

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 37-08876

Priority: June 11, 1998

Maximum Diversion Volume: 0.2 AF

It is hereby certified that ROBERT P DREYER
PO BOX 4917
KETCHUM ID 83340 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated June 01, 1998; and has submitted Proof of
Beneficial Use on September 11, 2000. An examination confirms water is diverted from:

SOURCE

SPRING

Tributary: PARKER GULCH CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL DIVERSION VOLUME</u>
AESTHETIC STORAGE	01/01 to 12/31	0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE1/4SW1/4NE1/4 Sec. 10, Twp 04N, Rge 18E, B.M. BLAINE County

PLACE OF USE: AESTHETIC 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	
04N	18E	10				X													

CONDITIONS OF APPROVAL

1. 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. 37.
2. Right(s) 37-8827 and 37-8876 authorize the diversion of a combined annual total of 0.2 acre-feet to be used for the filling of the pond and for the replacement of losses caused by evaporation from the pond.

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 10th day of June, 2015.

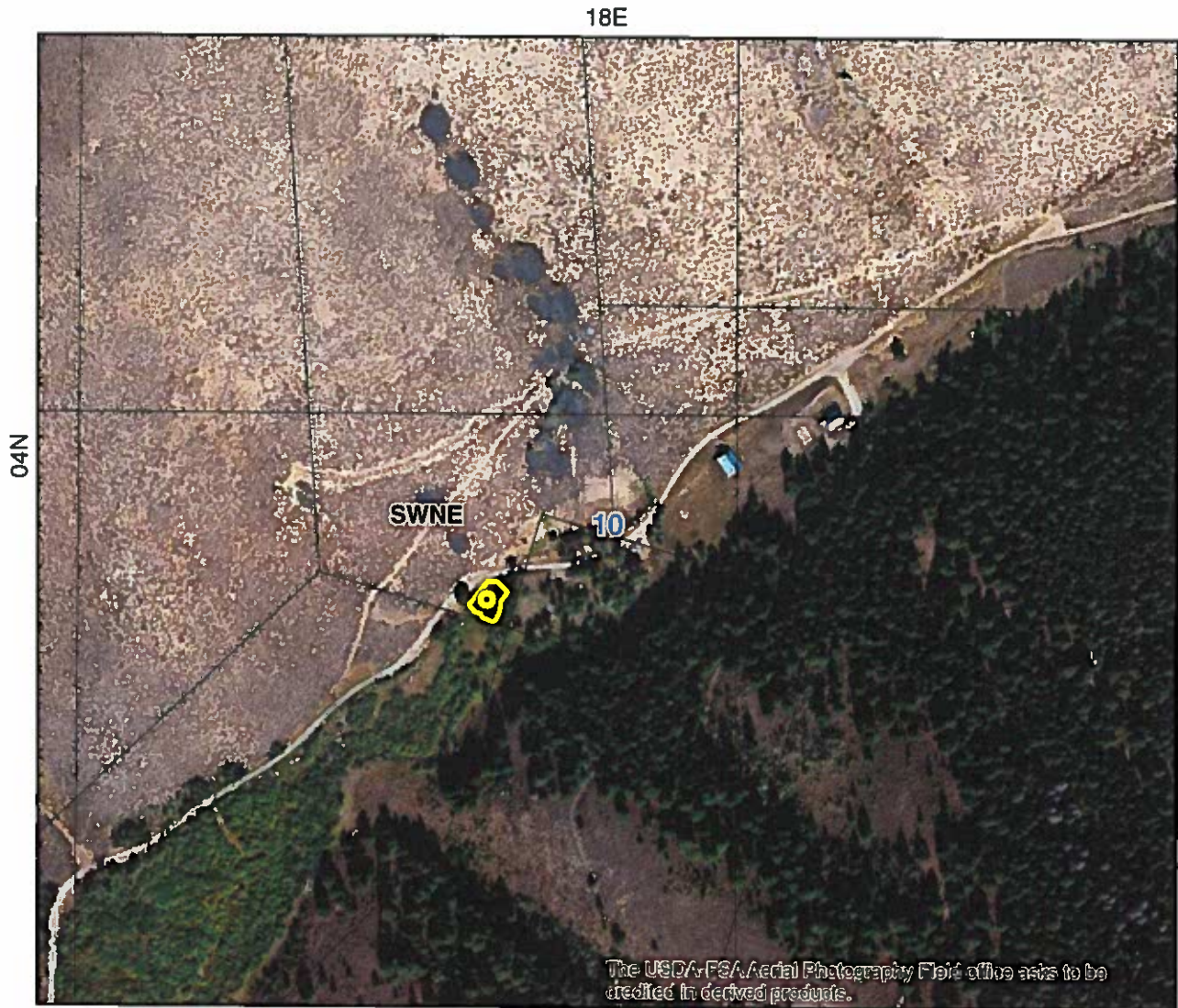

for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

37-8876

This map depicts the AESTHETIC 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 0.0425 0.085 0.17 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

June 11, 2015

ROBERT P DREYER
PO BOX 4917
KETCHUM ID 83340

RE: License Nos. 37-8827 & 37-8876

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders 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 # 37

CERTIFICATE OF SERVICE

I hereby certify that on June ¹⁵ 12, 2015, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

RE: WATER RIGHT NOS.

37-8827 & 37-8876

**ROBERT P DREYER
PO BOX 4917
KETCHUM ID 83340**

**WATER DISTRICT # 37
KEVIN D LAKEY
107 W 1ST
SHOSHONE ID 83352**



**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. 37-08876

RECEIVED

JUN 01 2015

DEPARTMENT OF
WATER RESOURCES

Date of Priority: June 11, 1998

Maximum Diversion Volume: 0.2 AF

Comes now ROBERT P DREYER
PO BOX 4917
KETCHUM ID 83340

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. 37-08876, and requests that the permit be changed as follows:

Source: SPRING

Tributary: PARKER GULCH CREEK

BENEFICIAL USE**PERIOD OF USE****ANNUAL VOLUME**

AESTHETIC STORAGE

01/01 to 12/31

0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRING NE1/4SW1/4NE1/4 Sec. 10, Twp 04N, Rge 18E, B.M. BLAINE County

PLACE OF USE: AESTHETIC 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	
04N	18E	10				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 29 day of MAY, 2015.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-08876

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$1000 Received by JMH # C100517 Date 6-1-15

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. 37-08876 with the following:

CONDITIONS OF APPROVAL

1. 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. 37.
2. Right(s) 37-8827 and 37-8876 authorize the diversion of a combined annual total of 0.2 acre-feet to be used for the filling of the pond and for the replacement of losses caused by evaporation from the pond.

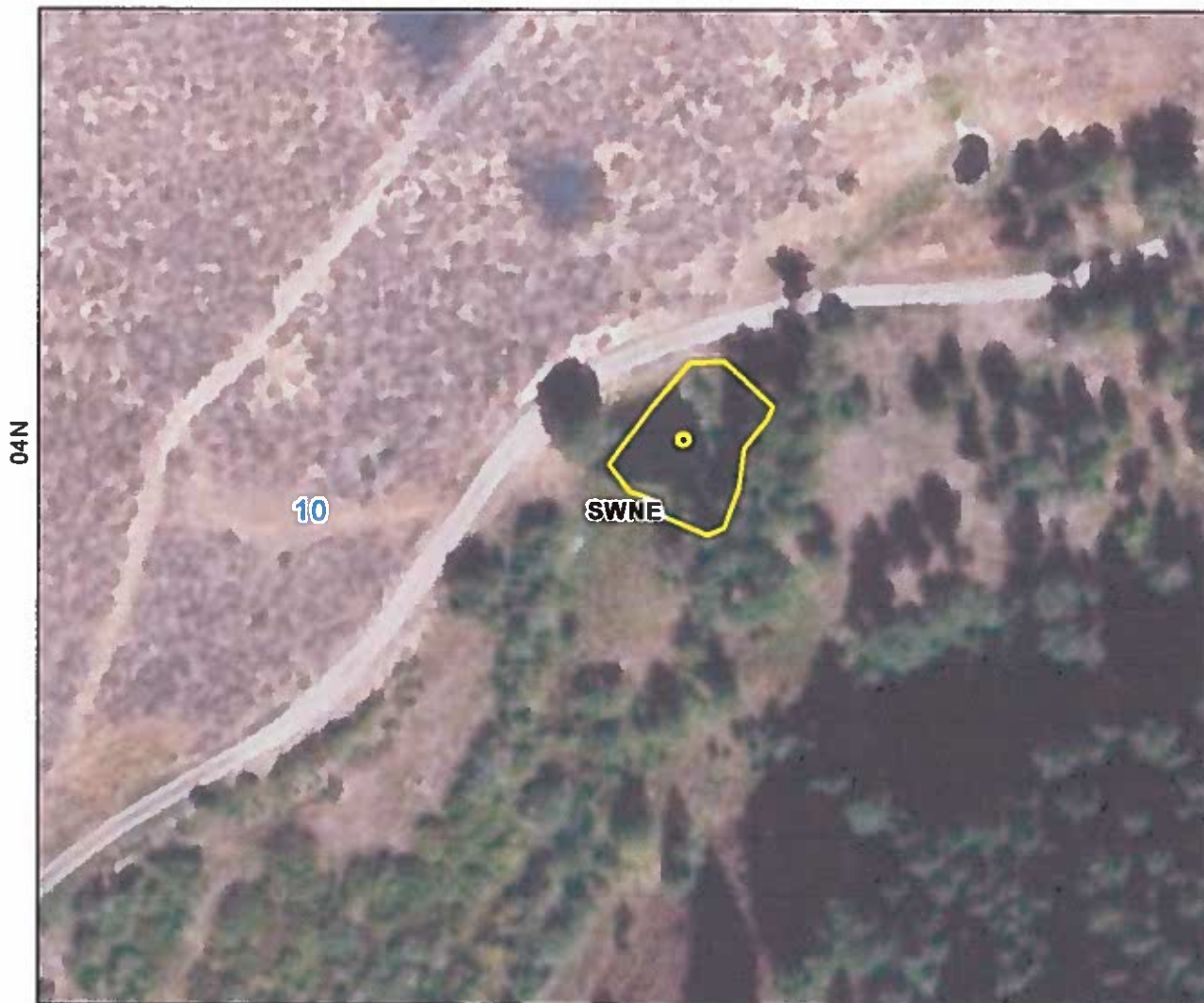
Witness my hand this 10th day of June, 2015.

Shelley W. Keen
for GARY SPACKMAN
Director

Attachment For Amendment To Water Permit 37-8876

This map depicts the AESTETIC 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.

18E



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

0 0.01 0.02 0.04 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BOB DREYER
PO BOX 4917
KETCHUM ID 83340-4917

03/30/2015

RE: Water Right Permits No. 37-8827 & 37-8876

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permits 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 permits have been developed differently than described on your permits.

Permit 37-8827:

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. However, diversion of the spring water to an 'off channel' pond (the smaller of the two ponds) requires a rate of diversion, which this permit does not provide. Since the permit did not provide for an 'off channel' pond, we cannot include that pond in the licensing of this permit.

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 described on your permit:

The legal description of the point of diversion was found to be in the center of the pond located in the NE1/4 SW1/4 NE1/4 of Section 10, Township 4 North, Range 18 East.

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.

Permit 37-8876

This permit only allowed irrigation as a portion of the Domestic, Domestic Storage and Domestic From Storage uses with the intention that the irrigation used would be in connection with a Domestic use for a home. As of today, no Domestic use for a home has been proven; therefore, we cannot allow the Irrigation use under the Domestic

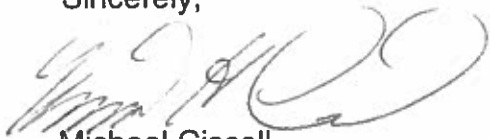
component. Since no Domestic use associated with a home has been developed; all Domestic uses on this permit have been removed as has the Rate of Diversion for the Domestic use.

The Aesthetic use has been changed to Aesthetic Storage as was developed under this permit. This requires an amendment to change the use from Aesthetic to Aesthetic Storage.

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 two amendment forms carefully. If you concur with the information presented, please sign both forms and return them with the \$100.00 filing fee for each filing for a total of \$200.00 within 14 days.

If you have any questions, or additional information please call me at 208-287-4915.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Michael Ciscell', is written over a light gray circular stamp.

Michael Ciscell
Senior GIS Analyst

Enclosure(s): Amended Permits and maps