

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 79-14202

Priority: March 28, 2007

Maximum Diversion Rate: 0.06 CFS

It is hereby certified that WALTER O LINDSEY
13654 HWY 95 S
WHITEBIRD ID 83554 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated March 28, 2007; and has submitted Proof of
Beneficial Use on March 24, 2015. An examination confirms water is diverted from:

SOURCE

SALMON RIVER

Tributary: SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/15 to 10/31

DIVERSION RATE

0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

SALMON RIVER SE1/4SE1/4 Sec. 10, Twp 27N, Rge 01E, B.M. IDAHO County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
27N	01E	10																2.0	2.0
																		L 8	

Total Acres: 2

CONDITIONS OF APPROVAL

1. 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.
2. The approach velocity at the point of diversion shall not exceed 0.8 feet per second.
3. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
4. Water shall not be diverted under this right when flow in the Snake River is below the established minimum flow amount of 13,000 cfs at Lime Point.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

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 16th day of June, 2015.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
79-14202

This map depicts the IRRIGATION 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 0.035 0.07 0.14 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 16, 2015

WALTER O LINDSEY
13654 HWY 95 S
WHITEBIRD ID 83554

RE: License No. 79-14202

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)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 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.

79-14202

**WALTER O LINDSEY
13654 HWY 95 S
WHITEBIRD ID 83554**



**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.

Nelson, Dan

From: Nelson, Dan
Sent: Monday, June 08, 2015 7:38 AM
To: 'Walt Lindsey'
Subject: RE: Permit 79-14202

Thank you Walt, I really appreciate the photos. I think the photos you sent will provide the information needed. I will get back to you if we need anything further.

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Walt Lindsey [<mailto:wlindsey@chemstone.com>]
Sent: Friday, June 05, 2015 8:05 PM
To: Nelson, Dan
Subject: RE: Permit 79-14202

Sorry for the inconvenience but I will have to send photos in several different emails due to file size. If you need any more photos besides the ones I send you to satisfy the permit please let me know.
Thanks
Walt Lindsey

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Nelson, Dan" <Dan.Nelson@idwr.idaho.gov>
Date: 2015/06/03 08:52 (GMT-07:00)
To: Walt Lindsey <wlindsey@chemstone.com>
Subject: Permit 79-14202

Dear Mr. Lindsey,

We have reviewed your proof of beneficial use and it appears acceptable. The Idaho Legislature recently allowed the Department to license smaller domestic type water rights like yours without going into the field. We have reviewed your file and feel it qualifies for this type of in-house exam. If you are interested in having this exam done in-house, then all we will need to complete the exam are a couple of pictures showing your irrigation use and the system you use to divert the water to confirm the irrigation use. In order to do this exam in-house, we will need the photos within the next thirty (30) days.

You can also request that IDWR personnel go into the field to collect this information accompanied by an appointed representative or yourself. For this to occur, please let me know some dates that would be suitable for myself or another field agent to visit the property within the next thirty (30) days.

If you have any questions, please don't hesitate to contact me.

Respectfully,

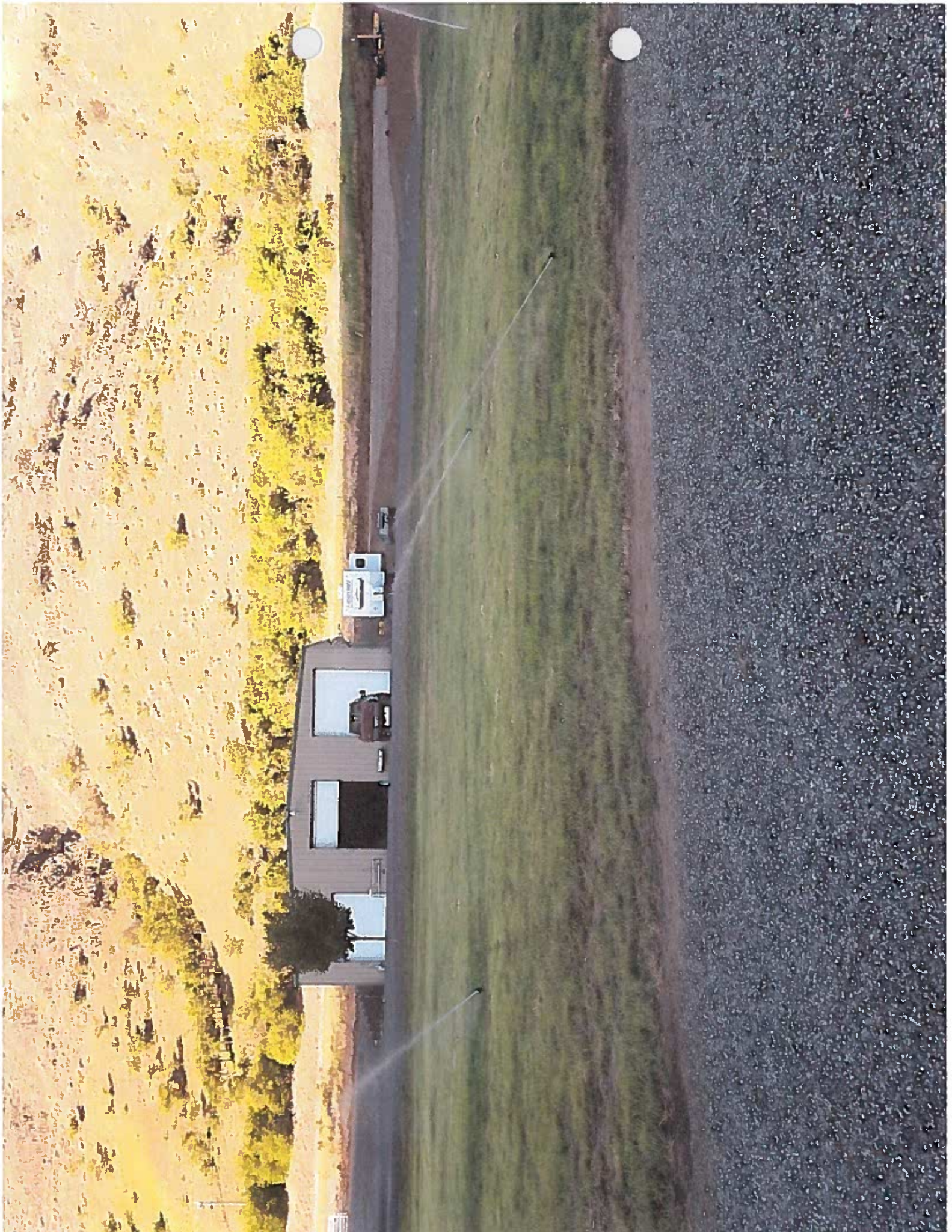
Daniel Nelson

Staff Hydrologist

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)





Specifications - Johnson Controls

Model	Capacity (Gals)	Weight (Lbs)	Dimensions (H x W x D)
1000	1000	1000	1000 x 1000 x 1000
2000	2000	2000	2000 x 2000 x 2000
3000	3000	3000	3000 x 3000 x 3000
4000	4000	4000	4000 x 4000 x 4000
5000	5000	5000	5000 x 5000 x 5000
6000	6000	6000	6000 x 6000 x 6000
7000	7000	7000	7000 x 7000 x 7000
8000	8000	8000	8000 x 8000 x 8000
9000	9000	9000	9000 x 9000 x 9000
10000	10000	10000	10000 x 10000 x 10000

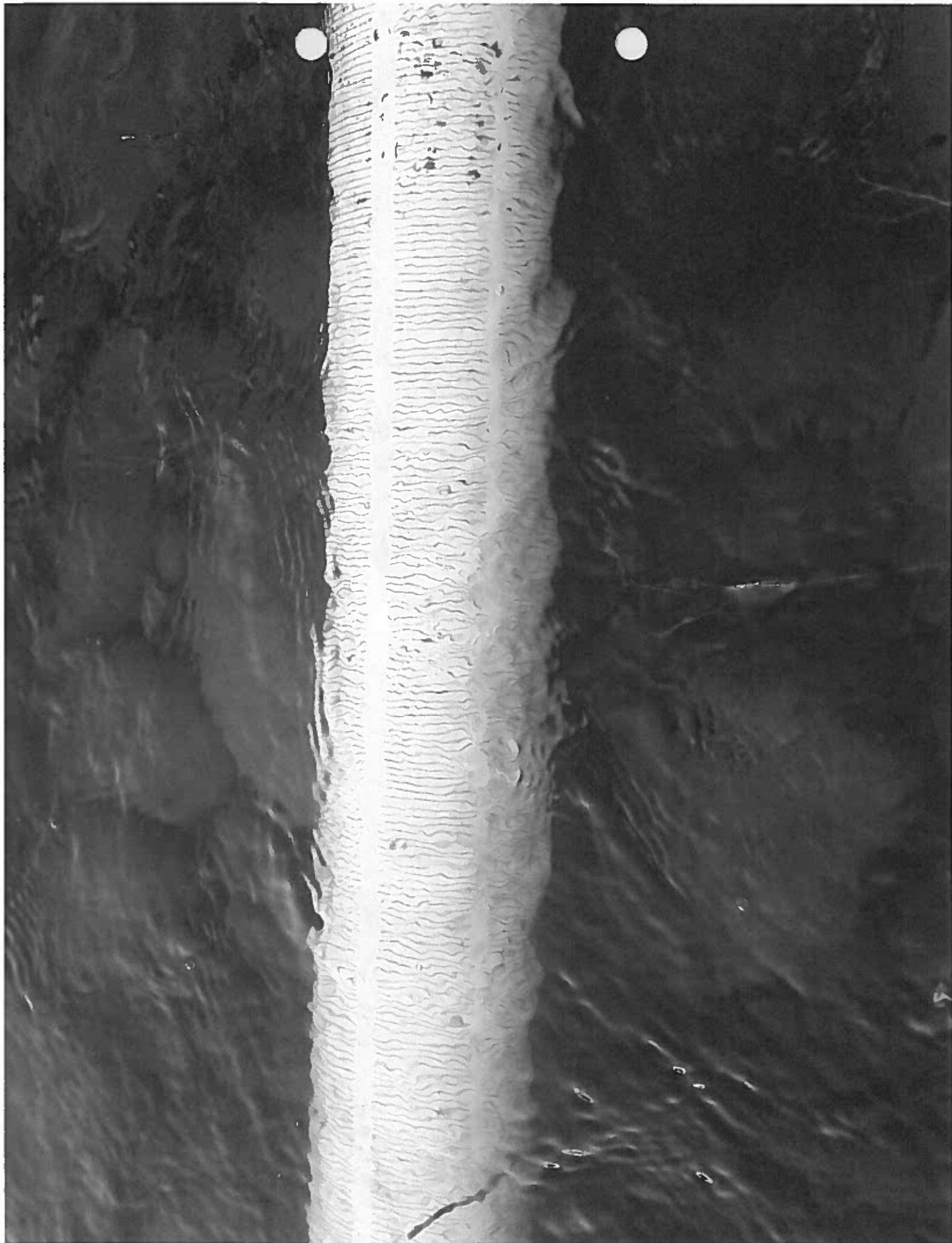
Maximum Load Per Station

Station	Capacity (Gals)	Weight (Lbs)
1	1000	1000
2	2000	2000
3	3000	3000
4	4000	4000
5	5000	5000
6	6000	6000
7	7000	7000
8	8000	8000
9	9000	9000
10	10000	10000

Notes:

- 1. Capacity is based on 60°F.
- 2. Weight is based on 60°F.
- 3. Dimensions are based on 60°F.
- 4. Maximum load is based on 60°F.
- 5. Capacity is based on 60°F.
- 6. Weight is based on 60°F.
- 7. Dimensions are based on 60°F.
- 8. Maximum load is based on 60°F.
- 9. Capacity is based on 60°F.
- 10. Weight is based on 60°F.















Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, June 03, 2015 9:52 AM
To: 'wlindsey@chemstone.com'
Subject: Permit 79-14202

Dear Mr. Lindsey,

We have reviewed your proof of beneficial use and it appears acceptable. The Idaho Legislature recently allowed the Department to license smaller domestic type water rights like yours without going into the field. We have reviewed your file and feel it qualifies for this type of in-house exam. If you are interested in having this exam done in-house, then all we will need to complete the exam are a couple of pictures showing your irrigation use and the system you use to divert the water to confirm the irrigation use. In order to do this exam in-house, we will need the photos within the next thirty (30) days.

You can also request that IDWR personnel go into the field to collect this information accompanied by an appointed representative or yourself. For this to occur, please let me know some dates that would be suitable for myself or another field agent to visit the property within the next thirty (30) days.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Daniel Nelson
Staff Hydrologist
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)