

RECEIVED

FEB 11 2014

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) David S. and Kristin B. Perkins Phone 208 395-1506 / 345-8600
Name connector (check one): ☒ and ☐ or ☐ and/or
Mailing address 3323 Snowflake Way City Boise
State ID Zip 83706 Email dsperkins@careyperkins.com
2. Source of water supply Elk Creek which is a tributary of Little Salmon River
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
22N	1E	26			NW	NW	Idaho	Elk Creek	

4. Water will be used for the following purposes:
Amount 0.04 cfs for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- Describe type and size of devices used to divert water from the source. A 2" or less PVC pipe using gravity or up to a 5 hp pump. The PD will be a screened PVC pipe intake held in place by a few rocks. No one else will use this PD.
 - Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
 - Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
 - Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
 - If well is already drilled, when? N/A; drilling firm N/A; well was drilled for (well owner) N/A; Drilling Permit No. N/A.
7. Description of proposed uses (if irrigation only, go to item 8):
- Hydropower; show total feet of head and proposed capacity in kW. N/A
 - Stockwatering; list number and kind of livestock. N/A
 - Municipal; complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households N/A
 - Other; describe fully. N/A

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26					1.5	2.0											3.5

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

A well is currently used for domestic uses and irrigation on the subject property. See Well Driller's Report #0029324 attached hereto.

- Who owns the property at the point of diversion? Applicants
- Who owns the land to be irrigated or place of use? Applicants
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Rate of 0.01 cfs per acre requested based on minimal water requirement for irrigation of oaks, chestnuts, hazelnuts, apples, pears, cherries, plums, grapes, and a variety of berries. We are seeking to substitute water for most of the irrigation we have been using from our domestic well with water from the creek.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

David S. Perkins

Print Name (and title, if applicable)

Signature of Applicant

Kristin B. Perkins

Print Name (and title, if applicable)

For Department Use:

Received by AB Date 2/11/14 Time 11:22 AM Preliminary check by JA
 * Fee \$ 100.00 Received by JA Receipt No. W041310 Date 7/3/13

*RECEIVED WITH ORIGINAL APPLICATION.

78-12415 Application for Permit Map



Legend

- Perkins Property Taxlot
- Township/Range
- Sections
- QQ

0 0.025 0.05 0.1 0.15 0.2 Mil

PD DSP 12-3-13

LOCATION OF TREES AND
BERRIES TO BE WATERED.
(PU) DSP 12-3-13

RECEIVED

JAN 22 2014

WATER RESOURCES
WESTERN REGION

AMENDED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 18-12415

1. Name of applicant(s) David S. Perkins and Kristin B. Perkins Phone 208 395-1506 / 345-8600
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address 3323 Snowflake Way City Boise
 State Idaho Zip 83706 Email dsperkins@careyperkins.com

2. Source of water supply Elk Creek which is a tributary of Little Salmon River

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
22N	1E	26			NW	NW	Idaho	Elk Creek	

4. Water will be used for the following purposes:

Amount 0.11 cfs for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.11 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. A 2" or less PVC pipe using gravity or up to a 5 hp pump. The PD will be a screened PVC pipe intake held in place by a few rocks. No one else will use this PD.

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? N/A; drilling firm N/A;
 well was drilled for (well owner) N/A; Drilling Permit No. N/A

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. N/A

b. Stockwatering; list number and kind of livestock. N/A

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households N/A

e. Other; describe fully. N/A

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26					1.5	2.0											3.5

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

A well is currently used for domestic uses and irrigation on the subject property. See Well Driller's Report #0029324 attached hereto.

- Who owns the property at the point of diversion? Applicants
- Who owns the land to be irrigated or place of use? Applicants
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant

David S. Perkins
Print Name (and title, if applicable)


Signature of Applicant

Kristin B. Perkins
Print Name (and title, if applicable)

For Department Use:

Received by JA Date 1/22/14 Time — Preliminary check by JA
* Fee \$ 100.00 Received by JA Receipt No. W041310 Date 7/3/13

* FEE RECEIVED WITH ORIGINAL APPLICATION.

AMENDED

STREAM

RECEIVED

JUL 03 2013

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 78-12415

RECEIVED

DEC 13 2013

WATER RESOURCES
WESTERN REGION

Phone 208 395-1506 or 345-8600

1. Name of applicant(s) David S. Perkins and Kristin B. PerkinsName connector (check one): ☐ and ☐ or ☐ and/orMailing address: 3323 Snowflake WayCity BoiseState Idaho Zip 83706Email: dsperkins@careyperkins.com2. Source of water supply Elk Creek which is a tributary of Little Salmon River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
22N	1E	26		NE	NW		Idaho	Stream	

4. Water will be used for the following purposes:

Amount 0.11 DSP 12-3-13 for Irrigation purposes from 4-1 to 10-30 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for DSP 12-3-13 purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 0.11 cubic feet per second (cfs) and/or (b) 20 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Water to be diverted by a 4" or less PVC pipe using gravity or up to a 5 hp gas or electric pumpb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. THE POINT OF DIVERSION WILL BE A PVC PIPE SCREENED INTAKE HELD IN PLACE BY A FEW ROCKS. NO ONE ELSE WILL USE THIS PD. DSP 12-3-1For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26													

Total number of acres to be irrigated: 3.5

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Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by JA Date 7/13/2013 Time 3:02 Preliminary check by JA

Fee \$ 100.00 Received by JA Receipt No. W041310 Date 7/13/2013

RECEIVED

JUL 03 2013

WATER RESOURCES
WESTERN REGION

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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To appropriate the public waters of the State of Idaho

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- David S. Perkins and Kristin B. Perkins
- Phone
- 208 395-1506 or 345-8600

Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 3323 Snowflake Way City BoiseState Idaho Zip 83706 Email: dsperkins@careyperkins.com

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Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
22N	1E	26		NW	NW		Idaho	Stream	

4. Water will be used for the following purposes:

Amount 20 fpy for Irrigation purposes from 3-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a)
- .40
- cubic feet per second (cfs) and/or (b)
- 20
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- a. Describe type and size of devices used to divert water from the source.
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- ☐
- Yes
- ☐
- No

- e. If well is already drilled, when? _____; drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____.

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			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

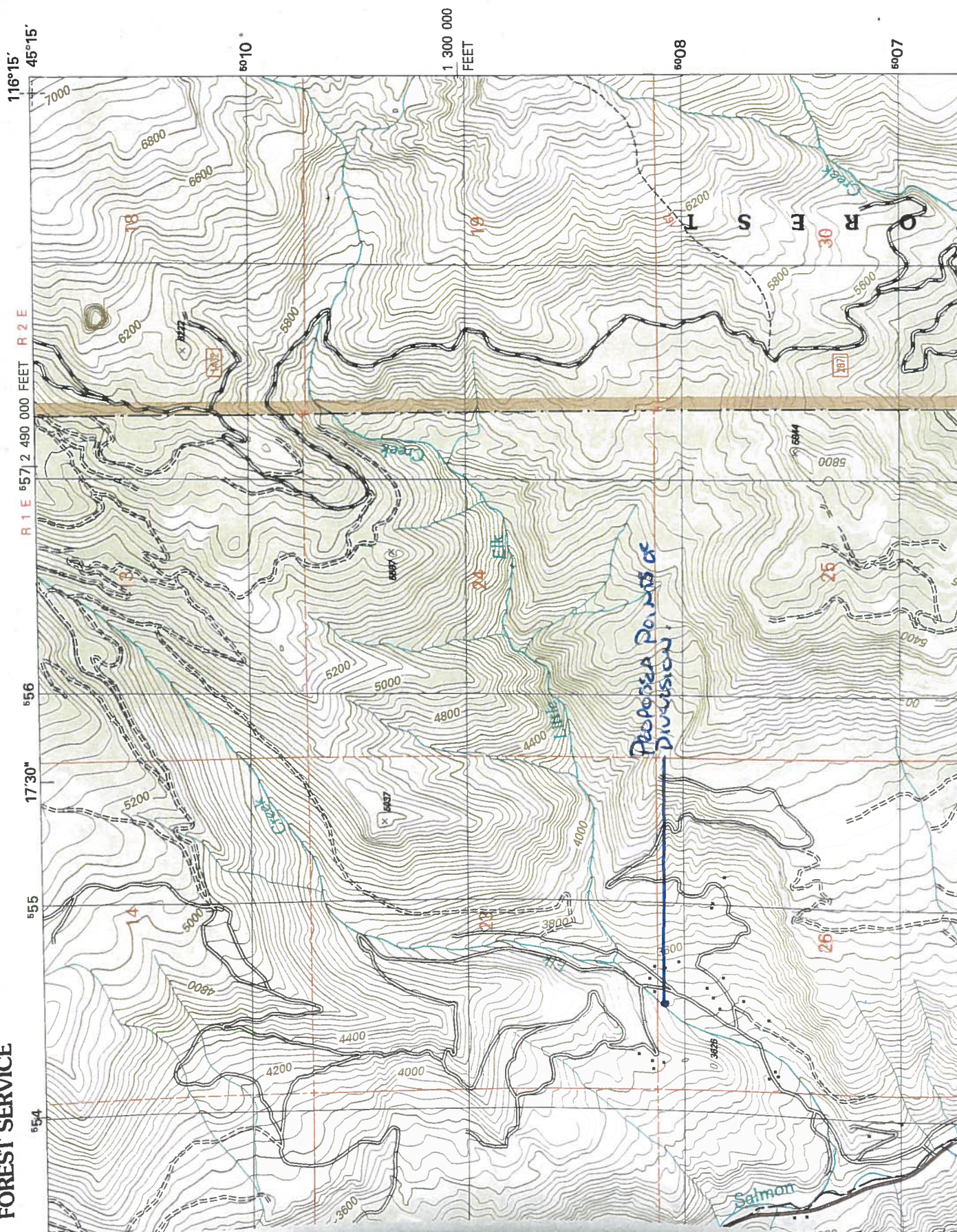
Received by JA Date 7/3/2013 Time 3:02 Preliminary check by AD

Fee \$ 100.00 Received by JA Receipt No. WS41310 Date 7/3/2013

IDAHO

7.5-MINUTE SERIES (TOPOGRAPHIC)

ARTMENT OF AGRICULTURE
FOREST SERVICE



78-1241

PARCEL NO: RP22N01E262415A

* T A X R E M I N D E R *

YEAR BILL#
2005 -2 10119

TAX

TOTAL

SHARON A CUX
IDAHO COUNTY TREAS. TAX C
320 WEST MAIN, ROOM 2
GRANGEVILLE, ID 83530-199

DATE PRINTED: 4/07/2006
RP22N01E262401A

=====

TOTAL DUE:

=====

=====

VALID THROUGH: 6/20/2006

=====

TAXES PAID AFTER THE DUE DATE ACCURE INTEREST
FROM JANUARY 1ST 208-983-2801

PERKINS DAVID S
& PERKINS KRISTIN B (H & W)
3323 SNOWFLAKE WAY
BOISE ID 83706

T22N R1E SEC 26 3.463 AC
TAX #'S 111 & 115
SEE S-1873

Proposed location
for bearing Division

Proposed location
for Pump Division

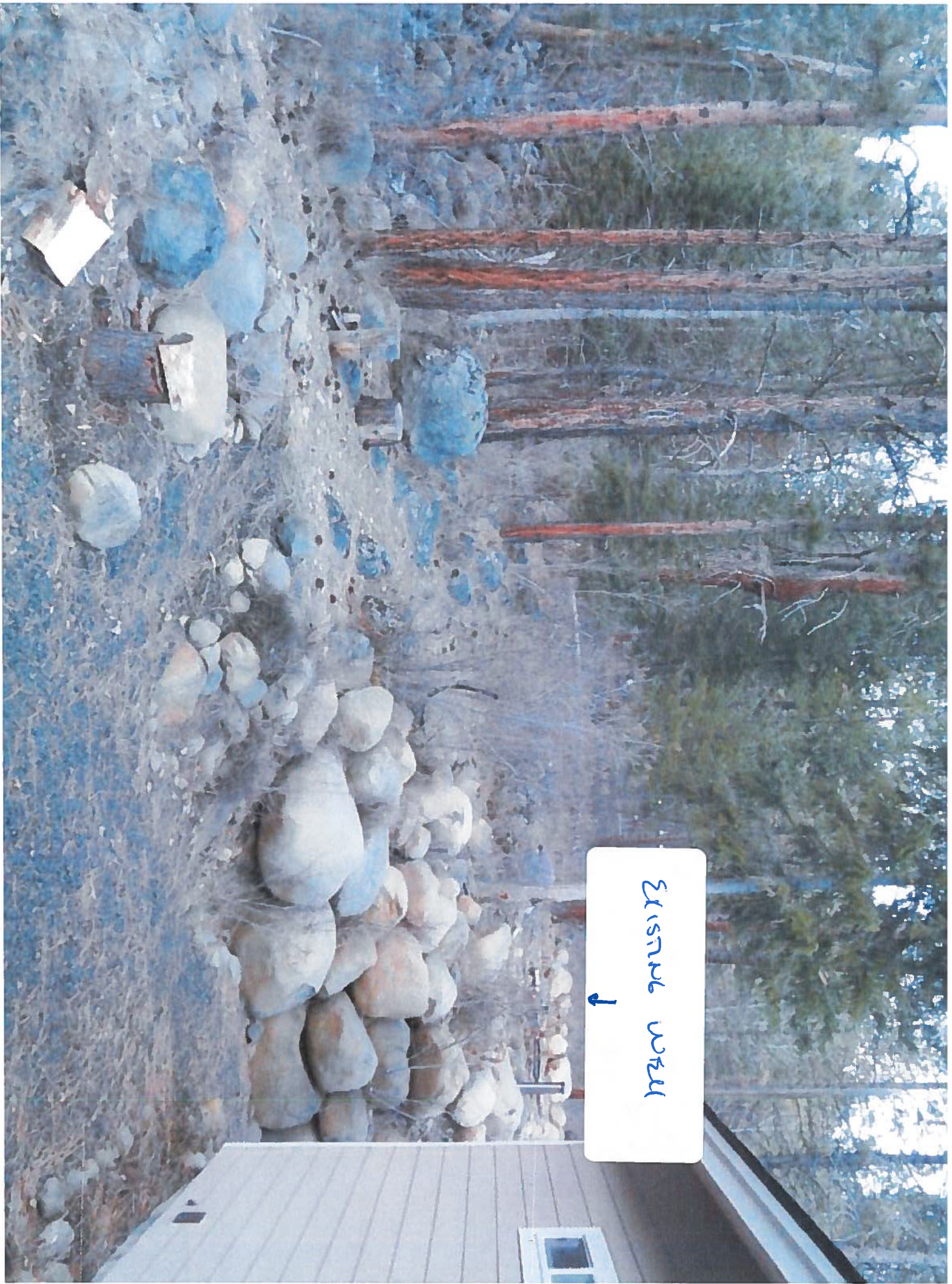
Existing well





Proposed Beam
Part of Division

Elisabeth Wenz



Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, February 19, 2014 11:37 AM
To: Thiel, Sandra; 'Dale.allen@idfg.idaho.gov'; 'josh.schultz@deq.idaho.gov'
Subject: Application for Permit
Attachments: Agency Recommendation Form.docx; Application 78-12415.pdf

February 19, 2014

IDAHO DEPT OF WATER RESOURCES
ATTN: SANDRA THIEL, PLANNING BUREAU

IDAHO DEPT OF FISH & GAME
ATTN: DALE ALLAN

ID DEPT OF ENVIRNMENTAL QUALITY
ATTN: JOSH SCHULTZ

RE: Application for Permit No's: 78-12415

Dear Interested Parties:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant if you have concerns about the application.

Please submit any comments you may have to this office by March 10, 2014. Regional review of unprotested applications can be completed as soon as the final protest period is past; your prompt response to this request is appreciated so that your recommendation can be considered during regional review.

Also, if you have previously reviewed application 78-12415. I would recommend reviewing this application again. An amendment for this application was submitted to IDWR on February 11, 2014.

If you have any questions regarding the applications, contact this office at 208-334-2190.

Sincerely,

Rachel Sommer

Administrative Assistant
Dept. of Water Resources
Western Regional Office
2735 Airport Way, Boise ID 83705
Phone 208-334-2190 | Fax 208-334-2348
Email: rachel.sommer@idwr.idaho.gov

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, February 12, 2014 4:25 PM
To: 'IFPlegals@idahocountyfreepress.com'
Subject: Idaho Legal Ad
Attachments: Idaho Cover Letter.docx; Idaho Legal Ad.docx

Good Afternoon Nona Donaldson,

Please see the attached ad for publication on 2/19/2014 & 2/26/2014.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

LEGAL NOTICE DEPARTMENT

IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE, ID 83530

RE: Application For Permit No's: 78-12415, 78-12416

Dear Legal Notice Department:

Please publish the enclosed 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.

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 3/10/2014. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

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

78-12415

DAVID S PERKINS
KRISTIN B PERKINS
3323 SNOWFLAKE WAY
BOISE, ID 83706
Point of Diversion NWNW S26 T22N R01E IDAHO County Source ELK CREEK Tributary LITTLE SALMON RIVER
Use: IRRIGATION 04/01 to 10/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 7/3/2013
Place of Use: IRRIGATION
T22N R01E S26 NENW NWNW
Total Acres: 3.5

78-12416

DAVID S PERKINS
KRISTIN B PERKINS
3323 SNOWFLAKE WAY
BOISE, ID 83706
Point of Diversion NENW S26 T22N R01E IDAHO County Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.02 CFS
Use: IRRIGATION 04/01 to 10/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 7/3/2013
Place of Use: DOMESTIC, IRRIGATION
T22N R01E S26 NENW NWNW
Total Acres: 3.5

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/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, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 3/10/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/19/2014 and 2/26/2014

CAREY PERKINS LLP

ATTORNEYS AT LAW
CAPITOL PARK PLAZA
300 NORTH 6TH STREET, SUITE 200
P. O. BOX 519
BOISE, IDAHO 83701-0519
TELEPHONE (208) 345-8600
FACSIMILE (208) 345-8660
www.careyperkins.com
email: info@careyperkins.com

OFFICES IN

IDAHO FALLS, IDAHO 83405-1388
980 PIER VIEW DRIVE, SUITE B
P. O. BOX 51388
TELEPHONE (208) 529-0000
FACSIMILE (208) 529-0005

WITH ATTORNEYS ADMITTED
TO PRACTICE LAW IN
IDAHO, OREGON, UTAH,
WASHINGTON AND WYOMING

*ADMITTED TO PRACTICE IN
IDAHO AND WYOMING

E. B. SMITH (1896-1975)
LESLIE S. BROWN
DONALD F. CAREY*
MARISA S. CRECELIUS
WILLIAM K. FLETCHER
DAVID W. KNOTTS
AUBREY D. LYON
BRUCE R. McALLISTER
HANS A. MITCHELL
DAVID S. PERKINS
CARSTEN A. PETERSON
JESSICA E. POLLACK
WILLIAM G. POPE
DINA L. SALLAK
RICHARD L. STUBBS
ERICA J. WHITE
TRACY L. WRIGHT

February 10, 2014

State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Attn: Angela M. Grimm

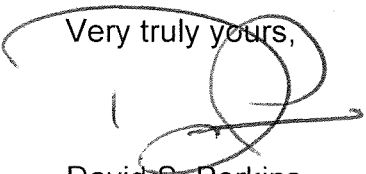
Re: Applications for Permit No. 78-12415 and 78-12416

Dear Ms. Grimm:

Pursuant to your letter dated February 5, 2014, please find the signed Amended Applications for water permits.

Thank you for your assistance in this matter. If you should have any questions or require any additional information, please let me know.

Very truly yours,


David S. Perkins

DSP:em
Enclosures

RECEIVED

FEB 11 2014

WATER RESOURCES
WESTERN REGION



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

February 5, 2014

DAVID S PERKINS
KRISTIN B PERKINS
3323 SNOWFLAKE WAY
BOISE ID 83706

Re: Applications for Permit No. 78-12415 and 78-12416 – Second Amended Application(s) Request

Dear Mr. and Mrs. Perkins:

The Idaho Department of Water Resources (IDWR) is reviewing your applications for new water permits from a source within the Salmon River basin. On January 22, 2014, IDWR received your amended applications based on my letter dated December 30, 2013. IDWR has since received a phone call and comment letter from Idaho Department of Fish and Game (IDFG) regarding your proposed applications. As IDWR was initially concerned with, the IDFG has also expressed concern regarding the quantity of water available within the creek for the proposed use. While I initially recommended you amend the applications to request the maximum allowable quantity for irrigation of 3.5 acres thinking the quantity would be narrowed down at time of licensing (standard practice), I've reconsidered this approach based on IDWR and IDFG concerns and information you provided (letter dated 12/13/13) in response to my request for additional information regarding water quantity. I believe now the best approach, in this case, would be to propose a quantity more representative of the actual intended use, a minimal approvable rate of 0.01 cfs per acre for the irrigation proposed.

Enclosed you will find amended applications I've drafted for permit applications no. 78-12415 and 78-12416. These applications incorporate the minimal approvable rate of 0.01 cfs per acre for 3.5 acres (0.04 cfs total). The quantity proposed under each application (0.04 cfs total) is in-line with the quantity you indicated you plan to use per your letter dated 12/13/13, the statutory exemption for ground water use for single ownership homes. Please review the amended applications, make any necessary changes (date and initial any changes), sign, and submit to IDWR for further processing.

Please submit the amended applications within the next thirty (30) days. Alternately, you may seek up to six months additional time to provide the information. The applications will be voided if a timely written response is not received. A refund of the filing fees will not be issued for voided applications.

Please contact me at 208-334-2190 if you have any questions. I sincerely apologize for the extra burden I've placed on you by changing my train of thought during processing of your applications. I appreciate your patience and cooperation with me. Thank you for your attention to this matter. I look forward to your response.

Sincerely,

Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s)

AMENDED

STATE OF IDAHO

Ident. No. 78-12415

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) David S. and Kristin B. Perkins Phone 208 395-1506 / 345-8600

Name connector (check one): ☒ and ☐ or ☐ and/or

Mailing address 3323 Snowflake Way City Boise

State ID Zip 83706 Email dsperkins@careyperkins.com

2. Source of water supply Elk Creek which is a tributary of Little Salmon River

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
22N	1E	26			NW	NW	Idaho	Elk Creek	

4. Water will be used for the following purposes:

Amount 0.04 cfs for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. A 2" or less PVC pipe using gravity or up to a 5 hp pump. The PD will be a screened PVC pipe intake held in place by a few rocks. No one else will use this PD.

b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? N/A; drilling firm N/A;
well was drilled for (well owner) N/A; Drilling Permit No. N/A

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. N/A

b. Stockwatering; list number and kind of livestock. N/A

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households N/A

e. Other; describe fully. N/A

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26					1.5	2.0											3.5

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

A well is currently used for domestic uses and irrigation on the subject property. See Well Driller's Report #0029324 attached hereto.

- Who owns the property at the point of diversion? Applicants
- Who owns the land to be irrigated or place of use? Applicants
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Rate of 0.01 cfs per acre requested based on minimal water requirement for irrigation of oaks, chestnuts, hazelnuts, apples, pears, cherries, plums, grapes, and a variety of berries. We are seeking to substitute water for most of the irrigation we have been using from our domestic well with water from the creek.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

David S. Perkins
Print Name (and title, if applicable)

Signature of Applicant

Kristin B. Perkins
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Received by _____ Receipt No. _____ Date _____

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 18-12416

1. Name of applicant(s) David S. and Kristin B. Perkins Phone 208 395-1506 / 345-8600
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address 3323 Snowflake Way City Boise
 State ID Zip 83706 Email dsperkins@careyperkins.com
2. Source of water supply Ground Water which is a tributary of N/A
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
22N	1E	26			NE	NW	Idaho	Ground Water	D0029324

4. Water will be used for the following purposes:
- Amount 0.04 cfs for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.02 cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Water is diverted by in-well electric pump.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is 6 inches; proposed depth of well is 365 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 5/25/03; drilling firm Menasco Drilling; well was drilled for (well owner) David Perkins (Applicant) Tag #D0029324; Drilling Permit No. 803337
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 1 home (internal use only - lawn and/or landscaping under irrigation use)
- e. Other; describe fully. N/A

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26					1.5	2.0											3.5
22N	1E	26					D	D											

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

An application for a permit to use surface water from Elk Creek, which is tributary to the Little Salmon River, was filed contemporaneously with this application. Well water to supplement surface water irrigation proposed.

- Who owns the property at the point of diversion? Applicants
- Who owns the land to be irrigated or place of use? Applicants
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Rate of 0.01 cfs per acre requested based on minimal water requirement for irrigation of oaks, chestnuts, hazelnuts, apples, pears, cherries, plums, grapes, and a variety of berries. We are seeking to substitute water for most of the irrigation we have been using from our domestic well with water from the creek (application for Elk Creek water submitted contemporaneously with this application).

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

David S. Perkins
Print Name (and title, if applicable)

Signature of Applicant

Kristin B. Perkins
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

E. B. SMITH (1896-1975)
LESLIE S. BROWN
DONALD F. CAREY*
MARISA S. CRECELIUS
WILLIAM K. FLETCHER
DAVID W. KNOTTS
AUBREY D. LYON
BRUCE R. McALLISTER
HANS A. MITCHELL
DAVID S. PERKINS
CARSTEN A. PETERSON
JESSICA E. POLLACK
WILLIAM G. POPE
DINA L. SALLAK
RICHARD L. STUBBS
ERICA J. WHITE
TRACY L. WRIGHT

CAREY PERKINS LLP

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IDAHO FALLS, IDAHO 83405-1388
980 PIER VIEW DRIVE, SUITE B
P. O. BOX 51388
TELEPHONE (208) 529-0000
FACSIMILE (208) 529-0005

WITH ATTORNEYS ADMITTED
TO PRACTICE LAW IN
IDAHO, OREGON, UTAH,
WASHINGTON AND WYOMING

*ADMITTED TO PRACTICE IN
IDAHO AND WYOMING

January 21, 2014

RECEIVED

JAN 22 2014

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Attn: Angela M. Grimm

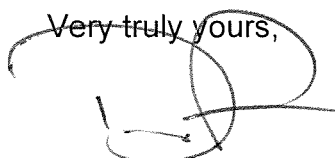
Re: Applications for Permit No. 78-12415 and 78-12416

Dear Ms. Grimm:

Pursuant to your letter dated December 30, 2014, please find the signed Amended Applications for water permits.

Thank you for your assistance in this matter. If you should have any questions or require any additional information, please let me know.

Very truly yours,



David S. Perkins

DSP:em
Enclosures



RECEIVE

JAN 15 2014

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

SOUTHWEST REGION

MCCALL OFFICE

555 Deinhard Lane

McCall, Idaho 83638

C.L. "Butch" Otter / Governor

Virgil Moore / Director

January 9, 2014

Ms. Angela Grimm
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right Application for Permit # 78-12415 and 78-12416

Dear Ms. Grimm:

We have reviewed the Application for Permit and supporting materials from David Perkins for a well permit and a stream permit for Elk Creek, tributary to the Little Salmon River in Idaho County. We offer the following comments to the two applications.

Application # 78-12416 (well)

The application is for year-round domestic water at 0.02 cfs and irrigation purposes at 0.11 cfs from 4/1 to 10/31. The amount requested for irrigation use is inconsistent for a 2 gallon per minute well pump. This inconsistency should be resolved before a permit is issued.

Application # 78-12415 (Elk Creek)

The application is for 0.11 cfs from Elk Creek from 4/1 to 10/31 for irrigating trees. The Department has concerns over the number of water withdrawals currently permitted on this small stream particularly in the summer and fall months. The Department cannot provide comment on this application for no data has been supplied to document stream flow for the time period requested. Furthermore, no information has been provided relative to this withdrawal request and its impacts on downstream water right holders on Elk Creek.

In 2006, IDEQ documented ESA listed Steelhead Trout in Elk Creek. Because of this, the Department requests that the water intake be screened with 3/32 inch mesh opening (NOAA Fisheries standard). The Department has a program to assist in fish screening in anadromous water. Assistance can be obtained by contacting our Anadromous Screen Shop in Salmon at 208-756-6022. It is the applicant's sole responsibility to install and maintain the fish screen in functioning condition.

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-334-3700 • Fax: 208-334-2114 • Idaho Relay (TDD) Service: 1-800-377-3529 •
<http://fishandgame.idaho.gov>

Ms. Angela Grimm
Page 2

Prior to application approval, the Department requests that the water withdrawal amount be verified and supported by flow data and that the applicant installs and maintains proper screening.

If you have further questions or need further information please contact Dale Allen, Regional Fishery Manager in McCall at 208-0634-8137.

Sincerely,

A handwritten signature in black ink that reads "Scott Reinecker". The signature is written in a cursive style with a large initial "S".

Scott Reinecker
Southwest Regional Supervisor

DA



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

C.L. "Butch" Otter, Governor
Curt Fransen, Director

January 2, 2013

Mr. David Perkins
3323 Snowflake Way
Boise, ID 83706

RE: DEQ comments on water right application 78-12415

Dear David:

The Idaho Department of Environmental Quality (DEQ) reviewed your water rights application, as well as associated water quality information near your proposed project site identified in Application 78-12415 for a water withdrawal of 0.11 cfs to irrigate 3.5 acres beginning on April 1st and ending on October 31st of each calendar year.

The point of use is on Elk Creek (ID17060210SL016_03), a tributary of the Little Salmon River (ID17060210SL001_05), which has the following presumed beneficial uses: Cold Water Aquatic Life, and Secondary Contact Recreation. It was last monitored in 2007 and is currently listed in Category 2 of the Integrated Report fully supporting beneficial uses.

DEQ does not anticipate that this water right use will impair existing beneficial uses. We have no other comments at this time. DEQ believes this letter is sufficient to allow the Department of Water Resources to complete their review of your water rights application. Thank you for the opportunity to review your application.

Please do not hesitate to contact me at 208-373-0407 or via email at josh.schultz@deq.idaho.gov for any additional information we may be able to provide.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Schultz", is written over a horizontal line.

Josh Schultz
Watershed Coordinator
Boise Regional Office

cc: Angie Grimm, IDWR
Doug Conde, Deputy Attorney General



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

December 30, 2013

DAVID S PERKINS
KRISTIN B PERKINS
3323 SNOWFLAKE WAY
BOISE ID 83706

Re: Applications for Permit No. 78-12415 and 78-12416 – Amended Application(s) Request

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is reviewing your applications for new water permits from a source within the Salmon River basin. On December 13, 2013, IDWR received your amended applications based on my letter dated November 27, 2013 requesting application amendments and additional information. While the amended applications address most of the issues, there are still a few areas lacking. I have drafted amended applications to address the remaining issues previously outlined for your review and signature. These amended applications are based on the applications you've submitted. Please review the amended applications, make any necessary changes (date and initial any changes), sign, and submit to IDWR for further processing.

Please submit the amended applications within the next thirty (30) days. Alternately, you may seek up to six months additional time to provide the information. The applications will be voided if a timely written response is not received. A refund of the filing fees will not be issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s)

AMENDED
 STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
 To appropriate the public waters of the State of Idaho

Ident. No. 18-12415

1. Name of applicant(s) David S. Perkins and Kristin B. Perkins Phone 208 395-1506 / 345-8600
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address 3323 Snowflake Way City Boise
 State Idaho Zip 83706 Email dsperkins@careyperkins.com
2. Source of water supply Elk Creek which is a tributary of Little Salmon River
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
22N	1E	26			NW	NW	Idaho	Elk Creek	

4. Water will be used for the following purposes:
- Amount 0.11 cfs for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.11 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. A 2" or less PVC pipe using gravity or up to a 5 hp pump. The PD will be a screened PVC pipe intake held in place by a few rocks. No one else will use this PD.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? N/A; drilling firm N/A;
 well was drilled for (well owner) N/A; Drilling Permit No. N/A.
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households N/A
- e. Other; describe fully. N/A

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26					1.5	2.0											3.5

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

A well is currently used for domestic uses and irrigation on the subject property. See Well Driller's Report #0029324 attached hereto.

- Who owns the property at the point of diversion? Applicants
- Who owns the land to be irrigated or place of use? Applicants
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

David S. Perkins

Print Name (and title, if applicable)

Signature of Applicant

Kristin B. Perkins

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

AMENDED

Ident. No. 78-12416

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT To appropriate the public waters of the State of Idaho

1. Name of applicant(s) David S. Perkins and Kristin B. Perkins Phone 208 395-1506 / 345-8600
 Name connector (check one): ☒ and ☐ or ☐ and/or
 Mailing address 3323 Snowflake Way City Boise
 State Idaho Zip 83706 Email dsperkins@careyperkins.com
2. Source of water supply Ground Water which is a tributary of N/A
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
22N	1E	26			NE	NW	Idaho	Ground Water	D0029324

4. Water will be used for the following purposes:
- Amount 0.11 cfs for Irrigation purposes from 4/1 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.02 cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 0.13 cfs cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Water is diverted by in-well electric pump.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is 6 inches; proposed depth of well is 365 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 5/25/03; drilling firm Menasco Drilling;
 well was drilled for (well owner) David Perkins (applicant) Tag #D0029324; Drilling Permit No. 803337
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 1 home (internal use only - lawn and/or landscape under irrigation use)
- e. Other; describe fully. N/A

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26					1.5	2.0											3.5
22N	1E	26					D	D											

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

An application for a permit to use surface water from Elk Creek, which is tributary to the Little Salmon River, was filed contemporaneously with this application. Well water to supplement surface water irrigation proposed.

10. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

David S. Perkins

Print Name (and title, if applicable)

Signature of Applicant

Kristin B. Perkins

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ Receipt No. _____ Date _____

CAREY PERKINS LLP

E. B. SMITH (1896-1975)
LESLIE S. BROWN
DONALD F. CAREY*
MARISA S. CRECELIUS
WILLIAM K. FLETCHER
DAVID W. KNOTTS
AUBREY D. LYON
BRUCE R. McALLISTER
HANS A. MITCHELL
DAVID S. PERKINS
CARSTEN A. PETERSON
JESSICA E. POLLACK
WILLIAM G. POPE
DINA L. SALLAK
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WITH ATTORNEYS ADMITTED
TO PRACTICE LAW IN
IDAHO, OREGON, UTAH,
WASHINGTON AND WYOMING

*ADMITTED TO PRACTICE IN
IDAHO AND WYOMING

December 13, 2013

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DEC 13 2013

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Attn: Angela M. Grimm

Re: Applications for Permit No. 78-12415 and 78-12416

Dear Ms. Grimm:

Thank you for taking the time to explain the information needed to amend our applications for permit. I have amended the applications as requested and have provided supplemental information to further explain the water uses we are seeking.

I. Description of Use and Proposed Use

Our property is comprised of approximately 3.5 acres that are forested with Ponderosa Pine and Fir. Our property has approximately 590 feet of Elk Creek frontage. Our house and landscape were designed to protect the creek and overflow channels from run off and to provide protection to the riparian zone. Our house was built in 2003.

In June 2003, we drilled our well. (Drill Permit #0029324). The well flow is slightly more than two gallons per minute. To allow normal domestic uses we pump water from the well into a 1,000 gallon under ground storage tank. Water from the tank is then pumped to our household water system to be used as needed.

In 2005, DEQ surveyed Elk Creek and determined that stream bank stability along the creek was "100%" and the "stream channel and substrate were in good to excellent condition." (See Little Salmon River Sub-Basin Assessment and TMDL, page 118, a copy of the section of the report concerning Elk Creek is attached). The DEQ

further determined that "stream temperatures within Elk Creek and Little Elk Creek are within the range of temperatures considered optimal for all stages of resident trout." *Id.* page 117.

At the time we purchased our property, many of the pines and fir across the property were dead and dying from overcrowding and damage caused by Pine Bark Beetles. As we have removed the dead trees over the years, we have planted oaks, chestnuts, hazelnuts, apples, pears, cherries, plums, grapes, and a variety of berries in the openings that have been created by the removal of dead trees. We have attempted to create a permaculture type of landscape. As can be seen on the aerial photograph you provided, a substantial majority of our property remains covered by native vegetation. Many of the native and many of the more adaptable beneficial plants we have added are also in the process of naturalizing. Nevertheless, we have regularly watered many of the beneficial plants by hose from the external facet of our home. To avoid the double pumping associated with using water from our house, we are seeking to substitute water for most of the irrigation we have been using from the well with water from the creek.

II. Quantity of Water

Our proposed use of water under both Application Nos. 78-12415 and 78-12416 should not be found to exceed the statutory exemption for ground water use for single ownership homes. We have amended the application as requested and understand that the actual quantity of water authorized to be used will be further narrowed down and defined during the permit process.

III. Points of Diversion

A. Well

The well is located uphill from our house. On the map you provided, the well falls in the NENW of Section 26. The official well report indicated that the well is on the NWNW. To avoid confusion, I am attaching a photo showing the well in relationship to our house.

B. Creek

We are requesting the right to take water from two alternative places. Within the immediate future we would like to place a temporary screened 4" pipe in the creek above our house which would be attached to a 2" pipe. The 2" pipe would connect to one or two garden hoses depending on available water pressure. The location of the point of diversion has been drawn on the map your provided. I have also enclosed a photo showing the point of diversion within the stream channel.

Alternatively we would like to use a small electric or gas pump to pump water from the pool directly behind our house into a garden hose. I have attached a photo of the pool behind our house for your review. The proposed point of diversion is a new point of diversion which would only be used by applicants. Other than the ground water currently being used by applicants, there are no other existing water rights or water uses associated with our property.

IV. Points of Use

The water for irrigation would be applied around the house and vegetable garden by sprinklers. The beneficial plants further from the house would be irrigated by hose with the water applied directly to basins around the respective plants. Currently the plants are watered every one to two weeks as needed during the growing season. Per your request I have indicated the general area where the trees, shrubs and berries are being watered on the map you provided.

V. Sufficiency of Water Supply and Effect of Application on Senior Water Rights

The quantity of water proposed to be used from Elk Creek is de minimis relative to the creek's ground water recharge and water flow. The limited quantity of water and duration of use proposed should have a insignificant impact on down stream water flows. In stream flows and estimated water used from Elk Creek are described in the Little Salmon River Sub-Basin Assessment and TMDL. *Id.* page 117.

Given the relationship between the ground and surface water within the Elk Creek riparian zone, the proposed application should result in the same or less water consumption than is currently taking place. However, in the improbable situation where stream flows in Elk Creek were reduced to the point where senior water users could be impaired, applicants would have the option of reverting of back to watering our plants from our domestic well.

VI. Good Faith Purpose and Financial Resources

Evidence of the applications ownership of the subject property was submitted with the original application. The cost of the PVC pipe needed for the gravity diversion and hoses is estimated to be less than \$500.00. The cost of an electric pump and hoses is less than \$1,000.00.

VII. Information Relating to Public Interest

The proposed uses should promote the public interest. The irrigation is mostly for food producing plants that will be used by people and wildlife. The water will be used to water deciduous plants used to mitigate the damage caused by the Western Pine Bark Beetle and will enhance biodiversity and fire suppression. The proposed use is an economically efficient use of water. The water not consumed by evaporation or transpiration will percolate back into the creek and ground water. Throughout our ownership of the property we have demonstrated a stewardship of Elk Creek and its riparian zone.

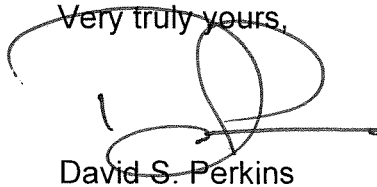
We have requested the Idaho Department of Fish and Game and the Idaho Department of Environmental Quality to provide written comments concerning the subject application.

Angela M. Grimm
December 13, 2013
Page 4

VIII. Conclusion

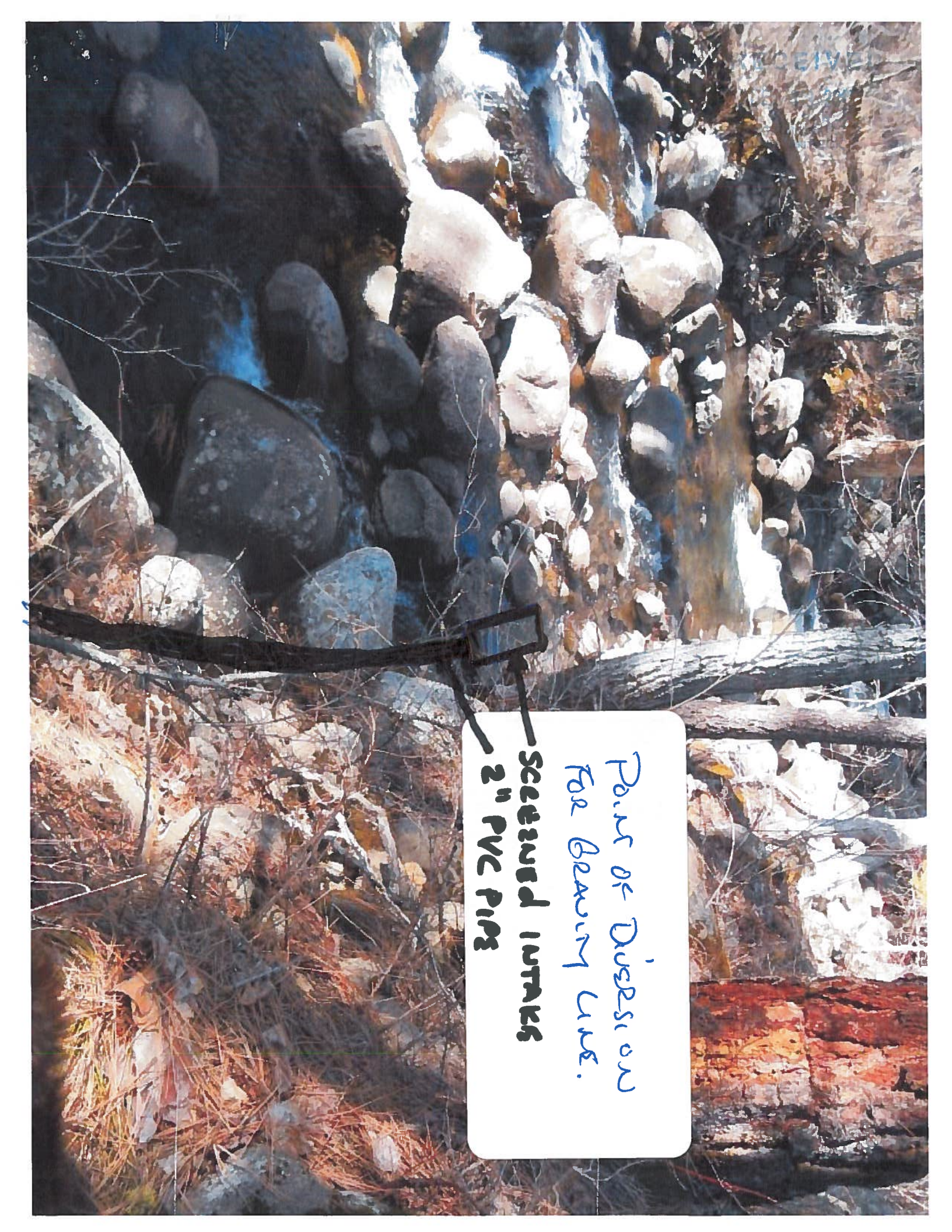
Hopefully we have been able to address the issues necessary to proceed with the application process. If you should have any questions or require any additional information, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "David S. Perkins". The signature is stylized with a large, looping "D" and a horizontal line extending to the right.

David S. Perkins

DSP:em
Enclosures
cc: Idaho Department of Fish and Game
DEQ Boise Regional Office

A photograph of a stream bed with various sized rocks and some fallen branches. A white rectangular label with handwritten text is attached to a dark branch in the foreground. The text on the label reads: "Point of Dissection For Beavering Line. Secured intake 2" PVC pipe".

Point of Dissection
For Beavering Line.
Secured intake
2" PVC pipe





Pool Discovery Behind
Houses.

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DEC 13 2013

WATER RESOURCES
WESTERN REGION

Little Salmon River Subbasin Assessment and TMDL

February 2006

Elk Creek

Located near the town of Pinehurst, Elk Creek (Figure 56) is a third order stream that enters the Little Salmon River at approximately river mile 16.6. The Elk Creek watershed covers 14.8 miles² (9,489 acres) and is oriented in a southwesterly direction with side tributaries entering mostly from the east. Elevation in the watershed ranges from 2,940 feet where Elk Creek empties into the Little Salmon River to 7,994 feet in the headwaters (IDL 2002b). Hard Butte (elevation 8,658 feet) is located on the south eastern edge of the watershed. Elk Creek flows through a moderate to steep sloped canyon, passing through both forested and open grassland areas.

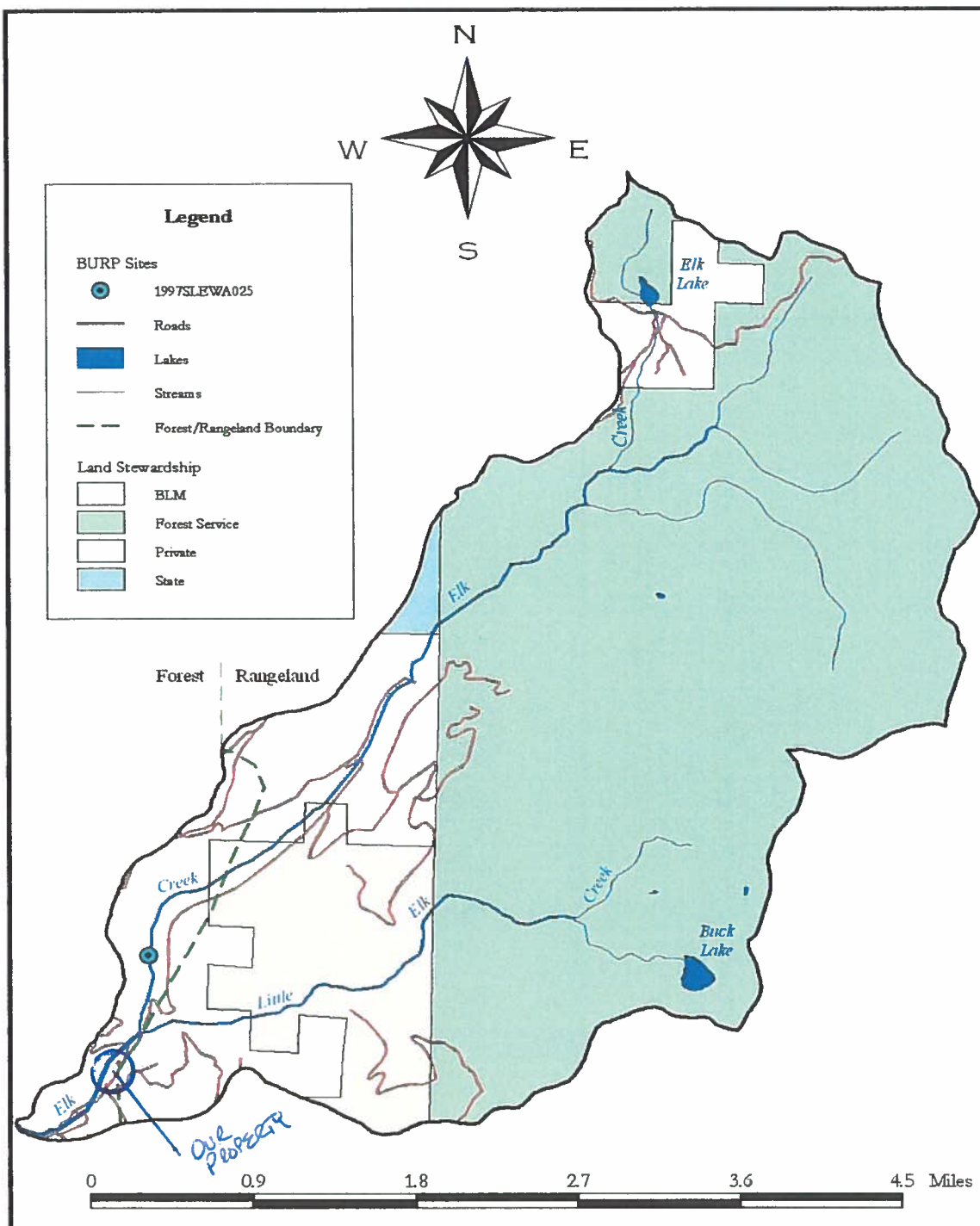


Figure 56. Elk Creek Subwatershed.

A small hydroelectric project occurs within the drainage. The diversion dam occurs at stream mile 3.7, which diverts water through a buried penstock to a power house located approximately 150 feet from the mouth of the stream. A fish ladder has not been constructed for this project.

Comparison between 1994 and 2003 aerial photographs shows an increase in structures between the mouth of Elk Creek up to Little Elk Creek. No new roads appear to be developed and old timber roads have either been obliterated or revegetated. No new timber harvest is apparent. Within the upper area of Elk Creek, near Elk Lake, some new trails appear to have been made by ATVs, but these trails are concentrated away from the creek and do not appear to be a major source of sediment.

Geology

The Elk Creek drainage is predominately underlain by highly and weakly weathered granitics of the Idaho Batholith and is bisected by large basalt flows. These granite rocks are typically divided with the highly weathered material occurring along the lower elevations and dominating the main stem flood plain and lower tributary flood plains. The upper Elk Creek basin has been scoured by glaciers and much of the lower drainage is underlain by the glacial drift/till. The weakly weathered granitics and basalt ridges and escarpments are common in the uplands and ridgelines

Vegetation

Vegetation varies with elevation and aspect. Strong south to east facing slopes at lower elevations support ponderosa pine, with spruce present in the riparian zone. A midstory of alder and an understory of forbs and grasses exist in the lower elevations. On northwest facing slopes and with increasing elevation, forest stands become denser with Douglas fir, grand fir, western larch, spruce, lodgepole pine, and ponderosa pine overstory. Alder, willow, spirea and currants grow densely within the midstory of the riparian areas. Ferns, grasses and forbs cover the understory. The headwaters are characterized by forbs and carex species with sparse subalpine fir and lodgepole groves (USFS 1993a).

Land Use

About 80% of the basin is public land. Federal agencies manage 7,522 acres. State and local governments manage 68 acres. Private ownership, 1,884 acres, is clustered primarily along the downstream end of the basin. Elk Creek headwaters are undeveloped and lie in the Payette National Forest. The upper reaches are managed for timber production and grazing. The lower reaches are irrigated agricultural land, grazing and subdivisions. Access to lower Elk Creek is difficult due to the amount of private land along it.

Logging has occurred within the Elk Creek drainage on both private and public lands. Most of the logging on the public land has occurred between the Elk and Little Elk Creek watersheds. Apparently, no logging has occurred near the riparian zone. However, in the upland portions of a tributary to Elk Creek, significant logging had occurred. Clearcuts on extremely steep land have been observed, often without protective buffer strips along the streams. The impact of this logging on sediment input to the stream is difficult to ascertain (USFS 1994b).

Very light livestock use occurs on the BLM managed land in the upper watershed. The Little Elk Creek allotment on BLM lands allow 103 AUMs of cattle to graze within Elk Creek and Little Elk Creek drainages. Grazing within the riparian area is very light. Primary grazing use is associated with timber harvest units and roads. Grazing along intermittent or perennial

streams is generally light and no measurable adverse sediment or temperature impacts are predicted to occur to downstream listed species habitat (i.e., Little Salmon River, mouth area of Elk Creek, and Hazard Creek) (BLM 2000). The USFS Elk Lake S&G grazing allotment has been rested for the past few years. Use has been limited to driving stock through the allotment to reach the USFS Jacks Creek allotment. The Jacks Creek Allotment permits 420 head of cattle to graze from mid-July to mid-October. Grazing impacts to the stream are limited to areas where the cattle congregate and drink water. This activity affects the riparian community and causes increased sedimentation to the stream (USFS 1994b).

Limited road access is accessible by ATV or four-wheel drive only. Most of these trails are on private land and outside of the streams riparian zone. The potential impacts from these roads are assumed to be negligible (USFS 1994b). Road density within the Elk Creek drainage is at 1.87 road miles/mile²; 18% of these roads are within RCAs.

IDWR (2004) estimated 320 acres in the drainage were irrigated.

Hydrology

Elk Creek is a 3rd order tributary, with a dendritic stream feeder pattern, to the Little Salmon River. The Elk Creek stream channel alternates between Rosgen Stream Type (RST) A, B and C, although it is primarily a RST A (A3 and A3+). The upper reaches on Forest Service land are primarily RST B with some RST A and C.

The area has an average annual precipitation ranging from 15 inches at the lower elevations to 40 inches at the higher elevations. The majority of precipitation occurs as winter snowfall and spring rain. High-volume runoff occurs during spring snowmelt and major rain-on-snow events (IDL 2002b). Flow data for Elk Creek was estimated by the Idaho Department of Water Resources (Figure 57). Table 24 shows the estimated irrigation use in the watershed.

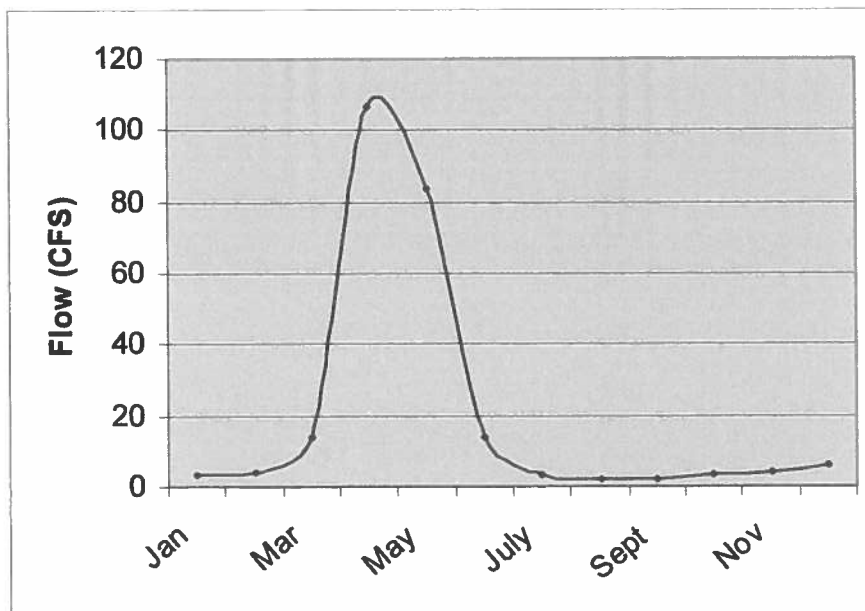


Figure 57. Elk Creek Average Monthly Flow at Mouth (Estimated Using StreamStat).

Table 24. Elk Creek estimated irrigation use.

	Estimated Existing Use (321 acres irrigation) (cfs)
January	0
February	0
March	1
April	12
May	12
June	13
July	6
August	3
September	0
October	0
November	0
December	0

Temperature

Stream temperatures within Elk Creek and Little Elk Creek are within the range of temperatures considered optimal for all life stages of resident trout (USFS 1994b). The primary limiting factors for fish production in Elk Creek include steep gradient and lack of good quality pools (BLM 2000).

Fisheries

A 12 foot bedrock falls creates a fish barrier 0.1 miles from the mouth of the stream. Adult steelhead are documented in Elk Creek from the mouth to the barrier falls at river mile 0.1.

Upstream of the falls, brook trout and rainbow trout have been observed (BLM 2000). This mouth area of the stream provides very limited Chinook salmon rearing habitat (IWRB 2001). Rainbow trout have been documented in Little Elk Creek but the high gradient of the stream may limit fish populations (USFS 1994b). No bull trout use has been documented for this stream.

Habitat Data

A CWE analysis of Elk Creek (IDL 2002) showed low sediment delivery to the stream from roads. The USFS reported that sediment input from roads in the upper watershed is low (USFS 1994b). Although surface erosion hazard was estimated to be high, the actual amount of sediment being transported into the stream appears to be minimal. These ratings refer to potential for sedimentation and on the ground measurements show that excess stream sedimentation is not occurring. Surface erosion hazard ratings are based on surface soil where the above ground vegetation and duff have been removed but the soil itself has not been substantially disturbed. Mass Failure hazard rated as moderate. Channel stability was rated as moderate. Overall sediment delivery rating which combines road, skid trail and mass failure estimates was low (IDL 2002). A 1994 USFS watershed analysis identified a 1992 fire as the major source of sediment to the stream at that time.

Stream substrate correlated to channel type. RST A and B typically were characterized by cobble, boulder and bedrock where as RST C were dominated by fines, gravels and small cobbles. Percent surface fines in the RST C averaged 31% which is below the 37% reference condition found in RST C pristine streams originating in plutonic parent material. The stream banks within Elk Creek are highly stable (99% of total length). A 1993 Pfankuch Channel Stability Evaluation found fair and good conditions on the mainstem on forest service lands. Erosion of the stream banks does not appear to contribute significantly to the sediment load of the stream (USFS 1994b).

On March 11, 2005, DEQ employees surveyed Elk Creek. The location of the survey was below the confluence of Elk Creek and Little Elk Creek. Three transects were measured and the averages were compared to the Overton (1995) descriptions of fish habitat within natural conditions of the Salmon River Basin. The width to depth ratio of a metamorphic stream type should be 26 (Overton, 1995). The survey recorded width to depth ratio for Elk Creek as 32. Percent surface fines of a metamorphic stream should be 14% (Overton 1995). The 2005 survey recorded percent fines at 4.3% within the wetted width and 10.8% within the bankfull width of Elk Creek. Bank stability within the survey area was 100%. The substrate along the banks was predominately boulders with pebble and cobble filling in the gaps and areas of slower water. Atop the solid banks was thick vegetation of grasses and shrubs such as hawthorn and dogwood. Large mature cottonwoods and ponderosa pines existed within the flood plain. Overall, impacts due to excess sediment either traveling through this section or depositing within it were not seen. The stream channel and substrate were in good to excellent condition.

As shown in Table 25, Elk Creek above Little Elk Creek fully supported beneficial uses. Field notes indicated a good riparian area.

Table 25. Elk Creek: DEQ water body assessment score.

DEQ Stream Site ID	SMI	SHI	SFI	Water Body Assessment Score	Beneficial Use Support Status
	<i>(maximum score = 3)</i>				
1997SLEWA025	3	2	3	2.67	Full Support

Conclusions

Elk Creek does not have impaired beneficial uses nor does aerial photograph analysis show any potential inputs of sediment due to management actions. A TMDL is not necessary and Elk Creek will be proposed for delisting from the 303(d) list for sediment.



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

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DEC 13 2013

WATER RESOURCES
WESTERN REGION

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 27, 2013

DAVID S PERKINS
KRISTIN B PERKINS
3323 SNOWFLAKE WAY
BOISE ID 83706

Re: Applications for Permit No. 78-12415 and 78-12416

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is reviewing your applications for new water permits from a source within the Salmon River basin. Additional information is needed to fully evaluate your proposal. IDWR is working with other agencies of the State of Idaho regarding projects requiring new water right approval within the Salmon River basin.

Please see the enclosed attachment about additional information for your application. Page 1 of the attachment outlines the legal basis and reasons for this request. That page also provides contact information for the other state agencies that will be involved in this process. Please provide written comments from those other state agencies regarding your applications.

Page 2 of the attachment lists Water Appropriations Rules 40.05.c-g. Rule 40.05.g will be covered by written comments from the other state agencies. Please respond to the following other portions of those rules for application no. 78-12415 (Elk Creek diversion):

- Rule 40.05.c – effect on existing water rights.
- Rule 40.05.d – sufficiency of water supply.

Historically, the Elk Creek drainage, from which you propose to divert per application no. 78-12415, has had numerous complaints and water disputes. Therefore, IDWR is requesting you submit information confirming there is sufficient water available for your proposed use, and diversion will not impact other existing water right users within the Elk Creek drainage.

An alternative to supplying effect on existing water rights and sufficiency of water supply information for the your Elk Creek application would be to withdraw this application (with refund of filing fee) and only pursue use of your ground water well via application no. 78-12416 for your proposed irrigation. Enclosed is a Withdrawal of Application for Permit form for your use should you decide this is the best alternative in your situation.

Should you decide to pursue both and/or either application, the following amendments are required to complete the application(s):

78-12415:

- **Quantity** (item no. 4 and 5): The standard rate for irrigation of 3.5 acres is 0.11 cfs (cubic feet per second), based on IDWR's allowable rate of 0.03 cfs/acre for irrigation of up to five acres. Please amend your application to propose no more than 0.11 cfs total, unless you can provide information demonstrating your need for a higher rate than policy allows.
- **Season of use** (item no. 4): The standard irrigation season for the place of use proposed is 4/1 to 10/31. Please amend your application accordingly.
- **Place of use** (item no. 8): Your property is within two different 40 acre tracts per county taxlot data available to IDWR (see enclosed maps). It appears approximately 2.1 acres is within the NW NW, while 1.6 acres is within the NE NW of Section 26, T22N, R1E. Please amend your application to indicate the number of acres proposed for irrigation within each 40 acre tract.
- **Map** (item no. 13): The map included with your original application does not outline the proposed place of use (PU). Please outline the PU, place a dot where you propose the point of diversion (PD), and label each on the enclosed map and return it with your amended application.
- **Additional information:** Please confirm (on amended application or in writing) the proposed PD is a new PD only to be used by you for this appropriation and/or what other water users use the same PD. Also, please confirm there are no other existing water rights for irrigation associated with your property.

78-12416:

- **Location of Point of diversion** (item no. 3): As mentioned above, your property line straddles the 40 acre tract line between the NE NW and NW NW of Section 26, T22N, R1E. Please use the enclosed map and mark the well location to confirm it is located in the NW NW as your original application indicates. If the well is in fact located in the NE NW, please amend the application accordingly.
- **Quantity** (item no. 4 and 5): As mentioned above, the standard allowable rate for irrigation of 3.5 acres is 0.11 cfs and the irrigation season of use is 4/1 to 10/31, please amend your application accordingly. Also, please list domestic use as a separate use (on its own line), with a rate of 0.02 cfs (standard rate for domestic internal uses for one home). Please write the total quantity of 0.13 cfs for all uses in item no. 5. If you have any questions about these quantities or standards, please don't hesitate to ask.
- **Place of Use** (item no. 8): Please amend the application by placing a "D" in the NW NW and/or the NE NW box to indicate the place of use for domestic use (home appears to be in the NW NW per aerial photo). Also, please amend the irrigation place of use as discussed above.
- **Map** (item no. 13): The map included with your original application does not outline the PU. Please use the enclosed map to identify the PD, outline the PU for domestic and irrigation use, and return the map with your amended application.

Perkins
November 27, 2013
Page 3 of 3

- **Additional information:** Please confirm the proposed PD (well) is not used by any other parties and there are no other existing water rights for domestic and/or irrigation use for your property. If this is not the case, please identify what other users and/or water rights share the same PD and/or PU.

I've enclosed copies of your original applications. Please make the necessary amendments, initial and date next to each amendment, and return the amended applications with the maps, additional information relative to effect on existing water rights and water supply, and comment letters from IDFG and IDEQ to allow for further processing.

Please provide the requested information within the next sixty (60) days. Alternately, you may seek up to six months additional time to provide the information. The applications will be voided if a timely written response is not received. A refund of the filing fees will not be issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela M. Grimm", with a stylized flourish at the end.

Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s)

Water Appropriation Rules 40.05.c through 40.05.g

c. The following information shall be submitted for applications to appropriate unappropriated water. . . .

Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

- i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.
- ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.
- iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

- i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
- ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

- i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.
- ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

- i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.
- ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

Note: Limited response for Section F is acceptable for projects that will cost less than \$5,000. In those cases, simply state the total cost of the project. Plans and specifications are not required under those circumstances.

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

Note: Section G is typically satisfied by submitting comments from IDFG and IDEQ. Seeking comments from other entities is not necessary unless the applicant is otherwise notified by IDWR.

(Signature/Title of Applicant)

IDAHO DEPARTMENT OF WATER RESOURCES

Applying for a Permit to Appropriate Water in the Salmon and Clearwater River Basins

Idaho Code § 42-203A(5) requires IDWR to evaluate the following criteria for applications to appropriate water:

- The potential to reduce the quantity of water under existing water rights
- The sufficiency of the water supply for the proposed appropriation
- The good faith nature of the application
- The adequacy of the applicant's financial resources
- The local public interest in the public water resource
- The conservation of water resources in Idaho
- Impacts to the economy of the local area or watershed

Water Appropriation Rules 40.05.c-g authorize IDWR to seek more information to evaluate the above criteria. Please see the attached copy of those rules.

Because the waters of the Salmon River and Clearwater River drainages are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, caution is necessary to ensure that new appropriations of water do not undermine efforts to protect and restore the ESA listed fish species and other public values for rivers and streams. IDWR is, therefore, requiring applicants to submit additional information required by Rules 40.05.g, local public interest. Other information in the remainder of those rules is requested only if necessary.

The cover letter included with this attachment identifies the Rule 40.05.c-g information needed for your application.

The following state agency representatives will help you respond to the local public interest requirement of Rule 40.05.g. IDWR must receive written comments from both of those agencies.

Idaho Department of Fish & Game contact list for water right applications:

Panhandle Region:	Mary Terra-Berns at 208-769-1414
Clearwater Region:	Ray Hennekey at 208-799-5010
McCall Subregion:	Dale Allen at 208-634-8137
Salmon Region:	Tom Curet at 208-756-2271
Southwest Region:	Rick Ward at 208-465-8465

Idaho Department of Environmental Quality contact list for water right applications:

Lewiston:	Cindy Barrett at 208-799-4370 (Clearwater or lower Salmon River basins)
Boise:	Josh Schultz at 208-373-0550 (South Fork Salmon River basin)
Idaho Falls:	Troy Saffle at 528-2650 (Upper Salmon, Lemhi, Pahsimeroi basins)



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

November 27, 2013

DAVID S PERKINS
KRISTIN B PERKINS
3323 SNOWFLAKE WAY
BOISE ID 83706

Re: Applications for Permit No. 78-12415 and 78-12416

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is reviewing your applications for new water permits from a source within the Salmon River basin. Additional information is needed to fully evaluate your proposal. IDWR is working with other agencies of the State of Idaho regarding projects requiring new water right approval within the Salmon River basin.

Please see the enclosed attachment about additional information for your application. Page 1 of the attachment outlines the legal basis and reasons for this request. That page also provides contact information for the other state agencies that will be involved in this process. Please provide written comments from those other state agencies regarding your applications.

Page 2 of the attachment lists Water Appropriations Rules 40.05.c-g. Rule 40.05.g will be covered by written comments from the other state agencies. Please respond to the following other portions of those rules for application no. 78-12415 (Elk Creek diversion):

- Rule 40.05.c – effect on existing water rights.
- Rule 40.05.d – sufficiency of water supply.

Historically, the Elk Creek drainage, from which you propose to divert per application no. 78-12415, has had numerous complaints and water disputes. Therefore, IDWR is requesting you submit information confirming there is sufficient water available for your proposed use, and diversion will not impact other existing water right users within the Elk Creek drainage.

An alternative to supplying effect on existing water rights and sufficiency of water supply information for the your Elk Creek application would be to withdraw this application (with refund of filing fee) and only pursue use of your ground water well via application no. 78-12416 for your proposed irrigation. Enclosed is a Withdrawal of Application for Permit form for your use should you decide this is the best alternative in your situation.

Should you decide to pursue both and/or either application, the following amendments are required to complete the application(s):

78-12415:

- **Quantity** (item no. 4 and 5): The standard rate for irrigation of 3.5 acres is 0.11 cfs (cubic feet per second), based on IDWR's allowable rate of 0.03 cfs/acre for irrigation of up to five acres. Please amend your application to propose no more than 0.11 cfs total, unless you can provide information demonstrating your need for a higher rate than policy allows.
- **Season of use** (item no. 4): The standard irrigation season for the place of use proposed is 4/1 to 10/31. Please amend your application accordingly.
- **Place of use** (item no. 8): Your property is within two different 40 acre tracts per county taxlot data available to IDWR (see enclosed maps). It appears approximately 2.1 acres is within the NW NW, while 1.6 acres is within the NE NW of Section 26, T22N, R1E. Please amend your application to indicate the number of acres proposed for irrigation within each 40 acre tract.
- **Map** (item no. 13): The map included with your original application does not outline the proposed place of use (PU). Please outline the PU, place a dot where you propose the point of diversion (PD), and label each on the enclosed map and return it with your amended application.
- **Additional information:** Please confirm (on amended application or in writing) the proposed PD is a new PD only to be used by you for this appropriation and/or what other water users use the same PD. Also, please confirm there are no other existing water rights for irrigation associated with your property.

78-12416:

- **Location of Point of diversion** (item no. 3): As mentioned above, your property line straddles the 40 acre tract line between the NE NW and NW NW of Section 26, T22N, R1E. Please use the enclosed map and mark the well location to confirm it is located in the NW NW as your original application indicates. If the well is in fact located in the NE NW, please amend the application accordingly.
- **Quantity** (item no. 4 and 5): As mentioned above, the standard allowable rate for irrigation of 3.5 acres is 0.11 cfs and the irrigation season of use is 4/1 to 10/31, please amend your application accordingly. Also, please list domestic use as a separate use (on its own line), with a rate of 0.02 cfs (standard rate for domestic internal uses for one home). Please write the total quantity of 0.13 cfs for all uses in item no. 5. If you have any questions about these quantities or standards, please don't hesitate to ask.
- **Place of Use** (item no. 8): Please amend the application by placing a "D" in the NW NW and/or the NE NW box to indicate the place of use for domestic use (home appears to be in the NW NW per aerial photo). Also, please amend the irrigation place of use as discussed above.
- **Map** (item no. 13): The map included with your original application does not outline the PU. Please use the enclosed map to identify the PD, outline the PU for domestic and irrigation use, and return the map with your amended application.

Perkins
November 27, 2013
Page 3 of 3

- **Additional information:** Please confirm the proposed PD (well) is not used by any other parties and there are no other existing water rights for domestic and/or irrigation use for your property. If this is not the case, please identify what other users and/or water rights share the same PD and/or PU.

I've enclosed copies of your original applications. Please make the necessary amendments, initial and date next to each amendment, and return the amended applications with the maps, additional information relative to effect on existing water rights and water supply, and comment letters from IDFG and IDEQ to allow for further processing.

Please provide the requested information within the next sixty (60) days. Alternately, you may seek up to six months additional time to provide the information. The applications will be voided if a timely written response is not received. A refund of the filing fees will not be issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela M. Grimm", with a stylized flourish at the end.

Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s)

IDAHO DEPARTMENT OF WATER RESOURCES

Applying for a Permit to Appropriate Water in the Salmon and Clearwater River Basins

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Water Appropriation Rules 40.05.c-g authorize IDWR to seek more information to evaluate the above criteria. Please see the attached copy of those rules.

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The following state agency representatives will help you respond to the local public interest requirement of Rule 40.05.g. IDWR must receive written comments from both of those agencies.

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Idaho Falls:	Troy Saffle at 528-2650 (Upper Salmon, Lemhi, Pahsimeroi basins)

Water Appropriation Rules 40.05.c through 40.05.g

c. The following information shall be submitted for applications to appropriate unappropriated water. . . .

Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

- i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.
- ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.
- iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

- i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.
- ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

- i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.
- ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

- i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.
- ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

Note: Limited response for Section F is acceptable for projects that will cost less than \$5,000. In those cases, simply state the total cost of the project. Plans and specifications are not required under those circumstances.

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

Note: Section G is typically satisfied by submitting comments from IDFG and IDEQ. Seeking comments from other entities is not necessary unless the applicant is otherwise notified by IDWR.

WITHDRAWAL
OF
APPLICATION FOR PERMIT

I/We, _____ and _____
(Applicant's Printed Name) (Applicant's Printed Name)

_____, _____ and _____
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Permit to Appropriate the Public Waters of the

State of Idaho, No. _____.

Signed this _____ day of _____, 20_____.

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

RECEIVED

JUL 03 2013

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 78-12415

1. Name of applicant(s) David S. Perkins and Kristin B. Perkins Phone 208 395-1506 or 345-8600
Name connector (check one) ☐ and ☐ or ☐ and/or

Mailing address: 3323 Snowflake Way City Boise

State Idaho Zip 83706 Email: dsperkins@careyperkins.com

2. Source of water supply Elk Creek which is a tributary of Little Salmon River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
22N	1E	26		NW	NW		Idaho	Stream	

4. Water will be used for the following purposes:

Amount 20 fpy for Irrigation purposes from 3-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) .40 cubic feet per second (cfs) and/or (b) 20 acre-feet per year (af)

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Water to be diverted by a 4" or less PVC pipe using gravity or up to a 5 hp gas or electric pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26						3.5											3.5

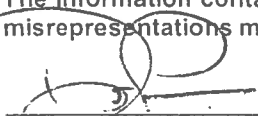
Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? A well is currently used for domestic uses and irrigation on the subject property. See Well Driller's Report #0029324 attached hereto.

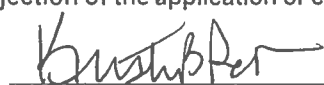
10. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

~~The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.~~


Signature of Applicant

David Perkins
Print Name (and title, if applicable)

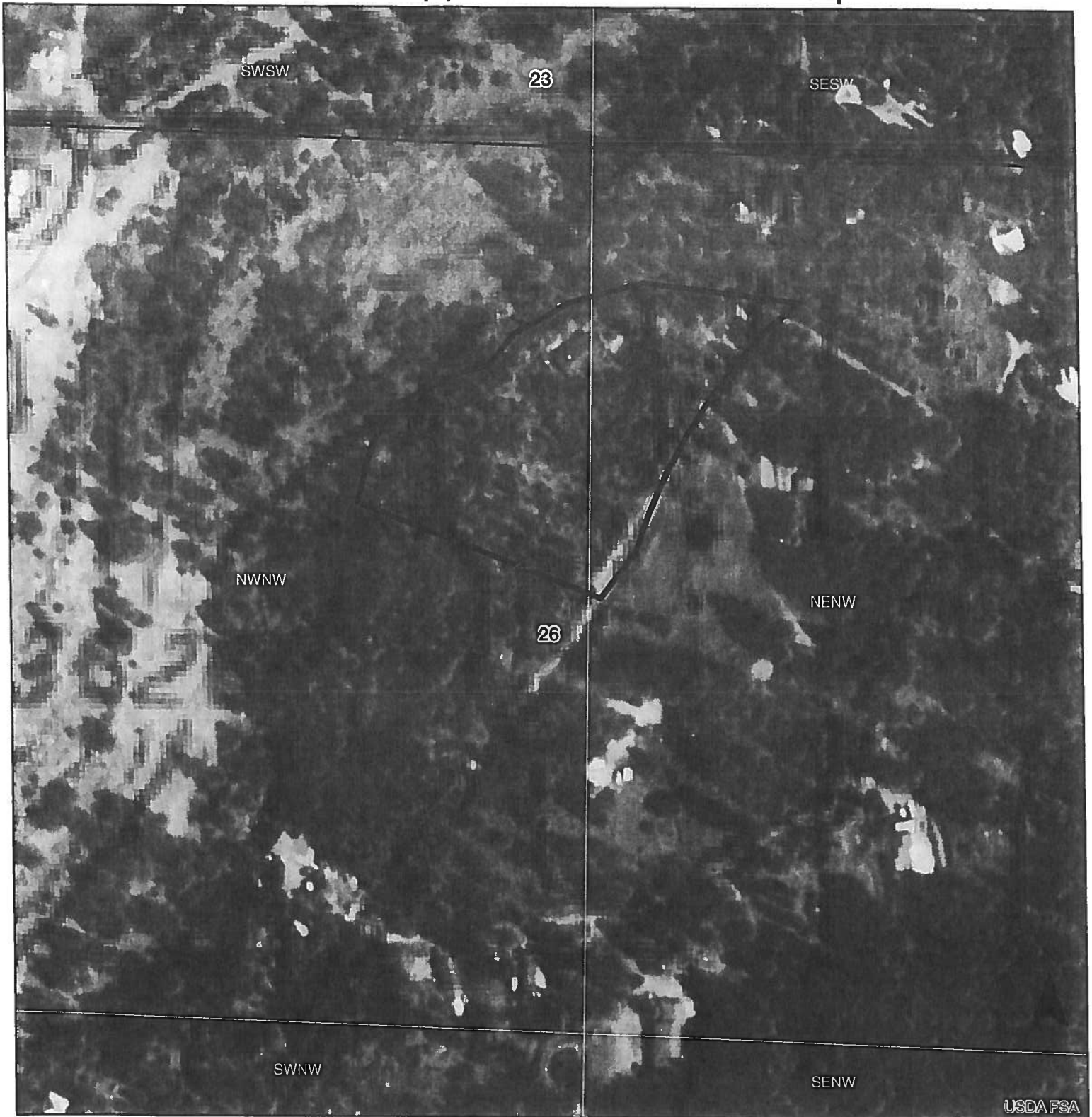

Signature of Applicant

Kristin B. Perkins
Print Name (and title, if applicable)

For Department Use:

Received by JA Date 7/3/2013 Time 3:02 Preliminary check by _____
 Fee \$ 100.00 Received by JA Receipt No. W041310 Date 7/3/2013

78-12415 Application for Permit Map



2011 Aerial Photo with Topo Map Overlay

Legend

-  Perkins Property Taxlot
-  Township/Range
-  Sections
-  QQ



WEL

RECEIVED

JUL 03 2013

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 78-12416

WATER RESOURCES

1. Name of applicant(s) David S. Perkins and Kristin B. Perkins Phone 208 395 1506 or 345 8600Name connector (check one) ☐ and ☐ or ☐ and orMailing address: 3323 Snowflake way City BoiseState ID _____ Zip 83706 Email: dsperkins@careyperkins.com2. Source of water supply groundwater which is a tributary of NA

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
22N	1E	26		NW	NW		Idaho	Well	0029324

4. Water will be used for the following purposes:

Amount 20fpy for Domestic and irrigation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Water is diverted by in-well electric pump.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ Noc. Proposed well diameter is 6" inches; proposed depth of well is 365 feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? 6-10-03; drilling firm Menasco Drilling, Firm No. 391;Well was drilled for (well owner) Applicants; Drilling Permit No. 0029324

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households 1

e. Other; describe fully. _____

3. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	1E	26						3.5											

Total number of acres to be irrigated: 3.5

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? An application for a permit to use surface water from Elk Creek, which is a tributary to the little Salmon River, was filed contemporaneously with this application.

10. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
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12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant

David Perkins
Print Name (and title, if applicable)


Signature of Applicant

Kristin B Perkins
Print Name (and title, if applicable)

For Department Use:

Received by JA Date 7/3/2013 Time 3:06 Preliminary check by _____
Fee \$ 100.00 Received by JA Receipt No. W041311 Date 7/3/2013

78-12416 Application for Permit Map



2012 Aerial Photo

Legend

-  Perkins Property Taxlot
-  Township/Range
-  Sections
-  QQ

