

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 77-14371

Priority: November 15, 2019

Maximum Diversion Rate: 0.22 CFS

This is to certify that

SRR1 ENTERPRISES, LLC 1497 BIG SALMON RD RIGGINS ID 83549-7003

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>
DOMESTIC	01/01 to 12/31	0.14 CFS
IRRIGATION	02/15 to 11/30	0.08 CFS

Location of Point(s) of Diversion

GROUND WATER L3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 14, Twp 24N, Rge 02E, B.M. IDAHO County
 GROUND WATER L3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 14, Twp 24N, Rge 02E, B.M. IDAHO County
 GROUND WATER L9 (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 14, Twp 24N, Rge 02E, 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	
24N	02E	14			X						X					X			
											L3					L9			

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	
24N	02E	14									3.6								3.6
											L3								

Total Acres: 3.6

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2022**.
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 exceed a combined annual maximum diversion volume of 14.4 af at the field headgate for the place of use.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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

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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.

6. Domestic use is for an RV park, office and warehouse facility and does not include lawn, garden, landscape, or other types of irrigation.
7. This right does not grant any right-of-way or easement across the land of another.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. 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.
10. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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

Signed this 28th day of February, 2020.



NICK MILLER

Western Regional Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
77-14371

This map depicts the COMMERCIAL 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.



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

0 0.05 0.1 0.2 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

February 28, 2020

SRR1 ENTERPRISES, LLC
1497 BIG SALMON RD
RIGGINS ID 83549-7003

RE: Permit No. 77-14371

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) 334-2190.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kensi Thorneycroft".

Kensi Thorneycroft

For: Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2020, I served a true and correct copy of Permit to Appropriate Water No. 77-14371 by U.S. Mail, postage prepaid, to the following:

SRR1 ENTERPRISES, LLC
1497 BIG SALMON RD
RIGGINS ID 83549-7003

MOUNTAIN WATERWORKS
C/O TIM FARRELL
PO BOX 9906
BOISE ID 83707-5906



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.

Shearer, Justin

From: Tim Farrell <TFarrell@mountainwtr.com>
Sent: Friday, January 3, 2020 10:09 AM
To: Shearer, Justin; cindy@srhelicopters.com
Cc: C Hoopes
Subject: RE: Application for Permit Acre-Limit
Attachments: SRH Acres by area.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Justin, Thanks for your help on processing this application. I have attached a map showing the exact place of use and acreage. The area for this new appropriation will be Parcel 3 for 3.61 acres. Please let us know if this is sufficient information to draft the permit or if you would like us to amend the application.

Once again, Thanks for your help. Tim

From: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
Sent: Tuesday, December 31, 2019 3:59 PM
To: cindy@srhelicopters.com
Cc: Tim Farrell <TFarrell@mountainwtr.com>
Subject: Application for Permit Acre-Limit

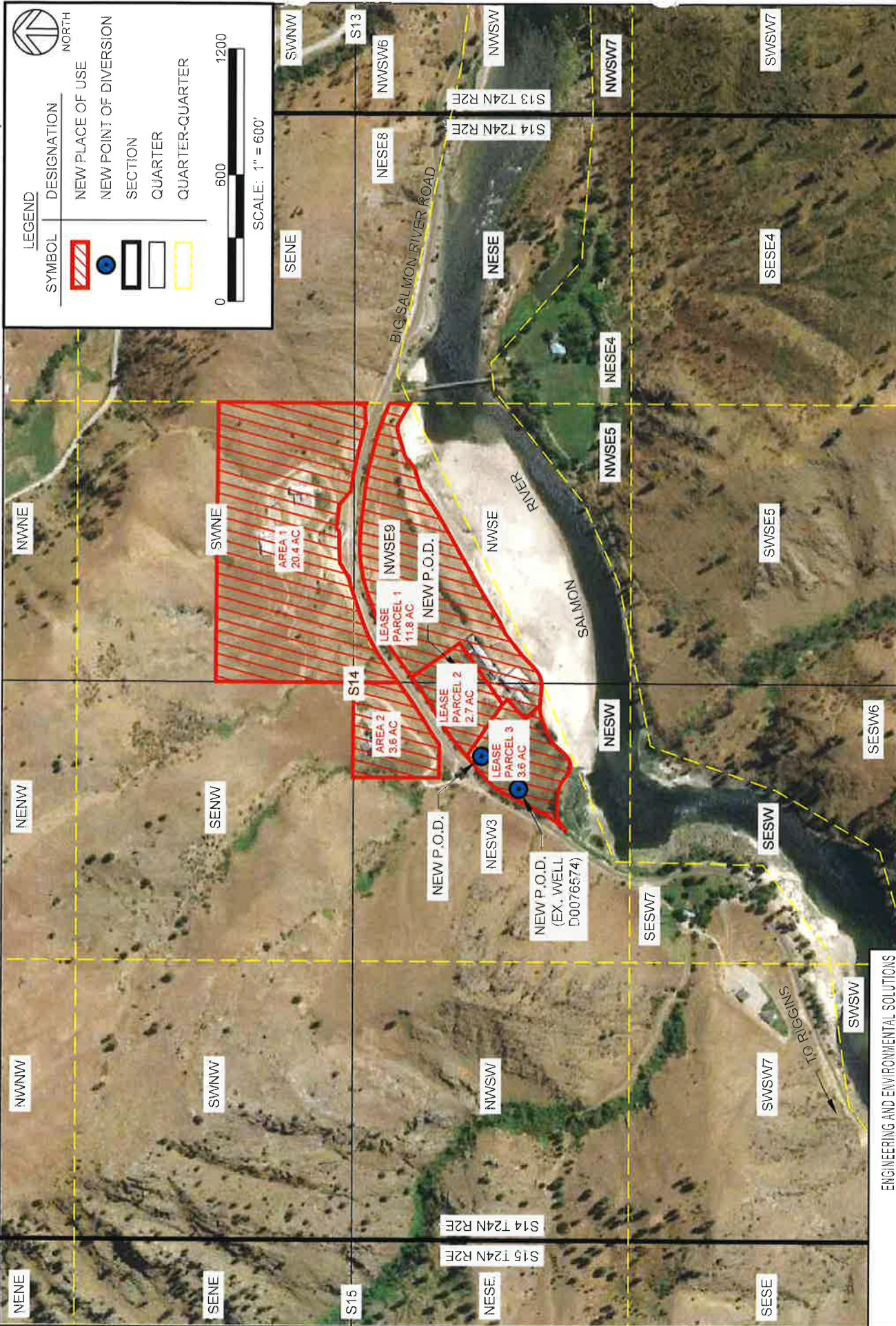
Good afternoon,

In processing your application to appropriate groundwater for commercial and irrigation purposes I am unable to move forward with drafting a permit so long as the 4.0 acres intended for irrigation are not specified. PPU's are allowed within reason, however "within reason" typically allows for a 75% ratio of acre limit to PPU. Currently the application proposes a 4.0 acre limit within a 42.1 PPU, or a 9 % ratio. Thus, I am unable to approve a permit without specifying which 4 acres are intended for irrigation. Once the acres intended for irrigation have been specified the drafted permit will be ready to go.

Feel free to let me know if you have any questions or concerns.

Thanks and regards,

Justin Shearer
Water Resource Agent, Sr.
(208)-334-2190



APPLICATION FOR A PERMIT TO APPROPRIATE PUBLIC WATERS OF THE STATE OF IDAHO		PROJECT NO.: 236-040
POINTS OF DIVERSION AND PLACE OF USE MAP		SHEET NO. FIG 1
ENGINEERING AND ENVIRONMENTAL SOLUTIONS 1161 W. RIVER ST. SUITE 130 BOISE, IDAHO 83702 208.780.3990 IDAHO OFFICES BOISE • LEWISTON • COEUR D'ALENE		



RECEIVED

DEC 16 2019

WATER RESOURCES
WESTERN REGION

The following application has been filed to appropriate the public waters of the State of Idaho:

77-14371

SRR1 ENTERPRISES, LLC
1497 BIG SALMON RD
RIGGINS, ID 83549-7003

(2) Points of Diversion
L3(NESW) S14 T24N R02E
IDAHO County Source
GROUND WATER

Point of Diversion NWSE S14
T24N R02E IDAHO County
Source GROUND WATER
Use: COMMERCIAL 01/01
to 12/31: 0.14 CFS

Use: IRRIGATION 03/15 to
11/15 0.08 CFS

Total Diversion: 0.22

Date Filed: 11/15/2019

Place Of Use: COMMERCIAL, IRRIGATION

T24N R02E S14 SWNE
L3(NESW) L9(NWSE)

Total Acres: 4.0 within a 42.1
ppu

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/23/2019. The protestant must also send a copy of the protest to the applicant.

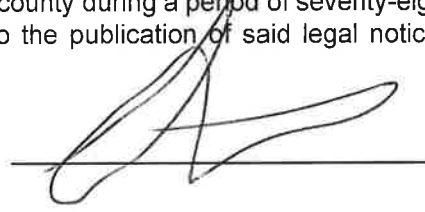
GARY SPACKMAN, Director
Published on 12/4/2019 and
12/11/2019

✓
OK
KT 12/24/19

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 county 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 4th day of December, 2019; and the last publication on the 11th day of December, 2019; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 11th day of December in the year of 2019, 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.



Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 07/12/2025

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