idaho Department of Fish and Game. During preliminary examination of the permit, it was discovered that the point of diversion was developed differently than described on the permit. Before a license can be issued, permit 36-15958 must be amended to depict the point of diversion as it was actually developed.

Our office has drafted an Application for Amendment of permit that will correct the point of diversion to reflect the correct location. The enclosed Application for Amendment form and map depicts the water right as it will appear on the license when it is issued. Please review the amendment form carefully. If you have any questions please feel free to call me. Otherwise, please sign the Application for Amendment and return it with a \$100.00 filing fee within 14 days.

Again, if you have any questions or need further assistance, please call me at 208-736-3033.

Sincerely,

A handwritten signature in cursive script that reads "Benny Walker". The signature is written in dark ink and is positioned above the typed name and title.

Benny Walker
Sr. Water Resource Agent
IDWR