

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 78-12432

Priority: February 04, 2016

Maximum Diversion Rate: 0.04 CFS

This is to certify, that BRANDON M BECKER And
STEPHENY F VOS
3919 CEMETERY RD
NEW MEADOWS ID 83654

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	04/01 to 10/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW¼NE¼ Sec. 35, Twp 20N, Rge 01E, B.M. ADAMS County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
20N	01E	35	X				

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
20N	01E	35	1.3				1.3

Total Acres: 1.3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2022**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
4. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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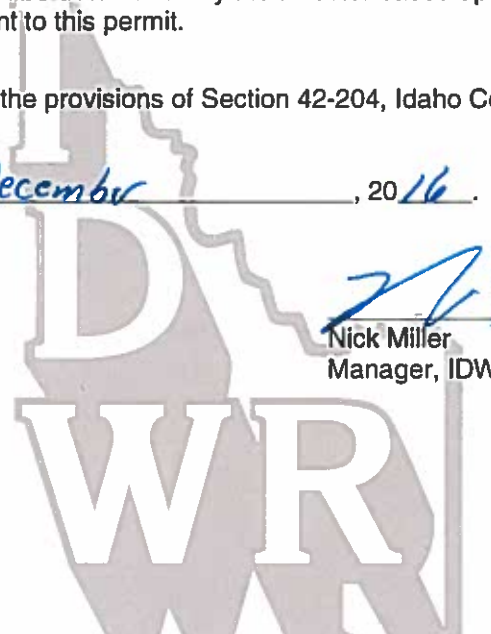
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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

Signed this 22nd day of December, 2016.



Nick Miller
Manager, IDWR Western Region



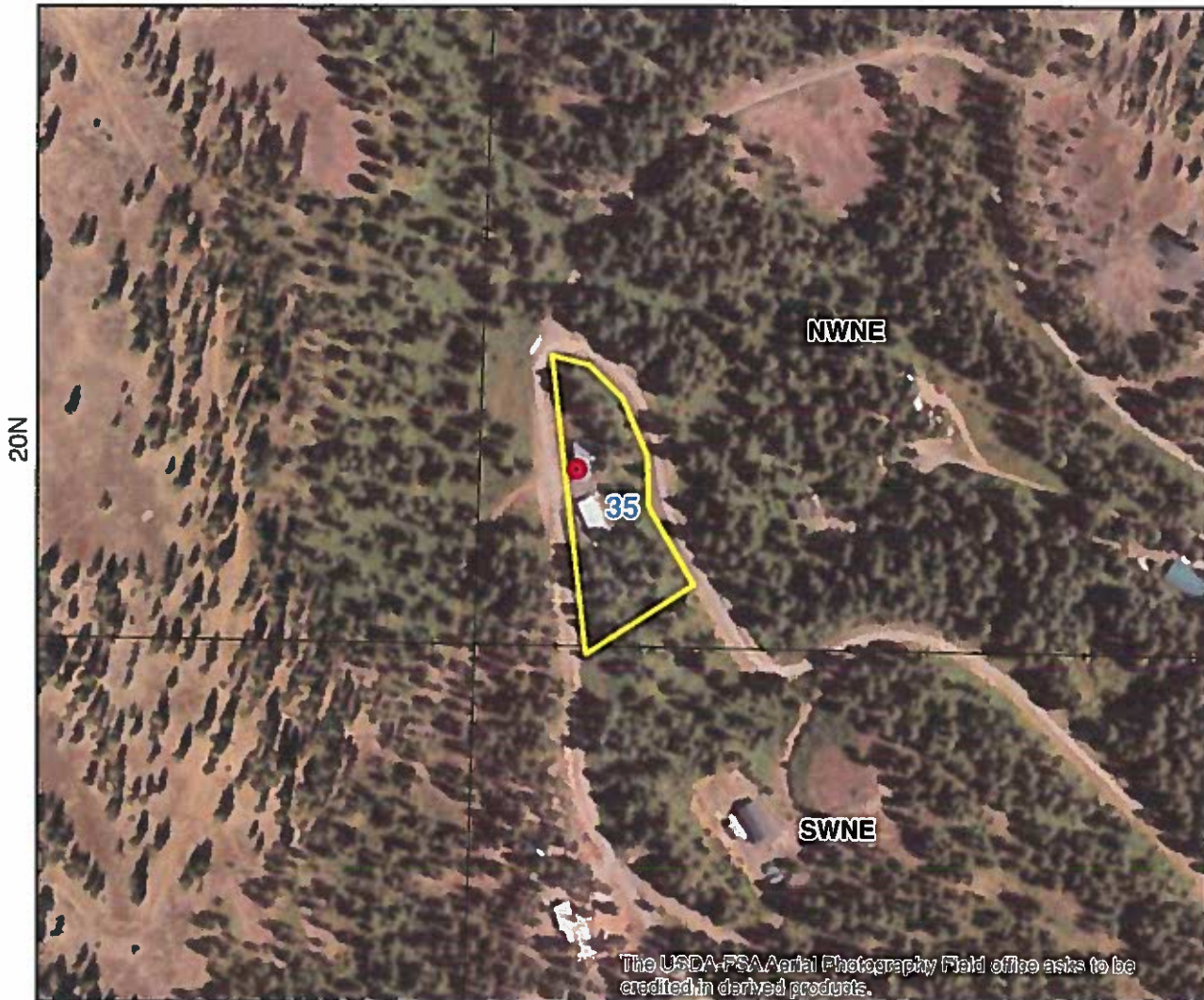
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

78-12432

This map depicts the DOMESTIC and IRRIGATION 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.

01E



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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

December 22, 2016

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

BRANDON M BECKER
STEPHENY F VOS
3919 CEMETERY RD
NEW MEADOWS ID 83654

RE: Permit No.78-12432

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.

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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)334-2190.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Neely for:". The signature is written in dark ink and is positioned above the printed name of the signatory.

Nick Miller

Western Regional Manager

Enclosure(s)

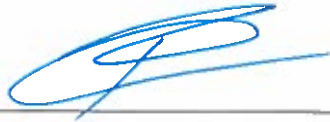
CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2016 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.

78-12432

**BRANDON M BECKER
STEPHENY F VOS
3919 CEMETERY RD
NEW MEADOWS ID 83654**



**Rachel Neely
Administrative Assistant**

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.

RECEIVED

APR 22 2016

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

Chelsea L Coon being duly sworn, deposes and says that she is the Principle Clerk of the Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said County for a period of twelve (12) months prior to the first publication of the advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Adams County Record for two (2) insertions beginning with the Issue of April 06, 2016 and ending with the Issue of April 13, 2016.

Chelsea Coon

On this 19th day of April, 2016, before me, a Notary Public, personally appeared Chelsea L Coon, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that she executed the same.

ASHLEY SCOTT
Notary Public
State of Idaho

Ashley Scott
Notary Public of Idaho

Residing at Council, ID

My Commission Expires 11/24/2020

To: IDWR

Subject: APPLICATION OF PERMIT

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

78-12421

JOHN WALLACE

MARGOT WALLACE

9881 CARROLL CENTRE RD

SAN DIEGO, CA 92126

Point of Diversion SWSE S33 T21N R01E ADAMS County Source UNNAMED STREAM Tributary
ROUND VALLEY CREEK

Use: AESTHETIC STORAGE 01/01 to 12/31 7.2 AF

Use: RECREATION STORAGE 01/01 to 12/31 7.2 AF

Total Diversion: 7.2 AF

Date Filed: 11/10/2014

Places of Use: RECREATION STORAGE, AESTHETIC STORAGE

T21N R01E S33 SWSE

78-12432

BRANDON M BECKER

STEPHENY F VOS

3919 CEMETERY RD

NEW MEADOWS, ID 83654

Point of Diversion NWNE S35 T20N R01E ADAMS County Source GROUND WATER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 04/01 to 10/31 0.04 CF

Total Diversion: 0.04 CFS

Date Filed: 8/6/2015

Places of Use: DOMESTIC, IRRIGATION

T20N R01E S35 NWNE

Total Acres: 1.3

78-12438

WILLIAM FAIRFIELD

199 FIGUEROA ST

VENTURA, CA 93001

Point of Diversion NESW S8 T18N R02E ADAMS County Source BIG CREEK Tributary LITTLE SALMON
RIVER

Use: DIVERSION TO STORAGE 01/01 to 12/31 1 CFS

Use: FIRE PROTECTION FROM STORAGE 01/01 to 12/31 5.1 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 5.1 AF

Use: RECREATION STORAGE 01/01 to 12/31 5.1 AF

Total Diversion: 1 CFS 5.1 AF

Date Filed: 2/8/2016

Places of Use: RECREATION STORAGE, FIRE PROTECTION STORAGE

T18N R02E S8 NESW

Place of Use: FIRE PROTECTION FROM STORAGE

T18N R02E S5 L2(NWNE) SWNE L3(NENW) SENW NESW SESW NWSE SWSE

T18N R02E S7 NENE SENE NESE SESE

T18N R02E S8 NWALL) SWALL)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 4/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Adams County Record on April 06, 2016 • April 13, 2016

Legals Continued on next page

MEMORANDUM

TO: Application No. 78-12432

FROM: Phill Hummer

DATE: 12/14/2016

RE: Salmon-Clearwater Processing, Basins 77-79 Western Region

The application proposes to divert groundwater from an existing well to supply water for internal domestic use and for irrigation purposes not to exceed 1.3 acres.

The site is approximately 7 kilometers north of New Meadows, Idaho along State Highway 95 on the west side of the Little Salmon River near the intersection of Circle C Ln.

Wild & Scenic River (WSR) Processing

General Information - WSR processing applies to portions of Bs 77 and 78 but not to Bs 79. It is rarely expected in Bs 78 since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.¹

Typically WSR issues would be in Bs 77 upstream from Long Tom Bar on the Salmon River, WSR right 77-11941.² This also incorporates the entire Middle Fork Salmon River drainage, MSR right 77-13844.³

WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application - WSR processing is not required because the proposed source is groundwater and the proposed point of diversion is downstream from any WSR rights.

Minimum Streamflow Rights (MSF)

General Information - MSF analysis applies to all surface water upstream⁴ from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results (7/8/09 telephone conference).

Downstream MSF right 3-8 on the Snake River⁵ is not subordinate to "future dcmi" uses or "future non-dcmi (with cfs limits)" uses. Downstream Salmon River MSF right 79-14119⁶ is subordinated to future dcmi uses but not to future non-dcmi uses.

¹ POD = T23N-R1W-S12.

² POD = T25N-R5E-S31.

³ POD = T23N-R16E-S33.

⁴ Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

⁵ POD = T31N-R5W-S10.

⁶ From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses. None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application - MSF analysis is not required for the proposed ground water source.

This leads to the following MSF conclusions for this application:

- Senior MSF right 3-8 will not be subordinated to the proposed use(s).
- Senior MSF right 79-14119 will not be subordinated to the proposed non-dcmi use.

Discussion

Effect on Existing Water Rights:

There are two existing and senior water rights that divert groundwater within ½ mile of the proposed point of diversion, no. 78-12105 and 78-12106. Both water rights authorize water for domestic use at rates of 0.07 and 0.04 cfs. Water right no. 78-12105 diverts water from a 175 foot deep well that has a water bearing zone of 130-165 feet. I could not find any well data for water right no. 78-12106. Application no. 78-12432 proposes to divert 0.04 cfs from a 225 foot deep well with a water bearing zone of 200 to 215 feet. It possibly that due to the topography of the area these well divert from the same aquifer. Since the rate and total water withdraw for domestic use is fairly minimal this new water use should not cause significant injury to existing water users.

Sufficiency of Water Supply:

The applicant has submitted this application to license an existing use of water. The well to be used for the diversion was drilled in 1997 and has produced adequate water. There are no known groundwater issues in this area. The supply of groundwater should be more than adequate to support the proposed beneficial use.

Good Faith, Delay or Speculative Purposes:

There have been a few instances of lack of communication from the applicant during the application process, including a failure to respond to the initial request for more information that led to the issuance of a preliminary order to void the application on January 22, 2016 (reconsidered) and not providing information within the deadline that led to sending a notice of intent to void on November 22, 2016. Having spoken to Brandon on the phone and via email it is my understanding that his intent is to pursue the application process through to licensing the proposed use and that these lack of communication issues are from the busyness of his schedule. Additionally, I have allowed some flexibility in the deadlines during the application processes since it was reconsidered because he has indicated that the beneficial use proposed by the application is an existing use and this application is his attempt to make this diversion legal. Rejecting the application would create a situation where a known diversion would be out of compliance.

Financial Resources:

The proposed well was drilled in 1997 and the applicant has indicated he is currently diverting water for the proposed beneficial use.

Local Public Interest:

As part of our partnership with other state and federal agencies to protect fish and wildlife habitats and other values for rivers and streams in the Salmon River and Clearwater River drainages the applicant was asked to solicit and supply comments about his proposed use from IDFG and IDEQ. IDFG responded by stating the proposed use did not cause any concerns for fish and wildlife. IDEQ responded by simply saying they had no comment on the application. As the proposed use does not appear to have negative impacts on the quality of the water of animal habitats it is within the local public interest.

Conditions of Approval

No special conditions required for Basins 77-79, the following typical standard conditions should be applied to the permit if approved:

- 26A
- 046 for the use of an existing well (upgrade fee has been requested)
- 121
- R66 to restrict the irrigation use to 0.03 cfs and 3.0 af
- 132 to indicate the number of households and that irrigation is provided by same right.



RECEIVED

DEC 12 2016

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

SOUTHWEST REGION

MCCALL OFFICE

555 Deinhard Lane

McCall, Idaho 83638

C.L. "Butch" Otter / Governor

Virgil Moore / Director

Danie Merriman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

December 7, 2016

RE: Application for permit # 78-12432

Dear Danie;

We reviewed the referenced water right application from Mr. Brandon Becker for irrigation and domestic water from an existing well. We do not have any concerns for fish and wildlife with the amount water use. If you need any further information please contact Dale Allen; Regional Fishery Manager in our McCall office.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dale Allen".

Dale Allen

Regional Fishery Manager

Cc: Brandon Becker; 3919 Cemetery Rd, New Meadows, ID 83654

Hummer, Phill

From: Josh.Schultz@deq.idaho.gov
Sent: Monday, November 28, 2016 11:56 AM
To: biggestspreadeagle@gmail.com
Cc: Hummer, Phill
Subject: RE: Brandon Becker Water Right Application
Attachments: Becker Water Rights Application.pdf

Categories: More Info Emails

Phil/Brandon, DEQ has no comment on this groundwater right application.

Let me know if you need anything else.

Josh Schultz

From: Brandon B [<mailto:biggestspreadeagle@gmail.com>]
Sent: Monday, November 28, 2016 10:09 AM
To: dale.allen@idfg.idaho.gov; Josh Schultz
Cc: Hummer, Phill
Subject: Brandon Becker Water Right Application

Good morning,
Attached is my water right application that needs your approval. If you have any questions, please call or email me. Thank you for your time.

Brandon Becker
208-315-0458



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

11/15/2016

BRANDON BECKER
STEPHENY VOS
3919 CEMETERY RD
NEW MEADOWS ID 83654

Re: Notice of Intent to Void Application for Permit No. 78-12432

Dear Applicant(s),

On 02/04/2016 the Department of Water Resources (IDWR) received your amended application for permit to appropriate water. The Department requested additional information via a letter dated 03/28/2016. The letter stated that a written reply must be made within sixty (60) days or the Department will void the application. As of the date of this letter, no written correspondence was received by the Department. If it is your intent to further pursue your application, please provide the information requested. If you no longer wish to pursue this application use the enclosed form to withdraw the application. It is the intent of the Department to void your application within the next fourteen (14) days if no response is received.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read 'PH' followed by a stylized flourish.

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

Enclosure

Application Withdrawal Form

Hummer, Phill

From: Hummer, Phill
Sent: Friday, May 06, 2016 8:03 AM
To: 'Brandon Becker'
Subject: RE: Application 78-12432

Hi Brandon,

To clarify, the previously attached letter was originally sent to you. Comments from the appropriate departments as described in the letter are your responsibility as the applicant to pursue and provide to this office.

From: Brandon Becker [<mailto:biggestspreadeagle@gmail.com>]
Sent: Thursday, May 05, 2016 4:15 PM
To: Hummer, Phill
Subject: Re: Application 78-12432

Sounds great Phill,
Thank you for all your help!
Brandon

Sent from my iPhone

On May 5, 2016, at 3:17 PM, Hummer, Phill <Phill.Hummer@idwr.idaho.gov> wrote:

Hi Brandon,

Your application was advertised and there were no protests filed. I can issue the permit as soon as I receive the comment letters from the department of environmental quality and the idaho fish and game. Comments from these departments were requested via letter dated 3/28/2016 (attached).

Phill Hummer

*Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov*

<Basin 77-79 Info Request Letter.doc.docx>