



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION
June 13, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Kurt or Janet Bird
56 Lower Texas Creek Rd
Leadore ID 83465

RE: Application to Appropriate Water 74-7346

Dear Mr. and Mrs. Bird:

The Idaho Department of Water Resources (IDWR) is reviewing your application to appropriate water from surface water in the Salmon River basin for irrigation and domestic purposes. 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 financial resources of the applicant
- 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 statutorily mandated criteria, Rule 40.05 of the Water Appropriation Rules (IDAPA 37.03.08.040.05) requires water right applicant to submit additional information to IDWR in connection with their applications. I have enclosed a copy of Rule 40.05 for your reference.

In accordance with Rule 40.05.c, 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 drainage are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, however, IDWR believes that 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 rivers and streams of the Salmon River basin. As part of this cautious approach, IDWR is 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.

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Please submit the information required by Water Appropriation Rules 40.05.c through 40.05.g to IDWR for each of your application within 30 days. For your convenience, I have highlighted the portions of the rules that apply to 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." Water Appropriation Rule 40.01.d also allows an applicant to request that IDWR interrupt processing an application for up to six months. IDWR can approve the request if it will not injure others, it is consistent with the public interest, and it is not for speculative purposes.

If you have any questions, please feel to call our office.

Sincerely,

W Roger Warner
Water Rights Supervisor

Enclosure

WRW:sc