

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 51-07292

PRIORITY: September 25, 1985

Maximum Diversion Rate: 0.23 CFS

Maximum Diversion Volume: 119.5 AF

It is hereby certified that:

ECHO WATER USERS ASSN INC PO BOX 235 MOUNTAIN HOME ID 83647 And

UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709-1657

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 25, 1985, and has submitted Proof of Beneficial Use on December 14, 1993. An examination confirms water is diverted from:

SOURCE: CLOVER CREEK

TRIBUTARY: BRUNEAU RIVER

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>
WILDLIFE STORAGE	01/01 to 12/31		22.2 AF
WILDLIFE FROM STORAGE	01/01 to 12/31		1.8 AF
STOCKWATER	02/15 to 12/01	0.23 CFS	119.5 AF
STOCKWATER STORAGE	01/01 to 12/31		22.2 AF
STOCKWATER FROM STORAGE	02/15 to 12/01		22.2 AF
DIVERSION TO STORAGE	02/15 to 12/01	0.23 CFS	

LOCATION OF POINT(S) OF DIVERSION:

CLOVER CREEK SW¼SW¼ Sec. 23, Twp 11S, Rge 09E, B.M. OWYHEE County

PLACE OF USE: STOCKWATER, STOCKWATER FROM STORAGE and WILDLIFE 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	
07S	08E	24				X													
07S	09E	30													X				
07S	09E	32			X		X												
08S	07E	7		X															
08S	07E	15											X						
08S	07E	17							X										
08S	07E	28		X			X												
08S	07E	29							X										
08S	07E	32													X			X	
08S	07E	34								X									
08S	07E	36									X								
08S	08E	26	X																
08S	09E	4					X L 3	X L 4											
08S	09E	5						X L 4											
08S	09E	8							X			X							
08S	09E	10										X							
08S	09E	19								X									
08S	09E	29		X															
08S	09E	32										X							
09S	07E	2											X	X					

[illegible]

10S	09E	9									X						
10S	09E	11				X											
10S	09E	14				X											
10S	09E	21														X	
10S	09E	22											X		X	X	
10S	09E	25				X	X										
10S	09E	26				X											
10S	09E	27		X			X										
10S	09E	32							X								
10S	09E	36									X						
10S	10E	4				X											
10S	10E	20				X				X							
10S	10E	30					X L1										
11S	09E	2										X					
11S	09E	3										X					X
11S	09E	4								X							
11S	09E	11					X			X							
11S	09E	14			X												
11S	09E	16														X	
11S	09E	22											X				
11S	09E	23									X						

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	08E	31																X	
09S	09E	31		X	X	X													
11S	09E	14							X										
11S	09E	23										X							

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

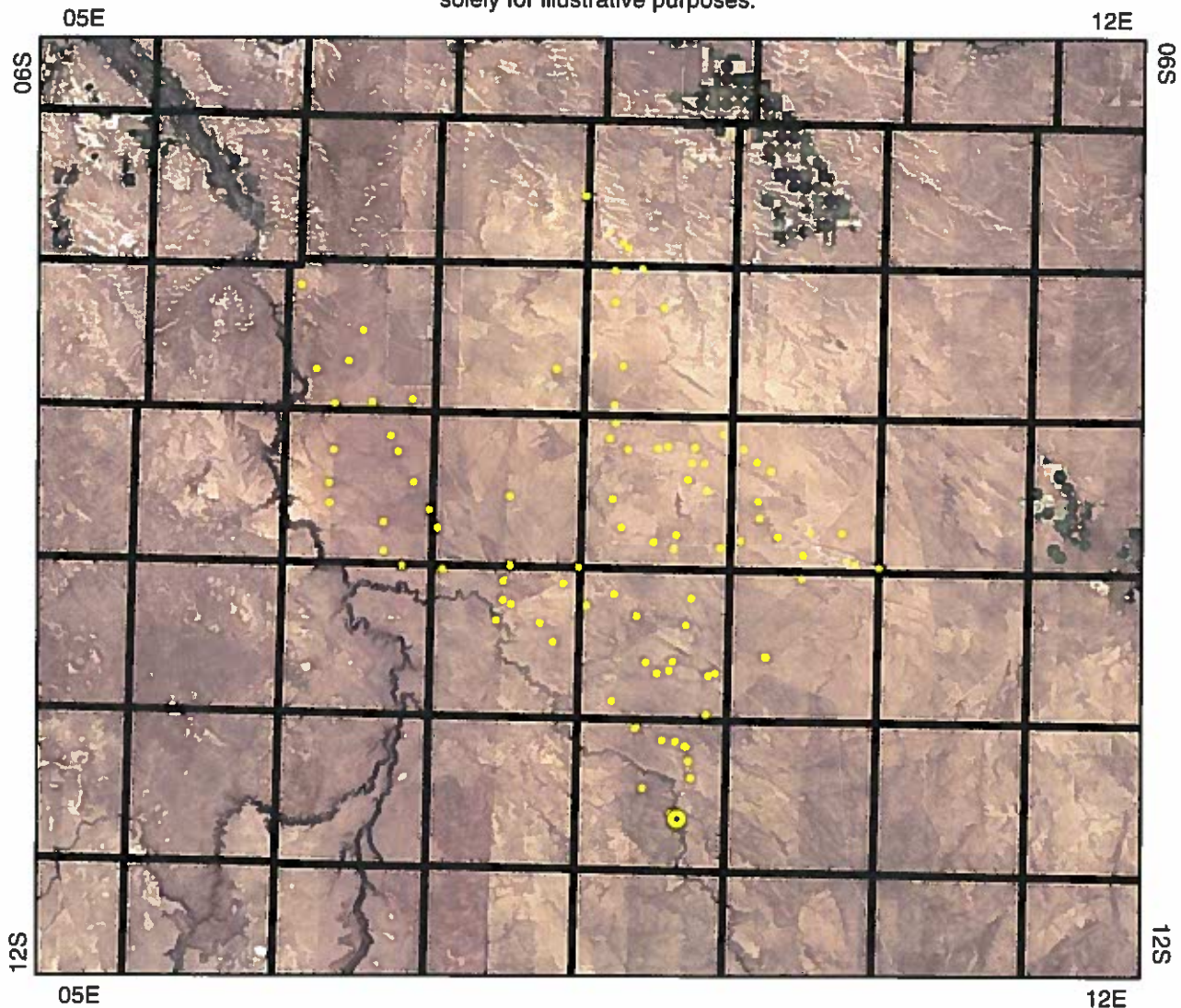
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 10th day of May, 2016.

NICK MILLER
Western Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
51-7292

This map depicts the STOCKWATER, STOCKWATER FROM STORAGE and WILDLIFE 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.



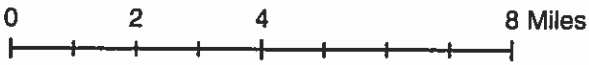
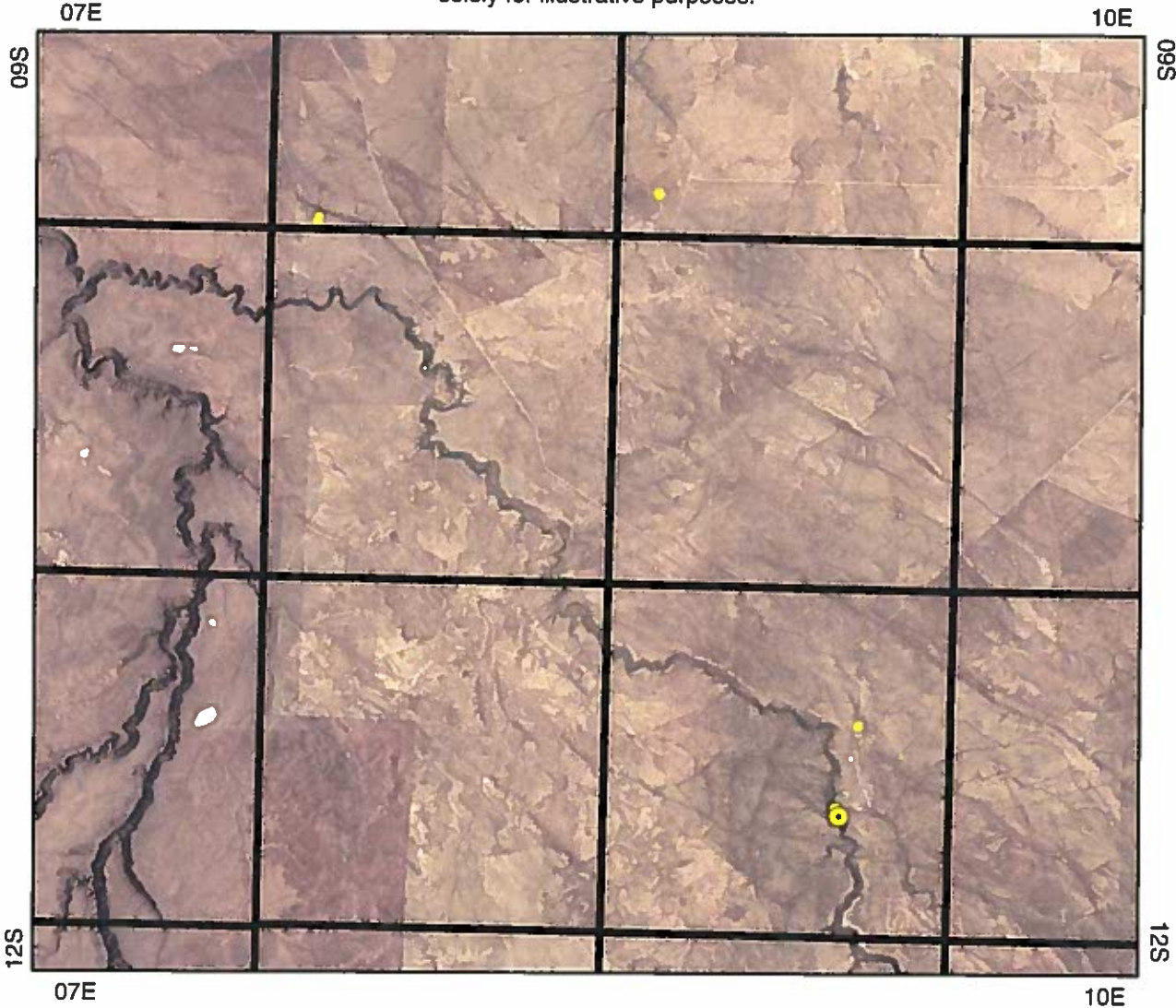
0 4.5 9 18 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships



State of Idaho
Department of Water Resources
Attachment to Water Right License
51-7292

This map depicts the STOCKWATER STORAGE and WILDLIFE 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



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 51-7292

RECEIVED

JAN 05 2016

WATER RESOURCES
WESTERN REGION

Date of Priority: September 25, 1985

Maximum Diversion Rate:

0.23 CFS

Maximum Diversion Volume:

119.5 AF

Comes now ECHO WATER USERS ASSN INC
PO BOX 235
MOUNTAIN HOME ID 83647

And

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

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. 51-07292, and requests that the permit be changed as follows:

Source: EAST FORK BRUNEAU RIVER Tributary: BRUNEAU RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
WILDLIFE FROM STORAGE	01/01 to 12/31		1.8 AF
STOCKWATER STORAGE	01/01 to 12/31		22.2 AF
WILDLIFE STORAGE	01/01 to 12/31		22.2 AF
STOCKWATER	02/15 to 12/01	0.23 CFS	119.5 AF
STOCKWATER FROM STORAGE	02/15 to 12/01		22.2 AF
DIVERSION TO STORAGE	02/15 to 12/01	0.23 CFS	

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK BRUNEAU RIVER SW1/4SW1/4 Sec. 23, Twp 11S, Rge 09E, B.M.
OWYHEE County

WATER RIGHT NO. 51-7292

PLACE OF USE: STOCKWATER, WILDLIFE FROM STORAGE, STOCKWATER FROM STORAGE

[illegible]

WATER RIGHT NO. 51-7292

[illegible]

WATER RIGHT NO. 51-07292

09S 10E	35
09S 10E	36
09S 11E	31
10S 07E	2
10S 08E	1
10S 08E	4
10S 08E	6
10S 08E	9
10S 08E	10
10S 08E	14
10S 08E	16
10S 09E	5
10S 09E	7
10S 09E	8
10S 09E	9
10S 09E	11
10S 09E	14
10S 09E	21
10S 09E	22
10S 09E	25
10S 09E	26
10S 09E	27
10S 09E	32
10S 09E	36
10S 10E	4
10S 10E	20
10S 10E	30
11S 09E	2
11S 09E	3
11S 09E	4
11S 09E	11

WATER RIGHT NO. 51-7292

11S 09E 14	X			
11S 09E 16				X
11S 09E 22				X
11S 09E 23			X	

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	08E	31																X	
09S	09E	31		X	X	X													
11S	09E	14							X										
11S	09E	23										X							

Echo Water Users Association, Inc. by
(Signature) Darcy Helmick
Darcy Helmick
president

day of January, 2016

Justin W. Price
(Signature)
for BLN

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 51-7292

FOR DEPARTMENT USE ONLY

Preliminary check by PK Fee = \$100⁰⁰ Received by CJ # W043789 Date 1/5/16

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. 51-07292 with the following:

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.

Witness my hand this _____ day of _____, 2016.

GARY SPACKMAN
Director



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

May 11, 2016

ECHO WATER USERS ASSN INC
PO BOX 235
MOUNTAIN HOME ID 83647

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: License No. 51-7292

Issuance of License

Dear Water Right Holder(s):

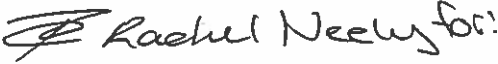
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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,

 Rachel Newby

Nick Miller

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 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. 51-7292

**ECHO WATER USERS ASSN INC
PO BOX 235
MOUNTAIN HOME ID 83647**

**UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is positioned above a horizontal line.

**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.