

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 75-14911

Priority: August 13, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify, that WINDY N SCHOBY And/Or GREGORY P SCHOBY
25 SIOUX LN, CARMEN, ID 83462

has applied for a permit to appropriate water from:

Source: TOWER CREEK

Tributary: SALMON RIVER

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

LOCATION OF POINT(S) OF DIVERSION:

TOWER CREEK SW1/4NW1/4, Sec. 17, Twp 23N, Rge 22E, B.M. LEMHI 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	
23N	22E	17							X										

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2021**.
2. Subject to all prior water rights.
3. 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.
4. Domestic use is for external use for 1 home.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. 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 the watermaster suitable control of the diversion.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
9. Point of diversion is located within Lot 4, Block 2, Tower Creek Properties Subdivision Amended.
10. Place of use is located within Lots 3 and 4, Block 2, Tower Creek Properties Subdivision Amended.

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

Signed this 7th day of November, 2018.



PAMELA S. SKAGGS, Water Rights Section Mgr.



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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

November 09, 2018

GREGORY P SCHOBY
WINDY N SCHOBY
25 SIOUX LN
CARMEN ID 83462

RE: Permit No. 75-14911

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 me at (208) 287-4951.

Sincerely,



Pamela S. Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I served a true and correct copy of Permit to Appropriate Water No. 75-14911 by U.S. Mail, postage prepaid, to the following:

GREGORY P SCHOBY (Current Owner)
25 SIOUX LN
CARMEN ID 83462

WINDY N SCHOBY (Current Owner)
25 SIOUX LN
CARMEN ID 83462



Darla Block
Technical Records Specialist I

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.

RECEIVED

OCT 29 2018

DEPARTMENT OF
WATER RESOURCES

**NOTICE OF APPLICATION(S) TO
APPROPRIATE PUBLIC WATERS**

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

75-14911

GREGORY P SCHOBY

WINDY N SCHOBY

25 SIOUX LN

CARMEN, ID 83462

Point of Diversion SWNW S17 T23N R22E

LEMHI County

Source TOWER CREEK Tributary

SALMON RIVER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 8/13/2018

Place Of Use: DOMESTIC

T23N R22E S17 SWNW

This application proposes the diver-
sion and use of water from a tributary to
the Salmon River Wild & Scenic River. The
decreed minimum stream flow rights for
the federal Wild & Scenic Rivers are sub-
ordinate 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 applica-
tion will benefit from the subordination
provision because it is for domestic pur-
poses.

Permits will be subject to all prior wa-
ter rights. For additional information con-
cerning the property location, contact the
State office at (208) 287-4800; or for a full
description of the right(s), please see
[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 Re-
sources, State Office, 322 E Front St, PO
Box 83720, Boise, ID 83720 together with
a protest fee of \$25.00 for each applica-
tion on or before 11/05/2018. The protes-
tant must also send a copy of the protest
to the applicant.

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT**

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 (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and
of general circulation therein. That the **NOTICE OF APPROPRIATION**, a true printed copy of
which is attached 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 **10-18-2018** and
ending with the issue dated **10-25-2018**

STATE OF IDAHO

County of Lemhi

ss.

On this **25th day of OCTOBER** in this year of 2018 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.

Rebekah Rice

Notary Public for Idaho

Residing At Salmon, Idaho

Publication Fee \$183.60



*2
Jan
11-6-18*

HP

over

RECEIVED
OCT 29 2018
DEPARTMENT OF
WATER RESOURCES

TRANSFER NO. 82740

HEIDI LEAVITT, PO BOX 48, MANHATTAN, NV 89022-0048; has filed Application No. 82740 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4016D. The purpose of the transfer is to change a portion of the above rights as follows:

change the point of diversion from NESE, S12, T24N, R18E about 1/4 mile downstream to the applicant's property in SESW, S7, T24N, R19E located on Spring Creek Rd between National Forest Development Rds 038 & 042 in Lemhi County.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 11/05/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 10-18-2tc



Hersley, Jean

From: Yenter, Cindy
Sent: Monday, October 22, 2018 1:31 PM
To: Hersley, Jean
Subject: 75-14911 Schoby, 75-4016D Leavitt application comments

I have no comments on these proposals.

No Water District flags on either application.

*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*