

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11862

Priority: June 11, 2015

Maximum Diversion Rate: 0.12 CFS

This is to certify, that ALVIN DAVISON And/Or
TINA DAVISON
PO BOX 35
MURPHY ID 83650

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	0.12 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SE1/4SE1/4 Sec. 27, Twp 02S, Rge 02W, B.M., OWYHEE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
02S 02W 27																	4.0	4.0

Total Acres: 4

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2016**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of November, 2015.


for GARY SPACKMAN, Director

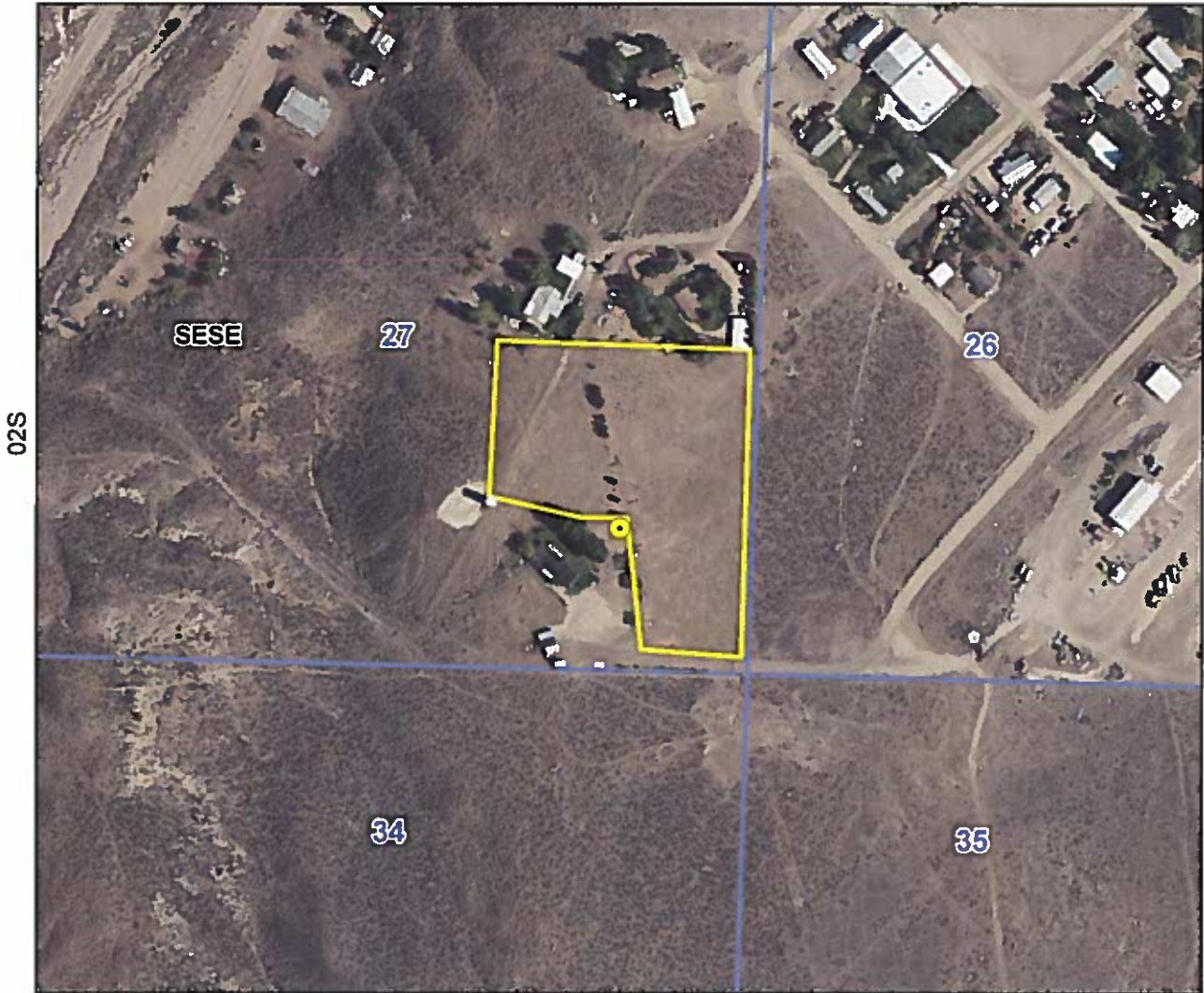
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

57-11862

This map depicts the IRRIGATION 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.

02W



0 0.035 0.07 0.14 Miles

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





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 13, 2015

ALVIN DAVISON
TINA DAVISON
PO BOX 35
MURPHY ID 83650

RE: Permit No.57-11862

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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*

Rachel Neely for:

Nick Miller

Western Region Manager

Enclosure(s)

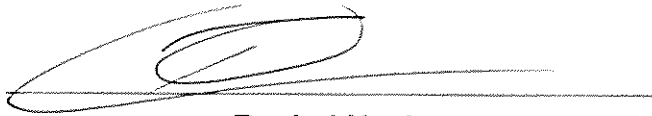
CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

57-11862

**ALVIN DAVISON
TINA DAVISON
PO BOX 35
MURPHY ID 83650**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over 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.

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

NOV 02 2015

WATER RESOURCES
WESTERN REGION

I, Robert E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

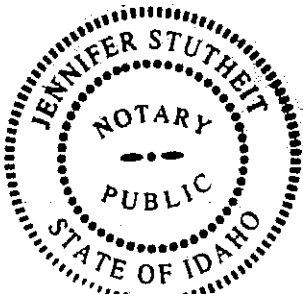
OCTOBER 7, 14, 2015

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 30 day of OCT in the year of 2015 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2021

THE FOLLOWING
APPLICATIONS HAVE
BEEN FILED TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO:

57-11845 MICHAEL B IHLL,
LINDA MIHLI, 625 S SCHOOL
AVE, KUNA, ID 83634. Point
of Diversion NWNE S13
T04S R01E OWYHEE County
Source CASTLE CREEK
Tributary SNAKE RIVER. Use:
DIVERSION TO STORAGE
11/16 to 02/28 2 CFS. Use:
WILDLIFE STORAGE 01/01 to
12/31 200 AF. Total Diversion: 2
CFS 200 AF. Date Filed: 2/4/2014
Place of Use: WILDLIFE
STORAGE, T04S R01E S12
SWNE SENE SE(ALL)

57-11862 ALVIN DAVISON,
TINA DAVISON, PO BOX
35, MURPHY, ID 83650. Point
of Diversion SESE S27 T02S
R02W OWYHEE County
Source GROUND WATER. Use:
IRRIGATION 03/01 to 11/15 0.12
CFS. Total Diversion: 0.12 CFS.
Date Filed: 6/11/2015. Place of
Use: IRRIGATION, T02S R02W

S27 SESE Total Acres: 4

57-11864 MKFT REAL
ESTATE LLC, 601 E RIVERSIDE
AVE 5TH FLOOR, SPOKANE,
WA 99201. Points of Diversion
SESW SWSE S26 T04S R01W
OWYHEE County Source
GROUND WATER. Point of
Diversion SWSW S25 T04S
R01W OWYHEE County
Source GROUND WATER. Use:
IRRIGATION 03/01 to 11/15 1
CFS. Total Diversion: 1 CFS.
Date Filed: 6/24/2015. Place
of Use: IRRIGATION, T04S
R01W S25 SWSW, T04S R01W
S26 SW(ALL) SE(ALL), T05S
R01W S34 NENE SWNE SENE,
T05S R01W S35 NENE NWNE
SWNE NW(ALL). Total Acres:
532. Application proposes 50
additional acres to be irrigated
within a permissible place of use
of 532 acres with water right nos.
57-2271, 57-2278, & 57-11711.

PROPOSED CHANGE OF
WATER RIGHT(S)

MKFT Real Estate, LLC, of 601
E. Riverside Ave., Spokane, WA
99201, filed Transfer Application
No. 80195 to consolidate the
points of diversion for Right Nos.
57-2271, 57-2278, and 57-11711
to a proposed well in the SESW
Sec. 26 T4S R1W, an existing
well in the SWSE Sec. 26 T4S
R1W, and a second existing well
in the SWSW Sec. 25 T4S R1W.
Transfer also proposes to create
a permissible place of use for
irrigation flexibility. All three
rights authorize a total of 7.82
cfs and 1758.6 acre-feet. Priority
dates range from 1964 to 2007.
No other changes proposed.

PROPOSED CHANGE OF WATER RIGHT(S)

Idaho Water Company LLC of 1135 Valley Rd. S. Eden ID 83325 filed Application No. 79727 to transfer two water rights with 1969 priority dates from the Snake River totaling 2.5 cfs. The purpose of the transfer is to change the point of diversion and place of use to a location approximately 60 miles upstream. The current site is generally located south of the Snake River just west of the confluence with Castle Creek approximately 10 miles northeast of Oreana. The proposed site is located south of the Snake River just west of the confluence with Sailor Creek approximately two miles southwest of Hammett. The unchanged portion of one of the rights will remain at the current site near Oreana.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 10-26-2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
10/7,14/15

VORBN
11/2/15

11/2/15

11/2/15

11/2/15

