



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

July 17, 2013

STEVE WATTS
454 10TH ST
IDAHO FALLS ID 83404

RE: License No. 74-7173

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 July 18, 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.

74-7173

**STEVE WATTS
454 10TH ST
IDAHO FALLS ID 83404**



**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. 74-07173

Priority: April 05, 1983

Maximum Diversion Rate: 0.08 CFS

It is hereby certified that STEVE WATTS
454 10TH ST
IDAHO FALLS ID 83404 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated April 05, 1983; and has submitted Proof of Beneficial
Use on April 21, 1988. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: LEMHI RIVER

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 11/01	0.03 CFS	
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW1/4NW1/4SE1/4 Sec. 28, Twp 16N, Rge 26E, 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 26E 28															1.5		1.5
Total Acres: 1.5																	

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	
16N 26E 28									X						X		

PLACE OF USE: DOMESTIC

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 26E 28															X		

State of Idaho
Department of Water Resources
Water Right License

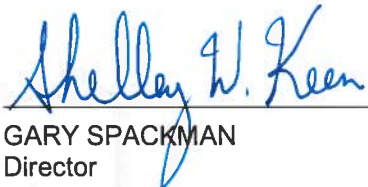
WATER RIGHT NO. 74-07173

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
2. 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. 74-W.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

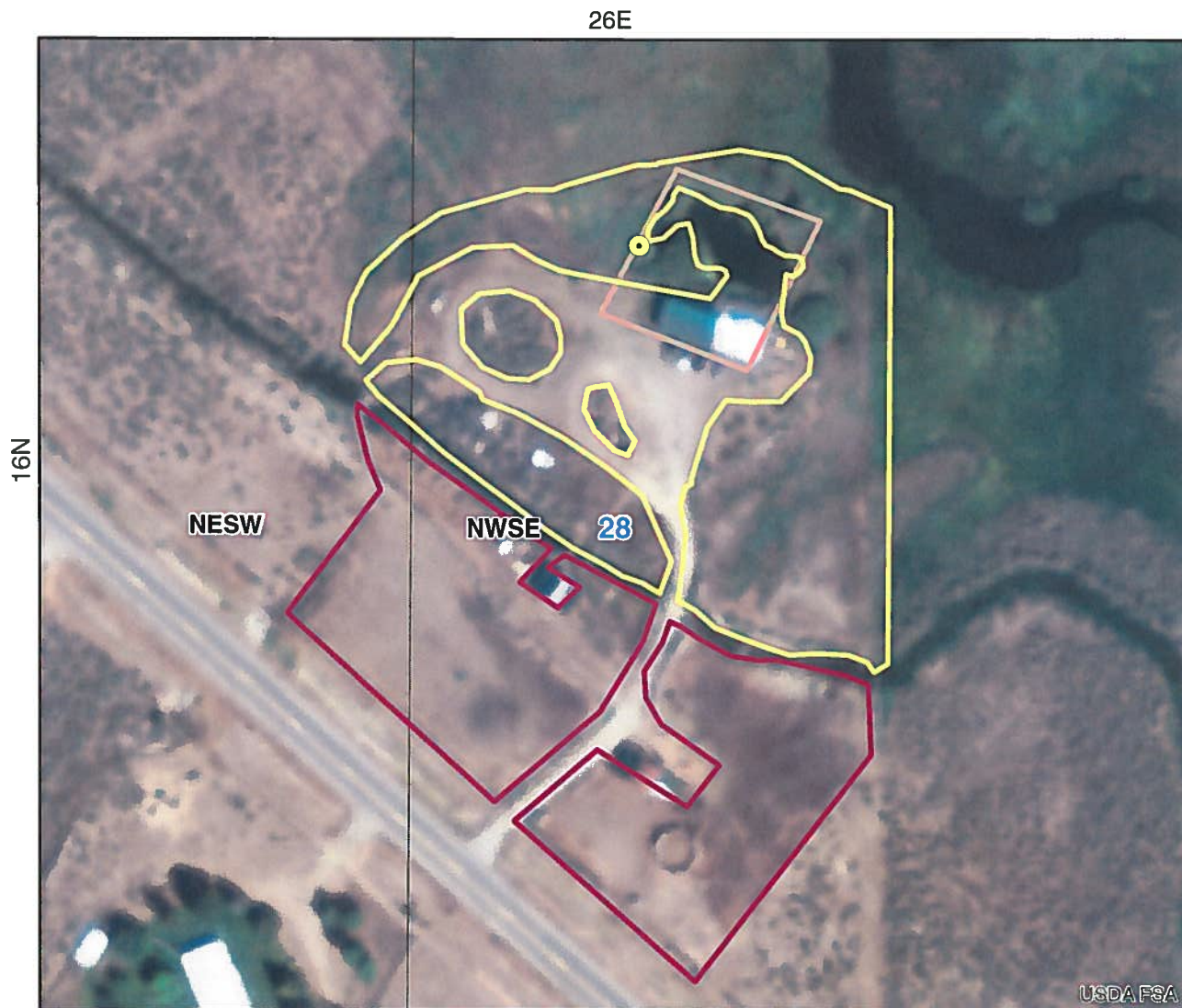
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 17th day of July, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License
74-7173

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 | ▬ Townships |
| ▬ Irrigation Place Of Use Boundary | ▬ PLS Sections |
| ▬ Domestic Place Of Use Boundary | ▬ Quarter Quarters |
| ▬ Stockwater Place Of Use Boundary | |



0 Miles
0.125

State of Idaho
Department of Water Resources
Water Right License
74-7173

This map depicts the DOMESTIC 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
Water Right License
74-7173

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.



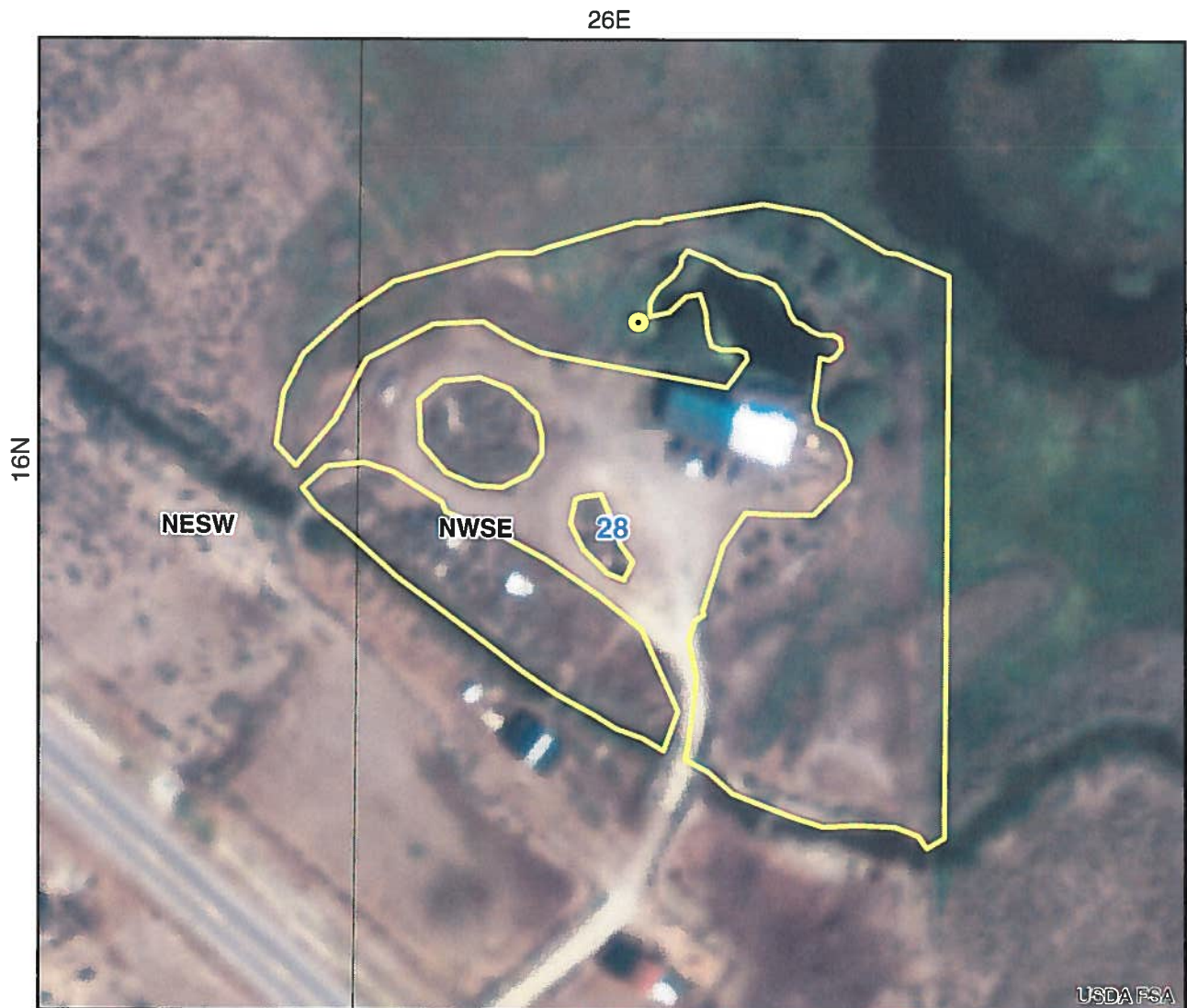
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters



0 0.1 Miles

State of Idaho
Department of Water Resources
Water Right License
74-7173

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



0 Miles 0.05

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-07173

RECEIVED

JUL 15 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: April 05, 1983

Maximum Diversion Rate: 0.08 CFS

Comes now STEVE WATTS
454 10TH ST

IDAHO FALLS ID 83404 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. 74-07173, and requests that the permit be changed as follows:

Source: SPRING

Tributary: LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.03 CFS	
STOCKWATER	01/01 to 12/31	0.01 CFS	0.1 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NW1/4NW1/4SE1/4 Sec. 28, Twp 16N, Rge 26E, 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 26E 28																	1.5
Total Acres:																	1.5

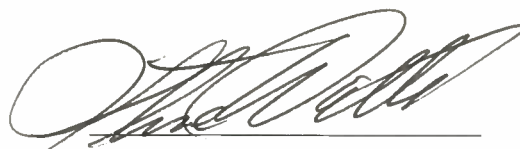
PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 26E 28									X							X	

PLACE OF USE: DOMESTIC

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 26E 28																X	

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 10th day of July, 2013.



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-07173

FOR DEPARTMENT USE ONLY

Preliminary check by MH Fee = \$ 100 Received by JB # E038815 Date 6/21/2013

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. 74-07173 with the following:

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
2. 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. 74-W.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Witness my hand this 17th day of July, 2013.

for Shelley W. Keen
GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 5, 2013

STEVE WATTS
454 10TH ST
IDAHO FALLS ID 83404

RE: Water Right Permit No. 74-07173

Dear Permit Holder(s):

I recently mailed you an amendment to water right 74-7173. Thank you for responding. I received your payment for the amendment. After reviewing the amendment it came to my attention that the point of diversion for a spring must be identified to the quarter, quarter quarter, or 10 acre track. I did not catch that before I sent the amendment to you. The point of diversion for this water right is in T16N R26E Section 28 NW1/4 NW1/4 SE1/4.

The enclosed amendment also includes modified conditions. The first limits water use to 0.03 cfs and 3.5 acre feet per acre. The second condition identifies the responsibilities of the water master for water district 74-W.

There is not cost for this change. Please sign the amendment and return it in the enclosed envelope. If you have any questions, please call me at (208)287-4879. Thank you for your assistance with this.

Sincerely,

Sandra Thiel
Water Resource Planner

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

05/31/2013

STEVE WATTS
454 10TH ST
IDAHO FALLS ID 83404

RE: Water Right Permit No. 74-07173

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.

The permit issued May 20, 1983 includes T16N R26E Section 28 NESW as the place of use. The field examiner found the place of use to be in NWSE and NESW.

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)



MEMORANDUM

TO: Water Rights File 74-7173
FROM: Sandra Thiel
DATE: May 24, 2013
SUBJECT: Field exam and license

Department employees conducted two field exams for water right permit 74-7173 because the first exam didn't find evidence of irrigation. The permit holder requested the second field exam. According to Keith Wilson's description of the second exam the small pond located north of the house holds spring water and fills during the winter and early spring. Mr. Wilson recommended including the pond in the domestic portion of water right.

A GIS analysis determined the pond size to be 0.07 acres. If the pond depth is 8 feet the capacity is 0.56 AF. Pond depth was not included in the field report. When combined with an in house use of .6 AF this falls within Mr. Wilson's 1.2 AF for domestic use. According to Mr. Wilson domestic use did not include any irrigation of the lawn and garden.

The field report recommended 2 acres for irrigation. Based on the report description of the irrigated land, and the aerial photography, the GIS analysis found 1.5 acres of irrigation. The aerial photography also showed a separate location for the stockwater system.