

State of Idaho
Department of Water Resources
Permit to Appropriate Water

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:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
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

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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 75-14815

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.



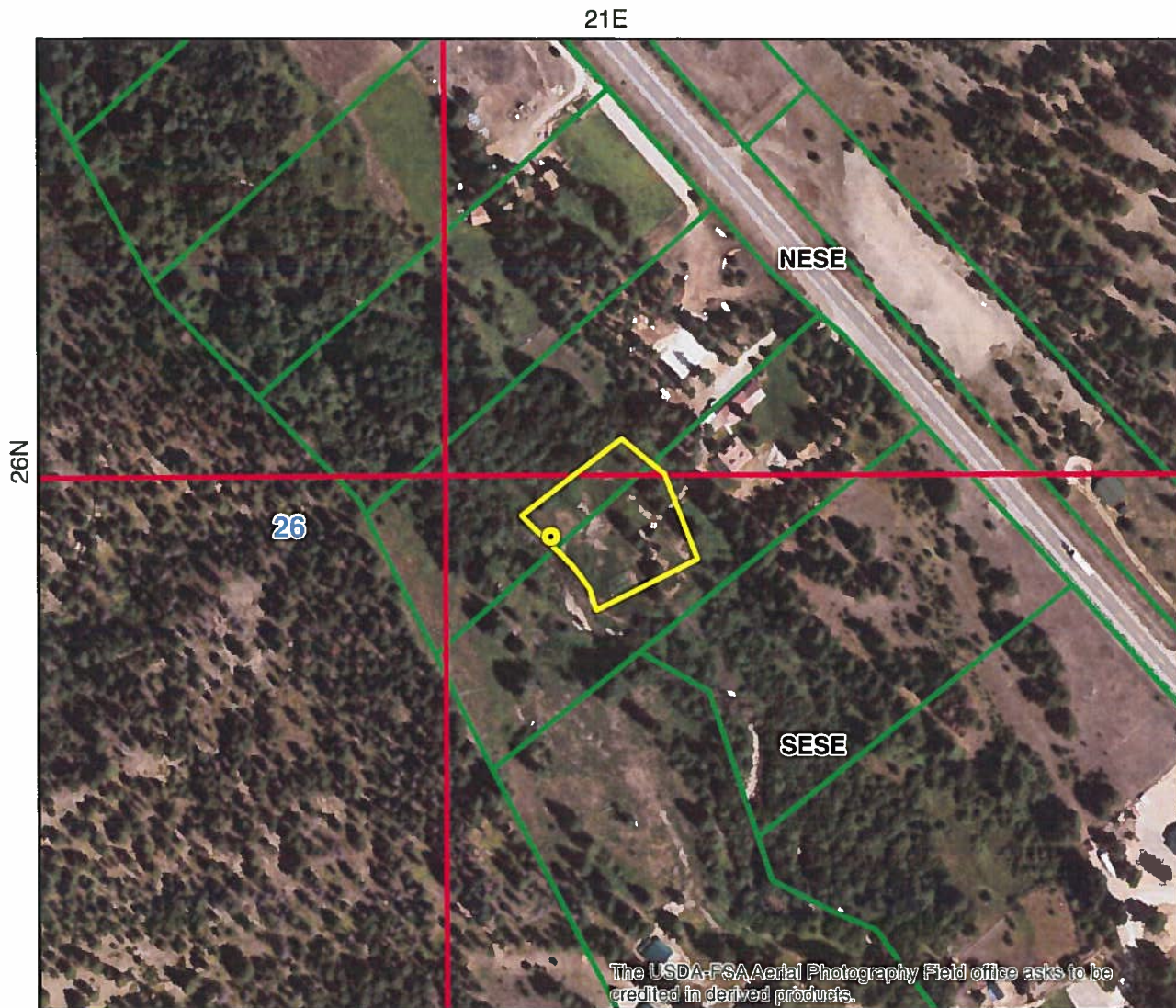
PAMELA S. SKAGGS, Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to 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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Taxlots
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





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 7, 2016

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

RE: Permit No. 75-14815

Permit Approval Notice

Dear Permit Holder(s):

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.

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 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.

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
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.

NOTICE TO APPROPRIATE WATER

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

75-14813
CACHE MORSE
ANITRA NEWCOMB
372 W ELKHORN ROAD
SALMON, ID 83467
Point of Diversion L9(NWSW) S10
T18N R21E LEMHI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Use: IRRIGATION
04/01 to 10/31
0.05 CFS
Total Diversion:
0.09 CFS
Date Filed: 10/23/2015
Place Of Use: IRRIGATION DOMESTIC

TIC
T18N R21E S10 L9(NWSW)
Total Acres: 1.7

This application proposes the diversion and use of water from ground water tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14815
LIVING TRUST OF ROSS E BROWN
& LOIS L BROWN
3204 HWY 93N
GIBBONSVILLE, ID 83463
Point of Diversion SESE S26 T26N
R21E LEMHI County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31
0.03 CFS
Total Diversion:
0.03 CFS
Date Filed: 10/26/2015
Place Of Use: IRRIGATION
T26N R21E S26 NESE SESE
Total Acres: 1

This application proposes the diversion and use of water from ground water tributary to the Salmon Wild & Scenic River.

RECEIVED

DEC 29 2015

DEPARTMENT OF
WATER RESOURCES

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

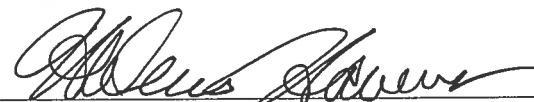
RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE TO APPROPRIATE WATER**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **12-17-2015** and ending with the issue dated **12-24-2015**.

STATE OF IDAHO

County of Lemhi

ss.

On this **24th day of December** in this year of 2015 before me, A Notary Public, personally appeared RICKY G. HODGES, 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.

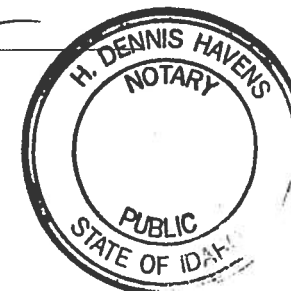


Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 11-30-2018

Publication Fee \$333.00



The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14816

JAMES R NEWTON
MARTHA J NEWTON
1 PENTLAND RD

GIBBONSVILLE, ID 83463-4903
Point of Diversion NENW S26 T26N
R21E LEMHI County
Source NORTH FORK SALMON
RIVER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.12 CFS
Total Diversion:
0.12 CFS
Date Filed: 10/26/2015
Place Of Use: IRRIGATION
T26N R21E S25 SWSW
T26N R21E S26 NESE SESE
Total Acres: 4.2

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14817

DARRELL SANDBERG
DIANE SANDBERG
3185 HWY 93 N
GIBBONSVILLE, ID 83463
Point of Diversion NENW S26 T26N
R21E LEMHI County
Source NORTH FORK SALMON
RIVER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 10/30/2015
Place Of Use: IRRIGATION
T26N R21E S25 SWSW
Total Acres: 1.5

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; 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 application must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 1/4/2016. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director 12-17-2tc

Skaggs, Pam

From: Skaggs, Pam
Sent: Monday, December 21, 2015 2:59 PM
To: 'Spencer, Steven M -FS'
Subject: RE: Application 75-14815

Steve,

Thank you for your comments & mapping attachments. We do try to reference HES lots when identified to be as specific as we can when describing the location. We can also be specific about the place of use not including federal land. We will do our best to address your concerns.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

From: Spencer, Steven M -FS [mailto:sspencer@fs.fed.us]
Sent: Monday, December 21, 2015 2:40 PM
To: Skaggs, Pam
Subject: Application 75-14815

Pam,

I'm reviewing Application For Permit 75-14815. I see your name on some of the papers in the file. I have some comments concerning this application and would appreciate your consideration of them. It is evident that this water right is intended to be on private land. With respect to the legal description being in Sec 26 T26N R21E you can see from the first attachment that this entire township is unsurveyed. The section lines we have and depend on are projections. I understand the necessity for this. However, when considering a water right it might be beneficial to have some additional legal description information now that the information technology makes it so readily accessible.

The second attachment as well as what I can see on the mapping tool on the Departments site indicates to me that the private land is part of HES 91. In other words the fact that the subject property is on HES 91 is documentation that it is on private land and the only surveyed in Public Land Survey System for this property is HES 91 as shown on a third attachment that will come in a separate email.

I'm requesting that this extra information be added to the Department file for this water right and that a clause be added to the permit and license that the land is part of HES 91. This way there will be no confusion in the future about the location of and legal description for this water right. HES 97 is below and HES432 is above HES 91 along the North Fork of the Salmon River. All the remaining land in unsurveyed T26N R 21E is National Forest System land.

Skaggs, Pam

75-14815/14816/14817

From: Spencer, Steven M -FS <sspencer@fs.fed.us>
Sent: Monday, December 21, 2015 2:40 PM
To: Skaggs, Pam
Subject: Application 75-14815
Attachments: BLM MPT T26N R21E.pdf; Sec 26 T26N R21E.docx

Pam,

I'm reviewing Application For Permit 75-14815. I see your name on some of the papers in the file. I have some comments concerning this application and would appreciate your consideration of them. It is evident that this water right is intended to be on private land. With respect to the legal description being in Sec 26 T26N R21E you can see from the first attachment that this entire township is unsurveyed. The section lines we have and depend on are projections. I understand the necessity for this. However, when considering a water right it might be beneficial to have some additional legal description information now that the information technology makes it so readily accessible.

The second attachment as well as what I can see on the mapping tool on the Departments site indicates to me that the private land is part of HES 91. In other words the fact that the subject property is on HES 91 is documentation that it is on private land and the only surveyed in Public Land Survey System for this property is HES 91 as shown on a third attachment that will come in a separate email.

I'm requesting that this extra information be added to the Department file for this water right and that a clause be added to the permit and license that the land is part of HES 91. This way there will be no confusion in the future about the location of and legal description for this water right. HES 97 is below and HES432 is above HES 91 along the North Fork of the Salmon River. All the remaining land in unsurveyed T26N R 21E is National Forest System land.

If you have any question about this matter please contact me.

Thank you,

Steve



Steven M. Spencer
Water Use Specialist
Forest Service
Intermountain Region
p: 208-365-7055
sspencer@fs.fed.us

1805 Hwy 16 Rm 5
Emmett, ID 83617

www.fs.usda.gov



Protection Diagram No 30 approved 09/21/1986

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES AND ACQUIRED LANDS

[illegible]

All Tp included in Wild Salmon NF EO 841 06/26/1908

All Tp included in IDI 07082 Det PL 167 (Act of Cong 07/23/1955) completed 04/23/1984. All NF surface Mgmt by USFS excluding

IDI 07082-C-1 Sec 27: N2 Surprise
IDI 07082-C-2 Sec 27: NW Far West

ID: 31224 QCD from USFS

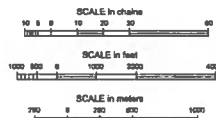
Sec 26: M&B	0.22 acres
-------------	------------

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LAND REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

FILE REF: 10080200940210100100000_dwg	
CONVERTED TIF: 04/01/2009	BY: LFM
LAST UPDATED: 04/01/2009	BY: LFM
QA/QC #1:	QA/QC #2:
PLOTTED TO PUBLIC RECORDS:	April 1, 2009
BY:	
PUBLIC LAND SURVEY SYSTEM (PLSS)	
BLM GCSB ACQUIRED	04/28/2005
OTHER:	N/A
PROJECTED COORDINATE SYSTEM: UTM ZONE 12N, NAD 1983	
NOTES:	
USE PLATS:	



U.S. Bureau of Land Management - Idaho State Office
1387 S. Vinnell Way Boise, Idaho 83709
(208) 373-4000



DISCLAIMER:

This plat is only a graphic display of the Bureau of Land Management's (BLM) Record of Title and township survey data. Records herein do not reflect life changes which may have been affected by lateral movements of river or other bodies of water. Refer to cadastre surveys for official information.

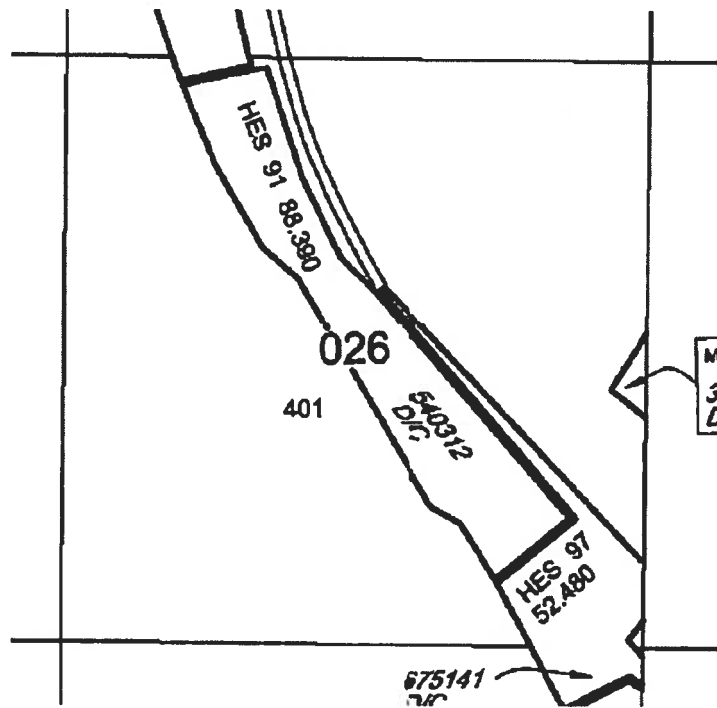
The notation shown on withdrawals represent the last action taken, but may not be the effective date. See the historical index for the date of original withdrawal order.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.

Lat. 45° 32' 00" N
Long. 113° 54' 51" W
25 N-22 E

Brain Mgr.
T. 26 N
R. 21 E

Section 26 T26N R21E



Skaggs, Pam

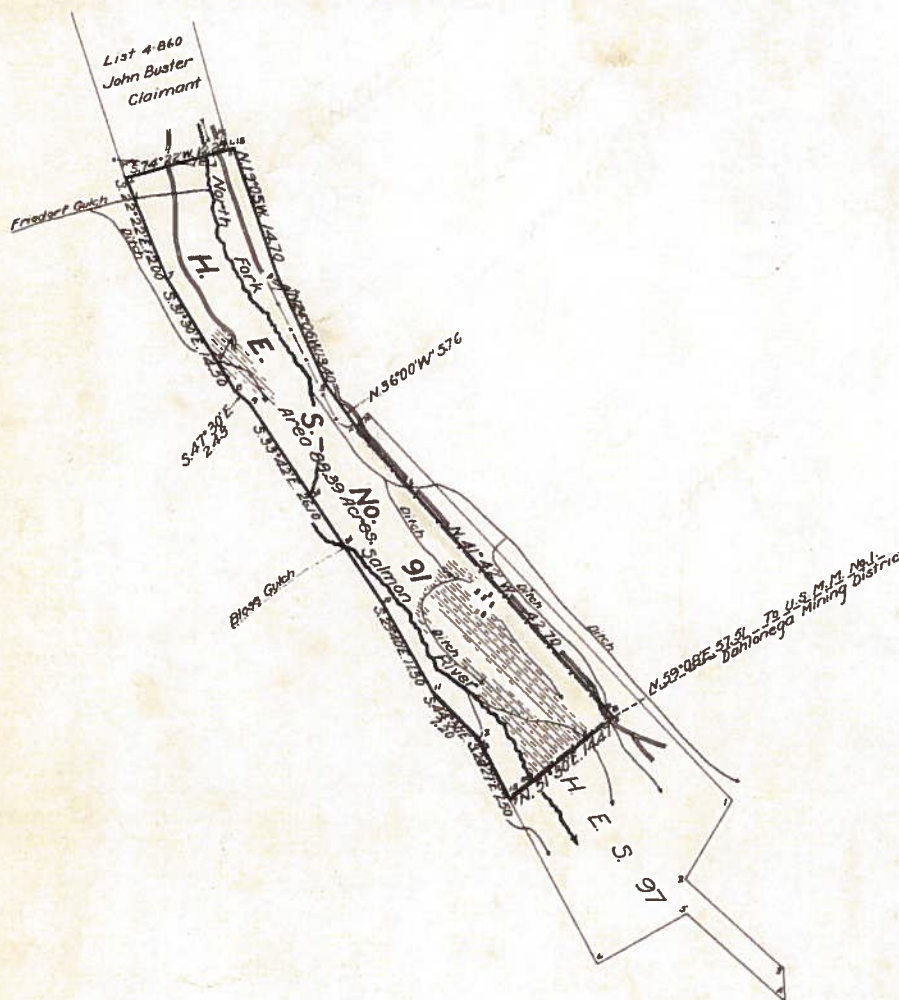
75-14815/14816/14817

From: Spencer, Steven M -FS <sspencer@fs.fed.us>
Sent: Monday, December 21, 2015 2:42 PM
To: Skaggs, Pam
Subject: Third Attachment
Attachments: HES 91.pdf

Pam,

The third attachment.

Steve



PLAT OF
HOMESTEAD ENTRY SURVEY No. 91
 in the
SALMON NATIONAL FOREST

in
 approx.
 Section 25 unsurveyed, T. 26 N. R. 21 E.,
 Section 36 unsurveyed, T. 26 N. R. 21 E.,

of the
 Boise Meridian,
IDAHO,
WILLARD DUNTON,
 Claimant.

This plat of Homestead Entry Survey No. 91, situated in Section 25 unsurveyed Township 26 North of Range 21 East and in Section 36 unsurveyed, in Township 26 North of Range 21 East and in Section surveyed in Township of Range and in Section surveyed, in Township of Range of the Boise Base and Meridian, is strictly conformable to the field notes of the Survey thereof, on file in this office, which have been examined and approved

Office of U.S. Surveyor General,
 Boise, Idaho, March 30, 1914.

Daniel A. Utter
 U.S. Surveyor General

Scale
 10 Chains equal 1 inch
 Initials Orig. by F.A.M.
 This copy F.C.H.

Surveys Designated	By Whom Surveyed	Instructions or Order No.	When Surveyed	Date of Approval
H.E. Survey No. 91	Frank D. Maxwell	June 23, 1913	Sept. 30, 1913	Oct. 2, 1913
	Surveyor-Forest Service			

Areas		Conflicts
H. E. Survey No. 91		
In Section		
In Section		
In Section		
In Section		
Total	88.99	

Accepted July 6, 1915
 List No. 4334-332 Date Mar. 4, 1909; Feb. 5, 1910.
 Act of June 11, 1906; Act of March 4, 1913.
 Latitude 45° 33' N.
 Longitude 113° 49' W.
 Mean Mag. Decl. 20° S. E. } At Cor. No. 1.