

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 22-14346

Priority: May 22, 2019

Maximum Diversion Volume: 7.0 AF

This is to certify that

THE SPETZLER FAMILY TRUST
6107 N PALO CRISTI RD
PARADISE VLY AZ 85253-3747

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>	<u>Annual Volume</u>
WILDLIFE STORAGE	01/01 to 12/31		7.0 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NW¼, Sec. 22, Twp 04N, Rge 45E, B.M. TETON County
GROUND WATER NW¼ NW¼, Sec. 22, Twp 04N, Rge 45E, B.M. TETON County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
04N	45E	22						X										

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2024**.
2. Subject to all prior water rights.
3. The ponds established by the storage of water under rights 22-4157, 22-14346, and 22-14347 shall not exceed a total capacity of 7.0 acre-feet or a total surface area of 2.7 acres.
4. Rights 22-4157, 22-14346, and 22-14347 authorize total annual storage volume of 11.3 acre-feet, 7.0 acre-feet to be used for the initial filling or carryover storage of the ponds and 4.3 acre-feet for the replacement of losses caused by evaporation.
5. Initial fill of the wildlife ponds will be accomplished by a one year rental of a 3.5-acre portion of right 22-14026 from the IWRB Water Supply Bank. Subsequent refill of the ponds must occur through the IWRB Water Supply Bank or the Water District 1 Rental Pool.
6. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
7. Use of water under this right shall be non-consumptive.
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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 22-14346

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

Signed this 17th day of September, 20 19.



JAMES CEFALO
Eastern Regional Manager





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 17, 2019

THE SPETZLER FAMILY TRUST
6107 N PALO CRISTI RD
PARADISE VLY AZ 85253-3747

RE: Permit No. 22-14346

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) 497-3784.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Cefalo', written in a cursive style.

James Cefalo
Eastern Regional Manager

Enclosure(s)

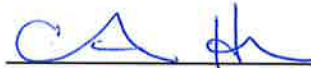
JC:CH

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2019, I served a true and correct copy of Permit to Appropriate Water No. 22-14346 by U.S. Mail, postage prepaid, to the following:

THE SPETZLER FAMILY TRUST (Current Owner)
6107 N PALO CRISTI RD
PARADISE VLY AZ 85253-3747

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC (Representative)
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552



Christina Henman
Administrative Asst. I

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

JUL 15 2019

TETON VALLEY NEWS
Driggs, Idaho

Department of Water Resources
Eastern Region

AFFIDAVIT OF PUBLICATION
TVN LN 698

State of Idaho)
County of Teton)

I, Karen Mason, being first duly sworn, depose and say that I am the Principal Clerk of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement, or publication.

And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof and not in any supplement issue thereof, for 2 consecutive issues thereof, first publication having been made on the 03rd day of July, 2019. And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from typed matter, of at least sixteen inches deep.

Karen Mason
Karen Mason-Clerk

State of Idaho
County of Bannock

On this 10th day of July, 2019 before me, a Notary Public, personally appeared Karen Mason, 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/she executed the same.

Lori A. Sekot
Notary of the Public for Idaho
Residing at Arimo Idaho
My commission expires on 3/3/2021

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
22-14344
FERRARONE FAMILY LIVING TRUST
8 RYAN AVE
MILL VALLEY, CA 94941-2124
Point of Diversion
SWNE S32 T05N R45E
SENE S32 T05N R45E
SWNW S33 T05N R45E
TETON County
Source GROUND WATER Tributary
Use: WILDLIFE STORAGE
01/01 to 12/31 16.5 AF
Total Diversion: 16.5 AF
Date Filed: 5/22/2019
Place Of Use: WILDLIFE STORAGE
T05N R45E S32 SWNE SENE
T05N R45E S33 SWNW
22-14346 THE SPETZLER FAMILY TRUST
6107 N PALO CRISTI RD
PARADISE VLY, AZ 85253-3747
Point of Diversion
NWNW S22 T04N R45E
NWNW S22 T04N R45E
TETON County
Source GROUND WATER Tributary
Use: WILDLIFE STORAGE
01/01 to 12/31 7 AF
Total Diversion: 7 AF
Date Filed: 5/22/2019
Place Of Use: WILDLIFE STORAGE
T04N R45E S22 NWNW
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before July 22, 2019. The protestant must also send a copy of the protest to the applicant.
NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83366
FERRARONE FAMILY LIVING TRUST, 8 RYAN AVE, MILL VALLEY, CA 94941-2124; has filed Application No. 83366 for changes to the following water rights within TETON County(s): Right No(s). 22-10762; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: change nature of use, change period of use, and change place of use. 4.4 acres of irrigation under this right will be changed in order to enlarge 2 existing ponds for wildlife habitat. Diversion to storage will be 0.30 cfs from Woods Creek for 37.2 acre-feet of wildlife storage. Water will be stored from 1/1 to 12/31. The place of use for wildlife storage will be SWNE and SENE Sec 32, and SWNW Sec 33, T5N R45E. The point of diversion will not change.



State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Water Right No(s): 22-14346

Applicant's Name: The Spetzler Family Trust

Watermaster's Recommendation:

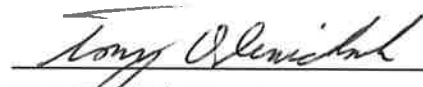
- a) ☒ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this 10th day of July, 2019.

Water District No: 01



Watermaster's Signature