

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 85-15687

Priority: February 23, 2007

Maximum Diversion Rate: 0.19 CFS

This is to certify, that STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	02/15 to 11/30	0.15 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L1 (SE¼ NE¼ NE¼) Sec. 5, Twp 36N, Rge 03W, B.M. NEZ PERCE County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N 03W 4						X											
36N 03W 5	X																
				L 1													

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36N 03W 4						1.4											1.4
36N 03W 5	.5																.6
				L 1													

Total Acres: 5

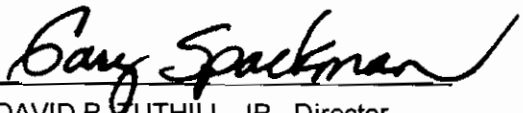
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2012**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Domestic use is for caretaker's house, 16 RV sites and a restroom/shower house. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 85-15687

5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15th day of June, 2007.



DAVID R. TUTHILL, JR., Director

73361

Agent No. 85-15687

RECEIVED

MAY 11 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

FEB 26 2007

IDWR/North

DEPARTMENT OF
WATER RESOURCES

Applicant Idaho Fish and Game Commission Phone 208-287-2714

Mailing address P.O. Box 25 Boise, Idaho 83707

2. Source of water supply groundwater which is a tributary of N/A

3. Location of point of diversion is Township 36N Range 3W Sec. 5 in the SE 1/4, NE 1/4, NE 1/4, Govt. Lot 1, B.M., Nex Ace County;

additional points of diversion if any: N/A

4. Water will be used for the following purposes:

Amount 0.15 cfs for domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.15 cfs for irrigation purposes from 2/15 to 11/30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.15 cfs for irrigation purposes from 2/15 to 11/30 (both dates inclusive)
(cfs or acre-feet per annum)

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(cfs or acre-feet per annum)

Amount 0.15 cfs for irrigation purposes from 2/15 to 11/30 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.15 cfs and/or (b) 0.15 cfs
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 An existing well, with a 3 horse power pump, depth of 108 feet, with a static water level at 23 feet.

b. Height of storage dam 0.19 cfs feet; active reservoir capacity Per T.C. With Jerome acre-feet; total reservoir capacity 0.19 cfs acre-feet

c. Proposed well diameter is 0.19 cfs inches; proposed depth of well is Per T.C. With Jerome feet

d. Is ground water with a temperature of greater than 85°F being sought? Per T.C. With Jerome

e. If well is already drilled, when? Don't know; Drilling firm Don't know; Well was drilled for (well owner) Don't know; Drilling Permit No. Don't know

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9): 5 Per T.C. With Jerome

a. Hydropower; show total feet of head and proposed capacity in kW. Per T.C. With Jerome

b. Stockwatering; list number and kind of livestock. Per T.C. With Jerome

c. Municipal; show name of municipality. Per T.C. With Jerome

d. Domestic; show number of households. 1 caretaker house, 16 RV sites, 1 toilet/shower facility

e. Other; describe fully. Per T.C. With Jerome

Per T.C.
With Jerome

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	
~~36N~~	~~3W~~	~~5~~	~~D~~																
36N	3W	5	D			D													
36N	3W	4						D											
36N	3W	5	3.5			.1													
36N	3W	4						1.4											

Total number of acres to be irrigated 5

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

11. a. Who owns the property at the point of diversion? Idaho Fish and Game Commission
- b. Who owns the land to be irrigated or place of use? Idaho Fish and Game Commission
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: NA

12. Remarks: This is an application for a water right for an existing well located at the Idaho Fish and Game Commission's McKay's Bend campground at Myrtle. water will be used at 15 improved RV sites, an existing caretaker house, a newly installed flush toilet/shower facility, and to irrigate up to 5 acres of campground lawn/tent camping area. Area is used by sportsman and women and members of the public. The 10 acre property was purchased by the Commission in 1992.

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

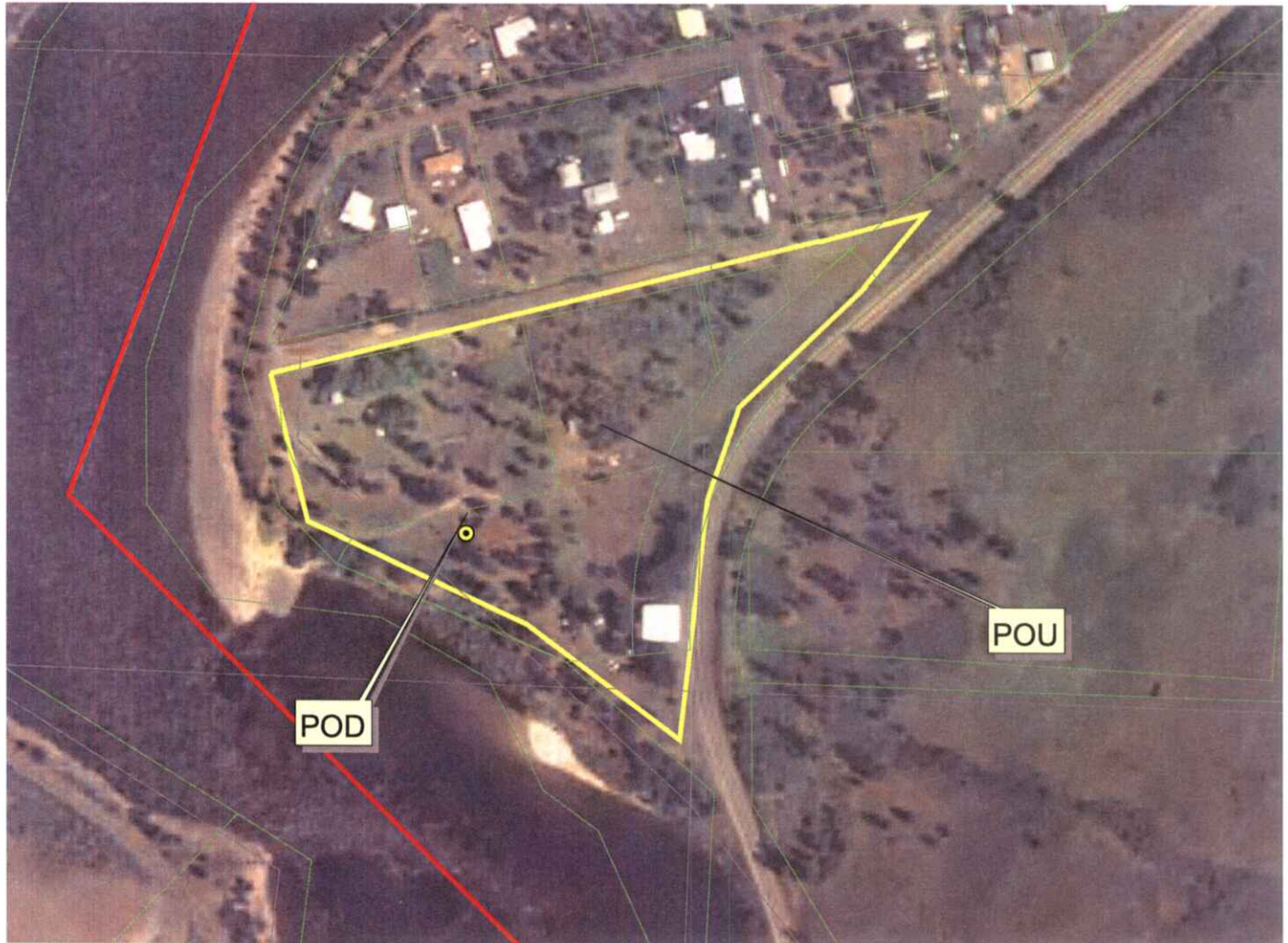
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ced Deane Director
Signature of Applicant (and title, if applicable)

Received by db Date 2/26/07 Time 1:30 P Preliminary check by _____
 Fee \$ _____ Receipted by _____ # _____ Date _____
 Publication prepared by db Date 4/11/07 Published in Lupinus Morning Star 4/19+26/07
 Publication approved db Date 4/27/07

Inter-agency bill

85-15687



-  Nez Perce taxlots
-  GCDB36N03W GCDB
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



IDFG Commission

RECEIVED

FEB 26 2007

IDWR/North

T36N R3W Section 5



Place of Use



Point of Diversion



**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

June 16, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

RE: Permit No. 85-15687

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

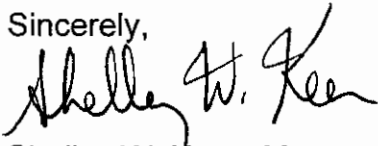
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, reading "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen, Manager
Water Right Permits Section

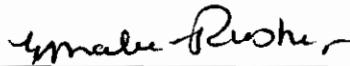
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person listed below:

RE: WATER RIGHT NO. 85-15687

**STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025**

A handwritten signature in cursive script, reading "Emalee Rushing", is written above a horizontal line.

**Emalee Rushing
Technical Records Specialist**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: June 15, 2007
To: Water Right File 85-15687
From: eretelle
Re: permit review

No WD - groundwater
No moratorium, 40.05 info collected

No PoD or PoU overlaps
No protests

Recommend approval as suggested by IDWR Northern

TRIBUNE PUBLISHING COMPANY, INC.
The Lewiston Tribune
505 C St., P.O.Box 957
Lewiston, Idaho 83501
(208) 743-9411

LEGAL ADVERTISING INVOICE

SOLD TO: ID DEPT. OF WATER RESOURCES
7600 MINERAL DR #100
COEUR D'ALENE ID 83814

Date 04/26/2007 INVOICE NO. 457484
Account No. 964750
Description 457484 The following ap
Times 2 Lines 28
Tab. Lines _____
RECEIVED APR 27 2007
IDWR/North
\$ 83.72
PO# _____

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate the public waters of the State of Idaho: ⁴⁵⁷⁴⁸⁴

85-15687

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025
Point(s) of Diversion L1 (SENE) S5 T36N R03W
NEZ PERCE County

Source GROUND WATER
Use: IRRIGATION 02/15 To 11/30 0.15 CFS
Use: DOMESTIC 01/01 To 12/31 0.04 CFS
Total Diversion: 0.19 CFS
Date Filed: 02/23/2007

Place Of Use: DOMESTIC
T36N R03W S4 NWNW Lot 4
T36N R03W S5 NENE NENE Lot 1 SENE Lot 1
Place Of Use: IRRIGATION same as DOMESTIC
Number of Acres 5

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 05/07/2007.
The protestant must also send a copy of the protest to the applicant.
DAVID R. TUTHILL, JR., Interim Director
Published on April 19 and 26, 2007

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 457484 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Tribune, 2 time(s). Publication being on 04/19, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 04/19/2007, and the last publication thereof being on the 04/26/2007, and said 457484 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

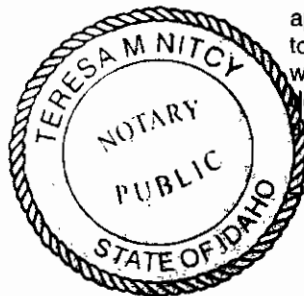
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 26 day of Apr in the year of 2007, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Notary Public in and for the State of Idaho,
residing at Lewiston, therein
Commission Expires 11/23/2010

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

85-15687

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE ID 83707-0025

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DAVID R. TUTHILL, JR., Interim Director

Published on April 19 and 26, 2007

DEPARTMENT OF WATER RESOURCES
7600 MINERAL DRIVE, SUITE 100
COEUR D'ALENE ID 83814
Phone 208-762-2800 - FAX - 208-762-2819

April 11, 2007

*Please Fax A Proof Copy Before This Goes To Press
Thanks, Dianne*

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

RE: Application for Permit No. 85-15687

Dear Karen:

Below you will find a legal notice which we wish to have published in your newspaper on the dates indicated, April 19 and 26, 2007, (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 05/07/2007. Your cooperation is, as always, greatly appreciated.

Thank you,

Sincerely

Dianne

Dianne Ball
Administrative Assistant

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

85-15687

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE ID 83707-0025

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DAVID R. TUTHILL, JR., Interim Director

Published on April 19 and 26, 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

April 11, 2007

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

RE: Application for Permit No 85-15687

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 Morning Tribune on April 19 and 26, 2007. 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

M E M O R A N D U M

To: Water Right Application # 85-15687

From: Keith E. Franklin

Date: March 29, 2007

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 have no objection to the applicant withdrawing 0.19 cfs from a ground water source, for the purpose of irrigating 5 acres of land and supplying domestic water to a caretakers residence, 15 RV sites and a shower toilet facility within the McKay's Bend Campground.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for its own use on property it owns and there are no known issues with any other party.

Financial Resources Information.

For this project, the applicant estimates the cost to be \$365,540, with \$62,380 being furnished as matching funds by Fish & Game and \$303,160 being grant monies from Idaho Parks and Recreation.

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 these agencies, indicate there is no opposition to the applicant's proposal.

Injury to Other Water Rights.

Since the point of diversion is an existing well, that has been utilized prior to the purchase of the property by the State of Idaho and there being only seven wells within a half mile radius of the applicants well, there isn't any foreseen impact to area water right holders or impact to the Clearwater River which lies adjacent to the project site.

Recommendation.

Northern Region recommends proceeding with the processing of this water right application.

Ball, Dianne

From: Ball, Dianne
Sent: Thursday, March 29, 2007 2:58 PM
To: Allen, Debbie
Subject: Interagency Billing request

Good afternoon, Debbie,

We have a water right application from Fish & Game that is going to be processed within the next few days. We have assigned number 85-15687 to this application.

I'm attaching a copy of a letter from Jerome Hansen requesting "Interagency Billing" for the \$100.00 fee.

Will you please handle this on our behalf? .

Also, will you please notify me when the fees are received so I can enter a receipt number or something in our files indicating funds were received?

If you have any questions, please contact Keith Franklin or me.

Thanks ever so much for your help.

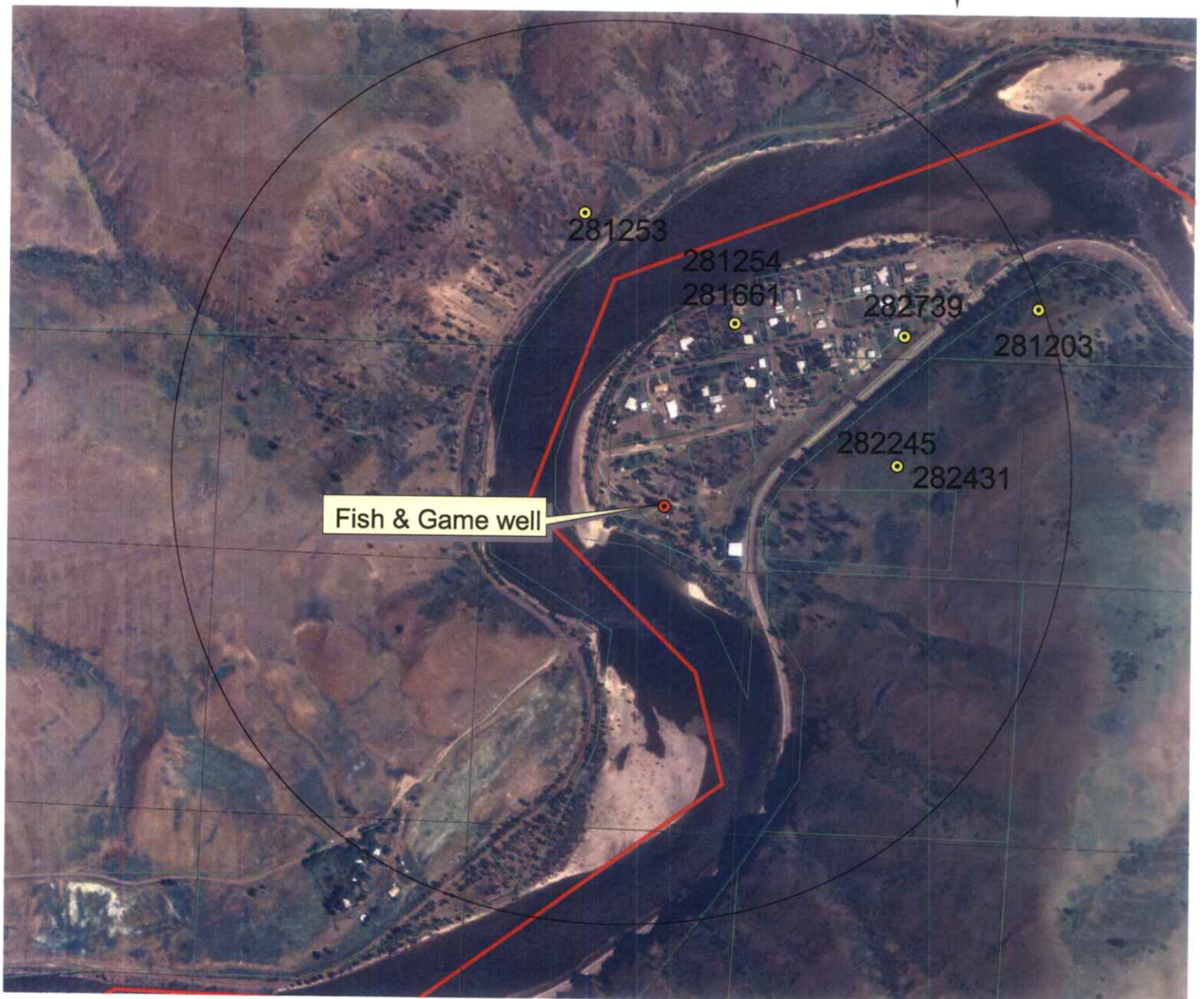
Dianne



F&G Inter agency
bill.pdf

85-15687

**Wells within 1/2 mile radius of McKay's Bend
Campground well**





STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F STREET • LEWISTON, IDAHO 83501 • (208) 799-4370

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

March 23, 2007

Jerome Hansen
Idaho Department of Fish and Game
3316 16th Street
Lewiston, ID 83501

RECEIVED
MAR 27 2007
IDWR/North

Re: Application for Permit, Jerome Hansen, IDFG

Dear Mr. Hansen,

DEQ has received a request for comment on your application to the Idaho Department of Water Resources requesting approval to appropriate ground water from an existing well. 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, drinking water 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 fluid and cursive.

Kerby M. Cole, P.E.
Regional Administrator

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

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. *Map*
- 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.
- 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.

☒ **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.
- ☒ 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.

☒ **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.
- ☒ 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.

☒ **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.
- ☒ 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.

☒ **g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:**

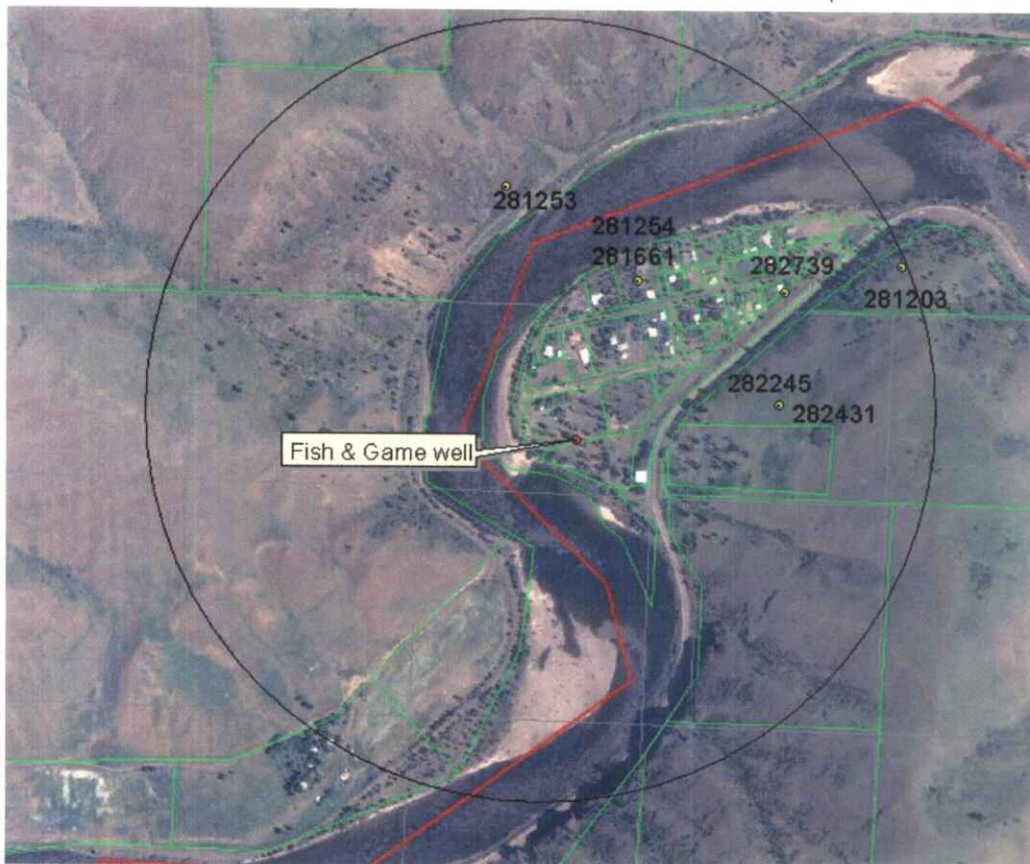
- ☒ The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department 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.

WATER APPROPRIATIONS
RULES 40.05.c through 40.05.g
McKay's Bend Campground at Myrtle Water Right Application
Idaho Department of Fish and Game
Lewiston, Idaho
March 27, 2007

c. ii. Following is a plat of well locations within ½ mile radius of the existing IDFG well at Myrtle.

85-15687

**Wells within 1/2 mile radius of McKay's Bend
Campground well**

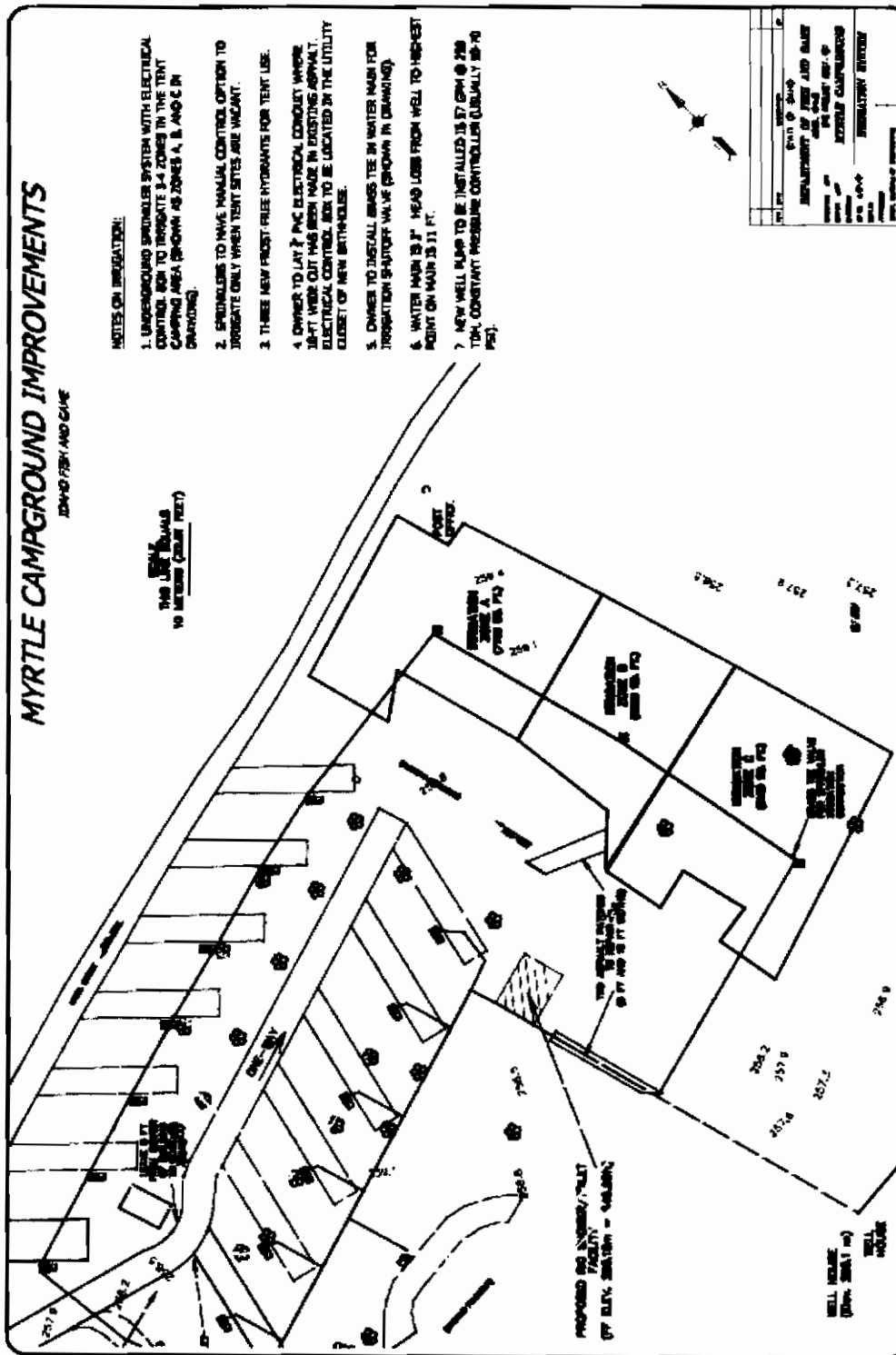


MYRTLE CAMPGROUND IMPROVEMENTS

DAY-TO-DATE AND CUM

NOTES ON INVESTIGATION:

1. UNDERGROUND SPRINKLER SYSTEM WITH ELECTRICAL CONTROL. BOX TO BE INSTALLED IN THE TENT CAMPING AREA (SHOWN AS ZONES A, B AND C IN DRAWINGS).
2. SPRINKLER TO HAVE MANUAL CONTROL OPTION TO IRRIGATE ONLY WHEN TENT SITES ARE VACANT.
3. THREE NEW FROST-FREE HYDRANTS FOR TENT USE.
4. COWERS TO LIFT 1" PVC ELECTRICAL CONDUIT WHERE TENT WASH LOT HAS BEEN MADE IN EXISTING ASPHALT. ELECTRICAL CONTROL BOX TO BE LOCATED IN THE UTILITY CLOSET OF NEW BATHHOUSE.
5. DOWNER TO INSTALL BRASS TEE IN WATER MAIN FOR IRRIGATION S-AUTOMATIC VALVE (SHOWN IN DRAWING).
6. WATER MAIN IS 11" HEAD LOSS FROM WELL TO HIGHEST POINT ON MAIN IS 11 FT.
7. NEW WELL PUMP TO BE INSTALLED IS 57 GPM @ 240 TYP. CONSTANT PRESSURE CONTROLLER (USUALLY 50-70 PSI).



d. i. Proposed diversion during peak use periods include .04 cfs for domestic and .15 cfs for irrigation. Highest demand will occur during late summer months when campground use is expected to remain high and irrigation demand peaks. Diversion rates during average use times when the campground is not as full and/or irrigation demand is not as high will be reduced from these figures. Maximum volume of water to be diverted per year will be 15 acf. for irrigation and 0.6 acf for domestic.

d. ii. No known problems exist with aquifer.

e. i. Deed showing IDFG ownership of 10 acre Myrtle property attached.

e. ii. A Micro Particulate Analysis (MPA) test is being conducted on the well, in coordination with the Idaho Department of Environmental Quality. A permit was also obtained from the North Central Idaho Health District for the modification/improvement of the campground sewer system. It is attached.

f. i. An Idaho Parks and Recreation grant of \$303,160 was received by IDFG for the McKay's Bend Campground at Myrtle project. The grant budget is attached, along with in-kind and cash matching funds by the IDFG. These funds are being utilized to improve the campground at Myrtle.

(a.) CONTRIBUTOR	(b.) AMOUNT	(c.) DESCRIPTION
IDFG	\$42,380	In kind - Site Design, Engineering, Contract Administration, Campground Improvements
IDFG	\$20,000	Cash- Project Implementation, cultural clearance
TOTAL	\$62,380	

10) BUDGET

Project Name: _____

For IDPR Use Only Grant #	Source of Funding			IDPR Use Only
Project Components	(C) Total Cost	(B) Matching Share	(A) Grant Request	Amount Approved
Design, Engineering, administration, cultural resource clearance	\$60,000	\$55,000	\$5,000	
Asphalt/concrete for campsites/access roads	\$50,000		\$50,000	
Shower/toilet/sidewalks	\$84,000		\$84,000	
Move and restore Myrtle Post Office at park entrance	\$15,000	\$5,000	\$10,000	

Gazebo (1)	\$20,000		\$20,000	
Small picnic shelters (2)	\$ 5,000		\$ 5,000	
Picnic Tables (19@460)	\$ 8,740	\$1,380	\$ 7,360	
Fire ring (19@100)	\$ 1,900		\$ 1,900	
Barbeque grill (19@100)	\$ 1,900	\$1,000	\$ 900	
Electrical (19-50 amp)/ shower/picnic shelter/park entrance hook-ups	\$38,000		\$38,000	
Water upgrades(Frost free faucets/pipe/shower/toilet	\$36,000		\$36,000	
Septic Upgrade/New Hookups	\$34,500		\$34,500	
Storage Barn upgrade	\$ 5,000		\$ 5,000	
Landscaping enhancements	\$ 5,000		\$ 5,000	
Pay Telephone installation	\$ 500		\$ 500	
TOTALS	365,540	\$62,380	\$303,160	
% of TOTAL	100%	17 %	83 %	%

f. ii. Construction plans attached. Please see f.i. for estimated construction costs of water system upgrades. Bids for a new pump came in at just under \$10,000.

g. Local public interest.

Attached is an email from IDFG Staff Biologist. I have contacted Idaho DEQ in Lewiston. A letter of comment will be sent to IDWR.



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

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

March 26, 2007

Mr. Keith Franklin
Senior Water Resources Agent
Idaho Department of Water Resources
7600 Mineral Drive
Suite 100
Coeur d' Alene, Idaho 83815

Re: McKay's Bend Campground at Myrtle Water Right Application

Dear Mr. Franklin:

Attached is additional information in support of our McKay's Bend Campground at Myrtle water right application, as required by Water Appropriation Rules 40.05.c through 40.04.g. This water right application is for an existing well on the Departments 10 acre property located at Myrtle. Please let me know if I can provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Jerome Hansen".

H. Jerome Hansen
Regional Wildlife Habitat Manager

Cc: Walt Poole, NRPB

NORTH CENTRAL DISTRICT HEALTH DEPARTMENT

Computer File #: <u>07-5595</u>	() SITE EVALUATION () SEWAGE PERMIT	SITE EVALUATION Fee Paid: \$ _____ Ck# _____ Receipt #: _____ Date: _____	SEWAGE PERMIT Fee Paid: \$ <u>850</u> Ck# <u>12086302</u> Receipt #: <u>3008712</u> Date: <u>2-27-07</u>
Permit #: <u>007-67</u>	() NEW SYSTEM (X) REPLACEMENT		
Jurisdiction: _____			

Name: <u>IDAHO FISH and GAME (ATTN: JEANNE RUMPS)</u>	Address of Property: <u>MYRTE CAMPGROUND, Hwy 12</u>		
Mail Address: <u>P.O. Box 25</u>	City: <u>MYRTE</u>	State: <u>ID</u>	Zip: <u>83535</u> County: <u>Nez Perce</u>
City: <u>Boise</u> State: <u>ID</u> Zip: <u>83707</u> Ph: <u>(208) 334-3730</u>	Township: <u>36N</u>	Range: <u>3W</u>	Section: <u>4 and 5</u>
Lot: _____ Block: <u>Block H, J</u> Subdivision: _____	Lot Size: _____		
Parcel #: _____	Type of Use: () Single Family, # Bedrooms: _____; (X) Other <u>Campground</u> est. gal/day		

Water Supply	Sub Prog. Code Number	(X) Gravelless Drainfield	() Absorption Bed	() Pit/Vault Privy	() In-trench SF
() Public (X) Private	<u>232</u> 233 234	() Gravel Drainfield	() Steep Slope Drainfield	() Sand Mound	() Recirculating SF
(X) Well () Spring	236 238 237	() Capping Fill	() 2 Cell Lagoon	() Intermittent SF	Other

Tank Size: <u>15,000</u> gallons	Slope: <u>Between 0.76% - 1.4%</u>	Critical Setbacks: _____
Distance From Septic Tank to: Dwelling Foundation: <u>>1000</u> ft.	Disposal Area: <u>900</u> ft.	Nearest Well: <u>300</u> ft.
Disposal Area: Effective Area Required: <u>400 linear feet</u> sq. ft. Dimensions: <u>53" W 34" D 12"</u>	Distance to Surface Water: <u>>900</u> ft.	
Property Lines: Front: <u>800</u> ft. Back: <u>>1800</u> ft. Side: <u>>800</u> ft.	Dwelling Foundation: <u>>450</u> ft.	Nearest Well: <u>300</u> ft.

No. 1 Test Hole	No. 2 Test Hole	No. 3 Test Hole
<u>0-72 A2</u>		

Size of absorption system based on Soil Type: _____

Site Evaluation: () Approved () Approved with Conditions () Disapproved	EHS Initials: _____	Date: _____
Comments: <u>DRAINFIELD TO BE INFILTRATOR QUICK 4 STD SYSTEM</u>		

DISCLAIMER: "Completed site evaluations will remain valid unless regulations change, site conditions change, or the intended use or placement of pertinent improvements change."

The information provided on this application is accurate to the best of my knowledge. I understand that any false statements may result in disapproval of this permit. The subsurface sewage disposal installation must be constructed by the homeowner or a sewer installer. I hereby authorize the health authority to have access to this property for the purpose of performing the requested services.		
Owner: <u>X</u>	Contractor: _____	Other: _____
Applicant Signature: <u>[Signature]</u>	Date: <u>2/15/07</u>	
Permit Issued By: <u>[Signature]</u>	Date: _____	
Renewal Date: _____		
Please Note: A permit shall become invalid if the construction is not completed within one (1) year to the date of issuance. A permit may be renewed annually, up to a maximum of four (4) times. There is a \$25 annual renewal fee.		



RECEPTION (+)
INDEXED (+)
FILMED (+)
DELIVERED (+)
MAILED (+)
A

MICROFILMED

560659

ST. NO. FILED FOR RECORD

FILE 18.00

92 APR 29 PM 4:41

RECORDS & COMM. CO. ID.

BY *Carmen Simler* DEPUTY

FIRST AMERICAN TITLE

MAY 13 1992

WARRANTY DEED

THIS INDENTURE made this 29th day of April, 1992,
between THE CHURCH OF ISRAEL, at Myrtle, Idaho, by and through
its undersigned Trustees, Grantor, and THE STATE OF IDAHO,
THROUGH THE DEPARTMENT OF FISH AND GAME, Grantee,

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Three Hundred
Twenty Thousand Dollars (\$320,000.00), receipt of which is
hereby acknowledged, Grantor conveys and warrants unto Grantee
and their assigns all of the property described in Exhibit "A"
attached hereto and made a part hereof by reference, situated
in the County of ~~Clearwater~~ ^{NEZ PERCE} *Basin Cyl*, State of Idaho, together with all
and singular the tenements, hereditaments, and appurtenances
thereunto belonging or in anywise appertaining.

SUBJECT TO:

Existing easements for public roads, public highways,
public utilities, railroads and pipelines; reservations,
exceptions and any other outstanding rights contained in or
referred to in patents issued by the United States.

AND FURTHER, for the consideration aforesaid, the
Grantor hereby conveys and quitclaims unto the Grantee and
their assigns, all right, title, and interest which they may
have in and to the banks, beds and waters of any streams
opposite or fronting upon the fee lands above described and in

any alleys, roads, streets, ways, strips, gores, or railroad rights-of-way abutting or adjoining said land and in any means of ingress and egress appurtenant thereto.

The Grantee agrees to accept title to the property in its present state and affirms that it shall not hold Grantor liable for known or unknown conditions of the property, the buildings, and improvements, or any other thing related to the property, the buildings, or improvements now existing or in the future, in any manner whatsoever.

Furthermore, Grantee agrees that on all signs the property will be referred to using the surname McKay.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal the day and year first above written.

THE CHURCH OF ISRAEL

By Bud C. Brinkley
Bud C. Brinkley

By Carlepe J. Brinkley
Carlepe J. Brinkley

Trustees

STATE OF I D A H O)
County of Nez Perce) ss

On this 29th day of April, 1992, before me, the undersigned, a Notary Public in and for said state, personally appeared BUD C. BRINKLEY and CARLENE J. BRINKLEY, known to me to be the Trustees of The Church of Israel, at Myrtle, Idaho, and acknowledged to me that they executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in this certificate
first above written.

Mary Lynette Crave
Notary Public for Idaho
Residing at Lewiston, Therein.
Commission Expires 9/1/96



EXHIBIT "A"

- A. Blocks F, G, H, J, and N of the Village of Myrtle, according to the recorded plat thereof;

AND

- B. An irregular parcel of land on the westerly side of the corner line of highway as surveyed and shown on the official plat of the Lewis and Clark NRH 136 E. Highway survey on file in the office of the Department of Public Works of the State of Idaho, and being a portion of Block J and K of Myrtle Townsite in Lot 4 of Section 4 and Lot 1 of Section 5, Township 36 North, Range 3 West, B.M., described as follows:

Commencing at a point on the westerly right-of-way boundary of the above highway which point is also on the subdivision line running east and west between Lots 4 and 5 of Section 4 and which point is approximately 1320 feet south and 40 feet east from the northwest corner of Section 4, Township 36 North, Range 3 West, B.M., thence running west along said subdivision line 21.5 feet more or less to the real point of beginning which point is 60.0 feet westerly from measured at right angles from the centerline of highway; thence North 21°48' West along a line parallel to and 60.0 feet westerly from the center line of highway 147.0 feet more or less to a point; thence northwesterly along a curve right of 633.0 foot radius 128.7 feet more or less to a point 60.0 feet westerly from measured at right angles from Station 326-1-50 of said highway survey; thence South 79°51' West 175.0 feet more or less to a point on the Meander Line of the Clearwater River; thence southeasterly along the Meander Line of said River to a point on the subdivision line running east and west between Lots 4 and 5 of Section 4, Township 36 North, Range 3 West, B.M.; thence east along said subdivision line 4.0 feet more or less to the point of beginning.

AND

- C. That portion of County Road #285, 60 feet wide by 254 feet in length, in an easterly direction commencing at the east abutment of the former Myrtle Bridge, located in the NE¼ of Section 5, Township 36 North, Range 3 West, B.M. and west of Block H, as platted for the Village of Myrtle;

AND

- D. That portion of the NW¼ NW¼ of Section 4 lying North and West of State Highway and lying South and East of Right-of-Way for railroad. All in Section 4, Township 36 North, Range 3 West, B.M.;

AND

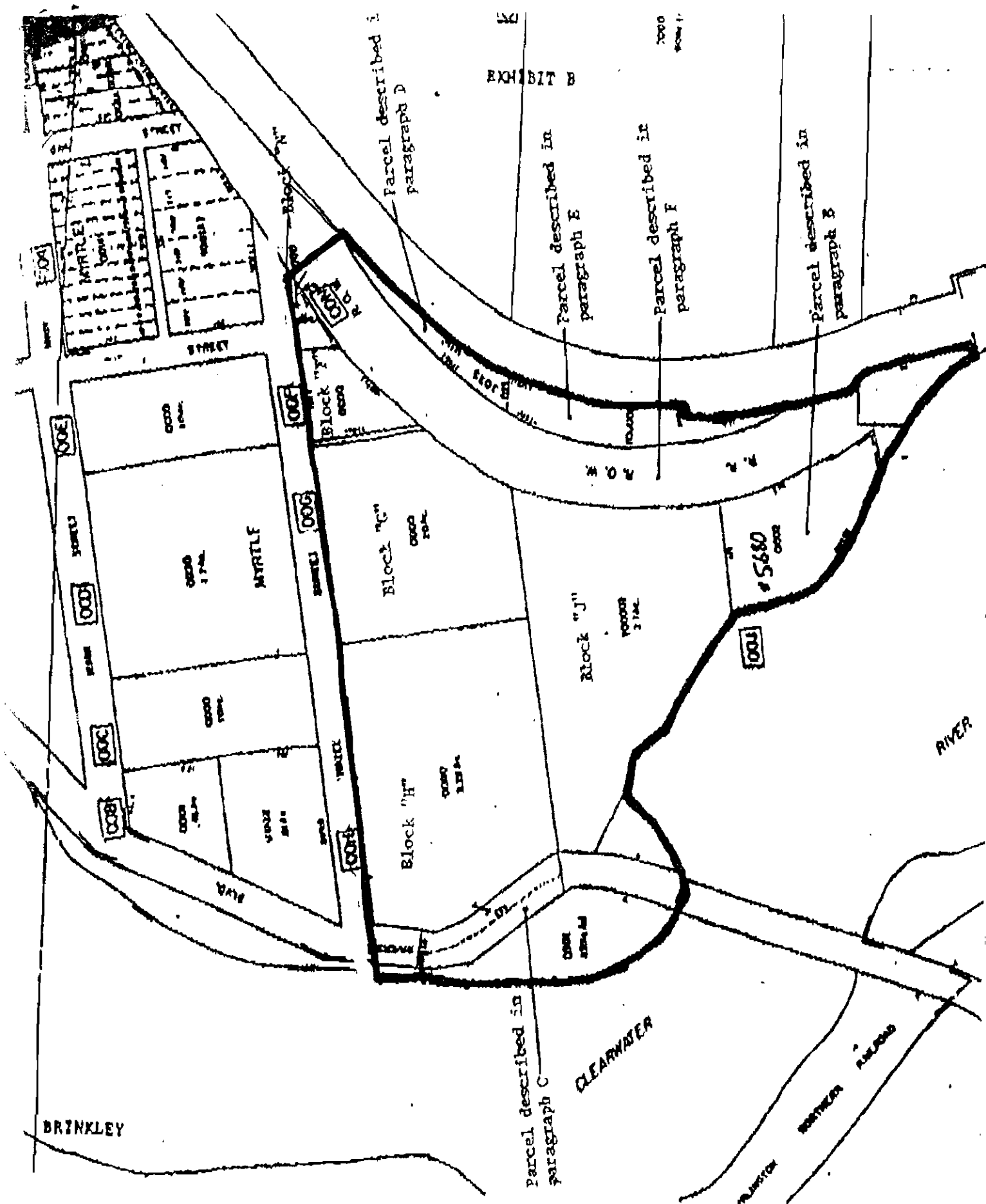
- E. That portion of Parcel K, as platted for the Village of Myrtle, west of the highway, as surveyed and shown on the official plat of the Lewis and Clark NRH 136 E. Highway survey on file in the office of the Department of Public Works of the State of Idaho;

AND

- F. The abandoned railroad right-of-way adjacent to blocks N, P, G, and J of the Village of Myrtle, according to the recorded plat thereof, and adjacent to the parcels described in paragraphs B, D, and E above.

Grantors agree they are conveying all rights to the property outlined on the attached map and generally described as all land bounded by Hazel Street, the unvacated portion of Riverside Boulevard at the northwest corner of Block H, the Clearwater River, and State Highway 12. These parcels are shown on the attached plat map (Exhibit "B") which is incorporated herein by reference and is made a part of this deed.

The property as described above contains a total of 10.6 acres, more or less.



Form No. 1402
(10/21/87)
ALTA Owner's Policy



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY

PRESIDENT

ATTEST

SECRETARY

H

534338

COUNTER SIGNED
FIRST AMERICAN TITLE INSURANCE COMPANY

SCHEDULE A

File No.	17953	Policy No.	H534338
Amount of Insurance \$	320,000.00	Premium \$	1,235.00
Date of Policy	April 29, 1992	a.m.	
		p.m.	4:41

1. Name of Insured:

THE STATE OF IDAHO,
THROUGH THE DEPARTMENT OF FISH AND GAME

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

THE STATE OF IDAHO,
THROUGH THE DEPARTMENT OF FISH AND GAME

4. The land referred to in this policy is described as follows:

Situate in the County of Nez Perce, State of Idaho, to-wit:

See Attached EXHIBIT "A"

SCHEDULE B

PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

Section One:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

Section Two:

1. General taxes for the year 1992 and subsequent years.
2. Easements as per the recorded plat thereof.
3. Right of Way Deed, including the terms and conditions thereof, granted by FERMIN L. HOSKINS and MINNIE A. HOSKINS, his wife to THE STATE OF IDAHO, recorded June 26, 1934, on page 260 of Book 154, records of Nez Perce County, Idaho. (Affects J & K in Parcel I)
4. Telephone Line Right-of-Way Easement, including the terms and conditions thereof, granted by BUD & CARLENE BRINKLEY to INLAND TELEPHONE COMPANY, recorded October 27, 1983 under Instrument No. 470215, records of Nez Perce County, Idaho. (Affects F,G,H in Parcel I)
5. All rights of way for public utilities and public roads as the same now exist over and across the herein described property.
6. All rights for a railroad right-of-way as the same now exist over and across the herein described property.

EXHIBIT "A"

PARCEL I:

Blocks F, G, H, J, N of Village of Myrtle, according to the recorded plat thereof.

AND

An irregular parcel of land on the westerly side of the corner line of highway as surveyed and shown on the official plat of the Lewis & Clark NRH 136 E. Highway survey on file in the office of the Dept. of Public Works of the State of Idaho, and being a portion of Block J and K of Myrtle Townsite in Lot 4 of Sec. 4 and Lot 1 of Sec. 5, T36N, Range 3 West, Boise Meridian, described as follows, to-wit:

Commencing at a point on the westerly right of way boundary of the above highway which point is also on the subdivision line running east and west between Lots 4 and 5 of Sec. 4 and which point is approximately 1320 feet south and 40 feet east from the north west corner of Sec. 4, Township 36 N, Range 3 W. Boise, Meridian, thence running west along said subdivision line 21.5 feet more or less to the real point of beginning which point is 60.0 feet westerly from measured at right angles from the centerline of highway; thence North $21^{\circ}48'$ West along a line parallel to and 60.0 feet westerly from the center line of highway 147.0 feet more or less to a point; thence northwesterly along a curve right of 633.0 foot radius 128.7 feet more or less to a point 60.0 feet westerly from measured at right angles from Station 326-1-50 of said highway survey; thence South $79^{\circ}51'$ West 175.0 feet more or less to a point on the Meander Line of the Clearwater River; thence southeasterly along the Meander Line of said River to a point on the subdivision line running east and west between Lots 4 and 5 of Section 4, Township 36 North, Range 3 West Boise Meridian; thence east along said subdivision line 4.0 feet more or less to the point of beginning;

AND

That portion of County Road #285, 60 feet wide by 254 feet in length. In an Easterly direction commencing at the east abutment of the former Myrtle Bridge, located in the NE $1/4$ of Sec. 5, T36N, R3W, B.M. and west of Block H, as platted for the Village of Myrtle.

Cont.....

EXHIBIT "A"
Continued

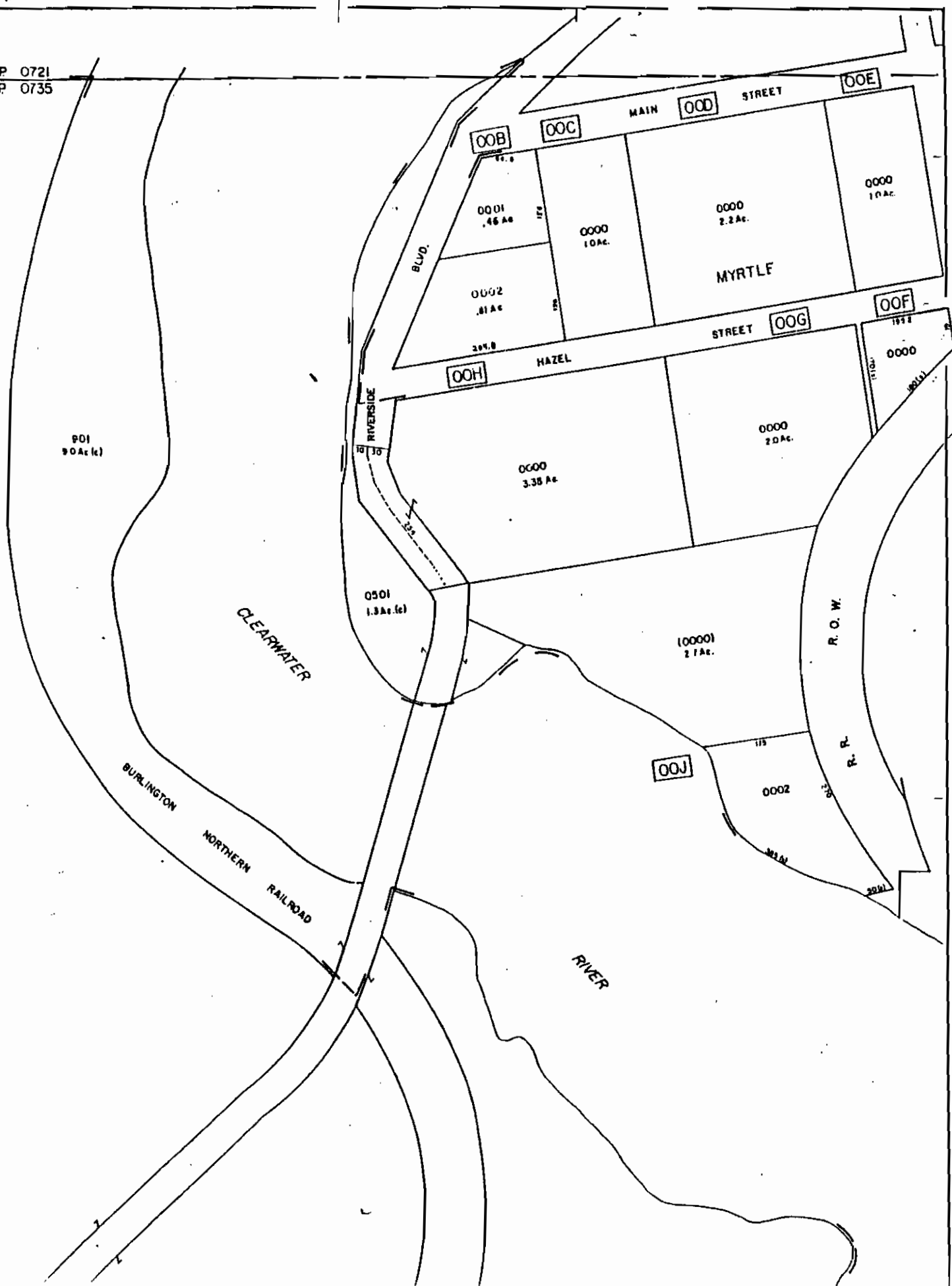
PARCEL II:

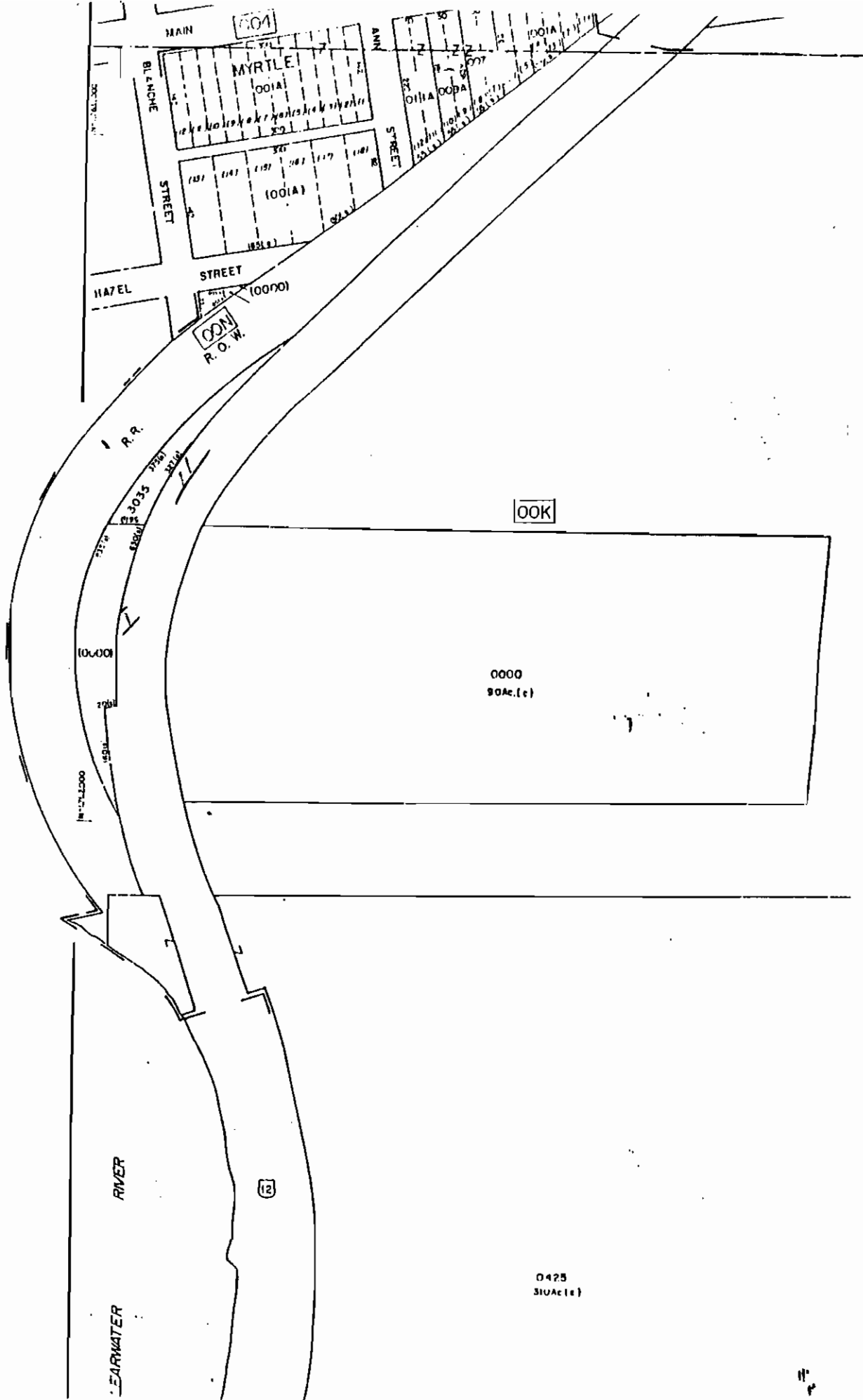
That portion of the NW 1/4 NW 1/4 of Sec. 4, lying North and West of State Highway and lying South and East of Right of Way for Railroad. All in Section 4, Township 36 North, Range 3 W.B.M;

AND

That portion of Parcel K, as platted for the Village of Myrtle, that is west of the highway, as surveyed and shown on the official plat of the Lewis and Clark NRH 136 E. Highway survey on file in the office of the Department of Public Works of the State of Idaho.

TWP 0721
TWP 0735





Hansen,Jerome

From: Hennekey,Ray
Sent: Thursday, March 22, 2007 12:23 PM
To: Hansen,Jerome
Cc: Groen,Cal
Subject: Myrtle water right

Jerome –

I looked over your materials for the water right appropriation request for the Myrtle well. Although a water right was never obtained by previous owners, the well was installed and has been in operation for many years before Fish and Game acquired the property. Your request to IDWR for appropriation is essentially to identify beneficial uses for the appropriation and obtain the required permits for the existing well. The well has been in use for many years for the purposes described with no adverse effects on Clearwater River flows, fish or wildlife. Therefore, there is no reason to anticipate the requested appropriation will have any impacts. I have no concerns about your requested appropriation.

Ray Hennekey
Environmental Staff Biologist
IDFG Region 2

3/23/2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 28, 2007

H. Jerome Hansen
C/o: Idaho Department of Fish & Game
3316 16th Street
Lewiston, Idaho 83501

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

Dear Mr. Hansen:

The Idaho Department of Water Resources (IDWR) is in receipt of your application to withdraw water from a ground water source, for irrigation and domestic purposes within Water Basin 85.

Your property happens to be in the Salmon-Clearwater River drainage, which is considered a sensitive basin. 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 resources
- 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 applicants 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 informational requirement is usually waived for applications proposing the appropriation of 5.0 cfs or less or the storage of 500 acre feet or less. Because the waters of the Clearwater River drainage are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, 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 Clearwater River basin. As part of this cautious

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approach, IDWR is requiring that applicants submit the additional information required by Water Appropriation Rules 40.05.c through 40.04.g even when the applications are for less than the usual 5.0 cfs/500 acre feet threshold. Also, information about the local public interest must contain comments from the Idaho Department of Fish & Game, the Idaho Department of Environmental Quality and appropriate Forest Service Ranger District if applicable.

Please submit the information required by Water Appropriation Rules 40.05.c through 40.05.g to IDWR 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 40.05.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, don't hesitate to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent

Enclosure/kf

Cc: Marti Bridges at IDEQ in Boise
Cindy Robertson at IDFG in Boise
Cal Goen at IDFG in Lewiston
Kerby Cole at IDEQ in Lewiston

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IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

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

February 23, 2007

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

RECEIVED
FEB 26 2007
IDWR/North

RE: Application for McKay's Bend Campground at Myrtle Water Right

Dear Greg:

Attached is our application for a water right at McKay's Bend Campground at Myrtle. Myrtle is located at milepost 18.5 on U.S. Highway 12, along the Clearwater River between Lewiston and Orofino. I hope I have included all of the information that you need. Please initiate the Interagency Billing process for the applicable fee (it is my understanding that the fee will be \$100). The PCA is 41218 and the ABC code is R599. Please send the billing documents to IDFG Headquarters Office, Attn: Walt Poole, P.O. Box 25, Boise, Idaho 83707. Please give me a call (208-799-5010) if you have questions.

Sincerely,

H. Jerome Hansen
Wildlife Habitat Manager

Cc: Walt Poole, NRPB