

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 72-16980

Priority: November 22, 2019

Maximum Diversion Rate: 0.07 CFS

This is to certify that

ROBERT PAUL LIND
24055 HIGHWAY 75
CHALLIS ID 83226-1604

has applied for a permit to appropriate water from:

Source : SALMON RIVER

Tributary: SNAKE RIVER

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

Beneficial Use**Period of Use****Rate of Diversion**

IRRIGATION

04/01 to 10/31

0.05 CFS

STOCKWATER

01/01 to 12/31

0.02 CFS

Location of Point(s) of Diversion

SALMON RIVER L8 (NW¼ SW¼), Sec. 28, Twp 13N, Rge 19E, B.M. CUSTER 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		
13N	19E	28										2.5								2.5
13N	19E	28										L8								0.1

Total Acres: 2.6

Place of Use: STOCKWATER

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		
13N	19E	28										X								
13N	19E	28										L8								

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2021**.
2. Subject to all prior water rights.
3. 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. 170.
4. 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 the watermaster suitable control of the diversion.

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5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
6. 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.
7. 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.
8. 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.
9. This right does not grant any right-of-way or easement across the land of another.
10. Place of use is located within Lot 3 of Bradshaw Lane Subdivision.

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

Signed this 20th day of March, 20 20.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

72-16980

This map depicts the STOCKWATER 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.

19E



-  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

March 23, 2020

ROBERT PAUL LIND
24055 HIGHWAY 75
CHALLIS ID 83226-1604

RE: Permit No. 72-16980

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* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager


Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2020, I served a true and correct copy of Permit to Appropriate Water No. 72-16980 by U.S. Mail, postage prepaid, to the following:

ROBERT PAUL LIND (Current Owner)
24055 HIGHWAY 75
CHALLIS ID 83226-1604

WATER DISTRICT #170
CINDY YENTER (Watermaster)
102 S WARPATH
SALMON ID 83467



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.

RECEIVED

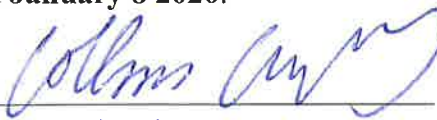
JAN 13 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

Proof of Publication Challis Messenger

State of Idaho, County of Custer; ss:

I, ~~Dawn Giannini~~ or Collins Crapo, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger under ad number **180526** for **2** consecutive weeks, commencing with the issue dated **January 1 2020** and ending with the issue dated **January 8 2020**.


Date 1-10-20

STATE OF IDAHO


ss.

COUNTY OF CUSTER

On this **10th** day of **January** in the year of **2020**, before me, a Notary Public, personally appeared ~~Dawn Giannini~~ or Collins Crapo, 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 (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for The Post Company
Residing: Idaho Falls, Idaho
Commission expires:

✓  1-17-2020

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

72-16980

ROBERT PAUL LIND

24055 HIGHWAY 75 CHALLIS, ID 83226-1604

Point of Diversion L8(NWSW) S28 T13N R19E

CUSTER County Source SALMON RIVER

Tributary SNAKE RIVER

Use: IRRIGATION 04/01 to 10/31 0.05 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.07 CFS

Date Filed: 11/22/2019

Place Of Use: IRRIGATION & STOCKWATER

T13N R19E S28 L8(NWSW)

Total Acres: 2.6

Application proposes to divert 0.05 cfs from the Salmon River for the irrigation of 2.6 acres and 0.02 cfs for stock water. The proposed POD and POU are located approximately 5.5 miles south and 0.26 miles west of the Main Street/Highway 93 intersection in Challis. This application proposes the diversion and use of water from 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 the diversion rate of 0.02 cfs for 2.6 acres and 0.02 cfs for stock water will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see research.idwr.idaho.gov. Protests 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, 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 January 21, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published: 1/1, 1/8, 2020 (180526-69104)

✓ DM 1-17-2020

Maline, Denise

From: Yenter, Cindy
Sent: Tuesday, January 07, 2020 11:34 AM
To: Maline, Denise
Cc: Aasa, Kent
Subject: App for permit 72-16980 Lind

WD170 has no objections to this approval.

I offer the following comments:

If Mr. Lind diverts at a separate pump under this permit to Lot 3, each of the systems will be less than 5 acres and waived from measurement requirements in WD170. If the systems are consolidated and only one pump station is used, total acreage will be greater than 5 acres and measurement of the diversion will be required. Use conditions 196/197 until the system is developed and can be evaluated for measurement requirements.

There is a second owner on Lind's adjoining right 72-10113. This is consistent with the owner change from Carnes in 1998. The co-owner Marcy Morgan, does not appear on the new application or on the Custer Co parcel info for either lot, and the address for this owner has not been changed from the HC address, while Lind's has, indicating that Ms Morgan may no longer be in the picture. Could your office please solicit an ownership update for 72-10113 if you have not already?

*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*