

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-08718

Priority: March 30, 1991

Maximum Diversion Rate: 0.04 CFS

It is hereby certified that STEVE PALKEN
PO BOX 1643
SUN VALLEY ID 83353 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated March 13, 1991; and has
submitted Proof of Beneficial Use on November 18, 1993. An examination confirms water is diverted
from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER

NW1/4SW1/4

Sec. 17, Twp 03N, Rge 18E, B.M.

BLAINE 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	
03N	18E	17																	
													X						

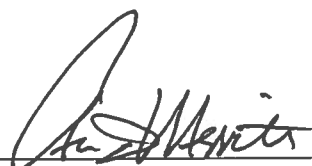
CONDITIONS OF APPROVAL

- Domestic use is for 1 home.
- Point of diversion and place of use is located within old Lot 13 Hidden Hollow Subdivision now platted as Lot 13A, Blk 1 Pereira Subdivision.
- The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
- The irrigation occurring under this domestic use shall not exceed 1/2 acre.

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 10th day of October, 2013.

FOR

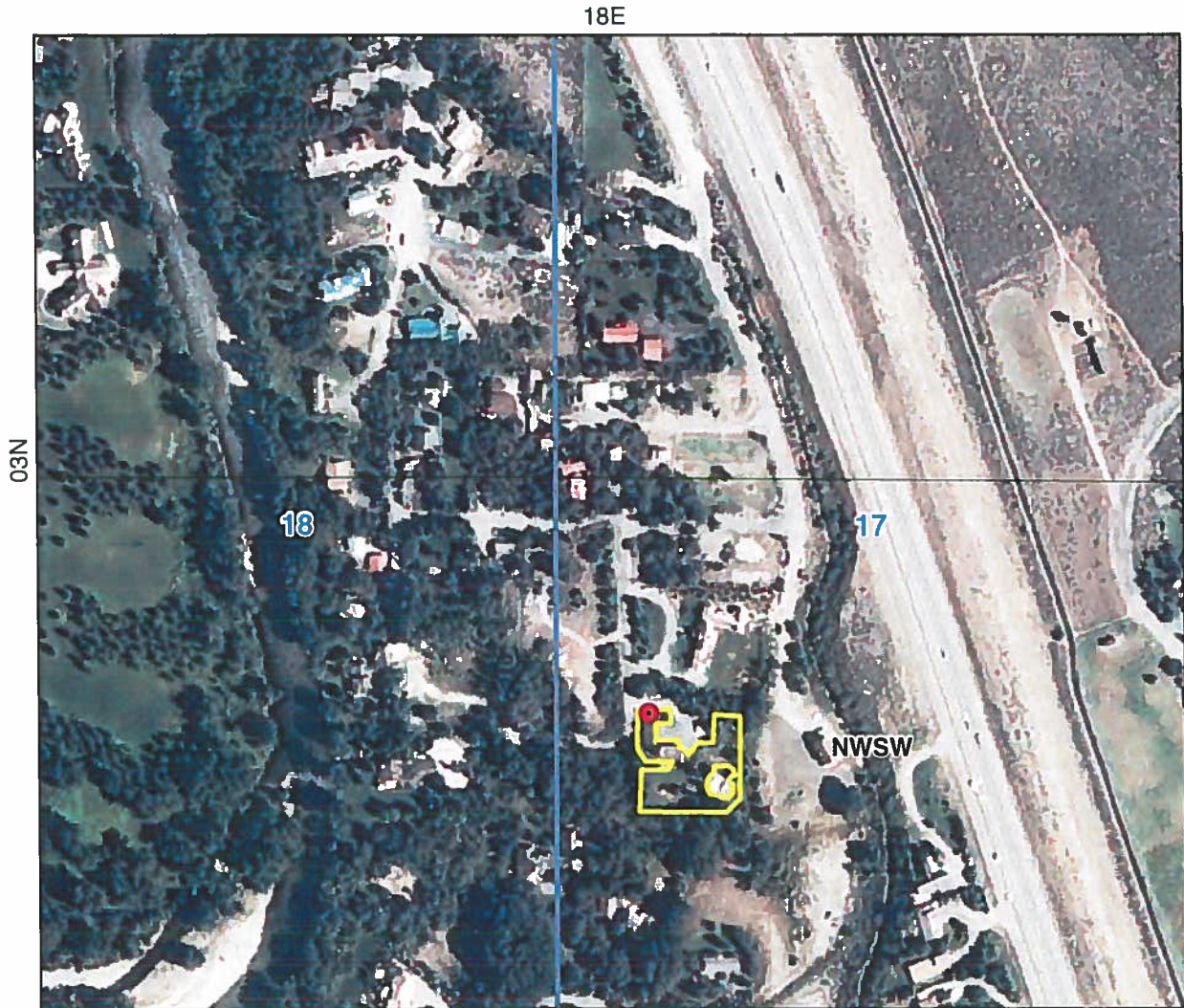

GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment To Water Right License

37-8718

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.



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

0 0.04 0.08 0.16 Miles

A horizontal scale bar with tick marks at 0, 0.04, 0.08, and 0.16 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

October 10, 2013

STEVE PALKEN
PO BOX 1643
SUN VALLEY ID 83353

RE: License No. 37-8718

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)

cc: ANDREW GILBERT

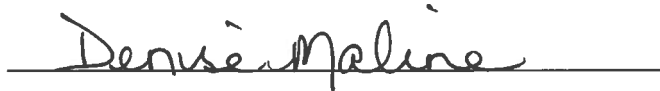
CERTIFICATE OF SERVICE

I hereby certify that on October 10, 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. 37-8718

**STEVE PALKEN
PO BOX 1643
SUN VALLEY ID 83353**

**ANDREW GILBERT
PO BOX 3302
105 ABBY RD
KETCHUM ID 83340**

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.

Reeder, Jana

From: Luke, Tim
Sent: Thursday, August 29, 2013 2:18 PM
To: Yenter, Cindy; 'Watermstr'
Cc: Reeder, Jana
Subject: RE: Permit 37-8718

Thanks Cindy Yenter – I agree with your conclusion and advice to Cyndi M that it be dropped from assessment. I think Plan is correct given that Hamlin is saying they don't use this well.

Cindy Y – could you or Jana may put a note in the permit file to update WMIS once this is licensed – specifically I think we would remove it from the reporting district and note it as waived.

Thanks for the help Cindy.
Tim

From: Yenter, Cindy
Sent: Thursday, August 29, 2013 1:49 PM
To: Luke, Tim; Watermstr
Subject: Permit 37-8718

Tim – this permit was approved for 3 homes, on Lots 13, 14, and 17, and up to ½ ac irrigation for each constructed home. During her field exam in may of this year, Jana found that only the home on Lot 13 was developed prior to proof filing in 1993. The original well is on Lot 13, which is now owned by Gilbert. Lot 14 (current owner = Guenther) was not developed until 2006 (way after proof), and Lot 17 (Hamlin) is not developed at all. There is no evidence that the other 2 lots are stubbed in to the permit well, in fact a separate well was drilled in 2006 on Lot 14 in the name of Yager, and is evidently being used by the present owner. Also, no fee was filed with the proof, which severely limits what may be licensed unless someone wants to pay some additional fees. At this time it appears that Hamlin and Guenther cannot be included on this license unless they can show evidence of service lines to Lots 17 and 14 that were installed prior to 1993.

Lot 13 totals only 1 acre and irrigation is close to ½ acre but probably not any more. Jana will very likely drop the irrigation component and recommend the license for a single domestic use only on Lot 13 at exempted limits (.04 cfs and 13,000 gpd). The other option is if the current owner wants to pay proof fees which means an irrigation component could be retained, still limited to ½ acre, but a total flow of up to 0.07 cfs might be able to be recommended.

If Jana can't reach the owner she'll go with plan A.

Cyndi, what this means for you is no matter how we license it, it'll probably be within the exempted class and you can drop it from assessment.

Cindy