



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

09/08/2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

STEVECO CANYON FARMS INC
C/O MIKE STEVENS
49 E SUNSET CIR
REXBURG ID 83440

NORTHWEST FARM CREDIT SERVICES FLCA
PO BOX 157
REXBURG ID 83440-0157

RE: Water Right Permit No. 22-07114

Dear Permit Holder(s):

In response to the Protest and Petition for Hearing filed on January 20, 2009 by Robert L. Harris of Holden, Kidwell, Hahn & Crapo, P.L.L.C, and in accord with the Resolution of Protest Against Voiding Permit 22-7114, signed by Mr. Harris and Ernest Carlsen of the Idaho Department of Water Resources, the department has issued the enclosed order withdrawing the Preliminary Order to Void Permit 22-7114 issued on December 4, 2008.

The enclosed order 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 unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

In addition, when reviewing the permit referenced above prior to issuing a water right license, it was found 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 field examiner's report, the following elements were developed differently than described on your permit:

☒ Point(s) of Diversion

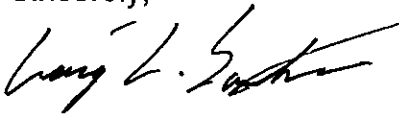
☒ Place(s) of Use

☐ Other

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 \$50.00 filing fee within 14 days.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Craig L. Saxton", written in a cursive style.

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

cc: ROBERT L HARRIS

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07114

Date of Priority: November 20, 1974

Maximum Diversion Rate: 2.94 CFS
Maximum Diversion Volume: 1,248.0 AF

Comes now STEVECO CANYON FARMS INC
C/O MIKE STEVENS
49 E SUNSET CIR
REXBURG ID 83440

NORTHWEST FARM CREDIT SERVICES FLCA
PO BOX 157

REXBURG ID 83440-0157 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. 22-07114, and requests that the permit be changed as follows:

Source: CANYON CREEK

Tributary: TETON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.94 CFS	1,248.0 AF

LOCATION OF POINT(S) OF DIVERSION:

CANYON CREEK NW1/4SE1/4 Sec. 13, Twp 06N, Rge 42E, B.M. MADISON 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	
06N 42E 1											13.0	13.0			13.0	5.6	44.6
06N 42E 11									11.0	29.0	40.0	40.0	39.0	22.0	37.0	37.0	255.0
06N 42E 12	6.4	33.0	6.5	27.0	40.0	40.0	40.0	27.0	1.8	35.0	24.0	3.5	39.0	33.0	38.0	39.0	433.2
06N 42E 13	40.0	17.0	8.3	34.0		25.0	39.0	13.0	40.0	40.0	40.0	40.0	30.0	17.0	31.0	18.0	432.3
06N 42E 14	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0			40.0	40.0	40.0	40.0	560.0
06N 42E 15	40.0	40.0	40.0	40.0	40.0			40.0	40.0				40.0	40.0			360.0
06N 42E 23	25.0	2.1		4.7													31.8
06N 42E 24	12.0	40.0	40.0	17.0	40.0	12.0		40.0									201.0
06N 43E 7									40.0	28.0	28.0	40.0	12.0		35.0	40.0	223.0
06N 43E 18	40.0	39.0		40.0	37.0	27.0	1.5			L 3	L 4						184.5
						L 1	L 2										

Total Acres: 2725.4

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 _____ day of _____, 2010.

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07114

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Received by _____ # _____ Date _____

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. 22-07114 with the following:

CONDITIONS OF APPROVAL

1. A measuring device of a type approved by IDWR shall be maintained as a part of the diverting works.
2. This right is limited to the irrigation of 1702 acres within the authorized place of use in a single irrigation season.
3. Rights 22-7069, 22-7103, 22-7114, and 22-7230 when combined shall not exceed a total diversion rate of 12.94 cfs, a total annual maximum diversion volume of 3892.2 af at the field headgate, and the irrigation of 2725.4 acres.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above
5. 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 01.

Witness my hand this _____ day of _____, 2010.

GARY SPACKMAN
Interim Director