

74561

Ident. No. 81-11994

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

RECEIVED

FEB 07 2008

IDWR/North

1. Name of Applicant Idaho Transportation Department Phone 799-4255
Mailing address P.O. Box 837 Lewiston ID 83501
2. Source of water supply Unnamed Stream which is a tributary of Lachsa River
3. Location of point of diversion is Township 37N Range 14E Sec. 28, in the SW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____, B.M., Idaho County;
additional points of diversion if any: Existing well
4. Water will be used for the following purposes:
Amount 0.15 for Fire Suppression/Irrigation purposes from 3/15 to 4/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.5 for Fire Protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.5 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Well, pump & pipelines
 - b. Height of storage dam 3' 2" feet; active reservoir capacity .062 acre-feet; total reservoir capacity .062 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? 1964; Drilling firm N/A
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. MAINTENANCE of fire suppression pond & irrigation withdrawals

3. 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	NP	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
37N	14E	28			F ₅														5

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? U.S. Forest Service, Powell District

b. Who owns the land to be irrigated or place of use? _____

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: SPECIAL USE permit.

12. Remarks: _____

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

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

[Signature] Dist. Dir. CWR.
 Signature of Applicant (and title, if applicable)

Received by [Signature] Date 2/1/08 Time Noon Preliminary check by _____
 Fee \$ 296.00 Received by SMO, ST Office # BIL 0092 Date 9/1/07
 Publication prepared by [Signature] Date 6/25/08 Published in Idaho Co. Free Press 7/2+9/08
 Publication approved [Signature] Date 7/14/08

81-11994



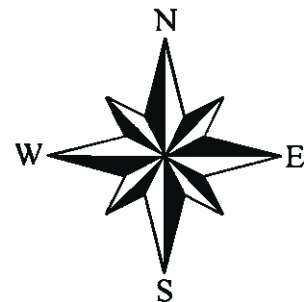
0 155 310 620 930 1,240 Feet

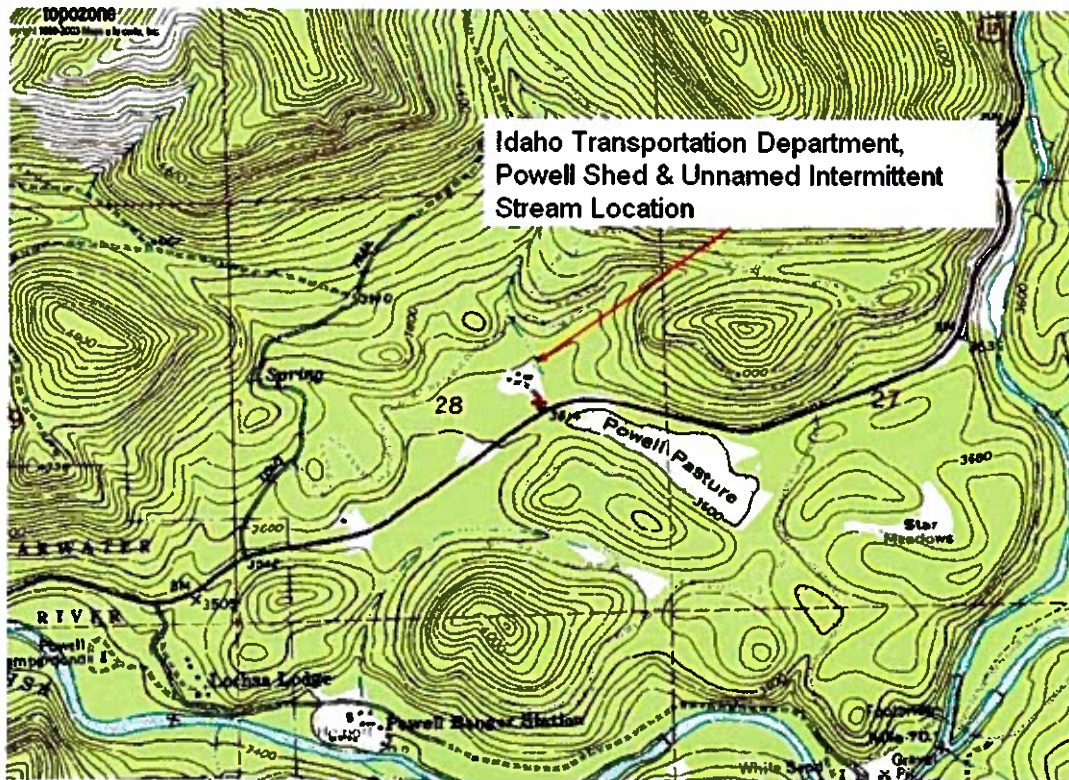
Legend

QQ

workingpod

workingpou





Rocky Point, Idaho Quadrangle





IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

December 14, 2006

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

RECEIVED
SEP 14 2007
IDWR/North

Mr. Zachary Funkhouser
Idaho Transportation Department
District 2
P.O. Box 837
Lewiston ID 83501

Re: APPLICATION FOR A PERMIT TO APPROPRIATE WATERS OF THE STATE

At your request, IDFG has reviewed your application to withdraw 1.5 cfs water from an un-named stream tributary to Lochsa River for fire suppression and "small irrigation withdrawals" to serve an ITD maintenance facility and employee domicile. (The US Forest Service owns the property occupied by the ITD facility and would hold the water right; ITD is applying on USFS' behalf.) The water would be pumped from an existing holding "pond" in the creek created by a small dam.

The application indicates that water would also be diverted using a well. No details were provided regarding the location or volume to be provided by the well, and no information was provided regarding the location or size of the area proposed for irrigation or the amount of water desired for irrigation. However, in subsequent telephone conversations and emails you have provided additional information that indicates that (1) the well referred to is an existing well (WR# 81-11889) that serves domestic needs for employee living quarters on the site; and (2) that you wish to use the pond (a) for fire suppression in the event of ground or structural fires at the ITD facility and (b) to supplement irrigation from the domestic well. You calculated your fire suppression need at 1.5 cfs instantaneous withdrawal; and, in an email, indicated that you would apply for 0.06 cfs, not to exceed 13,000 gallons per day, to irrigate 4 acres between July and September. On August 16, 2007 you measured flow in the creek at 1.0 cfs.

Based on the information provided and our subsequent correspondence, we offer the following comments and recommendations:

- Depending on the rate of recharge from the creek at the time, withdrawal for a fire at the requested instantaneous rate of withdrawal of 1.5 cfs could nearly or completely empty the "pond" (i.e., dewater the creek) inside of an hour. It goes without saying that dewatering the stream would have adverse impacts on fish, wildlife and habitat. However, since the withdrawal would be on an emergency basis only, and because we would expect upstream flow to restore continuity within a reasonably short time even at low flows, IDFG does not anticipate that the proposed withdrawal for fire suppression would have more than a short-term adverse effect on fish, wildlife or stream habitat and that the short-term impact would be justified for an emergency. **We have no objection to the proposed emergency withdrawal of 1.5 cfs for fire suppression.**

Keeping Idaho's Wildlife Heritage

- IDFG can not endorse your request for withdrawal for irrigation, based on the information provided. The original application provided to us indicated that you wished to make "small irrigation withdrawals" from the stream. In subsequent correspondence you indicated that you wish to withdraw 0.06 cfs for irrigation of 4 acres. Based on our observations of the site and your responses to our inquiries, the majority of the site is covered by buildings, graveled, stored materials or natural vegetation at the margins that do not require irrigation. Therefore, the 0.06 cfs you intend to request for irrigation appears excessive for your irrigation needs. The site may be 4 acres, but some of that total acreage already has been allocated water for irrigation from the well, and only a small portion of the remaining area may require irrigation. Also, the requested withdrawal for irrigation constitutes a substantial portion of flow in the creek during critical summer months.

Since every water savings is important, however small, and since your current request is for withdrawals that may constitute a substantial portion of the natural stream flow, and since the domestic well permit already provides for irrigation of 1/2 acre for the domicile on site, and since a large portion of the remaining 4 acres does not require irrigation, we recommend that you either do not apply for the 0.06 cfs withdrawal for supplemental irrigation water or that you recalculate your actual irrigation demand for the acreage not covered by the domestic well permit (*i.e.*, the actual area to be irrigated on the remaining 3.5 acres) and amend your application to reflect actual water needed to meet that demand. IDWR can provide standard irrigation rates for that part of the state.

- Finally, IDFG routinely recommends against constructing ponds in streams. In this instance, however, a 0.62 AF "pond" already exists on site, maintained by a makeshift dam. You propose to install a more permanent dam to maintain the pond. We would prefer that you maintain a pool only large enough to collect water for your pump; however, since the pond already exists we do not object to your improvements to maintain the pond. However, be advised that the dam must be designed, installed and maintained to ensure fish passage per Idaho Code. Please note, too, that water intakes must be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

Thank you for the opportunity to preview your water right application. Please contact Ray Hennekey, Clearwater Region staff biologist, for questions or further discussion regarding this project.

Sincerely,



Dave Cadwallader
Clearwater Regional Supervisor

c: Tracey Trent
Keith Franklin, IDWR CdA
Kerby Cole, DEQ



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 837
Lewiston, ID 83501-0837

(208) 799-5090
itd.idaho.gov

May 24, 2007

RECEIVED
MAY 30 2007
IDWR/North

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

Re: Joint Application for Permit
Maintenance Site, Powell Yard

Dear Greg:

Enclosed is a Joint Application for a permit to replace the head-gate in a fire-suppression pond in ITD's Powell Yard. A copy of this application is also being sent to Nicholle Braspennickx at the USACOE office in Boise. Please review this application and, if appropriate, issue a permit for this action.

If you have any questions or concerns regarding this application, please feel free to contact me at (208) 799-5090.

Sincerely,

A handwritten signature in blue ink, reading 'Zachary A. Funkhouser'.

ZACHARY A. FUNKHOUSER
Environmental Planner Senior

ZAF:ss/z:\ADMIN\IOM\WRD\FILES\ADM\taylor-powell yard jointpermit.doc
Enclosure

JOINT APPLICATION FOR PERMIT
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

**DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH
THE
CORPS AND THE STATE**

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. **Route Uses: Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued.** Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant Information pamphlet provides instructions and a checklist for completing the drawings.

1. Corps of Engineers # _____ Date Received _____	2a. Department of Water Resources # _____ Date Received <u>5/30/07</u> ☒ Fee Rec'd By: _____ Receipt # _____	2b. Department of Lands # _____ Date Received _____ Fee Rec'd By: _____ Receipt # _____
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PLEASE TYPE OR PRINT

3. a. Applicant <u>Idaho transportation Department</u> b. Mailing Address <u>P.O. Box 837</u> <u>Lewiston, Idaho 83501-0837</u> Area _____ Area _____ c. Work Phone (208) <u>799-5090</u> Home () _____ d. Fax Number <u>208-799-4301</u> e. Email Address _____	4. a. Authorized Agent <u>Zachary A. Funkhouser</u> b. Mailing Address <u>P.O. Box 837</u> <u>Lewiston, Idaho</u> Area _____ Area _____ c. Work Phone (208) <u>799-5090</u> Home () _____ d. Fax Number <u>208-799-4301</u> e. Email Address <u>zachary.funkhouser@itd.idaho.gov</u>
---	---

5. Location where proposed activity exists or will occur. a. Waterway <u>Unnamed tributary to Lochsa River.-</u> Tributary of _____ b. Distance/Direction from nearest city or town _____ County/State _____ <u>59847 Idaho County, Idaho</u> c. Zip Code <u>Local jurisdiction (city or county)</u> d. Directions to the site <u>1/2 mile east of Powell, ID @ State Maintenance Shed on US-12.</u>	5. e. Tax Assessor's Description _____ Distance/Direction from nearest city/town <u>1/2 mile east of Powell, ID</u> SW - NE <u>28</u> T <u>37</u> N R. <u>14</u> E f. 1/4 1/4 Section Township Range g. UTM Coordinate Grid <u>11</u> <u>5154318N</u> <u>676396E</u> Zone Northing Easting
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6. a. Describe Project (Work below the ordinary high water mark or in wetlands). The pond bottom will be dredged. The existing headgate/weir will be removed and replaced.

b. Construction methods and equipment Stream will be diverted by cofferdam to a 24" pipe. Organic silt and dam footprint will be excavated by back-hoe and tracked excavator. The dam foundation will be compacted by vibratory compactor and excavator.

c. Length of project along the stream or extension into lake or reservoir: 45 Feet
d. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)
Approximately 1.5 cu ft/sec - 0.97 sq mi

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

7. a. Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? 18 cu yd
(cubic yards)

b. Will fill be placed in wetlands? no If yes, area: _____ (acres) Type of fill material: N/A
(i.e. sand, rock, clay, concrete, etc.)

c. Will dredging be required waterward of the ordinary high water mark or in wetlands? yes If yes, volume 38 (cubic yards)

d. Type of dredged material Organic silt, excavated borrow

e. Disposal site for dredged material: Approved upland location Method of dredging: Excavator/backhoe

f. Method to control turbidity and sedimentation: Flow will bypass construction site through a temporary pipe and cofferdam.

g. Is project located in a mapped floodway? No If yes, complete the Engineering "No-Rise" certification form.

8.a. Purpose and intended use: Commercial ☐ Public ☐ Private ☒ Other ☐ De ☐ se ☐

b. Reason for project To provide fire suppression water for the ITD maintenance shed and buildings.

9. Proposed Starting Date _____ Estimated Duration 2 Weeks

10. List portions of the project that are complete with month and year of completion N/A
Label this work on your drawings.

11. Names, addresses, and telephone numbers of all adjoining property owners, lessees, etc.

US Forest Service, Powell Ranger District

US 12 Lolo, Montana 59847

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

12. LEGAL OWNER IF OTHER THAN APPLICANT

a. Name US Forest Service, Powell Ranger District d. Phone Work () 208-942-3113

b. Mailing Address US12 Home () _____

c. City, State, Zip Code Lolo, Montana 59847

13. List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

14. Has any agency denied approval for the proposed activity? Yes _____ No x (If "Yes" explain)

15. Other comments/information:

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed and completed work.

Signature of Applicant (ORIGINAL SIGNATURE REQUIRED)

Printed Name

Date

17. If you wish to designate an authorized agent, complete item 4, item 16 and the following information.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Original Signature of Authorized Agent

Date

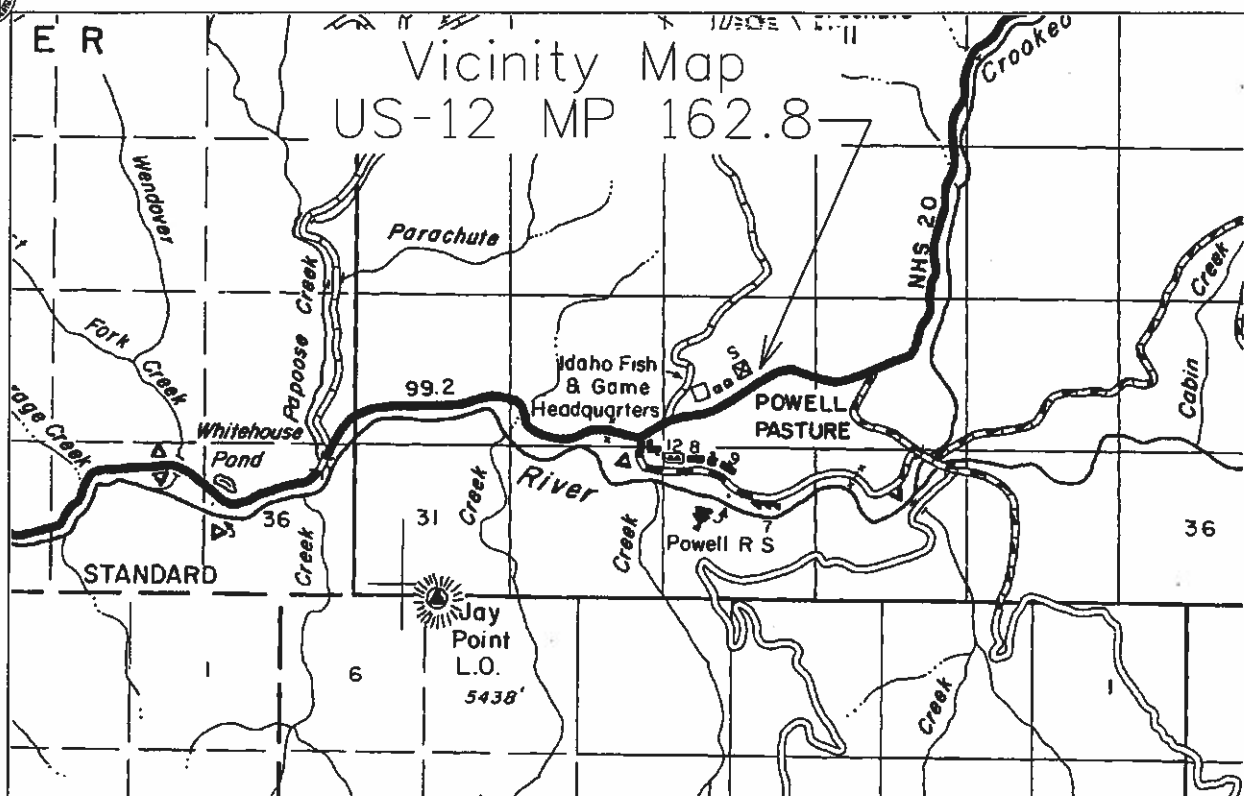
Original Signature of Applicant

Date

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION



SEC 28 T. 37 N. R. 14 E.
UTM 11 676396E 5154318N

Unnamed Tributary

Flow

Temporary Cofferdam
Approx. 24 Sand Bags

Protect and Relocate

Pond Floor
Excavation = 38.3 cu yd

Proposed Dam
Excavation = 8 cu yd
Backfill = 7 cu yd
Concrete = 1 cu yd

Remove Existing Dam

Temporary 24" Pipe

Flow

Unnamed Tributary

Pump House

Retain and Protect Pump Suction Pipe

Temporary Cofferdam
Approx 10 Sandbags

File Name: powell_plan_003.sht



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 837
Lewiston, ID 83501-0837

(208) 799-5090
itd.idaho.gov

July 3, 2007

RECEIVED

JUL 10 2007

IDWR/North

Mr. Keith Franklin
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d' Alene, ID 83814

Re: Powell Pond Maintenance Project

Dear Mr. Franklin:

→ Enclosed is an application for a permit to appropriate public waters of the U.S. for the purposes of fire suppression. Please review this information and, if appropriate, begin the process to assign the requested water right and interagency bill us for the permit fee. **\$290.00**

If you have any questions or concerns regarding this application, please feel free to contact me at (208) 799-4250.

Sincerely,

ZACHARY A. FUNKHOUSER
Environmental Planner Senior

ZAF:kr/ Z:\ADMIN\NOMI\WRD\FILES\ADM\IDWR\powellpond.doc
Enclosure



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

August 1, 2007

Zachary A. Funkhouser
Idaho Transportation Department
PO Box 837
Lewiston, Idaho 83501-0837

Re: Water Right For Fire Suppression Pond at the Powell Yard

Dear Mr. Funkhouser:

In reviewing your joint application permit to replace a headgate, in the fire suppression pond located in ITD's Powell Yard, the Department of Water Resources could not find any record of a water right for the pond. A court in the Snake River Basin Adjudication proceedings adjudicated all previous water rights, including licenses, statutory claims and past decrees. ITD will need to file for a water right if it plans to utilize the pond for fire suppression purposes.

I've enclosed an application form for your convenience. In addition, this property happens to be located in the Salmon-Clearwater drainage, which is now considered a sensitive basin. Idaho Code 42-203A(5) requires IDWR to evaluate the attached criteria for applications to appropriate water. Please review the attachment, seek comments from the Department of Fish & Game, the Department of Environmental Quality and respond to Rules 40.05 c. through 40.05 g. on page two and submit the information to IDWR as soon as possible.

Once the department receives this information, processing of an application can begin. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure

COPY



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

JUL 10 2007

IDWR/North

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

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

July 9, 2007

Zach Funkhouser
Idaho Department of Transportation
PO Box 837
Lewiston, Idaho 83501

Dear Mr. Funkhouser:

DEQ has received a copy of your application to the Idaho Department of Water Resources requesting approval of a temporary water appropriation to draw water from Apgar, Glade, and Bimerick Creeks to be used for the purpose of a geotechnical subsurface investigation to replace three drainage structures. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

Apgar and Glade Creeks are included in water body ID number 17060303CL001_02 and are listed in section 5 of the Idaho 2002 Integrated Report as not supporting beneficial uses due to temperature pollutants. The Bimerick Creek water body ID number is 17060303CL058_02 and is listed in section 2 of the Integrated Report as supporting beneficial uses. Flow in Apgar, Glade, and Bimerick Creeks must be significant enough that the maximum daily volume removal of 1,000 gallons, with the total volume of 2,000 gallons removed from 7/30/07 to 10/31/07 will not impact water quality, and stream flow adequate to sustain existing aquatic life will be maintained at all times.

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 that reads "Kerby M. Cole".

Kerby M. Cole, P.E.
Regional Administrator

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



JUN 25 2007

DIV. OF HIGHWAYS
LEWISTON, IDAHO

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

**For
NWW No. 2007-641-B02
June 22, 2007**

INFO	D2	ACT	SIG
✓	DE		
	DTE		
	MTLS		
✓	EPS		
	DRI		
	EST		
✓	ADE		
	RE-A		
	RE-B		
	PDE		
	LRE-IT'S		
	RW		
✓	NTICE		
	MIS TRIN		
	ALL SHEDS		
	DBM		

SPECIAL CONDITIONS

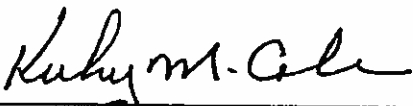
1. Work shall be done during low water levels.
2. All excess fill, construction materials, and diversion materials shall be removed from the channel and disposed of in an up-land location where it will not enter any water way.
3. Best Management Practices (BMPs) for construction and erosion control shall be implemented to prevent and control the discharge of sediment to the tributary during construction. The BMPs shall be maintained and monitored for effectiveness. BMPs shall be replaced or augmented if they are not effective. At no time will construction result in an increase of turbidity greater than 50 NTU over background turbidity.
4. The constructed dam shall not constrict the stream channel. No upstream or downstream bank erosion shall occur due to the placement and construction of the dam.
5. The diversion shall not allow the stream flow to discontinue. Stream flow must be maintained below the project site.
6. Riparian vegetation shall be replaced and fully reestablished upon completion of the project.
7. Equipment should not be fueled nor fluids changed within 100 feet of waters of the state. Any equipment operated adjacent to waters of the state shall be maintained in a good state of repair and shall have no damaged hoses, fittings, lines, tanks, etc...that release or may release pollutants into waters of the state. Waste oil and waste fluids shall not be stored at the site. If any such material is released to waters of the state, the responsible person must make an effort to contain the spill and notify our office within 24 hours. If the spill cannot be contained call the Emergency Response System at 1-800-632-8000.

This certification does not relieve the applicant of responsibility for obtaining any other approvals, licenses or permits in accordance with federal, state, or local requirements and does not authorize commencement of the proposed project.

This certification shall be invalid and no longer effective if construction of the proposed project is not begun within three years of the date of this certification.

This § 401 certification decision may be appealed pursuant to the Idaho Environmental Protection and Health Act, Idaho Code § 39-107(5), the Idaho Administrative Procedure Act and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23. Such an appeal is a prerequisite to any district court action and must be initiated by filing a petition for a contested case in accordance with the Rules of Administrative Procedure before the Board of Environmental Quality (IDAPA 58.01.23) within thirty-five days of the date of this 401 certification.

CERTIFICATION APPROVED



Kerby M. Cole, P.E.
Regional Administrator

Expiration Date: June 22, 2010

CC: Nicholle Braspenickx, U.S. Army Corps of Engineers



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.
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 8/7/07
TO: Zach Funkhouser FROM: IDWR
FAX #: 208-799-4301

NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:
www.idwr.state.id.us/info/forms.htm

DOCUMENT DESCRIPTION:

Water Appropriation Rules 40.05c through
40.05g.

TOTAL PAGES SENT: 1 PLUS (+) COVER SHEET

CONTACT:

Keith J. Sanderson
(NAME OF SENDER)

CHARGES: One (1) free copy per request, cover sheet not included. Two (2) or more copies per request are \$0.25 per page with a \$0.50 minimum

PLEASE CONSIDER THIS DOCUMENT AS A BILLING STATEMENT.

THE CHARGE FOR YOUR FAX COPIES IS \$ _____

PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.

PHONE NO: (208) 762-2800

FAX NO: (208) 762-2819

August 8, 2007

Mr. Keith Franklin
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d' Alene ID 83814

RE: Powell Pond Maintenance Project

Dear Mr. Franklin,

In response to your letter dated August 1, 2007, and the questions posed on page 2 of the Water Appropriation Rules 40.05.c through 40.05.g, the Idaho Transportation Department (ITD) would submit the following information:

Part c.

- i. The point of diversion will be at the ITD Powell maintenance yard, located at MP 162.8 HWY 12. Powell Ranger Station, Lolo MT 59847. This water right is being filed for the purpose of fire suppression and yard irrigation.
- ii. This application is not being filed for appropriation of ground water.
- iii. There will be no impacts to other water rights as a result of this application.

Part d.

- i. Since the water right is being filed for the purpose of fire suppression it is impossible to know exactly when or how much water may be taken from this location. Withdrawal seasons would likely be the summer months from June to October, but could be any time of year depending on circumstance or seasonal fire threat. Yard irrigation will be during the summer months.
- ii. The water right is being filed to appropriate surface water at the referenced location. The total quantity to be appropriated could reach .15 cubic feet per second which is the estimated summer flow of the stream channel or be equivalent to the active reservoir capacity at the site, which is .062 acre-feet.

Part e.

- i. There are no deeds, leases or easement required for this project. Water right is being filed on behalf of the U.S. Forest Service and the U.S. Forest Service is the property owner at this location.
- ii. A copy of the DEQ and IDFG response to this project is enclosed with this letter.

Part f.

- i. Not applicable.
- ii. A copy of the project plans is enclosed with this letter.

Part g.

- i. See response to Part e, ii.

If you find this information satisfactory, please continue to process our permit at your earliest convenience. If you have additional questions regarding our Water Right application, please contact me at (208) 799-4250. Please interagency bill ITD for any associated permit fees.

Sincerely,

Zachary A. Funkhouser
Environmental Planner Senior

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 13, 2007 2:56 PM
To: Allen, Debbie; Marston, Sascha
Subject: Interagency Bill

Good afternoon, ladies,

We have a request for another interagency billing from Idaho Transportation Department for a Water Right application requesting 1.5 cfs from an unnamed stream, tributary to Lochsa River.

Attached is a copy of their letter requesting the interagency billing. The fee amount for 1.5 cfs is \$290.00.

Will you please notify me when the funds are received for this application.

Thank you very much.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*



TD inter-agency bill
request ...



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.
Interim Director

FAX TRANSMITTAL COVER SHEET

DATE: 8/13/07

TO: Zach Funkhouser

FROM: IDWR

FAX #: 208-799-4301

NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:
www.idwr.state.id.us/info/forms.htm

DOCUMENT DESCRIPTION:

Copy of submitted Application

TOTAL PAGES SENT: 2 PLUS (+) COVER SHEET

CONTACT:

Keith Funkhouser
(NAME OF SENDER)

CHARGES: One (1) free copy per request, cover sheet not included. Two (2) or more copies per request are \$0.25 per page with a \$0.50 minimum

PLEASE CONSIDER THIS DOCUMENT AS A BILLING STATEMENT.

THE CHARGE FOR YOUR FAX COPIES IS \$ _____

PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.

PHONE NO: (208) 762-2800

FAX NO: (208) 762-2819



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

January 14, 2008

Zach Funkhouser
Idaho Department of Transportation
PO Box 837
Lewiston, Idaho 83501

RECEIVED
JAN 15 2008
IDWR/North

Dear Mr Funkhouser:

DEQ has received a copy of your application to the Idaho Department of Water Resources requesting approval of a water appropriation to draw water from a 0.062 acre-foot reservoir that has been constructed in an unnamed tributary to the Lochsa River, to be used for fire suppression and irrigation withdrawals. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The unnamed tributary, located at T37N, R14E, sec. 28 in Idaho County, is included in water body ID number 17060303CL020 which is listed in section 5 of the Idaho 2002 Integrated Report as not supporting beneficial uses due to temperature pollutants. Flow in the unnamed tributary must be significant enough that the maximum daily volume removal of 1.5 cfs removed per annum between 1/1 to 12/31 will not impact water quality, and stream flow adequate to sustain existing aquatic life will be maintained at all times.

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,

Kerby M. Cole, P.E.
Regional Administrator

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



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

January 14, 2008

Zach Funkhouser
Idaho Department of Transportation
PO Box 837
Lewiston, Idaho 83501

RECEIVED
FEB 07 2008
IDWR/North

Dear Mr. Funkhouser:

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Sincerely,

Kerby M. Cole
Kerby M. Cole, P.E.
Regional Administrator

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

122

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	DBM		
	ALL SUPV		

RECEIVED
JAN 15 2008
DIV. OF HIGHWAYS
LEWISTON, IDAHO



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

January 25, 2008

Zachary Funkhouser
Idaho Transportation Department
District 2
PO Box 837
Lewiston, Idaho 83501

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

Dear Mr. Funkhouser:

As per our telephone conversation earlier this week, I have enclosed the original application your department submitted so additions and corrections can be made. Once the application has been completed, please return it to me so as not to further delay processing.

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

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
JUL 10 2007
IDWR/North

1. Name of Applicant Idaho Transportation Dept for ^{U.S.} Forest Ser. Phone 799-4250
Mailing address P.O. Box 837, Lewiston ID 83501
2. Source of water supply UNNAMED Stream which is a tributary of Lochsa River
3. Location of point of diversion is Township 37N Range 14E Sec. 28, in the _____ 1/4, SW 1/4, NE 1/4, Govt. Lot _____, B.M., Idaho County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.5 for fire protection purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.5 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Well, pump & pipelines
 - b. Height of storage dam 3' 2" feet; active reservoir capacity .062 acre-feet; total reservoir capacity .062 acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. MAINTENANCE of fire protection pond
& small irrigation withdrawal

COPY

3. 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	
37N	14E	28			F														

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? U.S. Forest Service

b. Who owns the land to be irrigated or place of use? "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: SPECIAL USE Permit

12. Remarks: _____

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.

 7/3/07
Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

COPY



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 837
Lewiston, ID 83501-0837

(208) 799-5090
itd.idaho.gov

January 29, 2008

Mr. Keith Franklin
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814

RECEIVED
FEB 07 2008
IDWR/North

RE: Powell Pond Maintenance Project

Dear Mr. Franklin:

Enclosed is a revised application for a permit to appropriate public waters of the U.S. for the purposes of fire suppression. Also, enclosed are letters from the IDEQ and IDFG regarding this application and a copy of our Special Use Permit with the Forest Service. At this time, the Idaho Transportation Department and the Idaho Department of Fish and Game are in disagreement regarding the use of the Powell Pond for irrigation purposes.

Please review this information and, if appropriate, process the enclosed application. Please interagency bill us for the permit fee.

If you have any questions or concerns regarding this application, please feel free to contact me at (208) 799-4250.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Z. Funkhouser', written over a horizontal line.

ZACHARY A. FUNKHOUSER
Environmental Planner Senior

ZAF:ss/08-0045&7-0423/Z:\ADMIN\IOM\WRD\FILES\ADM\powellpondmtce.doc
Enclosures



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 21, 2008

Zachary Funkhouser
Idaho Transportation Department
District 2
PO Box 837
Lewiston, ID 83501

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

Dear Zach:

The Idaho Department of Water Resources is in receipt of the corrected application to appropriate water for the Powell Maintenance Facility, however, we still do not have the completed questions for Water Appropriation Rules 40.05.c through 40.05.g.

For your convenience, I have attached the questions which you need to answer before we can continue with the processing of your application. That can simply be done on the form provided. Once complete, please return them to me within the next 30 days and if you have any questions, don't hesitate to give me a call.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 23, 2008

RAY HENNEKEY
IDAHO DEPARTMENT OF FISH & GAME
3316 16TH STREET
LEWISTON, ID 83501

Re: Application For Permit to Appropriate the Public Waters of the State of Idaho
Idaho Department of Transportation Application No.81-11994

Dear Mr. Hennekey:

As you know the Idaho Department of Water Resources (IDWR) has been working on an application for a permit to divert water from an unnamed stream, tributary to the Lochsa River, for fire protection and the irrigation of 5 acres of land, for the Idaho Department of Transportation at their Powell maintenance yard. Comments from Fish & Game were favorable for the fire protection portion of the application, but not the irrigation of the 5 acres.

At the request of the applicant, IDWR is going to proceed with the advertisement of the application. Since Fish & Game is opposed to a portion of the application, this letter is offered as a notice to advertise.

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Encl/kf

COPY

MEMORANDUM

To: Water Right Application # 81-11994
From: Keith E. Franklin
Date: June 23, 2008
Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information.

The Idaho Department of Fish & Game as well as the Department of Environmental Quality (DEQ) have no objection to the applicant withdrawing 1.5 cfs from an unnamed stream for emergency fire protection, however the Department of Fish & Game (IDFG) cannot endorse the request to withdraw water for irrigation purposes over one half acre.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for their own use on property that is owned by the United States Forest Service, which is presently covered by a special use permit.

Financial Resources Information.

For this project, the applicant plans to fund the project with money that is available to the applicant at this time.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been ask to comment, by the applicant. Written comments received from DEQ finds that agency is not apposed to the project as long as the flows in the unnamed stream must be significant enough that the maximum daily volume removed will not impact water quality and maintain a stream flow that will adequately sustain existing aquatic life at all times. Comments from IDFG indicates that agency has no objection to proposed emergency withdrawal of 1.5 cfs for fire suppression, however, the agency is apposed to the withdrawal of water for the irrigation of 5 acres.

Injury to Other Water Rights.

Injury to other water rights in not anticipated.

Recommendation.

Fish and Game is apposed to the irrigation portion of the application. At the request of the applicant, Northern Region will advertise the application, with proper notification going out to the agencies.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

June 25, 2008

IDAHO TRANSPORTATION DEPARTMENT
PO BOX 837
LEWISTON ID 83501

RE: Application for Permit No 81-11994

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 July 2 and 9, 2008. 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: Marston, Sascha
Sent: Wednesday, June 25, 2008 3:46 PM
To: Ball, Dianne
Subject: RE: Checking on an inter-agency billing request from last August

We received the funds on 9/14/07. BILL0092

From: Ball, Dianne
Sent: Wednesday, June 25, 2008 4:29 PM
To: Marston, Sascha
Subject: Checking on an inter-agency billing request from last August

Good afternoon, Sascha,

I have a file on my desk for **Idaho Transportation Dept** on which last August 13, 2007 we requested interagency billing in amount of \$290.00

I am curious to know if that ever came in - because in the file [being old] just now coming back to me for advertising - I do not find any notation that the funds were ever received.

Will you check to see if you have any information on that? File had no number when request was made, but now is numbered 81-11994. Interagency billing often takes 3-6 weeks. If you can locate a BILL# for ITD somewhere after that 8/13/07 date, I'd greatly appreciate it so I can mark the file in the comments area.

Thanks for your help.

Hope is the feeling you have, that the feeling you have isn't permanent.

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
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

June 25, 2008

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

RE: Application for Permit No. 81-11994

Dear Nona:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 2 & 9, 2008, (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 07/21/2008. Your cooperation is truly greatly appreciated.

It's always a pleasure to work with you. You are very helpful.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

To: ndonaldson@eaglenewspapers.com
Subject: Corrected Legal Notice to publish July 2 and 9, 2008
Attachments: CoverLetter 06-25-08 IC e-mail 81-11994.doc; LegalNotice 06-25-08 IC e-mail 81-11994.doc

Good afternoon, pretty lady, - I'm going to get this right if it's the last thing I do before I go home this evening!!

This e-mail corrects the legal notice we wish to be published on July 2 and 9, 2008. Our cover letter **and the CORRECTED legal notice** are both attached.

Please ignore the first e-mail sent this afternoon - I left off a whole paragraph that is not usually required, but is in this case.

As usual, if you have any questions, please call me at 208-762-2800 or reply to this e-mail.

I will again appreciate a preview/proof copy before it goes to press.

Thanks for all your super help.

One joy scatters a hundred griefs.

Dianne

Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819



CoverLetter
06-25-08 IC e-mail..



LegalNotice
06-25-08 IC e-mail..

ADVERTISING REMARK

This application proposes the diversion and use of water from a surface water source from an unnamed stream that is a tributary of the Lochsa Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will not be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

A handwritten signature in blue ink, consisting of stylized cursive letters, likely representing the initials 'JH' or 'JD'.

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

81-11994

IDAHO TRANSPORTATION DEPARTMENT

PO BOX 837

LEWISTON ID 83501

Point(s) of Diversion SWNE S28 T37N R14E IDAHO County

Source UNNAMED STREAM tributary To LOCHSA RIVER

Use: IRRIGATION 04/15 To 10/31 0.15 CFS

Use: FIRE PROTECTION 01/01 To 12/31 1.5 CFS

Total Diversion: 1.5 CFS

Date Filed: 07/10/2007

Place Of Use: IRRIGATION

T37N R14E S28 SWNE

Number of Acres 5

Place Of Use: FIRE PROTECTION same as IRRIGATION

Remark: This application proposes the diversion and use of water from a surface water source from an unnamed stream that is a tributary of the Lochsa Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild and Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will not be applied to the subordination amounts specified in the decree for the Wild and Scenic River listed above.

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 07/21/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published June 2 & 9, 2008