

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 74-07274

Priority: December 08, 1989

Maximum Diversion Rate: 0.07 CFS

It is hereby certified that EDDIE R PETERSON
PO BOX 85

LEADORE ID 83464 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated December 08, 1989; and has submitted Proof of
Beneficial Use on December 09, 1991. An examination indicates confirms water is diverted from:

SOURCE

LEE CREEK

Tributary: LEMHI RIVER

and a water right has been established as follows:

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

11/16 to 03/14

DIVERSION RATE

0.07 CFS

LOCATION OF POINT(S) OF DIVERSION:

LEE CREEK SW1/4NW1/4 Sec. 35, Twp 16N, Rge 24E, B.M. LEMHI County
NE1/4NW1/4 Sec. 35, Twp 16N, Rge 24E, B.M. LEMHI County (Injection)
NE1/4NW1/4 Sec. 24, Twp 16N, Rge 24E, B.M. LEMHI County (Beginning of Reach)
SE1/4SW1/4 Sec. 13, Twp 16N, Rge 24E, B.M. LEMHI County (Ending of Reach)

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 24E 13												X			X		
16N 24E 24			X				X										

CONDITIONS OF APPROVAL

1. Use of water under this agreement 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. 74-Z.
2. Water is diverted from Lee Creek and injected into Walter Creek. The water is then delivered, through Walter Creek, to the place of use, for in stream stockwater.

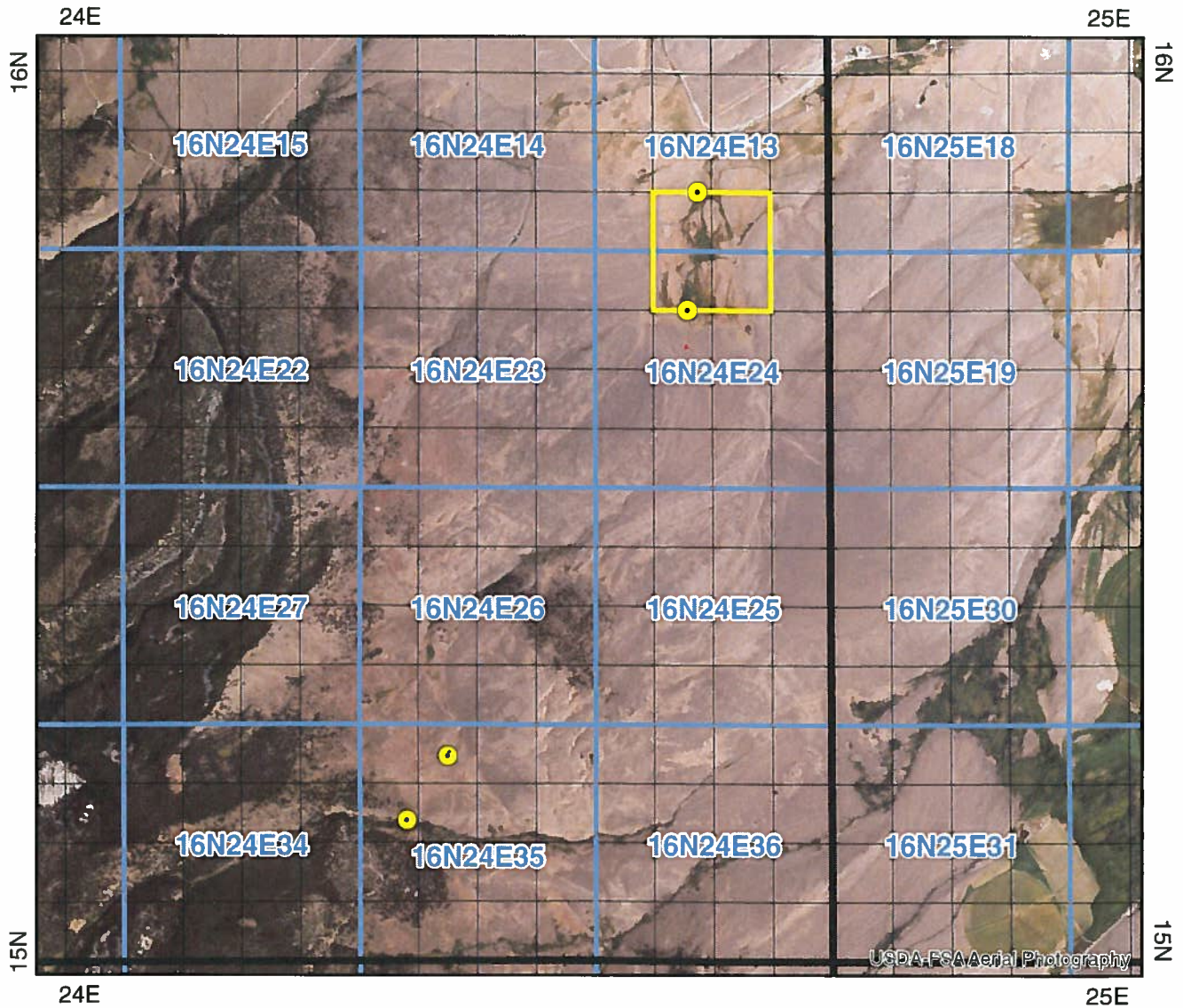
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 6th day of October, 2015.


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Water Right License
74-7274

This map depicts the STOCKWATER place of use boundary for this water right at the time of this amendment and is attached to the for illustrative purposes.



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





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

October 16, 2015

EDDIE R PETERSON
PO BOX 85
LEADORE ID 83464

RE: License No. 74-7274

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license 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.

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: WATER DISTRICT #74Z

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2015, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

74-7274

**EDDIE R PETERSON
PO BOX 85
LEADORE ID 83464**

**WATER DISTRICT #74Z
THOMAS C UDY
PO BOX 215
LEADORE ID 83464-0215**

A handwritten signature in black ink, reading "Darla Block", is written over a horizontal line.

**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.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-07274

RECEIVED

SEP 03 2015

DEPARTMENT OF
WATER RESOURCES**Date of Priority:** December 08, 1989**Maximum Diversion Rate:** 0.07 CFSComes now EDDIE R PETERSON
PO BOX 85LEADORE ID 83464 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 74-07274, and requests that the permit be changed as follows:**Source:** LEE CREEK**Tributary:** LEMHI RIVER**BENEFICIAL USE****PERIOD OF USE****RATE OF DIVERSION**

STOCKWATER

11/16 to 03/14

0.07 CFS

LOCATION OF POINT(S) OF DIVERSION:

LEE CREEK SW1/4NW1/4 Sec. 35, Twp 16N, Rge 24E, B.M. LEMHI County

NE1/4NW1/4 Sec. 35, Twp 16N, Rge 24E, B.M. LEMHI County (Injection)

NE1/4NW1/4 Sec. 24, Twp 16N, Rge 24E, B.M. LEMHI County (Beginning of Reach)

SE1/4SW1/4 Sec. 13, Twp 16N, Rge 24E, B.M. LEMHI County (Ending of Reach)

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
16N 24E 13												X				X	
16N 24E 24		X			X												

Permit holder asserts that no one will be injured by such change and that such change will be made at
 permit holder's own risk. Signed this 31 day of August, 2015.



(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 74-07274

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100⁰⁰ Received by _____ # E040364 Date 10/28/14

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 74-07274 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this agreement 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. 74.
2. Water is diverted from Lee Creek and injected into Walter Creek. The water is delivered through Walter Creek to the place of use, for in stream stockwater.

Witness my hand this 6th day of October, 2015.

Cherie Palmer, for
GARY SPACKMAN
Director



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

August 24, 2015

EDDIE R PETERSON
PO BOX 85
LEADORE ID 83464

RE: Water Right Permit No. 74-7274

Dear Mr. Peterson:

Thank you for returning the previous amendment. During the process of writing the water right license, I realized that I had incorrectly identified the point of diversion quarter quarter. I am sending you this amendment with the correct point of diversion location.

On October 28, 2014 the Department received an Application for Amendment of a Permit for this right. At that time you paid an amendment fee of \$100. No further fees are required. By signing the enclosed licensing amendment you agree to withdraw the previously submitted amendment and replace it with the enclosed amendment.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it within 21 days in the enclosed envelop. No postage is necessary. Thank you for your help with this process.

Thank you for your help with this. If you have any questions, please call me at (208)287-4881.

Sincerely,

Sandra Thiel
Sr. Water Right Agent
Enclosure(s)



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 29, 2015

EDDIE R PETERSON
PO BOX 85
LEADORE ID 83464

RE: Water Right Permit No. 74-7274

Dear Permit Holder(s):

The Department of Water Resources (Department) is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit.

Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed. Based on the examiner's report, the following elements were developed differently than on your permit: the point of diversion and the place of use.

On October 28, 2014 the Department received an Application for Amendment of a Permit for this right. At that time you paid an amendment fee of \$100. No further fees are required. By signing the enclosed licensing amendment you agree to withdraw the previously submitted amendment and replace it with the enclosed amendment.

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it within 21 days.

Thank you for your help with this. If you have any questions, please call me at (208)287-4881.

Sincerely,

Sandra Thiel
Sr. Water Right Agent
Enclosure(s)