State of Idaho
Department of Water Resources

Amended Permit to Appropriate Water Amended

NO. 75-14815

Priority: October 26, 2015 Maximum Diversion Rate: 0.03 CFS

This is to certify, that LIVING TRUST OF ROSS E BROWN & LOIS L BROWN
3204 HWY 93N
GIBBONSVILLE ID 83463

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION
IRRIGATION	04/01 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER SE1/4SE1/4 Sec. 26, Twp 26N, 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	
26N 21E 26													.1			.9	1.0

Total Acres: 1.0

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 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 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.
5. 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.
6. 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.

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7. 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.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 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.
10. Place of use is located within Lot 1, Lost Trail Lodge Subdivision.
11. Point of diversion is located within Lot 1, Lost Trail Lodge Subdivision.
12. Point of diversion and place of use are located within H.E.S. 91 of the Salmon National Forest.

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

Signed this 14th day of January, 2016.

Pamela S Skaggs

PAMELA S. SKAGGS, Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Amended Permit to Appropriate Water

75-14815

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.

0 0.035 0.07 0.14 Miles

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

N

836 834 83463 B2-21

6020160108-113616

8

PRSRT FIRST-CLASS MAIL
US POSTAGE PAID
Boise, ID
PERMIT# 1

RETURN SERVICE REQUESTED

83463

75-14815
also sent to temporary address (DAB)

BROWN204 T0346330037-1015 700 02/13/16
RETURN TO SENDER
BROWN TEMPORARILY AWAY
RETURN TO SENDER

IDAHO DEPARTMENT OF
WATER RESOURCES
322 EAST FRONT ST
P.O. BOX 83720
BOISE, ID 83720-0098

TO

LIVING TRUST OF ROSS E BROWN &
LOIS L BROWN
3204 HWY 93N
GIBBONSVILLE ID 83463

RECEIVED
JAN 19 2016
DEPARTMENT OF
WATER RESOURCES

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

January 15, 2016

LIVING TRUST OF ROSS E BROWN & LOIS L BROWN
3204 HWY 93N
GIBBONSVILLE ID 83463

RE: Permit No.75-14815

Revised Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed revised 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 revised PRELIMINARY ORDER issued by the Department pursuant to Rule 760, Rules of Procedure. 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.

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)

c: ROSS & LOIS BROWN
7655 E DAY RD
BELLEVUE MI 49021

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Revised Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 75-14815

LIVING TRUST OF ROSS E BROWN & LOIS L BROWN
3204 HWY 93N
GIBBONSVILLE ID 83463

ROSS & LOIS BROWN
7655 E DAY RD
BELLEVUE MI 49021

Darla Block

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.

MEMORANDUM

Date: January 14, 2016

To: Water Right File 75-14815

From: Michele Edl

Re: Permit amendment

On January 13, 2016, Lois Brown (applicant) connected with Pam Skaggs (IDWR water rights supervisor). Ms. Brown had received Permit 75-14815 and its attachment. She had concerns about the location of the POD, the extent of the POU and permit condition 10 which she discussed with Pam Skaggs. Lois Brown and Pam Skaggs exchanged information both over the phone and through a short chain of emails. In turn, Pam Skaggs asked me to make the requested changes, amend the permit, and follow-up with Lois Brown.

I spoke with Lois Brown earlier today. We discussed the changes as I understood them and we exchanged another map via email. The attachment to the amended permit represents the changes in the POD and POU that Ms. Brown requested.

1) The mine adit-well is identifiable in aerial photography by the decking which surrounds it. I moved the POD shape to that location.

2) The map of the POU from the Brown-Skaggs information exchange was less than 1 acre. I confirmed that Ms. Brown wanted a full acre and that it be entirely contained within Lot 1. I created a new POU which met her approval.

With the change in the POU shape, condition 10 was no longer correct. I also edited that condition, identifying the POU location as only within Lot 1 of the Lost Trail Lodge Subdivision.

Edl, Michele

From: Lois Brown [lois.444brown@yahoo.com]
Sent: Thursday, January 14, 2016 2:44 PM
To: Edl, Michele
Subject: Re: revised POU and POD shapes

Thank you for the revised map. The revised place of use area to include a full acre is satisfactory. As we discussed on the phone the water source (green and blue marker) needs to be moved about half an inch. If you could move the marker a little to the north and west closer to the squarish grey area shown on the map.

Thank you for you work on this water right and the revisions.

Lois Brown

On Thursday, January 14, 2016 4:08 PM, "Edl, Michele" <Michele.Edl@idwr.idaho.gov> wrote:

Sorry,
This time I have actually attached the map.

From: Edl, Michele
Sent: Thursday, January 14, 2016 2:07 PM
To: 'lois.444brown@yahoo.com'
Cc: Skaggs, Pam
Subject: revised POU and POD shapes

Lois Brown,
Here is a screen shot of a 1-acre place-of-use shape which is all within your property. It avoids overlapping your existing water right. I have left the taxlot lines on in this illustration. Because we all agree that those lines are not well rectified with the ground, I will leave them off of the final attachment map.

I have also placed a green and blue marker where you indicated is the correct location of the well. Let me know if these two changes are satisfactory.
Sincerely.
Michele

Edl, Michele

From: Edl, Michele
Sent: Thursday, January 14, 2016 2:08 PM
To: 'lois.444brown@yahoo.com'
Cc: Skaggs, Pam
Subject: FW: revised POU and POD shapes
Attachments: 1 acre POU for 75-14815.JPG

Sorry,
This time I have actually attached the map.

From: Edl, Michele
Sent: Thursday, January 14, 2016 2:07 PM
To: 'lois.444brown@yahoo.com'
Cc: Skaggs, Pam
Subject: revised POU and POD shapes

Lois Brown,
Here is a screen shot of a 1-acre place-of-use shape which is all within your property. It avoids overlapping your existing water right. I have left the taxlot lines on in this illustration. Because we all agree that those lines are not well rectified with the ground, I will leave them off of the final attachment map.

I have also placed a green and blue marker where you indicated is the correct location of the well.
Let me know if these two changes are satisfactory.
Sincerely.
Michele

11/14/16 Segment WP 25+11.16

Skaggs, Pam

From: Lois Brown <lois.444brown@yahoo.com>
Sent: Wednesday, January 13, 2016 2:28 PM
To: Skaggs, Pam
Subject: Permit 75-14815 Brown map
Attachments: map 1.pdf; map 2.pdf; map 3.pdf

Pam,

I have drawn out changes in the map that I feel more represents our property line, point of diversion and place of use. I also have shown change in wording of condition #10 to read "Entire place of use is located within Lot 1 of Lost Trail Lodge Subdivision".

Documents are attached.

Thank you for your prompt reply to our concerns. Please let me know that you receive this e-mail.

Thank you,
Lois Brown

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7. 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.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 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.
10. Place of use is located within Lots 1 and 2 of Lost Trail Lodge Subdivision.
11. Point of diversion is located within Lot 1, Lost Trail Lodge Subdivision.
12. Point of diversion and place of use are located within H.E.S. 91 of the Salmon National Forest.

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

Signed this 6th day of January, 2016.

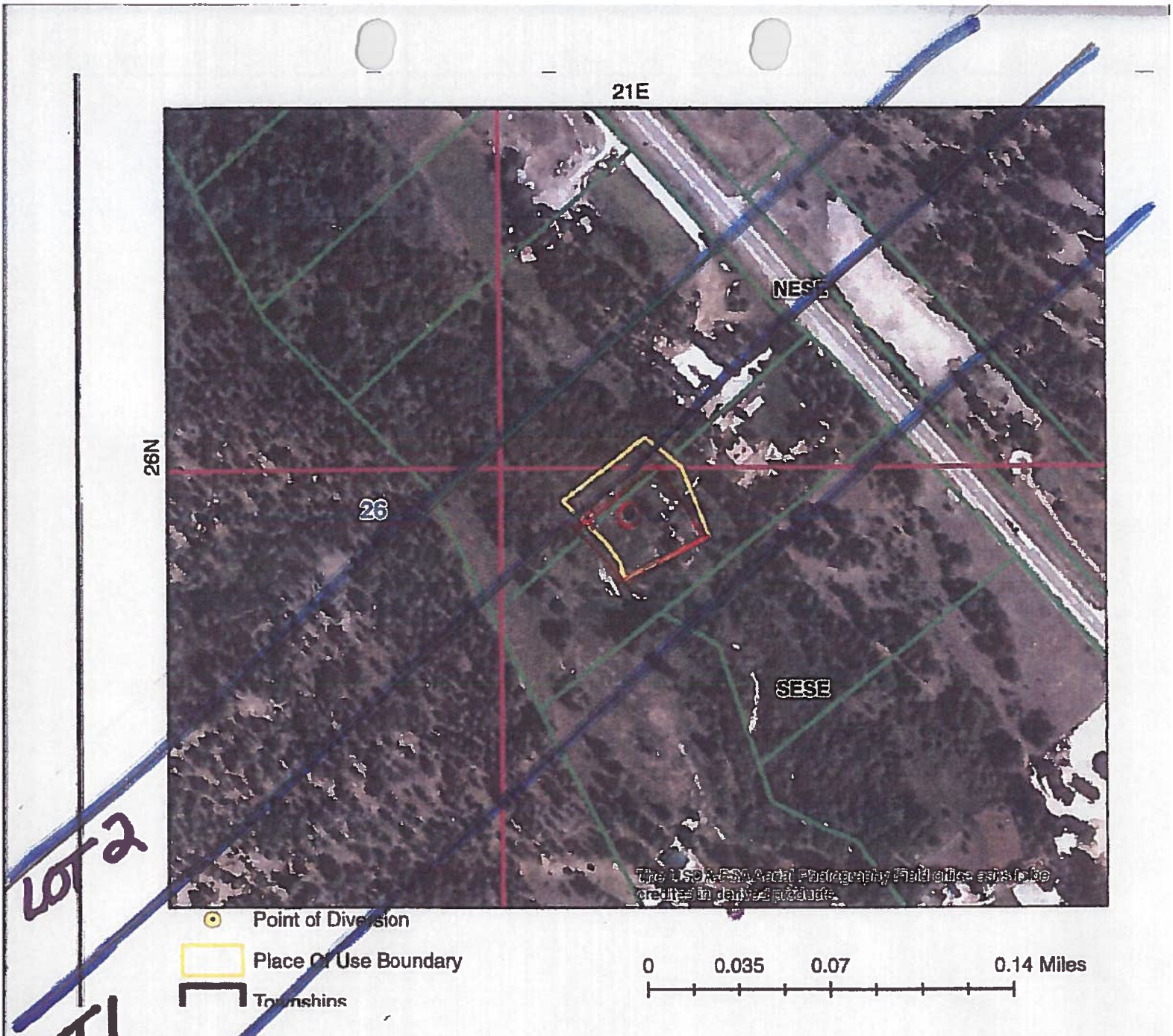
Pamela S. Skaggs

PAMELA S. SKAGGS, Water Rights Supervisor

Condition #10 to read:

10. Entire place of use is located within Lot 1 of Lost Trail Lodge Subdivision.

Brown 75-14815



LOT 2

LOT 1

your map
orange out line shows
Place of use
orange circle - point of diversion
Blue lines shows property
lines between Lot 1 and Lot 2

Brown 75-14815

Google Maps ~~3151-3209 Casey Rd, Gibbonsville, ID 83463 to~~ 3204 US-93, Gibbonsville, ID 83463 Walk 318 ft, 1 min

Imagery ©2016 Google, Map data ©2016 Google 50 ft

via US-93 N

3204 Hwy 93 N 1 min
318 ft

LOT 2

LOT 1

75-14815

This map is for clarification
Showing LOT 1 a bit clearer.
Orange circle - point of diversion
Orange outline - place of use

Brown 75-14815