

81-11997

Ident. No. 75192

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

SEP 15 2008

To appropriate the public waters of the State of Idaho

IDWR/North

1. Name of Applicant Alex and Joe Barbara W. Barath Phone 208) 926-0998
Mailing address 172 Suttler Creek Rd. Kooskia, Id. 83539 Email barath@hughes.net
2. Source of water supply Clear water River which is a tributary of M. Fork Clearwater river
3. Location of point of diversion is Township 32N Range 5E Sec. 4, in the NE $\frac{1}{4}$,
NW $\frac{1}{4}$, Govt. Lot 3, B.M., Idaho County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .06 for Irrigation purposes from Mar 15 to Sept 15 (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) .06 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 10 to 15 HP pump to get water up approx 250 ft from river to area of irrigation & F. protection
 - 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 2 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. _____

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	
							2												2

Total number of acres to be irrigated: 2

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? No

11. a. Who owns the property at the point of diversion? applicant
- 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: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We want to pump water from the river through the existing culvert under Hwy 12 in order to get water to our property directly above Hwy 12 for irrigation & fire protection of 2 acres of land around our house as marked on the map.

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.

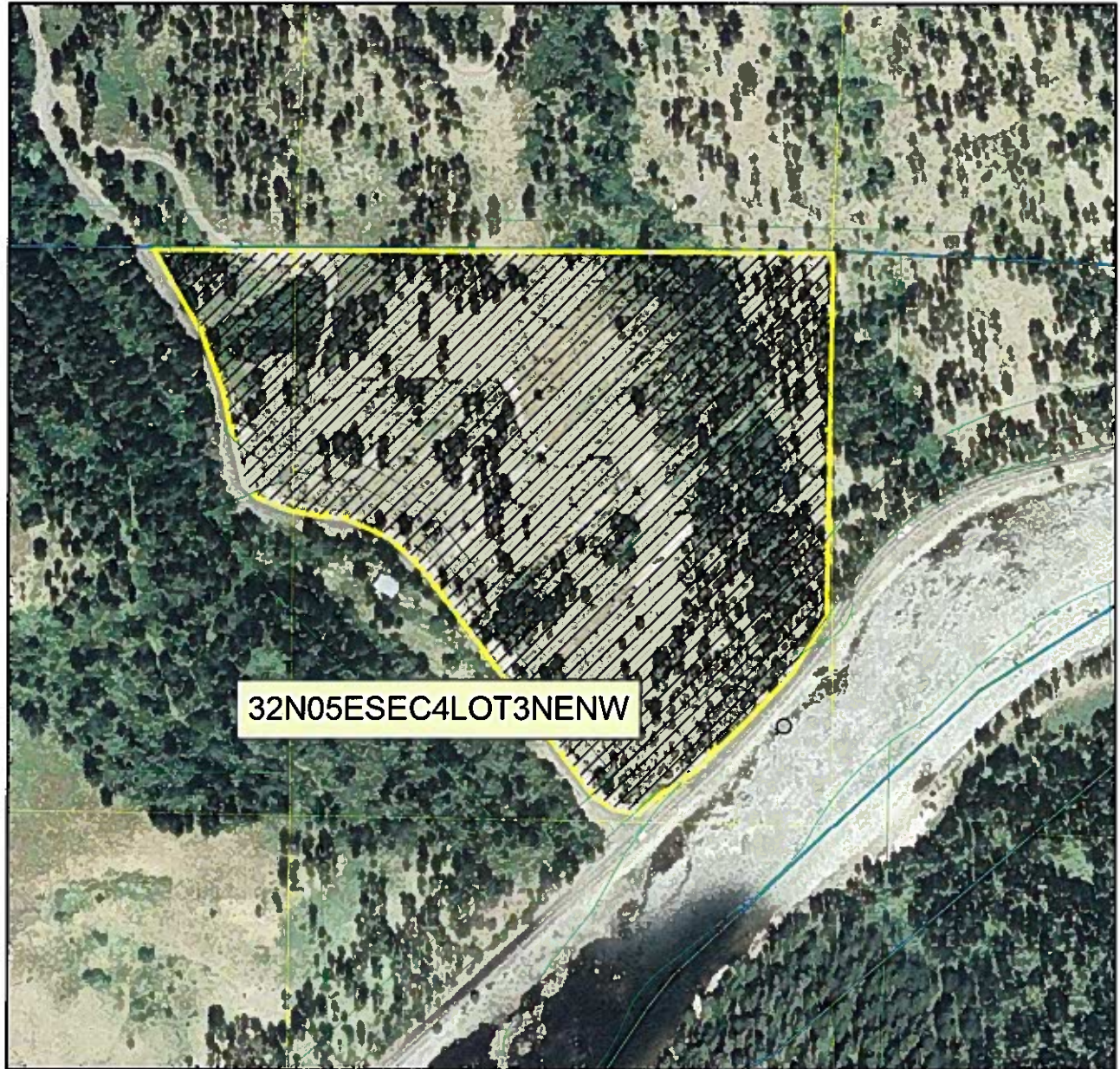
Barbara W. Barath
Signature of Applicant

Barbara W. Barath
Print Name (and title, if applicable)

For Department Use:

Received by cm Date 9-15-08 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by cm Receipt No. NO 19549 Date 9-15-09
 Publication prepared by db Date 10/29/08 Published in Idaho Free Press 11/5 & 12/08
 Publication approved db Date 11/18/08 Dates Published 4/5 & 12/08

81-11997

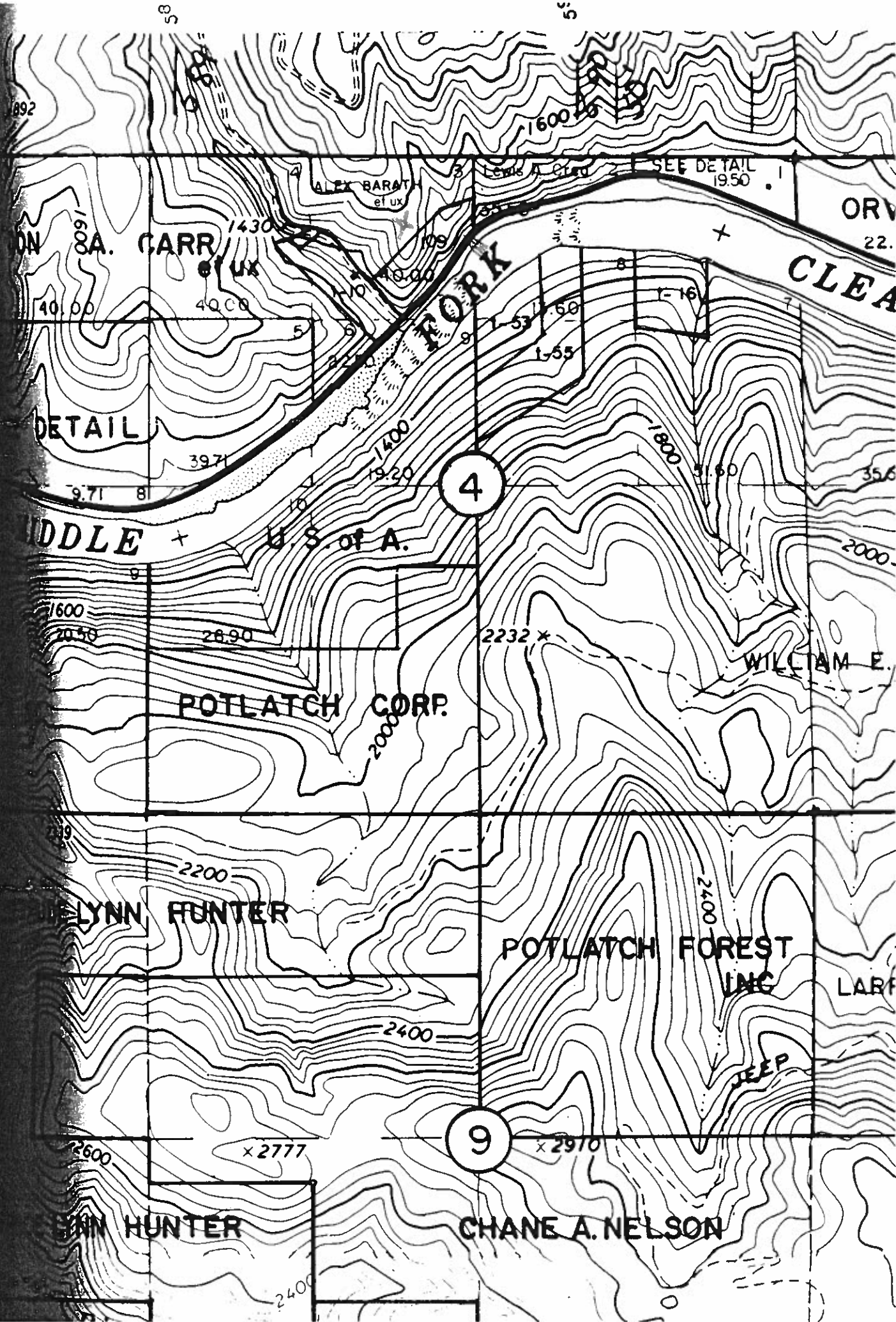


Legend

- Application POD
-  Application POU

0 105 210 420 630 840 Feet







RECEIVED
OCT 15 2008
IDWR/North

IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

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

September 1, 2008

Alex and/or Barbara Barath
172 Suttler Creek Road
Kooskia, ID 83539

Dear Alex & Barbara:

REFERENCE: WATER RIGHT APPLICATION

Idaho Fish and Game has reviewed your draft application for a water right to withdraw 0.06 cfs from the Middle Fork Clearwater River. The proposed use is for irrigation and fire suppression, from March 15 to September 15 annually. You propose to divert water using a 10-15 hp pump.

IDFG believes that flows in the Middle Fork Clearwater River at the proposed point of withdrawal are sufficient enough that the requested withdrawal will not have a significant impact on fish, wildlife or habitat. We have no objection to the proposed withdrawal.

However, please note that the pump intake velocity can not exceed 0.8 fps, with uniform flow over the intake screen. Intake screen openings must be 0.25" or smaller and should provide a minimum of 40% open area. The screen material should be corrosion resistant and sufficiently durable to maintain a smooth uniform surface with long term use. We will recommend these criteria as permit conditions to Idaho Department of Lands for the Encroachment Permit you are required to obtain prior to installing your waterline and pump in the Middle Fork Clearwater River and to the Department of Water Resources as a condition for your water right.

Thank you for the opportunity to comment. Please contact Ray Hennekey at this office if you have any further questions.

Sincerely,

Dave Cadwallader

Clearwater Regional Supervisor

DC/rh/gl

c: Sharon Kiefer, IDFG
Kerby Cole, DEQ Lewiston
Eric Davis, IDWR CdA

Keeping Idaho's Wildlife Heritage



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED
OCT 15 2008
IDWR/North

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

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

October 6, 2008

Alex and Barbara Barath
172 Suttler Creek Road
Kooskia, ID 83539

Dear Mr. and Ms. Barath:

We received your letter requesting our comments on the approval of your application to draw 0.06 cfs from the Middle Fork Clearwater River from March 15th to September 15th annually to provide water for irrigation and fire protection. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

This section of the Middle Fork Clearwater River is protected for cold water and salmonid spawning aquatic life, primary contact recreation, drinking water supply, and as special resource water. The proposed action shall not impair these designated beneficial uses.

We agree that the Middle Fork Clearwater River flow in this section is significant enough that the removal of 0.06 cfs should not impact the water quality of the river.

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, appearing to read "Kerby M. Cole".

Kerby M. Cole, P.E.
Regional Administrator

CC: Eric Davis, IDWR
Ray Hennekey, IF&G
Marti Bridges, IDEQ

Barbara Barath

From: "Shane Niemela" <Shane.Niemela@itd.idaho.gov>
To: <barath@hughes.net>
Cc: "Dave Couch" <Dave.Couch@itd.idaho.gov>
Sent: Thursday, October 09, 2008 2:44 PM
Subject: R/W Permit

RECEIVED
OCT 15 2008
IDWR/North

Hello Barbara,

I received your phone call today and attempted to return the call at 2:30. Unfortunately I was unable to get through so I decided to contact you by e-mail.

To answer your question about your permit request. After I received your permit I presented it to the committee as it was submitted. The committee has voted to give you two options:

Option 1 would be to place your water and power line in the existing culvert on a temporary basis between June and September. The rest of the year you would need to remove the pipes.

Option 2 would be to have your contractor bore under the highway at the minimum required depth and put in a sleeve large enough to accommodate your water and power line.

Those are the options available for your permit. As I will be out of the office this afternoon and tomorrow, please contact Dave Couch, ITD Traffic Engineer, with your decision or questions. You can reach Mr. Couch at (208) 799-4238.

Thank you,

Shane

10/9/2008

Ball, Dianne

From: Ball, Dianne
Sent: Monday, October 20, 2008 3:16 PM
To: bmcknight@idl.idaho.gov
Subject: Agency Comment Request Ltr.doc
Attachments: 81-11997 Barath.pdf; Agency Comment Request Ltr.doc

Good afternoon, Bob,

Attached is our letter requesting comments from your agency for 81-11997 Barath - for water from Middle Fork Clearwater. Copy of the application with map also attached.

Please respond no later than November 24, 2008 - that being the last date for protests to be filed if necessary.

We already have comments in file from IDFG and IDEQ.

Thanks and have a great day - at least what's left of it!

Dianne Ball

Administrative Assistant

Idaho Department of Water Resources

7600 N Mineral Dr., Ste. 100

Coeur d'Alene, ID 83815

208-762-2800 Fax 208-762-2819

10/20/2008



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

October 21, 2008

BOB MCKNIGHT
IDAHO DEPARTMENT OF LANDS
CLEARWATER AREA OFFICE
10230 HWY 12
OROFINO ID 83544

Re: Water Permit Application No. 81-11997 -- Barath

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

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so *after the notice is published* by filing a written protest along with a \$25.00 filing fee within 10 days after final publication, and by sending a copy of your protest to the applicant. This will be scheduled for publication on November 5 and 12, 2008.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **November 24, 2008**. That is also the final date for protest to be received in our office.

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

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

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

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

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Friday, October 24, 2008 11:43 AM
To: Harrington, Helen
Cc: Davis, Eric
Subject: Agency Comment Request re 81-11997
Attachments: 81-11997 Barath.pdf; Agency Comment Request Ltr.doc

Good day to you, Helen,

Attached is our request for comments from you on the Barath water right application 81-11997. This falls within a sensitive basin area, so your comments are important. Also attached is a copy of the application.

Thank you,

Dianne Ball

Administrative Assistant

Idaho Department of Water Resources

7600 N Mineral Dr., Ste. 100

Coeur d'Alene, ID 83815

208-762-2800 Fax 208-762-2819

10/24/2008



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

October 24, 2008

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

Re: Water Permit Application No. 81-11997

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

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so *after the notice is published* by filing a written protest along with a \$25.00 filing fee within 10 days after final publication, and by sending a copy of your protest to the applicant. This will be scheduled for publication on November 5 and 12, 2008 in the Idaho County Free Press.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **November 24, 2008**. That is also the final date for protest to be received in our office.

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

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

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

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

Sincerely,

Dianne

Dianne Ball
Administrative Assistant



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

October 29, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ALEX BARATH
BARBARA BARATH
172 SUTTLE CREEK RD
KOOSKAI ID 83839

RE: Application for Permit No 81-11997

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 November 5 and 12, 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

Enclosure(s) – Receipt No. N019549 for your records

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, October 29, 2008 11:31 AM
To: Legal Notices-ID CO Free Press - Nona
Subject: Legal notice for publication November 5 and 12, 2008
Attachments: CoverLetter 10-29-08 IC e-mail 81-11997.doc; LegalNotice 10-29-08 IC e-mail 81-11997.doc

Good morning, Nona,

Attached is our cover letter requesting publication of a legal notice on November 5 and 12, 2008. Copy of the legal notice is also attached.

Thanks for all your super help, and if you have any questions, please call me – 208-762-2800 – or reply to this e-mail.

[How are both you and your husband doing now??]

Blessings to you,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819

10/29/2008



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

October 29, 2008

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

RE: Application for Permit No. 81-11997

Dear Nona:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, November 5 and 12, 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 11/24/2008. Your cooperation is always very greatly appreciated.

Thanks for all your wonderful help,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

81-11997

ALEX BARATH

BARBARA BARATH

172 SUTTLER CREEK RD

KOOSKAI ID 83839

Point of Diversion NENW S4 T32N R05E IDAHO County

Source MIDDLE FK CLEARWATER RIVER

Tributary to CLEARWATER RIVER

Use: IRRIGATION 03/15 To 11/15 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 09/15/2008

Place Of Use: IRRIGATION

T32N R05E S4 NENW

Number of Acres 2

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 11/24/2008. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published 11/5 & 12, 2008