

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 78-12529

Priority: October 30, 2020

Maximum Diversion Rate: 0.04 CFS

This is to certify that

KATHLEEN R HERBERT 412 LOWER RANCH DR NEW MEADOWS ID 83654-5097 OR
ROCHELLE P BETTIS * 414 LOWER RANCH DR NEW MEADOWS ID 83654-5097

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SPRING NE¼ SW¼ NW¼, Sec. 26, Twp 22N, Rge 01E, B.M. IDAHO County

Place of Use: DOMESTIC

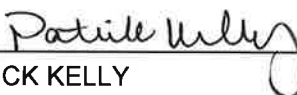
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	01E	26							X	X									

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2022**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 29th day of December, 2020.



PATRICK KELLY
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

78-12529

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 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

December 29, 2020

ROCHELLE P BETTIS
414 LOWER RANCH DR
NEW MEADOWS ID 83654-5097

KATHLEEN R HERBERT
412 LOWER RANCH DR
NEW MEADOWS ID 83654-5097

RE: Permit No. 78-12529

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued 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.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit 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 enclosed information, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUERMAN

for Nick Miller
Western Regional Manager

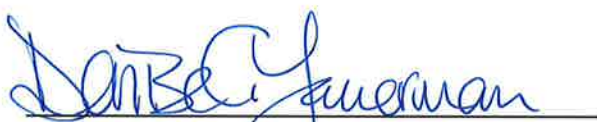
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2020, I served a true and correct copy of Permit to Appropriate Water No. 78-12529 by U.S. Mail, postage prepaid, to the following:

ROCHELLE P BETTIS (Current Owner)
414 LOWER RANCH DR
NEW MEADOWS ID 83654-5097

KATHLEEN R HERBERT (Current Owner)
412 LOWER RANCH DR
NEW MEADOWS ID 83654-5097



Denise Lauerman
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.

The following application(s)
have been filed to appropri-
ate the public waters of the
State of Idaho:

78-12529
ROCHELLE P BETTIS
KATHLEEN R HERBERT
412 LOWER RANCH DR
NEW MEADOWS, ID 83654-5097
Point of Diversion NESWNW
S26 T22N R01E IDAHO County
Source SPRING Tributary SINKS
Use: DOMESTIC 01/01 to 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10-30-2020
Place Of Use: DOMESTIC
T22N R01E S26 SWNW SENW

Permits will be subject to all
prior water rights. For addi-
tional information concerning
the property location, contact
the Western office at (208)334-
2190; or for a full description of
the right(s), please see [https://
idwr.idaho.gov/apps/ExtSearch/
WRApplicationResults/](https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/). Pro-
tests may be submitted based
on the criteria of Idaho Code
§ 42-203A. Any protest against
the approval of this application
must be filed with the Director,
Dept. of Water Resources, West-
ern Region, 2735 W AIRPORT
WAY, BOISE ID 83705-5082 to-
gether with a protest fee of
\$25.00 for each application on
or before 12/7/2020. The prot-
estant must also send a copy of
the protest to the applicant.

GARY SPACKMAN, Director-
Published on 11/19/2020 and
11/26/2020

N18-N25

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Idaho - ss.

Sarah Klement, being first duly sworn, says she is
the Publisher of the IDAHO COUNTY FREE PRESS,
a weekly newspaper published and issued weekly
at Grangeville, Idaho County, State of Idaho, and
is of general circulation in said county and state,
that the said legal notice, of which the one hereto
attached is a true copy, was published in said
paper for two weeks, being published two times,
the first publication being on the 18th day of
November, 2020 and the last publication on the
25th day of November and that the said legal
notice was published in the newspaper proper
and not a supplement; that said newspaper has
been continuously and uninterruptedly published
in said county during a period of seventy-eight
consecutive weeks prior to the publication of said
legal notice of advertisement.



STATE OF IDAHO)

COUNTY OF IDAHO)

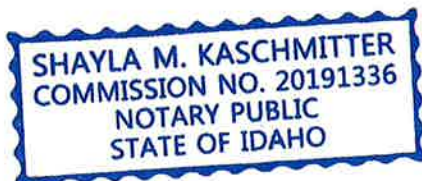
On this 25th day of November in the year of
2020, before me a Notary Public personally
appeared Sarah Klement, known or identified to
me to be the person whose name subscribed to
the within instrument, and being by me first duly
sworn, declared that the statements therein are
true, and acknowledged to me that he executed
the same.



Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 07-12-2025



RECEIVED

NOV 30 2020

WATER RESOURCES
WESTERN REGION