

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15730

Priority: June 29, 2010

Maximum Diversion Rate: 0.13 CFS

This is to certify, that DAVID ARD And/Or
CAROL ARD
3627 23RD ST
LEWISTON ID 83501
(208) 746-5495

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 11/15	0.13 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER, SE1/4SW1/4, Sec. 13, Twp 35N, Rge 05W, B.M., NEZ PERCE County

PLACE OF USE: IRRIGATION

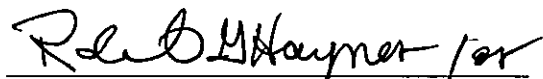
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N 05W 13												4.2					4.2

Total Acres: 4.2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2013**.
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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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 lands above.

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 14th day of December, 2010.


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

December 15, 2010

DAVID ARD
3627 23RD ST
LEWISTON ID 83501

CAROL ARD
3627 23RD ST
LEWISTON ID 83501

RE: Permit No.85-15730

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,



Keith E. Franklin

Sr. Water Resources Agent

Enclosure(s)

CERTIFICATE OF SERVICE

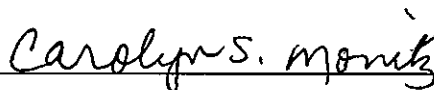
I hereby certify that on December 15, 2010 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

85-15730

**CAROL ARD
3627 23RD ST
LEWISTON ID 83501**

**DAVID ARD
3627 23RD ST
LEWISTON ID 83501**

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

Carolyn S. Monitz

Technical Records Clerk

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**

W.R. # 85-15730

APPLICATION ID # 76747

ENT. 9/20 BCA 9/21/10 OK to Publish 9/17/10

APPLICANT: David & Carol And INITIAL REVIEW

BY: KJ DATE: 9 12 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 9/2 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: 4/25/2008

(Include Moratorium Remark)

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

ADVERTISE IN:

Newspaper: Nez Perce County

Dates scheduled for publication 10/7-14/10

Affidavit of Publication received: 10/18/10

Dates actually published: 10/7-14/10

Application published correctly. Yes ☒ No ☒

If not, action taken: _____

Final Date for Protest: 10/25/10

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: 382316

Tag # _____

Type: _____

Fees

Receipt No. ND25070

Upgrade Needed? And

- | | |
|---|--------------------|
| Dom. ☒ Non-Dom. ☒ | Paid \$ <u>135</u> |
| Dom. ☐ Non-Dom. ☐ | Paid \$ _____ |
| Dom. ☐ Non-Dom. ☐ | Paid \$ _____ |

ND25070

Y() N()
Y() N()
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.
- ☒ Further information required from applicant

Final order response date: ____/____/____

- ☒ Measuring device required
- ☒ Measuring port required
- ☒ Special conditions: _____
- ☒ Special conditions of approval supplement and/or cover letter attached: _____

Approval Recommended by: Keith J. Jordan

Date: 11 12 2010 Sr. Agent initial KJ

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

Date: 10/14/2010 INVOICE NO: 26088
Account No. 964750
Description 26088 The follo
Times 2 Lines 25
Tab. lines
\$ 76.88

LEGAL ADVERTISING
INVOICE

Sold To: ID DEPT. OF WATER RESOURCES Diana 762-2807
7600 MINERAL DR #100
COEUR D ALENE ID 83814

PO# 85-15730

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
OCT 18 2010
IDWR/NORTH

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ²⁶⁰⁸⁸

85-15730
DAVID ARD
CAROL ARD
3627 23RD ST
LEWISTON, ID 83501
Point of Diversion SESW S13 T35N R05W NEZ PERCE County
Source GROUND WATER
Use: IRRIGATION 02/15 to 11/15 0.13 CFS
Total Diversion: 0.13 CFS

Date Filed: 6/29/2010

Place Of Use: IRRIGATION T35N R05W S13 SESW
Total Acres: 4.2

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 10/25/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 10/7/2010 and 10/14/2010

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 26088 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 10/07, or once a 10/07, for 2 consecutive 10/07, the first publication thereof being on the 10/07/2010, and the last publication thereof being on the 10/14/2010, and said 26088 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

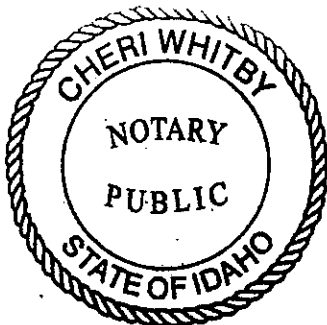
S.S.

County of Nez Perce

On this 15th day of Oct in the year of 2010, 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.

Cheri Whitby

Notary Public in and for the State of Idaho,
residing at Lewiston therein
Commission Expires 9/20/2015



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

85-15730

DAVID ARD

CAROL ARD

3627 23RD ST

LEWISTON, ID 83501

Point of Diversion SESW S13 T35N R05W NEZ PERCE County

Source GROUND WATER

Use: IRRIGATION 02/15 to 11/15 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 6/29/2010

Place Of Use: IRRIGATION T35N R05W S13 SESW

Total Acres: 4.2

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 10/25/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 10/7/2010 and 10/14/2010

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, September 21, 2010 12:18 PM
To: Legal Notices-Lewiston Tribune - Karen Lewis
Subject: Legal notice for publication for Application for Permit No. 85-15730

Good afternoon, Karen,

Please publish the enclosed legal notice on the dates indicated, October 7 and 14, 2010, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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

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

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 10/25/2010. Your cooperation is greatly appreciated.



LegalNotice
09-21-10 LT e-mail..

Thanks for all your wonderful 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

September 21, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

DAVID ARD
CAROL ARD
3627 23RD ST
LEWISTON, ID 83501

Application For Permit No. 85-15730

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 10/7/2010 and 10/14/2010. 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

MEMORANDUM

DATE: September 21, 2010
TO: Keith Franklin
FROM: Morgan Case *mc*
RE: Application for Permit No. 85-15730

The IDWR Planning Section does not wish to raise any public interest concerns over Application No. 85-15730, which proposes the use of 0.13 cfs of ground water.

The Idaho Water Resource Board holds minimum stream flow water right 86-7345 in the vicinity of the applicant's point of diversion. This minimum stream flow is conditioned so that it cannot 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. Judging from the location and depth of the proposed well, it is unlikely that there would be any immediate impact on the Clearwater River.

Ball, Dianne

From: Ball, Dianne
Sent: Friday, September 17, 2010 11:25 AM
To: Harrington, Helen
Cc: Franklin, Keith
Subject: Application for Permit No. 85-15730

Dear Helen:

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



85-15730 Ard.pdf

This is being prepared for publication in the Lewiston Tribune on October 7 and 14, 2010, with final date for protests to be received in our office – October 25, 2010. Source for this is ground water.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. Please contact Keith Franklin in this office if you have any questions or concerns regarding this application. If your agency desires to comment concerning this application, you may do so. Comments should be received within the same time frame as for those who might want to file a protest in this matter.

Thank you,

Dianne Ball

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

David Ard
Carol Ard
3627 23rd Street
Lewiston, ID 83501
208-746-5495

Keith E. Franklin
State of Idaho
Department of Water Resources
7600 N. Mineral Drive, Suite 100
Coeur d' Alene, ID 83815

August 25, 2010

RECEIVED

AUG 30 2010

IDWR/NORTHERN

Mr. Franklin,

I am replying to your recent request to confirm the information on our application for water rights. The Information you sent me appears to be in order and correct.

Please continue the application process and let me know if you need more information of input.

Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Ard', with a long horizontal stroke and a sharp upward curve at the end.

David Ard, DVM

MEMORANDUM

To: Water Right Application #85-15730

From: Keith E. Franklin

Date: August 17, 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 has no objection to the applicant withdrawing 0.13 cfs from a ground water source for the irrigation of 4.2 acres of land.

Good Faith, Delay, or Speculative Information.

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

Financial Resources Information.

For this project, the applicant plans to fund the project with money that is available to the applicant at this time. The cost of the project is estimated to be less than \$5,000.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been asked to comment, by the applicant. Written comments received from these agencies, indicate they are not apposed to the applicant's proposal and see no adverse impact to fish, wildlife or habitat.

Injury to Other Water Rights.

The project is just south of the Lindsay Creek Groundwater Management area and the existing well is constructed to a depth of 850 feet with a yield of 100 gallons per minute. The closest wells on record are between 600 and 800 feet from this project well. Most are constructed to a depth of over 800 feet with good yields. Others are shallow wells around 160 feet deep with low yields. Since this well was constructed in a deeper aquifer with a good water yield it's not anticipated the project will cause injury to other water rights in the area.

Recommendation.

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

RECEIVED
JUN 29 2010
IDWR / NORTH

Water Appropriation Rules 40.05.c through 40.05.g

c. The following information shall be submitted for applications to appropriate unappropriated water. . .

Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted. *N/A*

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. *Managed irrigation of pasture*

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. *Peak use 45 gal/min x 12 hrs 3 d/wk 162,000 gal/wk 0.13 cfs*

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. *Grand Rhonda Aquifer*

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. *Private property*

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. *No other permits needed*

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. *Will be paid in cash as project put in*

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. *Project cost less than \$5000*

g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

IDAHO DEPARTMENT OF WATER RESOURCES

Applying for a Permit to Appropriate Water in the Salmon and Clearwater River Basins

Idaho Code § 42-203A(5) requires IDWR to evaluate the following criteria for applications to appropriate water:

- The potential to reduce the quantity of water under existing water rights
- The sufficiency of the water supply for the proposed appropriation
- The good faith nature of the application
- The adequacy of the applicant's financial resources
- The local public interest in the public water resource
- The conservation of water resources in Idaho
- Impacts to the economy of the local area or watershed

To ensure that IDWR has sufficient information to evaluate the criteria, Rule 40.05 of the Water Appropriation Rules (IDAPA 37.03.08.040.05) requires water right applicants to submit additional information to IDWR in connection with their applications.

The additional information requirement is usually waived for applications proposing the appropriation of 5.0 cfs or less or the storage of 500 af or less. Because the waters of the Salmon River and Clearwater River drainages are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, caution is necessary to ensure that new appropriations of water do not undermine efforts to protect and restore the ESA listed fish species and other public values in the basins' rivers and streams. IDWR is, therefore, requiring that applicants submit the additional information required by Water Appropriation Rules 40.05.c through 40.05.g, even when the applications are for less than the usual 5.0 cfs/500 af threshold. Only certain applications for small domestic and stockwater uses and applications to divert ground water for domestic use in multiple homes are exempt from the additional information requirement. A copy of Water Appropriation Rules 40.05.c-g is printed on the back of this page.

Please submit the information required by Water Appropriation Rules 40.05.c-g to IDWR within 30 days from the date you are notified that it is required. IDWR will hold your application until you have submitted the additional information. If you believe that a particular piece of information is not relevant to your application, please explain why. A complete response to Rule 40.05.f, Information Relative to Financial Resources, is not required if construction of your project will cost less than \$5,000. Instead, simply state the projected cost of your project. If you do not respond within 30 days, IDWR may void your application. If you need additional time to submit the required information, please submit a written request. IDWR can grant additional time "upon a showing of good cause."

The following are agency representatives who will help you respond to the local public interest requirement of Rule 40.05.g. Please contact these agency representatives at least 15 days prior to the end of your 30-day response period.

Idaho Department of Fish and Game contact list for water right applications:

Panhandle Region: Mary Terra-Berns at 208-769-1414
McCall Subregion: Dale Allen at 208-634-8137
Salmon Region: Tom Curet at 208-756-2271

Clearwater Region: Ray Hennekey at 208-799-5010
Southwest Region: Eric Leitzinger at 208-465-8465

Idaho Department of Environmental Quality contact list for water right applications:

Lewiston: Kerby Cole at 208-799-4370 (Clearwater or lower Salmon River basins)
Cascade: Leslie Freeman at 208-634-4900 (South Fork Salmon River basin)
Idaho Falls: Troy Saffle at 528-2650 (Upper Salmon, Lemhi, Pahsimeroi basins)

August 19, 2010

David and Carol Ard
3627 23d Street
Lewiston, ID 83501

Dear Mr. and Mrs. Ard:

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 an additional 0.13 cfs of groundwater from an existing well near Lewiston for irrigation.

IDFG believes that, based on the proposed location and amount of withdrawals, and on the basis that the well already exists and has been operating for some time without known adverse impacts, the proposed additional withdrawal 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,

Dave Cadwallader
Clearwater Regional Supervisor

c: Gwen Fransen, 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

August 11, 2010

David Ard
3627 23rd St.
Lewiston, ID 83501

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

Dear Mr. Ard:

The Idaho Department of Water Resources is in receipt of your letter dated June 29, 2010 resubmitting a revised application for a new water right. The department has received comments from DEQ but have not received any from the Department of Fish & Game. You might make contact with Ray Hennekey to see where they are in responding to your proposal. Once the department receives F&G's comments, your application can be advertised.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

COPY

David Ard
3627 23rd Street
Lewiston, ID 83501
208-746-5495
daveard@cableone.net

Keith E. Franklin
Idaho Department of Water Resources
Northern Region
7600 N Mineral Drive
Suite 100
Coeur d' Alene, ID 83815

RECEIVED
JUN 29 2010
IDWR / NORTH

Mr. Franklin,

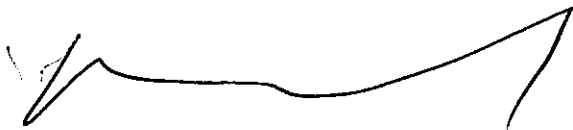
I am submitting my application for permit to appropriate water rights on my well. I submitted an application two years ago and failed to follow up and make the changes required to fulfill the application.

I have contacted both Idaho Fish and Game and Idaho Department of Environmental Quality in regards to comments on the water rights application. I have answered the questionnaire in conjunction to Water Appropriation Rules 40.05 c – 40.05g to the best of my ability.

Please find included in this mailing a copy of my application, a copy of the well drillers report, a copy of an aerial photo showing location of well and area to be irrigated and a check for \$125 to upgrade my well. I also included the questions associated with Rules 40.05c – 40.05g.

I will forward copies of comments from Idaho Fish and Game and DEQ as I receive them.

Thank you for your time and consideration.



David Ard



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

June 30, 2010

RECEIVED

JUL - 1 2010

IDWR/NORTHERN

David Ard
3627 23rd Street
Lewiston, Idaho 83501

Subject: Water Rights Application for Permit

Dear Mr. Ard:

DEQ has received a request for comment on the approval of a water right application to draw 0.13 cfs for irrigation from February 15 to November 15. The water will be drawn from a well that was constructed 3/21/04. Based on the information that has been provided, DEQ cannot estimate nor predict impairments to surface or ground water beneficial uses resulting from the requested withdrawal. However, assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comment.

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

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

Sincerely,

Cynthia Barrett
Water Quality Analyst

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

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT1. WELL TAG NO. D 06 33328
DRILLING PERMIT NO. 811512
Water Right or Injection Well No. _____

2. OWNER:

Name Coral Ard
Address 2301 Powers
City Lewiston State ID Zip 73501

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. 13 1/4 SW 1/4 SW 1/4
Gov't Lot _____
County Nez PerceLat: _____ Long: _____
Address of Well Site 2301 Powers Ave
Lewiston City Lewiston
(Give at least name of road - Distance to Road or Landmark)

LI. _____ Blk. _____ Sub. Name _____

4. USE:

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

5. TYPE OF WORK check all that apply

(Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>Bentonite</u>	<u>0</u>	<u>25</u>	<u>450*</u>	<u>Top Pour</u>

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) _____Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>2"</u>	<u>+2</u>	<u>-397</u>	<u>250</u>	<u>steel</u>	☒	☐	☒	☐

Length of Headpipe _____

Length of Tailpipe _____

Packer ☐ Y ☒ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method SAW

Screen Type & Method of Installation

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>-790</u>	<u>-850</u>	<u>3/4</u>	<u>60</u>	<u>6"</u>	<u>PVC</u>	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

624 ft. below ground Artesian pressure _____ lb.

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

top of casing35N 5W 13

12. WELL TESTS:

☐ Pump ☐ Baller ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>100</u>			<u>1.30</u>

Water Temp. 56°

Bottom hole temp. _____

Water Quality test or comments: Good

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water
	<u>0</u>	<u>14</u>	<u>Sandy Loam</u>	☒
	<u>14</u>	<u>38</u>	<u>Hard Blk. Silt</u>	☐
	<u>38</u>	<u>61</u>	<u>Brown silty Silt</u>	☒
	<u>61</u>	<u>92</u>	<u>Med. Hd. Blk. Silt</u>	☒
	<u>92</u>	<u>219</u>	<u>Hd. Blk. Silt</u>	☒
	<u>219</u>	<u>231</u>	<u>Brown Shale</u>	☒
	<u>231</u>	<u>240</u>	<u>Blue Shale</u>	☒
	<u>240</u>	<u>320</u>	<u>Green Shale</u>	☒
	<u>320</u>	<u>345</u>	<u>TAN Sandy Clay</u>	☒
	<u>345</u>	<u>410</u>	<u>TAN Clay</u>	☒
	<u>410</u>	<u>602</u>	<u>Hd. Blk. Silt</u>	☒
	<u>602</u>	<u>760</u>	<u>Med. Hd. Silt</u>	☒
	<u>760</u>	<u>850</u>	<u>Soft Black Silt 26 ft. from 100</u>	☒

RECEIVED

JUN 29 2010

IDWR / NORTH

RECEIVED

APR 13 2004

IDWR NORTH

Completed Depth 850' (Measurable)Date: Started 3-13-04 Completed 3-21-04

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 CHIEF H Ko H Drilling Firm No. 125Principal Driller Brett Wilber Date 4-12-04and Driller or Operator II Brett Wilber Date 4-12-04

Operator I _____ Date _____

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

FORWARD WHITE COPY TO WATER RESOURCES

Well ID 332216

HOWARD
0000
15.806

HOWARD
0000
17.568

HOWARD
0000
9.5

120

HOWARD
0000
7.499

121

WAGNER
0000
164.548

HOWARD
0001
22.656

0020 0001 0000 0010 0005 0000
0032 0030 0100 0015 0050
0200 0300 0051 0000 0026
0100 0150 0125 0150 0108 0035

HOWARD
0000
4.341

SCOTT
0000
4.697

HOWARD
0000
27.605

HOWARD
0000
31.07

0109

HOWARD
0000
27.605

HOWARD
0000
31.07

HOWARD
0800
4.937

13

0001

BARKER
0100
5.669

0020 0000 0005 0000 0050 0015 0100 0010 0002
0030 0000 0100 0080 0070 0080 0300
0040 0090 0100 0080 0090 0032 0275
0050 0030 0050 0090 0255
0060 0070 0040 0100 0249

SMITH
0032
2.727

HARRIS
0000
4.341

GRECO
0005
4.697

CROMER
0000
4.897

BAKER
0000
4.27

CASTEEL
0010
4.6

0020 0001

0040

0060

0080 0120

0900 0100 0110

0015 0002 0005 0002 0010 0003
0018 0020 0025 0002 0020
0040 0025 0035 0020 0061 0070
0001 0001 0001 0001 0001 0001

CLARKE
2400
160.691

24

HENRIKSEN
0001
192.887

ROBERTS
0010
4.207

23

22ND ST

0005

0015

0020

0033

0045

well area irrigated



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 10, 2008

David and Carol Ard
3627 23rd St.
Lewiston, ID 83501

Re: Notice of Claim to a Water Right

Dear Mr. and Mrs. Ard:

The Department of Water Resources (IDWR) is in receipt of the claim you filed for a water right and is returning said claim, along with the filing fee of \$110.00, for the following reasons:

Upon initial review, it appears you cannot file a claim in the Snake River Basin Adjudication. To utilize water from a ground water source after March 25, 1963 requires a water right issued by IDWR. The only exception granted by the legislature is a domestic well. Irrigation, as defined under domestic criteria, is limited to ½ acre.

From the information submitted, it's evident you need to apply for a new water right. Enclosed is an application packet for your convenience. In addition, your land 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, regarding your application from the Department of Fish & Game and the Department of Environmental Quality and respond to Rules 40.05 c. through 40.05 g. on page two and submit the information to IDWR with the application.

Also, in order to use the well that was constructed in 2004 for domestic, stockwater and the irrigation of over ½ acre, it will need to be upgraded. The legislature requires a domestic well permit fee of \$75.00, which was paid by your driller. If a well is used for any other purpose, the fee to construct the well is \$200.00. Since your well was constructed as a domestic and since you desire to use it for the irrigation of over ½ acre, an upgrade fee will be required in the amount of \$125.00 and should be submitted when you file the water right application.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

COPY

Enclosure



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

May 2, 2008

David and Carol Ard
3627 23rd St.
Lewiston, ID 83501

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

Dear Mr. and Mrs. Ard:

The Idaho Department of Water Resources (IDWR) is returning your recently submitted application for the following reasons:

Item #3 Location of the Point of Diversion

The location of your well is within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 13 rather than the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ as indicated on the well drilling report. The driller made an error in designating the proper location on his report. Please make this change on the newly provided application form.

Item #4 Use and Purpose

You are applying for the irrigation of 4.2 acres. The calculated diversion rate is as follows: 0.03 cfs per acre X 4.2 acres = 0.13 cfs instead of the 0.2 cfs as indicated on the submitted application. Also, the irrigation season in your area is from February 15 to November 11 of each year, instead of 4/1 to 10/31 as previously indicated. Please make these changes on the new application form.

Item #5 Total Quantity

For number 5, you can put 0.13 cfs in (a) and leave (b) blank.

Item #8 Description of Purpose of Use.

You've indicated other uses in addition to irrigation such as domestic and stockwater. You can include these uses in Item #4, however, if these uses have taken place since the well was constructed, they could fall under the domestic well exemption and would retain the priority date of when water was first used. If they are added to Item #4 they will lose any previous priority date and would acquire a priority date of 4/25/08.

If you elect to include domestic and stockwater in Item #4, you can request a diversion for domestic of 0.04 cfs and 0.02 cfs for stockwater, with a changed total diversion in Item #5 of 0.19 cfs. Please refer to the enclosed examples.

COPY

Item #9 Place of Use

Please change the place of use to the SE¼ of the SW¼ for the irrigation of 4.2 acres and stockwater and domestic if you elect to include them on the application. Please refer to the enclosed examples.

Sensitive Basin Information

As I pointed out in my April 10th letter, your land 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 regarding your application from the Department of Fish & Game and the Department of Environmental Quality and respond to Rules 40.05 c. through 40.05 g. on page two of the attachment and submit the information to IDWR along with the application. Your application cannot be processed without this information.

Well Up Grade

In my April 10th letter I also pointed out the need for you to upgrade your well in order to use it for irrigation purposes. Please refer to the attached letter. The well upgrade fee of \$125.00 should accompany the application form.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure(s)

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

January 2, 2009

David and Carol Ard
3627 23rd St.
Lewiston, ID 83501

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

Dear Mr. and Mrs. Ard:

On May 2, 2008 the Idaho Department of Water Resources corresponded with you regarding additional information needed before your application to appropriate water could be processed. To date the department has not heard from you, therefore, the department is assuming you are no longer interested in pursuing a permit and is removing your application from its active list. You may resubmit the application at a future date or request a refund of the filing fee.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

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

GARY SPACKMAN
Interim Director

August 17, 2010

David Ard
Carol Ard
3627 23rd St
Lewiston, ID 83501

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
No. 85-15730

Dear Mr. and Mrs. Ard:

The Idaho Department of Water Resources has received all of the information needed to further process your application and submit it to advertising. Since it's been some time since the application was first submitted, I thought it best to send you a copy of what will be processed for your final review. If the copy meets with your approval give me a call or drop me a note and I will forward it on to advertising.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

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

RECEIVED

AUG 18 2010

IDWR/NORTHERN

August 19, 2010

David and Carol Ard
3627 23d Street
Lewiston, ID 83501

Dear Mr. and Mrs. Ard:

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 an additional 0.13 cfs of groundwater from an existing well near Lewiston for irrigation.

IDFG believes that, based on the proposed location and amount of withdrawals, and on the basis that the well already exists and has been operating for some time without known adverse impacts, the proposed additional withdrawal 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,

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/cs

c: Gwen Fransen, DEQ Lewiston
Keith Franklin, IDWR CdA
Sharon Kieffer, IDFG