



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

September 26, 2013

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

RE: License No. 55-13908

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,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 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.

55-13908

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

A handwritten signature in blue ink, reading "Darla Block", is written over a horizontal line.

**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
Water Right License

WATER RIGHT NO. 55-13908

Priority: August 27, 2012

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 6.7 AF

It is hereby certified that US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1387 S VINNELL WAY
BOISE ID 83709-1657 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated August 27, 2012; and has submitted Proof of
Beneficial Use on August 14, 2013. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: DITCH CREEK

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	0.02 CFS	6.7 AF
WILDLIFE	01/01 to 12/31	0.02 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW1/4NW1/4NE1/4 Sec. 19, Twp 06S, Rge 02W, B.M. OWYHEE County

PLACE OF USE: STOCKWATER AND WILDLIFE

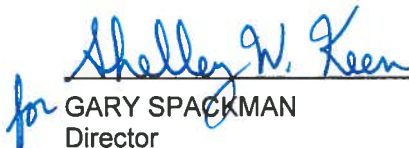
Twp Rge Sec	NE	NW	SW	SE	Totals
06S 02W 18	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X L 6

CONDITIONS OF APPROVAL

1. 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.
2. Source is also known as Ditch Spring.

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 26th day of September, 2013.


for GARY SPACKMAN
Director

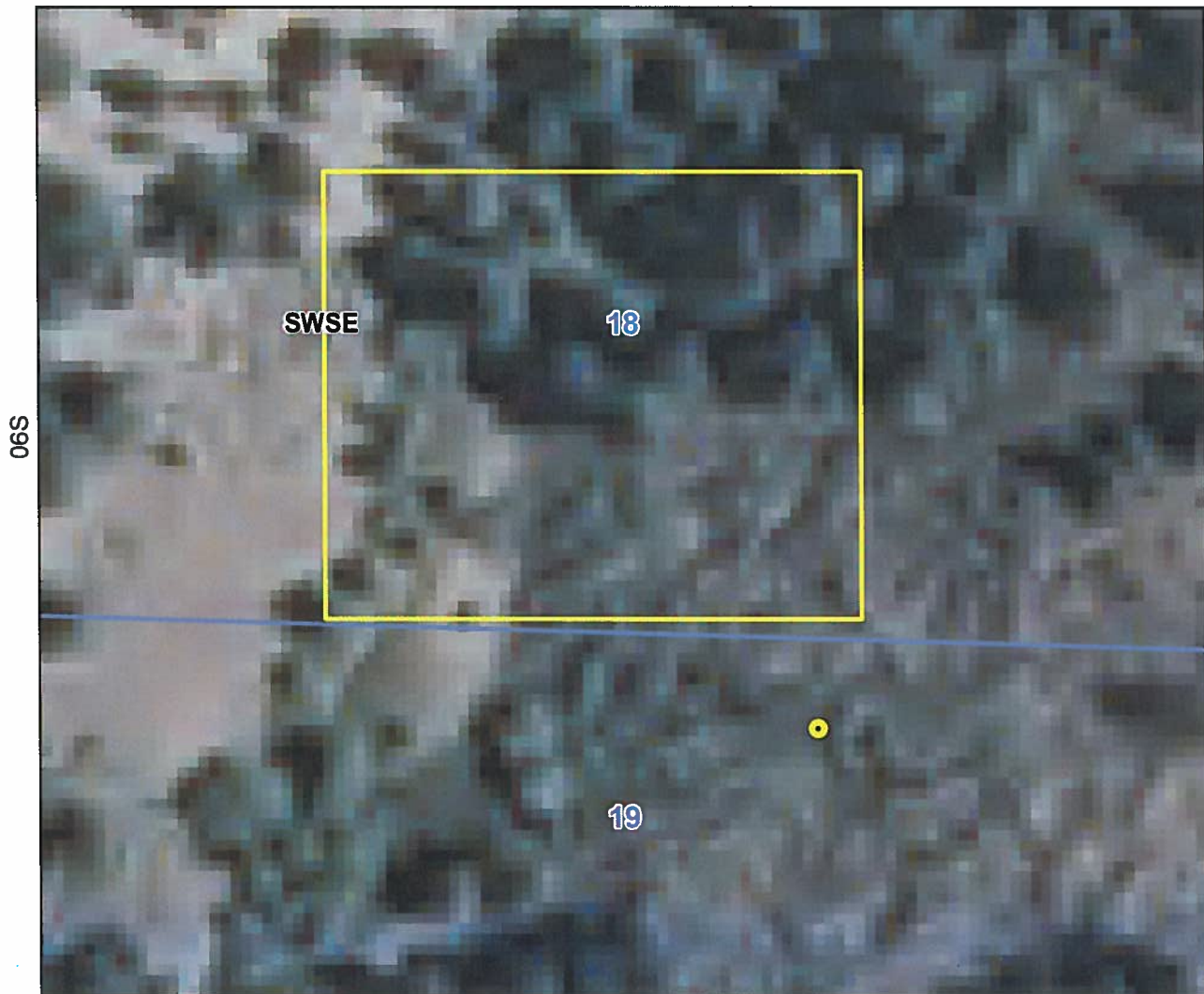
State of Idaho
Department of Water Resources

Attachment To Water Right License

55-13908

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.

02W



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

0 0.005 0.01 0.02 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 73-13908

Exam Date: 09/25/13

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)?
- X
- Y ___N

- a. Irrigation of 5 acres or less
 b. Storage of up to 14.6 AF for stockwater purposes only
 c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
 d. Other < >

2. Current Owner: Name: Bureau of Land Management
 Owner of Record Correct? XY ___N
 Address of Record Correct? XY ___N
 If No: Address

3. Beneficial Use Fees have been paid:
- X
- Y ___N Receipt No: W041433

- 4.
- SOURCE
- TRIBUTARY

Spring Ditch Creek

Method of Determination: Photos of spring box and spring provided by permit holder.

Change in Source: ___Y X ___N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:
- X
- NO Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: 55-11124 is an instream stockwater right.

2. Other water rights with the same point of diversion:
- X
- NO Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments:

C. DIVERSION AND DELIVERY SYSTEM

- 1.
- LOCATION OF POINT(S) OF DIVERSION:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
Spring		NW	NW	NE	19	06S	02W	Owyhee
								B.M.

Method of Determination: Photos and GPS of spring box and spring provided by permit holder.

Change in POD? ___Y X ___N Amendment Required? ___Y X ___N

- 2.
- PLACE OF USE:
- Use: Stock and Wildlife

Permit No: ⁵⁵73-13908

Page 2

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	02W	18															X		
		Lot #															6		
Total Acres =																			

Method of Determination: Photos and GPS provided by permit holder.

Change in POU? ____Y__X__N Amendment Required? ____Y__X__N

__ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

__ Aerial Photo Attached (required for irrigation of 10+ acres).

__ Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: < _____ >

E. FLOW CALCULATIONS

____Additional Computation Sheets Attached

Measured Method:

0.02 cfs well below recommendation of Application Processing Memo #3 for 502 head.

Permit allowed = 0.02 cfs

License recommend for 0.02 cfs.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\hspace{2cm}}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$

2. Volume Calculations for Other Uses:

Per Application Processing Memo #3, sec. 3

502 X 0.0134 = 6.7 afa

Per Application Processing Memo #3 – 501-600 head, 8.1 afa

55
Permit No: ~~73~~-13908

Page 3

0.02 cfs at 365 days/yr = 14.5 afa

License recommend for 6.7 afa.

G. PURPOSE OF USE

Irrigation _____N # Stock 502 cattle _____ Domestic # of Homes _____

Other: Wildlife

Change in Purpose of Use? ____Y __X__N

Method of Determination: Photos provided by permit holder.

If Yes: From Use _____ To Use _____ Amount _____ CFS _____ AFA _____

H. NARRATIVE/REMARKS/COMMENTS

Headgate: 3.5. Cons. Use: 2.5

Have conditions of permit approval been met? __X__Yes ____No

I. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Stockwater	01/01 to 12/31	0.02 CFS	6.7 AF
Wildlife	01/01 to 12/31	0.02 CFS	6.7 AF
<u>Totals:</u>		0.02 CFS	6.7 AF

2. Recommended Amendments

____Change P.D. as reflected above ____Add P.D. as reflected above __X__None

____Change P.U. as reflected above ____Add P.U. as reflected above __X__None

Other:

J. AUTHENTICATION

Field Examiner's Name Danielle B. [Signature] Date 09/25/13

Reviewer Daniel A. [Signature] Date 9-26-2013

