

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 65-22911

**PRIORITY:** November 30, 2004

Maximum Diversion Rate: 0.73 CFS

Maximum Diversion Volume: 60.0 AF

It is hereby certified that:

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

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 16, 2004, and has submitted Proof of Beneficial Use on February 01, 2010. An examination confirms water is diverted from:

**SOURCE:**  
GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u>   | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL DIVERSION VOLUME</u> |
|-------------------------|----------------------|-----------------------|--------------------------------|
| FIRE PROTECTION STORAGE | 01/01 to 12/31       |                       | 60.0 AF                        |
| WILDLIFE STORAGE        | 01/01 to 12/31       |                       | 60.0 AF                        |
| RECREATION STORAGE      | 01/01 to 12/31       |                       | 60.0 AF                        |
| AESTHETIC FROM STORAGE  | 01/01 to 12/31       |                       | 60.0 AF                        |
| AESTHETIC STORAGE       | 01/01 to 12/31       |                       | 60.0 AF                        |
| DIVERSION TO STORAGE    | 01/01 to 12/31       | 0.73 CFS              |                                |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |                                         |                                                           |
|--------------|-----------------------------------------|-----------------------------------------------------------|
| GROUND WATER | SE $\frac{1}{4}$ NE $\frac{1}{4}$       | Sec. 12, Twp 18N, Rge 02E, B.M. VALLEY County             |
| GROUND WATER | SE $\frac{1}{4}$ NE $\frac{1}{4}$       | Sec. 12, Twp 18N, Rge 02E, B.M. VALLEY County             |
| GROUND WATER | L3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) | Sec. 7, Twp 18N, Rge 02E, B.M. VALLEY County(Injection)   |
| GROUND WATER | L3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) | Sec. 7, Twp 18N, Rge 02E, B.M. VALLEY County(Rediversion) |

**PLACE OF USE:** AESTHETIC 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 |        |
| 18N | 03E | 7   |    |    |    |    |    |    | X<br>L 2 |    | X  | X<br>L 3 |    | X  |    |    | X  |    |        |

**PLACE OF USE:** AESTHETIC STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, AND FIRE PROTECTION 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 |        |
| 18N | 03E | 7   |    |    |    |    |    |    | X<br>L 2 |    |    |    |    | X  |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

- The following rights are diverted through point(s) of diversion described above: 65-13704, 65-13751 and 65-22911.
- Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.

State of Idaho  
Department of Water Resources  
**Water Right License**  
WATER RIGHT NO. 65-22911

3. After specific notification by the Department, the right holder shall install on the two points of diversion from ground water a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Water diverted under this right is injected into Williams Creek at the authorized point of injection and rediverted from Williams Creek at the authorized point of rediversion. Water shall not be rediverted from Williams Creek unless an equal amount of water is simultaneously being injected into Williams Creek.
5. The right holder shall install and maintain acceptable measuring devices at the point of injection into Williams Creek and at the point of rediversion from Williams Creek.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the point of injection and point of rediversion from Williams Creek.
7. Right 65-22911 authorizes the storage of an annual total of 60 af, comprised of 27.6 af to be used for the initial filling or carryover storage for Annie Pond, 4.1 af for the replacement of losses due to evaporation from Annie Pond, and up to 28.3 af for refilling Annie Pond when water stored in it is released from Annie Pond (Aesthetic from Storage) and stored again in Whitetail Pond to replace evaporation losses and use from storage pursuant to Rights 65-13640 and 65-13704.
8. Rights 65-13704, 65-13751 and 65-22911 when combined shall not exceed a total diversion rate of 0.73 cfs and a total annual maximum diversion volume of 74.4 af for the non-irrigation uses.
9. Rights 65-13640, 65-13704, 65-13751, and 65-22911 when combined authorize the storage of an annual total of 154.4 af, comprised of 118 af to be used for the initial filling or carryover storage for Annie Pond and Whitetail Pond, 15 af for the replacement of losses due to evaporation from the two ponds, and 21.4 af to replace water taken from storage for irrigation or other authorized beneficial use.
10. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
11. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 12<sup>th</sup> day of February, 2018.



SHELLEY W. KEEN  
Water Rights Section Manager

State of Idaho  
Department of Water Resources

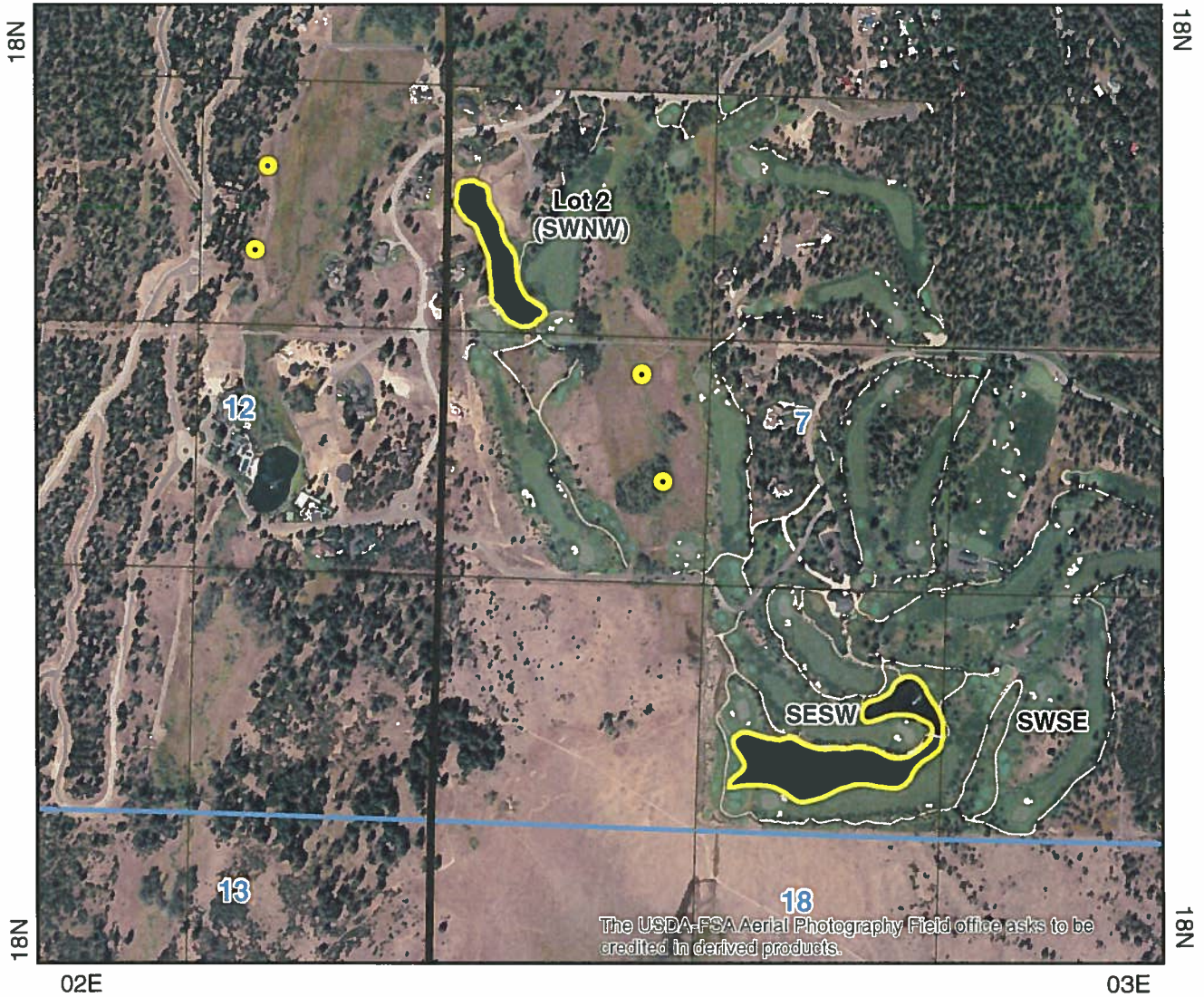
# Attachment to Water Right License

65-22911

This map depicts the WILDLIFE STORAGE, FIRE PROTECTION STORAGE, RECREATION STORAGE, AND AESTHETIC 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.

02E

03E



Point of Diversion



Place Of Use Boundary



Townships



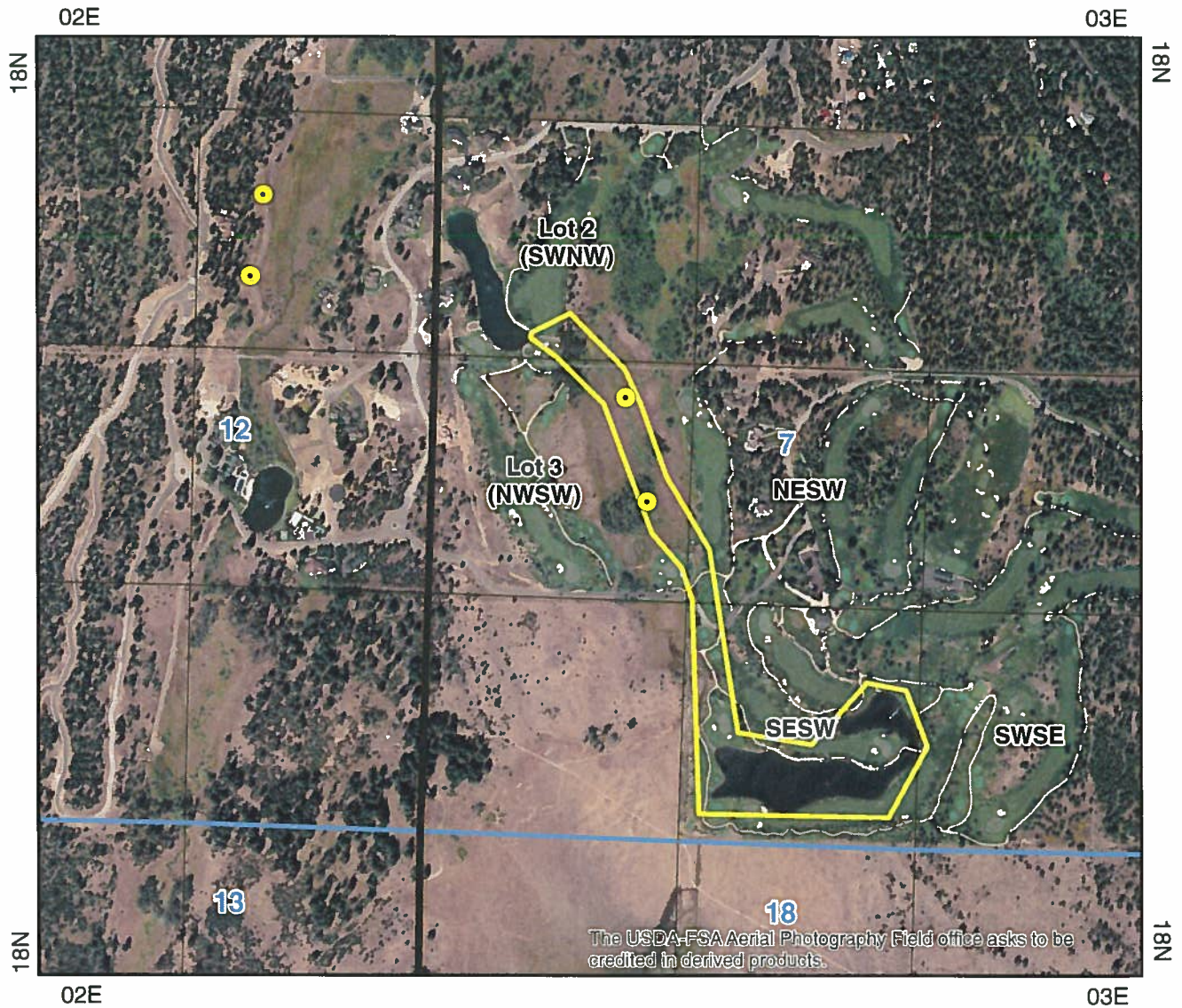
PLS Sections

0 0.1 0.2 0.4 Miles



State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
65-22911

This map depicts the AESTHETIC 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 0.1 0.2 0.4 Miles





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 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

February 14, 2018

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

RE: License Nos. 65-13470, 65-13640, 65-13704, 65-13751 & 65-22911

### Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendments.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs, Water Rights Supervisor  
Water Right Permits Section

Enclosure(s)

cc: WATER DISTRICT #65  
SPF WATER ENGINEERING LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on February <sup>16 DDB</sup> 18, 2018 I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

**RE: WATER RIGHT NOS. 65-13470, 65-13640, 65-13704, 65-13751 & 65-22911**

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

**SPF WATER ENGINEERING LLC  
C/O TERRY SCANLAN  
300 E MALLARD DR STE 350  
BOISE ID 83706**

**WATER DISTRICT #65  
RON SHURTLEFF  
102 N MAIN ST  
PAYETTE ID 83661**



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Darla Block  
Technical Records Specialist

## 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.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 65-22911**

RECEIVED

FEB 09 2018

DEPARTMENT OF  
WATER RESOURCES

PRIORITY: November 30, 2004

Maximum Diversion Rate: 0.73 CFS

Maximum Diversion Volume: 60.0 AF

Comes now

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

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 65-22911, and requests that the permit be changed as follows:

**SOURCE:**  
GROUND WATER

| <u>BENEFICIAL USE</u>   | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL DIVERSION VOLUME</u> |
|-------------------------|----------------------|-----------------------|--------------------------------|
| FIRE PROTECTION STORAGE | 01/01 to 12/31       |                       | 60.0 AF                        |
| WILDLIFE STORAGE        | 01/01 to 12/31       |                       | 60.0 AF                        |
| RECREATION STORAGE      | 01/01 to 12/31       |                       | 60.0 AF                        |
| AESTHETIC FROM STORAGE  | 01/01 to 12/31       |                       | 60.0 AF                        |
| DIVERSION TO STORAGE    | 01/01 to 12/31       | 0.73 CFS              |                                |
| AESTHETIC STORAGE       | 01/01 to 12/31       |                       | 60.0 AF                        |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 12, Twp 18N, Rge 02E, B.M. VALLEY County  
GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 12, Twp 18N, Rge 02E, B.M. VALLEY County  
GROUND WATER L3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) Sec. 7, Twp 18N, Rge 02E, B.M. VALLEY County(Injection)  
GROUND WATER L3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) Sec. 7, Twp 18N, Rge 02E, B.M. VALLEY County(Rediversion)

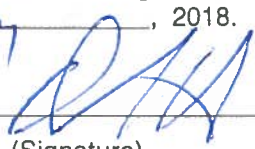
**PLACE OF USE: AESTHETIC FROM STORAGE**

| Twp | Rge | Sec | NE |    |    |    | NW |    |     |    | SW |     |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|-----|----|----|-----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW  | SE | NE | NW  | SW | SE | NE | NW | SW | SE |        |
| 18N | 03E | 7   |    |    |    |    |    |    | X   |    | X  | X   |    | X  |    |    | X  |    |        |
|     |     |     |    |    |    |    |    |    | L 2 |    |    | L 3 |    |    |    |    |    |    |        |

**PLACE OF USE: AESTHETIC STORAGE, FIRE PROTECTION STORAGE, RECREATION STORAGE, AND WILDLIFE 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 |        |
| 18N | 03E | 7   |    |    |    |    |    |    | X   |    |    |    |    | X  |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    | L 2 |    |    |    |    |    |    |    |    |    |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 5<sup>th</sup> day of February, 2018.

  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 65-22911**

FOR DEPARTMENT USE ONLY

Preliminary check by TE Fee = 100.00 Received by TE # C104639 Date 2/9/2018

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 65-22911 with the following:

**CONDITIONS OF APPROVAL**

1. The following rights are diverted through point(s) of diversion described above: 65-13704, 65-13751 and 65-22911.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
3. After specific notification by the Department, the right holder shall install on the two points of diversion from ground water a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Water diverted under this right is injected into Williams Creek at the authorized point of injection and rediverted from Williams Creek at the authorized point of rediversion. Water shall not be rediverted from Williams Creek unless an equal amount of water is simultaneously being injected into Williams Creek.
5. The right holder shall install and maintain acceptable measuring devices at the point of injection into Williams Creek and at the point of rediversion from Williams Creek.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the point of injection and point of rediversion from Williams Creek.
7. Right 65-22911 authorizes the storage of an annual total of 60 af, comprised of 27.6 af to be used for the initial filling or carryover storage for Annie Pond, 4.1 af for the replacement of losses due to evaporation from Annie Pond, and up to 28.3 af for refilling Annie Pond when water stored in it is released from Annie Pond (Aesthetic from Storage) and stored again in Whitetail Pond to replace evaporation losses and use from storage pursuant to Rights 65-13640 and 65-13704.
8. Rights 65-13704, 65-13751 and 65-22911 when combined shall not exceed a total diversion rate of 0.73 cfs and a total annual maximum diversion volume of 74.4 af for the non-irrigation uses.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 65-22911**

9. Rights 65-13640, 65-13704, 65-13751, and 65-22911 when combined authorize the storage of an annual total of 154.4 af, comprised of 118 af to be used for the initial filling or carryover storage for Annie Pond and Whitetail Pond, 15 af for the replacement of losses due to evaporation from the two ponds, and 21.4 af to replace water taken from storage for irrigation or other authorized beneficial use.
10. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
11. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 12<sup>th</sup> day of February, 2018.



SHELLEY W. KEEN  
Water Rights Section Manager

State of Idaho  
Department of Water Resources

# Attachment for Application to Amend a Permit

65-22911

This map depicts the FIRE PROTECTION STORAGE, WILDLIFE STORAGE, RECREATION STORAGE, AND AESTHETIC 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 0.1 0.2 0.4 Miles

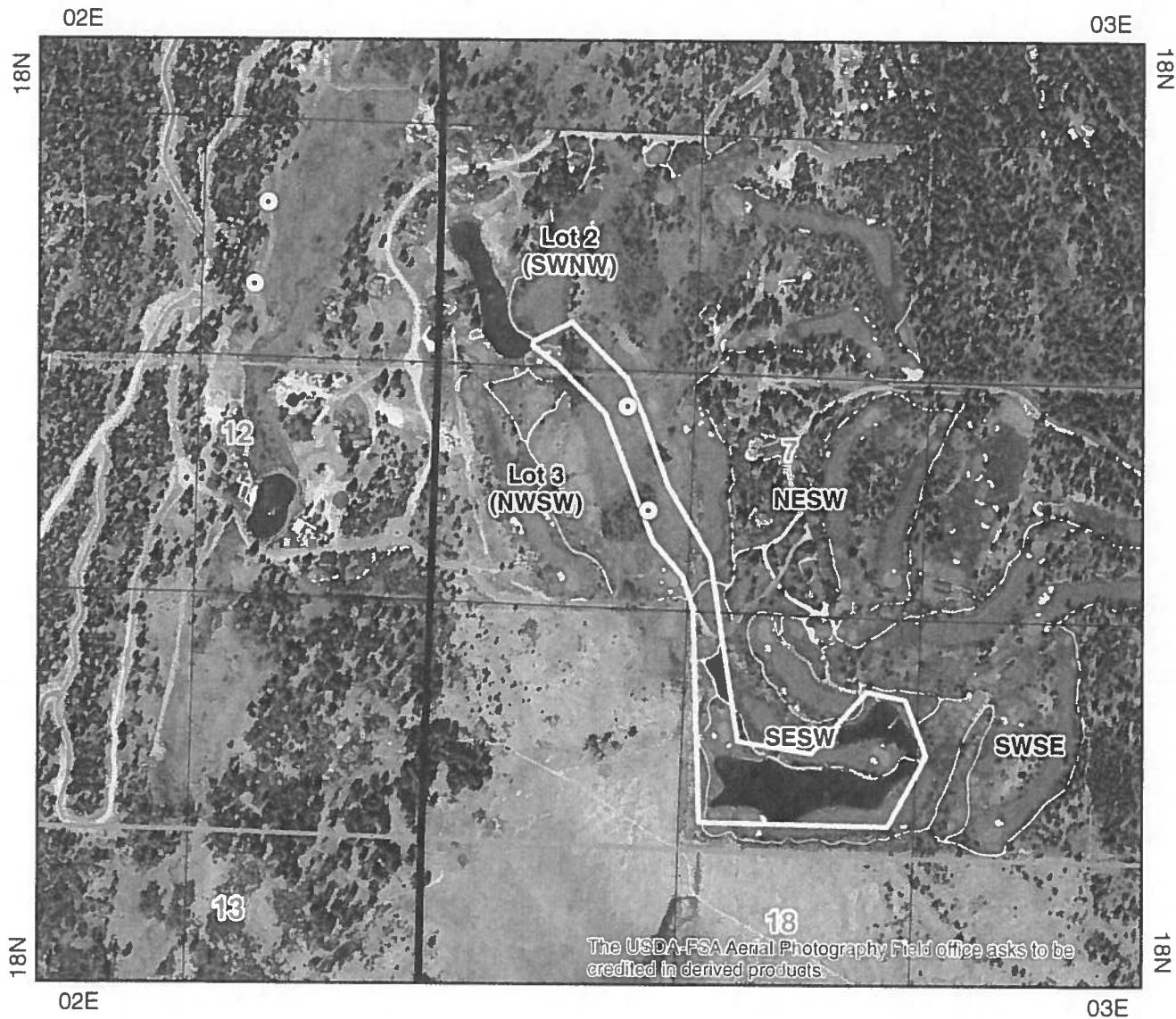


State of Idaho  
Department of Water Resources

# Attachment for Application to Amend a Permit

65-22911

This map depicts the AESTHETIC 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.



0 0.1 0.2 0.4 Miles

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





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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 29, 2018

SHORE LODGE WHITETAIL LLC  
C/O TERRY SCANLAN SPF WATER ENGINEERS  
300 E MALLARD DRIVE SUITE 350  
BOISE ID 83706

RE: Water Right Permits 65-13470, 65-13640, 65-13704, 65-13751 and 65-22911

Dear Permit Holder(s):

The Idaho Department of Water Resources (Department) is reviewing the permits referenced above prior to issuing a water right licenses. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit.

A group of amendments were sent out on January 22, 2018. It was discovered after the permits were sent out, that a name change was submitted to our regional office. That information was not forwarded to me, so I did not know we had received the information. Therefore, the amendment of permits sent on January 22, 2018 were sent with the incorrect name. Enclosed with this letter are amendments that have the correct name per the ownership documentation that was submitted.

The enclosed Application for Amendment forms depict the elements of the water rights as they will appear on the licenses when issued. Please review the amendment forms carefully. If you concur with the information presented, please sign and return the forms with the \$100.00 filing fee per water right or \$500.00 within 14 days or by February 15, 2018.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Daniel A. Nelson  
Analyst 3  
Water Right Section  
Idaho Department of Water Resources  
Telephone # (208) 287-4856  
Email – [dan.nelson@idwr.idaho.gov](mailto:dan.nelson@idwr.idaho.gov)

Enclosure(s):        5 Applications for Amendment with maps