

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 85-15736

Priority: February 12, 2009

Maximum Diversion Rate: 0.16 CFS

This is to certify, that GREG DIETRICH And/Or
SHARON DIETRICH
13313 REMUDA CYN
LEWISTON ID 83501
(208) 798-4534

has applied for a permit to appropriate water from:

Source: GROUND WATER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS
IRRIGATION	02/15 to 11/30	0.12 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SW1/4SE1/4SW1/4, Sec. 29, Twp 35N, Rge 05W, B.M., NEZ PERCE County

PLACE OF USE: IRRIGATION, DOMESTIC, STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
35N 05W 29												6.0					6.0

Total Acres: 6

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2016**.
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. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
6. Stockwater use is for 30 head of mixed stock.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
8. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

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 4 day of November, 2011.


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

November 7, 2011

GREG DIETRICH
13313 REMUDA CYN
LEWISTON ID 83501

SHARON DIETRICH
13313 REMUDA CYN
LEWISTON ID 83501

RE: Permit No.85-15736

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.

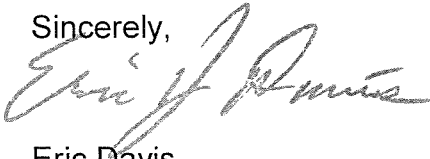
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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 dark ink, appearing to read "Eric J. Davis", written in a cursive style.

Eric Davis

Sr. Water Resource Agent

Enclosure(s)

CERTIFICATE OF SERVICE

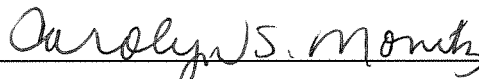
I hereby certify that on November 8, 2011 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

85-15736

**GREG DIETRICH
13313 REMUDA CYN
LEWISTON ID 83501**

**SHARON DIETRICH
13313 REMUDA CYN
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.

MEMORANDUM

Date: October 21, 2011
To: Water Right File 85-15736
From: kfranklin
Re: Irrigation diversion rate

The application was advertized with an irrigation diversion rate of 0.15 cfs for 6 acres of irrigation. The standard diversion allotment for 6 acres of irrigation is 0.12 based upon 0.02 cfs per acre. The application was modified several times before being finalized for advertising. The original hand written application that was submitted indicated an acreage that was hard to read either 5 or 6 acres. The original data entry used 5 acres to determine the diversion rate based upon 0.03 cfs per acre. When the acreage was clarified, the diversion rate data entry was not corrected to reflect 0.12 cfs. This error was corrected at the time of issuing the permit. This change also lowered the over all diversion rate from 0.19 cfs to 0.16 cfs.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET**

P 5/21/11

W.R. # 85-15736

APPLICATION ID # 76944

ENT. 4/14

BCA 4/29

OK to Publish 4/29/11

APPLICANT: Dietrich

INITIAL REVIEW

BY: KJ

DATE: 4/24/2011

ITEM REQUIRED INFORMATION

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

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

ADDITIONAL INFORMATION

(Yes)(No)
☒ Shape File Created Date 4/14/11 By: KJ
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 2/12/2009
☐ (Include Moratorium Remark)
☐ Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).
 ADVERTISE IN: Nez Perce County
 Newspaper: LT
 Dates scheduled for publication 5/5+12/11
 Affidavit of Publication received: 5/20/11
 Dates actually published: 5/5+12/11
 Application published correctly. Yes ☒ No ☐
 If not, action taken: _____

Final Date for Protest: 5/23/11
 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?
<u>807832</u>		Dom. ☒ Non-Dom. ☐	Paid \$ <u>125.00</u>	<u>N222219</u>	Y (☒) N () <u>paid</u>
		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?
 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: _____
☐ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Keith L. Jansen Date: 10/20/2011 Sr. Agent initial KJ

Franklin, Keith

From: Franklin, Keith
Sent: Thursday, October 20, 2011 11:11 AM
To: Courtney, Andrea
Subject: RE: 85-15734 & -15736 Dietrich

Andrea,
We haven't heard from the Dietrichs, so we will proceed with the permit.
Keith.

From: Courtney, Andrea
Sent: Wednesday, October 19, 2011 4:13 PM
To: Franklin, Keith; Davis, Eric
Cc: Ridgeway, Renea
Subject: RE: 85-15734 & -15736 Dietrich

Just checking in. Have you two seen an amended claim? Heard from the Dietrichs? If not, I think we should consider moving ahead on the permit, but I invite your comments.

From: Courtney, Andrea
Sent: Tuesday, July 19, 2011 2:38 PM
To: Franklin, Keith; Davis, Eric
Cc: Ridgeway, Renea
Subject: RE: 85-15734 & -15736 Dietrich

Keith & Eric~

Judge Wildman conditionally granted the Dietrichs' motion to file a late claim, upon the filing of an amended claim (seeking a 2004 priority). I reminded Sharon Dietrich (who was on the phone) that we had spoken about amending the application for permit (deleting the purposes d/s as the SRBA right would cover those) and that the Dept was holding off on issuing the permit until they took appropriate action.

I fear they will neglect to amend the permit. It makes sense to set a reminder for two/three months from now and see if they've filed their amended application. If they haven't, we should consider issuing the permit (in light of the SRBA claim for d/s, if need be) and not continue to hold it. If you disagree with my line of thinking, please let me know.

Renea, would you mind calendaring that (assuming agreement on the course of action)?

Andrea

From: Courtney, Andrea
Sent: Monday, July 18, 2011 4:15 PM
To: Franklin, Keith
Subject: RE: 85-15734 & -15736 Dietrich

Thx. I'll let you know what I learn tomorrow.

From: Franklin, Keith
Sent: Monday, July 18, 2011 4:12 PM

To: Courtney, Andrea
Subject: RE: 85-15734 & -15736 Dietrich

Andrea,

Neither Eric or I have had any contact with the Dietrichs since we talked last and we have not issued the permit. Keith.

From: Courtney, Andrea
Sent: Monday, July 18, 2011 7:43 AM
To: Davis, Eric; Franklin, Keith
Cc: Ridgeway, Renea
Subject: FW: 85-15734 & -15736 Dietrich

Eric & Keith~

In a hearing tomorrow afternoon, the SRBA Court will revisit the Dietrich's motion for late claim. Have either of you heard from the Dietrichs? Did you hold off on issuing the permit? I don't have anything new to report and just wanted to make sure I had the most current info before the hearing.

Thanks.

Andrea

From: Courtney, Andrea
Sent: Monday, June 27, 2011 5:03 PM
To: Davis, Eric; Franklin, Keith
Cc: Ridgeway, Renea
Subject: 85-15734 & -15736 Dietrich

Eric & Keith~

I just spoke with Sharon (Greg's wife). She readily admitted to being confused. She stated that they first used water from the well for domestic and stock in March/April '04. I explained the possibility of amending the SRBA claim to recognize that priority date (instead of 2011 as currently claimed). She may call Paul Harrington, Judge Wildman's clerk, to discuss timing of filing an amended claim (she may call one of you to assist with preparing the amended claim). She also is considering amending her permit to just seeking an irrigation purpose so the potential for d/s duplication becomes a non-issue. She asked if there is a form for doing so. I told her I'd email the both of you right after she and I spoke and see what follow-up we could work out.

Based on my conversation with her, it seems best to hold off on issuing the permit until after the July 19 hearing with Judge Wildman (or at least until the Dietrich's request a change in the application for permit).

Let me know if you have additional questions or run into any problems if they ask for help preparing the amended claim.

Thanks for the discussion earlier today. It sounds as if we're closer to getting the permit application and the SRBA claim cleaned up.

Andrea

Andrea L. Courtney
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Phone: (208) 287-4810
Fax: (208) 287-6700

Franklin, Keith

From: Courtney, Andrea
Sent: Monday, June 27, 2011 4:03 PM
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Let me know if you have additional questions or run into any problems if they ask for help preparing the amended claim. Thanks for the discussion earlier today. It sounds as if we're closer to getting the permit application and the SRBA claim cleaned up.

Andrea

Andrea L. Courtney

Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Phone: (208) 287-4810
Fax: (208) 287-6700

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

85-15736

GREG DIETRICH

SHARON DIETRICH

13313 REMUDA CYN.

LEWISTON, ID 83501

Point of Diversion SWSESW S29 T35N R05W NEZ PERCE CO

Source GROUND WATER

Use: IRRIGATION 02/15 to 11/30 0.15 CFS

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Use: DOMESTIC 01/01 to 12/31 0.02 CFS

Total Diversion: 0.19 CFS

Date Filed: 2/12/2009

Place Of Use: DOMESTIC, IRRIGATION & STOCKWATER

T35N R05W S29 SESW

Total Acres: 6

Domestic use is for 2 homes.

Stockwater use is for 30 head of mixed stock.

Permits will be subject to all prior water rights. 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 5/23/2011.

The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 5/5/2011 and 5/12/2011

TRIBUNE PUBLISHING COMPANY, INC
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING
INVOICE

Date: 05/12/2011 INVOICE NO. 38978
Account No. 964750
Description 38978 The follo
Times 2 Lines 30
Tab. lines

Sold To: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO#

\$ 87.75

NOTICE: This is a invoice of Purchase made by you. Statement will be rendered the first of the month
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

RECEIVED
MAY 20 2011
IDWR / NORTH

AFFIDAVIT OF PUBLICATION

38978
The following application(s) have been filed to appropriate
the public waters of the State of Idaho:
85-15736
GREG DIETRICH
SHARON DIETRICH
13313 REMUDA CYN.
LEWISTON, ID 83501
Point of Diversion SWSESW S29 T35N R05W NEZ PERCE CO
Source GROUND WATER
Use: IRRIGATION 02/15 to 11/30 0.15 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Total Diversion: 0.19 CFS
Date Filed: 2/12/2009
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5/23/2011. The protestant must also send a copy of the protest to
the applicant.
GARY SPACKMAN, Interim Director
Published on 5/5/2011 and 5/12/2011

Karen J. Lewis, being duly sworn, deposes and
says, I am the Legal Clerk of the Tribune
Publishing Company, a corporation organized and existing
under and by virtue of the laws of the State of Idaho
and under and by virtue of the laws of the State of Washington,
publishers of the Lewiston Tribune, a news-
paper of general circulation published at Lewiston, Nez Perce
County, Idaho; That the said Lewiston Tribune is
an established newspaper and has been published regularly
and issued regularly at least once a day for more than 105
consecutive years next immediately preceding the first
publication of this notice, and has been so published
uninterrupted for said period; that the 38978 The follo
attached hereto and which is made a part of this affidavit
was published in the said Lewiston Tribune,
2 time(s). Publication being on
05/05, or once a
for 2 consecutive
the first publication thereof being on the 05/05/2011,
and the last publication thereof being on the 05/12/2011,
and said 38978 The follo was so published in the
regular and entire issue of said newspaper and was not in a
supplement thereof and was so published in every issue and
number of the said paper, during the period and times of
publication as set forth above.

Karen J. Lewis

State of Idaho

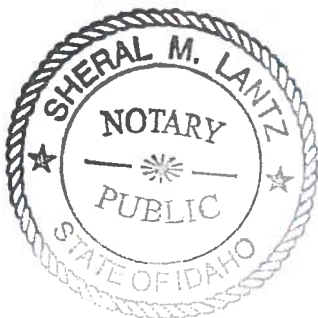
S.S.

County of Nez Perce

On this 16th day of May in the year
of 2011, before me, a Notary Public, personally
appeared Karen J. Lewis, 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.

Sheral M. Lantz

Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 6/04/15



Ball, Dianne

From: Case, Morgan
Sent: Wednesday, May 18, 2011 11:34 AM
To: Ball, Dianne; Franklin, Keith
Subject: RE: RE: Application for Permit No. 85-15736 Dietrich source groundwater

Dianne and Keith,

The Planning Bureau does not wish to raise any concerns over this application for permit. Thanks you for providing an opportunity to submit comments.

Morgan Case

*Morgan Case
Staff Biologist
Idaho Department of Water Resources
322 East Front St.
P.O. Box 83720
Boise, ID 83720-0098
Phone 208.287.4838
Fax 208.287.6700*

From: Ball, Dianne
Sent: Friday, April 29, 2011 4:23 PM
To: Case, Morgan
Subject: RE: Application for Permit No. 85-15736 Dietrich source groundwater

Dear Morgan,

The Department of Water Resources is seeking written comment and/or recommendations from Planning regarding the above referenced water right application. A copy of the application is enclosed for your reference. Their only source of water is the well.

<< File: 85-15736_Dietrich.pdf >>

We are preparing this for publication in the Lewiston Tribune on May 5 and 12, 2011, with May 23, 2011 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If Planning 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 Keith Franklin in this office if you have any questions regarding the application.

Sincerely,

Dianne Ball

Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Friday, April 29, 2011 3:46 PM
To: Legal Notices-Lewiston Tribune - Karen Lewis
Subject: Application for Permit No. 85-15736

Good afternoon, Karen,

I'm hoping I'm not too late to get this scheduled in the Tribune for May 5 and 12, 2011.

Please publish the enclosed legal notice on the dates indicated, May 5 and 12, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Prefer 2-column if possible – due to area in middle, where dates and amounts need to line up.

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 5/23/2011. Your cooperation is appreciated.

If you have any questions, please call me or reply to this e-mail.



LegalNotice
14-29-11 LT e-mail..

Thanks for all your great 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



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 29, 2011

GREG DIETRICH
SHARON DIETRICH
13313 REMUDA CYN.
LEWISTON, ID 83501

Application For Permit No. 85-15736

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 LEWISTON TRIBUNE on 5/5/2011 and 5/12/2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Keith Franklin
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Friday, April 29, 2011 3:23 PM
To: Case, Morgan
Subject: RE: Application for Permit No. 85-15736 Dietrich source groundwater

Dear Morgan,

The Department of Water Resources is seeking written comment and/or recommendations from Planning regarding the above referenced water right application. A copy of the application is enclosed for your reference. Their only source of water is the well.



85-15736_Dietrich.
pdf

We are preparing this for publication in the Lewiston Tribune on May 5 and 12, 2011, with May 23, 2011 as final date for protests to be received in our office.

Your prompt response to this request is appreciated. If Planning 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 Keith Franklin in 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

MEMORANDUM

To: Water Right Application # 85-15736

From: Keith E. Franklin

Date: April 4, 2011

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

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

Water Supply Information.

The Idaho Department of Fish & Game as well as the Department of Environmental Quality have no adverse comments towards the applicant diverting groundwater, for domestic, irrigation and stock water use.

Good Faith, Delay, or Speculative Information.

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

Financial Resources Information.

The applicant plans to finance the project by out of pocket means.

Local Public Interest.

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

Injury to Other Water Rights.

There are 4 recorded existing wells within one half mile of the applicants project. The wells were constructed mainly for domestic and irrigation purposes. The wells range from 455 feet to 1200 feet in depth with an output of between 30 and 300 gallons per minute. The wells in the area seem to be good producers, therefore there isn't any foreseen potential impact to area water right holders.

Recommendation.

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



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 3, 2011

Greg Dietrich
Sharon Dietrich
13313 Remuda Cyn.
Lewiston, ID 83501

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 76944

Dear Mr. and Mrs. Dietrich:

The Idaho Department of Water Resources is in receipt of favorable comments towards your project, from both the Idaho Department of Environmental Quality and the Idaho Department of Fish & Game and is in a position to proceed with the processing of your application.

Since our last communication several changes needed to be made to your original application. I have enclosed an electronic version of the application which includes the changes. Please review the document and if it meets with your approval, sign and return it to me within the next 30 days so as not to further delay processing. If you have any questions, feel free to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Senior Water Resources Agent

Enclosure

COPY

FAX COVER SHEET

LEWISTON ORTHOPAEDIC ASSOCIATES, P.A.

320 Warner Drive

Lewiston, ID 83501

Ph: 208-743-3523

Fax: 208-746-4256

Fax To: Dept of H₂O Resources Attention: Keith Franklin

Fax #: 208 9762 2819

Date:

Pages 2 {including cover sheet}

From:

Re:

WARNING This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return this original message to us at the above address via U.S. Postal service.

Thank you



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

C.L. "Butch" Otter/Governor

Cal Groen/Director

September 22, 2009

Greg and Sharon Dietrich
13313 Remuda Cyn
Lewiston, ID 83501

Dear Mr. and Mrs. Dietrich:

RE: Application for Approval of Water Appropriations for Groundwater

Idaho Fish and Game has reviewed your draft application and pertinent attachments for a water right to withdraw groundwater 0.19 cfs of groundwater from a well near Lewiston for irrigation, stockwater and domestic use.

IDFG believes that, based on the proposed location and amount of withdrawal, the proposed development is unlikely to have a significant impact on fish, wildlife or habitat. We have no objection to the proposed withdrawal.

Thank you for the opportunity to comment. Please contact Ray Hennekey at this office if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dave Cadwallader".

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/gi

c: John Cardwell, DEQ Lewiston
Keith Franklin, IDWR CdA
Sharon Kieffer, IDFG



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

December 30, 2010

Greg Dietrich
Sharon Dietrich
13313 Remuda Cyn.
Lewiston, ID 83501

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 76944

Dear Mr. and Mrs. Dietrich:

As per my telephone conversation with Mrs. Dietrich on November 29, 2010, Mrs. Dietrich was going to contact Carter Fritschle, at the state office in Boise, to see about filing a late claim in the Snake River Adjudication for domestic and stockwater use. If a claim could be filed, I would then draft an electronic version of your application for irrigation only and send it out for your review and approval.

To date I have not heard from you. Please respond within the next 30 days to avoid default of the application. Also, the department has received comments from the Idaho Department of Environmental Quality, regarding your application but has not received comments from the Department of Fish & Game. You may want to remind them of the need for their comments.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E Franklin
Senior Water Resources Agent

COPY

11/29/10

Talked with Mr. Dietrich today about their application. She is going to call Carter to see about filing a late claim in the SRRA for Domestic & Stockwater. Since they started using the well in 2003. If they can file a claim, they will remove Dom. & Stockwater from their application and I will put together an electronic version and send it out for their approval.

152

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT
RECEIVED

1. WELL TAG NO. D 0033222
DRILLING PERMIT NO. 807532 NOV 17 2003
Water Right or Injection Well No. _____

2. OWNER: IDWR/North
Name GREGORY D. DIETRICH
Address 320 WARNER DR.
City LEWISTON State ID Zip 83501

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 35 North ☒ or South ☐
Rge. 5 East ☐ or West ☒
Sec. 29 SW 1/4 SW 1/4 SE 1/4 NE 1/4
Gov't Lot _____
County NEZ PERCE
Lat: _____ Long: _____
Address of Well Site MA City LEWISTON

(Give at least name of road - Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply

☒ New Well ☐ Modify ☐ Abandonment ☐ Other (Replacement etc.)

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>CEMENTITE</u>	<u>0</u>	<u>19</u>	<u>200</u>	<u>CURE BORE</u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 286

Was drive shoe seal tested? ☒ Y ☐ N How? AIR TEST

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>8</u>	<u>1</u>	<u>19</u>	<u>25</u>	<u>STEEL</u>	☒	☐	☒	☐
<u>6</u>	<u>19</u>	<u>286</u>	<u>250</u>	<u>STEEL</u>	☒	☐	☒	☐
<u>4.5</u>	<u>500</u>	<u>500</u>	<u>250</u>	<u>PVC</u>	☐	☒	☒	☐

Length of Headpipe _____ Length of Tailpipe _____

Packer ☒ Y ☐ N Type PVC

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method SAW

Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>460</u>	<u>500</u>	<u>1/4"</u>	<u>72</u>	<u>4.5</u>	<u>PVC</u>	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

360 ft. below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft. Describe access port or control devices: _____

UPH CAP

35N 5W 29

Office Use Only
Well ID No. _____
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____

12. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>40</u>	<u>—</u>	<u>500</u>	<u>1 hr</u>

Water Temp. 54.0 Bottom hole temp. _____

Water Quality test or comments: GOOD

Depth first Water Encounter 450

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
<u>10</u>	<u>0</u>	<u>7</u>	<u>CLAY</u>			<u>4</u>
<u>10</u>	<u>7</u>	<u>95</u>	<u>DESALT FRACT</u>			<u>9</u>
<u>8</u>	<u>95</u>	<u>105</u>	<u>SHALE</u>			<u>2</u>
<u>7</u>	<u>105</u>	<u>130</u>	<u>CLAY SANDY BROWN</u>			<u>2</u>
<u>7</u>	<u>130</u>	<u>195</u>	<u>CLAY SILTY</u>			<u>4</u>
<u>7</u>	<u>195</u>	<u>225</u>	<u>CLAY WHITE</u>			<u>2</u>
<u>8</u>	<u>225</u>	<u>293</u>	<u>CLAY YELLOW</u>			<u>1</u>
<u>7-6</u>	<u>283</u>	<u>390</u>	<u>DESALT HARD</u>			<u>1</u>
<u>6</u>	<u>390</u>	<u>415</u>	<u>CLAY RED</u>			<u>1</u>
<u>6</u>	<u>415</u>	<u>490</u>	<u>DESALT FRACT</u>		<u>4</u>	
<u>6</u>	<u>490</u>	<u>495</u>	<u>CLAY SABLE</u>			<u>4</u>
<u>6</u>	<u>495</u>	<u>500</u>	<u>DESALT HARD</u>			<u>1</u>

Completed Depth 500 (Measurable)

Date: Started 10-13-03 Completed 10-18-03

14. DRILLER'S CERTIFICATION

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

Company Name MAIL + SONS Firm No. 616

Principal Driller Mal Mail Date 10-25-03

Driller or Operator II _____ Date _____

Operator I _____ Date _____

Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION
3316 16th Street
Lewiston, Idaho 83501

C.L. "Butch" Otter/Governor
Cal Groen/Director

September 22, 2009

Greg and Sharon Dietrich
13313 Remuda Cyn
Lewiston, ID 83501

Dear Mr. and Mrs. Dietrich:

RE: Application for Approval of Water Appropriations for Groundwater

Idaho Fish and Game has reviewed your draft application and pertinent attachments for a water right to withdraw groundwater 0.19 cfs of groundwater from a well near Lewiston for irrigation, stockwater and domestic use.

IDFG believes that, based on the proposed location and amount of withdrawal, the proposed development is unlikely to have a significant impact on fish, wildlife or habitat. **We have no objection to the proposed withdrawal.**

Thank you for the opportunity to comment. Please contact Ray Hennekey at this office if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Cadwallader".

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/gl

c: John Cardwell, DEQ Lewiston
Keith Franklin, IDWR CdA
Sharon Kieffer, IDFG

September 16, 2009

Keith E. Franklin
Senior Water Resources Agent
Dept. of Water Resources
7600 Mineral Drive, Suite 100
Coeur d' Alene, ID 83815

RECEIVED

SEP 21 2009

IDWR / NORTH

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

Dear Mr. Franklin

Thank you for your recent letter. I am sorry it has taken so long to make the appropriate changes to the application for permit. I was not clear on exactly which quadrant was which. I do think I now have this correct. I have also provided a copy of application to Fish and Game, as well as Department of Environmental Quality. Please also find enclosed an upgrade fee of \$125.00. Thank you for your help.

Sincerely,



Greg Dietrich

Receipt#

NO 22219
\$125.⁰⁰

9/21/09 db

Idaho Department of Water Resources Receipt

Receipt ID: N022219

Payment Amount \$125.00 Date Received 9/21/09 10:05 Region NORTHERN
Payment Type Check Check Number 3926
Payer DIETRICH, SHARON M

Comments Well Upgrade fee re D33222

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$125.00	DRILLING PERMITS	0229	21	65134	1205



Signature Line (Department Representative)

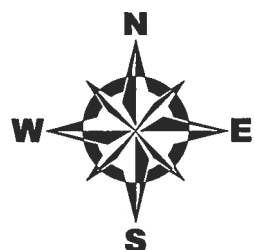


Idaho Department of Water Resources

Application for Permit Map 2004 Aerial Photography

Legend

- Irr_POU_Permit_App
- Township/Range
- Sections
- QQ

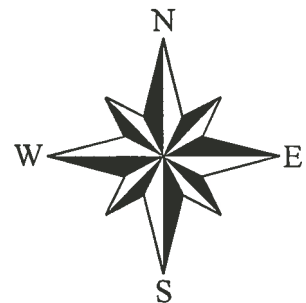


1,320 660 0 1,320 Feet

DIETRICH



0 225 450 900 1,350 1,800 Feet



Legend

QQ



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

RECEIVED
SEP 17 2009
IDWR/North

September 16, 2009

Greg and Sharon Dietrich
13313 Remuda Cyn
Lewiston, ID 83501

RE: Water Rights Application for Permit

Dear Mr. and Mrs. Dietrich,

DEQ has received a request for comment on the approval of an application to draw 0.19 cfs from a well that was constructed 10/18/03, for irrigation from February 15 to November 30, and for domestic and stock watering from January 1 to December 31 respectively. 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,

A handwritten signature in cursive script that reads "John Cardwell".

John Cardwell
Acting Regional Administrator

JC/cb

CC: Keith Franklin, IDWR, Coeur d'Alene
Ray Hennekey, IDFG

Receipt Details for ID C087682

Status	Adjustment Type	Version
		2

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
10/31/2008 12:58:45 PM	10/31/2008 1:02:00 PM	STATE	\$25.00	Check
Payee:	DIETRICH GREGORY D. OR SHARON M.			
0				

Account Information	
Check Number	3753

Comment Partial WR Permit App fee

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	PERMITS	56103	0229	21		1155



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 1, 2009

Greg Dietrich
13313 Remuda Cyn
Lewiston, ID 83501

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

Dear Mr. Dietrich:

The Idaho Department of Water Resources sent you a letter on February 19, 2009 requesting additional information on your application, copy of which is enclosed. To date the department has not received your response. If the department doesn't receive the requested information within the next 30 days, an order defaulting the application will be issued.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY



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

DAVID R. TUTHILL, JR.
Director

COPY

February 19, 2009

Greg Dietrich
13313 Remuda Cyn
Lewiston, ID 83501

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

Dear Mr. Dietrich:

The Idaho Department of Water Resources (IDWR) is returning your recently submitted application for the following corrections and/or clarifications;

Item #3 Point of Diversion

On the application submitted the 40 acre quarter quarter was left blank as to the location of the well. The well drillers report shows the well being located within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 29. These are not always accurate, so please indicate which quarter quarter the well is located, in the spaces provided on the application and also mark the location on the attached aerial photograph. The county in which your property is located also needs to be identified on the application.

Item # 9 Place of Use

It's unclear how many acres of land you intend to irrigate, 6 or 5. Please clarify the acreage. On the attached aerial photograph, please outline the area intended to be irrigated and the location of the two homes. I also assume the stock watering could take place in both the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$. If so please so indicate on the application by placing an S in the appropriate quarter section box.

Well Upgrade Fee

The well you intend to use was constructed as a single domestic in 2003. The fee for a single domestic well was \$75.00, if used for in-house, stock water and the irrigation of lawn and garden up to $\frac{1}{2}$ acre. Well drilling permits for any other use is \$200.00. In order to utilize the well for the irrigation of more than $\frac{1}{2}$ acre, an additional upgrade fee of \$125.00 will need to be collected.

Sensitive Basin Requirements

Your land also happens to be located within the Salmon-Clearwater River drainage, which is now considered a sensitive basin. Idaho Code 42-203A(5) requires IDWR to

evaluate the attached criteria for new applications to appropriate water. Please review the attachment, seek comments from the Department of Fish & Game, the Department of Environmental Quality and respond to Rule 40.05 c. through 40.05 g., on page two of the attachment. This information will need to accompany the application when it's returned. The agency contacts are Hi-Lited for your convenience.

Please provide this information within the next 30 days so as not to delay processing and if you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure(s)

Idaho Department of Water Resources Receipt

Receipt ID: N019935

Payment Amount	\$75.00	Date Received	2/12/09 11:53	Region	NORTHERN
Payment Type	Check	Check Number	3780		
Payer	DIETRICH, SHARON				

Comments Balance of WR Permit App Fee
See Receipt No. C087682 corrected/modified to reflect partial payment for WR Permit App Fee

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$75.00	PERMITS	0229	21	65103	1155



Signature Line (Department Representative)

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, February 12, 2009 11:11 AM
To: Marston, Sascha
Subject: FW: Please modify receipt C087682

Sascha – I forgot to tell you how I need you to mark these funds as being for under the comments:

Please mark it under comments as being for - "Partial WR Permit App Fee"

Thanks very much.

Don 't count the days, let the days count.

Dianne

From: Ball, Dianne
Sent: Thursday, February 12, 2009 11:05 AM
To: Marston, Sascha
Cc: Saxton, Craig
Subject: Please modify receipt C087682

Good morning, Sascha,

Please modify Receipt No. C087682 in amount of \$25.00 – originally issued for an adjudication claim – with assigned number 85-15710. This file is showing in a temporary file. I believe the people spoke with Craig Saxton on this and were told they needed to file for a regular WR Permit.

The application for the regular WR Permit was received today with balance of fee. I receipted the funds today under Receipt No. N019935, in the amount of \$75.00 as Balance of WR Permit App Fee.

If you have any questions, please give me a call.

Thanks very much,

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

2/12/2009

Receipt Details for ID C087682

Status	Adjustment Type	Version
		1

General Information:				
Date Received	Date Deposited	Region	Total Amount	Payment Type
10/31/2008 12:58:45 PM	10/31/2008 1:02:17 PM	STATE	\$25.00	Check
Payee DIETRICH GREGORY D. OR SHARON M.				
IPG Transaction ID 0				

Account Information	
Check Number	3753

Comment Notice of Claim to a Water Right

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$25.00	ADJUDICATION FILING FEE	41503	0337			1155

Refund(s) Amount	Payee	Date	Document Number
---------------------	-------	------	-----------------

*Requested modification of this fee
to read "partial part of WR app fee"*



Idaho Department of Water Resources

Application for Permit Map 2004 Aerial Photography

Legend

-  Irr_POU_Permit_App
-  Township/Range
-  Sections
-  QQ

*Map with
Calculated
acreage Based
on Craig's Guess
of Irrigated Ground.*



1,320 660 0 1,320 Feet