

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

Ident. No. 77-14372

1. Name of applicant(s) Peck Trailbreakers Phone 208-486-6122
Mailing address P.O. Box 24 City Peck
State ID ZIP 83545 Email jabarton87@gmail.com
Name connector (check one): ☐ and ☐ or ☒ and/or
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 Spring which is a tributary of Crooked Creek
4. Location of point(s) of diversion: Assessor Parcel #0100000A0080

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
26N	8E	27		SE	NE	SW	Idaho	Springbox	

5. Water will be used for the following purposes:
Amount 0.04 cfs for Domestic purposes from 1/01 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) 0.04 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. Springbox, east of the residence, 1" mainline to cabin.
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 02/10/2020 Time 10:45am Preliminary check by AS
Fee \$ 100.00 Received by LE Receipt No. W048033 Date 02/10/2020

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. _____

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	8E	27									X								

Total number of acres to be irrigated: NA

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? None

11. a. Who owns the property at the point of diversion? U.S. Forest Service
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. Diversion from Spring for domestic use (1 cabin) System was in place when the property was purchased, but there were no water rights.

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.

Arlene R Barton
Signature of Applicant
Arlene R Barton, Owner
Print Name (and title, if applicable)

Signature of Applicant

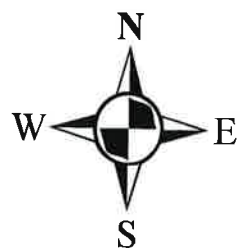
Print Name (and title, if applicable)

Suggested Map



- Application POD
- Application POU
- Township/Range
- Sections
- QQ

0 0.01 0.02 0.04 Miles





United States
Department of
Agriculture

Forest
Service

Nez Perce-Clearwater National Forests
Red River Ranger District

300 American River Road
Elk City, ID 83525
208-842-2245
Fax: 208-842-2150

File Code: 2720
Date: August 7, 2018

PTR Water User Association
c/o John and Arlene Barton
PO Box 24
Peck, ID 83545

Dear

Enclosed is a fully executed issuance of your Special Use Permit, RR_915_15, for a 880ft waterline across National Forest System lands, servicing two parcels of private property. Thank you for returning the signed permit to us. Your new permit will expire 12/31/2023.

Before the permit expires, please continue to the process with the State of Idaho Department of Water Resources to obtain or transfer the water rights to your name. When this is done, please send a copy of your water rights to:

Nez Perce-Clearwater National Forests
Attn: Adam McClory
1700 Hwy 6
Potlatch, ID 83855

Upon receiving your water right documentation, we will extend your permit, without additional charge to you, for the remainder of the 30 year term limit. If you have any questions regarding this permit, please contact John Thompson, Realty Specialist, at 208-765-7385, or Adam McClory, Realty Specialist at 208-875-1734.

Sincerely,

/s/ Terry Nevius

TERRY NEVIUS
District Ranger

ENCLOSURE: Special Use Permit RR_915_15
cc: Adam McClory, Realty Specialist



WATER USER ASSOCIATION AGREEMENT

PTR for the
(name of association)
on
National Forest System Lands

THIS ROAD USER ASSOCIATION AGREEMENT, (hereinafter the "Agreement") is made by and between all of the owners of certain tracts of lands located in aliquot parts Section 27, Township 26 North, Range 8 East, Boise Meridian, Idaho County, ID:

List of all landowners, with addresses and/or lot numbers

The above named landowners hereby form the PTR Water User Association (hereinafter "Association") consisting of said landowners, and each landowner covenants and agrees with every other landowner as follows:

1. This Agreement is made for the purpose of maintaining those portions of existing spring box and waterline that traverse National Forest System (NFS) lands legally described above, and/or as identified on a map attached hereto as Exhibit A.
2. The Association shall be responsible for the maintenance and repair of the spring box and waterline across NFS lands in a prompt and efficient manner, to a standard acceptable to the Forest Service.
3. The landowners forming the Association hereby agree to share the costs and expenses of any maintenance or improvements necessary to maintain the waterline across NFS lands.
4. Any additional waterline improvement work, over and above routine maintenance and repair, shall be required when a decision is reached by 100 percent of the landowners bound by this Agreement, or when it is required by the Forest Service. Any proposed waterline improvement work that is over and above routine maintenance and repair, including but not limited to water transmission line replacement or relocation, must be approved in advance in writing by the Forest Service.
5. The landowners forming the Association shall each be entitled to cast one vote. Pursuant to a decision to repair or maintain, the Association shall initiate the repair or maintenance within 30 days, unless otherwise agreed, or otherwise required by the Forest Service. Each landowner shall bear a proportionate share of the cost and expenses. If any landowner bound by this Agreement fails to pay their share of the repair or maintenance cost, the other landowners shall be entitled to costs, attorney fees and interest at the highest legal rate from the day of invoice payment, in the event suit is initiated to enforce this Agreement.
6. The initial representative for the Association in its dealing with the Forest Service is: John & Arlene Barton PO Box 24 Peck, ID 83545 (name, title, address). Association membership shall elect a representative in the year _____, and every _____ years thereafter, or at any time a vacancy occurs. The Association shall immediately notify the Forest Service in writing of any change of its representative.

7. This agreement shall run with the land and shall be binding upon the undersigned, their heirs, personal representatives, successors and assigns, unless and until such time as said waterline is removed or the Special Use permit expires.
8. This Agreement shall become effective on the date last signed by a participating landowner, below, and shall remain in effect until modified, amended or terminated, in writing, by the landowners.

< Each landowner must sign, and have signature properly acknowledged (notarized). >

John Barton
Landowner John Barton

6-18-18
Date

Arleene R Barton
Landowner Arleene R Barton

6/18/18
Date

Darin Barton
Landowner Darin Barton

6/18/18
Date

Brian D Deyo
Landowner Brian D Deyo

6/18/18
Date

ROBERT J KAHNMAN
Landowner ROBERT J KAHNMAN

6/18/18
Date

M. A. HARTSTON
Landowner M. A. HARTSTON

6/18/18
Date

ACKNOWLEDGMENT

STATE OF Idaho

County of Nez Perce :ss.

The foregoing instrument was acknowledged before me on the 18th day of June, 2018 by Tami Ficzlaff.



Notary Public, State of Idaho
Residing at: Peck, ID
My Commission Expires: 11-20-2020

7. This agreement shall run with the land and shall be binding upon the undersigned, their heirs, personal representatives, successors and assigns, unless and until such time as said waterline is removed or the Special Use permit expires.
8. This Agreement shall become effective on the date last signed by a participating landowner, below, and shall remain in effect until modified, amended or terminated, in writing, by the landowners.

< Each landowner must sign, and have signature properly acknowledged (notarized). >

Michael V Riedle
Landowner

7-5-18
Date

Michael Riedle
Landowner

7/5/18
Date

Landowner

Date

Landowner

Date

Landowner

Date

Landowner

Date

ACKNOWLEDGMENT

STATE OF Idaho

County of NEZ PERCE :ss.

The foregoing instrument was acknowledged before me on the 5th day of July, 2018 by Deborah + Michael Riedle



Notary Public, State of Idaho

Residing at: Lewiston

My Commission Expires: 08-09-2022

Michelle L. Eberhardt

PTR ASSOCIATION WATER USER AGREEMENT

This Agreement, made this 30th day of January, ~~2019~~ 2020, by and between Peck Trailbreakers aka Darin Bartman, M. A. Hairston, Robert J. Kaufman, Brian D. Deyo, John Barton and Arlene R. Barton as Owners and Michael V. Riedle and Deborah J. Riedle, hereinafter referred to as PTR Association.

RECITALS

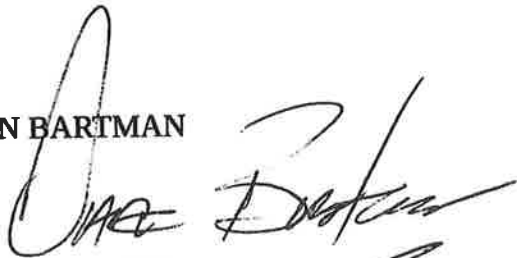
1. Peck Trailbreakers are the Landowners of Property in Dixie, Idaho, 83525, known as 127 Edmonson Drive.
2. Michael V. Riedle and Deborah J. Riedle, husband and wife, are Landowners of Property in Dixie, Idaho, 83525, known as 138 Airway Drive.

NOW, THEREFORE, in consideration of mutual covenants herein contained, the parties agree as follows:

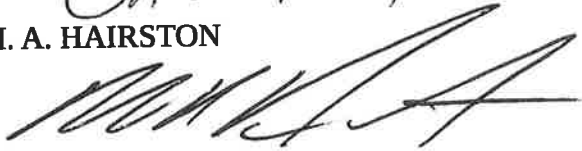
1. PTR Association have a Special Use Permit, RR_915_15 with the United States Department of Agriculture, Forest Service.
2. Michael V. Riedle and Deborah J. Riedle have Water Rights Permit # 77-14368 with the State of Idaho Department of Water Resources. Peck Trailbreakers are currently applying for said permit.
3. This Agreement shall run only with the land listed: 127 Edmonson Drive and 138 Airway Drive, Dixie, Idaho 83525.
4. This Agreement is not assignable or transferable.
5. Pursuit to USDA Forest Service Permit, no additional properties or users will be extended to the water rights.
6. PTR Association members agree that the said spring water is presently in place and in use.
7. All expenses of permit fees, upkeep and maintenance shall be borne equally of the spring box and pipeline to the point of division to each property. Past that division, each landowner is responsible for their own upkeep and maintenance to their own property.

IN WITNESS WHEREOF, the parties hereunto have set their hands, the day and year first above written.

DARIN BARTMAN



M. A. HAIRSTON



ROBERT J. KAUFMAN



BRIAN D. DEYO



JOHN BARTON



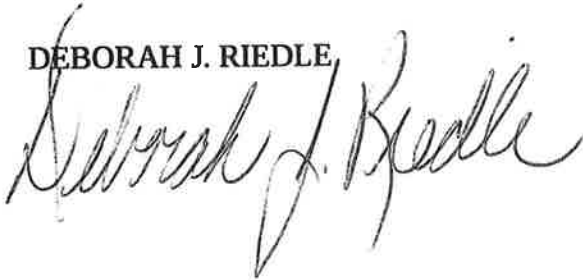
ARLENE R. BARTON



MICHAEL V. RIEDLE



DEBORAH J. RIEDLE



STATE OF IDAHO)
 : ss.
County of Clearwater)

On this 20 day of November 2019, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, Darin Bartman, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

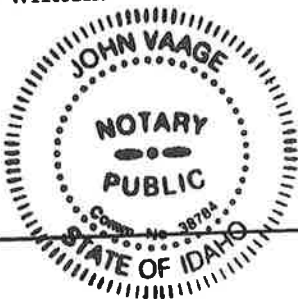


Heather Smathers
Notary Public in and for the State of Idaho.
Residing at Orfino therein.
My Commission expires: 5-2-2023

STATE OF IDAHO)
 : ss.
County of Clearwater)

On this 8th day of Nov, 2019, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, M. A. Hairston, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



John Vaage
Notary Public in and for the State of Idaho.
Residing at Orfino therein.
My Commission expires: 9-25-20



STATE OF IDAHO)
 : ss.
 County of Clearwater

On this 25th day of November, 2019, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, Robert J. Kaufman, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

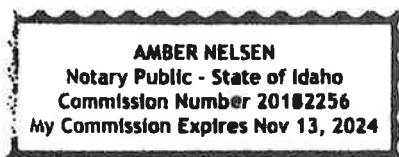
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Janet L. Overman
 Notary Public in and for the State of Idaho.
 Residing at Orpington therein.
 My Commission expires: 8-23-22

STATE OF IDAHO)
 : ss.
 County of Clearwater)

On this 27 day of November, 2019, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, Brian D. Deyo, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Amber Nelsen
 Notary Public in and for the State of Idaho.
 Residing at IDAHO therein.
 My Commission expires: 11-13-2024

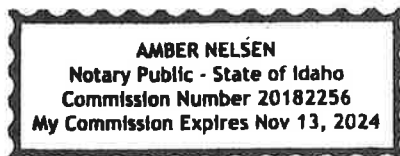
STATE OF IDAHO)

: SS.

County of Clearwater

On this 27 day of November, 2019, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared, John Barton and Arlene R. Barton, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Amber Nelson
Notary Public in and for the State of Idaho.
Residing at Crofton therein.
My Commission expires: 11-13-2024

STATE OF IDAHO)

: SS.

County of Nez Perce

On this 30th day of January, ²⁰²⁰~~2019~~, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Michael V. Riedle and Deborah J. Riedle, husband and wife, known or identified to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Jace Pearce
Notary Public in and for the State of Idaho.
Residing at Idaho therein.
My Commission expires: 9/24/2024

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Wednesday, February 26, 2020 11:51 AM
To: 'Danielle.Merriman@deq.idaho.gov'
Cc: 'Lance.Holloway@deq.idaho.gov'
Subject: Application for Permit of 77-14372
Attachments: 77-14372.pdf

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) requests written comment and/or recommendation from your agency regarding the above referenced water right applications. A copy of the/each application is enclosed with this email for your reference. Please review the/each application and submit your reply, if any, to this office by the protest deadline of March 23, 2020.

If your agency desires to formally protest approval of these applications, you can file a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

If you do not respond before the protest deadline, IDWR will assume your agency does not object to the application(s). Please contact me if you have any questions regarding the applications. Thank you for your help.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Wednesday, February 26, 2020 11:55 AM
To: 'jamie.gough@usda.gov'
Subject: Application for Permit of 77-14372
Attachments: Agency Recommendation Form.docx; 77-14372.pdf

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) requests written comment and/or recommendation from your agency regarding the above referenced water right applications. A copy of the/each application is enclosed with this email for your reference. Please review the/each application and submit your reply, if any, to this office by the protest deadline of March 23, 2020.

If your agency desires to formally protest approval of these applications, you can file a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

If you do not respond before the protest deadline, IDWR will assume your agency does not object to the application(s). Please contact me if you have any questions regarding the applications. Thank you for your help.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190

Thornecroft, Kensie

From: Thornecroft, Kensie
Sent: Wednesday, February 26, 2020 11:54 AM
To: Skoro, Emily; Golden, Kala
Cc: Clark, Cynthia Bridge
Subject: Application for Permit of 77-14372
Attachments: Agency Recommendation Form.docx; 77-14372.pdf

Dear Interested Party:

The Idaho Department of Water Resources (IDWR) requests written comment and/or recommendation from your agency regarding the above referenced water right applications. A copy of the/each application is enclosed with this email for your reference. Please review the/each application and submit your reply, if any, to this office by the protest deadline of March 23, 2020.

If your agency desires to formally protest approval of these applications, you can file a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

If you do not respond before the protest deadline, IDWR will assume your agency does not object to the application(s). Please contact me if you have any questions regarding the applications. Thank you for your help.

Kensie Thornecroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Wednesday, February 26, 2020 11:15 AM
To: 'bill.bosworth@idfg.idaho.gov'
Subject: Application for Permit of 65-23860, 77-14372, 63-34857
Attachments: 65-23860.pdf; 77-14372.pdf; 63-34857.pdf

Dear Mr. Bosworth:

The Idaho Department of Water Resources (IDWR) requests written comment and/or recommendation from your agency regarding the above referenced water right applications. A copy of the/each application is enclosed with this email for your reference. Please review the/each application, complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of March 23, 2020.

If your agency desires to formally protest approval of these applications, you can file a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

If you do not respond before the protest deadline, IDWR will assume your agency does not object to the application(s). Please contact me if you have any questions regarding the applications. Thank you for your help.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190



Brad Little
Governor

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

Gary Spackman
Director

February 26, 2020

PECK TRAILBREAKERS
PO BOX 24
PECK, ID 83545-0024

RE: Application for Permit No. 77-14372

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 IDAHO COUNTY FREE PRESS on 3/4/2020 and 3/11/2020. 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,

Kensie Thorneycroft
Administrative Assistant



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

Brad Little
Governor

Gary Spackman
Director

February 26, 2020

LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE, ID 83530

RE: Application for Permit No. 77-14372

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 3/23/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Wednesday, February 26, 2020 12:01 PM
To: 'IFP Legals'
Subject: Idaho Legal Notice
Attachments: Cover Letter.docx; Legal Notice.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 03/04/2020 and 03/11/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190

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

77-14372

PECK TRAILBREAKERS

PO BOX 24

PECK, ID 83545-0024

Point of Diversion SENESW 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: 02-10-2020

Place Of Use: DOMESTIC

T26N R08E S27 NESW

This application proposes the diversion and use of water from a spring tributary to the Salmon River, a 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 3/23/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/5/2020 and 3/12/2020