

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 72-16915

Priority: September 22, 2016

Maximum Diversion Rate: 0.02 CFS

This is to certify, that **MARK SHARER**
6062 N BETHEL
CLOVIS CA 93619

has applied for a permit to appropriate water from:

Source: SALMON RIVER**Tributary:** SNAKE RIVER

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>
IRRIGATION	04/01 to 10/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SALMON RIVER
CUSTER County

L1 (NE1/4NW1/4)

Sec. 19, Twp 12N, Rge 19E, B.M.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N 19E 19					1.0												1.0
					L 1												

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2021**.
2. Subject to all prior water rights.
3. Use of water under this right will 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. 72D.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. 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.
6. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 72-16915

7. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
8. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
10. Place of use is located within Blk 1 Lot 5 Tunnel Rock Acres.

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

Signed this 14th day of December, 20 16.



COREY SKINNER, Southern Region Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

72-16915

This map depicts the 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.

19E



- 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

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 16, 2016

MARK SHARER
6062 N BETHEL
CLOVIS CA 93619

RE: Permit No. 72-16915

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.

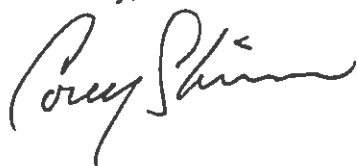
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional manager

Enclosure(s)

cc:

CINDY YENTER WATER MASTER
BRENT CUTLER WATER MASTER

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 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. 72-16915

**MARK SHARER
6062 N BETHEL
CLOVIS CA 93619**

**BRENT CUTLER WATER MASTER
WATER DISTRICT 72D
PO BOX 208
CHALLIS ID 83226**

**CINDY YENTER WATER MASTER
WATER DISTRICT 170
102 S WARPATH
SALMON ID 83467**

via e-mail

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
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.

Skinner, Corey

From: Yenter, Cindy
Sent: Wednesday, December 14, 2016 9:58 AM
To: Skinner, Corey
Subject: RE: 72-16915 Sharer

Good catch, Corey. Yes, 72D is the correct flag. I'm not at all sure what I was looking at when I looked at that. Was the 72D watermaster also contacted? I think he rarely responds which I likely why I did.

Would you make sure Denise sends me copy of this so I can get it on the watermaster's list....

cy

From: Skinner, Corey
Sent: Wednesday, December 14, 2016 9:46 AM
To: Yenter, Cindy
Subject: RE: 72-16915 Sharer

Thanks. I am ready to sign this one, so once I have this clarified I can get it out of here.

From: Yenter, Cindy
Sent: Wednesday, December 14, 2016 9:34 AM
To: Skinner, Corey
Subject: RE: 72-16915 Sharer

Corey, I might have goofed here, so let me go take another look. I had thought that was just outside the 72D line...

From: Skinner, Corey
Sent: Wednesday, December 14, 2016 9:33 AM
To: Yenter, Cindy
Subject: RE: 72-16915 Sharer

Cindy,

I am getting ready to approve this permit, with condition 029. I noticed in your water master comments that you indicated that the district flag should be "170". We had this identified as being in sub district 72D....

72D SOUTHERN Clayton Area

Sub-district

Active The Clayton Area Sub-district is a sub-district within Water District No. 170 and administers all non-de minimis surface and groundwater rights in Administrative Basin 72 with points of diversion upstream of the Challis Irrigation Canal and downstream of and including Thompson Creek.

I thought our direction was to put the sub district flag on the right and condition. Am I missing something here?

Corey

From: Skinner, Corey
Sent: Wednesday, November 30, 2016 3:56 PM

To: Yenter, Cindy
Subject: RE: 72-16915 Sharer

We are planning on putting condition 029 on it....

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.

From: Yenter, Cindy
Sent: Tuesday, November 29, 2016 4:08 PM
To: Skinner, Corey
Cc: Aasa, Kent
Subject: 72-16915 Sharer

Corey – IDFG called and wanted to make sure that the fish screen condition (029) would still be included on this small pump from the Salmon River. I told him I thought it was standard but maybe there is a threshold below which it is not used? I don't think IDFG has an issue with this filing so long as the condition will be present.

*Cindy Yenter
Watermaster, Water District 170
102 S Warpath, Salmon ID 83467
Salmon, ID
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Anna Means, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated Nov 17 2016 and ending with the issue dated Nov 23 2016

Anna Means

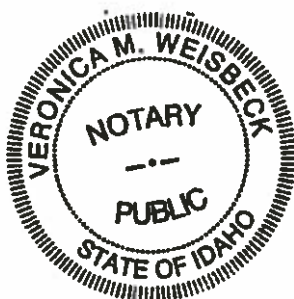
STATE OF IDAHO

COUNTY OF CUSTER

On this 28th day of Nov in the year of 2016, before me, a Notary Public,

personally appeared Anna Means, 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.

Veronica M. Weisbeck
Notary Public for Idaho
Residing at Challis, Idaho
My commission expires: 11/9/21



PAGE 14 - THE CHALLIS MESSENGER - WEDNESDAY, NOVEMBER 23, 2016

PUBLIC Notices

The People's Right to Know

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

72-16915
MARK SHARER
6062 N BETHEL
CLOVIS, CA 93619
Point of Diversion L1(NENW)
S19 T12N R19E CUSTER County
Source SALMON RIVER
Tributary SNAKE RIVER
Use: IRRIGATION 04/01 to

10/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 9/22/2016
Place Of Use: IRRIGATION
T12N R19E S19 L1(NENW)
Total Acres: 1

Application proposes appropriating 0.02 cfs of water from the Salmon River to irrigate 1.0 acre of land within Lot 5, Block 1, Tunnel Rock Acres Subdivision located approximately 7.9 miles south and 2.9 miles west of the Highway 75 & 93 intersection south of Challis.

This application proposes the diversion and use of water tribu-

tary to a federally designated 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 0.02 cfs and 1.0 acre will be applied to the subordination amounts specified in the decree for the Salmon River Wild & Scenic River.

Permits will be subject to all

prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 738-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights/New listings.

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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before December 5, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published: November 17 and 23, 2016

RECEIVED

DEC 07 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

via E-mail

✓ OK AM 12/9/2016



IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

RECEIVED
DEC 05 2016

C.L. "Butch" Otter DEPARTMENT OF
Virgil Moore / Director WATER RESOURCES

November 29, 2016

RECEIVED
DEC 09 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho Department of Water Resources
ATTN: Jean Hersley, Technical Records Specialist II
322 East Front Street
P.O. Box 83720
Boise, ID 83720

Mark Sharer
6062 N. Bethel
Clovis, CA 93619

RE: Water Right Application for Permit No. 72-16915

Dear Jean and Mark:

The IDFG has reviewed the application for permit no. 72-16915 submitted by Mark Sharer (Applicant).

Based on the detail of the Water Right application, the IDFG has no environmental or wildlife comments relative to this application. If you have any questions, please contact the Region's Environmental Staff Biologist, Jeff Richards at (208) 756-2271.

Sincerely,

Tom Curet
Regional Supervisor

TC: jr

Keeping Idaho's Wildlife Heritage

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION FORM

RECEIVED

DEC 09 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Application No.: 72-16915

Applicant's Name: MARK SHARER
6062 N BETHEL
CLOVIS, CA 93619

Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 30th day of November, 2016

Idaho Dept of Fish & Game



Signature

Tom Curet - Regional Supervisor

Printed Name

via E-mail
RECEIVED

NOV 21 2016

State of Idaho
Department of Water Resources

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 72-16915
Water Right No:
Applicant Name: Sharer

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

This application is within a non-subdistrict area of WD170. The Water District flag must = 170.

Dated: November 21, 2016

Water District 170



Cindy Yenter, Watermaster