

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 72-07569

PRIORITY: March 10, 1999

Maximum Diversion Volume: 0.5 AF

It is hereby certified that:

JUSTIN And PATRICIA FARR
PO BOX 1255
CHALLIS ID 83226

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 10, 1999, and has submitted Proof of Beneficial Use on June 30, 2006. An examination confirms water is diverted from:

SOURCE: UNNAMED STREAM

TRIBUTARY: CHALLIS CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
RECREATION STORAGE	1/01 to 12/31	0.5 AF
WILDLIFE STORAGE	1/01 to 12/31	0.5 AF
AESTHETIC STORAGE	1/01 to 12/31	0.5 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE¼NE¼ Sec. 22, Twp 14N, Rge 19E, B.M. CUSTER County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	22	X																

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	22	X																

PLACE OF USE: WILDLIFE STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	22	X																

CONDITIONS OF APPROVAL

- The reservoir established by the storage of water under this right and right 72-16909 shall not exceed a total capacity of 11.3 acre-feet or a total surface area of 3.75 acres.

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2. Rights 72-7569 and 72-16909 authorize a total annual storage volume of 18.3 acre-feet, 11.3 acre-feet to be used for the initial filling or carryover storage of the reservoir and 7.0 acre-feet for the replacement of losses caused by evaporation.
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. 72A.
4. Upon specific notification by the Department, 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. Upon specific notification by the Department, the right holder shall permanently install and maintain a staff gage acceptable to the Department to provide a means to measure the reservoir level on a constant basis.

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 6th day of September, 2016.

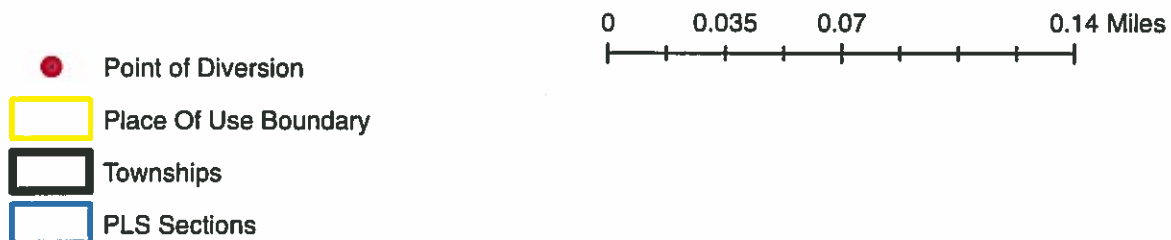
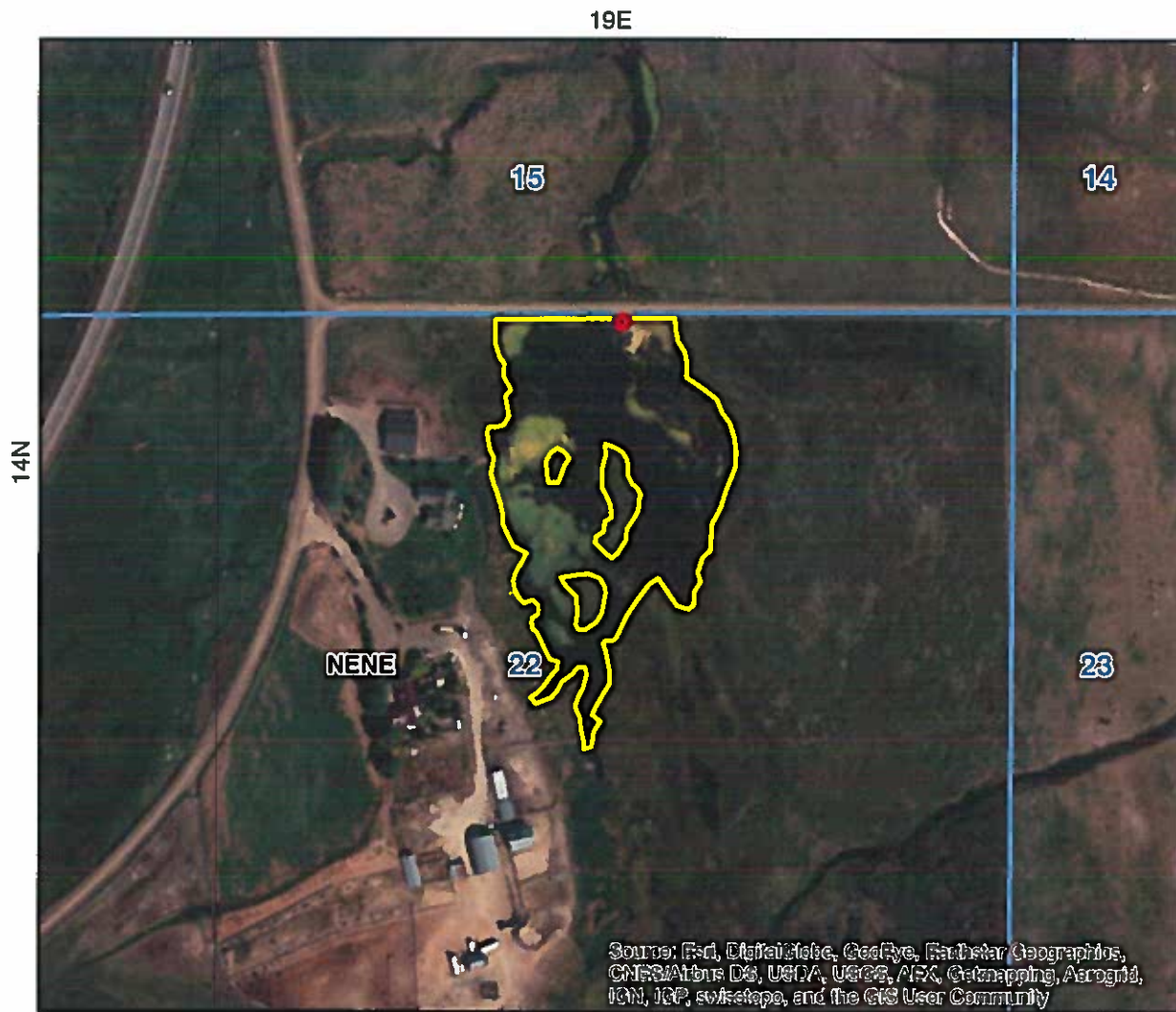

COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License

72-7569

This map depicts the WILDLIFE STORAGE, RECREATION STORAGE, AND AESTHETIC STORAGE 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.





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

September 8, 2016

JUSTIN FARR
PATRICIA FARR
PO BOX 1255
CHALLIS ID 83226

RE: License No. 72-7569

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.

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 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey Skinner', is written over a light blue horizontal line.

Corey Skinner
Southern Region Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 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.

72-7569

**JUSTIN FARR
PATRICIA FARR
PO BOX 1255
CHALLIS ID 83226**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid 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: Luke, Tim
Sent: Friday, January 22, 2016 4:53 PM
To: Yenter, Cindy
Cc: Skinner, Corey; Dillon, Paula
Subject: RE: WD72A boundary

Cindy,

There is an updated WD72A polygon that is part of an updated Water Districts layer that Rob and I have been working on with Paula Dillon over the past 5 months approximately but that layer has not been pushed yet to production. I am nearly done with reviewing all the water district shapes – I have just 60's basins and some of the 70's basins in Western Region area yet to review and the few districts in Northern. I think GIS is waiting on me to finish review before they push the whole layer to production.

The updated polygon for 72A and many of the other updated WD polygons are based on updated HUC boundaries. The application you asked about is just barely included in the updated WD72A shape and Challis Creek HUC so I think the location is within the district and drainage, and therefore also matches the water district description. You should be good to add the WD72A flag for the application although I understand it may not necessarily be administered by the district for some time.

Paula's latest updated water district layer may be found as follows:
[P:\PDillon\WaterDistrictAlignment\WaterDistricts_01052016.shp](P:\PDillon\WaterDistrictAlignment\WaterDistricts_01052016.shp)

Tim

From: Yenter, Cindy
Sent: Friday, January 22, 2016 4:01 PM
To: Luke, Tim
Cc: Skinner, Corey
Subject: WD72A boundary

Tim, Can you please take a look at the location of the pou and pod represented by app for permit 72-16909. The source of this pond is springs; the springs form an unnamed stream which is tributary to lower Challis Ck in NW Sec 11, 14N20E, just upstream of its confluence with the Salmon river. According to the water district shape, this area and these springs are outside of 72A and only within 170. However, Corey indicates that the narrative description of 72A describes the district as administering all water tributary to Challis Creek, to the confluence with Salmon River.

In general, that area east of Challis, east of HWY 93, and north to just below the Challis Ck confluence, is marshy and tributary sources are not actively administered by WD72A. Has the area been removed from the water district? If so should we consider re-wording the narrative?

We are just trying to get the correct WD flag and condition language on this permit and an associated license.

Thanks.