

RECEIVED

OCT 21 2014

Department of Water Resources
Eastern Region

AMENDED

Ident. No. 25-14418

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Gray's Lake, LLC Phone 843-693-9597
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 301 Bench Lago Road City Grace
 State ID Zip 83241 Email NHale@sawgrassink.com and rcb@racinelaw.net
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
5S	43E	17			SW	NE	Caribou	Groundwater	

4. Water will be used for the following purposes:
- Amount 0.09 cfs for Stockwater purposes from 3/15 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.09 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. well, pumps and tank.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? October 7, 2002; drilling firm Nelson Drilling;
 well was drilled for (well owner) Vernon Soderman; Drilling Permit No. 782748.
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. stockwater for 400 head of range cattle.

AMENDED

25-14418

8. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.
See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	43E	27	X		X	X													

Total number of acres to be irrigated: N/A

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

N/A

10. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? N/A

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Groundwater will be pumped to stockwatering tank.

12. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Randall C. Budge
Signature of Applicant

Signature of Applicant

Randall C. Budge, Attorney for Applicant.

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ Receipt No. _____ Date _____

25 - 14418

WHEN RECORDED MAIL TO:

Nathan S. Hale, Manager
Gray's Lake, L.L.C.
2233 Highway 17
Mount Pleasant, SC 29466

Instrument # 193040

CARIBOU COUNTY

1-28-2014 10:05:21 No. of Pages: 3

Recorded for : RANDALL C BUDGE

VEDA MASCARENAS

Fee: 16.00

Ex-Officio Recorder Deputy T. Stephens

Index to: WARRANTY DEED

WARRANTY DEED

<u>Grantor</u>	<u>Grantee</u>
Whiskey Creek Ranch, L.L.C. 2233 Highway 17 Mount Pleasant, SC 29466	Gray's Lake, L.L.C. Nathan S. Hale, Manager 2233 Highway 17 Mount Pleasant, SC 29466

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantor hereby sells and forever transfers the following parcels of real property (the "Property") located in Caribou County, Idaho, to the Grantee, including the Grantor's right, title and interest therein:

Township 5 South, Range 43 Esat of the Boise Meridian, Caribou County, Idaho:

Section 8: Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and that part of Lot 2 lying Southerly of existing State Highway No. 34 right-of-way.

Section 17: North $\frac{1}{2}$; North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$; Southeast $\frac{1}{4}$ of the Southwest and the Southeast $\frac{1}{4}$.

Excepting therefrom all that portion of State Highway No. 34 right-of-way lying within said property.

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

WARRANTY DEED - 1

25-14418

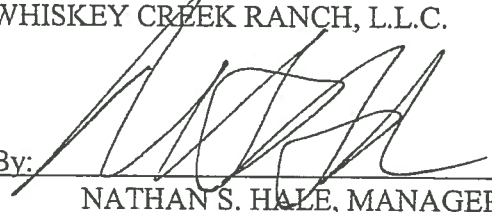
TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and its successors and assigns forever.

Grantor does hereby covenant with and warrant the Grantee that Grantor is lawfully seized in fee simple of the Property, has good right and lawful authority to sell and convey the Property, and that Grantor fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items: discrepancies, conflicts in boundary lines, shortage in area, encroachments, easements, right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

IN WITNESS WHEREOF, the Grantor hereunto sets his hand this 15 day of January, 2014.

WHISKEY CREEK RANCH, L.L.C.

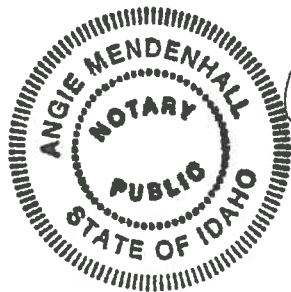
By: 

NATHAN S. HALE, MANAGER

STATE OF Idaho)
) : ss
County of Caribou)

On the 15th day of January, 2014, before me, a Notary Public, personally appeared **Nathan S. Hale**, known or identified to me to be the manager or member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



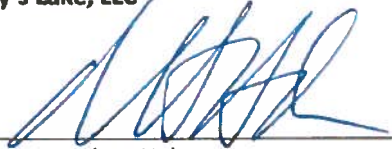
Angie Mendenhall
NOTARY PUBLIC FOR: Since
Residing at: Blace
My Commission Expires: 01-2018

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to all matters related to water rights, including the management and transaction of same, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on behalf of **Gray's Lake, LLC**.

DATED this 22 day of August, 2014.

Gray's Lake, LLC

By: 

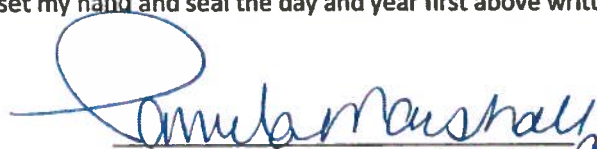
Name: Nathan Hale

Title: Manager

STATE OF IDAHO)
 :SS
County of Caribou)

On this 22 day of August, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Nathan S Hale, known or identified to me to be the Manager of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.


NOTARY PUBLIC FOR IDAHO South Cardina
Commission expires: 2/26/17

RECEIVED

FORM 202 11/13

SEP 04 2014

Ident. No. _____

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Gray's Lake, LLC Phone 843-693-9597
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 301 Bench Lago Road City Grace
 State ID Zip 83241 Email NHale@sawgrassink.com and rcb@racinelaw.net

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
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4. Water will be used for the following purposes:

Amount 0.09 cfs for Stockwater purposes from 3/15 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.09 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

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a. Describe type and size of devices used to divert water from the source. well, pumps and tank.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? October 7, 2002; drilling firm Nelson Drilling;
 well was drilled for (well owner) Vernon Soderman; Drilling Permit No. 782748

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a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households _____

e. Other; describe fully. stockwater for 400 head of range cattle.

SUPERCEDED

25-14418

8. Description of place of use:

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TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	43E				X														

Total number of acres to be irrigated: N/A

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N/A

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- Who owns the land to be irrigated or place of use? N/A
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The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Randall C. Budge
Signature of Applicant

Signature of Applicant

Randall C. Budge, Attorney for Applicant.

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by DM Date 9.4.2014 Time _____ Preliminary check by _____
Fee \$ 100- Received by DM Receipt No. 5034879 Date 9.4.2014

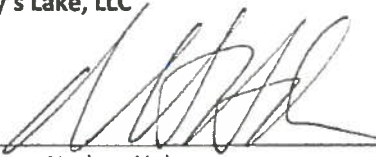
20-14418

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to all matters related to water rights, including the management and transaction of same, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on behalf of **Gray's Lake, LLC**.

DATED this 22 day of August, 2014.

Gray's Lake, LLC

By: 

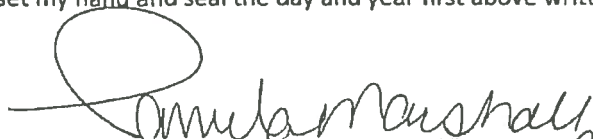
Name: Nathan Hale

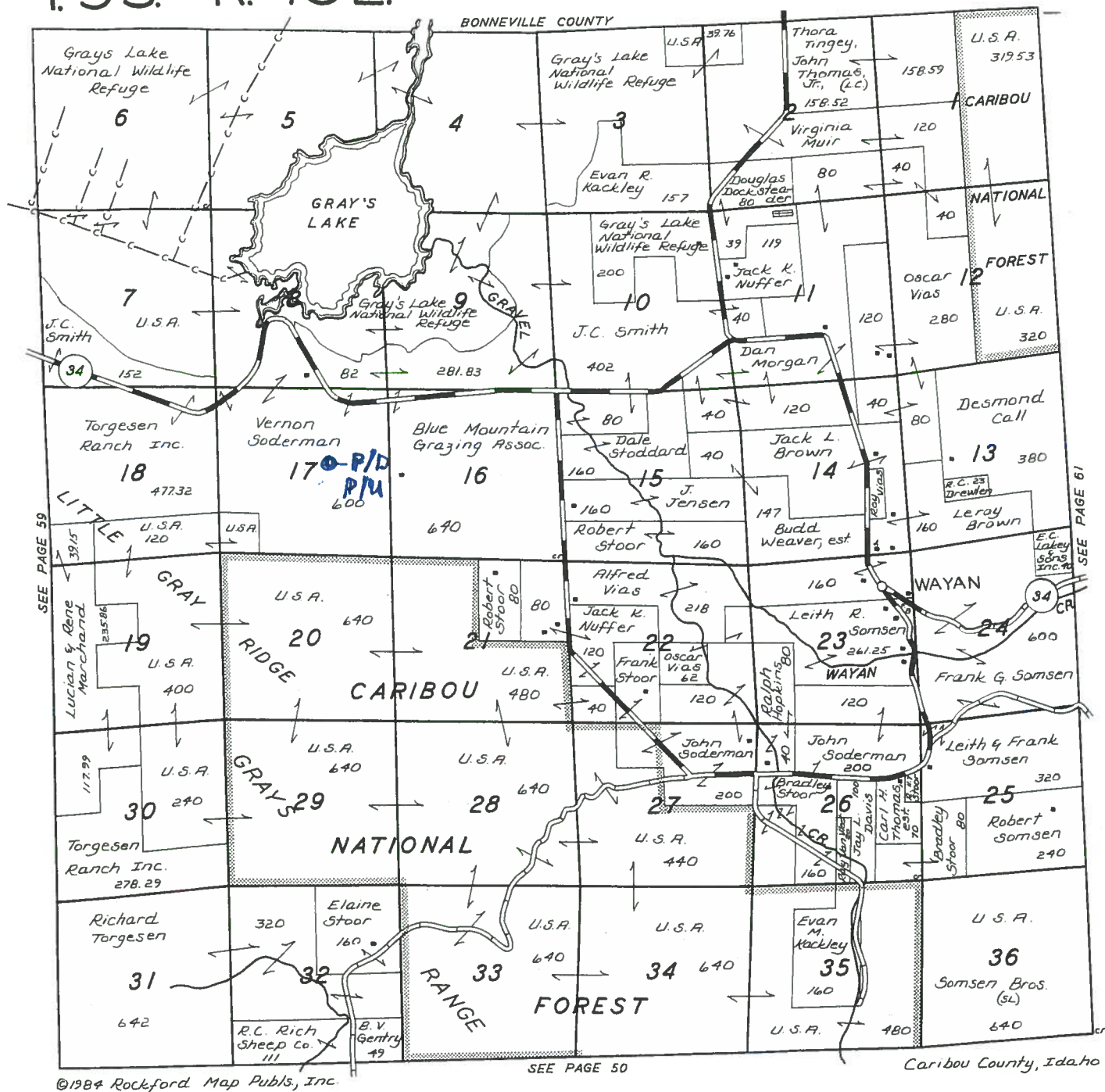
Title: Manager

STATE OF IDAHO)
 :SS
County of Caribou)

On this 22 day of August, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Nathan S Hale, known or identified to me to be the Manager of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.


NOTARY PUBLIC FOR IDAHO South Carolina
Commission expires: 2/26/17



Point of Diversion/Place of Use
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 17, T.55., R.43E

25-14418



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 14, 2014

Gray's Lake LLC
301 Bench Lago Road
Grace, ID 43241

RE: New Application for Permit – 2nd Request

Dear Applicant:

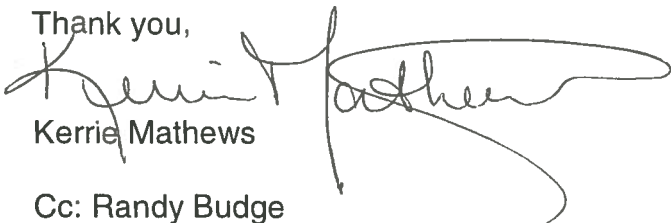
On September 15, 2014 a request for additional information was emailed to yourself and Randy Budge regarding an application for permit that was received by the Department on September 4, 2014.

The email stated that the application as received could not be processed. In order to move forward additional information would be necessary. Please, submit the following documentation:

1. Tax lot data available to the Department indicates, that the property is currently owned by Whiskey Creek Ranch
 - a. Please provide authorization from Whiskey Creek Ranch to use the property or provide proof of ownership.
2. There is a discrepancy between the application and accompanying map.
 - a. The application indicates that the point of diversion/place of use is located at T05S 43E Sec 17 in the SWNE quarter. However the application indicates that the point of diversion/place of use is located at T05S 43E Sec 17 SENE quarter. Please correct the map or the application.
3. Aerial photography indicates that there is stockwater use in the NENE & SENE quarter of Section 17, T05S 43E.
 - a. There are currently no permits or rights associated with this location. Should these areas be included in this application?
4. Question 12 on the application is blank.
 - a. Please provide the time required for completion of works.

I will continue to hold your application until November 15, 2014. If you have any questions, please let me know.

Thank you,


Kerrie Mathews

Cc: Randy Budge

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Monday, September 15, 2014 10:19 AM
To: 'rcb@racinelaw.net'; 'nhale@sawgrassink.com'
Subject: New Application for Permit - Grass Lake LLC
Attachments: Blank.pdf

Good Morning:

The Department has received your application for permit. Unfortunately, the application cannot be processed as received. In order to move forward in the process please provide additional information.

1. Tax lot data available to the Department indicates, that the property is currently owned by Whiskey Creek Ranch.
 - a. Please provide authorization from Whiskey Creek Ranch to use the property or provide proof of ownership.
2. Discrepancy between the application and accompanying map.
 - a. The application indicates that the point of diversion/place of use is located at T05S 43E Sec 17 in the **SWNE** quarter. However the application indicates that the point of diversion/place of use is located at T05S 43E Sec 17 **SENE**.
3. Aerial photography indicates that there is stockwater use in the NENE & SENE quarter of Section 17, T05S 43E.
 - a. There are currently no permits or rights associated with this location. Should these areas be included in this application?
4. Question 12 on the application is blank.
 - a. Please provide the time required for completion of works.

I have included a blank map for your use, please clearly indicate the point of diversion and the place of use on the map. Then amended the application as needed and return.

If you have any questions, please let me know.

Kerrie Mathews

Idaho Department of Water Resources
208-525-7161
208-390-6924

"It is curious - curious that physical courage should be so common in the world, and moral courage so rare." -Mark Twain



RACINE
OLSON
NYE
BUDGE
BAILEY

201 E. Center St.
P.O. Box 1391
Pocatello, ID 83204
O 208.232.6101
F 208.232.6109
racinelaw.net

RECEIVED

SEP 08 2014

Department of Water Resources
Eastern Region

RANDALL C. BUDGE
rcb@racinelaw.net

September 2, 2014

RECEIVED
SEP 04 2014
DEPT OF WATER RESOURCES
SOUTHERN REGION

Idaho Department of Water Resources
Southern Region Office
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Re: Gray's Lake, LLC – Application for Permit

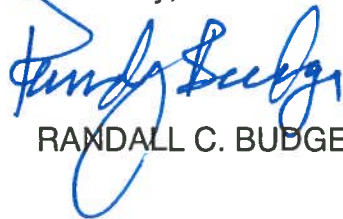
To Whom It May Concern:

Enclosed please find for filing and processing:

1. One original and extra copy of an Application for Permit;
2. \$100.00 check for filing fees; and
3. Stamped and addressed return envelope.

Please file and process the original application and conform stamp and return the extra copy. If you have any questions, please contact me. Thank you for your assistance. ✓ DM

Sincerely,



RANDALL C. BUDGE

RCB:ts
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 13, 2014

GRAYS LAKE LLC
301 BENCH LAGO ROAD
GRACE, ID 83241

Application For Permit No. 25-14418

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the CARIBOU COUNTY SUN on November 20 and 27, 2014. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharla Cox', is written over a large, stylized blue circular mark that resembles a 'C' or a large '0'.

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, November 13, 2014 9:08 AM
To: 'Caribou County Sun (ccsun10@aol.com)'
Subject: Legal Notice for your paper
Attachments: Caribou County Sun E-Mail.rtf

Contacts: Caribou County Sun

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-7924

JOHN LAMBREGTS
34 COLGATE STREET
POCATELLO, ID 83201

Point of Diversion

SESESE S8 T11S R40E

CARIBOU County

Source SPRINGS Tributary SMITH CREEK

Use: FISH PROPAGATION

01/01 to 12/31 3.6 CFS

Total Diversion: 3.6 CFS

Date Filed: 11/3/2014

Place Of Use: FISH PROPAGATION

T11S R40E S9 SWSW

25-14418

GRAYS LAKE LLC
301 BENCH LAGO ROAD
GRACE, ID 83241

Point of Diversion

SWNE S17 T05S R43E

CARIBOU County

Source GROUND WATER Tributary

Use: STOCKWATER

01/01 to 12/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 10/21/2014

Place Of Use: STOCKWATER

T05S R43E S17 NENE SWNE SENE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before December 8, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 20 and 27, 2014