

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 77-14368

Priority: November 23, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify that

MICHAEL V RIEDLE And/Or
DEBORAH J RIEDLE
915 9th AVE
LEWISTON ID 83501

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: CROOKED CREEK

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

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SPRING NW¼ SE¼ SW¼, Sec. 27, Twp 26N, Rge 08E, 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	
26N	08E	27												X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2024**.
2. Subject to all prior water rights.
3. Prior to diversion and use of water under this approval, the right holder shall obtain Forest Service authorization necessary to access the point of diversion or place of use or to convey water across federal land.
4. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.
5. Place of use is located in Mineral Survey No. 1416. The quarter-quarter description has been protracted from the adjacent public land survey.
6. Place of use is located within Lot 11, Blk. A; Crooked Creek Addition Subdivision.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Domestic use is for 1 home.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 77-14368

9. This right does not grant any right-of-way or easement across the land of another.
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. 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 21st day of February, 2019.



NICK MILLER
Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

77-14368

This map depicts the DOMESTIC 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.

08E



-  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

February 21, 2019

DEBORAH J RIEDLE
MICHAEL V RIEDLE
915 9TH AVE
LEWISTON ID 83501

RE: Permit No. 77-14368

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,



Anna Kaiser

for

Nick Miller
Engineer, Manager 2

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2019, I served a true and correct copy of Permit to Appropriate Water No. 77-14368 by U.S. Mail, postage prepaid, to the following:

DEBORAH J RIEDLE (Current Owner)
MICHAEL V RIEDLE (Current Owner)
915 9TH AVE
LEWISTON ID 83501



Anna Kaiser
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.

MEMORANDUM

TO: Application No. 77-14368

FROM: Justin Shearer

DATE: 2/7/2019

RE: Salmon-Clearwater Processing, Basins 77-79 Western Region

The application proposes to divert water from a spring for domestic purposes to one home.

The site is in Dixie, ID approximately 0.1 miles northeast of the landing strip and just east of Crooked Creek.

Wild & Scenic River (WSR) Processing

General Information - WSR processing applies to portions of Bs 77 and 78 but not to Bs 79. It is rarely expected in Bs 78 since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.¹

Typically WSR issues would be in Bs 77 upstream from Long Tom Bar on the Salmon River, WSR right 77-11941.² This also incorporates the entire Middle Fork Salmon River drainage, MSR right 77-13844.³

WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application - WSR processing is required because the proposed source/diversion are upstream from and hydraulically connected to WSR right 77-11941 &/or 77-13844. The WSR spreadsheet was updated, and the WSR legal notice remark was added to the database.

Minimum Streamflow Rights (MSF)

General Information - MSF analysis applies to all surface water upstream⁴ from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results (7/8/09 telephone conference).

Downstream MSF right 3-8 on the Snake River⁵ is not subordinate to "future dcmi" uses or "future non-dcmi (with cfs limits)" uses. Downstream Salmon River MSF right 79-14119⁶ is subordinated to future dcmi uses but not to future non-dcmi uses.

¹ POD = T23N-R1W-S12.

² POD = T25N-R5E-S31.

³ POD = T23N-R16E-S33.

⁴ Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

⁵ POD = T31N-R5W-S10.

⁶ From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses. None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application –MSF analysis is required for the proposed source and use upstream from MSF rights 3-8 and 79-14119.

This leads to the following MSF conclusions for this application:

- Senior MSF right 3-8 will not be subordinated to the proposed use.
- Senior MSF right 79-14119 will be subordinated to the proposed dcmi use.

Discussion

Effect on Existing Water Rights: Because the application is proposing minimal DCMI use from a spring it is not anticipated that the approval of this application will have a negative effect on existing water rights.

Sufficiency of Water Supply: There is no concern in sufficiency of water supply for this proposal, so no rule 40 info was requested in regards to this matter.

Good Faith, Delay or Speculative Purposes: There is no concern of good faith, delay, or speculative purposes for this proposal, thus no rule 40 info was requested in regards to this matter.

Financial Resources:

Additional information is unnecessary because the applicant estimated the project will cost less than \$5000.

Local Public Interest:

IDEQ, USFS, IDFG, and IDWR Planning Bureau were sought for comment at advertising. IDEQ, IDFG, IDWR Planning Bureau had no concerns, or did not provide comment. USFS requested that the permit be conditioned to state the following: the water right does not establish a ROW or easement across the land of another since the land at the POD is not owned by the applicants, it is National Forest System land; that the POU is on Mineral Survey 1416; that the water right is subject to the terms and conditions of the Forest Service Special Use Permit. Aside from these conditions, the USF does not oppose this water right permit.

Conditions of Approval

In addition to typical standard conditions (004, 121 etc.), use the following standard, modified &/or unique conditions for Basins 77-79.

Per WSR processing, part of Basin 77 & 78, no water district currently planned, use the following:

42-111 any source – possible lockable device, but no measuring device or data logger requirement.

- **199 standard** - Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.

.....

Shearer, Justin

From: McClory, Adam B -FS <amccclory@fs.fed.us>
Sent: Friday, February 1, 2019 11:52 AM
To: Shearer, Justin
Cc: Spencer, Steven M -FS; McClory, Adam B -FS
Subject: RE: Application for Permit No. 77-14340
Attachments: RR_15_15PTRWaterUsersAssocCoverLetter20180801.pdf; RR_915_15PTRWaterUsersAssocPermit20180801.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Howdy Justin,

Please see attached short-term permit for the PTR Water Users Association which encompasses the Riedle request. This was set up as an authorization to an association since there are multiple parties utilizing the same water source.

Once I receive confirmation that they have a valid State of Idaho water right, I will re-issue the authorization for the remainder of the 30-year maximum term of the authorization.

Let me know if you have any additional questions at this point in time.

Thanks,
Adam



Adam McClory
Realty Specialist
Land Uses Program Manager

North Idaho Land Zone, Nez Perce-Clearwater National Forests

p: 208-875-1734

c: 208-301-8224

f: 208-875-1133

adam.mcclory@usda.gov

1700 Hwy 6

Potlatch, ID 83855

www.fs.fed.us



Caring for the land and serving people

From: Shearer, Justin [mailto:Justin.Shearer@idwr.idaho.gov]
Sent: Friday, February 1, 2019 10:06 AM
To: McClory, Adam B -FS <amccclory@fs.fed.us>
Cc: Spencer, Steven M -FS <sspencer@fs.fed.us>
Subject: RE: Application for Permit No. 77-14340

Good morning Adam,

I am not finding an additional email to you, however I did leave you a voicemail while you were away. In talking with the Reidle's and my manager here at western we have decided that granting a new permit is perhaps the best course of action to proceed with. Granted, this is pending proof that the Reidle's have applied for/been granted a special use/land use permit.

Ironically enough, I spoke with Steve Spencer this morning in regards to another application in the area (77-14369 Daines) and wanted to give him the opportunity to comment on this one, so I included him in the thread.

If you could please let me know if the Reidle's have applied for/obtained a land use permit to access the POD, it would be greatly appreciated. Also, feel free to let me know of questions or concerns in regards to the Reidle's application for permit 77-14340.

Respectfully,

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

From: McClory, Adam B -FS [<mailto:amccclory@fs.fed.us>]
Sent: Friday, February 1, 2019 8:47 AM
To: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
Cc: McClory, Adam B -FS <amccclory@fs.fed.us>
Subject: RE: Application for Permit No. 77-14340

Morning Justin,

I've been playing catch-up the last few days as we've finally been back at work.

I believe you sent me a more recent email than the one below – I can't seem to locate it though, could you please re-send to me so that I can review and reply back?

Thanks,
Adam



Adam McClory
Realty Specialist
Land Uses Program Manager

North Idaho Land Zone, Nez Perce-Clearwater National Forests

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f: 208-875-1133

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Potlatch, ID 83855

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Caring for the land and serving people

From: Shearer, Justin [<mailto:Justin.Shearer@idwr.idaho.gov>]
Sent: Monday, December 17, 2018 3:08 PM
To: McClory, Adam B -FS <amccclory@fs.fed.us>; Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Spencer, Steven M -FS <sspencer@fs.fed.us>
Subject: RE: Application for Permit No. 77-14340

Adam,

Yes, I have reached out to the applicants with hopes to clarify our questions. I was unable to reach them on first attempt, but did leave a voicemail. I will keep you in the loop as to what information I am able to gather before 12/21.

Thanks and regards,

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

From: McClory, Adam B -FS [<mailto:amccclory@fs.fed.us>]
Sent: Monday, December 17, 2018 10:36 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Cc: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>; McClory, Adam B -FS <amccclory@fs.fed.us>; Spencer, Steven M -FS <sspencer@fs.fed.us>
Subject: RE: Application for Permit No. 77-14340

Morning,

Thanks Nick for looking into this.

Bottom line for us is that we don't want to issue a long-term special use authorization unless there is a valid water right issued by the State.

So, just so I'm clear, Justin, you will be reaching back out to the applicants to gather a bit more information, correct?

With that said, I understand that the "Recommendation Form" is due on 12/21. I think it best if we gather more information before we submit this form back to you. Would that be an acceptable path forward at this time?

If so, I'll look forward to hearing back from you folks and we can then figure out next steps.

Thanks,
Adam



Adam McClory
Realty Specialist
Land Uses Program Manager

North Idaho Land Zone, Nez Perce - Clearwater National Forests

p: 208-875-1734
c: 208-301-8224
f: 208-875-1133

RECEIVED

DEC 17 2018

WATER RESOURCES
WESTERN REGION

77-14368

MICHAEL V RIEDLE

DEBORAH J RIEDLE

915 9th AVE

LEWISTON, ID 83501

Point of Diversion NWSESW

S27 T26N R08E IDAHO

County Source SPRING Trib-

utary CROOKED CREEK

Use: DOMESTIC 01/01 to

12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 7/2/2018

Place Of Use: DOMESTIC

T26N R08E S27 SESW

This application proposes the diversion and use of water tributary to a federally designated 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 it is for domestic purposes.

Proposed Point of Diversion and Place of Use are within Mineral Survey No. 1416

Domestic use is for 1 home in Lot 11 Block A of Crooked Creek Subdivision.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190. 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, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 12/24/2018. The protestant must also send a copy of the protest to the applicant.

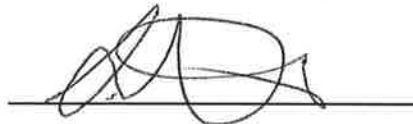
GARY SPACKMAN,
Director

Published on
12/5/2018 and 12/12/2018

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 5th day of December, 2018; and the last publication on the 12th day of December, 2018; 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 12th day of December in the year of 2018, 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: 1-28-19

adam.mcclory@usda.gov

1700 Hwy 6
Potlatch, ID 83855
www.fs.fed.us



Caring for the land and serving people

From: Miller, Nick [<mailto:Nick.Miller@idwr.idaho.gov>]
Sent: Friday, December 14, 2018 10:25 AM
To: McClory, Adam B -FS <amccclory@fs.fed.us>
Cc: Shearer, Justin <Justin.Shearer@idwr.idaho.gov>
Subject: RE: Application for Permit No. 77-14340

Hi Adam,

I looked through the backfiles for the new application 77-14340 as well as the records we have here for the Lycan right 77-7315. I am not certain what information you need for your end, but my take on it is that it looks like the Lycan right was initially supposed to be for Lots 16 and 17, Block B, but the field exam does seem to suggest the permit was actually developed on Lot 8, Block A and another site to the south that could be the Riedle property. However, the right was licensed as being entirely within the NESW, so even if Riedle can demonstrate that their house is the one on the lot identified in the field exam, they would still need to file an application for transfer to change the legal description of the place of use. If they did that, they would not need the present application for permit 77-14340. I suppose we both would want to know whether the new application is proposing the same system as the Lycan right. I'm copying Justin Shearer on this email as he is processing the application. I ask that he follow up with the applicants to see what they think about the Lycan right and the existing system.

Not sure if that is helpful for your purposes, but I hope so. Feel free to call me if you want to discuss this further.

Nick Miller
Manager, IDWR Western Region
208-334-2190

From: McClory, Adam B -FS [<mailto:amccclory@fs.fed.us>]
Sent: Wednesday, December 12, 2018 1:07 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: FW: Application for Permit No. 77-14340



Adam McClory
Realty Specialist
Land Uses Program Manager

North Idaho Land Zone, Nez Perce - Clearwater National Forests

p: 208-875-1734
c: 208-301-8224
f: 208-875-1133
adam.mcclory@usda.gov

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Potlatch, ID 83855



From: McClory, Adam B -FS
Sent: Thursday, December 6, 2018 8:14 AM
To: Nevius, Terry -FS <tnevius@fs.fed.us>; Spencer, Steven M -FS <sspencer@fs.fed.us>
Cc: Adam B -FS McClory (amccclory@fs.fed.us) <amccclory@fs.fed.us>
Subject: RE: Application for Permit No. 77-14340

Morning Terry and Steve,

Thanks for forwarding me this information. Let me provide some background on this situation so we can determine the best way to move forward:

While in the field in Dixie the past couple of years, John Thompson and I worked to address the multitude of expired special use permits. One of these expired authorizations was issued to Allen and Jean Lycan (RED58), which expired on 12/31/2014. I believe that Allen died in 2008; I am not sure, but think that Jean Lycan may still be alive and living in Kamiah, ID.

The Lycan's have a water right (77-7315) for a location in Dixie where they had previously owned property; this application for permit submitted to IDWR by Mr. and Mrs. Riedle matches the location of this water right. While conducting research on this, we determined that the Lycan's do not own any property in the area that would utilize this water right; there are two property owners however, that have been using the water from this site, Mr. Riedle and Mr. Barton (see attached map). It sounds as if Mr. Riedle has owned the property for at least 10 years – and mentioned that at one point Allen had said “just go ahead and use the water.” As a bit of a side note, the bills were continuing to be paid past 2014, and were mailed to Jean Lycan, so assuming she was still paying the bill (even though she wasn't living there).

In situations such as these, we determined that it would be best to work with the current landowner to provide them with a short-term authorization (5 years) while they worked with the State and/or existing holder of the water right to obtain a water right in their name (see attached cover letter). We figured that this would be a fair amount of time to work through all the hoops – but if for one reason or another the water right was not granted, the Forest Service could terminate the special use permit. So, I am not exactly sure why this application for a permit was submitted to the State vs. a Transfer of Water Right form....maybe that was the direction the Riedle's received?

So, would like to get your thoughts Steve, on the best way to proceed. Since this is an existing water source that has a water right associated with it, I don't have any issue with the application – just not sure exactly how to proceed with the fact that it seems as if water right is still in the Lycan's name.

Let me know what you think and I'm happy to discuss any time. Thanks!

Adam



Adam McClory
Realty Specialist
Land Uses Program Manager

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Caring for the land and serving people

From: Nevius, Terry -FS
Sent: Tuesday, December 4, 2018 9:38 AM
To: Spencer, Steven M -FS <sspencer@fs.fed.us>
Cc: McClory, Adam B -FS <amccclory@fs.fed.us>
Subject: FW: Application for Permit No. 77-14340

Steve.....I'll forward it on to Adam for his review.....thnx

From: Spencer, Steven M -FS
Sent: Monday, December 3, 2018 1:29 PM
To: Nevius, Terry -FS <tnevius@fs.fed.us>; Valle, Cynthia - FS <cvalle@fs.fed.us>
Subject: FW: Application for Permit No. 77-14340

Terry,

Here is another application for permit for a domestic use from a source on NFS land to private land at Dixie. It seems like there were a few old existing diversions that you are legitimizing. If this is one of those it is probably OK with you. If it is a new one then there are important ramifications and policy to wrestle with. Please take a look at it. If it's OK we probably would request a condition on the water right 'that it is subject to the special use permit issued by the Forest Service' and 'that it does not grant a ROW or easement across the land of another'.

Let me know if there is anything you'd like me to help with.

Thank you,

Steve



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