

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-16662

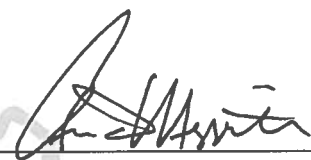
CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. The use authorized under this right shall not exceed 13,000 gallons per day.
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. Project also known as Ellis Creek Pipeline.

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 22nd day of October, 2013.

For

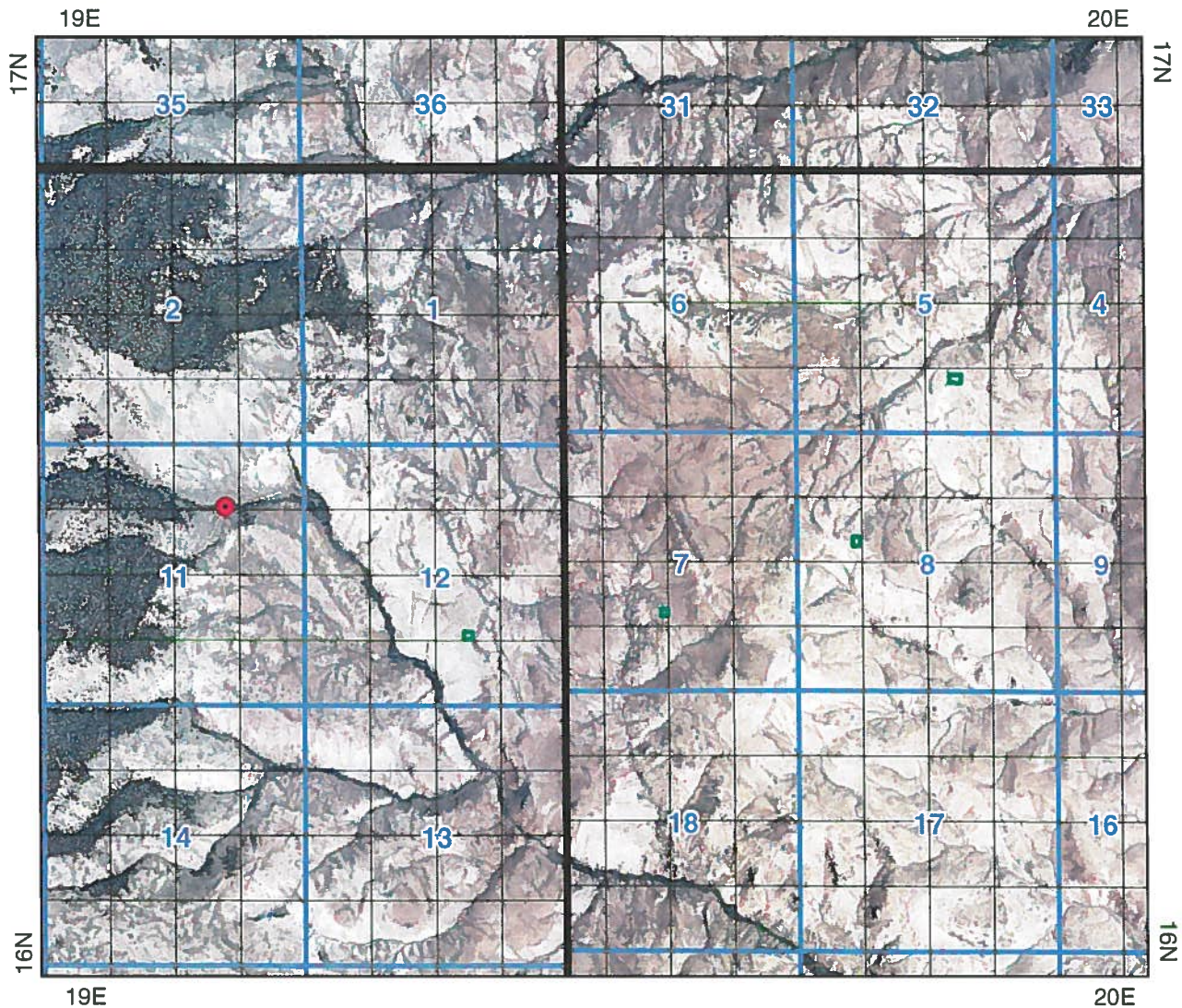

GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

72-16662

This map depicts the STOCKWATER and WILDLIFE 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 0.425 0.85 1.7 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 23, 2013

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: License No. 72-16662

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 208-736-3033.

Sincerely,

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BUREAU OF LAND MANAGEMENT, SALMON DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 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. 72-16662

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657**

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALMON DISTRICT
1206 S CHALLIS ST
SALMON ID 83467**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

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.

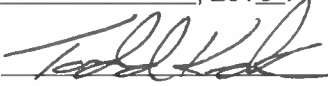
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	19E	12														X			
16N	20E	5															X		
16N	20E	7											X						
16N	20E	8										X							

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 72-16662

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 June, 2013.


(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by BS Fee = \$100.00 Receipted by BS # 5033347 Date 6/27/13

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. 72-16662 with the following:

CONDITIONS OF APPROVAL

1. This right does not grant any right-of-way or easement across the land of another.
2. The use authorized under this right shall not exceed 13,000 gallons per day.
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. Project also known as Ellis Creek Pipeline.

Witness my hand this 22nd day of October, 2013.


For GARY SPACKMAN
Director

Skinner, Corey

From: Skinner, Corey
Sent: Thursday, May 16, 2013 11:55 AM
To: 'mwhitson@blm.gov'
Cc: 'lrprice@blm.gov'
Subject: Licensing amendment for 72-16662
Attachments: 72-16662 Permit.pdf; AmendmentCoverLetter.docx; Amendment License.docx

Michael,

Earlier this morning I spoke with Linda Price regarding a licensing amendment that needs to be completed for the BLM's permit 72-16662. She indicated that you should be able to take care of it. Permit 72-16662 was approved in June of 2005 for the development of a stockwater system from Ellis Creek. I have attached a copy of the permit approval document for your reference. I believe that the project may be known as the "Ellis Creek Pipeline". The permit was for the development of a point of diversion from Ellis Creek in the SWNE Section 11, Township 16 North, Range 19 East for a pipeline that serves four different trough locations (identified on the place of use section of the permit).

Last fall I conducted the licensing exam for this particular permit and discovered that the point of diversion is actually located within the **SENE** of Section 11 rather than the permitted location. The pipeline diverts water about 350 feet upstream/west of the road crossing on Ellis Creek (road identified as NF-056 on Google Earth). The point of diversion location was GPSed and verified via GIS and aerial photography. On the 2010 Google Earth imagery, you can see the disturbed area on the north side of the creek where the pipeline was buried.

This point of diversion description can be corrected via the licensing amendment process which would allow IDWR to issue the water right license with the correct location identified. This process basically requires the signing of the attached licensing amendment document and the submittal of a \$100.00 fee (a check made out to "IDWR" would work). I have also attached a standard cover letter that talks about the licensing amendment process for your reference.

As indicated previously, permit 72-16662 authorized four trough locations...

- NWSE Section 12, T16N, R19E
- SWSE Section 5, T16N, R20E
- NESW Section 7, T16N, R20E
- SWNW Section 8, T16N, R20E

I assume that these are the only troughs tied into this particular system. I verified these locations using aerial photography and observed a couple of the troughs last fall. If there are additional troughs that are tied into this system they can be included as part of the licensing amendment process (we will need to talk about this to make sure they are correctly included). If there are only the four troughs, then once the licensing amendment is filed with the fee then we can issue the water right license 72-16662. You can mail the signed licensing amendment and fee to the following address...

IDWR
1341 Fillmore St
Suite 200
Twin Falls, ID 83301
Attn: Corey Skinner

If you have any questions, or want to discuss this, feel free to give me a call (208)736-3033.

Thanks,