

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 81-12002

Priority: February 01, 2012

Maximum Diversion Rate: 0.04 CFS

This is to certify, that MORGAN WRIGHT
111 SWIFTWATER RD
KOOSKIA ID 83539

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM

Tributary: SELWAY RIVER

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

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

01/01 to 12/31

RATE OF DIVERSION

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM L3 (SE1/4NE1/4) Sec. 16, Twp 32N, Rge 07E, B.M. IDAHO County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32N	07E	16				X													
						L 3													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2013**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. Water shall not be diverted under this right when flows in the Selway River are below minimum flow amounts as defined by Right 81-07160.
5. 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.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. This right does not grant any right-of-way or easement across the land of another.

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 26 day of March, 2012

Bert W. Spackman, For
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

March 26, 2012

MORGAN WRIGHT
111 SWIFTWATER RD
KOOSKIA ID 83539

RE: Permit No.81-12002

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.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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 Davis". The signature is written in a cursive, flowing style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

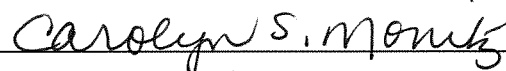
CERTIFICATE OF SERVICE

I hereby certify that on March 27, 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.

81-12002

**MORGAN WRIGHT
111 SWIFTWATER RD
KOOSKIA ID 83539**

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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS

P 3/13/12

W.R. # 81-12002

APPLICATION ID # 77741

ENT. ED

BCA

2/8/12

OK to Publish

2/8/12

APPLICANT: Morgan Wright

INITIAL REVIEW

BY: ED

DATE: 02/06/2012

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☐ Source
3. ☐ Point of Diversion & County
4. ☐ Quantity
5. ☐ Nature of Proposed Use
6. ☐ Period of Use
7. ☐ Total Quantity
8. ☐ Description of diverting works
9. ☐ Time required for b/u
10. ☐ Proposed use
11. ☐ Place of use or acres irrigated
12. ☐ Other water Rights
13. ☐ Ownership
14. ☐ Map
15. ☐ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

*** Send info sheet Y () N ()

ADDITIONAL INFORMATION

(Yes)(No)

- ☒ Shape File Created Date 2-6-12 By: ED
- ☐ Field check: by _____
- ☐ Field report attached
- ☐ Analysis Supp. Attached (>5cfs/500af)

☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No)

PRIORITY DATE: 02/01/2012

☒

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN:

Idaho

County

Newspaper: IC

Dates scheduled for publication 2/15 + 22/12

Affidavit of Publication received: 2/24/12

Dates actually published: 2/15 + 22/12

Application published correctly. Yes ☐ No ☐

If not, action taken: _____

Final Date for Protest: 3/5/12

Protests Received: Yes ☐ No ☐

LETTERS SENT REQUESTING:

☐ Dam Information ☐ Fish Information

☐ Power Information ☐ Other: _____

INFORMATION RECEIVED:

☐ Dam Information ☐ Fish Information

☐ Power Information ☐ Other: _____

GROUNDWATER SECTION

WD Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()
_____	_____	Dom. Non-Dom.	Paid \$ _____	_____	Y () N ()

☐ Groundwater management area

☐ Critical ground water area

☐ Well Drilling Permit required

☐ Well Drilling Application and Fees received

☐ Well Drilling Application approved?

UNNAMED STREAM

Remarks: _____

FINAL REGIONAL PROCESSING/REVIEW

(Yes)(No)

☒ Notice of pending void order issued.

Final order response date: ____/____/____

☒ Further information required from applicant

☒ Measuring device required

☒ Measuring port required

☒ Special conditions: MSF Selway River, Wild & Scenic

☒ Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by: [Signature]

Date: 3/16/2012

Sr. Agent initial

ED

Ball, Dianne

From: Thiel, Sandra
Sent: Thursday, March 08, 2012 1:00 PM
To: Ball, Dianne
Subject: RE: Minimum stream flow memos

Hello Dianne, Last week I was somewhat overzealous in my review of water rights on minimum stream flow rivers. After reviewing the water right file for both the Selway River and 81-12002 I think that there is no need for Planning to comment on 81-12002. I'm sorry if this caused any inconvenience

Sandra Beer Thiel
Water Resource Planner
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

From: Thiel, Sandra
Sent: Thursday, March 01, 2012 2:09 PM
To: Ball, Dianne
Cc: Harrington, Helen; Case, Morgan
Subject: Minimum stream flow memos

Hello Dianne, The four attached files are memos, from the Planning Section, addressing applications for permit:
81_12002
92_10830
96-9498
96-9501
Each point of diversion is on a river with a minimum stream flow. Please let me know if you have any questions.

<< File: MSFMEMO_96-9498.docx >> << File: MSFMEMO_96-9501.docx >> << File: MSFMEMO_81_12002.docx >> <<
File: MSFMEMO_92_10830.docx >>

Sandra Beer Thiel
Water Resource Planner
Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
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Ball, Dianne

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81_12002

92_10830

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MSFMemo_96-9 MSFMemo_96-9 MSFMemo_81_1 MSFMemo_92_1
498.docx 501.docx 2002.docx 0830.docx

Sandra Beer Thiel

Water Resource Planner

Idaho Department of Water Resources

322 East Front Street

Boise, Idaho 83720-0098

(208)287-4881

sandra.thiel@idwr.idaho.gov

MEMORANDUM

DATE: March 1, 2012
TO: Dianne Ball
FROM: Sandy Thiel
RE: Application for Permit No. 81-12002

The purpose of this memo is to provide the Planning Section's comments on the Application for Permit No. 81-12002 on the Selway River. The application indicates that the applicants intend to divert 0.04 cfs from the river for domestic use. The applicant should be aware that the Idaho Water Resource Board holds a minimum stream flow water right 81-7160 in the same reach as the proposed point of diversion. As a junior water right holder the applicant's water may be curtailed when the minimum stream flow is not being met. The Idaho Water Resource Board would like assurance that this water right will be actively administered to protect the Board's minimum stream flow right.

RECEIVED

FEB 24 2012

IDWR / NORTH

AFFIDAVIT OF PUBLICATION

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

81-12002

MORGAN WRIGHT
111 SWIFTWATER RD
KOOSKIA, ID 83539

Point of Diversion L3(SENE) S16 T32N R07E IDAHO CO
Source UNNAMED STREAM tributary SELWAY RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 2/1/2012

Place of Use: DOMESTIC T32N R07E S16 L3(SENE)

Domestic use is for 1 home and up to 1/2 acre of lawn.

This application proposes the diversion and use of water from unnamed stream, a tributary of the Selway Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes. The diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

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 3/5/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 2/15/2012 and 2/22/2012

F15-22

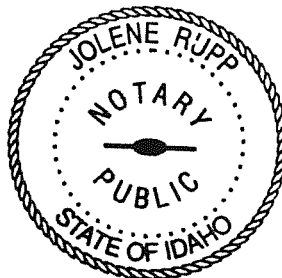
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 15th day of February, 2012; and the last publication on the 22nd day of February, 2012; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.

Nora C. Donaldson for
Andrew J. McNab

STATE OF IDAHO)
COUNTY OF IDAHO)

On this 22nd day of February in the year of 2012, before me a Notary Public personally appeared Andrew J. McNab, known or identified to me to be the person whose name 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.



Jolene Rupp
Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-24-13

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

81-12002

MORGAN WRIGHT

111 SWIFTWATER RD

KOOSKIA, ID 83539

Point of Diversion L3(SENE) S16 T32N R07E IDAHO CO

Source UNNAMED STREAM tributary SELWAY RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 2/1/2012

Place of Use: DOMESTIC T32N R07E S16 L3(SENE)

Domestic use is for 1 home and up to 1/2 acre of lawn.

This application proposes the diversion and use of water from unnamed stream, a tributary of the Selway Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes. The diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

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 3/5/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 2/15/2012 and 2/22/2012

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 08, 2012 2:30 PM
To: Legal Notices-ID CO Free Press - Nona
Cc: Davis, Eric; Franklin, Keith
Subject: Application for Permit No. 81-12002
Attachments: LegalNotice 02-08-12 IC e-mail 81-12002.doc

Good afternoon Nona,

It's been quite a while since we had something to publish in the Free Press but we have one now.

Please publish the enclosed legal notice on the dates indicated, February 15 and 22, 2012, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

We prefer this publish in two-column format if possible because it make the layout flow better.

Please send a proof/preview copy for my review and approval 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 3/5/2012. Your cooperation is always greatly appreciated.

It's always a pleasure to work with you and I hope all is well with you.

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

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 08, 2012 2:43 PM
To: rhennekey@idfg.idaho.gov
Cc: Davis, Eric; Franklin, Keith
Subject: RE: Application for Permit No. 81-12002
Attachments: 81-12002_Wright.pdf

Dear Ray:

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.

This application is in the Wild and Scenic area being tributary to the Selway River.

This is being prepared for publication in the Idaho County Free Press on February 15 and 22, 2012 with final date for protests to be received in our office of March 5, 2012

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.

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

Sincerely,

Dianne Ball

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 8, 2012

MORGAN WRIGHT
111 SWIFTWATER RD
KOOSKIA, ID 83539

Application For Permit No. 81-12002

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 IDAHO COUNTY FREE PRESS on 2/15/2012 and 2/22/2012. 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 "Eric Davis". The signature is written in a cursive, flowing style.

Eric Davis
Sr. Water Resource Agent

Enc. Receipt No. N029008

This application proposes the diversion and use of water from unnamed stream, a tributary of the Selway Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for domestic purposes. The diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.