

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08764

CONDITIONS OF APPROVAL

1. The domestic and stockwater use authorized under this right shall not exceed 13,000 gallons per day and a 1/2 acre of irrigation.
2. Domestic use is for 1 home and a bunkhouse.

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 24th day of June, 2013.

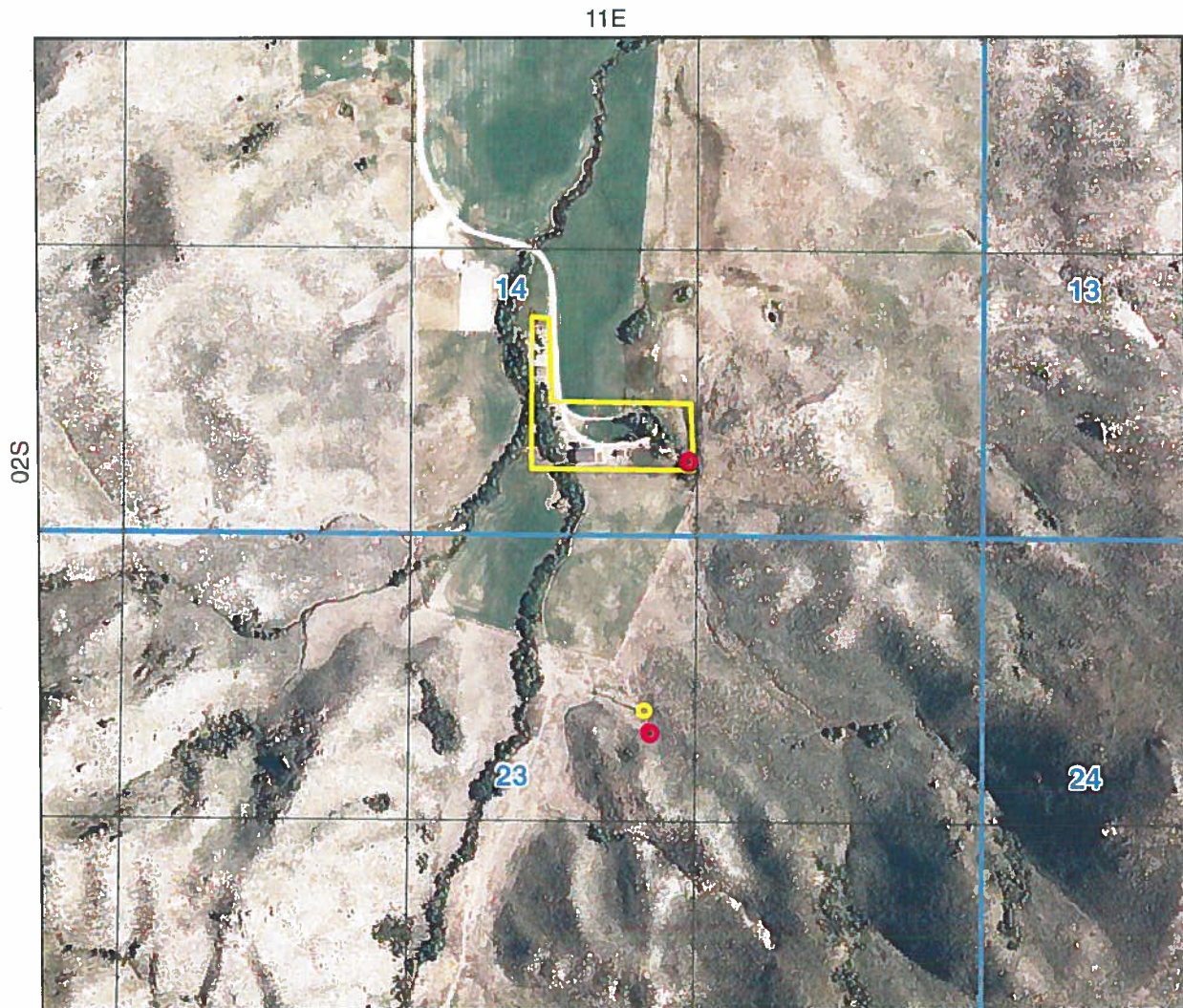
FOR


GARY SPACKMAN
Director



State of Idaho
Department of Water Resources
Attachment To Water Right License
37-8764

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 0.2 0.4 Miles

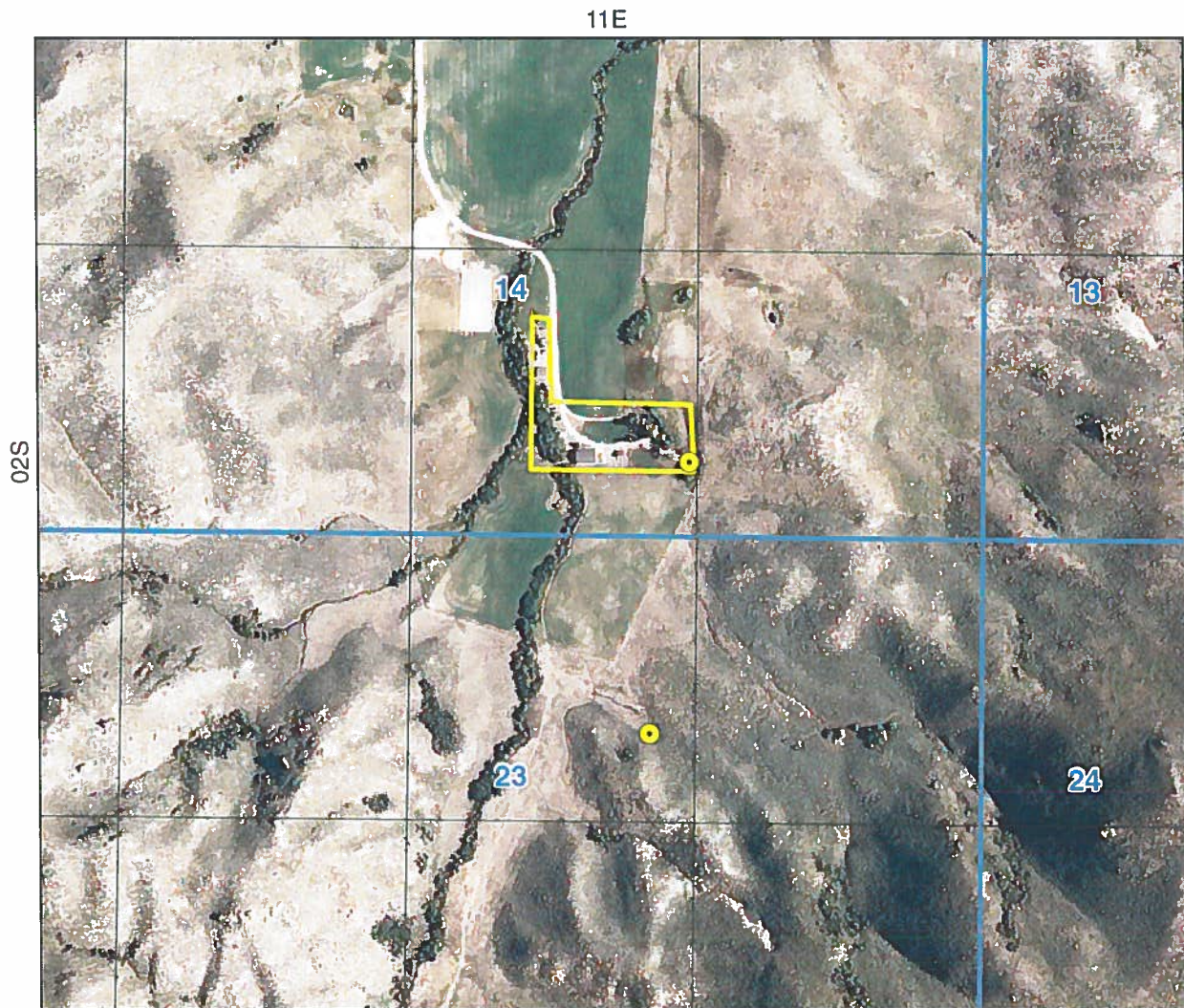


State of Idaho
Department of Water Resources

Attachment To Water Right License

37-8764

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

0 0.1 0.2 0.4 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

June 24, 2013

CLARE M OLSON
KAREN Y OLSON
PO BOX 136
HILL CITY ID 83337

RE: License No. 37-8764

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)

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 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. 37-8764

**CLARE M OLSON
KAREN Y OLSON
PO BOX 136
HILL CITY ID 83337**

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

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08764

RECEIVED
JUN 11 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: August 23, 1991**Maximum Diversion Rate:** 0.02 CFS

Comes now KAREN Y OLSON

And

CLARE M OLSON

PO BOX 136

HILL CITY ID 83337

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. 37-08764, and requests that the permit be changed as follows:

Source: SPRINGS**Tributary:** SINKS

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.01 CFS
DOMESTIC	01/01 to 12/31	<u>0.01 CFS</u>
COMBINED TOTALS:		0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS	SE1/4SW1/4SE1/4	Sec. 14, Twp 02S, Rge 11E, B.M.
ELMORE County		
SPRINGS	SE1/4NW1/4NE1/4	Sec. 23, Twp 02S, Rge 11E, B.M.
ELMORE 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	
02S	11E	14															X		
02S	11E	23		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	
02S	11E	14															X		

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08764

RECEIVED
JUN 11 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 30th day of May, 2003.

Clare Olson
(Signature)

FOR DEPARTMENT USE ONLY
Preliminary check by JJR Fee = \$100.00 Received by JJR # 5033313 Date 6/11/13

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. 37-08764 with the following:

CONDITIONS OF APPROVAL

1. The domestic and stockwater use authorized under this right shall not exceed 13,000 gallons per day and a 1/2 acre of irrigation.
2. Domestic use is for 1 home and a bunkhouse.

Witness my hand this 24th day of June, 2013.

For

Gary Spackman
GARY SPACKMAN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Clare M. Olson
PO Box 136
Hill City, ID 83337

May 29, 2013

RE: Water Right Permit No. ³⁷~~36~~-8764

Dear Clare:

As we discussed Thursday afternoon, our office has recently started the process of licensing permit 37-8764 and the permit will need to be amended to reflect the actual points of diversion and place of use.

Our office has drafted an Application for Amendment that indicates the changes that will correct the permit. The amendment will correct the legal descriptions of the developed springs in the SESWSE of SEC 14 TWP 2S RNG 11E and SENWNE of SEC 23 TWP 2S RNG 11E. It will also add the NWNE of SEC 23 TWP 2S RNG 11E as a place of use for stockwater.

The enclosed Application for Amendment will depict the water right as it will appear on the license when it is issued. Please review the amendment form carefully. If you have any questions please feel free to call me. Otherwise, please sign the Application for Amendment and return it with a \$100.00 filing fee.

Again, if you have any questions or need further assistance, please feel free to call me at 208-736-3033.

Sincerely,

Jana Reeder
Water Resource Agent
IDWR