

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15782

Priority: March 02, 2017

Maximum Diversion Volume: 9.7 AF

This is to certify, that DAVID P BODINE JR 1242 OLD HWY 7 GRANGEVILLE ID 83530
has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: COTTONWOOD CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	9.7 AF
RECREATION STORAGE	01/01 to 12/31	8.3 AF
WILDLIFE STORAGE	01/01 to 12/31	8.3 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	1.4 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SW1/4, NE1/4, Sec. 10, Twp 31N, Rge 02E, B.M., IDAHO County

UNNAMED STREAM NW1/4, SE1/4, Sec. 10, Twp 31N, Rge 02E, B.M., IDAHO County

PLACE OF USE: RECREATION STORAGE and WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31N 02E 10			X												X		

PLACE OF USE: STOCKWATER STORAGE and STOCKWATER FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31N 02E 10			X												X		

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before June 01, 2022.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
5. Water shall not be diverted under this right when flows in the Cottonwood Creek are below minimum flow amounts as defined by Right 85-15622.
6. Right 85-15782 authorizes the storage of an annual total of 9.7 Acre Feet (AF), 6.0 AF to be used for the initial filling or carryover storage of the pond, 2.3 AF for the replacement of losses due to seepage and evaporation, and 1.4 AF for additional refills for Stockwater from Storage use.
7. The pond established by the storage of water under this right shall not exceed a total capacity of 6.05 Acre Feet (AF) or a total surface area of 1.24 acres.
8. Stockwater use is for 100 head Mixed Stock.
9. Recreation Storage use is for fishing and swimming.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed, this 31st day of May, 2017.

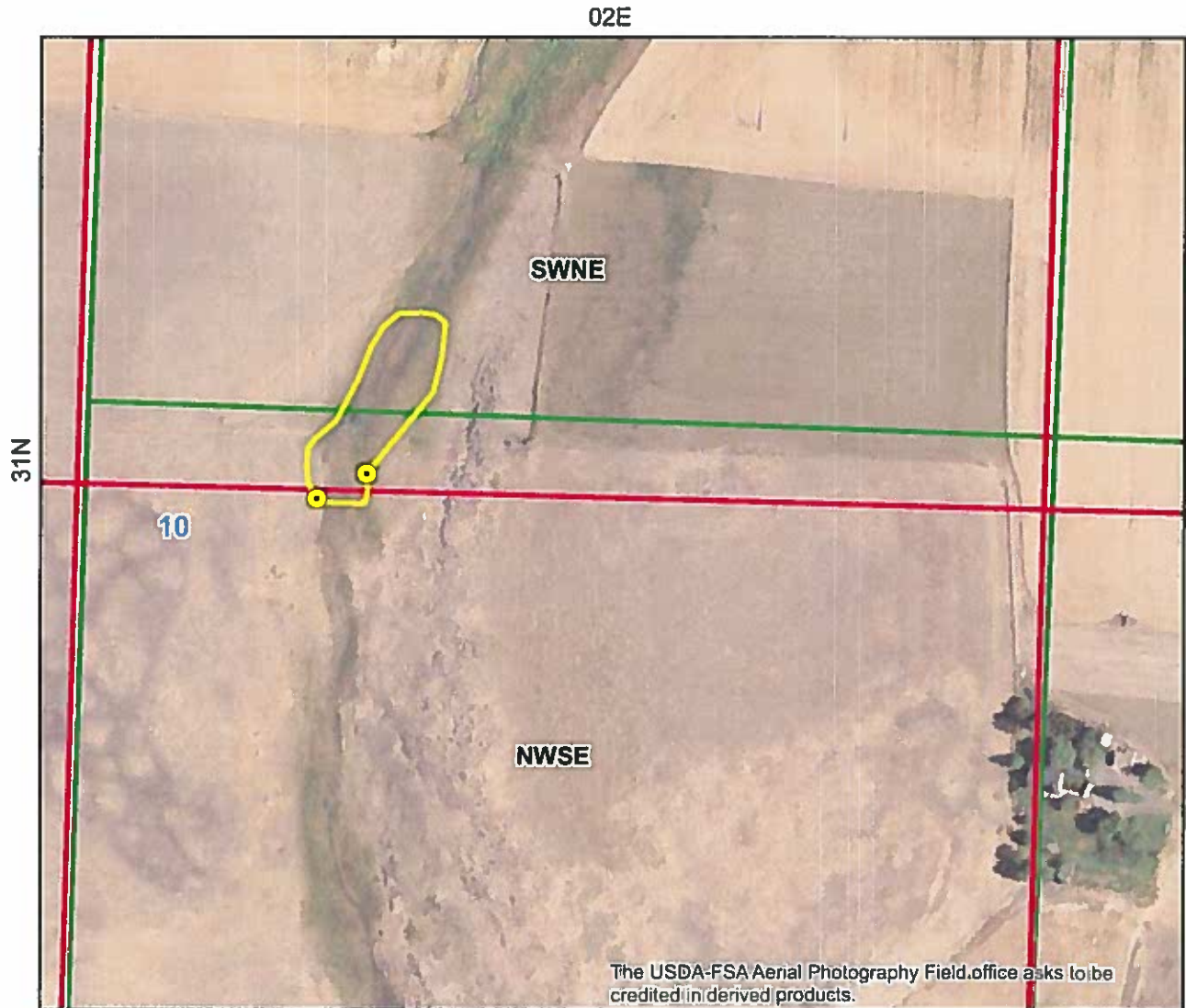

MORGAN CASE, Northern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

85-15782

This map depicts the RECREATION STORAGE, STOCKWATER STORAGE, and WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  PLS Sections
-  Taxlots

0 0.03 0.06 0.12 Miles



Tax parcel information provided by Idaho County.

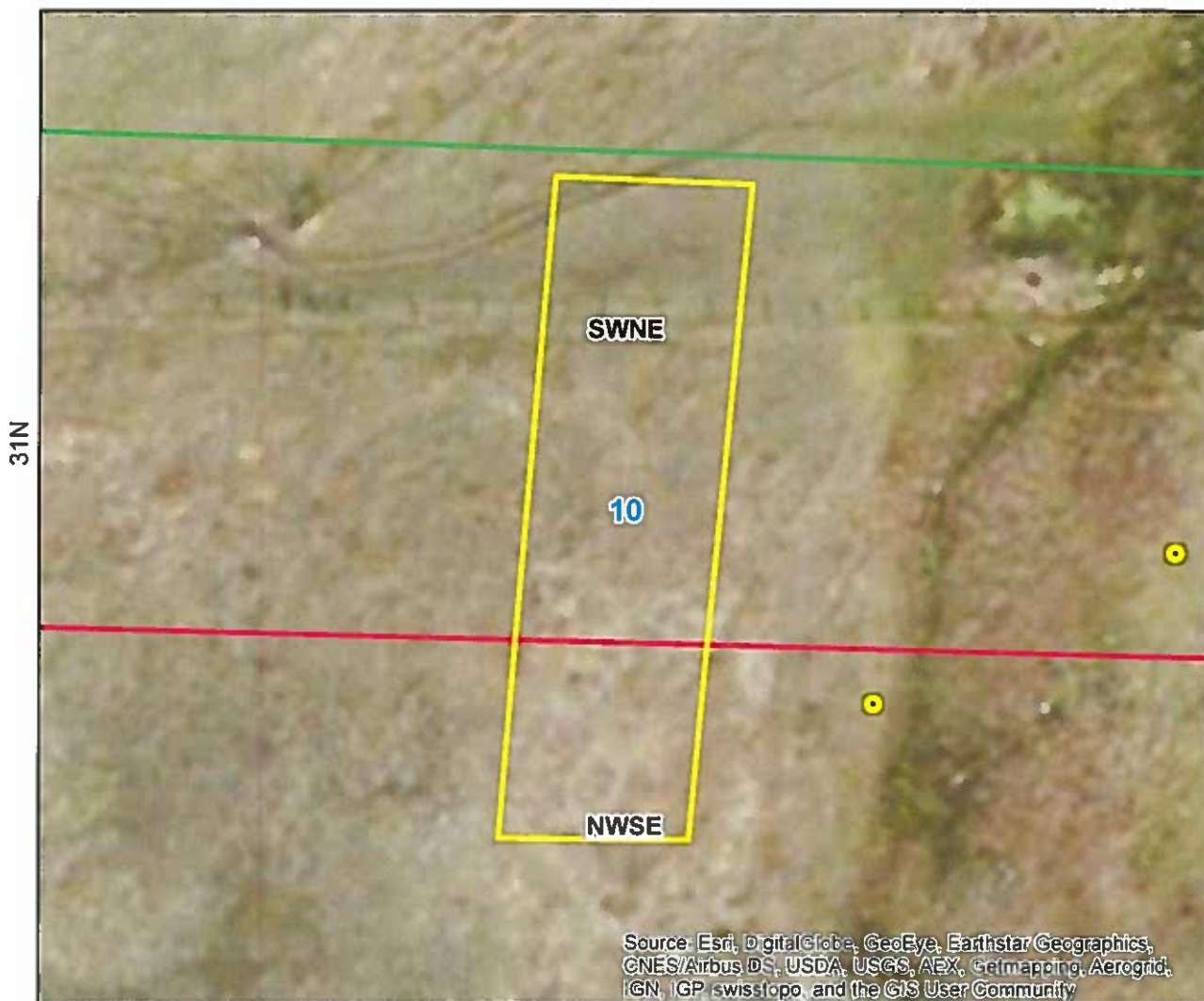
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

85-15782

This map depicts the STOCKWATER FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

02E



-  Point of Diversion
-  Place Of Use Boundary
-  PLS Sections
-  Taxlots

0 0.005 0.01 0.02 Miles



Tax parcel information provided by Idaho County.



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

May 31, 2017

DAVID P BODINE JR
1242 OLD HWY 7
GRANGEVILLE ID 83530

RE: Permit No. 85-15782

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-762-2800.

Sincerely,

A handwritten signature in black ink that reads "Morgan Case". The signature is written in a cursive, flowing style.

Morgan Case
Northern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

85-15782

**DAVID P BODINE JR
1242 OLD HWY 7
GRANGEVILLE ID 83530**



**Natalie Steading
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

To: Water Right Application for Permit 85-15783 (Peterson)

From: Shaun M. Maxey, Idaho DEPT of Water Resources (IDWR), Northern Region *sm*

Date: May 3, 2017

SUBJECT: IDWR Regional Analysis and Recommendation in Accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information: The Applicant wants to store up to 9.7 Acre Feet (AF) annually in an in-stream stockwater pond. Application photographs indicate the pond fills. The pond is on an unnamed stream tributary to Cottonwood Creek in Idaho County. The stream appears on the U.S. Geological Survey (USGS) map for the area and is visible as a stream on Geographic Information System (GIS) aerial photographs.

Good Faith, Delay, or Speculative Information: Records show the Applicant owns the pond, Points Of Diversion (POD) and the Places of Use (POU). IDWR has no data that shows the Application is not being made in good faith, an intent to delay, or speculation.

Financial Resources Information: The scope of the project and five year development period appear to be achievable because the pond has already been built. IDWR has no information that indicates the Applicant is financially incapable of finishing the project.

Local Public Interest: Idaho Department of Environmental Quality (IDEQ), Idaho Department of Fish and Game (IDFG), and IDWR's Planning Section were notified for comment on recreation, fish, and wildlife resources. IDFG and the Planning Section did not comment. IDEQ's letter states the unnamed stream is '....not supporting beneficial uses due to temperature, bacteria, nutrients and sediment...' and is '...not supporting the beneficial uses of cold water aquatic life and primary contact recreation...'. IDEQ also stated that existing aquatic life requires protection when stream flows exceed one Cubic Feet Per Second (CFS) or are sufficient to '...sustain existing aquatic life.'

CFS flow rates for the unnamed stream are not available in the record. The nearest USGS Gauging Station is on the South Fork Clearwater River at Stites. Stites is below the junction of Cottonwood Creek and the South Fork Clearwater River.

IDWR's 'Fish All Species Combined' GIS information was checked for the location and species of concern in the area around the Unnamed Stream. The closest location of a species that is of concern is for Westslope Cutthroat who use lower Cottonwood Creek year round in T31N, R3E, Section 5. This reach is many miles from the POD and POU.

It appears, based on the lack of specific information on stream conditions and CFS flow rates and the Westslope Cutthroat location, that the benefits to the Applicant and local public interest from Permit Approval outweigh IDEQ's concerns. The Cottonwood Creek Minimum Streamflow and inlet Condition should be on the Permit.

Injury to Other Users - Other Water Rights: Decreed Right 85-11152 (Stockwater), for the Applicant's spring, is near the pond. Injury from pond Permit approval is unlikely.

Based on the above analysis, I recommend that processing continue to issue of a Permit for the AF amount requested, and the beneficial uses shown in the Application.

RECEIVED
APR 18 2017
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

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

85-15779

RAY KAUFMANN
MARGARET KAUFMANN
765 WHITETAIL DR
GRANGEVILLE, ID 83530
Point of Diversion SESWSE S29 T30N R03E IDAHO CO
Source SPRING tributary THREEMILE CREEK
Use: FIRE Protection Storage 01/01 to 12/31 0.4 AF
Use: RECREATION Storage 01/01 to 12/31 0.4 AF
Use: WILDLIFE Storage 01/01 to 12/31 0.4 AF
Total Diversion: 0.4 AF

Date Filed: 1/30/2017

Place of Use: WILDLIFE Storage T30N R03E S29 SWSE
Place of Use: RECREATION Storage and FIRE Protection Storage same as WILDLIFE Storage.

Recreation Storage use is for fishing and swimming.

85-15782

DAVID P BODINE JR
1242 OLD HWY 7
GRANGEVILLE, ID 83530
Point of Diversion SWNE S10 T31N R02E IDAHO CO
Point of Diversion NWSE S10 T31N R02E IDAHO County
Source for both - UNNAMED STREAM tributary COTTONWOOD CREEK
Use: RECREATION Storage 01/01 to 12/31 8.3 AF
Use: STOCKWATER Storage 01/01 to 12/31 9.7 AF
Use: WILDLIFE Storage 01/01 to 12/31 8.3 AF
Use: STOCKWATER from Storage 01/01 to 12/31 1.4 AF
Total Diversion 9.7 CFS

Date Filed: 2/3/2017

Place of Use: WILDLIFE Storage T31N R02E S10 SWNE NWSE

Place of Use: ALL OTHER STORAGE same as WILDLIFE

Place of Use: STOCKWATER from Storage T31N R02E S10 SWNE NWSE

Stockwater use is for 100 head of mixed stock.

Recreation use is for fishing and swimming.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

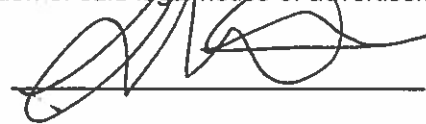
<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>.

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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 4/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 4/5/2017 and 4/12/2017

STATE OF IDAHO
County of Idaho - ss.

Sarah S. Klement, being first duly sworn, says she is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 5th day of April, 2017; and the last publication on the 12th day of April, 2017; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

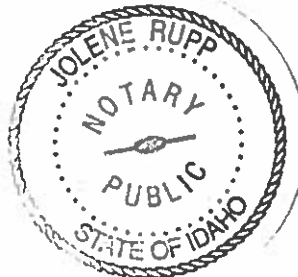


STATE OF IDAHO)

COUNTY OF IDAHO)

On this 12th day of April in the year of 2017, before me a Notary Public personally appeared Sarah S. Klement, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.


Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 7-29-19



RECEIVED

MAR 30 2017

IDWR / NORTH

AFFIDAVIT OF PUBLICATION

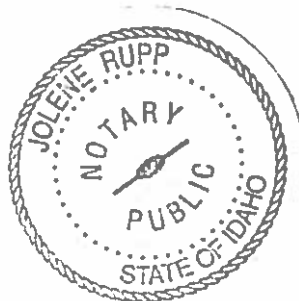
STATE OF IDAHO
County of Idaho - ss.

Sarah S. Klement, being first duly sworn, says she is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 15th day of March, 2017; and the last publication on the 22nd day of March, 2017; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 22nd day of March in the year of 2017, before me a Notary Public personally appeared Sarah S. Klement, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-19

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
85-15782

DAVID P BODINE JR

1242 OLD HWY 7

GRANGEVILLE, ID 83530

Point of Diversion SWNE S10 T31N R02E IDAHO County
Source UNNAMED STREAM tributary COTTONWOOD CREEK

Point of Diversion NWSE S10 T31N R02E IDAHO County
Source UNNAMED STREAM tributary COTTONWOOD CREEK

Use: RECREATION Storage 01/01 to 12/31 8.3 AF

Use: STOCKWATER from Storage 01/01 to 12/31 1.4 AF

Use: STOCKWATER Storage 01/01 to 12/31 9.7 AF

Use: WILDLIFE Storage 01/01 to 12/31 8.3 AF

Total Diversion: 9.7 CFS

Date Filed: 2/3/2017

Place of Use: WILDLIFE Storage T31N R02E S10 SWNE NWSE

Place of Use: ALL OTHER STORAGE same as WILDLIFE

Place of Use: STOCKWATER from Storage T31N R02E S10 SWNE NWSE

Domestic use is for 1 home.

Stockwater use is for 100 head of mixed stock.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800; or for a full description of the right(s), please see:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplication-Results/>

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 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 4/3/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 3/15/2017 and 3/22/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 28, 2017

DAVID P BODINE JR
1242 OLD HWY 7
GRANGEVILLE, ID 83530

Application For Permit No. 85-15782

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.

Due to an omission error this was pulled from the initial publication. A new legal notice of the application has been prepared and is scheduled for publication in the IDAHO COUNTY FREE PRESS on 4/5/2017 and 4/12/2017. 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 that reads "Shaun M. Maxey". The signature is fluid and cursive, with a large loop at the end of the last name.

Shaun M Maxey
Senior Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, March 28, 2017 2:07 PM
To: Legal Notices-ID CO Free Press (IFPlegals@idahocountyfreepress.com); 'lchapman@idahocountyfreepress.com'
Cc: Case, Morgan; Frederick, Adam; Maxey, Shaun
Subject: Application for Permit No. 85-15779, 85-15782
Attachments: LegalNotice 03-28-17 IC 85-15779 and 15782.doc

Hi, Laurie,

Please publish the attached 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.

This should be very close to press ready – for 2-column, 8pt, Arial font. It might even be close enough to just copy and paste, with very little modification required.

Please note the area(s) under **USE** containing dates and water amounts that are offset and lined up. Our legal should appear in this format.

Please also send a proof/preview copy for my review before this actually goes to press.

If you have any questions, please contact me as early as possible.

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 4/24/2017. Your cooperation is appreciated.

Thanks for all your help in getting our legals processed right. You're doing a great job!!

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

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

85-15779

RAY KAUFMANN
MARGARET KAUFMANN
765 WHITETAIL DR
GRANGEVILLE, ID 83530

Point of Diversion SESWSE S29 T30N R03E IDAHO CO

Source SPRING tributary THREEMILE CREEK

Use: FIRE Protection Storage 01/01 to 12/31 0.4 AF

Use: RECREATION Storage 01/01 to 12/31 0.4 AF

Use: WILDLIFE Storage 01/01 to 12/31 0.4 AF

Total Diversion: 0.4 AF

Date Filed: 1/30/2017

Place of Use: WILDLIFE Storage T30N R03E S29 SWSE

Place of Use: RECREATION Storage and FIRE Protection
Storage same as WILDLIFE Storage.

Recreation Storage use is for fishing and swimming.

85-15782

DAVID P BODINE JR
1242 OLD HWY 7
GRANGEVILLE, ID 83530

Point of Diversion SWNE S10 T31N R02E IDAHO CO

Point of Diversion NWSE S10 T31N R02E IDAHO County

Source for both - UNNAMED STREAM tributary

COTTONWOOD CREEK

Use: RECREATION Storage 01/01 to 12/31 8.3 AF

Use: STOCKWATER Storage 01/01 to 12/31 9.7 AF

Use: WILDLIFE Storage 01/01 to 12/31 8.3 AF

Use: STOCKWATER from Storage 01/01 to 12/31 1.4 AF

Total Diversion 9.7 CFS

Date Filed: 2/3/2017

Place of Use: WILDLIFE Storage T31N R02E S10 SWNE
NWSE

Place of Use: ALL OTHER STORAGE same as WILDLIFE

Place of Use: STOCKWATER from Storage T31N R02E S10
SWNE NWSE

Stockwater use is for 100 head of mixed stock.

Recreation use is for fishing and swimming.

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact Northern
Region office at (208) 762-2800; or for a full description of the
right(s), please see:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>

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 Mineral Drive, Suite 100, Coeur D' Alene
ID 83815 together with a protest fee of \$25.00 for each
application on or before 4/24/2017. The protestant must also
send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/6/2017 and 4/18/2017

5

12

Maxey, Shaun

From: david <david@connectwireless.us>
Sent: Friday, March 17, 2017 3:31 PM
To: Maxey, Shaun
Subject: RE: Recreation Use on Application for Permit

We would like to add the uses of the pond for recreational fishing and swimming. David P. Bodine

From: Maxey, Shaun [mailto:Shaun.Maxey@idwr.idaho.gov]
Sent: Friday, March 17, 2017 3:24 PM
To: david <david@connectwireless.us>
Cc: 2089832736@vtext.com
Subject: RE: Recreation Use on Application for Permit

Mr. Bodine:

Please give me a call at (208) 762.2816 concerning the Recreation use for the legal notices on your Water Right Permit Application. We have to briefly describe the purpose of the Recreation Storage for the pond. (Swimming, Fishing, etc.)

I also need to discuss the Domestic use that is shown in the current legal notice that is in the Idaho County Free Press.

Shaun Maxey

Shaun M. Maxey
Sr. Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N Mineral DR Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762.2816 /2800
Fax (208) 762.2819
www.idwr.idaho.gov



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
MAR 20 2017
IDWR/NORTHERN

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

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

March 16, 2017

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

Subject: Applications for Permit to Appropriate Public Waters of the State, Ident. No. 85-15782

Dear Mr. Frederick:

DEQ has received a request for comment on the approval of a water right application to withdraw 9.7 cfs of water from an unnamed tributary to Cottonwood Creek for two existing ponds for stock water, recreation, and wildlife. The ponds are located in Idaho County near Grangeville, ID at township 31 N, Range 02E, of section 10. Assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comments.

The ponds are located in an unnamed, intermittent tributary to Cottonwood Creek and are in waterbody ID17060305CL003_02. This waterbody is listed in Category 4A of the Idaho 2012 Integrated Report as not supporting beneficial uses due to temperature, bacteria, nutrients, and sediment pollutants. It is not supporting the beneficial uses of cold water aquatic life and primary contact recreation.

Idaho Water Quality Standards require existing aquatic life be protected and maintained when flows are equal to or greater than one cubic feet per second in intermittent streams. At no time should the proposed action be allowed to impair existing beneficial uses when stream flow is adequate to sustain existing aquatic life.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please contact me at (208) 983-0808, or by email at daniel.stewart@deq.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel D. Stewart".

Daniel D. Stewart
Water Quality Analyst

cc: David Bodine, Grangeville
Cynthia Barrett, DEQ
TRIM