

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 36-08282

Priority: June 13, 1985

Maximum Diversion Rate: 1.63 CFS
Maximum Diversion Volume: 325.6 AF

It is hereby certified that SARA D CRANE
270 E 577 LN N
RUPERT ID 83350 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated June 13, 1985; and has
submitted Proof of Beneficial Use on June 16, 1989. An examination confirms that 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>
IRRIGATION	03/15 to 11/15	1.63 CFS	325.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 26, Twp 08S, Rge 24E, B.M.
MINIDOKA County		
GROUND WATER	SE1/4SW1/4	Sec. 26, Twp 08S, Rge 24E, B.M.
MINIDOKA 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	
08S 24E 26			1.3	.5			.3	.3	1.0	18.0	38.0	33.0	31.0	38.0	40.0	39.0	240.4
			L 93	L 93			L 97	L 97	L 93	L 89		L 93	L 93	L 93	L 93	L 93	

Total Acres: 293.4

CONDITIONS OF APPROVAL

1. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

State of Idaho
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Water Right License

WATER RIGHT NO. 36-08282

4. This right is limited to the irrigation of 81.4 acres within the authorized place of use in a single irrigation season.
5. Rights 36-2365A, 36-2365B, 36-2473C, 36-2473D, 36-7011A, 36-7011B and 36-8282 when combined shall not exceed a total diversion rate of 4.12 cfs, a total annual maximum diversion volume of 1173.6 af at the field headgate, and the irrigation of 293.4 acres.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under this license, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. The following convention is used to convert the government lots listed in the points of diversion to the official U.S. government tract designation: Lot 99 = Tract A, Lot 98 = Tract B, Lot 97 = Tract C, Lot 96 = Tract D, Lot 95 = Tract E, Lot 94 = Tract F, Lot 93 = Tract G, Lot 92 = Tract H, Lot 91 = Tract J, Lot 90 = Tract K, Lot 89 = Tract L, Lot 88 = Tract M, Lot 87 = Tract N, Lot 86 = Tract O, Lot 85 = Tract P, Lot 84 = Tract Q, Lot 83 = Tract R, Lot 82 = Tract S.

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 6th day of October, 2015.

FOR

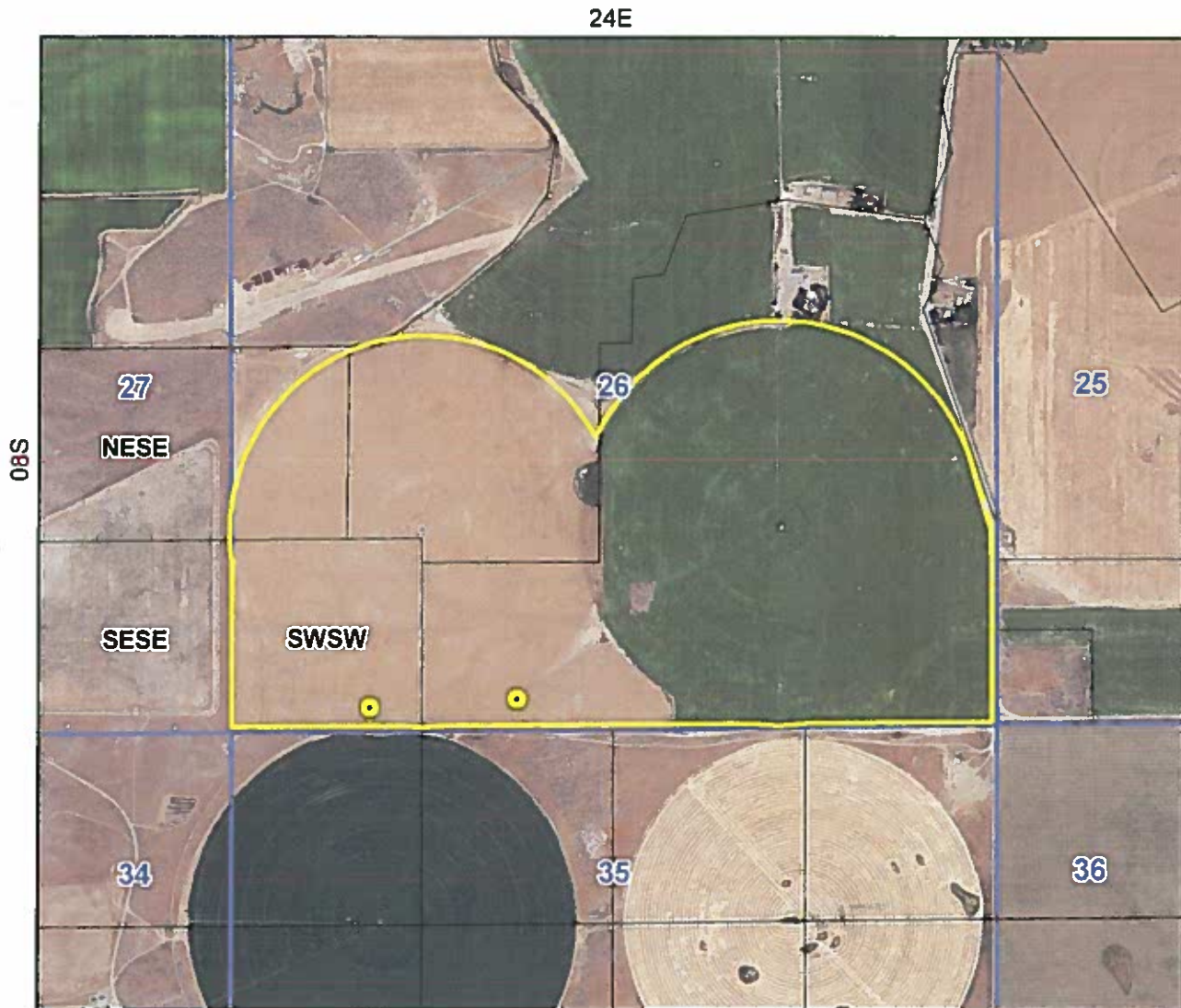

GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

36-8282

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.



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

0 0.15 0.3 0.6 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

October 6, 2015

SARA D CRANE
270 E 577 LN N
RUPERT ID 83350

RE: License No. 36-8282

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 October 6, 2015 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.

36-8282

**SARA D CRANE
270 E 577 LN N
RUPERT ID 83350**

A handwritten signature in black ink, 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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-08282

RECEIVED
AUG 03 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: June 13, 1985

Maximum Diversion Rate: 1.63 CFS
Maximum Diversion Volume: 325.6 AF

Comes now SARA D CRANE
270 E 577 LN N
RUPERT ID 83350

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. 36-08282, 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>
IRRIGATION	03/15 to 11/15	1.63 CFS	325.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SW1/4SW1/4	Sec. 26, Twp 08S, Rge 24E, B.M.
MINIDOKA County		
GROUND WATER	SE1/4SW1/4	Sec. 26, Twp 08S, Rge 24E, B.M.
MINIDOKA County		

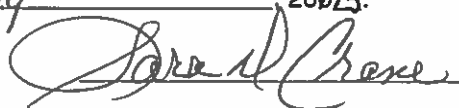
PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 24E 26			1.3	.5			.3	.3	1.0	18.0	38.0	33.0	31.0	38.0	40.0	39.0	240.4
			L 93				L 97	L 97	L 93	L 89		L 93	L 93	L 93	L 93	L 93	

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 24E 26									33.0	15.0		5.0					53.0
									L97	L97		L93					

Acre Limit: 81.4
Total Acres: 293.4

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 29th day of July 2015.



(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100⁰⁰ Received by ASR # 503440 Date 8/2/15

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

WATER RIGHT NO. 36-08282
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. 36-08282 with the following:

CONDITIONS OF APPROVAL

1. This water right enjoys the benefit of unqualified subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02, 02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37, 02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026.
2. The issuance of this right does not grant any right-of-way or easement across the land of another.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. This right is limited to the irrigation of 108 acres within the authorized place of use in a single irrigation season.
5. Rights 36-2365A, 36-2365B, 36-2473C, 36-2473D, 36-7011A, 36-7011B and 36-8282 when combined shall not exceed a total diversion rate of 4.12 cfs, a total annual maximum diversion volume of 1173.6 af at the field headgate, and the irrigation of 293.4 acres.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under this license, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. The following convention is used to convert the government lots listed in the points of diversion to the official U.S. government tract designation: Lot 99 = Tract A, Lot 98 = Tract B, Lot 97 = Tract C, Lot 96 = Tract D, Lot 95 = Tract E, Lot 94 = Tract F, Lot 93 = Tract G, Lot 92 = Tract H, Lot 91 = Tract J, Lot 90 = Tract K, Lot 89 = Tract L, Lot 88 = Tract M, Lot 87 = Tract N, Lot 86 = Tract O, Lot 85 = Tract P, Lot 84 = Tract Q, Lot 83 = Tract R, Lot 82 = Tract S.

Witness my hand this 6th day of October, 2015

For


GARY SPACKMAN
Director



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

June 19, 2015

Paul Duncan
1404 E 500 N
Jackson, ID 83350

RE: Water Right Permit No. 36-8282

Dear Mr. Duncan:

As we discussed on June 4, 2015 our office has recently started the process of licensing permit 36-8282 in the name of Sara D. Crane. During preliminary examination of the permit, it was discovered that the place of use was developed differently than described on the permit. Before a license can be issued, permit 36-8282 must be amended to depict the water use as it was actually developed.

Our office has drafted an Application for Amendment of permit that will correct the place of use and create a new 293.4 acre permissible place of use (PPU) for the irrigation of 81.4 acres. Typically in the past a new license is issued for an exact amount of acres. After discussion it was decided to create the PPU because of the way the permit was developed. There are six existing overlapping water rights (36-2365A, 36-2365B, 36-2473C, 36-2473D, 36-7011A and 36-7011B) appurtenant to 212.9 acres within the new 294.3 acre PPU that are irrigated by these same two wells. As a result, after licensing 36-8282, a transfer will be needed to combine the overlapping water rights and tie the system together.

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 have Sara D. Crane sign the Application for Amendment and return it with a \$100.00 filing fee.

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

Sincerely,

Jana Reeder
Sr. Water Resource Agent
IDWR