

State of Idaho  
Department of Water Resources  
**Corrected Water Right License**  
WATER RIGHT NO. 36-08672

PRIORITY: September 23, 1992

Maximum Diversion Rate: 0.06 CFS

Maximum Diversion Volume: 7.0 AF

It is hereby certified that:

EDWARD M AND ANN A CIOCCA  
1674 E 2900 S  
WENDELL ID 83355

And NORTHWEST FARM CREDIT SERVICES FLCA  
PO BOX 5059  
TWIN FALLS ID 83303-5059

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 22, 1992, and has submitted Proof of Beneficial Use on April 07, 1993. 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<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| STOCKWATER            | 1/01 to 12/31        | 0.06 CFS              | 7.0 AF                             |

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE¼NW¼ Sec. 36, Twp 07S, Rge 14E, B.M. GOODING 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 |        |
| 07S | 14E | 36  |    |    |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |        |

CONDITIONS OF APPROVAL

- Right 36-10070 is also diverted through the point of diversion described above. Stockwater use is for 520 range cattle.

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 10<sup>th</sup> day of June, 2016.



ALLEN D. MERRITT  
Southern Regional Manager



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 10, 2016

EDWARD M CIOCCA  
ANN A CIOCCA  
1674 E 2900 S  
WENDELL ID 83355

NORTHWEST FARM CREDIT SERVICES FLCA  
PO BOX 5059  
TWIN FALLS ID 83303-5059

RE: License No. 36-8672

### Issuance of Corrected Water Right License

Dear Water Right Holder(s):

During a recent inquiry to the Idaho Department of Water Resources (IDWR), a review of water right license 36-8672 was conducted. During this review it was noted that license 36-8672 was issued with the county incorrectly identified as Jerome County instead of being correctly identified in Gooding County.

The Department of Water Resources has issued the enclosed Corrected Water Right License. The corrected water right license supersedes the license issued on December 2, 1994. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The corrected 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,

Allen Merritt  
Southern Region Manager

Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Corrected License) to the person(s) listed below:

**RE: WATER RIGHT NO. 36-8672**

**EDWARD M CIOCCA  
ANN A CIOCCA  
1674 E 2900 S  
WENDELL ID 83355**

**NORTHWEST FARM CREDIT SERVICES FLCA  
PO BOX 5059  
TWIN FALLS ID 83303-5059**

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