



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 17, 2006

LINDA & DANIEL YANKE
4414 S GEKELER LN
BOISE ID 83716

Re: Application for Permit for Snake River Irrigation Use

Dear Applicants:

The Idaho Department of Water Resources (IDWR) received your application for permit to appropriate water from the Snake River for irrigation purposes. The application is returned because it is not approvable as explained in this letter.

Water from the Snake River and all surface and ground water sources tributary to the river between Swan Falls Dam and Milner Dam is defined as "trust water." Trust water can be appropriated under Water Appropriation Rules ratified by the Idaho Legislature. Rules ratified by the legislature carry the full force of law.

Water Appropriation Rule 45.03.k determined that your application could not be approved as follows:

Applications or permits to be reprocessed proposing a direct diversion of water for irrigation purposes from the Snake River between Milner Dam and Swan Falls Dam or from tributary springs in this reach are presumed not to be in the public interest as defined by Section 42-203C, Idaho Code. Such proposals are presumed to prevent the full economic and multiple use of water in the Snake River Basin and to adversely affect hydropower availability and electrical energy rates in the state of Idaho. (7-1-93).

A full refund of the \$330 that you paid will be issued under separate cover.

You filed the application for acres not already covered under water rights 2-2100A and 2-7086 (480 – 372 for 108 outstanding acres). Some other approval will be necessary to cover the outstanding acres. A temporary solution might be found by leasing water from the State Water Supply Bank. More information about water bank options can be obtained from IDWR or from the Internet at www.idwr.idaho.gov. A permanent solution would probably involve transferring (changing) an older Snake River water right in lieu of securing a new water right. One possible candidate for transfer might be found in the

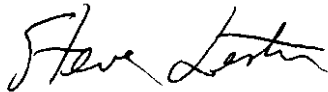
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Cottonwood Mutual Canal Company water right no. 2-10208 (copy enclosed). Portions of that water right have been sold and transferred to other lands in recent years.

Please provide a written reply before March 1, 2006, describing your plans to provide at least temporary coverage for the outstanding acres noted in your returned application. Please be advised that irrigation of those acres without approved water right protection must be considered an illegal diversion subject to the notice of violation procedure codified under Sections 42-351 and 42-1701B, *Idaho Code*.

Please contact me at 208-334-2190 if you need more information or have any questions.

Sincerely,

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

Steve Lester
Water Rights Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Linda L. Yanke and Daniel R. Yanke Phone 208-342-8901
Mailing address 4414 S. Parker Lane, Boise, ID 83716
2. Source of water supply Snake River which is a tributary of Columbia River
3. Location of point of diversion is Township 35 Range 1E Sec. 35, in the _____
NW 1/4, SE 1/4, Govt. Lot 8, B.M., Quince County;
additional points of diversion if any: T35R1E S35 NESE Lot 7, T35R1E S36 NWSE Lot 7
4. Water will be used for the following purposes:
Amount 2.16 for Irrigation purposes from 3-1 to 11-15 (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) 2.16 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 Pumps, Sprinklers
 - 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 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. _____

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DEC 21 2005

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WESTERN REGION