

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-13640

PRIORITY: August 28, 1995

Maximum Diversion Rate: 1.60 CFS
Maximum Diversion Volume: 441.0 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 28, 1995, and has submitted Proof of Beneficial Use on October 17, 2001. An examination confirms water is diverted from:

SOURCE:
PAYETTE LAKE

TRIBUTARY:
NORTH FORK PAYETTE RIVER

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>
IRRIGATION FROM STORAGE	04/15 to 10/31		80.0 AF
IRRIGATION STORAGE	01/01 to 12/31		80.0 AF
RECREATION STORAGE	01/01 to 12/31		80.0 AF
IRRIGATION	04/15 to 10/31	1.60 CFS	441.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.60 CFS	

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE LAKE L2 (SE¼NW¼) Sec. 8, Twp 18N, Rge 03E, B.M. VALLEY County

PLACE OF USE: RECREATION STORAGE AND IRRIGATION 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					

PLACE OF USE: IRRIGATION AND IRRIGATION 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							8.0 L 2	12.0	26.0	16.0 L 3		29.0	10.0	22.0	24.0		147.0

Total Acres: 147

CONDITIONS OF APPROVAL

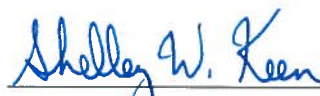
1. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-13640

3. The availability of water for this right is subject to all prior water rights of Lake Reservoir Co.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. Use of water under this water right shall conform with any applicable provisions of the Lake Management Plan, as adopted by the Idaho Legislature and enacted into law, pursuant to the Big Payette Lake Water Quality Act.
6. The irrigation components of Rights 65-13640 and 65-13704 when combined shall not exceed a total annual maximum diversion volume of 441 af and the irrigation of 147 acres.
7. Rights 65-13640, 65-13704, 65-13751, and 65-22911 authorize the storage of an annual total of 133 af, comprised of 118 af to be used for the initial filling or carryover storage of the ponds and 15 af for the replacement of losses due to evaporation for the 2 ponds known locally as Annie Pond and Whitetail Pond.
8. Storage of water pursuant to this right is limited to the pond known locally as Whitetail Pond.
9. Recreation use is for fishing and swimming.
10. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

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.

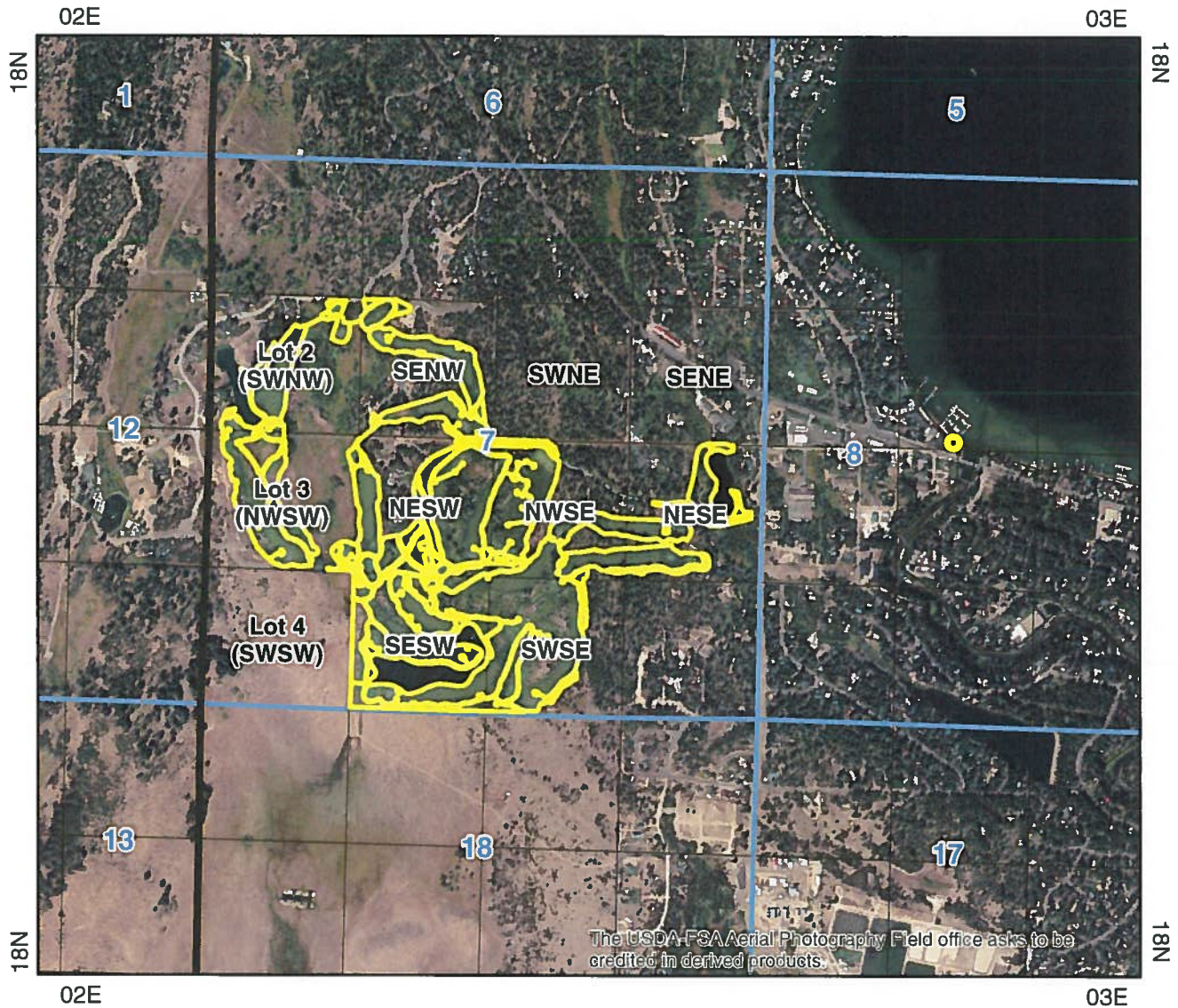
Signed this 12th day of February, 2018.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
65-13640

This map depicts the IRRIGATION and IRRIGATION 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.



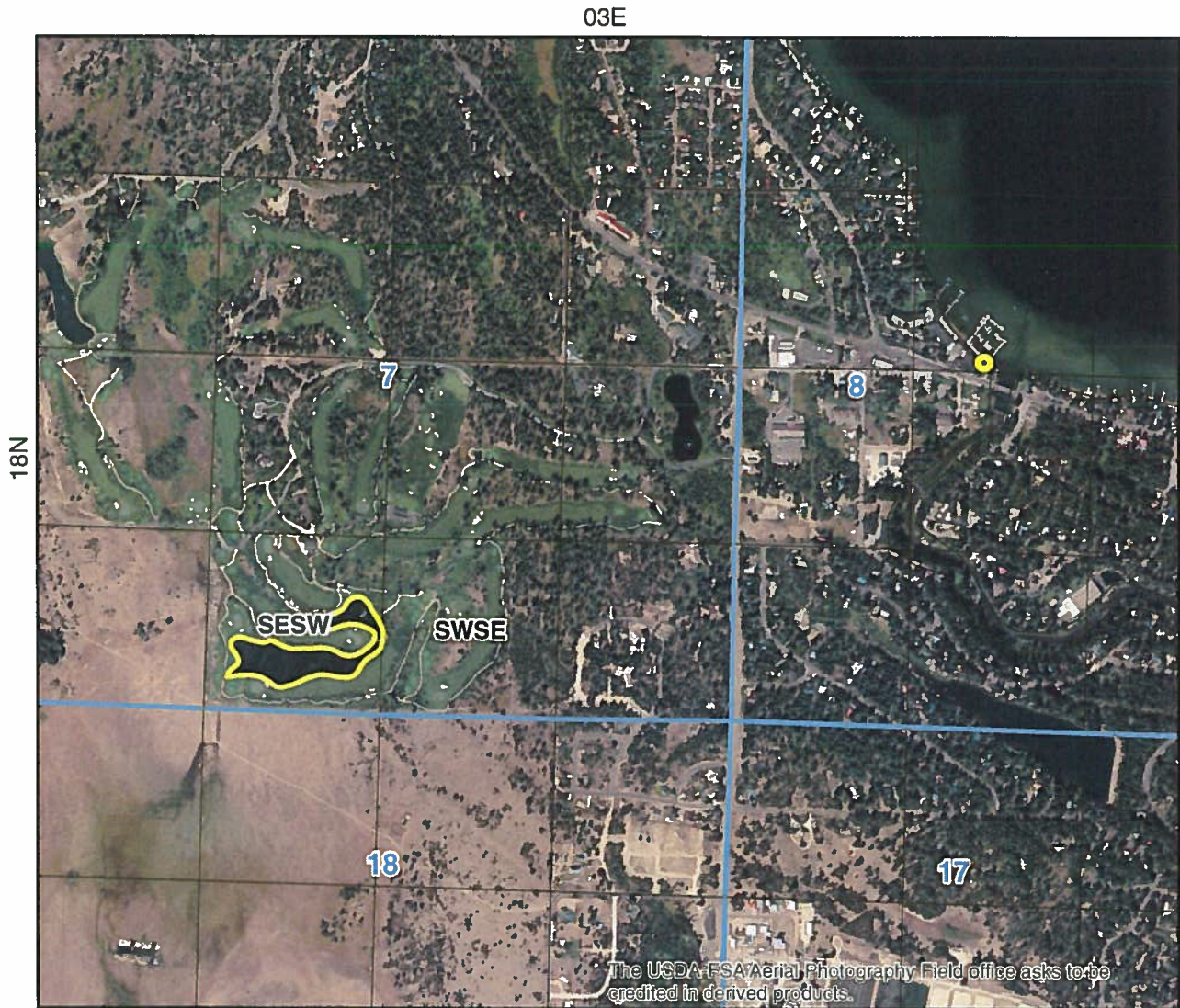
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.2 0.4 0.8 Miles



State of Idaho
Department of Water Resources
Attachment to Water Right License
65-13640

This map depicts the RECREATION STORAGE and IRRIGATION 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 0.15 0.3 0.6 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

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,

A handwritten signature in cursive script, reading 'Pamela Skaggs'.

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 ^{16 DAB} 15, 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**



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. 65-13640

RECEIVED**FEB 09 2018****DEPARTMENT OF
WATER RESOURCES****PRIORITY:** August 28, 1995

Maximum Diversion Rate: 1.60 CFS
Maximum Diversion Volume: 441.0 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. 65-13640, and requests that the permit be changed as follows:

SOURCE:
PAYETTE LAKE

TRIBUTARY:
NORTH FORK PAYETTE RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION FROM STORAGE	04/15 to 10/31		80.0 AF
IRRIGATION STORAGE	01/01 to 12/31		80.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.60 CFS	
RECREATION STORAGE	01/01 to 12/31		80.0 AF
IRRIGATION	04/15 to 10/31	1.60 CFS	441.0 AF

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE LAKE L2 (SE¼NW¼) Sec. 8, Twp 18N, Rge 03E, B.M. VALLEY County

PLACE OF USE: RECREATION STORAGE AND IRRIGATION STORAGE

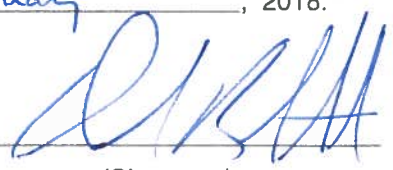
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18N	03E	7												X					

PLACE OF USE: IRRIGATION AND IRRIGATION 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							8.0 L 2	12.0	26.0	16.0 L 3		29.0	10.0	22.0	24.0		147.0

Total Acres: 147

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 5th day of February, 2018.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 65-13640

FOR DEPARTMENT USE ONLY

Preliminary check by TV Fee = 100.00 Received by TV # 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. 65-13640 with the following:

CONDITIONS OF APPROVAL

1. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
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. The availability of water for this right is subject to all prior water rights of Lake Reservoir Co.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
5. Use of water under this water right shall conform with any applicable provisions of the Lake Management Plan, as adopted by the Idaho Legislature and enacted into law, pursuant to the Big Payette Lake Water Quality Act.
6. The irrigation components of Rights 65-13640 and 65-13704 when combined shall not exceed a total annual maximum diversion volume of 441 af and the irrigation of 147 acres.
7. Rights 65-13640, 65-13704, 65-13751, and 65-22911 authorize the storage of an annual total of 133 af, comprised of 118 af to be used for the initial filling or carryover storage of the ponds and 15 af for the replacement of losses due to evaporation for the 2 ponds known locally as Annie Pond and Whitetail Pond.
8. Storage of water pursuant to this right is limited to the pond known locally as Whitetail Pond.
9. Recreation use is for fishing and swimming.
10. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.

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

Signed this 12th day of February, 2018.



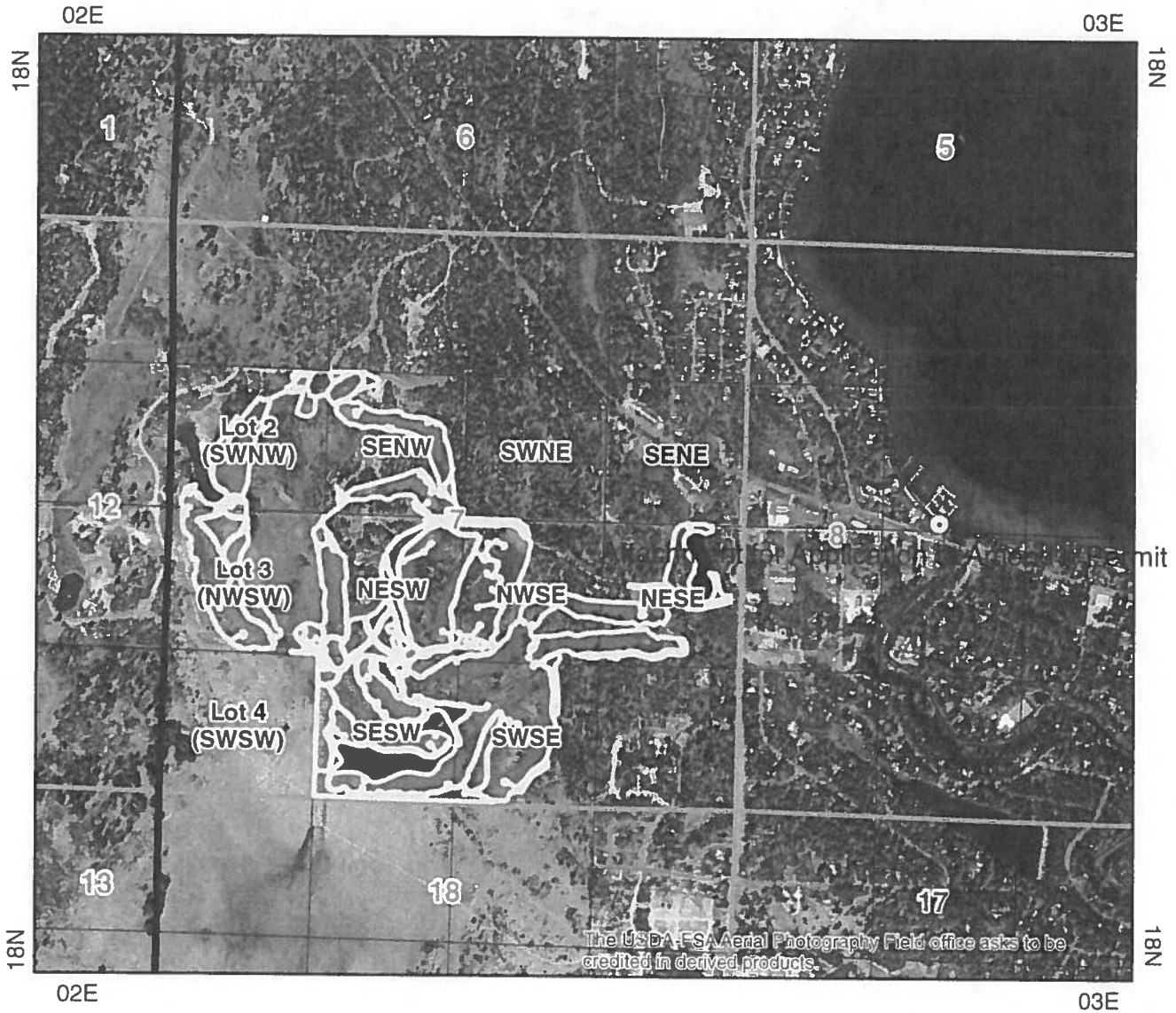
SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

65-13640

This map depicts the IRRIGATION and IRRIGATION 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.



State of Idaho
Department of Water Resources

Attachment for Application to Amend a Permit

65-13640

This map depicts the RECREATION STORAGE and IRRIGATION 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 0.15 0.3 0.6 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 • Website: 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

Enclosure(s): 5 Applications for Amendment with maps