

RECEIVED

APR 26 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 8 12113

IDWR/NORTH

1. Name of applicant(s) Warren R Case Phone 208-877-1614

Mailing address PO Box 105 City Deary

State ID ZIP 83823 Email Wrcase1614@gmail.com

2. Name of representative, if any _____ Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply Unnamed Stream / Surface Runoff which is a tributary of PINE CREEK

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
39N	02W	23			SE	SE	LATAH	unnamed stream/surf runoff	SMALL POND DAM
39N	02W	26			NE	NE	LATAH	unnamed stream/surf runoff	LARGE POND DAM

5. Water will be used for the following purposes:

Amount 45.1 AF for Fire Protection Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 12.6 AF for IRRIGATION STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 12.6 AF for Irrigation From Storage purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)

Amount 45.1 AF for RECREATION STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) 57.7 acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. 2 EA EXISTING PONDS WITH EARTHEN DAMS, SPRING OVERFLOW FROM PONDS TO PINE CREEK. 2 PODs, each accounting for 2 sources per pond

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity 2 ponds = 33.4 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by JL Date 4-26-21 Time _____ Preliminary check by _____

Fee \$ 25000 Receipted by JL Receipt No. ND36922 Date 4-26-21

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households _____
 - Other; describe fully. Fire protection storage & recreation storage in each of the 2 ponds; IRRIGATION STORAGE IN THE LARGEST POND ONLY & IRRIGATION FROM STORAGE FROM THE LARGEST POND ONLY.

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
39N	02W	23																F/R	storage
39N	02W	26	F/R																storage
39N	02W	23															0.7	1.7	2.4
39N	02W	26	0.8	1.0															1.8

Total number of acres to be irrigated: 4.2

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

11. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. APPLICANT PLANS TO USE EXISTING 2 PONDS FOR FIRE PROTECTION STORAGE AND RECREATION STORAGE PURPOSES. ADDITIONALLY, THE APPLICANT PLANS TO USE THE LARGEST POND FOR IRRIGATION STORAGE AND FROM STORAGE USE TO IRRIGATE THREE SMALL PLANTATIONS OF TREES EQUALING UP TO 4.2 ACRES.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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

Warren R Case
 Signature of Applicant

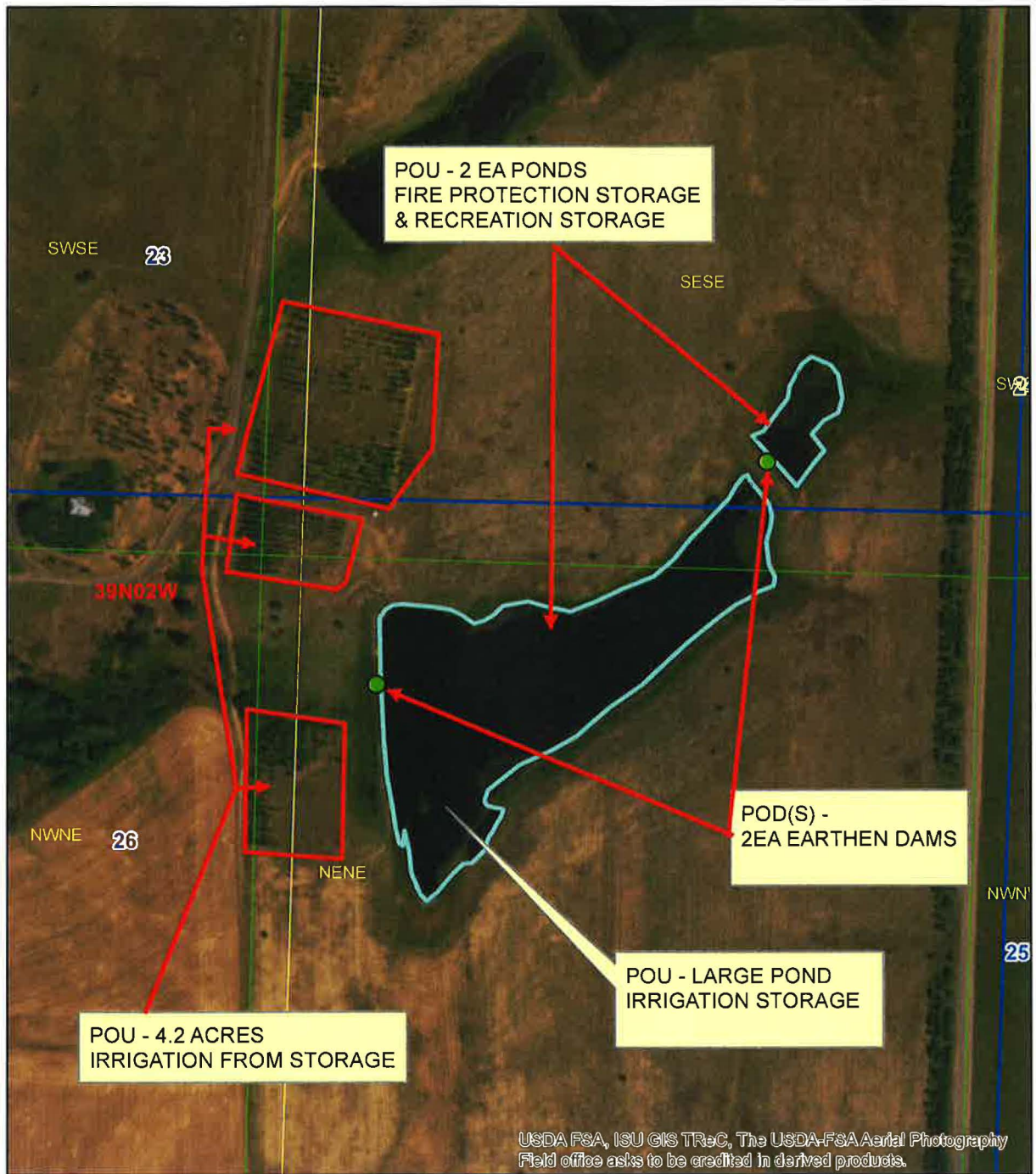
Warren R Case
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

Total Storage Calculations		
FILE NUMBER	WARREN CASE	This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.
REVIEWER	LUKE BATES	
DATE	3/10/2021	
LARGE POND		User Input Calculated value Formula Explanations
Print Page to PDF		
Surface Area (AC.)	4.8	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	6.8	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	32.6	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	12.6	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a from storage component if the from storage component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	5.3	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	5.9	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	56.4	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Total Storage Calculations		
FILE NUMBER	WARREN CASE	This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.
REVIEWER	LUKE BATES	
DATE	3/10/2021	
SMALL POND		User Input Calculated value Formula Explanations
Print Page to PDF		
Surface Area (AC.)	0.2	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	4	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	0.8	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a from storage component if the from storage component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.2	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	0.3	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	1.3	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.



Legend

- Protected
- Parcels
- Township/Range
- Sections
- QQ

0 0.0275 0.055 0.11 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

NORTHERN Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 11, 2021

WARREN R CASE
PO BOX 105
DEARY, ID 83823-0105

RE: Application for Permit No. 86-12111, 86-12112, 86-12113, & 86-12114

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 MOSCOW PULLMAN DAILY NEWS on 5/20/2021 and 5/27/2021. 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,

A handwritten signature in blue ink that reads 'Tammy Alleman'.

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, May 11, 2021 1:30 PM
To: 'Sujata.Connell@deq.idaho.gov'; 'Swearingen,Zachary'; 'commisioners'; 'Kara Egan'; 'jpiper@latah.id.us'
Subject: Request for Comments 86-12113

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 June 7, 2021.

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

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819*

Alleman, Tammy

From: Alleman, Tammy
Sent: Tuesday, May 11, 2021 1:18 PM
To: legals
Subject: Legal Notice
Attachments: Legal Notice for 86-12111 to 86-12114 & 87-12276.docx

Please publish the enclosed legal notice in the **Moscow Pullman Daily News** on the dates indicated **May 20th & May 27th, 2021** (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 **June 7, 2021**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone: (208) 762-2800
Fax (208) 762-2819*

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

86-12111

WARREN R CASE

PO BOX 105

DEARY, ID 83823-0105

Point of Diversion SWSE

S23 T39N R02W

LATAH County

Source SURFACE RUNOFF

Tributary SINKS

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 11.6 AF

Use: IRRIGATION STORAGE

01/01 to 12/31 7.2 AF

Use: RECREATION STORAGE

01/01 to 12/31 11.6 AF

Use: IRRIGATION FROM STORAGE

03/15 to 11/15 7.2 AF

Total Diversion: 18.8 AF

Date Filed: 04-26-2021

Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, RECREATION STORAGE

T39N R02W S23 SWSE

Place Of Use: IRRIGATION FROM STORAGE

T39N R02W S26

NENW,NWNE

Total Acres: 2.4

86-12112

WARREN R CASE

PO BOX 105

DEARY, ID 83823-0105

Point of Diversion NENW

S26 T39N R02W

LATAH County

Source SURFACE RUNOFF

Tributary SINKS

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 1 AF

Use: WILDLIFE STORAGE

01/01 to 12/31 1 AF

Use: RECREATION STORAGE

01/01 to 12/31 1 AF

Total Diversion: 1 AF

Date Filed: 04-26-2021

Place Of Use: FIRE PROTECTION STORAGE, RECREATION STORAGE, WILDLIFE STORAGE

T39N R02W S26 NENW

86-12113

WARREN R CASE

PO BOX 105

DEARY, ID 83823-0105

Point of Diversion SESE

S23 T39N R02W

LATAH County

Source UNNAMED STREAM

Tributary PINE CREEK

Point of Diversion NENE

S26 T39N R02W

LATAH County

Source UNNAMED STREAM

Tributary PINE CREEK

Use: IRRIGATION STORAGE

01/01 to 12/31 12.6 AF

Use: IRRIGATION FROM STORAGE

03/15 to 11/15 12.6 AF

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 45.1 AF

Use: RECREATION STORAGE

01/01 to 12/31 45.1 AF

Total Diversion: 57.7 AF
Date Filed: 04-26-2021
Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, RECREATION STORAGE
T39N R02W S23 SESE
Place Of Use: IRRIGATION FROM STORAGE
T39N R02W S23 SWSE
Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, RECREATION STORAGE
T39N R02W S26 NENE
Place Of Use: IRRIGATION FROM STORAGE
T39N R02W S26 NWNE
Total Acres: 4.2

86-12114

WARREN R CASE
PO BOX 105
DEARY, ID 83823-0105
Point of Diversion SESE
S23 T39N R02W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Point of Diversion SESE
S23 T39N R02W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Point of Diversion SESE
S23 T39N R02W
LATAH County
Source SURFACE RUNOFF
Tributary SINKS
Use: FIRE PROTECTION STORAGE
01/01 to 12/31 20.3 AF
Use: RECREATION STORAGE
01/01 to 12/31 20.3 AF
Use: IRRIGATION STORAGE
01/01 to 12/31 1.5 AF
Use: IRRIGATION FROM STORAGE
01/01 to 12/31 1.5 AF
Total Diversion: 21.8 AF
Date Filed: 04-26-2021
Place Of Use: FIRE PROTECTION STORAGE, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, RECREATION STORAGE
T39N R02W S23 SESE
Place Of Use: IRRIGATION FROM STORAGE
T39N R02W S23 SWSE

87-12276

DARREL WILKINS
PO BOX 101
PRINCETON, ID 83857-0101
Point of Diversion NWSE
S34 T41N R04W
LATAH County
Source SURFACE RUNOFF
Tributary HATTER CREEK
Point of Diversion NWSE
S34 T41N R04W
LATAH County
Source SURFACE RUNOFF
Tributary HATTER CREEK
Point of Diversion NWSE
S34 T41N R04W
LATAH County
Source SURFACE RUNOFF
Tributary HATTER CREEK
Point of Diversion SENE
S34 T41N R04W

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/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, 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 6/7/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 5/20/2021 and 5/27/2021

MEMORANDUM

To: Water Right Permit 86-12113

From: Luke Bates *lsb*

Date: 4/27/2021

Re: Application for a Permit to Appropriate Water within the State of Idaho.

An application for permit was received for multiple storage uses and irrigation from storage use incorporating two ponds in the name of Warren R Case on 4/26/2021. The application has both Surface Runoff and Unnamed Stream as the water source(s), tributary of Pine Creek (for both).

Upon review of the application map and the Arcmap DRG layer, IDWR staff has identified the surface runoff source is not substantiated assuming the following considerations: 1) Arcmap DRG layer shows an intermittent stream with head waters located just east of the smaller pond designated on the application for permit, with a flow channel intersected by the two ponds; 2) surface runoff would be tributary of "unnamed stream", which in this case is impounded within the pond(s) high water boundary. As a result all water impounded in the pond system shall be defined as Unnamed Stream, tributary of Pine Creek; 3) the application step No. 4 has two rows of data entered, with the source identifying "unnamed stream/surf runoff". While it is understood the two PODs are associated with two pond dams, if surface runoff is desired to be kept by the applicant, a revised application is required to be submitted with four (4) rows annotated in step No. 4 – 2 ea for the unnamed stream source, and 2 ea for the surface runoff source.

In conversation with the applicant, Mr. Case, the resolution decided upon is to remove the surface runoff source, and keep the unnamed stream source as the singular source for the application moving forward. Email correspondence verifying the applicant's decision is being added with this memo at time of application processing.

The application was assigned right No. 86-12113, and during processing in ADHOC, surface runoff was not included as a source, and the source of unnamed stream – tributary of Pine Creek was kept.

Bates, Luke

From: Warren Case <wrcase1614@gmail.com>
Sent: Tuesday, April 27, 2021 9:24 AM
To: Bates, Luke
Subject: Re: Pond application change in Source

RECEIVED

APR 27 2021

IDWR / NORTH

Ok. I agree to said change.

Sent from my iPhone

On Apr 27, 2021, at 8:09 AM, Bates, Luke <Luke.Bates@idwr.idaho.gov> wrote:

Good afternoon Mr. Case.

IDWR has received your 4ea applications for permit today, and I have been entering them in the system.

A question/concern arose from my supervisor regarding one of your applications (see attached); for Step 3 and 4 (source and tributary), the Department would like to remove "Surface Runoff – tributary of Pine Creek" as a source for this application. The reasoning is due to all surface runoff adjoining the unnamed stream, it then becomes unnamed stream flow, which you already have identified. As a result, the single Source qualifier is sufficient to apply to this application.

Having said, I need to verify you consent to the application moving forward to advertising review with 2ea Points of diversion, one per pond, with Source = Unnamed Stream tributary of Pine Creek.

You may respond to this email with your consideration for this change to your application.

If you have any questions, please do contact me directly to discuss.

Thank you,
Luke Bates
Water Resource Agent - IDWR
P: (208) 762-2800
Luke.bates@idwr.idaho.gov