

Ident. No. 78-12361

RECEIVED

NOV 03 2008

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Amount \$

JPC
04/10/09

1. Name of Applicant Tony CESARIO & Billie CESARIO Phone 208-628-0005
Mailing address PO Box 159 Riggins, Id. 83549 Email _____
2. Source of water supply Hat Creek which is a tributary of Little Salmon River
3. Location of point of diversion is Township 23 N Range 1 E Sec. 22, in the SE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot _____, B.M., Idaho County; additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .80 for Hydropower purposes from 1/1 to 12/31 (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)
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) .80 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 6" PVC Pipe
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 5 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. 614 ft of head, 22 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. _____

*
- NAME correction
- map
PSR office visit with both of them

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	
23	1E	21															P		

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? none

11. a. Who owns the property at the point of diversion? CESARIO
- b. Who owns the land to be irrigated or place of use? CESARIO
- 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. Power is for our own house & out building - not for sale. A single diversion is purposed, Return flow to creek will be in SWSE Sec 21 at place of use.

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.)

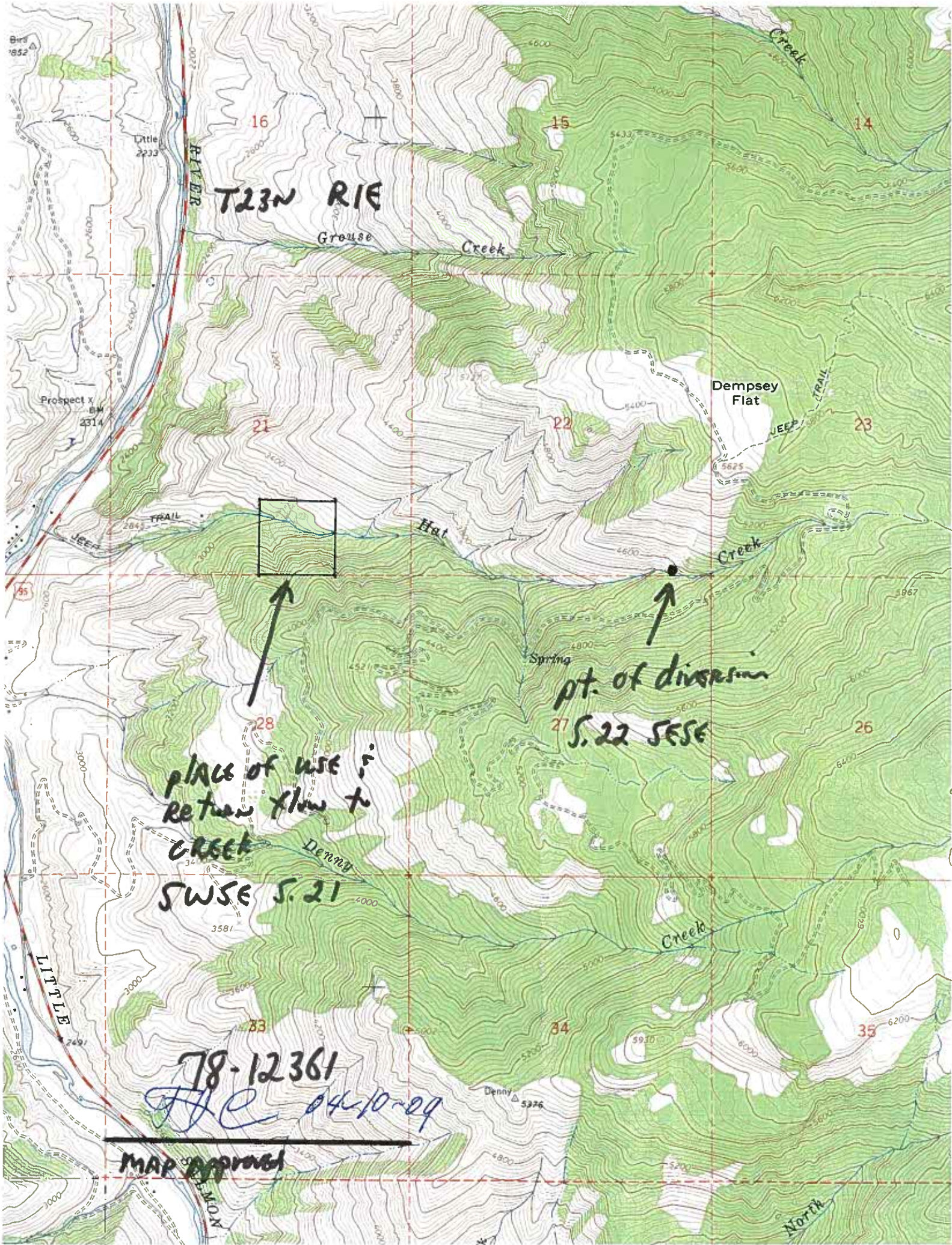
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Tony Cesario / Billie Cesario
Signature of Applicant

Tony Cesario / Billie Cesario
Print Name (and title, if applicable)

For Department Use:

Received by YM Date 11-3-08 Time 10:18 AM Preliminary check by SK
 Fee \$ 250 - Receipted by gph Receipt No. W037021 Date 11-3-08
 Publication prepared by DB Date 4/30/2009 Published in IDAHO COUNTY FREE PRESS
 Publication approved _____ Date _____ Dates Published MAY 6 & 13, 2009



T23N R1E

Grouse Creek

Dempsey Flat

Prospect X
BM
2314

TRAIL

Hat

Spring

pt. of diversion

S. 22 SESE

place of use &
return flow to
creek

SWSE S. 21

78-12361

HC 04-10-09

MAP approved

North

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AFFIDAVIT FOR WATER RIGHTS TO BE USED FOR POWER PURPOSES

A. Establishment of Residency: *(Complete either 1, or 2).*

1. Individual Applicant or Individual Members of a Partnership:

I, Tony OR Billie Cesarino of Riggins,
(name) (city)

County of Idaho, State of Idaho, being duly sworn, do hereby
certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, _____ of _____,
(name) (city)

County of _____, State of Idaho, being duly sworn, depose and
say: That I am the designated registered agent of the _____

_____ : that as such I am in charge of the registered office of the said
(name of corporation)

corporation as required by Section 30-1-12, Idaho Code, at _____
(city)

Idaho, wherein are kept the corporate records required by Section 30-1-52, Idaho Code: and that _____

_____ is a corporation qualified to do business in the State of Idaho under the laws
(name of corporation)
of the State of Idaho.

B. Ownership of Facilities: *(To be completed for hydropower projects only)*

The hydropower facility to be developed pursuant to the attached Application for Permit:

(check one)

☒ Will not utilize existing man-made irrigation facilities such as a dam or a canal.

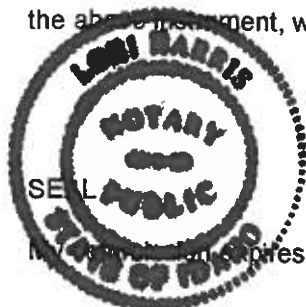
☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.

☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and the owner is the signee of this affidavit.

Tony Cesarino
Applicant

STATE OF IDAHO)
County of Ada)ss

On this 10 day of April, 2009, personally appeared before me the signer(s) of
the above instrument, who duly acknowledged to me that he (she) (they) executed the same.



Lori Harris
Notary Public residing at

Boise, Idaho

WorkCentre 7345 Transmission Report

G3 ID

Date/Time: 04/29/2009:11:15AM

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: 5

Date: April 29, 2009

To: Idaho County Free Press, Nona Donaldson

From: Denise Buffington *DB*

Fax: 208-983-1336

Attached please find (3) legal notices being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ads on the dates listed.

Thank you in advance,

Denise Buffington
Administrative Assistant

Total Pages Scanned: 5 Total Pages Sent : 5

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	5325	2089831336	4-29:11:14AM	41s	5 / 5	SG3		CP

Note:

RE: Resend MB: Send to Mailbox
PG: Polling RB: Relay Broadcast
SA: Send Again EN: Engaged

BC: Broadcast
RS: Relay Send
AS: Auto Send

MP: Multi Polling
BF: Box Fax Forward
TM: Terminated

RV: Remote Service
CP: Completed

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: 5*

Date: April 29, 2009

To: Idaho County Free Press, Nona Donaldson

From: Denise Buffington *DB*

Fax: 208-983-1336

Attached please find (3) legal notices being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ads on the dates listed.

Thank you in advance,

Denise Buffington
Administrative Assistant

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 29, 2009 11:03 AM
To: ndonaldson@eaglenewspapers.com
Subject: LEGAL NOTICES
Attachments: Idaho County Ads Cover Letter.RTF; 77-14319 Ad.RTF; 79-14216 Ad.RTF; 78-12361 Ad.RTF

Attached please find (3) legal notices being submitted for publication. Please contact me if you have any questions about the attached information; or if you are not able to run the ads on the dates listed.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

4/29/2009

April 29, 2009

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 77-14319, 78-12361 & 79-14216

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 05/26/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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

78-12361

TONY CESARIO
BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549-0159

Point(s) of Diversion SESE S22 T23N R01E IDAHO County Source HAT CREEK
Tributary To LITTLE SALMON RIVER

Use: POWER 01/01 To 12/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 11/03/2008

Place Of Use: POWER

T23N R01E S21 SWSE

Remark: Water will be fully returned to creek at place of use.

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, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/26/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on May 6th & 13th, 2009

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, April 29, 2009 3:50 PM
To: Thiel, Sandra
Subject: Comment Letter
Attachments: 78-12361 Comment letter to Planning Bureau.doc; 78-12361 App.pdf

Please review the attached information and comment as necessary. If you have any questions regarding the attached information, please contact our office at 334-2190.

Thank You,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

4/29/2009

April 29, 2009

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

Re: Application No(s).78-12361

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). Comments are in respect to minimum stream flow for 78-12362 for Little Salmon River.

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 May 26, 2009.

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

Sincerely,

Denise Buffington
Administrative Assistant

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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 29, 2009

IDAHO COUNTY COURTHOUSE
COUNTY COMMISSIONER
320 W MAIN, ROOM 5
GRANGEVILLE ID 83530

Re: Application No(s). 77-14319 & 78-12361

Dear Interested Party:

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).

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 May 26, 2009.

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

Sincerely,

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

Denise Buffington
Administrative Assistant

Enclosure



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

APR 20 2009

DEPARTMENT OF
WATER RESOURCES

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

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

April 15, 2009

Tony and Billie Cesario
PO Box 159
Riggins, ID 83549

RE: Water Right Application 78-12361

Dear Mr. Cesario,

DEQ has received your information and request for our comments on the approval of your application to draw water from Hat Creek, Idaho County. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

In the Idaho Water Quality Standards, the Hat Creek water body identification number is ID17060210SL001_02 (IDAPA 58.01.02.130.09). Hat Creek is listed in section 5 of the 2008 Integrated Report and is not supporting beneficial uses.

Flow data for Hat Creek is not included with the request for comment; therefore, DEQ cannot determine if removal of 0.8 cfs will impact existing aquatic life beneficial uses. In order to protect and maintain aquatic life beneficial uses, stream flow adequate to sustain existing aquatic life needs to be maintained (IDAPA 58.01.02.100.01). We recommend that stream flow be maintained at a level suitable to protect and maintain aquatic life during the withdrawal and at no time should the stream be allowed to go dry as a result of legally appropriated and allowable water withdrawals.

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

Sincerely,

A handwritten signature in black ink, reading "Kerby M. Cole". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Kerby M. Cole, P.E.
Regional Administrator

KMC:cb

CC: Steve Lester, IDWR, Boise
Ray Hennekey, IDFG, Lewiston

RECEIVED

APR 21 2009

WATER RESOURCES
WESTERN REGION

Lester, Steve

From: Allen,Dale [dale.allen@idfg.idaho.gov]
Sent: Wednesday, April 15, 2009 11:51 AM
To: Lester, Steve
Subject: RE: Cesario Water Right Application 78-12361

Steve Lester

After review of application and previous letter from the Department, I concur that we have no objections to this application.

Dale Allen
Regional Fishery Manager
555 Deinhard Lane
McCall, ID 83638
208-634-8137
dallen@idfg.idaho.gov

IDFG RESPONSE

From: Lester, Steve [mailto:Steve.Lester@idwr.idaho.gov]
Sent: Monday, April 13, 2009 3:47 PM
To: Allen,Dale
Subject: Cesario Water Right Application 78-12361

Dale:

Cesaros had a previous approved water right for a small hydropower project for personal use. That was identified as Permit 78-7198 dating to the late 1990s. The source was Hat Creek tributary to the Little Salmon River near Pollock. A copy of the IDFG 1999 comments on 78-7198 when it was processed is attached if that helps.

They built the system but never tested it or used it. They had to relinquish that approval because they had not beneficially used the water by the time of the 2008 field examination by IDWR.

They re-applied for a replacement water right listing the same amount of water etc. as before. The new application is 78-12361, copy attached. Because of that history, IDWR decided to expedite processing by seeking comments from your agency and from IDEQ as required for new applications within the greater Salmon-Clearwater drainages. This expedited approach replaces the normal procedure in which the applicants contact you for your comments.

Please review their application and provide your written comments to me at your earliest convenience. An email reply is fine if you prefer that method. Let me know if I can provide any assistance as you do this. Thank you for your help with this.

Steve Lester
Water Rights Supervisor

IDWR Western Region
2735 Airport Way
Boise, ID 83705

4/16/2009

Lester, Steve

From: Lester, Steve
Sent: Monday, April 13, 2009 3:47 PM
To: 'dallen@idfg.idaho.gov'
Subject: Cesario Water Right Application 78-12361

Attachments: Cesario 78-12361.pdf; IDFG letter Cesario 1999.pdf

Date:

Cesaros had a previous approved water right for a small hydropower project for personal use. That was identified as Permit 78-7198 dating to the late 1990s. The source was Hat Creek tributary to the Little Salmon River near Pollock. A copy of the IDFG 1999 comments on 78-7198 when it was processed is attached if that helps.

They built the system but never tested it or used it. They had to relinquish that approval because they had not beneficially used the water by the time of the 2008 field examination by IDWR.

They re-applied for a replacement water right listing the same amount of water etc. as before. The new application is 78-12361, copy attached. Because of that history, IDWR decided to expedite processing by seeking comments from your agency and from IDEQ as required for new applications within the greater Salmon-Clearwater drainages. This expedited approach replaces the normal procedure in which the applicants contact you for your comments.

Please review their application and provide your written comments to me at your earliest convenience. An email reply is fine if you prefer that method. Let me know if I can provide any assistance as you do this. Thank you for your help with this.

Steve Lester
Water Rights Supervisor

IDWR Western Region
2735 Airport Way
Boise, ID 83705

tel: 208.334.2190
fax: 208.334.2348



Cesario
3-12361.pdf (283 KB)



IDFG letter Cesario
1999.pdf (...)

Lester, Steve

From: Lester, Steve
Sent: Monday, April 13, 2009 3:39 PM
To: 'kerby.cole@deq.idaho.gov'
Subject: Cesario Water Right Application 78-12361

Attachments: Cesario 78-12361.pdf

Kerby:

Cesaros had a previous approved water right for a small hydropower project for personal use. That was identified as Permit 78-7198 dating to the late 1990s. The source was Hat Creek tributary to the Little Salmon River near Pollock. They built the system but never tested it or used it. They had to relinquish that approval because they had not beneficially used the water by the time of the 2008 field examination by IDWR.

They re-applied for a replacement water right listing the same amount of water etc. as before. The new application is 78-12361, copy attached. Because of that history, IDWR decided to expedite processing by seeking comments from your agency and from IDFG as required for new applications within the greater Salmon-Clearwater drainages. This expedited approach replaces the normal procedure in which the applicants contact you for your comments.

Please review their application and provide your written comments to me at your earliest convenience. An email reply is fine if you prefer that method. Let me know if I can provide any assistance as you do this. Thank you for your help with this.

Steve Lester
Water Rights Supervisor

IDWR Western Region
2735 Airport Way
Boise, ID 83705

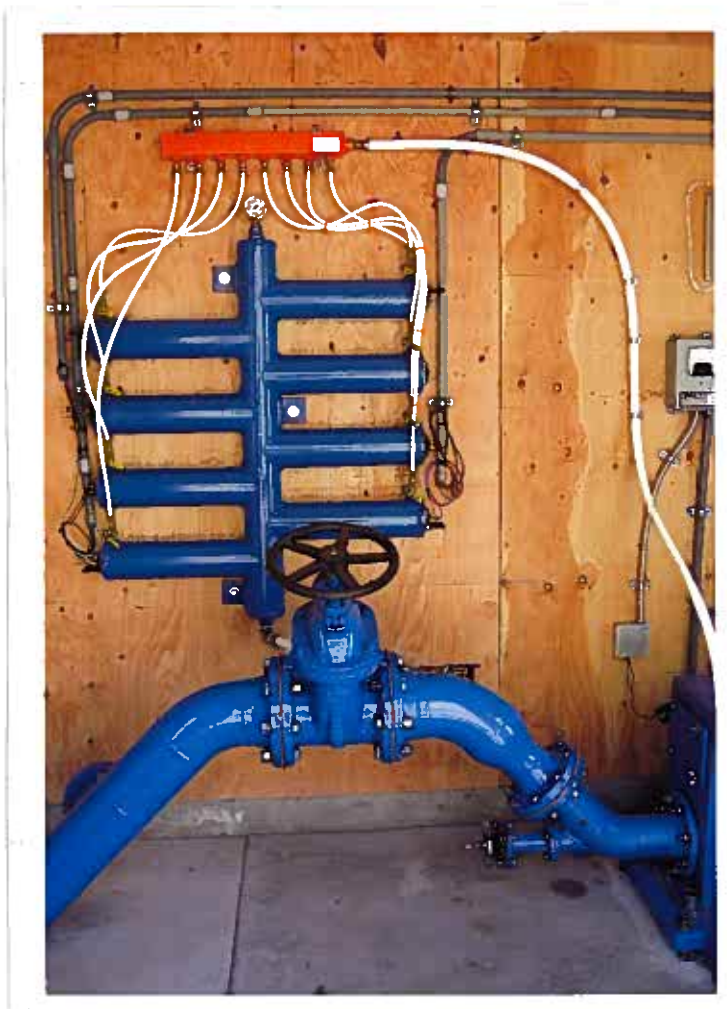
tel: 208.334.2190
fax: 208.334.2348

steve.lester@idwr.idaho.gov



Cesario
3-12361.pdf (283 KB)











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
DAVID R. TUTHILL, JR., Director

April 2, 2009

TONY & BILLIE CESARIO
PO BOX 159
RIGGINS ID 83549-0159

Re: Application for Permit No. 78-12361

Dear Tony and Billie:

Your replacement application for power use is number 78-12361. The Idaho Department of Water Resources (IDWR) can waive most of the usual information required for seeking a new water right in your area. This is because your application replaces recently relinquished permit no. 78-7198.

This office can expedite your application as soon as a few items are clarified as follows.

- ✓ 1. Affidavit – please complete the enclosed affidavit required for all power applications.
- ✓ 2. Place of use – the application lists the place of use and return flow point in the SWSE of Section 21. This agrees with the information in 78-7198. However, your application map shows a place of use in the SESW of Section 21, which is apparently incorrect. Enclosed is a new map that agrees with your application information. If the new map is correct, please initial and date it to endorse it. However, if the original map is correct, please let me know. In the latter case, you do not need to return any map in your reply.
- ✓ 3. Development period – your application states you want 5 years to complete the development and fully use the water as proposed. Your letter accompanying the application states the system is in place now. If the system is in place and capable of being fully used, an application approval would include the minimum 1 year development period in which to file proof of beneficial use for the system. Please confirm whether or not the system is fully in place now.

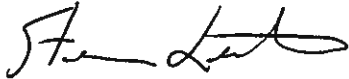
Application for Permit No. 78-12361

April 2, 2009

Page 2

Please submit your reply with the necessary information as soon as possible to allow your application to be processed. Feel free to contact me at 208-334-2190 if you have any questions. Thank you for your prompt attention to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized, cursive script.

Steve Lester
Water Rights Supervisor

Enclosure

November 3, 2008

Tony and Billie Cesario

Re: Application for Permit filed today

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.

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, ^c


Vicky Music

Enclosure

BS 77-79 processing letter given to
applicant during office visit -82

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: Eric Leitzinger 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 Resources¹, 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.

¹ Note limited response acceptable for projects that will cost less than \$5,000 – see page 1.

Nov 3, 2008

Steve Lester,

We are reapplying for a water use permit for hydro power. Originally we were living out of state & working on the system in the summer when the ground was thawed. There was some confusion on our part as far as the paperwork process. Vicki Murie has explained this to us & cleared up the problem. We are now living in our house on the property & would appreciate your help ~~to~~ expedite this. In the past Tony has had several heart attacks followed by surgery. This required a period of recovery each time which delayed our work. The system is in place now.

Thank you for your consideration,
Tony & Billie
Cesari

PO Box 159

Riggins, ID. 83549

208-628-0005

RECEIVED

NOV 03 2008

WATER RESOURCES
WESTERN REGION