

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08281

Priority: October 20, 1986

Maximum Diversion Rate: 0.03 CFS

It is hereby certified that DANIEL T MANOOGIAN REVOCABLE TRUST
DANIEL T MANOOGIAN TRUSTEE
21 E HURON ST #1703
CHICAGO IL 60611 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated October 20, 1986; and has submitted Proof of
Beneficial Use on November 25, 2003. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

05/01 to 10/31

DIVERSION RATE

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW1/4NE1/4NE1/4 Sec. 15, Twp 05N, Rge 17E, B.M. BLAINE 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	
05N	17E	15	1.1																1.1

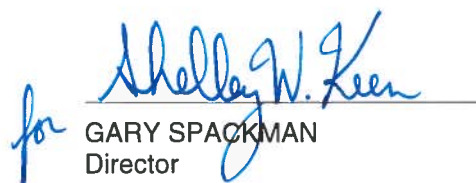
Total Acres: 1.1

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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. 37.
3. Rights 37-7882, 37-12205, 37-20809, and 37-8281 when combined the irrigation components of those rights shall not exceed a total diversion rate of 0.06 cfs and the irrigation of 2.1 acres.
4. Spring Rights 37-7882 and 37-8281 when combined shall not exceed a total diversion rate of 0.05 cfs.
5. Right 37-7882 is also diverted through the point(s) of diversion described above.

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 16th day of March, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
37-8281

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.

17E



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

0 0.0175 0.035 0.07 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

March 17, 2015

DANIEL T MANOOGIAN REVOCABLE TRUST
DANIEL T MANOOGIAN TRUSTEE
21 E HURON ST #1703
CHICAGO IL 60611

RE: License No. 37-8281

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. Also enclosed is a copy of the approved application for amendment.

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,

For 

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

cc: WATER DISTRICT #37

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 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. 37-8281

**DANIEL T MANOOGIAN REVOCABLE TRUST
DANIEL T MANOOGIAN TRUSTEE
21 E HURON ST #1703
CHICAGO IL 60611**

**WATER DISTRICT #37
KEVIN D LAKEY
107 W 1ST
SHOSHONE ID 83352**



**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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08281

RECEIVED

JAN 26 2015

DEPARTMENT OF
WATER RESOURCES**Date of Priority:** October 20, 1986

Maximum Diversion Rate: 0.03 CFS

Maximum Diversion Volume:

Comes now DANIEL T MANOOGIAN REVOCABLE TRUST
DANIEL T MANOOGIAN TRUSTEE
21 E HURON ST #1703
CHICAGO IL 60611

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. 37-08281, and requests that the permit be changed as follows:

Source: SPRING**Tributary:** SINKS**BENEFICIAL USE**

IRRIGATION

PERIOD OF USE

05/01 to 10/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

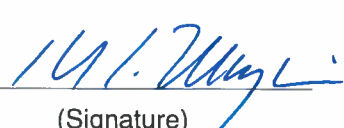
SPRING SW1/4NE1/4NE1/4 Sec. 15, Twp 05N, Rge 17E, B.M. BLAINE County

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	
05N	17E	15	1.1																1.1

Total Acres: 1.1

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 20th day of JANUARY, 2015.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 37-08281

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by Jms # CO 99052 Date 1-26-15

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. 37-08281 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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. 37.
3. Rights 37-07882, 37-12205, 37-20809 and 37-08281 when combined shall not exceed a total diversion rate of 0.06 cfs and the irrigation of 2.1 acres.
4. Spring Rights 37-7882 and 37-8281 when combined shall not exceed a total diversion rate of 0.05 cfs.
5. Right 37-7882 is also diverted through the point(s) of diversion described above.

Witness my hand this 16th day of March, 2015

for Shelley W. Keen
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

37-8281

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.

17E



● Point of Diversion

□ Place Of Use Boundary

□ Townships

□ PLS Sections

□ Quarter Quarters

0 0.0175 0.035 0.07 Miles



MEMORANDUM

TO: File 37-8281

FROM: Daniel Nelson – Staff Hydrologist

DATE: March 13, 2015

SUBJECT: January 29, 2015 amendment request.

On January 29, 2015, I sent a letter requesting a second amendment to change this permit to reflect a permissible place of use. The owner did not respond to this request, so we are moving forward with licensing this permit as described in the original amendment.



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

January 29, 2015

DANIEL T MANOOGIAN REVOCABLE TRUST
DANIEL T MANOOGAN TRUSTEE
21 E HURON ST #1703
CHICAGO IL 60611

RE: Water Right 37-8281

Dear Mr. Manoogan:

We recently sent you an amendment of permit for your property in the Sun Valley, Idaho area. This amendment was sent to correct the legal description for water right 37-8281. After we received your amendment, we discovered there was an error on the amendment. The error was carried over from the permit, and was not caught by the field examiner.

The error we found is the place of use for this water right should have been 2.1 acres instead of the 1.1 acres listed on the original permit. This will allow you the ability to irrigate your entire 2.1 acres instead of just 1.1 acres when all of your water rights are combined. We do need to get a correct signed amendment before we can move forward with licensing.

We apologize for the inconvenience of this situation. **There are no additional fees for this correction.** All we will need is a signature on the updated amendment. Please review the attached amendment. If you agree with the changes, please sign the amendment and return it to our office within 14 days.

If you have any questions, please contact me.

Sincerely,

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Email – dan.nelson@idwr.idaho.gov

Enclosure(s)

MEMORANDUM

TO: File 37-8281

FROM: Daniel Nelson – Staff Hydrologist

DATE: January 29, 2015

SUBJECT: Licensing Review of Water Right 37-8281

A few issues arose during the initial review of this memo that requires further clarification.

The associated water rights were decreed and licensed in a different legal description. Due to the updated mapping capabilities the legal descriptions of the water rights that exist on the property are no longer correct. This permit was licensed with the updated legal descriptions, so they no longer match the existing water rights, even though they are for the same property. In order to correct the existing water rights, the owner will be required to file a water right transfer to update the existing water rights. This wasn't explained in the field exam narrative.

A permissible place of use condition was included on the permit, but the place of use didn't include the full 2.1 acres of irrigation. A new amendment is being sought that includes the 2.1 acres as the place of use that makes this condition valid.

Another condition was carried over from the permit that limits the irrigation use of water rights 37-7882, 37-12205, 37-20809, and 37-8281 to 0.06 cfs and 2.1 acres. The condition was altered to say the following:

Rights 37-7882, 37-12205, 37-20809, and 37-8281 when combined the irrigation components of those rights shall not exceed a total diversion rate of 0.06 cfs and the irrigation of 2.1 acres.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 31, 2014

DANIEL T MANOOGIAN REVOCABLE TRUST
DANIEL T MANOOGIAN TRUSTEE
21 E HURON ST 1703
CHICAGO IL 60611

RE: Water Right Permit No. 37-8281

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the actual location of the point of diversion is in the SWNENE quarter of Section 15, Township 5 North, Range 17 East, and the place of use is located in the NENE quarter of Section 15, Township 5 North, Range 17 East. The permit listed the point of diversion and the place of use in the SENE quarter of Section 15, Township 5 North, Range 17 East, which is needs to be corrected.

The enclosed Applications for Amendment form depict the elements of the water rights as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please contact me.

Sincerely,

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Email – dan.nelson@idwr.idaho.gov

Enclosure(s)

MEMORANDUM

TO: File 37-8281

FROM: Daniel Nelson – Staff Hydrologist

DATE: December 30, 2014

SUBJECT: Licensing Review for 37-8281

This is the licensing review of the field exam submitted by Tim Luke in our state office. The field exam was recently completed, but needed a brief discussion concerning the overlapping water rights. I agreed to do the overlap review for this field exam.

This permit has 3 water rights that overlap the place of use and one of those water rights also overlaps the point of diversion. I will discuss each right separately below:

37-7882 – This water right shares the same point of diversion and supplies water to a couple of ponds and one acre of irrigation in the 2.1 acre place of use.

37-20809 is an irrigation right for the 1.8 acres of the 2.1 acre place of use. This right is diverted from ground water, and is supplemental to water rights 37-7882 and 37-8281.

37-12205 – This right is a domestic right for in-house use and up to ½ acres of irrigation. From the records, it appears as though this right and 37-20809 share the same well. This right doesn't specifically state that the irrigation portion of this right is supplemental to the surface water rights.

Due to the above overlapping water rights, the license for 37-8281 will be conditioned to limit the diversion rate for the 2.1 acres being irrigated to 0.06 cfs and the number of acres irrigated to 2.1 acres. The two surface water rights will be limited to the capacity of the system of 0.05 cfs.