

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 71-10943

PRIORITY: August 17, 2011

Maximum Diversion Rate: 0.04 CFS

It is hereby certified that:

US DEPT OF AGRICULTURE FOREST SERVICE SAWTOOTH NATIONAL FOREST
2647 KIMBERLY RD E TWIN FALLS ID 83301

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 28, 2011, and has submitted Proof of Beneficial Use on November 21, 2016. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE¼NW¼ Sec. 7, Twp 07N, Rge 14E, B.M. BLAINE County

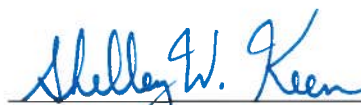
PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	14E	7								X									

CONDITIONS OF APPROVAL

- Domestic use is for 1 home.
- Point of diversion is located within Lot 23 of the US Forest Service's Valley View Recreational Tracts.
- Place of use is located within Lot 23 of the US Forest Service's Valley View Recreational Tracts.
- The domestic use authorized under this right shall not exceed 13,000 gallons per day.
- The irrigation occurring under this domestic use shall not exceed 1/2 acre.
- Rights 71-10237 and 71-10943 when combined shall not exceed 13,000 gallons per day or 1/2 acre of irrigation on Lot 23 in the Valley View Recreational Tracts.
- Water use from rights 71-10237 and 71-10943 when combined shall not exceed domestic use in a total of 2 homes on Lots 23 and 34 in the Valley View Recreational Tracts.
- 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 suitable control of the diversion.
- This right does not grant any right-of-way or easement across the land of another.

Signed this 12th day of December, 2016.



SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
71-10943

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.

14E



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

0 0.035 0.07 0.14 Miles



**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT)
NO. 71-10943 IN THE NAME OF)
USDA FOREST SERVICE)
_____)

**PRELIMINARY ORDER
REINSTATING A PERMIT**

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On June 18, 2014, the Department issued permit 71-10943 ("permit") in the name of USDA Forest Service ("permit holder") with the condition that proof of construction of works and application of water to beneficial use ("proof of beneficial use") be submitted to the Department on or before November 1, 2016. The permit bore the priority date of July 28, 2011.
2. On August 31, 2016, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").
4. On November 1, 2016, the permit lapsed since the Department had not received an acceptable proof of beneficial use statement or request for extension of time.
5. On November 8, 2016, the Department sent the permit holder notice that the permit had lapsed.
6. On November 21, 2016, the permit holder filed a Statement of Completion for submitting proof of beneficial use.

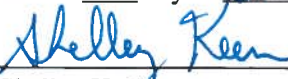
CONCLUSIONS OF LAW

1. Section 42-218a, *Idaho Code*, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of notice of lapsing.
2. The permit holder has provided a reasonable showing why this permit should be reinstated by submitting an acceptable proof of beneficial use. The permit shall be reinstated based upon the November 21, 2016, filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 71-10943 is **REINSTATED** and the permit's priority date is advanced to August 17, 2011.

Dated this 12th day of December, 2016.



Shelley Keen, Manager
Water Right Section



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 12, 2016

US DEPT OF AGRICULTURE
FOREST SERVICE
SAWTOOTH NATIONAL FOREST
2647 KIMBERLY RD E
TWIN FALLS ID 83301

RE: License No. 71-10943

Issuance of License

Dear Water Right Holder(s):

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order that reinstated this permit, since proof was submitted after the proof deadline. Please note that the priority date for this permit has been advanced to August 17, 2011, as provided in section 42-218a(2), Idaho Code.

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.

The Department acknowledges receipt of a \$50.00 license examination fee submitted. A license exam fee is not required for a ground water source with a rate of diversion of 0.04 cfs or less. Therefore, I will initiate the process to refund the license examination fee you submitted. You should receive a State of Idaho check for \$50.00 within ten (10) business days under separate cover for the fee you paid.

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

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2016, 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.

71-10943

**US DEPT OF AGRICULTURE
FOREST SERVICE
SAWTOOTH NATIONAL FOREST
2647 KIMBERLY RD E
TWIN FALLS ID 83301**



**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.

Block, Darla

From: Block, Darla
Sent: Monday, December 12, 2016 4:27 PM
To: Marston, Sascha
Subject: Refund Needing Issued:

December 12, 2016

Re: Issuance of a refund under **water right Permit No. 71-10943 and Receipt ID C102709**

Dear Sascha,

Please issue a refund in the amount of \$50.00 from **Receipt ID C102709**. A license examination fee is not required for a permit with a ground water source and a rate of diversion of 0.04 cfs or less. Please send the \$50.00 refund to the following:

**ATTN CATHERINE M MILLER
US DEPT OF AGRICULTURE FOREST SERVICE
SAWTOOTH NATIONAL FOREST
2647 KIMBERLY RD E
TWIN FALLS ID 83301**

Thanks,
Darla