

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED
APR 18 2013
IDWR/NORTHERN

1. Name: EMPIRE LUMBER COMPANY
PO BOX 206
WEIPPE ID 83553
(208) 435-4113
2. Source: GROUND WATER
3. Location of Point of Diversion:
#1 GROUND WATER, NE1/4NE1/4, Sec. 15, Twp 35N, Rge 04E, B.M., CLEARWATER County
4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01	to 12/31	0.20 CFS	
FIRE PROTECTION FROM STORAGE	01/01	to 12/31		4.6 AF
FIRE PROTECTION STORAGE	01/01	to 12/31		4.6 AF

- | | | | |
|----|---------------------------------------|----------|--------|
| 5. | Total quantity to be appropriated is: | 0.20 CFS | 4.6 AF |
| 6. | Proposed diverting works: | | |

POINT OF DIVERSION #1

- a. Type and size of devices used to divert water from the source: SUBMERSIBLE PUMP IN WELL
- b. Height of storage dam _____ feet;
Active reservoir capacity ____1.53____ acre-feet;
Total reservoir capacity ____1.53____ acre-feet;.
- c. Proposed well diameter is 12 inches;
Proposed depth of well is 855 feet.
- d. Is ground water with a temperature of greater than 85F being sought? N
- e. If well is already drilled, when? 8/1/2008;
Drilling Firm: INTERMOUNTAIN DRILLING;
Drilling Permit No. 858952.

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:** FIRE PROTECTION FROM STORAGE

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
35N 04E 15	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	X			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:

THIS APPLICATION FOR PERMIT IS FOR THE STORAGE OF WATER IN A POND ADJACENT TO OUR WELL. THE POND WILL SUPPLY WATER TO BOTH FIRE HYDRANTS AND OVERHEAD FIRE SYSTEMS IN ALL THE BUILDINGS LOCATED ON THE PLANT SITE. WATER FROM OUR HYDRANTS MAY ALSO BE USED BY THE CITY OF WEIPPE FIRE DEPARTMENT TO SUPPRESS FIRES NEAR OUR OPERATION. THE POND WILL NEED TO BE KEPT FULL AT ALL TIMES. MINOR EVAPORATION IS EXPECTED DURING THE SUMMER MONTHS.

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

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

Randy Eller for Empire Lumber Co.

Applicant

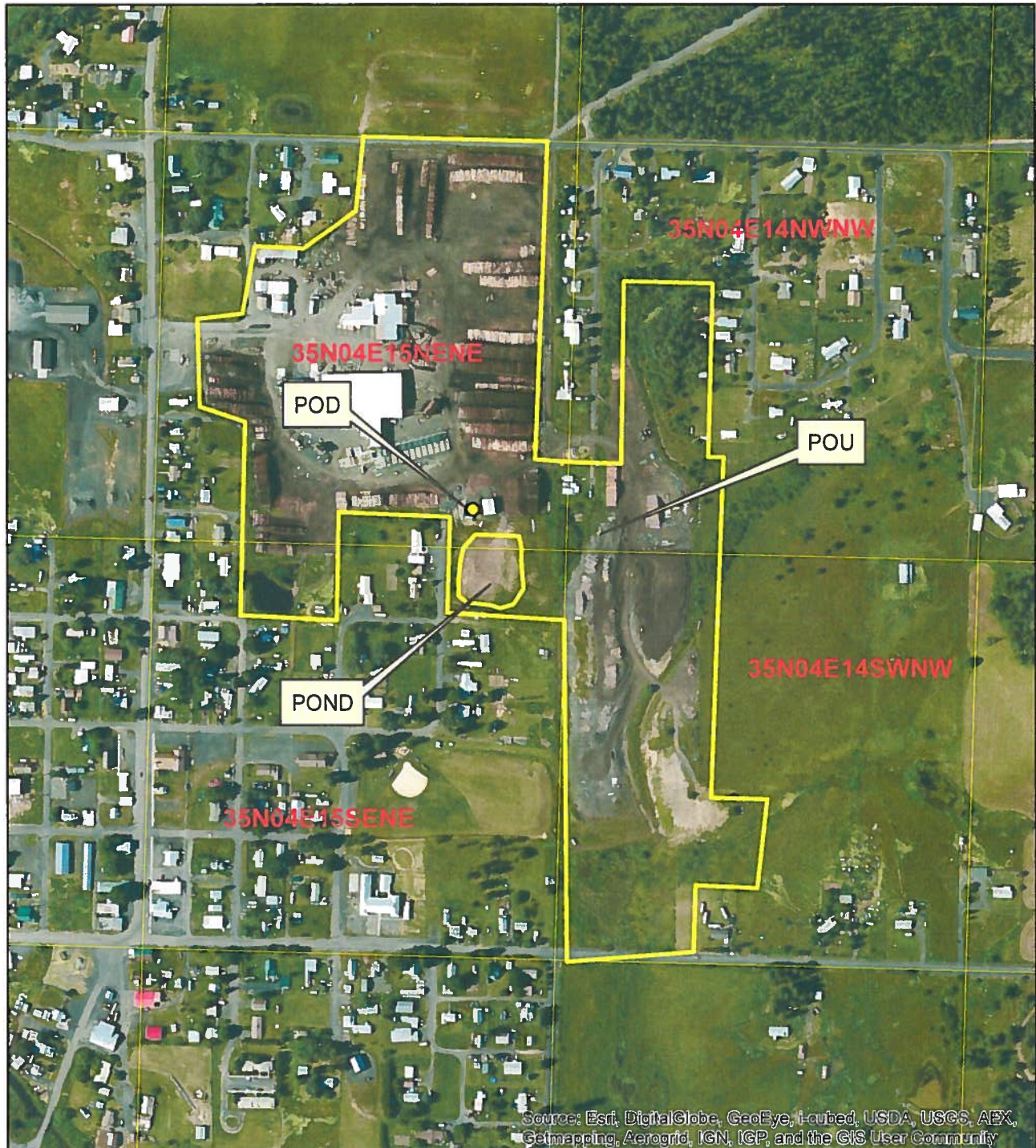
Received by _____ Date 4/18/13 Time _____ Preliminary check by _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

Receipt No. C096551

Date: 2/21/13

Received by: DP

84-12279



Legend

- Working_POD
- Working_POU
- QQ

0 0.0425 0.085 0.17 Miles



TOP OF SLOPE

TOE OF SLOPE

Anchor Trench as per submitted NWL Anchor trench detail

114.00

1.50

2.00

30.00

54.00

30.00

54.00

30.00

INNER SLOPE = 3:1
DEPTH = 10'

30.00

429,000 Gallons +/-

Top of slope to top of slope flat measurement dimension is 114.00'

PROPOSED POND SIZE
EMPIRE LUMBER LINER & COVER

 $1^{\circ} = 30'$

10

8TH AVE EAST

1027.65'

11

MAIN STREET Highway 11

NENE

NW NW

3040 Ft
COUNTRY

GROUNDWATER
SOURCE
WATER RIGHT
#84-13242

FIRE PROTECTION
holding pond

#1849

3028

#1818

20

SWNW

T35N
R4E

SENE

#1816

305

#1518
3610

100'

13

MUSSEL SNELL
Road

fe
mete

ND19278

Form 238-7
6/07

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

RECEIVED

OCT 17 2008

1. WELL TAG NO. D 0054612

Drilling Permit No. 858950
Water right or injection well # 488377

2. OWNER

Name Empire Lumber Company
Address P.O. Box 206
City Weippe State ID Zip 83553

3. WELL LOCATION:

Twp. 32 North ☒ or South ☐ Rge. 4 East ☒ or West ☐
Sec. 14 1/4 NE 1/4 NE 1/4
10 acres 40 acres 160 acres

Gov't Lot _____ County Clearwater

Lat. _____ (Deg. and Decimal minutes)

Long. _____ (Deg. and Decimal minutes)

Address of Well Site 206 6th Ave. E

City Weippe

Lot 8 Blk. _____ Sub. Name Brown's 3rd Addition

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection

☒ Other Fire Protection

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Replacement well ☐ Modify existing well

☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

Seal material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method/procedure
Port. Cement	0	480	10 cu. yds	tremie

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
16"	0	31		Steel	☒	☐	☐	☒
12"	+3	282		Steel	☒	☐	☐	☒
10"	275	480		Steel	☒	☐	☐	☒

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) N/A

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method N/A

Manufactured screen ☐ Y ☒ N Type N/A

Method of Installation N/A

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule

Length of Headpipe N/A Length of Tailpipe N/A

Packer ☐ Y ☒ N Type N/A

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) N/A

Describe control device N/A

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 117 Static water level (ft) 318

Water temp. (°F) _____ Bottom hole temp. (°F) _____

Describe access port _____

Well test:			Test method:			
Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
			☐	☐	☐	☐

Water Quality test or comments: Good

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water Y N
19	0	2	Crushed rock	X
19	2	21	Brown clay	X
19	21	23	Broken basalt	X
19	23	31	Basalt, med, black	X
15	31	53	Basalt, med, black	X
15	53	62	Broken basalt	X
15	62	95	Basalt, med, black	X
15	95	97	Broken basalt & wood	X
15	97	117	Clay, blue & tan	X
15	117	122	White sand - H2O approx. 20 GPM	X
15	122	126	Basalt, soft, black	X
15	126	210	Basalt, hard, black	X
15	210	273	Sandstone interbed	X
15	273	282	Basalt, med, black	X
12	282	288	Basalt, med, black	X
12	288	336	Basalt, hard, black	X
12	336	354	Vascular basalt	X
12	354	378	Basalt, med, black	X
12	378	480	Basalt, hard, black	X
10	480	558	Basalt, hard, black	X
10	558	605	Claystone blue - H2O approx. 150 GPM	X
10	605	642	Cemented gravel	X
10	642	728	Basalt, med, black	X
10	728	736	Basalt, hard gray	X
10	736	744	Interbed w/sand - H2O approx. 400 GPM	X
10	744	748	Brown clay	X
10	748	753	Broken basalt	X
10	753	851	Claystone brown	X
10	851	855	Granite, med, S & P	X

Completed Depth (Measurable) 855'

Date: Started 6-01-08 Completed 8-01-08

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Intermountain Drilling Co. No. 513

*Principal Driller [Signature] Date 10-7-08

*Driller _____ Date _____

*Operator II [Signature] Date 10-10-08

Operator I _____ Date _____

* Signature of Principal Driller and rig operator are required.

POND ANALYSIS SHEET
84-12279

POND SIZE: 0.32 AC X 4.8 FT = 1.53 AF

SURFACE AREA: 13,939.2 SQFT

EVAPORATION: 869 GPD X 365 DAYS / 325,850 GAL/AF = 1.0 AF

SEEPAGE: 1876 GPD X 365 / 325,850 GAL/AF = 2.1 AF

0.2 CFS DIVERSION TO STORAGE

4.6 AF	FIRE PROTECTION STORAGE	A.) POND SIZE	1.53 AF
		B.) EVAPORATION	1.0 AF
		C.) SEEPAGE	2.1 AF
		TOTAL	4.6 AF

4.6 AF FIRE PROTECTION FROM STORAGE

0.2 CFS TOTAL DIVERSION

4.6 AF TOTAL STORAGE VOLUME

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

84-12279

EMPIRE LUMBER COMPANY

PO BOX 206

WEIPPE, ID 83553

Point of Diversion NENE S15 T35N R04E CLEARWATER CO

Source GROUND WATER

Use: DIVERSION to STORAGE 01/01 to 12/31 0.2 cfs

Use: FIRE PROTECTION from Storage 01/01 to 12/31 4.6 AF

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 4.6 AF

Total Diversion: 0.2 CFS

Date Filed: 2/21/2013

Place of Use: FIRE PROTECTION from STORAGE

T35N R04E S14 NWNW SWNW

T35N R04E S15 NENE SENE

Place of Use: FIRE PROTECTION STORAGE

T35N R04E S15 NENE \SENE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 7/8/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/20/2013 and 6/27/2013

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 12, 2013 9:05 AM
To: Legal Notices-Clearwater Tribune
Cc: Franklin, Keith
Subject: Application for Permit No. 84-12279
Attachments: LegalNotice 06-12-13 CT e-mail 84-12279.doc

Good morning, Andrea,

Please publish the enclosed legal notice on the dates indicated, June 20 and 27, 2013, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please send a proof/preview copy for my review before this goes to press.

Aside from any minor modifications, this should be close to press ready for a 2 column layout. That layout format seems to be more readily understandable to the general public, and I think I've matched your 2-column width and 9 pt font size OK.

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 7/8/2013. Your cooperation is greatly appreciated.

Thanks for your help on this – and have a marvelous rest of the day.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 12, 2013

EMPIRE LUMBER COMPANY
RANDY ELLER, RESOURCE MANAGER
PO BOX 206
WEIPPE, ID 83553

Application For Permit No. 84-12279

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 CLEARWATER TRIBUNE on 6/20/2013 and 6/27/2013. 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,

Keith Franklin
Program Manager

M E M O R A N D U M

To: Water Right Application # 84-12279

From: Keith E. Franklin

Date: April 19, 2013

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information.

The Idaho Department of Fish & Game as well as the Department of Environmental Quality have no adverse comments towards the applicant withdrawing up to an instantaneous ground water diversion of 0.2 cfs for a fire protection pond. The total annual volume would be 4.6 acre-feet.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for his own use on property that he owns and there are no known issues with any other party.

Financial Resources Information.

The pond construction cost would be financed by Empire Lumber Company.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been ask to comment, by the applicant. The agencies are not apposed to the applicant's proposal.

Injury to Other Water Rights.

There isn't any foreseen potential impact to area water right holders.

Recommendation.

Northern Region recommends proceeding with the processing of this water right application.

4-15-2013

Keith Franklin
IDWR
7600 N. Mineral Drive, Suite 100
Coeur d' Alene, ID 83815

RECEIVED
APR 18 2013
IDWR/NORTHERN



Dear Mr. Franklin:

Enclosed you will find a copy of Empire Lumber Company's revised Application for Permit to Appropriate the Public Waters of the State of Idaho. According to the requirements of the IDWR, comments have been sought from the Idaho Department of Fish and Game as well as the Idaho Department of Environmental Quality concerning our Application. Copies of those comments are also included with this letter.

It is my understanding that all of the necessary documentation concerning our Permit Application has now been provided to the IDWR. If more information is required please let me know and I will provide it to you.

Sincerely,

Randy Eller
Resource Manager

"Specialists in the Wood Products Industry Since 1956"

Empire Lumber Company, dba KAMIAH MILLS, P.O. Box 638, Kamiah, ID 83536 (208) 935-2536



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 17, 2013

Randy Eller
Empire Lumber Company
PO Box 206
Weippe, ID 83553

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

Dear Mr. Eller:

The Idaho Department of Water Resources has received comments from the Idaho Department of Fish & Game and the Idaho Department of Environmental Quality. What the department doesn't have is the signed revised application that was sent to you on March 21, 2013. Once the application is received, the department can proceed with the processing, so please forward it to me within the next 30 days.

If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Program Manager Northern Region

COPY

Idaho Department of Fish & Game contact list:

Clearwater Region: Lewiston, Ray Hennekey 208-799-5010

Idaho Department of Environmental Quality contact list:

Lewiston: Cindy Barrett 208-799-4370



IDAHO DEPARTMENT OF FISH AND GAME
CLEARWATER REGION
3316 16th Street
Lewiston, Idaho 83501

C.L. "Butch" Otter / Governor
Virgil Moore / Director

April 8, 2013

Mr. Randy Eller, Resource Manager
Empire Lumber Company
dba Kamiah Mills
PO Box 638
Kamiah, ID 83536

Dear Mr. Eller:

Re: Application for a Permit to Appropriate Water of the State of Idaho, Ident. No. 84-12279.

IDFG has reviewed your application to store up to 500,000 gallons of water from an existing well for fire protection. According to the letter accompanying the application we reviewed, the storage pond already exists and has been actively storing water for the intended purpose.

IDFG is not aware of any adverse impacts on fish or wildlife from the pre-existing well or pond and, so, do not anticipate future effects.

Please call Ray Hennekey at this office if you have any questions regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Cadwallader", with a long, sweeping horizontal line extending to the right.

Dave Cadwallader
Regional Supervisor

C: Sharon Kiefer, IDFG
Eric Davis, IDWR CDA
John Cardwell, DEQ Lewiston

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>



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F Street • Lewiston, Idaho 83501 • (208) 799-4370

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

April 2, 2013

Mr. Randy Eller
Resource Manager
Empire Lumber Company
P.O. Box 206
Weippe, Idaho 83553

Dear Mr. Eller:

We received your request for our comments on the application for a permit to appropriate groundwater from an existing well to provide fire protection. An annual volume of 4.6 acre feet will be stored in a pond that has been constructed adjacent to the well. The pond will be kept full at all times in order to supply water to fire hydrants and overhead fire systems in the buildings located on the plant site. Based on the information that has been provided, DEQ cannot estimate nor predict impairments to surface or ground water beneficial uses resulting from the requested withdrawal. However, assuming all federal, state, and local permits have been obtained, drinking water regulations met, and reviews completed, we offer the following comments.

DEQ has no objections to the proposed withdrawal and storage of water providing the existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected, and degradation that would impair ground water and interconnected surface water not be allowed.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John Cardwell".

John Cardwell
Surface Water Manager

cc: Keith Franklin, IDWR
Ray Hennekey, IDFG
Clayton Steele, Regional Administrator

3-29-2013

Keith Franklin
IDWR
7600 N. Mineral Drive, Suite 100
Coeur d' Alene, ID 83815

RECEIVED

APR 01 2013

IDWR / NORTH



Dear Mr. Franklin:

I have received the information that you sent me concerning Empire Lumber Company's Application for Permit to Appropriate the Public Waters of the State of Idaho. There appears to be some confusion between an existing pond in the SE of the NE and the fire system holding pond.

I have included an overhead photo and a map of the area that should clarify where both ponds are located. The existing pond on our mill site is a settling pond and its main use is to collect runoff from our sawmill and logyard operations. The settling pond has been in place for many years and was constructed by the previous owners.

The fire system holding ponds' location is also in the SE of the NE but is near the area indicated on the aerial photo that you sent me. Its footprint is somewhat smaller than is indicated on the photo. I have included an engineer's drawing of the fire system pond that indicates the actual dimensions are 114' x 114' square. The map I have included shows both pond locations.

I hope this clears up any confusion there might have been. I have mailed my request for comments to the Idaho Fish and Game and the Idaho Department of Environmental Quality; those responses will be forwarded to you once I have received them.

Sincerely,

A handwritten signature in blue ink, which appears to read 'Randy Eller', is positioned above the typed name.

Randy Eller
Resource Manager
Empire Lumber Company

"Specialists in the Wood Products Industry Since 1956"

Empire Lumber Company, dba **KAMIAH MILLS**, P.O. Box 638, Kamiah, ID 83536 (208) 935-2536



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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 21, 2013

Randy Eller
Empire Lumber Company
PO Box 206
Weippe, ID 83553

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

Dear Mr. Eller:

As per our conversation on March 21, 2013, I have enclosed an amended application for your review. Please pay particular attention to the location of the pond. There is an existing pond in the SE of the NE, but the information supplied with the original application puts the location as it's shown on the attached aerial photograph. If there is a discrepancy in the location of the pond please let me know, otherwise if the amendment meets with your approval, please sign and return the document to me within the next 30 days so as not to delay processing.

Also, the application happens to be located within the Salmon-Clearwater River drainages. To ensure that IDWR has sufficient information to evaluate applications, Rule 40.05 of the Water Appropriations Rules (IDAPA 37.03.08.040.05) requires water right applicants to submit additional information to IDWR in connection with their applications.

Idaho Code § 42-203A(5) requires IDWR to evaluate a number of criteria for such applications, including the local public interest in the public water resource. Because the waters of the Salmon-Clearwater River drainages are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, caution is necessary to ensure new applications of water do not undermine efforts to protect and restore the ESA listed fish species and other public values within the basins.

All applications for water in the Salmon-Clearwater River basins are required to request comments on their applications from the Idaho Department of Fish & Game and Idaho Department of Environmental Quality. The contacts on the attached page have been hi-lited for your convenience.

COPY

When the application is returned, please include the above requested comments.
If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Program Manager Northern Region