

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 71-10979

Priority: September 13, 2017

Maximum Diversion Rate: 0.20 CFS

This is to certify, that PATRICK D FUREY
301 E BROOKHOLLOW DR
BOISE ID 83706

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
IRRIGATION	05/01 to 10/31	0.20 CFS
DOMESTIC	05/01 to 10/31	0.02 CFS
STOCKWATER	05/01 to 10/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SW1/4 Sec. 17, Twp 10N, Rge 13E, B.M.
CUSTER County

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	
10N 13E 17											2.0	8.7					10.7

Total Acres: 10.7

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	
10N 13E 17											X	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	
10N 13E 17											X	X					

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 71-10979

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2019**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. 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. 170 and sub district 71.
5. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
6. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.
7. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
8. 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.
9. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.
10. The place of use does not include federal land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 21ST day of December, 2017.



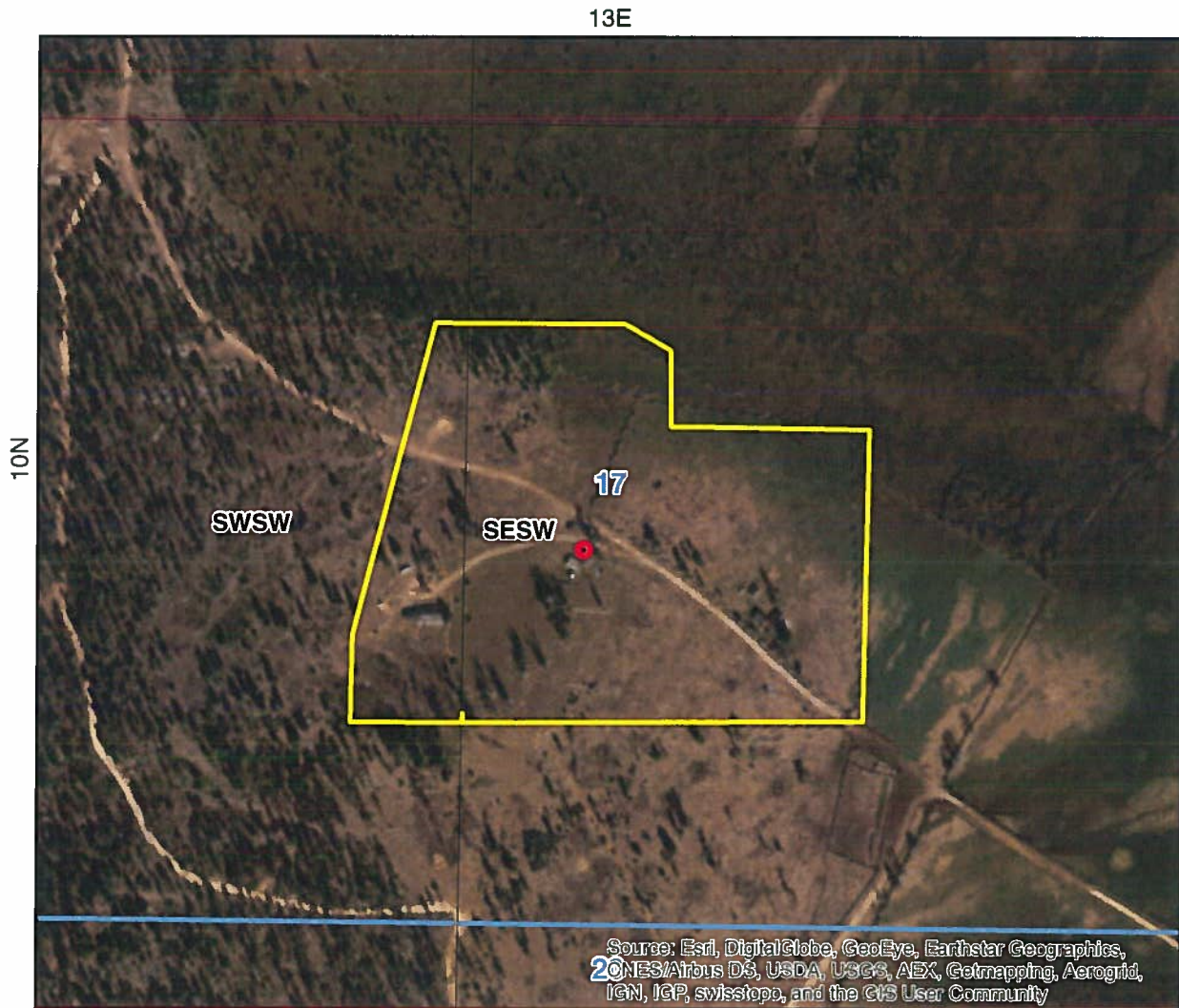
COREY SKINNER, Southern Region Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

71-10979

This map depicts the IRRIGATION, DOMESTIC, and STOCKWATER 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

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 21, 2017

PATRICK D FUREY
301 E BROOKHOLLOW DR
BOISE ID 83706

RE: Permit No. 71-10979

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, 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 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure(s)

cc:

WATER DISTRICT 170
CINDY YENTER
102 S WARPATH
SALMON ID 83467-4435

WATER DISTRICT 71
MORGAN MILLER
3594 HOTSPRINGS RD
CHALLIS ID 83226

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 71-10979

**PATRICK D FUREY
301 E BROOKHOLLOW DR
BOISE ID 83706**

WATER DISTRICT 170 *via e-mail*
CINDY YENTER
102 S WARPATH
SALMON ID 83467-4435

WATER DISTRICT 71 *via e-mail*
MORGAN MILLER
3594 HOTSPRINGS RD
CHALLIS ID 83226



**Denise Maline
Administrative Assistant**

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.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

DEPT OF WATER RESOURCES
SOUTHERN REGION

I, James M. Smirch, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated November 16th 2017 and ending with the issue dated November 22nd 2017

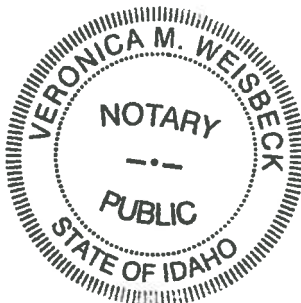
James M. Smirch

STATE OF IDAHO

COUNTY OF CUSTER

On this 23rd day of November in the year of 2017, before me, a Notary Public, personally appeared James Smirch, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that (s)he executed the same.

Veronica M. Weisbeck
Notary Public of Idaho
Residing at Challis, Idaho
My commission expires 11/9/21



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

71-10979
PATRICK D FUREY
301 E BROOKHOLLOW DR
BOISE, ID 83706
Point of Diversion SESW S17 T10N R13E CUSTER County Source GROUND WATER Tributary
Use: DOMESTIC 05/01 to 10/31 0.02 CFS
Use: IRRIGATION 05/01 to 10/31 0.2 CFS
Use: STOCKWATER 05/01 to 10/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 9/13/2017
Place Of Use: IRRIGATION, DOMESTIC, STOCKWATER
T10N R13E S17 SWSW SESW
Total Acres: 10.7
Application for permit proposes to divert 0.20 cfs ground water from a proposed well for the irrigation of 10.7 acres and for domestic/stock water use. Proposed point of diversion and place of use is located approximately 2.0 miles west and 1.8 miles south of the Highway 75 & 21 intersection in Stanley. This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because 0.20 cfs and 10.7 acres will be applied to the subordination amounts specified in the decree for the Salmon River Wild & Scenic River.

71-10980
DENNIS THORNOCK
PO BOX 1003
CHALLIS, ID 83226
Point of Diversion NENW S20 T10N R13E CUSTER County Source GROUND WATER Tributary
Use: IRRIGATION 05/01 to 10/31 0.2 CFS
Use: STOCKWATER 05/01 to 10/31 0.02 CFS
Total Diversion: 0.2 CFS
Date Filed: 9/18/2017
Place Of Use: IRRIGATION, STOCKWATER
T10N R13E S20 NENW
Total Acres: 8.7
Application for permit proposes to divert 0.2 cfs ground water from a proposed new well for stock water and irrigation of 8.7 acres. Proposed point of diversion and place of use is located approximately 1.9 miles west and 2.0 miles south of the Highway 75 & 21 intersection in Stanley. This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because 0.2 cfs and 8.7 acres will be applied to the subordination amounts specified in the decree for the Salmon River Wild & Scenic River.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before December 4, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published: November 16 and 22, 2017

✓ OK DM 12/4/2017

Maline, Denise

From: Moulton, Mark -FS <mmoulton@fs.fed.us>
Sent: Wednesday, November 29, 2017 5:21 PM
To: Maline, Denise
Cc: Karma Bragg; Barnes, Sharon - FS; Flannigan, Kirk E -FS; Spencer, Steven M -FS; Yenter, Cindy; Cassel, Amy
Subject: 71-10979 and 71-10980 support

Ms. Maline,

We have reviewed the 71-10979 and 71-10980 applications to appropriate water near Stanley, Idaho. They are for irrigation on two parcels of private land. One is currently adjacent to National Forest System land and both are surrounded by lands anticipated to become part of the National Forest System in the near future. The owners have been collaborating with a number of interested NGO, State, and federal partners on comprehensive changes to both the extent and means of irrigation within the vicinity. The changes are intended to address limiting stream and riparian habitat conditions within Meadow and Goat Creeks. These proposed new groundwater developments are integral to the intended outcomes. The Sawtooth National Forest is a party in these collaborations and fully supports these efforts.

Mark Moulton
Water and Fisheries Program Leader
Sawtooth National Recreation Area
5 North Fork Road
Ketchum, Idaho 83333
mmoulton@fs.fed.us
208-727-5000

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Maline, Denise

From: The Challis Messenger <info@challismessenger.com>
Sent: Friday, November 10, 2017 2:50 PM
To: Maline, Denise
Subject: Re: LEGAL NOTICES

Denise, we received the two legal notices you sent. We'll publish them November 16 and 22 (Thursday, November 23, being Thanksgiving Day and the Challis Messenger being published a day earlier that week).

Jim Smirch

The Challis Messenger
208-879-4445

On Thu, Nov 9, 2017 at 9:33 AM, Maline, Denise <Denise.Maline@idwr.idaho.gov> wrote:

Attached please find (2) legal notices being submitted for publication on November 16th & 23rd, 2017. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you,

Denise Maline

Administrative Assistant I

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov