

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 75-14725

PRIORITY: January 24, 2012

Maximum Diversion Rate: 0.04 CFS

It is hereby certified that:

US DEPT OF AGRICULTURE FOREST SERVICE 1206 S CHALLIS ST SALMON ID 83467

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 24, 2012, and has submitted Proof of Beneficial Use on June 26, 2017. 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>
DOMESTIC	01/01 to 12/31	0.04 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼SW¼ Sec. 30, Twp 24N, Rge 19E, B.M. LEMHI County

PLACE OF USE: DOMESTIC & COMMERCIAL

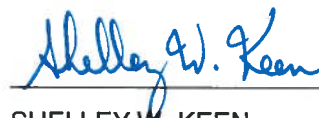
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	19E	30											X	X					

CONDITIONS OF APPROVAL

1. The domestic and commercial use authorized under this right shall not exceed 13,000 gallons per day.
2. Commercial use is for the Shoup Store and Cafe.
3. Domestic use is for 3 guest cabins and living quarters and does not include lawn, garden, landscape, or other types of irrigation.
4. Rights 75-2122, 75-13945 and 75-14725 when combined authorize commercial and domestic uses for a store, a cafe, associated living quarters, and 3 cabins.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.

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 13th day of October, 2017.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
75-14725

This map depicts the DOMESTIC and COMMERCIAL 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

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

October 20, 2017

US DEPT OF AGRICULTURE
FOREST SERVICE
1206 S CHALLIS ST
SALMON ID 83467

RE: License No. 75-14725

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 October 23, 2017 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.

75-14725

**US DEPT OF AGRICULTURE
FOREST SERVICE
1206 S CHALLIS ST
SALMON ID 83467**



**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. 75-14725

RECEIVED

OCT 06 2017

DEPARTMENT OF
WATER RESOURCES

PRIORITY: January 24, 2012

Maximum Diversion Rate: 0.04 CFS

Comes now

US DEPT OF AGRICULTURE FOREST SERVICE 1206 S CHALLIS ST SALMON ID 83467

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. 75-14725, 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>
DOMESTIC	01/01 to 12/31	0.04 CFS
COMMERCIAL	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, Twp 24N, Rge 19E, 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	19E	30											X	X					

PLACE OF USE: COMMERCIAL

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	19E	30											X	X					

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 26th day of September, 2017.

Charles A. Marks

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 75-14725

FOR DEPARTMENT USE ONLY

Preliminary check by TK Fee = \$100.00 Receipted by TK # C104203 Date 10-6-2017

ACTION OF THE DEPARTMENT OF WATER RESOURCES

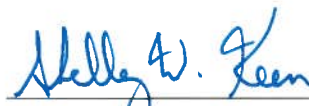
The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 75-14725 with the following:

CONDITIONS OF APPROVAL

1. The domestic and commercial use authorized under this right shall not exceed 13,000 gallons per day.
2. Commercial use is for the Shoup Store and Cafe.
3. Domestic use is for 3 guest cabins and living quarters and does not include lawn, garden, landscape, or other types of irrigation.
4. Rights 75-2122, 75-13945 and 75-14725 when combined authorize commercial and domestic uses for a store, a cafe, associated living quarters, and 3 cabins.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.

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

Signed this 13th day of October, 2017.



SHELLEY W. KEEN
Water Rights Section Manager



United States
Department of
Agriculture

Fore
Service

Salmon-Challis National Forest
Supervisor's Office

1206 South Challis Street
Salmon, ID 83467
208-756-5100
Fax: 208-756-5151

File Code: 2540
Date: September 26, 2017

Michele Edl
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
OCT 06 2017
DEPARTMENT OF
WATER RESOURCES

Dear Michele,

Enclosed is an amendment application for Water Right Permit #75-14725 (Shoup Store and Cafe) on the Salmon-Challis National Forest. A check for \$100 is enclosed to cover the filing fee for this amendment. If you have any questions about the amendment application, please contact Steve Spencer at (208)365-7055 or Bill MacFarlane at (208)756-5108.

Sincerely,

Charles A. Mark

CHARLES A. MARK
Forest Supervisor



Edl, Michele

From: Macfarlane, William A -FS <wamacfarlane@fs.fed.us>
Sent: Tuesday, September 26, 2017 11:14 AM
To: Edl, Michele
Subject: RE: WR 75-14725 Amendment

Thank you Michele. I plan to mail the application along with the filing fee on Monday Oct 2. I appreciate the extension.

-Bill



Bill MacFarlane
Hydrologist
Forest Service
Salmon-Challis National Forest

p: 208-756-5108
wamacfarlane@fs.fed.us

1206 S Challis St
Salmon, ID 83467
www.fs.fed.us



Caring for the land and serving people

From: Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]
Sent: Tuesday, September 26, 2017 11:08 AM
To: Macfarlane, William A -FS <wamacfarlane@fs.fed.us>
Subject: RE: WR 75-14725 Amendment

Bill Macfarlane,

This email is confirmation for you that an extension is acceptable.

If I understand you correctly, the Forest Service does intend to sign the amendment and you have provided a good reason for the delay. So, a short extension is acceptable. I will welcome the signed form whenever you can get it to me and I will expect the fee payment sometime the first week in October.

Respectfully

Michele Edl

208-287-4946

From: Macfarlane, William A -FS [mailto:wamacfarlane@fs.fed.us]
Sent: Tuesday, September 26, 2017 10:46 AM
To: Edl, Michele <Michele.Edl@idwr.idaho.gov>
Subject: WR 75-14725 Amendment

Michele,

I received the application for Amendment form that you sent for Water Right 75-14725 (Shoup Store). The information on the form looks accurate – I will return the application and filing fee to you as soon as possible. Unfortunately, we are at the end of our fiscal year, and no purchasing can occur until the beginning of the next fiscal year (Oct 1). The earliest I can have a check written for the filing fee is Monday Oct 2. I can return the application to you next week – will this be ok? Thanks.

-Bill



Bill MacFarlane
Hydrologist
Forest Service
Salmon-Challis National Forest

p: 208-756-5108
wamacfarlane@fs.fed.us

1206 S Challis St
Salmon, ID 83467
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Caring for the land and serving people

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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

September 11, 2017

US DEPT OF AGRICULTURE
FOREST SERVICE
1206 S CHALLIS ST
SALMON ID 83467

RE: Water Right Permit No. 75-14725

Dear Permit Holder(s):

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

The examiner who verified your water use reported that certain elements of the permit(s) have been developed differently than described on your permit(s). Changes that do not increase the authorized use of water under the permit(s) can be requested and approved in accordance with Section 42-211, Idaho Code. Before license(s) can be issued, your permit(s) must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit(s):

_____ **Point(s) of Diversion**

 X **Place(s) of Use**

_____ **Other**

The enclosed Application for Amendment form(s) depicts the elements of the water right(s) as they will appear on the license(s) when issued. Please review the amendment form(s) carefully. If you concur with the information presented, please sign and return the form(s) with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at (208) 287-4946.

Sincerely,

Michele D. Edl
Water Resource Agent, Sr

Enclosure(s): Application for Amendment