

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 85-15716

Priority: April 15, 2009

Maximum Diversion Rate: 0.19 CFS

This is to certify, that DAVID LLOYD WILKINSON
1934 SUNFLOWER LN
LEWISTON ID 83501

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>
IRRIGATION	02/15 to 11/30	0.15 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4SW1/2 Sec. 2, Twp 35N, Rge 05W, B.M. NEZ PERCE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	2											5.0						5.0

Total Acres: 5

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	2											X						

PLACE OF USE: DOMESTIC

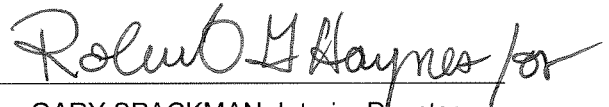
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	05W	2											X						

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 85-15716

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2016**.
2. Subject to all prior water rights.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Stockwater use is for 4 cattle.
6. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.
7. 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.
8. 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 13th day of April, 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

April 13, 2011

DAVID LLOYD WILKINSON
1934 SUNFLOWER LN
LEWISTON ID 83501

RE: Permit No.85-15716

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 black ink that reads "Keith B. Franklin". The signature is written in a cursive style with a large, stylized "K" and "F".

Keith B. Franklin

Sr. Water Resource Agent

Enclosure(s)

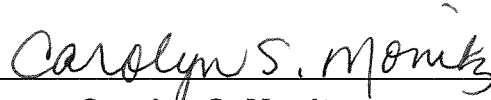
CERTIFICATE OF SERVICE

I hereby certify that on April 14, 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.

85-15716

**DAVID LLOYD WILKINSON
1934 SUNFLOWER LN
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.

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

p 2/24/11

W.R. # 85-15716

APPLICATION ID # 75909

ENT. 2/29/11 BCA 2/24/11 OK to Publish 2/18/11

APPLICANT: David Wilkinson

INITIAL REVIEW

BY: KD DATE: 12/29/2010

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 12/29 By: KD
☐ Field check: by _____
☐ Field report attached
☐ Analysis Supp. attached(>5cfs/500af)
☐ Water delivered by water master? Water District # _____

PROCESSING

(Yes)(No) PRIORITY DATE: 4/15/2009

 (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 3/3+10/11
 Affidavit of Publication received: 3/14/11
 Dates actually published: 3/3+10/11
 Application published correctly. Yes ☒ No _____
 If not, action taken: _____

Final Date for Protest: 3/21/11
 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 # <u>00054438</u>	Type: Dom. _____ Non-Dom. _____	Fees Paid \$ <u>12.50</u>	Receipt No. <u>N020315</u>	Upgrade Needed? Y (☒) N () <u>David</u>
		Dom. _____ Non-Dom. _____	Paid \$ _____		Y () N ()
		Dom. _____ Non-Dom. _____	Paid \$ _____		Y () N ()

☐ Groundwater management area	Remarks: _____
☐ Critical ground water area	_____
☐ Well Drilling Permit required	_____
☐ Well Drilling Application and Fees received	_____
☐ Well Drilling Application approved?	_____

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: [Signature] Date: 3/31/2011 Sr. Agent initial E.D.

TRIBUNE PUBLISHING COMPANY, INC

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

Date: 03/10/2011
Account No. 964750
Description 34882 The follo

INVOICE NO. 34882

**LEGAL ADVERTISING
INVOICE**

Times 2 Lines 42
Tab. lines
\$ 129.15

Sold To: ID DEPT. OF WATER RESOURCES Diana 762-2802
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO# 85-15716 & 85-157

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.

AFFIDAVIT OF PUBLICATION

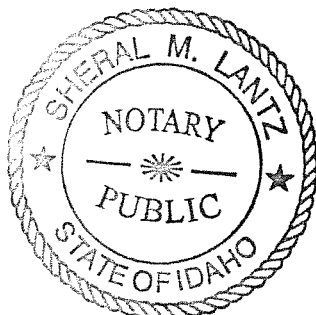
Karen J. Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, publishers of the Lewiston Tribune, a newspaper 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 34882 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 03/03, or once a WEDNESDAY for 2 consecutive WEDNESDAY the first publication thereof being on the 03/03/2011, and the last publication thereof being on the 03/10/2011, and said 34882 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 11th day of March 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.

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



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

85-15716
DAVID LLOYD WILKINSON
1934 SUNFLOWER LN
LEWISTON, ID 83501
Point of Diversion SWSW S2 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: 4/15/2009
Place Of Use: IRRIGATION T35N R05W S2 SWSW
Place Of Use: STOCKWATER & DOMESTIC
Same as IRRIGATION

Total Acres: 5
Domestic use is for 1 home.
Stockwater is for 4 head of beef cattle.

85-15735
DAVID R SMITH
SUSAN M SMITH
30832 VOLMER RD
LEWISTON, ID 83501
Point of Diversion SESW S29 T35N R05W NEZ PERCE CO
Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Date Filed: 2/8/2011
Place Of Use: DOMESTIC T35N R05W S29 SESW
Domestic use is for 1 home.
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 3/21/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 3/3/2011 and 3/10/2011

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

85-15716

DAVID LLOYD WILKINSON

1934 SUNFLOWER LN

LEWISTON, ID 83501

Point of Diversion SWSW S2 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: 4/15/2009

Place Of Use: IRRIGATION T35N R05W S2 SWSW

Place Of Use: STOCKWATER & DOMESTIC

Same as IRRIGATION

Total Acres: 5

Domestic use is for 1 home.

Stockwater is for 4 head of beef cattle.

85-15735

DAVID R SMITH

SUSAN M SMITH

30832 VOLMER RD

LEWISTON, ID 83501

Point of Diversion SESW S29 T35N R05W NEZ PERCE CO

Source GROUND WATER

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

Total Diversion: 0.04 CFS

Date Filed: 2/8/2011

Place Of Use: DOMESTIC T35N R05W S29 SESW

Domestic use is for 1 home.

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 3/21/2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 3/3/2011 and 3/10/2011

Ball, Dianne

From: Case, Morgan
Sent: Tuesday, March 15, 2011 2:51 PM
To: Ball, Dianne
Subject: RE: RE: Application for Permit No. 85-15716

Dianne and Keith,

Whew, it looks like Application 86-15716 raises no public interest concerns as long as the WR 86-7345 Condition 1 "Approval of this minimum stream flow shall not prevent approval of applications for consumptive uses from ground water if the wells are located and constructed to prevent an immediate impact on the river, as determined by the Director." is met.

Thanks for the opportunity to comment,

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, February 18, 2011 4:07 PM
To: Case, Morgan
Subject: RE: Application for Permit No. 85-15716

Dear Morgan:

The Department of Water Resources is notifying the Planning department regarding this application, and seeking written comment and/or recommendations from your department regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This is being prepared for publication in the Lewiston Tribune on March 3 and 10, 2011, with a final date for protest being March 21, 2011.

<< File: 85-15716 Wilkinson.pdf >>

Your prompt response to this request is appreciated. If the Planning department desires to comment or 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.

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, February 23, 2011 4:09 PM
To: Legal Notices-Lewiston Tribune - Karen Lewis
Subject: Application for Permit No. 85-15716, 85-15735

Good afternoon, once again, Karen. Looks like we have at least 4 inches now and still snowing.

This is for publication in the Tribune. Hope I have these coming to you at the proper locations. ☺

Please publish the enclosed legal notice on the dates indicated, March 3 and 10, 2011, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

Please, again, send me a proof/preview copy for my review.

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 3/21/2011. Your cooperation is always appreciated.

Any questions, please call me or reply to this e-mail.

Thanks for all your great help.



LegalNotice
12-23-11 LT e-mail..

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 23, 2011

DAVID LLOYD WILKINSON
1934 SUNFLOWER LN
LEWISTON, ID 83501

Application For Permit No. 85-15716

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 3/3/2011 and 3/10/2011. 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,

A handwritten signature in black ink, appearing to read 'Keith Franklin', is written over a horizontal line.

Keith Franklin
Sr. Water Resource Agent

Enc. Receipt No. N020315

Ball, Dianne

From: Ball, Dianne
Sent: Friday, February 18, 2011 3:07 PM
To: Case, Morgan
Subject: RE: Application for Permit No. 85-15716

Dear Morgan:

The Department of Water Resources is notifying the Planning department regarding this application, and seeking written comment and/or recommendations from your department regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This is being prepared for publication in the Lewiston Tribune on March 3 and 10, 2011, with a final date for protest being March 21, 2011.



85-15716
Wilkinson.pdf

Your prompt response to this request is appreciated. If the Planning department desires to comment or 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 at 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

M E M O R A N D U M

To: Water Right Application # 85-15716

From: Keith E. Franklin

Date: December 29, 2010

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 ground water on their property to be used for domestic, irrigation and stockwater. The application is within the Lindsay Creek Ground Water Management Area. The proposed well was constructed at a depth of 890 feet with a static water level of 585 feet, well below the 250 foot base limit for the Lindsay Creek Aquifer.

Good Faith, Delay, or Speculative Information.

The applicants plans to pump water from an existing well for their own use on property that they own 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 isn't any foreseen potential impact to area water right holders or adverse long term impact to the Clearwater River/Snake River drainage. The departments data base shows the wells in the immediate range in depths from 200 to 550 feet respectively and are good producers, ranging from 30 to 200 gallons per minute with the exception of one 200 foot well that has an estimated output of 4 gallons per minute.

Recommendation.

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



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

David L. Wilkinson
1934 Sunflower Ln
Lewiston, ID 83501

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

Dear Mr. Wilkinson:

The Idaho Department of Water Resources is ready to advertise your application, however, before the department can precede it needs your response to Rules 40.05 c. through 40.05 g. as requested in my April 20, 2009 letter, see attached. I have included another copy of the rules for your convenience and you can answer the questions within the spaces provided or attach a separate page. Please provide this information within the next 30 days.

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
ENVIRONMENTAL QUALITY

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

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

May 12, 2009

David Lloyd Wilkinson
1934 Sunflower Lane
Lewiston, ID 83501

RECEIVED

MAY 13 2009

RE: Water Rights Application for Permit

IDWR / NORTH

Dear Mr. Wilkinson,

DEQ has received a request for comment on the approval of an application to draw 0.19 cfs from a well that was constructed 8/13/08, for domestic, irrigation, and stock watering from January 1 to December 31. 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



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

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

May 5, 2009

Mr. David Lloyd Wilkinson
1934 Sunflower Lane
Lewiston, ID 83501

Dear Mr. Wilkinson:

RE: Application for Approval of Water Appropriations

Idaho Fish and Game has reviewed your draft applications and pertinent attachments for a water rights to withdraw groundwater from a well. You have requested 0.19 AF for domestic use, irrigation of up to 5 acres, and for stockwater.

IDFG believes that, based on the proposed location and amount of withdrawals, the proposed developments are unlikely to have significant impacts on fish, wildlife or habitat. We have no objection to the proposed withdrawals.

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: Kerby Cole
Keith Franklin, IDWR CDA
Sharon Kiefer, IDFG Boise



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

April 20, 2009

David L. Wilkinson
1934 Sunflower Ln
Lewiston, ID 83501

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

Dear Mr. Wilkinson:

The Idaho Department of Water Resources is returning your recently submitted application for correction and clarification.

Item #4 of the application indicates you are applying for irrigation and stock water. However, Item #8 (d), of the application indicates the proposed uses will be for one home domestic and the irrigation of 10 acres. In Item #9 you've indicated the irrigation will be for 10 acres, 5 acres and 1.8 acres, and then in the narrative in Item #12 the application states the project is for the irrigation 1.8 acres of landscape with the option of irrigating 3 acres of pasture. At this point the department doesn't know what you are applying for.

If you want domestic as part of the water right, you need to add domestic as a use in Item #4. The corresponding instantaneous diversion for domestic is normally 0.02 (9 gallons/minute) in-house use only. The irrigation of lawn and garden will be covered in the irrigation portion of the right. In Item #9 please indicate the total amount of acres to be irrigated.

The maximum diversion rate for irrigation is figured two ways. For irrigated acreage less than 5 acres, the corresponding diversion rate is 0.03 cfs per acre. For acreages more than 5 acres, the diversion rate is 0.02 cfs per acre. This will help you in Item #4, when you determine how many acres are to be irrigated.

Additionally, your property 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 40.05c. through 40.05 g. on page two. The contacts have been highlighted for your convenience. Please submit this additional information, when you return the corrected application, within the next 30 days, so as not to delay processing.

COPY

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

Sincerely,

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

OW

1200 REG. BY
2006 APR 20 P 3:29
PATTY O. WEEKS
RECORDER, NEZ PERCE CO. ID.

BY R. Lewis DEPUTY

WARRANTY DEED

THIS INDENTURE, made this 10th day of April 2006, between Carmen S. Taylor, an unmarried woman, herein after referred to as Grantor, and David L. Wilkinson and Pamela J. Wilkinson, husband and wife, hereinafter referred to as Grantees, whose current address is 1934 Sunflower Lane, Lewiston, Idaho 83501.

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10) and other good and sufficient consideration to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, and convey to the Grantees, their successors and assigns, forever, all that tract or parcel of land situate in the County of Nez Perce, State of Idaho, more particularly as follows, to wit:

That part of the Southwest Quarter of Section 2, Township 35 North, Range 5 West of the Boise Meridian, Nez Perce County, Idaho, being more particularly described as follows:

Commencing at the Northwest corner of said Section 2, from which the Northeast corner of Section 2 bears North 89°32'37" East; thence from said Northwest corner of Section 2, South 19°20'40" East a distance of 4210.18 feet to an Iron pin; thence South 89°36' West a distance of 330 feet; thence South 0°23' East a distance of 1320 feet, thence North 89°36' East along the South line of Section 2 a distance of 330 feet; thence North 0°23' West a distance of 1320 feet; more or less to the True Point of Beginning.

SUBJECT TO an easement for the purpose shown below and rights incident thereto as set forth in document; Granted to Washington Water Power Company, for the purpose of public utilities, recorded February 19, 1954, instrument No. 240551 of Official Records, affecting the Southwest Quarter of the Southwest Quarter of Section 2.

WARRANTY DEED

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

1. WELL TAG NO. D 0054438

Drilling Permit No. 11
Water right or injection well # _____

2. OWNER

Name **David & Pamela Wilkinson**
Address **1934 Sunflower Lane**
City **Lewiston** State **ID** Zip **83501**

3. WELL LOCATION:

Twp. **35** North ☒ or South ☐ Rge. **5** East ☐ or West ☒
Sec. **2** **SW** 1/4 **SW** 1/4 1/4
10 acres 40 acres 160 acres

Gov't Lot _____ County **NezPerce**
Lat. **46 ° 24.094** (Deg. and Decimal minutes)
Long. **116 ° 56.071** (Deg. and Decimal minutes)
Address of Well Site **1934 Sunflower Lane**

City **Lewiston**

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

Lot. _____ Blk. _____ Sub. Name _____

4. USE:

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

5. TYPE OF WORK check all that apply (Replacement etc.)

☐ New Well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☒ Other **Deepen**

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

Seal material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method/procedure
Bentonite	200	240	500#	
Slurry				

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
8	-2	465	250	Steel	☒	☐	☐	☒
6	450	890	250	Steel	☒	☐	☐	☒

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) **465**

9. PERFORATIONS/SCREENS:

Perforations ☒ Y ☐ N Method **Torch Cut**
Manufactured screen ☐ Y ☒ N Type _____
Method of installation _____

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
850	890	1/8x6	60	6	Steel	250

Length of Headpipe _____ Length of Tailpipe _____
Packer ☒ Y ☐ N Type **Shale Trap on 8" Casing @ 240'**

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft³)	Placement method
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11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____
Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) **885** Static water level (ft) **585**
Water temp. (°F) **52** Bottom hole temp. (°F) _____
Describe access port **Well Cap**

Well test:

Test method:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
	100+	1 hour	☐	☐	☒	☐

Water Quality test or comments: **Cool & Clear**

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water Y	N
10	225	300	Brown Green Clay		☒
10	300	357	Sand Stone		☒
10	357	460	Brown Clay		☒
10	460	465	Basalt		☒
8	465	670	Basalt		☒
8	670	720	Green Shale (Caving)		☒
8	720	885	Basalt		☒
8	885	890	Red Basalt	☒	

Completed Depth (Measurable) **890**

Date: Started **8/5/08** Completed **8/13/08**

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 **Stuiverga Vessey Drilling** Co. No. **545**

*Principal Driller **[Signature]** Date **8/15/2008**

*Driller **[Signature]** Date **8/15/2008**

*Operator II _____ Date _____

Operator I **[Signature]** Date **8/15/2008**

* Signature of Principal Driller and rig operator are required.