

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-15160

Priority: July 25, 2016

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 2.0 AF

This is to certify, that LEGG FAMILY TRUST
1039 W INDIAN VALLEY RD
INDIAN VALLEY ID 83632

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>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		2.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
STOCKWATER FROM STORAGE	01/01 to 12/31		2.0 AF

LOCATION OF POINTS OF DIVERSION:

SPRING	NW¼SE¼NE¼	Sec. 32, Twp 15N, Rge 01E, B.M., ADAMS County
SPRING	NW¼SE¼NE¼	Sec. 32, Twp 15N, Rge 01E, B.M., ADAMS County
SPRING	SW¼NE¼NE¼	Sec. 32, Twp 15N, Rge 01E, B.M., ADAMS County
SPRING	NE¼SE¼NE¼	Sec. 32, Twp 15N, Rge 01E, B.M., ADAMS County

PLACE OF USE: STOCKWATER STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 01E 32				X													

PLACE OF USE: STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N 01E 32				X													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2023**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 2.0 acre-feet or a total surface area of 0.1 acres.

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4. Stockwater storage and stockwater from storage use is for 100 range cattle.
5. 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.
6. 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 Section 42-204, Idaho Code.

Signed this 25th day of JUNE, 2018.



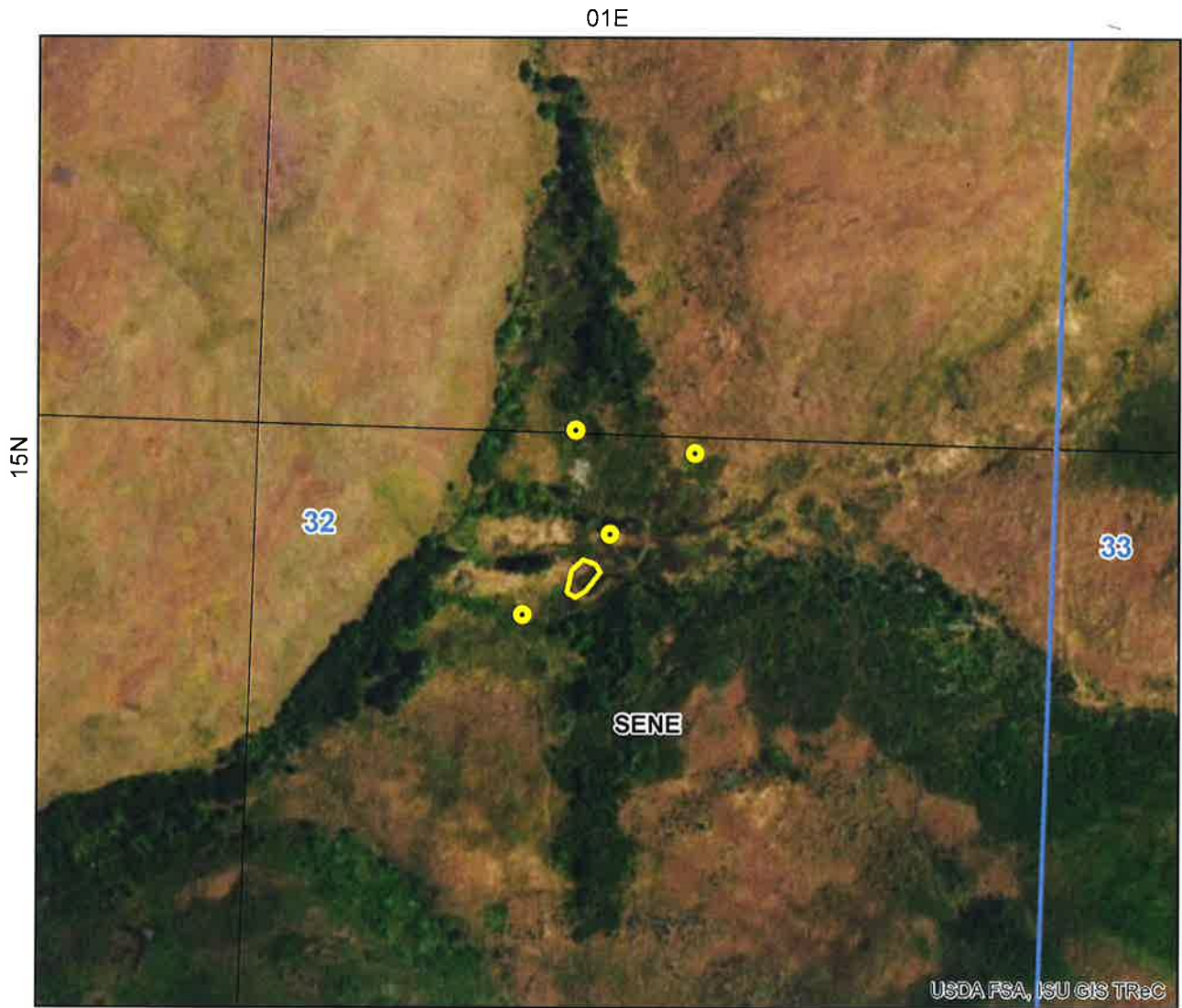
Angela M. Grimm
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

67-15160

This map depicts the STOCKWATER STORAGE 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.



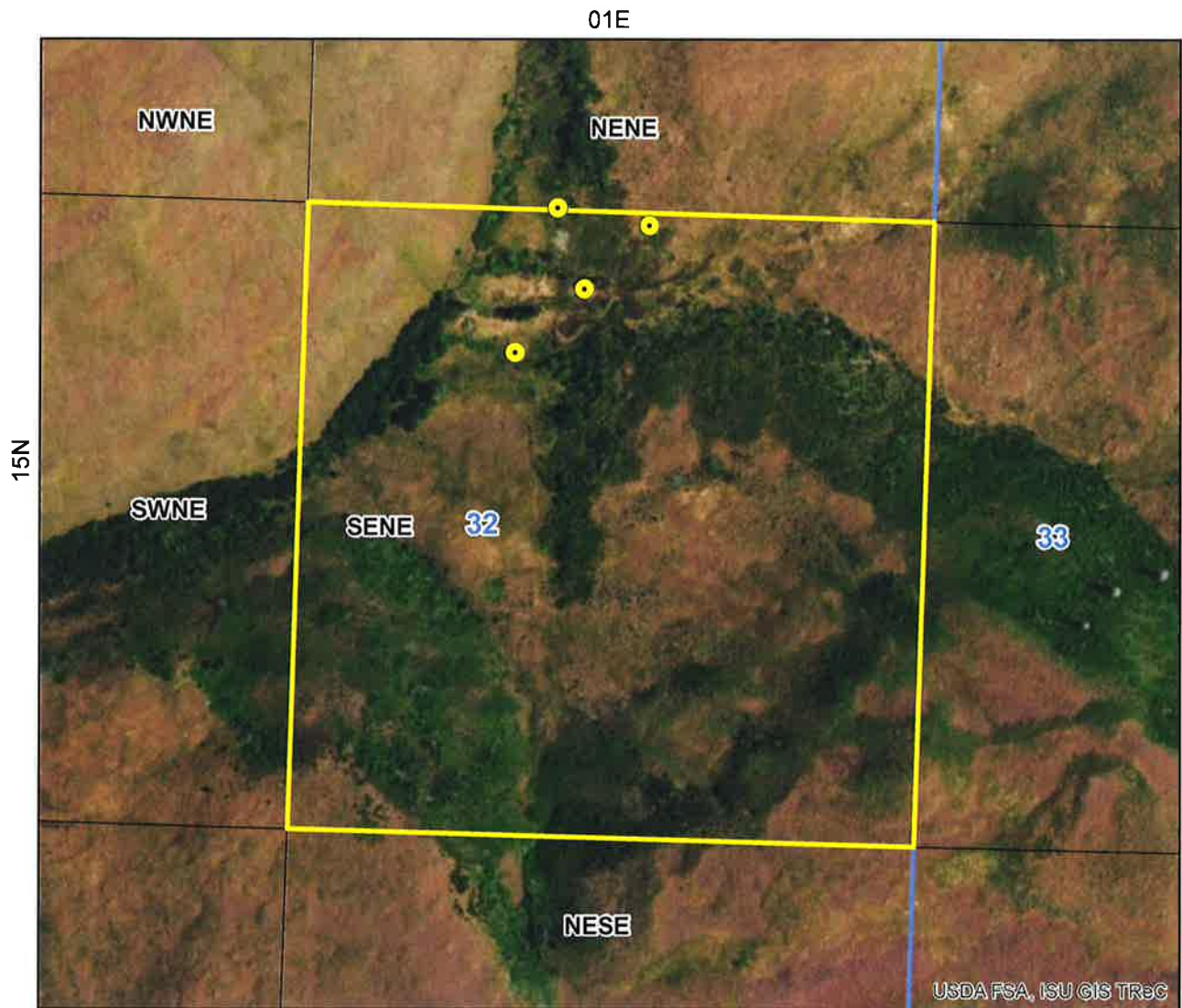
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
67-15160

This map depicts the STOCKWATER FROM STORAGE 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
- Townships
- PLS Sections

0 0.045 0.09 0.18 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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

June 25, 2018

LEGG FAMILY TRUST
1039 W INDIAN VALLEY RD
INDIAN VALLEY ID 83632

RE: Permit No. 67-15160

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) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Miller". The signature is fluid and cursive, with a large initial "N" and "M".

Nick Miller
Regional Manager

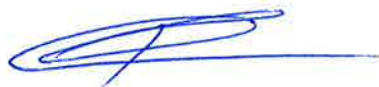
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2018, I served a true and correct copy of Permit to Appropriate Water No. 67-15160 by U.S. Mail, postage prepaid, to the following:

LEGG FAMILY TRUST (Current Owner)
1039 W INDIAN VALLEY RD
INDIAN VALLEY ID 83632

SPF WATER ENGINEERING LLC (Representative)
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706



Rachel Neely
Administrative Assistant 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.

APPLICATION FOR PERMIT NO. 67-15160

CHOOSE ONE OF THE FOLLOWING OPTIONS:

RECEIVED

JUN 13 2018

WATER RESOURCES
WESTERN REGION

 NO

An approved application with a June 15 curtailment requirement will not work for me. I withdraw my application. Please issue a full refund of the application fee that I paid.

 X YES

An approved application with a June 15 curtailment requirement will work for me. Please process my application.

 If Yes: Provide at least 1 example of specific irrigation you will benefit from through June 15:

 MORE TIME

I request an interruption in processing for up to six months, the maximum amount of additional time under IDWR Water Appropriation Rule 40, to help me decide what to do.

Applicant Name (Print)

Leqq Family Trust

Applicant Signature

Kathleen Leqq - trustee
(Kathleen Leqq - Marion Ogle)

Date

June 11, 2018

Return to:

IDWR Western Region
2735 Airport WY
Boise, ID 83705-5082



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

May 31, 2018

LEGG FAMILY TRUST
1039 W INDIAN VALLEY RD
INDIAN VALLEY ID 83632

RE: Application for Permit No. 67-15160

Dear Applicant:

You filed an application for a new water right from a regulated source within the Weiser River Water District. Regulated sources include tributary surface water and tributary shallow ground water (ground water above the first confining layer in the aquifer). If approved, your application would be a junior water right.

The Weiser River Watermaster regularly curtails junior water rights by June 15 each year. This is necessary under Idaho law to protect senior water rights when the water supply is not adequate to fill all rights at the same time.

This means your application, if approved, would include a condition of approval automatically curtailing your new use by June 15 of each year. This condition of approval balances protection of senior water rights with promotion of the maximum economic benefit of water resources.

To determine if you want to proceed with your application based on the above explanation, please complete and return the enclosed questionnaire. Your written reply must be received by **Friday, June 29, 2018**. Failure to make a timely response will cause your application to be voided.

If you have questions regarding this matter, please contact me at 208-334-2190.

Sincerely,

Rachel Sommer
Water Resource Agent, Senior
IDWR, Western Regional Office

Enclosure

Cc: ROXANNE BROWN
SPF WATER ENGINEERING
300 E MALLARD DR STE 350
BOISE ID 83706

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

78-12476

SHORE LODGE WHITETAIL LLC
501 W LAKE ST
MC CALL, ID 83638

Points of Diversion SWNW NESW NWSW S12 T18N R02E ADAMS County Source
GROUND WATER

Points of Diversion SWNW NWSW S1 T18N R02E ADAMS County Source GROUND
WATER

Use: DOMESTIC 01/01 to 12/31 0.4 CFS

Use: FIRE PROTECTION 01/01 to 12/31 1.78 CFS

Use: IRRIGATION 04/15 to 10/31 1.78 CFS

Total Diversion: 1.78 CFS

Date Filed: 10/26/2017

Places of Use: DOMESTIC, FIRE PROTECTION, IRRIGATION

Total Acres: 320

*POU
fatal error
RN 3/7/18*

67-15160

LEGG FAMILY TRUST
1039 W INDIAN VALLEY RD
INDIAN VALLEY, ID 83632

(2) Points of Diversion NWSENE S32 T15N R01E ADAMS County Source SPRING
Tributary SINKS

Points of Diversion NESENE SWNESE S32 T15N R01E ADAMS County Source
SPRING Tributary SINKS

Use: DIVERSION TO STORAGE 01/01 to 12/31 0.2 CFS

Use: STOCKWATER FROM STORAGE 01/01 to 12/31 2 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 2 AF

Total Diversion: 0.2 CFS, 2 AF

Date Filed: 7/25/2016

Places of Use: STOCKWATER STORAGE, STOCKWATER FROM STORAGE
T15N R01E S32 SENE

✓ OK RN 3/7/18

67-15161

LEGG FAMILY TRUST
1039 W INDIAN VALLEY RD
INDIAN VALLEY, ID 83632

Point of Diversion SWNW S36 T15N R01W ADAMS County Source GROUND WATER

Use: IRRIGATION 03/15 to 10/31 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 7/25/2016

Places of Use: STOCKWATER, IRRIGATION

T15N R01W S36 SWNW

Total Acres: 10

✓ OK RN 3/7/18

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 2/26/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/7/2018 and 2/14/2018

Published in the Adams County Record on February 07, 2018 • February 14, 2018

RECEIVED
MAR 05 2018
WATER RESOURCES
WESTERN REGION

RECEIVED
MAR 05 2018
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

Gamaliel L Gardner-Masters being duly sworn, deposes and says that he is the Principle Clerk of the Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said County for a period of seventy-eight (78) consecutive weeks prior to the first publication of the advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Adams County Record for two (2) insertions beginning with the Issue of February 07, 2018 and ending with the Issue of February 14, 2018.

Gamaliel L Gardner-Masters

On this 28th day of February, 2018, before me, a Notary Public, personally appeared Gamaliel L Gardner-Masters, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

MELISSA DOUGHERTY
Notary Public
State of Idaho

Melissa Dougherty
Notary Public of Idaho

Residing at Council, Idaho

My Commission Expires 11/30/2023

To: IDAHO DEPARTMENT OF WATER

Subject: APPLICATIONS TO APPROPRIATE 78-12476, 67-15160, 67-15161

State of Idaho

Department Of Water Resources

WATERMASTER RECOMMENDATION FORM

RECEIVED

FEB 06 2018

WATER RESOURCES
WESTERN REGION

Water District # 67A

Application # 67-15160

Applicant Name Legg Family Trust

Watermaster Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this _____ day of _____, 2018

Clyford Condy
Watermaster Signature

Printed Name