

State of Idaho
Department of Water Resources

AMENDED

Water Right License

AMENDED

WATER RIGHT NO. 37-20473

Priority: September 25, 2001

Maximum Diversion Volume: 4.0 AF

It is hereby certified that RALPH CAMPANALE
PO BOX 947

SUN VALLEY ID 83353 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 21, 2001; and has submitted Proof of Beneficial Use on December 05, 2006. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: UNNAMED STREAM

UNNAMED STREAM

CAMAS CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	4.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING	NE1/4NE1/4SE1/4	Sec. 26,	Twp 01S,	Rge 15E, B.M.	CAMAS County
UNNAMED STREAM	NE1/4SE1/4	Sec. 26,	Twp 01S,	Rge 15E, B.M.	CAMAS County

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S 15E 26																X	

CONDITIONS OF APPROVAL

1. The right holder shall maintain a low level drain or other means to evacuate the pond in a manner that will provide the watermaster suitable control of the diversion and allow draining of the pond.
2. 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. 37B.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
5. Sources known locally as Ryans Spring and Ryans Creek.

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6. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder has abandoned the following portions of rights 37-7403 and 37-13369:

Right Nos.	Use	Rate	Volume	Acres
37-7403	Irrigation	0.02	4.5 ac-ft	1.5
37-13369	Irrigation	0.03		1.5

The land that will no longer be irrigated under these rights is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 01S, Range 15E, B.M.

In addition, the permissible place of use on the official record for water rights 37-2218, 37-4297, 37-7403, 37-13369, and 37-21336 will be reduced from 361 acres to 359.5 acres to exclude the abandoned 1.5 acres of irrigation.

The revised combined use limitation for rights 37-2218, 37-4297, 37-7403, 37-13369, and 37-21336 is:

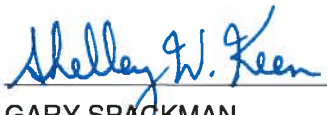
Rights 37-2218, 37-4297, 37-7403, 37-13369, and 37-21336 when combined shall not exceed the irrigation of 359.5 acres.

The revised combined use limitation for rights 37-7403 and 37-21336 is:

Rights 37-7403 and 37-21336 when combined shall not exceed a total diversion rate of 2.52 cfs, a total annual maximum diversion volume of 634.5 af at the field headgate, and the irrigation of 269.5 acres.

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 22nd day of September, 2015.


for GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 23, 2015

RALPH CAMPANALE
PO BOX 947
SUN VALLEY ID 83353

RE: License No. 37-20473

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Amended Water Right License correcting a typographical error in condition no.6. This license confirms that a water right has been established in accordance with your permit. This license supersedes the license document issued September 3, 2015. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The Amended License is a PRELIMINARY ORDER issued by the Department pursuant to Rule 760 of the Department's Rules of Procedure (IDAPA 37.01.01). 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 208-287-4951.

Sincerely,

For Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved Amended License**) to the person(s) listed below:

RE: WATER RIGHT NO.

37-20473

**RALPH CAMPANALE
PO BOX 947
SUN VALLEY ID 83353**



**Darla Block
Technical Records Specialist**

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.



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Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

c: WATER DISTRICT #37B

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I hereby certify that on September 24, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved Amended License**) to the person(s) listed below:

RE: WATER RIGHT NO.

37-20473

**WATER DISTRICT #37B
RUSTY KRAMER
PO BOX 591
FAIRFILED ID 83327**



**Darla Block
Technical Records Specialist**

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MEMORANDUM

TO: File 37-20473

FROM: Daniel Nelson – Staff Hydrologist

DATE: September 16, 2015

SUBJECT: Discussion of Amendment of License

The watermaster for Water District 37B discovered that the 3 had left off of the water right number 37-7403 in condition 6 of the license issued for water right 37-20473. This was a data entry error, and has been fixed in the database. An amended license has been prepared with the correct water right number in condition 6.