

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
NO. 67-15135

Priority: April 29, 2015

Maximum Diversion Rate: 1.92 CFS

This is to certify, that SAGE ROCK RANCH  
1205 PRINGLE RD  
WEISER ID 83672

has applied for a permit to appropriate water from:

Source: WEISER RIVER Tributary to: SNAKE RIVER

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

**BENEFICIAL USE**

IRRIGATION

**PERIOD OF USE**

03/01 to 11/15

**RATE OF DIVERSION**

1.92 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

WEISER RIVER NE1/4NE1/4 Sec. 35, Twp 11N, Rge 04W, B.M. WASHINGTON 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 |        |
| 11N | 06W | 15  | 40 | 40 |    | 16 |    |    |    |    |    |    |    |    |    |    |    |    | 96     |

Total Acres: 96

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before July 01, 2016.
2. Subject to all prior water rights.
3. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
5. 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.67 Weiser River.
6. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 26<sup>th</sup> day of June, 2015.

  
for GARY SPACKMAN, Director



**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](http://www.idwr.idaho.gov)

---

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 29, 2015

SAGE ROCK RANCH  
1205 PRINGLE RD  
WEISER ID 83672

RE: Permit No. 67-15135

**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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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,

 Rachel Neely for:

Nick Miller  
Western Region Manager

Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 29, 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. 67-15135**

**SAGE ROCK RANCH  
1205 PRINGLE RD  
WEISER ID 83672**

**BRANDI S. HORTON  
WATERMASTER OF DISTRICT 67  
2297 SNAPP LN  
MIDVALE ID 83645**

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

**Rachel Neely  
Administrative Assistant I**

## **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.

**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO )  
 County of Washington ) ss.

Sarah Boles, being duly sworn,  
 deposes and says:

That she is the Clerk of  
 THE WEISER SIGNAL AMERICAN, a weekly newspaper  
 published at Weiser, in the County of Washington and State of  
 Idaho; that said paper has been and is in general circulation in  
 the county aforesaid, and in the vicinity of Weiser; that the ad-  
 vertisement, a copy of which is attached hereto, was published in

said newspaper once a week for two consecutive weeks in  
 the regular and entire issue of said paper during the period and  
 time of publication, and was published in the newspaper proper  
 and not in a supplement; that said paper has been established  
 and regularly published for more than seventy-eight consecutive  
 weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with  
May 20, 2015 and ending

with the issue of May 27, 2015  
Sarah Boles

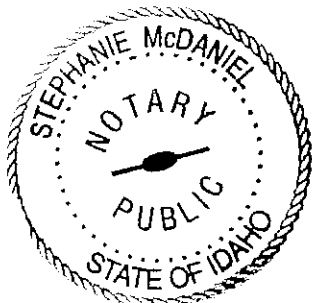
Fees, \$ 113.23

Subscribed and sworn to before me this 27

date of May 2015

Stephanie McDaniel  
 Notary Public, residing at Weiser, Idaho.

My commission expires 09-14-18



No.

The following application has been filed to appropriate the  
 public waters of the State of Idaho:

67-15135

SAGE ROCK RANCH

1205 PRINGLE RD

WEISER, ID 83672

Point of Diversion NENE S35 T11N R04W WASHINGTON

County Source WEISER RIVER Tributary SNAKE RIVER

Use: IRRIGATION 03/01 to 11/15 1.92 CFS

Total Diversion: 1.92 CFS

Date Filed: 4/29/2015

Place of Use: IRRIGATION

T11N R06W S15 NENE NWNE SENE

Total Acres: 96

Permits will be subject to all prior water rights. For addi-  
 tional information concerning the property location, contact  
 Western Region office at (208) 334-2190; or for a full de-  
 scription of the rights, please see [www.idwr.idaho.gov/Water-Management/WaterRights/#New\\_Listings](http://www.idwr.idaho.gov/Water-Management/WaterRights/#New_Listings). Protests may be  
 submitted based on the criteria of Idaho Code § 42-203A. Any  
 protest against the approval of this application 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 6/8/2015. The  
 protestant must also send a copy of the protest to the appli-  
 cant.

GARY SPACKMAN, Director

Published on 5/20/2015 and 5/27/2015

20-2S

**RECEIVED****JUN 08 2015**WATER RESOURCES  
 WESTERN REGION

## Sommer, Rachel

---

**From:** Brandi Horton [watermaster67@hotmail.com]  
**Sent:** Wednesday, June 03, 2015 8:41 AM  
**To:** Sommer, Rachel  
**Subject:** Re: 67 - Application for Permit  
**Attachments:** Recommendation - Sage Rock Ranch (67-15135).doc

Good Morning Rachel!

Attached is my recommendation for the Sage Rock Ranch Application (67-15135).

Have a Great Day!

Brandi Horton  
2297 Snapp Lane  
Midvale, ID 83645  
(208) 550-0313

Sent from Windows Mail

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATERMASTER

Application No: 67-15135

Applicant's Name: Sage Rock Ranch

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☒ I do not oppose approval of this application if conditioned as follows:

☒ No water shall be diverted under this right after June 15\* of each year without prior approval of the watermaster. New rights are curtailed each year based on the water supply (seniority system). Use of a new right can continue during water shortages if the new right is mitigated with a lease of storage water from the Watermaster.

Other conditions:

- c) ☐ I oppose approval of this application for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

- d) ☐ Additional comments:

Dated this 3 day of June, 2015

Water District No: 67 Brandi S. Horton  
Watermaster's signature

\* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments.

Weiser Irrigation District  
128 E. Main St  
Weiser, Idaho 83672  
May 15, 2015

RECEIVED

MAY 18 2015

WATER RESOURCES  
WESTERN REGION

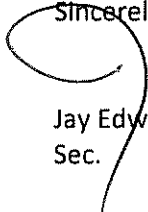
Western Region  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705

Re: Sagerock Weiser River application

Dear Sirs:

I am enclosing a copy our delivery contract with Orren McMullen. Sagerock is the successor in interest. Under the contract, the Weiser Irrigation District will deliver both Sagerock's Crane Creek Reservoir storage water and any acquired water from the Weiser River. We would request a flow meter meeting IDWR standards to be installed in the pumping system to determine the actual amount of water delivered.

Sincerely yours,



Jay Edwards  
Sec.

Cc: Ida Widner

THIS CONTRACT, Executed in duplicate this the 11th day of April, 1949, by and between WEISER IRRIGATION DISTRICT, A quasi-municipal corporation, of Weiser, Idaho, party of the first part, and ORREN C. McMULLEN and wife, BELLE McMULLEN of Weiser, Idaho, parties of the second part, WITNESSETH:

WHEREAS, on this date E. W. Horner, Trustee for the Weiser Irrigation District, for and in consideration of the sum of \$480.00 cash in hand paid to the Weiser Irrigation District, has conveyed unto the second parties ninety-six (96) acre feet of the primary storage rights in Crane Creek Reservoir, together with the proportionate part of the appurtenant impounding rights and storage facilities in said reservoir, dams, and structures used in impounding in said reservoir in the same proportion as 96 acre feet of the primary storage rights hereby conveyed bear to the primary storage rights of 45,400 acre feet in said reservoir; and,

WHEREAS, heretofore by deed dated the 30th day of June, 1945, said Horner, Trustee, conveyed to Ed. R. Coulter seventy (70) acre feet of the primary storage rights in said Crane Creek Reservoir of the same type and under the same conditions as those hereinbefore set forth as applicable to said 96 acre feet; and,

WHEREAS, the said Coulter has been holding the same for the use and benefit of the Weiser Irrigation District, and in consideration of the sum of \$350.00 this day paid to the Weiser Irrigation District by second parties hereto, said Coulter by deed has conveyed said 70 acre feet impounding capacity in said reservoir to the said Orren C. McMullen and wife, Belle McMullen, thus making altogether one hundred sixty-six (166) acre feet capacity in said reservoir being this day conveyed to said McMullens by said two (2) deeds;

1 NOW, IN CONSIDERATION OF THE PREMISES, and the payment of said  
2 monies to the Weiser Irrigation District, said water this day con-  
3 veyed by said two deeds shall be and the same is hereby made  
4 appurtenant to the NorthHalf of the Northeast Quarter, and  
5 West Half of the Southeast Quarter of the Northeast Quarter of  
6 Section 15, Township 11, North of Range 6, W. B. M.

7 It is further agreed that the second parties shall make application  
8 to the Commissioner of Reclamation of the State of Idaho for a  
9 permit to appropriate a larger quantity of the flood waters of the  
10 Weiser River and the same also to be made appurtenant to said  
11 lands hereinbefore described and to be used along with and in con-  
12 junction with the water by the two deeds hereinbefore described  
13 conveyed to said McMullens.

14 It is further agreed that in consideration of the premises the  
15 first party hereby conveys to the second parties the perpetual  
16 right to carry through and transport for irrigation purposes  
17 through the irrigation canals of the Weiser Irrigation District  
18 fifty (50) miners' inch capacity, said water so conveyed through  
19 said carrying facilities to be used on the lands hereinbefore  
20 described.

21  
22 It is further agreed that the second parties shall annually pay  
23 to the first party the same annual maintenance as they would pay  
24 for the maintenance charges against the lands hereinbefore describ-  
25 ed were said lands within the Weiser Irrigation District, but shall  
26 not be required to pay any sum or part of the annual assessments  
27 levied by the Weiser Irrigation District on lands other than for  
28 maintenance; and second parties shall annually make said payment for  
29 annual charge for maintenance of said fifty (50) miners' inches  
30  
31

at the same dates they would have to pay same were the lands in  
the District, to-wit: one-half on or before the third Monday  
in December, and the remaining one-half on or before the third  
Monday in June the following year. In the event the second parties  
permit said assessments to become delinquent and remain delinquent  
for the period of three (3) years, without paying same plus interest  
then this contract shall automatically come to an end and the  
rights hereby conveyed by first party to second parties for  
carrying capacity in said irrigation canal from its head down  
to the point where the water is taken from said canal to irrigate  
the lands hereinbefore described, shall come to an end and there-  
after the second parties shall not have any easement in said canal  
or any right to convey said water through same for irrigation  
purposes.

It is further agreed that the delivery of water hereby conveyed  
and the water which will be conveyed through said irrigation  
canal for the use of the second parties hereunder shall be made  
by the ditchtender of the first party, who shall have the sole  
right to operate and manage the headgates leading from the  
canal of the first party to irrigate the lands of second parties.

It is agreed that in the event in the future it shall become  
necessary that any improvements shall be made in the canal of  
the first party at any place between the head of said canal and  
the point where the water is taken from the canal to irrigate  
the lands of second parties, second parties shall pay their pro-  
rata part of said improvements.

IN WITNESS WHEREOF, the parties hereto have hereunto set their

1 hands and seals, signing this contract in duplicate this the day  
2 and year first above written.

3  
4 WEISER IRRIGATION DISTRICT, a quasi-  
Municipal corporation,

5 By

John J. McCrea  
President.

6 ATTEST:

7 Oliver J. Smith  
8 Secretary.

9 Orren C. McMullen

10 Belle McMullen

11  
12 STATE OF IDAHO :  
13 : ss.  
County of Washington :

14 On this the 17th day of April, 1949, before me, the undersigned,  
15 a Notary Public in and for said State, personally appeared  
John J. McCrea and Oliver J. Smith, known to me to be the president  
16 and secretary respectively of the Weiser Irrigation District, the  
corporation that executed the foregoing instrument, and acknow-  
17 ledged to me that such corporation executed the same.

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
notarial seal this the day and year in this my certificate first  
19 above written.

20 Albert S. Sauer  
Notary Public for Idaho,  
Residing at Weiser, Idaho.

21 STATE OF IDAHO :  
22 : ss.  
23 County of Washington :

24 On this the 17<sup>th</sup> day of April, 1949, before me, the undersigned,  
a Notary Public in and for said State, personally appeared Orren C.  
25 McMullen and wife, Belle McMullen, known to me to be the persons  
whose names are subscribed to the within and foregoing instrument,  
26 and acknowledged to me that they executed the same.

27 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my  
notarial seal this the day and year in this my certificate first  
28 above written.

29 Albert S. Sauer  
Notary Public for Idaho,  
30 Residing at Weiser, Idaho.