

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 65-23417

Priority: April 30, 2010

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 0.6 AF

It is hereby certified that:

MATT HURLBUTT
AND/OR
JENNIFER HURLBUTT
PO BOX 148
MCCALL ID 83638-0148

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 30, 2010, and has submitted Proof of Beneficial Use on May 24, 2021. An examination confirms water is diverted from:

Source: SPRING

Tributary: SINKS

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Annual Volume

0.6 AF

Location of Point(s) of Diversion

SPRING SE¼ SE¼ NW¼, Sec. 8, Twp 17N, Rge 04E, B.M. VALLEY County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	04E	8								X									

Conditions of Approval

1. Use of water under this right may 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. 65D.
2. 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.
3. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
4. Place of use is located within Parcel No. RP17N04E084715.

This license is issued pursuant to the provisions of Idaho Code § 42-219. 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 23rd day of August, 2023.

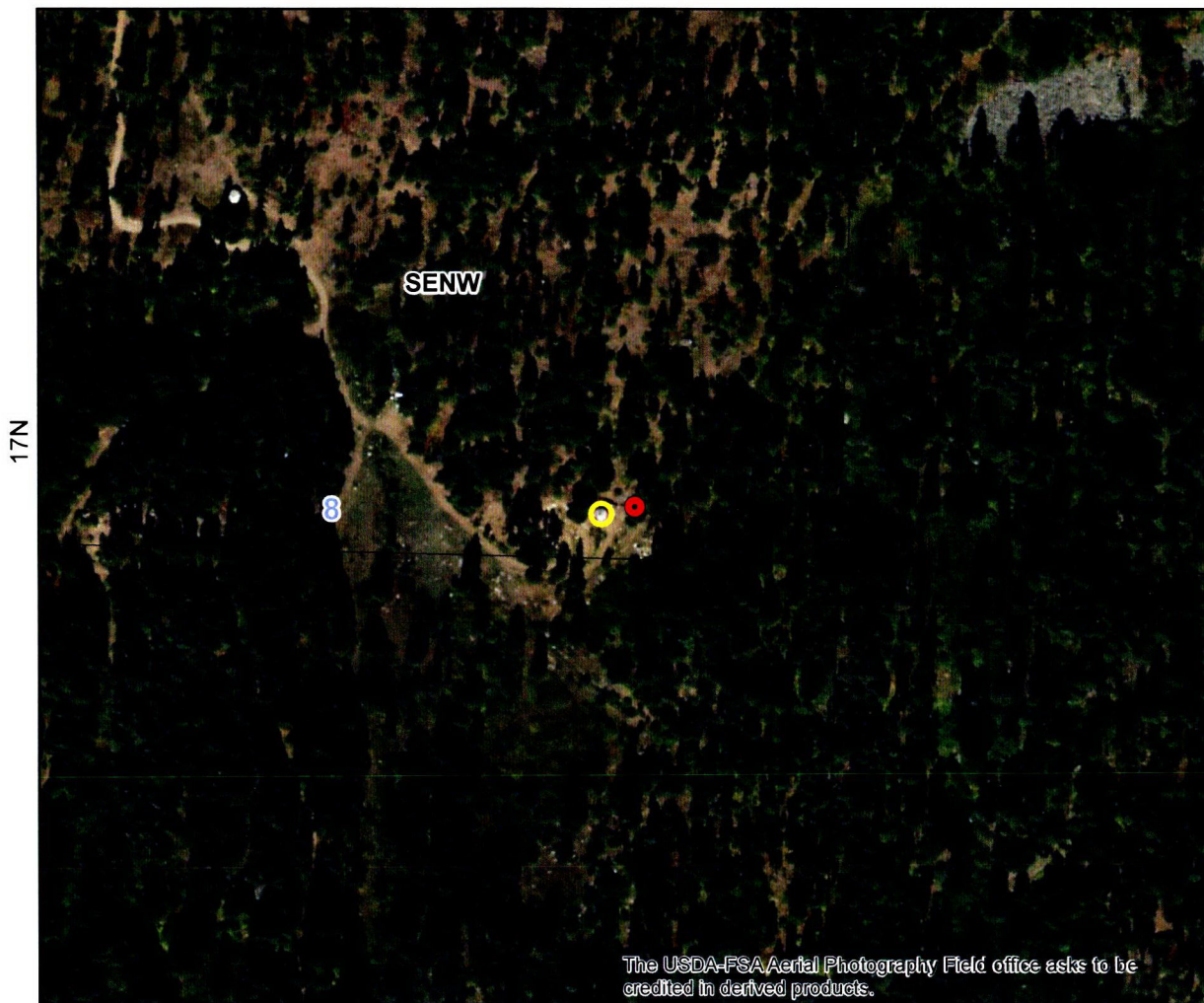

COREY SKINNER
Southern Regional Manager

SCANNED
AUG 30 2023

State of Idaho
Department of Water Resources
Attachment to Water Right
65-23417

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.

04E



0 0.035 0.07 0.14 Miles

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


N
SCANNED
AUG 30 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 23, 2023

MATT HURLBUTT
JENNIFER HURLBUTT
PO BOX 148
MCCALL ID 83638-0148

RE: License No. 65-23417

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") 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 all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department 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.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2023, I served a true and correct copy of Water Right License No. 65-23417 by U.S. Mail, postage prepaid, to the following:

MATT HURLBUTT (Current Owner)
JENNIFER HURLBUTT (Current Owner)
PO BOX 148
MCCALL ID 83638-0148

WATER DISTRICT #65D
JAMES SIEWERT (Watermaster)
12880 WILLOW RD
DONNELLY ID 83615-5058

A handwritten signature in blue ink, reading "Denise Maline", is written over a horizontal line.

Denise Maline
Administrative Assistant 1

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
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 65-23417
Exam Date: 08/15/2023

1. Current Owner:
MATT HURLBUTT PO BOX 148 MCCALL ID 83638-0148
JENNIFER HURLBUTT PO BOX 148 MCCALL ID 83638-0148
2. Accompanied by: **Matt Hurlbutt and Benny Walker (IDWR)**

3. **SOURCE:**
SPRING

Tributary
BOULDER CREEK

*SINKS A.S.
See letter from GSD
watermaster received
3/24/2021 and per
conversation with
Kent Aasen*

Method of Determination: **Field Exam observation**

B. OVERLAP REVIEW

1. Other water rights with the same place of use: **None**
2. Other water rights with the same point-of-diversion: **None**

C. DIVERSION AND DELIVERY SYSTEM1. **LOCATION OF POINT(S) OF DIVERSION:**

SPRING SE¼ SE¼ NW¼, Sec. 8, Twp 17N, Rge 04E, B.M. VALLEY County

Method of Determination: **ArcMap and Field Exam observation**

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	04E	8								X									

Method of Determination: **ArcMap and Field Exam observation**

3.
 - ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components.
 - ☒ Indicate weir size/pipe as applicable.
 - ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
 - ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
 - ☒ Photo of Diversion and System Attached

D. FLOW MEASUREMENTS

1. Measurements: None taken per IDAPA 37.03.02 Beneficial Use Exam Rules

E. VOLUME CALCULATIONS

1. Volume Calculations for Other Uses: **0.6 AF** standard in-house allowance for domestic use.

F. NARRATIVE/REMARKS/COMMENTS

On August 15, 2023 Benny Walker (IDWR) and I met with Matt Hurlbutt and conducted a field exam for the developed use of water permit 65-23417. The permit was approved in for the development of Domestic, Fire Protection, Power, and Stock water uses.

Mr. Hurlbutt showed us the developed system for Domestic use. The POD is a spring that is uphill from the POU. Water is collected in a plastic 5-gallon bucket and gravity conveys the water through 1 ½ inch poly pipe to a 325-gallon storage tank. A 12-volt pump supplies domestic culinary water from the tank to a residence. The Fire Protection, Power, and Stock water uses were not developed and will be dropped at licensing. The two Unnamed Stream POD's will also be removed at licensing.

Permit conditions have been complied with and I recommend licensing permit 65-23417 for a diversion rate of 0.04 cfs with a volume of 0.6 AF.

Have conditions of permit approval been met? X Yes No

G. RECOMMENDATIONS**1. Recommended Amounts**

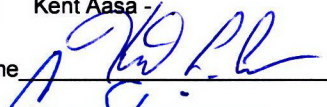
<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Volume</u>
DOMESTIC	01/01 to 12/31	0.04 CFS	0.6 AF
<u>Totals:</u>		0.04 CFS	0.6 AF

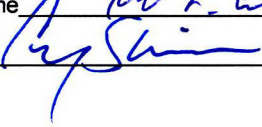
2. Recommended Amendments

_____ Change P.D. as reflected above _____ Add P.D. as reflected above X None

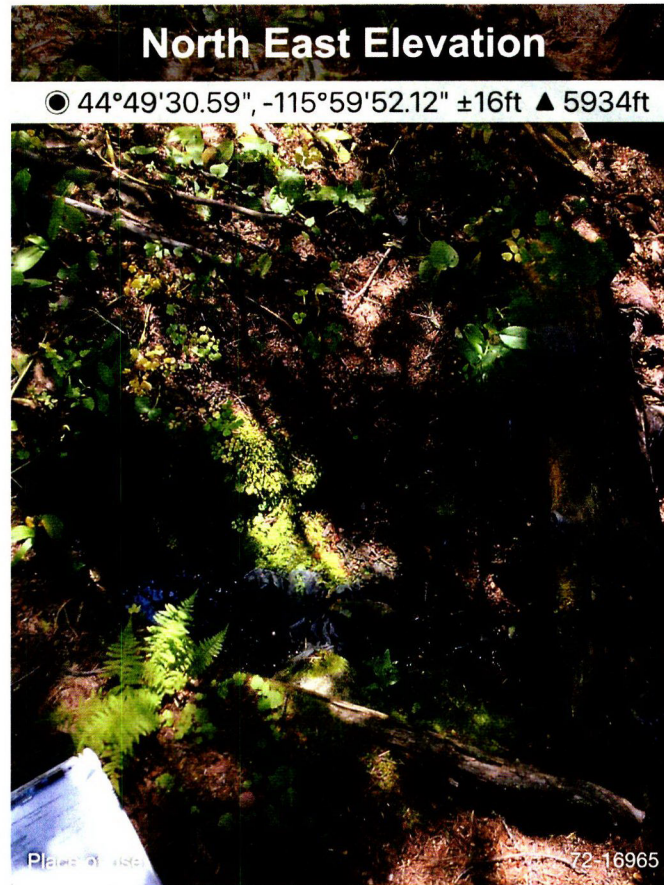
_____ Change P.U. as reflected above _____ Add P.U. as reflected above X None

H. AUTHENTICATION Kent Aasa -

Field Examiner's Name  Date 8-17-2023

Reviewer  Date 8/23/2023

65-23417 POD



Field Exam 65-23417

65-23417 POU

South Elevation

● 44°49'30.76", -115°59'53.56" ±16ft ▲ 5923ft



Field Exam 65-23417



Field Exam 65-23417

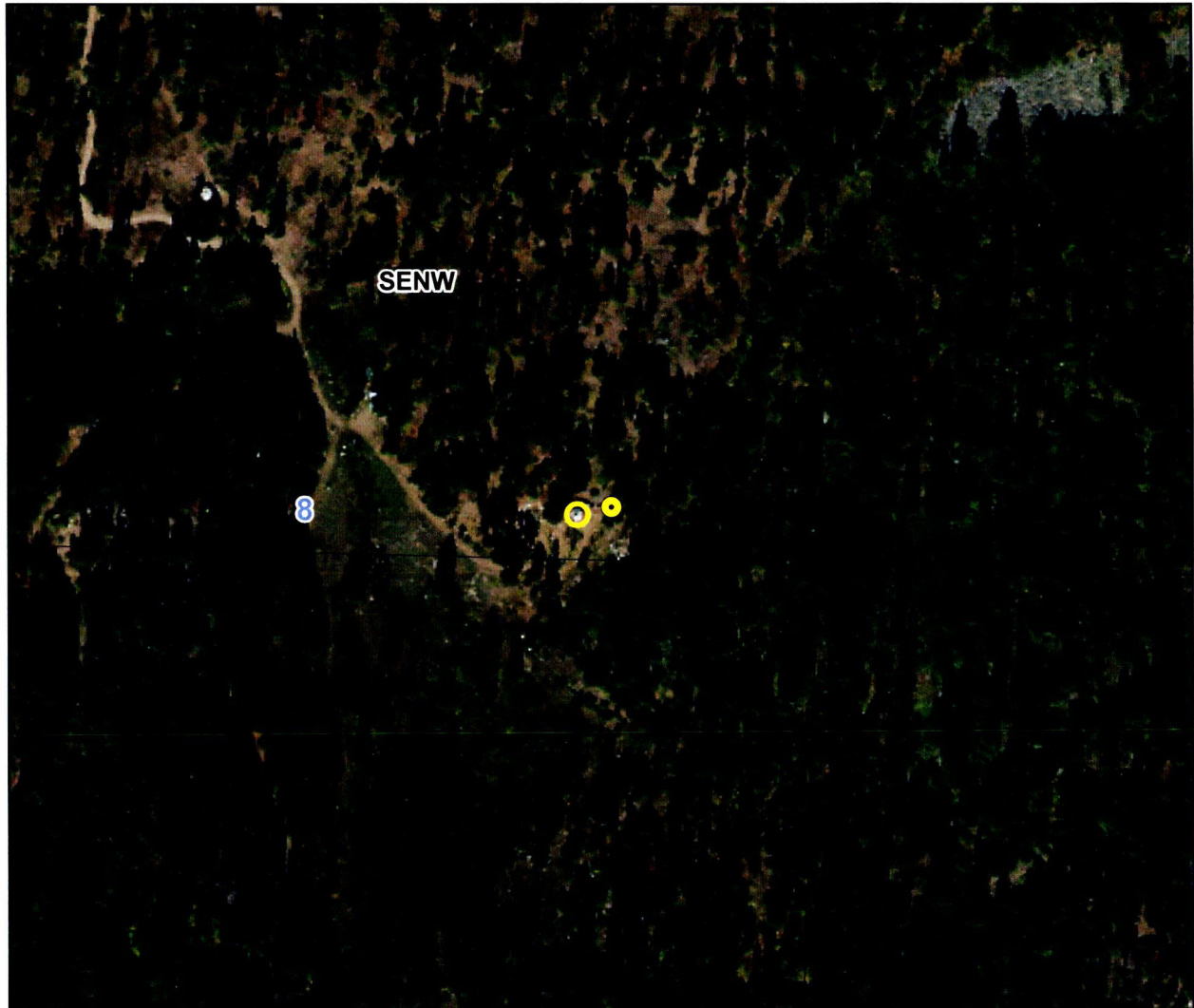
State of Idaho
Department of Water Resources

Water Right

65-23417

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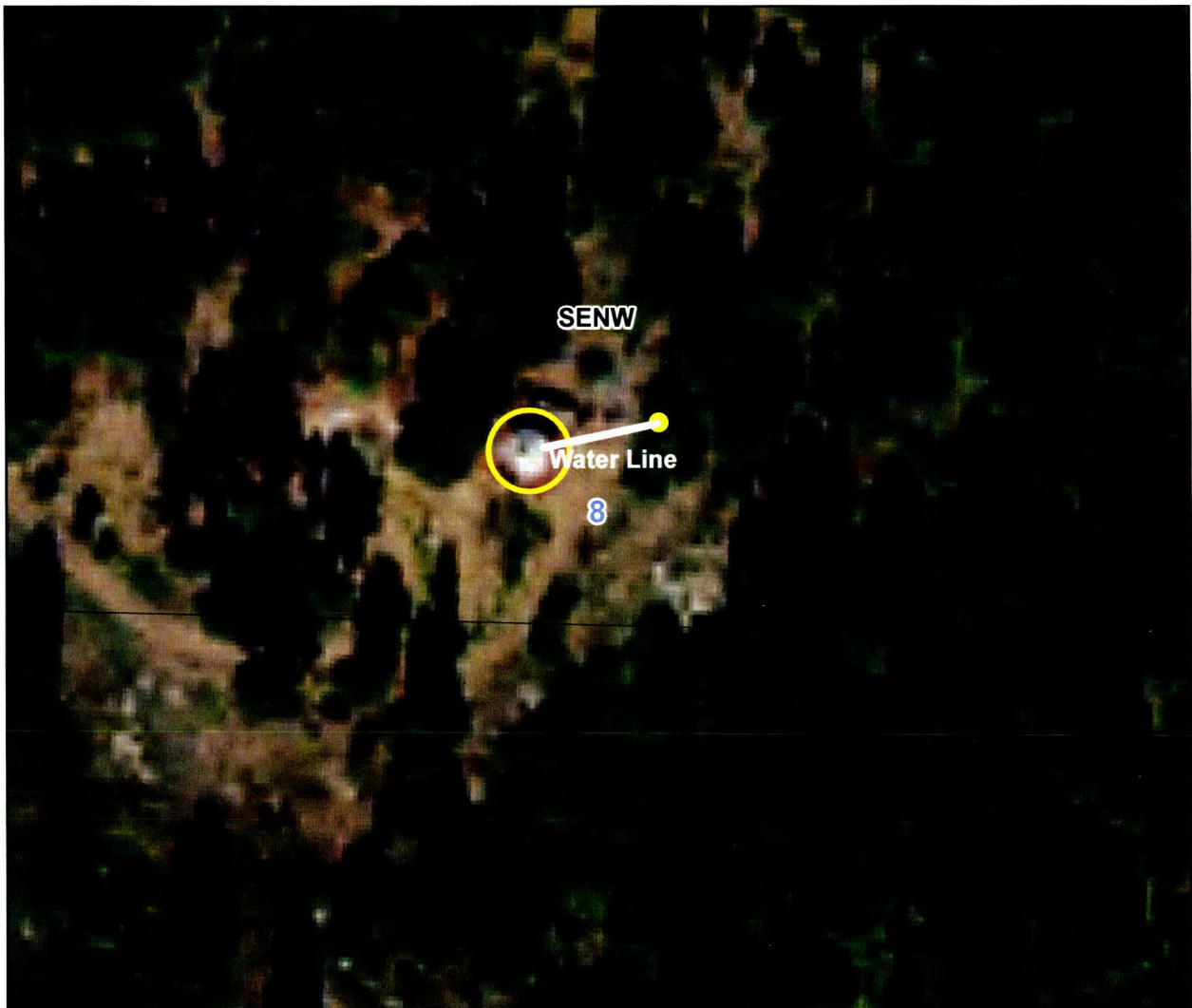
Field Exam 65-23417

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AUG 30 2023

State of Idaho
Department of Water Resources
Water Right
65-23417

04E

17N



0 0.0075 0.015 0.03 Miles

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

Field Exam 65-23417



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AUG 30 2023