

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 86-12023

Priority: April 23, 2014

Maximum Diversion Rate: 0.06 CFS

It is hereby certified that EVELYN HARPER

And/Or

TYE HARPER

1123 AMERICAN RIDGE RD

KENDRICK ID 83537

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 23, 2014; and has submitted Proof of Beneficial Use on April 13, 2015. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: MIDDLE POTLATCH CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	03/15 to 11/15	0.03 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW1/4NW1/4SE1/4 Sec. 33, Twp 38N, Rge 03W, B.M. LATAH County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N	03W	33													X				X

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	
38N	03W	33													1.0				1.0

Total Acres: 1

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
38N	03W	33													X	X	X	X	

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. Domestic use is for 1 home.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

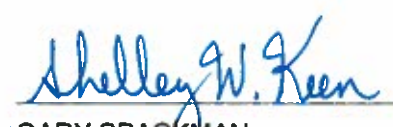
State of Idaho
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Water Right License

WATER RIGHT NO. 86-12023

4. The domestic use for this right is limited to an annual diversion volume of 1.2 af, and the stockwater use for this right is limited to an annual diversion volume of 0.2 af.

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 17th day of June, 2015.



for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
86-12023

This map depicts the DOMESTIC 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.



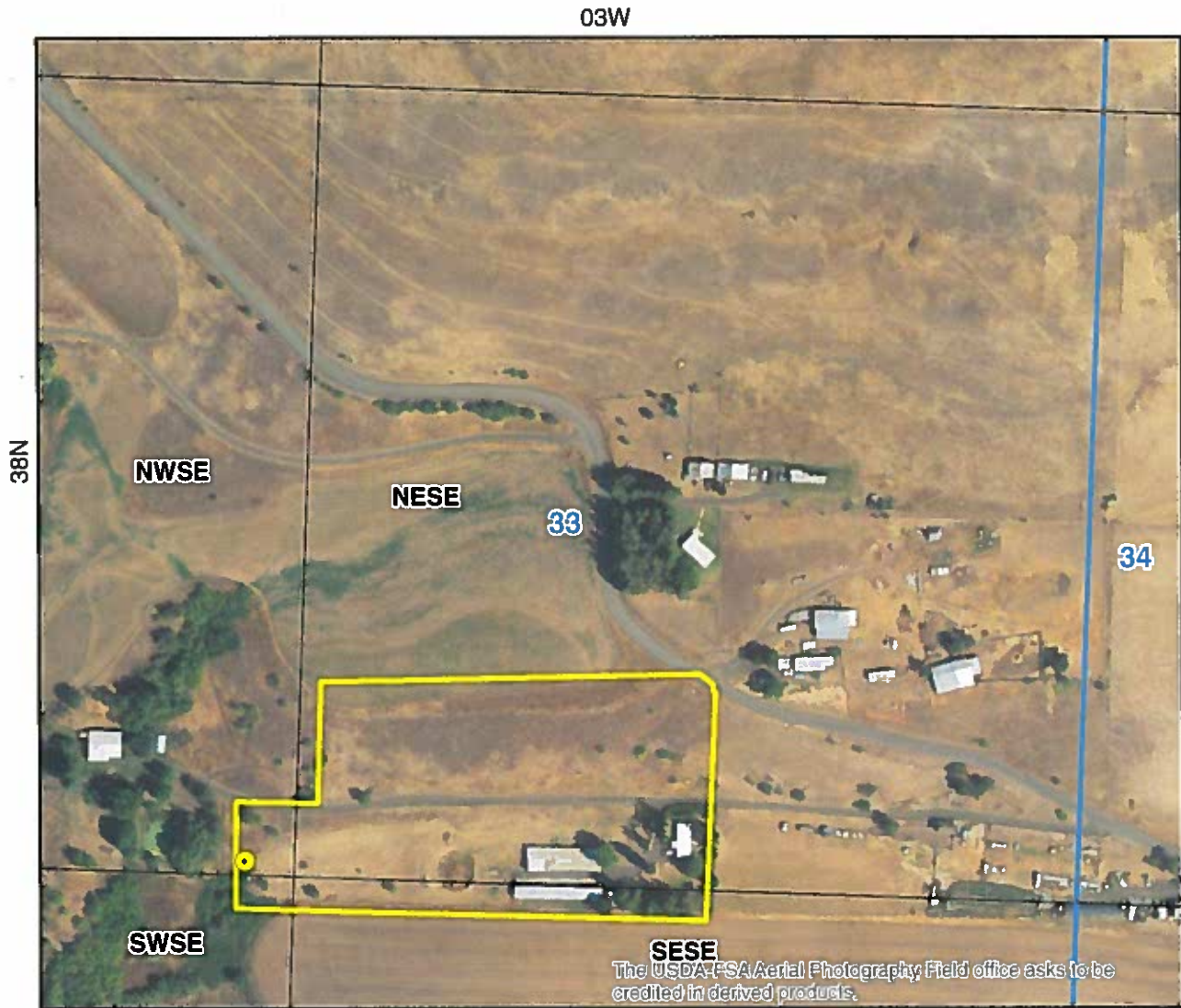
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
86-12023

This map depicts the STOCKWATER 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

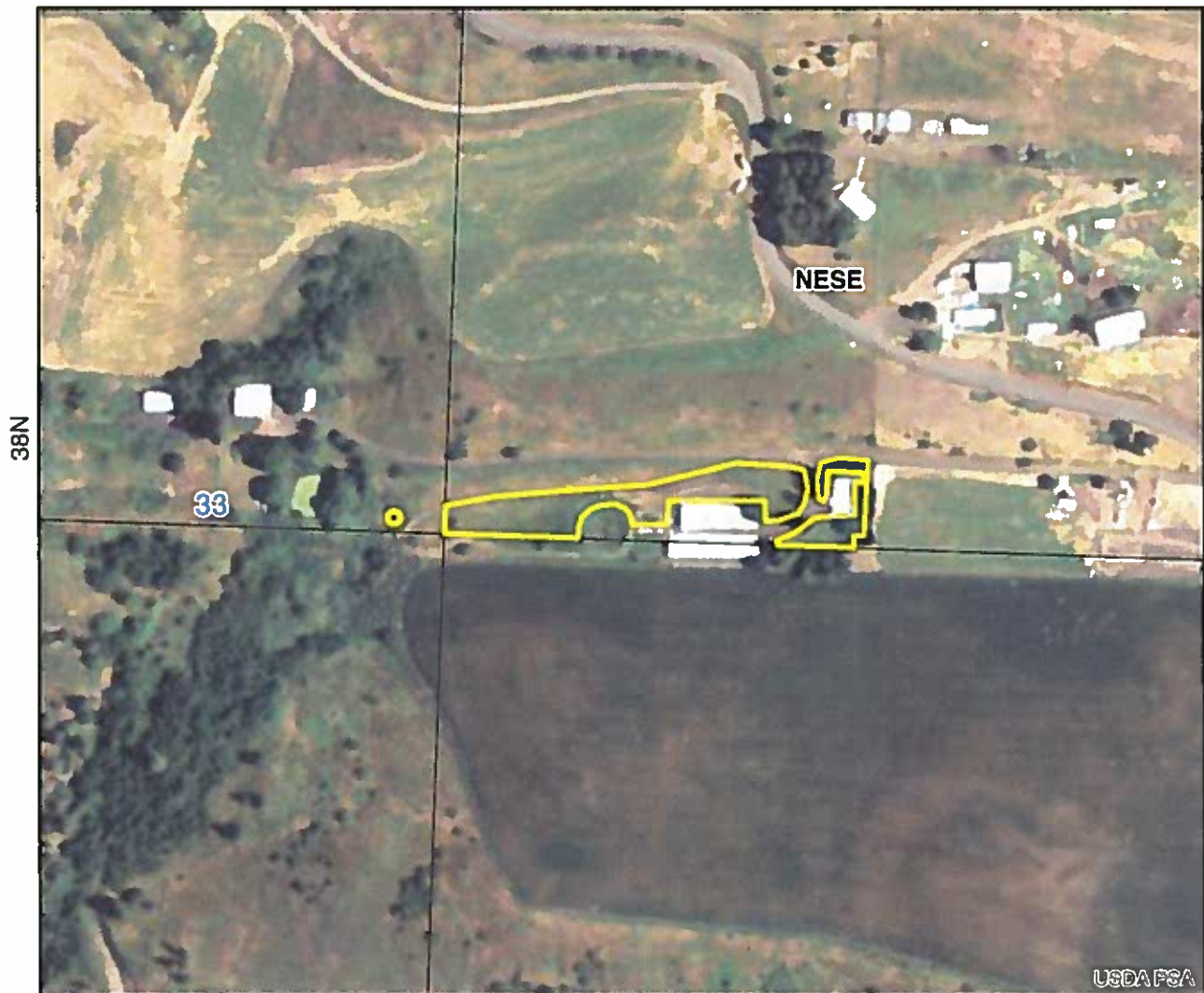
0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
86-12023

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.

03W



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

0 0.035 0.07 0.14 Miles





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

June 25, 2015

EVELYN HARPER
TYE HARPER
1123 AMERICAN RIDGE RD
KENDRICK ID 83537

RE: License No. 86-12023

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 208-287-4951.

Sincerely,

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 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.

86-12023

**EVELYN HARPER
1123 AMERICAN RIDGE RD
KENDRICK ID 83537**

**TYE HARPER
1123 AMERICAN RIDGE RD
KENDRICK ID 83537**

A handwritten signature in black ink that reads "Darla Block". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

**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.

MEMORANDUM

TO: File 86-12023

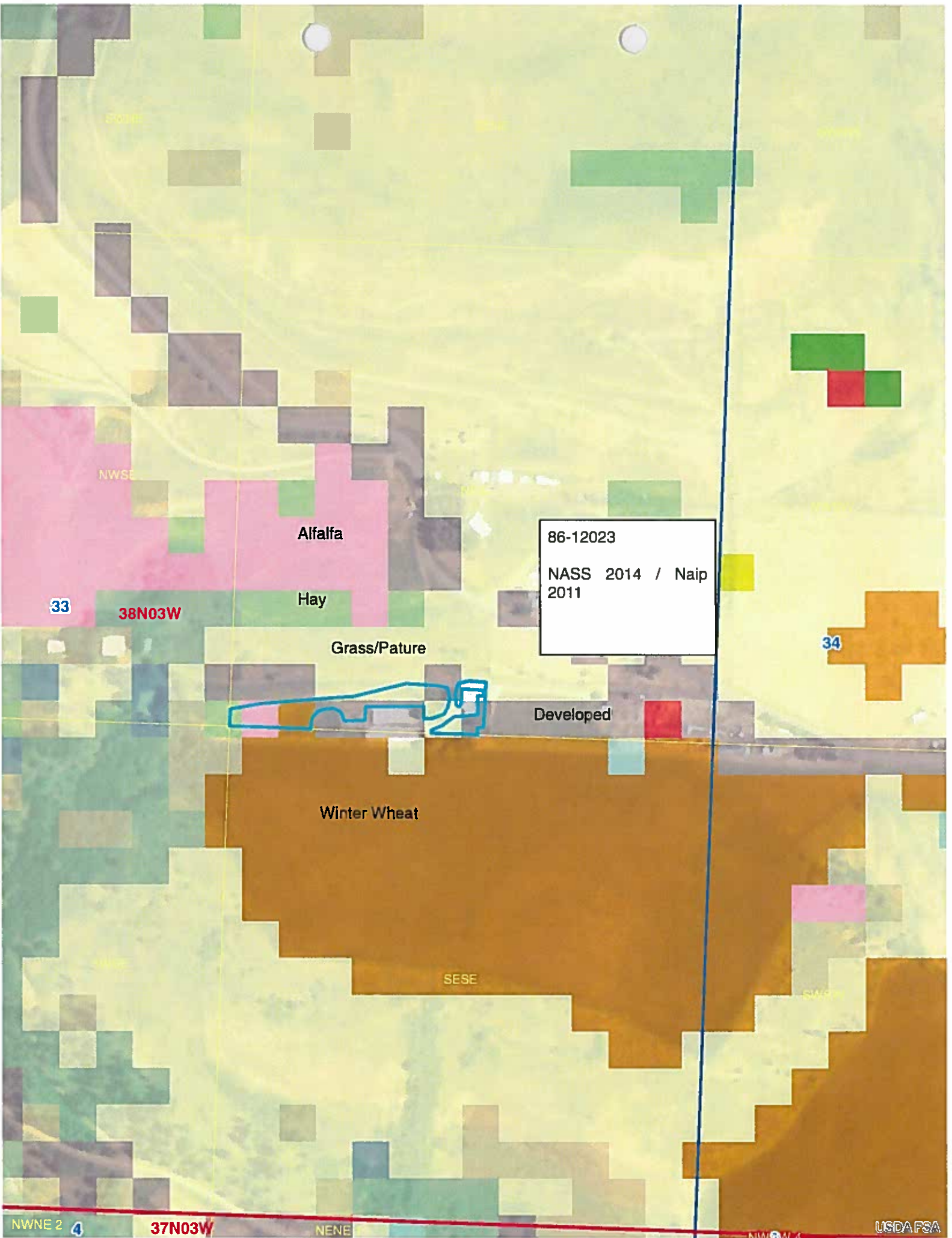
FROM: Daniel Nelson – Staff Hydrologist

DATE: June 17, 2015

SUBJECT: Review of Proof of Irrigation

There was some concern whether the permit was actually irrigated. The owner supplied information in a June 16, 2015 email where she draws the location of the area irrigated. The map she provided also states that they have been irrigating this ground since 2005. I have attached the NASS information overlaying the 2011 aerial photo, and it does appear as though some of this land is classified as Grass/Pasture.

I reviewed the 2011 and 2006 aerial photography, and it does appear as though the entire pasture was irrigated in those years. My assumption is that the irrigation on this ground is sporadic and only done when needed. If the 2013 aerial photos were taken a week earlier or later it might have shown irrigation. I recommend that this permit be moved forward to licensing.



86-12023
NASS 2014 / Naip
2011

Alfalfa

Hay

Grass/Pature

Developed

Winter Wheat

SESE

SWNE

SENE

SWNW

NWSE

NESE

NWSW

2011 Aerial Photo

33

38N03W

34

SWSE

SESE

SWSW



SWNE

SENE

SWNW

NWSE

33

38N03W

NENE

NWSW

34

2006 Aerial Photo

SWSW

SESE

SWSW

NWNE 2

4

NENE

37N03W

NWNW 4

3

Favreau, Danielle

From: Favreau, Danielle
Sent: Tuesday, June 16, 2015 10:17 AM
To: 'Evelyn Harper'
Subject: RE: Water Appropriation Permit #86-12023

Hello Evelyn,

I have received your email and the attachment. I will review the information as soon as possible.

Thank you for providing the attached information.

Danielle

Danielle Bruno-Favreau, GISP
GIS Analyst
Idaho Dept. of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098

From: Evelyn Harper [<mailto:eharper@p1fcu.org>]
Sent: Tuesday, June 16, 2015 10:15 AM
To: Favreau, Danielle
Subject: Water Appropriation Permit #86-12023

Hi Danielle,

Please find attached my response for further information. We have marked on the diagram/map where we use the water for irrigation. Please let me know if this is not legible and I'll mail you a copy.

Thank you

Evelyn Harper

Evelyn Harper

Compliance Officer
P1FCU

Work (208) 746-8900 x2121

Fax (208) 743-8068

eharper@p1fcu.org

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 4, 2015

Evelyn & Tye Harper
1123 American Ridge Rd.
Kendrick, ID 83537

RE: Water Appropriation Permit 86-12023

Request for Information

Dear Permit Holders:

In 2015 IDWR issued permit 86-12023 authorizing the development of a right to divert 0.06 cfs of water from Spring within SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 38 North, Range 03 West, B.M., for irrigation, domestic, and stockwater use.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. If you have not developed a beneficial use of water from ground water within the development period authorized by your permit a license cannot be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

During the In-House License Review, IDWR personnel were unable to confirm that irrigation occurred on your property during 2014-2015. If you believe a water right license for irrigation use should be issued to you, please supply information to demonstrate that you established a beneficial use of water for irrigation in accordance with Permit 86-12023 including marking on the included map where the irrigation is taking place. This information may include but are not limited to photographs of the irrigated acreage, diagram of and evidence of use of the water delivery system, and/or crop harvesting receipts where harvest location is identified.

Please mail the information to IDWR, C/O Danielle Favreau, to the address on at the top of this letter. If you would like, you could email the information to Danielle.Favreau@idwr.idaho.gov.

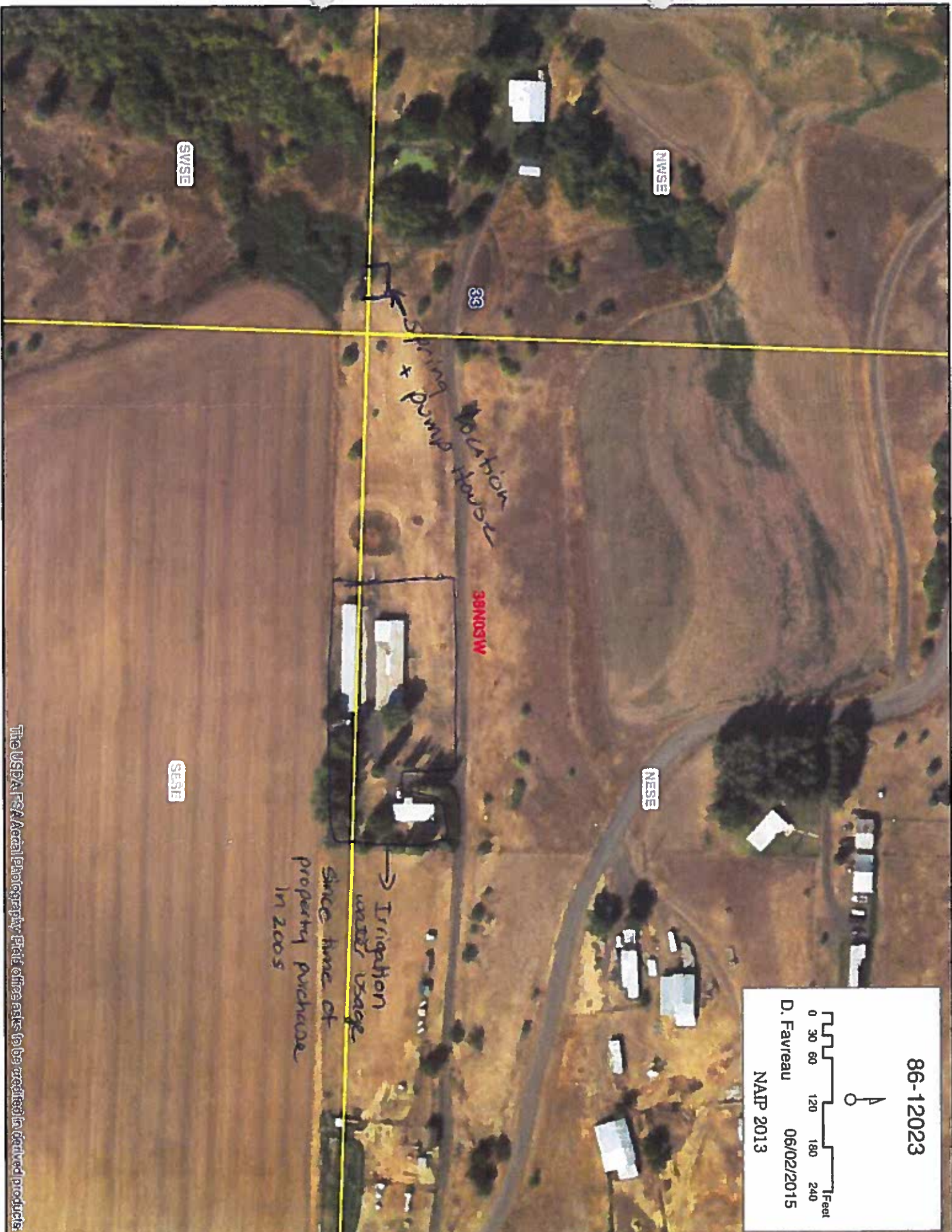
IDWR personnel were able to confirm domestic and stockwater uses under permit 86-12023. If I do not receive the requested information from you within thirty (30) days, the licensing process will continue for the domestic and stockwater portion of this right.

If you have any questions regarding proof of beneficial use, please contact Dan Nelson at 208-287-4800.

Respectfully,

Danielle Favreau
GIS Analyst
Technical Services Bureau

Enclosures



86-12023



D. Favreau 06/02/2015

NATP 2013

33

Spring location
x pump house

38N03W

→ Irrigation
water usage

Since time of
property purchase
in 2005

SWSE

NWSE

NESE

SESE