

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-22683

PRIORITY: February 17, 2012

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 0.2 AF

It is hereby certified that:

ROBERT P DREYER PO BOX 4917 KETCHUM ID 83340 And/Or

ROGER E CRIST PO BOX 2326 KETCHUM ID 83340 And/Or

ROGER W CRIST PO BOX 4917 KETCHUM ID 83340 And/Or

STATE OF IDAHO DEPT OF LANDS 300 N 6TH ST STE 103 PO BOX 83720 BOISE ID 83720-0050

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 17, 2012, and has submitted Proof of Beneficial Use on March 23, 2017. An examination confirms water is diverted from:

SOURCE:
WATER GULCH CREEK

TRIBUTARY:
SINKS

and a water right has been established as follows:

BENEFICIAL USE

STOCKWATER STORAGE
DIVERSION TO STORAGE

PERIOD OF USE

01/01 to 12/31
01/01 to 12/31

DIVERSION RATE

0.02 CFS

ANNUAL DIVERSION VOLUME

0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

WATER GULCH CREEK SW¼NW¼ Sec. 24, Twp 02N, Rge 18E, B.M. BLAINE County

PLACE OF USE: STOCKWATER STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	23				X													

CONDITIONS OF APPROVAL

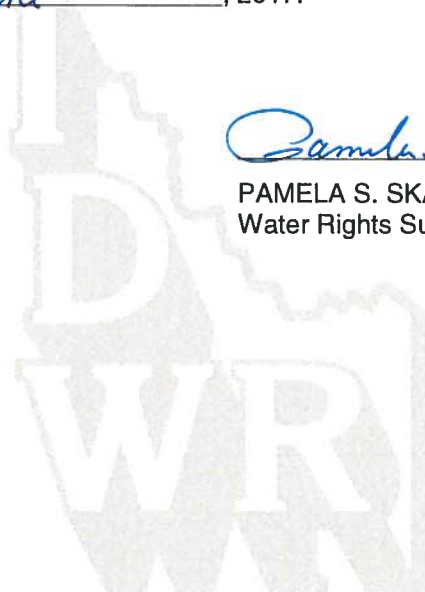
1. The stockwater reservoir established by the storage of water under this right shall not exceed a total capacity of 0.2 acre-feet.
2. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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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. 37.
4. This right does not grant any right-of-way or easement across the land of another.

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 23rd day of June, 2017.





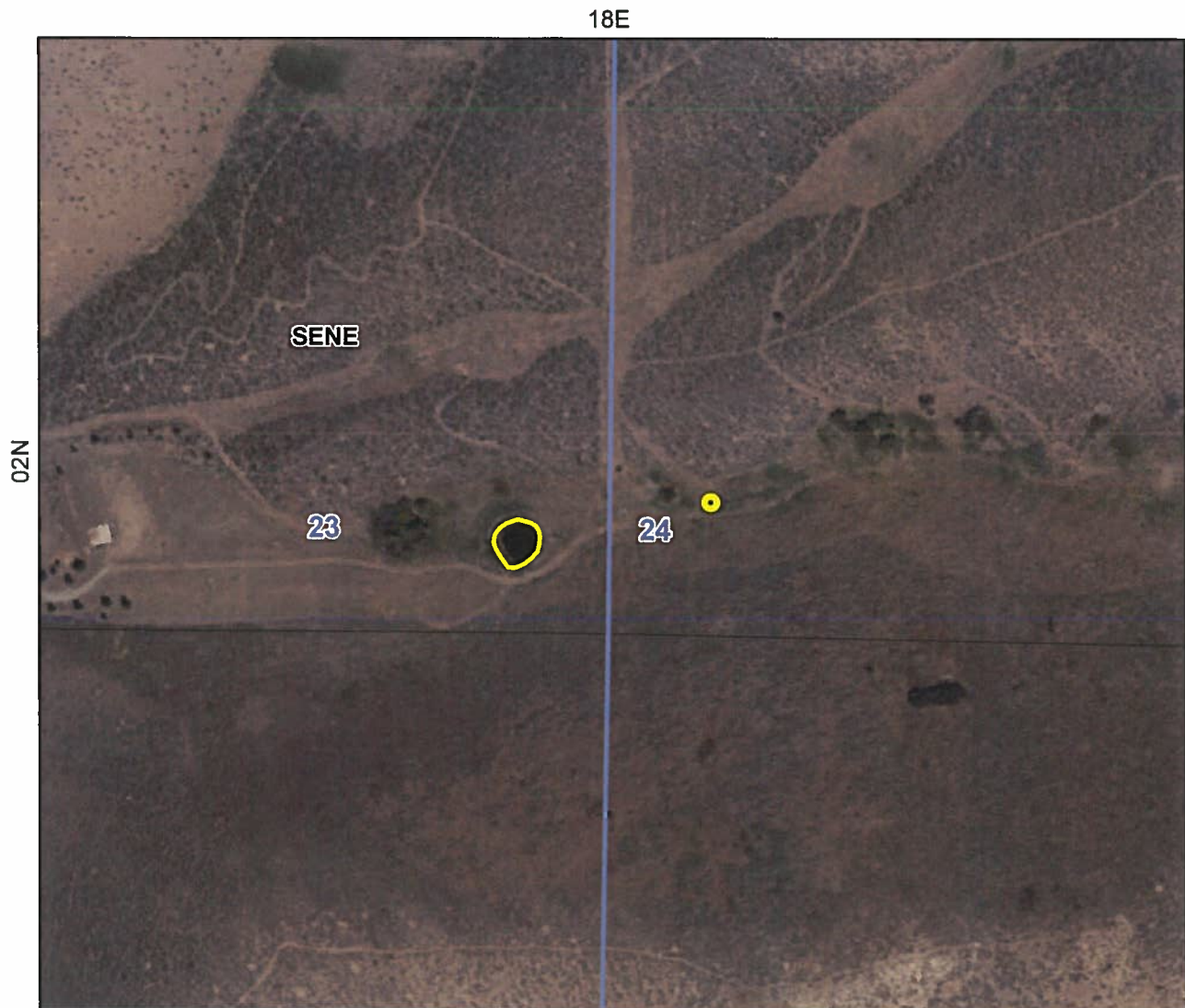
PAMELA S. SKAGGS
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Water Right License

37-22683

This map depicts the STOCKWATER STORAGE 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

June 26, 2017

STATE OF IDAHO

DEPT OF LANDS

300 N 6TH ST STE 103

PO BOX 83720

BOISE ID 83720-0050

ROBERT P DREYER

ROGER W CRIST

PO BOX 4917

KETCHUM ID 83340

ROGER E CRIST

PO BOX 2326

KETCHUM ID 83340

RE: License No. 37-22683

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.

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

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)

c: JAMES P SPECK
WATER DISTRICT #37

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 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.

37-22683

**JAMES P SPECK
SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340**

**ROBERT P DREYER
PO BOX 4917
KETCHUM ID 83340**

**ROGER E CRIST
PO BOX 2326
KETCHUM ID 83340**

**ROGER W CRIST
PO BOX 4917
KETCHUM ID 83340**

**STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE ID 83720-0050**

**WATER DISTRICT #37
KEVIN D LAKEY
107 W 1ST ST
SHOSHONE ID 83352**



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.

Keen, Shelley

From: Keen, Shelley
Sent: Friday, June 23, 2017 8:13 AM
To: 'James Speck'
Subject: RE: Water Gulch TIC/Water Right Permit 37-22683
Attachments: 37-22683 Dreyer Crist Crist IDL - License.pdf

Jim,

See the attached license issued this morning. The hardcopy will be in the mail later today. Call or email if you have questions.

Have a great weekend.

Shelley

Shelley Keen
Water Rights Section Manager
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

-----Original Message-----

From: James Speck [mailto:jim@speckandaanestad.com]
Sent: Thursday, June 22, 2017 1:29 PM
To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: Re: Water Gulch TIC/Water Right Permit 37-22683

Shelley,

My client, who spends much of his time in Alaska, told me he filed the proof of beneficial use for this permit by the April 1, deadline. However, it does not yet show up on your website. Can you please confirm that it has been timely filed. Thanks.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue North
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jim@speckandaanestad.com