

State of Idaho
Department of Water Resources
Permit to Appropriate Water
REVISED
No. 81-12024

Priority: June 26, 2020

Maximum Diversion Rate: 0.16 CFS

This is to certify that

BLEDSOE-CONNOR HOLDINGS LLC 11 OLD ELK SUMMIT RD LOLO MT 59847-9352

has applied for a permit to appropriate water from:

Source: COLT KILLED CREEK

Tributary: LOCHSA RIVER

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

Beneficial Use

IRRIGATION

Period of Use

04/15 to 10/31

Rate of Diversion

0.16 CFS

Location of Point(s) of Diversion

COLT KILLED CREEK NE¼ NE¼, Sec. 35, Twp 37N, Rge 14E, B.M. IDAHO County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
37N	14E	35	2.0	5.0			1.0													8.0

Total Acres: 8.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2025**.
2. Subject to all prior water rights.
3. A fish screen of 3/32 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
7. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
8. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.

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9. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
10. Water shall not be diverted under this right when flows in the Lochsa River are below minimum flow amounts as defined by Right 81-7161. The right holder shall be responsible for monitoring the daily flow of the Lochsa River using real-time data and shall cease diverting water when flows in the Lochsa River are below established minimum flow amounts. Unless otherwise specified by the Director of the Department of Water Resources, data from the U.S. Geological Survey Lowell gauging station, No. 13337000, may be used for purposes of determining the daily flow amounts.
11. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 3rd day of September, 2020.


DOUGLAS JONES
Northern Regional Manager





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 3, 2020

BLEDSON-CONNOR HOLDINGS LLC
11 OLD ELK SUMMIT RD
LOLO, MT 59847-9352

RE: Revised Permit No. 81-12024

Revised Permit Approval Notice

Dear Permit Holders:

The Department of Water Resources has issued the enclosed revised permit authorizing you to establish a new water right. The revised permit is issued in response to a Petition for Reconsideration you timely submitted to the Department requesting removal of a specific water right referenced in Condition #10 on the original permit approval. After further review and consideration the Department removed the water right because the original water right is subordinated to the proposed developments. However, Lochsa River minimum stream flow Water Right #81-7161 was substituted in its place. Please be sure to thoroughly review the revised conditions of approval and remarks listed on your permit.

The revised permit is hereby issued by the Department as an AMENDED PRELIMINARY ORDER pursuant to IDAPA Rule 37.01.01.730. The approval 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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. 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 the Northern Region Office at 208-762-2800.

Sincerely,

Douglas Jones
Northern Regional Manager

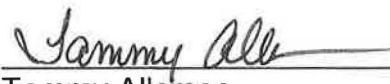
Enclosure(s)

Cc: Albert P Barker

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2020, I served a true and correct copy of Permit to Appropriate Water No. 81-12023 through 81-12028 by U.S. Mail, postage prepaid, to the following:

BLED SOE-CONNOR HOLDINGS LLC
11 OLD ELK SUMMIT RD
LOLO, MT 59847-9352

A handwritten signature in cursive script, appearing to read "Tammy Alleman", written over a horizontal line.

Tammy Alleman
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.

MEMORANDUM

September 03, 2020

Water Permit: 81-12024

Author: djones

Subject: Revised Permit

Corrected Condition #10 to identify MSF 81-7161, Wild&Scenic 81-10531.



0003641056

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003641056

Date Filed: 10/4/2019 9:55:24 AM

Entity Name and Mailing Address:

BLEDSOE CONNER HOLDINGS, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000580449

Address 2620 RADIO WAY
MISSOULA, MT 59808-1305

Entity Details:

Entity Status Active-Existing

This entity is organized under the laws of: MONTANA

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W192265

The registered agent on record is:

Registered Agent SCOTT BLEDSOE
Registered Agent
Physical Address
11 OLD ELK SUMMIT RD
POWELL RANGER STATION
KOOSKIA, ID 83539
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Address
THOMAS G CONNER JR	Manager	5304 WALNUT LANE COLLEYVILLE, TX 76034
LOCHSA HOLDINGS LLC	Manager	11 OLD ELK SUMMIT RD LOLO, MT 59847

The annual report must be signed by an authorized signer of the entity.

Don St. Peter

Sign Here

10/04/2019

Date

Signer's Title: Attorney-in-fact

B0365-9621 10/04/2019 9:55 AM Received by ID Secretary of State Lawrence Denney