

M E M O R A N D U M

Date: July 01, 2011
To: Water Right File 87-10071
From: kfranklin
Re: Protest

This application was protested by the Latah County Commissioners. The Commissioners withdrew their protest on June 8, 2011 prior to a conference being held for the protest.



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, 2011

LATAH COUNTY COMMISSIONERS
522 SOUTH ADAMS
PO BOX 8068
MOSCOW, ID 83843

RE: Withdrawal of Protest against Application for Permit No(s). 87-10071

Dear Protestant(s):

The Department of Water Resources acknowledges receipt of your withdrawal of protest against the above referenced application.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

There are no other protests in this matter.

Sincerely,

Keith E. Franklin
Acting Regional Manager

Mark &/or Tiffany Corrao



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 13, 2011

MARK CORRAO
TIFFANY CORRAO
1231 HATTER CREEK RD
PRINCETON, ID 83857

RE: Withdrawal of Protest against Application for Permit No(s). 87-10071

Dear Applicant(s):

The Department of Water Resources has received withdrawal(s) of protest against the above referenced application. Withdrawals have been received from the following protestants: LATAH COUNTY COMMISSIONERS

There are no other protest in this matter.

Please contact this office if you have any questions regarding this procedure. Information about water rights and other matters administered by this agency is also available on the Internet at www.idwr.idaho.gov.

Sincerely,

Robert G. Haynes, PE
Regional Manager

Cc: Latah County Board of County Commissioners



Latah County
BOARD OF COUNTY COMMISSIONERS

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 883-7208 ♦ fax (208) 883-2280 ♦ e-mail boccc@latah.id.us
Jennifer Barrett ♦ Tom S. Stroschein ♦ David McGraw

June 8, 2011

RECEIVED
JUN 10 2011
IDWR/NORTHERN

RECEIVED
JUN 10 2011
IDWR/NORTHERN

Interim Director Gary Spackman
Department of Water Resources, Northern Region
7600 Mineral Drive, Suite 100
Coeur D' Alene, ID 83815

Director Spackman,

The Latah County Board of Commissioners would like to withdraw their protest of water right application number 87-10071. We appreciate the opportunity to comment on this application and the opportunity to discuss the project with the applicant.

Thank you for your time.

Sincerely,

Jennifer Barrett
Chair

Tom S. Stroschein
Commissioner

David McGraw
Commissioner

Cc: Mr. and Mrs. Carrao, Applicant

PROTEST INFORMATION SHEET

Corrao

Application No. 87-10071

SPECIAL NOTE: _____

Protestant(s) NAME(S)	ADDRESS	PHONE
1 <u>Latah Co Commissioners</u>	<u>PO Box 8068 Moscow ID 83843</u> <u>e-mail: boc@latah.id.us</u>	<u>(208) 883-7208</u>
<u>Jennifer Barrett Chair</u>		
<u>Tom S Stroschein Commissioner</u>		
5 <u>David McGraw Commissioner</u>		
6 _____		
7 _____		
8 _____		
9 _____		
10 _____		

Protestant(s) ATTORNEY	ADDRESS	PHONE
_____	_____	_____
_____	_____	_____

DATE FILED: 2/22/11 PROTEST DUE DATE: 5/9

ISSUES: amt of water requested on effects on nearby
existing user. May reduce quantity of water
under existing WRs, may conflict w/ local public interest
may be contrary to conservation of water w/in State of ID

Applicant(s)	ATTORNEY	ADDRESS	PHONE
_____	_____	_____	_____

DATE

Protest Date Entered on Computer _____

Acknowledgment Letters Sent _____

Conference/Hearing Date _____

(Other Dates)

Other Information _____

Protest information submitted to computer following hearing: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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May 11, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MARK CORRAO
TIFFANY CORRAO
1231 HATTER CREEK RD
PRINCETON, ID 83857

COPY

RE: Application for Permit No(s). 87-10071

Dear Applicant(s):

Enclosed is a copy of a protest(s) filed against the issuance of Permit No(s). 87-10071. As part of the application process, the following options are available for the resolution of contested (protested) applications:

-Direct contact with the protestant(s) to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

-Formal proceedings administered by the department pursuant to the Department's Rule of Procedure (IDAPA 37.01.01). A pre-hearing conference identifies the protestant's concerns and reviews the resolution possibilities with the parties. If the concerns cannot be resolved, a formal hearing will be scheduled.

-Mediation through a certified professional mediator can reduce costs and time that are associated with formal proceedings, present the opportunity to address non-water concerns, provide influence over a final settlement, and fast track the processing of the application if a mediated agreement is reached. If you are interested in this option, please contact our office for details.

Please consider with the protestant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing protest conference will be scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,


Robert G. Haynes, P.E.
Regional Manager

Enclosure Pre-Hearing Conference Procedures
Copy of Protest from Latah County Commissioners



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 11, 2011

LATAH COUNTY COMMISSIONERS
522 SOUTH ADAMS
PO BOX 8068
MOSCOW, ID 83843

COPY

RE: Application for Permit No(s). 87-10071

Dear Protestant(s):

This office acknowledges receipt of your protest to the issuance of Permit No(s). 87-10071... As part of the application process, the following options are available for the resolution of contested (protested) applications:

-Direct contact with the applicant(s) to determine the nature of the protest(s) and to attempt to resolve the protest. Sincere conversation between the parties prior to initiation of formal proceedings can often resolve protest(s).

-Formal proceedings administered by the Department pursuant to the Department's Rule of Procedure (IDAPA 37.01.01). A pre-hearing conference identifies the protestant's concerns and reviews the resolution possibilities with the parties. If the concerns cannot be resolved, a formal hearing will be scheduled.

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Please consider with the applicant the best option(s) for resolution of the contested application and forward your choice to the Department's regional manager. If no response is received within a few weeks, you may be notified that a pre-hearing conference will be scheduled.

You may contact this office if you have any questions regarding the procedure discussed in this letter or additional information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,

Robert G. Haynes, P.E.
Regional Manager

Enclosure Pre-Hearing Conference Procedures

**PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE
APPLICATION FOR PERMIT
ISSUES**

Applications to appropriate the water of the State of Idaho are referred to as applications for permit, and are for the development of new water rights. Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

1. Will the proposed appropriation reduce the quantity of water under existing water rights?
2. Is the water supply sufficient for the purpose for which it is sought to be appropriated?
3. Was the application made in good faith or for delay or speculative purposes?
4. Does the applicant have sufficient financial resources with which to complete the proposed project?
5. Will the proposed use conflict with the local public interest, where local public interest is defined as interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource?
6. Will the proposed use be contrary to the conservation of water resources within the State of Idaho?
7. Will the proposed use adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates, in the case where the place of use is outside of the watershed or local area where the source of water originates?

BURDEN OF PROOF

The applicant has the initial burden of proof for issues 1, 2, 3, 4, 6, and 7 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5, if applicable, lies with both the applicant and protestant as to factors of which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a pre-hearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues to avoid unnecessary proof, identify documents, schedule discovery, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement or make settlement offers, schedule hearings, establish procedure at hearing, and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. When attending the conference, please bring a calendar with your schedule for the next two–six month period from the date of the pre-hearing conference for the purpose of scheduling a hearing. Parties will be expected to discuss their availability at the prehearing conference for the purpose of scheduling the hearing.

HEARING

A hearing may be conducted according to Sections 42-1701A(1) and (2), Idaho Code and the department's Rules of Procedure. Copies of Idaho Code and the department's rules are available upon request or by accessing the department's website at: www.idwr.idaho.gov. The department records formal hearings, and copies of a hearing recording are available upon request. There may be a charge for reproducing the recording.

The hearing will likely be conducted by a hearing officer appointed by the Director rather than by the Director himself. If so, the hearing officer will prepare a recommended or preliminary order. Parties can petition for reconsideration of a decision or file exceptions. A brief to support exceptions may request oral argument. Parties may seek judicial review of any final order issued by the Director.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please notify the department no later than ten (10) days prior to the hearing.



Latah County
BOARD OF COUNTY COMMISSIONERS

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 883-7208 ♦ fax (208) 883-2280 ♦ e-mail boccc@latah.id.us
Jennifer Barrett ♦ Tom S. Stroschein ♦ David McGraw

May 2, 2011

RECEIVED

MAY 06 2011

IDWR / NORTH

Interim Director Gary Spackman
Department of Water Resources, Northern Region
7600 Mineral Drive, Suite 100
Coeur D' Alene, ID 83815

Director Spackman,

As per Idaho Code Section 42-203A, the Latah County Board of Commissioners, 522 S. Adams, Moscow, Idaho, 83843 is officially protesting the application for a water right - permit #87-10071 for Mark and Tiffany Corrao, 1231 Hatter Creek Rd., Princeton, Idaho 83857. We have enclosed our \$25.00 fee.

Latah County is concerned by the amount of water requested for this proposal and the effects that it may have on nearby existing uses. Further, the Board has concerns that this use may reduce the quantity of water under existing water rights, that it may conflict with the local public interest as defined in section 42-202B, Idaho Code, and that this use may be contrary to conservation of water resources within the state of Idaho.

The Board believes it has an obligation to protest all such large water right requests within its borders. We appreciate the ability to comment and look forward to better understanding this application. Thank you.

Sincerely,

Jennifer Barrett
Chair

Tom S. Stroschein
Commissioner

David McGraw
Commissioner

Cc: Mr. and Mrs. Corrao, Applicant