

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

Ident. No. 74-16004 **RECEIVED**
SEP 05 2013
Department of Water Resources
Eastern Region

AMENDED

1. Name of applicant(s) Allan and/or Betty Purcell Phone 208-768-2735
Name connector (check one) ☐ and ☐ or ☒ and/or
Mailing address: 98 Purcell Road City Leadore
State ID Zip 83464 Email: _____
2. Source of water supply Big Timber Creek which is a tributary of Lemhi 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 #
15N	26E	8			NW	SE	Lemhi	Big Timber	BT-8

4. Water will be used for the following purposes:

Amount 5.76 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)

Amount .02 for Stock Water purposes from 01/01 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) 5.76 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. Headgate to ditch

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. 100 head H NGS

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:

- 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	
16	25E	25	26	40	40		40	33	40	40		34							293

Total number of acres to be irrigated: 293

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? 74-398, 74-399, 74-1834 & 74-2335 are also used to irrigate this property.

10. a. Who owns the property at the point of diversion? Kurt Bird
- b. Who owns the land to be irrigated or place of use? Allan and Betty Purcell
- 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.

High Water To Supplement My decreed rights
Also To recharge The Hoguer When High Water is Available.

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.

Allan Purcell
 Signature of Applicant

Betty M. Purcell
 Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 370.00 Received by _____ Receipt No. C097489 Date _____

80.00

E039089

74-16004

40 ft

40 ft

40 ft 4.38 ac dry

← Place of use

Don't
7.41
ac

NWSW

SWNW

NWNW

40 ft

40 ft

SENW

NENW

40 ft

40 ft

SWNE

NWNE

40 ft

40 ft

10.78
ac
dry

SENE

NENE

RECEIVED

JUL 18 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 74-1834

RECEIVED

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

JUL 15 2013

DEPARTMENT OF
WATER RESOURCES

1. Name of applicant(s) Allan Betty Purcell Name connector (check one): ☐ and ☐ or ☒ and/or Phone 208-768-2735

Mailing address: 98 Purcell Rd. City LeadoreState Idaho Zip 83464 Email: None

2. Source of water supply Timber Creek which is a tributary of Lenhi 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 #
<u>15N</u>	<u>26E</u>	<u>9</u>		<u>NW</u>	<u>1/4</u>	<u>SE</u>	<u>Lenhi</u>	<u>Timber Creek</u>	<u>" "</u>
	<u>BM</u>								

4. Water will be used for the following purposes:

Amount 5.76 for Irrigation Stock water purposes from 3-15 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) 4 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. Headgate-Ditch

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. _____

74-16004

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	
16	25E	25	NE 40	40	40		40	33	40	40		34							293

Total number of acres to be irrigated: 360

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? _____

10. a. Who owns the property at the point of diversion? Kurt Bird - Leadore, ID - 83464
b. Who owns the land to be irrigated or place of use? Allan and Betty Purcell
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 _____ 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.

Allan Purcell
Signature of Applicant
Allan Purcell
Print Name (and title, if applicable)

Betty M. Purcell
Signature of Applicant
Betty M. Purcell
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date 7/15/13 Time _____ Preliminary check by _____
Fee \$ 370.00 Received by dy Receipt No. C097489 Date 7/15/13



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 28, 2013

Allan & Betty Purcell
98 Purcell Road
Leadore, ID 83464

Dear Mr. & Mrs. Purcell:

I am sending you a copy of an amended application to appropriate additional waters of Big Timber Creek. As we discussed the application that was sent to the Department cannot be processed and must be corrected.

Please complete ALL highlighted sections of the application, please be as specific as possible when answering question 11. I have included a map with this application; please draw your intended place of use on this map using the acre totals as listed on the application.

Once the highlighted areas have been completed, sign the application and return with the required fee. Your initial application included a check for \$370.00. The application fee for 5.76 cfs is \$450.00 please return the completed application along with a check for the balance of \$80.00.

If you have any questions, please let me know.

Thank you,

Kerrie Mathews

RECEIVED

JUL 23 2013

Department of Water Resources
Eastern Region

Healdor Idaho
July 23, 013

Department of Water Resources
900 N Skyline Drive Suite H.
Idaho Falls, ID 83402-1718

Dear Kerrie,

Sorry about the phone problem.
Probably old folks don't hear well

I want to file on 4 CFS of
high water to supplement my secured
water rights, on my deeded land.

I understand that the State
of Idaho requires a permit in
order to divert high water.

Hope this will clarify what
I am asking.

Thanks

Regards
Allan Russell



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 18, 2013

Allan & Betty Purcell
98 Purcell Road
Leadore, ID 83464

Dear Mr. & Mrs. Purcell:

The Department has received an application to appropriate water from Timber Creek. It is unclear what you want to accomplish.

I have tried to contact you by phone, no one answers, or they hang up. If you would please call the office and speak with me I would appreciate it.

If I do not hear from you by July 31, 2013 your application and money will be refunded.

If you have any questions concerning this matter, please contact me directly at (208) 525-7161.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kerrie Mathews', with a long, sweeping horizontal line extending to the right.

Kerrie Mathews



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTIER
Governor

GARY SPACKMAN
Director

September 12, 2013

ALLAN F PURCELL
BETTY M PURCELL
98 PURCELL RD
LEADORE, ID 83464

Application For Permit No. 74-16004

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on September 19 and 26, 2013. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharla Cox', written over a circular blue ink stamp.

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTIER
Governor

GARY SPACKMAN
Director

September 12, 2013

Idaho Department of Environmental Quality
900 North Skyline, Suite B
Idaho Falls, ID 83402

Application to Permit No. 74-16004

DEQ:

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

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

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

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox".

Sharla Cox
Administrative Assistance

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTIER
Governor

GARY SPACKMAN
Director

September 12, 2013

Water Resource Board
PO Box 83720
Boise ID 83720

Application to Permit No. 74-16004

Water Resource Board:

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

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

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is written in a cursive style.

Sharla Cox
Administrative Assistance

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

September 12, 2013

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Dan Smith
Watermaster 74w
PO Box 22
Leadore ID 83464-0022

RE: Application for Permit 74-16004

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

April 26, 2012

Allan and/or Betty Purcell
98 Purcell Rd
Leadore ID 83464

C.L. "BUTCH" OTIER
Governor

GARY SPACKMAN
Director

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16004

Dear Water Right Applicant:

The Department of Water Resources' (IDWR) records show you filed an application to establish a new use of water in the upper Salmon River basin. Idaho Code § 42-203A(5) requires IDWR to determine whether each water right application satisfies all the criteria necessary for appropriating water in Idaho. One statutory criterion requires IDWR to determine the local public interest relative to the proposed water use. Idaho Code § 42-202B(3) defines the local public interest as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." The local public interest has many facets, including the effects of a proposed water use on aquatic habitat for fish and wildlife resources.

The upper Salmon River basin is home to stocks of chinook salmon, sockeye salmon, steelhead trout, and bull trout, all of which are listed as threatened or endangered under the Endangered Species Act (ESA). Since the early 1990s, local water users, conservation districts, and federal and state agencies have cooperated to implement conservation measures intended to protect and restore habitat for ESA-listed species in the upper Salmon River watershed. For example, at the request of local water users the Idaho Legislature directed the Idaho Water Resource Board (IWRB) to establish a minimum stream flow in the lower Lemhi River for fish passage. The minimum stream flow is maintained through a water supply bank and temporary or permanent acquisition of additional water supplies by willing buyers from willing sellers.

Pursuant to the Snake River Water Rights Agreement of 2004, Idaho has been developing a long term conservation plan for the benefit of ESA-listed species in the Lemhi River basin. Improving conditions in flow-limited river reaches and streams is a fundamental component of the Lemhi plan. In addition to IDWR, numerous state agencies, including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Idaho Soil and Water Conservation Commission, and Idaho Department of Lands, have committed and continue to commit significant resources toward this objective under the following programs:

- Columbia Basin Water Transactions Program
- National Marine Fisheries Service Pacific Coastal Salmon Recovery Fund
- U. S. Fish & Wildlife Service Aquatic Species Conservation Fund
- Salmon and Clearwater River Basins Habitat Fund
- 2008 Columbia Basin Fish Accords

A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model watersheds. Furthermore, the Snake River Water Rights Agreement of 2004 contemplates the development of additional conservation plans for other upper Salmon River basin watersheds. Accordingly, the draft Comprehensive State Water Plan under revision by the IWRB contains policies for the Salmon River basin that focus on the protection and restoration of instream habitat for ESA-listed species through voluntary participation in conservation programs.

Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

Pursuant to Rule 40.04.c of the Water Appropriation Rules (IDAPA 37.03.08.040.04.c), the applicant has the ultimate burden of persuasion regarding the items that must be evaluated in connection with each water right application. Before proceeding further with your application, IDWR requests you submit additional information about how your proposal invokes any local public interest concerns for ESA species recovery. Within 30 days, please submit any additional information you believe IDWR may need to evaluate and determine the local public interest in the water you propose to divert and use. If IDWR has not received a response from you within 30 days, IDWR will assume you have no comment regarding the local public interest, and processing of your application will resume with the information currently on file. Processing will include public notice and the potential for formal protests by other interested parties. Applications that are not in the local public interest will be denied. If you wish to withdraw your application before it is processed, please notify IDWR in writing.

If you have any questions, please call me at 208-525-7161, or email me at james.cefalo@idwr.idaho.gov.

Sincerely,



James Cefalo
Water Resources Program Manager

Enclosure

JC:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 12, 2013

Idaho Department of Fish & Game
Attn: Tom Bassista
4279 Commerce Way
Idaho Falls ID 83401

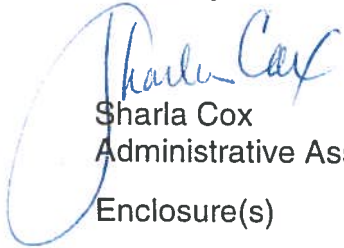
Application to Permit No. 74-16004

IDF&G:

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

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

Sincerely,


Sharla Cox
Administrative Assistance

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, September 12, 2013 10:18 AM
To: 'Recorder Herald (rhlegals@custertel.net)'
Subject: legal notice for your paper
Attachments: Recorder Herald.doc

Contacts: Recorder Herald

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

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

74-16004

ALLAN F PURCELL
98 PURCELL RD
LEADORE, ID 83464

Point of Diversion
NWSE S8 T15N R26E
LEMHI County

Source BIG TIMBER CREEK Tributary LEMHI RIVER

Use: IRRIGATION

03/15 to 11/01 5.76 CFS

Use: STOCKWATER

01/01 to 12/31 0.02 CFS

Total Diversion: 5.76 CFS

Date Filed: 7/18/2013

Place Of Use: IRRIGATION

T16N R25E S25

NENE NWNE SWNE NENW NWNW SWNW SENW NWSW

Place Of Use: STOCKWATER

T16N R25E S25

NENE NWNE SWNE NENW NWNW SWNW SENW NWSW

Total Acres: 293

This application proposes the diversion and use of water from Big Timber Creek, tributary to Lemhi River a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate 5.76 cfs for stock water and 293 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before October 17, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 19 and 26, 2013