

NO. 72-16909

Maximum Diversion Volume: 17.8 AF

And

PATRICIA FARR
PO BOX 1255
CHALLIS ID 83226

has applied for a permit to appropriate water from:

Tributary: CHALLIS CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	17.8 AF
RECREATION STORAGE	01/01 to 12/31	17.8 AF
AESTHETIC STORAGE	01/01 to 12/31	17.8 AF

UNNAMED STREAM NE1/4NE1/4 Sec. 22, Twp 14N, Rge 19E, B.M.
CUSTER County

PLACE OF USE: WILDLIFE STORAGE

[illegible]

PLACE OF USE: RECREATION STORAGE

[illegible]

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 72-16909

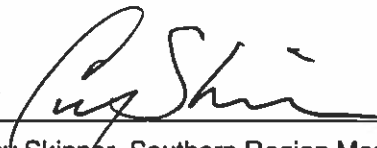
PLACE OF USE: AESTHETIC STORAGE

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

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2017**.
2. Subject to all prior water rights.
3. The reservoir established by the storage of water under this right and right 72-7569 shall not exceed a total capacity of 11.3 acre-feet or a total surface area of 3.75 acres.
4. 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.
5. 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.
6. 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.
7. 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 permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 6th day of September, 2016.

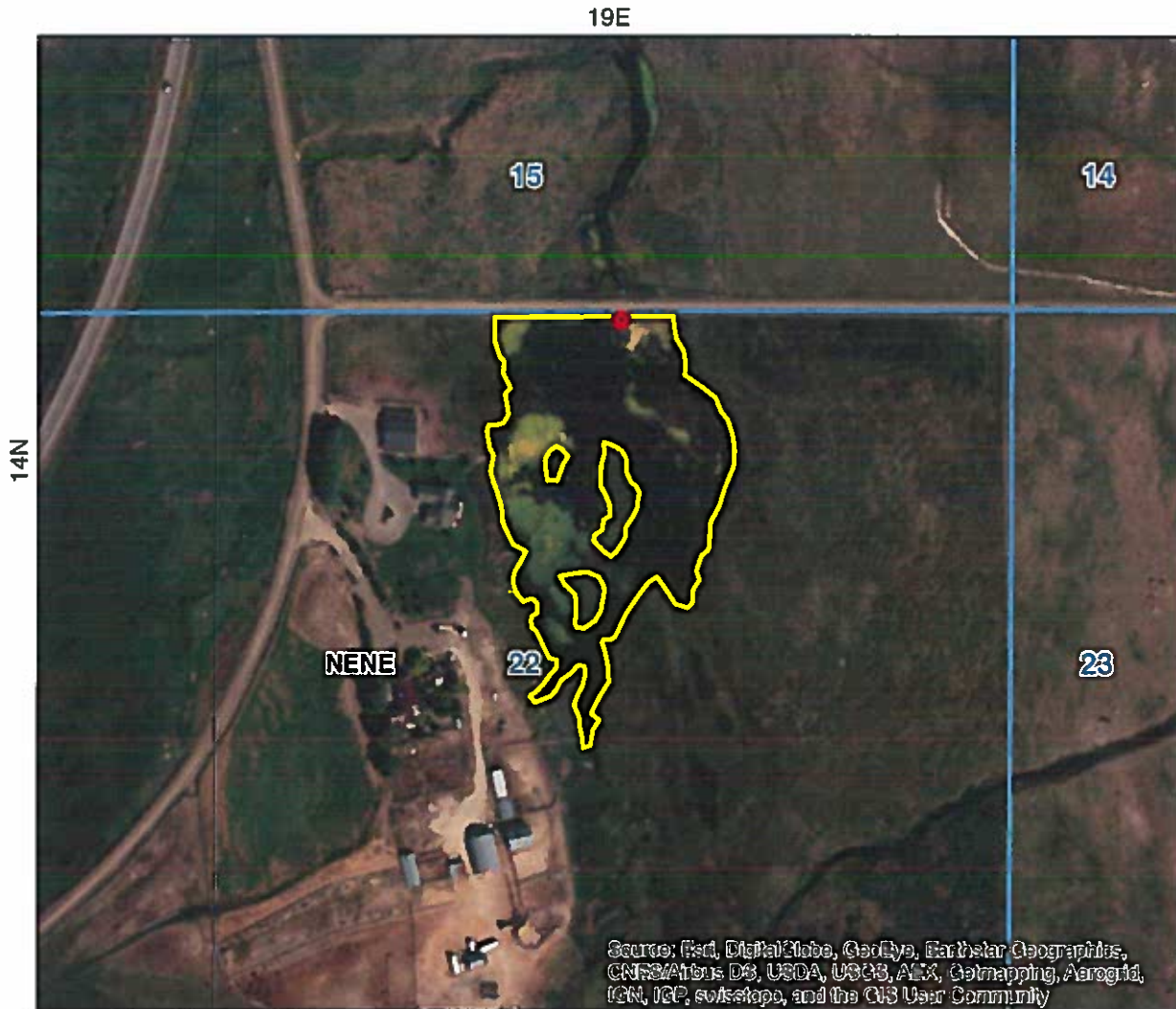

 Corey Skinner, Southern Region Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

72-16909

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.



- 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

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: Permit No. 72-16909

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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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 cursive script, appearing to read "Corey Skinner".

Corey Skinner
Southern Region Manager

Enclosure(s)

cc: CINDY YENTER, WATER MASTER
RICK PHILPS, WATER MASTER

CERTIFICATE OF SERVICE

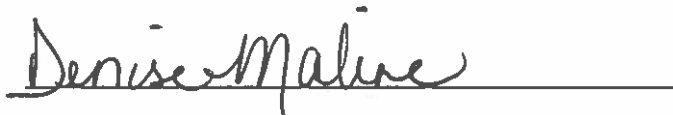
I hereby certify that on September 8, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 72-16909

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

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

**RICK PHILPS WATER MASTER
WATER DISTRICT 72A
25033 HWY 93 N
CHALLIS ID 83226-4798**

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.

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Susan Callahan, 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 1/21 2016 and ending with the issue dated 1/28 2016

Susan Callahan

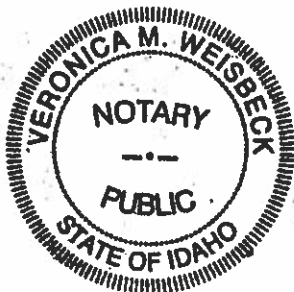
STATE OF IDAHO

COUNTY OF CUSTER

On this 15th day of FEB in the year of 2016, before me, a Notary Public,

personally appeared Susan Callahan, 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



IDWR
The following applica(s)
have been filed to appropriate
the public waters of the State
of Idaho: 72-16909

JUSTIN FARR
PATRICIA FARR
PO BOX 1255
CHALLIS, ID 83226
Point of Diversion NENE S22
T14N R19E CUSTER County
Source UNNAMED STREAM
Tributary CHALLIS CREEK
Use: AESTHETIC STORAGE
01/01 to 12/31 17.8 AF
Use: RECREATION STORAGE
01/01 to 12/31 17.8 AF
Use: WILDLIFE STORAGE
01/01 to 12/31 17.8 AF
Total Diversion: 17.8 AF
Date Filed: 12/4/2015
Place Of Use: WILDLIFE
STORAGE, RECREATION STOR-
AGE, AESTHETIC STORAGE
14N R19E S22 NENE
Application seeks to appropri-
ate 17.8 acre-feet of water from
an unnamed stream for uses
associated with an existing on-
stream reservoir. The reservoir is
located approximately 2.0 miles
north and 1.35 miles east of the
Highway 93 & Main

Street/Garden Creek Road inter-
section in Challis.

This application proposes the
diversion and use of water tribu-
tary to a federally designated
Wild & Scenic River. The decreed
minimum stream flow rights for
the federal Wild & Scenic Rivers
are subordinate to certain cate-
gories of water use and to specifi-
c amounts of water use estab-
lished after the minimum stream
flow. The water use proposed in
this application will benefit from
the subordination provision
because it is for storage purpos-
es.

Permits will be subject to all
prior water rights. For additional
information concerning the prop-
erty location, contact Southern
Region office at (208) 736-3033;
or for a full description of the
right(s), please see
[www.idwr.idaho.gov/WaterMan-
agement/WaterRights/#New
Listings](http://www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings). Protests may be sub-
mitted 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, Ste 500, Twin
Falls, ID 83301 together with a
protest fee of \$25.00 for each
application on or before February
8, 2016. The protestant must
also send a copy of the protest to
the applicant.

GARY SPACKMAN, Director
Published: January 21 and
28, 2016

Via E-mail
RECEIVED

FEB 24 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK DM 2/24/2016

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 72-16909
Water Right No:
Applicant Name: Farr

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

Use 72A flag. Area is currently not actively regulated by 72A; suggest an "after specific notification" form of measurement requirement. Waiver of upstream device OK.

Dated: February 9, 2016

Water District 170



Cindy Yenter, Watermaster