

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 57-12065

Priority: September 23, 2021

Maximum Diversion Rate: 0.01 CFS

It is hereby certified that:

GREGORY KELLY
AND/OR
CASSANDRA KELLY
AND/OR
DAKOTA KELLY
3665 HIGHWAY 95
HOMEDALE ID 83628-3372

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 01, 2021, and has submitted Proof of Beneficial Use on October 31, 2022. An examination confirms water is diverted from:

Source: SPRING

Tributary: UNNAMED DRAIN

Beneficial Use
STOCKWATER

Period of Use
01/01 to 12/31

Rate of Diversion
0.01 CFS

Location of Point(s) of Diversion

SPRING NE¼ SE¼ SW¼, Sec. 25, Twp 04N, Rge 06W, B.M. OWYHEE County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	06W	25												X					

Conditions of Approval

1. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Idaho Code § 42-219. 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 April, 2023.



COREY SKINNER
Southern Regional Manager

SCANNED
MAY 01 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
57-12065

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.



0 0.035 0.07 0.14 Miles

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



SCANNED
MAY 01 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 27, 2023

GREGORY KELLY
CASSANDRA KELLY
DAKOTA KELLY
3665 HIGHWAY 95
HOMEDALE ID 83628-3372

RE: License No. 57-12065

Correspondence

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") 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 all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2023, I served a true and correct copy of Water Right License No. 57-12065 by U.S. Mail, postage prepaid, to the following:

GREGORY KELLY (Current Owner)
3665 HIGHWAY 95
HOMEDALE ID 83628-3372

CASSANDRA KELLY (Current Owner)
3665 HIGHWAY 95
HOMEDALE ID 83628-3372

DAKOTA KELLY (Current Owner)
3665 HIGHWAY 95
HOMEDALE ID 83628-3372



Denise Maline
Administrative Assistant 1

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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 57-12065
Exam Date: 04/18/2023

1. Current Owner:

GREGORY KELLY 3665 HIGHWAY 95 HOMEDALE ID 83628-3372 AND/OR
CASSANDRA KELLY 3665 HIGHWAY 95 HOMEDALE ID 83628-3372 AND/OR
DAKOTA KELLY 3665 HIGHWAY 95 HOMEDALE ID 83628-3372

2. Accompanied by: Corey Skinner and Benny Walker (IDWR)

3. **SOURCE:**

SPRING

Tributary

UNNAMED DRAIN

Method of Determination: Aerial imagery and on-site visit.

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

Water Right No.	Source	Purpose of Use	Basis

Comments:

2. Other water rights with the same point-of-diversion: None

Water Right No.	Source	Purpose of Use	Basis

Comments:

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

SPRING NE¼ SE¼ SW¼, Sec. 25, Twp 04N, Rge 06W, B.M. OWYHEE County

Method of Determination: Aerial imagery and on-site visit

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	06W	25												X					

Method of Determination: Aerial imagery and on-site visit.

Field Exam

3.

Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.

X

Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be

X

1:24,000 or greater.

X

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

X

Photo of Diversion and System Attached

4.

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
NA					

D. FLOW MEASUREMENTS

1. No flow measurements were required per Beneficial Use Examination Rules (Rule 35.01.r.iii) when the combined diversion rate for all uses is less than 0.24 cfs.

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

2. Measurements: No measurements taken.

E. FLOW CALCULATIONS

Measured Method: NA

Additional Computation Sheets
Attached

F. VOLUME CALCULATIONS

No volume calculations are required as per the Beneficial Use Examination Rules (Rule 35.01.j.ii) because developed use would fit under the domestic exemption as defined in section 42-111.

G. NARRATIVE/REMARKS/COMMENTS

The licensing field exam for 57-12065 was conducted on April 18, 2023, with Corey Skinner (IDWR Southern Region Manager) and Benny Walker (IDWR). The spring water is piped into a trough west of an animal shelter structure located on parcel RP04N06W256620. The location of the spring is in the NESESW of section 25 Township 04N Range 06W.

Flow rate measurements were not taken since it is not required per the Beneficial Use Examination Rules because the total combined use is less than 0.24 cfs (Rule 35.01.r.iii).

Volume calculations are not required as per the Beneficial Use Examination Rules (Rule 35.01.j.ii) because developed use would fit under the domestic exemption as defined in section 42-111.

Recommended flow rate for licensing should remain at 0.01 cfs.

Have conditions of permit approval been met? X Yes ___ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	
STOCKWATER	01/01 to 12/31	0.01 CFS	

Totals: 0.01 CFS

2. Recommended Amendments

☐ Change P.D. as reflected above	☐ Add P.D. as reflected above	☒ None
☐ Change P.U. as reflected above	☐ Add P.U. as reflected above	☒ None

I. AUTHENTICATION

Field Examiner's Name Tyler W. Shaw Date 4/19/2023

Reviewer Py Sam Date 4/24/2023

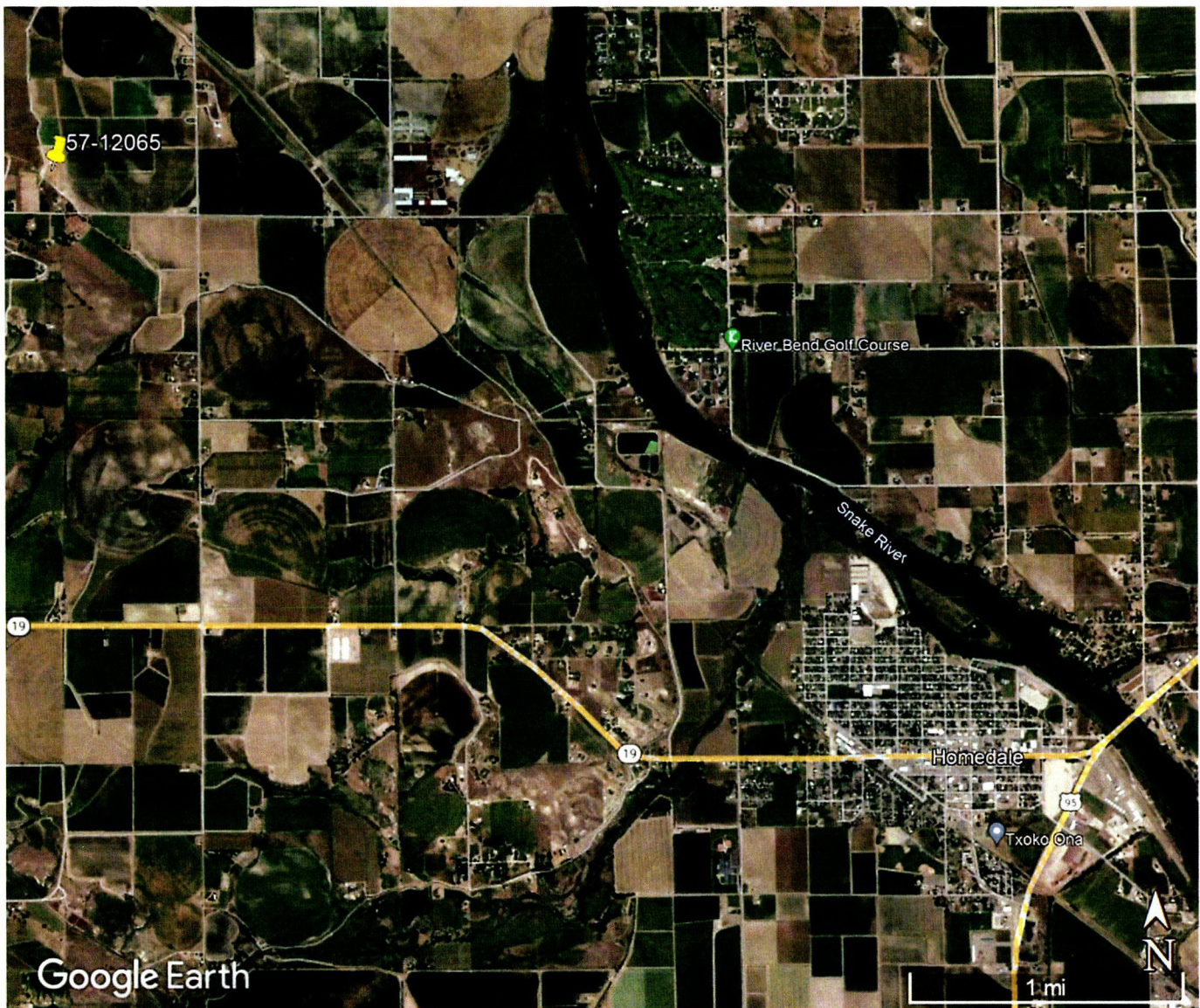


Figure 1. Aerial view taken from Google Earth 2022 imagery showing the location of the place of use for water right 57-12065 in relation to the surrounding area.

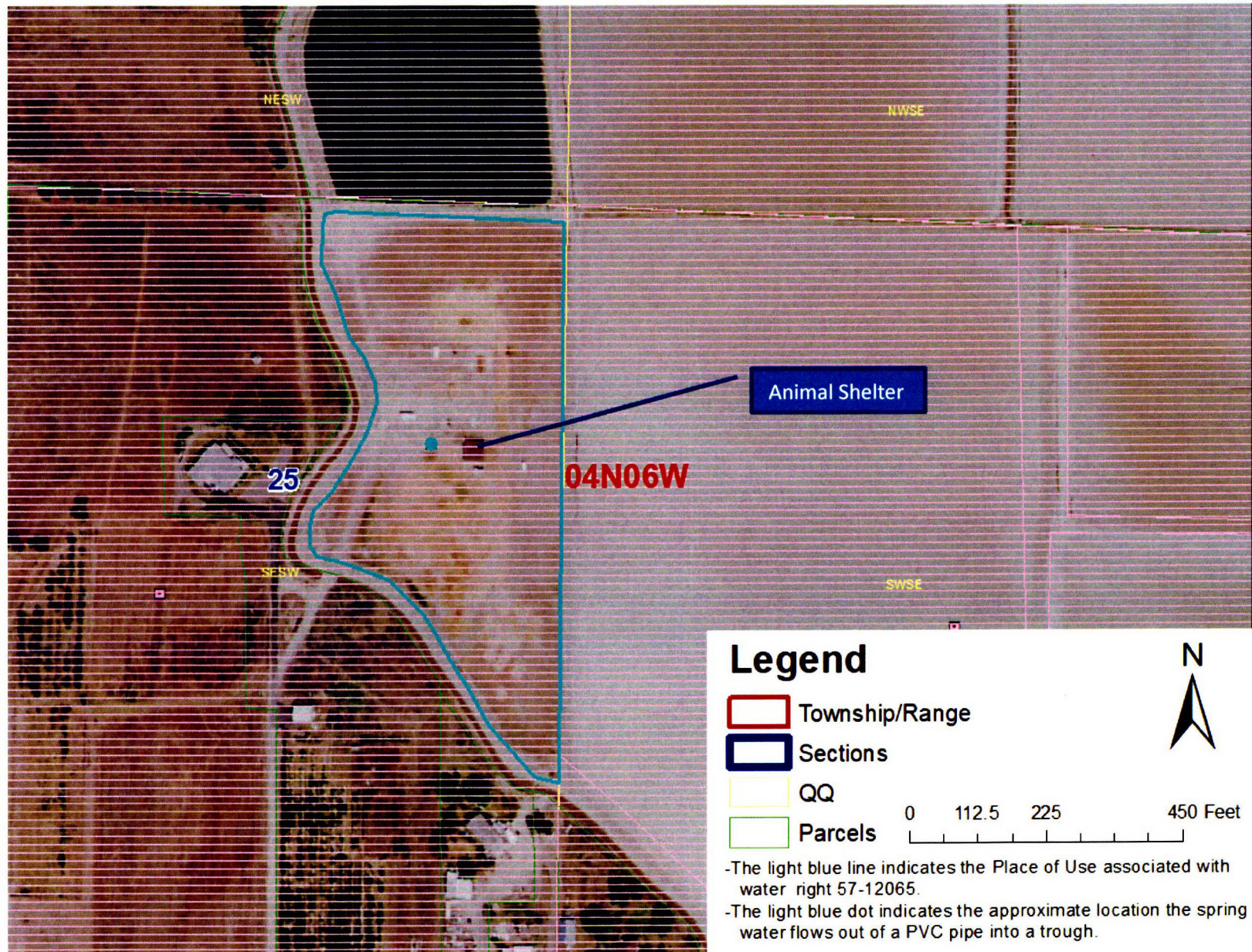


Figure 2. Aerial map showing a more detailed overview of the parcel associated with water right 57-12065.

Field Exam 57-12065

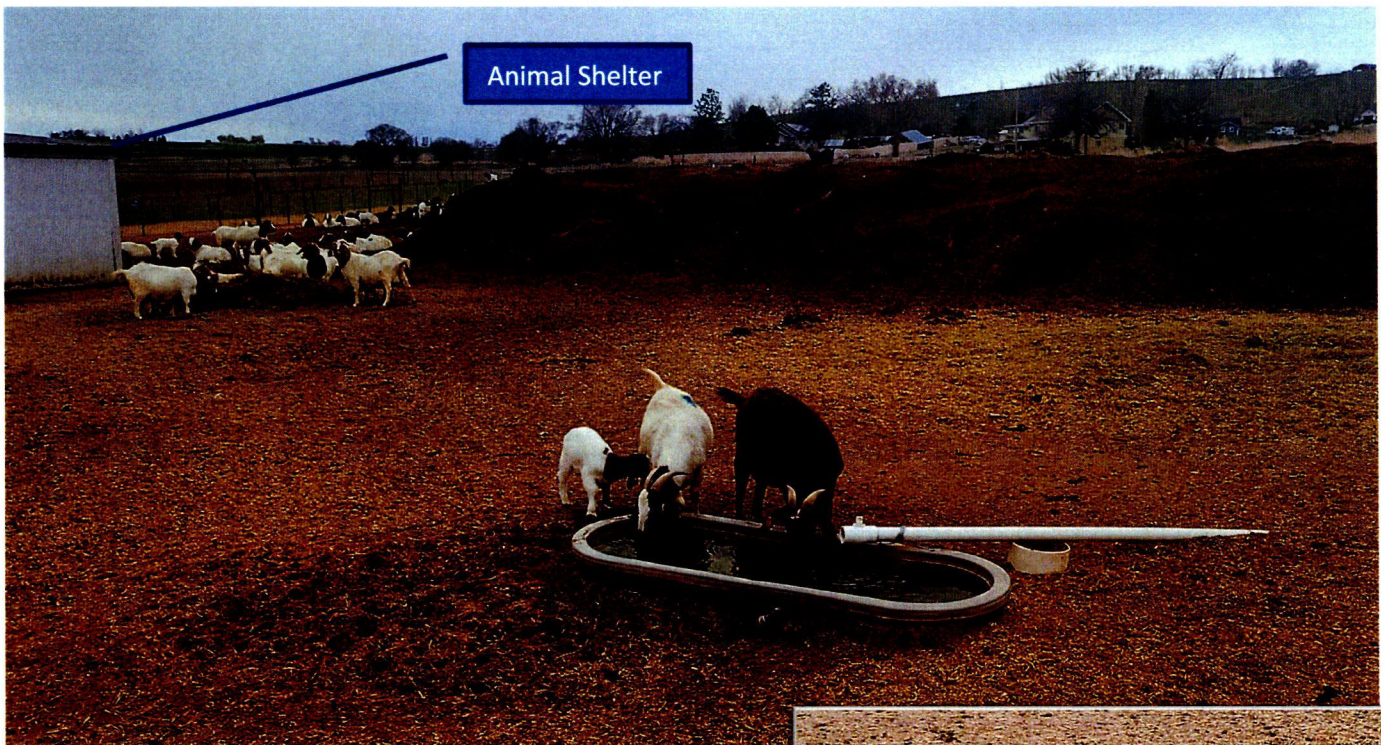


Figure 3. Image showing an overall view of the property as developed by the time of the field examination. Note the location of the PVC pipe compared to the animal shelter. Inset image offers a better perspective on the flow from the spring through the PVC pipe. Note the black pipe coming out of the side of the trough. The black pipe leads to a series of other troughs on the property for livestock use.



RECEIVED

OCT 26 2022

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50
Receipt No. 0114510
Received By KM
Date Received 10/31/22

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 57-12065 Name of Permit Holder(s) Gregory Kelly, Cassandra Kelly, Dakota Kelly

Telephone No. 208-919-3364 Email Cassykelly@outlook.com

Mailing Address 3665 Hwy 95 City Homedale State ID Zip 83628

2. Source of Water Shallow Spring If Ground Water (well), Date Drilled mo. ____ / yr. ____

Drilling Permit/Tag No. ____ Drilling Company's Name ____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) ____ Irrigation (No. acres) ____ Stockwater (No. and stock type) 450 Goats

Other ____

4. Total diversion rate or volume (storage only) for which proof is submitted ____ cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Spring to 5 water tanks to drain Ditch

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☒ | Mitigation plan |
| ☐ | ☒ | Lockable controlling works |
| ☐ | ☒ | Measuring device |
| ☐ | ☒ | Fish screen |
| ☐ | ☒ | Other requirements of the water right permit |
| ☐ | ☒ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ ____ or ☐ CWRE field report attached or ☒ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Greg Kelly Telephone No. 208-919-3364 Email ____

Mailing Address 3665 Hwy 95 City Homedale State ID Zip 83628

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

SIGNATURE OF PERMIT HOLDER*

*Attach power of attorney if completing on behalf of permit holder.

PRINTED NAME AND TITLE

DATE

[Signature]
Cassandra Kelly
Dakota Kelly

Gregory Kelly owner
Cassandra Kelly-owner
Dakota Kelly - owner

10-19-22
10/19/22
10/19/22

SCANNED
NOV 21 2022



Governor Brad Little
November 18, 2022

Director Gary Spackman

GREGORY KELLY
CASSANDRA KELLY
DAKOTA KELLY
3665 HIGHWAY 95
HOMEDALE ID 83628-3372

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 57-12065

Dear Permit Holders:

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Western Region Office of the Department located in Boise at (208) 1 334-2190.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
NOV 21 2022

Beneficial Use Proof Evaluation

Permit Number: 57-12065 Reviewer: djudd Review Date: 11/9/2022

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 10/31/2022
- 4) Proof Due Date: 11/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -1
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed?
 - a. Measuring Device --
 - b. Lockable Device --
 - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed?
- 7) Was a well drillers report filed?
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

W048986

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.