

75393

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

RECEIVED

FEB 13 2009

IDWR/North

1. Name: DAVID J. ROGERS and/or
MARY A. ROGERS
PO BOX 205
KOOSKIA ID 83539
(208)926-0892

2. Source: UNNAMED STREAM Tributary to: SINKS

3. Location of Point of Diversion:

#1 UNNAMED STREAM, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp 32N, Rge 05E, B.M., IDAHO County

4. Water will be used for the following purposes:

Purpose	From	To	RATE OF DIVERSION
IRRIGATION	03/15	11/15	0.08 CFS
FIRE PROTECTION	01/01	12/31	0.10 CFS

5. Total quantity to be appropriated is: 0.10 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: SMALL DAM WITH SPILLWAY FOR EXCESS WATER TO BRING A SMALL POOL TO INSTALL A DIVERSION PIPE TO BRING WATER BY GRAVITY TO SPIGOT CLOSE TO HOUSE FOR IRRIGATION AND FIRE SUPPRESSION.

- b. Height of storage dam 2 feet; 2FT X 2FT X 4FT
Active reservoir capacity 120 gallons;
Total reservoir capacity 120 gallons;.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 year(s).

8.

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32N 05E 11				1.7													1.7
32N 05E 12				1.2			2.3										2.3

Total Acres: 4

75393

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32N 05E 11				X													
32N 05E 12				L 2			X										

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:

SEE ATTACHED PAGES THAT ARE PART OF THE FILE

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.

Dan J. Rogers
Applicant

Received by Dianne Date 2/13/09 Time _____ Preliminary check by _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

Receipt No. N019740

Date: 12/15/08Received by: Dianne

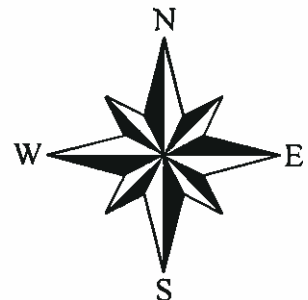
81-11998



0 150 300 600 900 1,200 Feet

Legend

-  workingpod
-  workingpou
-  Taxlots
-  QQ





Bureau of Land Management - General Land Office Records



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FAO

Survey Details

Q

[Home](#) > [Survey Search](#) > [Results List](#) > **Survey Details**



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To: State of Idaho
Dept. of Water Resources
16000 Meridian Drive, Suite 100
Coeur d'Alene, Idaho 83815

From: David J + Mary A. Rogers
P.O. Box 205
121 Ought Seven Road
Kooskia, Idaho 83539
(208) 926-0892

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DEC 15 2008
IDWR/North

Dear Sirs:

Enclosed please find an application for Water Rights for our property. I have tried to be as helpful as I can to pinpoint the areas concerned by using our GPS, although I am not an expert.

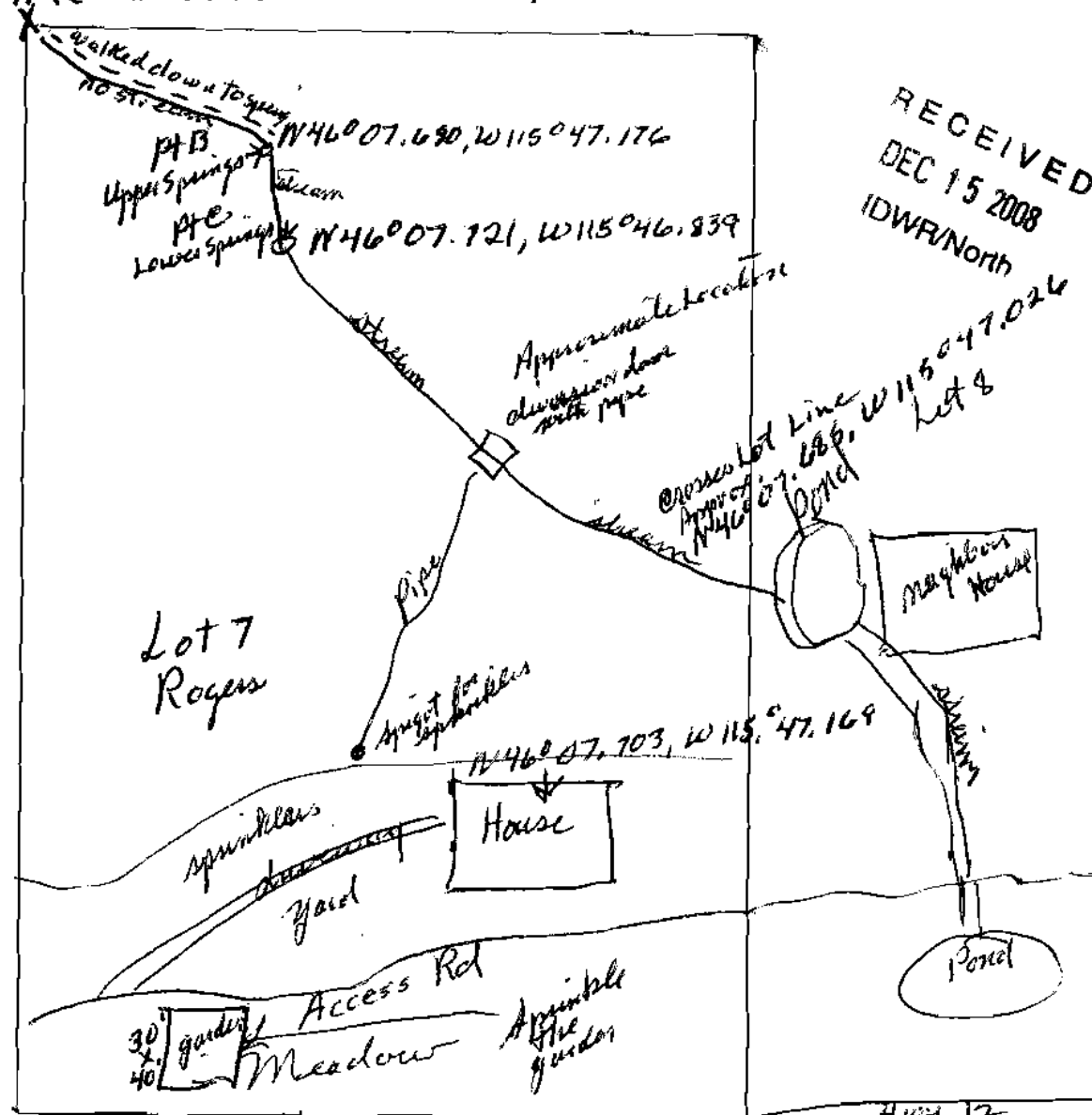
Please contact us if you have any questions or concerns.

Enclosed please find a check for \$100.00.

Sincerely,
Mary A. Rogers

#12. I climbed up the mountain to the Survey Marker (Pt. A) C-S-NW16451 and took a GPS reading at that marker - N 46° 07.703, W 115° 47.169. Then I walked towards the springs (south) about 80-100 ft (estimated) I took a GPS reading at Uppermost 2 springs N 46° 07.690, W 115° 47.176 that come out of the ground. Then I walked down about 30 ft. (approximate) to 6 small lower springs N 46° 07.721, W 115° 46.839 and the stream goes down hill on our Lot 7, then crosses the lot line just above our neighbor's house on Lot 8 where he diverts it

Pt. A (C-S-NW16451) GPS N 46° 07.703, W 115° 47.169



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into a holding pond for landscape purposes & it spills over & progresses under access road to another pond he has made in the meadow along the highway 12 frontage. From there the water apparently seeps into the ground because it never goes under the Highway 12 to the river.

I've guessed approximately where the stream crossed the lot line into Lot 8.

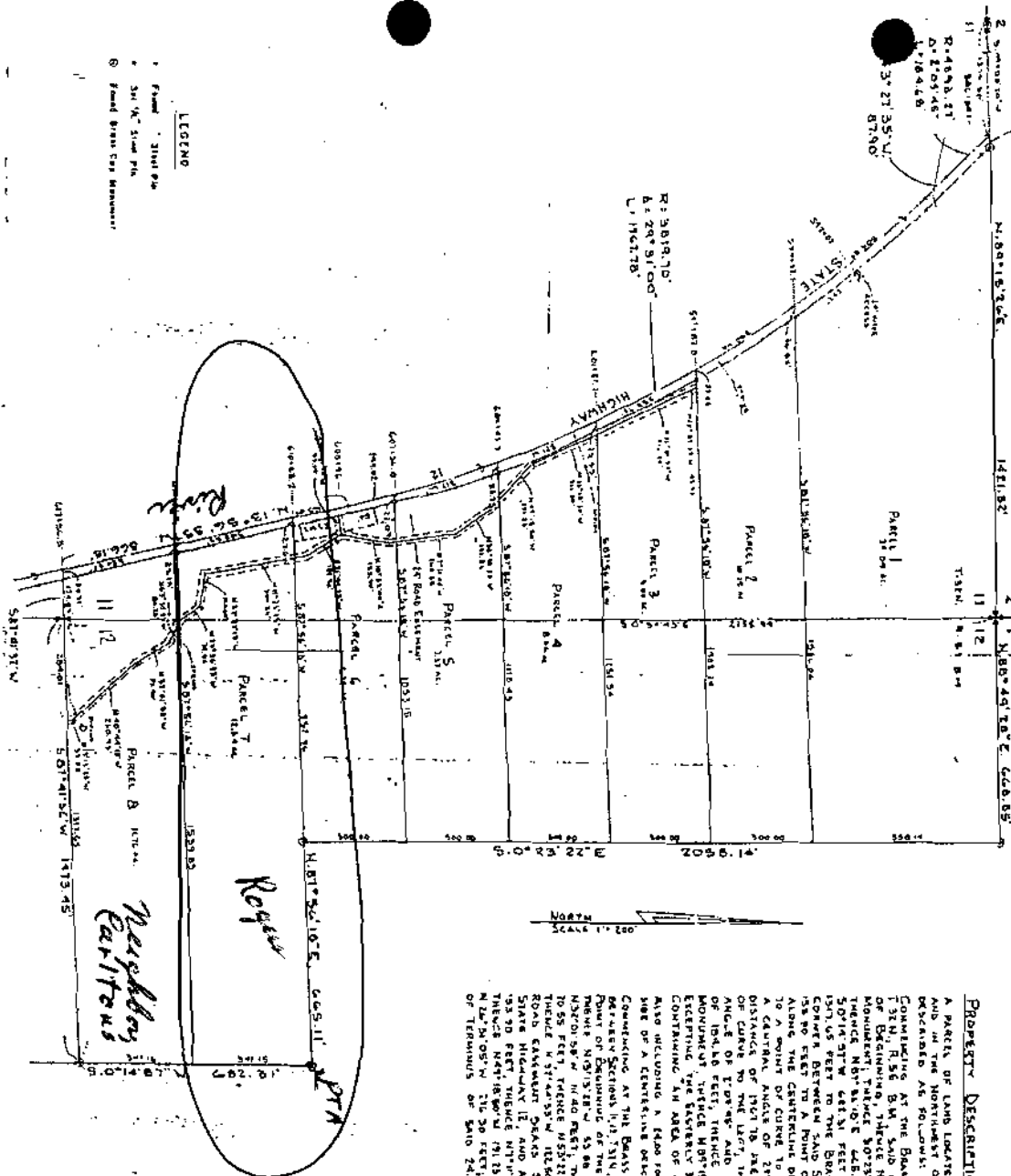
* We will let excess water go down the stream for the neighbor's use in his ponds. We'll only take what we need to water our garden & lawn & use for fire protection in summer.

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IDWP/North

RECORD OF SURVEY



<u>PROPERTY DESCRIPTION</u>	<u>UNIT 1</u>

A PARCELS OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, AND IN THE NORTHWEST QUARTER OF SECTION 12, T22N, R5E, G.M. DESCRIBED AS FOLLOWS:

[illegible][illegible]

WAYS OF BEARING.

SOUND OBSERVATION.

THIS MAP CORRECTLY REPRESENTS A
SURVEY DONE BY ME OR UNDER MY
DIRECTION IN ACCORDANCE WITH THE
SURVEY RECORDING ACT AT THE
REQUEST OF 2-3-5-000000
ON May OF 19 21.

III OF 19 21

17°11'00"W 160.58'

LOT 5

ACRES

87°56'18"N

102'

S. 89°06'10" 39.14'

N. 10°55'40" 153.20'

N. 32°44'33" 142.50'

S. 87°56'18"W 347.82'

Subject
0-7 Ranch, U.S. Highway 12

LOT 6

6.79 ACRES

300.0

300



NW 1/4 SW CORNER

N. 87°56'18"E. 669.11'

NW 1/4 S CORNER

LOT 7 12.50 ACRES

N. 58°22'19"W 120.42'

N. 35°36'33"W 70.55'

N. 82°01'58"W 111.40'

S. 87°56'18"W 1829.44'

74' ACCESS & UTILITY EASEMENT.

LOT 8 11.74 ACRES

N. 40°44'18"W 660.93'

N. 13°12'28"W 338.81'

1317.65'

S. 87°41'32"W

1442.70'

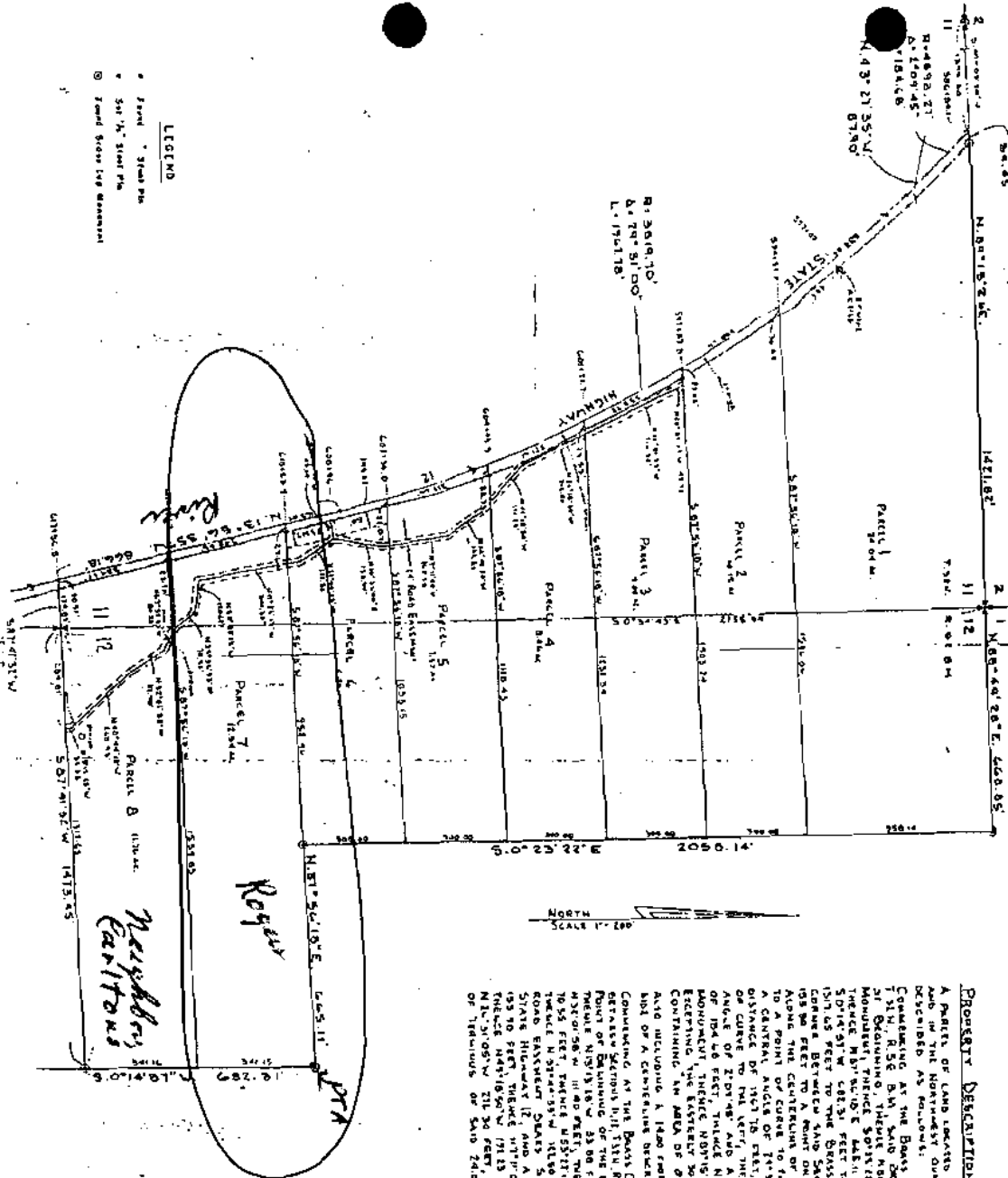
341.18' S. 0°14'57"W. 682.33'

SW 1/4 COR

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DEC 15 2008
IDWR/North

RECEIVED
DEC 15 2008
IDW/P/North

RECORD OF SURVEY

[illegible]

Unit 1

[illegible]

BASIS OF REARING

SOLAR OBSERVATION

THAT MAP CORRECTLY REPRESENTS A
SURVEY DONE BY ME OR UNDER MY
DIRECTION IN ACCORDANCE WITH THE
SURVEY RECORDING ACT AT THE
REQUEST OF MISSISSAUGA
IN Nov OF 19 81.

IN _____ OF 19__

of 18-11-

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JAN 28 2008
IDWR/North

LOT 5
ACRES

17°11'00"W 160.58'

87°56'18"W

— S. 89° 06' 10" 59.14'
— N. 10° 55' 40" 135.70'
— N. 32° 44' 33" 122.50'

Subject
0-7 Ranch, U.S. Highway 12

LOT 6
6.79 ACRES

S. 87° 56' 18" W. 347.82'

— N. 11° 23' 53" W. 301.36'

LOT 7 12.30 ACRES

— N. 58° 22' 13" W. 120.62'
— N. 55° 34' 55" W. 70.53'

N. 82° 01' 58" W. 111.40'

LOT 8 11.74 ACRES

ACCESS & UTILITY EASEMENT

N. 40° 44' 18" W. 260.95'

N. 13° 13' 28" W. 33.88'

1317.65'

1442.70'

S. 87° 41' 32" W.

S. 0° 14' 57" W. 682.33'



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IDWR/North

NW 1/4 S CORNER

NW 1/4 SW CORNER

Rogers

Spencer

Pond

Pond

Callahan

SW 1/4 COR



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

December 22, 2008

David Rogers
PO Box 205
Kooskia, ID 83539

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

Dear Mr. Rogers:

The Idaho Department of Water Resources (IDWR) is returning your recently submitted application for the following corrections and/or clarifications;

Item #2 Source of Water Supply

From the description you gave on the application, the source is probably an unnamed stream rather than from springs. The source of the unnamed stream could very well be supplied from springs; however you plan to divert the water from a stream some distance from the springs. Also, if the water from the unnamed streams makes it to the Middle Fork of the Clearwater River, at any time of the year, then the Middle Fork of the Clearwater River would be the tributary of the unnamed stream. If not, the tributary for the unnamed stream would be "sinks". Please make the necessary adjustments to the application.

Item #3 Location of the Point of Diversion

This section must be completed down to the 40 acre quarter quarter of the section. Please refer to the attached aerial photograph. From the photograph, please determine the location of the point of diversion and complete Item #3 on the application. From the information you gave, the point of diversion is probably in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12. The GPS coordinates supplied were inconclusive, when interjected onto the states map overlays. Also, if the location is within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, leave the space for Gov. Lot blank on the application. If the point of diversion is in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, then Government Lot 2 would needs to be placed into the space.

Item #4 Use

The time period for a domestic use is year around, so you need to so indicate by placing 1/1 to 12/31 in the appropriate spaces on the application. For irrigation, the season for you area is between 3/15 and 11/15.

COPY

Item #9 Place of Use

You need to designate the 40 acre quarter quarter for where the domestic use will be located as well as the irrigation. If the irrigation is going to be located within the two separate quarter quarters, you will need to determine how many acres will be irrigated in each quarter quarter and so indicate in the proper boxes on the application.

Also, your property happens to be located within the Salmon-Clearwater River drainage, which is now considered a sensitive basin. Idaho Code 42-203A(5) requires IDWR to evaluate the attached criteria for new applications to appropriate water. Please review the attachment, seek comments from the Department of Fish & Game, the Department of Environmental Quality and respond to Rule 40.05 c. through 40.05 g., on page two of the attachment within 30 days. This additional information will need to accompany the application when it's returned.

In your narrative, mention was made of two ponds on your neighbor's property. Department records indicate no water rights exist for the ponds. All water rights in existence prior to 1987 have been adjudicated by a court in the Snake River Basin Adjudication. If water rights were perfected prior to 1987 and the owner didn't file a claim with the court, the water right no longer is valid, except for domestic and stock water. All water appropriations (including impoundments) that were developed after 1987 needed to be covered by a license issued by the State of Idaho.

If you have any questions or need help with the application, don't hesitate to contact me at this office.

Sincerely,

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



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
JAN 28 2009
IDWR/North

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

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

January 5, 2008

Dave and Mary Rogers
P.O. Box 205
121 Ought Seven Road
Kooskia, ID 83539

Dear Mr. and Ms. Rogers:

We received your request for comment along with a copy of your application for a water appropriation permit to withdraw 0.10 cfs from a spring tributary in the Middle Fork Clearwater Subbasin, Idaho County. The water will be collected behind a 5 foot dam and a diversion pipe will carry the water by gravity to a spigot for domestic, fire suppression, and irrigation from 1/1 to 12/31, and 3/15-11/15 respectively. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Flow in the spring tributary must be significant enough that the maximum daily volume removal of 0.10 cfs removed per annum will not impact water quality, and tributary flow adequate to sustain existing aquatic life will be maintained at all times.

The spring tributary is described in the application as a sink. Because we assume any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil to be groundwater (Idaho Code 58.01.02.010.38), we assume there to be hydrologic gradient connectivity to the Middle Fork Clearwater River. It is the policy of the State of Idaho, Ground Water Management Plan that existing and projected beneficial uses of ground water and interconnected surface water be maintained and protected and degradation that would impair beneficial uses of ground water and interconnected surface water not be allowed. At no time should the withdrawal of the appropriated water be allowed to impair existing beneficial uses in the Middle Fork Clearwater River.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards, please call us at (208) 799-4370.

Sincerely,

Kerby M. Cole, P.E.
Regional Administrator

CC: Keith Franklin, IDWR
Ray Hennekey, IDFG
Marti Bridges, IDEQ



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JAN 28 2009
IDWR/North

IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

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

January 15, 2009

Mr. David Rogers
PO Box 205
Kooskia, Idaho 83539

Dear Mr. Rogers:

RE: DRAFT APPLICATION TO APPROPRIATE WATERS OF THE STATE, UN-
NAMED STREAM

IDFG has reviewed your draft application to Idaho Department of Water Resources to withdraw 0.10 cfs from an un-named stream for domestic use and irrigation. The un-named stream discharges to some small ponds on an adjoining property.

Idaho Fish and Game does not believe that your requested appropriation will have significant adverse effects on fish, wildlife or habitat. We have no objection to your proposed development.

Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions regarding our recommendation.

Thank you for the opportunity to comment on your application.

Sincerely,

Dave Cadwallader
Clearwater Regional Supervisor

DC/rh/gl

c: Kerby Cole, Lewiston DEQ
Keith Franklin, IDWR CDA
Sharon Kieffer, IDFG HQ

Keeping Idaho's Wildlife Heritage

To: State of Idaho
Department of Water Resources
Att: Keith E. Franklin, Sr. Water Resources Agent
7600 N. Mineral Drive - Ste 100
Coeur D Alene, Idaho 83815-7763

01/27/2009

RECEIVED
JAN 28 2009
IDWR/North

From: David & Mary Rogers
P.O. Box 205
Kooskia, Idaho 83539

Dear Sir:

Thank you so much for your guidance and suggestions for correcting our application for water rights. Hopefully, I have done this correctly this time, I still don't understand the two separate quarter quarters. We are only taking .01 Acres of water to irrigate our lawn + orchard by the house which is an acre and the garden below our access road which is 100' x 100'. Probably much less than 4 acres all total. I filled out #9 the best that I could calculate. Also it would be available to supplement our well for fire suppression if needed.

If you have any further questions, please feel free to call us at 208-926-0892 or on our cell # 208-630-4904 as we will be traveling Feb 18 - March 4.

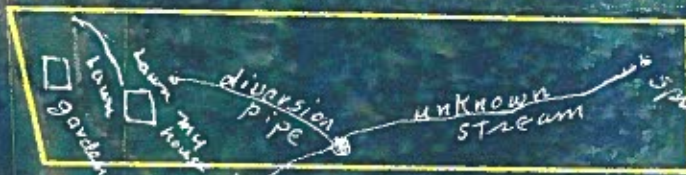
Enclosed are the letters of comment you asked for from Idaho Dept of Fish & Game & the Department of Water Quality.

Thanks,

Mary A. Rogers

32N05E11SENE
Government Lot 2

32N05E12SWNW

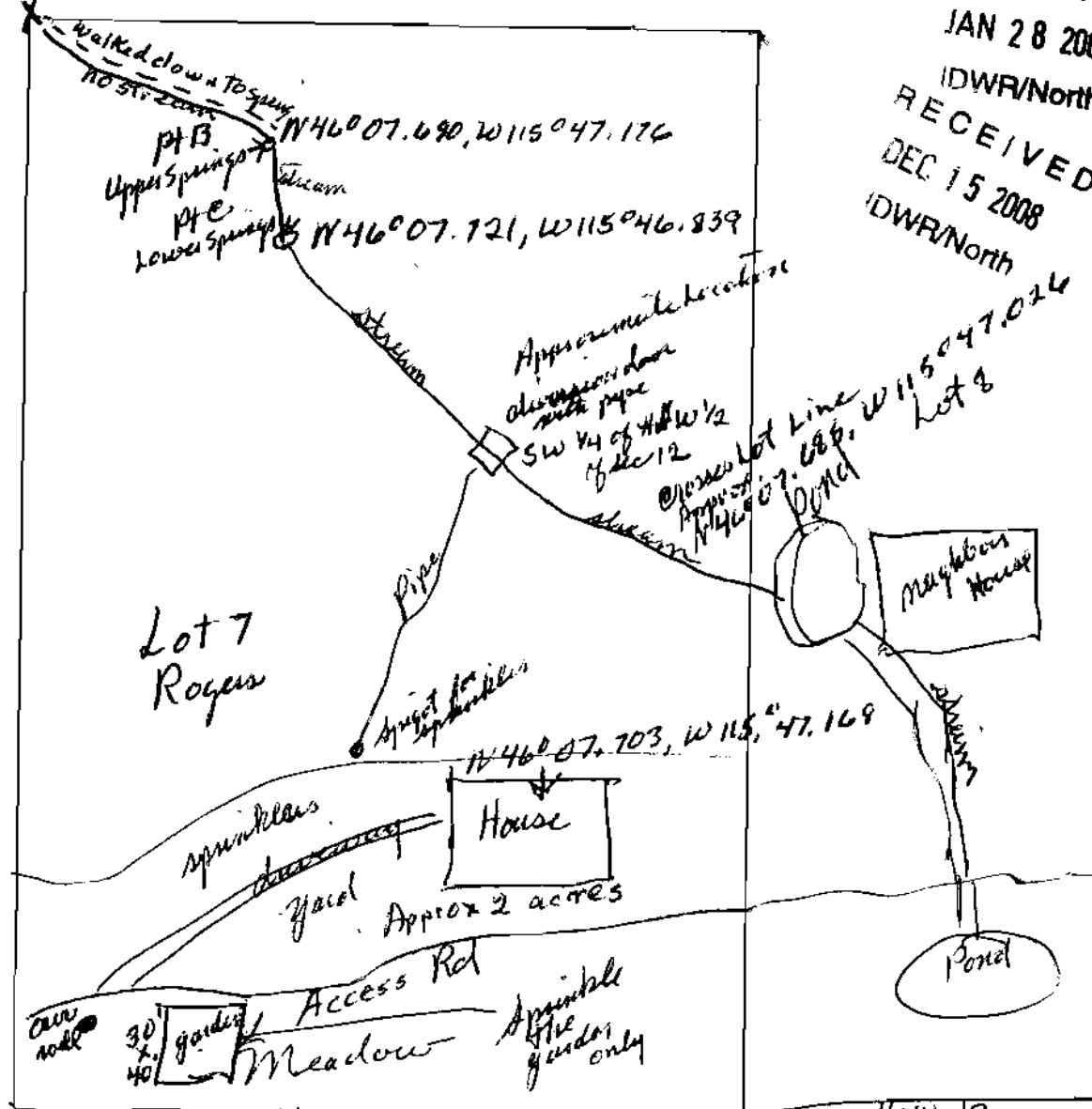


pond
neighbors house

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JAN 28 2009
IDWR/North

#12 I climbed up the mountain to the Survey Marker (Pt. A) E-S-NW164512 and took a GPS reading at that marker - N 46° 07.703, W 115° 47.169. Then I walked towards the springs (South) about 80-100 ft (estimated) I took a GPS reading at Uppermost 2 springs N 46° 07.690, W 115° 47.176 that come out of the ground. Then I walked down about 30 ft. (approximate) to 6 small lower springs N 46° 07.721, W 115° 46.839 and the stream goes down hill on our Lot 7, then crosses the lot line just above our neighbor's house on Lot 8 where he diverts it

Pt. A (E-S-NW164512) GPS N 46° 07.703, W 115° 47.169



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IDWR/North

into a holding pond for landscape purposes & it spills over & progresses under access road to another pond he has made in the meadow along the highway 12 frontage. From there the water apparently seeps into the ground because it never goes under the Highway 12 to the river.

I've guessed approximately where the stream crossed the lot line into Lot 8.

* We will let excess water go down the stream for the neighbor's use in his ponds. We'll only take what we need to sprinkle our garden & lawn & use for fire protection in summer.



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

February 3, 2009

David Rogers
PO Box 205
Kooskia, ID 83539

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

Dear Mr. Rogers:

As per our telephone conversation on February 3, 2009, I've enclosed an electronic version of your application that contains all of the corrections and additions that were discussed. Please review the application and if it meets with your approval, sign and return it to me along with answers to Water Appropriation Rules 40.05.c through 40.05.g also attached, within the next 30 days.

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

Thank you.

Sincerely,

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

COPY

To: Keith E. Franklin
Senior Water Resources Agent
Department of Water Resources

RECEIVED

FEB 13 2009

IDWR/North

From: David & Mary Rogers
P.O. Box 205
Kooskia, Idaho 83539

Dear Mr. Franklin,

I've answered the questions to the questions to the best of my ability. Our deed happens to be in our Safety Deposit Box a 5 hr. drive away. If a copy is absolutely needed, we'll have to make the 10 hr. round trip to get it. It is recorded at the Idaho County Court House. Let me know if there is any further information that you need.

Thanks for your guidance,
Mary Rogers
208-926-0892

ANSWERS TO WATER APPROPRIATIONS RULES 40.05 c through 40.05g

40.05 c: We have checked with Water Resources and they have told us that there are no prior or existing water rights on those springs and that stream.

- i. The user shall be: David J. and Mary A. Rogers
P.O. Box 205
121 Ought Seven Road
Kooskia, Idaho 83539

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IDWR/North

The point of diversion shall be as indicated on the aerial photo, on our property, above where the stream crosses into our neighbor's property. The water will be used to irrigate our lawn and garden area and to fight a fire, if there is a need.

- ii. There are no other water rights. We will only take enough water to irrigate our lawn and garden during the summer months. Our neighbors do not water stock or use the water from the stream except to fill the three decorative ponds they have constructed on their property. The water just seeps into the ground after it is stopped by the last pond on the meadow adjacent to Highway 12. They do not live there full time, only using the place on weekends. We will always allow enough water to keep their ponds full.

The quantity of water available is pretty consistent throughout the year. It runs at approximately 10 to 20 gallons per minute.

- e. There are no easements, deeds, or applications for rights-of-way from federal or state agencies that I know of. We own the land outright and there is a deed recorded in our name at the Idaho County Courthouse.
- f. The projected cost of our project will be only for a 4 foot catch basins made out of a piece of culvert and some polypipe to bring the water down to a spigot close to our lawn-approximately \$500 to \$700.
- g. Previously, I have sent copies of letters of comment from the Dept. of Fish and Game and the Idaho Department of Environmental Quality.

P.S. (Don't know if these apply)
There is an easement for the powerline behind our house, an easement for our sub-division access road, and we are in the Wild & Scenic River ~~corridor~~ corridor.

MEMORANDUM

To: Water Right Application # 81-11998

From: Keith E. Franklin

Date: March 3, 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 has no adverse comments towards the applicant withdrawing up to an instantaneous surface water diversion of 0.1 cfs for the irrigation of 4 acres and fire protection from an unnamed stream that sinks.

Good Faith, Delay, or Speculative Information.

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

Financial Resources Information.

The applicant plans to finance the project with out of pocket funds, that's estimated to be less than \$500.00.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been ask to comment, by the applicant. The agencies are not apposed to the applicant's proposal.

Injury to Other Water Rights.

There isn't any foreseen potential impact to area water right holders or impact to the Middle Fork of the Clearwater River that is adjacent to the applicant's property.

Recommendation.

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

IDAHO DEPARTMENT OF WATER RESOURCES

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

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

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

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

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

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

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

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

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

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

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

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

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.

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.

March 3, 2009

MEMO: DIANNE
FROM: KEITH
SUBJECT: PLANNING DEPARTMENT COMMENTS

PLEASE FORWARD A COPY OF THIS APPLICATION TO IDWR'S PLANNING BUREAU IN BOISE, TO THE ATTENTION OF MORGAN CASE. THE TIME PERIOD FOR THEIR COMMENTS WILL RUN PARALLEL TO THE ADVERTISING PERIOD. FISH & GAME AND DEQ HAVE ALREADY COMMENTED.

THANK YOU.

KEITH.



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

DAVID R. TUTHILL, JR
Director

March 4, 2009

MORGAN CASE
IDAHO DEPT OF WATER RESOURCES
PO BOX 83720
BOISE ID 83720-0098

Re: Water Permit Application No. 81-11998

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 on March 18 and 25, 2009 in the Idaho County Free Press

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **April 6, 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

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, March 04, 2009 9:08 AM
To: Case, Morgan
Subject: Agency Comment Request for 81-11998 - Rogers
Attachments: 81-11998 - Rogers.pdf; Agency Comment Request Ltr.doc

Good morning, Morgan,

Attached is our letter requesting your comments on water right application 81-11998 for David and Mary Rogers. We need any comments by no later than April 6, 2009. That will be the final date for protests to be received in our office regarding this application.

Please send any comments to Keith Franklin at our office. If you have any questions, you can contact him by e-mail at Keith.Franklin@idwr.idaho.gov or by phone at our Northern Regional Office ~ 208-762-2800.

Thank you.

Have a great day,

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

3/4/2009



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

March 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

DAVID J ROGERS
MARY A ROGERS
PO BOX 205
KOOSKIA ID 83539

RE: Application for Permit No 81-11998

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Idaho County Free Press on March 18 and 25, 2009. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). 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, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Senior Water Resource Agent

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, March 10, 2009 2:56 PM
To: Legal Notices-ID CO Free Press - Nona
Subject: Legal notice for publication on March 18 and 25, 2009 - 81-11998
Attachments: CoverLetter 03-10-09 IC e-mail 81-11998.doc; LegalNotice 03-10-09 IC e-mail 81-11998.doc

Good afternoon, Nona,

We are attaching our cover letter requesting publication of a legal notice on March 18 and 25, 2009. The legal notice is also attached.

If you have ANY questions, please call or e-mail me. Please, also, send a proof/preview copy for my review before this goes to press.

Thanks, as usual, for your super help.

Have a great rest of the day and evening,

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

3/10/2009



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

DAVID R. TUTHILL, JR
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*

March 10, 2009

NONA DONALDSON
LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 81-11998

Dear Nona:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, March 18 and 25, 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 04/06/2009. Your cooperation is very greatly appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

81-11998

DAVID J ROGERS

MARY A ROGERS

PO BOX 205

KOOSKIA ID 83539

Point of Diversion SWNW S12 T32N R05E IDAHO CO.

Source UNNAMED STREAM tributary to SINKS

Use: IRRIGATION 03/15 To 11/15 0.08 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 12/15/2008

Place Of Use: IRRIGATION

T32N R05E S11 SENE Lot 2

T32N R05E S12 SWNW

Number of Acres 4

Place Of Use: FIRE PROTECTION

T32N R05E S11 SENE Lot 2

T32N R05E S12 SWNW

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 Resource, 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 04/06/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published March 18 and 25, 2009