State of Idaho
Department of Water Resources

Water Right License

Water Right No. 86-12155

Priority: June 21, 2022

Maximum Diversion Rate: 0.04 CFS
Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

DIXIE ANN WOLFF 533 PRESTON AVE LEWISTON ID 83501-4338

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 16, 2022, and has submitted Proof of Beneficial Use on May 01, 2023. An examination confirms water is diverted from:

Source : SPRING **Tributary:** SINKS

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF

Location of Point(s) of Diversion
SPRING L16 (SE¼ NE¼ SE¼), Sec. 6, Twp 36N, Rge 03W, B.M. NEZ PERCE 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	
36N	03W	5			X											X L7			

Conditions of Approval

1. The diversion and use of water described in 86-12155 may be subject to additional conditions and limitations agreed to by the protestant 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 protestant and the water right holder.
2. Prior to the diversion and use of water under this approval, the right holder shall obtain authorization to access the point of diversion, or place of use, or to convey water across federal lands.
3. The following rights are diverted through point of diversion described above: 86-12073, 86-12155 & 86-4073B.
4. Domestic use is for 1 home.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. This right does not grant any right-of-way or easement across the land of another.

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 15th day of June, 2023.

PHILL HUMMER
Water Rights Supervisor

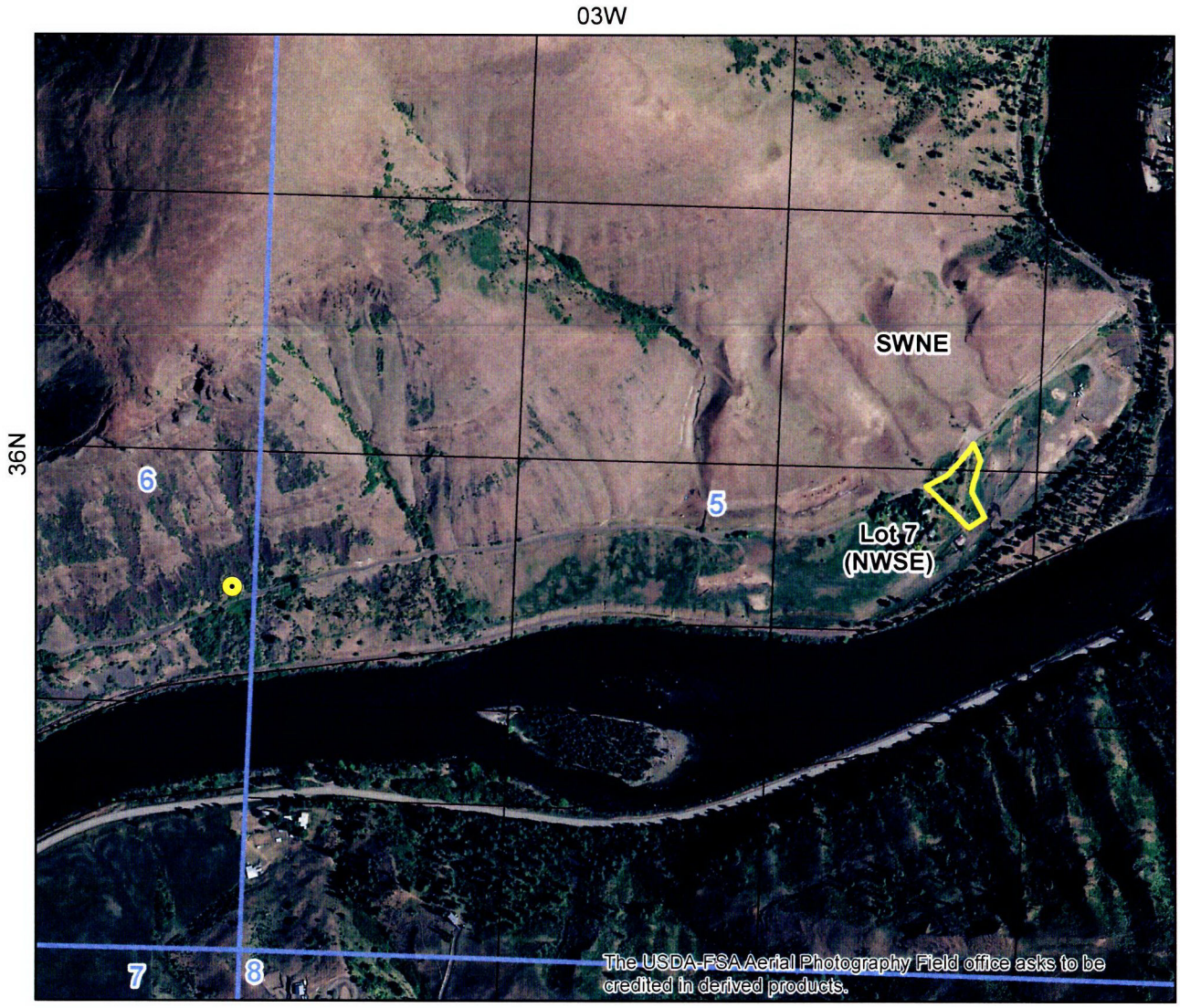
SCANNED
JUN 15 2023

State of Idaho
Department of Water Resources

Attachment to Water Right

86-12155

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.



0 0.1 0.2 0.4 Miles

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

N

SCANNED
JUN 15 2023

Form 42-217 Rev. 6/22

RECEIVED
MAY 01 2023
DEPARTMENT OF WATER RESOURCES

FOR OFFICE USE ONLY	
Amt. of Fee $	50
Receipt No.	C116457
Receipted By	AV
Date Receipted	5/1/23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 86-12155 Name of Permit Holder(s) DIXIE ANN WOLFF

Telephone No. 208-791-3569 Email WILDCATWOLFF@GMAIL.COM

Mailing Address 533 PRESTON AVE City LEWISTON State ID Zip 83501-4338

2. Source of Water SPRING If Ground Water (well), Date Drilled mo. N/A / yr. N/A

Drilling Permit/Tag No. N/A Drilling Company's Name N/A

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) ONE Irrigation (No. acres) 0.5 Stockwater (No. and stock type) N/A

Other 1/2 ACRE COVERED UNDER DOMESTIC USE

4. Total diversion rate or volume (storage only) for which proof is submitted 0.04 cfs OR - af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

SPRING BOX WITH PIPE GRAVITY FLOW TO WATER USES. IRRIGATION FOR GARDEN AND DOMESTIC USE FOR 1 TRAILER HOUSE BACK UP TO GROUNDWATER WELL USE.

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☑	Ground water level data, pumping information, or other diversion data
☐	☐	☑	Mitigation plan
☐	☐	☑	Lockable controlling works
☐	☐	☑	Measuring device
☐	☐	☑	Fish screen
☐	☑	☐	Other requirements of the water right permit fees paid to BLM for access to POD location.
	☐	☐	Reasonably Anticipated Future Needs ("RAFN") Municipal use

10 yrs ← ~~$240.80~~ Pd Once
~~240.80~~/year

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $ 50.00 or ☐ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Dixie Ann Wolff Telephone No. 208-791-3569 Email wildcatwolff@gmail.com

Mailing Address 533 Preston Ave City Lewiston State ID Zip 83501

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Dixie Ann Wolff — Dixie Ann Wolff owner — 4-22-2023 — SCANNED JUN 15 2023

SIGNATURE OF PERMIT HOLDER* | PRINTED NAME AND TITLE | DATE

*Attach power of attorney if completing on behalf of permit holder.

I need this irrigation water for my garden because I am allergic to sulfites! Sulfites are preservatives sprayed on all commercial vegetables and fruits. I cannot eat frozen, canned, packaged, or fresh vegetables from stores, all sprayed!

RECEIVED
Jun 06, 2023
DEPARTMENT OF
WATER RESOURCES

FORM 2800-14
(August 1985)

Issuing Office
Cottonwood Field Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT AMENDMENT
SERIAL NUMBER IDI-39566

1. A Right-of-Way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C 1761).

2. Nature of Interest:

   a. By this instrument, the holder:

   Dixie Ann Wolff
   533 Preston Ave
   Lewiston, ID 83501

   receives a right to operate, use, and maintain an spring development and buried pipeline to provide water for domestic purposes on the adjacent private lands, across public lands described as follows:

   Nez Perce County, Idaho, Boise Meridian
   T. 36 N., R. 3 W.,
   sec. 6, lot 16
   Further described in Exhibit A of this document.

   b. The right-of-way granted herein is 5 feet wide and 150 feet long and contains 0.1 acres, more or less.

   c. This instrument shall terminate on December 31, 2042 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

   d. This instrument may not be renewed without evaluation and approval of the Authorized Officer. If renewed, the right-of-way permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect public interest.

   e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, it's successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

   For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the

authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in fair market values determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms Conditions and Stipulations:

a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.

b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided in paragraph (4) (d) or as directed by the authorized officer.

c. Each grant issued pursuant to the authority of paragraph (1) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.

d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, dated 04/28/2021 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.

f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

g. This grant may be assigned in accordance with current Federal laws and regulations, and as approved by the authorized officer, at the time of such assignment application.

h. No commercial timber outside of the designated right-of-way shall be harvested or removed from federal lands.

i. The holder shall not limit or deny the U.S. Government access to any portion of the right-of-way for administrative purposes in relation to this grant, including access to the sections of the right-of-way in which the U.S. Government shall be required to cross the holders' private property.

j. All construction, maintenance and reclamation will be completed according to current BLM Best Management Practices, and the judgment of the authorized officer.

k. No modification to the water system, except for routine maintenance activities, shall occur without prior approval of the authorized officer.

IN WITNESS WHEREOF, the undersigned agrees to the terms and conditions of this right-of-way grant.

Dixie Ann Wolff
(Signature of Holder)

Dixie Ann Wolff
(Signature of Holder)

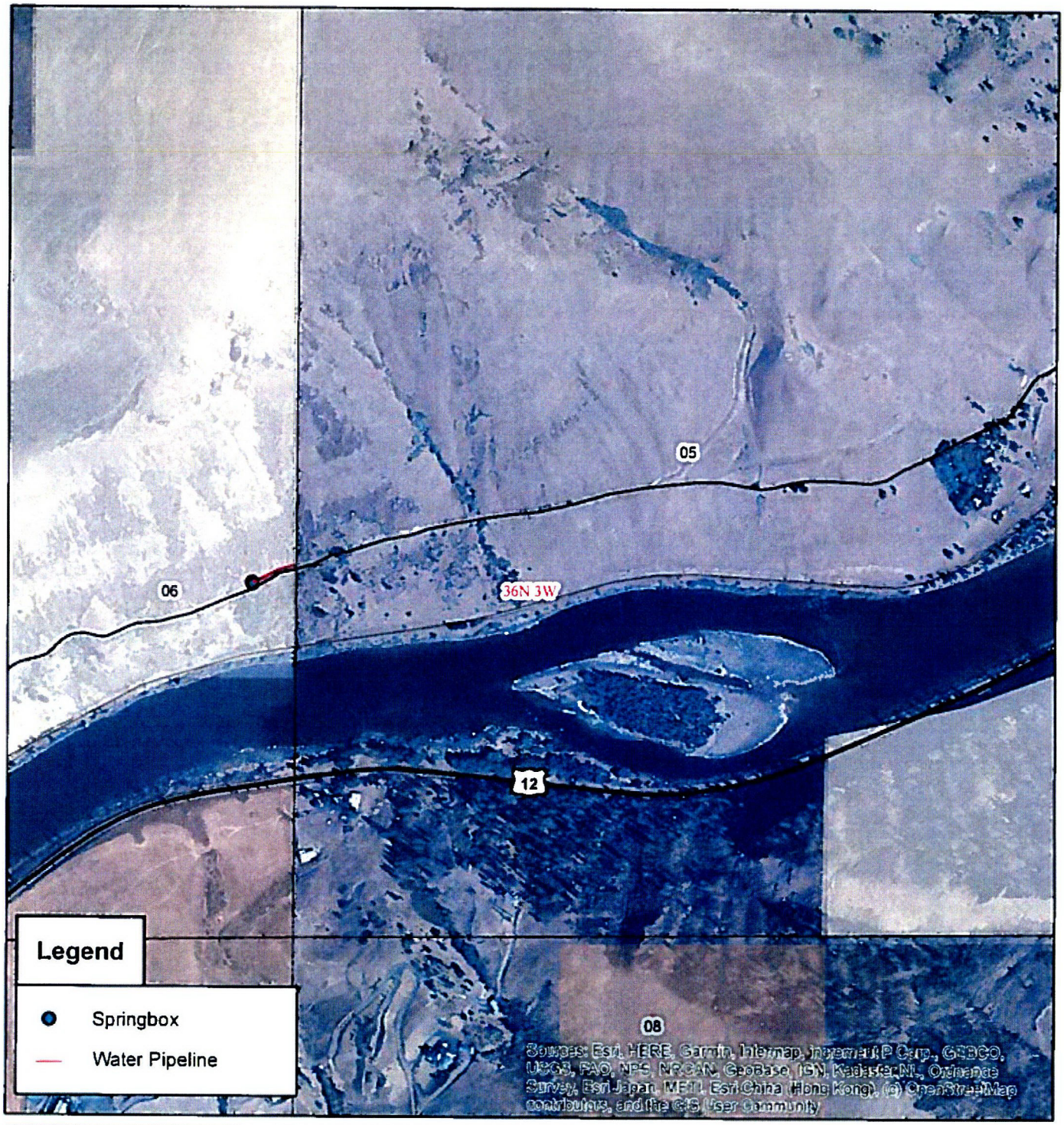
12-10-2022
(Date)

(Signature of Authorized Officer)

Field Manager
(Title)

12/15/22
(Effective Date of Grant)

Spring Box and Water Pipeline
IDI-39566



The surface management status ("land ownership") should be used as a general guide only. Official land records, located at the Bureau of Land Management (BLM) and other offices, should be checked for up-to-date information concerning any specific tract of land.

No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed. The following cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.

1:8,375

0 0.06 0.12 0.18 0.24 Miles

Map Projection: NAD 1983 UTM Zone 11N

Map Created: 9/29/2022

File Location: \\lmidco3ds1.blm.doi.net\cousers\chotto\My Documents\ArcGIS\2020 LR map.mxd

United States Department of the Interior
Bureau of Land Management
COTTONWOOD FIELD OFFICE
2 BUTTE DRIVE
COTTONWOOD, ID 83522
Phone: 208-962-3245

Receipt No: 5104189

Transaction #: 5245358
Date of Transaction: 09/28/2022

CUSTOMER:

WOLFF DIXIE ANN
533 PRESTON AVE
LEWISTON,ID 83501 US

LINE #	QTY	DESCRIPTION	REMARKS	UNIT PRICE	TOTAL
1	1.00	LANDS & REALTY MANAGEMENT / RIGHTS OF WAY-COST RECOVERY / ROW PROCESSING FLPMA CAT 1 **CASES:** IDI 039566/$136.00 **PROJECT:** LVMCPROCID00 **RECEIPT REFERENCE:** 2022045212 / L1052727	PROCESSING FEE FOR RIGHTS OF WAY APPLICATION - CAT 1	- n/a -	136.00
				TOTAL:	**$136.00**

PAYMENT INFORMATION

NOTE: Items will appear on credit card statement as "Bureau of Land Mgmt CO".

1	AMOUNT:	136.00	POSTMARKED:	N/A
	TYPE:	CREDIT CARD	RECEIVED:	09/28/2022
	NAME:	WOLFF DIXIE ANN 533 PRESTON AVE LEWISTON ID 83501 US		
	CARD NO:	XXXXXXXXXXXX3770	AUTH CODE:	023293
	NAME ON CARD:	DIXIE A WOLFF		
	SIGNATURE:	OVER THE PHONE		

REMARKS

NOTICE(S)

Notice to Customers Presenting Checks:	When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries, please call the BLM office listed above.

Dixie Ann Wolff
Ph. 208-791-3569
533 Preston Ave
Lewiston, ID 83501-4338

Serial #ID1-39566

4307

92-7331/3231

11-2-2022
DATE

CHECK AMOUNT

PAY TO THE ORDER OF U.S. DEPARTMENT OF THE INTERIOR - BLM $ 104.87

One hundred and four dollars ✓ 87/100 DOLLARS

Photo Safe Deposit Details on Back

P1FCU
208.746.8900
800.843.7128
p1fcu.org

Golden Circle

FOR 10yr rental ROW

Dixie Ann Wolff

Harvest Circle

POTLATCH NO. 1 FINANCIAL CREDIT UNION

MSR1

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 86-12155

Priority: June 21, 2022 **Maximum Diversion Rate:** 0.04 CFS

This is to certify that

DIXIE ANN WOLFF 533 PRESTON AVE LEWISTON ID 83501-4338

has applied for a permit to appropriate water from:

Source : SPRING **Tributary:** SINKS

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

Beneficial Use	Period of Use	Rate of Diversion
DOMESTIC	01/01 to 12/31	0.04 CFS

Location of Point(s) of Diversion

SPRING L16 (SE¼ NE¼ SE¼), Sec. 6, Twp 36N, Rge 03W, B.M. NEZ PERCE 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	
36N	03W	5			X	X L8									X L7	X L7			

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2028.**
2. Subject to all prior water rights.
3. The diversion and use of water described in 86-12155 may be subject to additional conditions and limitations agreed to by the protestant 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 protestant and the water right holder.
4. Prior to the diversion and use of water under this approval, the right holder shall obtain authorization to access the point of diversion, or place of use, or to convey water across federal lands.
5. The following rights are diverted through point of diversion described above: 86-12073 & 86-12155.
6. Domestic use is for 1 home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
8. This right does not grant any right-of-way or easement across the land of another.

SCANNED
APR 1 1 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 86-12155

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

Signed this 10th day of April, 2023.

Michelle Richman

MICHELLE RICHMAN
Northern Regional Manager

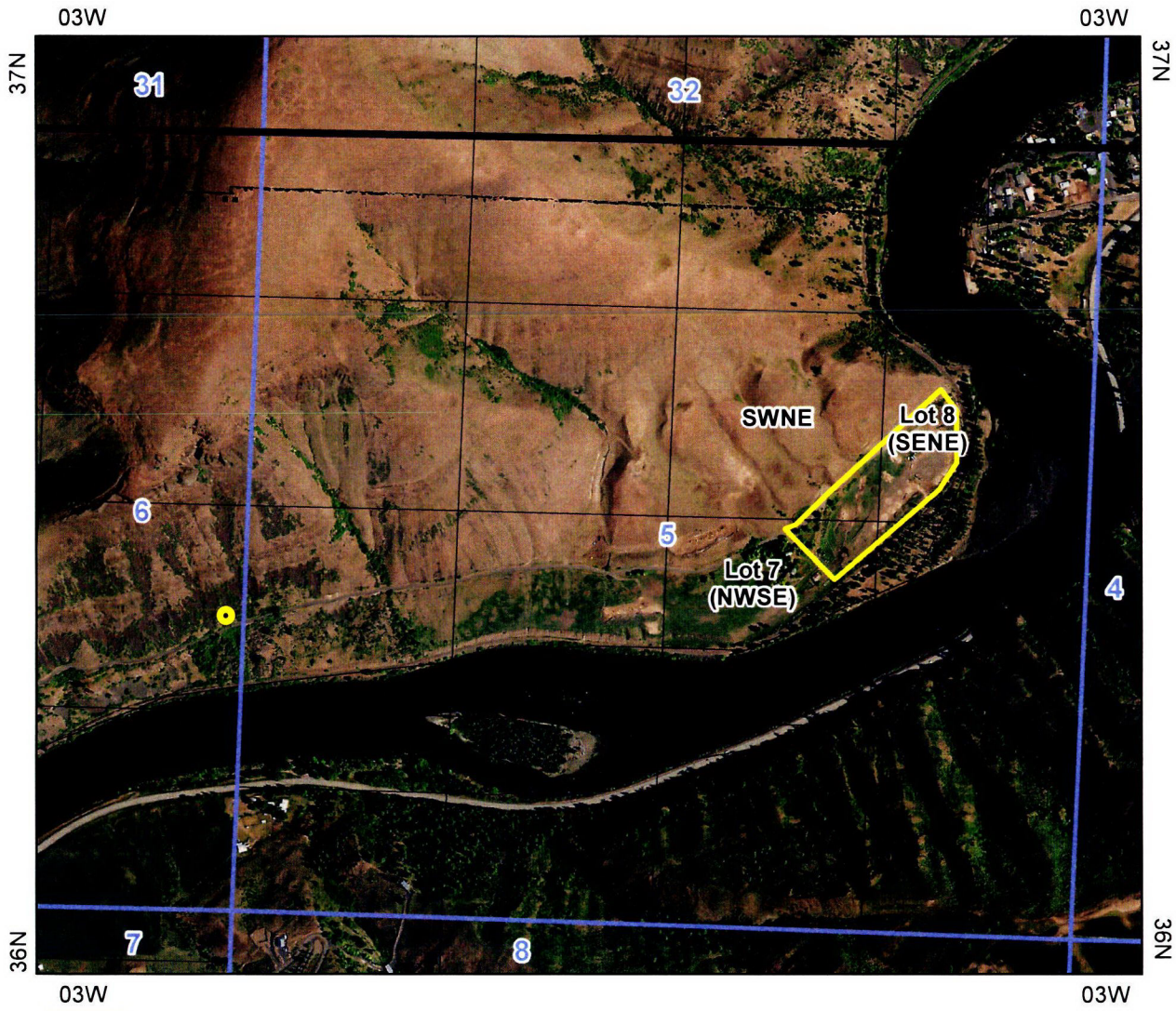
SCANNED
APR 11 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

86-12155

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.



SCANNED
APR 1 1 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 15, 2023

DIXIE ANN WOLFF
533 PRESTON AVE
LEWISTON ID 83501-4338

RE: License No. 86-12155

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) 287-4925.

Sincerely,

Jean Hersley

FOR
Phill Hummer
Water Rights Supervisor

Enclosure(s)

SCANNED
JUN 15 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2023, I served a true and correct copy of Water Right License No. 86-12155 by U.S. Mail, postage prepaid, to the following:

DIXIE ANN WOLFF (Current Owner)
533 PRESTON AVE
LEWISTON ID 83501-4338

Jean Hersley
Technical Records Specialist 2

SCANNED
JUN 15 2023

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.

SCANNED
JUN 15 2023

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.

Permit No: 86-12155

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Exam Date: 6/14/2023

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? __X__Y ____N
   a. ____ Irrigation of 5 acres or less
   b. ____ Storage of up to 14.6 AF for stockwater purposes only
   c. __X__ Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
   d. ____ Other < >

2. Current Owner: Dixie Ann Wolff
   Owner of Record Correct? _____N
   Address of Record Correct? _____N
   If No Explain: N/A

3. Beneficial Use Fees have been paid: __X__Y ____N Receipt No: C116157

4. Source: Tributary:
   Spring Sinks

Method of Determination: GIS and Tax Parcel Data.
Change in Source: ____Y ___X__N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: __X__ No Overlap

Water Right No.	Source	Purpose of Use	Basis
86-12073	Springs	Stockwater	Decreed

Comments: Water right 86-12073 overlaps with the proposed place of use and is owned by the permit holder. However, since it is for a different beneficial use, it would not overlap.

2. Other water rights with the same point of diversion: ____ NO Overlap

Water Right No.	Source	Purpose of Use	Basis
86-12073	Spring	Stockwater	Decreed
86-4037B	Spring	Stockwater, Domestic	Decreed

Comments: Water right 86-12073 and 86-4037B both divert from the same spring and diversion system. 86*4037B also shares a beneficial use with this permit. Both water rights above are limited to a total diversion rate of 0.05 cfs. However, there is no reason to add this permit to that limit.

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Spring	16	SE	NE	SE	6	36N	03W	B.M.	Nez Perce
								B.M.	
								B.M.	

Method of Determination: GIS and Tax Parcel Data.

Change in POD? ___Y __X__N Amendment Required? ____Y __X__N

SCANNED
JUN 15 2023

2.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	
36N	03W	5			X											X			N/A
		Lot #														7			N/A

Method of Determination: GIS and Tax Parcel Data. After a phone conversation with the applicant on June 13th, 2023, it was confirmed more precisely where domestic use was occurring, in the NW of the property. The place of use was reduced accordingly.

Change in POU? X Y ___N Amendment Required? ___Y X N

___ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable:

X Aerial Photo Attached (required for irrigation of 10+ acres).

___ Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurement Comments: The permit holder did not provide a pump horsepower. Therefore, a diversion rate calculation was not possible.

E. FLOW CALCULATIONS ___Additional Computation Sheets Attached

Measured Method: Since a pump horsepower was not provided a diversion rate calculation is not possible. According to Administrative Processing Memo #22 the standard diversion rate for a single-family home is 0.04 cfs. The permit authorizes 0.04 cfs. I am recommending a 0.04 cfs diversion rate.

F. VOLUME CALCULATIONS

2. Volume Calculations for Other Uses: According to Administrative Processing Memo #22 the standard diversion volume for a single domestic use is 0.6 af for in house use and 0.6 for up to ½ an acre of yard irrigation or 1.2 af. I am recommending a 1.2 af diversion volume.

G. PURPOSE OF USE

Irrigation X Y ___N # Stock N/A Domestic # of Homes 1

Other: < >

Change in Purpose of Use? ___Y X N

Method of Determination: GIS, Tax Parcel Data, and July 2022 Google Earth Imagery.

If Yes: From Use _____To Use _____Amount _____CFS _____AFA_____

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JUN 15 2023

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office exam. The permit authorizes domestic use for 1 home and up to ½ an acre of yard irrigation. The application for permit was protested by the Bureau of Land Management because the point of diversion is on BLM land and the permit holder did not have the required Right of Way permit. A settlement was reached, but one of the conditions of the settlement required the approval of the ROW permit before a license could be issued. The applicant did not originally provide documentation and was contacted about the situation. After contacting the Cottonwood BLM field office on June 5th, 2023, it was confirmed a ROW permit was approved. A copy of the ROW permit was received on June 6th, 2023.

The water permit was approved on April 10th, 2023, and proof was submitted on May 1st, 2023. Therefore, imagery is not available during the development period. The diversion system was already in place according to Department records and Google Earth Imagery confirms irrigation occurred in July 2022. However, the trailer mentioned in the Statement of Completion for Proof of Beneficial Use was not visible in 2021 or 2022 imagery. After a phone conversation with the permit holder on June 13th, 2023, it was confirmed a trailer has been present for two years. The permit holder confirmed they are connected to the same spring and diversion system as water rights 86-12073 and 86-4073B. The flow from the system was not the best they explained so they rely on well water to supplement use. They provided a more precise place of use located NW of the property where a garden is present in 2022 Google Earth Imagery. The place of use was adjusted accordingly.

Since the permit holder did not provide a pump horsepower a diversion rate calculation was not possible. The standards set in Administrative Processing Memo #22 were used to make diversion rate and volume recommendations. All of the conditions have been met and it has been confirmed a beneficial use was developed within what is authorized on the permit. Therefore, I am recommending a 0.04 cfs diversion rate and 1.2 af diversion volume.

Conditions 020, #2 on the permit approval X01, 187, and 004 should remain on the license. Condition F06 should be changed adding water right 86-4073B. All other conditions should be removed as standard with licensing.

Have conditions of permit approval been met? __X__Yes ____No

I. RECOMMENDATIONS

1. Recommended Amounts:

BENEFICIAL USE	PERIOD OF USE		DIVERSION RATE	ANNUAL VOLUME
Domestic	01/01-12/31		0.04 CFS	1.2 AF
		Totals:	0.04 CFS	1.2 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

Other: < >

J. AUTHENTICATION Skyler Cheever – Water Resource Agent

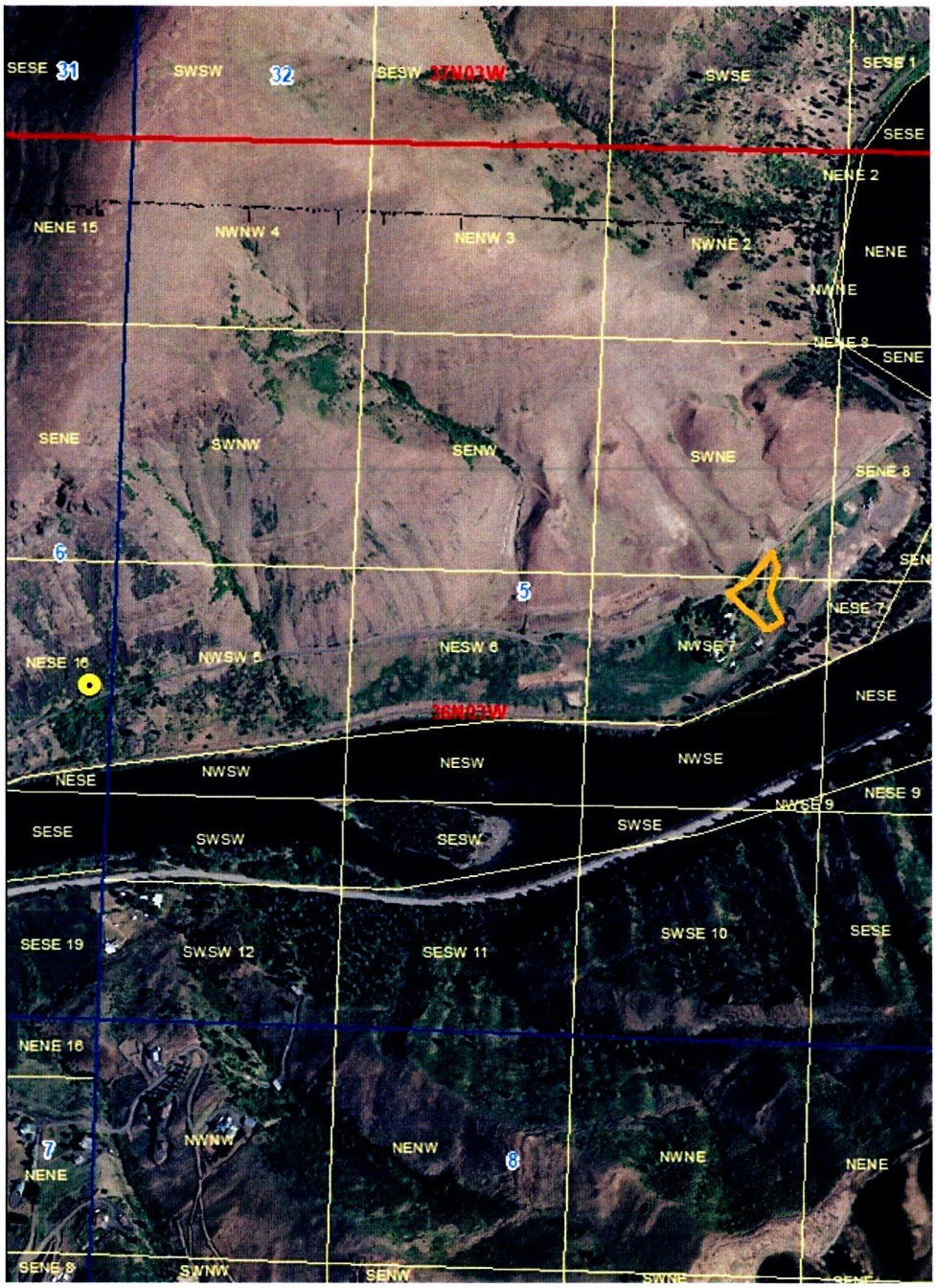
Field Examiner's _____ Date_____

Reviewer _____ Date 6/15/23

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JUN 15 2023

Field Exam Map

Map showing the authorized point of diversion (yellow point) and place of use (orange outline).



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Irrigation Map

Google Earth July 2022 Aerial Imagery indicating irrigation of a garden within the place of use.



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JUN 15 2023

Hersley, Jean

From: Otto, Curtis (Curt) <chotto@blm.gov>
Sent: Tuesday, June 6, 2023 2:55 PM
To: IDWR File
Subject: IDI-39566 Wolff ROW
Attachments: IDI 39566 Wolff.pdf

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.**

As requested by Skylar, a copy of Dixie Ann Wolff's springbox and water pipeline ROW. BLM protested her water right until she received a ROW from BLM, which she has.

C. H. Otto
Realty Specialist
Cottonwood Field Office - BLM
208-962-3680
Malo periculosam, libertatem quam quietam servitutem
Sic Semper Tyrannis

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JUN 15 2023

Beneficial Use Proof Evaluation

Permit Number: 86-12155 Reviewer: AVeibell Review Date: 5/12/2023

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? No
3) Proof Submitted Date: 5/1/2023
4) Proof Due Date: 4/1/2028
5) Days added for weekend due date?
6) Days added for holiday due date?
7) Number of days late: -1797
8) Proof received timely?

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
3) Are the required items installed? Yes
    a. Measuring Device -- No
    b. Lockable Device --No
    c. Fish Screen -- No
4) Is there a request to waive the required items? No
5) Drilling Permit Number:
6) Is a drilling permit upgrade needed? No
7) Was a well drillers report filed? No
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? Yes
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $50.00
4) Filing fee submitted: $50.00
5) Remaining fee or (refund): $0.00

Receipt IDs

N039628

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 11, 2023

DIXIE ANN WOLFF
533 PRESTON AVE
LEWISTON ID 83501-4338

RE: Permit No. 86-12155

Permit Approval Notice

Dear Permit Holder(s):

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.

SCANNED
APR 1 1 2023

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 the Northern Region Office at (208) 762-2800.

Sincerely,

Michelle Richman

Michelle Richman
Northern Regional Manager

Enclosure(s)

SCANNED
APR 1 1 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2023, I served a true and correct copy of Permit to Appropriate Water No. 86-12155 by U.S. Mail, postage prepaid, to the following:

DIXIE ANN WOLFF (Current Owner)
533 PRESTON AVE
LEWISTON ID 83501-4338

USDI BLM IDAHO STATE OFFICE (Protestant)
1387 S VINNELL WAY
BOISE ID 83709-1657

Tammy Alleman
Administrative Assistant 1

SCANNED
APR 1 1 2023

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.

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APR 1 1 2023

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.

SCANNED
APR 1 1 2023

MEMORANDUM

To: **Water Right Application 86-12155**

From: **Luke Bates** JSB

Date: **11/22/2022**

Re: **Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.**

Re: **Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).**

Water Supply Information
Water should be available from the spring source.

Good Faith, Delay, or Speculative Information
The applicant plans to use water from a spring. Applicant is actively pursuing approval of a right-of-way permit No. IDI-039566 with the United States Department of the Interior Bureau of Land Management (BLM) for access to the pre-existing spring POD located on federal land(s). There are no known issues with any other party.

Financial Resources Information
The water system from the spring is pre-existing, and it appears the applicant has the resources needed to service connect the home for domestic use.

Local Public Interest
The Nez Perce Tribe, Idaho Department of Fish & Game (F & G), Department of Environmental Quality (DEQ), and BLM have been asked to comment by the Idaho Department of Water Resources. BLM is the only party who responded & protested the application for permit, since protesting the applicant and BLM have communicated directly resulting in BLM conditionally withdrawing their protest. Stipulated conditions of the withdrawal have been included in approval conditions during the permit approval process. There were no other known issues with this application as no protests were received.

Arcmap aerial imagery and parcel ownership information identified Nez Perce Tribe as the owner of the land at the POD; this is incorrect, it was determined that Nez Perce County has not updated their information since BLM acquired the property in the past (unknown date). Regardless, Nez Perce Tribe declined to comment in the advertising period.

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APR 1 1 2023

Injury to Other Water Rights

Water right 86-12073 has been decreed in the CSRBA process and uses the same spring source and water system infrastructure. If the applicant and BLM are unable to finalize the ROW application for approval it is unclear what impact if any will result on prior water rights, however this does not impact the current filing. There are no additional concerns for other water rights.

Recommendation

The Northern Region recommends proceeding with the processing of this water right application.

SCANNED

APR 1 1 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 18, 2022

DIXIE ANN WOLFF
533 PRESTON AVE
LEWISTON, ID 83501-4338

RE: Withdrawal of Protest against Application for Permit No. 86-12155

Dear Applicant:

The Department of Water Resources has received withdrawal of protest against the above referenced application. Withdrawals have been received from the following protestants:

1) USDI BLM IDAHO STATE OFFICE

The application does not have any remaining protests; therefore, the department will take the steps necessary to bring the application to a final resolution.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Tammy Alleman
Administrative Assistant

SCANNED
NOV 16 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 18, 2022

USDI BLM IDAHO STATE OFFICE
C/O FREDRIC W PRICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

RE: Withdrawal of Protest against Application for Permit No. 86-12155

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

The application does not have any remaining protests; therefore, the department will take the steps necessary to bring the application to a final resolution.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Tammy Alleman
Administrative Assistant

SCANNED
NOV 18 2022

RECEIVED
OCT 27 2022
IDWR / NORTH

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 86-12155 IN THE NAME OF DIXIE ANN WOLFF	))))	**SETTLEMENT AGREEMENT**

The United States of America ("Protestant") and Dixie Ann Wolff ("Applicant") agree and stipulate to resolve the United States Department of Interior, Bureau of Land Management ("BLM") protest of Application for Permit No. 86-12155 ("Application").

STIPULATION

WHEREAS, the Applicant filed amended Application for Permit No. 86-12155 on June 21, 2022 with the Idaho Department of Water Resources ("IDWR") for 0.04 cfs of water from a spring for domestic purposes (1 home with up to ½ acre irrigation). Applicant has a prior water right from the same source for stockwatering purposes under 86-12073 (a split from 86-04037B).

WHEREAS, the BLM filed a protest on July 5, 2022 to Application for Permit No. 86-12155, because a Right-of-Way ("ROW") is required to access facilities on federal land and to transport new water rights across federal land through existing facilities located on federal land. The Application describes a Point of Diversion ("POD") on federal land managed by BLM (T36N, R03W, S06, Lot 16 (NESE), as well as, a portion of a pipeline on federal land.

WHEREAS, the Protestant and the Applicant wish to resolve their dispute regarding Application for Permit No. 86-12155.

//

//

SCANNED
NOV 18 2022

THEREFORE, the Protestant and the Applicant stipulate and agree as follows:

1. On August 18, 2022, the Applicant filed a ROW application (IDI-039566) with BLM to access the POD and to convey 86-12155 through an existing diversion and pipeline located on federal land. The parties agree that, by filing ROW application IDI-039566 with the BLM (and paying processing fees), the Applicant has demonstrated to IDWR that the Applicant is seeking legal access from BLM to use federal land. The BLM agrees the Application may proceed while the application for ROW is pending, provided that no water under the Application may be diverted or be conveyed across federal lands until authorized in writing by the BLM Authorized Officer.

Applicant recognizes and understands that there is no guarantee or promise implied by this Agreement that the BLM will authorize a ROW grant; nor does this Agreement prevent BLM from establishing terms and conditions in accordance with applicable law, regulation, and policy should it issue a ROW grant.

2. The Applicant agrees and stipulates that no license shall be issued if BLM ultimately denies the ROW application and such denial is sustained through the completion of applicable administrative and judicial review proceedings.

3. The parties agree and stipulate that the following conditions shall be included in any approved permit or license for 86-12155:

(a) This right does not grant any right-of-way or easement across the land of another.

(b) Prior to diversion and use of water under this approval, the right holder shall obtain authorization to access the point of diversion, or place of use, or to convey water across federal lands.

SCANNED
NOV 18 2022

4. The Protestant hereby withdraws its protest of Application for Permit No. 86-12155 upon acceptance, approval, and adoption of this Agreement by IDWR in its entirety.

Respectfully submitted,

APPLICANT:
Dixie Ann Wolff

Dixie Ann Wolff 10-7-2022
Dixie Ann Wolff Date

PROTESTANT:
U.S.D.I., Bureau of Land Management

Fredric W. Price Date
Water Rights Specialist 10/24/2022

SCANNED
NOV 18 2022

CERTIFICATE OF SERVICE

I certify that on 10/24, 2022, I served a true and correct copy of foregoing **Settlement Agreement; Application for Permit No. 86-12155** upon the following individuals by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Michelle Richman, P.E., Regional Manager
Idaho Department of Water Resources
Northern Regional Office
7600 North Mineral Drive, STE 100
Coeur d'Alene, Idaho 83815-7763
michelle.richman@idwr.idaho.gov

Copies to:

Dixie Ann Wolff
533 Preston Ave.
Lewiston, Idaho 83501-4338
wildcatwoff@gmail.com

Craig A. Johnson, Fishery Biologist
Curtis H. Otto, Realty Specialist
U.S.D.I., Bureau of Land Management
Cottonwood Field Office
2 Butte Drive
Cottonwood, Idaho 83522-5200
cajohnson@blm.gov
chotto@blm.gov

Person serving documents

SCANNED
NOV 18 2022

PROTEST CHECKLIST

APPLICATION # **86-12155**

APPLICANT: **DIXIE ANN WOLFF**

INITIAL PROCESSING

- [x] Green file folder label on file
- [x] Protest info sheet (yellow)
- [x] Data enter protest if Workflow processing (permit, amendment of permit, transfer)
- [x] Scan/profile protest in Power-Docs (green stamp)
- [x] Update Tracking Sheet
- [x] Update barcode - app. for permit only
- [ ] Approved Interveners (process same as protests)
- [x] Acknowledgement letters sent to all parties (*w/ copies of all protests to applicants*)

PREHEARING CONFERENCE

- [ ] Confirm possible dates with staff assigned to conference
- [ ] Reserve room, must meet ADA standards (handicap)
- [ ] Mail conference notices to all parties
- [ ] Mail room confirmation letter (if applicable)
- [ ] Attendance sheet in file
- [ ] Outlook meeting invitation to staff and appropriate conference room
- [ ] Database update if Workflow processing

PROTEST / APPLICATION WITHDRAWN OR TO HEARING

- [x] Database update if Workflow processing
- [x] Update E-books
- [x] Rest of file scanned to Power-Docs (green stamp)

- [ ] File to SO -- Debbi Judd - Vault (no hearing)
- [ ] -- Appropriate Hearing Officer (hearing)
  (Unless the hearing is conducted at the region)

  - [ ] Update barcode - appl. for permit only
  - [ ] Update E-books

PROTEST INFORMATION SHEET

Application for Permit No. 86-12155

Date Filed: JUNE 21, 2022 **Protest Date**: JULY 5, 2022

Applicant:

DIXIE ANN WOLFF
533 PRESTON AVE
LEWISTON, ID 83501-4338
WILDCATWOLFF@GMAIL.COM
(208) 791-3569

Applicant's Attorney Name & Address:

Applicant's Consultant Name & Address: N/A

Protestant(s) Name & Address:

USDI BLM IDAHO STATE OFFICE
C/O FREDRIC W. PRICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
FWPRICE@BLM.GOV
(208) 373-3831

Protestant's Attorney Name & Address: **N/A**

Protestant's Consultant Name & Address: N/A

Pre-hearing Conference Date(s): _____ **Time**: _____ a.m.

Location: _____

Hearing Date(s): _____

Location: _____

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 86-12155 IN THE NAME OF DIXIE ANN WOLFF	)))))	**NOTICE OF INFORMAL SETTLEMENT CONFERENCE**

On 5/16/2022, DIXIE ANN WOLFF, filed Application for Water Right Permit No. 86-12155 with the Idaho Department of Water Resources ("Department"). A protest was filed by USDI BLM IDAHO STATE OFFICE.

The Department has scheduled this case for informal settlement conference on Wednesday, October 26, 2022 beginning at 10:00 AM by telephone. The applicant and protestant must attend via telephone. To participate in the status conference, please call the following number:

Telephone: 1 (208) 762-2801

Agenda items for the informal settlement conference will include:

1. Review of the application and protest,
2. Additional informational needs,
3. Settlement options,
4. Need for additional informal proceedings or alternative dispute resolution options, and
5. Commencement of formal proceedings.

The Department encourages the applicant and protestant(s) to discuss and resolve the protest before the informal settlement conference. If private discussions are not possible or do not resolve the protest, the informal settlement conference provides another opportunity for the applicant and protestant(s) to meet before commencing a formal hearing. Parties often settle their differences at the informal settlement conference.

If informal proceedings are unlikely to resolve this protested case, the Department will initiate formal proceedings by issuing a notice of prehearing conference and identifying a presiding officer. It is important for all parties to make the most of the opportunity to resolve the dispute informally.

The informal settlement conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the prehearing conference,

please notify the Department at least ten (10) days prior to the conference. Inquiries about scheduling, hearing facilities, etc., should be directed to Tammy Alleman at 208-762-2800.

.

Dated this 22nd day of September, 2022.

Adam Frederick
Water Right Supervisor

CERTIFICATE OF SERVICE

I certify that on the 22nd day of September, 2022, I served or caused to be served the Notice of Informal Settlement Conference to the parties by the following method(s):

DIXIE ANN WOLFF
533 PRESTON AVE
LEWISTON, ID 83501-4338
2087913569
WILDCATWOFF@GMAIL.COM
Applicant

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Email

USDI BLM IDAHO STATE OFFICE
C/O FREDRIC W. PRICE
1387 S VINNELL WAY
BOISE, ID 83709-1657
2083733831
fwprice@blm.gov
Protestant

- ☐ U.S. Mail, Certified, postage prepaid
- ☒ U.S. Mail, postage prepaid
- ☐ Overnight Mail
- ☐ Email

Tammy Alleman
Administrative Assistant 1

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit and are for the development of new water rights. Section 42-203A, Idaho Code, requires the Idaho Department of Water Resources (Department) to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 5 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

Alleman, Tammy

From: Price, Fredric W <fwprice@blm.gov>
Sent: Friday, September 16, 2022 1:09 PM
To: Alleman, Tammy
Subject: RE: Unavailability (Informal Settlement Conf): 86-12155, Wolff

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.

Tammy,

RE: Unavailability (Informal Settlement Conf): 86-12155, Wolff

I am UN-available during the following dates and times over the next 3 months.

OCT:
20th -afternoon
25th -morning
31st

NOV:
8th
11th
15th -morning
22nd -morning
24th
25th

DEC:
12th thr 30th

Dixie called 9/21/22
Un available dates
as follows:
Oct 10-12th & Oct 31st
Nov 8, 23-25th
Dec 22nd - 26th & 31st
JA

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
(208) 373-3831
fwprice@blm.gov

From: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Sent: Friday, September 16, 2022 10:52 AM
To: wildcatwolff@gmail.com <wildcatwolff@gmail.com>; Price, Fredric W <fwprice@blm.gov>
Cc: Frederick, Adam <Adam.Frederick@idwr.idaho.gov>
Subject: [EXTERNAL] Informal Settlement Conference

SCANNED
SEP 22 2022

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good morning,

The time has passed to respond to your availability to have an Informal Settlement Conference so I am attaching calendars for October, November & December 2022. Please mark the dates that you are **UNAVAILABLE** and return the calendars to me by no later than **September 30th, 2022.** If we don't hear back a date will be chosen and a Notice of Informal Settlement Conference will be sent to you.

Thank you,

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
SEP 12 2022

Name: _____ "X" = UnAvailable

INFORMAL SETTLEMENT CONFERENCE FOR DIXIE ANN WOLFF APPLICATION FOR PERMIT NO. 86-12155

October 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10 IDWR OFFICES CLOSED	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SCANNED SEP 16 2022

Name: _____ "X" = UnAvailable

INFORMAL SETTLEMENT CONFERENCE FOR DIXIE ANN WOLFF APPLICATION FOR PERMIT NO. 86-12155

November 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11 IDWR OFFICES CLOSED	12
13	14	15	16	17	18	19
20	21	22	23	24 IDWR OFFICES CLOSED	25	26
27	28	29	30			

SCANNED SEP 16 2022

Name: _____ "X" = UnAvailable

INFORMAL SETTLEMENT CONFERENCE FOR DIXIE ANN WOLFF APPLICATION FOR PERMIT NO. 86-12155

December 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26 IDWR OFFICES CLOSED	27	28	29	30	31

SCANNED
SEP 16 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

August 09, 2022

DIXIE ANN WOLFF
533 PRESTON AVE
LEWISTON, ID 83501-4338

USDI BLM IDAHO STATE OFFICE
C/O FREDRIC W. PRICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

RE: Application for Permit No. 86-12155

Dear Parties:

This letter acknowledges receipt of a protest filed against Application for Permit No. 86-12155. The following options are available for the resolution of protested applications:

- Direct contact between the parties to determine the nature of the protest and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest.
- Discussions at an informal settlement conference between Department staff, the applicant(s), and the protestant(s). The enclosed document summarizes the informal settlement conference purpose and procedure.
- Formal proceedings administered by the Department after the informal settlement conference. If formal proceedings are necessary, the Department will schedule a prehearing conference to begin the process.

Please consider the best option(s) for resolution of the protested application.

Meanwhile, the Department will schedule an informal settlement conference pursuant to the Department's Rules of Procedure (IDAPA 37.01.01). **Please notify the Department within 14 days of any dates you are UNAVAILABLE to participate in an informal settlement conference in the next <three> months.** You may provide unavailable dates via mail or via email to the email address below. If you do not notify the Department of unavailable dates, the Department will assume you are available for the informal settlement conference on any date selected. The Department may schedule the informal settlement conference as a conference phone call or in-person. The Department will send notice of the informal settlement conference once it is scheduled.

SCANNED
AUG 09 2022

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information regarding the application, protest(s), water rights, and other matters administered by the Department is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Tammy Alleman

Tammy Alleman
Administrative Assistant 1
(208) 762-2807
Tammy.Alleman@idwr.idaho.gov

Enclosure(s): Informal Settlement Conference Procedure

SCANNED
AUG 09 2022

INFORMAL SETTLEMENT CONFERENCE PROCEDURE

APPLICATION FOR PERMIT

ISSUES

Applications to appropriate the water of the state of Idaho are referred to as applications for permit and are for the development of new water rights. Section 42-203A, Idaho Code, requires the Idaho Department of Water Resources (Department) to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the Department to evaluate these criteria.

The initial burden of proof on issue 5 lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for all of these issues.

PROCEDURE

The Department generally conducts an informal settlement conference with the parties to determine the issues and to try to settle a protested matter before the formal hearing process starts. The formal hearing process commences with a prehearing conference, which may require parties to be represented by an attorney.

SCANNED
AUG 09 2022

INFORMAL SETTLEMENT CONFERENCE

The purpose of an informal settlement conference is to provide the opportunity for the parties and the Department to familiarize themselves with a protested matter and to attempt to resolve the matter. At the conference, the Department and the parties will discuss the application and protests, explore settlement options, discuss additional informational needs, evaluate the need for additional informal proceedings or alternative dispute resolution options such as mediation, and discuss the commencement of formal proceedings. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the informal settlement conference for the purpose of scheduling follow-up conferences, if needed.

HEARING

If the parties do not resolve the matter at the informal settlement conference, a formal hearing process may be commenced according to Sections 42-1701A(1) and (2), Idaho Code and the Department's Rules of Procedure. Copies of Idaho Code and the Department's rules are available upon request or by accessing the Department's website at: www.idwr.idaho.gov. The Department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

If necessary, the hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. The hearing officer will be designated in a notice of prehearing conference that commences the formal hearing process.

AMERICANS WITH DISABILITIES ACT

Any scheduled conferences or hearing will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the Department no later than ten (10) days prior to the conference or hearing.

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING INVOICE

Date: 07/28/2022
INVOICE NO. 169676
Account No. 964750
Description 169676 The foll
Times 2
Lines 58
Tab. lines
$ 169.65

Sold To: ID DEPT OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

RECEIVED
AUG 03 2022
IDWR/NORTH

PO# Alleman, Tammy

NOTICE:This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

169676

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

85-15837
MARK WITTMAN JOAN WITTMAN
6045 CACTUS LN LEWISTON, ID 83501-5197
Point of Diversion NESE
S23 T35N R06W
NEZ PERCE County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.03 CFS
Use: IRRIGATION
02/15 to 11/30 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 05-26-2022
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER
T35N R06W S23
NESE, SESE
Place Of Use: DOMESTIC, IRRIGATION, STOCKWATER
T35N R06W S24
NWSW, SWSW
Total Acres: 10

86-12155
DIXIE ANN WOLFF
533 PRESTON AVE LEWISTON, ID 83501-4338
Point of Diversion L16(SENESE)
S6 T36N R03W
NEZ PERCE County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-16-2022
Place Of Use: DOMESTIC
T36N R03W S5
L7(NESE), L7(NWSE), SWNE, L8(SENE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; 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, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 8/8/2022. The protestant must also send a copy of the protest to the applicant.

TERESA M NITCY
NOTARY PUBLIC
Comm No. 41543
STATE OF IDAHO

GARY SPACKMAN, Director
Published on 7/21/2022 and 7/28/2022

AFFIDAVIT OF PUBLICATION

S KELLAM , being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 169676 The foll attached hereto and which is made a part of this affadavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 07/21 , or once a Week for 2 consecutive Weeks the first publication thereof being on the 07/21/2022 , and the last publication thereof being on the 07/28/2022 , and said 169676 The foll was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

Skellam

State of Idaho
S.S.
County of Nez Perce

On this 29 day of July in the year of 2022, before me, a Notary Public, personally appeared S KELLAM , 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 in and for the State of Idaho, residing at Lewiston therein
Commission Expires 1/23/28

SCANNED
AUG 09 2022

Alleman, Tammy

From: Price, Fredric W <fwprice@blm.gov>
Sent: Monday, July 11, 2022 10:52 AM
To: Alleman, Tammy
Cc: Madenford, Gary A; McCrea, Sandra L
Subject: Re: [EXTERNAL] Protest for 86-12155 Dixie Ann Wolff

Tammy,

RE: 86-12155 Dixie Ann Wolff: BLM Protest

I see now that your July 8th email contained the Amended Application stamped June 21st. The amendments change: the purpose of use from irrigation to domestic; season of use; and included additional places of use (POU) on private land.

BLM's protest was about legal access to the point of diversion (POD) and conveyance of a new water use across federal land; therefore, these amendments don't change the analysis for BLM. After amendment of the application, BLM's protest remains the same.

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709-1657
(208) 373-3831
fwprice@blm.gov

From: Price, Fredric W <fwprice@blm.gov>
Sent: Friday, July 8, 2022 1:09 PM
To: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Cc: Stevenson, Charles M <cstevenson@blm.gov>; Johnson, Craig A <cajohnson@blm.gov>; Madenford, Gary A <gmadenford@blm.gov>; McCrea, Sandra L <smccrea@blm.gov>
Subject: Re: [EXTERNAL] Protest for 86-12155 Dixie Ann Wolff

Tammy,

RE: 86-12155, Wolff

Thank you for the emails concerning this application. This proposal resides within BLM's Cottonwood Field Office and the water rights contact in that office is Craig A. Johnson. Mike Stevenson is in our Coeur d'Alene Field Office.

The amended application does not appear to be available on your website yet. Can you email it to me?

Fredric W. Price
Water Rights Specialist
BLM, Idaho State Office
1387 S. Vinnell Way

SCANNED
JUL 13 2022

Boise, Idaho 83709-1657
(208) 373-3831
fwprice@blm.gov

From: Alleman, Tammy <Tammy.Alleman@idwr.idaho.gov>
Sent: Friday, July 8, 2022 12:45 PM
To: Stevenson, Charles M <cstevenson@blm.gov>; Price, Fredric W <fwprice@blm.gov>
Subject: [EXTERNAL] Protest for 86-12155 Dixie Ann Wolff

Good afternoon,

We received your protest regarding the Application 86-12155 for Dixie Ann Wolff. In the interim, she has revised her application and I have no idea if it answered any of your concerns on the protest. I will consider the Protest valid and will send out Protest Acknowledgement Letters after August 8th which is the Protest deadline on the revised application. If the revisions satisfied the protest, you can complete the Protest Withdrawal form I have attached to the email. If not, we will wait to see if we get any other protests and send out the letters.

Thank you,

Tammy

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
JUL 13 2022

RECEIVED
JUL 05 2022
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST
86-12155

JUL 12 2022
IDWR / NORTH

July 5, 2022

1. Matter being protested
Application for Permit No. **86-12155** filed by Dixie Anne Wolff

2. Name of protestant
United States Department of the Interior
Bureau of Land Management
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

3. Protestant's Representative for service (if different than protestant)
Fredric W. Price (contact person)

4. Service mailing address
same as above

5. Service telephone no.
(208) 373-3831

6. Basis of protest (including statement of facts and law upon which the protest is based).
Application for Permit 86-12155 ("Application") describes a legal land description under the Point of Diversion ("POD") which entirely describes federal land managed by the Bureau of Land Management ("BLM") located within T36N, R03W, S06, Lot 16 (NESE) (BLM land). The route (pipeline) also appears to include both federal lands managed by BLM (T36N, R03W, S06, Lot 16 (NESE)) and private lands. The applicant is not authorized to access the POD located on federal land nor transport water across federal land for the uses proposed under this application.

The application states authorization of POD by use under existing water right 86-12073. This appears to be incorrect as the application map appears to show a new POD proposed located south of the existing POD under existing water right 86-12073. Although the Applicant may possibly hold an inferred ROW under the Act of 1866 for the existing water right, an approved FLPMA ROW is required to access any POD(s) on federal land and also transport water across federal land for the irrigation use proposed under this application. Access to POD(s) on federal land proposed under this new application is in trespass.

Unauthorized use of federal land is a prohibited act (43 CFR §2808.10(a)). A water right also cannot be established in trespass (See e.g., *In RE General Determination of Rights to Use of Surface and Ground Waters of Payette River,* 107 Idaho 221, 687 P.2d 1348, 1353 (1984); citing, *Lemmon v. Hardy,* 95 Idaho 778, 519 P.2d 1168 (1974); *Jones v. McIntire,* 60 Idaho 338, 91 P.2d 373 (1939); *Bachman v. Reynolds Irrigation Dist.,* 56 Idaho 507, 55 P.2d 1314 (1936); *Short v. Praisewater*, 35 Idaho 691, 208 P. 844 (1922); *Rabido v. Furey,* 33 Idaho 56, 190 P. 73 (1920); *Bassett v. Swenson,* 51 Idaho 256, 5 P.2d 722 (1931)).

SCANNED
JUL 13 2022

In the Innovative Mitigation Solutions case (37-22852), the application for permit was rejected by IDWR because "there is no information in the record demonstrating the Applicant has legal access to the property necessary to operate the project proposed in Application 37-22852, or authority to exercise imminent domain authority to obtain such access. Protestants are entitled to judgment as a matter of law that Application 37-22852 was not filed in good faith. See IDAPA 37.03.08.45.01.c.i."

7. What would resolve your protest?

BLM's protest can be resolved by:

1.) Withdraw the application; or

2.) a) Applicant seeks and obtains a BLM issued Right-of-Way (ROW") to access the POD on federal land and transport water across federal land proposed under Application for Permit 86-12155; and

b) Add the following limiting conditions to the permit:

i) "Prior to diversion and use of water under this approval, the right holder shall obtain authorization necessary to access the point of diversion, or place of use, or to convey water across federal lands."

ii) "This right does not grant any right-of-way or easement across the land of another.

I hereby, acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 5th day of July 2022.

Protestant
Fredric W. Price
Water Rights Lead
Protestant's Representative

Attachments:

- ♦Maps prepared by BLM for illustrative purposes.
- ♦Master Title Plats: T36N, R03W

FOR DEPARTMENT USE ONLY

Received by _____ Date _____

Fee Paid $25.00 Date 7/5/22 Receipted by KM Receipt # C113393

SCANNED
JUL 1 5 2022

CERTIFICATE OF SERVICE

I certify that on July 5th, 2022, I served a true and correct copy of the **Protest of Application for Permit No. 86-12155** with enclosures upon the following individuals by placing the documents in the United States mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Shelley Keen, Water Allocation Bureau Chief
Idaho Department of Water Resources (IDWR)
Idaho State Office
322 East Front Street, Ste. 648
Boise, Idaho 83702-7371

Copies to:

M. Richman, Regional Manager
IDWR Northern
7600 North Mineral Drive, STE 100
Coeur d'Alene, Idaho 83815-7763

Dixie Anne Wolff
533 Preston Ave.
Lewiston, Idaho 83501-4338

Craig A. Johnson, Fishery Biologist
Curt Otto, Realty Specialist
U.S., Department of the Interior
Bureau of Land Management
Cottonwood Field Office
2 Butte Drive
Cottonwood, Idaho 83522-5200

SANDRA MCCREA
Person Serving Documents (print name)

SCANNED
JUL 13 2022

IDA[redacted] DEPARTMENT OF WATER RESOURCES
APP[redacted]RIATION APPLICATION ANALYSIS SHEET

OK to Publish AF

N.R. # 86 - 12155 APPLICATION ID # 86241 ENT. GR BCA JA

APPLICANT DIXIE ANNE WOLFF INITIAL REVIEW BY GB DATE 5/17/2022

ITEM	REQUIRED INFORMATION
1	(✓) Name and Address
2	(✓) Source
3	(✓) Point of Diversion & County
4	(✓) Quantity
5	(✓) Nature of Proposed Use
6	(✓) Period of Use
7	(✓) Total Quantity
8	(✓) Description of diverting works
9	(✓) Time required for b/u
10	(✓) Proposed use
11	(✓) Place of use or acres irrigated
12	(✓) Other water Rights
13	(✓) Ownership
14	(✓) Map
15	(✓) Signature
16	(✓) Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y ( ) N ( )

PROCESSING (Yes)(No)

PRIORITY DATE 5/16/2022

___ ✓ (Include Moratorium Remark)
___ ✓ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af)

ADVERTISE IN NEZ PERCE County

Newspaper: Lewiston Tribune
Dates scheduled for publication 7-21-22 & 7-28-22
Affidavit of Publication received: 8-3-22
Dates actually published 7-21-22 & 7-28-22
Application published correctly Yes Y No ___
If not, action taken ___
Final Date for Protest: August 8, 2022
Protests Received Yes ___ No ___

LETTERS SENT REQUESTING
( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other: ___

INFORMATION RECEIVED
( ) Dam Information ( ) Fish Information
( ) Power Information ( ) Other: ___

(Nez Perce Tribe ~~NEZ PERCE TRIBE~~ BLM, F&G, DEQ)

ADDITIONAL INFORMATION (Yes)(No)

✓ ___ Shape File Created Date 5/17/2022 By: GB
___ ___ Field check by ___
___ ___ Field report attached
___ ___ Analysis Supp Attached (>5cfs/500af)
___ ___ Water delivered by water master? Water District # ___

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type	Fees	Receipt No	Upgrade Needed?
___	___	Dom ___ Non-Dom ___	Paid $___	___	Y ( ) N ( )
___	___	Dom ___ Non-Dom ___	Paid $___	___	Y ( ) N ( )
___	___	Dom ___ Non-Dom ___	Paid $___	___	Y ( ) N ( )

___ ___ Groundwater management area
___ ___ Critical ground water area
___ ___ Well Drilling Permit required
___ ___ Well Drilling Application and Fees received
___ ___ Well Drilling Application approved?

Remarks ___

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

___ ___ Notice of pending void order issued. Final order response date ___/___/___
___ ___ Further information required from applicant ___

___ ___ Measuring device required
___ ___ Measuring port required
___ ___ Special conditions Fee w/ 86-12073
___ ___ Special conditions of approval supplement and/or cover letter attached: ___

Approval Recommended by: [signature] Date 11/22/2022 Sr. Agent initial ___

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 8, 2022

DIXIE ANN WOLFF
533 PRESTON AVE
LEWISTON, ID 83501-4338

RE: Application for Permit No. 86-12155

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the LEWISTON TRIBUNE on 7/21/2022 and 7/28/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Tammy Alleman

Tammy Alleman
Administrative Assistant

SCANNED
JUL 13 2022

Alleman, Tammy

From: Alleman, Tammy
Sent: Friday, July 8, 2022 11:40 AM
To: Hickey,Clay; Sujata Connell; cstevenson@blm.gov; Price, Fredric; AllisonL@nezperce.org
Subject: Request for Comments for the REVISED WR Application #86-12155
Attachments: 86-12155 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), 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. The deadline for comments on the applications is August 8, 2022.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Thank you,

Tammy

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
JUL 13 2022

Alleman, Tammy

From: Alleman, Tammy
Sent: Friday, July 8, 2022 11:28 AM
To: legals@lmtribune.com
Subject: Legal Notice
Attachments: Legal Notice for 85-15837 & 86-12155.docx

Please publish the enclosed legal notice in the **Lewiston Tribune** on the dates indicated **July 21st & July 28th, 2022** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **August 8, 2022.** Your cooperation is appreciated.

Thank you,

Tammy

IDAHO DEPARTMENT OF WATER RESOURCES

Tammy Alleman | Administrative Assistant
Idaho Department of Water Resources
Northern Regional Office
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800

SCANNED
JUL 13 2022

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

85-15837
MARK WITTMAN
JOAN WITTMAN
6045 CACTUS LN
LEWISTON, ID 83501-5197
Point of Diversion NESE
S23 T35N R06W
NEZ PERCE County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Use: STOCKWATER
01/01 to 12/31 0.03 CFS
Use: IRRIGATION
02/15 to 11/30 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 05-26-2022
Place Of Use: DOMESTIC,IRRIGATION,STOCKWATER
T35N R06W S23
NESE,SESE
Place Of Use: DOMESTIC,IRRIGATION,STOCKWATER
T35N R06W S24
NWSW,SWSW
Total Acres: 10

86-12155
DIXIE ANN WOLFF
533 PRESTON AVE
LEWISTON, ID 83501-4338
Point of Diversion L16(SENESE)
S6 T36N R03W
NEZ PERCE County
Source SPRING
Tributary SINKS
Use: DOMESTIC
01/01 to 12/31
Total Diversion: 0.04 CFS
Date Filed: 05-16-2022
Place Of Use: DOMESTIC
T36N R03W S5
L7(NESE),L7(NWSE),SWNE,L8(SENE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; 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, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 8/8/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 7/21/2022 and 7/28/2022

SCANNED
JUL 13 2022

Alleman, Tammy

From: Steading, Natalie
Sent: Monday, June 13, 2022 3:08 PM
To: Alleman, Tammy
Subject: FW: Application for permit 86-12155

From: Steading, Natalie
Sent: Monday, June 13, 2022 3:05 PM
To: Hickey,Clay <clay.hickey@idfg.idaho.gov>; Sujata Connell <Sujata.Connell@deq.idaho.gov>; Alison Lebeda <allisonl@nezperce.org>; cstevenson@blm.gov
Subject: RE: Application for permit 86-12155

Dear Interested Agencies:

The applicant has pulled their application pending requested revisions on their part.

Natalie Steading
Idaho Dept. of Water Resources, Northern
7600 N Mineral Dr, Ste 100
Coeur d'Alene ID 83815
Ph: (208) 762-2800
Fax: (208) 762-2819

From: Steading, Natalie
Sent: Tuesday, June 7, 2022 4:10 PM
To: Hickey,Clay <clay.hickey@idfg.idaho.gov>; Sujata Connell <Sujata.Connell@deq.idaho.gov>; Alison Lebeda <allisonl@nezperce.org>; cstevenson@blm.gov
Subject: Application for permit 86-12155

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), 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. The deadline for comments on the applications is July 5, 2022.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

SCANNED
JUL 13 2022

Natalie Steading
Idaho Dept. of Water Resources, Northern
7600 N Mineral Dr, Ste 100
Coeur d'Alene ID 83815
Ph: (208) 762-2800
Fax: (208) 762-2819

IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763
Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 7, 2022

DIXIE ANNE WOLFF
533 PRESTON AVE
LEWISTON, ID 83501-4338

RE: Application for Permit No. 86-12155

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the LEWISTON TRIBUNE on 6/16/2022 and 6/23/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Natalie Steading

Natalie Steading
Technical Records Specialist

SCANNED
JUL 13 2022

Steading, Natalie

From: Steading, Natalie
Sent: Tuesday, June 7, 2022 4:10 PM
To: Hickey,Clay; Sujata Connell; Alison Lebeda; cstevenson@blm.gov
Subject: Application for permit 86-12155
Attachments: APPLICATION FOR PERMIT 86-12155.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right Permit application. You can find copies of the application at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application(s), 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. The deadline for comments on the applications is July 5, 2022.

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the Permit application.

Natalie Steading
Idaho Dept. of Water Resources, Northern
7600 N Mineral Dr, Ste 100
Coeur d'Alene ID 83815
Ph: (208) 762-2800
Fax: (208) 762-2819

SCANNED
JUL 13 2022

Steading, Natalie

From: Steading, Natalie
Sent: Tuesday, June 7, 2022 4:03 PM
To: legals@lmtribune.com
Subject: Legal Notice 86-12155, affidavit date correction
Attachments: tmp39FD.docx

Hello,

I apologize—the affidavit of publication and bill should be submitted to the Department before July 5th. I've also amended the legal notice. Please use this one instead.

Sincerely,

Natalie Steading
Idaho Dept. of Water Resources, Northern
7600 N Mineral Dr, Ste 100
Coeur d'Alene ID 83815
Ph: (208) 762-2800
Fax: (208) 762-2819

SCANNED
JUL 13 2022

Steading, Natalie

From: Steading, Natalie
Sent: Tuesday, June 7, 2022 3:35 PM
To: legals@lmtribune.com
Subject: Legal Notice 86-12155
Attachments: tmp39FD.docx

Please publish the enclosed legal notice in the **Lewiston Tribune** on the dates indicated **June 16, 2022 & June 23, 2022** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before July 4, 2022. Your cooperation is appreciated.

Sincerely,

Natalie Steading
Idaho Dept. of Water Resources, Northern
7600 N Mineral Dr, Ste 100
Coeur d'Alene ID 83815
Ph: (208) 762-2800
Fax: (208) 762-2819

SCANNED
JUL 13 2022

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
86-12155
DIXIE ANNE WOLFF
533 PRESTON AVE
LEWISTON, ID 83501-4338
Point of Diversion L16(SENESE)
S6 T36N R03W
NEZ PERCE County
Source SPRING Tributary SINKS
Use: IRRIGATION
02/15 to 11/30 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 05-16-2022
Place Of Use: IRRIGATION
T36N R03W S5
L7(NWSE),SWNE
Total Acres: 1

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Northern office at (208)762-2800; 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, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of $25.00 for each application on or before 7/5/2022. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 6/16/2022 and 6/23/2022

SCANNED
JUL 13 2022

Bates, Luke

From: Allison Lebeda <AllisonL@nezperce.org>
Sent: Monday, May 23, 2022 10:32 AM
To: Bates, Luke
Subject: RE: IDWR application for permit

Luke,

Thank you so much for reaching out. I appreciate it. I asked a couple of people from NPT's Land Services Division to look at this as well. We all believe that the POD is on Bureau of Land Management land.

The main take-home: no issues for the applicant to develop this spring due to ownership concerns. Again, I really appreciate you reaching out and please don't hesitate to reach out in the future if you think there could be contention due to ownership concerns.
Thanks,
Allison

From: Bates, Luke <Luke.Bates@idwr.idaho.gov>
Sent: Friday, May 20, 2022 3:01 PM
To: Allison Lebeda <AllisonL@nezperce.org>
Subject: IDWR application for permit

Allison,
Good afternoon. IDWR received an application for permit from Dixie Anne Wolff, and are preparing to run it for advertising.

I wanted to inquire informally with the Tribe prior to see if there were any issues that would preclude the applicant from using the spring source.

Step No. 11.a & 11.c explain who owns the property at the point of diversion POD, and what gives them authorization to access the POD. In this case Bureau of Indian Affairs is shown as the owner at the POD, and the applicant has a decreed water right with the same diverting works from the existing spring source.

Please do give me a call at your convenience to discuss, as it would be easier for me to explain what IDWR is concerned with about this type of scenario.

Thanks, and enjoy the weekend!

Luke Bates
Water Resource Agent
Northern Region
P: 208-762-2817

Idaho Department of Water Resources
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815-7763

SCANNED
JUL 13 2022