

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

RECEIVED

JUN 11 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of Applicant RIVCO, L.L.C. Phone _____
Mailing Address: P.O. Box 640, Salmon, ID 83467 Email _____
Attorney Name: Robert L. Harris, Holden, Kidwell, Hahn & Crapo, PLLC Phone: 208-523-0620
Address: PO Box 50130, Idaho Falls, ID 83405-0130 Email rharris@holdenlegal.com
2. Source of water supply Ground water which is a tributary of _____
3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
11N	12E	25			NW	SE	Custer	*Groundwater	*To be drilled

4. Water will be used for the following purposes:
- Amount .1cfs/14.4 AFY for Irrigation purposes from 04/15 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .1 cfs (cfs) and/or (b) 14.4 AFY acre feet per year (af).
cubic feet per second
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Well and pump.
- b. Height of storage dam n/a feet; active reservoir capacity acre-feet; total reservoir capacity n/a acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is 6-8 inches; proposed depth of well is 60-80 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. _____
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

* Per Note Attached to Application.
Berry Walker 6/11/12

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:

- 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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	12E	25														2.5	2.3		4.8

Total number of acres to be irrigated 4.8

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? Water Right No. 71-7124. The applicant does not intend to use Water Right No. 71-7124 for irrigation of the same place of use due to the difficulty of replacing a headgate/pump on Valley Creek.
10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached sheet
12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" 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.

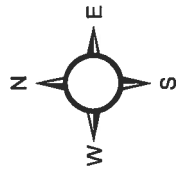
Robert L. Harris, Attorney
Signature of Applicant (and title, if applicable)

Robert L. Harris, Attorney
Print name (and title, if applicable)

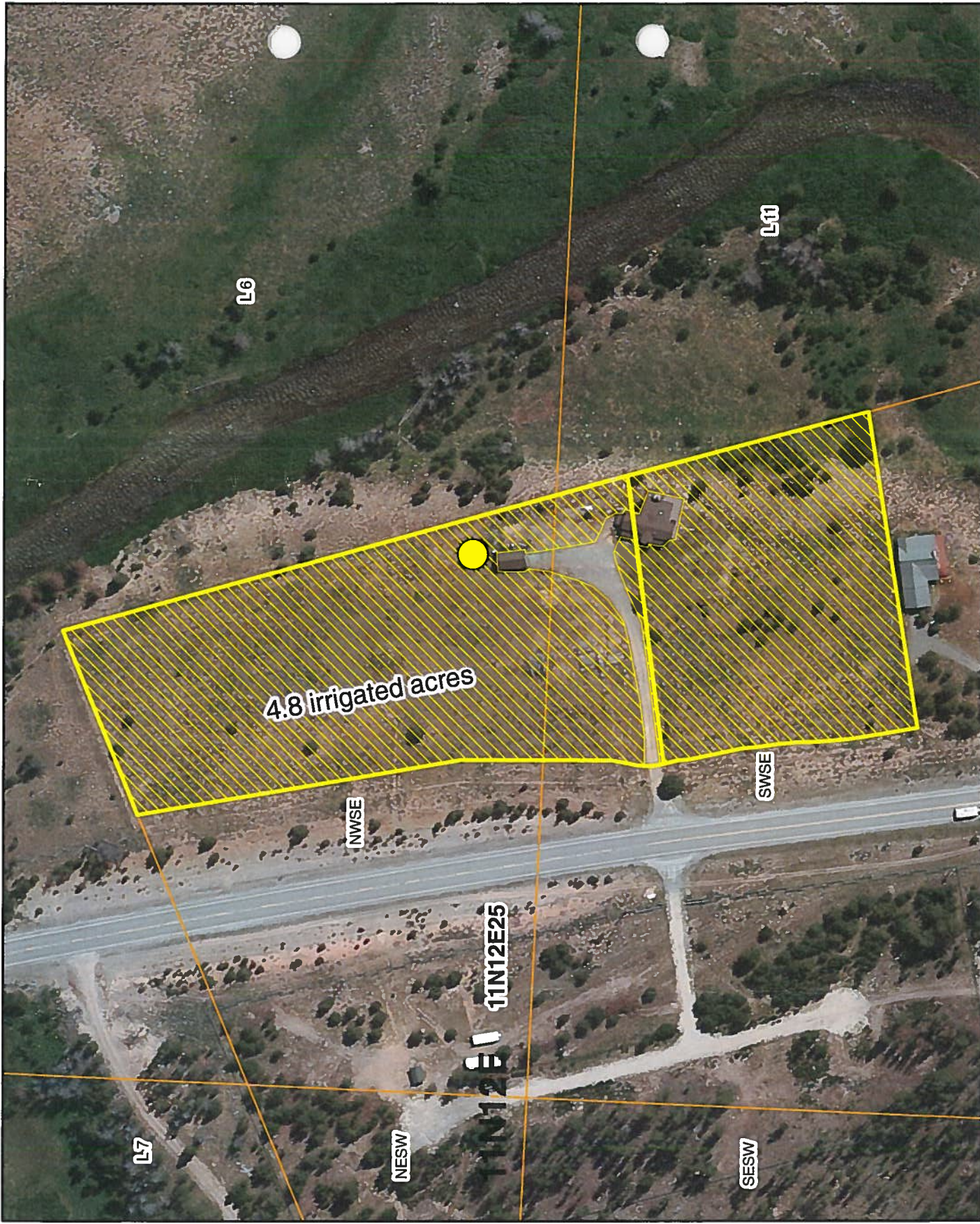
For Department Use Only:

Received by B Walker Date 6/11/12 Time Approx 1:00 pm Preliminary check by B Walker
Fee \$ 100.00 Received by B Walker # S032613 Date 6/11/12

The Applicant is the owner of two lots located adjacent to Valley Creek north of Stanley, Idaho, on Highway 21. The tracts are described as Tract 1742 and Tract 1743 (see attached maps). Legal descriptions are enclosed for your reference, along with a plat map. Rather than replace the previously existing pump and headgate, which can be difficult to do in this environmentally sensitive part of Idaho, the applicant instead proposes to appropriate a new ground water right for the irrigation of both lots. It is anticipated that the surface water right, which is Water Right No. 71-7124, will be placed in the Water Supply Bank or otherwise leased and will not be used on the property. There is already an existing domestic well on the property, but the well sought under this permit application will be a newly-drilled well, and will be used solely for irrigation of the lots.



- Legend**
- POD
 - Property Line
 - POU
 - QQ Lines
 - TR Lines
 - Section Lines



ALPINE ENTERPRISES INC.

Surveying, Mapping, GPS, GIS and Natural Hazards Consulting

LEGAL DESCRIPTION OF REVISED TRACT 1742

A Parcel of Land lying within H.E.S. 578, Section 25, Township 11 North, Range 12 East, Custer County, Idaho; being more particularly described as follows:

Commencing at the Northeasterly Corner of H.E.S. 578, Corner Number 7, marked by a Brass Cap, which point is the **TRUE POINT OF BEGINNING**;

Thence S 17°23'12" E, 600.90 Feet along the Easterly Boundary of H.E.S. 578, to a point;

Thence S 84°33'46" W, 295.66 Feet to a point that lies along the Easterly Right-of-Way of State Highway No. 21;

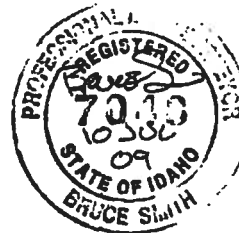
Thence 32.31 Feet along a non-tangential Curve to the Left with a Radius of 11,455.94 Feet, with a Tangent of 16.16 Feet, an Included Angle of 0°09'42", and a Chord Length of 32.31 Feet that Bears N 10° 14'29" W, along the Easterly Right-of-Way of State Highway No. 21, to a Brass Cap by I.T.D;

Thence N 01°43'27" W, 152.80 Feet along the Easterly Right-of-Way of State Highway No. 21, to a Brass Cap by I.T.D;

Thence N 10°30'09" W, 338.59 Feet along the Easterly Right-of-Way of State Highway No. 21, to the Northerly Boundary of H.E.S. 578, marked by a 5/8" Rebar by 7048;

Thence N 65°47'08" E, 204.86 Feet along the North Boundary of H.E.S. 578, to the **TRUE POINT OF BEGINNING**, containing 134,664 Square Feet (3.09 Ac.), more or less.

Basis of Bearings for this Description is Idaho State Plane Coordinate System, NAD83(1992), Central Zone, at Grid, in US Survey Feet. Combined Scale Factor is 0.999719; Ground Distances will be slightly longer.



1052B_HES578-LEGALS-071009.docx

P.O. Box 2037, 280 Rivers St. East, Lower Level, Ketchum, ID 83340 208-727-1988 fax: 208-727-1987 e-mail: bsmith@alpineenterprisesinc.com

ALPINE ENTERPRISES INC.

Surveying, Mapping, GPS, GIS and Natural Hazards Consulting

LEGAL DESCRIPTION OF REVISED TRACT 1743

A Parcel of Land lying within H.E.S. 578, Section 25, Township 11 North, Range 12 East, Custer County, Idaho; being more particularly described as follows:

Commencing at the Northeasterly Corner of H.E.S. 578, Corner Number 7, marked by a Brass Cap, Proceed S 17°23'12" E, 600.90 Feet along the Easterly Boundary of H.E.S. 578, to a point, which is the **TRUE POINT OF BEGINNING**;

Thence S 17°23'12" E, 257.52 Feet along the Easterly Boundary of H.E.S. 578, to a 5/8" Rebar by 7048;

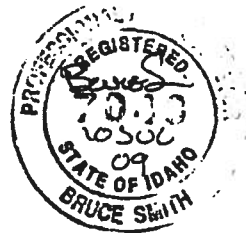
Thence S 81°04'50" W, 330.25 Feet to the Easterly Right-of-Way of State Highway No. 21, to a point, witnessed by a 1/2" Rebar with No Cap that lies S 81°04'50" W, 0.76 Feet distant;

Thence N 09°04'30" W, 69.44 Feet along the Easterly Right-of-Way of State Highway No. 21, to a Brass Cap by I.T.D.;

Thence 203.25 Feet along a non-tangential Curve to the Left with a Radius of 11,455.94 Feet, a Tangent of 101.63, an Included Angle of 1°00'59", and a Chord Length of 203.24 Feet that Bears N 09°39'08" W, along the Easterly Right-of-Way of State Highway No. 21, to a point;

Thence N 84°33'46" E, 295.66 Feet along the Southerly Boundary of Revised Tract 1742, to the **TRUE POINT OF BEGINNING**, containing 82,137 Square Feet (1.89 Ac.), more or less.

Basis of Bearings for this Description is Idaho State Plane Coordinate System, NAD83(1992), Central Zone, at Grid, in US Survey Feet. Combined Scale Factor is 0.999719; Ground Distances will be slightly longer.



1052B_HES578-LEGALS-071009.docx

P.O. Box 2037, 280 Rivers St. East, Lower Level, Ketchum, ID 83340 208-727-1988 fax: 208-727-1987 e-mail: bsmith@alpineenterprisesinc.com

TRACT 1742

Fr. HES #578 in approx. Twp. 11 N, Range 12 E. B.M., Custer County, Idaho

Commencing at corner #7 of said HES #578;

Thence S. 18 04' E. 858.66' along the E. line of said HES #578;

Thence S. 80 53' W. 297.32', more or less, to a point on the E. right of way line of Idaho State Hwy. #21;

Thence NW 32.32' along said right of way line, along a curve to the west having a radius of 11,525.16'P;

Thence continuing along said right of way line N. 1 37'49" W. 152.91';

Thence N. 10 36'47" W. 339.25', more or less, to a point in the N. line of said HES #578;

Thence N. 65 07' E. 205.34', more or less, to the point of beginning.

TRACT 1743

Fr. HES #578 in approx. Twp 11 N, Range 12 E. B.M., Custer County, Idaho

Commencing at corner #7 of said HES #578;

Thence S. 18 04' E. 601.07' along the E. line of said HES #578;

Thence S. 80 53' W. 335.35', more or less, to a point on the E. right of way line of Idaho State Hwy. #21;

Thence N. 9 06'45" W. 52.55' along said right of way line;

Thence continuing NW 201.95' along said right of way line, along a curve to the west having a radius of 11,525.16';

Thence N. 80 53' E. 297.32' to the point of beginning.

~~Albert Denney~~
 T - 1742 ~~ALBERT DENNEY~~ 3.21 ACRES DEED #126923
 G.M. & B.A.M. DEED #127508
 FR. HES #578 IN APPROX. TWP. 11 N.R. 12 E.B.M.

COM. AT COR. #7 OF SAID HES #578, TH. S. 18°04' E. 257.64' 15027.6
 THE E. LINE OF SAID HES #578, TH. S. 80°53' W. 297.32', MORE OR
 LESS, TO A PT. IN THE E. RT OF WAY LINE OF IDAHO STATE HWY #21, TH.
 NW 32.32', ALONG SAID RT OF WAY LINE, ALONG A CURVE TO THE WEST
 HAVING A RADIUS OF 11,525.18', TH. CONTINUING ALONG SAID RT OF
 WAY LINE N. 1°37'49" W. 152.91', TH. N. 10°36'47" W. 339.25', MORE
 OR LESS, TO A PT. IN THE N. LINE OF SAID HES #578, TH. N. 65°07' E.
 205.34', MORE OR LESS, TO THE PT OF BEG.

~~Albert Denney~~
 T - 1743 ~~ALBERT DENNEY~~ 1.85 ACRES DEED #126924
 G.M. & B.A.M. DEED #127508
 FR. HES #578 IN APPROX. TWP. 11 N.R. 12 E.B.M.

COM. AT COR. #7 OF SAID HES #578, TH. S. 18°04' E. 601.07' 15027.6
 THE E. LINE OF SAID HES #578, TH. CONTINUING S. 18°04' E. 257.59'
 ALONG THE E. LINE OF SAID HES #578, TH. S. 80°53' W. 335.35',
 MORE OR LESS, TO A PT. IN THE E. RT OF WAY LINE OF IDAHO STATE HWY
 #21, TH. N. 9°06'45" W. 52.55' ALONG SAID RT OF WAY LINE, TH.
 CONTINUING NW 201.95' ALONG SAID RT OF WAY LINE, ALONG A CURVE TO
 THE WEST HAVING A RADIUS OF 11,525.18', TH. N. 80°53' E. 297.32'
 TO THE PT OF BEG.

PLAT MAP

Borrower: Client: Matt McKain, Trustee

File No.: 6025

Property Address: 12610 State Hwy 21

Case No.:

City: West of Stanley

State: ID

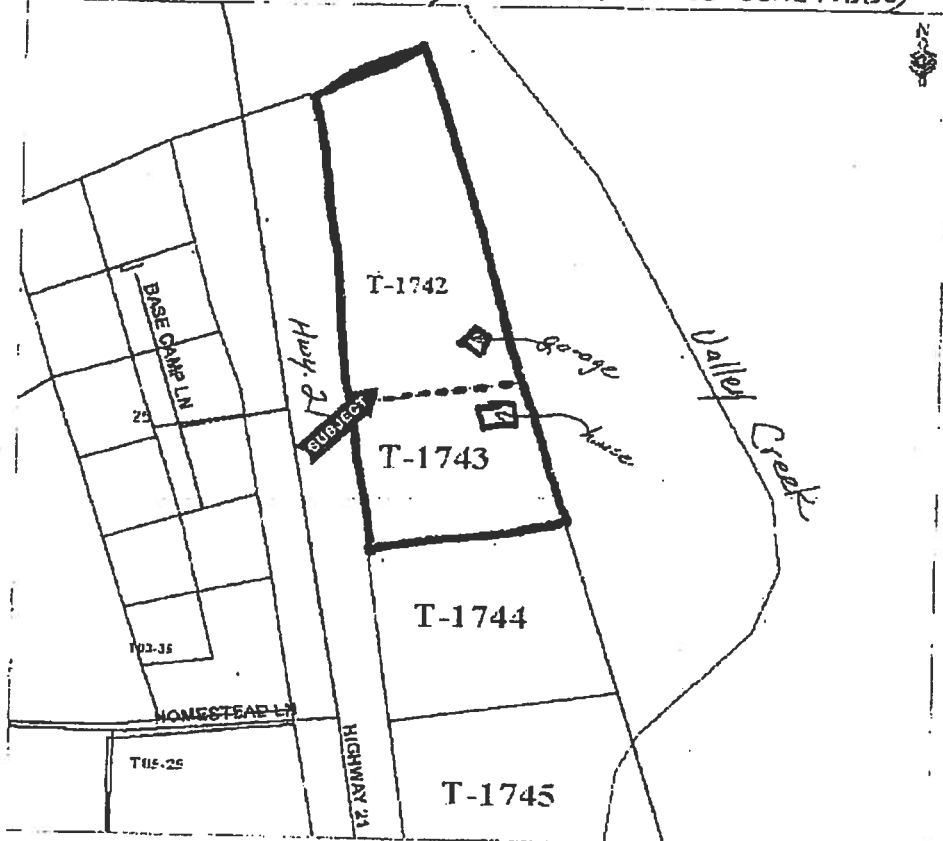
Zip: 83278

Lender: Matt McKain, Trustee

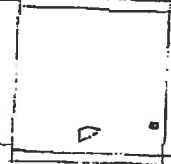
MCKAIN, MATT (90)

RPHO11N12E8270A

(one tax parcel # includes both tracts)



T.11N R.12E Sec 25



- Parcels
- Selected Parcel
- Roads
- City Streets and no parcel
- Lot Lines
- Subsection boundary
- Tax Lot Lines
- PLSS Section's
- PLSS 1/16 lines
- Towns
- Rivers

Map Scale 1:2400

One inch = 200 Feet

Feet: 100 200 300 400 500

This Drawing is to be used for reference purposes only. The county is not responsible for any inaccuracies contained herein.

P 3

208-774-3743

Stanley Sawtooth Realtors

Sep 17 07 04:31p



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 30, 2012

RIVCO LLC
PO BOX 640
SALMON, ID 83467

RE: Application For Permit No. 71-10945

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 **CHALLIS MESSENGER** on **9/6/2012 and 9/13/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**September 24, 2012**).

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,

Denise Maline
Administrative Assistant

cc:

HOLDEN KIDWELL HAHN & CRAPO PLLC
C/O ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS, ID 83405

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 30, 2012 10:02 AM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger Cover Letter.docx; Challis Messenger Ad.docx

Attached please find (1) legal notice being submitted for publication on September 6th & 13th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

August 30, 2012

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

RE: Application For Permit No.(s): 71-10945

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 September 24, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

71-10945

RIVCO LLC

PO BOX 640

SALMON, ID 83467

Point of Diversion NWSE S25 T11N R12E CUSTER County Source GROUND WATER Tributary

Use: IRRIGATION 04/15 to 10/15 0.1 CFS 14.4 AF

Total Diversion: 0.1 CFS

Date Filed: 6/11/2012

Place Of Use: IRRIGATION

T11N R12E S25 NWSE SWSE

Total Acres: 4.8

Application for permit proposed to divert 0.1 cfs of ground water for the irrigation of 4.8 acres from a well to be drilled located approximately 2.3 miles north and 3.5 miles west of Stanley on the eastside of Hwy 21. This application proposes the diversion and use of water tributary to the 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 0.1 cfs and 4.8 acres will be applied to the subordination amounts specified in the decree for the Salmon River Wild & Scenic River.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; 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, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before September 24, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 6th & 13th, 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 30, 2012

JAN SKRUKRUD
WATER DISTRICT #71
PO BOX 203
STANLEY, ID 83278

RE: Application for Permit: 71-10945

Dear Ms. Skrukud:

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

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 30, 2012

IDAHO DEPT OF FISH & GAME
PO BOX 1336
SALMON, ID 83467

Re: Application For Permit No. 71-10945

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application as soon as the initial review is completed. Therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**September 24, 2012**).

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

cc: Tom Bassista, IDFG Idaho Falls

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 30, 2012 1:23 PM
To: Case, Morgan
Subject: Legal advertising & processing for 71-10945

Hi Morgan,

Benny Walker is working Application for Permit # 71-10945 in the name of Rivco, LLC. He wanted me to let you know that this application is scheduled for advertising in the Challis Messenger (Custer County) on September 6th & 13th; with a protest deadline of September 24, 2012. If you have any comments or questions regarding this application, please contact Benny; or forward them to me and I'll get it in the file. The entire application file should be scanned into power-docs by tomorrow.

Please do not hesitate to let me know if you have any questions.

Thank you,

Denise

Denise Maline
Administrative Assistant
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

RECEIVED

JUL 09 2012

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

DEPT. OF WATER RESOURCES SOUTHERN REGION Email: rharris@holdenlegal.com

July 6, 2012

Benny Walker
Water Resource Agent
Idaho Department of Water Resources
1341 Filmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: Response to Letter Dated June 11, 2012 Regarding Application for Water Permit Filed on Behalf of RIVCO, L.L.C.

Dear Mr. Walker:

Thank you for your letter dated June 11, 2012, which was sent to my client, RIVCO, L.L.C., in Salmon. My clients were able to forward the letter to me once they received it. They have also asked that I prepare a response in reply to your request.

As you probably already have presumed, my clients are well aware of issues that surround anadromous fish in the Upper Salmon River Basin. The principals of my clients reside in Salmon Idaho, and purchased the property associated with our *Permit Application* in Stanley Idaho, which covers a large portion of the Upper Salmon River Basin. They certainly have concerns for the protection of anadromous fish in the Upper Salmon River watershed. Your letter correctly outlines the local public interest criteria set forth in Rule 40.04.c of the Water Appropriation Rules, and request additional information about how our proposal invokes any local public interest concerns for ESA species recovery.

In response to that request, perhaps the most complete answer to that question is that my clients have to either 1. Reconstruct a pump station that is currently located in sensitive wetland areas on Valley Creek, or 2. Drill the proposed well sought under the water right permit in an upland area away from the creek. Water Right No. 71-7124 allows for the diversion of water from Valley Creek. We have enclosed a map which shows our proposed new point of diversion with a yellow dot, as well as the proposed irrigated acres in yellow, and also indicated were the Idaho Department of Water Resources GIS data locates the Valley Creek diversion. It likely exists on the other side of the creek, but the exact location is not critical for purposes of our discussion because no matter where it is located, it is down on the banks of Valley Creek, which is a tributary to the Salmon River.

Our law firm has been involved in some of the anadromous fish issues in the Lemhi River

Basin, and we are aware of a significant number of projects that have been implemented at irrigation diversions in order to protect anadromous fish from being entrapped in irrigation ditches and diversions. If you drive from Idaho Falls to Salmon, you can see a number of improved fish-friendly diversions with fish screens in place along Highway 28. While these fish screens function well, our understanding is that they are not entirely one hundred percent fool proof, and that there remains some possibility, albeit small, for impacts on fish. We further note that while they function well, they are not particularly aesthetically pleasing in a rural setting, but nevertheless function appropriately to protect irrigation interests that have long been present on the Lemhi River, while at the same time providing some measure of protection to anadromous fish.

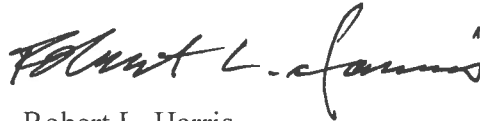
With the above in mind, RIVCO desires to revamp and redo the diversion on the creek for Water Right No. 71-7124. Secondly, if the Ground Water Permit Application is granted, RIVCO intends to place Water Right No. 71-7124 in the Idaho Water Supply Bank and make it available for rental to interested water users, which we personally hope would include leasing of the water for conservation purposes. We note in your letter that you mention rental of water to establish minimum flows in the Lower Lemhi River for fish passage, which is maintained through water supply bank authorizations. We hope that this particular water right would likewise be used for that purpose. In short, if the Ground Water Permit Application is granted, and a well can be drilled, my clients have no intention of rehabilitating the current diversion that exists on Valley Creek. This would protect environmental values currently in place, and would avoid any impacts caused by rehabilitation of the structure. As you know, construction in so-called "waters of the US" typically requires a 404 Permit from the United States Corp of Engineers under the Clean Water Act. However, there exists a nationwide permit that allows for the rehabilitation, repair, and maintenance of existing irrigation diversions, which means that this particular diversion would not require a 404 permit. Work could be done on the creek that could extend up to 300 feet under the Corps' regulations without the need for review or approval from Corps. We obviously do not desire to engage in such actions, but having water for the property is important for the development of this property by my clients. Whatever impact ground water pumping may have on the creek, we presume that those impacts will be much smaller when compared to the impacts that could occur through the installation and operation of a pump station. We note that this area is close to the City of Stanley, and that there are a number of domestic wells that exist near the property. We are not aware of any evidence indicating detrimental impacts to the stream from these diversions. We therefore believe the Application is in the local public interest because it seeks an alternative source of supply to Water Right No. 71-7124.

We appreciate the opportunity to provide this additional information. To the extent you need any additional information, please let us know. As a matter of interest, I have include the Watermaster's report for Water District 71, and you can see on page 7 that the 3 acre feet authorized under 71-7124 were used in 2010. Our desire going into the future is that we can protect fish habitat by not having to reconstruct the pump on the creek. If you have any additional questions or concerns, please do not hesitate to give me a call. To the extent any

Benny Walker
July 6, 2012
Page 3 of 3

response is sent from your office, we request that a copy of the letter also be provided to my office at PO Box 50130, Idaho Falls, ID 83405.

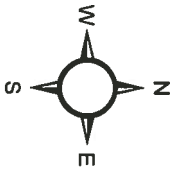
Best Regards,

A handwritten signature in black ink, appearing to read "Robert L. Harris". The signature is fluid and cursive, with the first name "Robert" being more prominent.

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

RIVCO, L.L.C. WATER RIGHT PERMIT APPLICATION



Legend

- 71-7124_POD
- POD
- Property Line
- POU
- Section Lines
- QQ Lines
- TR Lines



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SOUTHERN REGION

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DEPT. OF WATER RESOURCES
SOUTHERN REGIONWD
Nick

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JUL 11 2011

DEPARTMENT OF
WATER RESOURCES**WATERMASTER'S REPORT****WATER DISTRICT No.** 71**WATER DISTRICT NAME:** STANLEY AREA SUB-DISTRICT**January/2010 through January/2011****WATERMASTER NAME:** Jan Skrukrud**WATERMASTER ADDRESS:** PO BOX 203 STANLEY, ID 83278**SECTION 42-606, IDAHO CODE**

REPORTS OF WATERMASTERS. All watermasters shall make an annual report to the department of water resources prior to the expiration of the watermaster's appointment for the current year. This report shall show the total amount of water delivered by the watermaster during the preceding year, the amount delivered to each water user, the total expense of delivery and the apportionment of expenses among users and all debits and credits to be carried over to the following year. Such report shall also include records of stream flow the watermaster used or made in the process of distributing water supplies. The director may ask for other information deemed necessary in assuring proper distribution of water supplies within the district. The reports of watermasters to the department of water resources shall be filed and kept in the office of the department.

State of Idaho)

County of Custer) ss**AFFIDAVIT OF WATERMASTER**

Jan Skrukrud, being first duly sworn deposes and says that he is Watermaster of Water District No. 71, having been lawfully appointed by Gary Spackman, Director, Idaho Department of Water Resources, and that the volumes of water as stated in this report and prorated by him to the water right holders of the district are correct.

Jan Skrukrud
Watermaster, District No. 71

SUBSCRIBED AND SWORN to before me this 6 day of JULY, 2011

Erin L. Fisk
Notary Public

Residing at STANLEY, ID.Commission Expires 6/14/2011

I HEREBY CERTIFY that, Jan Skrukrud was lawfully appointed by me as Watermaster of Water District No. 71, and that the information contained in this report, as herein sworn to, is, to the best of my knowledge and belief, correct.

Director, Department of Water Resources

By _____

WATERMASTER'S REPORT

ANNUAL WATER RIGHT DELIVERY

SUMMARY FOR 2010

Total Expense	\$ 4,079.12
Cost factor	\$ 0.189
Minimum Charge	\$ 0.00
Total Delivery (24-hr cfs)	21,578.73

☐ Check here if the district carries debits and credits over from the previous year

Calculate

	Water Right Owner(s)	Water Right Number(s)	Diversion Location(s)	Total Delivery	Total Cost	
Del. Row	ARROW A RANCH LLLP	71-10117, 71-10631	S39(U); S39A	864	\$163.33	
Del. Row	BAIRD, SHERRILL M	71-2084B	SLC1	6.53	\$1.23	
Del. Row	BEIN, LINDA H; BEIN, WILLIAM C	71-44B	EC1	23.16	\$4.38	
Del. Row	BENNION, DAVID K; BENNION, SUSAN D	71-7105	SLC1	4.74	\$0.90	
Del. Row	BLICK BROTHERS PARTNERSHIP	71-10931	BOC1	13.57	\$2.57	
Del. Row	BOYLE, ALICE R; BOYLE, W DEAN	71-7020, 71-7023	SLC1	12.84	\$2.43	
Del. Row	BRADY WHITE CLOUD RANCH LTD PARTNERSHIP	71-10663, 71-2079, 71-34D, 71-35A, 71-36C, 71-4000	S43, FJC3, SPG03; SPG04; SPG05; SPG06; SPG07	1,023.34	\$193.45	
Del. Row	BRECKENRIDGE FAMILY LIMITED PARTNERSHIP	71-64A, 71-69	ALC0A (U); ALC0B (U); GW11(U); GW12(U); GW13(U); GW14(U)	0	\$0.00	

	Water Right Owner(s)	Water Right Number(s)	Diversion Location(s)	Total Delivery	Total Cost	
Del. Row	BROWN, JOHN T; LEE, PATRICK W	71-7178, 71-7179, 71-10929	GW Inflow(U); GW09; LTC0 - POND	5.47	\$1.03	
Del. Row	BROWNING, KATHERINE A; BROWNING, ROGER A; ROGER A BROWNING TRUST	71-10853, 71-10854, 71-4055B	GC5; GC5A; GC6(U), GC7B	24.85	\$4.70	
Del. Row	BRUBAKER, DELA DEVLIN; BRUBAKER, FRED HAROLD	71-39D, 71-40D	VC5/6, MGC1(U)	19.55	\$3.70	
Del. Row	BURCH, JANICE LEE STANFORD; STANFORD, ALAN ERNEST; STANFORD, ERIC LYLE; STANFORD, LOUDON ROBERTS	71-34B	FJC3	6	\$1.13	
Del. Row	CARSTENSEN III, HANS L; CARSTENSEN, MARY S	71-2063, 71-4034, 71-4037	S41; S42, WCUT3	1,779.94	\$336.47	
Del. Row	CHALLIS JOINT SCHOOL DISTRICT #181	71-7028	Stanley School Well	3.22	\$0.61	
Del. Row	CHRISTIANSON, JON; CHRISTIANSON, WEI	71-10107, 71-10767, 71-10768, 71-2004C, 71-36A, 71-7170	S42, FJC1, SPG08(U); SPG09(U); SPG10(U); SPG11(U); WW1	1,073.22	\$202.88	
Del. Row	CITY OF STANLEY	71-7038, 71-7129	GW02; Stanley Park Well	3.07	\$0.58	
Del. Row	COOK, ESTELLE A; COOK, GEORGE E	71-30D	FC0	2	\$0.38	
Del. Row	CORP OF THE PRESIDING BISHOP	71-7104	GW05	115.05	\$21.75	
Del. Row	CRAIG AND ELIZABETH REMBER FAMILY TRUST	71-4025, 71-4026	S39E(U); S39E1(U); SPG1/ SRUT7(U)	16.06	\$3.04	

Del. Row	CRON, REBECCA ; CRON, TIMOTHY; KERNS, KELLI; Sawtooth Hotel	71-10057	Cron Well	0.96	\$0.18
Del. Row	DOT LLP	71-10665A, 71-10665B, 71-2091C, 71-2091D, 71-7008, 71-7009, 71-7083	BC0(U); BC0A(U); BC1(U); BC2(U), S46B(U), GW18(U)	0	\$0.00
Del. Row	DRIGGS FAMILY RANCH TRUST; FRALEY, PATRICK H; GRANGE, SABEY P; PINGREE, BENJAMIN D; PINGREE, DAVID R	71-10103	LTC2(U); LTC3(U); LTC4	10.2	\$1.93
Del. Row	EIDSON, JEFFERY J; EIDSON, MARY E	71-10881	VC0B1	17	\$3.21
Del. Row	ELLIS, ALLEN BOYD; ELLIS, BARBARA A	71-2004E, 71-4052	FJC1	69.21	\$13.08
Del. Row	ENGH, ROLF	71-10883	PC0(U); PC1(U); PC1A(U); PC2(U); PC2A(U); PC3(U); PC4(U); PC5(U); PC6(U); PC7	66.15	\$12.50
Del. Row	ENGLEMAN, TONY; LUCACHICK, MARY	71-7117	SLC1	6.52	\$1.23
Del. Row	FISHER CREEK PARTNERS LLC	71-10149, 71-10664, 71-10765, 71-10774, 71-2016, 71-2052, 71-2053B, 71-4028	S40; SPG02; WC0; WC1(U); WC2; WC3; CCC1; CCC2; GOC1; GOC2(U); GOCUT1 (U); Other IRMR div.	1,966.31	\$371.70

Del. Row	FORSGREN, BEN ROY; FORSGREN, JANET T	71-4047, 71-7027, 71-7132	Jerry's Well; Jerry's Cabins Well;S38D - Domestic Pump	5.51	\$1.04
Del. Row	FREDERICK H BLECHMANN TRUST; WELCH JR, RICHARD E; WELCH, ELIZABETH K	71-2026, 71-2078	CHC5; WMC2 (U); WMC3(U)	9.85	\$1.86
Del. Row	FREEMAN, CATHERINE SUE; FREEMAN, DUANE LEE	71-22A	GC7	0	\$0.00
Del. Row	FUREY, JACK B; RECINE JR, LOUIS F	71-14, 71-15, 71-16, 71-17, 71-18, 71-19A, 71-20A, 71-21A	MC2B; MC3; GC7B(U); GC8; GC9 (U)	570.3	\$107.81
Del. Row	GOODWIN, DAVID C; GOODWIN, DEBBIE E; GOODWIN, DIANA K; HARRIS, DEBORAH	71-22B, 71-4022	GC7B	23.86	\$4.51
Del. Row	HANSEN, C L; HANSEN, CLIFF M; HANSEN, MATTIE	71-2015, 71-4051, 71-7092	GW19; CLC1(U); NC0; NC1 - Niece Creek Injection from Cleveland Creek(U)	159.25	\$30.10
Del. Row	HEADWATERS RANCH	71-4038	S40	832.17	\$157.31
Del. Row	HILL, ANN P; HILL, PAUL D	71-10136A, 71-39E, 71-40E	VC5/6; MGC0; TPC1(U)	46.09	\$8.71
Del. Row	HOSAC, STEVE	71-7016	VC0A	15	\$2.84
Del. Row	HUGHES, EDWARD WAYNE; HUGHES, JULIA MARIE	71-33E, 71-34F, 71-34G	FJC3	6.9	\$1.30
Del. Row	IDOT BUREAU OF AERONAUTICS	71-60C, 71-62C	S46B1; S46C(U)	6.65	\$1.26

Del. Row	NICKUM, MARK T; NICKUM, PATRICIA A	71-33C, 71-34E	FJC3	19.2	\$3.63
Del. Row	OSBORN, ALMA MARIE	71-34A	FJC3	9.9	\$1.87
Del. Row	PARDOE, HELEN MAHONEY	71-53, 71-54, 71-57	PKC1; VC3	527.42	\$99.70
Del. Row	PARKINSON, JOSEPH L; PARKINSON, REBECCA J	71-26C	IC1(U); IC1A(U)	0	\$0.00
Del. Row	PARKS, RICK C	71-10144	GC5A; GC6(U)	15	\$2.84
Del. Row	PERIN, SUSAN P	71-19B, 71-20B, 71-21B, 71-4053	GC7B; GC8	65.49	\$12.38
Del. Row	PETERS, JAMES R	71-39H, 71-40H	VC5/6; MGC1(U)	0	\$0.00
Del. Row	PHARRIS, VIRGINIA; THE HAROLD G PHARRIS AND VIRGINIA W PHARRIS LIVING TRUST	71-10930, 71-4039	CLC0; BOC1	143.66	\$27.16
Del. Row	PIVA, BRUNO; PIVA, MARY C; PIVA, PIERO	71-10190, 71-11, 71-12, 71-13, 71-4B, 71-5, 71-55, 71-6, 71-7	IC0; IC0A; IC0B; IC2; MC0B(U); MC1; MC2A; VC1; GC1; GC2; GC2A(U); GC3; GC3A(U); GC4; GC5; GC7B(U); GC8(U); GC9	1,568.02	\$296.41
Del. Row	PIVA, MICHAEL	71-7037	Pappa Brunee's Well	5.44	\$1.03
Del. Row	PORTER II, ROBERT J; PORTER, KAREN	71-2081	NTC1	0	\$0.00
Del. Row	RIVCO LLC	71-7124	VC0B2	3	\$0.57

Del. Row	ROTHBAUER, JOYCE C; ROTHBAUER, TED J	71-4045	RothBaur Well	1.46	\$0.28
Del. Row	SADLER, MARTHA MAHONEY	71-42A, 71-43A	VC5/6	156.4	\$29.56
Del. Row	SALMON FALLS LAND & LIVESTOCK CO INC	71-10882, 71-10918, 71-60B	SMCr01; S47; PC0 (U); PC1 (U); PC1A (U); PC2 (U); PC2A (U); PC3 (U); PC4 (U); PC5 (U); PC6 (U); PC7	2,867.39	\$542.04
Del. Row	SAWTOOTH INTERPRETIVE & HISTORICAL ASSN	71-7139	VC0	2	\$0.38
Del. Row	SCHLUNEGGER, BILLY; WILSON, MEITA D	71-4023	BC2	30	\$5.67
Del. Row	SCHNEIDER, DORIS I; SCHNEIDER, RICHARD L	71-10110B, 71-7063	GC10; GC7A(U); GC7C(U)	0	\$0.00
Del. Row	SILVA, FRED; SILVA, JIM	71-58	VC1	214.4	\$40.53
Del. Row	SIMPSON, JOHN; SIMPSON, LYNN	71-2082, 71-4016	S41	1,264.98	\$239.12
Del. Row	SMILEY CREEK BEARS, LLC	71-10032, 71-4048, 71-4049, 71-4050	Smiley Creek Lodge Well; UD3; UD4; Obsidian Spg; Obsidian Well	12.34	\$2.33
Del. Row	SMILEY CREEK WATER USERS ASSN	71-4044, 71-7010, 71-7144	GW15; GW16	8.72	\$1.65
Del. Row	SMITH, KENNETH GILMORE	71-4033	S39	458.65	\$86.70

Del. Row	STAN HARRAH CORP	71-7108, 71-7109, 71-7143	Harrahs Well No. 13; Harrahs Well No. 15; Harrahs Well No. 6; Harrahs Well No. 7; Harrahs Well No. 12; Harrahs Well No. 17(U)	17.12	\$3.24
Del. Row	STANLEY LAKE CREEK WATER USERS ASSOCIATION	71-10880	SLC1	143.82	\$27.19
Del. Row	STANLEY SEWER ASSN	71-7181	Stanley Sewer Permit location	0	\$0.00
Del. Row	STATE OF IDAHO - IDFG	71-10909, 71-10910, 71-10911, 71-10912, 71-10913, 71-10914, 71-10915, 71-10916, 71-10917, 71-10920, 71-7147, 71-7148, 71-7149, 71-7150, 71-7151, 71-7153, 71-7154, 71-7156, 71-7157, 71-7159, 71-7160, 71-7161, 71-7162, 71-7163	CHC3; CHC4/7; CHC6; EC1; FJC1; FJC2; FJC3; IC0B; IC2; IC3(U); IC6; PC7; S39; S39A; S40; S41; S42; S43; S46(U); S47; VC1; VC3; VC4; VC5/6	0	\$0.00
Del. Row	STEWART, FRED R	71-4035	UD2	13	\$2.46

Del. Row	STRAND, DAN	71-2084A	SLC1	17.58	\$3.32	
Del. Row	STUART III, THOMAS R	71-4012	S38A - Redwood Pump 1; S38B - Redwood Pump 2	3	\$0.57	
Del. Row	THE ANDREW & LINDA LAWLER FAMILY TRUST	71-30C, 71-31B, 71-37B	FC3; FC4 - Injection to Fisher Creek(U); FJC3	153.7	\$29.05	
Del. Row	THE DANIEL J MAHONEY JR LIFETIME TRUST II	71-39A, 71-40A	MGC1; VC5/6	89.46	\$16.91	
Del. Row	THE HUMPHREYS TRUST; HUMPHREYS, C PETRE; HUMPHREYS, W MICHAEL; HUMPHREYS, CANDACE P; DAY, ERNEST; HUMPHREYS, FRED C; THE ESTATE OF FRED C HUMPHREYS	71-10764, 71-2085B, 71-10197, 71-10763, 71-28, 71-29, 71-33B, 71-34C, 71-10080, 71-10081, 71-4006, 71-2047B, 71-2054, 71-4018, 71-4021	S42; FC3; FC4 - Injection to Fisher Creek(U); FJC3; WCUT4 (U); CHC5; CHC6; CHC4/7; CHC7(U)	2,577.69	\$487.27	
Del. Row	TIERNEY, ELIZABETH C; TIERNEY, THOMAS T	71-7169	GW06	98.75	\$18.67	
Del. Row	US DEPT OF AGRICULTURE	71-7173	Camp Perkins Well #3	26.6	\$5.03	

Del. Row	USDA FOREST SERVICE	71-10277, 71-10278, 71-10723, 71-10724, 71-10726, 71-10728, 71-10729, 71-10766, 71-10772, 71-10773, 71-10871, 71-2004D, 71-2053A, 71-26A, 71-27A, 71-4030, 71-4036A, 71-41, 71-42B, 71-43B, 71-49B, 71-50, 71-59, 71-61, 71-64B, 71-66, 71-68, 71-7002, 71-7052, 71-7057, 71-7128B	ALC1(U); CHC5(U); CLC1(U); NC0(U); NC1 - Niece Creek Injection from Cleveland Creek(U); CBC2(U); IC1(U); IC4(U); FJC2(U); FHC0(U); FHC1; HC1(U); VC5/6(U); S40(U); S41(U); S43(U); S44(U); S45(U); S46(U); UD1(U); UD5(U); UD6(U); UD7(U); Redfish Resort Well; RFL1 - Point Campgrou nd Pump (U); RFC2 - Redfish Lake Creek Pump(U)	2.2	\$0.42	
Del. Row	USDI FISH AND WILDLIFE SERVICE	71-2088, 71-10936, 71-10937, 71-7079, 71-10934	S39B; GW20; GW21; GW22; GW23; SFH Well #5	1.92	\$0.36	

Del. Row	VANDERBILT, ANN S; VANDERBILT, WILLIAM H	71-10762, 71-2014	FJC2	80.53	\$15.22	
Del. Row	WELP, D ELAINE; WELP, THEODORE M	71-10059, 71-26B, 71-27B	IC0(U); IC0B(U); IC1(U); IC1A(U); IC3(U); IC4; VCUT4	352.49	\$66.63	
Del. Row	WETZEL, JAMES R; WETZEL, MICHELLE	71-7113	Wetzel Well	2.4	\$0.45	
Del. Row	WO-HE-LO SUBDIVISION	71-30B, 71-31C, 71-37C, 71-7011, 71-7075	WOHELO GW Well; FC1(U); FC2(U); FC4 - Injection to Fisher Creek(U); FJC3(U)	1.81	\$0.34	
Del. Row	WOOLLEY, BRETT; WOOLLEY, DANIEL	71-10104, 71-2111	S39	492.74	\$93.14	
Del. Row	YACOMELLA, ANTONY R; YACOMELLA, BILL ROY; YACOMELLA, THOMAS LEE; YACOMELLA, TONY S	71-51, 71-52	VC3; VC5/6(U); TEC1; TEC2; TEC3(U)	165.23	\$31.23	
Add Row	TOTALS			21,578.73	\$ 4,079.12	



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 11, 2012

Rivco, L.L.C
PO BOX 640
Salmon, ID 83467

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

Dear Water Right Applicant:

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

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

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

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

Letter to Upper Salmon River Basin Water Right Applicants

June 11, 2012

Page 2

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

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

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

If you have any questions, please call Shelly Keen at 208-287-4947, or email him at shelley.keen@idwr.idaho.gov. For applications in administrative basins 73-75, you may also contact IDWR's Eastern Region office in Idaho Falls at 208-525-7161. For applications in administrative basins 71 or 72, you may also contact IDWR's Southern Region office in Twin Falls at 208-736-3033.

Sincerely,

Benny Walker
Water Resource Agent



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

RECEIVED

JUN 11 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1000 Riverwalk Drive, Suite 200
PO Box 50130
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June 7, 2012

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Ste. 200
Twin Falls, ID 83301-3380

RE: Application for Water Right Permit in Basin 71 Near Stanley, Idaho.

Dear IDWR Agent:

Enclosed for processing is an *Application for Water Right Permit* for the appropriation of ground water for property located north of Stanley, Idaho along Highway 21. The land is outside the designated 1993 ground water moratorium area, and will effectively replace a surface water right from in Valley Creek, to avoid the necessity of reconstructing a new headgate and/or pump station on this particularly environmentally sensitive creek.

Should you have any questions or concerns regarding the application, please do not hesitate to contact me.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

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