

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 77-14374

Priority: February 01, 2021

Maximum Diversion Rate: 0.04 CFS

This is to certify that

DENISE M NUXOLL PO BOX 442 COTTONWOOD ID 83522-0442

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**

DOMESTIC

**Period of Use**

01/01 to 12/31

**Rate of Diversion**

0.04 CFS

**Location of Point(s) of Diversion**

SPRING SW¼ SW¼ NE¼, Sec. 27, Twp 26N, Rge 08E, B.M. IDAHO 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 |        |
| 26N | 08E | 27  |    |    |    |    |    |    |    | X  | X  |    |    |    |    |    |    |    |        |

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2022**.
2. Subject to all prior water rights.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Prior to diversion and use of water under this approval, the right holder shall obtain Forest Service authorization necessary to access the point of diversion or place of use or to convey water across federal land.
6. Place of use is located within Lot 15, Blk. B; Crooked Creek Addition Subdivision.
7. Place of use is located in Mineral Survey No. 1416. The quarter-quarter description has been protracted from the adjacent public land survey.
8. Domestic use is for 1 home.
9. This right does not grant any right-of-way or easement across the land of another.
10. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.
11. 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.

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 77-14374

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

Signed this 22<sup>nd</sup> day of July, 2021.



NICK MILLER  
Western Regional Manager

State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

77-14374

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.

08E



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

0 0.035 0.07 0.14 Miles





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little  
Governor

Gary Spackman  
Director

July 22, 2021

DENISE M NUXOLL  
PO BOX 442  
COTTONWOOD ID 83522-0442

RE: Permit No. 77-14374

### Permit Approval Notice

Dear Permit Holder:

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

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

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

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

**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](http://www.idwr.idaho.gov).**

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,

  
DENISE LAUERMAN

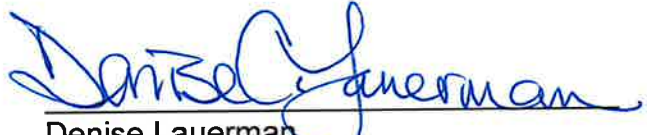
for Nick Miller  
Western Regional Manager

Enclosures

## CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2021, I served a true and correct copy of Permit to Appropriate Water No. 77-14374 by U.S. Mail, postage prepaid, to the following:

DENISE M NUXOLL (Current Owner)  
PO BOX 442  
COTTONWOOD ID 83522-0442



Denise Lauerman  
Administrative Assistant

## **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.

# MEMORANDUM

June 14, 2021

Application for Permit: 77-14374

Author: ABradbury

Subject: Comments on Special Use Permit

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I spoke with Ryan Domsalla, (928) 551-1603, of the US Forest Service concerning special use permit no. 5163-01. He reported that Denise Nuxoll is in contact with him and working on obtaining a special use permit. The old special use permit will be retired and a new special use permit issued in her name upon receiving her permit to appropriate water from IDWR.

## Bradbury, Allen

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**From:** Bradbury, Allen  
**Sent:** Tuesday, May 18, 2021 9:55 AM  
**To:** 'dnuxoll@gmail.com'  
**Subject:** RE: Application for Permit No. 77-14374, 57-12067

Denise,

I just got a message from Zac Swearingen, he said that the Elk City Ranger Station is the place to call for your area. Here is the contact info.

Red River Ranger District/Elk City Ranger Station  
300 American River Road  
Elk City, ID 83525  
208-842-2245  
FAX:208-842-2150

Office hours: 7:30 a.m. to 4:00 p.m. (Pacific Time), Monday - Friday

District Ranger: Terry Nevius (208) 842-2245

Allen

**From:** dnuxoll@gmail.com [mailto:dnuxoll@gmail.com]  
**Sent:** Monday, May 17, 2021 2:07 PM  
**To:** Bradbury, Allen <Allen.Bradbury@idwr.idaho.gov>; Zachary Swearingen <zachary.swearingen@idfg.idaho.gov>  
**Subject:** Fwd: Application for Permit No. 77-14374, 57-12067

Hello Allen

I spoke with Zachary Swearingen at Idaho Fish and Game. He said he wanted you to call him at 208-799-5010 or email him.

Thanks  
Denise

Sent from my iPhone

Begin forwarded message:

**From:** [dnuxoll@gmail.com](mailto:dnuxoll@gmail.com)  
**Date:** May 17, 2021 at 12:58:11 PM PDT  
**To:** Zachary Swearingen <[zachary.swearingen@idfg.idaho.gov](mailto:zachary.swearingen@idfg.idaho.gov)>  
**Subject:** Fwd: Application for Permit No. 77-14374, 57-12067

Sent from my iPhone

Begin forwarded message:

**From:** "Bradbury, Allen" <[Allen.Bradbury@idwr.idaho.gov](mailto:Allen.Bradbury@idwr.idaho.gov)>  
**Date:** May 17, 2021 at 12:06:07 PM PDT  
**To:** [dnuxoll@gmail.com](mailto:dnuxoll@gmail.com)  
**Subject:** RE: Application for Permit No. 77-14374, 57-12067

Here is a copy of the letter.

Allen

**From:** [dnuxoll@gmail.com](mailto:dnuxoll@gmail.com) [<mailto:dnuxoll@gmail.com>]  
**Sent:** Monday, May 17, 2021 12:49 PM  
**To:** Bradbury, Allen <[Allen.Bradbury@idwr.idaho.gov](mailto:Allen.Bradbury@idwr.idaho.gov)>  
**Subject:** Re: Application for Permit No. 77-14374, 57-12067

Can you email me a copy of letter you sent so I can figure out what I need to do.

Thanks Denise

Sent from my iPhone

On May 17, 2021, at 10:46 AM, [dnuxoll@gmail.com](mailto:dnuxoll@gmail.com) wrote:

What do I need to do?

Denise

Sent from my iPhone

On May 17, 2021, at 10:44 AM, Bradbury, Allen  
<[Allen.Bradbury@idwr.idaho.gov](mailto:Allen.Bradbury@idwr.idaho.gov)> wrote:

Thanks Denise;

It looks like this is the letter from Idaho Department of Fish and Game. Which we did receive. However, I still need information concerning your special use permit with the US Forest Service. This is probably through the Nez Perce-Clearwater National Forest.

Allen

Allen Bradbury | Water Resource Agent, Sr.  
Idaho Department of Water Resources - Western  
P: 208-334-2190 | E: [Allen.Bradbury@idwr.idaho.gov](mailto:Allen.Bradbury@idwr.idaho.gov)

**From:** [dnuxoll@gmail.com](mailto:dnuxoll@gmail.com) [<mailto:dnuxoll@gmail.com>]  
**Sent:** Monday, May 17, 2021 11:11 AM  
**To:** Bradbury, Allen <[Allen.Bradbury@idwr.idaho.gov](mailto:Allen.Bradbury@idwr.idaho.gov)>  
**Subject:** Fwd: Application for Permit No. 77-14374, 57-12067

Sent from my iPhone

Begin forwarded message:

**From:** [dnuxoll@gmail.com](mailto:dnuxoll@gmail.com)  
**Date:** April 27, 2021 at 8:00:32 PM PDT  
**To:** "Swearingen,Zachary"  
<[zachary.swearingen@idfg.idaho.gov](mailto:zachary.swearingen@idfg.idaho.gov)>  
**Subject:** Re: Application for Permit No.  
77-14374, 57-12067

Thanks

Sent from my iPhone

On Apr 27, 2021, at  
3:34 PM,  
Swearingen,Zachary  
<[zachary.swearingen@idfg.idaho.gov](mailto:zachary.swearingen@idfg.idaho.gov)> wrote:

Attached is the  
recommendation form  
for application 77-  
14374.

Thank you for the  
opportunity to review.

Zach Swearingen  
Environmental Staff  
Biologist  
Idaho Department of  
Fish and Game -  
Clearwater Region  
3316 16th St  
Lewiston, ID 83501  
208-799-5010

<image001.gif>



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

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

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

May 14, 2021

DENISE M NUXOLL  
PO BOX 442  
COTTONWOOD, ID 83522-0442

COPY

RE: Application for Permit 77-14734

Dear Ms. Nuxoll:

Your Application for Permit 77-14374 recently completed advertising. The Idaho Department of Water Resources (Department) is continuing to process the application which requests surface water for Domestic purposes from a spring located on Nez Perce-Clearwater National Forest. However processing your permit cannot be completed without further documentation. Item 11c in the permit application indicates that you "will apply" for a special use permit. Since, the Departments water appropriation rule 45.01.c.ii requires that the applicant be "in the process of obtaining other permits." Please submit the following:

- A copy of the application for a special use permit with the U.S. Forest Service or confirmation from the Forest Service showing that you are in the process of obtaining a permit.

Because the Department cannot further process your permit without this documentation, we will hold any action on your permit pending receipt of the necessary documentation.

**Please provide the requested information within the next thirty (30) days.** Alternately, you may seek up to six months additional time to provide the information. **The application will be voided if a timely written response is not received.** A refund of the filing fee will not be issued for a voided application.

IDWR forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Thank you for your patience and cooperation. Please call (208)334-2190 if you have any questions concerning the enclosed information.

Regards,

Allen Bradbury  
Water Resource Agent, Sr.  
IDWR, Western Region

CC: Nez Perce-Clearwater National Forest

## MEMORANDUM

TO: Application No. 77 -14374

FROM: Allen Bradbury

DATE: May 12, 2021

RE: Salmon-Clearwater Processing, Basins 77-79 Western Region

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Application for Permit 77-14374 proposes to appropriate 0.04 cfs from a spring tributary to Crooked Creek for domestic purposes to one home and lawn up to ½ acre.

The project site is located near Edmonson Drive in Dixie, Idaho, Idaho County within the Wild and Scenic Rivers area about 15 miles northeast of the Salmon River along Crooked Creek.

Contact person for the application is Denise Nuxoll

### Wild & Scenic River (WSR) Processing

General Information – WSR processing applies to portions of Bs 77 and 78 but not to Bs 79. It is rarely expected in Bs 78 since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.<sup>1</sup>

Typically WSR issues would be in Bs 77 upstream from Long Tom Bar on the Salmon River, WSR right 77-11941.<sup>2</sup> This also incorporates the entire Middle Fork Salmon River drainage, MSR right 77-13844.<sup>3</sup>

WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application - WSR processing is required because the proposed source/diversion are upstream from and hydraulically connected to WSR rights 77-11941 &/or 77-13844. The WSR spreadsheet was updated, and the WSR legal notice remark was added to the database.

### Minimum Streamflow Rights (MSF)

General Information - MSF analysis applies to all surface water upstream<sup>4</sup> from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results.

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<sup>1</sup> POD: T23N-R1W-S12.

<sup>2</sup> POD: T25N-R5E-S31.

<sup>3</sup> POD: T23N-R16E-S33.

<sup>4</sup> Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

Downstream MSF right 3-8 on the Snake River<sup>5</sup> is not subordinate to “future dcmi” uses or “future non-dcmi (with cfs limits)” uses. Downstream Salmon River MSF right 79-14119<sup>6</sup> is subordinated to future dcmi uses but not to future non-dcmi uses.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses. None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application – MSF analysis is required for the proposed source and use because the proposed use is upstream MSF rights 3-8 and 79-14119.

This leads to the following MSF conclusions for this application:

- Senior MSF right 3-8 will not be subordinated to the proposed uses.
- Senior MSF right 79-14119 will be subordinated to the proposed dcmi use.

### Discussion

**Effect on Existing Water Rights:** This application is proposing minimal domestic use from a spring, it is not anticipated that the approval this application will have a negative impact on the existing water rights.

**Sufficiency of Water Supply:** There is no evidence to suggest that sufficiency of water supply is an issue for this proposal, so no rule 40 info was requested in regards to this matter.

**Good Faith, Delay or Speculative Purposes:** Since this application is for a domestic residence there is little concern of good faith, delay or speculative purposes for this proposal, thus no rule 40 info was requested in regards to the matter.

**Financial Resources:** No rule 40 information was requested concerning financial resources.

### **Local Public Interest:**

At advertising comments were sought from IDEQ, IDFG, IDWR Planning Bureau and USFS.

- IDFG does not oppose approval of this application, but did not provide any further comments.
- IDEQ offers the following comments. IDEQ assumes any water which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be ground water therefore having a connection to surface water through a hydrologic gradient. IDEQ further cites the State of Idaho Ground Water Management Plan, concerning existing and projected beneficial uses of ground water and interconnected surface water which are to be maintained and protected. While avoiding any degradation that would impair beneficial uses of ground water and interconnected surface water.
- IDWR Planning Bureau did not provide comment.
- USFS did not provide comment.

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<sup>5</sup> POD = T31N-R5W-S10.

<sup>6</sup> From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

### Conditions of Approval

In addition to typical standard conditions (004, 121 etc.).

Per WSR processing, part of Basin 77 & 78, no water district currently planned, use the following:

42-111 any source – possible lockable device, but no measuring device or data logger requirement.

- **199 standard** - Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.

RECEIVED

MAY 10 2021

**Affidavit of Publication**WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO, }  
County of Idaho, } ss.

I, STEVE A. WHERRY, being first duly sworn, depose and say that I am Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

2 weeks, being published 2 times, the

first publication being on the 22<sup>nd</sup> day of

April, 2021, and the last publication on the

29<sup>th</sup> day of April, 2021; and that

the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Steve A. Wherry

STATE OF IDAHO, }  
County of Idaho, }  
On this 5<sup>th</sup> day of May in the year of 2021,  
before me, a Notary Public, personally appeared Steve Wherry,  
know or identified to me to be the person whose name is 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.

Gregory A. Wherry  
Notary Public for Idaho  
Residing at Cottonwood, ID

My commission expires: 9/24/2026

**Notice**

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

77-14374  
DENISE M NUXOLL  
PO BOX 442  
COTTONWOOD, ID 83522-0442

Point of Diversion SWSWNE  
S27 T26N R08E IDAHO County  
Source SPRING Tributary  
CROOKED CREEK

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 02-01-2021

Place Of Use: DOMESTIC

T26N R08E S27 NESW, SENW

This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208)334-2190; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 5/10/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Cottonwood Chronicle on 4/22/2021 and 4/29/2021

✓ OK  
DL  
05.11.2021

RECEIVED

APR 27 2021

WATER RESOURCES  
WESTERN REGION

State of Idaho  
Department of Water Resources  
Application for Permit  
**RECOMMENDATION FORM**

**Application No.:** 77-14374

**Applicant's Name:** Denise M. Nuxoll

Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 27 day of April, 2021

Idaho Dept of Fish and Game



Signature

Zach Swearingen

Printed Name

RECEIVED

APR 15 2021

WATER RESOURCES  
WESTERN REGION



**STATE OF IDAHO**  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, ID 83501 • (208) 799-4370  
[www.deq.idaho.gov](http://www.deq.idaho.gov)

Brad Little, Governor  
Jess Byrne, Director

April 15, 2021

Idaho Department of Water Resources  
2735 W Airport Way  
Boise, ID 83705

Subject: Water Right Application #77-14374

We received a request for comment along with a copy of an application to appropriate 0.04 cubic feet per second of water from a spring on USFS managed land located in Idaho County. The spring is located in Township 26N, Range 08E, and Section 27. The water will be used for household purposes and irrigation from January 1 to December 31. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Because we assume any water of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be ground water (Idaho Code 58.01.02.010.45), we assume there to be hydrologic gradient connectivity to surface waters of the State. It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370, or by email at [Sujata.Connell@deq.idaho.gov](mailto:Sujata.Connell@deq.idaho.gov)

Sincerely,

A handwritten signature in cursive script that reads "Sujata Connell".

Sujata Connell  
Surface Water Quality Manager

c: Denise M. Nuxoll, Cottonwood, ID  
EDMS