

State of Idaho
Department of Water Resources

AMENDED**Water Right License****AMENDED**

WATER RIGHT NO. 31-07113

Priority: February 22, 1974

Maximum Diversion Rate: 13.54 CFS

Maximum Diversion Volume: 3,307.5 AF

It is hereby certified that JEFFERSON IRRIGATION CO LTD
C/O PATRICK HENDREN
724 E 1800 N

MONTEVIEW ID 83435 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 22, 1974; and has submitted Proof of Beneficial Use on June 15, 1979; and a water right has been established as follows:

SOURCE

GROUND WATER

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>
IRRIGATION	04/01 to 10/31	13.54 CFS	3,307.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	L3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 3,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 3,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 3,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	L3 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 3,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	L4 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$)	Sec. 3,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 3,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 4,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 9,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 10,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 10,	Twp 07N, Rge 34E, B.M.	JEFFERSON County
GROUND WATER	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 10,	Twp 07N, Rge 34E, B.M.	JEFFERSON County

State of Idaho
Department of Water Resources

AMENDED

Water Right License

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WATER RIGHT NO. 31-07113

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	
06N	33E	2	20.0	38.0	40.0	39.0	33.0	36.0	38.0	40.0	38.0	35.0	39.0	36.0	39.0	40.0	36.0	38.0	585.0
			L 1	L 2			L 3	L 4											
06N	33E	3	37.0	34.0	40.0	26.0	38.0	36.0	38.0	40.0	40.0	39.0	38.0	39.0	39.0	40.0	39.0	39.0	602.0
			L 1	L 2			L 3	L 4											
06N	33E	4	37.0	37.0	40.0	39.0	39.0			40.0	40.0			34.0	39.0	40.0	39.0	36.0	460.0
			L 1	L 2			L 3												
06N	33E	9	37.0	39.0	40.0	38.0	38.0			33.0	38.0			38.0	37.0	36.0	35.0	39.0	448.0
06N	33E	10	35.0	39.0	39.0	38.0	39.0	37.0	37.0	39.0									303.0
06N	33E	11	8.0	34.0	40.0	34.0	39.0	39.0	39.0	40.0	40.0	40.0			21.0	40.0			414.0
07N	33E	14									40.0	39.0	39.0	39.0					157.0
07N	33E	15	39.0	40.0	40.0	39.0					40.0	39.0	38.0	39.0	39.0	40.0	39.0	38.0	470.0
07N	33E	22	39.0	39.0	40.0	38.0	39.0	38.0	38.0	40.0	40.0	38.0	37.0	39.0	37.0	40.0	39.0	36.0	617.0
07N	33E	23	39.0	39.0	40.0	39.0	40.0	39.0	38.0	39.0	37.0	37.0	34.0	40.0	37.0	37.0	40.0	40.0	615.0
07N	33E	24					38.0	39.0	40.0	39.0		38.0	39.0						233.0
07N	33E	25	39.0	40.0	40.0	40.0	40.0	36.0	39.0	40.0	35.0	34.0	37.0	39.0	34.0	34.0	39.0	39.0	605.0
07N	33E	26	39.0	40.0	40.0	39.0	40.0	37.0	39.0	40.0	40.0	39.0	26.0	35.0	37.0	38.0	36.0	32.0	597.0
07N	33E	27	35.0	39.0	40.0	39.0	39.0	34.0	35.0	40.0	40.0	36.0	32.0	36.0	39.0	40.0	36.0	33.0	593.0
07N	33E	33	38.0	34.0	29.0	36.0					37.0			38.0	36.0	38.0	37.0	36.0	359.0
07N	33E	34	36.0	39.0	40.0	38.0	39.0	37.0	39.0	40.0	40.0	35.0	38.0	35.0	38.0	40.0	39.0	37.0	610.0
07N	33E	35	27.0	39.0	40.0	37.0	40.0	29.0	38.0	40.0	40.0	38.0	37.0	39.0	32.0	40.0	38.0	32.0	586.0
07N	33E	36						39.0	25.0										64.0
07N	34E	19					38.0	37.0	38.0	39.0									152.0
							L 1	L 2											
07N	34E	20									39.0	36.0	36.0	40.0	40.0		40.0	40.0	271.0
07N	34E	21										40.0	40.0						80.0
07N	34E	28						40.0				32.0							72.0
07N	34E	29		40.0	34.0	38.0	40.0	36.0	36.0	40.0	40.0	34.0	32.0	39.0	40.0	40.0	40.0	40.0	569.0
07N	34E	30	39.0			39.0		39.0	19.0		40.0	39.0	38.0	40.0	40.0	40.0	39.0	39.0	451.0
							L 1	L 2				L 3	L 4						
07N	34E	31	40.0	40.0	40.0	40.0									40.0	40.0	39.0	39.0	318.0
07N	34E	32	40.0	40.0	40.0	40.0	39.0	33.0	39.0	40.0	40.0	40.0	38.0		40.0	40.0			509.0

Total Acres: 10740

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 31-07113

AMENDED

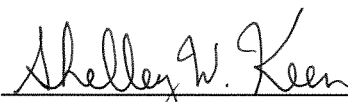
AMENDED

CONDITIONS OF APPROVAL

1. Rights 31-2451, 31-7327, 31-10322, 31-10323, 31-10324, 31-10325, and 31-7113 are also diverted through the points of diversion described above.
2. Rights 31-2451, 31-7327, 31-10322, 31-10323, 31-10324, 31-10325, and 31-7113 when combined shall not exceed a total diversion rate 252.06 cfs, a total annual maximum diversion volume of 37,590 af at the field headgate, and the irrigation of 10,740 acres.
3. 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. 110.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. This right is limited to the irrigation of 945 acres within the authorized place of use in a single irrigation season.
6. 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 place of use.
7. Rights 31-2420, 31-2451, 31-7113, 31-07327, 31-10322, 31-10323, 31-10324 and 31-10325 when combined shall not exceed the irrigation of 10,740 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 and sealed this 14th day of March, 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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 14, 2014

JEFFERSON IRRIGATION CO LTD
C/O PATRICK HENDREN
724 E 1800 N
MONTEVIEW ID 83435

RE: Water Right License 31-7113

Dear Water Right Holder:

The Department of Water Resources (IDWR) has enclosed an amended water right license for Water Right 31-7113. The amended license removes the point of diversion in Lot 2 (NW¼NE¼), Section 3, T07N, R34E, as indicated in the request you submitted to IDWR on March 11, 2014. The amended license is a preliminary order issued by IDWR pursuant to Rule 730 of IDWR's Rules of Procedure (IDAPA 37.01.01). The amended water right license supersedes the license issued on February 25, 2013. **The preliminary order can and will become a final order without further action of the Department unless you petition for reconsideration or file an exception and/or brief as further described in the enclosed information sheet.**

If you have questions, please contact me at (208) 287-4947.

Sincerely,

Shelley W. Keen
Water Rights Section Manager

Enclosures

cc: Jerry Rigby
Meghan Carter
Michael Holliday

CERTIFICATE OF SERVICE

I hereby certify that on **March 17, 2014**, 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. 31-7113

**JEFFERSON IRRIGATION CO LTD
C/O PATRICK HENDREN
724 E 1800 N
MONTEVIEW ID 83435**

**RIGBY ANDRUS & RIGBY LAW PLLC
C/O JERRY RIGBY
25 N 2ND E
PO BOX 250
REXBERG ID 83440**



**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.