

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 95-17621

Priority: July 30, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify, that **ESSENTIAL OIL RESEARCH FARM LLC**
3125 W EXECUTIVE PKWY
LEHI UT 84043

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>
COMMERCIAL	03/01 to 06/15	0.04 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4, NW1/4, Sec. 28, Twp 46N, Rge 03W, B.M., BENEWAH County

GROUND WATER SW1/4, NW1/4, Sec. 28, Twp 46N, Rge 03W, B.M., BENEWAH County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE			NW			SW			SE			Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 03W 28							X						

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE			NW			SW			SE			Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
46N 03W 28							X	X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2023**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. 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.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. Domestic use is for 15 Recreational Vehicle sites, a lodge kitchen, showers, and laundry, for seasonal workers.
7. Lawn, garden, or landscape irrigation is not authorized under this right.

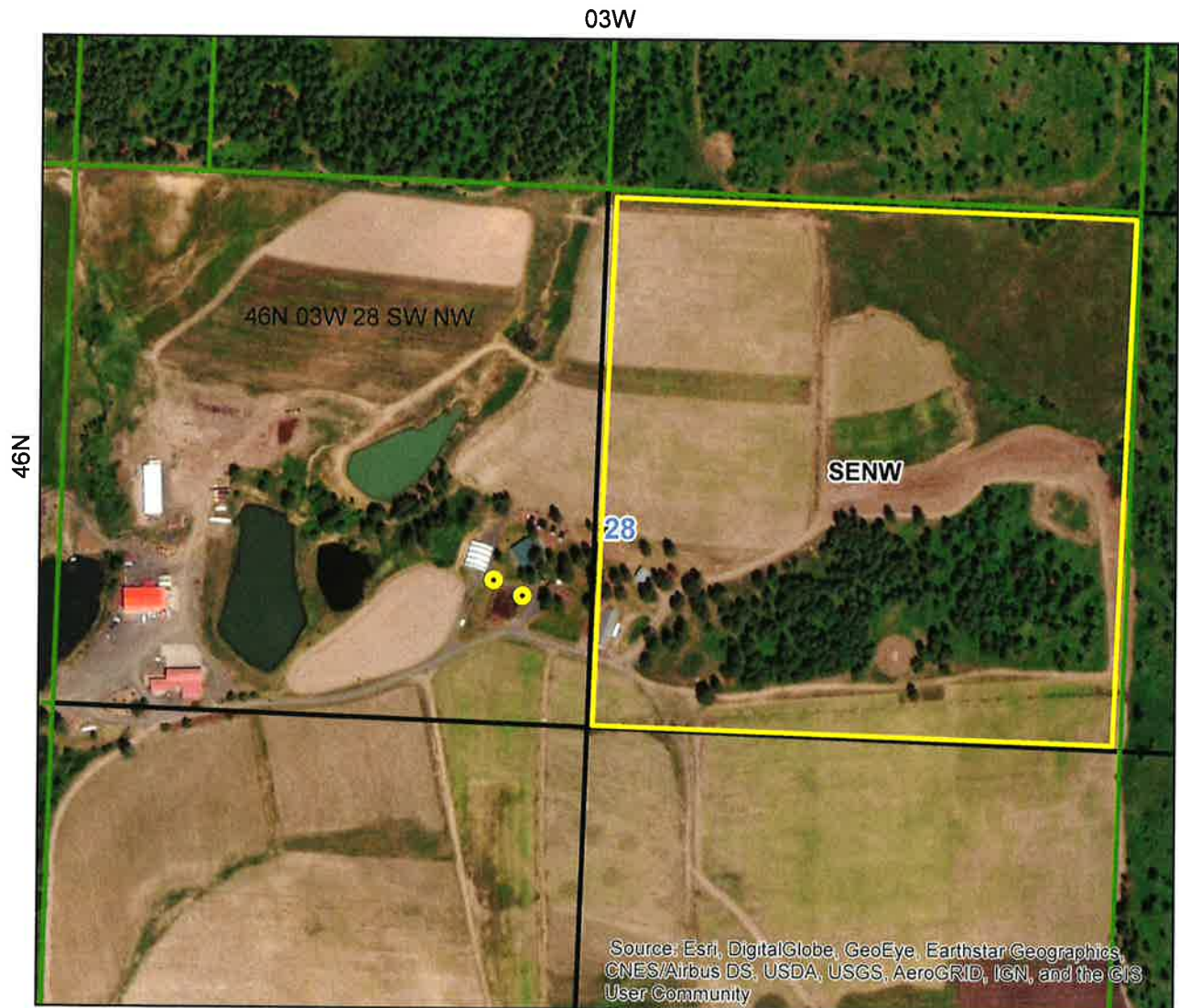
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed, this 11th day of December, 2018.


DOUGLAS JONES P.E., Northern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
95-17621

This map depicts the COMMERCIAL 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.



0 0.05 0.1 0.2 Miles

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



Tax parcel information provided by Benewah County.

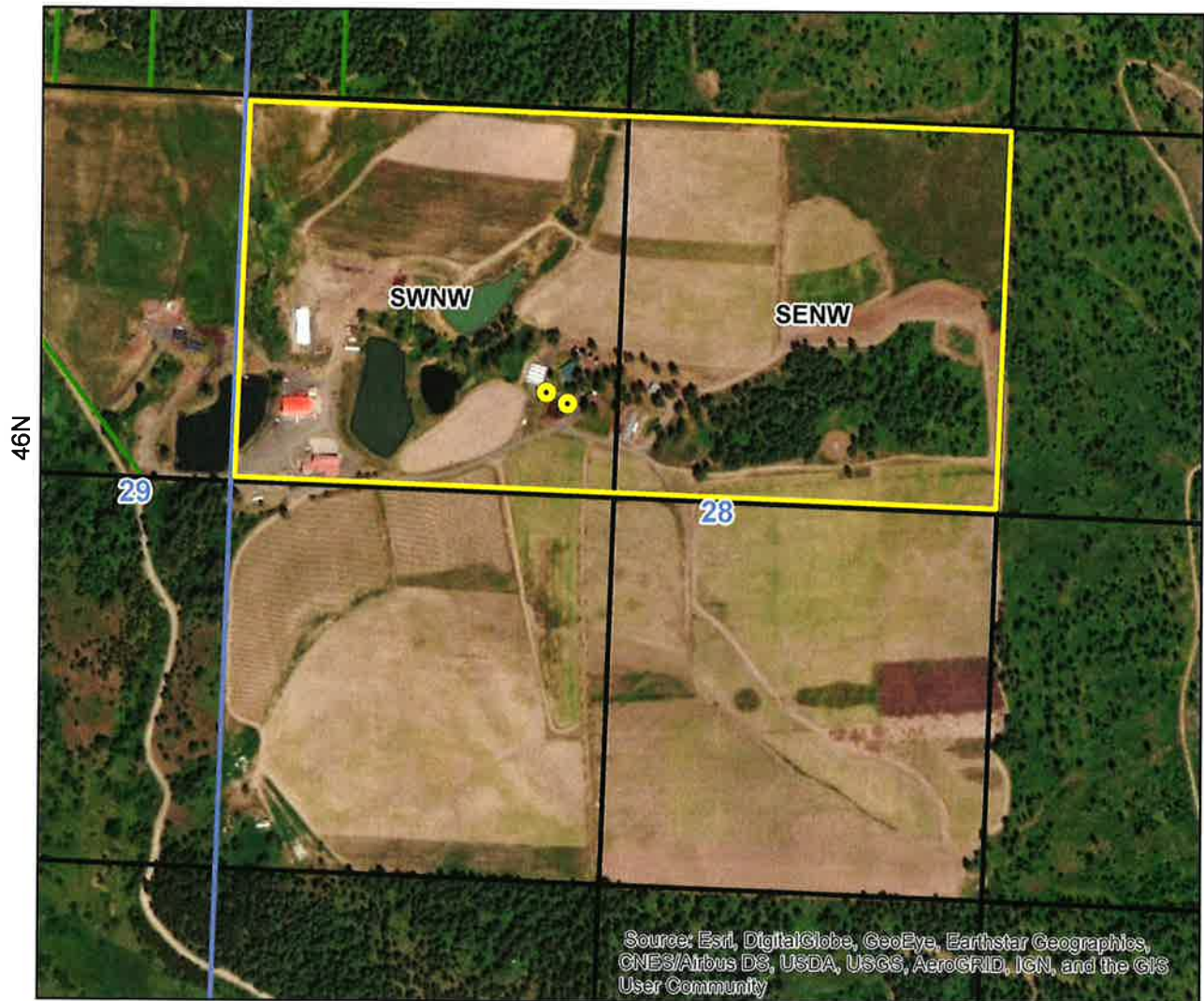
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17621

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.

03W



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

0 0.075 0.15 0.3 Miles

Tax parcel information provided by Benewah County.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763

Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

December 11, 2018

ESSENTIAL OIL RESEARCH FARM LLC
3125 W EXECUTIVE PKWY
LEHI UT 84043

RE: Permit No. 95-17621

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.

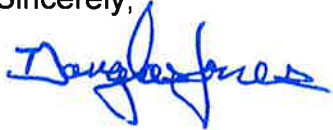
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. 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 the Northern Region Office at (208) 762-2800.

Sincerely,



Douglas Jones, P.E.
Northern Regional Manager

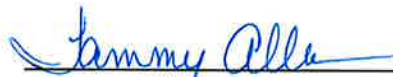
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2018, I served a true and correct copy of Permit to Appropriate Water No. 95-17621 by U.S. Mail, postage prepaid, to the following:

ESSENTIAL OIL RESEARCH FARM LLC (Current Owner)
3125 W EXECUTIVE PKWY
LEHI UT 84043

SPF WATER ENGINEERING LLC (Representative)
C/O SCOTT N KING
300 E MALLARD DR STE 350
BOISE ID 83706



Tammy Alleman
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.

Maxey, Shaun

From: Maxey, Shaun
Sent: Wednesday, October 24, 2018 4:27 PM
To: 'Scott King'
Subject: RE: Well upgrade fee ((95-17621)

Mr. King:

The \$250 fee has been received at IDWR Northern Region.

Shaun Maxey

From: Scott King [mailto:SKing@spfwater.com]
Sent: Monday, October 22, 2018 7:32 AM
To: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Subject: Well upgrade fee

Hello Shaun,

Checking in to see if your office received the well upgrade fee check for Young Living Lavender Farms?

Thank you,

Scott N. King, P.E. | Supervising Engineer

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

phone 208.383.4140 | fax 208.383.4156

email sking@spfwater.com | web www.spfwater.com

The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) may contain confidential and/or privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.

Maxey, Shaun

From: Maxey, Shaun
Sent: Wednesday, October 24, 2018 4:16 PM
To: Marston, Sascha
Cc: Alleman, Tammy
Subject: Request to change Comment Line on receipt N033831

Sascha:

Northern Region received a \$250 well upgrade fee payment for Water Right Permit Application 95-17621 on receipt N033831. We improperly attributed the payment to a different Application (95-17645) by the same customer on the comment line for the Receipt.

Please change the comment line to read '95-17621' instead of '95-17645'.

Thanks,

Shaun

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov



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OCT 1 / 2018

IDWR / NORTH

October 12, 2018

Idaho Department of Water Resources
7600 N Mineral Dr Ste 100
Coeur D Alene, ID 83815-7763

Attn: Shaun Maxey

Re: Well upgrade fee for Permit Application No. 95-17621

Shaun,

Per our recent discussion, enclosed is the \$250 well upgrade fee for the above-referenced application. Thank you for your assistance with this application.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Scott N. King". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Scott N. King, P.E.
Supervising Engineer

File: 775.0030

Maxey, Shaun

From: Maxey, Shaun
Sent: Thursday, October 11, 2018 3:13 PM
To: 'Scott King'
Subject: RE: Essential Oil Research Farm applications

Scott:

Thanks, for the contact information.

I have one additional item, that I forgot to mention during our phone conversation earlier today, concerning the \$250 that is due for well upgrade fees for 95-17621. Please send me an e-mail with the receipt number for the payment if you elect to make the payment at the IDWR State Office or Western Region office.

Shaun Maxey

From: Scott King [mailto:SKing@spfwater.com]
Sent: Thursday, October 11, 2018 3:03 PM
To: Maxey, Shaun <Shaun.Maxey@idwr.idaho.gov>
Cc: Linda Jones <LJones@hollandhart.com>
Subject: Essential Oil Research Farm applications

Shaun,

In regard to water right permit applications 95-17621 and 95-17645 on which Roxanne Brown of SPF Water Engineering is listed as the representative, please update the representative from Roxanne Brown to Scott King. Roxanne has delegated her projects associated with Essential Oil Research Farm to me.

Thank you,
Scott

Scott N. King, P.E. | Supervising Engineer

SPF Water Engineering, LLC

300 E Mallard Drive, Suite 350 | Boise, ID 83706

phone 208.383.4140 | fax 208.383.4156

email sking@spfwater.com | web www.spfwater.com

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CONVERSATION MEMO

OV- Office Visit T-Telephone M-Meeting O- Other

TO Right No. 95-17621

FROM Shaun MAXEY

☐ OV ☒ T ☐ M ☐ Other _____ DATE 10/4/2018 WITH (208) 383-4140 Scott KING, SPF Water Engineering
Left voicemail message for Scott KING indicating 95-17621
Permit is ready to go to Regional Manager for signature upon
receipt of well upgrade fees (\$125 each) for wells shown on
Application. A well upgrade fee has been paid for a different
well for LISC. 95-09011.

☐ OV ☒ T ☐ M ☐ Other _____ DATE 10/11/2018 WITH Scott KING, SPF Water Eng.
telephoned Scott King to inform him that well upgrade
fees have not been paid yet for 2 wells indicated in
Application. Total due is \$250. Requested Mr. King send me
an e-mail indicating he is now the Representative and provide
his contact information.

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

☐ OV ☐ T ☐ M ☐ Other _____ DATE _____ WITH _____

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 5 day of Sept., 2018 and the last on the 12 day of Sept., 2018.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

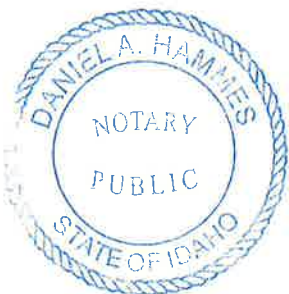
Dated this 12 day of September, 2018

Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 12 day of Sept., in the year of 2018 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to 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.



Daniel A. Hammes

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

July 13, 2019

PUBLIC NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
95-17621

ESSENTIAL OIL RESEARCH FARM LLC
3125 W EXECUTIVE PARKWAY
LEHI, UT 84043

Point of Diversion SWNW

S28 T46N R03W

BENEWAH County

Source GROUND WATER

Point of Diversion SWNW

S28 T46N R03W

BENEWAH County

Source GROUND WATER

Use: COMMERCIAL

03/01 to 06/15 0.04 CFS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 7/30/2018

Place Of Use: COMMERCIAL

T46N R03W S28 SENW

Place Of Use: DOMESTIC

T46N R03W S28 SWNW SENW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact

Northern Region office at (208) 762-2800. 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, Northern

Region, 7600 N MINERAL DR STE 100, COEUR D'ALENE

ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 9/24/2018. The protestant must also

send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/5/2018 and 9/12/2018

138 Sept. 5 - 12

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SEP 14 2018

IDWR / NORTH



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 4, 2018

****Time Sensitive Response Required****

Essential Oil Research Farm LLC
3125 W Executive Parkway
Lehi, UT 84043

Re: Application for Permit (parcel RP46N03W284700A) (Rule 35 Application Requirements)

Dear Applicant:

Idaho Department of Water Resources (IDWR) received your Application for Permit on July 30, 2018, at our State Office, to divert water from two Benewah County wells (groundwater). The Application is unacceptable for filing because it was not accompanied by a map showing all well locations and because it lacks sufficient well information to determine if existing wells, or new wells, will be used. One existing well on the property has a different legal description than shown on the Application. Your Application with map, and IDWR well reports, are enclosed.

Please review the Application and phone me at (208) 762.2816 for assistance to correct your Application and complete the following steps:

- Finish map well labels, Line 4 Legal Description & (Existing Wells) Tag Number.
- Review line 5 and line 8 (d) for lodge, number of Domestic hookups, & CFS quantity.
- Review Line 6 (a) Total CFS quantity.
- Complete description of water system line 7(a).
- Review if well upgrade fees are required and complete Line 7(c) and 7(e).
- Review Line 8 (d) RV site use (rental and / or employee).
- Review map labeling for Domestic & Commercial uses.
- Determine if a Public Water Supply (PWS) number has been assigned or is required.

Please telephone me about your Application. Your **corrections must be received no later than September 10, 2018**. IDWR will take steps to terminate your Application, if no response is received, pursuant to Idaho Code § 42-204.

Respectfully,

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region