

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 85-15789

Priority: April 23, 2018

Maximum Diversion Rate: 0.06 CFS

This is to certify, that T LINDSLEY FARMS LLC
327 N MEADOW ST
GRANGEVILLE ID 83530-1819

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SW1/4, SW1/4, SE1/4, Sec. 35, Twp 31N, Rge 03E, B.M., IDAHO County

SPRING SW1/4, SW1/4, SE1/4, Sec. 35, Twp 31N, Rge 03E, 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					
31N	03E	35													X				

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
31N	03E	35													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2019**.
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. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Stockwater use is for 50 head Mixed Stock.

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

Signed, this 11th day of December, 20 18.

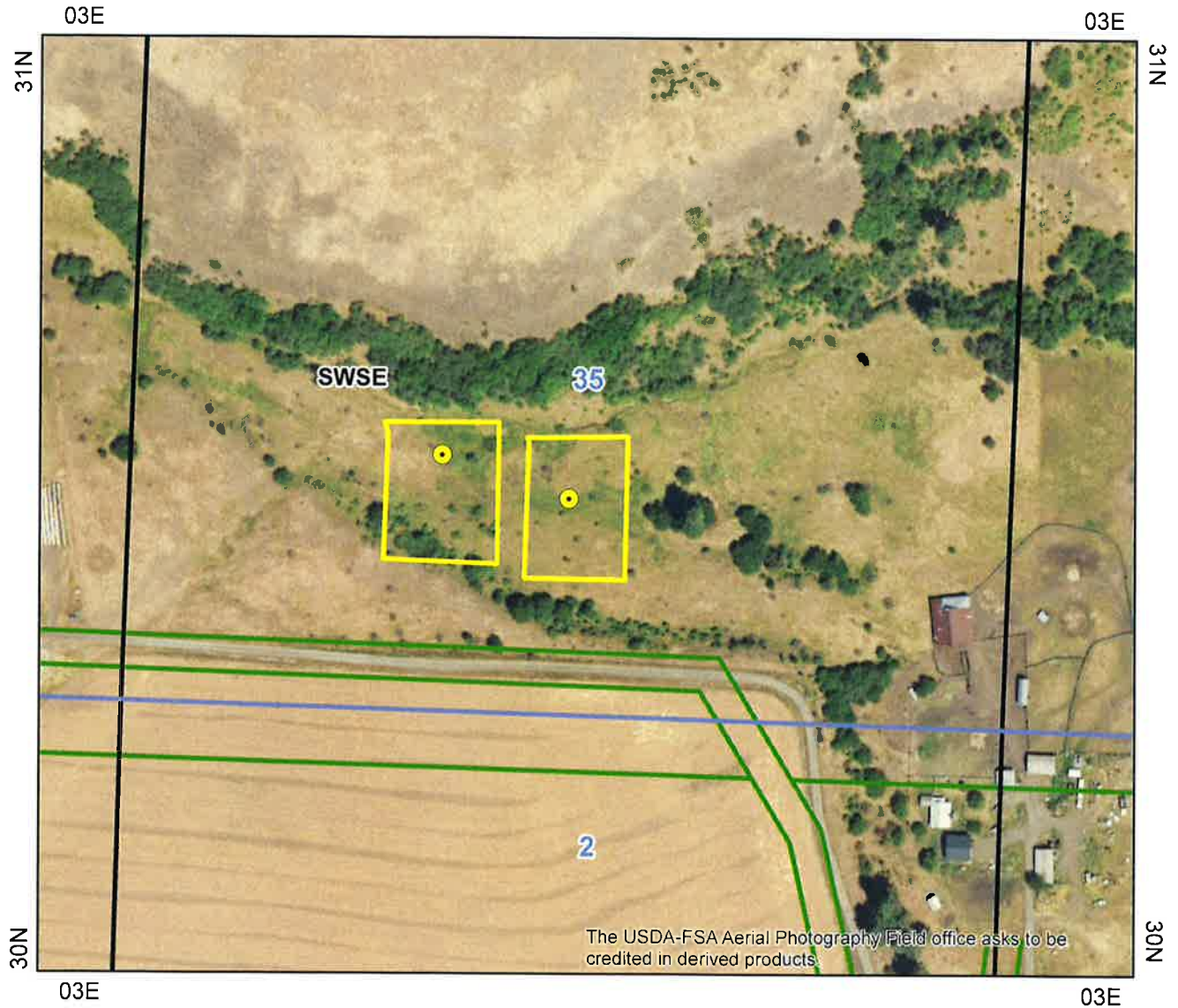

DOUGLAS JONES, P.E. Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

85-15789

This map depicts the DOMESTIC and STOCKWATER 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
-  PLS Sections
-  Taxlots

0 0.03 0.06 0.12 Miles

Tax parcel information provided by Idaho 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

T LINDSLEY FARMS LLC
327 N MEADOW ST
GRANGEVILLE ID 83530-1819

RE: Permit No. 85-15789

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.

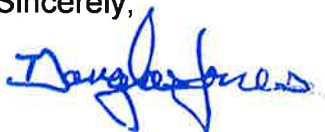
The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") by the date shown in condition no. 1 of your 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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,



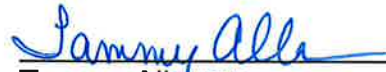
Douglas Jones, P.E.
Northern Regional Manager

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. 85-15789 by U.S. Mail, postage prepaid, to the following:

T LINDSLEY FARMS LLC (Current Owner)
327 N MEADOW ST
GRANGEVILLE ID 83530-1819



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.

To: Water Right Application for Permit 85-15789

From: Shaun M. Maxey, Idaho DEPT of Water Resources (IDWR), Northern Region

Date: November 7, 2018

SUBJECT: IDWR Regional Analysis and Recommendation in Accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information: The Application proposes diversion of 0.06 Cubic Feet per Second (CFS) for one new home domestic use and stockwater purposes from two undeveloped springs that sink near an unnamed stream tributary to Butcher Creek. Butcher Creek is tributary to the South Fork Clearwater River. IDWR ArcMap™ mapping and the Application Map indicate both springs are at least 250 feet from the unnamed stream. There is nothing in the record to suggest that there is insufficient water for the proposed uses.

Good Faith, Delay, or Speculative Information: The Applicant (T. Lindsley Farms, LLC) plans to divert from two undeveloped springs located on Applicant owned property. Idaho County property tax records show the Applicant owns the Place of Use. IDWR has no information that indicates the Application is not being made in good faith, is intended to delay, or that it is speculative.

Financial Resources Information: The scope of the project and one year development period, proposed by the Applicant, are achievable because the undeveloped springs are near existing buildings and readily accessible. IDWR has no information that indicates the Applicant is financially incapable of completing the project.

Local Public Interest: No protests were received in response to publication of legal notices for Application 85-15789. The Application file indicates no comments have been received from government agencies or the public concerning fish, and wildlife resources. IDWR has no information that approval of the Application and granting a Permit would adversely affect the local public interest.

Injury to Other Users - Other Water Rights: The Idaho Water Resource Board holds Water Right No. 82-12220 for Minimum Stream Flow (MSF) purposes on the South Fork Clearwater River, downstream of the two springs. This MSF right is subordinated to all future water rights with Domestic, Commercial, Municipal, and Industrial (DCMI) purposes. No junior non-DCMI appropriation limit is specified for Water Right No. 82-12220. The nearest Butcher Creek Water Right to the Springs (85-4097B) is upstream from the South Fork Clearwater River and approximately 1.5 miles away. No injury is anticipated to Water Rights No. 82-12220 or 85-4097B by approval of the 85-15789 Application.



Shaun M. Maxey
Idaho Department of Water Resources, Northern Region
7600 Mineral DR, Ste. 100
Coeur d'Alene, ID 83815

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
85-15789
T LINDSLEY FARMS LLC
327 N MEADOW ST
GRANGEVILLE, ID 83530-1819
Point of Diversion SWSWSE
S35 T31N R03E
IDAHO County
Source SPRING
Tributary SINKS
Point of Diversion SWSWSE
S35 T31N R03E
IDAHO County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.02 CFS
Total Diversion: 0.06 CFS
Date Filed: 4/23/2018
Place Of Use: DOMESTIC
T31N R03E S35 SWSE
Place Of Use: STOCKWATER
T31N R03E S35 SWSE
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 10/9/2018. The protestant must also send a copy of the protest to the applicant.

GARY

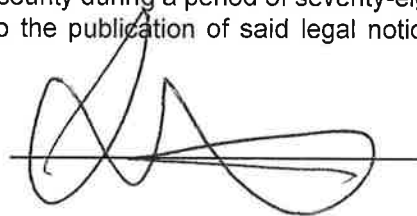
SPACKMAN,
Director
Published

on 9/19/2018 and 9/26/2018

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 19th day of September, 2018; and the last publication on the 26th day of September, 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 26th day of September 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: 1-24-19

RECEIVED

SEP 27 2018

IDWR/NORTH