

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-17475

Priority: April 03, 2008

Maximum Diversion Rate: 0.02 CFS

It is hereby certified that UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated April 03, 2008; and has submitted Proof of
Beneficial Use on July 31, 2013. An examination confirms water is diverted from:

SOURCE

WHIR SPRING

Tributary: SINKS

and a water right has been established as follows:

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

05/01 to 10/31

DIVERSION RATE

0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

WHIR SPRING

SE1/4NE1/4NE1/4

Sec. 18, Twp 14S, Rge 18E, B.M., TWIN FALLS County

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	
14S 17E 12															X		
14S 17E 13									X								
14S 17E 24					X										X		
14S 18E 7											X		X			X	
14S 18E 18					X	X					L 4						
						L 1											

CONDITIONS OF APPROVAL

- Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
- This right does not grant any right-of-way or easement across the land of another.
- This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
- The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

State of Idaho
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Water Right License

WATER RIGHT NO. 47-17475

5. To prevent the wasting of water, the right holder shall install and maintain a float-controlled regulating valve at each trough used as a place of use for 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 this 15th day of November, 2013.

Craig L. Spackman
For GARY SPACKMAN
Director

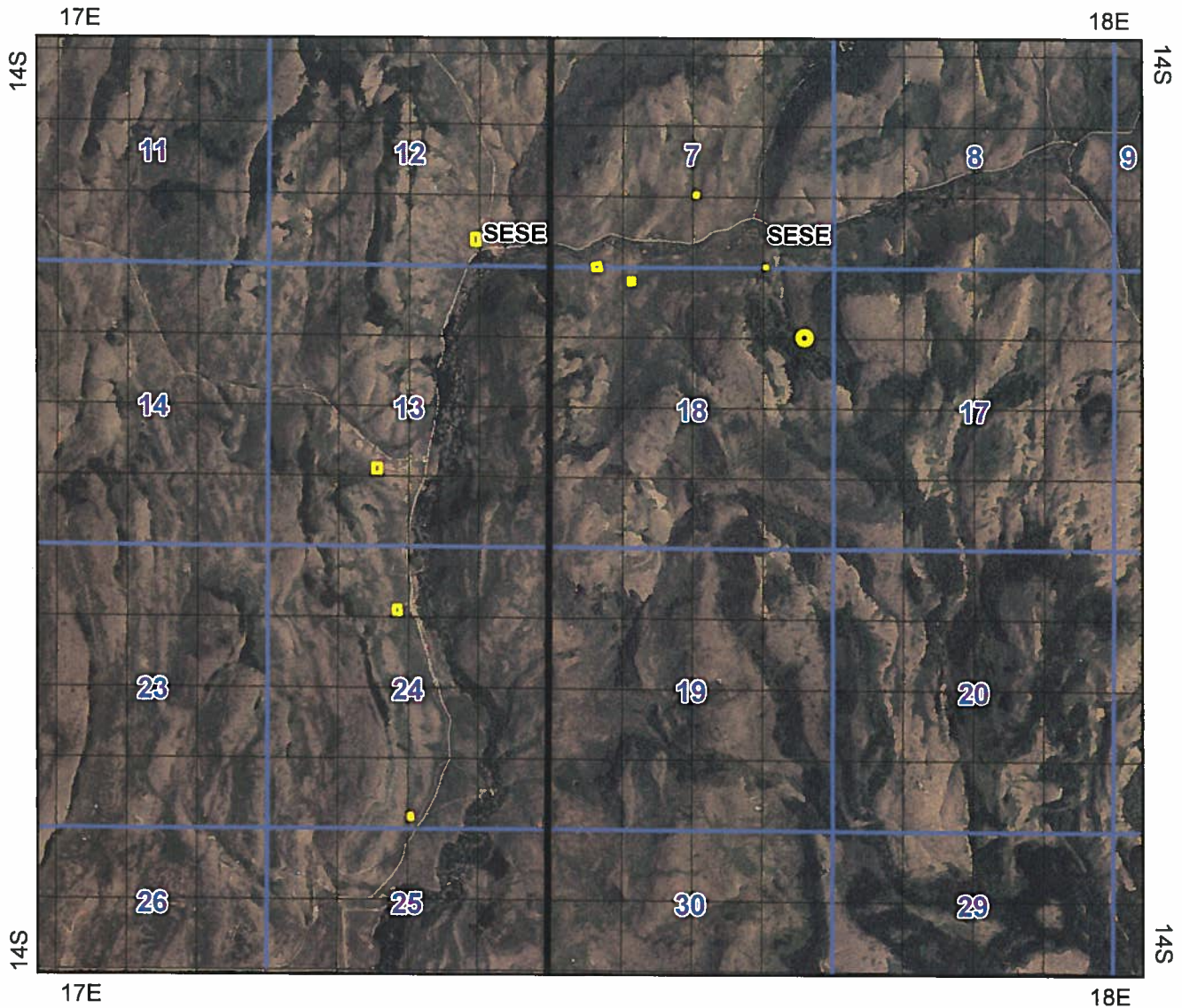


State of Idaho
Department of Water Resources

Attachment To Water Right License

47-17475

This map depicts the STOCKWATER 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

0 0.4 0.8 1.6 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-17475

RECEIVED

NOV 04 2013

DEPARTMENT OF
WATER RESOURCES**Date of Priority:** April 03, 2008**Maximum Diversion Rate:** 0.02 CFS

Comes now UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976 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. 47-17475, and requests that the permit be changed as follows:

Source: WHIR SPRING**Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	05/01 to 10/31	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WHIR SPRING SE1/4NE1/4NE1/4 Sec. 18, Twp 14S, Rge 18E, B.M.
TWIN FALLS County

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	
14S 17E 12															X		
14S 17E 13									X								
14S 17E 24					X										X		
14S 18E 7															X		
14S 18E 18					X											X	

incorrect - should be SWSW

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 1st day of November, 20 13.

Rebecca S. Nourse
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-17475

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 Received by HP #1007930 Date 11-4-13

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. 47-17475 with the following:

CONDITIONS OF APPROVAL

1. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
2. This right does not grant any right-of-way or easement across the land of another.
3. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
4. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. To prevent the wasting of water, the right holder shall install and maintain a float-controlled regulating valve at each trough used as a place of use for this right.

Witness my hand this 15th day of November, 2013.

For Gary L. Spackman
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

November 15, 2013

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976

RE: License No. 47-17475

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.

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,


for Craig Saxton
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2013 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.

47-17475

**UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976**

A handwritten signature in black ink, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley

Technical Records Specialist II

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

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

October 11, 2013

UNITED STATE OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976

RE: Place of use Water Right Permit No. 47-17475

Dear Permit Holder:

On August 22, 2013, the Idaho Department of Water Resources sent you an application for amendment to revise the locations of the stock tanks for this stockwater right. As of this date, the Department has not received a response.

If I do not receive a response within fourteen (14) days, I will assume you are no longer interested in obtaining a water right license and your permit will be voided. In case the map and amendment I sent you have been misplaced, new ones are enclosed. There is an overall map and separate section maps to show the new places of use up closer. New places of use are outlined in red and ones no longer to be used are crossed out.

If you have any questions, please contact me as soon as possible at (208) 287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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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

August 22, 2013

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
2647 KIMBERLY RD
TWIN FALLS ID 83301-7976

RE: Water Right Permit No. 47-17475

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 following elements were developed differently than described on your permit:

 **Place(s) of Use**

I have enclosed maps of the areas. The permit place of use is outlined in blue and the amended place of use is outlined in red. You can see from the maps the place of use was moved to the location of the stock tanks.

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 14 days.

If you have any questions, please call me at (208) 287-4916.

Sincerely,



 Craig Saxton
Water Right Supervisor

Enclosure(s)