

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 74-16114

Priority: July 17, 2017

Maximum Diversion Rate: 0.05 CFS

This is to certify, that R MARLENE SANTOS  
651 LEMHI RD  
SALMON ID 83467

has applied for a permit to appropriate water from:

**Source:** SPRING

**Tributary:** LEMHI RIVER

and a permit is APPROVED for development of water as follows:

**BENEFICIAL USE**

STOCKWATER

**PERIOD OF USE**

01/01 to 12/31

**RATE OF DIVERSION**

0.05 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

SPRING NE1/4SW1/4NE1/4 Sec. 30, Twp 21N, Rge 23E, B.M.

LEMHI County

**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 |        |
| 21N | 23E | 30  |    | X  | X  | X  |    |    |    |    |    |    |    |    | X  | X  |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2019**.
2. Subject to all prior water rights.
3. 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. 74.
4. 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.
5. Stockwater use is for 150 range cattle.

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

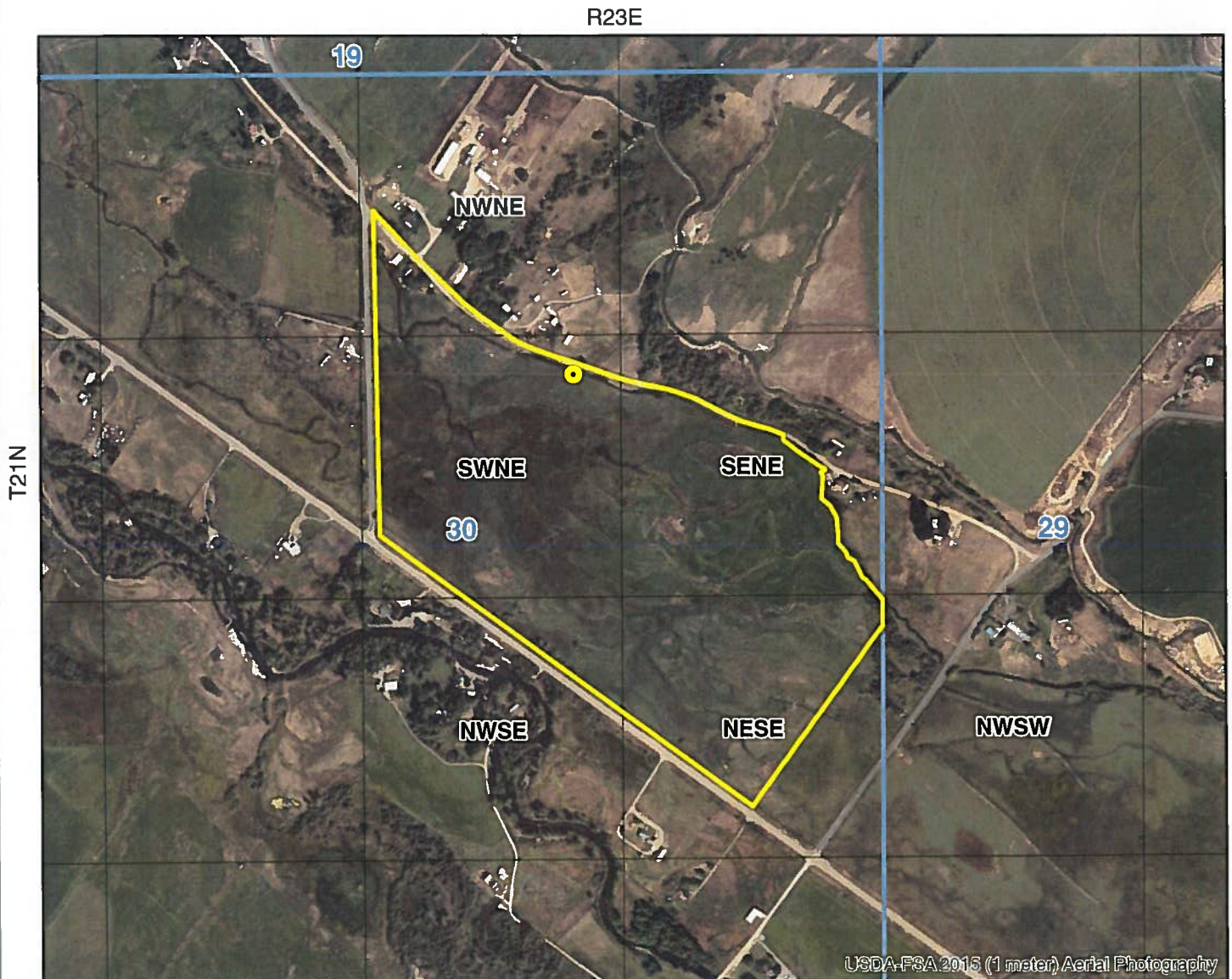
Signed this 13<sup>th</sup> day of October, 2017.



PAMELA S. SKAGGS, Water Rights Supervisor

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
74-16114

This map depicts the IRRIGATION 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
- Place Of Use Boundary
- PLS Sections
- Quarter Quarters



0 0.25 0.5 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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

October 13, 2017

R MARLENE SANTOS  
651 LEMHI RD  
SALMON ID 83467

RE: Permit No.74-16114

### Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed revised 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 revised 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.

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 a Proof of Beneficial Use form or a Request for Extension of Time form.

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 blue ink, appearing to read "Pamela Skaggs". The signature is fluid and cursive, with the first name "Pamela" being more prominent than the last name "Skaggs".

Pamela Skaggs, Water Rights Supervisor  
Water Right Permits Section

Enclosure(s)

c: WATER DISTRICT #74

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**Approved Revised Permit**) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**74-16114**

**R MARLENE SANTOS  
651 LEMHI RD  
SALMON ID 83467**

**WATER DISTRICT #74  
RICK SAGER  
985 HWY 28  
SALMON ID 83467**



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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.

## Skaggs, Pam

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**From:** Yenter, Cindy  
**Sent:** Friday, October 13, 2017 1:41 PM  
**To:** Skaggs, Pam  
**Subject:** Water district designations, Applications for Permit 74-16112, 16114, 16115

After a discussion with Rick Sager, Watermaster WD74, I would like to request that each of the above permits be placed under the jurisdiction of Water District 74, Lemhi River. Each named source is shown as tributary to the Lemhi River. Physical diversions are within the boundary of other designated tributary water districts, but these districts are administered separately from the Lemhi River. Mr. Sager agrees that In order for the WD74 Watermaster to assert proper administrative authority over the permits, jursdiction must be given to WD74.

*Cindy Yenter  
Idaho Dept of Water Resources  
Salmon Field Office  
102 S Warpath, Salmon ID 83467  
cindy.yenter@idwr.idaho.gov  
208-742-0655  
208-731-0901 cell*