

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 86-12033

Priority: July 23, 2015

Maximum Diversion Rate: 0.06 CFS

This is to certify, that RONALD R RANLY  
532 BEAR PAW LN  
LENORE ID 83541

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: CLEARWATER RIVER

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

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.06 CFS                 |

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE 1/4SE, 1/4, Sec. 35, Twp 37N, Rge 01W, B.M., CLEARWATER County

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE  |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |     | Totals |
|-------------|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|--------|
|             | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE  |        |
| 36N 01W 2   | 4.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     | 4.0    |
|             | L 1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |        |
| 37N 01W 35  |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 2.0 | 2.0    |

Total Acres: 6

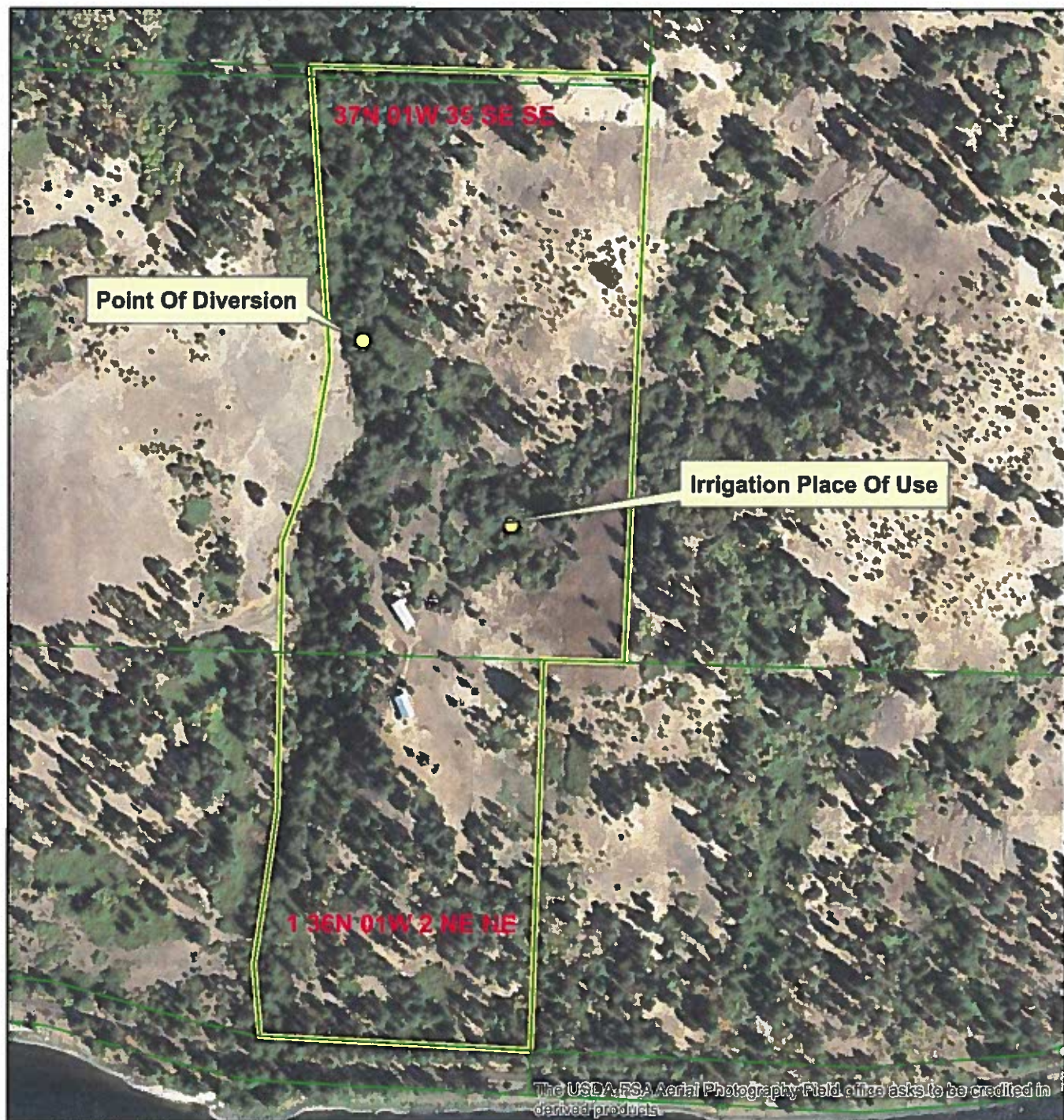
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2017**.
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. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the Point Of Diversion.
7. The approach velocity at the Point Of Diversion shall not exceed 0.5 feet per second.
8. Water shall not be diverted under this right when flows in the Clearwater River are below minimum flow amounts as defined by Right 86-07318.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 11 day of December, 2015.

  
For GARY SPACKMAN, Director

State of Idaho  
Department of Water Resources  
**Application For Permit**  
86-12033



**Legend**

-  Application POD
-  Taxlots
-  Application POU

0 0.03 0.06 0.12 Miles





## 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](http://www.idwr.idaho.gov)

December 15, 2015

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

RONALD R RANLY  
532 BEAR PAW LN  
LENORE ID 83541

RE: Permit No.86-12033

#### 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.

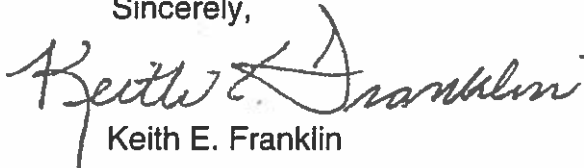
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 cursive script that reads "Keith E. Franklin". The signature is written in dark ink and is positioned above the printed name.

Keith E. Franklin  
Program Manager

Enclosure(s)

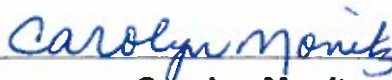
### **CERTIFICATE OF SERVICE**

I hereby certify that on December 16, 2015 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.**

**86-12033**

**RONALD R RANLY  
532 BEAR PAW LN  
LENORE ID 83541**



**Carolyn Monitz  
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.

## MEMORANDUM

**Date:** December 07, 2015  
**To:** Water Right File 86-12033  
**From:** smaxey  
**Re:** NO POU OVERLAP

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I REVIEWED LICENSES & FIELD EXAMS FOR 86-7164 (GILLIAM) & 86-7238 (RANLY) TO DETERMINE IF ANY OVERLAP OF IRRIGATION PLACES OF USE WITH 86-12033 (RANLY) HAVE OCCURED. I CONCLUDED THAT THERE IS NO OVERLAP.

THE POINTS OF DIVERSION FOR 86-7164 (GILLIAM) & 86-7238 (RANLY) ARE SEPARATE SPRINGS.

THE 86-7164 LICESNE & FIELD EXAM INDICATE THAT THE IRRIGATION USE IS FOR 1/2 ACRE. ARCMAP IMAGES SHOW TRAILERS OR OTHER SIMILAR SIZED MAN MADE OBJECTS ON THE WEST 1/2 OF THE POU QUARTER QUARTER (T37N R01W S.35 SE SE) (CLEARWATER PARCEL RP37N01W358401). THE CLEARWATER COUNTY PARCEL IS STILL OWNED BY GILLIAM.

THE 86-7238 (RANLY) LICESNE & FIELD EXAM INDICATE THAT THE DOMESTIC USE IS FOR IN HOME USE ONLY (.01 CFS .6 AF)

**To: Water Right Application for Permit 86-12033**

**From: Shaun M. Maxey**

**Date: December 3, 2015**

**SUBJECT: Idaho Department of Water Resources (IDWR) Regional Analysis and Recommendation in accordance with Water Appropriation rules (IDAPA 37.03.08.040.05).**

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**Water Supply Information.**

Idaho Department of Fish & Game (IDFG) and Idaho Department of Environmental Quality (IDEQ) were contacted and have no adverse comments concerning the Applicant's (Ranly, Ronald R.) proposal to withdraw up to 0.06 Cubic Feet Per Second (CFS) from a unnamed Stream tributary to the Clearwater River. Irrigation is the intended beneficial use.

The unnamed stream named as the source flows into the Clearwater River. IDWR has no information to indicate that use of water from the unnamed stream will adversely affect groundwater or surface water, minimum stream flows, or beneficial uses of ground or surface water. IDEQ concerns about the flow level in the unnamed stream are addressed by a Minimum Streamflow, a fish screening, and approach velocity conditions on the Permit.

**Good Faith, Delay, or Speculative Information.**

The Applicant plan to divert from a Point of Diversion located on property that he owns. The Place of Use is also on property owned by the Applicant. IDWR is not aware of any information that indicates the Application is not being made in good faith, is intended to delay, or speculative.

**Financial Resources Information.**

The scope of the project and two year development period, proposed by the Applicant, appears to be achievable. IDWR has no information that indicates the Applicant is financially incapable of completing the project.

**Local Public Interest**

IDFG and IDEQ were contacted on October 22, 2015 and have no adverse comments concerning damage to the public interest. No comments or protests were received indicating the proposal is controversial or likely to cause damage to the local public interest.

**Injury to Other Water Rights:**

The source of water shown in the Application is an unnamed stream tributary to the Clearwater River. Diversion of water from this source is not expected to adversely affect water supply in the vicinity or any other water rights.

**Recommendation**

IDWR Northern Region recommends processing of Application for Permit 86-12033-be allowed to continue.

  
Shaun M. Maxey  
Idaho Department of Water Resources, Northern Region  
7600 Mineral DR, Ste. 100  
Coeur d'Alene, ID 83815

# AFFIDAVIT OF PUBLICATION

RECEIVED

NOV 16 2015

IDWR / NORTH

STATE OF IDAHO )  
 ) ss.  
County of Clearwater )

**CLOANN MCNALL**

being first duly sworn in, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

## Idaho Dept. of Water Resources RANLY APPLICATIO

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a period of two consecutive weeks, commencing on the 5th day of November 2015 and ending on the 12th day of November 2015.

CloAnn McNall

STATE OF IDAHO )  
 )  
COUNTY OF CLEARWATER )

On this 12th day of November in the year of 2015, before me, a Notary Public, personally appeared

CloAnn McNall

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Marcie Stanton

Notary Public for Idaho  
Resident at Orofino, Idaho  
My commission expires: 5-16-20

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

86-12033

RONALD R RANLY

532 BEAR PAW LN

LENORE, ID 83541

Point of Diversion: SESE S35 T37N R01W

CLEARWATER Gounty

Source UNNAMED STREAM tributary

CLEARWATER RIVER

Use: IRRIGATION

03/15 to 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 8/26/2015

Place of Use: IRRIGATION T36N R01W S2 L1(NENE)

T37N R01W S35 SESE

Total Acres: 6

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:

[www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp).

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 11/23/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/5/2015 and 11/12/2015

11-05, 12-15c





STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

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

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

October 23, 2015

Shaun Maxey  
Idaho Department of Water Resources  
7600 N. Mineral Drive, Suite 100  
Coeur d'Alene, Idaho 83815

Subject: Permit #86-12033

Dear Shaun:

We received your letter requesting our comments on the application to appropriate water from an unnamed tributary to the Clearwater River, Clearwater County. The application proposes to draw .06 cfs for irrigation use from March 15<sup>th</sup> to November 15<sup>th</sup>. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The un-named tributary to the Clearwater River identified in the IDWR application as the point of diversion for the water appropriation is included in Appendix B of the 2012 Idaho Integrated Report. Appendix B lists the waters which are entirely or partially on tribal land. DEQ's actions with respect to the Integrated Report and such waters do not constitute a determination, waiver, admission, or statement on the part of the State of Idaho with respect to jurisdiction over such waters or the boundaries of any tribal reservation.

In the Idaho water quality standards, the Clearwater River (Identification number 17060306CL013) and its tributaries are protected for cold water and salmonid spawning aquatic life, primary contact recreation and domestic water supply designated beneficial uses. Flow in the unnamed tributary must be significant enough that the yearly appropriated water will not impact water quality and stream flow adequate to sustain existing aquatic life will be maintained at all times.

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 call us at (208) 799-4370.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cindy Barrett", is written over a horizontal line.

Cindy Barrett  
Surface Water Quality Manager

ec: Ronald Ranly, Lenore  
John Cardwell, DEQ  
TRIM

**RECEIVED**  
**OCT 26 2015**  
**IDWR/NORTHERN**

**Ball, Dianne**

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**From:** Ball, Dianne  
**Sent:** Thursday, October 22, 2015 1:45 PM  
**To:** Cynthia.Barrett@deq.idaho.gov; rhennekey@idfg.idaho.gov  
**Cc:** Maxey, Shaun  
**Subject:** RE: Application for Permit No. 86-12033  
**Attachments:** 86-12033-app-and-map.pdf

Dear Cindy and Ray:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This is being prepared for publication in the Clearwater Tribune on November 5 and 12, 2015, with November 23, 2015 as final date for protests to be received in our office.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

*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