

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 74-07272

Priority: June 12, 1989

Maximum Diversion Rate: 0.39 CFS

It is hereby certified that SCOTT TYLER
And/Or
EUNICE TYLER
762 LEE CREEK RD
LEADORE ID 83464

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 12, 1989; and has submitted Proof of Beneficial Use on November 17, 1993. An examination confirms water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 11/15

DIVERSION RATE

0.39 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SW1/4 Sec. 12, Twp 16N, Rge 24E, B.M. LEMHI 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		
16N	24E	12			14.0	2.0				30.0	34.0				17.0	13.5	40.0	7.0	1.0	158.5

Total Acres: 158.5

CONDITIONS OF APPROVAL

1. Rights 74-284B, 74-955, and 74-957, and 74-7272 when combined shall not exceed the total combined diversion rate of 5.43 cfs, a total combined annual diversion volume of 825 af at the field headgate, and irrigation of a combined total of 235.7 acres.
2. 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.
3. If rights 74-284B, 74-955, and 74-957 are abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 74-07272

4. The right holder shall make full beneficial use of rights 74-284B, 74-955, and 74-957 for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

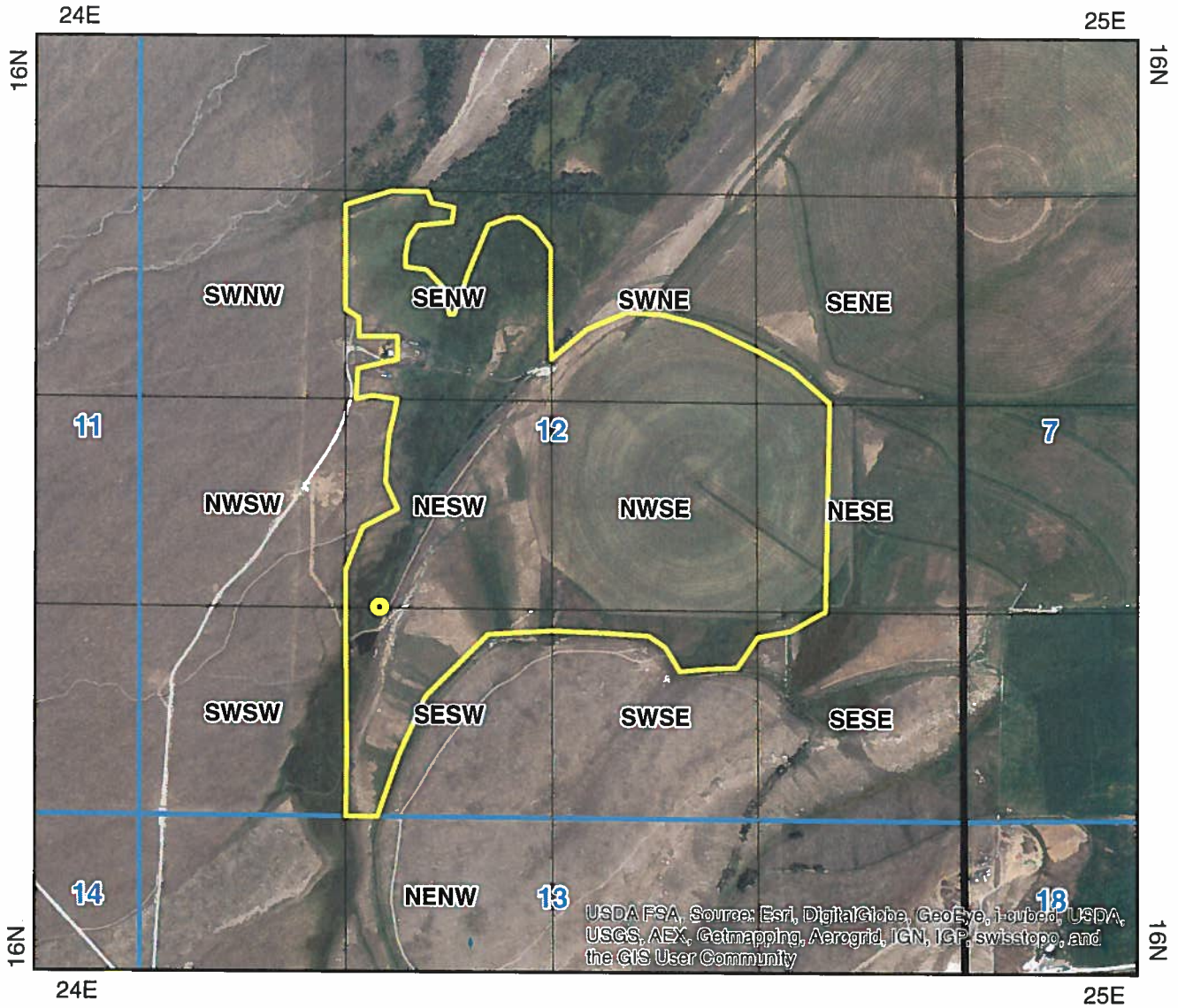
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and 31st day of January, 2014.


for Shelley W. Keen
GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License
74-7272

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.



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





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 31, 2014

SCOTT TYLER
EUNICE TYLER
762 LEE CREEK RD
LEADORE ID 83464

RE: License No. 74-7272

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 208-287-4916.

Sincerely,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2014, 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. **74-7272**

**EUNICE TYLER
762 LEE CREEK RD
LEADORE ID 83464**

**SCOTT TYLER
762 LEE CREEK RD
LEADORE ID 83464**



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. 74-07272

RECEIVED
JAN 15 2014
Department of Water Resources
Eastern Region

Date of Priority: June 12, 1989

Maximum Diversion Rate: 0.39 CFS
Maximum Diversion Volume:

Comes now SCOTT TYLER
762 LEE CREEK RD
LEADORE ID 83464

And/Or

EUNICE TYLER
762 LEE CREEK RD
LEADORE ID 83464

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. 74-07272, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.39 CFS	

LOCATION OF POINT(S) OF DIVERSION:

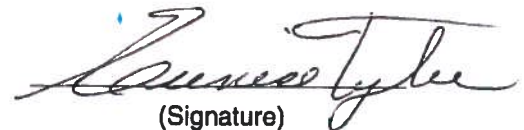
GROUND WATER NE1/4SW1/4 Sec. 12, Twp 16N, Rge 24E, B.M. LEMHI County

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				
16N	24E	12			14.0	2.0					30.0	34.0					17.0	13.5	40.0	7.0	1.0	158.5

Total Acres: 158.5

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 15 day of Jan, 2004.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 74-07272

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$100⁰⁰ Received by _____ # ED39448 Date 1/15/2014

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. 74-07272 with the following:

CONDITIONS OF APPROVAL

1. Rights 74-284B, 74-955, and 74-957, and 74-7272 when combined shall not exceed the total combined diversion rate of 5.43 cfs, a total combined annual diversion volume of 825 af at the field headgate, and irrigation of a combined total of 235.7 acres.
2. 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.
3. If rights 74-284B, 74-955, and 74-957 are abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
4. The right holder shall make full beneficial use of rights 74-284B, 74-955, and 74-957 for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Witness my hand this 31st day of January, 2014.

Shelley W. Keen
for GARY SPACKMAN
Director

Overlap analysis 74-772

1/29/2014 Sandy Thiel

Process	Basin Sequence	Draft	Owner	Source	Section 12											Total Acres	74-284B outside section 12	
					POD/POU	NENE	SWNE	SENE	SENE	NESW	SESW	NESE	NWSE	SWSE	SESE		T16N R25E Sec 18 NWNW	T16N R25E Sec 7 SWSE
Water Right	74-282A	N	TYLER, EUNICE	MILL CREEK	POU	26.4	8.1	36.3								70.8		
Water Right	74-283A	N	TYLER, EUNICE	MILL CREEK	POU	26.4	8.1	36.3								70.8		
Water Right	74-284A	N	TYLER, EUNICE	MILL CREEK	POU	26.4	8.1	36.3								70.8		
Water Right	74-284B *	N	TYLER, MARGARETE E; TYLER, RICHARD L	MILL CREEK	POU							40.0				40	17	29 = 86
Water Right	74-7272	Y	TYLER, EUNICE;	GROUND WATER	POU		14.0	2.0	30.0	34.0	17.0	13.5	40.0	7.0	1.0	158.5		
Water Right	74-955	N	TYLER, EUNICE;	MILL CREEK	POU				2.0	27.0	13.0		40.0	11.0		93		
Water Right	74-957	N	TYLER, EUNICE;	SPRINGS	POU				25.0	10.0			11.8			46.8		
							14.0	2.0	30.0	34.5	17.5	40.0	40.0	11.0	1.0	190.0		
																Combined acre Total 237.7		

The total overlapping acres in section 12 = 190
 74-284B has an additional 45.7 acres authorized in other quarters quarters
 190 + 45.7 = 235.7

* 74-284B condition: This right authorized the irrigation of 85.7 total acres.



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

December 24, 2013

SCOTT TYLER
EUNICE TYLER
762 LEE CREEK RD
LEADORE ID 83464

RE: Water Right Permit No. 74-07272

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 permit describes the place of use by township, range, section and quarter quarter. Any additional place of use that falls in a quarter quarter not described in the permit requires an amendment. This is an element of the water right that has 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.

The enclosed Application for Amendment form depicts the elements of the water right 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 21 days.

If you have any questions, please call me at (208)287-4879.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sandra Thiel'.

Sandra Thiel
Water Resource Planner

Enclosure(s)

From: Sandra Thiel

To: Water rights file 74-7272

Date: November 26, 2013

Subject: 74-7272 license amendment status

Kerrie Mathews from IDWR Eastern called on Tuesday, November 26, 2013 and asked about the licensing amendment for this water right. She had talked to Eunice Tyler and Eunice indicated that she had misplaced some of the documents she had received from the Department. I told Kerrie that I would send another copy of the licensing amendment to Eunice.



State of Idaho

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 27, 2013

SCOTT TYLER
EUNICE TYLER
762 LEE CREEK RD
LEADORE ID 83464

RE: Water Right Permit No. 74-07272

Dear Permit Holder(s):

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Sincerely,

Sandra Thiel
Water Resource Planner

Enclosure(s)



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

November 18, 2013

TYLER SCOTT
EUNICE TYLER
762 LEE CREEK RD
LEADORE ID 83464

RE: Water Right Permit No. 74-07272

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 permit describes the place of use by township, range, section and quarter quarter. Any additional place of use that falls in a quarter quarter not described in the permit requires an amendment. This is an element of the water right that has been developed differently than described on your permit.

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Sincerely,

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Sandra Thiel
Water Resource Planner

Enclosure(s)



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

09/25/2013

TYLER SCOTT
EUNICE TYLER
762 LEE CREEK RD
LEADORE ID 83464

RE: Water Right Permit No. 74-07272

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 permit describes the place of use by township, range, section and quarter quarter. Any additional place of use that falls in a quarter quarter not described in the permit requires an amendment. This is an element of the water right that has been developed differently than described on your permit.

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Sincerely,

Sandra Thiel
Water Resource Planner

Enclosure(s)