

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 75-14467

**Priority:** June 26, 2007

**Maximum Diversion Rate:** 0.02 CFS

It is hereby certified that ARROWHEAD WATER DISTRICT  
C/O GARY LEUZINGER  
23 OLIVER DR  
SALMON ID 83467 has complied with the terms and conditions of the  
permit, issued pursuant to Application for Permit dated June 26, 2007; and has submitted Proof of  
Beneficial Use on July 07, 2008. An examination confirms water is diverted from:

**SOURCE**

CHIPPS CREEK

**Tributary:** POLLARD CREEK

and a water right has been established as follows:

**BENEFICIAL USE**

DOMESTIC

**PERIOD OF USE**

01/01 to 12/31

**DIVERSION RATE**

0.02 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

CHIPPS CREEK SW1/4NW1/4 Sec. 11, Twp 21N, Rge 21E, B.M. LEMHI 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 |        |
| 21N | 21E | 1   |    |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |        |
| 21N | 21E | 2   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |        |
| 21N | 21E | 11  |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

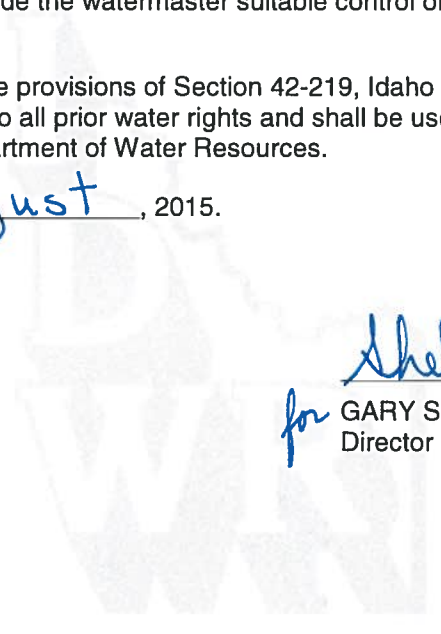
1. This right is for an additional use of the water diverted in connection with Right 75-19G. The right holder may use water in connection with this right when Right 75-19G is in priority.
2. Right 75-19G and Right 75-14467 when combined shall not exceed a total diversion rate of 0.28 cfs and an annual maximum diversion volume of 11.2 af.
3. 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.
4. Domestic use is for 4 homes and does not include lawn, garden, landscape, or other types of irrigation.
5. Use of water under this right 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. 75-A.
6. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.

State of Idaho  
Department of Water Resources  
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WATER RIGHT NO. 75-14467

7. When water is not available pursuant to water right 75-21, the water master must record the total volume of water diverted under water rights 75-19G and 75-14467. When a total of 11.2 acre feet has been diverted under these rights, no additional water may be diverted for the remainder of the year.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

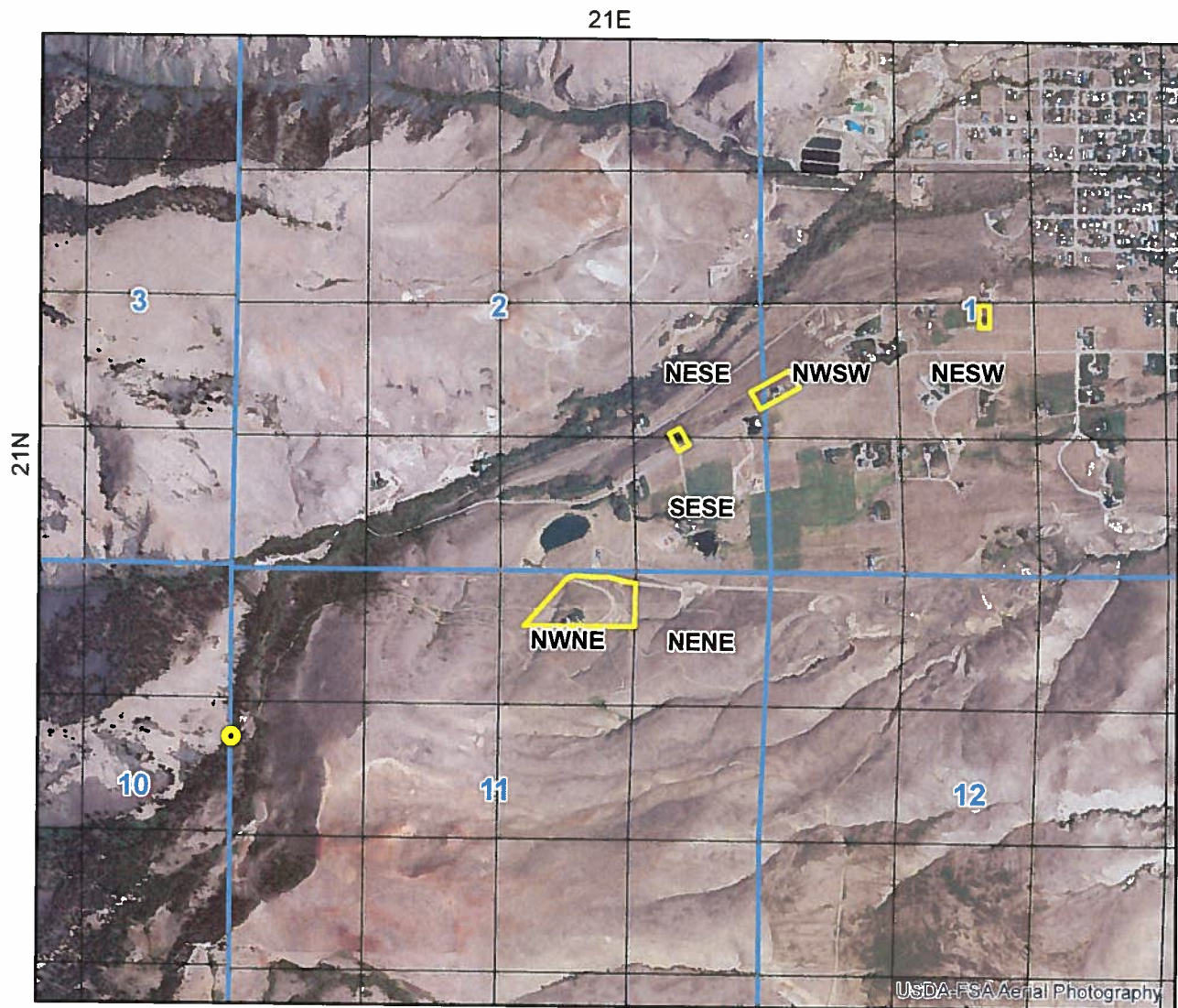
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 5<sup>th</sup> day of August, 2015.

  
Shelley W. Keen  
for GARY SPACKMAN  
Director

State of Idaho  
Department of Water Resources  
**Water Right License**  
75-14467

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 0.25 0.5 0.75 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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 6, 2015

ARROWHEAD WATER DISTRICT  
C/O GARY LEUZINGER  
23 OLIVER DR  
SALMON ID 83467

RE: License No. 75-14467

**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.

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 #75A

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 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.

**75-14467**

**ARROWHEAD WATER DISTRICT  
C/O GARY LEUZINGER  
23 OLIVER DR  
SALMON ID 83467**

**WATER DISTRICT #75A  
GREGORY LOWELL  
307 STATE ST  
SALMON ID 83467**



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**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

TO: Water Right Files 75-14467  
FROM: Sandra Thiel  
DATE: August 28, 2014  
SUBJECT: Fish screen and measuring device conditions

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On August 28, 2014, I sent an email to Greg Lowell, water master of 75-A, Jesse Creek. There are two conditions on the water right that I was unable to address for an in-office field exam. Condition 029 states:

*Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.*

On August 28, 2014, Greg called to discuss the questions I asked in my email. According to our conversation nothing on the system has a fish screen. Greg said that there are so many barriers on the system, especially downstream on Jesse Creek, that fish passage is impossible as things exist. Greg also works for Fish and Game and said that the fish screen was not a reasonable requirement. He did however express an interest in keeping a condition to install fish screens if conditions change in the future.

*Prior to diversion of water under this right, the right holder shall install and maintain a totalizing measuring device and lockable controlling works of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.*

During our conversation Greg also said that the domestic water system does have a meter. This domestic diversion has a year around constant flow for about 150 gallons per minute. They don't exceed their allotted total diversion rate.

## Thiel, Sandra

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**From:** Thiel, Sandra  
**Sent:** Monday, August 11, 2014 10:48 AM  
**To:** 'GARY LEUZINGER'  
**Subject:** RE: Arrowhead Water district water right permit  
**Attachments:** Permit75\_14467.pdf

Hello, I have a few more questions about this permit. Do you know if there is a fish screen at the point of diversion? I have a tag number from 75-19G and 75-21: A0014954. This helps us track points of diversion. Should this tag also be associated with 75-14467? It is aluminum, about 2" by 3". It might be attached to a tree near the point of diversion.

The attached map is my updated version of the delivery system.

I want to thank you again for all of your help with this.

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**From:** GARY LEUZINGER [<mailto:gbgv16a@yahoo.com>]  
**Sent:** Thursday, August 07, 2014 1:35 PM  
**To:** Thiel, Sandra  
**Cc:** jeff  
**Subject:** Re: Arrowhead Water district water right permit

Sandra

I have updated your note below. Let me know if this is understandable. I will now work on the map.

**From:** "Thiel, Sandra" <[Sandra.Thiel@idwr.idaho.gov](mailto:Sandra.Thiel@idwr.idaho.gov)>  
**To:** "[gbgv16a@yahoo.com](mailto:gbgv16a@yahoo.com)" <[gbgv16a@yahoo.com](mailto:gbgv16a@yahoo.com)>  
**Sent:** Thursday, August 7, 2014 12:02 PM  
**Subject:** RE: Arrowhead Water district water right permit

Hello, I've attached an updated map. The following is my narrative based upon our conversation. I am still working on the overlap analysis.

Water is diverted from Chipps Creek in T21N R21E Section 11 SWNW. The domestic water flows into a deep trench filled with gravel and containing a 4inch pipe with holes. The water flows through the gravel and is filtered into the 4 inch pipe. The 4 inch filter pipe is reduced to a 2 inch pipe just prior to the volume/flow rate meter several hundred feet downstream. The pipe continues underground approximately 0.8 of a mile to 2 storage tanks on the property of Ben Jones. From there the pipe flows north roughly 0.27 miles to Oliver Drive. The pipe then goes South to Alan Cox's property at 56 Fulton Road. Water rights 75-19g (domestic), 75-21 (domestic) and 75-14465 is diverted through this system. This system provides domestic water to 9 homes and a hydrant(future home) under water rights 75-19g and 75-21) and 4 additional homes under 75-14467.

Water rights 75-5 (irrigation) and 75-22 (irrigation) and water right 75-14465 (diversion to storage) are diverted from the same general location through a separate large pipe system and provide irrigation water through the AWD Reservoir and water to fill the AWD Reservoir. AWD also diverts 24 small AWD Irrigation rights through this system and may divert other rights with the same POD not owned by AWD through the same Irrigation System.

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**From:** Thiel, Sandra  
**Sent:** Thursday, August 07, 2014 10:10 AM  
**To:** 'gbgv16a@yahoo.com'  
**Subject:** Arrowhead Water district water right permit

Hi Gary, The attached map show the place of use, in red, and the point of diversion. I've also included the tax lots. Any information you can provide would be useful. Thanks for your help with this.

**Sandra Beer Thiel**  
Idaho Department of Water Resources  
322 East Front Street  
Boise, Idaho 83720-0098  
(208)287-4881  
[sandra.thiel@idwr.idaho.gov](mailto:sandra.thiel@idwr.idaho.gov)

**Thiel, Sandra**

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**From:** Thiel, Sandra  
**Sent:** Friday, August 08, 2014 3:32 PM  
**To:** 'Jesse'  
**Subject:** RE: Water right permit 75-14467

Thanks for getting back to me.

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**From:** Jesse [<mailto:farmerinthedell@custertel.net>]  
**Sent:** Friday, August 08, 2014 1:55 PM  
**To:** Thiel, Sandra  
**Subject:** Re: Water right permit 75-14467

**Sandra Thiel...I have forwarded your e-mail (below) to my husband's computer. He is Greg Lowell, and is the Watermaster for District 75A. I am the secretary, however, he will be able to help you with you questions. For future reference, his e-mail address is [captain@custertel.net](mailto:captain@custertel.net) .**

**Jesse Farmer-Lowell  
Secretary  
Water District 75-A**

**From:** [Thiel, Sandra](#)  
**Sent:** Thursday, August 07, 2014 9:56 AM  
**To:** [FARMERINTHEDELL@CUSTERTEL.NET](mailto:FARMERINTHEDELL@CUSTERTEL.NET)  
**Subject:** Water right permit 75-14467

Hello, I am working on the water right license for 75-14467. We are able to do in-house exams for some of the water rights and I am looking for data that confirms the use of water. I have a question about the 2012 and 2012 water master reports. In the list below there is water right (75)-4467. Is this 75-14467? The information I have for 75-4467 shows that its source was Lake Creek and that it was superseded by decree. I just want to make sure I have the correct information.

**DISTRICT 75A 2013  
DELIVERY BY WATER RIGHT / OWNER**

| WR OWNER                                                                                                            | IDWR #                                                                        | POD NAME                              | Total Delivery<br>24 hour<br>sec.ft. |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------|--------------------------------------|
| Edwards                                                                                                             | 75-2,10046,10047, 2162, 11A                                                   | #1 Chipps                             | 286                                  |
| AWD                                                                                                                 | 75-19G,21,4467                                                                | #2d Chipps domestic                   | 55                                   |
| AWD                                                                                                                 | 75-14465,14491                                                                | #2i Chipps storage /<br>irrigation    | 15                                   |
| AWD                                                                                                                 | 75-22,5                                                                       | #8 alternate on Pollard<br>irrigation | 216                                  |
| City of Salmon                                                                                                      | 75-17A,19B,114,7                                                              | #5 Jesse 1740AF                       | 1335                                 |
|                                                                                                                     | 17B,10075,19C,26A,4,2167,14700,14701,<br>15700,7563                           | #3 Chipps, #4 Pollard,<br>#5 Jesse    |                                      |
|                                                                                                                     | Total measured by meter                                                       |                                       |                                      |
| Power, Haddock                                                                                                      | 75-01B,13B,01A,18A                                                            | #6 Jesse                              | 30                                   |
| Proksch, Goodman,<br>Benedict                                                                                       | 75-00014,14063                                                                | #9 flood and headgate<br>problems     |                                      |
| Gaver, Morgan,<br>Power, Skunberg, Boese,<br>Austin, Blackadar R.,<br>Blackadar L., Bills,<br>Petrick, Wallingford, | 75-14533-14536,<br>14125,11614,14123,14124,<br>10475,113C,113A, 19H, 19D,1138 | #7 Jesse Lateral aka<br>Farmers       | 1260                                 |
| Engle, Lyon, Ruscilli,<br>Webb, Tilford                                                                             | 75-14144, 10676, 14607, 10774, 10491                                          | Jesse Ck, Section 6<br>total .15 cfs  | high or waste<br>water               |
|                                                                                                                     |                                                                               |                                       | 3197                                 |

**Sandra Beer Thiel**

Idaho Department of Water Resources

322 East Front Street

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[sandra.thiel@idwr.idaho.gov](mailto:sandra.thiel@idwr.idaho.gov)