

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 65-23828

Priority: March 11, 2019

Maximum Diversion Volume: 15.0 AF

This is to certify that

CANADAY PROPERTIES LLC 9747 E GATFIELD RD MONTOUR ID 83617-5002 AND/OR
WARREN BUDELL 9747 E GATFIELD RD MONTOUR ID 83617-5002

has applied for a permit to appropriate water from:

Source : PADGET CREEK

Tributary: NORTH FORK LITTLE SQUAW CREEK

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

Beneficial Use

STOCKWATER STORAGE

Period of Use

01/01 to 12/31

Annual Volume

15.0 AF

Location of Point(s) of Diversion

PADGET CREEK NE¼ SW¼, Sec. 2, Twp 10N, Rge 02E, B.M. VALLEY County

Place of Use: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	02E	2									X								

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2024**.
2. Subject to all prior water rights.
3. Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
4. 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. 65A.
5. The one (1) reservoir established by the storage of water under this right shall not exceed a total capacity of 15.0 acre-feet or a total surface area of 3.0 acres.
6. Stockwater use is for 70 pair of range cattle.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
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.

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Permit to Appropriate Water
No. 65-23828

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

Signed this 31st day of October, 2019.



NICK MILLER

Western Regional Manager



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

65-23828

This map depicts the STOCKWATER STORAGE 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.

02E



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

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

October 31, 2019

CANADAY PROPERTIES LLC
WARREN BUDELL
9747 E GATFIELD RD
MONTAUR ID 83617-5002

RE: Permit No. 65-23828

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) 334-2190.

Sincerely,


Anna Kaiser
Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2019, I served a true and correct copy of Permit to Appropriate Water No. 65-23828 by U.S. Mail, postage prepaid, to the following:

CANADAY PROPERTIES LLC (Current Owner)
WARREN BUDELL
9747 E GATFIELD RD
MONTOUR ID 83617-5002



Anna Kaiser
Water Resource Agent

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.

Publisher's Affidavit of Publication

STATE OF IDAHO

.SS

County of Valley

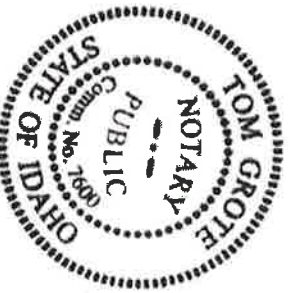
I, Tricia Warren, being duly sworn and say, I am the office manager of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began September 5, 2019 and ended September 12, 2019.

Tricia Warren

Subscribed and sworn before me this the 12th day of September, 2019.

STATE OF IDAHO
COUNTY OF VALLEY

On this 12th day of September in the year of 2019, before me, a Notary Public, personally appeared Tricia Warren, 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.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 1/19/2024

IDAHO DEPARTMENT OF
WATER RESOURCES

The following applications have been
filed to appropriate the public waters of
the State of Idaho

65-23827

CANADAY PROPERTIES LLC

WARREN BUDELL

9747 E GATFIELD RD

MONTGOMERY, ID 83617-5002

Point of Division SWSW S1 T10N

R02E VALLEY County Source NORTH

FORK LITTLE SQUAW CREEK Tribu-

tary LITTLE SQUAW CREEK

Use: STOCKWATER STORAGE

01/01 to 12/31 20 AF

Total Diversion: 20 AF

Date Filed: 1/22/2019

Place Of Use:

STOCKWATER STORAGE

T10N R02E S1 SWSW

65-23828

WARREN BUDELL

9747 E GATFIELD RD

MONTGOMERY, ID 83617-5002

Point of Division NESW S2 T10N

R02E VALLEY County Source PADGET

CREEK Tributary NORTH FORK LIT-

TLE SQUAW CREEK

Use: STOCKWATER

STORAGE 01/01 to 12/31 15 AF

Total Diversion: 15 AF

Date Filed: 3/11/2019

Place Of Use:

STOCKWATER STORAGE

T10N R02E S2 NESW

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 9/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,

Director

21c9/12

RECEIVED

OCT 03 2019

WATER RESOURCES
WESTERN REGION

10/3/19
10/3/2019