

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 86-12040

Priority: January 11, 2016

Maximum Diversion Volume: 4.3 AF

This is to certify, that **RANDY CHARLTON**
234 VISTA CT
SARATOGA SPRINGS UT 84045

has applied for a permit to appropriate water from:

Source: UNAMED STREAM**Tributary:** BEDBUG CREEK

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

BENEFICIAL USE	PERIOD OF USE	ANNUAL VOLUME
FIRE PROTECTION STORAGE	01/01 to 12/31	2.8 AF
WILDLIFE STORAGE	01/01 to 12/31	2.8 AF
IRRIGATION STORAGE	01/01 to 12/31	4.3 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	1.5 AF

LOCATION OF POINT(S) OF DIVERSION:

UNAMED STREAM NE1/4SE1/4 Sec. 1, Twp 38N, Rge 01W, B.M. LATAH County

PLACE OF USE: IRRIGATION STORAGE, IRRIGATION FROM STORAGE, WILDLIFE STORAGE, AND FIRE PROTECTION 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	
38N 01W 1																	.5
																	X

Total Acres: 0.5

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2021**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

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5. Right 86-12040 authorizes a total annual storage volume of 4.3 acre-feet to be used for the initial filling of the pond, for the replacement of losses caused by seepage and evaporation and for the storage of water for fire protection, wildlife and irrigation purposes.
6. The pond established by the storage of water under this right shall not exceed a total capacity of 1.7 acre-feet or a total surface area of 0.17 acres.
7. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
8. This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
9. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 18 day of February, 20 16.



KEITH E. FRANKLIN, Program Manager





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive. Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 26, 2016

RANDY CHARLTON
234 VISTA CT
SARATOGA SPRINGS UT 84045

RE: Permit No.86-12040

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.

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 208-762-2800.

Sincerely,

A handwritten signature in blue ink that reads "Keith E. Franklin". The signature is fluid and cursive, with the first name "Keith" and last name "Franklin" clearly legible.

Keith E. Franklin
Program Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 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.

86-12040

**RANDY CHARLTON
234 VISTA CT
SARATOGA SPRINGS UT 84045**



**Dianne L Ball
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.

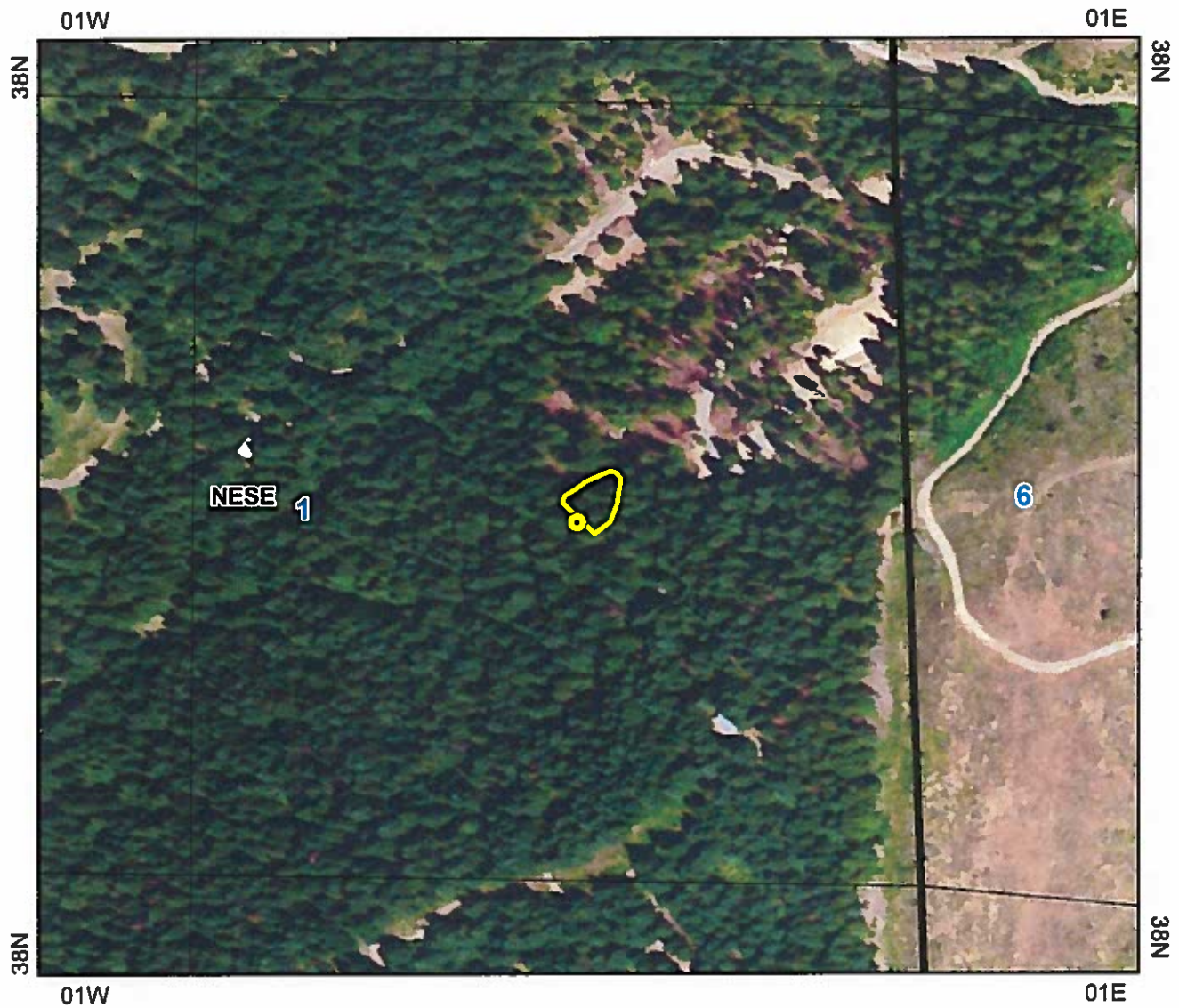
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

86-12040

FIRE PROTECTION, WILDLIFE, AND IRRIGATION STORAGE

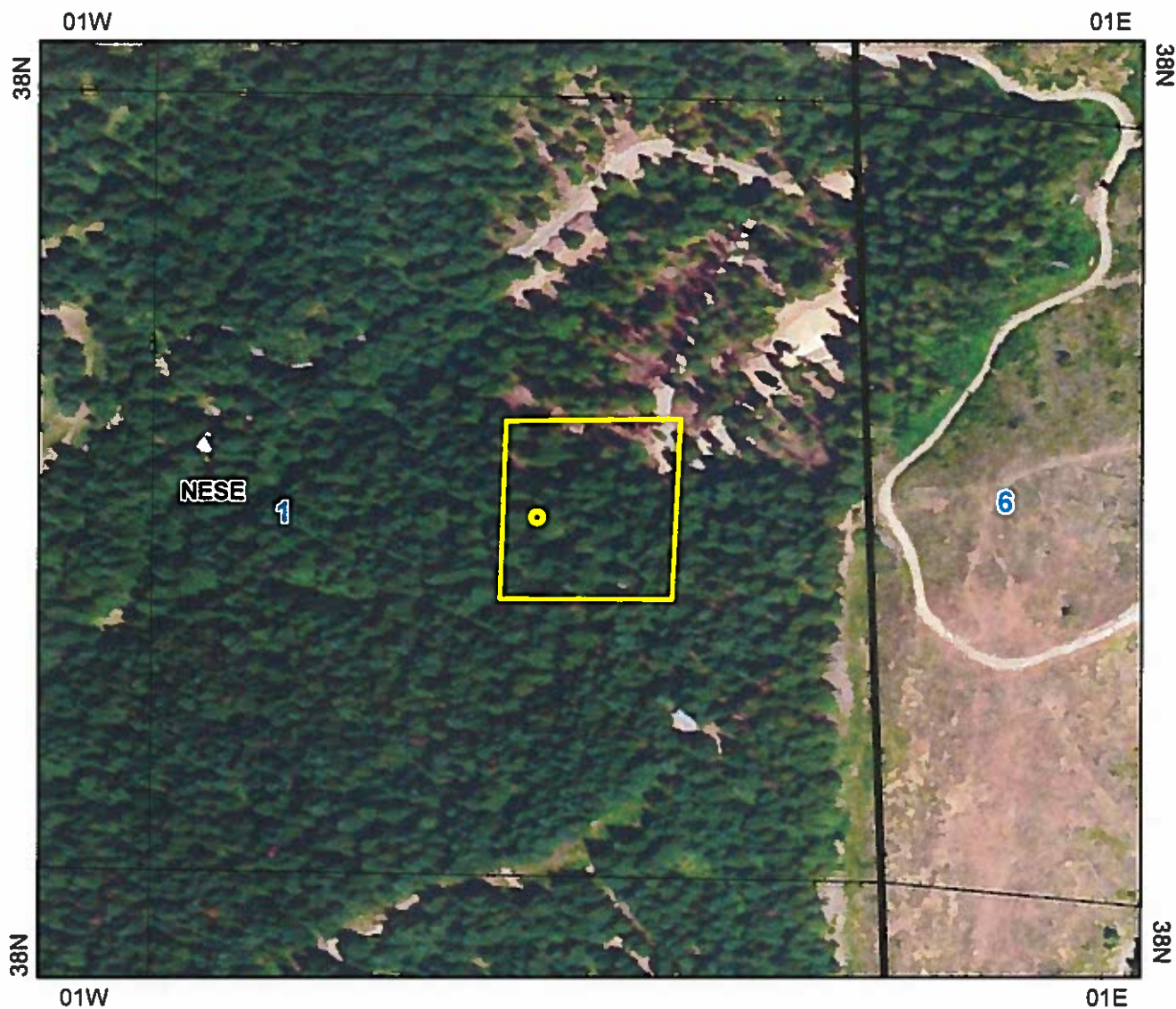


-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Permit to Appropriative Water
86-12040
IRRIGATION FROM STORAGE



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

0 0.035 0.07 0.14 Miles







MEMORANDUM

To: Water Right Application 86-12040

From: Adam Frederick

Date: 2/18/16

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information

The Idaho Department of Fish & Game as well as the Department of Environmental Quality were asked for comments regarding this application. The Department of Environmental Quality responded that this appropriation application does not conflict with applicable water quality standards. The Idaho Department of Fish & Game did not respond.

Good Faith, Delay, or Speculative Information

The applicant plans to divert water for his/her own use on property that he/she owns and there are no known issues with any other party.

Financial Resources Information

The applicant will use its own resources to complete the project

Local Public Interest

The Idaho Department of Fish & Game and the Department of Environmental Quality have been asked to comment by the Idaho Department of Water Resources. Department of Environmental Quality responded by letter and had no objection. Idaho Department of Fish & Game did not respond to request for comment.

Injury to Other Water Rights

There does not appear to be any foreseen impacts to the minimum stream flow requirement on the Clearwater River. There have been no objections from the Idaho Department of Fish & Game and the Department of Environmental Quality.

Recommendation

The Northern Region recommends proceeding with the processing of this water right application.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News

P.O.Box 374

Lewiston, Idaho 83501

(208) 743-9411

Date:

01/28/2016

INVOICE NO.

119690

Account No.

30010311

Description

119690 The foll

Times

2

Lines

34

Tab. lines

**LEGAL ADVERTISING
INVOICE****RECEIVED**

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Sold To: IDAHO DEPT/ WATER RESOURCES

7600 N. MINERAL DR STE 100

COEUR D ALENE ID 83814

FEB 02 2016

PO#

86-12040

IDWR / NORTH

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Karen J. Lewis, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

Jan. 21, 28, 2016

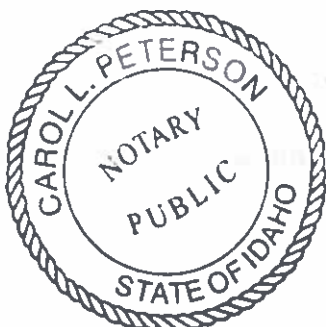
the same being the date designated for
the publication of said notice.

Karen J. Lewis

On this 1st day of February
in the year of 2016 before me, a Notary Public,
personally appeared Karen J. Lewis,
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.

Carol Peterson
Notary Public for Idaho,
Residing at Lewiston, Idaho
My Commission Expires 7-1-2017

119690
The following application(s) have been filed to appropriate
the public waters of the State of Idaho:
86-12040
RANDY CHARLTON
234 VISTA CT
SARATOGA SPRINGS, UT 84045
Point of Diversion NESE S1 T38N R01W LATAH County
Source UNAMED STREAM tributary BEDBUG CREEK
Use: FIRE PROTECTION Storage 01/01 to 12/31 2.8 AF
Use: IRRIGATION Storage 01/01 to 12/31 4.3 AF
Use: IRRIGATION from Storage 04/01 to 10/31 1.5 AF
Use: WILDLIFE Storage 01/01 to 12/31 2.8 AF
Total Diversion: 4.3 AF
Date Filed: 1/11/2016
Place of Use: FIRE PROTECTION STORAGE
T38N R01W S1 NESE
Place of Use: ALL OTHER STORAGE same as
FIRE PROTECTION STORAGE
Total Acres: 0.5
Permits will be subject to all prior water rights. For additional
information concerning the property location, contact North-
ern Region office at (208) 762-2800; 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 applica-
tion must be filed with the Director, Dept. of Water Resourc-
es, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'
Alene ID 83815 together with a protest fee of \$25.00 for each
application on or before 2/8/2016. The protestant must also
send a copy of the protest to the applicant.
GARY SPACKMAN, Director
Published on 1/21/2016 and 1/28/2016





STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370
www.deq.idaho.gov

RECEIVED
JAN 26 2016
IDWR / NORTH

January 22, 2016

Adam Frederick
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Application for Permit to Appropriate Waters of the State, 86-12040

DEQ received a request for comment on an application for a water appropriation permit for 4.3 acre feet storage volume from a pond that has been constructed in an unnamed tributary of Bedbug Creek located on property in Latah County. The appropriated water is stored in the existing pond for wildlife storage, fire protection and irrigation from 01/01 to 12/31. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The water requested for appropriation is included in water body ID17060306CL046_02 and is currently listed in Category 2 of Idaho's 2012 Integrated Report as fully supporting aquatic life and contact recreation beneficial uses. There are no TMDL load or wasteload allocations immediately downstream that will be directly affected by the requested appropriation at this time. As per IDAPA 37.03.08.045.01.e.iii, we have determined this appropriation application does not conflict with applicable water quality standards.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in blue ink that reads "Cindy Barrett". The signature is fluid and cursive, with the first name "Cindy" and last name "Barrett" clearly visible.

Cindy Barrett
Surface Water Quality Manager

c: Randy Charlton, Saratoga Springs, UT
John Cardwell, DEQ
TRIM