

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07540

Priority: June 09, 1996

Maximum Diversion Rate: 0.09 CFS
Maximum Diversion Volume: 6.2 AF

It is hereby certified that WAYNE SIMPSON
PO BOX 1056
CHALLIS ID 83226

And

DEBORAH SIMPSON
PO BOX 1056
CHALLIS ID 83226

CHALLIS ID 83226 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 02, 1996; and has submitted Proof of Beneficial Use on July 09, 1999. 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>
IRRIGATION	04/01 to 10/31	0.05 CFS	5.6 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4NW1/4 Sec. 10, Twp 14N, Rge 19E, B.M.
CUSTER County

PLACE OF USE: IRRIGATION

[illegible]

Total Acres: 1.6

PLACE OF USE: DOMESTIC

[illegible]

State of Idaho
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Water Right License

WATER RIGHT NO. 72-07540

CONDITIONS OF APPROVAL

1. Place of use is located within Lot 22, Rocky Mountain Meadow Subdivision.
2. Domestic use is for 1 home and livestock. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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. 170.
5. 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.
6. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.

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.

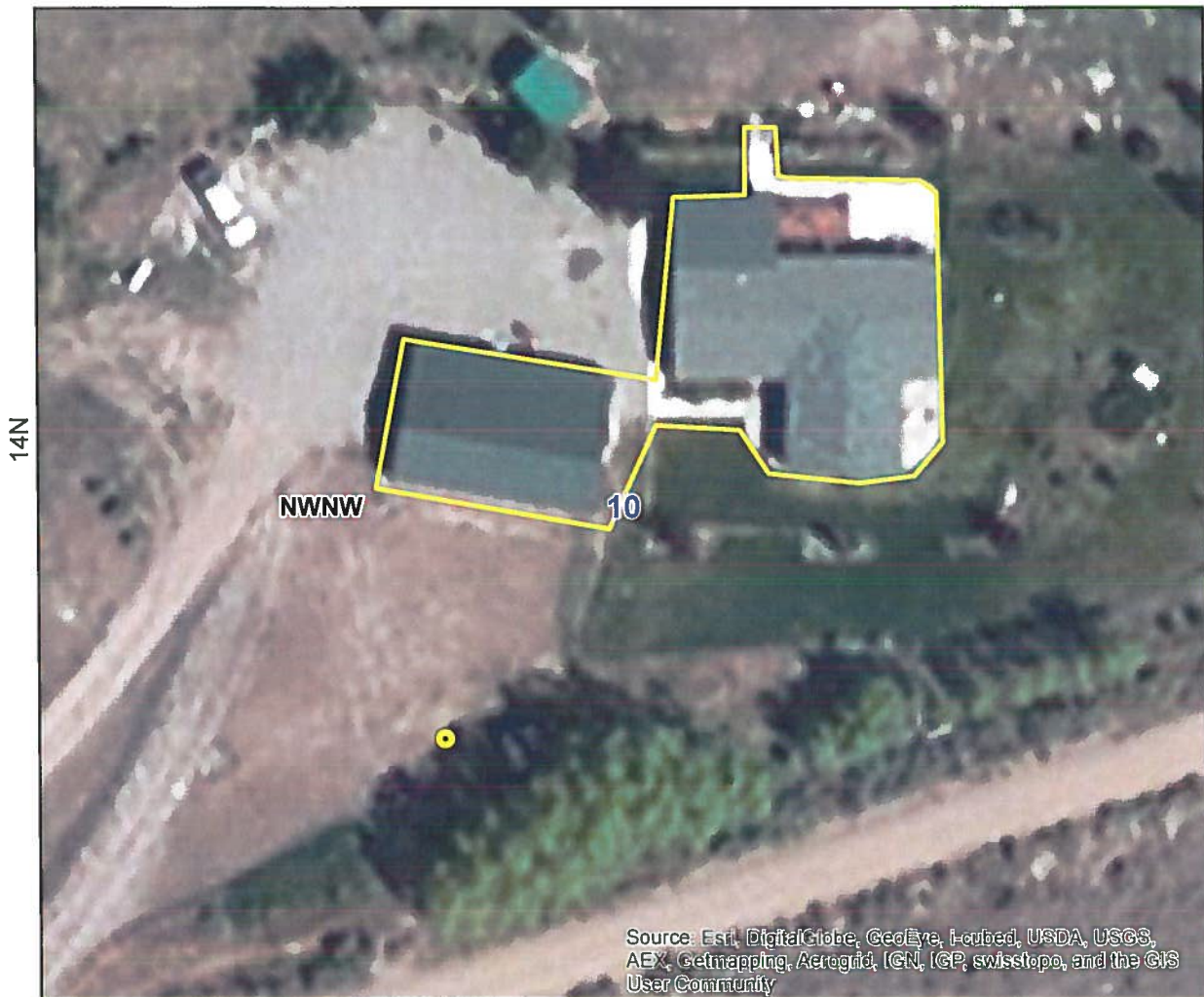
Signed this 12th day of December, 2013.


FOR GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
72-7540

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.

19E



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

0 0.005 0.01 0.02 Miles



State of Idaho
Department of Water Resources

Attachment To Water Right License
72-7540

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.

19E



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

0 0.025 0.05 0.1 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 16, 2013

WAYNE SIMPSON
DEBORAH SIMPSON
PO BOX 1056
CHALLIS ID 83226

RE: License No. 72-7540

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 208-736-3033.

Sincerely,

Allen Merritt
Southern Region Manager

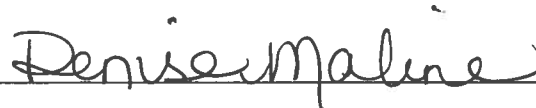
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2013 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. 72-7540

**WAYNE SIMPSON
DEBORAH SIMPSON
PO BOX 1056
CHALLIS ID 83226**

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

**Denise Maline
Administrative Assistant**

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 20, 2013

Wayne and Deborah Simpson
PO Box 1056
Challis, ID 83226

RE: Surface water use from Challis Creek

Mr. and Mrs. Simpson,

I am writing to inform you that ground water right 72-7540 associated with your home is prepared for licensing. You will receive a notice in the mail with information on the license. I am attaching a copy of the draft license and a map showing the place of use for your records.

Additionally when I met with you in July of 2012 we discussed the north portion of your property watered with Challis Creek water, you have been paying an assessment to the water district. It appears the surface water use has never been filed with the Department and the assessment that you have been paying was incorrectly associate with the ground water right. Fortunately the water from Challis Creek is still available for new appropriation and you have the option of filing a permit for the use. I would suggest that you file this application soon so that by next irrigation season the permit is in place so irrigation may continue. Please take a look at the attached application for permit with instructions. I am also including a map showing the place of use, you will need to identify on the map where the water is diverted from Challis Creek. It would also be helpful to identify on the map where the ditch runs from Challis Creek to your property. Please contact me if you have any questions or if I can help in locating the point of diversion.

Respectfully,

Nathan Erickson
Sr. Water Resource Agent
IDWR Southern Region
(208) 736-3033

Erickson, Nathan

From: Miller, Nick
Sent: Thursday, March 21, 2013 1:11 PM
To: Erickson, Nathan
Cc: Whitney, Rob
Subject: RE: Wayne Simpson WR 72-7540

Hi Nathan,

Sorry for ignoring this one for so long. This district is kind of a thorn in my side anyway, so to hear that they are delivering water to a user without a water right and assessing him for a groundwater right they don't have authority to administer doesn't surprise me, but it's frustrating that the list of problems continues to grow... so I kind of let it slide until I have time to address the long list of things I need to do in that district. However, that is no excuse for not responding to you sooner, so I apologize.

Here is my take on this:

1. I reviewed your field report and my only comment is that under Narrative/Remarks/Comments, you refer to the area as the Challis Creek Irrigation District, and this is incorrect as the entity is not an irrigation district. The entity that assesses them for this right is Sub-district 72-A, which is a sub-district of Water District No. 170. Otherwise, I agree to license the permit only for the southern portion.
2. I see two issues that, while not related to issuing the license, should be noted in correspondence to the applicant, the water district, and copied to Rob Whitney. Those issues are:
 - a. The applicant appears to be irrigating ground from Challis Creek without a water right, so the watermaster should cease delivering surface water to that property and the applicant should cease using surface water on that property until or unless he secures a valid water right to irrigate.
 - b. Water District 72A has been assessing the applicant since 2006 and it should not continue that unless the applicant acquires a surface water right to irrigate the ground.

I think putting these issues in correspondence included with the license will put the applicant, the district, and the department on notice that this is something that should be corrected.

Nick Miller, P.E.
Water Distribution Section
Idaho Department of Water Resources
322 E. Front St. Boise, ID 83720-0098
208-287-4956 (Office)
208-287-6700 (Fax)

From: Erickson, Nathan
Sent: Thursday, March 14, 2013 11:25 AM
To: Miller, Nick
Subject: FW: Wayne Simpson WR 72-7540

Nick,

I am ready to send this ground water right on to be licensed. I am attaching a copy of the field exam for the ground water right. Please let me know if you have any comments or recommendations.

Thanks,
Nathan

Erickson, Nathan

From: Erickson, Nathan
Sent: Tuesday, January 29, 2013 10:48 AM
To: Miller, Nick
Subject: Wayne Simpson WR 72-7540

Nick,
I spoke with you several weeks back about a water right permit I was working on next to Challis Creek. The owner is Wayne Simpson and he has a permit for groundwater to be use for domestic and irrigation. My field exam found that the southern part of his property around the house is watered by the well (see attached map). The northern part of the property is watered primarily by surface water delivered to his property via a ditch. I recently spoke with Mr. Simpson and he clarified that the main source of irrigation is from the ditch, he did however install a shallow sump that he can pump out of to irrigate also. As you might remember he has been paying an annual assessment to the water district but the water right listed is the groundwater right.

I am not sure what to do about the northern part of his property that is watered with surface water. I believe I could go ahead with the groundwater permit and license the domestic and irrigation around the house. What do you think? Let me know if you have any questions.

Thanks,
Nathan



Map.pdf



Irrigated by surface water

Challis Creek

Possibly the ditch?

Wayne Simpson
WR 72-7540
Groundwater used for
domestic and irrigation

Well

14N 19E 10 NWNW