

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 78-12448

Priority: August 09, 2016

Maximum Diversion Volume: 0.5 AF

This is to certify, that LYNN A MC DONALD
PO BOX 654
NEW MEADOWS ID 83654

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: THREEMILE 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>
FIRE PROTECTION STORAGE	01/01 to 12/31	0.5 AF
STOCKWATER STORAGE	01/01 to 12/31	0.5 AF
AESTHETIC STORAGE	01/01 to 12/31	0.5 AF
FIRE PROTECTION FROM STORAGE	01/01 to 12/31	0.5 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM NE¼SW¼ Sec. 9, Twp 19N, Rge 02E, B.M. ADAMS County

PLACE OF USE: FIRE PROTECTION STORAGE, AESTHETIC STORAGE, And STOCKWATER 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	
19N 02E 9									X								

PLACE OF USE: FIRE PROTECTION 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	
19N 02E 9									X	X	X	X					
									L3	L4							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2018**.
2. Subject to all prior water rights.
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 0.4 acre-feet or a total surface area of 0.04 acres.
4. Right 78-12448 authorizes a total annual storage volume of 0.5 acre-feet; 0.4 acre-feet to be used for the initial filling or carryover storage of the reservoir and 0.1 acre-feet for the replacement of losses caused by seepage and evaporation.
5. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

Permit to Appropriate Water

NO. 78-12448

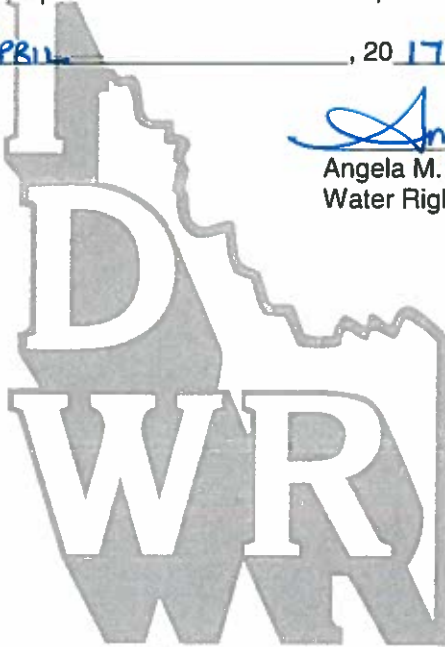
6. Stockwater storage use is for 5 mixed stock.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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

Signed this 10 day of April, 20 17.



Angela M. Grimm
Water Rights Supervisor



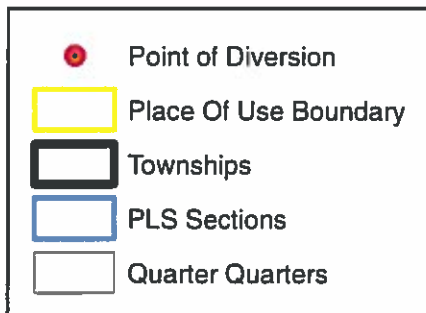
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

78-12448

This map depicts the STOCKWATER, AESTHETIC AND FIRE PROTECTION 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



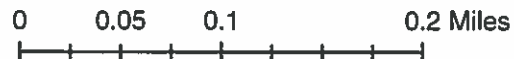
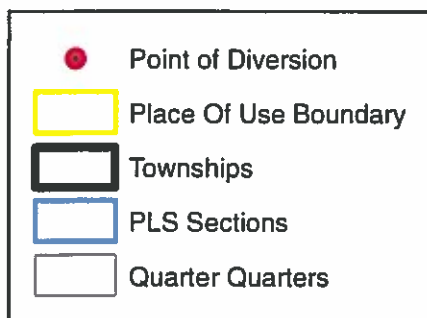
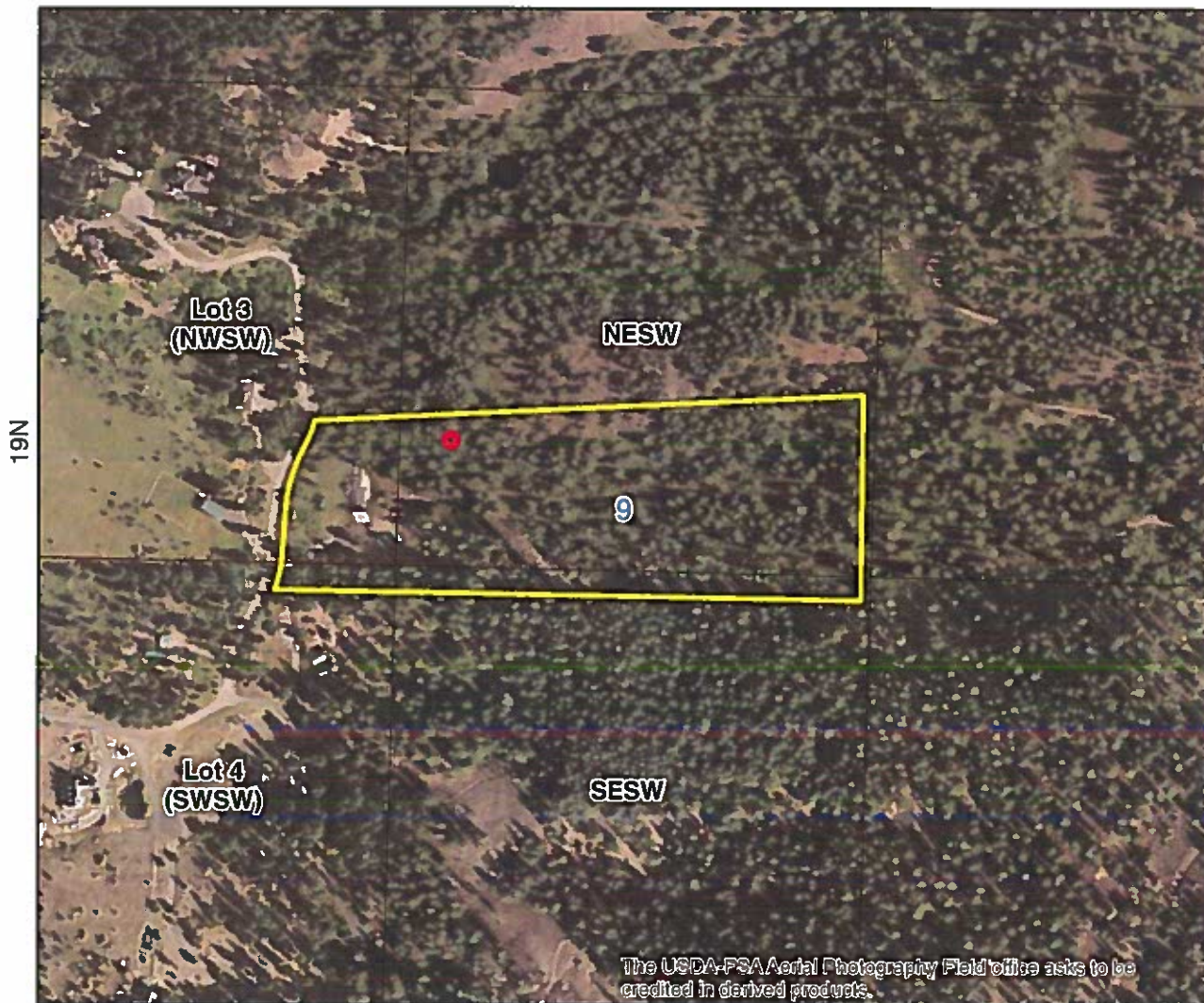
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

78-12448

This map depicts the FIRE PROTECTION 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





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

April 10, 2017

LYNN A MC DONALD
PO BOX 654
NEW MEADOWS ID 83654

RE: Permit No.78-12448

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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)334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller

Western Regional Manager

Enclosure(s)

cc: SHELLEY DAVIS

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 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. 78-12448

**LYNN A MC DONALD
PO BOX 654
NEW MEADOWS ID 83654**

**SHELLEY DAVIS
BARKER ROSHOLT & SIMPSON
1010 W JEFFERSON STE 102
PO BOX 2139
BOISE ID 83701**



**Rachel Neely
Administrative Assistant**

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.

MEMORANDUM

TO: Application No. 78-12448

FROM: Phill Hummer

DATE: 03/27/17

RE: Salmon-Clearwater Processing, Basins 77-79 Western Region

The application proposes to divert water from an unnamed stream tributary to Threemile Creek into a pond with a 0.04 acre surface area. Water in the pond will be used for stockwater, fire protection, and aesthetic purposes. The site is about 6 kilometers northeast of the downtown area of New Meadows Idaho near the intersection of Wallace Ln and Cemetery Rd.

The contact person for the applicant is Shelly Davis with Barker Rosholt & Simpson LLP.

Wild & Scenic River (WSR) Processing

General Information

WSR processing applies to portions of Bs 77 and 78 but not to Bs 79. It is rarely expected in Bs 78 since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.¹

Typically WSR issues would be in Bs 77 upstream from Long Tom Bar on the Salmon River, WSR right 77-11941.² This also incorporates the entire Middle Fork Salmon River drainage, MSR right 77-13844.³

WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application

WSR processing is not required because the proposed source/diversion are downstream from any WSR rights.

Minimum Streamflow Rights (MSF)

General Information

MSF analysis applies to all surface water upstream⁴ from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results (7/8/09 telephone conference).

¹ POD = T23N-R1W-S12.

² POD = T25N-R5E-S31.

³ POD = T23N-R16E-S33.

⁴ Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

Downstream MSF right 3-8 on the Snake River⁵ is not subordinate to “future dcmi” uses or “future non-dcmi (with cfs limits)” uses. Downstream Salmon River MSF right 79-14119⁶ is subordinated to future dcmi uses but not to future non-dcmi uses.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses. None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application

MSF analysis is required for the proposed source and use upstream from MSF rights 3-8 and 79-14119, this leads to the following MSF conclusions for this application:

This application also involves MSF right no. 78-12237

- Senior MSF right 3-8 will not be subordinated to the proposed use(s).
- Senior MSF right 79-14119 will not be subordinated to the proposed non-dcmi use.
- Senior MSF right 78-12237 will be subordinated to the proposed non-dcmi use(s).

The attached MSF spreadsheet shows the application meets the criteria for MSF rights in the same basin.

Discussion

Local Public Interest:

The Idaho Department of Fish and Game responded with a letter received on 03/01/17. The letter indicates the proposed application will have no negative impacts on fish or wild life. Similarly the Department of Environmental Quality responded with a letter received on 03/20/17 indicating the project does not raise any water quality concerns.

Conditions of Approval

Only the standard conditions need to be used since IDFG and DEQ have no concerns.

⁵ POD = T31N-R5W-S10.

⁶ From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

BS 78 MINIMUM STREAMFLOW RIGHTS – QUERY 12/31/2015 (no change from 2013)

<u>Basin</u>	<u>Sequence</u>	<u>Priority</u>	<u>Source</u>	<u>Subordinate to Future DCMI</u>	<u>Subordinate to Future Non DCMI (CFS Limit)</u>	<u>Non DCMI CFS Approved Since 4/1/2005</u>
78	12235	4/1/2005	BOULDER CREEK - entire creek	YES	NO	N/A
78	12233	4/1/2005	ELK CREEK - entire creek	YES	NO	N/A
78	12234	4/1/2005		YES	NO	N/A
78	12236	4/1/2005	HAZARD CREEK - entire creek between both rights	YES	NO	N/A
78	12237	4/1/2005	LITTLE SALMON RIVER - thru 21N 1E S35, confluence w/ Round Valley Cr.	YES	7	0
78	12362	4/1/2005	LITTLE SALMON RIVER - river below confluence w/ Round Valley Cr.	YES	52.7	0.8

DCMI APPL OK, NON-DCMI CONSUMPTIVE APPL OK UNTIL NEW APPROVALS EXCEED 7.0 CFS FOR BS 78. SEE "PROCEDURE" BELOW.

PROCEDURE: DCMI APPL ok for all msf rights in Bs 78 as noted in review memo. **NON-DCMI CONSUMPTIVE USE APPL:** Non-dcml consumptive use approvals for Bs 78 since 4/1/2005 total less than 1.0 cfs, allowing at least 6.0 cfs for additional approvals before need more analysis. Senior Little Salmon River msf rights are subordinate to this junior application for non-dcml consumptive use. **CAUTION** - Creek msf rights do not include future non-dcml cfs. Creek msf rights are tributary to river below Round Valley Cr. so involve river msf 78-12362 with 52.7 future non-dcml cfs. Possible to have new appl that involves creek msf & river msf factors to be addressed in review memo. If non-dcml consumptive use application falls within creek msf right, note in review memo that senior creek msf right will not be subordinate to this junior application, even though river msf right(s) will be subordinate to this junior application.

EXAMPLE: Appl 78-12363 for 0.13 cfs irrigation & stock, future non-dcml consumptive use. Creek msf rights n/a but tributary to river above Round Valley Creek. River msf rights allow at least 7.0 cfs for new non-dcml approvals regarding subordination clause. Have not reached 7.0 cfs for new approvals yet. Process appl and note review memo that senior msf river rights will be subordinated to this new use. Updates to this spreadsheet will eventually show 0.13 cfs future non-dcml has been approved.

AMOUNT APPROVED PER ABOVE FACTORS 0.54 cfs before 2013 + 0.26 cfs in 2013 = 0.80 cfs total



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

RECEIVED

MAR 28 2017

WATER RESOURCES
WESTERN REGION

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

MARCH 17, 2017

DANIE MERRIMAN
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
1445 N ORCHARD
BOISE, ID 83706

PHILL HUMMER
IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, ID 83705

Dear Mr. Hummer:

On February 21, 2017, the Idaho Department of Environmental Quality received notice of Application for Permit 78-12448. Shelley M. Davis requested comment from IDEQ on behalf of Ms. Lynn McDonald regarding her water project to take place on an unnamed stream tributary to Threemile Creek in the upper basin.

After reviewing the application, the IDEQ has determined there is no concern for Ms. McDonald's proposal. Please accept this comment to be included in the application back-file. If there are any other questions regarding Application for Permit 78-12448, please feel free to contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Danie Merriman". The signature is fluid and cursive, with the first name "Danie" and last name "Merriman" clearly distinguishable.

Danie Merriman



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

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

February 24, 2017

RECEIVED
MAR 01 2017
WATER RESOURCES
WESTERN REGION

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

RE: Application for permit # 78-12448

Dear Staff:

We reviewed the referenced water right application from Ms. Lynn McDonald for stock water, fire suppression, and storage water from an existing pond. 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, 208-634-8137, in our McCall office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Reinecker".

Scott Reinecker
Southwest Regional Supervisor

Cc:

Lynn McDonald, PO Box 654, New Meadows, ID 83654
Shelly Davis, Barker Rosholt and Simpson LLP, 1010 W Jefferson Suite 102
PO BOX 2139, Boise, ID 83701-2139

Keeping Idaho's Wildlife Heritage



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

02/17/17

LYNN MCDONALD
PO BOX 654
NEW MEADOWS ID 83654

Re: Notice of Extension of Time, Application for Permit No. 78-12448

Dear Applicant,

On February 15, 2017 this office received a letter requesting additional time to submit information in support of application for permit no. 78-12448. The request for an additional thirty (30) days is hereby granted and the new deadline has been extended to March 17, 2017.

In a letter dated August 8, 2016 the department outlined some additional information required before a permit could be approved. Since the applicant proposes to divert surface water within the Salmon River basin they are required to obtain information relative to any conflict with the local public interest as described by Rule 40.05.g. IDWR has agreed to require comments from other State of Idaho agencies involved with managing that basin as part of the State's effort to protect endangered species. As you noted in your letter IDWR did send a request for comments to IDFG and the time the application was advertised. This request was the general request made for all applications that propose to divert surface water regardless of location and is not specific to the issues within the Salmon River basins. Letters of comments requested as part of the Rule 40 requirements must be obtained and documented in the file before an application can be approved. Please submit letters of comment from the appropriate agencies as described in the enclosed letter dated August 8, 2016 by the extended deadline of March 15, 2017.

I apologize for any issues and confusion I may have caused as a result of the way I have been handling your application since it was assigned to me. I have tried to familiarize myself with this application and the previous work done on it from the notes in file and to continue processing it accordance with department policy. It was my mistake to exclude Shelley Davis from previous correspondences and I will include your representative with this and future correspondences. I am not aware of any attempt by Ms. Merriman to contact any state agencies for the purposes of acquiring letters of comment. If you have any questions regarding this letter or the attached requested information please contact me at this office.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

Cc Shelley Davis, Barker Rosholt & Simpson LLP

ALBERT P. BARKER
JOHN A. ROSHOLT
JOHN K. SIMPSON
TRAVIS L. THOMPSON
SHELLEY M. DAVIS
PAUL L. ARRINGTON
SCOTT A. MAGNUSON



1010 W. Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
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163 2nd Avenue West
Twin Falls, Idaho 83301-5672
(208) 733-0700 telephone
(208) 735-2444 facsimile

RECEIVED
FEB 15 2017
WATER RESOURCES
WESTERN REGION

Shelley M. Davis
smd@idahowaters.com

February 15, 2017

VIA EMAIL

Phill Hummer
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

Re: Application No. 78-12448

Dear Phill:

Today my client forwarded a letter she received and that had not also been copies to me regarding additional outstanding information that the Department requires in order to continue processing the application. This letter is a request for an additional thirty (30) days within which to provide the requested information. Please inform me at your earliest convenience whether this request is granted.

Furthermore, a review of the application file indicates that Rachel Neely, on August 12, 2016, sent the attached emails to the Idaho Department of Fish and Game, Dam Safety Division of IDWR, and Water Projects Section Manager for IDWR, requesting comment on the applications. In each email, Rachel states "IDWR will assume your agency does not object to this application if a timely response is not received." The file indicates that no responses to the emails were received. It should also be noted that at the time of these emails, Ms. Merriman, who was then handling this file, informed me that she herself would also be contacting the DEQ for comment, although it appears that did not occur. Please inform me, based on the attachments, whether you will still require comment letters from both agencies, or just DEQ.

Very truly yours,
BARKER ROSHOLT & SIMPSON LLP



Shelley M. Davis

Enc.

Hummer, Phill

From: Shelley Davis <smd@idahowaters.com>
Sent: Wednesday, February 15, 2017 3:28 PM
To: Hummer, Phill
Cc: Lynn; Shelley Davis
Subject: RE: Application no. 78-12448

Categories: More Info Emails

Phill:

Also please make a note in the file that I am Ms. McDonald's counsel, and need to be copied on all correspondence regarding this application.

Best Regards,

Shelley M. Davis
Barker Rosholt & Simpson LLP
1010 W. Jefferson St., Ste. 102
Boise, ID 83702
(208) 336-0700

CONFIDENTIALITY NOTICE: This e-mail and its attachments are confidential and may be privileged. If you believe this e-mail has been sent to you in error, please notify the sender immediately and delete this email. Do not deliver, distribute or copy this transmission.

From: Shelley Davis
Sent: Wednesday, February 15, 2017 1:16 PM
To: phill.hummer@idwr.idaho.gov
Cc: Lynn <lynnomcd@citlink.net>; Shelley Davis <smd@idahowaters.com>
Subject: Application no. 78-12448

Dear Phill:

Please find the attached request for additional time to submit the requested information set forth in your letter dated February 10, 2017. I have also included information that demonstrates the Department contacted IDF&G in August, 2016, requesting responses if there were any concerns. No response from IDF&G appears in the file.

Please let me know at your earliest convenience whether an extension is granted.

Best Regards,

Shelley M. Davis
Barker Rosholt & Simpson LLP
1010 W. Jefferson St., Ste. 102
Boise, ID 83702
(208) 336-0700



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

02/10/17

LYNN MCDONALD
PO BOX 654
NEW MEADOWS ID 83654

Re: Notice of Intent to Void Application for Permit No. 78-12448

Dear Applicant(s),

On 08/09/16 the Department of Water Resources (IDWR) received your Application for Permit to appropriate water. The Department requested additional information via letter dated 08/05/16. The letter informed you comment letters regarding your application from the Department of Fish and Game and Idaho Department of Environmental Quality are required before a permit can be approved. Those comment letters are required and needed to be submitted within thirty (30) days of the date of the letter or the application would become void. No written correspondence has been received by the Department. If it is your intent to further pursue your application, please provide written response to the original letter or request additional time to respond. If you do not intent to complete the application process please submit the enclosed withdrawal of application for permit form. It is the intent of the Department to void your application within the next fourteen (14) days if no response is received.

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. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Email: phill.hummer@idwr.idaho.gov

RECEIVED

SEP 02 2016

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

Chelsea L Coon being duly sworn, deposes and says that she is the Principle Clerk of the Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho and having a general circulation therein and which said newspaper has been published continuously and uninterrupted in said County for a period of seventy-eight (78) consecutive weeks prior to the first publication of the advertisement, a copy of which is attached thereto: that advertisement was published in the regular edition of The Adams County Record for two (2) insertions beginning with the Issue of August 17, 2016 and ending with the Issue of August 24, 2016.

Chelsea Coon

On this 31 day of August, 2016, before me, a Notary Public, personally appeared Chelsea L Coon, known or identified to me to be the person whose name subscribed to the written instrument, and being by me first and duly sworn, declared that the statements therein are true and acknowledged to me that she executed the same.

Debbie S Maxwell
Notary Public of Idaho

Residing at Council Idaho

My Commission Expires 8/24/2019

DEBBIE S MAXWELL
Notary Public
State of Idaho

To: IDWR

Subject: 78-12447 78-12448 WATER

LEGAL NOTICE

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

78-12447

JAMES L HENLEY

SANDRA J HENLEY

PO BOX 396

NEW MEADOWS, ID 83654

Point of Diversions L3(NWNWSW) L3(NENWSW) S9 T19N R02E ADAMS County Source SPRINGS
Tributary THREEMILE CREEK

Point of Diversion L3(NWSW) S9 T19N R02E ADAMS County Source UNNAMED STREAM Tributary
THREEMILE CREEK

Use: IRRIGATION 04/01 to 10/31 0.09 CFS

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

Total Diversion: 0.11 CFS

Date Filed: 7/12/2016

Places of Use: STOCKWATER, IRRIGATION

T19N R02E S9 L3(NWSW)

Total Acres: 3

78-12448

LYNN A MC DONALD

PO BOX 654

NEW MEADOWS, ID 83654

Point of Diversion NESW S9 T19N R02E ADAMS County Source UNNAMED STREAM Tributary
THREEMILE CREEK

Use: AESTHETIC STORAGE 01/01 to 12/31 0.5 AF

Use: FIRE PROTECTION FROM STORAGE 01/01 to 12/31 0.5 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 0.5 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 0.5 AF

Total Diversion: 0.5 AF

Date Filed: 8/9/2016

Places of Use: FIRE PROTECTION STORAGE, STOCKWATER STORAGE, AESTHETIC STORAGE

T19N R02E S9 NESW

Place of Use: FIRE PROTECTION FROM STORAGE

T19N R02E S9 NESW L3(NWSW) L4(SWSW) SESW

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 9/6/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in the Adams County Record on August 17, 2016 • August 24, 2016

Merriman, Danielle

From: Merriman, Danielle
Sent: Monday, August 22, 2016 10:25 AM
To: 'Shelley Davis'
Subject: RE: Henley and McDonald rights.

Hi Shelley,

The Henley application is number 78-12447. Ms. McDonald's is 78-12448.

Hope this helps!

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

From: Shelley Davis [<mailto:smd@idahowaters.com>]
Sent: Monday, August 15, 2016 9:52 AM
To: Merriman, Danielle
Subject: Henley and McDonald rights.

Danni:

Can you please provide me the water right claim nos. that were assigned to these two applications/claims?

Thanks,

Shelley M. Davis
Barker Rosholt & Simpson LLP
1010 W. Jefferson St., Ste. 102
Boise, ID 83702
(208) 336-0700

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