

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 75-14954

Priority: July 17, 2019

Maximum Diversion Rate: 0.10 CFS

This is to certify that

BRYAN A YENTER AND/OR
CYNTHIA J YENTER
662 HWY 93 N
CARMEN ID 83462-4505

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
IRRIGATION	04/01 to 10/31	0.10 CFS

Location of Point(s) of DiversionGROUND WATER L7 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 31, Twp 23N, Rge 22E, B.M. LEMHI County**Place of Use:** IRRIGATION

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	22E	31													5.0 L7				5.0

Total Acres: 5.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2025**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 75-14954

5. 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.
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. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
10. 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.

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

Signed this 3rd day of MARCH, 2020.



ANGELA GRIMM
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

75-14954

This map depicts the IRRIGATION 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.

22E



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

0 0.035 0.07 0.14 Miles



CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2020, I served a true and correct copy of Permit to Appropriate Water No. 75-14954 by U.S. Mail, postage prepaid, to the following:

BRYAN A YENTER (Current Owner)
CYNTHIA J YENTER (Current Owner)
662 HWY 93 N
CARMEN ID 83462-4505



Debbi Judd
Technical Records Specialist

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 6, 2020

BRYAN A YENTER
CYNTHIA J YENTER
662 HWY 93 N
CARMEN ID 83462-4505

RE: Permit No. 75-14954

Permit Approval Notice

Dear Permit Holders:

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) 287-4800.

Sincerely,

A handwritten signature in blue ink, reading "Angela H. Grimm". The signature is fluid and cursive, with the first name "Angela" being the most prominent part.

Angela Grimm
Water Rights Section Manager

Enclosures

Grimm, Angie

From: Cindy Yenter <cindy.yenter@gmail.com>
Sent: Tuesday, March 3, 2020 3:05 PM
To: Grimm, Angie
Subject: Application for Permit 75-14954

Angie - as discussed, please extend the requested development period on the above application to the full five years.

Thanks.

Cindy Yenter
Carmen ID

Betts, David

From: Yenter, Cindy
Sent: Monday, October 28, 2019 3:32 PM
To: Betts, David
Subject: RE: App. For Permit 75-14954 - Acres to be developed?

Hi Dave –There is no physical overlap between the existing rights, but there was a small paper overlap (less than ½ ac) created when the rights were split 3 years ago and the entire 20 ac pou for 14847 was placed in NESE Sec 31. We also own a little corner in NWSE which ended up without rights on it. The pou for 14848 is correct and the waste water/spring source is only delivered to those acres east of the ditch, as the shape depicts. 14847 is only used on the balance of acres on the west side of the property.

Because the farm and rights have been split, it is difficult to push surface water to the north end of the property under either of the existing rights, but especially the Salmon R right 14847. At times there is not sufficient waste water under 14848. The new application is intended to provide supplemental water on the north end. There will be no new acres developed. Strictly speaking this is a supplemental right under W&S processing, but ground water may effectively become the primary source on some acres. I wanted to avoid restrictive supplemental language which requires use of surface water before ground water.

Let me know if that doesn't explain it.
Cindy

From: Betts, David
Sent: Monday, October 28, 2019 1:57 PM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: App. For Permit 75-14954 - Acres to be developed?

Hello Cindy,

Are you wanting to develop additional acres for irrigation with your application for permit? In your application you said that the proposed use may be a primary source for irrigation in some areas, but I'm not sure how the new acres would relate to the places of use of your existing water rights.

When combined, your existing water rights (75-14847 and 75-14848) appear to authorize the irrigation of your entire 20 acre parcel. There is some overlap in the GIS shapefiles for the two rights, but I didn't see any other indications of overlap elsewhere in their records.

Can you give me an estimate of how many new acres you want to develop under this application? Is there any overlap between the existing water rights?

Thanks,

Dave Betts
Water Resource Agent
Water Rights Section

NOTICE OF PUBLIC APPROPRIATION
OF WATER

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

73-12268

IDAHO POWER CO
C/O KRESTA DAVIS-BUTTS

PO BOX 70

BOISE, ID 83707

Point of Diversion NWNE S36 T16N

R20E LEMHI County

Source PAHSIMEROI RIVER Tributary
SALMON RIVER

Use: FISH PROPAGATION

01/01 to 12/31

30 CFS

Total Diversion:

30 CFS

Date Filed: 8/23/2019

Place Of Use: FISH PROPAGATION

T16N R20E S25 SWSE

This application proposes the diver-
sion and use of water from the Pahsimeroi
River tributary to the Salmon Wild & Sce-
nic River. The decreed minimum stream
flow rights for the federal Wild & Scenic
Rivers are subordinate to certain catego-
ries of water use and to specific amounts
of water use established after the mini-
mum stream flow. The water use pro-
posed in this application will benefit from
the subordination provision because it is
for fish propagation purposes.

73-12269

IDAHO POWER CO

C/O KRESTA DAVIS-BUTTS

PO BOX 70

BOISE, ID 83707

Point of Diversion NWNE S36 T16N

R20E LEMHI County

Source PAHSIMEROI RIVER Tributary
SALMON RIVER

Use: IRRIGATION

04/01 to 10/31

0.05 CFS

Total Diversion:

0.05 CFS

10 AF

Date Filed: 8/23/2019

Place Of Use: IRRIGATION

T16N R20E S25 SWSE

T16N R20E S36 NWNE

Total Acres: 2.5

Affidavit of Publication

RECEIVED

SEP 30 2019

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

County of Lemhi

SS.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and
of general circulation therein. That the **NOTICE OF PUBLIC APPROPRIATION OF WATER**,
to the margin hereof, has been and was correctly printed and published in the regular and entire
issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO**
(2) consecutive issue(s), commencing with the issue dated **09-19-2019** and ending with the issue
dated **09-26-2019**

STATE OF IDAHO

County of Lemhi

SS.

On this **26TH day of SEPTEMBER** in this year of 2019 before me, A Notary Public, personally
appeared RICKY G. HODGES, 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.

Residing At Salmon, Idaho

Notary Public for Idaho



Publication Fee \$264.60

This application proposes the diversion and use of water from the Pahsimeroi River tributary to the Salmon 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 and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14954

BRYAN A YENTER

CYNTHIA J YENTER

662 HIGHWAY 93 N

CARMEN, ID 83462-4505

Point of Diversion L7(NESE) S31 T23N

R22E LEMHI County

Source GROUND WATER

Use: IRRIGATION

04/01 to 10/31

0.1 CFS

Total Diversion:

0.1 CFS

Date Filed: 7/17/2019

Place Of Use: IRRIGATION

T23N R22E S31 L7(NESE)

Total Acres: 5

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 the diversion rate and acres 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 the State office at (208) 287-4800; or for a full description of the right(s), please see HYPERLINK "<https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>" <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 10/07/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 9-19-2tc

RECEIVED
JUL 18 2019
IDWR