



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

NO. 74-16109

3. Domestic use is for 1 home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Stockwater use is for 4 horses.
6. The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
7. 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.
8. 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 the watermaster suitable control of the diversion.
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.
10. This right does not grant any right-of-way or easement across the land of another.
11. The following rights are diverted through point(s) of diversion described above: 74-16009.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 8<sup>th</sup> day of September, 2017.



*Pamela S. Skaggs*

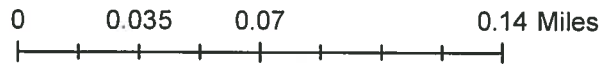
PAMELA SKAGGS,  
Water Rights Supervisor





# Attachment to Permit to Appropriate Water

74-16109

This map depicts the DOMESTIC 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.

23E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

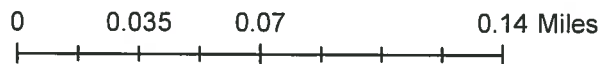






# Attachment to Permit to Appropriate Water

74-16109

This map depicts the 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.

23E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections





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

September 13, 2017

SCOTT T NELSON  
CARLA J NELSON  
54 GEERTSON CREEK RD  
SALMON ID 83467

RE: Permit No.74-16109

**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.

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,



Pamela Skaggs, Water Rights Supervisor  
Water Right Permits Section

Enclosure(s)

c: WATER DISTRICT #74

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 14, 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.                      74-16109**

**CARLA J NELSON  
54 GEERTSON CREEK RD  
SALMON ID 83467**

**SCOTT T NELSON  
54 GEERTSON CREEK 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.

APPLICATIONS FOR APPROPRIATION OF PUBLIC WATERS

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

74-16109  
SCOTT T NELSON  
CARLA J NELSON  
54 GEERTSON CREEK RD  
SALMON, ID 83467  
Point of Diversion SWSESW S19 T21N  
R23E LEMHI County  
Source SPRING Tributary SINKS  
Use: DOMESTIC  
01/01 to 12/31  
0.04 CFS  
Use: STOCKWATER  
01/01 to 12/31  
0.02 CFS  
Total Diversion:  
0.06 CFS  
Date Filed: 5/25/2017  
Place Of Use: DOMESTIC TOCKWATER  
T21N R23E S19 SESW

This application proposes the diversion and use of water from a tributary of the Salmon 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 domestic and stockwater purposes.

74-16112  
JANIS S CHENEY  
KERRIE N CHENEY  
27 CHENEY LANE  
SALMON, ID 83467  
Point of Diversion SESW S10 T21N  
R22E LEMHI County  
Source WASTE WATER Tributary  
LEMHI RIVER  
Use: IRRIGATION  
04/01 to 12/31  
1.43 CFS  
Total Diversion:  
1.43 CFS  
Date Filed: 6/12/2017  
Place Of Use: IRRIGATION  
T21N R22E S10 NESW NWSW SWSW  
SESW

Total Acres: 71.4

This application proposes the diversion and use of water from waste water tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights

# 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 (printers) 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 hercot, 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 **8-17-2017** and ending with the issue dated **8-24-2017**.

STATE OF IDAHO }  
County of Lemhi } ss.

On this **24th day of August** in this year of 2017 before me, A Notary Public, personally appeared 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

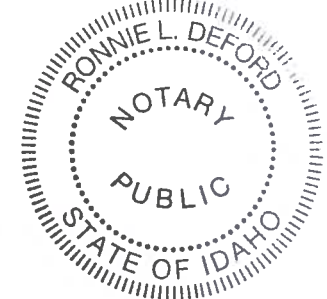
Publication Fee \$325.80

RECEIVED

AUG 28 2017

DEPARTMENT OF WATER RESOURCES

*Qpmh*  
*8-28-17*



AL

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 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14859

LOIS BLACKADAR

PO BOX 321

SALMON, ID 83467

Point of Diversion L4(SWSW) S31 T22N

R22E LEMHI County

Source WASTE WATER Tributary

SINKS

Use: IRRIGATION

04/01 to 10/31

0.2 CFS

Total Diversion:

0.2 CFS

Date Filed: 5/8/2017

Place Of Use: IRRIGATION

T22N R22E S31 L4(SWSW)

Total Acres: 10

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

75-14860

LOIS BLACKADAR

PO BOX 321

SALMON, ID 83467

Point of Diversion L4(SWSW) S31 T22N

R22E LEMHI County

Source WASTE WATER Tributary

SINKS

Use: IRRIGATION

04/01 to 10/31

0.15 CFS

Total Diversion:

0.15 CFS

Date Filed: 5/8/2017

Place Of Use: IRRIGATION

T22N R22E S31 L4(SWSW)

Total Acres: 5

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

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 [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). 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 9/5/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 8-17-2tc



WATER RESOURCES  
DEPARTMENT OF  
MAY 8 2017  
BOISE, IDAHO