

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 74-07338

PRIORITY: July 02, 1992

Maximum Diversion Rate: 0.15 CFS

Maximum Diversion Volume: 73.2 AF

It is hereby certified that:

JEROLD D DANCE 1603 MICK J SALMON ID 83467 And

RHONDA DANCE 1603 MICK J SALMON ID 83467

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 02, 1992, and has submitted Proof of Beneficial Use on July 15, 1993. An examination confirms water is diverted from:

SOURCE:
LEMHI RIVER

TRIBUTARY:
SALMON RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		4.2 AF
DIVERSION TO STORAGE	03/15 to 11/15	0.15 CFS	
RECREATION	03/15 to 11/15	0.15 CFS	69.0 AF

LOCATION OF POINT(S) OF DIVERSION:

LEMHI RIVER NE¼SW¼ Sec. 30, Twp 21N, Rge 23E, B.M. LEMHI County

PLACE OF USE: RECREATION STORAGE and RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	5															X		

CONDITIONS OF APPROVAL

1. 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. 74.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. The total combined rate of diversion under this right and Right No. 74-0707 shall not exceed 0.15 cfs and a volume of 73.2 af.
4. Right 74-7338 authorizes a total annual storage volume of 4.2 acre-feet, 1.8 acre-feet to be used for the initial filling or carryover storage of the pond(s) and 2.4 acre-feet for the replacement of losses caused by seepage and evaporation.

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 74-07338

5. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 1.8 acre-feet or a total surface area of 0.3 acre.

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 16th day of November, 2016.

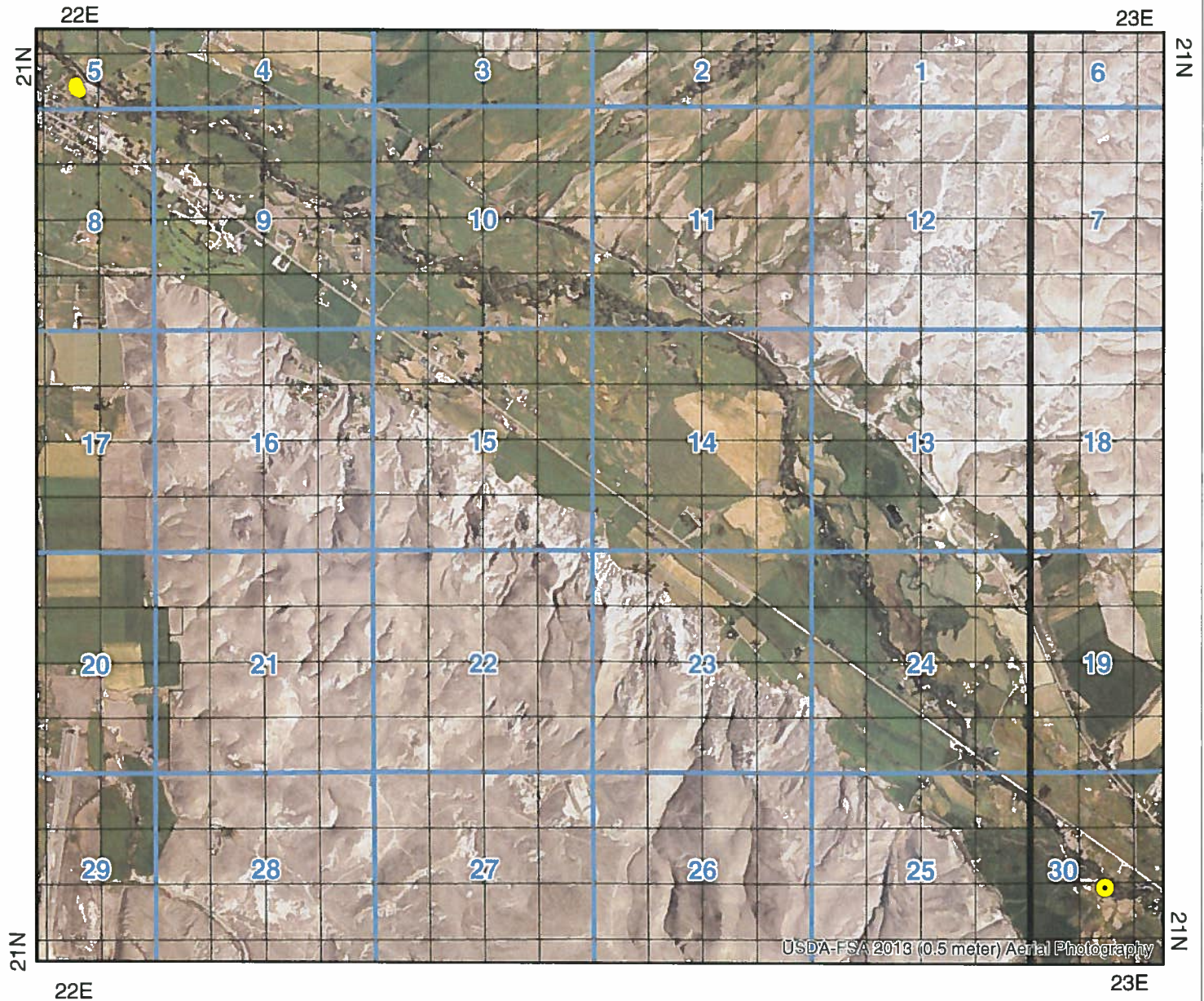


Shelley W. Keen

SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources
Water Right License
74-7338

This map depicts the RECREATION STORAGE place of use boundary and point of diversion 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





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

November 17, 2016

JEROLD D DANCE
RHONDA D DANCE
1603 MICK J ~~ST~~
SALMON ID 83467

RE: License No. 74-7338

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. Also enclosed is a copy of the approved application for amendment.

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 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)

c: WATER DISTRICT #74

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 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.

74-7338

**JEROLD D DANCE
1603 MICK J
SALMON ID 83467**

**RHONDA D DANCE
1603 MICK J
SALMON ID 83467**

**WATER DISTRICT #74
RICK SAGER
985 HWY 28
SALMON ID 83467**



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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-07338

PRIORITY: July 02, 1992

Maximum Diversion Rate: 0.15 CFS

Maximum Diversion Volume: 73.2 AF

Comes now

SHANNON R FAYLE 1480 LEMHI RD SALMON ID 83467 Or

CURTIS R FAYLE 1480 LEMHI RD SALMON ID 83467

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 74-07338, and requests that the permit be changed as follows:

SOURCE: LEMHI RIVER

TRIBUTARY: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		4.2 AF
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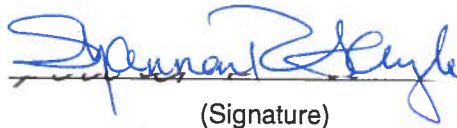
LOCATION OF POINT(S) OF DIVERSION:

LEMHI RIVER NE¼SW¼ Sec. 30, Twp 21N, Rge 23E, B.M. LEMHI County

PLACE OF USE: RECREATION STORAGE and RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	5															X		

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 28th day of October, 2016.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-07338

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 25 Received by VC # C102662 Date 11/3/16

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 74-07338 with the following:

CONDITIONS OF APPROVAL

1. 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. 74.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. The total combined rate of diversion under this right and Right No. 74-0707 shall not exceed 0.15 cfs and a volume of 73.2 af.
4. Right 74-7338 authorizes a total annual storage volume of 4.2 acre-feet, 1.8 acre-feet to be used for the initial filling or carryover storage of the pond(s) and 2.4 acre-feet for the replacement of losses caused by seepage and evaporation.
5. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 1.8 acre-feet or a total surface area of 0.3 acre.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 16th day of November, 2016.



SHELLEY W. KEEN
Water Rights Section Manager



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

September 29, 2016

JEROLD D DANCE
RHONDA DEE DANCE
1603 MICK J ST
SALMON, ID 83467

RE: Permit No. 74-7338

Dear Mr. and Mrs. Dance:

I am writing to you about Water Right Permit 74-7338, that the Idaho Department of Water Resources (IDWR) issued to Curtis and Shannon Fayle in 1992. The permit is being reviewed for licensing, which is the final confirmation that a water right has been established. However, before IDWR can issue a water right license, the permit must be amended to depict the water right as it was actually developed. By issuing a license, IDWR confirms the extent of development that has been established in compliance with the terms of the permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code.

I sent an Application for Amendment form to Mr. and Mrs. Fayle, but did not receive a response. I have enclosed a copy of that letter. County records indicate that you now own the property on which the water development occurred. Also, you accompanied me during the field exam in June 2013. I am writing to give you the opportunity to complete the water right licensing process.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, sign the form and return it with the \$100.00 filing fee by September 14.

Water right permits are considered personal property. In order for IDWR to issue the water right license in your name, Mr. and Mrs. Fayle must assign the permit to you. I have enclosed an Assignment of Permit form to help you obtain the required information and signatures. The fee for filing an assignment is \$25.00.

If you do not obtain the assignment from Mr. and Mrs. Fayle, IDWR may still issue a license if you submit the Application for Amendment and fee. The license will be issued in the name of Curtis and Shannon Fayle. However, once the license is issued, the water right becomes appurtenant to the land, regardless of the name listed on the document, and you can submit an ownership change notice at that time. The fee for a Notice of Change in Water Right Ownership is \$25.00.

If you have any questions about this information, please contact me at 208-287-4881 or sandra.thiel@idwr.idaho.gov. If I do not receive the amendment by September 14, I will take action to void your permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Thiel". The signature is fluid and cursive, with the first name "Sandra" and last name "Thiel" clearly distinguishable.

Sandra Thiel
Sr. Water Resource Agent

Enclosures



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

August 31, 2016

JEROLD D DANCE
RHONDA DEE DANCE
401 N WARPATH
SALMON, ID 83467

RE: Permit No. 74-7338

Dear Mr. and Mrs. Dance:

I am writing to you about Water Right Permit 74-7338, that the Idaho Department of Water Resources (IDWR) issued to Curtis and Shannon Fayle in 1992. The permit is being reviewed for licensing, which is the final confirmation that a water right has been established. However, before IDWR can issue a water right license, the permit must be amended to depict the water right as it was actually developed. By issuing a license, IDWR confirms the extent of development that has been established in compliance with the terms of the permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code.

I sent an Application for Amendment form to Mr. and Mrs. Fayle, but did not receive a response. I have enclosed a copy of that letter. County records indicate that you now own the property on which the water development occurred. Also, you accompanied me during the field exam in June 2013. I am writing to give you the opportunity to complete the water right licensing process.

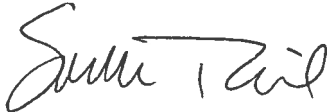
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Water right permits are considered personal property. In order for IDWR to issue the water right license in your name, Mr. and Mrs. Fayle must assign the permit to you. I have enclosed an Assignment of Permit form to help you obtain the required information and signatures. The fee for filing an assignment is \$25.00.

If you do not obtain the assignment from Mr. and Mrs. Fayle, IDWR may still issue a license if you submit the Application for Amendment and fee. The license will be issued in the name of Curtis and Shannon Fayle. However, once the license is issued, the water right becomes appurtenant to the land, regardless of the name listed on the document, and you can submit an ownership change notice at that time. The fee for a Notice of Change in Water Right Ownership is \$25.00.

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Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Thiel". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Sandra Thiel
Sr. Water Resource Agent

Enclosures



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

August 30, 2016

SHANNON R FAYLE
CURTIS R FAYLE
1480 LEMHI RD
SALMON ID 83467

Re: Water Right Permit No. 74-7338

Dear Permit Holders:

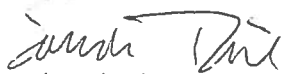
The Department of Water Resources sent you an Application for Amendment form on June 8, 2016, for the above referenced Permit. The amendment is required because the field examiner who verified the water use established in connection with your permit reported that one or more elements of your water use differs from the permit. As of this date the Department has not received a response.

If I do not receive the amendment by September 20, 2016, I will assume you are no longer interested in obtaining a water right license and your permit will be voided. In case the amendment form I sent you has been misplaced, a new one is enclosed.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee by September 20.

If you have any questions please contact me at (208)287-4881 or at sandra.thiel@idwr.idaho.gov.

Sincerely,


Sandra Thiel
Sr. Water Resource Agent

Enclosures

C: Jerold D Dance