

MEMO: TO THE FILE
FROM: KEITH FRANKLIN
SUBJECT: PROTEST CONFERENCE FOR 96-9399
DATE: August 27, 2015

On August 26, 2015 the Department held a protest conference for water right application 96-9399 at the office of the Department of Lands located at 2550 US-2, Sandpoint, Idaho 83864. Present were Keith Franklin, Program Manager and Shaun Maxey, Senior Water Resources Agent, representing the Department, Kimberli and Andrew Walker, the applicant, William Baxter and Dale Van Stone, the protestants and Dale Widel, applicant for pending water right application 96-9400. Program Manager Franklin started the conference at 10:00 am, with all parties being present.

Brief history; Andrew Walker filed the application for domestic purposes from Riser Creek, on 7/25/2008 and the application was protested by Dale Van Stone, William Baxter and Merle Jane Van Stone on August 25, 2008. At the same time water right application 96-9400 was filed by Dale Widel for domestic purposes from the same source as the Walker application. The Widel application was not protested, however, the Department felt it appropriate to put a hold on issuance of a permit until the protest of the Walker application was resolved, since the two applications plan to use a common point of diversion and pipeline.

A good discussion between the protestants, the applicant and Mr. Widel ensued regarding the flow in Riser Creek. The applicants proposed point of diversion is near the headwaters of Riser Creek where as the protestants water rights are located towards the tail end of the creek. The protestants expressed concern, especially this year, that the creek cannot produce enough water for the applicants as well as existing water right holders. The applicant and Mr. Widel explained their plan to create one point of diversion on Riser Creek that would accommodate both applications, construct a common pipeline approximately $\frac{3}{4}$ of a mile to a common storage tank with a capacity of approximately 1,200 gallons that would then supply domestic water to both Mr. Walker and Mr. Widel's applications. It was agreed by both the protestants and applicants that the pipe at the diversion works would not exceed 1 inch in diameter and from the point of diversion to the storage tank. A separate agreement between the applicants and the protestants for this requirement was discussed as something that was needed. Both parties agreed to work on such an agreement. The parties also agreed to limit the diversion rate to 0.02 cfs for both applications with a condition that when the two water rights are combined the diversion rate cannot exceed 0.02 cfs. Also, the applicants both agreed that the domestic use would be for in house use only with no irrigation of lawn and garden.

The Department agreed that it would prepare draft permits, with diversion rates and conditions as here to for agreed to and send to all parties a copy to review and approve. Conformation by the parties of the draft permits will need to be submitted in writing before the Department will formally issue the permits.

With there being no further discussion or business, Program Manager Franklin concluded the conference at 11:20 am.