

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-08563

Priority: September 24, 1989

Maximum Diversion Rate: 1.00 CFS

It is hereby certified that US DEPT OF AGRICULTURE
FOREST SERVICE
BITTERROOT NATIONAL FOREST
PO BOX 7669
MISSOULA MT 59807 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated July 13, 1989; and has submitted Proof of
Beneficial Use on December 13, 1999. An examination confirms that water is diverted from:

SOURCE

GROUSE CREEK

Tributary: PACK RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DIVERSION TO STORAGE	04/01 to 06/30	1.00 CFS	
IRRIGATION STORAGE	01/01 to 12/31		57.0 AF
IRRIGATION FROM STORAGE	04/01 to 10/31		57.0 AF
Maximum Diversion Volume for Storage:			57.0 AF
IRRIGATION	04/01 to 10/31	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUSE CREEK L2 (SW1/4NW1/4) Sec. 30, Twp 59N, Rge 01E, B.M. BONNER County

PLACE OF USE: IRRIGATION AND IRRIGATION FROM 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	
59N 01E 30		.2	6.1		6.9		.5	22.0	11.0	11.0	2.5	7.7		3.1	1.6		72.6
							L 2				L 3	L 4					

Total Acres: 72.6

PLACE OF USE: IRRIGATION 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	
59N 01E 30								X	X				X				

Total Acres: 173

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

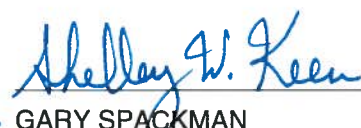
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 96-08563

2. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
3. Water shall not be diverted under this right when flows are below established minimum flow amounts as established by Water Right No. 96-7980.

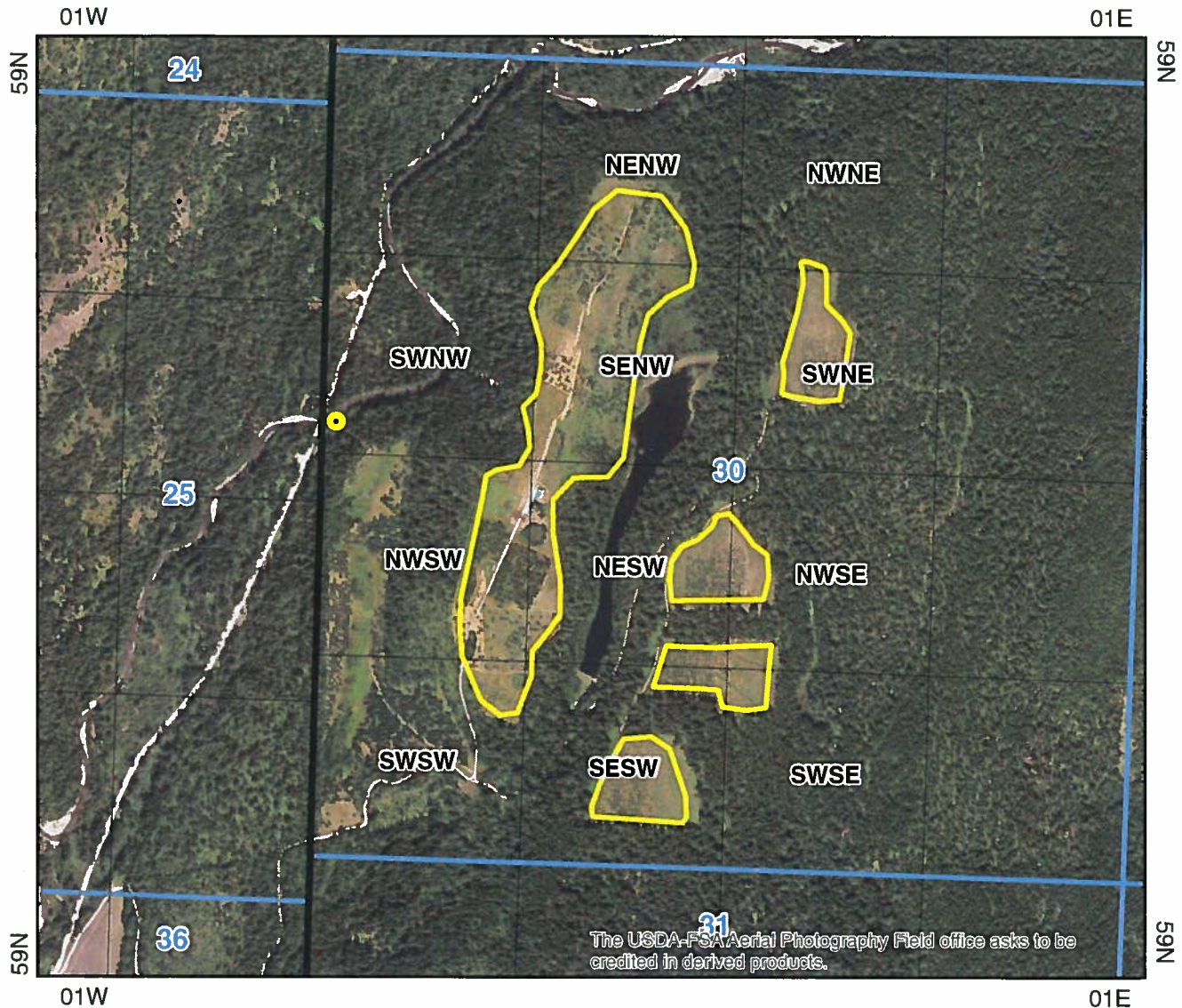
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 6th day of October, 2015.



for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment to Water Right License
96-8563

This map depicts the IRRIGATION & IRRIGATION FROM STORAGE 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
-  Quarter Quarters

0 0.125 0.25 0.5 Miles

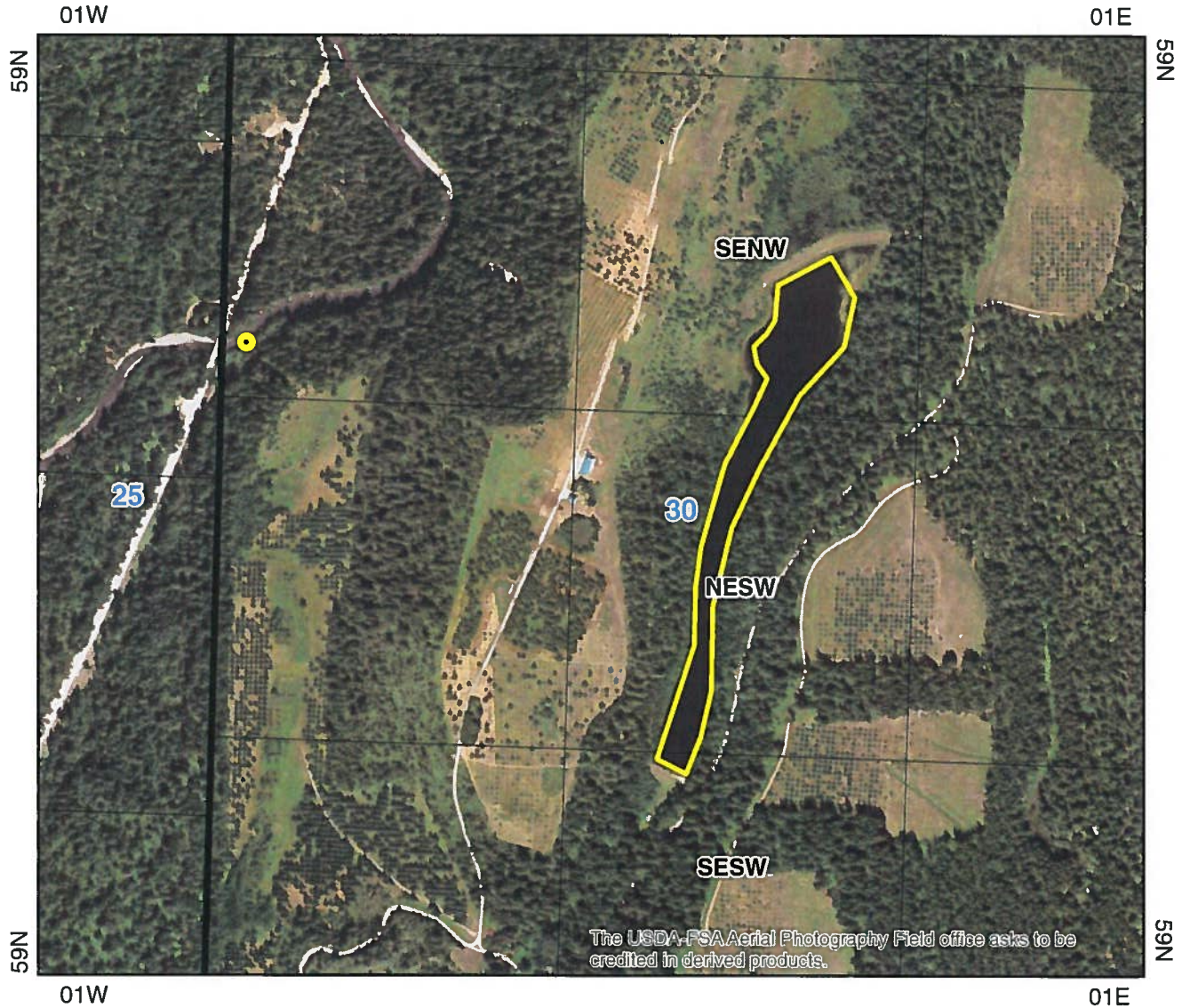


State of Idaho
Department of Water Resources

Attachment to Water Right License

96-8563

This map depicts the IRRIGATION STORAGE 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
- Quarter Quarters

0 0.075 0.15 0.3 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

October 16, 2015

US DEPT OF AGRICULTURE
FOREST SERVICE
BITTERROOT NATIONAL FOREST
PO BOX 7669
MISSOULA MT 59807

RE: License No. 96-8563

Issuance of License

Dear Water Right Holder(s):

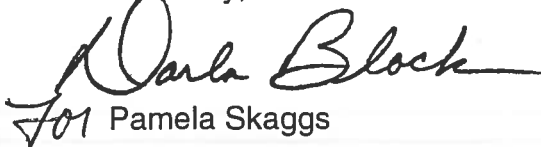
The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application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



For Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

c: JED SIMON

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. 96-8563

US DEPT OF AGRICULTURE FOREST SERVICE
BITTERROOT NATIONAL FOREST
PO BOX 7669
MISSOULA MT 59807

US DEPT OF AGRICULTURE FOREST SERVICE
NORHTERN REGION
C/O JED SIMON
26 FORT MISSOULA RD
MISSOULA MT 59804

A handwritten signature in black ink, reading "Darla Block", 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. 96-08563

RECEIVED

SEP 30 2015

DEPARTMENT OF
WATER RESOURCES

Date of Priority: September 24, 1989

Maximum Diversion Rate: 1.00 CFS

Comes now US DEPT OF AGRICULTURE
FOREST SERVICE
BITTERROOT NATIONAL FOREST
PO BOX 7669
MISSOULA MT 59807

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. 96-08563, and requests that the permit be changed as follows:

Source: GROUSE CREEK

Tributary: PACK RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	04/01 to 06/30	1.00 CFS	
IRRIGATION STORAGE	04/01 to 06/30		57.0 AF
IRRIGATION FROM STORAGE	04/01 to 09/01		57.0 AF

Maximum Diversion Volume for Storage: 57.0 AF

IRRIGATION 04/01 to 06/30 1.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUSE CREEK L2 (SW1/4NW1/4) Sec. 30, Twp 59N, Rge 01E, B.M.

BONNER County

PLACE OF USE: IRRIGATION & IRRIGATION FROM 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	
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							L 2				L 3	L 4					

Total Acres: 72.6

PLACE OF USE: IRRIGATION 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	
59N 01E 30								X	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 29th day of September, 2015

(Signature)

For USDA-FS

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 96-08563

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100.00 Received by dy # C/O1052 Date 9/30/15

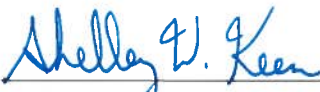
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 96-08563 with the following:

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
2. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
3. The right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
4. Water shall not be diverted under this right when flows are below established minimum flow amounts as established by Water Right No. 96-7980.

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

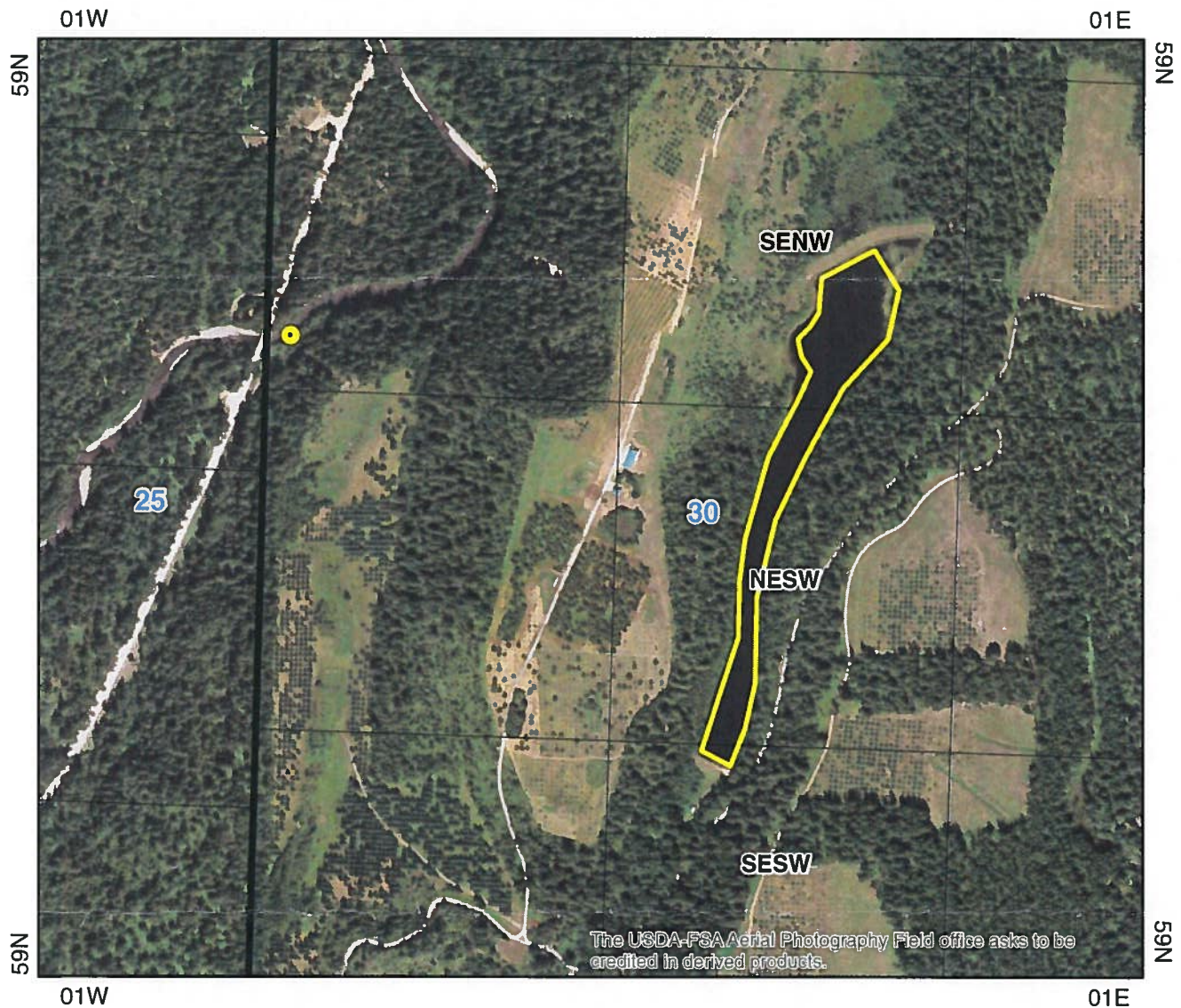

for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

96-8563

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- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.075 0.15 0.3 Miles

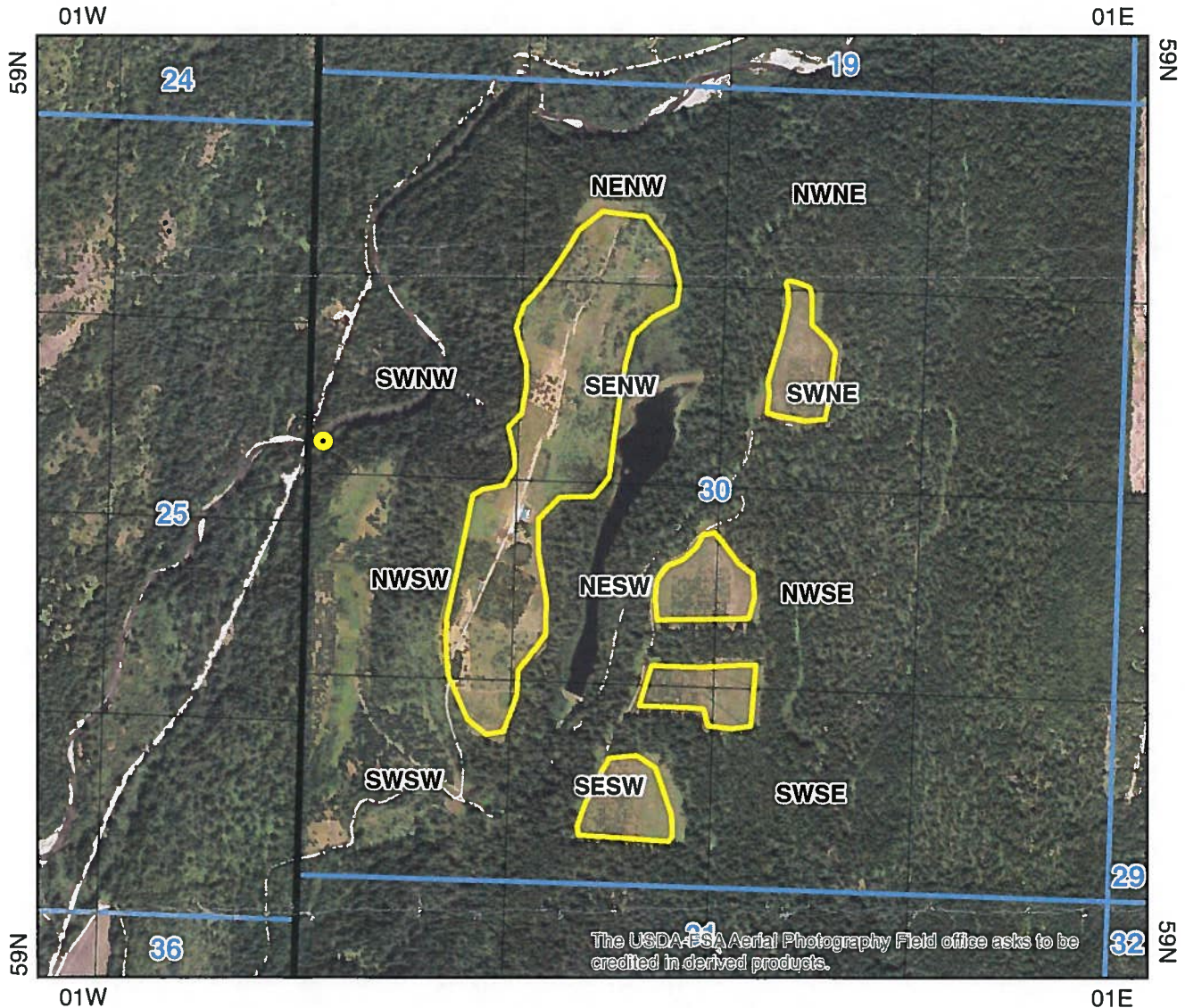


State of Idaho
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Attachment For Amendment To Water Right License

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0 0.125 0.25 0.5 Miles



MEMORANDUM

TO: Water Right File 96-8563

FROM: Daniel Nelson – Staff Hydrologist

DATE: October 2, 2015

SUBJECT: Licensing Review of Permit 96-8563.

A field examination was performed on permit 96-8563 on July 20, 2000, and a licensing review was done on May 22, 2015. It has been determined that there were a few things that needed corrected prior to moving forward with licensing. Per Licensing Administrative Memorandum #9, the season of use should be corrected for the irrigation and irrigation from storage to the current season of use when licensing a permit. Therefore, the season of use for the irrigation from storage for permit 96-8563 was changed to 4/1 to 40/31 instead of the permitted season of use.

The irrigation storage component was also changed to year round use. The diversion to storage will remain the same as permitted, but the permit can carry water over every year in the reservoir if it is not needed. The water stored in the reservoir has already been appropriated, so they should be able to carry the water not used over until the next irrigation season if available.

Condition 4 of the permit required the water entering and leaving the reservoir to be measured. This condition is a standard condition for on-stream ponds and reservoirs. However, this is not an on-stream reservoir. Water is diverted from the creek to the reservoir. Therefore, this condition was removed in the licensing process.