

RECEIVED

JUL 10 2013

WATER RESOURCES
WESTERN REGION

Ident. No. 77-14353

Page 1

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

1. Name: LOON CREEK LAND CO LLC

C/O JOHN SHORT
4799 BALSAM DR
PARK CITY UT 84098
(801)706-3154

AND

JOHN SHORT
4799 BALSAM DR
PARK CITY UT 87098
(801)706-3154

2. Source: DEER CREEK Tributary to: LOON CREEK

3. Location of Point of Diversion:

#1 DEER CREEK NW1/4NE1/4 Sec. 15, Twp 14N, Rge 13E, B.M.
CUSTER County

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION	ANNUAL VOLUME
POWER	01/01	to 12/31	0.33 CFS	

5. Total quantity to be appropriated is: 0.33 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: ROCK WING WALL OFF OF DEER CREEK INTO A DITCH WHICH FLOWS INTO A DEBIS SCREENED BUBBLER

b. Height of storage dam _____ feet;

Active reservoir capacity _____ acre-feet;

Total reservoir capacity _____ acre-feet;

c. Proposed well diameter is _____ inches;

Proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85F being sought?

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

Drilling Firm _____;

Drilling Permit No. _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

PLACE OF USE: POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N 13E 15				X													

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

APPLICANT

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

APPLICANT

10. Remarks:

11. Map of proposed point of diversion and place of use attached? ☐

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

John H. Shaw
Applicant

Received by kw Date 7/10/13 Time 11:30 Preliminary check by kw

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Receipt No. W040954

Date: 3/22/2013

Received by: JA APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.



Idaho Department of Water Resources

Application
77-14353
(POWER)

Point of Diversion



Place of Use



State Outline



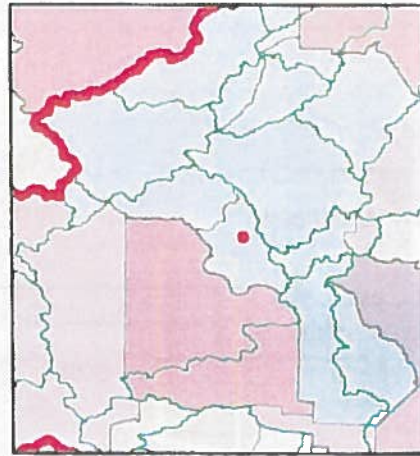
Townships



PLS Sections



Quarter Quarters



Custer County
IDWR Basin 77

Prepared by Walker, Kay
On July 02, 2013
2009 Aerial Photography

13E



14N



0 0.075 0.15 0.3 Miles

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JUL 01 2013

77-14353
Water Right No.

STATE OF IDAHO WATER RESOURCES
DEPARTMENT OF WATER RESOURCES WESTERN REGION

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, JOHN H. SHORT (name) of PARK CITY (city)
County of SUMMIT, State of UTAH, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho UTAH

2. Corporation:

I, JOHN SHORT (name) of PARK CITY (city)
County of SUMMIT, State of Idaho, being duly sworn, depose and
say: That I am the designated registered agent of the COON CREEK LAND CO. LLC

(name of corporation)

corporation as required by Section 30-1-12, Idaho Code, at BOISE (city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that COON CREEK LAND CO. LLC is a corporation qualified to do business in the State of Idaho under the laws of the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

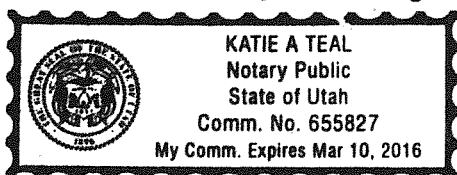
(check one)

- ☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of this affidavit.

STATE OF Utah IDAHO)
County of Summit)ss

Applicant John H. Short

On this 27 day of June, 2013, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Katie Teal
Notary Public residing at
1514 Park Ave Park City, UT
84400

SEAL

My commission expires: March 10, 2016

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

Ident. No. 77-14353
RECEIVED
MAR 22 2013
WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Loon Creek Land Company, LLC and John Short Phone 801-706-3154
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 4799 Balsam Dr. City Park City
State Utah Zip 84098 Email: js@short-consulting.com

2. Source of water supply Deer Creek which is a tributary of Loon Creek

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
14N	13E	15		NW	NE		Custer	Deer Creek	

4. Water will be used for the following purposes:

Amount .33 for POWER 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) .33 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. Rock wing wall off of Deer Creek into a ditch which flows into a debris screened bubbler connected to a 4" pipe to the hydro turbines located 2800 ft from the diversion.

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. 135 feet of head, 7 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. _____

Superceded by Amended App Rec'd 7/10/2013 1

JUL 01 2013

COPY

WATER RESOURCES
WESTERN REGION

CORRECTED 6/26/13

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	
14N	13E	15													P			P	

Total number of acres to be irrigated: _____

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? None

10. a. Who owns the property at the point of diversion? Loon Creek Land Co. LLC
- b. Who owns the land to be irrigated or place of use? John Short
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Loon Creek Land Co and John Short co own the existing and proposed diversion (see transfer #78284)
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To suspend the use of our two Trail Ck diversions, which are not fish screened, and to install a sprinkler system to irrigate our west field, we have proposed relocating our Deer Ck diversion off of USFS property on to ranch property (see transfer #78284) and piping the water from Deer Ck to our fields. I also use the Deer Ck diversion for my hydro turbines which power my house and caretaker cabin located on my property adjacent to the ranch. The water is piped via a 4" pipe from the diversion to my hydro turbines and returned back to Loon Creek. In doing the engineering for the new diversion I discovered the prior owner never applied for a non consumptive hydro water right.
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

Print Name (and title, if applicable)

Signature of Applicant

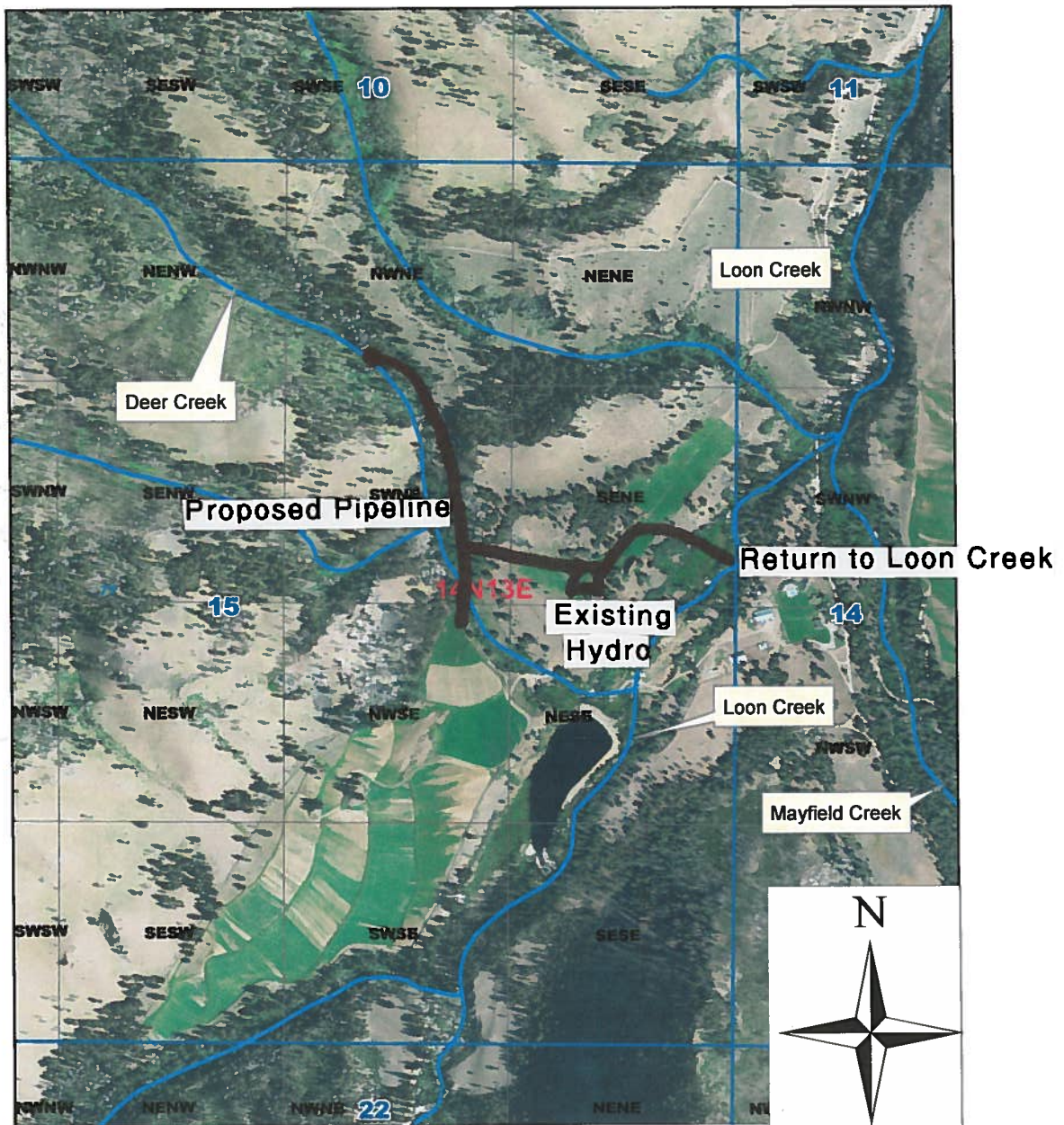
Print Name (and title, if applicable)

For Department Use:

Received by JA Date 3/22/2013 Time 12:35 Preliminary check by _____

Fee \$ 250.00 Received by JA Receipt No. W040954 Date 3/22/2013

Application for Permit Power



RECEIVED

MAR 22 2013

WATER RESOURCES
WESTERN REGION

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, July 25, 2013 12:42 PM
To: Thiel, Sandra
Subject: Application for Permit 77-14353
Attachments: Application for Permit 77-14353.pdf

July 25, 2013

IDAHO DEPT OF WATER RESOURCES
ATTN: SANDRA THIEL, PLANNING BUREAU
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit: 77-14353

Dear Ms. Thiel:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicants if you have concerns about the application. In addition, you may refer to the current Review Memo, which can be found in Power Docs, listed under the water right number referenced above.

Please submit any comments you may have to this office within 21 days of the date of this letter. 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.

Please contact this office at 334-2190 if you have any questions regarding the application.

Sincerely,

Rachel Sommer

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

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, July 24, 2013 2:02 PM
To: 'INFO@CHALLISMESSSENGER.COM'
Subject: Custer Legal Ads
Attachments: Custer Cover Letter.docx; Custer Legal Ad.docx

Good Afternoon Anna Means,

I am now the contact person for the Department of Water Resources Western Region. Please send all future Correspondence to my attention.

Also, please see the attached ad for publication on 8/1/2013 & 8/8/2013.

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

July 24, 2013

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226

RE: Application for Permit No. 77-14353

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 8/19/2013. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following application has been filed to appropriate the public waters of the State of Idaho:

77-14353

LOON CREEK LAND CO LLC

JOHN SHORT

4799 BALSAM DR

PARK CITY, UT 87098

Point of Diversion NWNE S15 T14N R13E CUSTER County Source DEER CREEK Tributary LOON CREEK

Use: POWER 01/01 to 12/31 0.33 CFS

Total Diversion: 0.33 CFS

Date Filed: 3/22/2013

Place of Use: POWER

T14N R13E S15 SENE

This application proposes the diversion and use of water tributary to a federally designated 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 it is for power purposes.

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 8/19/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/1/2013 and 8/8/2013

MEMORANDUM

TO: Application No. 77-14353

FROM: Kay Walker *KW*

DATE: July 23, 2013

RE: Salmon-Clearwater Processing, Basins 77-79 Western Region

The application proposes to protect an existing power generation use at a home and caretaker cabin.

The site is located on the west side of Loon Creek Road, at the confluence of Deer Creek and Trail Creek, approximately a quarter of a mile northwest of the Loon Creek Guard Station.

Wild & Scenic River (WSR) Processing

General Information - WSR processing applies to portions of Bs 77 and 78 but not to Bs 79. It is rarely expected in Bs 78 since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.¹

Typically WSR issues would be in Bs 77 upstream from Long Tom Bar on the Salmon River, WSR right 77-11941.² This also incorporates the entire Middle Fork Salmon River drainage, MSR right 77-13844.³

WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application - WSR processing is required because the proposed source and diversion are upstream from and hydraulically connected to WSR right 77-11941 &/or 77-13844. Workflow/Wild & Scenic was updated, and the WSR legal notice remark was added to the database.

Minimum Streamflow Rights (MSF)

General Information - MSF analysis applies to all surface water upstream⁴ from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results (7/8/09 telephone conference).

Downstream MSF right 3-8 on the Snake River⁵ is not subordinate to "future dcmi" uses or "future non-dcmi (with cfs limits)" uses. Downstream Salmon River MSF right 79-14119⁶ is subordinated to future dcmi uses but not to future non-dcmi uses.

¹ POD = T23N-R1W-S12.

² POD = T25N-R5E-S31.

³ POD = T23N-R16E-S33.

⁴ Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

⁵ POD = T31N-R5W-S10.

⁶ From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses. None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application – MSF analysis is not required for the proposed surface water source because the proposed use is non-consumptive and will not affect any downstream MSF rights.

Conditions of Approval

In addition to typical standard conditions (004, 121 etc.), use the following standard, modified &/or unique conditions for Basins 77-79.

Per IDFG comments, use the following:

- **029 standard** - Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Per WSR processing, part of Basin 77 & 78, no water district currently planned, use the following:

Exceeding 42-111, any source – must use all 4 conditions 195 thru 198:

- **195 standard** - Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
- **196 standard** - As part of the diversion works, the right holder shall install a straight length of conduit that will accommodate a device for measuring the entire flow of water being diverted in connection with this right. The straight length of conduit shall be at least ten times the diameter of the conduit and shall be above ground or otherwise easily accessible.
- **197 standard** - Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
- **198 standard** - When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

JUL 22 2013

WATER RESOURCES
WESTERN REGION

900 North Skyline, Suite B • Idaho Falls, ID 83402 • (208) 528-2650

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

July 18, 2013

Mr. John Short
Loon Creek Land Co, LLC
4799 Balsalm Dr.
Park City, Utah 84098

Dear Mr. Short:

The Idaho Department of Environmental Quality (Department) reviewed your water rights application, as well as the Department's associated existing water quality information near your proposed project site identified in Application 77-14353.

This application for irrigation and hydro power included information on a water rights transfer. Based on this information, the Department has no opposition to the granting of this right if it is developed according to the information provided.

The Department does encourage you to screen any in-stream diversions consistent with local Idaho Fish and Game guidelines.

We have no other comments at this time. Additionally, the Department 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 208.528.2650 for any additional information we may provide.

Sincerely,

A handwritten signature in black ink, appearing to read "T. R. Saffle", written over a horizontal line.

Troy Saffle
Regional Manager
Idaho Falls Regional Office

c: Kay Walker, IDWR Western Region
Doug Conde, Deputy Attorney General

2013 JUL 18

Walker, Kay

From: John Short [js@short-consulting.com]
Sent: Monday, July 15, 2013 4:04 PM
To: Josh.Schultz@deq.idaho.gov
Cc: Troy.Saffle@deq.idaho.gov; Walker, Kay
Subject: Re: Application for Permit

I have not heard anything concerning my pending application. Is there some followup that I need to do? Thanks
On Jun 27, 2013, at 10:59 AM, <Josh.Schultz@deq.idaho.gov> wrote:

Troy, I spoke with John Short who is amending an existing permit to include a non-consumptive hydropower use. Originally I thought he was in our region, but it appears he is in yours! He needs a comment letter to accompany his IDWR permit.

I've attached his permit. His contact info is 801-706-3154 js@short-consulting.com

Thanks!

Josh

Joshua Schultz • Watershed Coordinator • Idaho Department of Environmental Quality • 1445 N. Orchard St. • Boise, Idaho 83706 • (208) 373-0550

<IDWR Hydro App2.pdf><IDWR Hydro App.pdf>

Walker, Kay

From: Walker, Kay
Sent: Tuesday, July 02, 2013 8:37 AM
To: js@short-consulting.com
Cc: Walker, Kay
Subject: Application for Permit 77-14353

Mr. Short:

We have received the affidavit, corrected page 2 of your application, the documents reflecting your role as Manager/Member of Loon Creek Ranch and the comments from Idaho Fish and Game. We are still waiting for the comments from IDEQ and that appears to be all that is needed. You requested an additional 30 days to submit the comments and your request is hereby granted. You have until August 2, 2013, to submit the additional information. Thank you for your attention to this matter.

Sincerely,

KAY WALKER

Sr. Water Resource Agent
(208)334-2190

Walker, Kay

From: John Short [js@short-consulting.com]
Sent: Tuesday, July 02, 2013 4:35 PM
To: Walker, Kay
Subject: Re: Application for Permit 77-14353

Sorry for my second mistake in a row. I will get the corrected materials to you early next week when I leave the ranch. John

On Tue, Jul 2, 2013 at 9:15 AM, Walker, Kay <Kay.Walker@idwr.idaho.gov> wrote:

Mr. Short:

I went into our data base to make the correction to your place of use on this application and found you made an error on the amended page. You have indicated that your home is in the SESE, Sec. 15. However, pursuant to our prior conversation the home is located within the NESE, Sec. 15. I have scanned and attached an "Amended" Application form for your use. Please print this form out, sign it and return it, with your original signature, to our office for processing. Thanks for your attention to this matter.

Sincerely,

Kay Walker

Sr. Water Resource Agent

(208)334-2190

<<Amended App 77-14353.pdf>>

Walker, Kay

From: Bassista, Tom [thomas.bassista@idfg.idaho.gov]
Sent: Monday, July 01, 2013 5:03 PM
To: Walker, Kay
Cc: 'John Short'; Curet, Tom
Subject: Water Right Application 77-14353

Dear Kay:

The Idaho Department of Fish and Game (IDFG) has reviewed Water Right Application 77-14353 submitted by Mr. John Short to divert 0.33 CFS of surface water from Deer Creek for the beneficial use of hydro power. We have worked with Mr. Short on this and other water development projects in the Deer and Loon Creek basins. We have no comments concerning this water right application.

Thank you for the opportunity to review the proposal.

Please let me know if you have any additional questions.

Tom P. Bassista
Environmental Staff Biologist

Idaho Department of Fish and Game
Salmon and Upper Snake Regions
4279 Commerce Circle
Idaho Falls, ID 83401
208.525.7290

From: John Short [mailto:js@short-consulting.com]
Sent: Thursday, June 27, 2013 10:44 AM
To: Bassista, Tom
Subject: Re: Deer Creek Design

They have approved the diversion site transfer for our existing water rights for irrigation but they knew nothing about my using the same diversion for my existing hydro. So this application asks them to grant me an additional non consumptive water right for that hydro. They made the decision to request your agency's comments on my application. I am merely attempting to clear up an oversight by the prior owner of my house who installed the hydro without apply for a water right. I hope this clarifies the issue, believe me I am not trying to waste anyone's time. Thanks again for your help. John

On Jun 27, 2013, at 10:35 AM, Bassista, Tom wrote:

John-just curious-if you are already set and going to install the new diversion in Deer Creek, what are the purpose of our comments? We are typically asked to comment before a project is authorized and built. My time is precious so if this is a done deal between you and IDWR it would be nice to know that.

Thanks

From: John Short [mailto:js@short-consulting.com]
Sent: Thursday, June 27, 2013 10:14 AM
To: Bassista,Tom
Subject: Re: Deer Creek Design

Tom: This email is to formally request your provide comments on my application to IDWR for a non consumptive hydro power water right. My application to IDWR is attached, I am sorry about the green stripe on the left hand side but I can't seem to get rid of it on my scanner. If you need a better copy I will be happy to mail one to you. If you have any questions please do not hesitate to contact me via email. I will be at the ranch installing the new diversion and pipeline over the next two weeks and will not have cell service. If you want a meeting in Salmon to go over the application I am available anytime over the next two weeks.

Jared Bragg and Patty Murphy from your fish screen shop are very familiar with this project and have done several site visits to the site. Let me know if I can provide any further information. Thanks for your help on this.
John

On Jun 26, 2013, at 1:14 PM, Bassista,Tom wrote:

Thanks for the info-I'll look out for your request for comments.

Tom P. Bassista
Environmental Staff Biologist

Idaho Department of Fish and Game
Salmon and Upper Snake Regions
4279 Commerce Circle
Idaho Falls, ID 83401
208.525.7290

From: John Short [mailto:js@short-consulting.com]
Sent: Tuesday, June 25, 2013 1:36 PM
To: Bassista,Tom
Subject: Fwd: Deer Creek Design

These are the NRCS plans we are folding for the diversion, bubbler, pipeline and sprinkler system on Deer Creek. Note the bubbler screen at the diversion site. I am traveling until tomorrow night so will get you an electronic copy of the water right application and written request for you comments to you on Thursday. Thanks for your help. John

Sent from my iPad

Begin forwarded message:

From: John Short <johnhshort@me.com>
Date: May 29, 2013, 1:19:04 PM MDT

To: John Short <js@short-consulting.com>
Subject: Fwd: Deer Creek Design

Sent from my iPad

Begin forwarded message:

From: "Dodds, Tim - NRCS, Salmon, ID" <Tim.Dodds@id.usda.gov>
Date: May 16, 2013, 4:55:22 PM MDT
To: "John Short (johnhshort@me.com)" <johnhshort@me.com>
Subject: Deer Creek Design

John, here is the Deer Creek Design Package. I'll bring copies in on my visit and get your signature on the cover sheet.

Tim Dodds
Soil Conservation Technician
USDA-NRCS
945 Riverfront Drive
Salmon, Idaho 83467
208-756-3211 x 106

"Golf is the only game in which a precise knowledge of the rules can earn one a reputation for bad sportsmanship"
---Patrick Campbell, writer

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JOHN H. SHORT, PH.D.
4799 BALSAM DRIVE
PARK CITY, UTAH 84098

RECEIVED

JUL 01 2013

WATER RESOURCES
WESTERN REGION

June 27, 2013

Kay Walker
Sr. Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Ms. Walker

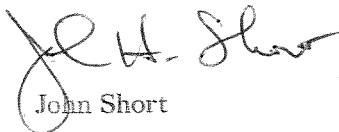
Thank you for your letter of June 5th regarding my application for a non consumptive water right. Based on our call yesterday I have enclosed an executed Affidavit as well as a corrected copy of page 2 of my application. I have also sent you via email copies of the documents reflecting my role as Manager/Member of Loon Creek Land Co. LLC. In addition I have been in contact with Tom Bassista from Idaho Fish and Game and Troy Saffle from Idaho Environmental Quality, provided both with copies of the amended application and formally requested their agencies comments.

As I indicated on the our phone call I was at the ranch when your June 5th letter arrived and since we do not have mail service there I did not actually receive your letter until June 24th. So I would respectfully request a 30 day extension on the approval process so we have plenty of time to get the comment letters from these agencies.

Please let me know if you need additional information via email, js@short-consulting.com, since I will be back at the ranch over the next two weeks. I would be happy to come to Boise during that time frame if you deem it necessary.

Thanks for your help.

Sincerely,


John Short

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	
14N	13E	15													P				

Total number of acres to be irrigated: _____

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? None

10. a. Who owns the property at the point of diversion? Loon Creek Land Co. LLC
b. Who owns the land to be irrigated or place of use? John Short
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Loon Creek Land Co and John Short co own the existing and proposed diversion (see transfer #78284)
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To suspend the use of our two Trail Ck diversions, which are not fish screened, and to install a sprinkler system to irrigate our west field, we have proposed relocating our Deer Ck diversion off of USFS property on to ranch property (see transfer #78284) and piping the water from Deer Ck to our fields. I also use the Deer Ck diversion for my hydro turbines which power my house and caretaker cabin located on my property adjacent to the ranch. The water is piped via a 4" pipe from the diversion to my hydro turbines and returned back to Loon Creek. In doing the engineering for the new diversion I discovered the prior owner never applied for a non consumptive hydro water right.
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.

John H. Short
Signature of Applicant
JOHN H. SHORT, owner
Print Name (and title, if applicable)

John H. Short
Signature of Applicant
JOHN H. SHORT, manager/member
Print Name (and title, if applicable) LOON CREEK LAND CO

For Department Use:

Received by JA Date 3/22/2013 Time 12:35 Preliminary check by _____
Fee \$ 250.00 Receipted by JA Receipt No. W040954 Date 3/22/2013

Superseded by "corrected" page attached to app. 2

Walker, Kay

RECEIVED

JUN 25 2013

From: John Short [johnhshort@me.com]
Sent: Tuesday, June 25, 2013 10:48 AM
To: Walker, Kay
Subject: Fwd: First Amendment to Operating Agreement [IWOV-GPDMS.FID512856] [fully executed].PDF
Attachments: First Amendment to Operating Agreement [fully executed].PDF; ATT74025.htm; First Amendment to Shareholder Agreement [fully executed].PDF; ATT74026.htm

Please let me know if this satisfies your request regarding my position with Loon Creek Land Co. Will get the rest of the stuff to you this week. Thanks for your help. John

Sent from my iPhone

Begin forwarded message:

From: Jeffrey C Fereday <JeffFereday@givenspursley.com>
Date: June 24, 2013, 11:46:50 AM MDT
To: 'John Short' <johnhshort@me.com>
Subject: First Amendment to Operating Agreement [IWOV-GPDMS.FID512856] [fully executed].PDF

John:

Here are the documents I believe you need. Let me know if there is anything else you need.

Sounds like you're making great progress!

Jeff

Jeffrey C. Fereday
GIVENS PURSLEY LLP
601 W. Bannock
Boise, ID 83702
Direct Dial: (208)-388-1217
Office: (208) 388-1200
Facsimile: (208)-388-1300
Email: JeffFereday@givenspursley.com
www.givenspursley.com

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**FIRST AMENDMENT TO THE OPERATING AGREEMENT
OF
LOON CREEK LAND COMPANY, LLC**

THIS FIRST AMENDMENT TO OPERATING AGREEMENT (this "First Amendment") of Loon Creek Land Company, LLC, an Idaho limited liability company (the "Company"), is entered into effective the 20th day of December, 2011 (the "Effective Date"), by and between the undersigned Members of the Company.

RECITALS

WHEREAS, the Company was organized on October 6, 2000 as a manager-managed limited liability company, for the purpose of owning and/or leasing certain real property commonly referred to as the Diamond D Ranch.

WHEREAS, contemporaneous with the Company's organization, the then-members of the Company executed that certain Operating Agreement dated October 22, 2000 (the "Operating Agreement") and appointed Thomas A. Demorest ("T. Demorest") as the Company's initial Manager. At the time the Operating Agreement was executed, Thomas A. Demorest and Linda L. Demorest (collectively, the "Demorests") owned 50,000 Units in the Company and John Short ("Short") and the Salvatore Craparotta Revocable Trust (the "Trust") each owned 25,000 Units in the Company.

WHEREAS, since the effective date of the Operating Agreement, the Demorests transferred 25,000 of their Units to Dana Demorest, 25,000 Units to their Units to Kara Demorest and the Trust transferred all of its Units to M. Craparotta Idaho Real Estate, L.L.C. (collectively, the "Membership Transfers").

WHEREAS, the Members desire to amend the Operating Agreement to memorialize the foregoing Membership Transfers.

WHEREAS, the Members further desire to amend the Operating Agreement to enable T. Demorest to withdraw as Manager, which is not provided for in the current form of the Operating Agreement, and to enable the Members to appoint Short as the successor Manager, for the reasons more particularly set forth in that certain Consent Resolution executed by the Members and the Manager contemporaneously herewith.

WHEREAS, the Members desire to amend the Operating Agreement to reflect the transactions set forth above.

WHEREAS, all capitalized terms not otherwise defined herein shall have those meanings set forth in the Operating Agreement.

AMENDMENT

NOW THEREFORE, in consideration of the above recitals and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Members, constituting all of the Members of the Company hereby agree as follows:

1. **Amendment and Restatement of Schedule 1.** Schedule 1 of the Operating Agreement is hereby amended and restated as follows:

Member	Number of Units
Dana Demorest	25,000
Kara Demorest	25,000
John Short	25,000
M. Craparotta Idaho Real Estate, L.L.C.	25,000

2. **Amended and Restated Section 6.1.** Section 6.1 of the Operating Agreement is amended by deleting the existing Section 6.1 in its entirety and replacing it with the following:

6.1. Resignation and Removal of Manager.

6.1.1. Resignation. The Manager of the Company may resign at any time by giving written notice to the Members of the Company. The resignation of the Manager shall take effect upon receipt of notice thereof or at such later time as shall be specified in such notice; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. If the Manager is also a Member, the Manager's resignation shall not affect the Manager's rights as a Member and shall not constitute a withdrawal of a Member.

6.1.2. Removal. At any meeting of the Members called as provided herein, the Manager may be removed, without cause, by the affirmative vote of all Members. The removal of a Manager who is also a Member shall not affect the Manager's rights as a Member and shall not constitute a withdrawal of a Member.

6.1.3. Vacancies. Any vacancy occurring, for any reason, may be filled by a vote of the Members holding at least 75% of the then-outstanding Interests.

6.1.4. Failure to Appoint Replacement. In the event John Short ceases to act as Manager and there is a vacancy in the office of Manager, and in the event the Members do not appoint a replacement Manager, then the Company shall be converted to a member managed limited liability company.

3. **Deletion of Section 6.1.2.** Section 6.1.2. of the Operating Agreement is hereby deleted in its entirety.

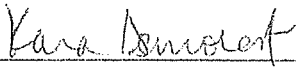
4. **Conflict.** In the event of a conflict between the provisions of the Operating Agreement and this First Amendment, the provisions of this First Amendment shall control. No other terms and conditions of the Operating Agreement are hereby changed by this First

Amendment. The Operating Agreement shall remain in full force and effect modified only by the terms and conditions of this First Amendment which terms and conditions are expressly ratified and confirmed by the Members.

5. **Counterparts.** This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this First Amendment via facsimile transmission or electronic mail shall be as effective as delivery of an executed original.

IN WITNESS WHEREOF, the undersigned members, being all of the members of Loon Creek Land Company, LLC, executed this First Amendment effective as of the date written above.

MEMBERS:



Kara Demorest

John Short

M. Craparotta Idaho Real Estate, L.L.C., a
Michigan limited liability company

By: Mary Verville, Manager

Dana Demorest

AGREED TO AND ACCEPTED BY INITIAL MANAGER:

Tom Demorest

AGREED TO AND ACCEPTED BY SUCCESSOR MANAGER:

John Short

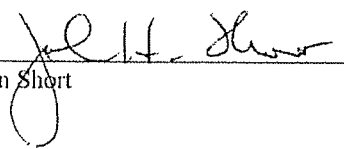
Amendment. The Operating Agreement shall remain in full force and effect modified only by the terms and conditions of this First Amendment which terms and conditions are expressly ratified and confirmed by the Members.

5. **Counterparts.** This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this First Amendment via facsimile transmission or electronic mail shall be as effective as delivery of an executed original.

IN WITNESS WHEREOF, the undersigned members, being all of the members of Loon Creek Land Company, LLC, executed this First Amendment effective as of the date written above.

MEMBERS:

Kara Demorest



John Short

M. Craparotta Idaho Real Estate, L.L.C., a
Michigan limited liability company

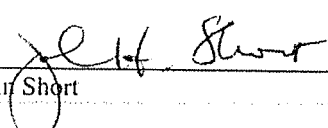
By: Mary Verville, Manager

Dana Demorest

AGREED TO AND ACCEPTED BY INITIAL MANAGER:

Tom Demorest

AGREED TO AND ACCEPTED BY SUCCESSOR MANAGER:



John Short

Amendment. The Operating Agreement shall remain in full force and effect modified only by the terms and conditions of this First Amendment which terms and conditions are expressly ratified and confirmed by the Members.

5. **Counterparts.** This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this First Amendment via facsimile transmission or electronic mail shall be as effective as delivery of an executed original.

IN WITNESS WHEREOF, the undersigned members, being all of the members of Loon Creek Land Company, LLC, executed this First Amendment effective as of the date written above.

MEMBERS:

Kara Demorest

John Short

M. Craparotta Idaho Real Estate, L.L.C., a
Michigan limited liability company


By: Mary Verville, Manager

Dana Demorest

AGREED TO AND ACCEPTED BY INITIAL MANAGER:

Tom Demorest

AGREED TO AND ACCEPTED BY SUCCESSOR MANAGER:

John Short

[illegible][illegible][illegible]

ACKNOWLEDGMENTS

1. 凡在本行开立存款账户的客户，均可向本行申请开立定期存款账户。

100-443887-1000

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6. **CONCLUSIONS**

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Amendment. The Operating Agreement shall remain in full force and effect modified only by the terms and conditions of this First Amendment which terms and conditions are expressly ratified and confirmed by the Members.

5. **Counterparts.** This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this First Amendment via facsimile transmission or electronic mail shall be as effective as delivery of an executed original.

IN WITNESS WHEREOF, the undersigned members, being all of the members of Loon Creek Land Company, LLC, executed this First Amendment effective as of the date written above.

MEMBERS:

Kara Demorest

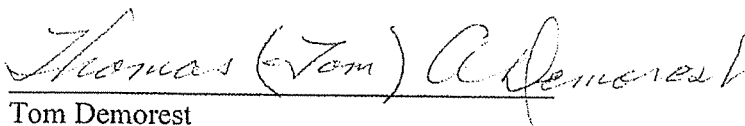
John Short

M. Craparotta Idaho Real Estate, L.L.C., a
Michigan limited liability company

By: Mary Verville, Manager

Dana Demorest

AGREED TO AND ACCEPTED BY INITIAL MANAGER:


Tom Demorest

AGREED TO AND ACCEPTED BY SUCCESSOR MANAGER:

John Short

**FIRST AMENDMENT TO THE SHAREHOLDER AGREEMENT
OF
DIAMOND D RANCH, INC.**

THIS FIRST AMENDMENT TO SHAREHOLDER AGREEMENT (this "First Amendment") of Diamond D Ranch, Inc., an Idaho corporation (the "Corporation"), is entered into effective the 20th day of December, 2011 (the "Effective Date"), by and between the undersigned Shareholders of the Corporation.

RECITALS

WHEREAS, on or about October 26, 2000, the then-shareholders of the Corporation executed that certain Shareholder Agreement (the "Shareholder Agreement").

WHEREAS, on April 8, 2005, the Corporation filed an Amendment to its Articles of Incorporation (the "Amendment") to increase the number of authorized shares from 5,000 shares to 100,000 shares.

WHEREAS, contemporaneous with the Amendment, the Corporation cancelled all prior stock certificates and issued new stock certificates to the then-current shareholders, which reflected certain stock transfers that had been made since the effective date of the Shareholder Agreement.

WHEREAS, the Shareholders desire to amend the Shareholder Agreement to reflect the current shareholders in the Corporation as evidenced by the Corporation's outstanding stock certificates.

WHEREAS, all capitalized terms not otherwise defined herein shall have those meanings set forth in the Shareholder Agreement.

AMENDMENT

NOW THEREFORE, in consideration of the above recitals and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Shareholders, constituting all of the Shareholders of the Corporation hereby agree as follows:

1. **Amendment and Restatement of Section 1.2.** Section 1.2 of the Shareholder Agreement is hereby amended by deleting the existing Section 1.2 in its entirety and replacing it with the following:

Shareholder	Number of Shares
Dana Demorest	20,000
Kara Demorest	20,000
John Short	20,000
M. Craparotta Idaho Real Estate, L.L.C.	20,000

2. **Conflict.** In the event of a conflict between the provisions of the Shareholder Agreement and this First Amendment, the provisions of this First Amendment shall control. No other terms and conditions of the Shareholder Agreement are hereby changed by this First Amendment. The Shareholder Agreement shall remain in full force and effect modified only by the terms and conditions of this First Amendment which terms and conditions are expressly ratified and confirmed by the Shareholders.

3. **Counterparts.** This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this First Amendment via facsimile transmission or electronic mail shall be as effective as delivery of an executed original.

IN WITNESS WHEREOF, the undersigned Shareholders, being all of the Shareholders of Diamond D Ranch, Inc., executed this First Amendment effective as of the date written above.

SHAREHOLDERS:


Kara Demorest

John Short

M. Craparotta Idaho Real Estate, L.L.C., a
Michigan limited liability company

By: Mary Verville, Manager

Dana Demorest

2. **Conflict.** In the event of a conflict between the provisions of the Shareholder Agreement and this First Amendment, the provisions of this First Amendment shall control. No other terms and conditions of the Shareholder Agreement are hereby changed by this First Amendment. The Shareholder Agreement shall remain in full force and effect modified only by the terms and conditions of this First Amendment which terms and conditions are expressly ratified and confirmed by the Shareholders.

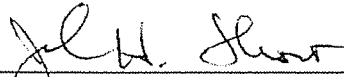
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IN WITNESS WHEREOF, the undersigned Shareholders, being all of the Shareholders of Diamond D Ranch, Inc., executed this First Amendment effective as of the date written above.

SHAREHOLDERS:

Kara Demorest

M. Craparotta Idaho Real Estate, L.L.C., a
Michigan limited liability company



John Short

By: Mary Verville, Manager

Dana Demorest

2. **Conflict.** In the event of a conflict between the provisions of the Shareholder Agreement and this First Amendment, the provisions of this First Amendment shall control. No other terms and conditions of the Shareholder Agreement are hereby changed by this First Amendment. The Shareholder Agreement shall remain in full force and effect modified only by the terms and conditions of this First Amendment which terms and conditions are expressly ratified and confirmed by the Shareholders.

3. **Counterparts.** This First Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Delivery of an executed counterpart of a signature page to this First Amendment via facsimile transmission or electronic mail shall be as effective as delivery of an executed original.

IN WITNESS WHEREOF, the undersigned Shareholders, being all of the Shareholders of Diamond D Ranch, Inc., executed this First Amendment effective as of the date written above.

SHAREHOLDERS:

Kara Demorest

John Short

M. Craparotta Idaho Real Estate, L.L.C., a
Michigan limited liability company


By: Mary Verville, Manager

Dana Demorest

1. The first part of the report deals with the general situation of the country and the position of the various groups of the population. It is a very interesting and informative study of the social and economic conditions of the country.

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3. The third part of the report deals with the economic situation of the country. It is a very interesting and informative study of the economic conditions of the country.

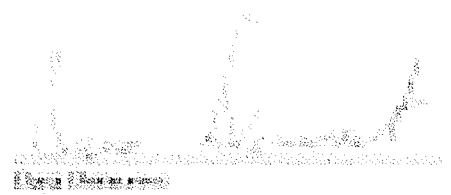
4. The fourth part of the report deals with the cultural situation of the country. It is a very interesting and informative study of the cultural conditions of the country.

5. The fifth part of the report deals with the social situation of the country. It is a very interesting and informative study of the social conditions of the country.

6. The sixth part of the report deals with the legal situation of the country. It is a very interesting and informative study of the legal conditions of the country.

7. The seventh part of the report deals with the military situation of the country. It is a very interesting and informative study of the military conditions of the country.

8. The eighth part of the report deals with the foreign relations of the country. It is a very interesting and informative study of the foreign relations of the country.



9. The ninth part of the report deals with the international relations of the country. It is a very interesting and informative study of the international relations of the country.



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

June 5, 2013

LOON CREEK LAND COMPANY LLC & JOHN SHORT
4799 BALSAM DR
PARK CITY UT 84098

RE: Application for Permit 77-14353

Gentlemen:

The Idaho Department of Water Resources (IDWR) is reviewing your application for a new water permit 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. Enclosed, for your convenience, is a copy of the application as it was submitted to our office.

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 application. The other requirements in the attachment are waived for your application.

Rec'd 7/1 ✓ Prior to further review, we need to have the enclosed "Affidavit for Water Rights to be used for Power Purposes" form completed and returned.

Rec'd 6/25 ✓ We have questions concerning the relationship between Loon Creek Land Company and Mr. Short. When we look at the Idaho Secretary of State's page, we do not see Mr. Short's name as an authorized member of Loon Creek Land Company. Please provide something from Loon Creek Land Company that shows Mr. Short is a manager/member, as shown on the signature page of this application.

✓ We also have a question regarding the place of use of this proposal. The description on page 2 of the application says the place of use will be in the NESE, Sec. 15; however, the map appears to show the place of use located within the SENE, Sec. 15. We have included another map of the area so you can determine where the place of use will be located.

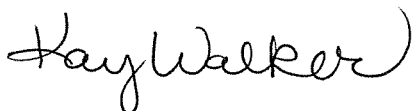
6/25 discussed w/ Tom Bassista of FH - he asked Mr. Short to send special request (i.e. comment letter) and would review.

Discussed w/ Mr. Short 6/25 - he will request more time & submit requested info. per

Please submit the comment letters, affidavit, something to document the manager/member status of Mr. Short, and an amended application to correct the place of use (if it is necessary) within the next 30 (thirty) days. Failure to submit the requested information in a timely manner will cause your application to be voided. A refund of the application fee cannot be issued for a voided application.

More information about water rights and other matters administered by IDWR is available on the internet at www.idwr.idaho.gov. Please feel free to contact me at 334-2190 if you have any questions in regard to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive style with a large, looping "K" and a trailing flourish.

KAY WALKER
Sr. Water Resource Agent

Enclosures

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)

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.