



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

September 10, 2013

MICHAEL MCLAUGHLIN
PO BOX 970
MCCALL ID 83638

RE: License No. 78-7382

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.

Your license is based on the field examination that was previously conducted. The field examiner found that you are irrigating **3.1 acres** which exceeds the acres authorized by this right. The Department conducted a search and was unable to find other water rights that authorized the additional appropriation. You will need to either reduce your irrigated acres to the authorized amount or file an application for permit for the additional acreage not authorized under this or other water rights.

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 September 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.

78-7382

**MICHAEL MCLAUGHLIN
PO BOX 970
MCCALL ID 83638**



**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. **78-07382**

Priority: September 13, 1995

Maximum Diversion Rate: 0.19 CFS
Maximum Diversion Volume: 5.6 AF

It is hereby certified that MICHAEL MCLAUGHLIN
PO BOX 970
MCCALL ID 83638 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated September 13, 1995; and has
submitted Proof of Beneficial Use on October 26, 1998. 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>
COMMERCIAL	01/01 to 12/31	0.15 CFS	1.4 AF
IRRIGATION	04/15 to 10/31	0.04 CFS	4.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NE1/4 Sec. 35, Twp 19N, Rge 02E, B.M. ADAMS County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE	NW	SW	SE	Totals
	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
19N 02E 26				X	
19N 02E 35	X				

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE	NW	SW	SE	Totals
	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	
19N 02E 26				.1	.1
19N 02E 35	1.3				1.3

Total Acres: 1.4

CONDITIONS OF APPROVAL

- 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.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 78-07382

2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

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.

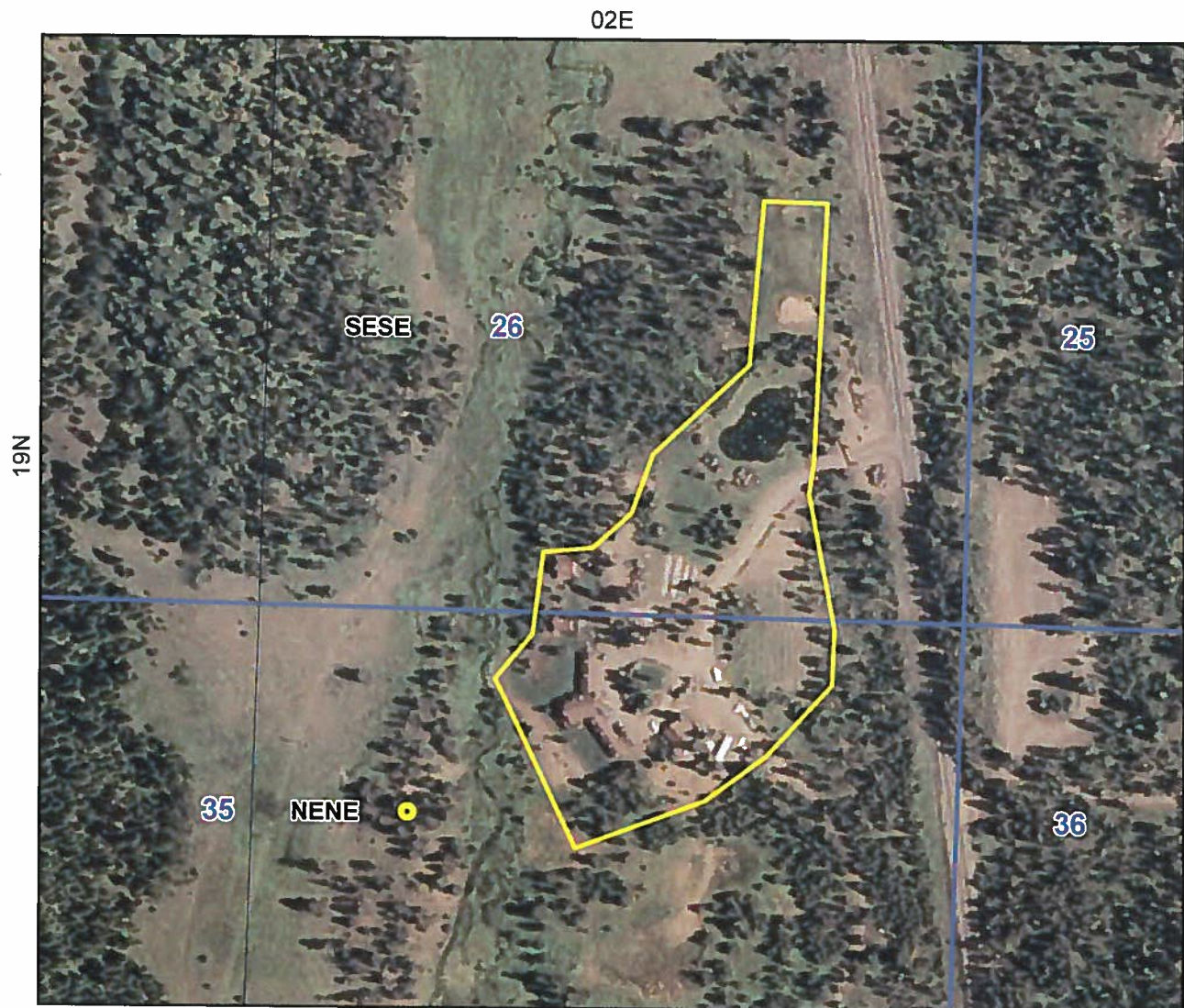
Signed this 10th day of September, 2013.

For 
GARY SPACKMAN
Director



State of Idaho
Department of Water Resources
Attachment To Water Right License
78-7382

This map depicts the COMMERCIAL 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

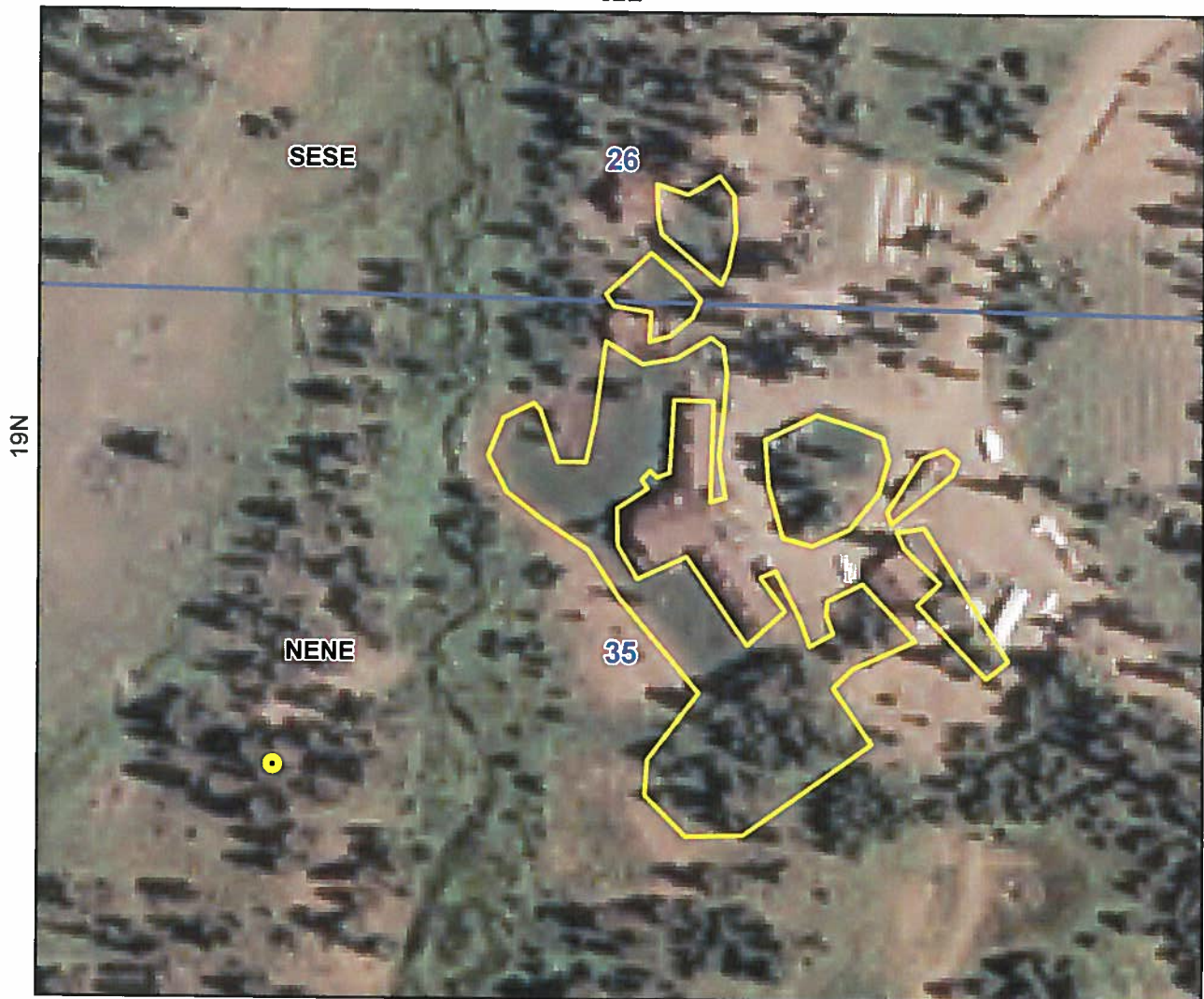
0 0.04 0.08 0.16 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
78-7382

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.

02E



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

0 0.0175 0.035 0.07 Miles



MEMORANDUM

Date: September 05, 2013
To: Water Right File 78-7382
From: shemenway
Re: Field Report Narrative and Licensing Review

The field examination was conducted on 7/7/1999. The well A0004298 was drilled 11/5/1995 by Menaslo Drilling No. 391. It has a 6 inch casing, 165 ft deep, 25 ft static, 4 inch discharge to 4 inch buried (unknown type) pipe to the basement of the lodge where there is 4 bladder pressure tanks, and 3 inch buried (unknown type) pipe that discharges to the 2 cabins. There is a 7 1/2 Hp WE Order 5CLC00764CTB Goulds 5CLC 4-stage submersible pump. Operating pressure at the time of the field exam was 50 psi.

The well for 78-7383 (recreation pond and fire protection) is located between the lodge and the shop, and is on a separate distribution system. The well for 78-7383 was originally drilled for domestic use, but did not meet EPA/DEQ code for distance from the septic system.

The common name for the POU for water right 78-82 is commonly known as Bear Creek Lodge. It is run year-round, for romantic getaways, corporate retreats, weddings both inside and outside in the surrounding grounds. **The Commercial use is for:** a 3-bedroom house located south of the lodge (on its own separate well). Two cabins (with 2 rooms each, and a Jacuzzi tub); 1 king suite (2-rooms with Jacuzzi tub and shower; 7 queen lodge rooms, and 1 bunk lodge room; a restaurant/bar (kitchen and dining room); an office (with restroom); and a hot tub. The POU is located near Brundage Ski Area and the Little Ski Hill (cross country area). Bear Creek Lodge sits on 65 acres surrounded by the National Forest.

Irrigation Use at the time of the 7/7/1999 field examination was for irrigation of the grounds surrounding the lodge and 2-cabins (using 2 hose bibs). On 9/5/2013, in a phone conversation with Robert Price (son-in-law to Michael McLaughlin), he stated that there was only minimal irrigation of the grounds surrounding the lodge and 2-cabins when the property was purchased by McLaughlin in 2001. He stated that the pressurized irrigation system was installed in 2001. The new irrigation system consists of 1 1/2 inch PVC to 7-zones of pop-up nozzles located throughout the grounds (surrounding the lodge, the 2-cabins, and the area surrounding the recreation pond; that the area to the far east is not irrigated, since that is where the drain field is located). That up to 3-zones can be run at one time. Checking Arc Map Imagery, and the website for Bear Creek Lodge, it confirms that the ground around the lodge, 2-cabins, and grounds surrounding the recreation pond are being irrigated.

The proof of beneficial use was received on 10/26/1998, and the beneficial use field examination was conducted on 7/7/1999. The new irrigation system was installed in 2001, irrigating an additional 3.1 acres from that found during the 7/7/1999 field examination. **For this reason, Michael McLaughlin will be notified and sent an application for permit form, to file on the additional 3.10 acres irrigated.**

An assignment for permit was not submitted, but instead an **ownership change** form, warranty deed, and appropriate fees were. For this reason the ownership change will be completed at licensing. Tax Lot Information that was updated on 3/5/2012 confirms Michael McLaughlin as the current owner with the same address.

During the 7/7/1999 field examination, no physical measurement was collected, so to determine the capacity of the system, the following calculations will be used to determine the system capacity:

5/28/1996 6-hr pump test by Toothman Orton Engineering = 132 gpm (0.29 cfs)

Well Drillers Report: 150.0 gpm (0.33 cfs)

Theoretical (calculations shown in the 7/7/1999 field exam) = 0.26 cfs

Pump Curve (shown in 7/7/1999 field exam) = 0.31 cfs

System Capacity: (taking an average from the above calculations) = 0.29 cfs

RECOMMENDED:

Diversion Rate:

Commercial: Allow 0.15 cfs as permitted (determined with field examination)

Irrigation: 1.4 acres found at the time of the field examination (area around the lodge and 2 cabins) X 0.03 cfs (since less than 5.0 acres) = 0.04 cfs

TOTAL DIVERSION RATE: 0.19 cfs

RECOMMENDED:

Volume:

Irrigation:

Vir: 1.4 acres X 3.0 = 4.2 af

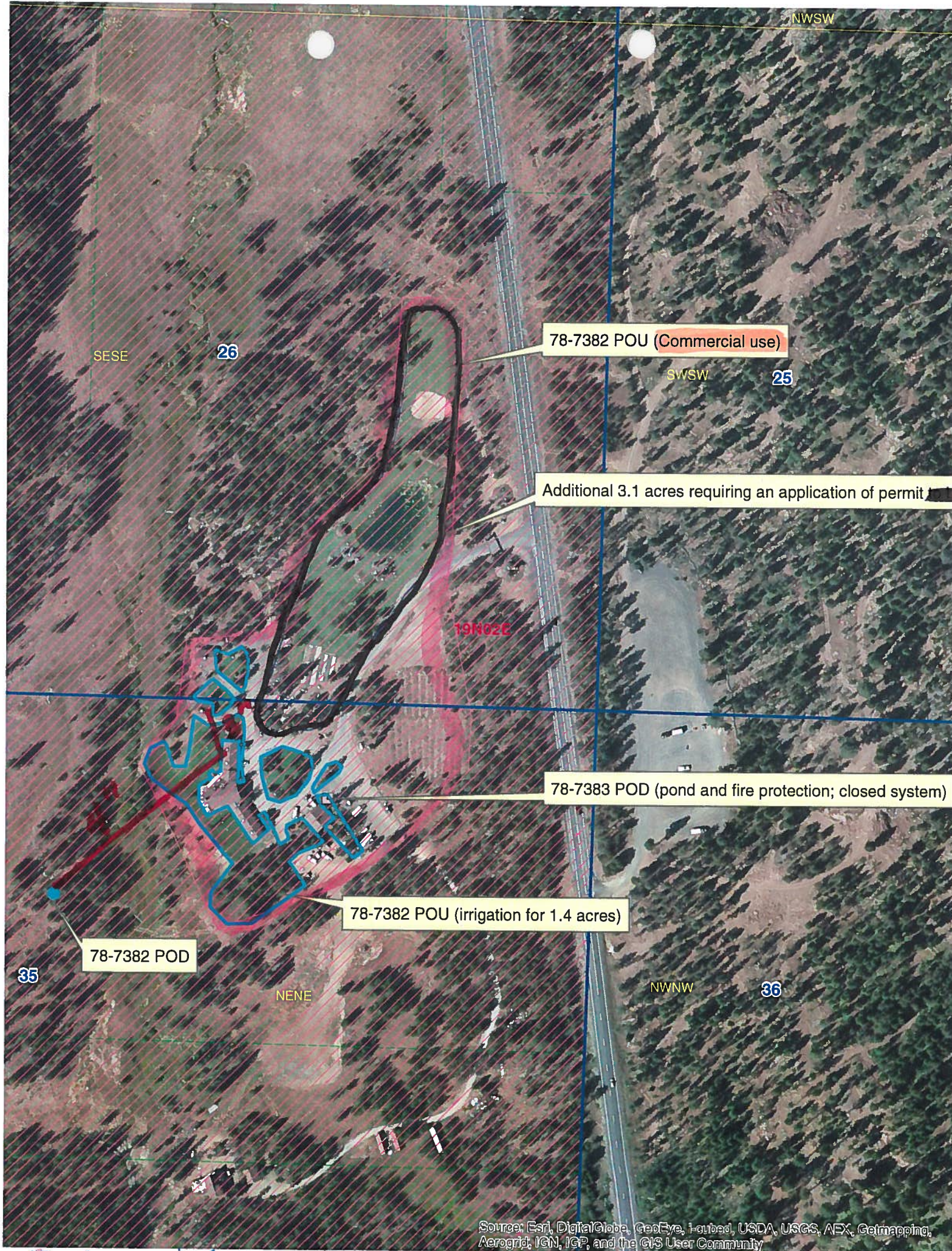
Vdr: 0.04cfs X 1.9835 X 200 days = 15.9 af

V: 4.2 af

Commercial:

The field examination showed 1.4 + 0.6 yard irrigation. Since the yard irrigation is covered under the irrigation component, I recommend 1.4 af for commercial as calculated in the field examination.

TOTAL ANNUAL VOLUME 5.6 af

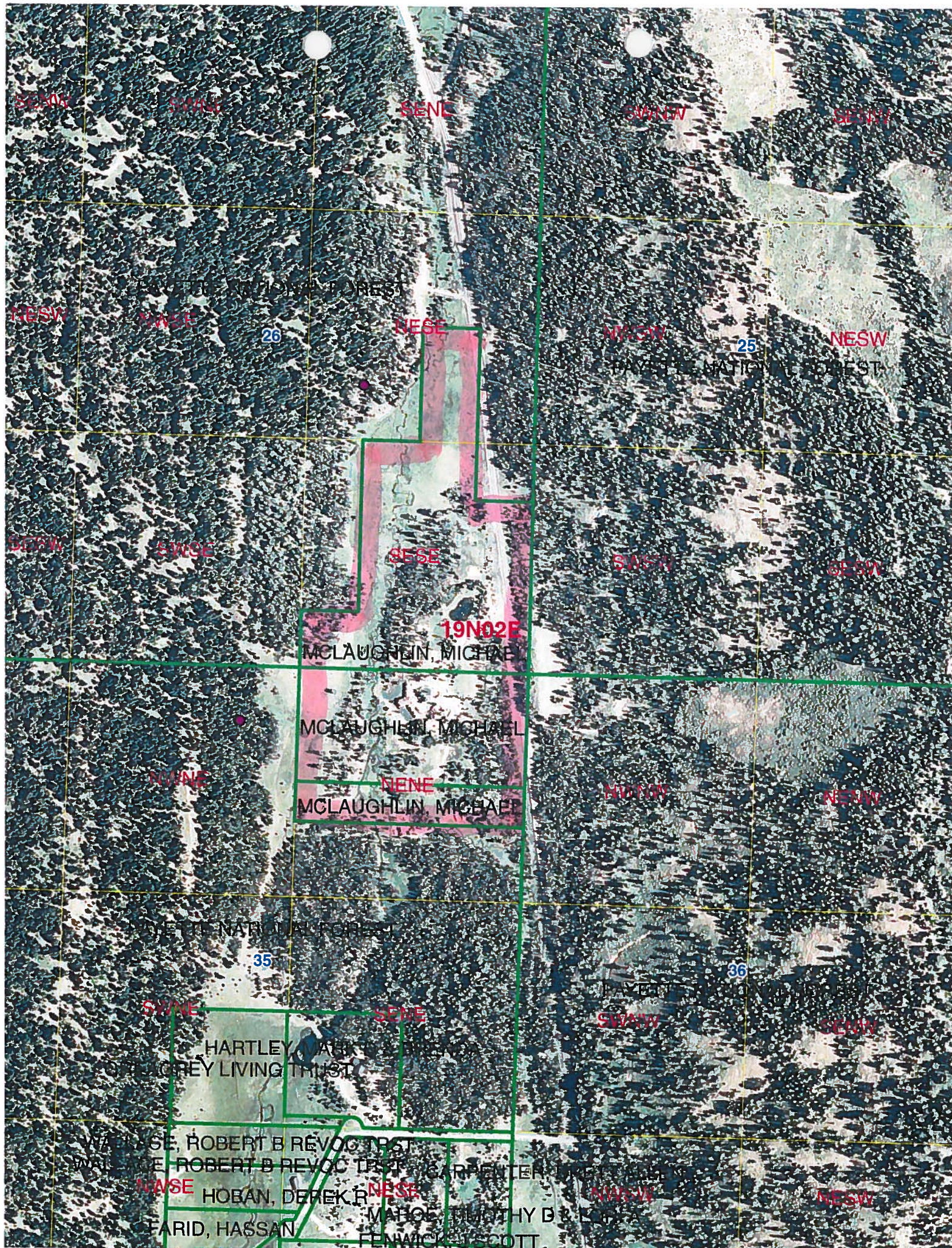


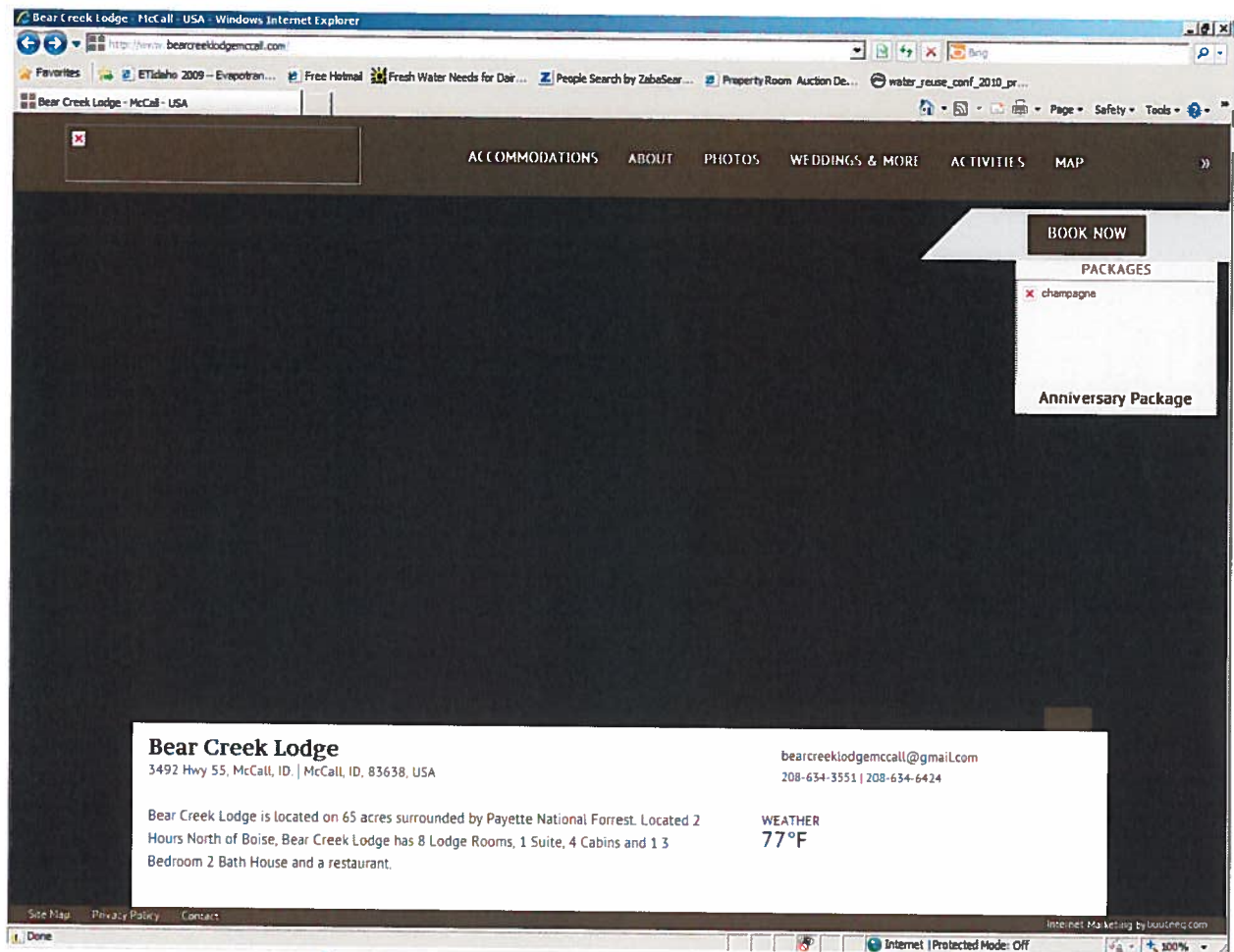


Additional 3.1 acres requiring an application of permit to be filed

78-7383 POD (pond and fire protection; closed system)

78-7382 POD





Accommodations/Commercial Use:

- House - 3 bedroom (on its own private well).
- 2 Cabins (2 rooms each), 1 with jacuzzi tub
- 1 suite (King suite), 2 rooms with jacuzzi tub + shower
- Lodge rooms:
 - 7 Queen lodge rooms
 - 1 Bunk bed lodge room (double/single bed)

Year-round: romantic getaways, corporate retreats, weddings etc. (outside + inside)

located near: Brundage Ski Area + Little Ski Hill (cross country area). Bear Creek Lodge sits on 65 acres surrounded by National Forest.



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Bear Creek Lodge

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Bear Creek Lodge Highlights

- Closest hotel to Brundage
- Snowmobile from your door
- Outdoor hot tub
- Pool table & foosball
- Great wedding location
- Cabins & lodge rooms
- Restaurant onsite
- Horseshoes & Bocce ball

Bear Creek Lodge reviews

4.4 out of 5.00

22 InIdaho.com reviews
Great rates! No booking fees!

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Reserve now online!

Arrival Departure

Adults Kids

2 0

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arrive: 9/4/2013

depart: 9/4/2013

adults: 1

Kids: 0

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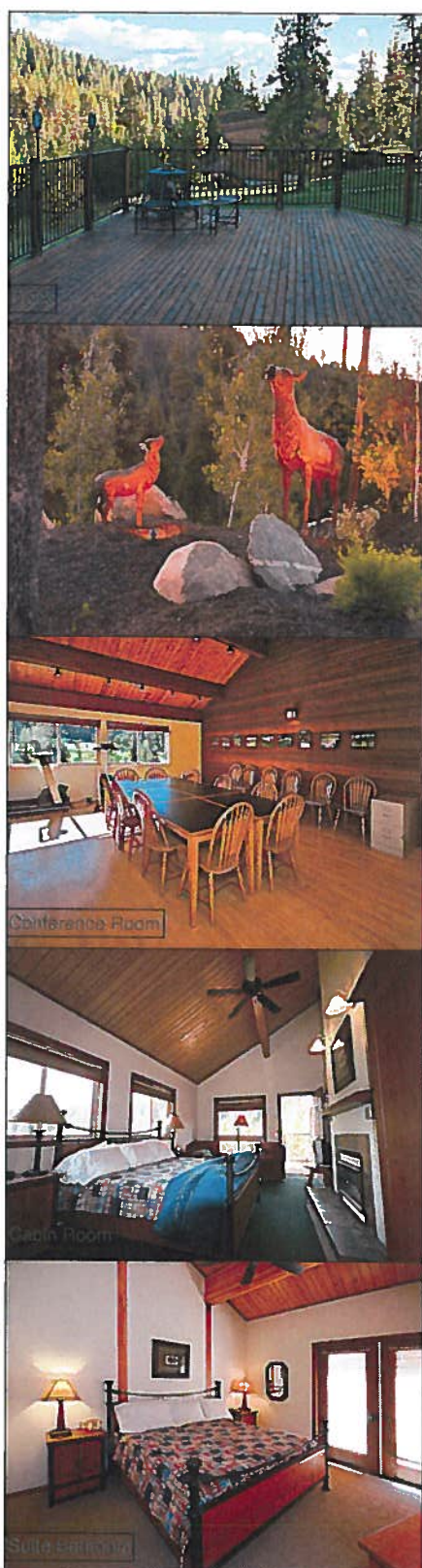
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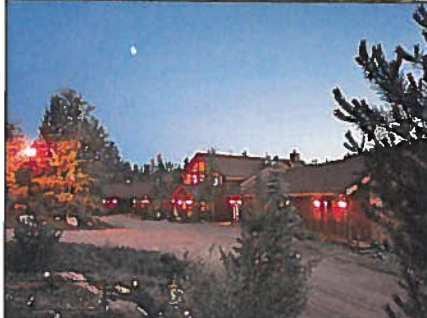
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Photos:







Cancellation Policy:**(May vary with special rates, packages & online bookings) 72 hours prior to arrival - If cancelled within 72 hours of arrival you will forfeit a 50% deposit. MasterCard, Visa, AX, Cash and Check are the only payment types accepted by Bear Creek Lodge.

Minimum Stay: 1

Check in/out times: 3:00 pm/11:00 am

Check in location: Highway 55 at just past mile marker 149.

*All rates are subject to change

For local advice and reservations call our free service at 1-800-844-3246

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Winter background image courtesy of [Brundage Mountain](#).