



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: idwr.idaho.gov • Email: northerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 4, 2020

GARY ATKINS
2087 PLEASANT VALLEY LOOP
NAPLES, ID 83847

RE: Withdrawal of Protest against Application for Permit No. 98-8018

Dear Protestant:

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Douglas Jones', is written over a horizontal line.

Douglas Jones
Northern Regional Manager



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November 4, 2020

ERIC E MADSON
PO BOX 1539
BONNERS FERRY, ID 83805-1539

RE: Withdrawal of Protest against Application for Permit No. 98-8018

Dear Applicant:

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

1) GARY ATKINS

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Douglas Jones'.

Douglas Jones
Northern Regional Manager

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WITHDRAWAL OF PROTEST

RECEIVED
NOV 04 2020
IDWR / NORTH

Application for ☐ Transfer ☒ Permit ☐ Amendment of Permit No. 98-8018

In the Name of Eric Madson
Applicant

Name of Protestant: Gary B. Atkins

Represented by: _____

I hereby withdraw my protest to the above referenced matter. All of my issues of protest have been addressed and/or resolved.

☒ My withdrawal is not conditional.

Or

☐ My withdrawal is conditioned on the following:

Gary B. Atkins _____
Signature of Protestant or Representative Title
Date 25 Oct 2020

Gary and Madrienne Atkins

RECEIVED

NOV 04 2020

IDWR / NORTH

Dear Gary and Madrienne,

Thank you for meeting with us on the current water right issue we are developing on our property. We are reaffirming our usage will not de-water the Cow Creek Drainage. We will continue to uphold the practices lined out in the correspondence dated from November 11, 2008. A copy of that will be attached with this document.

Furthermore, we are extending the same consideration for the new application # 98-8018. As stated verbally at our meeting on September 16, 2020 our intentions for this application are to cover the acreage with irrigation that failed to receive complete approval from the previous applications 98-7875 and 98-7876.

So our promise is, we will not dry up the stream, due to the fact we can monitor the flow and change our use. We can also augment the stream flow from our existing infrastructure to prevent the de-watering of the outflow culvert located at the East End of our property. It is my hope that we can continue to resolve this matter informally. Attached is the document from Idaho Water Resources that withdraws the objection and our concurrence of a mutual agreement to maintain stream flow below our property line.

Respectfully Submitted

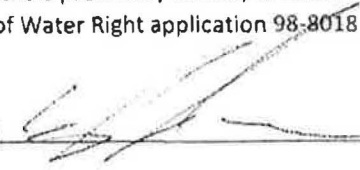
Eric Madson

Owner

Paradise Nursery

Agreed upon by: Eric Madson of 539 Madson Road, Bonners Ferry, Idaho 83805

This Agreement is previously already in effect and adds the same consideration with the successful completion of Water Right application 98-8018

Eric Madson  Date 10-24-2020

Gary Atkins  Date 25 Oct 2020

Gary and Madrienne Atkins
2087 Pleasant Valley Loop
Naples, ID 83847-0137

Dear Gary,

Thank you for meeting with us on the water use issue. I think we can guarantee to you that this storage use will not de-water the Cow Creek drainage. As our water flow measurements demonstrated, the low flow will be regulated by augmenting the pond from existing water rights. We can also raise the pond level to insure that daily use of irrigation water does not interfere with stream flow.

We realize the concerns about the actual fisheries habitat part of Cow Creek, but with all the inflow of water from nearby sources, the likelihood of Mr. Madson's water storage impacting the flow is minimal. However, we would like to clarify the water use permit in light of the Madson's three existing and adjudicated water rights.

A fair amount of Cow Creek goes sub-surface during the summer and fall. The Madson water rights are divided into five different diversion points in four $\frac{1}{4}$ / $\frac{1}{4}$ Sections. Many of the diversion point streams go underground immediately after the diversion. The purpose of this water use permit is to provide storage in a pond for drip irrigation. Currently, sprinkler irrigation is more inefficient than drip irrigation. The original water right did not have a storage component in it. Therefore, one diversion point will add 90 gpm (.2 CFS) to the Cow Creek storage pond and another diversion will add 112 gpm (.25 CFS) to the pond. There is no change to the original diversion rates of the Madson water rights 117A, 117B and 7402.

So our promise is we will not dry up the stream, due to the fact that we can carefully monitor the flow and change our use. We would like to resolve this informally, and would appreciate a letter to Idaho Water Resource Department withdrawing the objection and our concurrence of a mutual agreement to maintain stream flow below our property line.

Respectfully Submitted,

Christopher B. Hardy
Manager, Hydrologist
Water Resource Services, LLC

Agreed upon by : Eric Madson of 539 Madson Road, Bonners Ferry, Idaho 83805

This Agreement goes into effect upon the successful completion of Water Right application 98-7875 and 98-7876

Eric Madson

Date

11-17-08