

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 71-10959

Priority: August 08, 2016

Maximum Diversion Rate: 0.25 CFS

This is to certify, that BALSAM WELL OWNERS ASSOCIATION INC
C/O PETER MADSEN
PO BOX 334
HAILEY ID 83333

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	0.15 CFS
IRRIGATION	05/01 to 10/31	0.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L3 (SE1/4NW1/4) Sec. 36, Twp 10N, Rge 13E, B.M.
CUSTER 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	
10N 13E 36					X			X									
					L 2			L 3									

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	
10N 13E 36					2.0			3.0									5.0
					L 2			L 3									

Total Acres: 5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 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. 71.

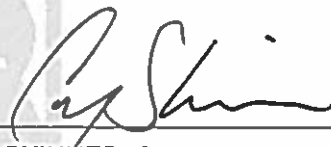
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 71-10959

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 right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to employ an alternative method to determine and record the amount of water diverted.
6. 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.
7. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
8. Domestic use is for 10 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.
9. This right does not grant any right-of-way or easement across the land of another.
10. Point of diversion is located within Lot 39, Block 2 Stanley Basin Cabin Sites #1.
11. Place of use is located within Lots 32-41, Block 2 Stanley Basin Cabin Sites #1.
12. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

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

Signed this 14th day of November, 2016.



COREY SKINNER, Southern Region Manager

State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
71-10959

This map depicts the DOMESTIC & 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.



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

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

November 16, 2016

BALSAM WELL OWNERS ASSOCIATION INC
C/O PETER MADSEN
PO BOX 334
HAILEY ID 83333

RE: Permit No. 71-10959

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 208-736-3033.

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: JAMES P SPECK
MORGAN MILLER WATER MASTER
CINDY YENTER WATER MASTER

CERTIFICATE OF SERVICE

I hereby certify that on November 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. 71-10959

**BALSAM WELL OWNERS ASSOCIATION INC
C/O PETER MADSEN
PO BOX 334
HAILEY ID 83333**

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

**MORGAN MILLER WATER MASTER
WATER DISTRICT 71
3594 HOTSPRINGS RD
CHALLIS ID 83226**

CINDY YENTER WATER MASTER *via e-mail*
WATER DISTRICT 170
102 S WARPATH
SALMON ID 83467

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.



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

October 26, 2016

Stanley Basin Well Owner's Association, Inc.
P.O. Box 5495
Twin Falls, ID 83303

RE: Water right transfer for 71-7095, existing water right for Stanley Basin Well Owner's Assn.

Dear Water Right Holder:

In August of this year, Stanley Basin Well Owner's Association and Balsam Well Owner's Association both filed Applications for Permit to divert and use water in the Stanley Basin Cabin Sites #1 subdivision south of Stanley. Both applications were proposing diversion of water for domestic and irrigation uses from ground water. The Stanley Basin WOA application (71-10958) proposed using their existing well, and Balsam WOA application (71-10959) proposed drilling a new well on the south portion of the subdivision.

Existing water right 71-7095 appears to be appurtenant to 22 of the 25 lots in the subdivision in both Government Lot 2 (NENW) and Government Lot 3 (SENW) of T10N, R13E, Section 36. In phone and email communications with Jim Speck, he indicated that the water systems will be split and separate and that Stanley Basin Well Owner's Association will retain ownership and use of 71-7095. Therefore, a water right transfer for 71-7095 is necessary, as the place of use element of the right will be changing (dropping Government Lot 3 (SENW)). The transfer should specify that right 71-7095 will only be appurtenant to tax lots 20-31 of Stanley Basin Cabin Sites #1. The transfer applicant should be Stanley Basin Well Owner's Association, Inc., with an authorized representative of the Association signing the transfer application.

Please note that water right 71-7095 and the need for a transfer is a currently unresolved issue with regards to development of the two systems described by pending water right applications for permit 71-10958 (Stanley Basin WOA) and 71-10959 (Balsam WOA). Before the eventual licensing of applications for permit 71-10958 and 71-10959, the disposition of right 71-7095 and its place of use will need to be determined.

If you have any questions, feel free to contact me at your convenience. My email address is: james.bitzenburg@idwr.idaho.gov, and the phone number is 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Bitzenburg', written over a horizontal line.

Jim Bitzenburg
Water Resource Agent

Cc: Jim Speck, Brian Olmstead/Olmstead Family Trust, Marilyn Olmstead Broek, Max Broek, Balsam
Well Owner's Association

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Todd Adams, 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 Sept. 15 2016 and ending with the issue dated Sept. 22 2016

RECEIVED

OCT 03 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

71-10958

STANLEY BASIN WELL OWNERS ASSOCIATION INC

C/O JED GRAY

PO BOX 326

SUN VALLEY, ID 83353

Point of Diversion

L2(NWNENW) S36 T10N R13E

CUSTER County Source

GROUND WATER Tributary

Use: DOMESTIC 01/01 to

12/31 0.16 CFS

Use: IRRIGATION 05/01 to

10/31 0.12 CFS

Total Diversion: 0.28 CFS

Date Filed: 8/8/2016

Place Of Use: DOMESTIC, IRRIGATION

T10N R13E S36 L2(NENW)

Total Acres: 6

Application for permit for domestic (0.16 cfs, 12 homes) and irrigation (0.12 cfs, 6 acres) uses from an existing well, located approximately 4.0 miles south and 2.0 miles east of the intersection of State Highways 21 and 75 in Stanley, to supplement existing water right 71-7095. The proposed place of use is in the Stanley Basin Cabin Sites #1, Lots 20 thru 31, located approximately 4.0 to 4.2 miles south and 2.0 to 2.2 miles east of Stanley.

This application proposes the diversion and use of water tributary 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Salmon River Wild & Scenic River.

STATE OF IDAHO

COUNTY OF CUSTER

On this 23rd day of Sept. in the year of 2016, before me, a Notary Public,

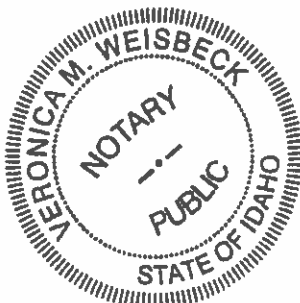
personally appeared Todd Adams, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Veronica M. Weisbeck

Notary Public for Idaho

Residing at Challis, Idaho

My commission expires: 1/9/21



✓ OK DM 10/3/2016

over →

71-10959

BALSAM WELL OWNERS
ASSOCIATION INC
C/O PETER MADSEN
PO BOX 334
HAILEY, ID 83333

Point of Diversion L3(SENW)
S36 T10N R13E CUSTER County
Source GROUND WATER
Tributary

Use: DOMESTIC 01/01 to
12/31 0.15 CFS

Use: IRRIGATION 05/01 to
10/31 0.1 CFS

Total Diversion: 0.25 CFS

Date Filed: 8/8/2016

Place Of Use: DOMESTIC,
IRRIGATION

T10N R13E S36 L2(NENW)
L3(SENW)

Total Acres: 5

Application for permit for domestic (0.15 cfs, 10 homes) and irrigation (0.10 cfs, 5 acres) uses from a new well, located approximately 4.3 miles south and 2.0 miles east of the intersection of State Highways 21 and 75 in Stanley, to supplement existing water right 71-7095. The proposed place of use is in the Stanley Basin Cabin Sites #1, Lots 32 thru 41, located approximately 4.1 to 4.3 miles south and 2.0 to 2.2 miles east of Stanley.

This application proposes the diversion and use of water tributary 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 the diversion rate and acres 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) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. 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, Cte 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before October 3, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published: September 15 and
22, 2016

✓ OK DM

10/3/2016



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

C.L. "Butch" Otter / Governor
Virgil Moore / Director

September 28, 2016

RECEIVED

OCT 03 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho Department of Water Resources
ATTN: Denise Maline, Southern Region
650 Addison Ave. W. Suite 500
Twin Falls, Idaho 83301-5858

Stanley Basin Well Owners Association, Inc.
ATTN: Jed Gray
P.O. Box 326
Sun Valley, Idaho 83353

Balsam Well Owners Association, Inc.
ATTN: Peter Madsen
P.O. Box 334
Hailey, Idaho, 83333

Applicant(s) Representative
James P. Speck
P.O. Box 987
Ketchum, ID 83340

RE: Water Right Applications for Permits No. 71-10958 & 71-10959

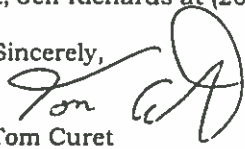
Dear Denise, Jed, Peter and James:

The IDFG has reviewed the applications for permits no. 71-10958 & 71-10959 submitted by Stanley Basin Well Owners Association, Inc. (Jed Gray) and Balsam Well Owners Association, Inc. (Peter Madsen) applicants. The applicants seek to appropriate a total of 0.53 cfs of public water from two wells in close proximity to the main stem of the Salmon River. This water source is within the Wild and Scenic Watershed of the Salmon River and administered as anticipated under the provisions of the Wild and Scenic Agreement. The proposed beneficial use is for domestic use of 22 houses (0.306 cfs) and irrigation of 11 acres of land (0.22 cfs).

Water distribution would be accomplished by pulling water from a well drilled in 1965 and a new proposed well; pumping it down buried mainlines. It is IDFG's understanding that the Stanley Basin Well Owners Association, Inc. application is to supplement the 0.05 cfs domestic use under WR-71-7095 and add irrigation, all drawing from the same well on Lot 24. The place of use is Lots 20-31, Stanley Basin Cabin Sites #1. This system will provide water for domestic use and irrigation at a maximum of 0.5 acres on each lot with a home. The Balsam Well Owners Association, Inc. will develop a new well and water system to provide water to Lots 32-41 of the Stanley Basin Cabin Sites #1, which will provide water for domestic use and irrigation.

Based on the detail of the Water Right application, Hydrologic Impact Reports, and Bore Logs, 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

Keeping Idaho's Wildlife Heritage

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

RECEIVED

OCT 03 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Application No.: 71-10959

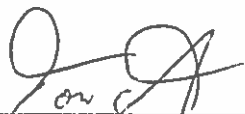
Applicant's Name: BALSAM WELL OWNERS ASSOCIATION INC
C/O PETER MADSEN
PO BOX 334
HAILEY, ID 83333

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 28 day of September, 2016

Idaho Dept of Fish & Game



Signature

Jon Curet

Printed Name

Via E-mail
RECEIVED

State of Idaho
Department of Water Resources

SEP 23 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

RECOMMENDATION OF WATERMASTER

Application No:
Water Right No: 71-10958, 71-10959
Applicant Name: Stanley Basin Well Owners Association,
Balsam Well Owners Association

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:

Must reconcile the existing right 71-7095 to the two separate systems by filing a transfer application to split the right and add a pod for the south system.

- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

I request that approval of the permits be delayed or withheld until a transfer application is received or right 71-7095 is otherwise addressed.

Dated: September 26, 2016
23

Cindy Yenter

Water District 170

Cindy Yenter, Watermaster

Received via Email 9-23-16

Skinner, Corey

From: Skinner, Corey
Sent: Wednesday, September 21, 2016 10:50 AM
To: 'jeff.richards@idfg.idaho.gov'
Subject: RE: Application for Permit No. 71-10958 & 71-10959

Jeff,

The protest deadline of October 3, 2016 is set in stone so any formal protest(s) must be submitted by then. If IDF&G wants to share any comments we can still consider them. We will grant you additional time to submit any comments until October 11. However, if IDF&G wants to file a formal protest, it must be received at an IDWR office on, or before, October 3, 2016.

Let me know if you have any questions,

Corey Skinner
IDWR Southern Region Manager

From: Hersley, Jean
Sent: Wednesday, September 21, 2016 9:53 AM
To: Maline, Denise; Skinner, Corey
Subject: FW: Application for Permit No. 71-10958 & 71-10959

From: Richards, Jeff [<mailto:jeff.richards@idfg.idaho.gov>]
Sent: Wednesday, September 21, 2016 9:51 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: Application for Permit No. 71-10958 & 71-10959

Jean:

I and Tom Curet have been in and out of the office over the past several weeks. Is there any chance that IDFG could get more time to review this application? We have several concerns on the old and new source drawing on the Salmon River and would like additional time to review.

Sincerely,

Jeff Richards
Environmental Staff Biologist, Idaho Department of Fish and Game
Salmon Region
99 Highway 93 N
Salmon, ID 83467
(208) 756-2271

