

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 77-14321

Priority: May 14, 2009

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 0.6 AF

It is hereby certified that US DEPT OF AGRICULTURE
 FOREST SERVICE
 PAYETTE NATIONAL FOREST
 500 N MISSION ST
 MC CALL ID 83638-3805 has complied with the terms and conditions of
the permit, issued pursuant to Application for Permit dated May 14, 2009; and has submitted Proof of
Beneficial Use on August 22, 2014. An examination confirms water is diverted from:

SOURCE

GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SW1/4 Sec. 26, Twp 22N, Rge 05E, B.M., VALLEY County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
22N	05E	26												X					

CONDITIONS OF APPROVAL

1. Domestic use is for a public campground.
2. Place of use is located within Chinook Campground.
3. 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.
4. This right does not grant any right-of-way or easement across the land of another.

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.

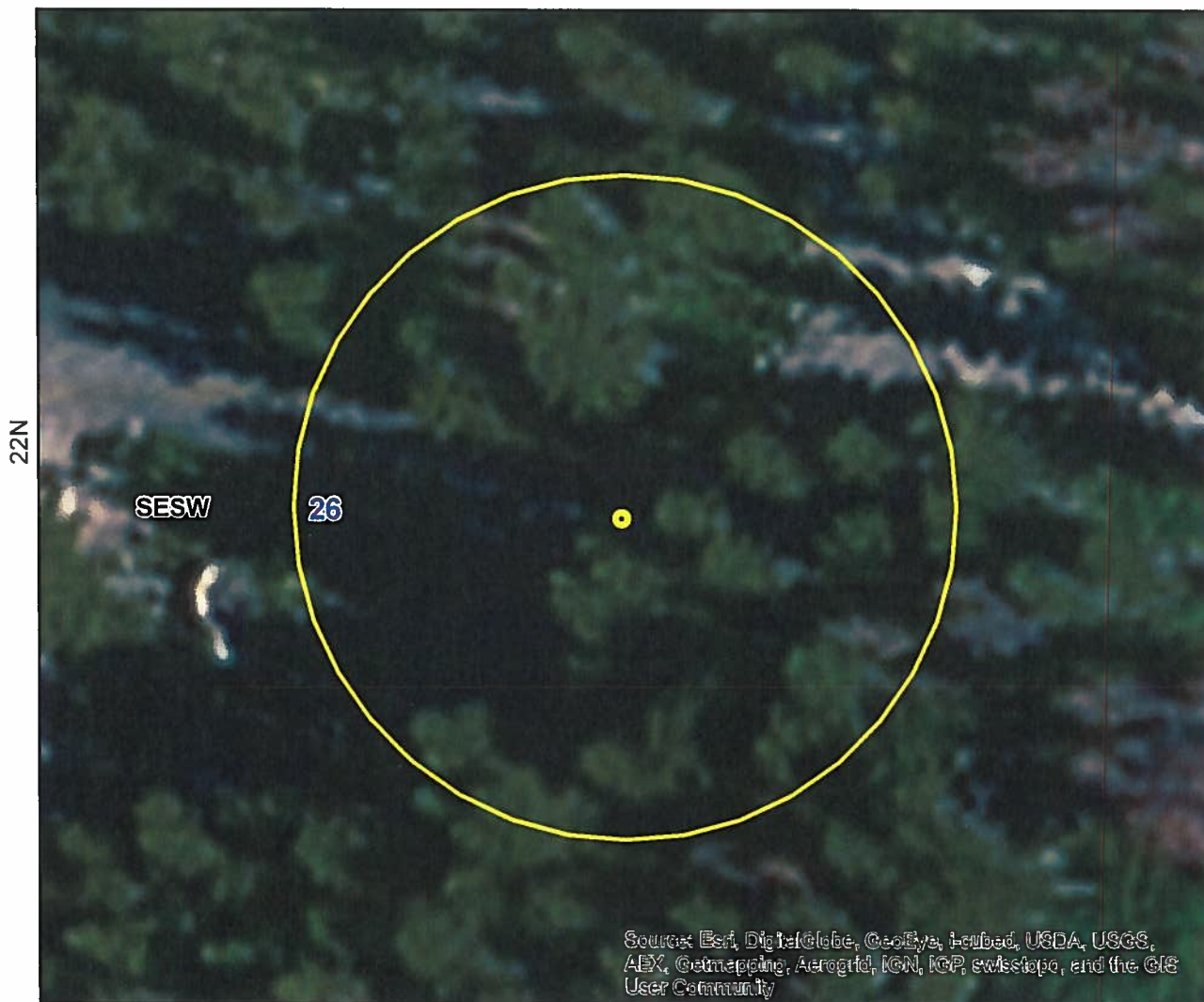
Signed this 18th day of November, 2014.


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
77-14321

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.

05E



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

0 0.00375 0.0075 0.015 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 77-14321

RECEIVED
OCT 01 2014
DEPARTMENT OF
WATER RESOURCES

Date of Priority: May 14, 2009

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 0.6 AF

Comes now US DEPT OF AGRICULTURE
FOREST SERVICE
PAYETTE NATIONAL FOREST
500 N MISSION ST
MC CALL ID 83638-3805

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. 77-14321, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SW1/4 Sec. 26, Twp 22N, Rge 05E, 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	
22N	05E	26												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 30th day of Sept, 2014.

Heath B. Lannen
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 77-14321

FOR DEPARTMENT USE ONLY
Preliminary check by _____ Fee = \$100⁰⁰ Received by CS # C099468 Date 10/1/14

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. 77-14321 with the following:

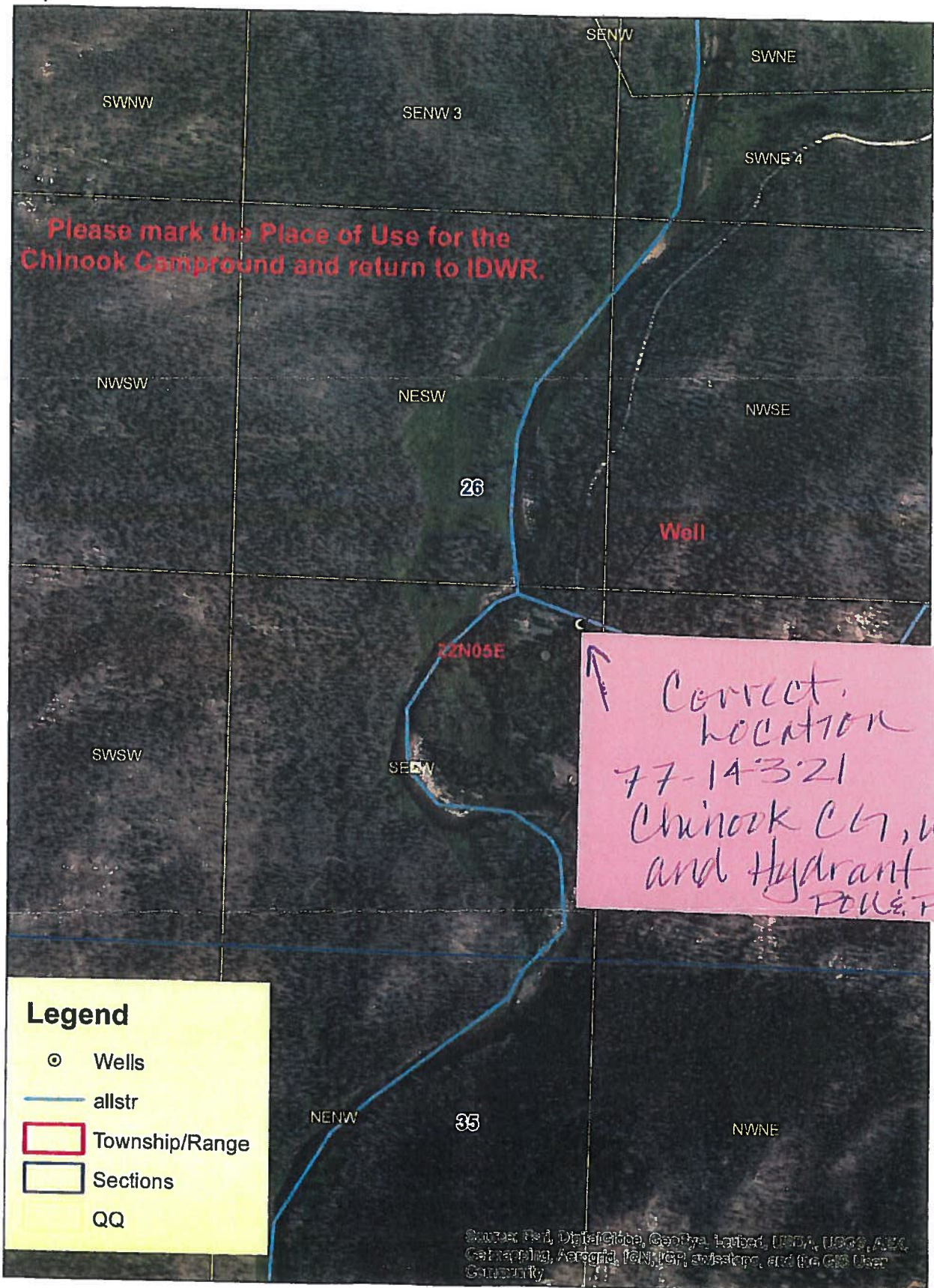
CONDITIONS OF APPROVAL

1. 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.
2. This right does not grant any right-of-way or easement across the land of another.
3. Place of use is located within Chinook Campground.
4. Domestic use is for a public campground.

Witness my hand this 18th day of November, 2014.


GARY SPACKMAN
Director

CHINOOK CAMPGROUND





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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 19, 2014

US DEPT OF AGRICULTURE
FOREST SERVICE
PAYETTE NATIONAL FOREST
500 N MISSION ST
MC CALL ID 83638-3805

RE: License No. 65-23341 and 77-14321

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 208-287-4944.

Sincerely,


for Cherie Palmer
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2014 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.

65-23341 and 77-14321

**US DEPT OF AGRICULTURE
FOREST SERVICE
PAYETTE NATIONAL FOREST
500 N MISSION ST
MC CALL ID 83638-3805**

A handwritten signature in cursive script, reading "Jean Hersley", is written over a horizontal line.

Jean Hersley

Technical Records Specialist II

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.

Hersley, Jean

From: Becker, Holly -FS [hbecker@fs.fed.us]
Sent: Monday, September 29, 2014 2:56 PM
To: Hersley, Jean
Subject: RE: water right permit 77-14321

Hi Jean, I have been on a fire assignment and just back in the office today. I am currently waiting for a check for this amendment, and will have it in the mail to you tomorrow. Just wanted to give you a heads up, I also left you a phone message regarding the same. Thank you so much, take care, Holly Becker

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Monday, September 15, 2014 11:09 AM
To: Becker, Holly -FS
Subject: RE: water right permit 77-14321

I am assuming when you marked the place of use the same as the point of diversion, the water isn't being used for anything except drinking water for the campers. No irrigation is taking place. If this is the case, I will send an amendment of permit for licensing purposes to you.

Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942

From: Becker, Holly -FS [mailto:hbecker@fs.fed.us]
Sent: Thursday, September 04, 2014 11:47 AM
To: Hersley, Jean
Subject: RE: water right permit 77-14321

Hi Jean, I am enclosing the map of Chinook Campground. The POU and POD are the same, the well and hydrant have the same location. When we submitted the original paperwork the well driller and site supervisor noted that they thought the POD and POU were in the SESW not the NESW. I thought we had corrected this on the initial paperwork, and see that indeed we had concerning the POD, however I think perhaps it was overlooked concerning the POU. I'd appreciate your recommendation on how we proceed on this permit. Thank you so much, Holly Becker

Holly Becker
Hydrologic Tech; Water Rights
Payette National Forest, McCall, ID
(208) 634-0795

" The happiness of this life depends less on what befalls you then the way in which you take it. "

— Elbert Hubbard

From: Hersley, Jean [mailto:Jean.Hersley@idwr.idaho.gov]
Sent: Tuesday, August 26, 2014 12:21 PM

To: Becker, Holly -FS

Subject: water right permit 77-14321

The Department of Water Resources is in the process of reviewing water right permit 77-14321 for licensing. This permit qualifies for an "in-house" review. After looking at the aerial photography, I am having a hard time determining where the actual place of use is.

I have attached a map of the campground. Please mark the place of use and return it to me. You may reply to this email, fax it to (208) 287-6700, attn: Jean or mail it to:

IDWR

Attn: Jean Hersley

322 E Front St

PO Box 83720

Boise ID 83720-0098

Please respond within 15 days so we may continue processing your license. If you have any questions, please contact me.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

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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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 15, 2014

US DEPT OF AGRICULTURE
FOREST SERVICE
PAYETTE NATIONAL FOREST
500 N MISSION ST
MC CALL ID 83638-3805

RE: Water Right Permit No. 77-14321

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit 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 permit have been developed differently than described on your permit. 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. 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 and the map provided by you, the following elements were developed differently than described on your permit:

_____ **Place(s) of Use**

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. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-287-4942.

Sincerely,

Jean Hersley

Technical Records Specialist II

Enclosure(s)