



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

July 03, 2019

LORETT KINNICUTT ROGERS
PATRICK ROGERS
131 REDWOOD RD
SALMON ID 83467-5206

RE: Permit Nos. 75-14933 & 75-14934

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permits authorizing you to establish new water rights. Please be sure to thoroughly review all the conditions of approval listed on your permits. The conditions include requirements that you must accomplish, such as timely submittal of proofs of beneficial use or installation of measuring devices, as well as information about how your water uses 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 permits lapsing or being canceled.

The permits are PRELIMINARY ORDERS issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). They can and will become final orders 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 the water right licenses. To receive water right licenses, you must first commence the excavation or construction of your diverting works within one year of the date the permits were issued, and you must proceed diligently until the projects are complete. In addition, you must divert and use water to the full extent intended and submit *Statements of Completion for Submitting Proofs of Beneficial Use* by the date shown in condition no. 1 of your permits. 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) 287-4951.

Sincerely,



Angela Grimm
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July ⁹, 2019, I served true and correct copies of Permits to Appropriate Water Nos. 75-14933 & 75-14934 by U.S. Mail, postage prepaid, to the following:

LORETT KINNICUTT ROGERS (Current Owner)
131 REDWOOD RD
SALMON ID 83467-5206

PATRICK ROGERS (Current Owner)
131 REDWOOD RD
SALMON ID 83467-5206



Darla Block
Technical Records Specialist 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 75-14933

Priority: December 14, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify that

LORETT KINNICUTT ROGERS 131 REDWOOD RD SALMON ID 83467-5206 AND/OR
PATRICK ROGERS 131 REDWOOD RD SALMON ID 83467-5206

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	0.04 CFS

Location of Point(s) of Diversion

GROUND WATER L2 (SW¼ NW¼), Sec. 22, Twp 18N, Rge 21E, 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	
18N	21E	22							1.8 L2										1.8

Total Acres: 1.8

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2024**.
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. 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.
5. 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.
6. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 75-14933

7. 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.
8. Point of diversion is located within Lot 52, Blk. 1, Salmon River Meadows Annex.
9. Place of use is located within Lots 47-55, Blk. 1, Salmon River Meadows Annex.
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.
11. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

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

Signed this 28th day of JUNE, 2019.


ANGELA GRIMM
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

75-14933

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.



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

0 0.035 0.07 0.14 Miles



Dalgleish, Alex

From: Yenter, Cindy
Sent: Wednesday, May 29, 2019 1:55 PM
To: Hersley, Jean
Cc: Dalgleish, Alex
Subject: Comment, Applications 75-14933 and 75-14934 Rogers

These rights will be administered by a future water district but will most likely be waived from measurement requirements. Conditions 01H, 196, 197, 198 are appropriate.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

**NOTICE OF APPLICATION TO
APPROPRIATE PUBLIC WATERS**

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

75-14933

LORETT KINNICUTT ROGERS

PATRICK ROGERS

131 REDWOOD RD

SALMON, ID 83467-5206

Point of Diversion L2(SWNW) S22 T18N

R21E LEMHI County

Source GROUND WATER

Use: IRRIGATION

04/01 to 10/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 12/14/2018

Place Of Use: IRRIGATION

T18N R21E S22 L2(SWNW)

Total Acres: 1.8

This application proposes the diver-
sion and use of water tributary of 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 ben-
efit from the subordination provision be-
cause the diversion rate and acre will be
applied to the subordination amounts spec-
ified in the decree for the Wild & Scenic
River listed above.

75-14934

LORETT KINNICUTT ROGERS

PATRICK ROGERS

131 REDWOOD RD

SALMON, ID 83467-5206

2 Points of Diversion L2(SWNW) S22

T18N R21E LEMHI County

Source GROUND WATER

Use: COMMERCIAL

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 2/14/2019

Place Of Use: COMMERCIAL

T18N R21E S22 L2(SWNW)

This application proposes the diver-
sion and use of water from ground water
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 wa-
ter use and to specific amounts of water
use established after the minimum stream
flow. The water use proposed in this ap-

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers
(printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County,
Idaho, and of general circulation therein. That the **NOTICE OF APPLICATION TO AP-
PROPRIATE PUBLIC WATERS 75-14933 & 75-14934**, 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 **05-16-2019** and ending with the issue dated **5-23-2019**.

STATE OF IDAHO

County of Lemhi

ss.

On this **23RD day of MAY** 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 \$181.80

RECEIVED

MAY 28 2019

DEPARTMENT OF
WATER RESOURCES

RECEIVED
MAY 28 2019
ACCTS. PAYABLE



RECEIVED
JAN 15 2019
JAN 15 2019



RECEIVED
JAN 15 2019
JAN 15 2019

plication will benefit from the subordination provision because it is for commercial purposes.

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 6/3/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

5-16-2tc