

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22950

Priority: September 11, 2003

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume: 6.7 AF

It is hereby certified that **GEORGE E COLWELL**

And/Or

CHERYL F COLWELL

3990 HWY 52

PAYETTE ID 83661

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 11, 2003; and has submitted Proof of Beneficial Use on August 27, 2007. An examination confirms water is diverted from:

SOURCE

UNNAMED DRAIN

Tributary: SNAKE RIVER

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>
STOCKWATER	01/01 to 12/31	0.12 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED DRAIN	SW1/4SE1/4	Sec. 29, Twp 09N, Rge 05W, B.M.	PAYETTE County
UNNAMED DRAIN	NW1/4NE1/4	Sec. 32, Twp 09N, Rge 05W, B.M.	PAYETTE County
UNNAMED DRAIN	NW1/4SE1/4	Sec. 32, Twp 09N, Rge 05W, B.M.	PAYETTE County
UNNAMED DRAIN	NW1/4NE1/4	Sec. 32, Twp 09N, Rge 05W, B.M.	PAYETTE County
UNNAMED DRAIN	L2 (SW1/4NE1/4)	Sec. 29, Twp 09N, Rge 05W, B.M.	PAYETTE County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09N 05W 29			X											X	X		
			L2											L2			
09N 05W 32		X	X											X			

CONDITIONS OF APPROVAL

1. This right does not authorize construction of any new drains or enlargement of any existing drains.
2. To the extent that the source of water diverted under this right is waste water, it is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
3. The annual diversion rate and volume identified for this right are the rate and volume of water that can be consumed by the stock. This right shall not limit the rate and volume of water that may flow in the unnamed drain.

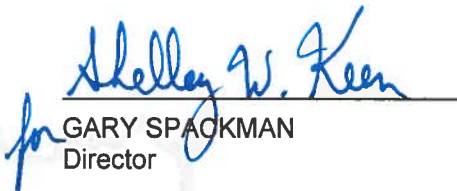
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-22950

4. The place of use for this water right described as being located in the SWNE of Government Lot 2, Section 29, T09N, R05W, is located in unsurveyed accretion or avulsion land. The quarter-quarter and government lot description for the accretion or avulsion land has been protracted from the adjacent public land survey.
5. The point of diversion described as being located in the SWNE of Government Lot 2, Section 29, T09N, R05W, is located in unsurveyed accretion or avulsion land. The quarter-quarter and government lot description has been protracted from the adjacent public land survey.

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 20th day of June, 2014.


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

June 23, 2014

GEORGE E COLWELL
CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

RE: License Nos. 65-22950 & 65-22953

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 208-287-4947.

Sincerely,

Shelley W. Keen

Water Right Section Manager

Enclosure(s)

cc: DANA L HOFSTETTER

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2014, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

RE: WATER RIGHT NOS.

65-22950 & 65-22953

**CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661**

**DANA L HOFSTETTER
HOFSTETTER LAW OFFICE LLC
608 W FRANKLIN ST
BOISE ID 83702**

**GEORGE E COLWELL
3990 HWY 52
PAYETTE ID 83661**



**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. 65-22950

RECEIVED

JUN 13 2014
DEPARTMENT OF
WATER RESOURCES

Date of Priority: September 11, 2003

Maximum Diversion Rate: 0.12 CFS
Maximum Diversion Volume: 6.7 AF

Comes now **GEORGE E COLWELL**
3990 HWY 52
PAYETTE ID 83661

And/Or

CHERYL F COLWELL
3990 HWY 52
PAYETTE ID 83661

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. 65-22950, and requests that the permit be changed as follows:

Source: UNNAMED DRAIN**Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.12 CFS	6.7 AF

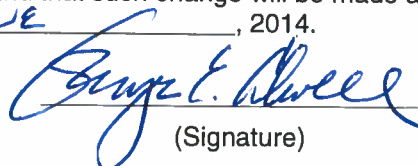
LOCATION OF POINT(S) OF DIVERSION:

UNNAMED DRAIN	SW1/4SE1/4	Sec. 29, Twp 09N, Rge 05W, B.M.	PAYETTE County
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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	
09N 05W 29			X											X	X		
09N 05W 32		X	X											L 2	X		

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 8th day of June, 2014.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-22950

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by CJ # C098298 Date: 2/7/14

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. 65-22950 with the following:

CONDITIONS OF APPROVAL

1. This right does not authorize construction of any new drains or enlargement of any existing drains.
2. To the extent that the source of water diverted under this right is waste water, it is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
3. The annual diversion rate and volume identified for this right are the rate and volume of water that can be consumed by the stock. This right shall not limit the rate and volume of water that may flow in the unnamed drain.
4. The place of use for this water right described as being located in the SWNE of Government Lot 2, Section 29, T09N, R05W, is located in unsurveyed accretion or avulsion land. The quarter-quarter and government lot description for the accretion or avulsion land has been protracted from the adjacent public land survey.
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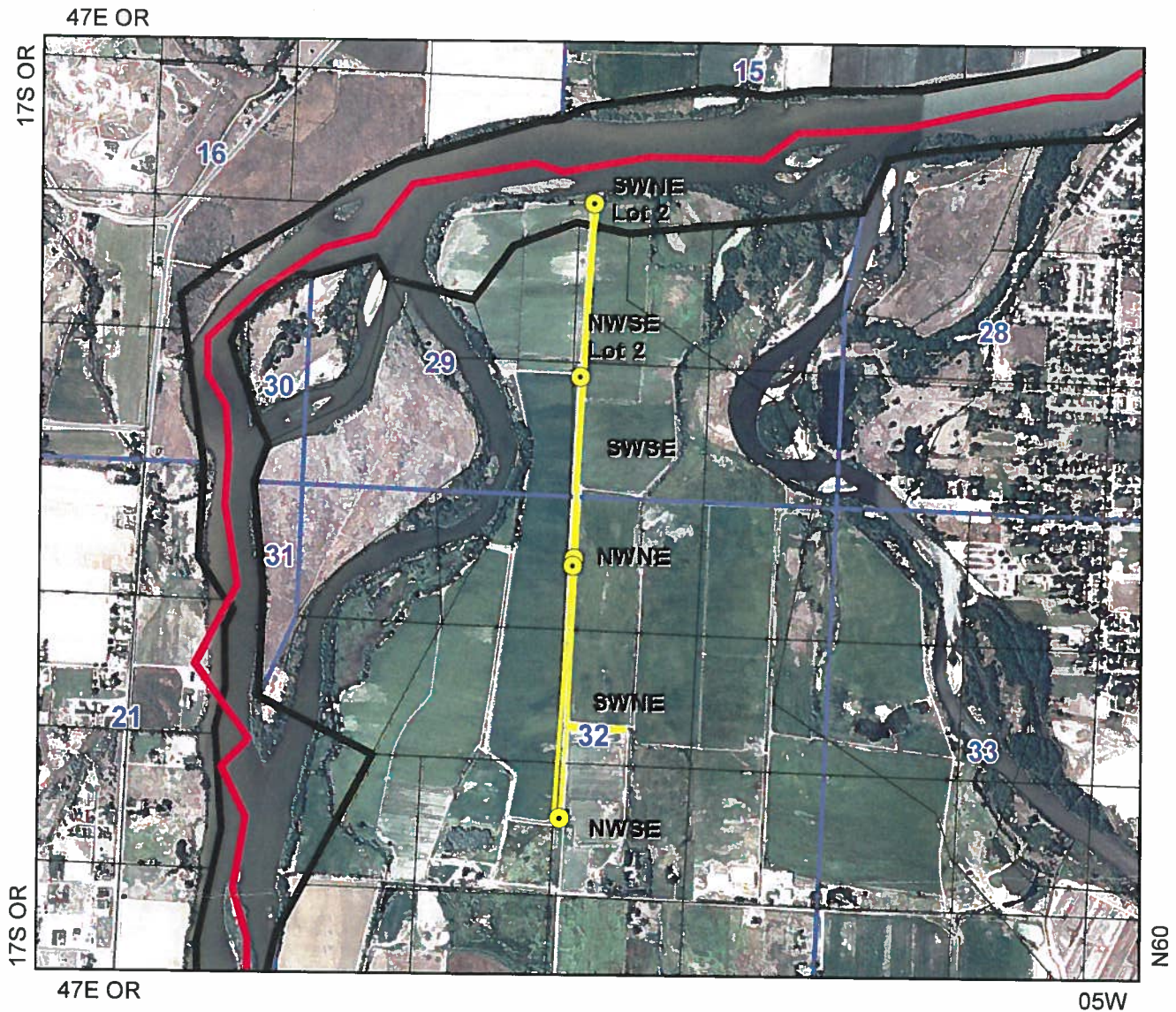
Witness my hand this 20th day of June, 2014.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Application for Amendment of Permit (For Licensing Purposes)

65-22950



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

0 0.2 0.4 0.8 Miles

