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IDWR / NORTH

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Ident. No. - 85-15764

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: WILFRED WEMHOFF And/Or
THERESA WEMHOFF
905 CYPRESS ST.
LEWISTON ID 83501
(208) 815-4794

2. Source: SPRING Tributary to: SINKS
UNNAMED STREAM Tributary to: LAWYER CREEK

3. Location of Point of Diversion:

#1 UNNAMED STREAM, NW1/4NE1/4, Sec. 34, Twp 32N, Rge 01W, B.M., IDAHO County

#2 SPRING, NW1/4NE1/4, Sec. 34, Twp 32N, Rge 01W, B.M., IDAHO County

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION	ANNUAL VOLUME
DIVERSION TO STORAGE	01/01	to 12/31	0.20 CFS	
IRRIGATION STORAGE	01/01	to 12/31		15.2 AF
STOCKWATER STORAGE	01/01	to 12/31		15.3 AF
STOCKWATER FROM STORAGE	01/01	to 12/31		0.7 AF
FIRE PROTECTION STORAGE	01/01	to 12/31		14.6 AF
RECREATION STORAGE	01/01	to 12/31		14.6 AF
IRRIGATION FROM STORAGE	04/01	to 10/31		0.6 AF

5. Total quantity to be appropriated is: 0.20 CFS 15.9 AF

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: DITCH DIVERSION TO POND

b. Height of storage dam 10 feet;
Active reservoir capacity 8 acre-feet;
Total reservoir capacity 8 acre-feet;.

POINT OF DIVERSION #2

a. Type and size of devices used to divert water from the source: PIPED DIVERSION FROM SPRING TO POND

b. Height of storage dam 10 feet;
Active reservoir capacity 8 acre-feet;
Total reservoir capacity 8 acre-feet;.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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8.

PLACE OF USE: IRRIGATION STORAGE, STOCKWATER STORAGE, RECREATION STORAGE
FIRE PROTECTION 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	
32N	01W	34	X	X															

PLACE OF USE: IRRIGATION FROM STORAGE, 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	
32N	01W	27																.2	.2
																		X	

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

POND WAS CONSTRUCTED AROUND 1988 AND THE LAND OWNER IS SEEKING A WATER RIGHT FOR THE POND AND ITS USES.
RECREATION USE IS FOR FISHING.

11. Map of proposed point of diversion and place of use attached? [X]

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Wilfred J. Wemhoff

WILFRED WEMHOFF

Theresa Wemhoff

THERESA WEMOFF

Received by db Date 9/8/14 Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. N030737

Date: 9/8/14

Received by: db

WEMHOFF APPLICATION POND ANALYSIS SHEET

POND SIZE: 1 AC X 8 FT = 8 AF

EVAPORATION: 2715 GPD X 365 DAYS / 325,850 GAL/AF = 3 AF

SEEPAGE: 3758 GPD X 365 DAYS / 325,850 GAL/AF = 3.6 AF

STOCKWATER: 50 MIXED X 12 GPD X 365 DAYS / 325,850 GAL/AF = 0.7 AF

IRRIGATION: 1200 TREES, 3 FT DIAMETER PER TREE = 7.1 SQFT/TREE

7.1 SQFT X 1200 TREES = 8,400 SQFT / 43,560 SQFT/AF

= 0.2 AC X 3 AF/AC = 0.6 AF

0.2 CFS DIVERSION TO STORAGE

15.2 AF	IRRIGATION STORAGE	A) POND SIZE	8 AF
		B) EVAPORATION	3 AF
		C) SEEPAGE	3.6 AF
		D) IRRIGATION	0.6 AF
	TOTAL		15.2 AF

0.6 AF IRRIGATION FROM STORAGE

15.3 AF	STOCKWATER STORAGE	A) POND SIZE	8 AF
		B) EVAPORATION	3 AF
		C) SEEPAGE	3.6 AF
		D) STOCKWATER	0.7 AF
	TOTAL		15.3 AF

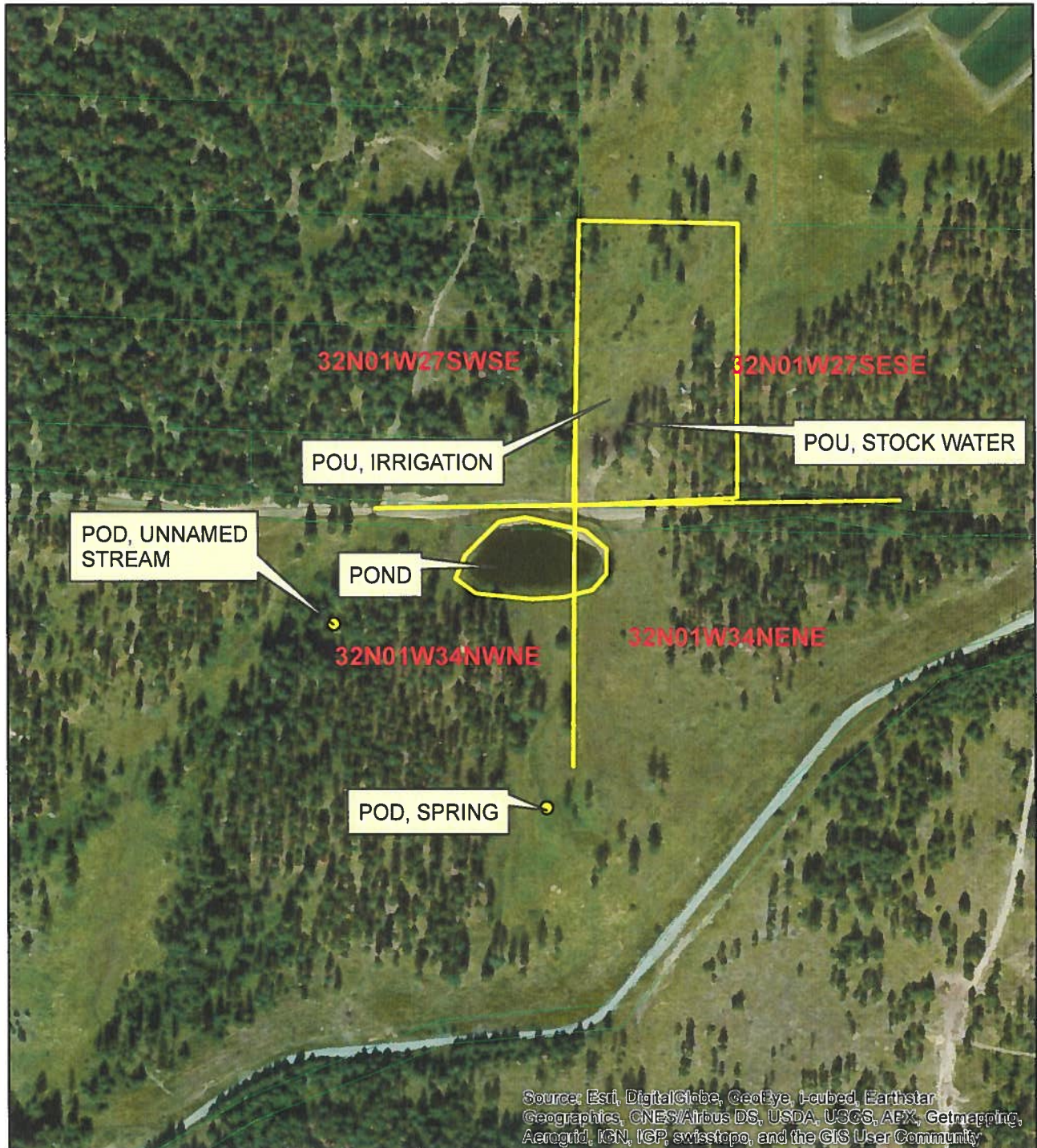
0.7 AF STOCKWATER FROM STORAGE

14.6 AF	FIRE PROTECTION STORAGE	A) POND SIZE	8 AF
		B) EVAPORATION	3 AF
		C) SEEPAGE	3.6 AF
	TOTAL		14.6 AF

14.6 AF	RECREATION STORAGE	A) POND SIZE	8 AF
		B) EVAPORATION	3 AF
		C) SEEPAGE	3.6 AF
	TOTAL		14.6 AF

0.2 CFS TOTAL DIVERSION 15.9 AF TOTAL ANNUAL STORAGE
(14.6 AF + 0.6 AF + 0.7 AF)

85-15764



Legend

-  Working_POU
-  Working_POD
-  Taxlots

0 0.0275 0.055 0.11 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

September 24, 2014

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

WILFRED WEMHOFF
THERESA WEMHOFF
905 CYPRESS ST.
LEWISTON, ID 83501

Application For Permit No. 85-15764

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 COTTONWOOD CHRONICLE on 10/2/2014 and 10/9/2014. 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,

Keith Franklin
Program Manager

Enc. Receipt No. N030737

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 24, 2014 3:08 PM
To: Legal Notices-IDAHO CO (cotchron@camasnet.com)
Subject: Application for Permit No. 85-15764
Attachments: LegalNotice 09-24-14 CW e-mail 85-15764.doc

Good afternoon, Greg,

Please publish the enclosed legal notice in the Cottonwood Chronicle on the dates indicated, October 2 and 9, 2014, (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 close to press ready for **2-column**, 8pt. Since I don't know your preferred font I am sending this in Arial.

There is a section of **Uses** where the dates of use and the CFS and/or AF are offset and columnized. Please see that these appear in the legal as submitted.

Please send a proof/preview copy for my review before this actually goes to press. Hopefully we have sufficient time for processing and setting it up.

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 10/20/2014. Your cooperation is appreciated.

Thanks for all your help in making our legals appear as submitted. If you have any questions, please call me at the number below, or reply to this e-mail.

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:
85-15764

WILFRED WEMHOFF
THERESA WEMHOFF
905 CYPRESS ST.
LEWISTON, ID 83501

Point of Diversion NWNE S34 T32N R01W IDAHO County
Source UNNAMED STREAM tributary LAWYER CREEK
Point of Diversion NWNE S34 T32N R01W IDAHO County
Source SPRING Tributary SINKS

Use: DIVERSION to Storage	01/01 to 12/31	0.2 CFS
Use: FIRE PROTECTION Storage	01/01 to 12/31	14.6 AF
Use: RECREATION Storage	01/01 to 12/31	14.6 AF
Use: IRRIGATION Storage	01/01 to 12/31	15.2 AF
Use: STOCKWATER Storage	01/01 to 12/31	15.3 AF
Use: IRRIGATION from Storage	04/01 to 10/31	0.6 AF
Use: STOCKWATER from Storage	01/01 to 12/31	0.7 AF
Total Diversion:		0.2 CFS 15.9 AF

Date Filed: 9/8/2014

Place of Use: IRRIGATION STORAGE, STOCKWATER
STORAGE, RECREATION STORAGE and FIRE PROTECTION
STORAGE: T32N R01W S34 NENE NWNE

Place of Use: IRRIGATION from STORAGE and
STOCKWATER from STORAGE T32N R01W S27 SESE

Total Acres: 0.2

Stockwater use is for 50 head of mixed stock.

Recreation use is for fishing.

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.

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 10/20/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/2/2014 and 10/9/2014

Sept 15-014

Willie & Theresa Wemhoff

905 Cypress Street
Lewiston, ID 83501
208-816-4794



email: twemhoff@isp.com
wwemhoff@isp.com

Winter
14794 Ave 3 E, #246
Yuma, AZ 85365

Phone: 928-341-2183
Willie's Cell: 928-580-2488
Theresa's Cell: 928-581-3511

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SEP 17 2014

IDWR/NORTHERN

KEITH FRANKLIN

PROGRAM MANAGER

DEPARTMENT OF WATER RESOURCES

7600 N. MINERAL DRIVE

Suite 100

COOPER & ALBANE, IDAHO 83815

DEAR MR. FRANKLIN-

I THOUGHT MAYBE YOU WOULD LIKE A REPORT ON THE WATER SITUATION ON MY PROPERTY ON COTTONWOOD BUTTE. I WAS UP THERE ^{today} Tuesday - SEPT 15. THE DIVERSION OF WATER ^{is completely closed} TO MY POND IS AND HAS BEEN SINCE AUG 28 WHEN YOU VISIT THE PROPERTY. THE SPRING ON MY PROPERTY NOW GOING NORTH FEEDING THE CREEK LEADING 1/4 MILE + TO NED FORSMAN IS ONLY 1/3 OF THE WAY DOWN THERE, THE SAME AS IT WAS LAST WEEK MONDAY AND TUESDAY WHEN I WAS THERE WATERING THE NEARLY PLANTED TREES. IT SEEMS THE SPRING IS PRODUCING LESS. THE WATER WILL NEVER GET TO THE FORSMAN PROPERTY UNLESS WE GET A HEAVY RAIN. I GIVE 600 GALS OF WATER TO MY ^{trees} TREES, LAST MONDAY & TUESDAY. THERE HAS ^{been} NO CHANGES TO MY POND AND SPRING SINCE IT HAS BEEN BUILT IN 1989. MR FORSMAN WILL HAVE TO ACCEPT THE FACT HE WILL HAVE TO BUILD A POND AND GET THE EARLY RUNOFF, IF HE WANTS WATER IN THESE DRY YEARS. WAITING TO HEAR FROM YOU ON THE WATER RIGHT PROCEDURE.

Yours Truly

Welfred J. Wemhoff



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
Curt Fransen, Director

September 10, 2014

Mr. Keith Franklin
Idaho Department of Water Resources
7600 North Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

Subject: Water Appropriation, Permit # 85-15764

Dear Mr. Franklin:

We received a request for comment regarding an application for a new water right from an unnamed tributary to Lawyer Creek and a spring/sink that fills a pond that was previously constructed about 1990. The total quantity to be appropriated is 0.20 cfs, 15.9 acre feet to be used for irrigation, stock water, fire protection, and recreation storage from January 1 to December 31. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Because we assume any water of the State which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be ground water (Idaho Code 58.01.02.010.38), we assume there to be hydrologic gradient connectivity to surface waters of the State. It is the policy of the State of Idaho Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370.

Sincerely,

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

Cindy Barrett
Water Quality Program Manager

cc: Wilfred and Theresa Wemhoff, Lewiston
John Cardwell, DEQ
Ray Hennekey, IDFG



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SEPTEMBER 9, 2014

JOHN CARDWELL
IDAHO DEPT. OF ENVIRONMENTAL QUALITY
1118 F ST.
LEWISTON, ID 83501

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear JOHN:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application for a new water right from an unnamed stream tributary to Lawyer Creek and a spring that sinks by the Wilfred and Theresa Wemhoff. A copy of the application is attached for your reference. As we were informed by the landowner, this is a pond that was designed by the NRCS and funded by the Idaho Department of Fish & Game in and around 1990. The requirement for a water right was over looked at the time of the ponds construction. The department is in the process of bringing the pond in compliance with Idaho Code.

Would you please submit your comments no later than September 23, 2014? If we do not hear from you by that date, we will assume that no comment from you, means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to keith.franklin@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Keith', written in a cursive style.

Keith E. Franklin
Program Manager, Northern Region

Encl/kf



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

SEPTEMBER 9, 2014

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16TH ST.
LEWISTON, ID 83501

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho

Dear RAY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application for a new water right from an unnamed stream tributary to Lawyer Creek and a spring that sinks by the Wilfred and Theresa Wemhoff. A copy of the application is attached for your reference. As we were informed by the landowner, this is a pond that was designed by the NRCS and funded by the Idaho Department of Fish & Game in and around 1990. The requirement for a water right was over looked at the time of the ponds construction. The department is in the process of bringing the pond in compliance with Idaho Code.

Would you please submit your comments no later than September 23, 2014? If we do not hear from you by that date, we will assume that no comment from you, means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to keith.franklin@idwr.idaho.gov.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Program Manager, Northern Region

Encl/kf

Franklin, Keith

From: Franklin, Keith
Sent: Tuesday, September 09, 2014 12:50 PM
To: 'Hennekey, Ray'
Subject: Application For a New Water Right #85-15764
Attachments: DOC009.pdf

Ray,
Attached for your review and comment is an application for a new water right located west of the town of Cottonwood Idaho. If you have any questions, don't hesitate to give me a call.
Thanks.
Keith.

Franklin, Keith

From: Franklin, Keith
Sent: Tuesday, September 09, 2014 12:48 PM
To: 'John.Cardwell@deq.idaho.gov'
Subject: Application For a New Water Right #85-15764
Attachments: DOC008.pdf

John,
Attached for your review and comment is an application for a new water right located west of the town of Cottonwood Idaho. If you have any questions, don't hesitate to give me a call.
Thanks.
Keith.