

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08429

Priority: March 01, 1999

Maximum Diversion Rate: 10.00 CFS
Maximum Diversion Volume: 7,239.8 AF

It is hereby certified that LEO E RAY
4647D RIVER RD
BUHL ID 83316

And/Or

JUDITH K RAY
4647D RIVER RD
BUHL ID 83316

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 01, 1999; and has submitted Proof of Beneficial Use on December 21, 2000. An examination confirms that water is diverted from:

SOURCE

DEEP CREEK

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE
WATER QUALITY
IMPROVEMENT

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
10.00 CFS

**ANNUAL
DIVERSION VOLUME**
7,239.8 AF

LOCATION OF POINT(S) OF DIVERSION:

DEEP CREEK NW1/4SE1/4 Sec. 8, Twp 10S, Rge 14E, B.M. TWIN FALLS County

PLACE OF USE: WATER QUALITY IMPROVEMENT

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
10S 14E 8															X		

CONDITIONS OF APPROVAL

1. The right holder shall maintain a suitable measuring device at the point of diversion from Deep Creek and, after specific notification by the Department, at the point of effluent return to Deep Creek. Upon request of the Department, the right holder shall annually report the amount of water diverted from and returned to Deep Creek.
2. The right holder or successors in interest shall not divert more than one-half the flow of water in Deep Creek as measured at the point of diversion under this right. The maximum rate of diversion also may not exceed a rate larger than required to meet the mitigation plan approved by DEQ.

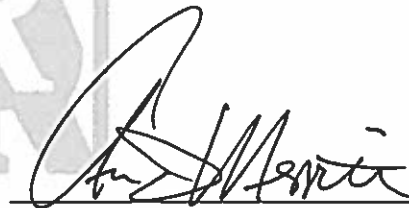
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3. Diversion and use of water under this right is only valid in connection with operation of the fish propagation facility authorized by Permit 47-08076. The right holder is not authorized to raise fish or other aquatic life in the settling ponds or to make other beneficial uses of the water.
4. Use of water under this right shall be non-consumptive. The right holder shall retain ownership and control of the shares of Twin Falls Canal Co. water used on the 8-acre project site.
5. Use of water under the right may be affected by private agreements between the right holder and the Idaho Department of Fish and Game and the Twin Falls Canal Co.
6. A fish screen of 1/2 inch or smaller mesh shall be installed and maintained at the point of diversion.
7. Water discharged from the settling ponds to Deep Creek shall comply with applicable water quality standards of the DEQ of the Idaho Department of Health and Welfare.
8. The right holder shall return effluent from the settling ponds directly to Deep Creek and shall not divert the water for wetland use after use in the settling ponds of the right holder.

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 21st day of January, 2016.

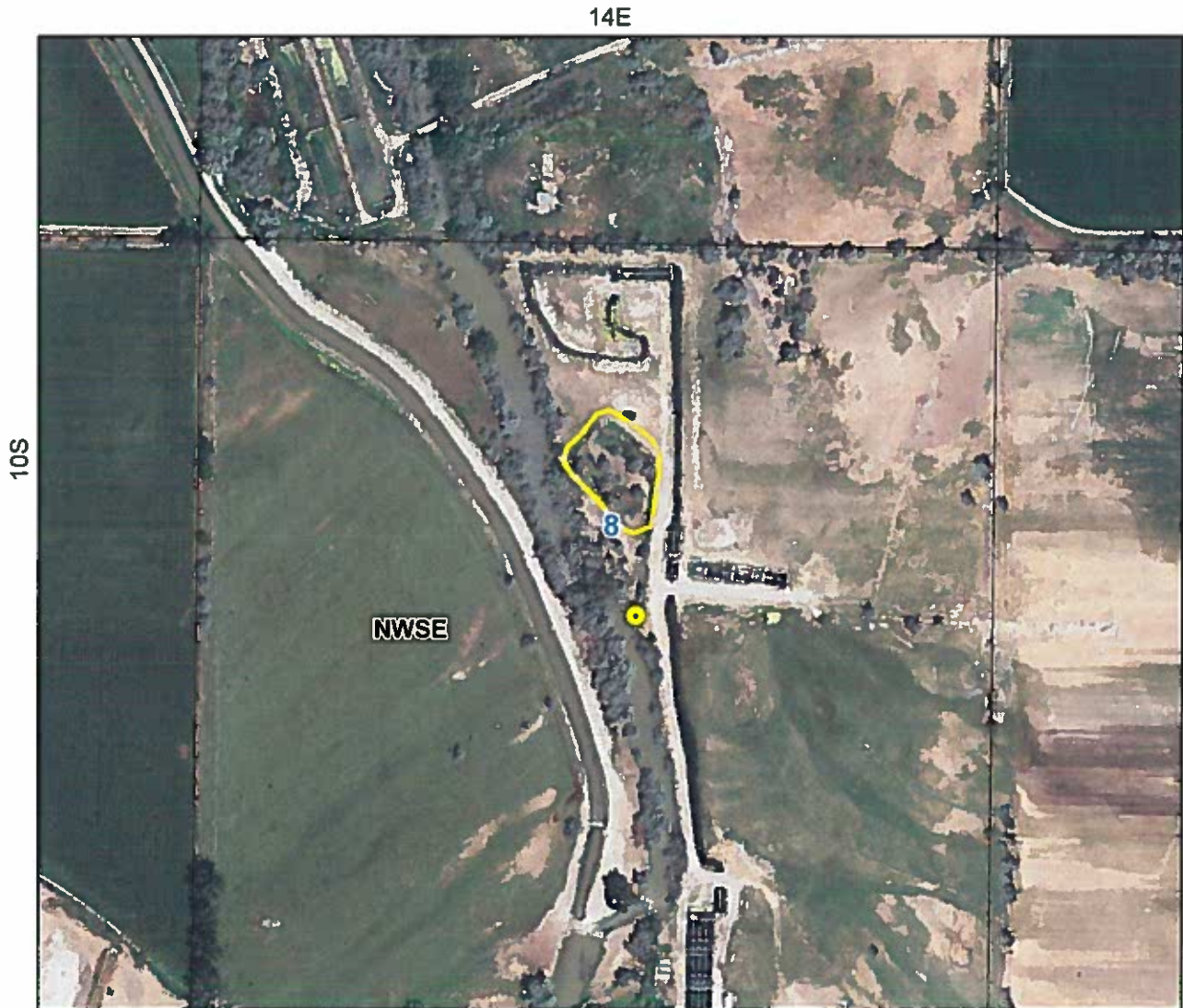


ALLEN MERRITT
Region Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License 47-8429

This map depicts the WATER QUALITY IMPROVEMENT 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

January 25, 2016

LEO E RAY
JUDITH K RAY
4647D RIVER RD
BUHL ID 83316

RE: License No. 47-8429

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,

Allen Merritt
Southern Region Manager

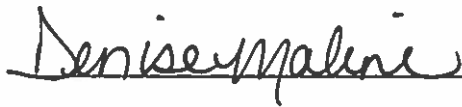
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 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. 47-8429

**LEO E RAY
JUDITH K RAY
4647D RIVER RD
BUHL ID 83316**

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.