

Ident. No. 78-12360

RECEIVED

APR 05 2010

WATER RESOURCES
WESTERN REGION

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) JAMES WILSON C/O LARRY SIMONSON Phone 208-628-3295
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: PO BOX 1199 City RIGGINS
State ID Zip ~~83658~~ 83549 Email:

2. Source of water supply TRAIL CREEK which is a tributary of LITTLE SALMON RIVER

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
21N	1E	2			NE	SW	ADAMS	TRAIL CREEK	

4. Water will be used for the following purposes:

Amount 0.06 CFS for IRRIGATION purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per year)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per year)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.06 cubic feet per second (cfs) and/or (b) acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. a small rock dam
a well screened pipe, a restriction to allow only .06 CFS

b. Height of storage dam N/A feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12.

c. Proposed well diameter is N/A inches; proposed depth of well is feet.

d. Is ground water with a temperature of greater than 85°F being sought? N/A

e. If well is already drilled, when? N/A; drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No. .

7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW.

b. Stockwatering; list number and kind of livestock.

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider.

d. Domestic; show number of households.

e. Other; describe fully.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	1E	2									6								6

Total number of acres to be irrigated: 6

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NONE

11. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated or place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

LARRY SIMONSON HAS POWER OF ATTORNEY FOR APPLICANT.

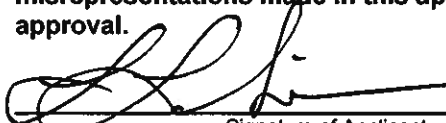
AMENDED APPLICATION TO RELOCATE PROPOSED POINT OF DIVERSION FROM PUBLIC LAND TO PRIVATE PROPERTY.

ALSO DELETED PROPOSED POND TO ADDRESS IDFG CONCERNS.

AMENDED PROJECT WILL COST LESS THAN \$5,000 (IDWR RULE 40 INFORMATION).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

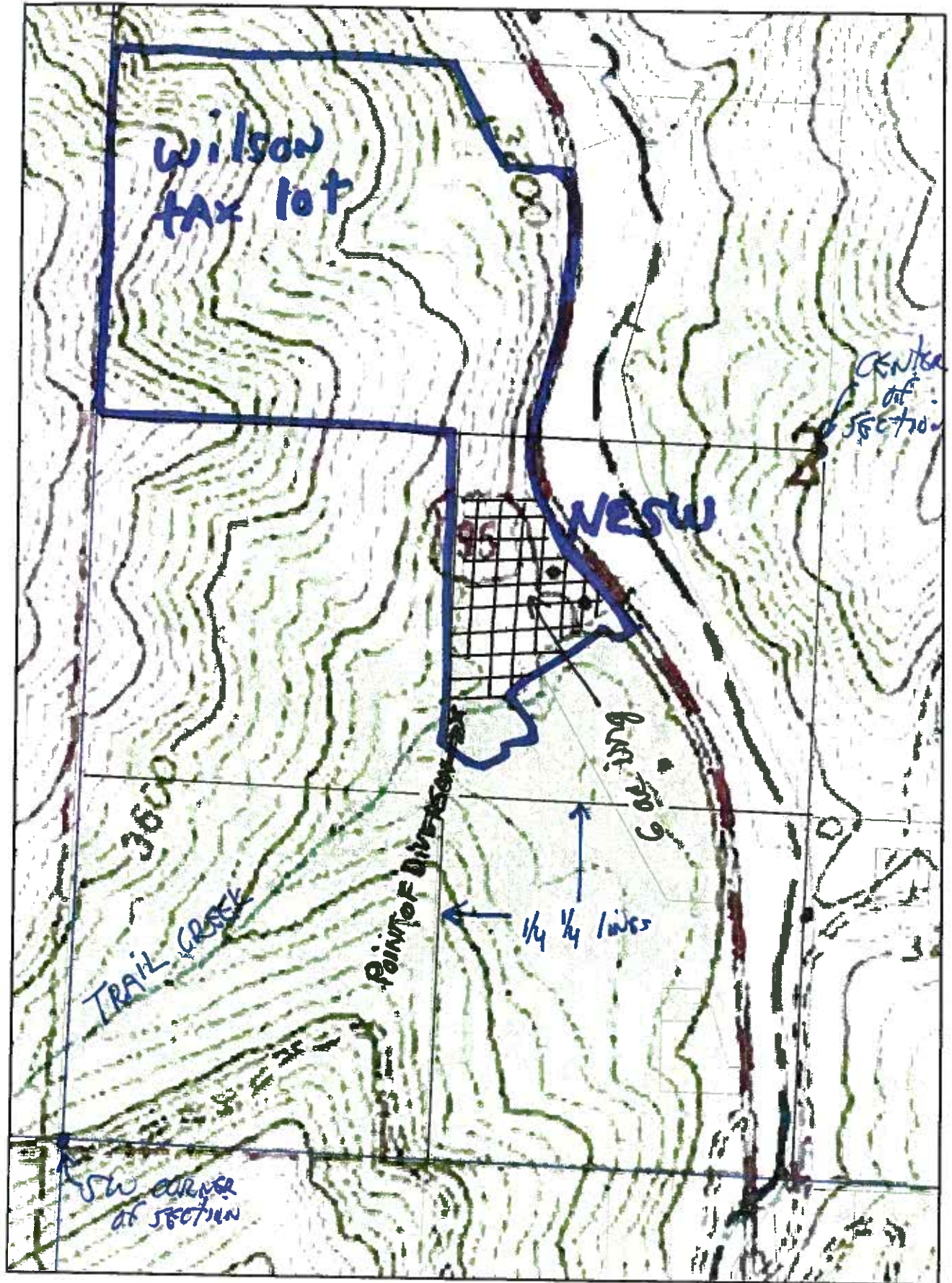

 Signature of Applicant
LARRY L. SIMONSON
 Print Name (and title, if applicable)

(SEE POWER OF ATTORNEY IN PRIVATE
 Signature of Applicant
VERSIONS OF APPL)
 Print Name (and title, if applicable)

Received by SL Date 4/5/10 Time 1:00 Preliminary check by SL

Fee \$ 100 Received by JVO Receipt No. W037109 Date 12/18/08

↑ Return processed the balance of original \$290 paid.



T21N R1E Section 2

Ident. No. 78-12366

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

RECEIVED
DEC 18 2008
WATER RESOURCES
WESTERN REGION

1. Name of Applicant LARRY SIMONSON Phone 208-628-3295
Mailing address P.O. 1199 Riggs ID 83658 Email _____
2. Source of water supply TRAIL CREEK which is a tributary of Little Salmon River
3. Location of point of diversion is Township 21 N Range 1 E Sec. 2, in the _____ 1/4,
NW 1/4, SW 1/4, Govt. Lot _____, B.M., Adams County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.06 for Irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per year)
Amount 1.90 for Aesthetic purposes from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
Amount 1.0 for Aesthetic stor. purposes from " to " (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 1.96 and/or (b) _____
cubic feet per second acre feet per year
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source A few rocks placed in the creek to form a pool to direct water into a pipeline for irrig. and ponds.
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. Building of ponds - creeks - and waterfalls and then diverted back into trail creek.

Amended 2/31/09
- Successful -

RECEIVED

JUL 31 2009

WATER RESOURCES
WESTERN REGION

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	1E	2									3								3
											A								

Total number of acres to be irrigated: 3

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

11. a. Who owns the property at the point of diversion? RLM
 b. Who owns the land to be irrigated or place of use? Jim Wilson
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Intending to purchase the property, I feel the re-establishment

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. of the water rights are necessary for improvements in irrigation and aesthetic value.
HAVE SPOKEN WITH SCOTT BEAZER @ BLM FOR RIGHT OF WAY FOLLOWING FILING OF THIS APPLICATION.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


 Signature of Applicant

LARRY L. SIMONSON
 Print Name (and title, if applicable)

For Department Use:

Received by GH by DB Date 7-31-09 Time _____ Preliminary check by _____

Fee \$ _____ Received by _____ Receipt No. _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned holder(s) of Permit / Application No. _____ of the

~~Department of Water Resources of the State of Idaho hereby nominates~~ LARRY L
SIMONSON whose address is P.O. Box 1199 Riggs ID. 83549

to attorney in fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to the above numbered permit or application. Such acts shall include, but not be limited to, the filing of application, receiving of all notices, the signing and filing of applications for extension of time and for amendments of said permits, and the submission of proofs of completion of works and beneficial use of water.

Dated this 11th day of December, 20 08.

James R Wilson

STATE OF Virginia)
County of Cumberland)ss

On this 11th day of December, 20 08, personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

A. NIKKI BARKER
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #361612
My Commission Expires 5/31/09

A Nikki Barker
Notary Public residing at
1422 Anderson Highway
Cumberland, VA 23040

My commission expires: May 31, 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned holder(s) of Permit / Application No. _____ of the
Department of Water Resources of the State of Idaho hereby nominates LARRY L
SIMONSON, whose address is P.O. Box 1199 Riggins ID. 83549
as attorney-in-fact, with full authority to act for and on behalf of the undersigned in all matters
pertaining to the above numbered permit or application. Such acts shall include, but not be
limited to, the filing of application, receiving of all notices, the signing and filing of applications
for extension of time and for amendments of said permits, and the submission of proofs of
completion of works and beneficial use of water.

Dated this _____ day of _____, 20____.

STATE OF _____)
County of _____)ss

On this _____ day of _____, 20____, personally appeared
before me the signer(s) of the above instrument, who duly acknowledged to me that he (she)
(they) executed the same.

Notary Public residing at

Instrument # 108334
RECORDERS STAMP
 COUNCIL, ADAMS, IDAHO
 2005-03-07 02:47:33 No. of Pages: 1
 Recorded for : RUSSELL SURVEYING
 MICHAEL RISK Fee: 5.00
 Ex-Officio Recorder Deputy _____
 Index to Survey _____

RECORD OF SURVEY
situated in the
S 1/2 NW 1/4 and
NE 1/4 SW 1/4
Sec. 2, T.21N., R.1E., B.1E.
Adams County, Idaho

JIM WILSON

by Russell Surveying & GIS, Inc.
McCall ~ Idaho
March 2005.



SCALE 1" = 200'

Bearings based on GPS derived State Plane Grid
Elevations based on Geoid 99

LETTER

= Found Broken, 1/4, 1/16, Cleaving or Separating
 = 1/4 or 1/16, corner not mortared or not
 = Set 2/5" deep, marked L.S. 5023

DATE: 2/25/2005 SHEET: 1 of 1

Drawing: 4-54.dwg

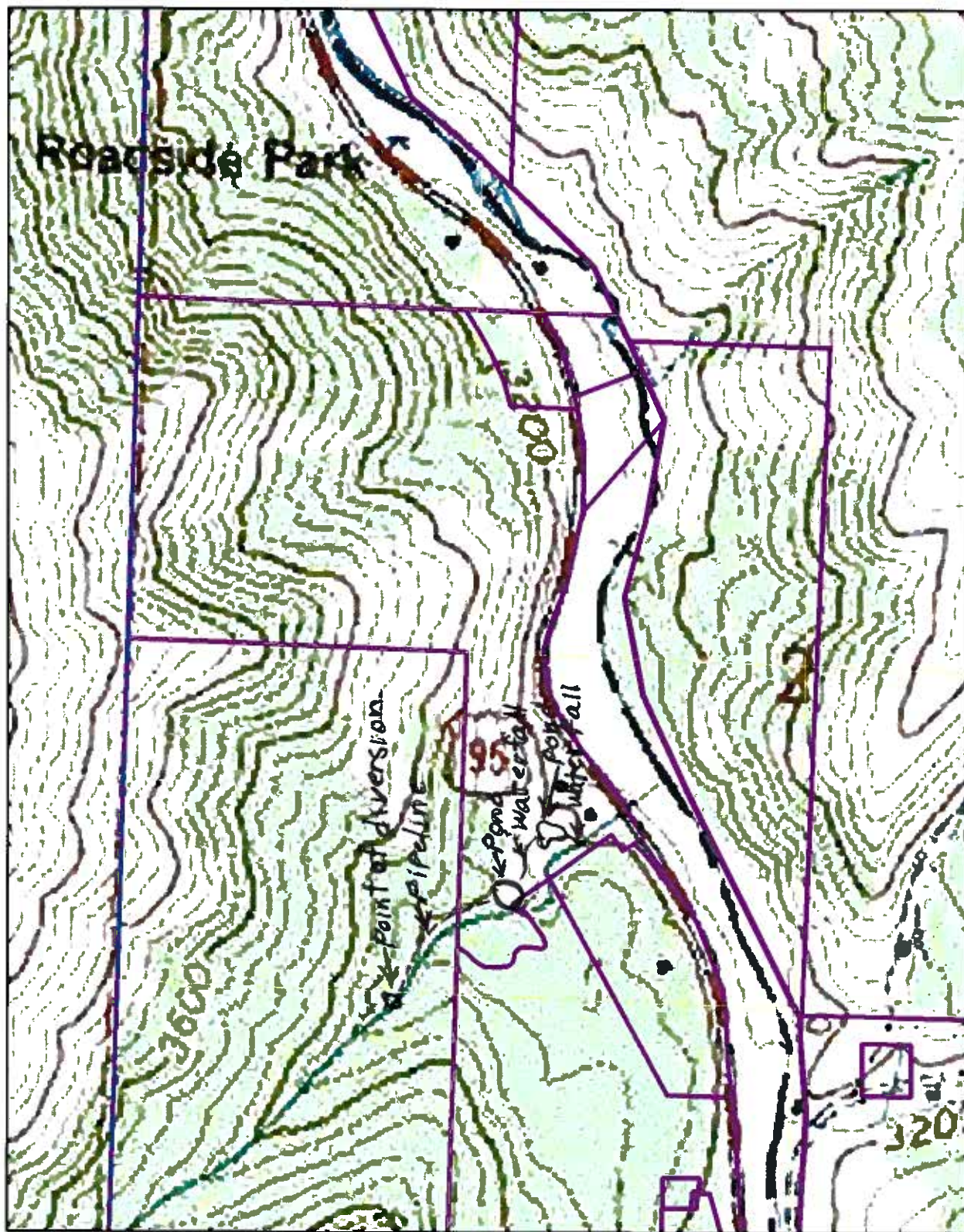
—04 Drawing: 4

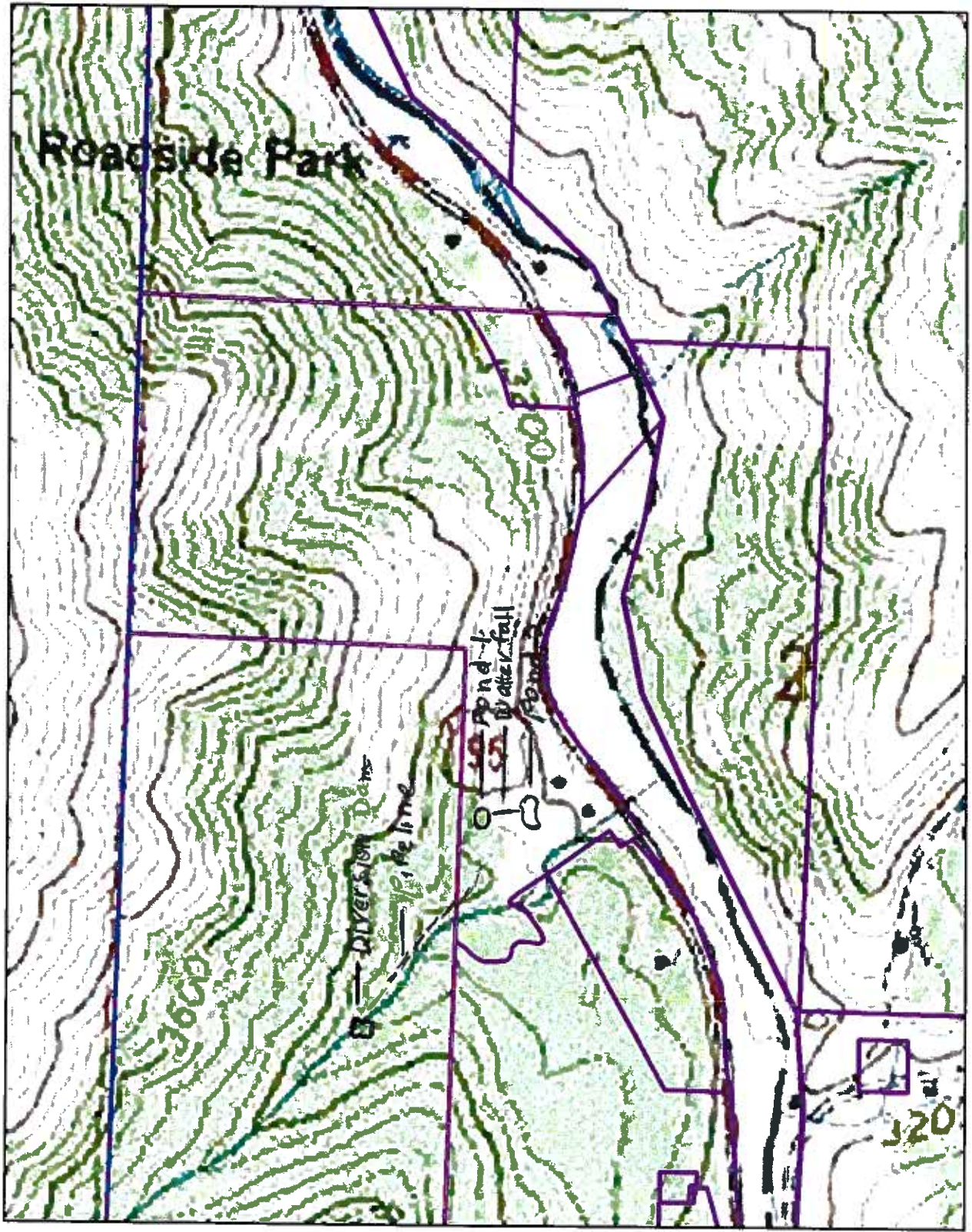
(C) 1999 Oracle Corp. All Rights Reserved (2005) All Rights Reserved

19022, 1, uses resumes, books Professional Land Surveyor Notes, do heavily cautly that this plot was prepared from notes taken during an arched survey made by me or under my direct supervision, from July the November 2004, and that it correctly represents the public survey, and distances are recorded in state and national records.

1. The existing water rights have to be protected. The construction of a diversion dam would have to be built in a way that plenty of water would bypass the dam to fulfill the priority water rights.
2. There is sufficient water in the creek for the proposed appropriation. In the case of severe drought and the possibility of an inadequate supply of water, it is understood that the applicants or more recent water right would be decreased first.
3. I have contacted Dale Allen at IDFG, Leslie Freeman IDEQ, and Scott Beazer at BLM. They expressed they would comment after receiving the application for permit, the intended use, and a rough sketch of the project.
4. The costs of the project including pipeline to divert water, construction of waterfalls, building of ponds, and irrigation system would be between 10 thousand and 20 thousand. This is not a large and costly project and is easily affordable. *The upper pond may be eliminated and would reduce the cost by approximately \$5000.00.*
5. 6. 7. The local public interest in the public water resource and conservation of water resources would not be adversely affected because only approximately 3 acres would be irrigated and the remainder or majority of the diverted water would be returned to the same creek after flowing thru waterfalls and ponds. The improvements and increased value to the property would have a positive impact to the economy of the local area.

The distance involved on BLM property from the diversion point to where the pipeline enters the Wilson property is approximately 500 ft





1. The diversion dam would be rocks placed in the creek to form a pond to divert water into a pipeline.
2. An underground pipeline would deliver water to pond #1 approx 35 feet diameter
3. A water fall approximately 35 ft long would deliver water to pond #2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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DEC 18 2008

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WESTERN REGION

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Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Building of ponds - creeks - and waterfalls and then diverted back into trail creek.

- Successful -

Original

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											A								

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BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.


 Signature of Applicant

LARRY L. SIMONSON
 Print Name (and title, if applicable)

For Department Use:

Received by Dea Date Dec 18, 08 Time 12:55am Preliminary check by _____

Fee \$ 290.00 Received by Dea Receipt No. 2037109 Date 12-18-08

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned holder(s) of Permit / Application No. _____ of the

~~Department of Water Resources of the State of Idaho hereby nominates~~ 1422
SIMONSON whose address is P.O. Box 1199 Rigby ID 83849

as attorney in-fact, with full authority to act for and on behalf of the undersigned in all matters pertaining to the above numbered permit or application. Such acts shall include, but not be limited to, the filing of application, receiving of all notices, the signing and filing of applications for extension of time and for amendments of said permits, and the submission of proofs of completion of works and beneficial use of water.

Dated this 11th day of December, 20 08.

James R Wilson

STATE OF Virginia)
County of Cumberland)ss

On this 11th day of December, 20 08, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

A. NIKKI BARKER
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #361612
SEAL My Commission Expires 5/31/09

A. Nikki Barker
Notary Public residing at
1422 Anderson Highway
Cumberland, VA 23040

My commission expires: May 31, 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POWER OF ATTORNEY

The undersigned holder(s) of Permit / Application No. _____ of the
Department of Water Resources of the State of Idaho hereby nominates LARRY L
SIMONSON, whose address is P.O. Box 1199 Riggins ID. 83549
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pertaining to the above numbered permit or application. Such acts shall include, but not be
limited to, the filing of application, receiving of all notices, the signing and filing of applications
for extension of time and for amendments of said permits, and the submission of proofs of
completion of works and beneficial use of water.

Dated this _____ day of _____, 20____.

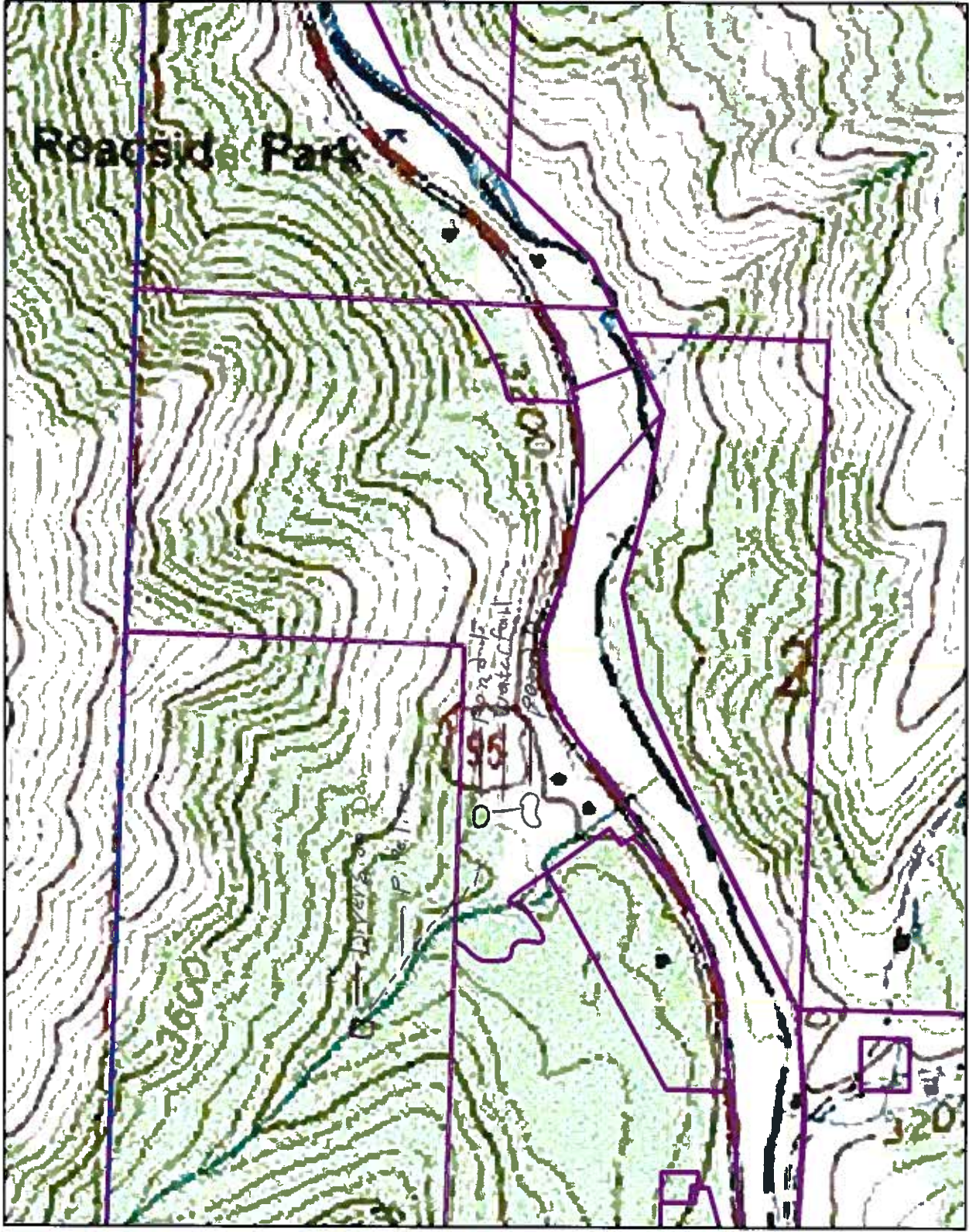
STATE OF _____)
County of _____)ss

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(they) executed the same.

Notary Public residing at

- 1. The existing water rights have to be protected. The construction of a diversion dam would have to be built in a way that plenty of water would bypass the dam to fulfill the priority water rights.**
- 2. There is sufficient water in the creek for the proposed appropriation. In the case of severe drought and the possibility of an inadequate supply of water, it is understood that the applicants or more recent water right would be decreased first.**
- 3. I have contacted Dale Allen at IDFG, Leslie Freeman IDEQ, and Scott Beazer at BLM. They expressed they would comment after receiving the application for permit, the intended use, and a rough sketch of the project.**
- 4. The costs of the project including pipeline to divert water, construction of waterfalls, building of ponds, and irrigation system would be between 10 thousand and 20 thousand. This is not a large and costly project and is easily affordable**
- 5. 6. 7. The local public interest in the public water resource and conservation of water resources would not be adversely affected because only approximately 3 acres would be irrigated and the remainder or majority of the diverted water would be returned to the same creek after flowing thru waterfalls and ponds. The improvements and increased value to the property would have a positive impact to the economy of the local area.**

[illegible]



1. The diversion dam would be rocks placed in the creek to form a pond to divert water into a pipeline.
2. An underground pipeline would deliver water to pond #1 app 35 feet diameter
3. A water fall approximately 35 ft. long would deliver water to pond #2
4. pond #2 would be app. 100 ft. in diam.

WorkCentre 7345 Transmission Report

G3 ID

Date/Time: 04/07/2010; 11:09AM
Page: 1 (Last Page)

Local Name
Logo

Document has been sent.
Document Size 8.5X11"SEF

FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID
PH: (208) 334-2190
FAX NO: (208) 334-2348

Number of total pages: 3

Date: April 7, 2010
To: The Adams County Record
From: Denise Buffington
Fax: 208-253-6801

Attached please find (1) legal notice being submitted for publication. If you have any questions about the attached information; or if you are not able to run the notice on the dates requested, please contact me immediately. This legal notice was also submitted via e-mail earlier today.

Thank you in advance,



Denise Buffington
Administrative Assistant

Total Pages Scanned: 3 Total Pages Sent : 3

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	5487	2082536801	4- 7;11:07AM	53s	3/ 3	G3		CP

Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID

PH. (208) 334-2190
FAX NO. (208) 334-2348

*Number of **total** pages: 3*

Date: April 7, 2010

To: The Adams County Record

From: Denise Buffington

Fax: 208-253-6801

Attached please find (1) legal notice being submitted for publication. If you have any questions about the attached information; or if you are not able to run the notice on the dates requested, please contact me immediately. This legal notice was also submitted via e-mail earlier today.

Thank you in advance,



Denise Buffington
Administrative Assistant

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 07, 2010 10:54 AM
To: The Record
Subject: LEGAL NOTICE
Attachments: Adams County - Cover Letter.Doc; Adams County Ads.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me if you have any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

April 7, 2010

LEGAL NOTICE DEPARTMENT

THE RECORD
PO BOX R
COUNCIL, ID 83612

RE: Application For Permit No(s): 78-12360

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 5/3/2010. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

78-12360

JAMES R WILSON
C/O LARRY SIMONSON
PO BOX 1199
RIGGINS, ID 83549

Point of Diversion NESW S2 T21N R01E ADAMS County Source TRAIL CREEK Tributary LITTLE SALMON RIVER
Use: IRRIGATION 04/01 to 10/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 12/18/2008
Place Of Use: IRRIGATION
T21N R01E S2 NESW
Total Acres: 6

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, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 5/3/2010. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 4/15 and 4/22/2010

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 07, 2010 2:56 PM
To: Thiel, Sandra
Subject: COMMENT LETTER
Attachments: Comment Letter to Planning Bureau.Doc; 78-12360 APP.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please feel free to contact our office.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

April 7, 2010

IDAHO DEPT OF WATER RESOURCES
ATTN: SANDRA THIEL, PLANNING BUREAU
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit: 78-12360

Dear Ms. Thiel:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s). In addition, you may refer to the current review memo, which will be scanned into Power Docs and profiled with the entire water right application file.

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by February 8, 2010.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

MEMORANDUM

TO: Debbie Allen / Sascha Marston
FROM: Steve Lester / Denise Buffington *DB*
DATE: April 7, 2010
RE : **Refund**

Marco Ranches Inc paid \$290 for an Application for Permit, in the name of Larry Simonson, on December 18, 2008. The application was amended on April 5, 2010 and the correct fee is now \$100. A partial refund should be issued.

Please issue a \$190 refund as follows:

TO

MARCO RANCHES INC
C/O TIM MARTENS
1331 S ISLAND GLENN WAY
EAGLE ID 83616

TEL. (208) 938-5967

RECEIPT #

W037109, copy attached

Copy: 78-12360

No. C 47828		Due no later than 7/31/2009 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0980		1. Mailing Address: Correct in this box if needed. MARCO RANCHES, INCORPORATED TIM MARTENS 1331 S ISLAND GLENNWAY EAGLE ID 83616		GERALD MARTENS 1139 FALLS AVE. EAST TWIN FALLS ID 83301	
NO FILING FEE IF RECEIVED BY DUE DATE				3. New Registered Agent Signature: Tim Martens Tim Martens	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
Office Held	Name	Street or PO Address	City	State	Zip
Pres.	Tim Martens	1331 South Is. Glennway	Eagle Id.		83616
V.P. Treas.	Gerald Martens	~~1139 Falls Ave. East Twin Falls Id.~~ 689 N. College Rd.	Twin Falls Id.		83301
Director	Ruth Martens	651 River View Dr	Twin Falls Id.		83301
5. Organized Under the Laws of:		6. Annual Report must be signed.			
ID C 47828		Signature: Tim Martens		Date: 5-19-09	
		Name (type or print): Tim Martens		Title: Pres.	

Issued 5/15/2009 by KAH

200907000379

Refund to payer MARCO RANCHES INC.

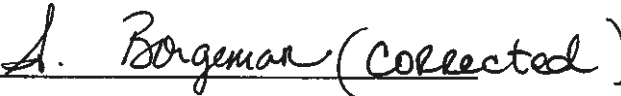
Idaho Department of Water Resources Receipt

Receipt ID: W037109

Payment Amount \$290.00 Date Received 12/18/08 12:55 Region WESTERN
Payment Type Check Check Number 1005
Payer MARCO RANCHES INC
IPG Transaction ID 0
Comments APPLICATION FOR PERMIT (LARRY SIMONSON 21N 1E 2 NWSW)

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$290.00	PERMITS	0229	21	62103	1155


Signature Line (Department Representative)

MEMORANDUM

TO: Application No. 78-12360

FROM: Steve Lester 

DATE: April 6, 2010

RE: Evaluation of Sufficiency of Information Submitted for Salmon-Clearwater Processing - Basins 77, 78 & 79 for Western Region

The application proposes minor irrigation from Trail Creek. The diversion and use will be on the applicant's property. Prior versions of the application were problematic: excess flow for ponds (IDFG issues) and trespass on public land (BLM issues). The application was amended to resolve those issues.

The site is just west of Hwy 95 and the Little Salmon river about halfway between New Meadows and Pollock.

The **contact for the applicant is Larry Simonson**. He has power of attorney to act for the applicant. The power of attorney documents could be better but are serviceable for this situation.

Summary of Additional Information Submitted

Rule 40 information was received in the original application and the amended versions. Some of the information is typed and then revised in writing, only to be revised again as the application kept changing. The information is rather muddled but functional enough to evaluate the situation.

Specific and favorable IDFG comments were received 2/11/2010 for the irrigation portion of the proposal. IDFG opposed the pond and large diversion rate portion of the original application. Vague but favorable IDEQ comments were received 2/9/2010.

Effect on Existing Water Rights: Little if any effect is expected in the immediate vicinity of the project and in the broader downstream drainage.

Sufficiency of Water Supply: The applicant did not provide meaningful information in this regard. However, IDFG comments indicate adequate water for minor irrigation. There appears to be enough water.

Good Faith, Delay or Speculative Purposes: The application is made in good faith.

Financial Resources: The applicant estimated the project will cost less than \$5000 (see remarks in final amended application), precluding the need for more financial information.

Local Public Interest: IDFG and IDEQ comments were already noted. Comments from other entities are not needed. Assuming protests are not filed, the application is in the local public interest.

Wild & Scenic Rivers and Minimum Streamflow Rights (MSF)

Trail Creek is not directly or indirectly associated with any Wild & Scenic rights, precluding any special processing steps in that regard.

General Information - MSF analysis applies to all surface water upstream¹ from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding those basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results (7/8/09 telephone conference).

Downstream MSF right 3-8 on the Snake River² does not include subordination to junior domestic, commercial, municipal or industrial uses (dcmi) and also does not include “future non-dcmi cfs” factors. Salmon River MSF right 79-14119,³ ending at the confluence with the Snake River, is subordinated to future dcmi uses but does not include future non-dcmi cfs factors.

Specific Information for this Application - MSF analysis is required for the proposed source and use upstream from MSF rights 3-8 and 79-14119.

The application proposes use of water also tributary to MSF 78-12362, Little Salmon River. The proposed use is within the 52.7 “future non-dcmi cfs” of this MSF right. Only about 1% (0.54 cfs) of that future cfs has been approved between 4/2005 (MSF priority) and 12/2009.

This leads to the following conclusions:

- Senior MSF right 3-8 will not be subordinated to the proposed irrigation use.
- Senior MSF right 79-14119 will not be subordinated to the proposed irrigation use.
- Senior MSF rights 78-12362 will be subordinated to the proposed irrigation use.

Because this review memo covers WSR and MSF issues, SO Planning Bureau comments are not needed until the legal notice is published (prior agreement with SO). Planning will be contacted at that time.

A Basin 78 MSF summary spreadsheet is attached.⁴

Discussion

This application was troubling from the beginning. Meaningful consultation with IDFG resulted in improvements to the application, allowing processing to continue.

Priority was advanced based on the final amended version that increased irrigated acres without increasing the diversion rate. The proposed rate is sufficient to cover the proposed acres. The deleted ponds only included minor storage. The consumptive use from the ponds would not have been enough to offset additional consumptive from doubling the irrigation. Although the total diversion rate decreased

¹ Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

² P/D = T31N-R5W-S.10.

³ From mouth of river T29N-R4W-S.14 upstream thru about Shepp Ranch T24N-R6E-S.12.

⁴ N/WR Processing/BS 77-79 Folder/Spreadsheet Bs # ... ; perhaps eventually superseded by tracking tools made available on Wenet?

from 1.96 to 0.06 cfs, the consumptive volume increases with more irrigation. Advancing the priority is appropriate.

A refund of the \$190 overpayment is being processed.

Conditions of Approval

Assuming protests are not filed, the following conditions of approval are suggested.

Proof – 3 years.

26A – start in 1 year.

029 – IDFG fish screens.

01M – possible measurement & reporting; although a minor diversion rate is proposed, this condition will be useful in the future if a water district is established &/or for this fish-sensitive area.

R62 – irrigation 0.02 cfs/3af per acre.

121 – possible future mitigation for fish flows.

BS 78 MINIMUM STREAMFLOW RIGHTS -- QUERY 12/1/2009						
Basin	Sequence	Priority	Source	Subordinate to Future DCMI	Subordinate to Future Non DCMI (CFS Limit)	Non DCMI CFS Approved Since 4/1/2005
78	12235	4/1/2005	BOULDER CREEK - entire creek	YES	NO	N/A
78	12233	4/1/2005	ELK CREEK - entire creek	YES	NO	N/A
78	12234	4/1/2005		YES	NO	N/A
78	12236	4/1/2005	HAZARD CREEK - entire creek between both rights	YES	NO	N/A
78	12237	4/1/2005	LITTLE SALMON RIVER - thru 21N 1E S35, confluence w/ Round Valley Cr.	YES	7	0
78	12362	4/1/2005	LITTLE SALMON RIVER - river below confluence w/ Round Valley Cr.	YES	52.7	0.54
DCMI APPL OK, NON-DCMI APPL OK UNTIL NEW APPROVALS EXCEED 7.0 CFS FOR BS 78. SEE "PROCEDURE" BELOW.						

PROCEDURE: DCMI APPL ok for all msf rights in Bs 78 as noted in review memo. NON-DCMI CONSUMPTIVE USE APPL: Non-dcmi consumptive use approvals for Bs 78 since 4/1/2005 total less than 1.0 cfs, allowing at least 6.0 cfs for additional approvals before need more analysis. Senior Little Salmon River msf rights are subordinate to this junior application for non-dcmi consumptive use. CAUTION - Creek msf rights do not include future non-dcmi cfs. Creek msf rights are tributary to river below Round Valley Cr. so involve river msf 78-12362 with 52.7 future non-dcmi cfs. Possible to have new appl that involves creek msf & river msf factors to be addressed in review memo. If non-dcmi consumptive use application falls within creek msf right, note in review memo that senior creek msf right will not be subordinate to this junior application, even though river msf right(s) will be subordinate to this junior application.

EXAMPLE: Appl 78-12363 for 0.13 cfs irrigation & stock, future non-dcmi consumptive use. Creek msf rights n/a but tributary to river above Round Valley Creek. River msf rights allow at least 7.0 cfs for new non-dcmi approvals regarding subordination clause. Have not reached 7.0 cfs for new approvals yet. Process appl and note review memo that senior msf river rights will be subordinated to this new use. Updates to this spreadsheet will eventually show 0.13 cfs future non-dcmi has been approved.

* Appl. 78-12360 Trib to River within 78-12362 msf Rght.
Proposed 0.06 cfs irr is within 52.7 cfs non-dcmi: so OK.
No msf right on Trail Creek.

78-12360
Review Memo
Attachment

BS 78 MINIMUM STREAMFLOW RIGHTS -- QUERY 12/1/2009

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Proposed 0.06 cfs is within 52.7 cfs non-dcmi so OK.
No msf right on Trail Creek.

78-12360
Review Memo
Attachment



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

March 12, 2010

LARRY SIMONSON
PO BOX 1199
RIGGINS ID 83549

Re: Application for Permit No. 78-12360

Dear Larry:

A new version of an amended application is enclosed based on our conversation the other day. Please review it and complete it, making any corrections if necessary. Item #6a should be completed, the map should be marked to show the point of diversion and acres to be irrigated, and you should sign the application.

Amending the application to 0.06 cfs will result in a \$190 refund for this lesser amount of water. The refund will be sent to the payer, Marco Ranches Inc.

Information about total cost of the amended proposal was included in item #12 to satisfy Rule 40 information noted in prior letters to you.

Please return the completed application to this office within thirty (30) days to avoid voiding of the application. Refunds are typically not issued for voided applications.

Thank you for your attention to this, and please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Steve Lester". The signature is written in a cursive, flowing style.

Steve Lester
Water Rights Supervisor

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

February 24, 2010

LARRY SIMONSON
PO BOX 1199
RIGGINS ID 83658 83549

Re: Application for Permit No. 78-12360

Dear Larry:

The Idaho Department of Water Resources (IDWR) sent you a letter dated December 23, 2009 seeking additional information for this Trail Creek application. A ninety (90) day response period was provided. IDWR received new information since then, causing the deadline to be extended as discussed below.

The Idaho Department of Fish & Game (IDFG) submitted comments on the application, copy attached. IDFG supports the irrigation portion of the application, and you might be able to get their help with fish screening for that use. However, that agency has concerns about the non-irrigation uses.

As part of a broad-based water agreement involving many parties, IDWR has agreed to work with IDFG to coordinate state efforts regarding proposed new water rights within the Salmon-Clearwater drainages. The main focus of this work is to evaluate and protect public interest values regarding water resources while still allowing some new development to proceed. Many new water right applications have been approved through this collaborative process.

Several options are available to the applicant in this regard.

- 1) Withdraw the application by using the enclosed form. This can include a written request for a refund of the \$290 application fee.
- 2) Amend the application to include the relevant information requested in the December 23 letter and to delete the non-irrigation uses.
- 3) Amend the application to include the relevant information in my previous letter and to modify the non-irrigation uses to resolve IDFG concerns in this regard. This option requires written comments

Application for Permit No. 78-12360

February 24, 2010

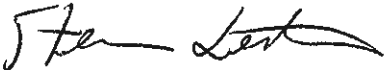
Page 2

from IDFG to verify those concerns are resolved. Those comments should be included with the amended application.

- 4) Request up to six more months to decide what to do.

Please reply by May 1, 2010. The application must be voided without a timely written response. A refund will not be issued for a voided application. Thank you for your attention to these matters. Please contact me if you need more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", written over a horizontal line.

Steve Lester

Water Rights Supervisor

Enclosures: Withdrawal Form
IDFG Letter

Copy: Scott Reinecker, IDFG Regional Supervisor



RECEIVED

FEB 11 2010

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

SOUTHWEST REGION

McCALL OFFICE

555 Deinhard Lane

McCall, Idaho 83638

C.L. "Butch" Otter / Governor

Cal Groen / Director

February 8, 2010

Mr. Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Application for Permit No. 78-12360

Dear Mr. Lester:

We have reviewed Application for Permit No. 78-12360 for diversion of waters from Trail Creek, a tributary to the Little Salmon River. The applicant proposes to divert 0.06 cfs for irrigation use from 4/1 to 10/31, annually. There also is proposed diversion of 1.90 cfs from 1/1 to 12/31, all year for aesthetic purposes.

Irrigation Diversion: The proposed diversion of 0.06 cfs for irrigation purposes is a reasonable request. The applicant needs to provide fish screening on the intake, Trail Creek is a fish bearing water.

Artificial pond and stream: The proposal for diversion of 1.90 cfs into two ponds and waterfall features for aesthetic purposes is a cause for concern. This proposed amount of water is likely not available but a few months of the year. The Department has some file data with flow estimates that would conflict with that amount of water requested. A 1986 BLM fishery survey estimates a flow of 0.85 cfs on September 2, 1986, just upstream of the applicant's property. A Department fishery survey of July 11, 2000 estimates a flow of 2.4 cfs, approximately 2 miles upstream. Staff observations of Trail Creek suggest general low flow in the stream after spring runoff.

Trail Creek has several species of cold water fish; rainbow/steelhead trout, cutthroat trout and rainbow/cutthroat hybrids. The cutthroat trout are noted for having a unique spotting pattern and their true origin has not been identified. These are the only cutthroat trout found in the Little Salmon drainage and thus are unique. Steelhead trout adults typically spawn at the mouth and upstream to the highway culvert of Trail Creek. There is no record of fish planting in Trail Creek.

The applicant needs to provide monthly mean discharge for Trail Creek to begin to evaluate the proposed withdrawal of 1.90 cfs for aesthetic purposes. The proposal to divert all of Trail Creek for the majority of the year will cause severe damage to the native stream channel. Diversion of

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-634-8137 • Fax: 208-634-4320 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov>

IDFG comments

Mr. Steve Lester
Page 2

flow will destabilize the bank, resulting in soil drying and collapse of the banks and thus more erosion and sediment transport to the river. If any water remains in the creek it will tend to warm because of low flow and will not be healthy for cold water fish species.

Construction of two shallow four-foot deep ponds will further increase the temperature of the discharge flows. Because flow is really available only a few months of the year, there will likely be more discharge of organic debris, in flushes to the river as the pond waters up. There was no detail provided on how the ponds and artificial stream would be constructed. If these amenities are not lined with a rubber/plastic liner a majority of the flow would drain into the rocky sandy soil of the flood plain where the ponds are proposed; which really is a consumptive use of the water.

The application is incomplete and the applicant needs to prove that withdrawal of water for aesthetic purposes is a proper course of action to not destroy the stream channel of Trail Creek. We suggest that the applicant drop the 1.90 cfs for the water features until he can provide a more complete Application for Permit and better drawings of the water features. Processing of the application for creation of the water right for irrigation at this point in time may be appropriate.

If you have further questions or need further information please contact Dale Allen, Regional Fishery Manager in McCall at 208-0634-8137.

Sincerely,



Scott Reinecker
Regional Supervisor

DA

Lester, Steve

From: Leslie.Freeman@deq.idaho.gov
Sent: Tuesday, February 09, 2010 11:03 AM
To: Lester, Steve
Subject: application no. 78-12360

DEQ encourages the applicant to divert and return the water without causing excess sedimentation to the stream channel. The incisement of Trail Creek makes it susceptible to channel erosion. DEQ defers to Idaho Fish and Game's expertise on matters relating to fisheries.

Leslie Freeman
Senior Water Quality Analyst
DEQ-McCall Satellite Office
PO Box 4654
McCall ID 83638
(208) 634-4900

IDEQ comments



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

December 23, 2009

LARRY SIMONSON
PO BOX 1199
RIGGINS ID 83658

Re: Application for Permit No. 78-12360

Dear Larry:

This letter outlines the information the Idaho Department of Water Resources (IDWR) needs to continue processing the application for a new water right on Trail Creek. Copies of the original application and the 7/31/09 amended version are included as you requested.

A new version of an amended application is also included. Please review it and complete it, making any corrections if necessary. Based on the information you provided, the ponds are small enough that storage is not required as a use on the application. Storage covered under the "24-hour fill" idea is considered a detail of a natural flow (cfs) application. In those cases, storage uses are not listed in application item 4 (amount/purpose of use). Instead, the details are documented for the file as presented in the enclosed amended application for your review.

Please note the following items on the new amended version I prepared based on your information.

Name – James Wilson is the applicant. You can act on his behalf as noted in the power of attorney information submitted with the original application.

Point of Diversion – The diversion will be on private land in NESW instead of on BLM land in NWSW.

Diversion Works – Item 6 should be completed to briefly describe how water will be diverted and conveyed to the place of use.

Map – Mark the new diversion point and the return flow point on the map.

Signature – Please sign the new version if everything looks correct. Additional payment is not needed.

Application for Permit No. 78-12360

December 23, 2009

Page 2

IDWR requested additional information under Rule 40 as noted in the 5/20/09 IDWR letter to you. The following Rule 40 items should be addressed when you submit your amended application.

Water Supply – Previously you stated “there is sufficient water in the creek.” However, you did not provide any basis for this conclusion. Why do you think enough water is available for the 1.96 cfs requested in the application?

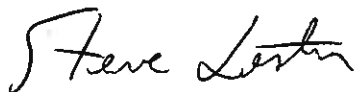
Financial Resources – See item f in the enclosed Rule 40 attachment. Information for items fi and fii must be provided unless your reply states the project will cost less than \$5000.

Local Public Interest – Comment letters from IDFG and IDEQ must be submitted. You previously mentioned some contact with those agencies. IDWR has not received any written comments from them yet.

Your written reply and written comments from IDFG and IDEQ must be received within the next ninety (90) days. This can include a request for more time to provide the information. Pursuant to state law and IDWR rules, the application must be voided without a timely written response.

More IDWR information is available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure

HOLD

Processing Pending
Upon receipt of:

-Rule 40 information

-Easement for pipeline across BLM lands

7/15/09 JFW

To Processor:

From: J. Westra 
05/20/09

RE: In Office OD visit Tim Martins

I sent the Salmon Processing information letter (see file and conversation memo) to get the applicant working on the additional information required and the BLM easement while processing is pending. I not sure how difficult an easement from the BLM will be to secure in this setting?

I have not review the application or taken any other processing actions.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 20, 2009

Larry Simonson
PO Box 1199
Riggins ID 83658

Re: Application for Permit #78-12360

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is reviewing your application for a new water permit from a source within the Salmon River basin. Additional information is needed to fully evaluate your proposal. IDWR is working with other agencies of the State of Idaho regarding projects requiring new water right approval within the Salmon River basin.

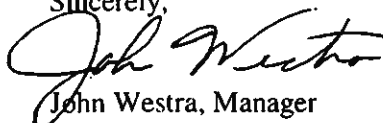
Please see the enclosed attachment about additional information for your application. Page 1 of the attachment outlines the legal basis and reasons for this request. That page also provides contact information for the other state agencies that will be involved in this process. Page 2 of the attachment lists the Water Appropriations rules about this request for more information. Please be sure to state why you think that any of the items on page 2 do not apply to your application.

From the application and conversation with Mr. Martins, the proposed pipeline will cross Federal BLM lands. Typically, public land management agencies protest new applications involving public land. The agencies have done this to ensure that their requirements under federal and/or state law have been satisfied (special use permit, right-of-way etc.). An access/easement needs to be secured prior to public notice of the application to avoid a lengthy protest process.

Please note the deadline for your written reply to this request. Water Appropriation Rule 40.01.d allows an applicant to request that IDWR interrupt processing an application for up to six months if more time is needed by the applicant. If you request more time, be sure to include documentation verifying that you have initiated your request for comments from other state agencies listed in the attached handout. IDWR can approve the request if it (a) will not injure others, (b) is consistent with the public interest, and (c) is not for speculative purposes. Applications are normally voided if applicants do not provide timely written responses.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



John Westra, Manager

Enclosure
Cc: T. Martins

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 enclosed.

Please submit the information required by Water Appropriation Rules 40.05.c-g to IDWR. 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.

Your response, or a request for more time to make your response, must be received within 60 days from the date of this mailing. The application will be voided without a timely written reply.

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 60 day response period.

IDFG 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: Rick Ward at 208-465-8465

IDEQ contact list for water right applications:

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

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.
- 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.

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.
- 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.

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.
- 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.

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.
- 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.

Note: Limited response for Section F is acceptable for projects that will cost less than \$5,000 – see page 1. In those cases, simply state the total cost of the project. Plans and specifications are not required under those circumstances.

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.

Note: Section G is typically satisfied by submitting comments from IDFG and IDEQ. Seeking comments from other entities is optional unless the applicant is otherwise notified by IDWR.

MEMORANDUM

Type: In Office Conversation
Telephone
Meeting Notes

Follow-up
Log of Events
Other _____

To: File 78-12360
From: J. Westra, Western Reg.
Date: 5/19/09

RE: Status of Application

Tim Martins

5/19/09 Eagle

Mr. Martins is interested in purchasing the property. Wanted to know status of the application - coming up for processing. The pipeline crosses BLM lands need right of way permit. The applicant has not pursued this. Explained that BLM will protest the application need to have right of way first.

This application requires special processing for Salmon Basin. Will provide letter to outline what additional information is required.

Addressee: Tim Martins 1331 S Island Glenwood
Eagle ID.

- Larry Simonson power of Atty - Jim Evans owner.
- Does Salmon processing criteria allow water falls & Aesthetic beneficial uses? -
- Sent letter 5/20/09