

RECEIVED

FEB 01 2021

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESIdent. No. 77-14374

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES  
WESTERN REGION

1. Name of applicant(s) Denise M. Nuxoll Phone 208-816-2166  
 Mailing address PO Box 442 City Cottonwood  
 State Idaho ZIP 83522 Email dnuxoll@gmail.com  
 Name connector (check one): ☐ and ☐ or ☐ and/or
2. Name of representative, if any N/A 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 Spring which is a tributary of Sinks
4. Location of point(s) of diversion:

| Twp        | Rge        | Sec       | Govt Lot | 1/4       | 1/4       | 1/4       | County       | Source        | Local name or tag # |
|------------|------------|-----------|----------|-----------|-----------|-----------|--------------|---------------|---------------------|
| <u>26N</u> | <u>08E</u> | <u>27</u> |          | <u>SW</u> | <u>SW</u> | <u>NE</u> | <u>IDAHO</u> | <u>SPRING</u> |                     |
|            |            |           |          |           |           |           |              |               |                     |
|            |            |           |          |           |           |           |              |               |                     |
|            |            |           |          |           |           |           |              |               |                     |

5. Water will be used for the following purposes:  
 Amount .04 for Domestic Purposes purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. PVC Pipe
- b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ 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 LE Date 02/01/2021 Time 11:00 AM Preliminary check by AB  
 Fee \$ 100.00 Receipted by LE Receipt No. W049059 Date 02/01/2021

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 1
- Other; describe fully. \_\_\_\_\_

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 |        |
| 26N | 08E | 27  |    |    |    |    |    |    |    | D  | D  |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: \_\_\_\_\_

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? lawn up to 1/2 ACRE

- Who owns the property at the point of diversion? Forest Service
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: will apply for Special use Permit

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. this used for household purposes and irrigation up to 1/2 acre for a single household from a Spring located on Forest Service land Attached: Deed of my land and two maps.

13. Time required for completion of works and application of water to proposed beneficial use is 1 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.

Denise Nuxoll  
Signature of Applicant

Denise Nuxoll  
Print Name (and title, if applicable)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name (and title, if applicable)

# QUITCLAIM DEED

FOR VALUE RECEIVED,

Jerry P Coppernoll

+ Kimberlie D. Coppernoll

101 East Monitor Lane Dixie IA 83525

do hereby convey, release, remise and forever quitclaim unto

Denise M Nuxoll 251 Substation Road, Cottonwood ID 83522

the following described premises, to-wit:

Exhibit A

Attached Legal Description

Lot 15 Block B Dixie

Crooked Creek Addition

Instrument # 527807

IDAHO COUNTY, IDAHO

12-29-2020 10:01:41 AM No. of Pages: 2

Recorded for: JERRY COPPERNOLL

KATHY M. ACKERMAN

Fee: 16.00

Ex-Officio Recorder Deputy

Signers

X *Jerry Coppernoll*

X *Kimberlie D. Coppernoll*

together with their appurtenances. Grantors

Dated: .....

Buyer

Address of Grantee: Denise M Nuxoll

251 Substation Rd Cottonwood

IA 83522

Mail to:

Same

STATE OF IDAHO, COUNTY OF

On this 28th day of December 2020, before me, a notary public in and for said State, personally appeared Denise Nuxoll

Jerry Coppernoll Kimberlie Coppernoll

known to me to be the person whose name subscribed to the within instrument, and acknowledge to me that executed the same.

*Cassidy L. Lockett*  
Notary Public

Residing at Cottonwood, Idaho

My commission expires 1-10-2025

STATE OF IDAHO, COUNTY OF

I Hereby Certify that this instrument was filed for record at the request of

at minutes past o'clock M., this day of 19, in my office, and duly recorded in Book of Bills of Sale

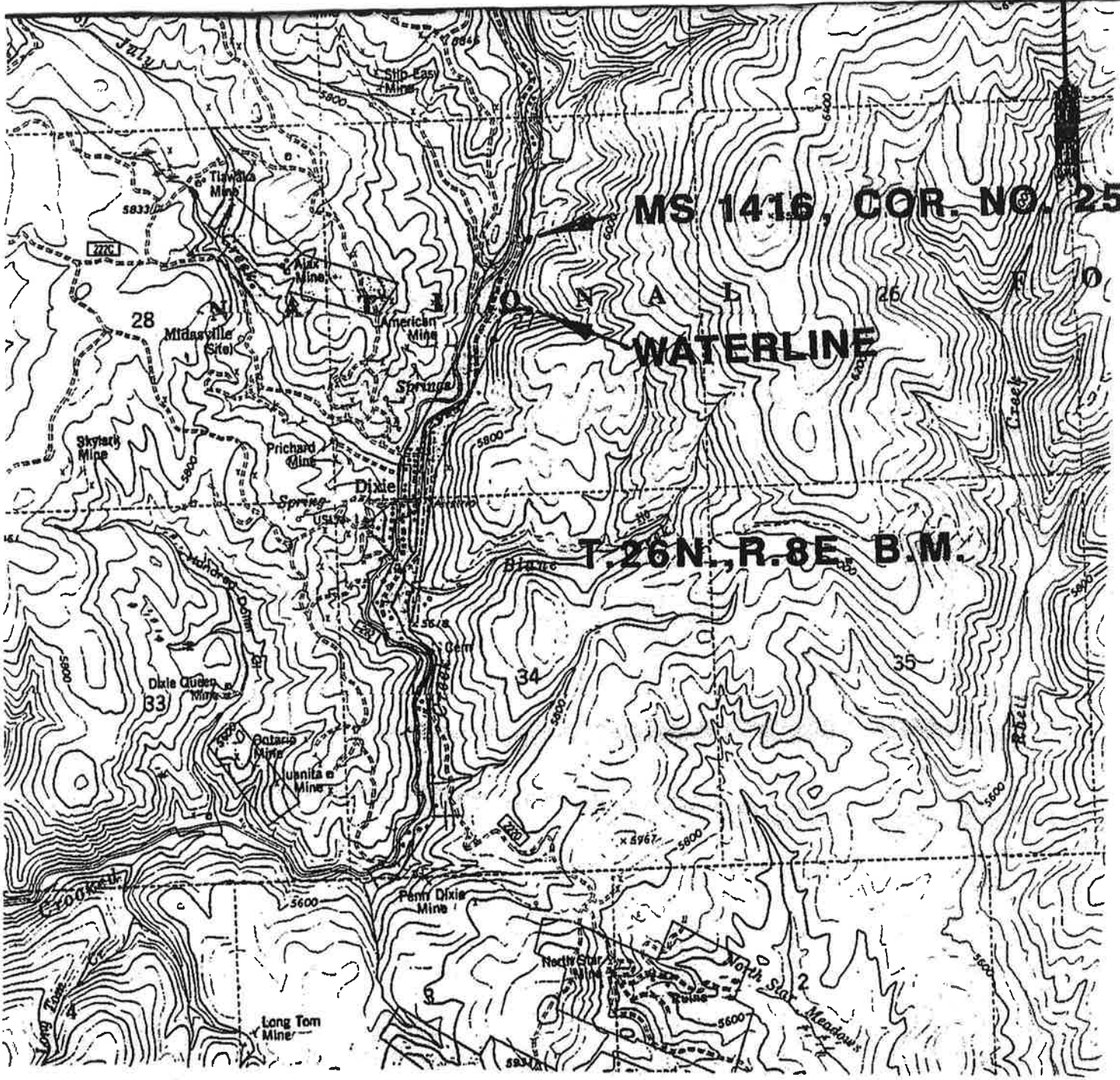
at Page

Ex-officio Recorder.

By

Deputy.

Cassidy L. Lockett  
Notary Public, State of Idaho  
Commission Expires 01-10-2025



MS 1416, COR. NO. 25

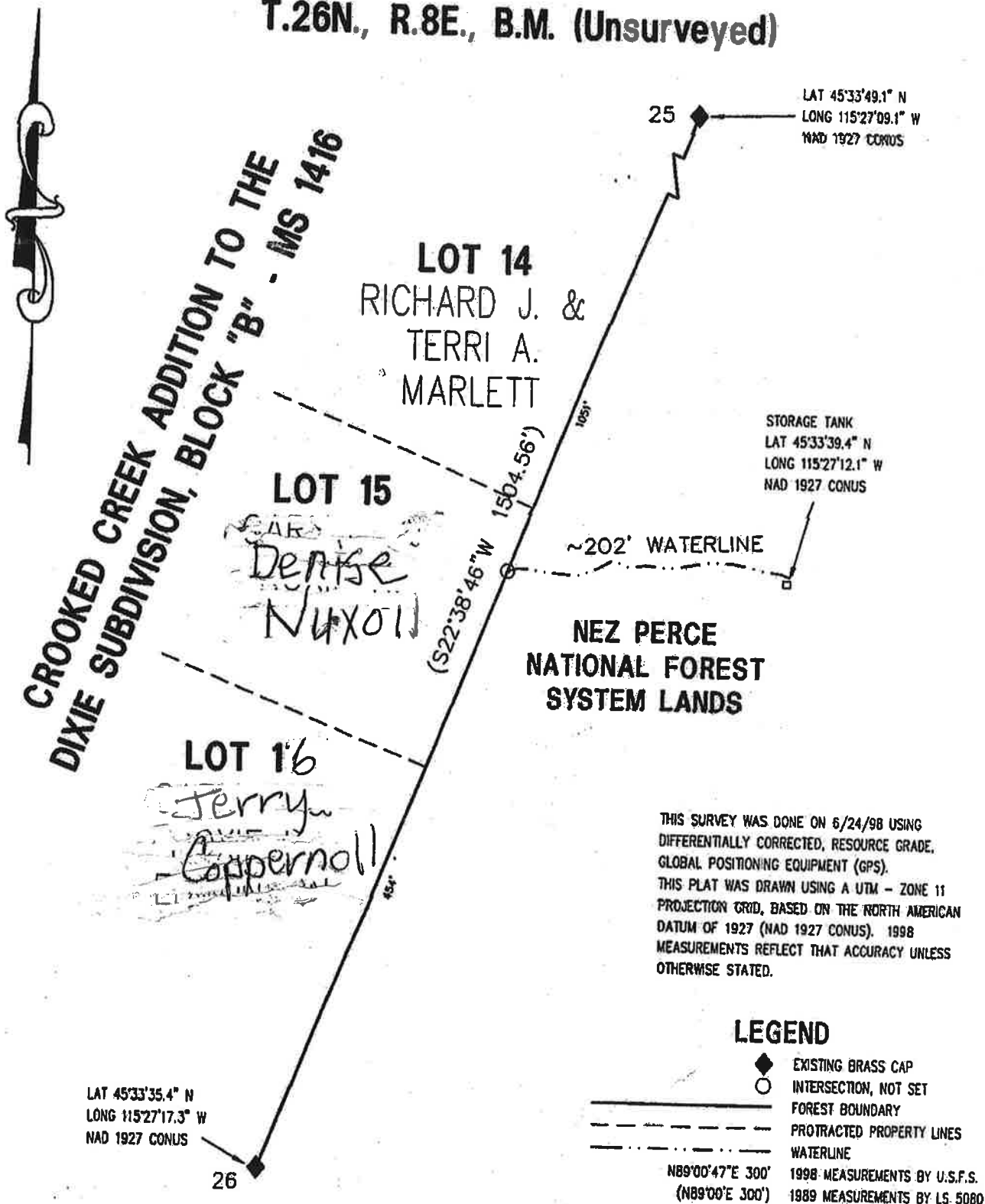
WATERLINE

T. 26N., R. 8E. B.M.

# SPECIAL USE PERMIT No. 5163-01

LOCATED IN PROTRACTION BLOCK 39,

T.26N., R.8E., B.M. (Unsurveyed)





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

April 14, 2021

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

**RE: Application for Permit No. 77-14374**

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 COTTONWOOD CHRONICLE on 4/22/2021 and 4/29/2021. 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,

Denise Lauerman  
Administrative Assistant

## Lauerman, Denise

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**From:** Lauerman, Denise  
**Sent:** Wednesday, April 14, 2021 12:28 PM  
**To:** Casey Pozzanghera  
**Cc:** Zachary Swearingen  
**Subject:** Application for Permit No. 77-14374, 57-12067  
**Attachments:** Agency Recommendation Form 2021.docx

Dear Mr. Pozzanghera:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the applications at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the applications, then complete the enclosed recommendation form and return it to this office by **05/10/2021**.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by **05/10/2021**, IDWR will presume that you do not oppose approval of the applications and that you have no comments for IDWR to consider.

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

Thanks!  
Denise

**Denise Lauerman** | *Administrative Assistant*  
IDWR-Western Region  
2735 W Airport Way, Boise ID 83705  
(208).334.2190 | [denise.lauerman@idwr.idaho.gov](mailto:denise.lauerman@idwr.idaho.gov)

## Lauerman, Denise

---

**From:** Lauerman, Denise  
**Sent:** Wednesday, April 14, 2021 12:28 PM  
**To:** Golden, Kala; Skoro, Emily  
**Cc:** Clark, Cynthia Bridge  
**Subject:** Application for Permit No. 77-14374  
**Attachments:** Agency Recommendation Form 2021.docx

Dear Planning Bureau:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office by **05/10/2021**.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation by **05/10/2021**, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Thanks!  
Denise

**Denise Lauerman** | *Administrative Assistant*  
IDWR-Western Region  
2735 W Airport Way, Boise ID 83705  
(208).334.2190 | [denise.lauerman@idwr.idaho.gov](mailto:denise.lauerman@idwr.idaho.gov)



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

April 14, 2021

UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
NEZ PERCE NATIONAL FOREST  
104 AIRPORT RD  
GRANGEVILLE, ID 83530

**RE: Application for Permit No. 77-14374**

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Denise Lauerman  
Administrative Assistant

Enclosure(s)

State of Idaho  
Department of Water Resources  
RECOMMENDATION FORM

RE: Application for Permit No. 77-14374

New Appropriation Applicant's  
Name:

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

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 \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Signature



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

April 14, 2021

US DEPT OF AGRICULTURE  
FOREST SERVICE  
NEZ PERCE NATIONAL FOREST  
1005 E MAIN HWY 13  
GRANGEVILLE, ID 83530

**RE: Application for Permit No. 77-14374**

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

A handwritten signature in blue ink that reads "Denise Lauerman". The signature is written in a cursive, flowing style.

Denise Lauerman  
Administrative Assistant

Enclosure(s)

State of Idaho  
Department of Water Resources  
RECOMMENDATION FORM

RE: Application for Permit No. 77-14374

New Appropriation Applicant's  
Name:

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

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 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature

## Lauerman, Denise

---

**From:** Lauerman, Denise  
**Sent:** Wednesday, April 14, 2021 12:27 PM  
**To:** 'Chronicle Editor'  
**Subject:** IDAHO COUNTY Legal Notice - Application for Permit No. 77-14374  
**Attachments:** Legal Notice Idaho County 77-14374.docx; Cover Letter Idaho County 77-14374.docx

Good afternoon,

Please see the attached ad for publication on 04/22/2021 and 04/29/2021.

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 05/10/2021. Your cooperation is appreciated.

Please confirm this is okay to publish as shown and send confirmation and all other correspondence to this email.

Thanks much!  
Denise

**Denise Lauerman** | *Administrative Assistant*  
Idaho Dept. of Water Resources - Western Region  
2735 W Airport Way, Boise ID 83705  
(208) 334.2190 | [denise.lauerman@idwr.idaho.gov](mailto:denise.lauerman@idwr.idaho.gov)



**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)

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Brad Little  
Governor

Gary Spackman  
Director

April 14, 2021

LEGAL NOTICE DEPARTMENT  
COTTONWOOD CHRONICLE  
PO BOX 157  
COTTONWOOD, ID 83522

**RE: Application for Permit No. 77-14374**

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 5/10/2021. Your cooperation is appreciated.

Sincerely,

Denise Lauerman  
Administrative Assistant

Enclosure(s)

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/WVRAApplicationResults/>. 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 on 4/22/2021 and 4/29/2021



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

April 8, 2021

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

RE: Application for Permit 77-14734

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is reviewing your Application for Permit 77-14734 which requests surface water for Domestic purposes from a spring tributary to Crooked Creek within the Salmon River basin. Additional information is needed to fully evaluate your proposal. IDWR is working with other agencies of the State of Idaho regarding projects requiring new water right approval within the Salmon River basin.

Please see the enclosed attachment about additional information for your application. Page 1 of the attachment outlines the legal basis and reasons for this request. That page also provides contact information for the other state agencies that will be involved in this process. Please provide written comments from those other state agencies regarding your application.

Page 2 of the attachment lists Water Appropriations Rules 40.05.c-g. **Rule 40.05 g** requests information relative to conflict with the local public interest, section 42-203A(5)(e), Idaho Code:

**Section 40.05 g** is typically satisfied by submitting comment letters from the Idaho Department of Fish and Game (IDFG) and the Idaho Department of Environmental Quality (IDEQ). **Rule 40.05c-f is not** required for your application. See enclosure for guidance on addressing the local public interest requirement of **Rule 40.05.g**.

**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). Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Regards,

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

Enclosure: Salmon and Clearwater River Basins Info Sheet

# MEMORANDUM

April 05, 2021

Application for Permit: 77-14374

Author: ABradbury

Subject: Legal Notice Remarks

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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.