

75142 85-15709

Ident. No. 75142

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED RECEIVED
OCT 21 2008 SEP 29 2008
IDWR/North IDWR/North

1. Name of Applicant Ted and Linda Zmak Phone 746-4954
Mailing address 3817 Thirteenth Street D, Lewiston, Idaho 83501 Email N/A

2. Source of water supply Well located at 2323 Powers Avenue, Lewiston, Idaho

3. Location of point of diversion is Township 35N Range 5W Section 13, in the SE 1/4.
SW 1/4, 12 Govt. Lot _____, B.M., Nez Perce County;
Additional points of diversion if any: Lat. 46:22:272, Long. 116:54:612

4. Water will be used for the following purposes:

Amount .03 CFS for Domestic purposes from 01-01 to 12-31 (both dates inclusive)
Amount .1 CFS for Irrigation for 5 acres purposes from 2-15 to 11-30 (both dates inclusive) **Irrigation**
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.2 CFS per acre (5 x 0.02 CFI = .1 CFS ac)
and/or (b) _____

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Well Pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet

c. Proposed well diameter is 5 inches; proposed depth of well is 900 feet

d. Is ground water with a temperature of greater than 85° being sought? No.

e. If well is already drilled, when? _____; Drilling firm Stuvenga Vessey Drilling;
Well was drilled for (well owner) _____; Drilling Permit No. ID D 0054436

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

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

a. Hydropower; show total of 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. _____

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 places of use below. See instructions for standard symbols.

SEP 29 2008

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	S
35	S	13																	
																			5

Total number of acres to be irrigated: 5

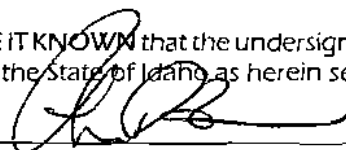
10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn,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

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

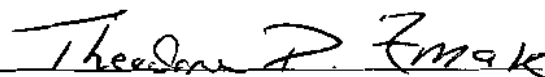
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2" x 11" 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

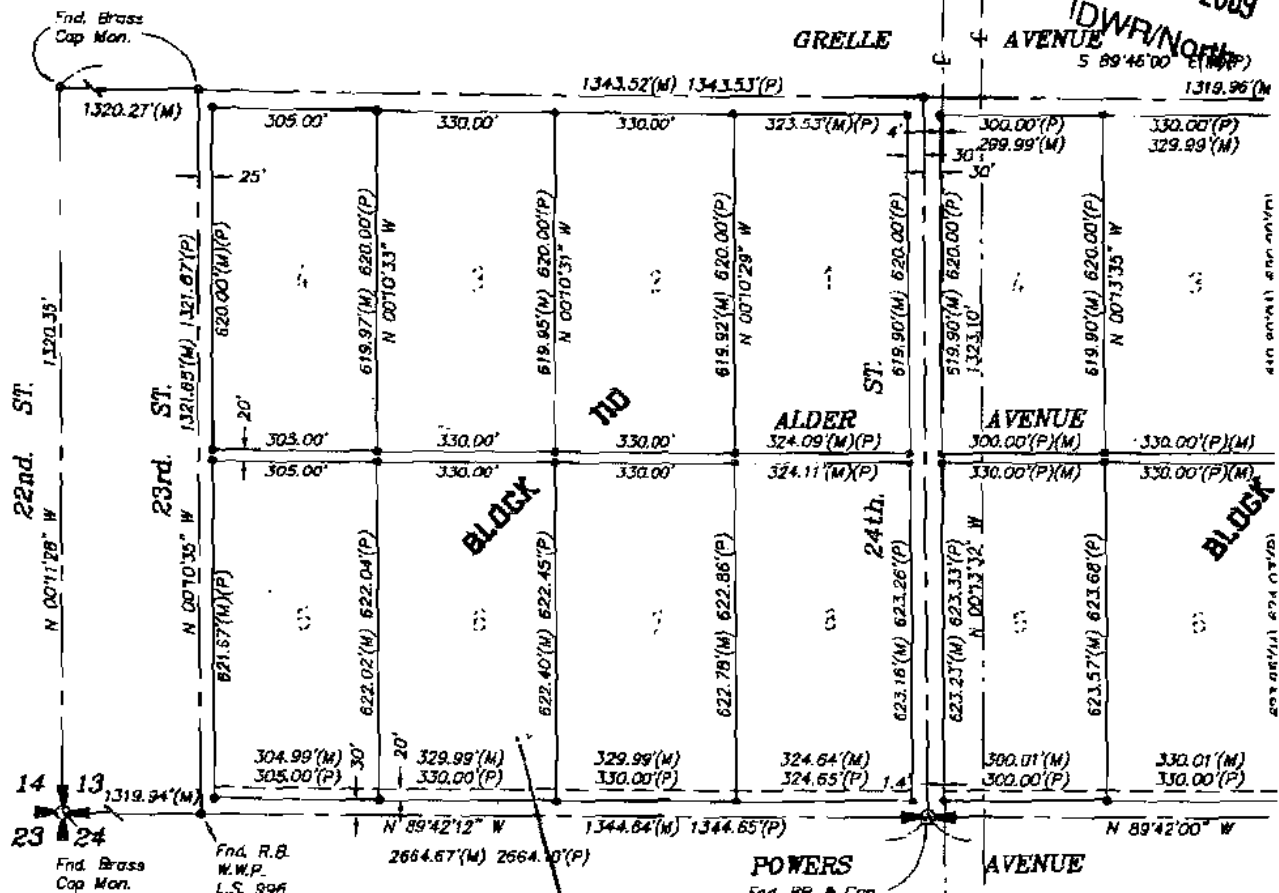


Print Name (and title, if applicable)

For Department Use:

Received by CM Date 9-20-08 Time _____ Preliminary check by _____
Fee \$100.00 Receipted by CM Receipt No. NO19564 Date 9-20-08
Publication prepared by CM Date 1/28/09 Published in Lewiston Tribune 2/5+12/09
Publication approved CM Date 2/18/09 Dates Published 2/5+12/09

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LEGAL DESCRIPTION

Lots 1 through 8, Block 110 and Lots 1 through 8, Block 111 of Lewiston Orchards Tracts No. 12; Together with Lewiston Orchards Irrigation District Right-of-Way, as recorded in Nez Perce County, Idaho under A.F. #633924.

*Backset 30'
10' side set*

*ATT
TED Boyle*

AUDITOR'S CERTIFICATE
Filed for record this _____ day of _____
19____ at the request of Long Surveying Inc.

COUNTY AUDITOR _____

Survey No. _____

Auditor's File No. _____

Vol. _____ Page _____

SURVEYOR'S CERTIFICATE
This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of WALTERS ESTATES in OCT. 1998.

Walter Long
Walter Long
P.L.S. 2720



LOT

Drawn by _____

Date: _____

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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. *1 User*

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. *Already Submitted*

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. *N/A*

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. *See att. application*

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. *see app.*

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. *N/A*

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. *See att.*

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. *This is going to be paid for by reg operating expenses.*

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. *See att*

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. *See att.*

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

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IDWR/North

Office Use Only
Well ID No. _____
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 1/4 1/4
Lat: _____ Long: _____

1. WELL TAG NO. D 0034436
DRILLING PERMIT NO. _____
Water Right or Injection Well No. _____

2. OWNER:
Name L & T Properties (Theodore D. Zmek)
Address 3817 13th St N.
City Lewiston State ID Zip 83501

3. LOCATION OF WELL by legal description:
You must provide address or Lot, Blk, Sub. or Directions to well.
Twp. 35 North ☒ or South ☐
Rge. 5 East ☐ or West ☒
Sec. 13 SE 1/4 SW 1/4 NW 1/4
Govt Lot _____ County Blaine
Lat: 46:22:27.2 Long: 114:59:61.2
Address of Well Site 2323 Powers Ave
City Lewiston
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>Cement Grout</u>	<u>0</u>	<u>25</u>	<u>10 Sacks</u>	<u>Overhead</u>
<u>Grout</u>				<u>Hand</u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 25'
Was drive shoe seal tested? ☒ Y ☐ N How? yes

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>8</u>	<u>2</u>	<u>378</u>	<u>250</u>	<u>Steel</u>	☒	☐	☐	☐
<u>6</u>	<u>10</u>	<u>900</u>	<u>100</u>	<u>PVC</u>	☐	☒	☐	☐

Length of Headpipe _____ Length of Tailpipe _____
Packer ☐ Y ☒ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE
Perforation Method Sand Pack
Screen Type & Method of Installation

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>850</u>	<u>900</u>	<u>1/2 x 6</u>	<u>20</u>	<u>6"</u>	<u>PVC</u>	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
685 ft. below ground Artesian pressure _____ lb.
Depth flow encountered 240 ft. Describe access port or control devices:
well cap

12. WELL TESTS:
☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
<u>100</u>			<u>1 hr</u>

Water Temp. 52° Bottom hole temp. _____
Water Quality test or comments: Cool - Clear
Depth first Water Encounter 240

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>10</u>	<u>0</u>	<u>7</u>	<u>Top Soil</u>		☒
<u>10</u>	<u>7</u>	<u>195</u>	<u>Basalt</u>		☒
<u>10</u>	<u>195</u>	<u>370</u>	<u>Tan Clay</u>		☒
<u>10</u>	<u>370</u>	<u>378</u>	<u>Basalt</u>		☒
<u>8</u>	<u>378</u>	<u>520</u>	<u>Basalt</u>		☒
<u>8</u>	<u>520</u>	<u>648</u>	<u>Black shale</u>		☒
<u>8</u>	<u>648</u>	<u>700</u>	<u>Basalt</u>		☒
<u>8</u>	<u>700</u>	<u>760</u>	<u>Basalt</u>		☒
<u>8</u>	<u>760</u>	<u>840</u>	<u>Basalt</u>		☒
<u>8</u>	<u>840</u>	<u>880</u>	<u>Soft Basalt</u>	☒	
<u>8</u>	<u>880</u>	<u>900</u>	<u>Basalt</u>		☒

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Completed Depth 900' (Measurable)
Date: Started 3/21/2008 Completed 3/23/2008

14. DRILLER'S CERTIFICATION
We certify that all minimum well construction standards were complied with at the time the rig was removed.
Company Name Stinking Water Drilling Firm Firm No. 545
Principal Driller John A. K... Date 4/2/08
and Driller or Operator II ... Date 4/2/08
Operator I ... Date 4/2/08
Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

85-15709



Legend

- Application POD
-  Application POU

0 60 120 240 360 480 Feet



AN

35N05W13NWSW

35N05W13NESW

35N05W13NWSE

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DWR/North

35N05W13SWSE

35N05W13SESW

35N05W13SWSE

35N05W24NWNW

35N05W24NENW

35N05W24NWNW

KNOWLTON & MILES, PLLC
ATTORNEYS AT LAW

Manderson L. Miles
Rick Cuddihy

P.O. Drawer 717
312 Seventeenth Street
Lewiston, Idaho 83501

Owen L. Knowlton
(1910 - 1992)
Cheryl J. Armstrong
Certified Legal Assistant

October 20, 2008

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OCT 21 2008
IDWR/North

Idaho Department of Water Resources
Northern Region
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

RE: *Corrected* Application for Permit

Dear Sir or Madam:

Enclosed please find the *corrected* Application for Permit my clients, Ted and Linda Zmak, asked me to complete for them.

If there is anything that is not correct, or needs changed in any way, please contact me here at the office.

Very truly yours,

KNOWLTON & MILES, PLLC

Manderson L. Miles
Manderson L. Miles *for* *Manderson Miles*

MLM:msm
Enclosure
c: Ted and Linda Zmak



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

November 10, 2008

Knowlton & Miles, PLLC
P.O. Drawer 717
312 17th Street
Lewiston, ID 83501

RECEIVED
NOV 12 2008
IDWR/North

RE: Water Rights Application for Ted and Linda Zmak

DEQ has received a request for comment on an application to the Idaho Department of Water Resources requesting approval to appropriate ground water from an existing well and draw 0.2 cfs of ground water for domestic and irrigation use from January 1 to December 31, and February 15 to November 30, respectively. Based on the information that has been provided, DEQ cannot estimate nor predict impairments to surface or ground water beneficial uses resulting from the requested withdrawal. However, assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed, we can offer the following comments.

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

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

Sincerely,

A handwritten signature in black ink that reads "Kerby M. Cole". The signature is written in a cursive, flowing style.

Kerby M. Cole, P.E.
Regional Administrator

CC: Ted and Linda Zmak, Lewiston
Keith Franklin, IDWR
Marti Bridges, DEQ
Ray Hennekey, IDFG

Mendy Maurer

From: Hennekey,Ray [rhennekey@idfg.idaho.gov]
Sent: Wednesday, December 17, 2008 2:01 PM
To: mmaurer@cableone.net
Subject: FW: ITD water right application and ZMAK water right application #85-15709

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JAN 09 2009
IDWR/North

From: Hennekey,Ray
Sent: Monday, December 08, 2008 8:57 AM
To: Keith Franklin (keith.franklin@idwr.idaho.gov)
Cc: Cadwallader,Dave; Kiefer,Sharon
Subject: ITD water right application and ZMAK water right application #85-15709

Keith -

Also, we have reviewed the application by Ted and Linda Zmak (#85-15709) to withdraw 0.2 cfs from a 900' deep well for irrigation from 2/15 to 11/30 annually. The well is located within the city of Lewiston and we do not anticipate that the proposed withdrawal will have significant impacts on fish or wildlife.

Please let me know if you have any questions or require more information.

Thanks.

Ray Hennekey

Staff Biologist

DFG Clearwater Region

Lewiston, ID 83501

208) 799-5010

12/18/2008

KNOWLTON & MILES, PLLC
ATTORNEYS AT LAW

Manderson L. Miles
Rick Cuddihy

P.O. Drawer 717
312 Seventeenth Street
Lewiston, Idaho 83501

Owen L. Knowlton
(1910 - 1992)
Cheryl J. Armstrong
Certified Legal Assistant

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JAN 09 2009
IDWR/North

January 6, 2009

Idaho Department of Water Resources
Northern Region/ Clearwater Region
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

RE: *Application for Permit #85-15709*

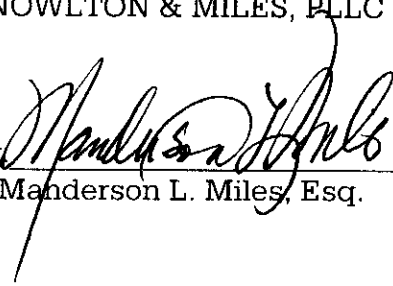
Dear Sir or Madam:

Enclosed are the documents you requested regarding the Water Rights Permit for my clients, Ted and Linda Zmak.

If you have any questions, please feel free to call me at the office.

Very sincerely yours,

KNOWLTON & MILES, PLLC

By 

Manderson L. Miles, Esq.

MLM/msm
Enc:

cc: Ted and Linda Zmak
File



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

January 20, 2009

TED & LINDA ZMAK
3817 THIRTEENTH STREET D
LEWISTON, ID 83501

KNOWLTON & MILLES, PLLC
P.O. DRAWER 717
312 SEVENTEENTH STREET
LEWISTON, ID 83501

RECEIVED
JAN 28 2009
IDWR/North

Re: Application for Water rights to appropriate the Public Waters of the State of Idaho:
Water Right Number 85-15709.

After reviewing the water permit and well driller's reports for this application we have discovered that fee for your well needs an upgrade. I have enclosed copy of the driller report that indicate domestic use only in line #4. This means the driller bought a permit for \$ 75.00 in 2008 for domestic use (Not Irrigation). The one time well upgrade fee is \$125.00 for your well; this will add the use of irrigation to this well.

Once the department receives these additional fees, processing of the water license can continue. If you have any questions, please call me at 208-762-2800 or email me at eric.davis@idwr.idaho.gov Please respond with in 14 days.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Eric Davis', written in black ink.

ERIC DAVIS
Senior Water Resource Agent
Northern Region

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 0054436
DRILLING PERMIT NO. _____
Water Right or Injection Well No. _____

2. OWNER:

Name L + T Properties (Theodore D. Zmak)
Address 3817 13th St. D.
City Lewiston State ID Zip 83501

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 35 North ☒ or South ☐
Rge. 5 East ☐ or West ☒
Sec. 13 SE 1/4 SW 1/4 NE 1/4
Gov't Lot _____ County Nez Perce

Lat: 46:22:27.2 Long: 116:54:16.12Address of Well Site 2323 Powers Ave

(Give at least name of road + Distance to Road or Landmark)

City Lewiston

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

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

5. TYPE OF WORK check all that apply

(Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
Bentonite	0	25	10 Sacks	Overbore
Granuals				Poured

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 378Was drive shoe seal tested? ☒ Y ☐ N How? Air

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8	+2	378	250	Steel	☒	☐	☒	☐
6	-10	900	100	PVC	☐	☒	☒	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☒ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method Saw Cut

Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
850	900	1/2 x 6	80	6"	PVC	☐	☒
						☐	☐
						☐	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

685 ft. below ground Artesian pressure _____ lb.Depth flow encountered 240 ft. Describe access port or control devices: _____Well Cap

Office Use Only			
Well ID No.	_____		
Inspected by	_____		
Twp	Rge	Sec	
1/4	1/4	1/4	
Lat:	:	Long:	:

12. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
100			1 hr.

Water Temp. 52° Bottom hole temp. _____Water Quality test or comments: Cool + ClearDepth first Water Encounter 340

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
10	0	7	Top Soil		X
10	7	145	Basalt		X
10	145	374	Tan Clay		X
10	374	378	Basalt		X
8	378	520	Basalt		X
8	520	548	Black Shale		X
8	548	700	Basalt		X
8	700	760	Soft Basalt		X
8	760	840	Basalt		X
8	840	880	Soft Basalt	X	
8	880	900	Basalt		X

RECEIVED

JAN 28 2009
IDWR/NorthRECEIVED
SEP 29 2008
IDWR/NorthCompleted Depth 900' (Measurable)Date: Started 3/21/2008 Completed 3/23/2008

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Stanley Vessy Drilling Firm No. 545Principal Driller Stanley Vessy Date 4/2/09and Driller or Operator II Stanley Vessy Date 4/2/09Operator I Stanley Vessy Date 4/2/09Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

RECEIVED
JAN 09 2009
IDWR/North

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)

KNOWLTON & MILES, PLLC
ATTORNEYS AT LAW

Manderson L. Miles
Rick Cuddihy

P.O. Drawer 717
312 Seventeenth Street
Lewiston, Idaho 83501

Owen L. Knowlton
(1910 - 1992)
Cheryl J. Armstrong
Certified Legal Assistant

RECEIVED
JAN 28 2009
IDWR/North

January 27, 2009

State of Idaho
Department of Water Resources
Attn: Eric Davis, Senior Agent
Northern Region
7600 Mineral Drive, Ste. 100
Coeur d'Alene, Idaho 83815

Receipt #
1019849
D

RE: *Water Rights Request for Ted and Linda Zmak*

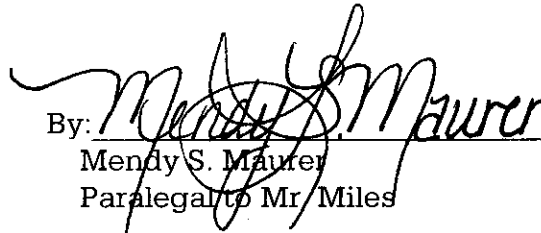
Dear Eric:

Enclosed is a copy of the letter you sent to our office regarding the payment of an additional \$125, and a check in that amount from our clients. We look forward to assisting you and our clients resolve this issue.

If you have any questions, please feel free to contact our office. Thank you for your assistance in settling this matter.

Very sincerely yours,

KNOWLTON & MILES, PLLC

By: 
Mandy S. Maurer
Paralegal to Mr. Miles

msm
Enc:

cc: Ted and Linda Zmak
File



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

January 28, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

TED ZMAK
LINDA ZMAK
3817 13TH ST D
LEWISTON ID 83501

RE: Application for Permit No 85-15709

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 Lewiston Tribune on February 5 and 12, 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

Enclosure(s) Receipt No. N019564 for Application for Permit, and
Receipt No. N019849 for upgrade of Well (Tag #D54436)



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

January 28, 2009

KAREN LEWIS
LEGAL NOTICE DEPARTMENT
LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Application for Permit No. 85-15709

Dear Karen:

Following you will find a legal notice which we wish to have published in your newspaper on the dates indicated, February 5 and 12, 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 02/23/2009. Your cooperation is, as always, greatly appreciated. It's ALWAYS a pleasure to work with you.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

85-15709

TED ZMAK

LINDA ZMAK

3817 13TH ST D

LEWISTON ID 83501

Point(s) of Diversion SESW S13 T35N R5W NEZ PERCE County

Source GROUND WATER

Use: IRRIGATION 02/15 To 11/30 0.1 CFS

Use: DOMESTIC 01/01 To 12/31 0.03 CFS

Total Diversion: 0.1 CFS

Date Filed: 09/29/2008

Place Of Use: DOMESTIC

T35N R05W S13 SESW

Place Of Use: IRRIGATION same as DOMESTIC

Number of Acres 5

Remark: Domestic use is for 1 home.

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 02/23/2009.

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

DAVID R. TUTHILL, JR., Director

Publish February 5 and 12, 2009

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DAVID R. TUTHILL, JR., Director

Published on February 5 and 12, 2009

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, January 28, 2009 3:05 PM
To: Legal Notices-Lewiston Tribune - Karen Lewis
Subject: CoverLetter 01-28-09 LT e-mail+legal 85-15709.doc

ANY question, please call me or reply to this e-mail. Please send proof/preview copy for my review before this goes to press.

Thanks for ALL your super help, and have a wonderful rest of the day and week.
Dianne

**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
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Dianne Ball
Administrative Assistant

1/28/2009

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DAVID R. TUTHILL, JR., Director

Publish February 5 and 12, 2009