

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Right	63 2389	RIVERSIDE IRRIGATION DISTRICT,	ARENA LAKE DRAIN	04N06W24	14	6			8												28
Right	63 2374	THE RIVERSIDE IRRIGATION DISTRICT LTD,	INDIAN CREEK	04N06W24	10	7															17
Rec	57 10913	GEM IRRIGATION DISTRICT,	SAGE CREEK	04N06W24			8.1	23				11		0.6	11.3	0.2	23.5	23.5		8.7	109.9
Rec	57 4104	GEM IRRIGATION DISTRICT,	SAGE CREEK	04N06W24			13.4				34.4	23.4	35.6	31.7	24.7	35.7	8.1	7.2	38.2	28.1	280.5
Right	57 10913	GEM IRRIGATION DISTRICT,	SAGE CREEK	04N06W24			8.1	23				11		0.6	11.3	0.2	23.5	23.5		8.7	109.9
Right	57 4104	GEM IRRIGATION DISTRICT,	SAGE CREEK	04N06W24			13.4				34.4	23.4	35.6	31.7	24.7	35.7	8.1	7.2	38.2	28.1	280.5
Right	2 2014	GEM IRRIGATION DISTRICT,	SNAKE RIVER	04N06W24									40	40	40	40			40	30	230
Right	2 2276	GEM IRRIGATION DISTRICT,	SNAKE RIVER	04N06W24			16				34	29	36	32	36	36	8				227
Right	2 2432	LEE STUTHEIT,	SNAKE RIVER	04N06W24				26													26
Right	2 7241	CONNIE R WILLIAMS, STANLEY J WILLIAMS,	SNAKE RIVER	04N06W24									17								17
Permit	57 11603	DORRENE PACKER,	SPRINGS	04N06W24							6										6
Permit	57 11604	MARK L BROWNING, JERRY LEE BROWNING,	SPRINGS	04N06W24							4										4
Right	57 11603	DORRENE PACKER,	SPRINGS	04N06W24							4.4										4.4
Right	57 11604	MARK L BROWNING, JERRY LEE BROWNING,	SPRINGS	04N06W24							2.1										2.1
Right	57 7557	STEVEN CAMPBELL, YVONNE CAMPBELL,	SPRINGS	04N06W24								1									1
Rec	57 10854	GEM IRRIGATION DISTRICT,	SUCCOR CREEK	04N06W24			13.4				34.4	23.4	35.6	31.7	24.7	35.7	8.1	7.2	38.2	28.1	280.5
Rec	57 10912	GEM IRRIGATION DISTRICT,	SUCCOR CREEK	04N06W24			8.1	23				11		0.6	11.3	0.2	23.5	23.5		8.7	109.9
Right	57 10854	GEM IRRIGATION DISTRICT,	SUCCOR CREEK	04N06W24			13.4				34.4	23.4	35.6	31.7	24.7	35.7	8.1	7.2	38.2	28.1	280.5
Right	57 10912	GEM IRRIGATION DISTRICT,	SUCCOR CREEK	04N06W24			8.1	23				11		0.6	11.3	0.2	23.5	23.5		8.7	109.9
Right	57 2001B	DAVID N SMITH,	SUCCOR CREEK	04N06W24										40							40
Right	57 2001C	CHARLES MC KINLEY,	SUCCOR CREEK	04N06W24									40								40
Right	57 2001E	RAYMOND S ESTES,	SUCCOR CREEK	04N06W24							X										0
Right	57 2001H	FRED M COLEMAN,	SUCCOR CREEK	04N06W24										X	X						0
Right	57 2001N	WILLIAM R HOWARD,	SUCCOR CREEK	04N06W24			X					X									0
Rec	57 4053	L E PROW, DARLENE PROW,	UNNAMED STREAMS	04N06W24											29	2					31
Right	57 4053	L E PROW, DARLENE PROW,	UNNAMED STREAMS	04N06W24											29	2					31
Right	57 4062	BILL D FERGUSON,	WASTE WATER	04N06W24														19			19

↑
OL w/
Gem Irrig.
Dist.
R64

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 57-11604

Priority: February 23, 1995

Maximum Diversion Rate 0.04 CFS
Maximum Diversion Volume 9.7 AF

It is hereby certified that MARK L BROWNING And JERRY LEE BROWNING
1916 NW 8TH ST
MERIDIAN ID 83642 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated February 23, 1995, and have
submitted Proof of Beneficial Use on April 07, 1997. An examination indicates that the works have a
diversion capacity of 0.13 cfs of water from

SOURCE

SPRINGS

Tributary: SNAKE 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>
STOCKWATER	01/01 to 12/31	0.01 CFS	0.2 AF
IRRIGATION	03/01 to 11/15	0.04 CFS	9.5 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS L4 NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, Twp 04N, Rge 06W, B.M., OWYHEE County
SPRINGS L4 NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, Twp 04N, Rge 06W, B.M., OWYHEE County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 06W 24							X										
							L 4										

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 06W 24							21										21
							L 4										

Total Acres 2.1

CONDITIONS OF APPROVAL

- 1 Right 57-11603 is also diverted through the points of diversion described above

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State of Idaho
Department of Water Resources
Water Right License

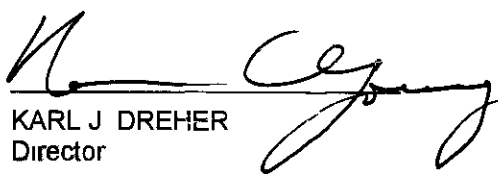
WATER RIGHT NO. 57-11604

- 2 After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department
- 3 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above

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 and sealed this 10th day of DECEMBER, 2001

Acting for


KARL J. DREHER
Director

MICROFILMED

MAY 16 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 57-11604

WATER RIGHT NUMBER 57-11604

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	DORRENE PACKER RT 1 BOX 1305 HOMEDALE, ID 83628 (208) 337-3582
Current Owner	MARK L BROWNING 1916 NW 8TH ST MERIDIAN, ID 83642 (208) 888-5642
Current Owner	JERRY LEE BROWNING 1916 NW 8TH ST MERIDIAN, ID 83642 (208) 888-5642

Priority Date 02/23/1995

Basis

Status Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0 010 CFS	
IRRIGATION	03/15 to 11/15	0 050 CFS	
	<u>Total Diversion</u>	0 050 CFS	

Location of Point(s) of Diversion

SPRINGS	L4 SW1/4NW1/4	Sec 24, Twp 04N, Rge 06W, B M
OWYHEE County		

Place of UseIRRIGATION Within OWYHEE County

T04N R06W S24 Lot 4 SWNW 4 0

Total Acres 4

STOCKWATER same as IRRIGATIONConditions of Approval

- 1 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department
- 2 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0 02 cubic feet per second for each acre of land
- 3 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control

Remarks

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MAY 16 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 57-11604

- 1 General Four points of diversion are located within Lot 4 (NWNW), S24, T04N, R06W
Stockwater use is for 40 range cattle

Comments

1 kwaker 12/10/2001 SPLIT OF 57-7611

Comment This permit is a portion of 57-07611 We received an assignment of a portion of 57-07611 on 8/13/2001 and this record is a result of that assignment See also 57-11603 for remainder of original permit

Dates and Other Information

Permit Proof Due Date 5/1/1997

Permit Proof Made Date 4/7/1997

Permit Approved Date 5/3/1995

Field Exam Date 6/23/1997

Date Received at State Office 11/21/1997

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MAY 16 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 11, 2001

MARK L BROWNING
JERRY LEE BROWNING
1916 NW 8TH ST
MERIDIAN ID 83642

RE: License No 57-11604 - 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 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

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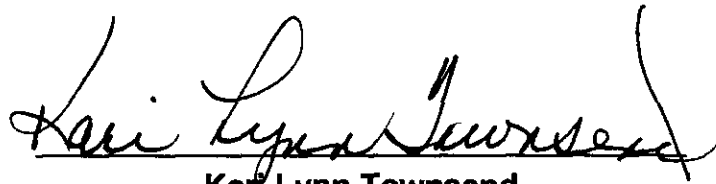
2002

CERTIFICATE OF MAILING

I hereby certify that on December 11, 2001 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. 57-11604

**MARK L BROWNING
JERRY LEE BROWNING
1916 NW 8TH ST
MERIDIAN ID 83642**

A handwritten signature in cursive script, reading "Karl Lynn Townsend", written over a horizontal line.

**Karl Lynn Townsend
Secretary**

MICROFILMED

MAY 16 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

LICENSE REVIEW CHECKLIST

Permit No 57-11604 Date 12-10-2001 Reviewer Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion OK

Does change clarify original intended source? if no, void permit
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap) 57-11603
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps. Right(s) Mem. Irrig. Dist.
File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion

Permitted rate 0.20 cfs
Fee Limit 0.20 cfs
Measured 0.13 cfs
Theoretical 0.13 cfs

Recommended Total Diversion Rate 0.04

Water Uses OK

Change (P46)

Season of Use per new Standards

3-1 11-15

Irrigation 0.04 cfs 9.5 af
Stockwater 0.01 cfs 0.2 af
Domestic cfs af
 cfs af
 cfs af
Total 0.04 cfs 9.7 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)
supp Gw (WB7/065/104)
overlap spec combined rts (W35)
<1 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (081/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

0.04 cfs x 1 9835 x 360 days = 20.6 af (vs) 2.1 acres x 4.5 (FHR) = 9.5 af
3.5 (con)

Remarks

Additional Conditions

OK Watermaster Control
OK GW Measurement/Measuring Device
 Other
Trust R55 - remove 051)
Non-trust (048/049)

GW Dist?
Water Msmt. Dist?
Crit. GWMA?
GWMA?
Government Lots?

Advance Priority? yes If yes, explain why below
no

SRBA Claim?

no - not req'd

Adjust memo

Amend Letters

P87, S06

Second Amendment Notice

S06

496913

Idaho Dept. of Water Resources
Place of Use Comparison Report

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							8.1	23					35.6	0.6	14.3	0.2					109.9
Right	57 10913	GEM IRRIGATION DISTRICT.	SAGE CREEK	04N06W24			13.4							31.7	24.7	35.7					280.5
Right	57 4104	GEM IRRIGATION DISTRICT.	SAGE CREEK	04N06W24			8.1	23				11	35.6	0.6	11.3	0.2	23.5	23.5		8.7	109.9
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Right	2 2278	GEM IRRIGATION DISTRICT.	SNAKE RIVER	04N06W24							34	29	40	40	40	40			40	30	230
Right	2 2432	LEE STUTHEIT,	SNAKE RIVER	04N06W24			16	26					36	32	36	36	8				227
Right	2 7241	CONNIE R WILLIAMS, STANLEY J WILLIAMS.	SNAKE RIVER	04N06W24									17								26
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Right	57 11604	MARK L BROWNING, JERRY LEE BROWNING.	SPRINGS	04N06W24							2.1										2.1
Right	57 11604	MARK L BROWNING, JERRY LEE BROWNING.	SPRINGS	04N06W24								1									1
Right	57 7567	STEVEN CAMPBELL, YVONNE CAMPBELL.	SPRINGS	04N06W24			13.4						35.6	31.7	24.7	35.7					280.5
							8.1	23					35.6	0.6	11.3	0.2					109.9
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Right	57 20018	DAVID N SMITH,	SUCCOR CREEK	04N06W24									40								40
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Right	57 2001C	RAYMOND S ESTES,	SUCCOR CREEK	04N06W24						X											0
Right	57 2001H	FRED M COLEMAN,	SUCCOR CREEK	04N06W24											X						0
Right	57 2001N	WILLIAM R HOWARD,	SUCCOR CREEK	04N06W24			X									X					0
											X										31
Right	57 4053	L E PROW, DARLENE PROW,	UNNAMED STREAMS	04N06W24											29	2					31
Right	57 4062	BILL D FERGUSON,	WASTE WATER	04N06W24											29	2			19		31