

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-13433

Priority: December 14, 1992

Maximum Diversion Rate: 1.00 CFS

Maximum Diversion Volume: 736.0 AF

It is hereby certified that:

STATE OF IDAHO DEPT OF FISH & GAME
PO BOX 25 BOISE ID 83707

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 14, 1992, and has submitted Proof of Beneficial Use on October 03, 1994. An examination confirms water is diverted from:

Source : WASTE WATER

Tributary: PAYETTE RIVER

Source : POND

Tributary: PAYETTE RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	1/01 to 12/31		12.0 AF
WILDLIFE	1/01 to 12/31	1.00 CFS	724.0 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.00 CFS	

Location of Point(s) of Diversion

POND SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County

WASTE WATER SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	34			X					X									

Place of Use: WILDLIFE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	34			X					X									

Conditions of Approval

1. Use of water under this right may 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. 65.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.

SCANNED

FEB 16 2023

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-13433

4. Right 65-13433 authorizes a total annual storage volume of 12.0 acre-feet, 2.8 acre-feet to be used for the initial filling or carryover storage, and 9.2 acre-feet for the replacement of losses due to evaporation. Water diverted for storage purposes under this right is stored in 2.8 acre-feet of additional capacity added to a 10.5 acre-foot natural pond with a 4.4-acre surface area
5. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
6. Source includes waste water from Langley Gulch drain ditch.
7. Wildlife storage is for waterfowl production area.

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 14th day of February, 20 23.



SCOTT STORMS
Water Rights Supervisor

SCANNED

FEB 16 2023

State of Idaho
Department of Water Resources
Attachment to Water Right License
65-13433

This map depicts the WILDLIFE STORAGE 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.

04W



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

0 0.0375 0.075 0.15 Miles

SCANNED
N
FEB 16 2023

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 65-13433

RECEIVED

DEC 26 2019

WATER RESOURCES
WESTERN REGION

Priority: December 14, 1992

Maximum Diversion Rate: 1.00 CFS
Maximum Diversion Volume: 736.0 AF

The owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-13433

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25 BOISE ID 83707-0025

requests the permit be changed as follows:

Source : WASTE WATER
Source : POND

Tributary: PAYETTE RIVER
Tributary: PAYETTE RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
WILDLIFE STORAGE	1/01 to 12/31		12.0 AF
WILDLIFE	1/01 to 12/31	1.00 CFS	724.0 AF
DIVERSION TO STORAGE	1/01 to 12/31	1.00 CFS	

Location of Point(s) of Diversion

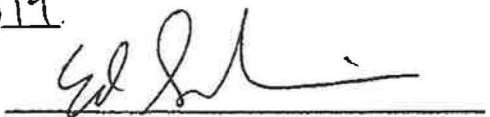
POND SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County
WASTE WATER SW¼ NE¼, Sec. 34, Twp 08N, Rge 04W, B.M. PAYETTE County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	04W	34			X					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 23 day of December, 2019.


(Signature)

SCANNED

FEB 16 2023

State of Idaho
Department of Water Resources
Application for Amendment
(For Licensing Purposes)
Water Right No. 65-13433

FOR DEPARTMENT USE ONLY

Preliminary check by JS Fee = \$100 Received by JS # BILL0539 Date 3/29/2021

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 65-13433 with the following:

Conditions of Approval

1. Use of water under this right may 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.65.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
4. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. Source includes waste water from Langley Gulch drain ditch.
6. Wildlife storage is for waterfowl production area.

This amendment is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this _____ day of _____, 20____.

NICK MILLER
Western Regional Manager

SCANNED
FEB 16 2023

State of Idaho
Department of Water Resources
Attachment to Application for Amendment
65-13433

This map depicts the WILDLIFE STORAGE 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.

04W



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

0 0.0375 0.075 0.15 Miles

SCANNED
N
FEB 16 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 15, 2023

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: License No. 65-13433

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

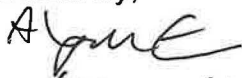
The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing 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) 605-4624.

Sincerely,


Lynne Evans

for Scott Storms
Water Rights Supervisor

Enclosure(s)

SCANNED

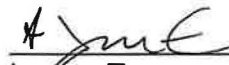
FEB 16 2023

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2023, I served a true and correct copy of Water Right License No. 65-13433 by U.S. Mail, postage prepaid, to the following:

STATE OF IDAHO (Current Owner)
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

NEIL SHIPPY (Watermaster)
WATER DISTRICT #65
102 N MAIN ST
PAYETTE ID 83661-2522



Lynne Evans
Administrative Assistant I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

The accompanying order is a **Preliminary Order** issued by the Idaho Department of Water Resources (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 or files an exception and brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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.