

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 78-12364

Priority: June 02, 2009

Maximum Diversion Rate: 0.02 CFS

This is to certify, that PEGGY BRYAN  
507 BRUNDAGE DR  
MC CALL ID 83638

has applied for a permit to appropriate water from:

**Source:** LITTLE SALMON RIVER      **Tributary:** SALMON RIVER

and a permit is APPROVED for development of water as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| DOMESTIC              | 02/15 to 11/30       | 0.02 CFS                 |                      |

**LOCATION OF POINT(S) OF DIVERSION:**

LITTLE SALMON RIVER      NE 1/4 SE 1/4      Sec. 20, Twp 23N, Rge 01E, B.M., IDAHO County

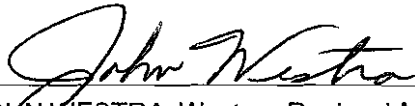
**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 23N 01E 20  |    |    |    |    |    |    |    |    |    |    |    |    |    | X  |    |    |        |

**CONDITIONS OF APPROVAL**

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2011**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. The quantity of water under this right shall not exceed 13,000 gallons per day.
7. Place of use is located within Lot 42, Diamond Springs Ranch, Phase 1.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 2<sup>nd</sup> day of June, 2010.

  
JOHN WESTRA, Western Regional Manager



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

June 3, 2010

**C. L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Interim Director

PEGGY BRYAN  
507 BRUNDAGE DR  
MC CALL ID 83638

RE: Permit No.78-12364

**Permit Approval Notice**

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, 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 208-334-2190.

Sincerely,

for John Westra  
Western Regional Manager

Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

**RE: WATER RIGHT NO.**

**78-12364**

**PEGGY BRYAN  
507 BRUNDAGE DR  
MC CALL ID 83638**

  
\_\_\_\_\_  
**Jean Hersley  
Office Specialist II**

## **Statement of Available Procedures and Applicable Time Limits**

### **RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (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 issuance 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.



**IDAHO DEPARTMENT OF FISH AND GAME**

SOUTHWEST REGION

McCALL OFFICE

555 Deinhard Lane

McCall, Idaho 83638

C.L. "Butch" Otter / Governor

Cal Groen / Director

RECEIVED

JUN 02 2010

May 28, 2010

WATER RESOURCES  
WESTERN REGION

Ms. Kay Walker  
Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, ID 83705-5082

RE: Water Right Application # 78-12364

Dear Ms. Walker:

We have reviewed an application from Peggy Bryan for domestic irrigation off of the Little Salmon River. The applicant requests 0.02 cfs of domestic irrigation water from March 15 to November 1, annually. The applicant states that water withdrawal will be accomplished with a screened intake from the Little Salmon River. This request is reasonable and we have no further concerns.

If you have further questions or need further information please contact Dale Allen, Regional Fishery Manager in McCall at 208-0634-8137.

Sincerely,

A handwritten signature in cursive script that reads "Scott Reinecker".

Scott Reinecker  
Regional Supervisor

SR:DA

RECEIVED  
APR 19 2010  
WATER RESOURCES  
WESTERN REGION

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO  
County of Idaho - ss.

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

78-12364

PEGGY BRYAN  
507 BRUNDAGE DR  
MC CALL, ID 83638  
Point of Diversion NESE S20  
T23N R01E IDAHO County Source  
LITTLE SALMON RIVER Tributary  
SALMON RIVER  
Use: DOMESTIC 02/15 to 11/30  
0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 6/2/2009

Place Of Use: DOMESTIC

T23N R01E S20 NESE

Domestic use is for 1 yard in the Diamond Ranch Subdivision.

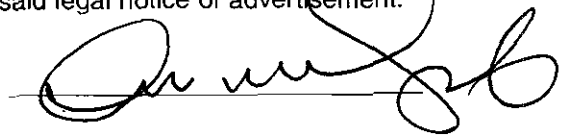
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 4/26/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 4/7 & 4/14/2010

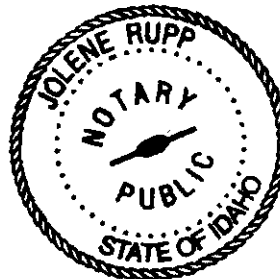
A7-14

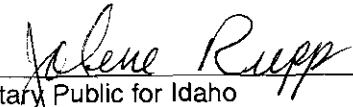
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 7th day of April, 2010; and the last publication on the 14th day of April, 2010; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO )  
COUNTY OF IDAHO )

On this 14th day of April in the year of 2010, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



  
Notary Public for Idaho  
Residing at Grangeville, ID  
My commission expires: 1-29-13

RECEIVED

APR 12 2010

WATER RESOURCES  
WESTERN REGION

*Via E-mail*

**MEMORANDUM**

**DATE:** April 9, 2010  
**TO:** Denise Buffington  
**FROM:** Sandra Thiel  
**RE:** Application for Permit No. 78-12364

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Thank you for the opportunity to comment on the Bryan Application for Permit on the Little Salmon River. The application indicates that they intend to divert 0.02 cfs from the river using a 2 horse power centrifugal electric pump. The water will be used to irrigate one acre. The Little Salmon River is a state protected recreational river. However the Comprehensive Basin Plan allows for the construction of water diversion works for domestic, commercial, municipal, industrial, agricultural, and hydropower uses.

The Idaho Water Resource Board holds minimum stream flow water right 78-12362 in the same reach or downstream of the applicant's point of diversion. This minimum stream flow allows for additional development in the amount of 52.7 cfs for water rights that are not for Domestic, Commercial, Municipal, or Industrial purposes. If approved, the new appropriation should be counted against this 52.7 cfs. The Idaho Water Resource Board would like assurance that any appropriation junior to the minimum stream flow be recorded in the water right file for tracking purposes.

The Idaho Water Resource Board would also like assurance that the applicant's water right will be actively administered to protect the Board's minimum stream flow right.