

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 77-14216

PRIORITY: June 29, 2005

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that:

US DEPT OF AGRICULTURE FOREST SERVICE
NEZ PERCE CLEARWATER NATIONAL FOREST
903 3RD ST KAMIAH ID 83536

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 29, 2005, and has submitted Proof of Beneficial Use on December 06, 2005. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, Twp 24N, Rge 02E, B.M. IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	02E	12															X	X L 1	
24N	02E	13	X L 2	X L 2															

CONDITIONS OF APPROVAL

- Domestic use is for the Spring Bar Campground.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 4th day of JANUARY, 2019.



Angela M. Grimm
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Water Right License

77-14216

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.

02E



0 0.035 0.07 0.14 Miles

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



OCT 29 2018

WATER RESOURCES
WESTERN REGION

Page 1

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 77-14216

PRIORITY: June 29, 2005

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 0.6 AF

Comes now

US DEPT OF AGRICULTURE
FOREST SERVICE
NEZ PERCE CLEARWATER NATIONAL FOREST
903 3RD ST KAMIAH ID 83536

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 77-14216, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

TRIBUTARY:

BENEFICIAL USE
DOMESTIC

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
0.02 CFS

**ANNUAL
DIVERSION VOLUME**
0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L2 (NW¼NE¼) Sec. 13, Twp 24N, Rge 02E, B.M. IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	02E	12															X	X	
24N	02E	13	X L 2	X L 2														X L 1	

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 22nd day of October, 2018.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 77-14216

FOR DEPARTMENT USE ONLY

Preliminary check by CP Fee = 100⁰⁰ Received by AL # W046894 Date 10/29/2018

ACTION OF THE DEPARTMENT OF WATER RESOURCES

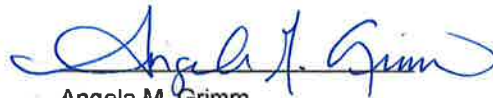
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 77-14216 with the following:

CONDITIONS OF APPROVAL

1. Domestic use is for the Spring Bar Campground

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 4th day of JANUARY, 2018/2019.



Angela M. Grimm
Water Rights Supervisor



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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

January 04, 2019

US DEPT OF AGRICULTURE
FOREST SERVICE
NEZ PERCE CLEARWATER NATIONAL FOREST
903 3RD ST
KAMIAH ID 83536

RE: License No. 77-14216

Issuance of License

Dear Water Right Holders:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, please note that water right owners are required to report any change of water right 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

Anna Kaiser
Anna Kaiser

For

Nick Miller
Engineer, Manager 2

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on January 04, 2019, I served a true and correct copy of Water Right License No. 77-14216 by U.S. Mail, postage prepaid, to the following:

US DEPT OF AGRICULTURE (Current Owner)
FOREST SERVICE
NEZ PERCE CLEARWATER NATIONAL FOREST
903 3RD ST
KAMIAH ID 83536



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

Date: January 03, 2019
To: Water Right File 77-14216
From: Angie Grimm
Re: License POD Issued Different than Licensing Amendment Approval

During initial review of the permit for the in-office licensing exam, the examiner found a well report for the point of diversion (POD) that stated the well was located in a different public land survey (PLS) location than originally permitted. Additionally, review of aerial imagery showed the place of use (POU) was developed in a different PLS location than permitted. Subsequently, on 10/10/2018, a licensing amendment to change the POD and POU was requested. The owner submitted the licensing amendment as drafted, but also provided evidence (map) confirming the POD to be in the permitted PLS location rather than the PLS location described on the licensing amendment. Therefore, the license is being issued with the correct POD PLS location despite the fact that the licensing amendment shows a contradictory location.

Parker, Cody

From: Valle, Cynthia - FS <cvalle@fs.fed.us>
Sent: Tuesday, October 30, 2018 11:50 AM
To: Parker, Cody
Cc: Spencer, Steven M -FS
Subject: RE: Water right no. 77-14216

Sounds good. Thank you Cody.



Cynthia Valle, Forest Hydrologist
Hydrology Program Manager

Forest Service
Nez Perce-Clearwater National Forest

p: 208-963-4203
cvalle@fs.fed.us

903 3rd Street
Kamiah, ID 83536
www.fs.fed.us



Caring for the land and serving people

From: Parker, Cody [mailto:Cody.Parker@idwr.idaho.gov]
Sent: Tuesday, October 30, 2018 10:02 AM
To: Valle, Cynthia - FS <cvalle@fs.fed.us>; Haux, John W -FS <johnwhaux@fs.fed.us>
Subject: Water right no. 77-14216

Hello,

Thank you for sending in the signed amendment for water right no. 77-14216. The amendment was intended to change the legal description for the point of diversion and the place of use for the water right. However, the map that you sent in with the amendment shows that the legal description for the point of diversion does not need to be changed. Therefore, the only thing that will be changed through the amendment is the description of the place of use. There is no further action required, I just wanted to make sure that we were on the same page. Please let me know if you have any questions.

Thanks

Cody Parker
Water Resource Agent
IDWR Western Region

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United States
Department of
Agriculture

Forest
Service

Salmon Ranger District/annex
104 Airport Road
Grangeville, ID 83530
208-983--1950

Salmon River Ranger District
304 Slate Creek Road
White Bird, ID 83554
208-839-2211

Date: Oct.. 24, 2018

State of Idaho
Department of Water Resources
Water Resource Agent – Cody Parker

RECEIVED

OCT 29 2018

WATER RESOURCES
WESTERN REGION

Mr. Parker,

Please find enclosed the Water Right Permit 77-14216 amendment application documents as per your letter of Oct. 10, 2018. Also, enclosed is a \$100.00 check for the filing fee.

The Forest Service is currently in the process of updating purchase cards and purchase checking accounts. Because of this change all of our transactions must be reconciled before the end of November 2018. We kindly request for you to process the enclosed check through your banking system as soon as possible so we may be able to reconcile the account which the check is drawn on in a timely manner well before our deadline.

If you have any questions please contact Cynthia Valle, Forest Hydrologist Hydrology Program Manager phone: 208-963-4203, cvalle@fs.fed.us or myself.

Thank You
Sincerely,



John Haux
Administrative Clerk

Forest Service
Nez Perce, Clearwater National Forest, Salmon River Ranger District, Slate Creek Ranger Station

p: 208-839-2211 x2131

f: 208-839-2730

johnwhaux@fs.fed.us

304 Slate Creek Rd
White Bird, ID 83554

www.fs.fed.us



Caring for the land and serving people



received 10/29/18

10/12/2018

Google Maps

Google Maps



Imagery ©2018 Google, Map data ©2018 Google 50 ft

Sam Maryland (50) - 983-4018

<https://www.google.com/maps/@45.4235932,-116.1527882,169a,35y,355.51h,59.9t/data=!3m1!1e3>

RECEIVED

OCT 29 2018

WATER RESOURCES
WESTERN REGION



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 10, 2018

US DEPT OF AGRICULTURE
FOREST SERVICE
NEZ PERCE CLEARWATER NATIONAL FOREST
903 3RD ST
KAMIAH ID 83536

RE: Water Right Permit No. 77-14216

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit(s) referenced above prior to issuing water right license(s). By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

☒ Point(s) of Diversion

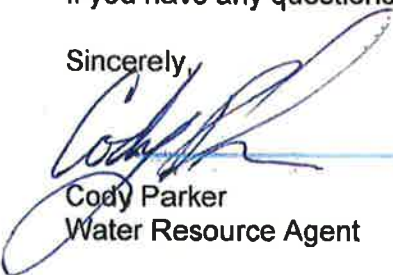
☒ Place(s) of Use

☐ Other

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-334-2190.

Sincerely,


Cody Parker
Water Resource Agent

Enclosure(s): Application for Amendment



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 23, 2018

ATTN HOLLY BECKER
US DEPT OF AGRICULTURE
PAYETTE NATIONAL FOREST
500 N MISSION ST BLDG 2
MC CALL ID 83638-3805

RE: Water Right Permit No. 77-14216

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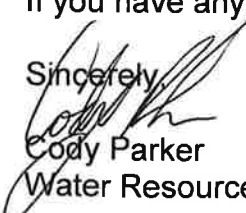
☐ **Place(s) of Use**

☐ **Other**

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If you have any questions, please call me at 208-582-2308.

Sincerely,


Cody Parker
Water Resource Agent

Enclosure(s): Application for Amendment