

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 71-11002

Priority: March 06, 2020

Maximum Diversion Rate: 0.04 CFS

This is to certify that

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
370 AMERICAN AVE
JEROME ID 83338-6162

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 SW¼ NE¼, Sec. 7, Twp 07N, Rge 14E, B.M. BLAINE County

Place of Use: DOMESTIC

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		
07N	14E	7			X															

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2025**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The quantity of water under this right shall not exceed 13,000 gallons per day.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Point of diversion is located within Valley View Recreation Residence Tract Lot 7.
7. Place of use is located within Valley View Recreation Residence Tract Lot 7.
8. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
10. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 71-11002

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

Signed this 16th day of June, 2020.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

71-11002

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.

14E



-  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

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 17, 2020

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
370 AMERICAN AVE
JEROME ID 83338-6162

RE: Permit No. 71-11002

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) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" and last name "Skinner" clearly distinguishable.

Corey Skinner
Southern Regional Manager

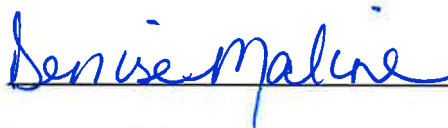
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2020, I served a true and correct copy of Permit to Appropriate Water No. 71-11002 by U.S. Mail, postage prepaid, to the following:

UNITED STATES OF AMERICA ACTING THROUGH (Current Owner)
USDA FOREST SERVICE
370 AMERICAN AVE
JEROME ID 83338-6162

UNITED STATES OF AMERICA ACTING THROUGH (Representative)
USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310



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.

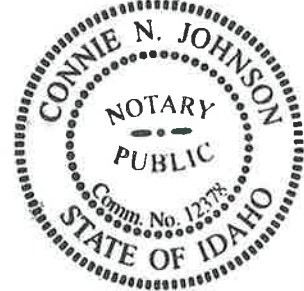
AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 6th day of May, 20 20, and the date of the last publication was on the 13th day of May, 20 20

Subscribed and sworn to before me this 13 day of May, 20 20.



Connie N. Johnson
NOTARY PUBLIC
RECEIVED
MAY 18 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2024

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340
COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 111
Number of Insertions 2

<u>111</u> Lines tabular at	<u>9.0</u> cents/pica
<u>111</u> Lines straight at	<u>\$102.12</u> 8.0 cents/pica
<u>111</u> Subsequent lines at	<u>\$89.36</u> 7.0 cents/pica
TOTAL COST	<u>\$191.48</u>

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ✓
71-11002
UNITED STATES OF AMERICA
ACTING THROUGH
USDA FOREST SERVICE
370 AMERICAN AVE
JEROME, ID 83338-6162
Point of Diversion SWNE S7 T07N
R14E BLAINE County Source
GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 03-06-2020
Place Of Use: DOMESTIC
T07N R14E S7 SWNE
Application for permit proposes to divert 0.04 cfs from a proposed well for domestic purposes for an existing recreational summer home. Proposed point of diversion and place of use is located approximately 3.3 miles east and 18.3 miles south of the highway 21 & 75 intersection in Stanley. This application proposes the diversion and use of water from ground water tributary to the Salmon River Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

✓ Am 5/21/2020

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 83946**

BLAINE COUNTY RECREATION DISTRICT, 1050 FOX ACRES RD STE 107, HAILEY, ID 83333-0020 has filed Application No. 83946 for changes to the following water rights within BLAINE County(s): Right No(s). 37-23219, 37-23220, 37-23221, 37-23222, 37-23223. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to

change the place of use (POU) and modify some points of diversion (POD) for two ground water and three Quigley Creek rights, with a total flow rate of 0.11 cfs. The ground water rights are currently authorized to divert from an existing well located approximately 0.9 mile east of the intersection of Bullion St. and Main St. in Hailey. The transfer proposes to add an existing well located approximately 1.2 miles east of Hailey to allow for diversion from two wells. One Quigley Creek right, which is currently diverted at a point approximately 1.2 miles east and 0.1 mile north of Hailey, will change its POD to an existing diversion located approximately 1.7 miles upstream on Quigley Creek. That right also proposes to change its irrigation storage POU from its current location on Quigley Creek, 1.2 miles east and 0.1 mile north of Hailey, to an existing reservoir 1.7 miles upstream on Quigley Creek. The transfer also proposes to change the irrigation POU for all five rights from its present location, approximately 1.6 miles east of Hailey, to a location approximately 1.2 miles east of Hailey.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 26, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
MAY 6 & 13, 2020**

✓ dm
5/21/2020

Maline, Denise

From: Yenter, Cindy
Sent: Friday, May 15, 2020 10:20 AM
To: Maline, Denise
Cc: Skinner, Corey; mvm_32_rs@hotmail.com
Subject: RE: Comment letter for 71-11002 - Forest Service

I'm sorry I am late with this comment. I have no objections, however, this diversion is NOT under the jurisdiction of either WD71 or WD170 as it is a domestic use.

Please apply the NWD flag to this right upon approval.

*Cindy Yenter
Watermaster, Water District 170
IDWR Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

From: Maline, Denise
Sent: Friday, May 01, 2020 11:51 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: Comment letter for 71-11002 - Forest Service

Hi Cindy,

Attached is an application for permit currently being processed within Water Districts 71 & 170. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions regarding this application.

Thank you & have a good weekend,

Denise

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 293-9908
denise.maline@idwr.idaho.gov