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Ident. No. 85-15792

RECEIVED

AUG 01 2018

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

IDWR / NORTH

1. Name of applicant(s) MARK AND/OR JOAN WITTMAN Phone 208-553-8709
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 6045 CACTUS LN City LEWISTON
 State ID ZIP 83501 Email JOANIEWITTMAN@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 TAMMANY CREEK which is a tributary of SNAKE RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
35N	06W	23			SE	SE	NEZ PERCE	TAMMANY CREEK	

5. Water will be used for the following purposes:
- Amount 0.20 CFS for IRRIGATION purposes from 2/15 to 11/30 (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) 0.20 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. APPLICANT PLANS TO PUT PUMP IN CREEK FOR IRRIGATION
- 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 ja Date 8-1-18 Time 9:13 AM Preliminary check by AF
 Fee \$ 100.00 Received by ja Receipt No. N033636 Date 8-1-18

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	
35N	06W	23																10	10

Total number of acres to be irrigated: 10

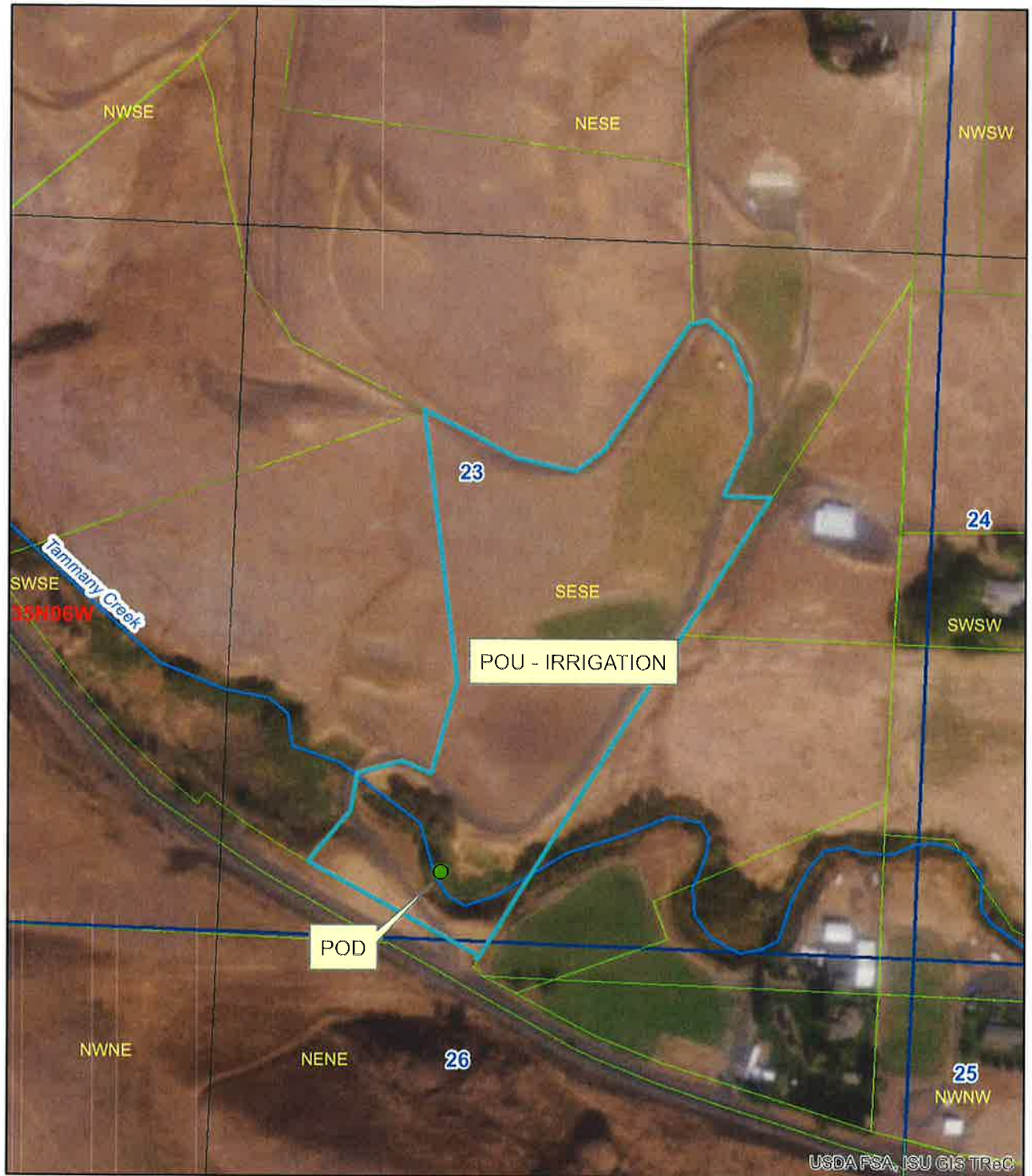
10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 85-15767
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 PUT PUMP IN CREEK FOR IRRIGATION OF 10 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.

Joan Wittman
 Signature of Applicant
Joan Wittman
 Print Name (and title, if applicable)

Mark A. Wittman
 Signature of Applicant
MARK A. WITTMAN
 Print Name (and title, if applicable)

APPLICATION MAP



Legend

-  Taxlots
-  Township/Range
-  Sections
-  QQ

0 0.03 0.06 0.12 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 29, 2018

MARK WITTMAN
JOAN WITTMAN
6045 CACTUS LN
LEWISTON, ID 83501

Application For Permit No. 85-15792 REVISED

Dear Applicants:

The Legal Notice did not get published in the Lewiston Tribune on August 16 & 23 as previously thought. The contact at the paper retired and they did not get the publication request. We have resent the request to publish the legal notice. My apologies for the error.

A legal notice of the application has been prepared and is scheduled for publication in the LEWISTON TRIBUNE on 9/6/2018 and 9/13/2018. 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,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Wednesday, August 29, 2018 1:37 PM
To: 'Julie Winters'
Subject: REVISED Lewiston Tribune Legal Notice
Attachments: 85-15791, 85-15792 & 94-9620 Legal Notice Lewiston Tribune.doc

REVISED!!! Thank you for your help with this!

Please publish the enclosed legal notice in the **Lewiston Tribune** on the dates indicated September 6th and September 13th (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 **9/24/2018**. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

The following applications have been filed to appropriate the public waters of the State of Idaho:

85-15791

VERL LONG
3115 21ST STREET
CLARKSTON, WA 99403
Point of Diversion NWNW
S15 T34N R05W
NEZ PERCE County
Source GROUND WATER
Point of Diversion NENW
S15 T34N R05W
NEZ PERCE County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 6/20/2018
Place Of Use: DOMESTIC
T34N R05W S15 NENW NWNW

85-15792

MARK WITTMAN
JOAN WITTMAN
6045 CACTUS LN
LEWISTON, ID 83501
Point of Diversion SESE
S23 T35N R06W
NEZ PERCE County
Source TAMMANY CREEK
Tributary SNAKE RIVER
Use: IRRIGATION
02/15 to 11/30 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 8/1/2018
Place Of Use: IRRIGATION
T35N R06W S23 SESE
Total Acres: 10

94-9620

STATE OF IDAHO
DEPT OF FISH & GAME
2885 WEST KATHLEEN AVE
COEUR D ALENE, ID 83815
Point of Diversion NENE
S7 T48N R01W
KOOTENAI County
Source BLACKROCK GULCH
Tributary COEUR D ALENE RIVER
Point of Diversion NENE
S7 T48N R01W
KOOTENAI County
Source BULL RUN CREEK
Tributary COEUR D ALENE RIVER
Use: WILDLIFE STORAGE
01/01 to 12/31 2090 AF
Total Diversion: 2090 AF
Date Filed: 7/24/2018
Place Of Use: WILDLIFE STORAGE

T48N R01W S5
NESW SWSW SESW L9(NESE) L10(NWSE) SWSE SESE
T48N R01W S6 L10(SESE)
T48N R01W S7 NENE NWNE SWNE SENE L5(SENW) NESE NWSE SESE
T48N R01W S8 NWNE 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 9/24/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/6/2018 and 9/13/2018



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

AUG 23 2018

IDWR / NORTH

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

August 21, 2018

Mr. Adam Frederick
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Water Appropriation, Permit # 85-15792

Dear Mr. Frederick:

We received a request for comment on an application for a water appropriation permit to appropriate 0.2 cubic feet per second (cfs) from Tammany Creek for irrigation use from February 15 to November 30. The applicant proposes to divert water from Tammany Creek by a submersible pump. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Tammany Creek, a tributary to the Snake River, is included in water body ID# 17060103SL014_03, and is protected for cold water aquatic life and secondary contact recreation designated beneficial uses. Tammany Creek is listed in Category 4a of Idaho's 2014 Integrated Report as having a Total Maximum Daily Load (TMDL) allocation for nutrients, sediment, and *E. coli* bacteria pollutants. The TMDL is a pollution management plan that calculates the maximum amount of a pollutant allowed in the creek based on the volume or flow of water in the creek. Reduction in flow in Tammany Creek can cause nutrient, sediment, and bacteria increases that exceed the total maximum daily load and Idaho water quality standards. DEQ stream monitoring data from Tammany Creek recorded a flow of 0.24 cfs in 2015.

Based on the TMDLs and DEQ flow data, there may not be sufficient flow outside the seasonal high flow period to support the designated beneficial uses, and provide the volume necessary for the TMDL allocations for listed pollutants. We recommend that the legally appropriated withdrawal be made during periods of seasonal high flow or at a minimum, flows greater than 1 cfs. At no time should the stream be allowed to go dry as a result of legally appropriated and allowable water withdrawals.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho water quality standards, please call us at (208) 799-4370.

Sincerely,

A blue ink signature of Sujata Connell, written in a cursive style.

Sujata Connell
Surface Water Quality Manager

c: Mark and Joan Wittman, Lewiston



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2018

MARK WITTMAN
JOAN WITTMAN
6045 CACTUS LN
LEWISTON, ID 83501

Application For Permit No. 85-15792

Dear Applicants:

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 LEWISTON TRIBUNE on 8/16/2018 and 8/23/2018. 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,

Tammy Alleman
Administrative Assistant

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, August 09, 2018 2:01 PM
To: 'Karen Lewis'
Subject: Legal Notice for WR#85-15792
Attachments: 85-15792 Legal Notice.doc

Please publish the enclosed legal notice in the Lewiston Tribune on the dates indicated August 16th & August 23rd (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 9/4/2018. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
Tammy.Alleman@idwr.idaho.gov
208-762-2800 Phone
208-762-2819 Fax*

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

85-15792

MARK WITTMAN

JOAN WITTMAN

6045 CACTUS LN

LEWISTON, ID 83501

Point of Diversion SESE

S23 T35N R06W

NEZ PERCE County

Source TAMMANY CREEK

Tributary SNAKE RIVER

Use: IRRIGATION

02/15 to 11/30 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 8/1/2018

Place Of Use: IRRIGATION

T35N R06W S23 SESE

Total Acres: 10

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 9/4/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/16/2018 and 8/23/2018

Alleman, Tammy

From: Alleman, Tammy
Sent: Thursday, August 09, 2018 2:02 PM
To: June.Bergquist@deq.idaho.gov; 'Siitari,Kiira'
Cc: 'Anna.Moody@deq.idaho.gov'
Subject: Application for Permit #85-15792
Attachments: 85-15792 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 a copy 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 September 4, 2018.**

Please contact the Northern Region Office at (208) 772-2800 if you have any questions regarding the application.

Thank you,

Tammy

*Tammy Alleman
Administrative Assistant
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, ID 83815
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