



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 4, 2014

LARRY ANDERSEN
PO BOX 759
HAILEY ID 83333-0759

Larry
720-3924 cell

RE: Water Right Permit 37-8856

Dear Mr. Andersen:

The Idaho Department of Water Resources (IDWR) has a water right permit on file, 37-8856 (copy enclosed), that authorizes use of water for industrial purposes (an asphalt plant) within the place of use as described in the enclosed permit. The next step in the water appropriation process is for a field examination to be conducted and a license to be issued that will characterize the extent of beneficial use that has occurred in connection with the industrial water use.

IDWR is attempting to contact the current owner of the property described by the permit. The Blaine County assessor's records show that you are the owner of the property at this time.

I am scheduling some field work in the Upper Big Wood River area this month and would like to schedule a time with you that I can gain access to the site in order to complete a field examination.

Please contact me at (208) 287-4959 to schedule a time to meet or if you have any questions in regard to this matter.

Sincerely,

Tim Luke
Water Compliance Bureau

Enclosure

State of Idaho
Department of Water Resources

****AMENDED****

Permit To Appropriate Water

****AMENDED****

NO. 37-08856

Proposed Priority: July 15, 1996

Maximum Diversion Rate:

1.15 CFS

This is to certify, that **HEATH MARSHALL INC**
C/O JAMES P SPECK ESQ
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340-0987

has applied for a permit to appropriate water from: **GROUNDWATER**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

INDUSTRIAL

01/01 to 12/31

1.15 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 13, Township 01N, Range 18E
SESW , Sec. 13, Township 01N, Range 18E
BLAINE County

PLACE OF USE: INDUSTRIAL

TWN RGE SEC

01N 18E 13

NESW

SWSW

SESW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **December 1, 1999**.
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 permit holder had no control.
4. Use of water under this right is subject to control by the watermaster of State Water District No. 37.
5. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. The right holder shall comply with Idaho well construction standards when constructing a well pursuant to this right.
8. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
9. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

MICROFILMED

JAN 23 1997

State of Idaho
Department of Water Resources****AMENDED******Permit To Appropriate Water******AMENDED****

NO. 37-08856

CONDITIONS OF APPROVAL AND REMARKS

10. The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
11. The use of water under this right is contingent upon the implementation of the following three measures to mitigate potential impacts to prior surface and groundwater rights:
 - a. The right holder shall discontinue the irrigation of one acre within the NWSE, S13, T01N, R18E, under Rights 37-00235A, 37-00236, and 37-00308.
 - b. The water normally diverted for the irrigation of the one acre, currently estimated by the applicant to be 0.224 cfs, shall be diverted into a gravel pit located in Sec. 13 to compensate for the annual consumption of approximately 2.5 acre feet of water under this right.
 - c. Diversion and use of water under this right may occur only if the right holder has annually diverted 2.5 AF of water to the gravel pit under rights 37-00235A, 37-00236, and 37-00308 as mitigation for the industrial use.
12. For purposes of regulating this right with respect to other groundwater rights, the priority of this right shall be July 15, 1996.
13. The Director retains jurisdiction over the use of water under this right to adjust the mitigation.
14. Prior to the diversion of water under this right, the right holder shall install and maintain a totalizing measuring device and lockable controlling works on each point of diversion. The right holder shall obtain prior approval of the department relative to the type of totalizing measuring device and lockable controlling works.
15. Industrial use is for an asphalt batch plant and concrete batch plant.
16. This approval does not confirm the validity or extent of rights 37-00235A, 37-00236, or 37-00308.
17. The right holder shall cease diversion under this right if the right holder cannot perpetually provide suitable mitigation, as determined by the department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

9th day of January, 1997.

Karl J. Dreher
for Karl J. Dreher, Director

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