

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 75-14875

Priority: September 18, 2017

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JONATHAN N STICE And/or
TRACY M STICE
17811 ROMELLE AVE
SANTA ANA CA 92705

has applied for a permit to appropriate water from:

Source: SPRING**Tributary:** FOURTH OF JULY CREEK

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>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.04 CFS	
AESTHETIC STORAGE	01/01 to 12/31		4.0 AF
AESTHETIC	01/01 to 12/31	0.04 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE1/4SE1/4NW1/4 Sec. 29, Twp 24N, Rge 22E, B.M. LEMHI County

PLACE OF USE: AESTHETIC and AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
24N 22E 29								X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2018**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 1.0 acre-foot or a total surface area of 0.25 acres.
4. 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.
5. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.

State of Idaho
Department of Water Resources

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NO. 75-14875

6. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
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 does not grant any right-of-way or easement across the land of another.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

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

Signed this 7th day of November, 2017.



PAMELA S. SKAGGS, Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

75-14875

This map depicts the AESTHETIC STORAGE 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.

R22E

T24N



-  Point of Diversion
-  Place Of Use Boundary
-  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

November 8, 2017

JONATHAN N STICE
TRACY M STICE
17811 ROMELLE AVE
SANTA ANA CA 92705

RE: Permit Nos. 75-14875 & 75-14876

Permit Approval Notice

Dear Permit Holders:

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

The permits 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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

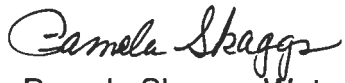
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either Proof of Beneficial Use forms or Request for Extension of Time forms.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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 208-287-4951.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Skaggs".

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2017 I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Approved Permits**) to the person(s) listed below:

RE: WATER RIGHT NOS.

75-14875 & 75-14876

**JONATHAN N STICE
17811 ROMELLE AVE
SANTA ANA CA 92705**

**TRACY M STICE
17811 ROMELLE AVE
SANTA ANA CA 92705**

A handwritten signature in black ink, reading "Darla Block". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

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.

APPLICATIONS FOR APPROPRIATION
OF PUBLIC WATERS

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

75-14869
COLLIN C OSGOOD
JESSIE ANN OSGOOD
1412 SHOUP ST
SALMON, ID 83467
Point of Diversion NESW S1 T19N R21E
LEMHI County

Source UNNAMED STREAM Tributary
SALMON RIVER

Use: IRRIGATION

04/01 to 10/31

0.16 CFS

Total Diversion:

0.16 CFS

Date Filed: 8/16/2017

Place Of Use: IRRIGATION

T19N R21E S1 L7(SWNW) L8(NWSW)

Total Acres: 8

This application proposes the diver-
sion and use of water from a unnamed
stream tributary of the Salmon River 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
the diversion rate and acre will be applied
to the subordination amounts specified in
the decree for the Wild & Scenic River
listed above.

75-14875

JONATHAN N STICE

TRACY M STICE

17811 ROMELLE AVE

SANTA ANA, CA 92705

Point of Diversion NESENW S29 T24N

R22E LEMHI County

Source SPRING Tributary FOURTH OF

JULY CREEK

Use: AESTHETIC

01/01 to 12/31

0.04 CFS

Use: AESTHETIC STORAGE

01/01 to 12/31

4 AF

Use: DIVERSION TO STORAGE

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS, 4 AF

Date Filed: 10/03/2017

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and
of general circulation therein. That the APPLICATIONS FOR APPROPRIATION, a true printed
copy of which is attached to the margin hereof, has been and was correctly printed and published
in the regular and entire issue of every number of said newspaper and not in any supplement
thereof or thereto for TWO (2) consecutive issue(s), commencing with the issue dated 10-19-2017
and ending with the issue dated 10-26-2017.

STATE OF IDAHO

County of Lemhi

ss.

On this 26th day of October in this year of 2017 before me, A Notary Public, personally ap-
peared RICKY G. HODGES, 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 he executed the same.

Residing At Salmon, Idaho

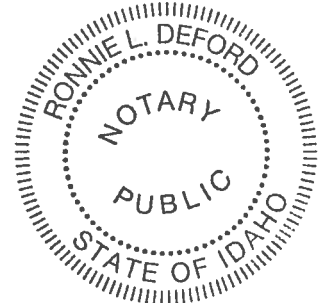
Notary Public for Idaho

My Commission expires: 4-10-2023

Publication Fee \$342.00

RECEIVED
OCT 30 2017
DEPARTMENT OF
WATER RESOURCES

2604
11-1-17
56103



Place Of Use: DIVERSION TO STORAGE, AESTHETIC STORAGE, AESTHETIC
T24N R22E S29 SENW

This application proposes the diversion and use of water from a spring tributary of the Salmon River 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 the diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14876

JONATHAN N STICE

TRACY M STICE

17811 ROMELLE AVE

SANTA ANA, CA 92705

Point of Diversion SWSNW S29 T24N

R22E LEMHI County

Source SPRING Tributary FOURTH OF JULY CREEK

Use: IRRIGATION

04/01 to 10/31

0.2 CFS

Total Diversion:

0.2 CFS

Date Filed: 9/18/2017

Place Of Use: IRRIGATION

T24N R22E S29 SENW

Total Acres: 10

This application proposes the diversion and use of water from a spring tributary of the Salmon River 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 the diversion rate and acre will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14880

FORMATION CAPITAL CORP

812 SHOUP ST

SALMON, ID 83467

Point of Diversion NWNE S21 T21N

R18E LEMHI County

Source GROUND WATER

Point of Diversion SWNE S21 T21N

R18E LEMHI County

Source GROUND WATER

Use: COMMERCIAL

01/01 to 12/31

0.48 CFS

Total Diversion:

0.48 CFS

Date Filed: 9/12/2017

Place Of Use: COMMERCIAL

T21N R18E S21 NWNE SWNE

This application proposes the diversion and use of water from a tributary to the Salmon River 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 it is for commercial purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see <https://ldwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 11/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

10-19-2tc