

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 75-14276

PRIORITY: August 08, 1985

Maximum Diversion Rate: 0.06 CFS

It is hereby certified that:

PATRICIA GEBEL 527 TUMBLE CREEK LN FALLBROOK CA 92028 And/Or

MICHAEL J GEBEL 527 TUMBLE CREEK LN FALLBROOK CA 92028

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated , and has submitted Proof of Beneficial Use on November 04, 1986. An examination confirms water is diverted from:

SOURCE:
NAPOLEON GULCH CREEK

TRIBUTARY:
SALMON 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>
STOCKWATER	01/01 to 12/31	0.02 CFS	0.4 AF
IRRIGATION	04/01 to 10/31	0.06 CFS	
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NAPOLEON GULCH CREEK L12 (NW¼NW¼) Sec. 2, Twp 23N, Rge 21E, 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	
24N	21E	35											X						

PLACE OF USE: STOCKWATER

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	21E	2						X											
24N	21E	35											X						

PLACE OF USE: IRRIGATION

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	21E	2						0.8											.8
							L 12												
24N	21E	35											1.2						1.2

Total Acres: 2

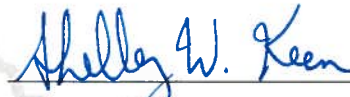
State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 75-14276

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2. Domestic use is for 1 home.
3. This right does not grant any right-of-way or easement across the land of another.
4. Place of use is located within Lot 4, Napoleon Creek Subdivision.

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 16th day of January, 2018.

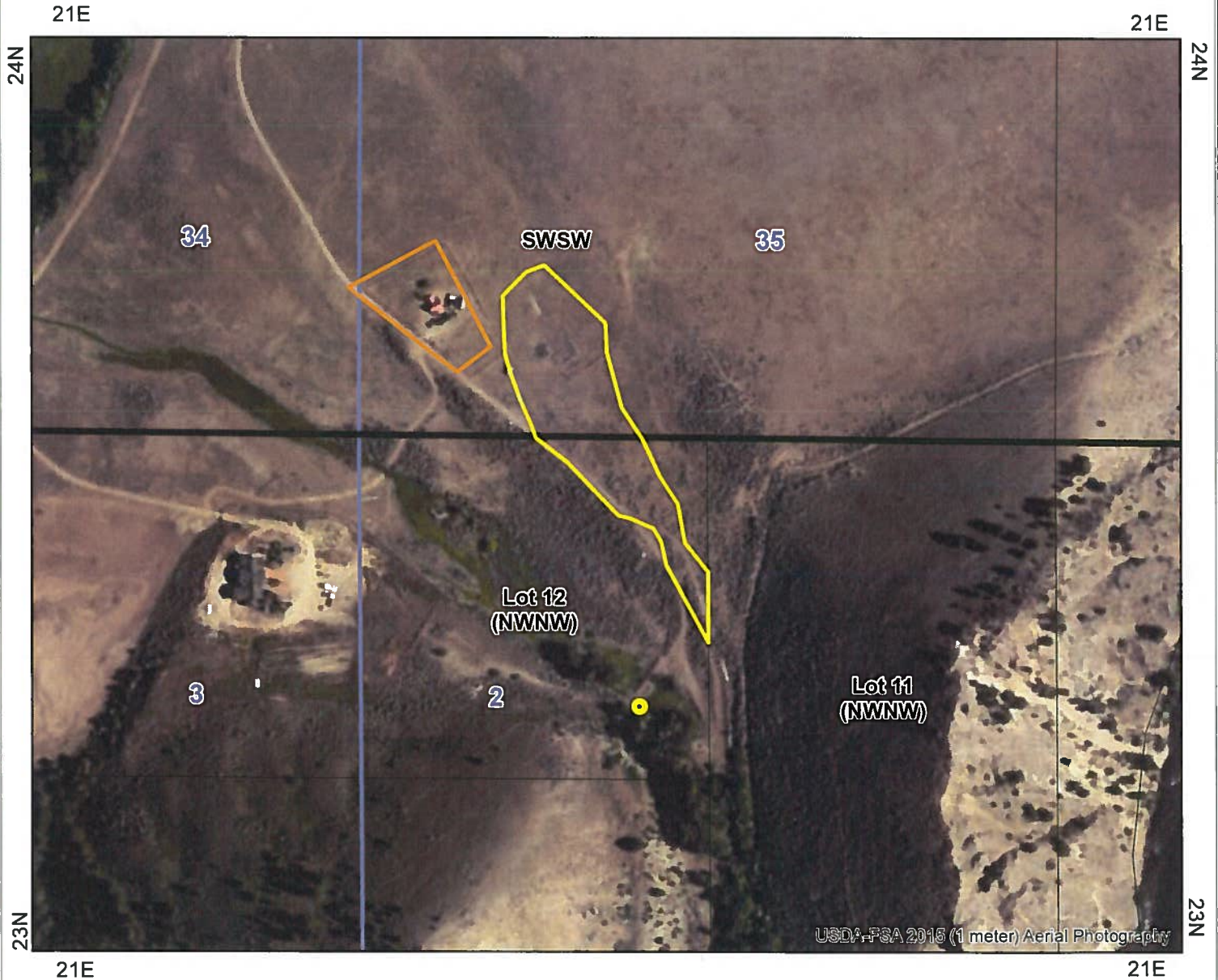


A handwritten signature in blue ink, reading "Shelley W. Keen", is written over a horizontal line.

SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Water Right License
75-14276

This map depicts the IRRIGATION and STOCKWATER place of use boundary and point of diversion for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Domestic Place of Use
-  Irrigation and Stockwater Place of Use
-  Townships
-  PLS Sections



0 500 1,000 Feet



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

January 17, 2018

PATRICIA GEBEL
MICHAEL J GEBEL
527 TUMBLE CREEK LN
FALLBROOK CA 92028

RE: License No. 75-14276

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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 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 blue ink that reads "Pamela Skaggs".

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

75-14276

**MICHAEL J GEBEL
527 TUMBLE CREEK LN
FALLBROOK CA 92028**

**PATRICIA GEBEL
527 TUMBLE CREEK LN
FALLBROOK CA 92028**

A handwritten signature in blue ink, reading "Darla Block", is written over a horizontal line.

**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. 75-14276

RECEIVED

JAN 11 2018

DEPARTMENT OF
WATER RESOURCES

PRIORITY: August 08, 1985

Address updated
by TP 1/11/2018

Maximum Diversion Rate: 0.06 CFS

Comes now

NEW ADDRESS: 527 Tumble Creek Ln.

PATRICIA GEBEL 1395 SUNSET GROVE RD FALLBROOK CA 92028 And/Or

MICHAEL J GEBEL 1395 SUNSET GROVE RD FALLBROOK CA 92028

527 Tumble Creek Ln

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. 75-14276, and requests that the permit be changed as follows:

SOURCE:
NAPOLEON GULCH CREEK

TRIBUTARY:
SALMON RIVER

BENEFICIAL USE

STOCKWATER
IRRIGATION
DOMESTIC

PERIOD OF USE

01/01 to 12/31
04/01 to 10/31
01/01 to 12/31

DIVERSION RATE

0.02 CFS
0.06 CFS
0.04 CFS

ANNUAL DIVERSION VOLUME

0.4 AF
0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

NAPOLEON GULCH CREEK L12 (NW¼NW¼) Sec. 2, Twp 23N, Rge 21E, 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	
24N	21E	35											X						

PLACE OF USE: STOCKWATER

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	21E	2						X											
24N	21E	35											X						

PLACE OF USE: IRRIGATION

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	21E	2						0.8											.8
24N	21E	35						L 12					1.2						1.2

Total Acres: 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 8 day of January, 2017. 2018

[Signature]
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-14276

FOR DEPARTMENT USE ONLY

Preliminary check by TP Fee = 100⁰⁰ Received by TP # C104529 Date 1-11-2018

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 75-14276 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
2. Domestic use is for 1 home.
3. This right does not grant any right-of-way or easement across the land of another.
4. Place of use is located within Lot 4, Napoleon Creek Subdivision.

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

Signed this 8 day of January, ~~2017~~ 2018

Shelley W. Keen

SHELLEY W. KEEN
Water Rights Section Manager



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

November 7, 2017

RECEIVED

JAN 11 2018

DEPARTMENT OF
WATER RESOURCES



Michael & Patricia Gebel
527 Tumble Creek Lane
Fallbrook, CA 92028

RE: Water Right Permit No. 75-14276

Dear Mr. and Mrs. Gebel:

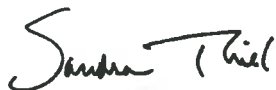
On September 26, 1985, the Idaho Department of Water Resources (Department) issued permit 75-7428 authorizing the development of 0.20 cfs for 12 acres of irrigation and for stockwater and domestic uses. During the beneficial use field exam it became evident that the domestic and stockwater uses were developed differently than the location on the water right permit. The quarter quarters on the permit include

By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The permit describes the beneficial use. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

I have enclosed Application for Amendment for permit 75-14276 form which depicts the elements of the water right as it will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the \$100.00 filing fee within 21 days, by November 29, 2017.

If you have any questions, please call me at (208)287-4881.

Sincerely,



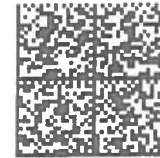
Sandra Thiel

Enclosure(s): Application for Amendment

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PRESORTED
FIRST CLASS



U.S. POSTAGE PITNEY BOWES



ZIP 83702 \$ 000.37³
02 1W
0001393358 JUL 20 2017

RECEIVED

JUL 27 2017

DEPARTMENT OF
WATER RESOURCES

Sandy

MICHAEL J GEBEL
PATRICIA GABEL
22 NAPOLEON CREEK RD
SALMON ID NIXIE

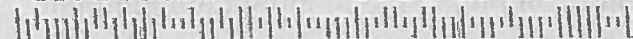
841 FE 1800 0007/25/17

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

ANK
83720>0098 8346

BC: 837200098

*3014-13588-20-40





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

December 11, 2017

PATRICIA GEBEL
MICHAEL J GEBEL
1395 SUNSET GROVE RD
FALLBROOK CA 92028

Notice of Intent to Void

RE: Water Right Permit No. 75-14276

Dear Mr. and Mrs. Gebel:

On September 26, 1985, the Idaho Department of Water Resources (Department) issued permit 75-7428 authorizing the development of 0.20 cfs for 12 acres of irrigation and for stockwater and domestic uses. During the beneficial use field exam it became evident that the domestic and stockwater uses were developed differently than the location on the water right permit. The quarter quarters on the permit include

By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The permit describes the beneficial use. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

I have enclosed Application for Amendment for permit 75-14276 form which depicts the elements of the water right as it will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the \$100.00 filing fee within 21 days, by January 2, 2018. **If I do not hear from you within 21 days, I will assume you are no longer interested and I will take action to void permit 75-14276.**

If you have any questions, please call me at (208)287-4881.

Sincerely,

Sandra Thiel

Enclosure(s): Application for Amendment



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

November 7, 2017

PATRICIA GEBEL
MICHAEL J GEBEL
1395 SUNSET GROVE RD
FALLBROOK CA 92028

RE: Water Right Permit No. 75-14276

Dear Mr. and Mrs. Gebel:

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I have enclosed Application for Amendment for permit 75-14276 form which depicts the elements of the water right as it will appear on the license when issued. Please review the amendment form carefully. If you concur with the information presented, please sign and return the form with the \$100.00 filing fee within 21 days, by November 29, 2017.

If you have any questions, please call me at (208)287-4881.

Sincerely,

Sandra Thiel

Enclosure(s): Application for Amendment