

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 77-14342

Priority: November 22, 2010

Maximum Diversion Rate: 0.04 CFS

This is to certify, that **DARREN K &/OR JENNIFER VAUGHN**
PO BOX 601
RAINIER OR 97048

has applied for a permit to appropriate water from:

Source: LICK CREEK

Tributary: BIG CREEK

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

LICK CREEK NE1/4SW1/4 Sec. 2, Twp 20N, Rge 09E, B.M. VALLEY County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	09E	2					X												
							LS												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before November 1, 2020.
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. Domestic use is for 1 home.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.
6. 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. Witness the signature of the Director, affixed at Boise, this 22nd day of November, 2015.



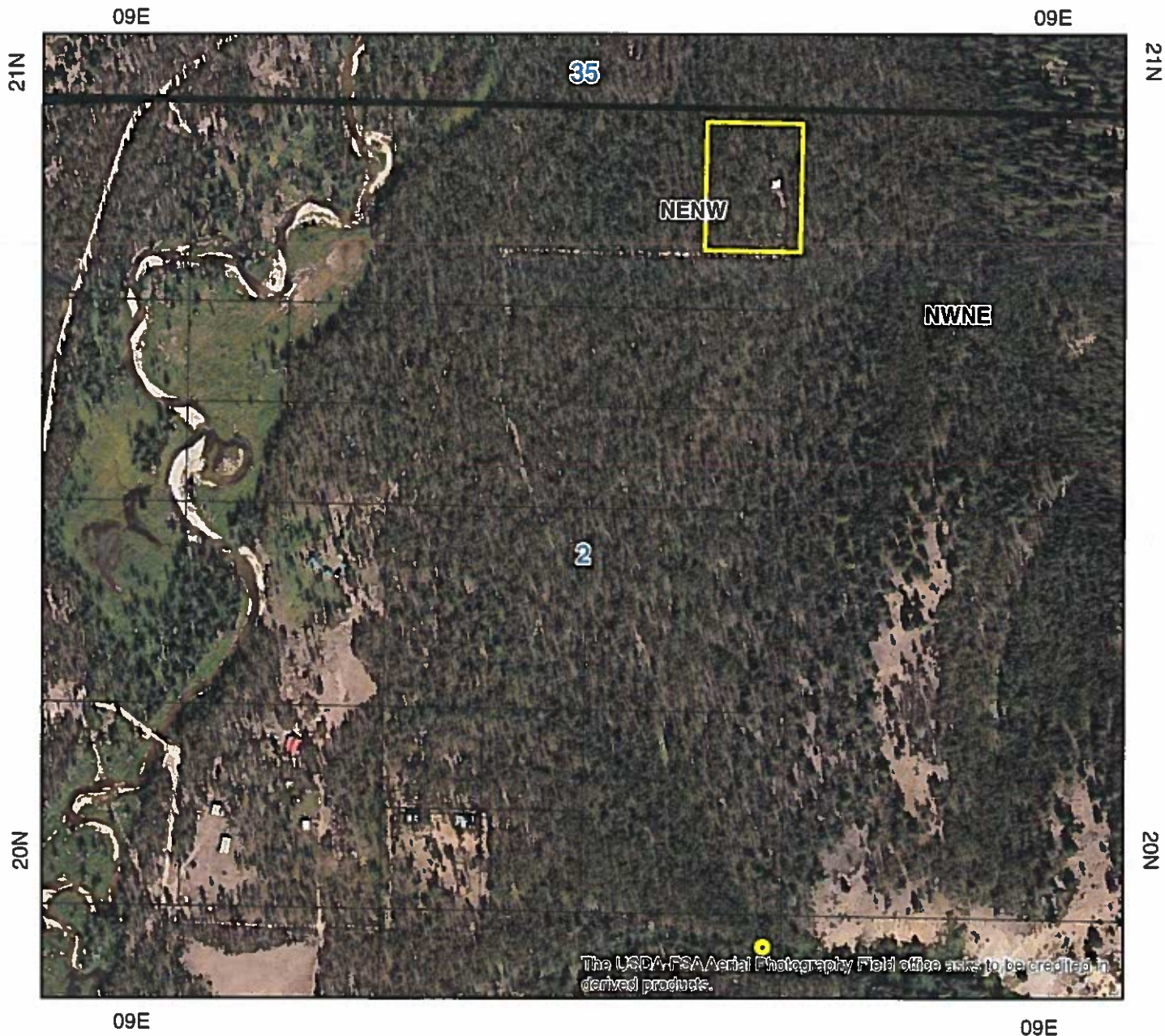
GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

77-14342

This map depicts the DOMESTIC 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 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 4, 2015

STEVE SPENCER
WATER USE SPECIALIST
C/O BOISE NATIONAL FOREST
1805 HWY 16, ROOM 5
EMMETT ID 83617

RE: Application for Permit No. 77-14342

Dear Steve Spencer:

I have attached a permit approval for your convenience. This was sent to the applicants and to other interested parties on November 3, 2015.

Let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely', with a long, sweeping horizontal line extending to the right.

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures



State of Idaho

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November 3, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DARREN K VAUGHN
JENNIFER VAUGHN
PO BOX 601
RAINIER OR 97048

RE: Permit No.77-14342

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)334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller
Western Region Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2015 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.

77-14342

**DARREN K VAUGHN
JENNIFER VAUGHN
PO BOX 601
RAINIER OR 97048**

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely
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.

Publisher's Affidavit of Publication

RECEIVED

OCT 13 2015

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

.SS

County of Valley

I, Kim C. Drake, being duly sworn and say, I am the receptionist of The Star-News, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county of afore said and is a legal newspaper; that the PUBLIC NOTICE, a copy of which is enclosed hereto and is a part hereof, was published in said newspaper once a week for a period of two weeks in the regular and entire issue of every number there of during the period of time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began October 1, 2015 and ended October 8, 2015.

Kim C. Drake

Subscribed and sworn before me this the 8th day of October, 2015.
STATE OF IDAHO

COUNTY OF VALLEY

On this 8th day of October, in the year of 2015, before me, a Notary Public, personally appeared Kim C. Drake, 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 she executed the same.



Tom Grote

Tom Grote
Notary Public for Idaho
Residing at McCall, Idaho
Commission Expires 2/8/18

NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

77-14342

DARREN K VAUGHN

JENNIFER VAUGHN

PO BOX 190694

BOISE, ID 83719

Point of Diversion: NESW S2

T20N R09E VALLEY County

Source: LICK CREEK Tributary

BIG CREEK

Use: DOMESTIC 01/01 to

12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11/22/2010

Place of Use: DOMESTIC

T20N R09E S2 L5 (NENW)

This application proposes the

diversion and use of water tributary

to a federally designated Wild &

Scenic River. The decreed mini-

mum stream flow rights for the

federal Wild & Scenic y are sub-

ordinate 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 it is for domestic

purposes.

65-23614

DEVON MC DONALD

JAMIE MC DONALD

5700 N WILLIOW CREEK

EAGLE, ID 83616

Point of Diversion: SESE S32

T12N R04E VALLEY County

Source: GROUND WATER

Use: IRRIGATION 04/15 to

10/31 1.44 CFS

Total Diversion: 1.44 CFS

Date Filed: 8/21/2015

Place of Use: IRRIGATION

T12N R04E S32 SWSE SESE

Total Acres: 72

65-23618

SHAWN MOSS

TRINA MOSS

PO BOX 434

MCCALL, ID 83638

Point of Diversion: SWSW S14

✓ OK RN 10/20/15

T12N R03E VALLEY County
Source: GROUND WATER Tribu-
tary LAKE FORK CREEK
Use: AESTHETIC STORAGE
01/01 to 12/31 12 AF
Total Diversion: 12 AF
Date Filed: 7/1/2015
Place of Use: AESTHETIC
STORAGE
T12N R03E S14 SWSW
Mitigation is proposed for con-
sumptive use.

✓ OK RN
10/20/15

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190, or for a full description of the right(s), please see www.idvitality.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10-19-15. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director 2610/8

✓ OK RN 10/20/15