

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 09 2022

Department of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

- 1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Table with 6 columns: Water Right/Claim No., Split?, Leased to Water Supply Bank?, Water Right/Claim No., Split?, Leased to Water Supply Bank?. Rows include 21-12524 OK and 21-13318 OK.

2. Previous Owner's Name: Parks Resort LLC or Shovelback Holdings LLC

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Yellowstone RV Park LLC

New owner(s) as listed on the conveyance document Name connector [] and [] or

140 S Center #94 Rexburg ID 83440
Mailing address City State Zip
208-221-9510 or 208-313-6095 shane_mms@yahoo.com or shaun.orr3@gmail.com
Telephone Email

- 4. If the water rights and/or adjudication claims were split, how did the division occur?
[] The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
[] The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: June 23, 2022

6. Do you own the land identified as the water right place of use? Yes [] No []
o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

- 7. This form must be signed and submitted with the following REQUIRED items:
[] A copy of the conveyance document - warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
[] Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
[] Filing fee (see instructions for further explanation):
o \$25 per undivided water right.
o \$100 per split water right.
o No fee is required for pending adjudication claims.
[] If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
[] If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Shane Miller manager 12/6/22
Signature of new owner/claimant Title, if applicable Date

Print name

Signature: Signature of new owner/claimant Title, if applicable Date

Print name

Received by M. Fettes Date 12-9-22 For IDWR Office Use Only: \$50. - for this app
Receipt No. E048777 Receipt Amt. 75.00

Active in the Water Supply Bank? Yes [] No [] If yes, forward to the State Office for processing W-9 received? Yes [] No []

Name on W-9 Approved by JB Processed by JB Date 12/14/2022

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 21-13318

Priority: August 10, 2022

Maximum Diversion Rate: 0.70 CFS

This is to certify that

PARKS RESORT LLC
 1493 W 5000 N
 REXBURG ID 83440-3204

has applied for a permit to appropriate water from:

Source : GROUND WATER

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>
COMMERCIAL	01/01 to 12/31	0.70 CFS

Location of Point(s) of Diversion

GROUND WATER SE¼ NE¼, Sec. 35, Twp 14N, Rge 43E, B.M. FREMONT County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
14N	43E	35				X												
14N	43E	36							X									

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2027**.
2. Subject to all prior water rights.
3. Commercial use is for a 140 room hotel and a gas station and does not include lawn, garden, landscape, or other types of irrigation.
4. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by other parties and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the parties and the water right holder.
5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
7. This right does not grant any right-of-way or easement across the land of another.

SCANNED
OCT 17 2022

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 21-13318

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 17th day of October, 2022.



JAMES CEFALO
Eastern Regional Manager



SCANNED
OCT 17 2022



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 17, 2022

PARKS RESORT LLC
1493 W 5000 N
REXBURG ID 83440-3204

RE: Permit No. 21-13318

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources (“Department”) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department’s Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department’s website at idwr.idaho.gov for more information about these programs.

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OCT 17 2022

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,



James Cefalo
Eastern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2022, I served a true and correct copy of Permit to Appropriate Water No. 21-13318 by U.S. Mail, postage prepaid, to the following:

PARKS RESORT LLC
1493 W 5000 N
REXBURG ID 83440-3204

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552



Christina Henman
Administrative Asst. I

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.

Lafortune, Thomas

From: Kristin Moore <kristin.rmea@gmail.com>
Sent: Monday, October 10, 2022 11:57 AM
To: Lafortune, Thomas
Subject: RE: Parks Resort LLC Application for Permit
Attachments: Calculations_for_Permit.xlsx

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thomas,

1. See my attached spreadsheet for your review.
2. Island Park wastewater is currently being land applied. The MOU with Fremont Madison Irrigation District provides for the opportunity to either provide other mitigation for the new permit or to rent mitigation water through FMID for the full build-out volume anticipated under the right, which should protect FMID and other users. I cannot see how addition mitigation is required, especially since there were no protests on the application.

Hope this helps,

Kristin Moore

Senior Water Rights Analyst
482 Constitution Way, Ste 303, Idaho Falls, ID 83402
E-Mail: kristin.rmea@gmail.com
VOICE: 208-524-2353, Ext #104 ||| FAX: 208-524-1795



CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination or distribution of this communication to other than the intended recipient is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email to the sender or collect telephone call to (208) 524-2353. *Thank you.*

From: Lafortune, Thomas [mailto:Thomas.Lafortune@idwr.idaho.gov]
Sent: Thursday, October 06, 2022 3:38 PM
To: kristin.rmea@gmail.com
Subject: Parks Resort LLC Application for Permit

Hi Kristin,

I am currently working on an Application for Permit that you filed on behalf of Parks Resort LLC (Water Right # 21-13318). There are a couple of things we need for this application.

1. A summary page showing the calculations used to arrive at a total of 0.7 cfs.
2. What is the process at the Island Park wastewater treatment plant? If it is fully consumptive, there is potential injury to more users than just the Fremont-Madison Irrigation District and additional mitigation may be needed.

Thank you,

Thomas Lafortune
Water Resources Agent
Idaho Department of Water Resources
Phone: (208) 497-3779

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OCT 17 2022

RECEIVED

SEP 12 2022

Department of Water Resources
Eastern Region

PROOF OF PUBLICATION
Standard Journal

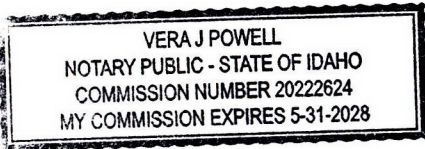


State of Idaho
County of Madison & Fremont

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of Standard Journal, a newspaper of general circulation, published 2 days, Tuesday and Friday at Rexburg, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said Standard Journal for 2 day(s), first publication having been made on 09/02/2022 last publication having been made on 09/09/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me, on this 9th day of September, 2022



Notary Public
My commission expires:

_____ attached jurat _____

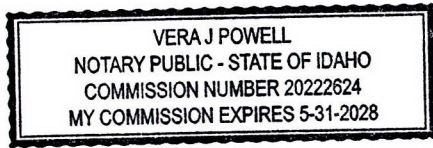
STATE OF IDAHO

ss.

COUNTY OF MADISON & FREMONT

On this 9th day of September, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are 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/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

SCANNED
SEP 27 2022

RECEIVED

AD# 275511AD#



The following application(s) have been filed to appropriate the public waters of the State of Idaho: 21-13318

PARKS RESORT LLC, 1493 W 5000 N, REXBURG, ID 83440-3204

Point of Diversion SENE S35 T14N R43E FREMONT County
Source GROUND WATER Tributary

Use: COMMERCIAL

01/01 to 12/31

0.7 CFS

Total Diversion:

0.7 CFS

Date Filed: 08-10-2022

Place Of Use: COMMERCIAL

T14N R43E S35

SENE

Place Of Use: COMMERCIAL

T14N R43E S36

SWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$ \$25.00 for each application on or before 9/19/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published Sept. 2, 9, 2022. (SJ9319-275511)

SCANNED
SEP 27 2022

Henman, Christina

From: Henman, Christina
Sent: Wednesday, August 24, 2022 2:09 PM
To: Alex Bell
Subject: Application for Permit 21-13318

Dear Interested Party,

The Idaho Department of Water Resources (IDWR) has identified you as an interested party regarding the above referenced water right application.

You can find the details at: <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>
or a full copy of the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>.

Public notice of this application will be published in the Rexburg Standard Journal on 9/2/2022 and 9/9/2022. IDWR can finish reviewing an unprotested application as soon as the protest period has past. If you desire to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. You must also send a copy of the protest to the applicant.

Please contact this office if you have any questions regarding the application.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161