

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 75-14845

Priority: July 21, 2016

Maximum Diversion Rate: 0.06 CFS

This is to certify, that HERMENEGILDO T JORDAN
PO BOX 664
SALMON ID 83467

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>
IRRIGATION	04/01 to 10/31	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6 (SW1/4SE1/4) Sec. 35, Twp 24N, Rge 21E, B.M.
LEMHI County

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	
24N 21E 35															2.0		2.0
															L 6		

Total Acres: 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2017**.
2. Subject to all prior water rights.
3. 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.
4. 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.
5. 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.
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.

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7. 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.
8. Place of use and the point of diversion are located within Lot 3; Amended Rock Point Subdivision.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of September, 20 16.



Pamela S. Skaggs

PAMELA S. SKAGGS, Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

75-14845

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.

21E



-  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

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

September 21, 2016

HERMENEGILDO T JORDAN
PO BOX 664
SALMON ID 83467

RE: Permit No. 75-14845

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 208-287-4951.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 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.

75-14845

**HERMENEGILDO T JORDAN
PO BOX 664
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.

Hersley, Jean

From: Hersley, Jean
Sent: Monday, September 19, 2016 7:36 AM
To: 'Richards,Jeff'
Subject: RE: WR-75-14845

Thank you. To answer your question, "Is the application for 0.06 cfs or 0.04 cfs?" The application requested 0.06 cfs. The draft permit is for 0.04 cfs. If you have any additional questions, please contact Michele Edl, (208) 287-4946.

Jean

From: Richards,Jeff [mailto:jeff.richards@idfg.idaho.gov]
Sent: Friday, September 16, 2016 3:54 PM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Subject: WR-75-14845

Jean:

Here are the IDFG comments for WR-75-14845.

Sincerely,

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





RECEIVED

SEP 19 2016

DEPT OF WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

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

September 16, 2016

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

Hermenegildo T. Jordan
P.O. Box 664
Salmon, ID 83467

RE: Water Right Application for Permit No. 75-14845

Dear Jean and Hermenegildo:

The IDFG has reviewed the application for permit no. 75-14845 submitted by Hermenegildo T. Jordan (Applicant). The applicant seeks to appropriate 0.06 cfs of public water from a well 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 the irrigation of 2 acres of land for grass hay production.

Water distribution would be accomplished by pulling water from the well drilled in 1985; pumping it down an irrigation pipe and into a sprinkler system. The only question that IDFG has is based on a Memorandum dated August 8, 2016 from Michele Edl to Mr. Jordan, stating that:

Water Use & Quality

"The application requested water for irrigation use on 2.0 acres of his property. By IDWR policy, small irrigation uses on less than 5 acres could be authorized 0.03 cfs/acre and the application does propose that amount. However, the W&S agreement stipulates 0.02 cfs/acre. Therefore the permit will be issued for 0.04 cfs or 0.02 cfs/acre. The permitted use will benefit from the subordination provisions."

Is the application for 0.06 cfs or 0.04 cfs?

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

Keeping Idaho's Wildlife Heritage

**NOTICE OF APPLICATION OF
APPROPRIATED WATERS**

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

75-14845

HERMENEGILDO T JORDAN

PO BOX 664

SALMON, ID 83467

Point of Diversion L6(SWSE) S35 T24N

R21E LEMHI County

Source GROUND WATER

Use: IRRIGATION

04/01 to 10/31

0.06 CFS

Total Diversion:

0.06 CFS

Date Filed: 7/14/2016

Place Of Use: IRRIGATION

T24N R21E S35 L6(SWSE)

Total Acres: 2

This application proposes the diversion and use of ground water tributary to the Salmon 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 0.04 cfs and 2 acres will be applied to the subordination amounts specified in the decree for the applicable Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 9/19/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

9-1-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **APPLICATION**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **9-1-2016** and ending with the issue dated **9-8-2016**.

STATE OF IDAHO

County of Lemhi

ss.

On this **8th day of September** in this year of 2016 before me, A Notary Public, personally appeared RICKY G. HODGES, 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.



Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 11-30-2018

Publication Fee \$118.80

RECEIVED
SEP 12 2016

Department of Water Resources
Eastern Region

RECEIVED
SEP 15 2016
DEPARTMENT OF
WATER RESOURCES

sgm
9-15-16

