

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 78-12525

Priority: August 24, 2020

Maximum Diversion Rate: 0.04 CFS

This is to certify that

JUDY A CARSON CARROLL PO BOX 212 POLLOCK ID 83547-0212 AND
KERRY M CARROLL PO BOX 212 POLLOCK ID 83547-0212

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

GROUND WATER NE¼ SE¼, Sec. 20, Twp 23N, 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	
23N	01E	20													X				

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2025**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
4. This right does not grant any right-of-way or easement across the land of another.
5. Domestic use is for 1 home.
6. Place of use is located within Phase 1, Lot 41, Diamond Springs Ranch Subdivision.

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

Signed this 25 day of September, 2020.


PATRICK KELLY
Water Rights Supervisor

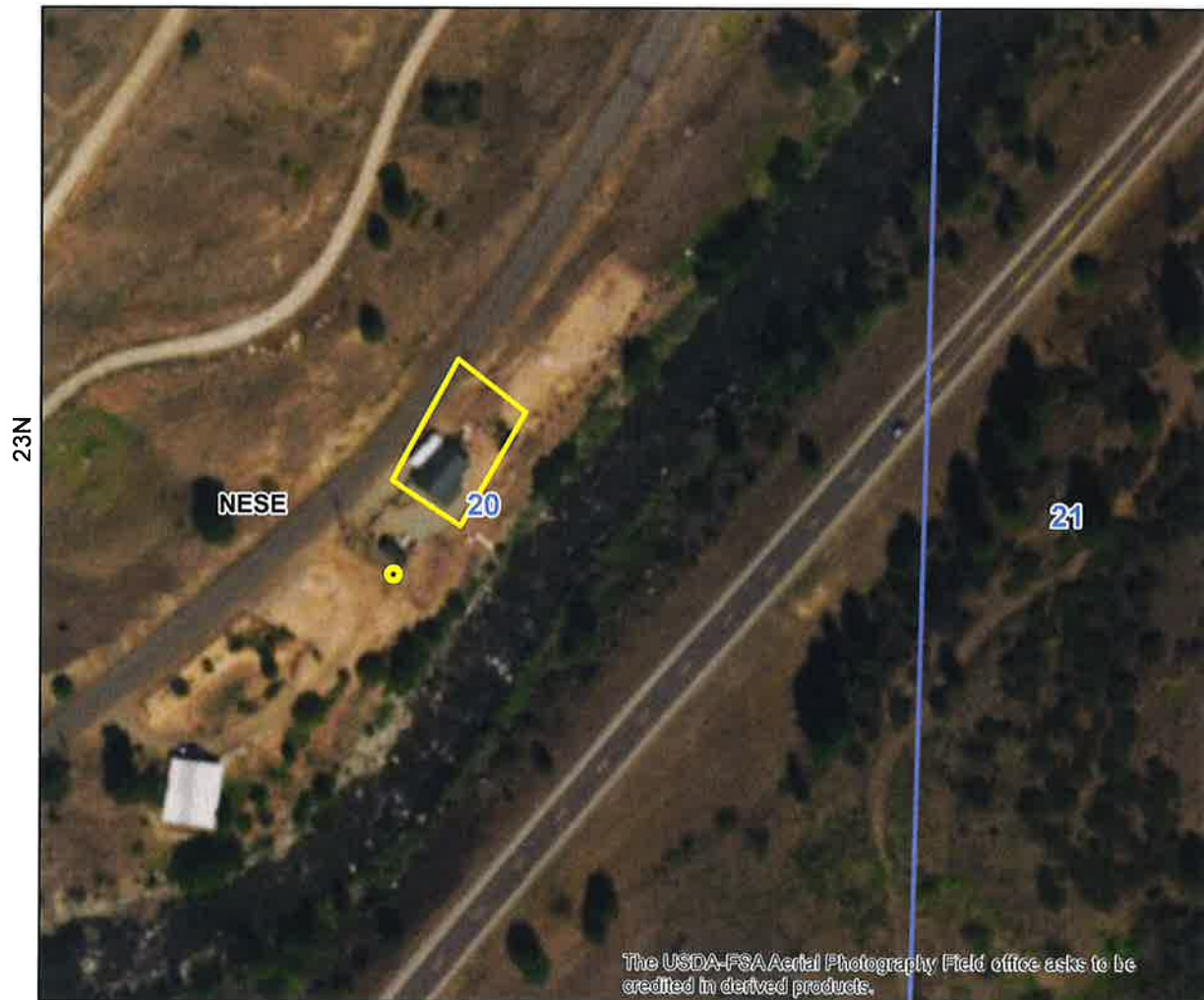
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

78-12525

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.

01E



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

0 0.0175 0.035 0.07 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

September 25, 2020

KERRY M CARROLL
JUDY A CARSON CARROLL
PO BOX 212
POLLOCK ID 83547-0212

RE: Permit No. 78-12525

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 first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, 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.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,


for: Kensi Thorngren
Patrick Kelly
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2020, I served a true and correct copy of Permit to Appropriate Water No. 78-12525 by U.S. Mail, postage prepaid, to the following:

KERRY M CARROLL
JUDY A CARSON CARROLL
PO BOX 212
POLLOCK ID 83547-0212

BOB CARSON
PO BOX 212
POLLOCK ID 83547-0212



Kensie Thorneycroft
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.

SEP 11 2020

WATER RESOURCES
WESTERN REGION

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

78-12524 *OK KT 9/22/2020*
PEGGY E BRYAN
PO BOX 565
MCCALL, ID 83638-0565
Point of Diversion NESE S20
T23N R01E IDAHO County
Source GROUND WATER
Use: DOMESTIC 01/01 to
12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 08-05-2020
Place Of Use: DOMESTIC
T23N R01E S20 NESE
Domestic use if for 1 home in
Diamond Springs Ranch Sub-
division.

78-12525 *OK KT 9/22/2020*
JUDY A CARSON CAR-
ROLL
KERRY M CARROLL
PO BOX 212
POLLOCK, ID 83547-0212
Point of Diversion NESE S20
T23N R01E IDAHO County
Source GROUND WATER
Use: DOMESTIC 01/01 to
12/31 0.04 CFS
Total Diversion: 0.04
Date Filed: 08-24-2020
Place Of Use: DOMESTIC
T23N R01E S20 NESE

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/WRAApplicationRe-
sults/](https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/). Protests may be sub-
mitted 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, Western
Region, 2735 W AIRPORT
WAY, BOISE ID 83705-5082
together with a protest fee of
\$25.00 for each application on
or before 9/21/2020. The prot-
estant must also send a copy of
the protest to the applicant.

GARY SPACKMAN, Director
Published on 9/2/2020 and
9/9/2020

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

Sarah S. 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 coun-
ty 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 2nd day of September, 2020; and the last publication on the
9th day of September, 2020; and that the said legal notice was
published in the newspaper proper and not a supplement; that
said newspaper has been continuously and uninterruptedly pub-
lished in said county during a period of seventy-eight consecutive
weeks prior to the publication of said legal notice of advertise-
ment.



STATE OF IDAHO)
)
COUNTY OF IDAHO)

On this 9th day of September in the year of 2020, before me a
Notary Public personally appeared Sarah S. 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
she executed the same.

Shayla M. Kaschmitter
Notary Public for Idaho

Residing at Grangeville, ID
My commission expires: 07-12-2024

SHAYLA M. KASCHMITTER
COMMISSION NO. 20191336
NOTARY PUBLIC
STATE OF IDAHO