

AMENDED

RECEIVED

JAN 11 2013

RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 78-12402**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Norman & Jody Rueth and/or Ray & Vickie Rueth Phone (208) 573-5494
 Name connector (check one): ☐ and ☐ or ☒ and/or

Mailing address: P.O. Box 447 City ParmaState ID Zip 83660 Email: nsrueth@gmail.com

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

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
21N	01E	11			NE	NW	Adams	Little Salmon River	

4. Water will be used for the following purposes:

Amount 0.06 for Irrigation purposes from 04/01 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)

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

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

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

5. Total quantity to be appropriated is (a) 0.06 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. Small pump in stream with pipeline & hose to place of use, pump with 3 hp electric motor and 1 1/2" outlet.

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

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

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

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

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

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

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

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

d. Domestic; show number of households N/A

e. Other; describe fully. N/A

8. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	01E	11					2.0												2.0

Total number of acres to be irrigated: 2.0

- 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? 78-10078 domestic ground water right for same property Water used for lawn irrigation only (from Little Salmon River)
78-7295 (Havsgaard) & 78-10208 (Flynn) different diversion (PD) in Little Salmon River than proposed PD this application.
- Who owns the property at the point of diversion? State of Idaho
 - Who owns the land to be irrigated or place of use? Applicants
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Right-of-way Encroachment Permit
- Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

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

Norman Rueth Jody Rueth
Signature of Applicant

Norman Rueth & Jody Rueth
Print Name (and title, if applicable)

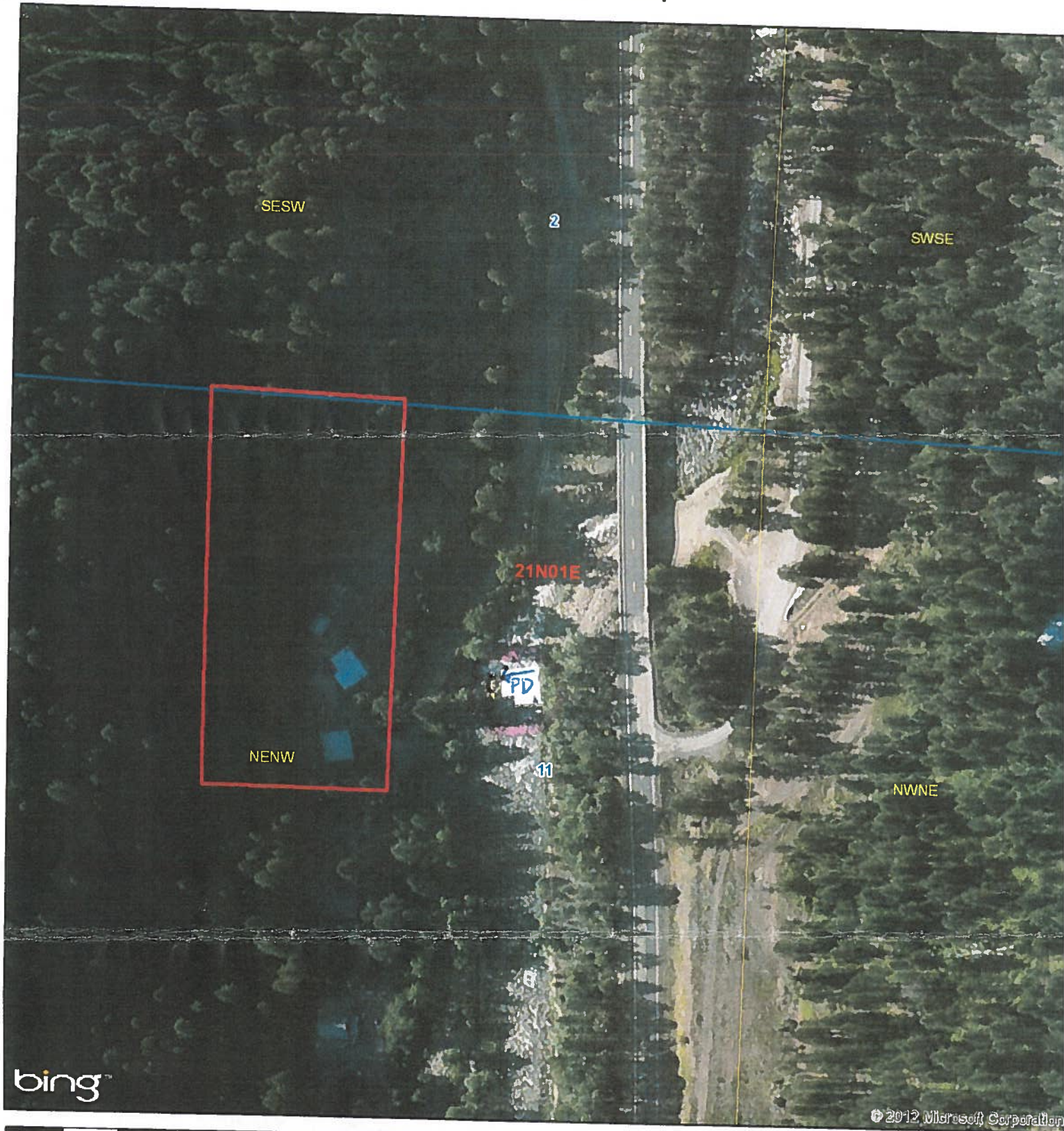
Ray Rueth Vickie Rueth
Signature of Applicant

Ray Rueth & Vickie Rueth
Print Name (and title, if applicable)

For Department Use:

Received by JIA Date 11-13 Time 02:30pm Preliminary check by AB
* Fee \$ 100.00 Received by JIA Receipt No. W040484 Date 8-15-2012
* P/D w/ ORIGINAL APPLICATION FILING

78-12402 Map



Legend

 PU	 Sections
 Township/Range	 QQ



Right-Of-Way Encroachment Application and Permit
Other Encroachments
Idaho Transportation Department

ITD 2111 (Rev. 0
itd.idaho

ITD Permit Application Number 3-13-172

Route US 95 Milepost 176.54

Applicant Information - Print or Type

Applicant(s) Name (Printed) <u>Norman Rueth</u>		Mailing Address or P.O. Box <u>26742 Old Ft Boise Rd</u>		City <u>Parma</u>	State <u>Id</u>	Zip Code <u>83661</u>
E-Mail Address (If available) <u>nsrueth@gmail.com</u>		Daytime Phone Number <u>208 573 5494</u>		Alternate Phone Number <u>208-573-5495</u>		
Property Owner's Name (Printed) <u>Norman Rueth</u>		Property Address and TAX ID Number <u>5121 Hwy 95</u>		City (If in city limits) <u>New Meadows</u>	County <u>Adair</u>	
Request Detail (i.e., landscaping, benches, bus turnout, etc.) <u>Run 1 1/2 inch water line underground from Little Salmon river across Hwy right of way to Rueth cabin. 18-24 inches</u>						

For ITD Use

Project Number From ITD Highway Plan <u>F-3112-ER-23(2)</u>		Date Application Received	Date Application Determined Complete	In City Limits ☐ Yes ☒ No
Route <u>US 95</u>	Segment <u>001540</u>	C/L Milepost <u>176.54</u> ☐ Right ☒ Left	C/L Highway Station <u>235400</u> ☐ Right ☒ Left	

ITD District Review

Section	Reviewer	Date	Recommendation		Section	Reviewer	Date	Recommendation	
			Approve	Deny				Approve	Deny
Design	<u>MDJ</u>		☒	☐	Right-of-Way	<u>DBS</u>	<u>12-20-12</u>	☒	☐
Maintenance	<u>TAP</u>	<u>12/24/12</u>	☒	☐	Traffic	<u>KCS</u>	<u>12/24/12</u>	☒	☐
Planner	<u>DBS</u>	<u>12-20-12</u>	☒	☐	Dist. Engineer			☐	☐

List any conditions of approval

List reason(s) for denial recommendation

Subject to all terms, conditions, and provisions of this permit or attachments, permission is hereby granted to begin work within the State Highway Right of Way.

Idaho Transportation Department Authorized Representative's Signature <u>X</u>	Title <u>District Engineer</u>	Date <u>12-21-12</u>
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Attachments

☐ Special Provisions/Conditions of Approval	☐ Construction Drawings
☐ Traffic Control Plan	☐ Dept. Roadway Plansheets
☐ Standard Drawings	☐ Letters of Recommendation/Denial

FORM 202 03/10 Printed on a 2 page, single-sided document

AUG 15 2012

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 78-12402

1. Name of applicant(s) Norman & Jody Rueth and Ray & Ute Rueth Phone 573 5494
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address: P.O. Box 447 City PARUNA
 State Id Zip 83660 Email: nsruethe@gmail.com
2. Source of water supply Little Salmon River which is a tributary of Salmon River
3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
21N	01E	11			NE	NW	Adams	Little Salmon River	

4. Water will be used for the following purposes:

Amount .06 for irrigation purposes from 04/01 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)

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

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

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

5. Total quantity to be appropriated is (a) .06 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. Small pump in stream with pipe & hose to place of use, pump with 3 Hp electric motor and 1 1/2" dia
- 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. _____

SUPERSEDED BY AMENDED APP. RECEIVED 1/11/2013 AR

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	
21N	01E	11					2.0												2.0

Total number of acres to be irrigated: 2.0

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

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

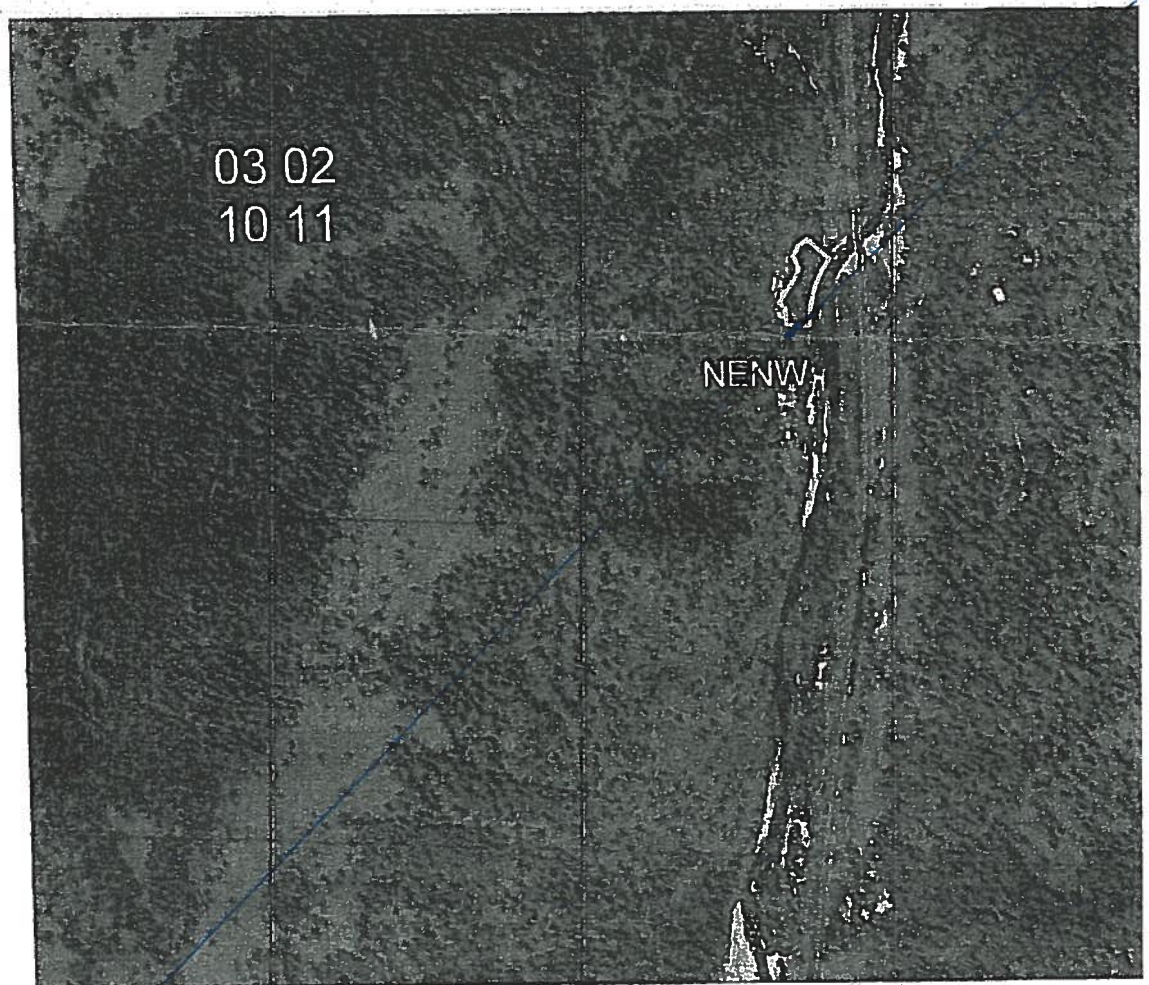
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Norman Rueth Jody Rueth Ray Rueth Vickie Rueth
 Signature of Applicant Signature of Applicant
Norman & Jody Rueth Ray Rueth & Vickie Rueth
 Print Name (and title, if applicable) Print Name (and title, if applicable)

For Department Use:

Received by MP Date 8/15/12 Time 10:58am Preliminary check by JA
 Fee \$ 100.00 Received by JL Receipt No. W040406 Date 8-15-2012

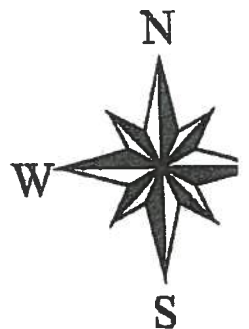
SUPERSEDED BY AMENDED APP. RECEIVED 1/11/2013 JA



700 0 700 1400 2100 Feet

T21N R01E S11

Map prepared by: Carter Fritschle
Date prepared: 06/16/06
2004 NAIP Photography
Idaho Department of Water Resources



SUPERSEDED BY AMENDED APP. RECEIVED 1/11/2013. JH

78-12402

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, January 31, 2013 4:13 PM
To: Thiel, Sandra
Subject: Application for Permit
Attachments: Comment Letter.doc; 78-12402.pdf; 78-12402 Amended.pdf

Good Afternoon Sandra,

Will you please let me know if you are still to be receiving these types of correspondence that I have attached.

Thank you and a wonderful day,

Rachel Sommer

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

January 31, 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: 78-12402

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
Western Regional Office

Enclosure

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, January 31, 2013 9:01 AM
To: 'LEGALS@THEADAMSCOUNTYRECORD.COM'
Subject: Legal Ads
Attachments: Adams Cover Letter.docx; Adams Ad.docx

Good Afternoon Gamaliel,

Please see the attached ad for publication on 2/6/13 & 2/13/13.

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

January 30, 2013

LEGAL NOTICE DEPARTMENT
THE RECORD
PO BOX R
COUNCIL, ID 83612

RE: Application for Permit No. 78-12402

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 2/25/2013. 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:

78-12402

RAY RUETH
VICKIE RUETH
NORMAN RUETH
JODY RUETH
PO BOX 447
PARMA, ID 83660
Point of Diversion NENW S11 T21N R01E ADAMS County Source & Tributary LITTLE SALMON RIVER
Use: IRRIGATION 04/01 to 10/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 8/15/2012
Place Of Use: IRRIGATION
T21N R01E S11 NENW
Total Acres: 2

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 2/25/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 2/6/2013 and 2/13/2013

MEMORANDUM

TO: Application No. 78-12402

FROM: Angela Grimm

DATE: January 24, 2013

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

The application proposes irrigation of up to 2.0 acres from the Little Salmon River below the confluence with Round Valley Ck.

The site is just west of Hwy 95 near the intersection of Hazard Creek Rd and Hwy 95 approximately 5.5 miles south of Pinehurst.

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 not required because the proposed source/diversion is downstream from any WSR rights.

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 required for the proposed source and use upstream from MSF rights 3-8 and 79-14119. This application also involves MSF right 78-12362.

This leads to the following MSF conclusions for this application:

- Senior MSF right 3-8 will not be subordinated to the proposed use.
- Senior MSF right 79-14119 will not be subordinated to the proposed non-dcmi use.
- Senior MSF right 78-12362 will be subordinated to the proposed non-dcmi use.

The attached MSF spreadsheet shows the application meets the criteria for MSF rights in the same basin.

Discussion

Proposed diversion is an existing system, which has been in place for many years (per applicant 11/7/12). Previous land owner filed for water right (either permit or through SRBA), but did not follow through with Department requests. Considering the application proposes limited diversion for an existing system, no Rule 40 information was requested, except for comment letters from IDEQ & IDFG. Received comments from both. IDEQ had no specific concerns or requests for potential permit approval conditions. IDFG recommended the applicant be required to install and maintain a proper fish screen on the pump intake.

The applicant submitted an amended application including POD property ownership and access agreement information from the IDT. The application is considered complete for purposes of advertising. Comment letter/email will be sent to the Department's Planning Section regarding MSF and Protected River Status during advertising process.

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.

BS 78 MINIMUM STREAMFLOW RIGHTS -- QUERY 12/31/2012

Basin	Sequence	Priority	Source	Subordinate to Future DCM	Subordinate to Future Non DCM (CFS Limit)	Non DCM CFS Approved Since 4/1/2005
78	12235	4/1/2005	BOULDER CREEK - entire creek	YES	NO	N/A
78	12233	4/1/2005	ELK CREEK - entire creek	YES	NO	N/A
78	12234	4/1/2005	HAZARD CREEK - entire creek between both rights	YES	NO	N/A
78	12236	4/1/2005		YES	NO	N/A
78	12237	4/1/2005	LITTLE SALMON RIVER - thru 21N 1E S35, confluence w/ Round Valley Cr.	YES	7	0
78	12362	4/1/2005	LITTLE SALMON RIVER - river below confluence w/ Round Valley Cr.	YES	52.7	0.54

DCMI APPL OK, NON-DCMI CONSUMPTIVE APPL OK UNTIL NEW APPROVALS EXCEED 7.0 CFS FOR BS 78. SEE "PROCEDURE" BELOW.

PROCEDURE: DCMI APPL ok for all msf rights in Bs 78 as noted in review memo. NON-DCMI CONSUMPTIVE USE APPL: Non-dcmi consumptive use approvals for Bs 78 since 4/1/2005 total less than 1.0 cfs, allowing at least 6.0 cfs for additional approvals before need more analysis. Senior Little Salmon River msf rights are subordinate to this junior application for non-dcmi consumptive use. CAUTION - Creek msf rights do not include future non-dcmi cfs. Creek msf rights are tributary to river below Round Valley Cr. so involve river msf 78-12362 with 52.7 future non-dcmi cfs. Possible to have new appl that involves creek msf & river msf factors to be addressed in review memo. If non-dcmi consumptive use application falls within creek msf right, note in review memo that senior creek msf right will not be subordinate to this junior application, even though river msf right(s) will be subordinate to this junior application.

EXAMPLE: Appl 78-12363 for 0.13 cfs irrigation & stock, future non-dcmi consumptive use. Creek msf rights n/a but tributary to river above Round Valley Creek. River msf rights allow at least 7.0 cfs for new non-dcmi approvals regarding subordination clause. Have not reached 7.0 cfs for new approvals yet. Process appl and note review memo that senior msf river rights will be subordinated to this new use. Updates to this spreadsheet will eventually show 0.13 cfs future non-dcmi has been approved.

MEMORANDUM

TO: Application for Permit 78-12402 File

FROM: Angela Grimm

DATE: January 24, 2013

RE: Conversation with WR Applicant on November 15, 2012

On November 15, 2012, I received a call from Norman Rueth regarding the amended application/additional information request sent November 7, 2012. The following highlights my conversation with Rueth per my notes taken on that day:

- ⇒ Application is refilling on previous land owner's (Allison) application and/or permit that owner did not follow up with – got voided or lapsed, etc. Filing for existing irrigation system.
- ⇒ To best of Rueth's knowledge, the land between his property and the Little Salmon River is owned by the State. He'll work with the correct people to get access agreement.
- ⇒ Rueth stated he only uses the domestic well (WR #78-10080) for internal use. The irrigation system from the Little Salmon River (this application) is used to water the lawn.
- ⇒ Rueth confirmed no other water rights/users use his pump in the Little Salmon River. Also stated all the other pumps (WR #78-7295 and #78-10208) have own pumps upstream of his pump.



RECEIVED

JAN 09 2013

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF FISH AND GAME
SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

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

January 4, 2013

Ms. Angela M. Grimm
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082
RE: Water Right Application # 78-12402

Dear Ms. Grimm:

We have reviewed a new application for an irrigation water right on the Little Salmon River (LSR), submitted by Norman and Jody Rueth. The proposed location is Adams County, Sec 11, T21N, R01E. The stated withdrawal amount was 0.06 cfs from 4/01 to 10/30 annually, for irrigation.

The LSR is an important anadromous resource for the citizens of Idaho. It is possible that three fish species listed as threatened under the ESA could be in this river section, additionally annually up to a half million hatchery Chinook salmon smolts may pass by the proposed intake site. We request that the intake is screened with 3/32 inch mesh opening (NOAA Fisheries standard). The Department has a program to assist in fish screening in anadromous waters and the best contact is our Anadromous Screen Shop in Salmon, their number is 208-756-6022. It is the applicant's sole responsibility to install and maintain the fish screen in functioning condition. If the applicant agrees to install and maintain a proper fish screen on his intake, we have no other concerns.

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

Sincerely,

A handwritten signature in blue ink that reads "Scott Reinecker".

Scott Reinecker
Regional Supervisor

DA

Cc: Norman Rueth

Grimm, Angie

From: Josh.Schultz@deq.idaho.gov
Sent: Thursday, December 27, 2012 3:49 PM
To: Grimm, Angie
Cc: Lance.Holloway@deq.idaho.gov; Douglas.Conde@deq.idaho.gov
Subject: Norman Rueth
Attachments: Norman Rueth.pdf

Angie, DEQ has completed its review of Norman Rueth's water right application. I have attached our official comments and sent the original to Norman. If you have any questions or if there is anything else required of DEQ, please let me know.

Sincerely,

Josh

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



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 North Orchard • Boise, Idaho 83706 • (208) 373-0550

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

December 27, 2012

Mr. Norman Rueth
P.O. Box 447
Parma, ID 83660

RE: DEQ comments on water right application 78-12402

Dear Mr. Rueth:

The Idaho Department of Environmental Quality (DEQ) has reviewed your water rights application, as well as associated water quality information near your proposed project site identified in Application 78-12402 for a water withdrawal of 0.06 cfs to irrigate 2.0 acres beginning on April 1st and ending on October 31st of each calendar year.

The point of use is on the Little Salmon River (ID17060210SL001_05), which has the following designated beneficial uses: Salmonid Spawning, Cold Water Aquatic Life, and Primary Contact Recreation. It was last monitored in 2003 and is currently listed in Category 4c of the Integrated Report as impaired by a non-pollutant (physical substrate habitat alterations) for not supporting Cold Water Aquatic Life.

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

Please do not hesitate to contact me at 208-373-0407 for any additional information we may be able to provide.

Sincerely,

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

Josh Schultz
Watershed Coordinator
Boise Regional Office

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

COPY

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 7, 2012

Norman & Jody Rueth and/or
Ray & Vickie Rueth
P.O. Box 447
Parma, ID 83660

Re: Application for Permit 78-12402

Dear Applicant:

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.

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; however an amended application to address the following items must be submitted;

- Item no. 9 other water rights for the same purposes. Department records indicate water right number 78-10078 is a domestic ground water right appurtenant to the same land proposed as the place of use (PU) for this application. Please indicate if groundwater is used for any irrigation within the proposed PU and if so, how does this ground water use relate to the Little Salmon River irrigation proposed by this application. Also, Department records indicate there are two other water rights (78-7295 & 78-10208) with points of diversion (PD) within the same 40 acre tract as your proposed PD. Please confirm these points (pumps) are different than the PD (pump) you propose to use for this application.
- Item no. 10 a & c ownership of the PD property and access agreement. Adams Co. taxlot data indicates the property between the proposed PU (your property) and the Little Salmon River is owned by someone else. Please confirm who owns the PD property and the agreement you have with that property owner enabling you to make this water right filing (access agreement details).
- Item no. 13 map of proposed project. A map showing the proposed PD location is required.

I have enclosed an amended application and map drafted based on information previously submitted to the Department (map PU based on deed submitted with change of ownership for 78-10078) for your use. Please complete the amended application by addressing the items listed above and submit it OR schedule an appointment to come into the office to amend the original application to allow for further processing.

Rueth
November 7, 2012
Page 2 of 2

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

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

Sincerely,



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

Enclosures

COPY
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)
McCall:	Leslie Freeman at 208-634-4900 (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 **COPY**

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.

AMENDED

STATE OF IDAHO

Ident. No. 78-12402

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

COPY

1. Name of applicant(s) Norman & Jody Rueth and/or Ray & Vickie Rueth Phone (208) 573-5494
 Name connector (check one) ☐ and ☐ or ☒ and/or
 Mailing address: P.O. Box 447 City Parma
 State ID Zip 83660 Email: nsrueth@gmail.com
2. Source of water supply Little Salmon River which is a tributary of Salmon River
3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
21N	01E	11			NE	NW	Adams	Little Salmon River	

4. Water will be used for the following purposes:

Amount 0.06 for Irrigation purposes from 04/01 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)

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

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

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

5. Total quantity to be appropriated is (a) 0.06 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. Small pump in stream with pipeline & hose to place of use, pump with 3 hp electric motor and 1 1/2" outlet.

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

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

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

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

e. If well is already drilled, when? N/A; drilling firm N/A;

Well was drilled for (well owner) N/A; Drilling Permit No. N/A

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

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

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

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

d. Domestic; show number of households N/A

e. Other; describe fully. N/A

8. Description of place of use:

COPY

- 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	
21N	01E	11					2.0												2.0

Total number of acres to be irrigated: 2.0

- 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? 78-10078 domestic ground water right for same property
78-7295 (Havsgaard) & 78-10208 (Flynn) different diversion (PD) in Little Salmon River than proposed PD this application.
- Who owns the property at the point of diversion? _____
 - Who owns the land to be irrigated or place of use? Applicants
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
- Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

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

Norman Rueth & Jody Rueth

Print Name (and title, if applicable)

Signature of Applicant

Ray Rueth & Vickie Rueth

Print Name (and title, if applicable)

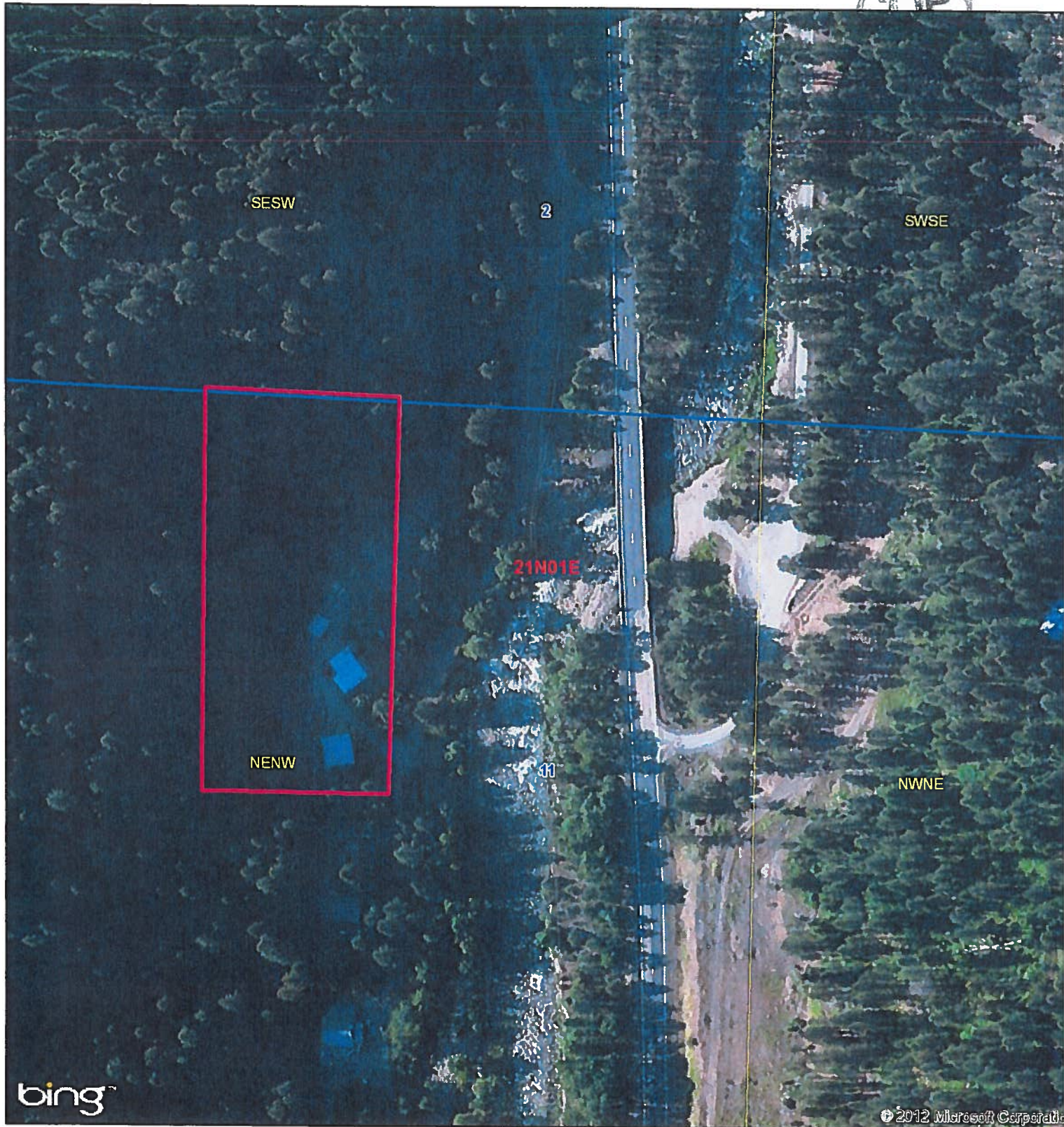
For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

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

78-12402 Map

COPY



0 0.025 0.05 0.1 0.15 0.2 Miles

N

Legend

- | | |
|---|--|
|  PU |  Sections |
|  Township/Range | QQ |