

RECEIVED

JUL 30 2009

1. Name: ROBERT W REINEKE
1727 ELK RIVER RD
OROFINO ID 83544
(208) 827-0415

- [illegible]

75771

Ident. No. 83-11971

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

POND THAT IS AN ESTIMATED 150 FEET IN DIAMETER AND AN AVERAGE DEPTH OF 6 FEET. LOSS TO EVAPORATION IS ESTIMATED AT 1 ACRE FOOT PER YEAR. POND FILL IS FROM WINTER RUNOFF THAT PASSES THROUGH MY PASTURE. NO STREAM WATER WILL BE USED. POND DAMS A NATURAL BOWL IN MY PASTURE. POND SHOWN IN TOPO MAP NO LONGER EXISTS. POND DAM PARALLELS STREAM ABOUT 45 FEET TO NE.

11. Map of proposed point of diversion and place of use attached? [X]

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


Applicant

Received by  Date 7/9/09 Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. N020921

Date: 6/16/09Received by: CM

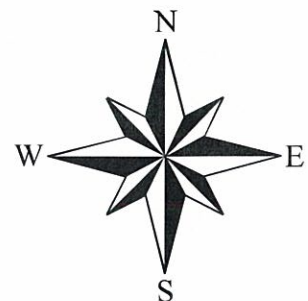
83-11971

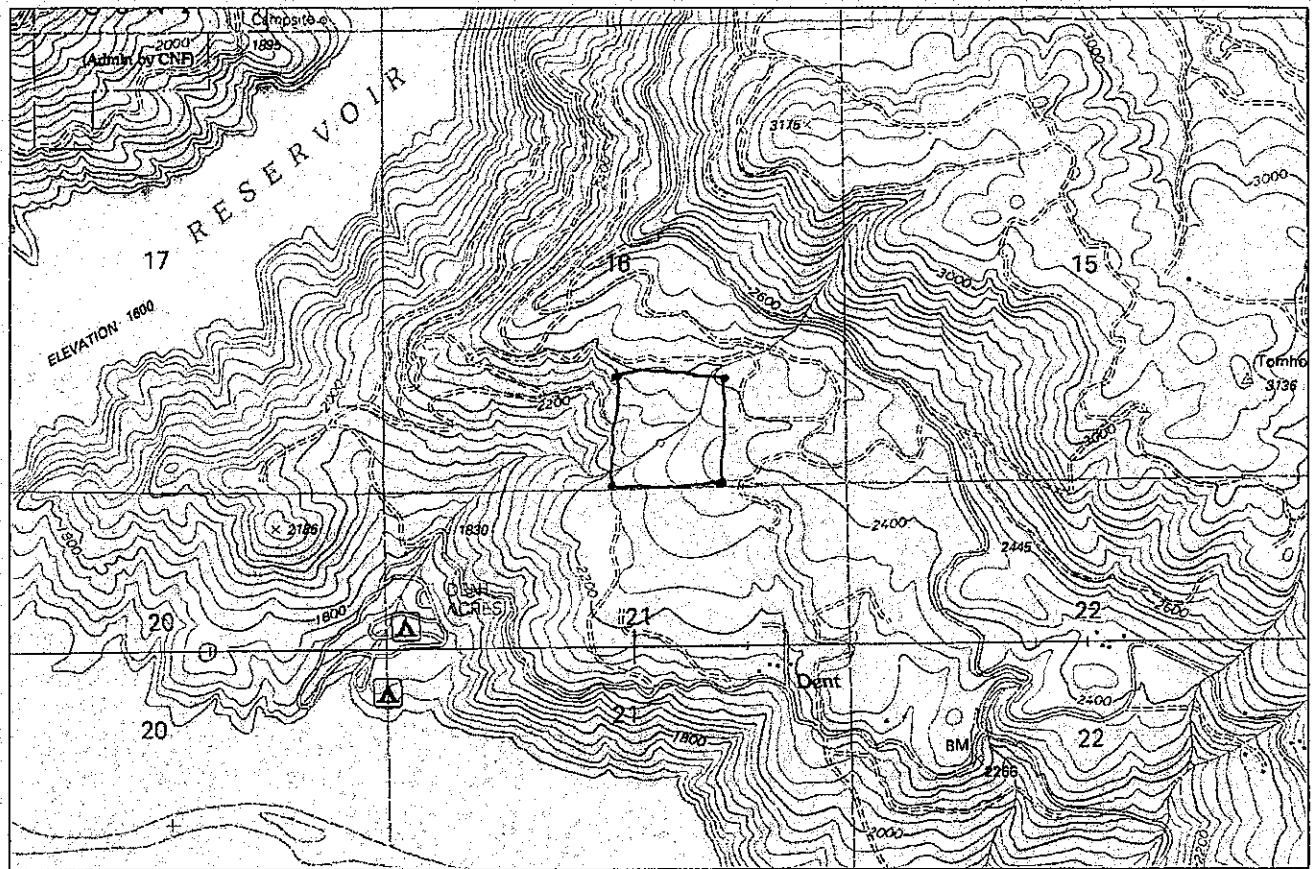


0 135 270 540 810 1,080 Feet

Legend

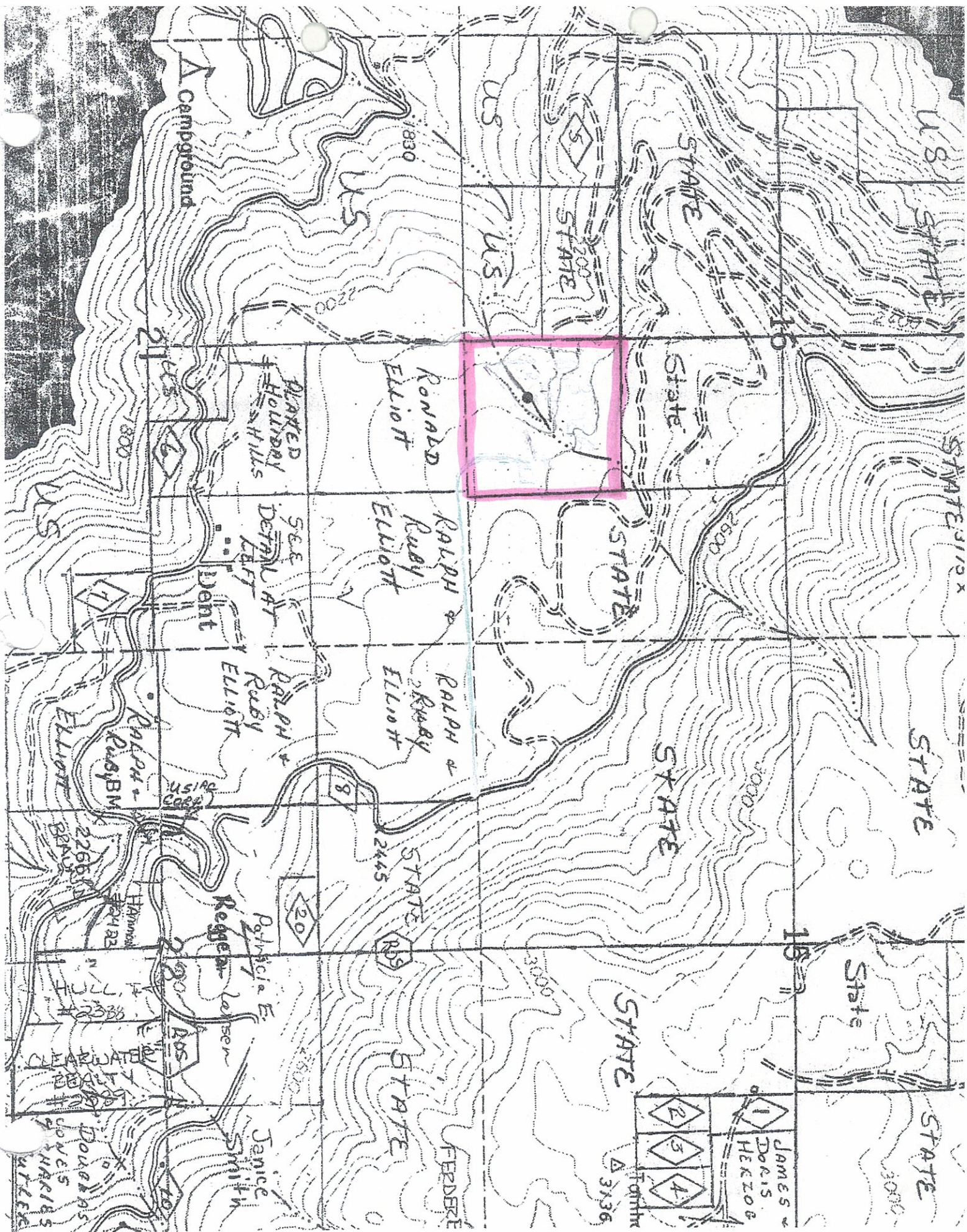
-  workingpod
-  workingpou
-  QQ





0 0.5 MI
0 2000 Ft

Map provided by MyTopo.com





Imaps © 2019 DigitalState

© 2009 Google



12

Taylor, Greg

From: Taylor, Greg
Sent: Wednesday, June 10, 2009 7:12 AM
To: 'Robert Reineke'
Cc: Conrad, Kelly; Lepard, Dave; Franklin, Keith; Golart, Aaron
Subject: RE: Small dam

Mr. Reineke,

You will need to file an application for a water right with the department before you can store water. Pond applications can be very complicated because you have to take into account the flow into the pond, evaporation and seepage. I would recommend that you contact Keith Franklin at 762-2806 to schedule an appointment and he can help you with the filing.

A Dam Safety Permit is not required for your project because the height of the dam and size of the reservoir are below our thresholds.

A Stream Alteration Permit is not required because the stream is not continuously flowing according to the USGS quad. map.

Please give me a call if you have any other questions.

Greg Taylor
Stream Channel Protection Specialist
762-2805

From: Golart, Aaron
Sent: Wednesday, June 03, 2009 3:14 PM
To: Robert Reineke
Cc: Conrad, Kelly; Taylor, Greg; Lepard, Dave
Subject: RE: Small dam

Mr. Reineke,

Thank you for the information. Clearwater County is managed out of our northern regional office. I have included Greg Taylor, Stream Protection Specialist, and Dave Lepard, Dam Safety Engineer, to address your questions. Greg can address if a stream channel alteration permit is needed for the outflow from the spill way and Dave can address any issues from the dam safety perspective. Also, your proposal sounds like you will need a water right so they can help coordinate with the appropriate WR agent. Greg is out of the office tomorrow, but you should hear from him shortly. Feel free to contact me again if you have any more questions.

Aaron

From: Robert Reineke [mailto:bobcathy@idaho.net]
Sent: Wednesday, June 03, 2009 10:05 AM
To: Golart, Aaron
Subject: RE: Small dam

Appreciate you allowing me to use e-mail.

The dam will be located in SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 16, Township 38N, Range 2E of Clearwater County

6/17/2009

The water source is snow / winter runoff from about a 5 acre bowl above my pasture. The water drains into a no name stream via a depression in my pasture. The stream shows on a topo map, but does not have any name. The no name stream runs from the NE to the SW in the 40 acre plot noted above and then continues SW on to Federal land. The dam will be used for wildlife habitat improvement on my property. I do not have any stock.

The dike will follow the recommended design I got from Idaho Fish and Game. The dike height will be 8 – 9 feet. It will have a cutoff trench. The dike length will be about 60 – 70 feet and the top width will be 5 feet. The natural depression is a bit wide at the bottom but narrows quickly toward the top. The F&G design has a downstream slope of 2:1 and an upstream slope of 3:1. The design calls for a primary spillway positioned 6' lower than the auxiliary. The primary will be 8" pipe with a antiseep collar. The secondary spillway will be rock.

The dike will run east and west to the north of the stream. The dike's downstream toe will be at least 30 feet from the stream. The spillway pipe will drop into a rock plunge pool and then will flow into the stream. The course to the stream will be rock to eliminate erosion and I don't want to be cut off from the pasture area to the east of the pond due to mud and gullies. Cannot go around to the north as the pond will fill to the forest line.

Bob Reineke

From: Golart, Aaron [mailto:Aaron.Golart@idwr.idaho.gov]
Sent: Wednesday, June 03, 2009 8:09 AM
To: bobcathy@idaho.net
Cc: Conrad, Kelly
Subject: FW: Small dam

Mr. Reineke,
 Thank you for making contact. We will need a bit more information to assess what permits might be needed. You will probably need a water right and the spill way may need a stream channel alteration permit if it discharges into a perennial stream. Please provide some more information about your project design and the location within the state and I will be happy to help you out. I can be reached at the phone number below or email. Look forward to hearing from you.
 Regards,

Aaron Golart
 State Coordinator, Stream Protection Program
 Idaho Department of Water Resources
 322 E. Front St.
 P.O. Box 83720
 Boise, Idaho 83720-0098
 (208) 287-4941
 aaron.golart@idwr.idaho.gov

From: Robert Reineke [mailto:bobcathy@idaho.net]
Sent: Tuesday, June 02, 2009 11:01 PM
To: IDWRInfo
Subject: Small dam

I wish to build a small pond on my pasture. The dam will be under 10 feet in height and the water volume of the pond will be well below 50 acre feet. The water source is snow pack that drains through a natural depression in my pasture. Currently this water drains into an unnamed stream. I am not impacting the stream bed with the pond or dam. I am building the dam up from the stream bed area, but the spill way runoff will drain into the

6/17/2009

stream. The stream runs to the west and goes under a gravel road (culvert) about 0.6 miles from my pasture.

Therefore, I don't think I need to have a permit basis what I read on the web page. However, I just want to be sure I am not missing something.

Bob Reineke

6/17/2009



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

June 22, 2009

Robert W. Reineke
1727 Elk River Rd.
Orofino, ID 83544

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

Dear Mr. Reineke:

The Idaho Department of Water Resources is in receipt of your application; however, before processing can begin additional information is needed.

Your property happens to be located within the Salmon-Clearwater River drainage, which is now considered a sensitive basin. Idaho Code 42-203A(5) requires IDWR to evaluate the attached criteria for applications to appropriate water in this area. Please review the attachment, seek comments from the Department of Fish & Game, the Department of Environmental Quality and respond to Rules 40.05 c. through 40.05 g. on page two. The agency contacts have been hi-lited on the attachment for your convenience.

Please provide this information within the next 30 days so as not to delay in the processing of your application. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent
Enclosure

COPY

June 26, 2009

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

RECEIVED
JUN 30 2009
IDWR/North

RE: Permit to Appropriate Water in Salmon and Clearwater River Basin
Robert W. Reineke
1727 Elk River Road
Orofino, Idaho 83544

I did not make a copy of the Application For Permit, so I rewrote the application for Fish and Game, Clearwater County and the Department of Environmental Quality. The enclosed copy was sent to the two organizations and contains the same data, but the accompanying narrative is not verbatim to the original.

The following information is additional data requested by the June 22, 2009 response to my application from you.

Water Appropriation Rules 40.05.c through 40.05.g

42-203A(5)(a), Idaho Code:

- i. The pond does not appropriate springs or surface streams. It appropriates spring snow melt.
- ii. The pond does not have a well.
- iii. The design is a pond dyke nine feet in height with the same slopes noted in the Idaho Fish and Game design, but the foot width will be shorter by 25% as the actual dyke will be 25% shorter than the design.

42-203A(5)(b), Idaho Code:

- i. The water will not have a peak use except to fill the pond and refill for evaporation and seepage. I do not have any stock or crops so the water will be used by wildlife only. The volume to fill the pond, 2.09 acre-feet was estimated at a 150 feet circle with an average depth of 5.1 feet. The pond has not been dug, so these are my best educated guesses. The volume was estimated using Vertex Pro Calculator for estimating lake volume. The average depth was estimated, as the pond is not dug, by walking the estimated pond diameter and estimating the depth in 10 places along the diameter line. I estimated evaporation at one foot per year for a refill rate in the application of 0.41 acre-feet. The fill will occur at spring run-off which lasted about 4 weeks in 2009.
- ii. Would like for Department of Water Resources to identify the correct model to estimate the flow rates for water to fill the pond. The land forms a bowl to the north of the pond location and the snow melt from this bowl flows through my field. No flow rates occur at any other time than spring snow melt. We have not had sufficient rainfall to create a water flow through my field in the past 5 years (my ownership period). The source for supplemental fill of the pond is also spring snow melt.

42-203A(5)(c), Idaho Code:

- i. I don't think this applies to my application. Department of Water please advise.
- ii. I don't think this applies to my application. Department of Water please advise.

42-203A(5)(d), Idaho Code:

- i. The cost of this pond is estimated at \$3,200. This is based on a verbal estimate for a time and materials excavation project. The purchase of the primary spillway pipe, rock, cement for antiseep collar and plantings will not be more than \$1,000. I will complete all work outside of excavation. My net work is sufficient to handle this expense, and unless specifically requested, will not supply any additional financial statements.
- ii. The plans for the project (dyke and pond location) are those supplied by Mr. Dennis Newman, Regional Wildlife Habitat Biologist, Idaho Department of Fish and Game in both his December 21, 2004 letter and his verbal comments at the time of his visit to my property. Estimated construction costs are \$4,200. Plans letter enclosed.

42-203A(5)(e), Idaho Code:

- i. The diversion is not located in any City or tribal reservation. I have sent requests to the, Idaho Department of Fish and Game, Idaho Department of Environmental Quality and Clearwater County on Monday, June 29, 2009.

Very truly yours,



Robert W. Reineke
1727 Elk River Road
Orofino, Idaho 83544
208+827-0415
bobcathy@idaho.net



IDAHO FISH & GAME
CLEARWATER REGION
1540 Warner Avenue
Lewiston, Idaho 83501-5699

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

RECEIVED
JUN 30 2009
IDWR/North

December 21, 2004

Bob Reneike
1727 Elk River Road
Orofino, ID 83544

Dear Mr. Reneike,

Thank you for the opportunity to visit the proposed pond site. You have a wonderful place that is rich in wildlife habitat. It is our objective with the Habitat Improvement Program (HIP) to increase the amount and quality of wildlife habitat. Unfortunately the proposed pond site does not meet the criteria to be eligible for Habitat Improvement Program funding. This is due to the fact that the proposed pond site is (1) in a current riparian area, (2) is currently in valuable wildlife habitat, (3) will not support the minimum 1 acre shallow water development. In summary, it is already in good quality wildlife habitat that will merely be shifted in type rather than improved upon through allocation of HIP funds.

However, I feel that development of a pond would not decrease the value of current habitat in any way, and would also meet your personal goals for the land. So I would happily offer technical advice for the installation of the pond and for improving its wildlife habitat value. I will attach my recommendations and schematics for your reference.

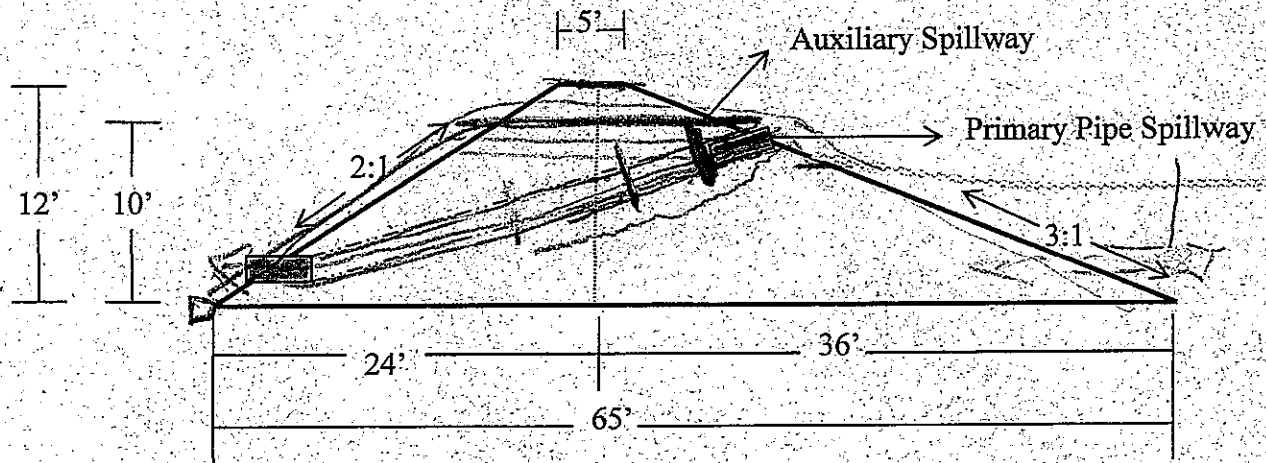
If you have any questions or would like further advice, feel free to contact me at any time.

Thanks again for your time,

Dennis J. Newman

Dennis Newman
Regional Wildlife Habitat Biologist
Idaho Department of Fish and Game
1540 Warner Ave.
Lewiston, ID 83501
208-799-5010 office
208-790-2068 cell

Recommended Dike Design



I highly recommend that the dike is no taller than 10 feet at the spillway. If it is any taller, it will require a permit from the Idaho Department of Water Resources (208-769-1450). This permit is above and beyond the pond building permit that is already required.

The important things to remember when constructing the dike and excavating the pond are as follows:

- The exterior slope of the dike should remain close to 2:1 and the interior slope should be close to 3:1. This will add stability in high water level and leakage situations.
- There should be a primary spill way as well as an auxiliary spillway.
 - I recommend the primary spillway be positioned at least 6" lower than the auxiliary.
 - I recommend 8" pipe with a antiseep collar
 - The secondary spillway should be developed out of stable material such as rock substrate and vegetation.
- The dike and pond bottom and sides should tie into any existing clay layers in the soil. If insufficient clay is present then a lining should be installed (such as bentonite). This will minimize seepage and potential weakening of the dike and dramatic seasonal draw down of the water layer.
- During excavation of the pond, minimal disturbance of the uphill vegetation should try to be achieved. This will decrease sediment deposition into the pond and prolong the overall pond life.
- There should be sufficient vegetation between the spillway and the perennial stream to decrease erosion and sediment deposition into the stream.
- All exposed portions of the dike and stream banks should be planted with vegetation to stabilize them and minimize erosion.

Planting Recommendations:

I would recommend planting both aquatic plants and a grass/forb mixture. The aquatic plants should be planted in order to improve stability of the site as well as wildlife forage diversity. They should be planted in a clump fashion and at a moderate rate. As you may already know, aquatic plants will spread naturally and should not be planted too densely. They should be planted in clumps at the following depths and spacing:

- Clump type 1: Mix of Beaked and Water Sedges
 - Depths: 0-8 inches
 - Spacing: 2 feet
- Clump type 2: Mix of Small Fruited Bulrush and Bur Reeds
 - Depths: 6-18 inches
 - Spacing: 2 feet
- Clump type 3: Fowl Manna Grass
 - Depths: 0-8 inches
 - Spacing: 2 feet
- Clump type 4: Three Square Bulrush
 - Depths: 2-4 feet
 - Spacing: 2 feet

With the current stand of grass established in the site, no extensive grass plantings need to occur. However, the soil surface will be disturbed at varying levels by the excavating equipment. If the disturbance reaches high enough magnitude to warrant planting to stabilize the soil and/or provide protection from noxious weeds, it should be planted into a grass and forb mixture. I would recommend planting a mixture of at least three grasses and two forbs to provide forage and nesting cover for wildlife. If the seed is drilled in it should be applied at a rate of 16 lbs/acre. If it is broadcast seeded it should be applied at a rate of 20 lbs/acre. The following is a seed mixture we use on the Palouse:

40% "ALKAR" Tall Wheatgrass
15 % Thickspike Wheatgrass
15% Idaho Fescue
10% Red or White Clover
10% "Delar" Small Burnett
10% Alfalfa

We get most of our grass seed from Grassland West, at 908 Port Drive, Clarkston WA 99403, (509) 758-9100. They are able to special mix anything you want and, if asked, will mix it with rice hulls to ease seeding.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
JUN 30 2009
IDWR/North

To appropriate the public waters of the State of Idaho

1. Name of Applicant ROBERT W. REINKE Phone 208-827-0415
Mailing address 1727 ELK RIVER ROAD, DRUID, ID 83544 Email bob@thy@idaho.net
2. Source of water supply Run off - GROUND WATER which is a tributary of N/A
3. Location of point of diversion is Township 38 N Range 2 E Sec. 16 in the SW $\frac{1}{4}$,
SE $\frac{1}{4}$, $\frac{1}{4}$, Govt. Lot , B.M., County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 2.09 ac ft for windmills purposes from 8/09 to 8/10 (both dates inclusive)
(cfs or acre-feet per year)
Amount 10.41 for windmills purposes from 8/10 to each year (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)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) and/or (b) 2.09 initial / 10.41 each yr
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 9' DYKE ABOUT
120 - 150 FEET LONG
 - b. Height of storage dam 9' feet; active reservoir capacity 2.09 acre-feet;
total reservoir capacity 2.09 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 1 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. WINDMILL HABITAT

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	
38N	2E	16												W					2.09

Total number of acres to be irrigated: _____

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? ROBERT W. REINEKE
 b. Who owns the land to be irrigated or place of use? ROBERT W. REINEKE
 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. IN DECEMBER 2004, DENNIS NEWMAN SITED & PROPOSED A DAM/POND DESIGN FOR WILDLIFE HABITAT. THE POND HAS BEEN ESTIMATED AS A 150' CIRCLE WITH AN AVERAGE DEPTH OF 5.1 FEET. THE POND DAM IS NORTH OF THE UNNAMED STREAM ON THE PROPERTY - STREAM IS NOT DIVERTED. SOURCE OF WATER IS A NATURAL DRAINAGE BOWL TO THE NORTH OF MY FIELD. THIS WATER DRAINS THROUGH MY FIELD.

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

ROBERT W. REINEKE

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

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

If you wish to, and I highly recommend it, you could establish a variety of trees and shrubs around the pond. This will offer cover, shade, and a winter food source for various wildlife species. Plantings should be done in the spring. The sites for planting need to be prepped to reduce competition and degradation. Preparation should include spot herbicide (ROUNDUP) application in a small circle, approximately two feet, surrounding the proposed planting site. When the stock is planted it is beneficial to place protective tubes around them to minimize rodent and deer damage. Supplemental watering should be applied as necessary until the trees and or shrubs become established. The stock will most likely need to be ordered the previous fall to ensure availability. I recommend any of the following species:

- Kinnickinnick
- Choke Cherry
- Redosier Dogwood
- Woods Rose
- Common Wild Apple
- Siberian Pea Shrub
- Golden Currant
- Elderberry
- Snowberry
- Service Berry
- Quaking Aspen
- Hawthorn
- Nanking Cherry
- Western Sand Cherry
- American Plum



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

July 6, 2009

Robert W. Reineke
1727 Elk River Road
Orofino, ID 83544

Dear Mr. Reineke,

We received your request for our comments on the approval of your application to draw water from a man-made pond that will be constructed on your private property. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The source of the water supply is rain, snowmelt, and runoff that will collect in a man-made waterway (pond) that has no connection to surface water or ground water. In the Idaho Water Quality Standards non-designated surface waters section 58.01.02.101: 101.02: **man-made waterways** are to be protected for the beneficial use for which they were developed; and 101.03: **private waters** (ponds, pools, streams and springs) outside public lands but located wholly and entirely upon a person's land are not protected specifically or generally for any beneficial use. Withdrawals from this water source therefore will not impact waters of the state.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "John Cardwell".

John Cardwell
Acting Regional Administrator

JC/cb

CC: Ray Hennekey, IF&G
Keith Franklin, IDWR



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

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

July 22, 2009

Robert W. Reineke
1727 Elk River Road
Orofino, Idaho 83544

Dear Mr. Reineke:

RE: Water Right Application

IDFG has reviewed your draft application to Idaho Department of Water Resources to create a pond to store 2.09 AF for wildlife. The application states that the pond would capture water surface runoff from rain fall and snowmelt; there is no connection to existing surface waters or ground water.

IDFG does not anticipate that your proposed project will have a significant effect on flows in the Clearwater River or any tributaries thereof. We do not anticipate that the proposed withdrawal will adversely impact fish, wildlife or habitat. As long as all other necessary state and federal permits have been obtained, we have no objection to your application.

Thank you for the opportunity to comment on your application. Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions.

Sincerely,


Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/gl

c: John Cardwell, DEQ Lewiston
Keith Franklin, IDWR CDA
Sharon Kiefer, IDFG Boise

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-799-5010 • Fax: 208-799-5012 • Idaho Relay (TDD) Service: 1-800-377-3529 • <http://fishandgame.idaho.gov>



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 24, 2009

Robert W Reineke
1727 Elk River Rd
Orofino, ID 83544

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
#83-11971

Dear Mr. Reineke:

The Idaho Department of Water Resources is in the process of finalizing your application. A few changes needed to be made to your application to correct some small items and refine your acre-feet figures to better fit the States data base.

Please review the enclosed electronic version of your application, which contains all of the corrections/changes and if it meets with your approval sign and return the document to me within the next 30 days, so as not to further delay processing. Once I receive the application the department can proceed with advertising. If you have any questions, feel free to contact me at this office.

Sincerely,

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

COPY

MEMORANDUM

To: Water Right Application #83-11971
From: Keith E. Franklin
Date: July 30, 2009
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 (DEQ) have no objection to the applicant storing 2.8 acre-feet of water captured from runoff for wildlife purposes.

Good Faith, Delay, or Speculative Information.

The applicant plans to store the water for his own use on property that is owned by the applicant.

Financial Resources Information.

For this project, the applicant plans to fund the project with money that is available to the applicant. The estimated cost is less than \$5,000.00.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been ask to comment, by the applicant. Written comments received from both DEQ and Fish & Game indicate they are not opposed to the applicants project.

Injury to Other Water Rights.

Injury to other water rights in not anticipated.

Recommendation.

The Northern Region recommends proceeding with the processing of the application.

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 24, 2009 3:09 PM
To: Harrington, Helen
Subject: Agency Comment Request.doc

Attachments: Agency Comment Request.doc; 83-11971 Reineke.pdf

Good afternoon, Helen,

Attached is our request for your comments together with a copy of the application.

Source for this one is runoff tributary to an unnamed stream.

We need your comments because it's in a sensitive basin area.

Please respond to Keith on this one.

Thanks.



Agency Comment
Request.doc (31...



83-11971
Reineke.pdf (163 KB

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 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 24, 2009

HELEN HARRINGTON
IDAHO DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098

Re: Water Permit Application No. 83-11971 – REINEKE.

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

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. If your agency desires to formally protest the approval of this application, you may do so *after the notice is published* by filing a written protest along with a \$25.00 filing fee within 10 days after final publication, and by sending a copy of your protest to the applicant. This will be scheduled for publication in the Clearwater Tribune on September 3 and 10, 2009.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **September 21, 2009**. That is also the final date for protest to be received in our office.

If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819, or by e-mail to Keith.Franklin@idwr.idaho.gov.

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

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

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

MEMORANDUM

DATE: 83-11971
TO: Keith Franklin
FROM: Morgan Case *mlc*
RE: Application for Permit No. 83-11971

The IDWR Planning Section does not wish to raise any public interest concerns over Application No. 83-11971, which proposes the use of 2.8 AF of water from runoff in the North Fork Clearwater River Basin.

The Idaho Water Resource Board holds minimum stream flow water right 86-11966 in the same reach or downstream of the applicant's point of diversion. This minimum stream flow allows for additional development in the amount of 283 cfs for water rights that are not for Domestic, Commercial, Municipal, or Industrial purposes. If approved, the new appropriation should be counted against this 283 cfs. The Idaho Water Resource Board would like assurance that any appropriation junior to the minimum stream flow be recorded in the water right file for tracking purposes.



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

August 24, 2009

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ROBERT W REINEKE
1727 ELK RIVER RD
OROFINO, ID 83544

Application For Permit No. 83-11971

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 CLEARWATER TRIBUNE on 9/3/2009 and 9/10/2009. 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.

Sincerely,

Keith Franklin
Sr. Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 24, 2009 4:34 PM
To: Legal Notices-Clearwater Tribune
Subject: CoverLetter 08-24-09 CT e-mail 83-11970,71,84-12249.doc

Attachments: CoverLetter 08-24-09 CT e-mail 83-11970,71,84-12249.doc; LegalNotice 08-24-09 e-mail CT 83-11970,71, 84-12249.doc

Good afternoon, Marcie,

It's been a while since I've had anything to publish in the Clearwater Tribune. I assume you are still at the Tribune.

Attached is our cover letter requesting publication of a legal notice on September 3 and 10, 2009. Also attached is the legal notice.

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



CoverLetter
08-24-09 CT e-mail..



LegalNotice
08-24-09 e-mail CT..

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

Thank you VERY much for all your help.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Please Fax or e-mail proof/preview copy to me before this goes to press.

Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov

Thanks, Dianne

August 24, 2009

MARCIE STANTON
LEGAL NOTICE DEPARTMENT
CLEARWATER TRIBUNE
PO BOX 71
OROFINO, ID 83544

RE: Application For Permit No.: 83-11970, 83-11971 and 84-12249

Dear Marcie:

Please publish the enclosed legal notice on the dates indicated, September 3 and 10, 2009, (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 9/21/2009. Your cooperation is appreciated.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

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

83-11970

ELK RIVER CEMETERY DISTRICT

PO BOX 132

ELK RIVER, ID 83827

Point of Diversion SESE S27 T40N R02E CLEARWATER County

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 7/17/2008

Place Of Use: IRRIGATION T40N R02E S27 SESE

Total acres: 3

83-11971

ROBERT W REINEKE

1727 ELK RIVER RD

OROFINO, ID 83544

Point of Diversion SWSE S16 T38N R02E CLEARWATER County

Source RUNOFF tributary to UNNAMED STREAM

Use: WILDLIFE STORAGE 01/01 to 12/31 2.8 AF

Total Diversion: 2.8 AF

Date Filed: 6/16/2009

Place Of Use: WILDLIFE STORAGE T38N R02E S16 SWSE

84-12249

CITY OF WEIPPE

623 N MAIN ST

WEIPPE, ID 83553

Points of Diversion(2) SWSE S15 T35N R04E CLEARWATER CO.

Source GROUND WATER

Use: MUNICIPAL 01/01 to 12/31 1.94 CFS

Total Diversion: 1.94 CFS

Date Filed: 7/15/2009

Place Of Use: MUNICIPAL

Municipal use is within service area of applicant.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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 9/21/2009.

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

GARY SPACKMAN, Interim Director

Legal #

Published 9/3/2009 and 9/10/2009