

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report

5/6/2017

WATER RIGHT NO. 78-12439

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EDWARD KALINOWSKI PO BOX 127 NEW MEADOWS, ID 83654 (208)347-4440
Attorney	SHELLEY DAVIS BARKER ROSHOLT & SIMPSON 1010 W JEFFERSON STE 102 PO BOX 2139 BOISE, ID 83701 (208) 336-0700

Priority Date: 05/02/2016

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	THREEMILE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.12 CFS	
STOCKWATER	01/01	12/31	0.02 CFS	
Total Diversion			0.12 CFS	

Location of Point(s) of Diversion:

SPRING|NWNWSW Lt 3|Sec. 09|Township 19N|Range 02E|ADAMS County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADAMS County



<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
19N	02E	9	3	NWSW	4									

Place of Use Legal Description: STOCKWATER ADAMS County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
19N	02E	9	3	NWSW										

Total Acres: 4

Dates:

Date Application Received: 05/02/2016

Date Application Denied:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date: 8/8/2016

Number of Protests: 2

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Application Type: New Appropriation

Applicant Remarks: An unnamed spring existed on the property when I purchased it with no other rights. I am seeking rights to use the spring for the irrigation and stock water. The existing spring has a concrete ring inches in diameter and cap (see photo)

Other Water Rights:

Time to Complete Works: 5

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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

Ident. No. 78-12439

RECEIVED
JUN 22 2016 MAY 02 2016
WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Edward KalinowskiName connector (check one) ☐ and ☐ or ☐ and/orPhone 208-347-4440Mailing address PO Box 127City New MeadowsState IDZip 83654Email Kalinows@hawaii.edu2. Source of water supply Springwhich is a tributary of Three Mile Creek

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
19N	2E	9		NE	NW	SW	Adams	Spring	-

4. Water will be used for the following purposes:

Amount 0.02 CFS for Stock Water purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 0.12 CFS for IRRIGATION purposes from 4/1 to 10/31 (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)5. Total quantity to be appropriated is (a) 0.12 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. GRAVITY BASED SYSTEMb. 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 11. For dams 10 feet or more in height OR reservoirs with a total 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 ☒ Noe. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. FIVE CATTLEc. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households - _____

e. Other; describe fully. - _____

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
19N	2E	9										S							
												4							4

Total number of acres to be irrigated: 4

9. 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?

DO NOT HAVE OR INTEND TO USE ANY OTHER WATER RIGHTS FOR IRRIGATION ON THIS PROPERTY.

10. 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: N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

AN UNNAMED SPRING EXISTED ON THE PROPERTY WHEN I PURCHASED IT WITH NO OTHER RIGHTS. I AM SEEKING RIGHTS TO USE THE SPRING FOR THE IRRIGATION AND STOCKWATER. THE EXISTING SPRING HAS A CONCRETE RING 24 INCHS IN DIAMETER AND CAP (see photo).

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Signature of Applicant

Signature of Applicant

DR. EDWARD KALINOWSKI

Print Name (and title, if applicable)

Print Name (and title, if applicable)

Received by

Date

For Department Use:

Time

Preliminary check by

Fee \$

Received by

Receipt No.

Date

WARRANTY DEED

For Value Received, JASON R. MAYER and KASONDRA L. MAYER, husband and wife

the grantors do hereby grant, bargain, sell and convey unto
EDWARD J. KALINOWSKI, an unmarried man

the grantee, whose current address is 99-427 Palalaia Way, Aiea, HI 96701

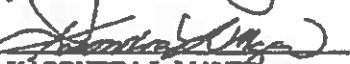
the following described premises, in Adams County, Idaho, to-wit:

Lot 28, Block 1, Timber Ridge Subdivision, Adams County, Idaho, as set
forth on the official plat thereof recorded August 22, 1995 in Book 2
Plats page 17, in the office of the Adams County Recorder.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are
the owners in fee simple of said premises; that they are free from all encumbrances excepting for all
easements of record, rights of way, matters visible, and all matters of record and title and that they will
warrant and defend the same from all lawful claims whatsoever.

Date: August 8, 2008


JASON R. MAYER


KASONDRA L. MAYER

Instrument # 116923

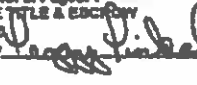
COUNCIL, ADAMS, IDAHO

8-15-2008

01:37:13 No. of Pages: 1

Recorded for: TIMBERLINE TITLE & ESCRROW

SHERY WARD Fee: 3.00

Ex-Office Recorder Deputy 

Index to: (NONE)

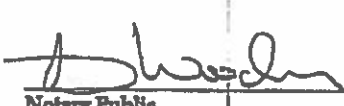
STATE OF Idaho)

COUNTY OF Ada)

On this 11 day of August, in the year of 2008, before me, a Notary Public in and for said State, personally
appeared JASON R. MAYER and KASONDRA L. MAYER
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument,
and acknowledged to me he/she/they executed the same.



#06-1599

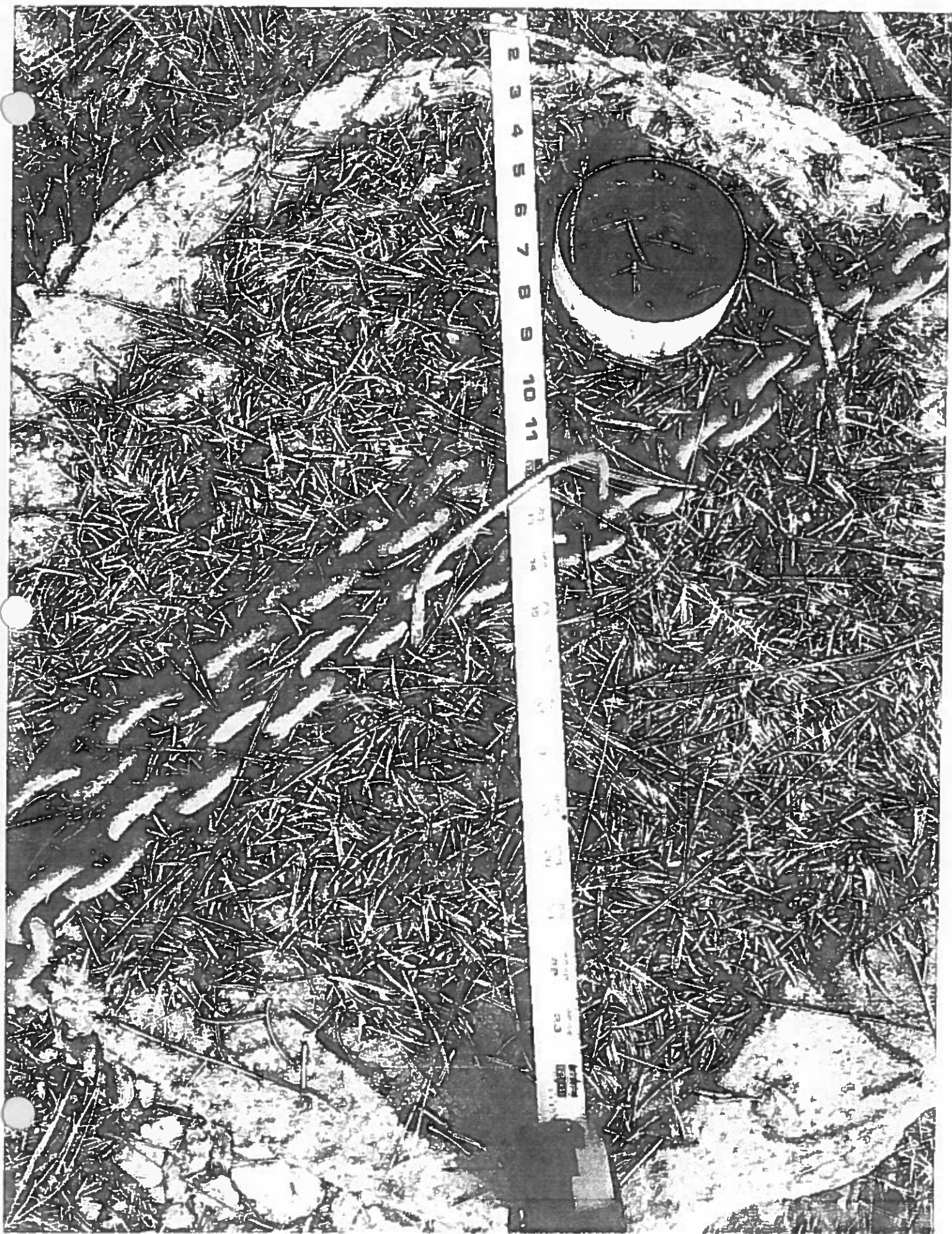

Notary Public

Residing at Eagle, Idaho

Commission expires: 11/17/2011







APPLICATION FOR PERMIT

67-10067

2 DOMESTIC USES
4 ACRES OF IRRIGATION



RECEIVED

MAY 02 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 78-12439

1. Name of applicant(s) Edward Kalinowski Phone 208-347-4440
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 127 City New Meadows
 State ID Zip 83654 Email Kalinows@hawaii.edu

2. Source of water supply Spring which is a tributary of Three Mile Creek
 3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
19N	2E	9		NE	NW	SW	Adams	Spring	-

4. Water will be used for the following purposes:

Amount 0.02 CFS for Stock Water purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.12 CFS for IRRIGATION purposes from 4/1 to 10/31 (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)

5. Total quantity to be appropriated is (a) 0.12 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

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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. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. FIVE CATTLE

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households _____

e. Other; describe fully. _____

+ superseded by amended app received 6-22-14 =DM

8. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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.

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	2E	9										S							
												4							4

Total number of acres to be irrigated: 4

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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:
N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

AN UNNAMED SPRING EXISTED ON THE PROPERTY WHEN I PURCHASED IT WITH NO OTHER RIGHTS. I AM SEEKING RIGHTS TO USE THE SPRING FOR THE IRRIGATION AND STOCKWATER. THE EXISTING SPRING HAS A CONCRETE RING 24 INCHS IN DIAMETER AND CAP (see photo).

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Signature of Applicant

Signature of Applicant

DR. EDWARD KALINOWSKI

Print Name (and title, if applicable)

Print Name (and title, if applicable)

Received by

Date

For Department Use:

Time

Preliminary check by

Fee \$

Received by

Receipt No.

Date

* Superseded by amended app received 6-22-16 = DM

WARRANTY DEED

For Value Received, JASON R. MAYER and KASONDRA L. MAYER, husband and wife

the grantors do hereby grant, bargain, sell and convey unto
EDWARD J. KALINOWSKI, an unmarried man

the grantee, whose current address is 99-427 Paisiali Way, Alsea, OR 96701

the following described premises, in Adams County, Idaho, to-wit:

Lot 28, Block 1, Timber Ridge Subdivision, Adams County, Idaho, as set
forth on the official plat thereof recorded August 22, 1995 in Book 2
Plats page 17, in the office of the Adams County Recorder.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are
the owners in fee simple of said premises; that they are free from all encumbrances excepting for all
easements of record, rights of way, matters visible, and all matters of record and title and that they will
warrant and defend the same from all lawful claims whatsoever.

Date: August 8, 2008

JASON R. MAYER

KASONDRA L. MAYER

Instrument # 118923

COUNCIL, ADAMS, IDAHO

8-15-2008 01:37:13 No. of Pages: 1

Recorded for: TIMBERLINE TITLE & ESCROW

SHERRY WARD Fee: 3.00

Ex-Officio Recorder Deputy

Index to: (PDS)

STATE OF Idaho)
COUNTY OF Ada)

On this 11 day of August, in the year of 2008, before me, a Notary Public in and for said State, personally
appeared JASON R. MAYER and KASONDRA L. MAYER
known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument,
and acknowledged to me he/she/they executed the same.



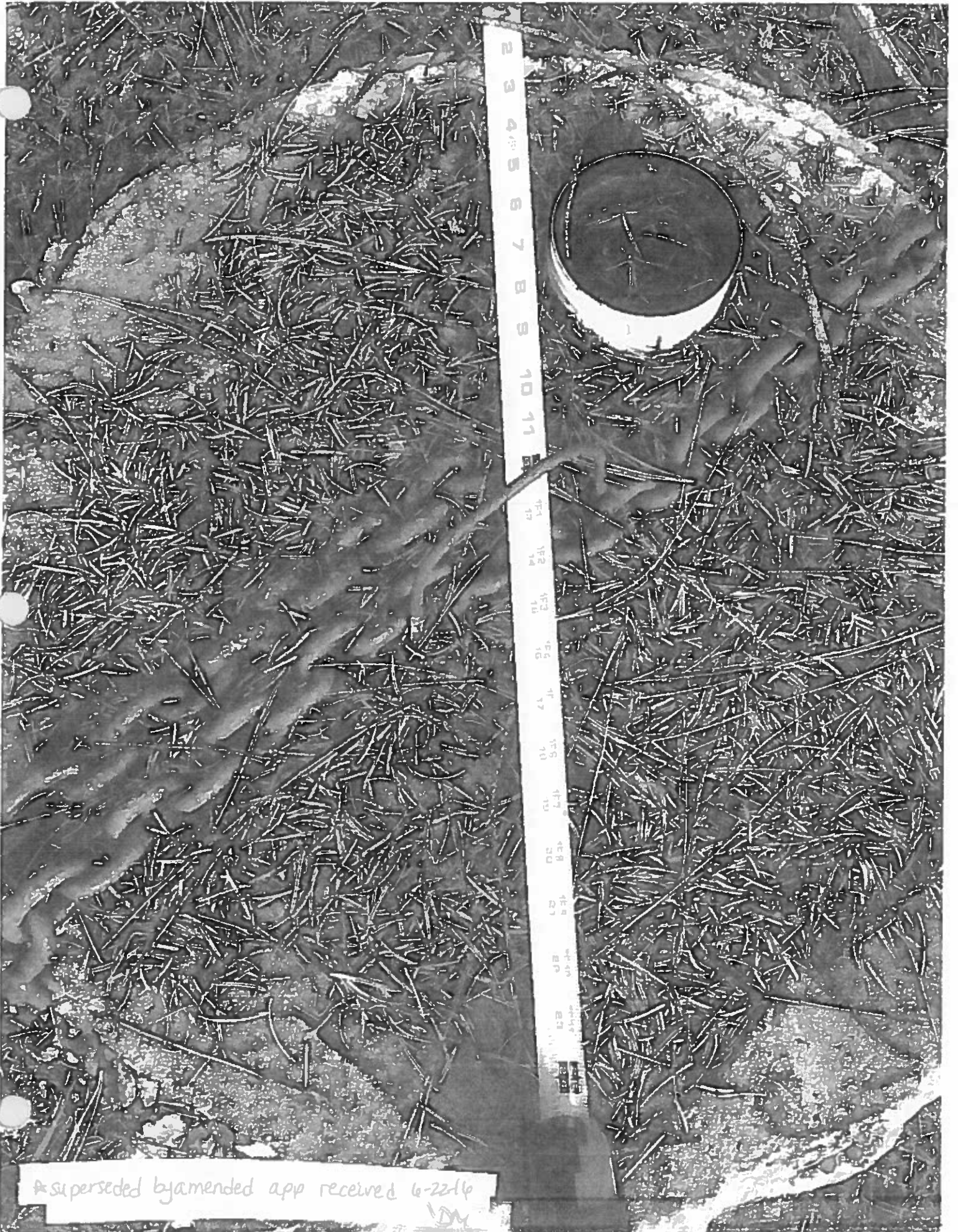
#08-1593

Notary Public
Residing at: Eagle, Idaho
Commission expires: 11/17/2011





* Superseded by amended app received (1999/11/11)

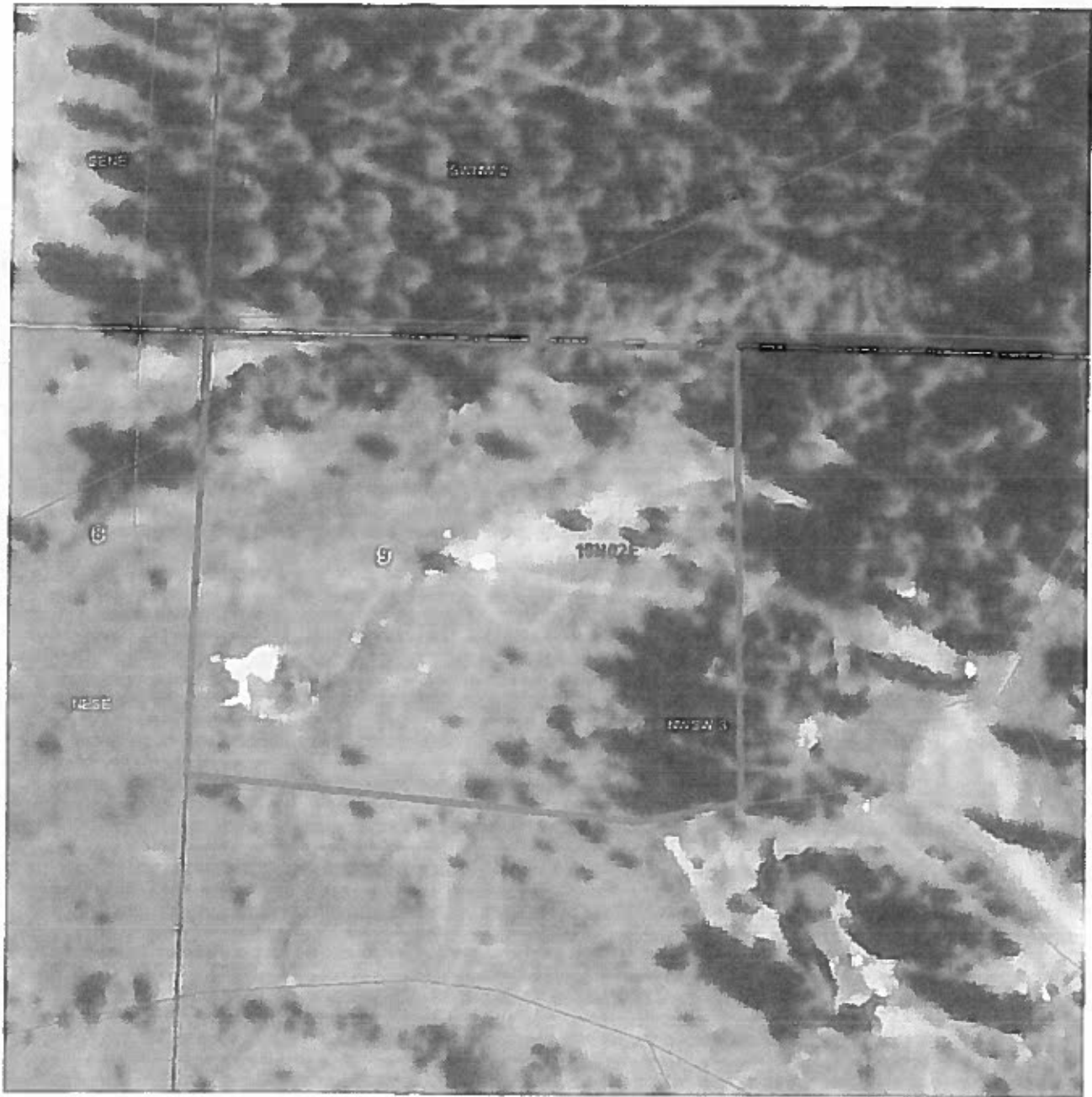


*superseded by amended app received 6-22-16

124

EDWARD KALINOWSKI
APPLICATION FOR PERMIT

19N 2E SEC 9 NWSW



** Superseded by amended ABB PERMIT 6-22-16 EDM*

67-10067

2 DOMESTIC USES
4 ACRES OF IRRIGATION



* superseded by amended app. received 6-22-16 -DM



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 29, 2016

EDWARD KALINOWSKI
PO BOX 127
NEW MEADOWS, ID 83654

Application for Permit No. 78-12439

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 THE RECORD on 7/6/2016 and 7/13/2016. 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 black ink, appearing to read 'Rachel Neely'.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, June 29, 2016 1:03 PM
To: 'Gamaliel Masters'
Subject: Adams Legal Ad
Attachments: Adams Cover Letter.docx; Adams Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 7/6/2016 & 7/13/2016.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

June 29, 2016

LEGAL NOTICE DEPARTMENT
THE RECORD
PO BOX R
COUNCIL, ID 83612

RE: Application for Permit No. 78-12439

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 7/25/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following application has been filed to appropriate the public waters of the State of Idaho

78-12439

EDWARD KALINOWSKI

PO BOX 127

NEW MEADOWS, ID 83654

Point of Diversion L3(NWNWSW) S9 T19N R02E ADAMS County Source SPRING Tributary THREEMILE CREEK

Use: IRRIGATION 04/01 to 10/31 0.12 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion 0.12 CFS

Date Filed: 5/2/2016

Places of Use: IRRIGATION, STOCKWATER

T19N R02E S9 L3(NWSW)

Total Acres: 4

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190, or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 7/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/6/2016 and 7/13/2016

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, June 29, 2016 1:03 PM
To: 'Ward, Rick'
Subject: Applications for Permit Nos. 78-12439 & 65-23628
Attachments: IDFG Recommendation Form.docx; Application for Permit No. 78-12439.pdf; Application for Permit No. 65-23628.pdf

June 29, 2016

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: RICK WARD
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Applications for Permit No. 78-12439, 65-23628

Dear Mr. Ward:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from your agency regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of July 25, 2016.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

Neely, Rachel

From: Neely, Rachel
Sent: Wednesday, June 29, 2016 1:03 PM
To: Clark, Cynthia (Bridge)
Subject: Application for Permit No. 78-12439
Attachments: Agency Recommendation Form.docx; Application for Permit No. 78-12439.pdf

IDAHO DEPARTMENT OF WATER RESOURCES
WATER PROJECTS SECTION MANAGER
ATTN: CYNTHIA (BRIDGE) CLARK
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit No. 78-12439

Dear Ms. Clark:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from your agency regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of July 25, 2016.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

June 29, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

HOLLY BECKER
3919 CEMETERY RD
NEW MEADOWS ID 83654

Re: Application for Permit No: 78-12439

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the *Record* for advertising. I have enclosed a copy of the application for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by July 25, 2016. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures



RECEIVED

JUN 24 2016

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF FISH AND GAME
SOUTHWEST REGION
MCCALL OFFICE
555 Deinhard Lane
McCall, Idaho 83638

C.L. "Butch" Otter / Governor
Virgil Moore / Director

Danie Merriman
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

June 22, 2016

RE: Application for permit # 78-12439

Dear Danie;

We reviewed the referenced water right application from Mr. Edward Kalinowski for irrigation and stock water. This is for a small natural spring that has not had a previous water right. We do not have any concerns for fish and wildlife with the amount water use. If you need any further information please contact Dale Allen; Regional Fishery Manager in our McCall office.

Sincerely,

Dale Allen
Regional Fishery Manager

Cc: Ed Kalinowski; PO BOX 127, New Meadows, ID 83654

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-334-3700 • Fax: 208-334-2114 • Idaho Relay (TDD) Service: 1-800-377-3529 •
<http://fishandgame.idaho.gov>



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

JUN 22 2016

WATER RESOURCES
WESTERN REGION

1445 North Orchard • Boise, Idaho 83706 • (208) 373-0550
www.deq.idaho.gov

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

June 20, 2016

Mr. Edward Kalinowski
PO BOX 127
Boise, ID 83654

RE: DEQ comments on water right application 78-12439

Dear Applicant:

The Idaho Department of Environmental Quality (DEQ) reviewed your water rights application, and associated water quality information near your proposed project site identified in Application 78-12439 for a stock water withdrawal of 0.02 cfs from 1/1 to 12/31 and an irrigation withdrawal of 0.12 cfs from 4/1 to 10/31.

The point of use is an unnamed spring which is a tributary to Three Mile Creek (ID17060210SL007_02). Three Mile Creek is a tributary of the Little Salmon River (ID17060210SL007_05). The Three Mile Creek Assessment Unit was last monitored in 2007 and is supporting its beneficial uses. It is in Category 2 of the Integrated Report. The waterbody unit S-7, which includes Three Mile Creek and the Little Salmon River are designated for cold water aquatic life, salmonid spawning, primary contact recreation and drinking water supply.

DEQ does not anticipate that this water right use will impair beneficial uses. Thank you for the opportunity to review your application.

Please do not hesitate to contact me at 208.373.0264 for any additional information we may be able to provide.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Schultz".

Josh Schultz
Senior Watershed Analyst
Boise Regional Office

cc: Danielle Merriman, IDWR
Doug Conde, Deputy Attorney General

Merriman, Danielle

From: Josh.Schultz@deq.idaho.gov
Sent: Monday, June 20, 2016 10:28 AM
To: Merriman, Danielle; kalinows@hawaii.edu; ekwildlife@hmail.com
Cc: Lance.Holloway@deq.idaho.gov; Douglas.Conde@deq.idaho.gov
Subject: Water Right Comment Letter 78-12439
Attachments: Kalinowski Water Right Comment Letter.pdf

Good Morning Danielle, I have attached a comment letter for Mr. Edward Kalinowski's water right application (78-12439). If you need anything else, just let me know.

Have a great day!

Josh

Joshua Schultz • Senior Watershed Analyst • Idaho Department of Environmental Quality • 1445 N Orchard St. • Boise, Idaho 83706 • (208) 373-0264



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 7, 2016

EDWARD KALINOWSKI
PO BOX 127
NEW MEADOWS, ID 83654

COPY

Re: Application for Permit 78-12439

Dear Applicant:

This letter is in regards to your Application for Permit 78-12439 which requests spring water for irrigation and stockwater. Additional information is needed to further process your request.

You are applying for water that is within the Salmon River and Clearwater River drainages. Because the waters of these river drainages are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, caution is necessary to ensure that new appropriations of water do not undermine efforts to protect and restore the ESA listed fish species and other public values for rivers and streams. IDWR is, therefore, requiring applicants to submit additional information required by Rules 40.05.g, local public interest.

Rule 40.05 g requests information relative to conflict with the local public interest, section 42-203A(5)(e), Idaho Code, and shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the Idaho Department of Fish and Game and the Idaho Department of Environmental Quality.

The following state agency representatives will help you respond to the local public interest requirement of Rule 40.05.g. IDWR must receive written comments from both of those agencies.

Idaho Department of Fish & Game contact list for water right applications:

Panhandle Region:	Mary Terra-Berns at 208-769-1414
Clearwater Region:	Ray Hennekey at 208-799-5010
McCall Subregion:	Dale Allen at 208-634-8137
Salmon Region:	Tom Curet at 208-756-2271
Southwest Region:	Rick Ward at 208-465-8465

Idaho Department of Environmental Quality contact list for water right applications:

Lewiston:	Cindy Barrett at 208-799-4370 (Clearwater or lower Salmon River basins)
Boise:	Josh Schultz at 208-373-0550 (South Fork Salmon River basin)
Idaho Falls:	Troy Saffle at 528-2650 (Upper Salmon, Lemhi, Pahsimeroi basins)

In addition to the written comments from IDFG and DEQ, the Department requires clarification on a section of your application form.

1. The point of diversion is described incorrectly. Based on your attached map, it appears that the spring is located in the NW NW SW corner of T19N R2E Sec9. Please amend section three (3) of your form, initial and date next to the change, and return the form to process this change.

Please submit the comment letters and requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next sixty (60) days. Refunds are not issued for voided applications. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information or have any questions. Thank you for your attention to these matters.

Sincerely,



Danie Merriman
Water Resource Agent
IDWR, Western Region

Enclosed: Copy of original Application for Permit

Date: July 7, 2016

To: Dannie Merriman
Idaho Department of Water Resources
Western Region Office

RECEIVED

JUL 12 2016

Subject: Water Rights Filing(s)

WATER RESOURCES
WESTERN REGION

Dear Ms. Merriman,

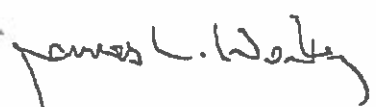
It has recently come to my attention spring(s) on my property and unnamed seasonal creek do not have legal nor adjudicated water rights filed on them at this time. Due to this fact, my wife and I are hereby submitting an Application For Permit for the rights as legal owners of this property. Property legal address is 3808 Shadow Pine Circle, Lot #27, Block 1, Timber Ridge Subdivision, Adams county, Idaho as set forth on official plat recorded August 22, 1995 in Book 2 plats page 17, recorded in the offices the Adams county recorder. This property was purchased by my wife and myself from H.P.J. Partners (Hobart Alter) on May 14, 1998. I am including a copy of the Seller's Closing Statement, Warranty Deed, overall subdivision map and detailed Lot 27 map reflecting spring(s) and seasonal creek locations. Your offices have provided the location point of diversion provided on the Application For Permit to appropriate these waters.

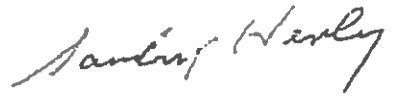
Spring 1 is indicated on the detailed Lot 27 map, Spring 2 is approximately 150 feet east, and the seasonal, unnamed creek enters the property on the eastern edge and flows through the property to the western edge. The lower western flow portion of this creek on our property has been obstructed by unauthorized persons and thus deprived the wetlands indicated by the lot plan of supporting flows. It is my intention to breach this obstruction to allow the historical flow of this creek on to 3 Mile Creek. Our request regarding this creek are only for the spring flows on our property contributing to it's existence.

We intend to utilize these resources to provide pasture irrigation to support beef cattle, provide irrigation capability for existing and future fruit tree maintenance and a small fire suppression pond for home protection as well as a positive aesthetic enhancement to wildlife in the area and our property in general.

Ms. Merriman, you may be advised by this letter and document same, that we do not intend now or in the future have any interest in interfering with the spring flow from our indicated Spring 1 to the water line easement as indicated on the plat map; we do, however, seek to protect our rights regarding water emanating from our legally owned and highly taxed property.

Respectfully submitted,


James L. Henley


Sandra J. Henley



Google earth

feet 500
meters 100



78-12447

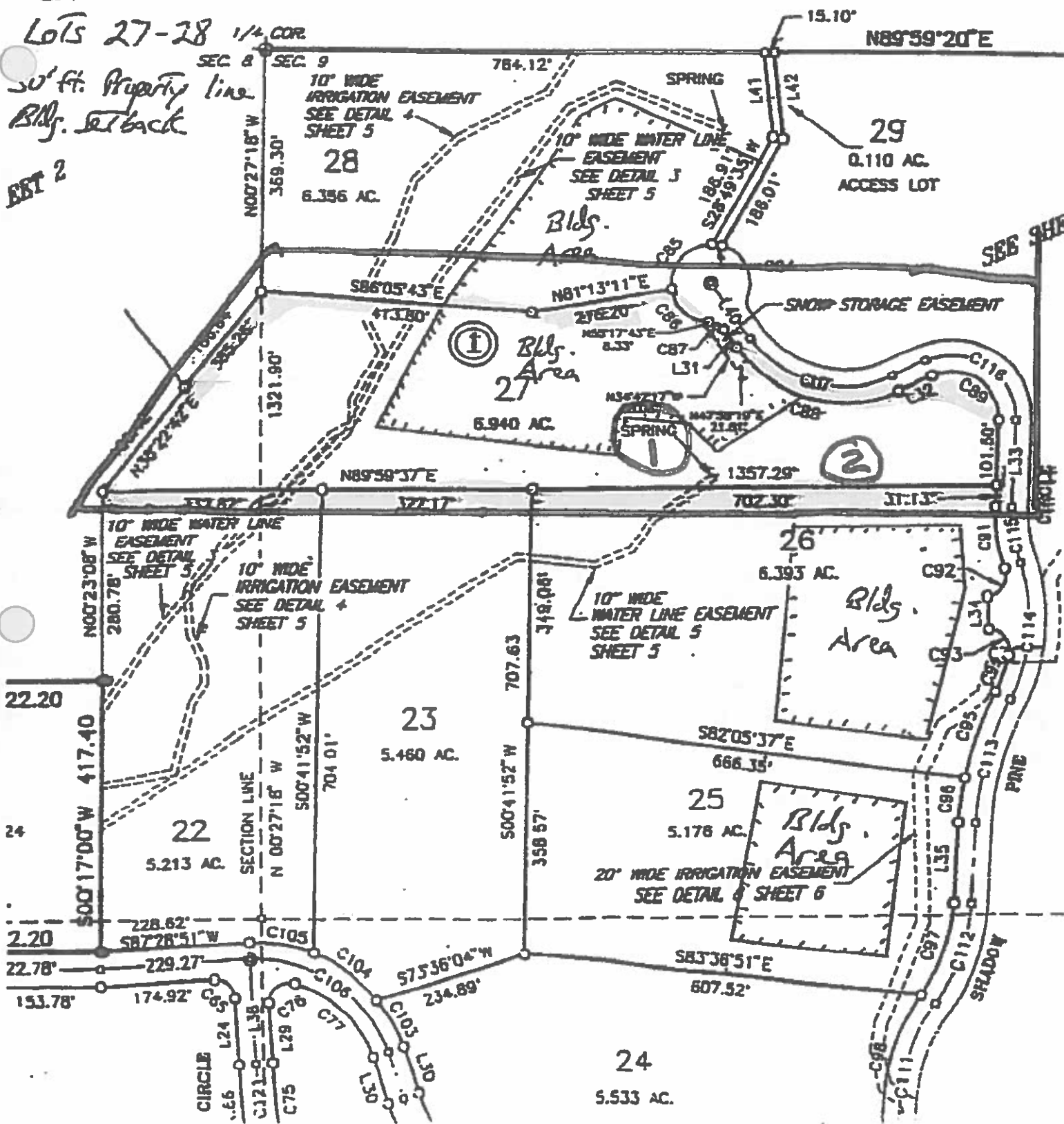
LOT 22 ADAMS COUNTY, IDAHO

1995

LOTS 27-28 1/4 COR.

50' Ft. Property line
Bldg. setback

ERT 2





SELLER(S) CLOSING STATEMENT

Prepared by
Mountain Title & Escrow
120 N. Main Street
P.O. Box 798
Cascade, Id. 83611
208-382-4205

SELLER(S): H.P.J. PARTNERS

PURCHASER(S): JAMES L. HENLEY and SANDRA HENLEY

PROPERTY: LOT 27, BLOCK 1, TIMBER RIDGE SUB., ADAMS COUNTY, IDAHO

FILE NO.#: 98321

SETTLEMENT DATE: 05/15/98

PRORATION DATE: 05/15/98

	CHARGES	CREDITS
Sales Price:		50,500.00
County taxes 01/01 - 05/15:	6.98	
Commission @ 10%:	6,000.00	
3,000.00 to ENGEN REAL ESTATE		
3,000.00 to BRUNDAGE REAL ESTATE		
Settlement Fee:	Mountain Title & Escrow 85.00	
Owner's Policy Amount:	Mountain Title & Escrow 415.00	
2ND HALF '97 TAXES:	ADAMS COUNTY TAX COLLECTOR 9.43	
Lot Release:	First American Title 18,061.98	
Releases:	RECORDING ENTITY 4.00	
CASH DUE TO SELLERS:	35,417.61	
TOTALS:	60,000.00	60,500.00

H.P.J. PARTNERS


BY: HOBART L. ALTER,
GENERAL PARTNER

 P.O.A.
BY: HOBART P. ALTER,
HIS ATTORNEY IN FACT

WARRANTY DEED

For Value Received, H.P.J. PARTNERS

the Grantors, do hereby grant, bargain, sell and convey unto
JAMES L. HENLEY and SANDRA HENLEY
husband and wife

whose address is: 2078 SCYENE WAY, BOISE, IDAHO 83712
the Grantees, the following described premises, to-wit:

LOT 27, BLOCK 1, TIMBER RIDGE SUBDIVISION, ADAMS COUNTY, IDAHO, AS
SET FORTH ON THE OFFICIAL PLAT THEREOF RECORDED AUGUST 22, 1995 IN
BOOK 2 PLATS PAGE 17, IN THE OFFICE OF THE ADAMS COUNTY RECORDER.

TO HAVE AND TO HOLD the premises with their appurtenances unto the
said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 1998 taxes and
assessments and that they will warrant and defend the same from all
lawful claims whatsoever.

Dated: 5/14/98

H.P.J. PARTNERS

 His Attorney in Fact
Hobart L. Alter
by: Hobart P. Alter,
his attorney in fact

PART OF SECTIONS 8 AND 9, T.19 N., R.2 E.
ADAMS COUNTY, IDAHO 1995

UNPLATED

DEEDS

78-12447

N ENGINEERING COMPANY

GO DOWN LANE
ALL AN EYE BUILDING
SUN BOX 430
SUN BOX 430
SUN BOX 430

78-12447 Application

9/3/12

SENE

NESE

AWSWG

HW NW SW G13

NEW SW G13

SW NW SW G13

SE NW SW G13

Legend

- Application POD
- Application PCU
- Township/Range
- Sections
- QQ
- Taxlots

Unnamed Stream Diversion

Spring #1

Spring #2

78-12447

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. 1-2 HEAD CATTLE
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households -
- Other; describe fully. IRRIGATION OF PASTURE LANDS, FRUIT TREES (CURRENT AND FUTURE)

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	
19N	02E	9										3							3
												GL 3							

Total number of acres to be irrigated: 3

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? 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. Provide water for 1-2 head of cattle and pasture and fruit tree irrigation.

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.

James L. Henley
Signature of Applicant
James L. Henley
Print Name (and title, if applicable)

Sandra J. Henley
Signature of Applicant
Sandra J. Henley
Print Name (and title, if applicable)

RECEIVED

AUG 09 2016

FORM 202 Rev. 07/18 Amended application
WATER RESOURCES
WESTERN REGION

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

Ident. No. 78-12447

1. Name of applicant(s) JAMES L AND SANDRA J HENLEY Phone 208-347-3191

Name connector (check one): ☐ and ☐ or ☒ and/or
Mailing address PO BOX 396 NEW MEADOWS, IDAHO 83654 Email sjhenley8@gmail.com

2. Name of representative, if any none at this time Phone -

Mailing address - 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 providing authority to sign for the applicant.

3. Source of water supply 2 springs, 1 unnamed creek which is a tributary of THREEMILE 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 #
19N	02E	9	3	NW	NW	SW	ADAMS	SPRING	
19N	02E	9	3	NE	NW	SW	ADAMS	SPRING	
19N	02E	9	3		NW	SW	ADAMS	UNNAMED STREAM	

5. Water will be used for the following purposes:

Amount 0.02 CFS for STOCKWATER purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 0.09 CFS for IRRIGATION purposes from 04/01 to 10/31 (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) 0.11 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. GRAVITY FLOW TO IRRIGATION, STOCK

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 11. 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 DM Date 8-9-16 Time - Preliminary check by DM
Fee \$ 100 Receipted by B.S. Receipt No. W044411 Date 7-12-16