

State of Idaho  
Department of Water Resources

# Amended Permit to Appropriate Water

NO. 75-14819

Priority: February 08, 2016

Maximum Diversion Rate: 1.04 CFS

This is to certify, that DAHLES RED E MIX INC  
522 S RIVER ST  
SALMON ID 83467

has applied for a permit to appropriate water from:

**Source:** GROUND WATER

and an amended permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
INDUSTRIAL	01/01 to 12/31	1.00 CFS	
AESTHETIC STORAGE	01/01 to 12/31		80.8 AF
IRRIGATION	04/01 to 10/31	0.04 CFS	

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER L4 (SW1/4SW1/4) Sec. 7, Twp 20N, Rge 22E, B.M. LEMHI County

GROUND WATER L4 (SW1/4SW1/4) Sec. 7, Twp 20N, Rge 22E, B.M. LEMHI County

**PLACE OF USE:** INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N 22E 7											X						
20N 22E 18							X				L4						

**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	
20N 22E 7											X						
20N 22E 18							X				L4						

**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	
20N 22E 7											2.0						2.0
20N 22E 18							.5				L4						.5

Acre Limit: 1.4  
Total Acres: 2.5

State of Idaho  
Department of Water Resources

# Amended Permit to Appropriate Water

NO. 75-14819

## CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2021**.
2. Subject to all prior water rights.
3. The pond established by the storage of water under this right shall not exceed a total capacity of 69 acre-feet or a total surface area of 6.9 acres.
4. Right 75-14819 authorizes a total annual storage volume of 80.8 acre-feet, 69.0 acre-feet to be used for the initial filling or carryover storage of the pond and 11.8 acre-feet for the replacement of losses caused by evaporation.
5. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
6. This right is limited to the irrigation of 1.4 acres within the authorized place of use in a single irrigation season.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor exceed a combined annual maximum diversion volume of 4.9 af at the field headgate for the place of use.
8. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
9. If the surface water right(s) appurtenant to the place of use for this right is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), the right holder shall not divert ground water for irrigation purposes on the land with appurtenant surface water rights without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
10. 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.
11. 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.
12. 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.
13. This right does not grant any right-of-way or easement across the land of another.
14. Industrial use is for a sand and gravel washing plant.

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

Signed this 22<sup>nd</sup> day of June, 2016.



PAMELA S. SKAGGS, Water Rights Supervisor



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

June 23, 2016

DAHLES RED E MIX INC  
522 S RIVER ST  
SALMON ID 83467

RE: Permit Nos. 75-14819 & 75-14820

**Amended Permits Approval Notice**

Dear Permit Holder:

The Department of Water Resources has issued the enclosed amended permits. Please be sure to thoroughly review every element including the conditions of approval listed on your permits.

The amended permits are PRELIMINARY ORDERS issued by the Department pursuant to Section 67-5243, Idaho Code. They can and will become final orders 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.

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 June 24, 2016, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDERS (**Approved Amended Permits**) to the person(s) listed below:

**RE: WATER RIGHT NOS.                      75-14819 & 75-14820**

**DAHLES RED E MIX INC  
522 S RIVER ST  
SALMON ID 83467**



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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.

**Skaggs, Pam**

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**From:** Dahles Red-E-Mix, Inc <dahlesred@centurytel.net>  
**Sent:** Wednesday, June 22, 2016 3:13 PM  
**To:** Skaggs, Pam  
**Subject:** Confirmation on changes to water permits

Pam,

Thank you for your phone call letting me know that a revision needs to be made on the water permits that I just received in the mail. I will review the new permits when we receive them in the mail.

**Alisa Peets**

Vice President-Secretary

Dahle's Red-E-Mix, Inc  
522 River Street  
Salmon, ID 83467  
(208) 756-2481 pl.  
(208) 756-2931 fax