



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

November 27, 2013

US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON-CHALLIS NATIONAL FOREST
1206 S CHALLIS ST
SALMON ID 83467

RE: License Nos. 74-7336, 74-7378, 74-15037 & 75-14113

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 208-287-4916.

Sincerely,

Craig L. Saxton

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2013, 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. 74-7336, 74-7378, 74-15037 & 75-14113

**US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON-CHALLIS NATIONAL FOREST
1206 S CHALLIS ST
SALMON ID 83467**



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
Water Right License

WATER RIGHT NO. 74-15037

Priority: July 22, 2002

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 6.7 AF

It is hereby certified that US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON-CHALLIS NATIONAL FOREST
1206 S CHALLIS ST
SALMON ID 83467 has complied with the terms and conditions of the
permit, issued pursuant to Application for Permit dated July 22, 2002; and has submitted Proof of
Beneficial Use on August 24, 2007. An examination confirms water is diverted from:

SOURCE

TOBIAS CREEK

Tributary: HAYDEN CREEK

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>
STOCKWATER	06/01 to 09/30	0.02 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

TOBIAS CREEK SW1/4SW1/4 Sec. 2, Twp 16N, Rge 23E, B.M. LEMHI County

PLACE OF USE: STOCKWATER

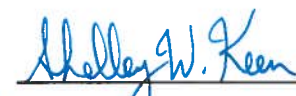
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	23E	3	X															X	
			L 1																

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. 74.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
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 the watermaster suitable control of the diversion.

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 27th day of November, 2013.

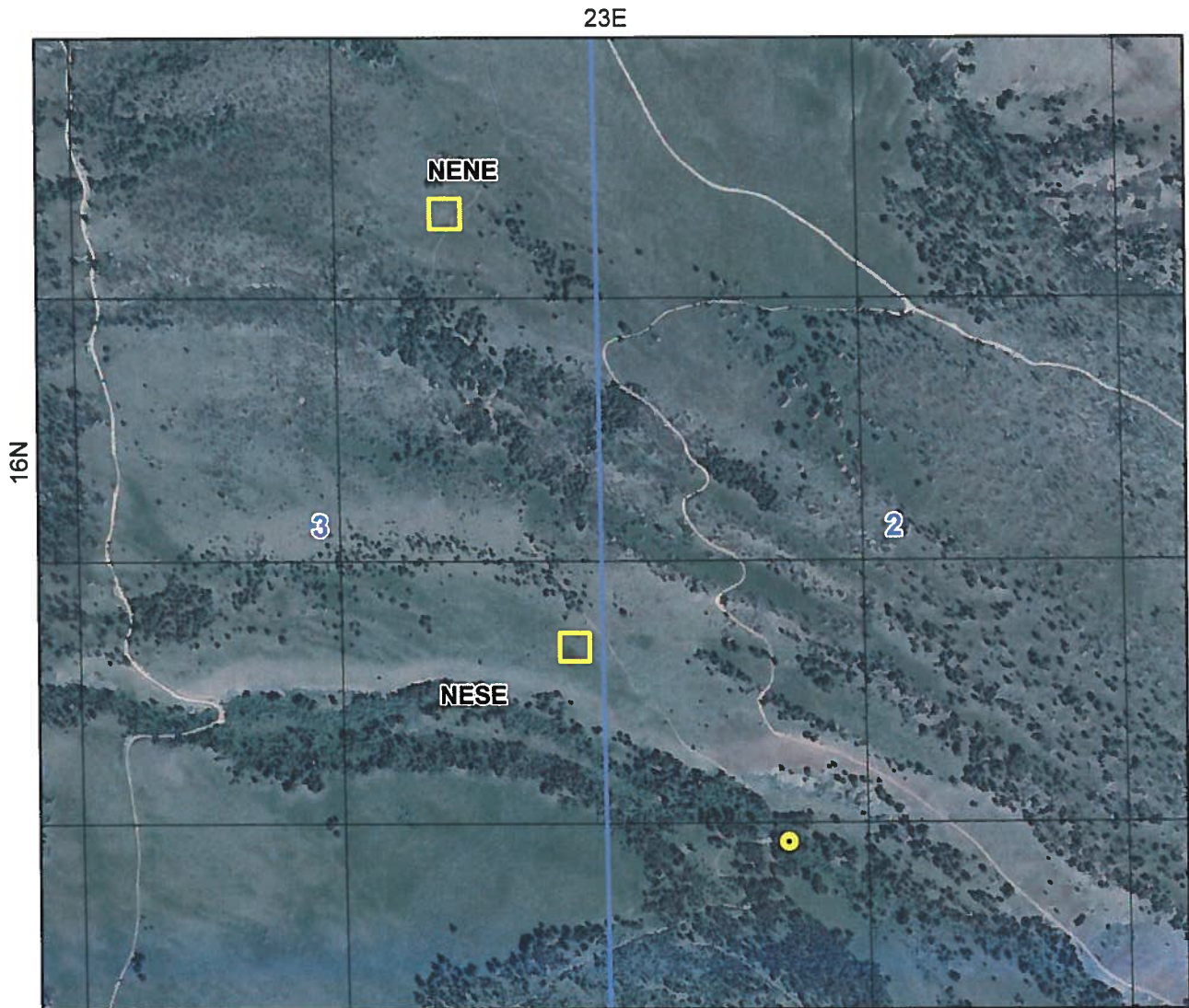

for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

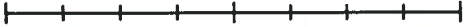
74-15037

This map depicts the STOCKWATER 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 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-15037

RECEIVED

NOV 25 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: July 22, 2002

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 6.7 AF

Comes now US DEPT OF AGRICULTURE
FOREST SERVICE
SALMON-CHALLIS NATIONAL FOREST
1206 S CHALLIS ST

SALMON ID 83467 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. 74-15037, and requests that the permit be changed as follows:

Source: TOBIAS CREEK

Tributary: HAYDEN CREEK

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	06/01 to 09/30	0.02 CFS	6.7 AF

LOCATION OF POINT(S) OF DIVERSION:

TOBIAS CREEK SW1/4SW1/4 Sec. 2, Twp 16N, Rge 23E, B.M. LEMHI County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 23E 3	X												X				
	L1																

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 20th day of November, 2013

Charles A. Mark

(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 74-15037

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100.00 Received by HP # C098008 Date 11-25-13

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. 74-15037 with the following:

CONDITIONS OF APPROVAL

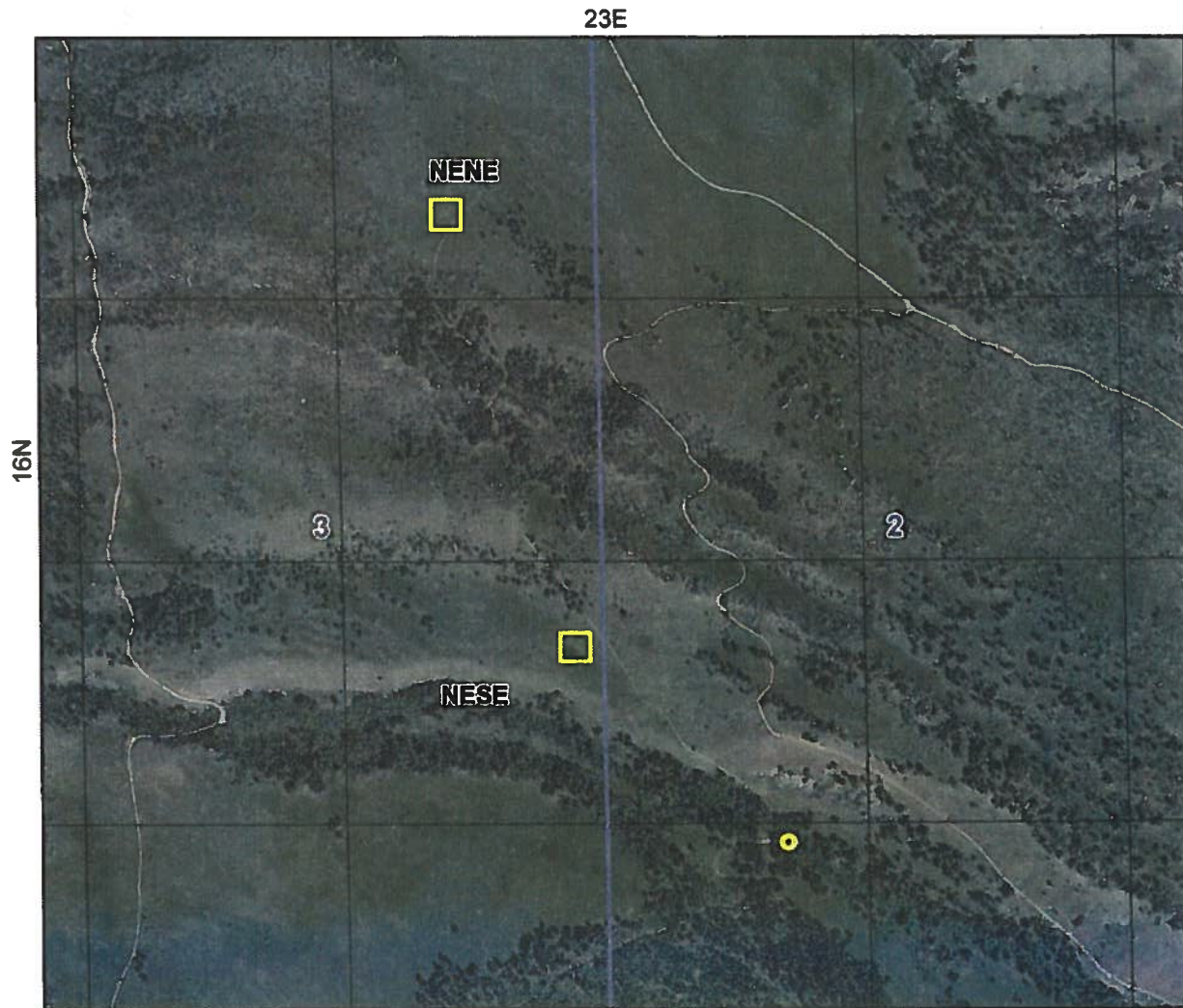
1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74.
2. This right, when considered with all other rights common to the same grazing allotment, is limited to the quantity of water beneficially used by the number of stock within the allotment.
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 the watermaster suitable control of the diversion.

Witness my hand this 27th day of November, 2013.

Shelley V. Keen
for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment For Amendment To Water Right License
74-15037

This map depicts the STOCKWATER 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 0.1 0.2 0.4 Miles





United States
Department of
Agriculture

Forest
Service

Salmon-Challis
National Forest
Supervisor's Office

1206 S. Challis
Salmon, ID 83467
208 756-5100

File Code: 2540

Date: November 20, 2013

RECEIVED

NOV 25 2013

DEPARTMENT OF
WATER RESOURCES

Danielle Favreau
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Dear Danielle,

Enclosed are water right permit amendment applications for the following four water developments on the Salmon-Challis National Forest:

- 74-07336 (Tule Lake Spring Water Development)
- 74-07378 (Bear Valley Equestrian Park)
- 74-15037 (Tobias Creek Water Development)
- 75-14113 (Wagonhammer Creek Water Development)

A check for \$400 is enclosed to cover the filing fees for these four amendments. If you have any questions about the amendment applications, please contact Steve Spencer at (208) 365-7055 or Bill MacFarlane at (208) 756-5108.

Sincerely,

CHARLES A. MARK
Forest Supervisor

