

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 85-15743

Priority: March 26, 2012

Maximum Diversion Volume: 4.0 AF

This is to certify, that McCANN LAND COMPANY
1824 17th AVE.
LEWISTON ID 83501

has applied for a permit to appropriate water from:

Source: SPRINGS

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31	4.0 AF
FIRE PROTECTION STORAGE	01/01 to 12/31	3.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS, L15 (NW1/4SE1/4NE1/4), Sec. 23, Twp 33N, Rge 03W, B.M., LEWIS County
SPRINGS, L23 (SE1/4NW1/4SW1/4), Sec. 23, Twp 33N, Rge 03W, B.M., LEWIS County

PLACE OF USE: STOCKWATER STORAGE, FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33N 03W 23				X								X					
				L 15								L 23					
				L 16													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2015**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. Stockwater storage is for 70 head of mixed stock.
6. The two (2) ponds established by the storage of water under this right shall not exceed a total capacity of 4.0 acre-feet.
7. This right authorizes the annual storage of 4.0 acre-feet to be used for the initial filling of the ponds or reservoirs and for the replacement of losses caused by evaporation from the ponds or reservoirs and for the storage of water for stock and fire protection.
8. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 7 day of June, 2012.


GARY SPACKMAN, Interim Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 13, 2012

MC CANN LAND COMPANY
1824 17th AVE.
LEWISTON ID 83501

RE: Permit No.85-15743

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

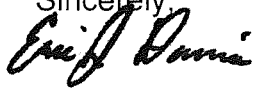
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Davis". The signature is written in a cursive, flowing style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

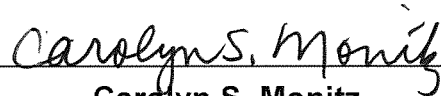
CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

85-15743

**MCCANN LAND COMPANY
1824 17th AVE.
LEWISTON ID 83501**

A handwritten signature in cursive script, reading "Carolyn S. Monitz", is written over a horizontal line.

**Carolyn S. Monitz
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

JUN 04 2012

Affidavit of Publication IDWR / NORTH

STATE OF IDAHO, }
County of Idaho, } ss.

I, STEVE A. WHERRY, being first duly sworn, depose and say that I am Editor of the LEWIS COUNTY HERALD, a weekly newspaper, published and issued weekly at Nezperce, Lewis County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

2 weeks, being published 2 times, the

first publication being on the 3rd day of

May, 20 12, and the last publication on the

1st day of May, 20 12, and that

the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Steve A. Wherry

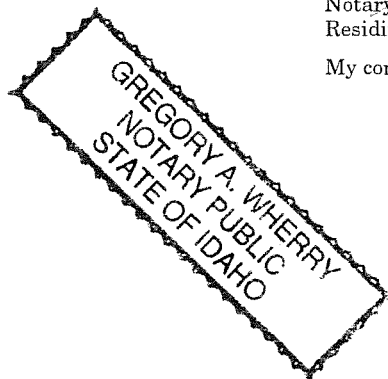
STATE OF IDAHO, }
County of Idaho, }

On this 1st day of June in the year of 2012,

before me, a Notary Public, personally appeared Steve A. Wherry

know or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.

Gregory A. Wherry
Notary Public for Idaho
Residing at Nezperce, ID
My commission expires: 9/1/2014



Public Notice

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

85-15743

McCANN LAND COMPANY

1824 17th AVE.

LEWISTON, ID 83501

Point of Diversion L15(NWSENE) S23 T33N R03W LEWIS CO

Point of Diversion L23(SENWSW S23 T33N R03W LEWIS CO

Source: SPRINGS tributary SINKS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3.1 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 4 AF

Total Diversion: 4 AF

Date Filed: 3/26/2012

Place of Use: STOCKWATER STORAGE

T33N R03W S23 L15(SENE) L16(SENE) L23(NWSW)

Place of Use: FIRE PROTECTION STORAGE

T33N R03W S23 L15(SENE) L16(SENE) L23(NWSW)

Stockwater storage is for 70 head of mixed stock.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 Mineral Drive, Suite 100, Coeur D'Alene ID 83815 together with a protest fee of \$25.00 for each application on or before 5/21/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published in the Lewis County Herald on 5/3/2012 and 5/10/2012

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, April 24, 2012 2:40 PM
To: Legal Notices-CotChron-LEWIS CO
Subject: Application for Permit No. 85-15743
Attachments: LegalNotice 04-24-12 LC e-mail 85-15743.doc

Good afternoon,

I assume you are still publishing for the Lewis County Herald. If this is NOT the case, please let me know right away. Otherwise, please publish the attached legal notice in the Lewis County Herald on the dates indicated, May 3 and 10, 2012 (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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

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 5/21/2012. Your cooperation is greatly appreciated.

Thank you for your help.

Dianne Ball

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

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

85-15743

McCANN LAND COMPANY

1824 17th AVE.

LEWISTON, ID 83501

Point of Diversion L15(NWSENE) S23 T33N R03W LEWIS CO

Point of Diversion L23(SENWSW) S23 T33N R03W LEWIS CO

Source: SPRINGS tributary SINKS

Use: FIRE PROTECTION STORAGE 01/01 to 12/31 3.1 AF

Use: STOCKWATER STORAGE 01/01 to 12/31 4 AF

Total Diversion: 4 AF

Date Filed: 3/26/2012

Place of Use: STOCKWATER STORAGE

T33N R03W S23 L15(SENE) L16(SENE) L23(NWSW)

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T33N R03W S23 L15(SENE) L16(SENE) L23(NWSW)

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GARY SPACKMAN, Interim Director

Published on 5/3/2012 and 5/10/2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 24, 2012

McCANN LAND COMPANY
1824 17th AVE.
LEWISTON, ID 83501

Application For Permit No. 85-15743

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 LEWIS COUNTY HERALD on 5/3/2012 and 5/10/2012. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Keith E. Franklin". The signature is written in a cursive, flowing style with a large, prominent 'K' and 'F'.

Keith E Franklin
Program Manager

MEMORANDUM

To: Water Right Application # 85-15743

From: Keith E. Franklin

Date: March 26, 2012

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

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

Water Supply Information.

The water supply for the two stockwater ponds are from springs on the applicants property that sink. Fish & Game and the Department of Environmental Quality have commented and have no objection to the water right request.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for his own use on property that he owns. No delays, breach of good faith or speculation of water rights are foreseen with this application.

Financial Resources Information.

The applicant plans to construct the ponds at his own expense. The project is small enough that not outside financial sources are anticipated.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been asked to comment by the applicant and have no objection to the proposal.

Injury to Other Water Rights.

IDWR cannot foresee any potential to impact area water right holders or to the Clearwater and Salmon Rivers.

Recommendation.

IDWR recommends to proceed with the processing of the application.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 20, 2012

Gary Snyder
McCann Land Company
1824 17th Ave.
Lewiston, ID 83501

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

Dear Mr. Snyder:

The Idaho Department of Water Resources (IDWR) is returning your application for the following corrections.

The new location for the Corral Pond is located in Government Lot 15 of the SE1/4 of the NE1/4 and Government Lot 16 of the SE1/4 of the NE1/4, see attached aerial photograph. The application shows the location in Government Lot 15 of the NE1/4 of the SE1/4 and Government Lot 16 of the NE1/4 of the SE1/4. Please make the appropriate changes on the application.

Also, before processing can begin, an application fee of \$100.00 must be submitted. When the application is returned, please include a check made payable to "IDWR" in the above said amount within the next 30 days.

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

Thank you.

Sincerely,

Keith E Franklin
Interim Program Manager

COPY



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

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

February 23, 2012

McCann Land Company, Gary Snyder
1824 17th Avenue
Lewiston, Idaho 83501

RECEIVED
FEB 27 2012
IDWR/NORTHERN

Dear Mr. Snyder:

RE: Water Right Application

IDFG has reviewed your draft application to Idaho Department of Water Resources and have visited the project site. We also discussed the project with Mark Corrao of Northwest Management Inc., who submitted the application on your behalf.

The intent of these comments is to provide you with a technical review of potential effects of your proposal on wildlife, fish and habitat. It is not the intent of Idaho Department of Fish and Game to support or oppose this proposal.

Your request is to create two ponds for stockwater and fire protection. One pond would be 4.0 AF in size, the second 3.1 AF. According to the application, both ponds will be built on springs. However, even though full observation was hampered by snow, our field visit indicated that it is as likely that both ponds will intercept near-surface groundwater and capture surface water runoff from rainfall and snowmelt. We saw no indication that the ponds would lie within an active stream channel.

IDFG does not anticipate that your proposed project will have a significant effect on fish, wildlife or habitat.

Thank you for the opportunity to comment on your application. Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions.

Sincerely,

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/cs

c: Cindy Barrett, DEQ Lewiston
Keith Franklin, IDWR CDA
Sharon Kiefer, IDFG Boise
Mark Corrao, Northwest Management Inc. mcorrao@nmi2.com

Keeping Idaho's Wildlife Heritage



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

February 8, 2012

Gary Snyder
McCann Land Company
1824 17th Avenue
Lewiston, Idaho 83501

Dear Mr. Snyder:

We received a request for our comments on the approval of an application for permit to appropriate water from (2) man-made ponds that will be constructed on private property. The source of the water supply is groundwater (springs), and the proposed uses are for fire protection and livestock watering. The total quantity to be appropriated is 4.0 acre-feet per year.

Based on the information that has been provided, DEQ cannot estimate nor predict impairments to surface or ground water beneficial uses resulting from the requested withdrawal. However, assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comment.

It is the policy of the State of Idaho, Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed.

Thank you for requesting our review and comment of your activity.

Sincerely,

Cynthia Barrett
Water Quality Analyst

c: John Cardwell, Regional Water Quality Program Manager
Keith Franklin, IDWR
Ray Hennekey, IDFG