

State of Idaho
Department of Water Resources
Amendment of Permit
No. 65-23621

Priority: August 12, 2015

Maximum Diversion Volume: 10.0 AF

This is to certify that

MARC HODGES 14115 RUSKA RD MCCALL ID 83638-1200 AND/OR
ALYSON HODGES 14115 RUSKA RD MCCALL ID 83638-1200

has applied to amend a permit, and the amendment is APPROVED for development of water as follows:

Source : GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
STOCKWATER STORAGE	01/01 to 12/31		10.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31		10.0 AF
FIRE PROTECTION FROM STORAGE	01/01 to 12/31		10.0 AF

Location of Point(s) of Diversion

GROUND WATER SW¼ NE¼, Sec. 26, Twp 18N, Rge 03E, B.M. VALLEY County
GROUND WATER SW¼ NE¼, Sec. 26, Twp 18N, Rge 03E, B.M. VALLEY County

Place of Use: STOCKWATER STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
18N	03E	26			X															

Place of Use: FIRE PROTECTION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
18N	03E	26			X															

Place of Use: FIRE PROTECTION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
18N	03E	26			X															

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2026**.
2. Subject to all prior water rights.

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3. Right 65-23621 authorizes total annual storage volume of 10 acre-feet, 8.0 acre-feet to be used for the initial filling or carryover storage of the pond and 2.0 acre-feet for the replacement of losses caused by evaporation.
4. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 8.0 acre-feet or a total surface area of 1.0 acre.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
6. Water stored under this right is subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
7. Stockwater use is for 16 Yaks.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
10. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This amendment of permit is issued pursuant to the provisions of Idaho Code § 42-211.

Signed this 25th day of June, 2024.



SCOTT STORMS
Water Rights Supervisor

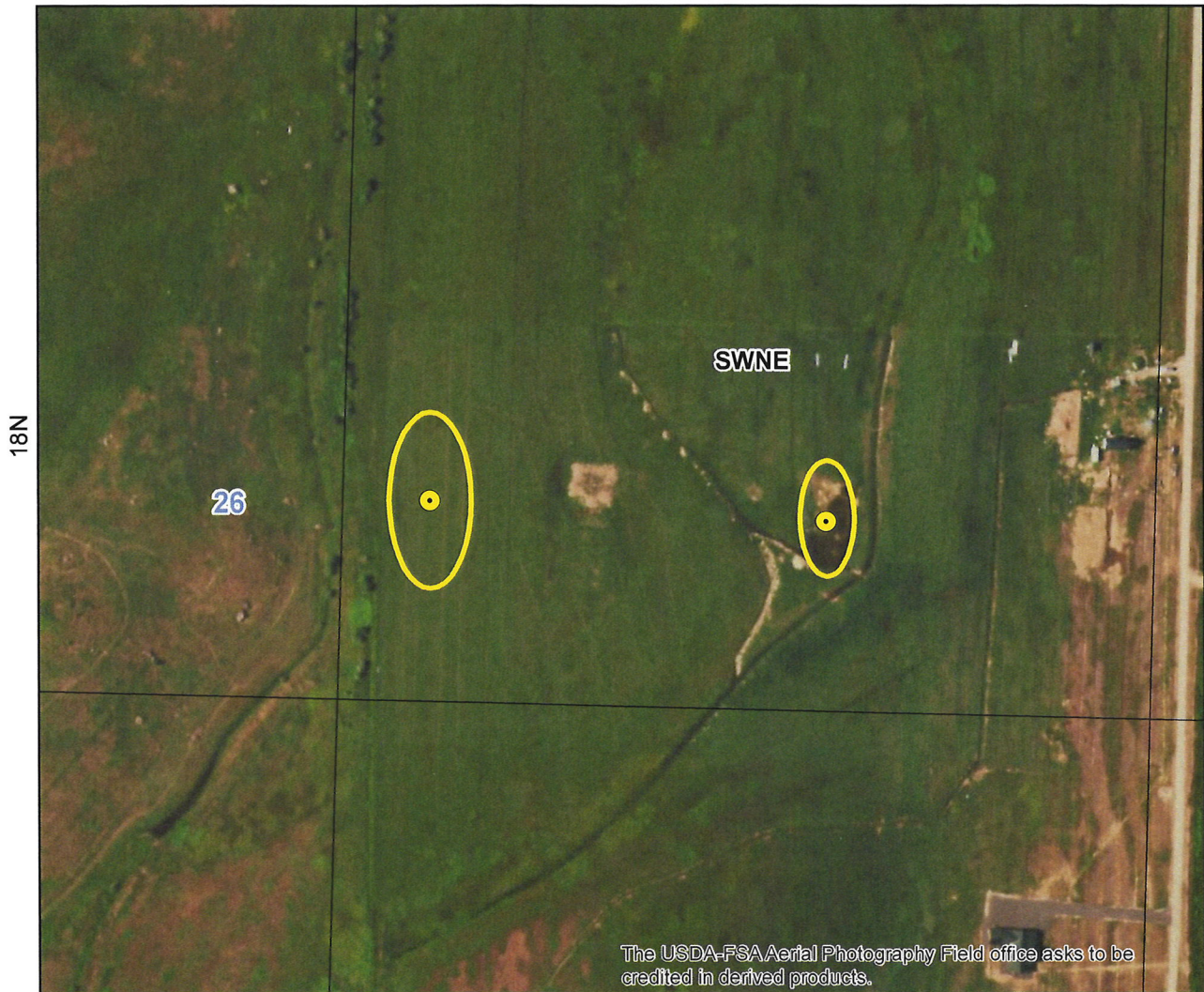
State of Idaho
Department of Water Resources

Attachment to Amendment of Permit

65-23621

This map depicts the STOCKWATER STORAGE & FIRE PROTECTION STORAGE 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.

03E



0 0.035 0.07 0.14 Miles

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



State of Idaho
Department of Water Resources

Attachment to Amendment of Permit

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This map depicts the FIRE PROTECTION FROM STORAGE 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.

03E



0 0.035 0.07 0.14 Miles

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



RECEIVED

MAY 24 2024

RECEIVED
MAY 23 2024
MAY 28 2024
WATER RESOURCES
WESTERN REGION
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPT. OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

RECEIVED
Incomplete
MAY 28 2024

Fee is \$100 per § 42-221C, Idaho Code

WATER RESOURCES
WESTERN REGION

Applicant(s) Marc and Alyson Hodges Phone (208) 800-1205
 Name connector(check one): ☐ and ☐ or ☐ and/or
 Mailing address 14115 Ruska Rd City McCall
 State ID Zip 83638 Email: marc@risenhomebuilders.com

I am the owner of Water Appropriation Permit No. 65-23621 and request that the permit be amended as follows:

- ☐ Change point of diversion ☐ Add point of diversion ☐ Change period of use
☐ Change nature of use ☐ Change place of use ☒ Other see below

1. Point of diversion: ☒ No changes to point(s) of diversion. Skip item #1 and proceed to #2.
☐ Attach Eastern Snake Plain Aquifer analysis if this proposes to change a point of diversion affecting the ESPA.

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #

2. Period and nature of use: ☒ No changes to period and/or nature of use. Skip item #2 and proceed to #3.

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year) (water use) (month/day) (month/day)

3. Place of use or land to be irrigated: ☒ No changes to place of use. Skip item #3 and proceed to #4.

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use)

4. **Property ownership:** ☒ No changes to point of diversion and/or place of use. Skip item #4 and proceed to #5.

a. Who owns the property at the point of diversion? _____

b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

5. **Describe the proposed change in narrative form:**

Existing permit allows for one stock/fire protection pond of approx 1 acre in extent with max depth of 16' and average depth of 8'. This pond has been constructed to about 0.28 acre in extent at this time. The pond is located near the middle of the lot. Request is hereby made to limit this pond to about 0.3 acre and construct the remaining 0.7 acre of pond at a location on the western edge of the same lot. This will allow stock access after cross fencing as well as better distribution of fire protection. The total amount of water in the two smaller ponds remains the same as if it were one large pond as currently permitted.

6. **Map:** ☐ The point(s) of diversion and/or the place of use are not amended, therefore a map is not attached.

Attach a map showing the proposed point(s) of diversion and/or place(s) of use. Clearly label the map with township, range, section, and ¼ ¼ of section information. A photocopy of a USGS 7.5 minute topographic quadrangle is commonly used, or the *Map Tool* available on the Department website provides a satisfactory template for creating the required map (<http://maps.idwr.idaho.gov/TransferApplicationLayouts/Map>).

- MAP ATTACHED -

7. **Signature:**

The information in this application is true to the best of my knowledge. I understand that any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



Signature of applicant or authorized agent

MARC HODGES

Print name (and title, if applicable) 05/21/24
Date

(ALYSON HODGES)

Signature of applicant or authorized agent
BY MARC HODGES PER
AUTHORIZATION

ALYSON HODGES

Print name (and title, if applicable) 05/21/24
Date

FOR DEPARTMENT USE ONLY

Received by KM

Date 5.24.24

Received by KM

Date 5.24.24 Receipt No. C118373

Reviewed by _____

Date _____

Map for Application for Amendment of Permit 65-23621
Marc and Alyson Hodges, 14115 Ruska Rd, McCall ID 83638





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

June 28, 2024

ALYSON AND MARC HODGES
14115 RUSKA RD
MCCALL, ID 83638-1200

RE: Amendment of Permit No. 65-23621

Amendment of Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Amendment of Permit approving your application to amend the water permit referenced above. Please be sure to thoroughly review every element of the Amendment of Permit, including all of the conditions of approval.

The Amendment of 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.

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 a change in ownership and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,

for Marina Bozdog
for Scott Storms

Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2024, I served a true and correct copy of Amendment of Permit No. 65-23621 by U.S. Mail, postage prepaid, to the following:

ALYSON AND MARC HODGES (Current Owners)
14115 RUSKA RD
MCCALL, ID 83638-1200



Marina Bozdog
Technical Records Specialist I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Rauhut, Manuel

From: Rauhut, Manuel
Sent: Wednesday, May 29, 2024 10:33 AM
To: marc@risenhomebuilders.com
Subject: Water Right Permit 65-23621
Attachments: Existing.pdf; Template.pdf

Dear Applicant –

We recently received an Application for Amendment of Permit for the referenced water right. Your proposed change will require a minor modification on your application since adding a second pond technically means adding a Point of Diversion.

For your convenience I created a template (attached) for you to use. You can either mark up Page 1 of your existing Application (attached), or print out a new Page 1 (link below) and complete all information on Page 1. There is no need to replicate Page 2 of the application.

You can scan it and email it back to me or send it to:

IDWR
2735 Airport Way
Boise, Idaho 83705

<https://idwr.idaho.gov/wp-content/uploads/sites/2/forms/waterrightsforms/Amendment-of-Permit-07-25-23.pdf>

Please let me know if you have any questions.

Thanks,
Manuel

