

83484

Ident. No. 87-11360

RECEIVED

JUL 25 2019

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR/NORTHERN

1. Name of applicant(s)
- ESTHER J NOWACK LIFE ESTATE and Nowack Form
- <sup>RN ESJ.N. LLC</sup>
- Phone
- 208-875-1050

Name connector (check one): ☐ and ☐ or ☐ and/orMailing address 1020 S NOWACK LNCity POTLATCHState IDZIP 83855

Email \_\_\_\_\_

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
- which is a tributary of
- DEEP 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 # |
|-----|-----|-----|----------|-----|-----|-----|--------|----------------|---------------------|
| 42N | 05W | 24  |          |     | NW  | NW  | LATAH  | UNNAMED STREAM |                     |
|     |     |     |          |     |     |     |        |                |                     |
|     |     |     |          |     |     |     |        |                |                     |
|     |     |     |          |     |     |     |        |                |                     |

5. Water will be used for the following purposes:

Amount 5.8 AF for FIRE PROTECTION STORAGE purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per year)Amount 5.8 AF for STOCKWATER STORAGE 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)

6. Total quantity to be appropriated is (a) \_\_\_\_\_ cubic feet per second (cfs) and/or (b)
- 5.8
- acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. APPLICANT HAS POND THAT IS USED FOR FIRE AND STOCKWATER USESb. Height of storage dam 5 feet; active reservoir capacity 4.2 acre-feet; total reservoir capacity 4.2 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 \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
Fee \$ 100.00 Receipted by [Signature] Receipt No. N035256 Date 7-25-2019

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. 400 HEAD OF CATTLE
- 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 |        |
| 42N | 05W | 24  |    |    |    |    | F,S | F,S |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |     |     |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |     |     |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |     |     |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |     |     |    |    |    |    |    |    |    |    |    |    |        |

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? \_\_\_\_\_

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 HAS ON STREAM POND THAT IS USED FOR FIRE PROTECTION AND STOCKWATER PURPOSES.

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.

Escher J. Nowack  
Signature of Applicant

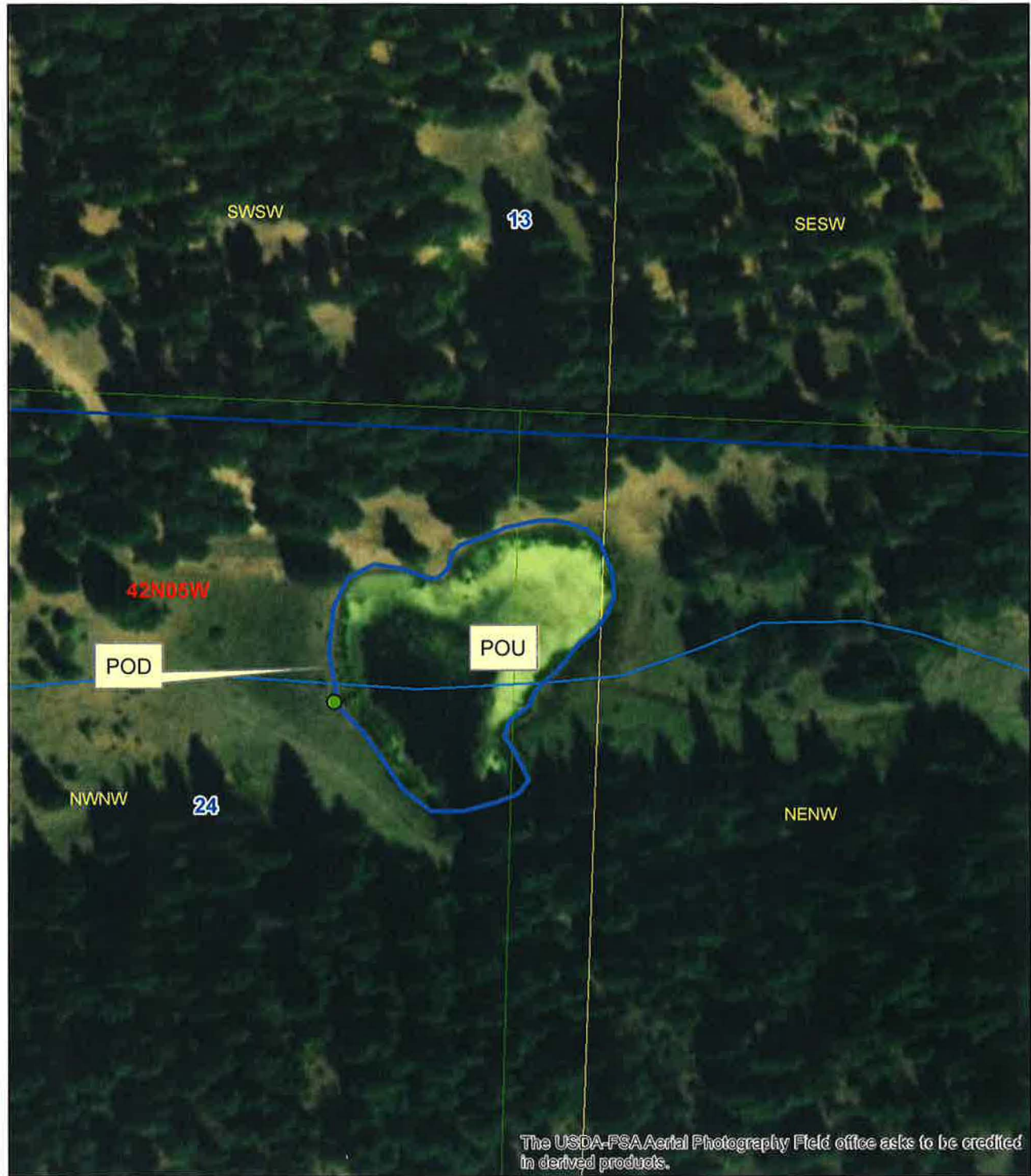
Esther J. Nowack  
Print Name (and title, if applicable)

July 18, 2019  
Application for Permit

Ronald O. Nowack  
Signature of Applicant

Ronald O. Nowack member/mgr Nowack Farm LLC  
Print Name (and title, if applicable)

# APPLICATION MAP



## Legend

- Parcels
- Township/Range
- Sections
- QQ

0 0.01 0.02 0.04 Miles



## Total Storage Calculations

|             |                |
|-------------|----------------|
| FILE NUMBER | NOWACK ESTATE  |
| REVIEWER    | Adam Frederick |
| DATE        | 6/26/2019      |

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

|                      |
|----------------------|
| User Input           |
| Calculated value     |
| Formula Explanations |

|                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Surface Area (AC.)       | 0.7 | "Surface Area" is automatically carried over from the "Seepage Loss" sheet.                                                                                                                                                                                                                                                                                                                                                                                                            |
| Average Pond Depth (FT.) | 6   | "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)       | 4.2 | 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.<br><i>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.</i> |

|                                                                                              |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 <i>from storage</i> component if the <i>from storage</i> 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).<br><i>Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.</i> |
| Estimated Seepage Loss (AF)                                                                  | 0.8 | The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Estimated Evaporation Loss (AF)                                                              | 0.8 | The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Total Volume Required (AF)                                                                   | 5.8 | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



0003471331

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**Idaho Secretary of State  
PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0003471331

Date Filed: 4/4/2019 12:20:19 PM

B0220-4584 04/04/2019 12:20 PM Received by ID Secretary of State Lawrence Denney

## Entity Name and Mailing Address:

NOWACK FARM, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000070175

## Address

1020 S NOWACK LN  
POTLATCH, ID 83855-8753

## Entity Details:

## Entity Status

Active-Existing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W18807

## The registered agent on record is:

## Registered Agent

RONALD O NOWACK  
Registered Agent

## Physical Address

1020 S NOWACK LANE  
POTLATCH, ID 83855

## Mailing Address

## Limited Liability Company Managers and Members

| Name            | Title  | Address                                  |
|-----------------|--------|------------------------------------------|
| RONALD O NOWACK | Member | 1020 S NOWACK LANE<br>POTLATCH, ID 83855 |

The annual report must be signed by an authorized signer of the entity.

*Ronald Nowack*

Sign Here

*04/04/2019*

Date

Signer's Title: Member



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](http://idwr.idaho.gov) • Email: [northerninfo@idwr.idaho.gov](mailto:northerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

September 25, 2019

NOWACK FARM LLC  
ESTHER J NOWACK LIFE ESTATE  
1020 N NOWACK LN  
POTLATCH, ID 83855-8774

Application For Permit No. 87-11360

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 MOSCOW PULLMAN DAILY NEWS on 10/3/2019 and 10/10/2019. 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

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**From:** Alleman, Tammy  
**Sent:** Wednesday, September 25, 2019 1:38 PM  
**To:** 'Sujata.Connell@deq.idaho.gov'; 'Swearingen,Zachary'; 'commisioners'  
**Cc:** 'Kara Egan'; 'Michelle Fuson'  
**Subject:** Request for Comments for WR#87-11360  
**Attachments:** 87-11360 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also 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, 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 application is October 21, 2019.**

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

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
Email: [Tammy.Alleman@idwr.idaho.gov](mailto:Tammy.Alleman@idwr.idaho.gov)  
Phone: (208) 762-2800  
Fax (208) 762-2819*

## Alleman, Tammy

---

**From:** Alleman, Tammy  
**Sent:** Wednesday, September 25, 2019 1:33 PM  
**To:** legals  
**Subject:** Legal Notice  
**Attachments:** Legal Notice for 87-11360.doc

Please publish the enclosed legal notice in the **Moscow Pullman Daily News** on the dates indicated **October 3<sup>rd</sup> and October 10<sup>th</sup>, 2019** (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 **October 21, 2019**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
Email: [Tammy.Alleman@idwr.idaho.gov](mailto:Tammy.Alleman@idwr.idaho.gov)  
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:

**87-11360**

NOWACK FARM LLC

ESTHER J NOWACK LIFE ESTATE

1010 N NOWACK LN

POTLATCH, ID 83855-8774

Point of Diversion NWNW

S24 T42N R05W

LATAH County

Source UNNAMED STREAM

Tributary DEEP CREEK

Use: FIRE PROTECTION STORAGE

01/01 to 12/31 5.8 AF

Use: STOCKWATER STORAGE

01/01 to 12/31 5.8 AF

Total Diversion: 5.8 AF

Date Filed: 7/25/2019

Place Of Use: FIRE PROTECTION STORAGE

T42N R05W S24

NENW NWNW

Place Of Use: STOCKWATER STORAGE

T42N R05W S24

NENW NWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. 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 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/3/2019 and 10/10/2019