

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 81-11986

Priority: March 27, 2006

Maximum Diversion Rate: 0.14 CFS

This is to certify, that BILLY E MAYER
HC75 BOX 37A
KOOSKIA ID 83539

has applied for a permit to appropriate water from:

Source: MIDDLE FORK CLEARWATER **Tributary:** CLEARWATER RIVER
RIVER

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>
FIRE PROTECTION	01/01 to 12/31	0.09 CFS
IRRIGATION	03/15 to 11/15	0.14 CFS

LOCATION OF POINT OF DIVERSION:

MIDDLE FORK CLEARWATER L4 (NW¼ SW¼) Sec. 12, Twp 32N, Rge 05E, B.M. IDAHO County
RIVER

PLACE OF USE: FIRE PROTECTION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32N 05E 12									X			X					
									L 4			L 3					

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	
32N 05E 12									6.0			1.0					7.0
									L 4			L 3					

Total Acres: 7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2012**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

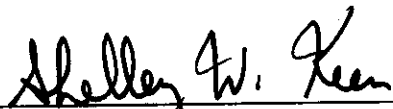
State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 81-11986

5. Prior to the diversion and use of water under this right, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
6. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide suitable control of the diversion.
7. A fish screen of 1/4 inch or smaller mesh shall be installed and maintained at the point of diversion.
8. The approach velocity at the point of diversion shall not exceed 0.5 feet per second.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
10. Water shall not be diverted under this right when flows in the Middle Fork, Clearwater River are below established minimum flow amounts.
11. Water shall not be diverted for fire protection use under this right except to fight or repel an existing fire.
12. 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 2nd day of February, 2007.


for DAVID R. TUTTILL, JR., Interim Director

RECEIVED

JUL 31 2006

FORM 202
12/99

Ident. No. 81-11986 27

RECEIVED

DEPARTMENT OF
STATE OF IDAHO

RECEIVED

OCT 02 2006

DEPARTMENT OF WATER RESOURCES

MAR 28 2006

APPLICATION FOR PERMIT

IDWR/North

To appropriate the public waters of the State of Idaho

DEPARTMENT OF
WATER RESOURCES

1. Name of Applicant Billy E Mayer Phone 208 926 7073
 Mailing address HO 75 Box 37A Kooskia Id 83539
 2. Source of water supply Middle Fork Clearwater River which is a tributary of Clearwater River
 3. Location of point of diversion is Township 32N Range 5E Sec. 12 in the 1/4
NW 1/4 SW 1/4 Govt. Lot 84 B.M. IDAHO County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 0.090 CFS for Fire Protection purposes from 1/01 to 12/31 (both dates inclusive)
 Amount 0.14 CFS for IRIGATION purposes from 3-15 to 11-15 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

As per
T.C. with
Billy, KO

5. Total quantity to be appropriated is (a) 0.14 cubic feet per second and/or (b) 0.60 AF acre feet per annum

6. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source 5HP Pump + 2"
Piping From River to Property
 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? NO
 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 5 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. 2 1
 e. Other; describe fully. _____

81-11986



-  Idaho taxlots
-  GCDB32N05E GCDB
-  Permit POD
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



32N 05E 124

32N 05E 123

Tip dip
Middle Pond
X
Rock Creek Water River

house

shop

Bred

32N 05E 126

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
32N	5E	12									6		21						7
32N	5E	12											E						~~7~~

Total number of acres to be irrigated 7

10. Describe any other water rights used for the same purposes as described above. Filling water Rights - ON SPRING FOR DOMESTIC, STOCK WATERING AND IRRIGATION

- Who owns the property at the point of diversion? STATE OF IDAHO BILLY E. MAYER
- Who owns the land to be irrigated or place of use? BILLY E. MAYER
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

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.)

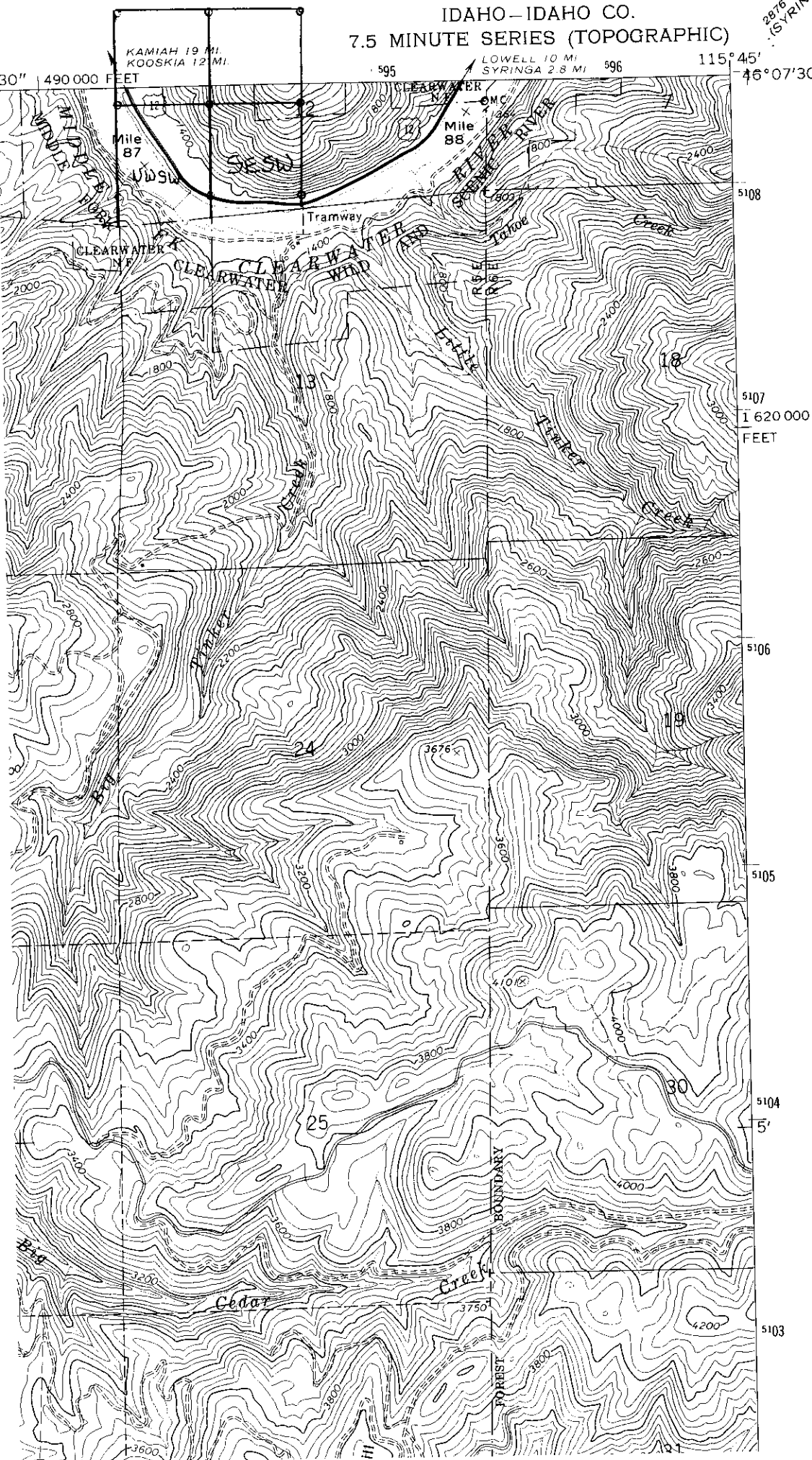
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

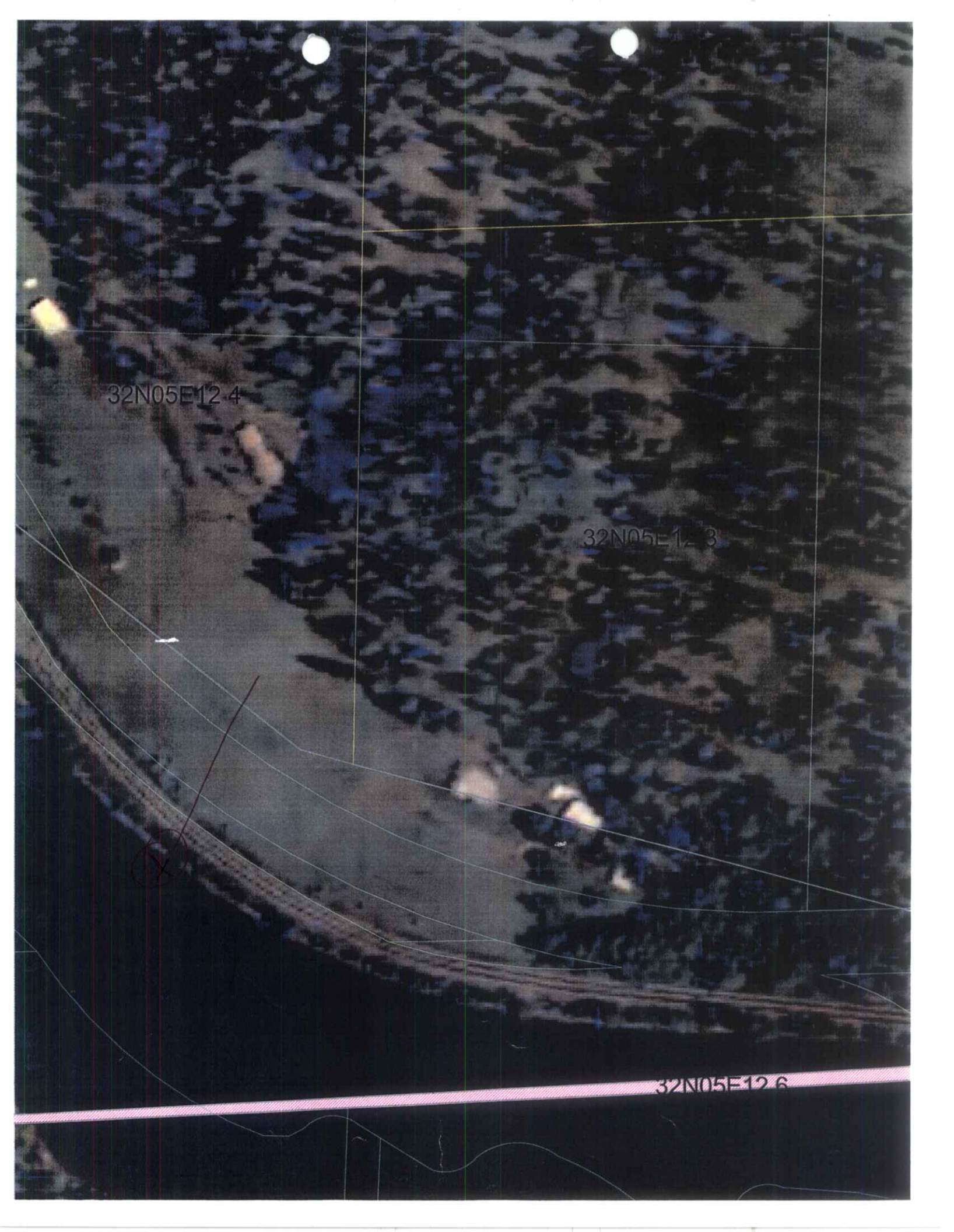
Billy E. Mayer
 Signature of Applicant (and title, if applicable)

Received by CP Date 3/26/06 Time 12:50 Preliminary check by CP Date 3/26/06
 Fee \$ 250.00 Receipted by CP # ND17430 Date 3/26/06
 Publication prepared by CP Date 6/27/06 Published in Idaho Times 7/5/06 7/12/06
 Publication approved CP Date 7/17/06 9/18/06 9/12+13/06
8/28/06

BIG CEDAR QUADRANGLE
IDAHO - IDAHO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

2876 II NW
(SYRINGA)





32N05E12.4

This is an aerial photograph of a coastal region, possibly a bay or inlet, with a grid overlay. The image is dark, with a mix of dark blue and black tones. A grid of thin white lines is visible across the image. There are several handwritten labels in white ink: '32N05E12.4' in the upper left, '32N05E12.3' in the center right, and '32N05E12.6' in the bottom right. A red circle with a cross inside is drawn in the lower left. A red line runs diagonally across the lower left. A red line runs horizontally across the bottom. The image has a grainy, high-contrast appearance.

32N05E12.3

32N05E12.6

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

February 6, 2007

BILLY E MAYER
HC75 BOX 37A
KOOSKIA ID 83539

RE: Permit No. 81-11986

Permit Approval Notice

Dear Mr. Mayer:

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.

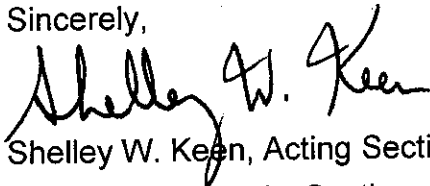
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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 that reads "Shelley W. Keen". The signature is fluid and cursive, with the first name being the most prominent.

Shelley W. Keen, Acting Section Manager
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2007 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

81-11986

**BILLY E MAYER
HC75 BOX 37A
KOOSKIA ID 83539**

A handwritten signature in cursive script, reading "Darla Block", is written over a horizontal line.

**Darla Block
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: January 31, 2007
To: Water Right File 81-11986
From: eretelle
Re: permit review

No WD

Wild & Scenic area - spreadsheet, ad and comment letters ok, conditions applied
MSF Middle Fork CW River (81-7162)

No overlaps

No protests

Recommend approval as suggested by IDWR Northern.

RECEIVED
SEP 18 2006
IDWR/Nort.

AFFIDAVIT OF PUBLICATION

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

81-11986

BILLY E MAYER
HC75 BOX 37A
KOOSKIA ID 83539
Point(s) of Diversion L4 (NWSW) S12
T32N R05E IDAHO County
Source MIDDLE FORK CLEARWATER RIVER
Tributary To CLEARWATER RIVER
Use: IRRIGATION 01/01 To 12/31
0.14 CFS
Use: FIRE PROTECTION 01/01 To 12/31 0.09 CFS
Total Diversion: 0.14 CFS
Date Filed: 03/27/2006
Place Of Use: FIRE PROTECTION
T32N R05E S12 NWSW Lot 4
SESW Lot 3
Place Of Use: IRRIGATION same as
FIRE PROTECTION
Number of Acres 7

Remark: This application proposes the diversion and use of water tributary to a federally designated 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 be applied to the subordination amounts specified in the decree for the Middle Fork of the Clearwater River.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

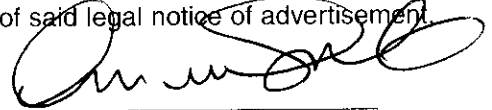
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 09/25/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on September 6 & 13, 2006

S6-13

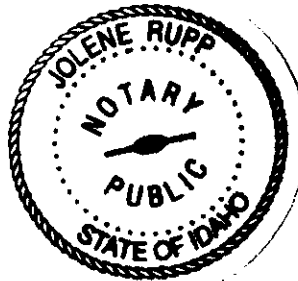
STATE OF IDAHO
County of Idaho - ss.

Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 6th day of September, 2006; and the last publication on the 13th day of September, 2006; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 13th day of September in the year of 2006, before me a Notary Public personally appeared Andrew J. McNab, 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 for Idaho
Residing at Grangeville, ID

My commission expires: 1-29-07

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81-11986

BILLY E MAYER

HC75 BOX 37A

KOOSKIA ID 83539

Point(s) of Diversion L4 (NWSW) S12 T32N R05E IDAHO County

Source MIDDLE FORK CLEARWATER RIVER

Tributary To CLEARWATER RIVER

Use: IRRIGATION 01/01 To 12/31 0.14 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.09 CFS

Total Diversion: 0.14 CFS

Date Filed: 03/27/2006

Place Of Use: FIRE PROTECTION

T32N R05E S12 NWSW Lot 4 SESW Lot 3

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Number of Acres 7

Remark: This application proposes the diversion and use of water tributary to a federally designated 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 be applied to the subordination amounts specified in the decree for the Middle Fork of the Clearwater River.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

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the Director, Dept. of Water Resource, Northern Region, 1910

Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a

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KARL J DREHER, Director Published on September 6 & 13, 2006

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BILLY E MAYER

HC75 BOX 37A

KOOSKIA ID 83539

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T32N R05E IDAHO County

Source MIDDLE FORK

CLEARWATER RIVER

Tributary To CLEARWATER RIVER

Use: IRRIGATION 01/01 To 12/31

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KARL J DREHER, Director

Published on September 6 & 13, 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615
Phone: (208) 769-1450 FAX: (208) 769-1454 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 28, 2006

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

*Please FAX proof copy before this goes to press, to 769-1454
Thanks, Dianne*

RE: Application for Permit No. 81-11986

Dear Nona:

Attached you will find a legal notice which we wish to have published in your newspaper on the dates indicated, September 6 and 13, 2006, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

I've prepared this legal notice in two formats and attached both. Use the one that works best for you.

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 09/25/2006. Your cooperation is ALWAYS appreciated.

Thank you for all your help,
Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Monday, August 28, 2006 10:58 AM
To: Legal Notices-ID CO Free Press (E-mail)
Cc: Franklin, Keith
Subject: Legal notice for publication on September 6 and 13, 2006

Good morning, Nona,

Attached is our cover letter requesting publication of a legal notice on September 6 and 13, 2006.

The legal notice is also attached. I have attached it in two different formats. Use or adjust whichever is best for you - single column or two column.

If you have ANY questions, please call me or Keith Franklin at 208-769-1450.

ALSO - Please FAX a proof report to our office to the attention of KEITH FRANKLIN - with the request that he check it to make sure it is ok - because I have to leave 8/30 to go to Denver. My Mother is in an assisted living place - and needing some help and attention.

Thanks VERY much for ALL your help - ALWAYS.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454*



CoverLetter
08-28-06 IC e-mail..



LegalNotice
08-28-06 IC e-mail..



LegalNotice
08-28-06 IC e-mail..



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

August 28, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

BILLY E. MAYER
HC75 BOX 37A
KOOSKIA ID 83539

RE: Application for Permit No 81-11986

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 September 6 and 13, 2006. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

This application needed to be re-advertised because the application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. A statement regarding that needed to be included in the earlier publication notice, and was not.

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 and twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Water Resource Agent

RECEIVED

JUL 17 2006

DWR/North

AFFIDAVIT OF PUBLICATION

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81-11986

BILLY E MAYER

HC75 BOX 37A

KOOSKIA ID 83539

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T32N R05E IDAHO County

Source MIDDLE FORK CLEARWATER RIVER

Tributary To CLEARWATER RIVER

Use: IRRIGATION 01/01 To 12/31

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Use: FIRE PROTECTION

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Total Diversion: 0.14 CFS

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Place Of Use: FIRE PROTECTION

T32N R05E S12NWSW Lot 4 SESW

Lot 3

Place Of Use: IRRIGATION same as FIRE PROTECTION

Number of Acres 7

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, 1910 Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 07/24/2006. The protestant must also send a copy of the protest to the applicant.

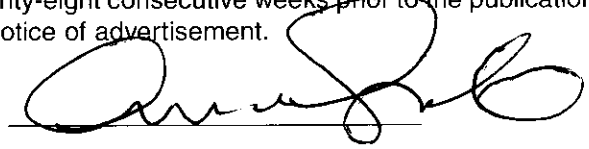
KARL J DREHER, Director

Published on July 5 and 12, 2006

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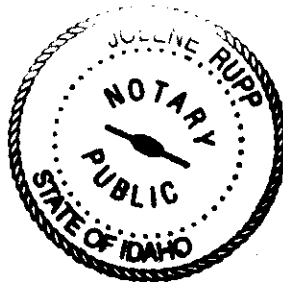
STATE OF IDAHO
County of Idaho - ss.

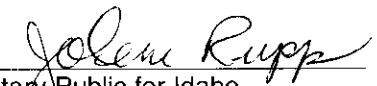
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 5th day of July, 2006; and the last publication on the 12th day of July, 2006; and that the said legal notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 12th day of July in the year of 2006, before me a Notary Public personally appeared Andrew J. McNab, 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 for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-07

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

81-11986

BILLY E MAYER

HC75 BOX 37A

KOOSKIA ID 83539

Point(s) of Diversion L4 (NWSW) S12

T32N R05E IDAHO County

Source MIDDLE FORK

CLEARWATER RIVER

Tributary To CLEARWATER RIVER

Use: IRRIGATION 01/01 To 12/31
0.14 CFS

Use: FIRE PROTECTION

01/01 To 12/31 0.09 CFS

Total Diversion: 0.14 CFS

Date Filed: 03/27/2006

Place Of Use: FIRE PROTECTION

T32N R05E S12 NWSW Lot 4

SESW Lot 3

Place Of Use: IRRIGATION same as
FIRE PROTECTION

Number of Acres 7

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, 1910 Northwest Blvd,
Suite 210, Coeur D' Alene ID 83814
together with a protest fee of \$25.00
for each application on or before
07/24/2006. The protestant must also
send a copy of the protest to the
applicant.

KARL J DREHER, Director

Published on July 5 and 12, 2006

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, June 28, 2006 4:48 PM
To: Legal Notices-ID CO Free Press (E-mail)
Subject: Alternate layout for legal if necessary

Good afternoon, Nona,

This is an alternative layout for the legal notice I e-mailed to you yesterday for BILLY E MAYER - Water Right Application No. 81-11986, with request to publish 7/5 and 7/12/ 2006.

This might drop it to a single column, if you wanted to use this format.

I know that with the holiday next week, things might be tight. Just trying to be helpful.

Thanks for all your help to me.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454*



LegalNotice
06-27-06 IC e-mail..

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

81-11986

BILLY E MAYER

HC75 BOX 37A

KOOSKIA ID 83539

Point(s) of Diversion L4 (NWSW) S12 T32N R05E IDAHO County

Source MIDDLE FORK CLEARWATER RIVER

Tributary To CLEARWATER RIVER

Use: IRRIGATION 01/01 To 12/31 0.14 CFS

Use: FIRE PROTECTION 01/01 To 12/31 0.09 CFS

Total Diversion: 0.14 CFS

Date Filed: 03/27/2006

Place Of Use: FIRE PROTECTION

T32N R05E S12 NWSW Lot 4 SESW Lot 3

Place Of Use: IRRIGATION same as FIRE PROTECTION

Number of Acres 7

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, 1910

Northwest Blvd, Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 07/24/2006.

The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published on July 5 and 12, 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450 FAX: (208) 769-1454 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 27, 2006

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

Please FAX proof copy before this goes to press, to 769-1454
Thanks, Dianne

RE: Application for Permit No. 81-11986

Dear Nona:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, July 5 and 12, 2006, (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 07/24/2006. Your cooperation is ALWAYS appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Tuesday, June 27, 2006 3:44 PM
To: Legal Notices-ID CO Free Press (E-mail)
Subject: Legal notice for publication on July 5 and 12, 2006

Good afternoon, Nona,

Attached is our cover letter requesting publication on July 5 and 12, 2006 of a legal notice, also attached.

Please FAX a proof copy to me at 208-769-1454 before this goes to press.

If you have ANY questions, please call me at 208-769-1450.

Thanks for all your help. It's super to work with you!!

Dianne

Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone (208)769-1450 FAX (208)769-1454



CoverLetter
16-27-06 IC e-mail..



LegalNotice
16-27-06 IC e-mail..



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 27, 2006

BILLY E MAYER
HC75 BOX 37A
KOOSKIA ID 83539

RE: Application for Permit No 81-11986

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 5 and 12, 2006. 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 and twelve weeks.

Please feel free to contact this office if you have any questions.

Sincerely,

Keith E. Franklin
Water Resource Agent

Enclosure(s) – Receipt No. N017430



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

June 26, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

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

FAXED TO IDL 6/26/2006
(208) 476-7175
6 pages total

Re: Water Permit Application No. 81-11986

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.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **July 21, 2006**. 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.

If he has not contacted you, ou might want to contact the applicant regarding an encroachment permit.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to Keith.Franklin@idwr.idaho.gov, or to me, Dianne.Ball@idwr.idaho.gov.

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

Sincerely,

Dianne Ball
Administrative Assistant



IDAHO FISH & GAME

CLEARWATER REGION
1540 Warner Avenue
Lewiston, Idaho 83501-5699

WA
RECEIVED

MAY 30 2006

DEPARTMENT OF
WATER RESOURCES

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

May 18, 2006

Mr Billy Mayer
Box 37A
Kooskia, Idaho 83539

*Go on computer
6/5/06
b*

RECEIVED

JUN 05 2006

IDWR/North

Dear Mr. Mayer:

RE: Water Right Application 81-11986.

IDFG has reviewed your application to Idaho Department of Water Resources to withdraw 0.14 cfs from Middle Fork Clearwater River for fire protection year round and for irrigation of 7 acres from mid-March to mid-November. In addition to providing a copy of your application, you discussed the proposed activity with us by phone. You plan to withdraw the water from the river using a pump located at approximately Milepost 86.4 of Route 12.

IDFG does not anticipate that your proposed withdrawal of 0.14 cfs will have a significant effect on flows in the Middle Fork Clearwater at or below the point of diversion. We do not anticipate that the proposed withdrawal will adversely impact fish, wildlife or habitat. As long as all other necessary state and federal permits have been obtained (e.g., permit to install pump and water line from Idaho Department of Lands), we have no objection to your application.

Note, however, that water intakes should be screened to prevent entrainment or impingement of fish (Idaho Code 36-906 b). 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 comment on your application. Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions.

Sincerely,

Cal Groen
Clearwater Regional Supervisor

CG/rh/ss

c: Kerby Cole
Shelly Keen
Cindy Robertson
Tracey Trent

SCANNED

MAY 30 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 26, 2006

Billy E, Mayer
HC 75 Box 37A
Kooskia, ID 83539

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

Dear Mr. Mayer:

Please find enclosed a copy of the Department of Water Resources Northern Region's staff analysis and recommendation memorandum, regarding your Application For a Permit, #81-11986. There were no adverse comments or opposition towards your application to appropriate irrigation and fire protection water from the Middle Fork of the Clearwater River, during the agencies review.

The Northern Region's recommendation is to proceed with the processing of your application. The next step of the process is to advertise your application as a legal notice, in a newspaper of wide circulation, located within Idaho County.

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

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/cc: Cal Groen at IDFG in Lewiston
Kerby Cole at IDEQ in Lewiston
Cynthia A. Lane at USFS in Kooskia
Bill Graham at IDWR in Boise
Shelley Keen at IDWR in Boise
Randy K. Doman at ICC in Grangeville

C O P Y

MEMORANDUM

To: Water Right Application # 81-11986

From: Keith E. Franklin

Date: June 22, 2006

Re: Application for a Permit to Appropriate Water in 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 State Department of Fish & Game as well as the Department of Environmental Quality agree with the applicant that the withdrawal of 0.14 cfs, for fire protection and the irrigation of 7 acres, from the Middle Fork of the Clearwater River is not anticipated to have a significant impact upon the flow of the river between March 15 to November 15.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for his own use on property that he owns. The Idaho State Transportation Department has issued the applicant a permit, to install a water line under U.S. Highway 12 at Milepost 86.498, on a seasonal basis, so access can be made to the river for diversion purposes. The Lochsa Ranger District assessed the applicant's proposal and concluded it was in full compliance with the Scenic Easement, which encumbers the property. Specifically item 1c which allows the easement area to be used for general crop and livestock farming and item 2i which requires no permission to drill wells or to lay, operate, maintain, repair, or remove water and sewer pipelines, conduits, or drains below the surface of the easement area insofar as such activities do not permanently impair or ruin the natural beauty of said easement area.

Financial Resources Information

The applicant states, since the project is small it is also very affordable and has the financial means to see it through to completion.

Local Public Interest

The Idaho County Commissioners, Idaho State Department of Fish & Game, Idaho State Department of Environmental Quality and the local Ranger District for the United States Forest Service all have been contacted and asked to comment by the applicant. All agency comments are favorable towards the applicant's proposal. Fish & Game and the Department of Environmental Quality listed several requirements that would help the applicant reduce the potential for water quality impacts and prevent entrainment or impingement of fish. The Department of Water Resources should point out these

requirements in a cover letter to the applicant and suggest he/she contact the appropriate agency on how to best comply.

Injury to Other Water Rights

There isn't any foreseen potential to impact downstream water right holders or harm the Middle Fork of the Clearwater River, below the point of diversion.

Recommendation

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 12, 2006

Billy E. Mayer
HC 75 Box 37A
Kooskia, ID 83539

Re: Application For Permit To Appropriate The Public Waters Of The State Of Idaho.

Dear Mr. Mayer:

The Idaho State Department of Water Resources is in receipt of your Application For Permit to appropriate the public waters of the State of Idaho.

Since your project is located within the Clearwater River basin, please be advised the Clearwater is a jeopardy basin for the Endangered Species Act (ESA) listed fish species and each application must undergo close scrutiny to ensure the Department is not negatively impacting those species.

The Department of Water Resources is currently initiating a process to closely review each permit application within these sensitive areas, which we anticipate will exceed the normal time by which most applications are processed.

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

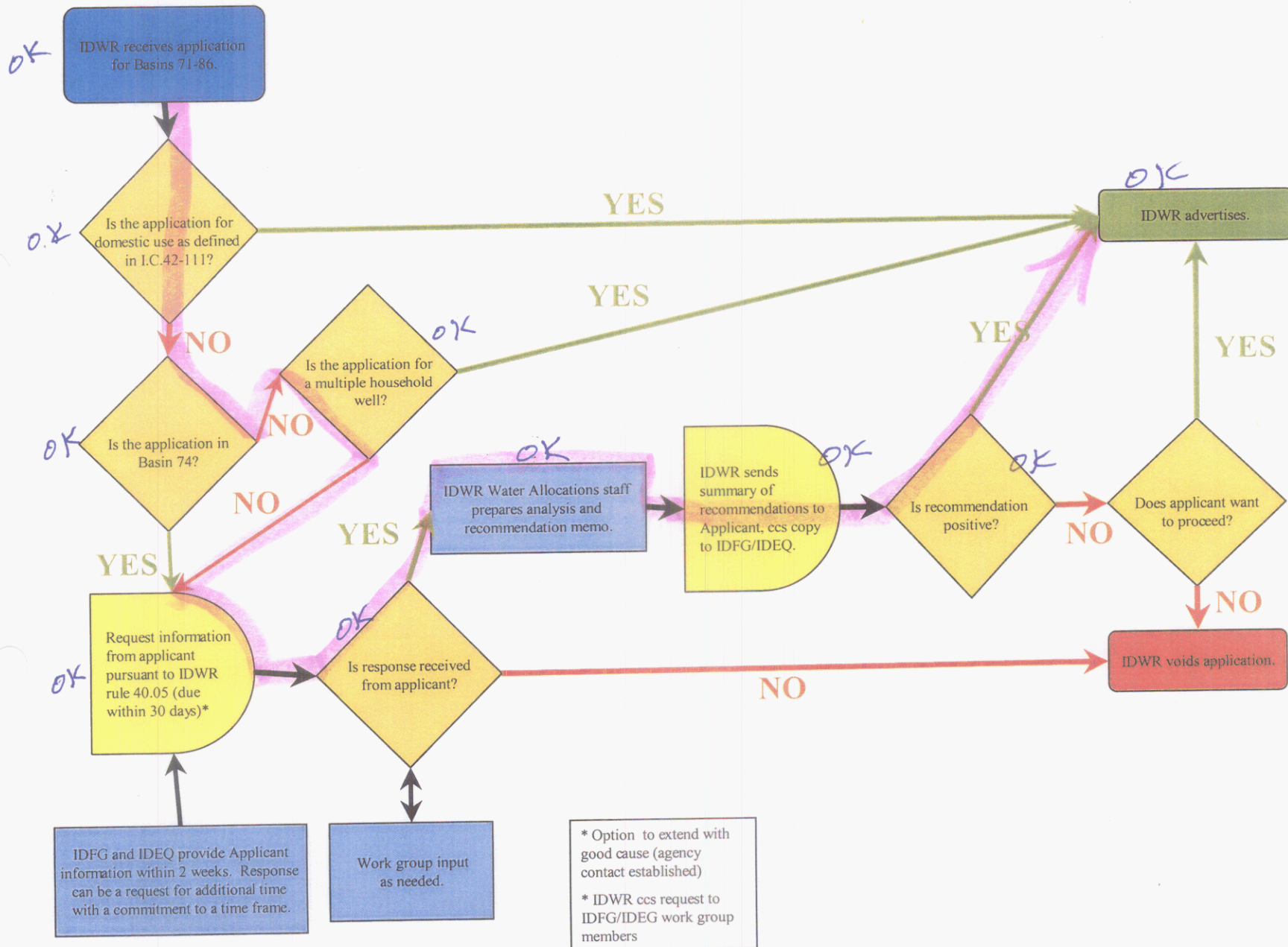
Sincerely,

Keith E. Franklin
Water Resources Agent

C O P Y

Billy Mayer

Attachment 2. Water Right Application Review Process





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 9, 2006

Billy E. Mayer
HC 75 Box 37A
Kooskia, ID 83539

Dear Mr. Mayer: *Billy*

As per our telephone conversation on May 9, 2006, I am enclosing copies of your Applications for Permits, as requested, one for domestic and stock water, the other for irrigation and fire protection.

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

Sincerely,

Keith E. Franklin
Water Resources Agent

C O P Y



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 2, 2006

BILLY MAYER
HC75 BOX 37A
KOOSKIA, ID 83539

RECEIVED
MAY 08 2006
IDWR/North

RE: Application to Appropriate Water 81-11986

Dear Mr. Mayer:

The Idaho Department of Water Resources (IDWR) is reviewing your applications to appropriate water from the Middle Fork of the Clearwater River for irrigation and fire protection 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 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 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 Clearwater 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 Clearwater 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.

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 applications. If you need additional time to submit the required information,

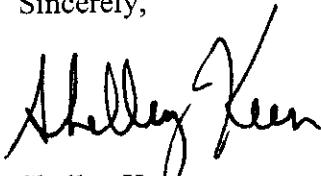
SCANNED

Billy Mayer
May 2, 2006
Page 2

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 call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,



Shelley Keen
Water Rights Supervisor

Enclosure

Cc: Marti Bridges at IDEQ in Boise
Cindy Robertson at IDFG in Boise
Cal Groen at IDFG in Lewiston
Kerby Cole at IDEQ in Lewiston
Bill Graham at IDWR in Boise
✓ Keith Franklin at IDWR in Coeur d'Alene



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

RECEIVED

MAY 24 2006

DEPARTMENT OF
WATER RESOURCES

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

Dirk Kempthorne, Governor
Toni Hardesty, Director

May 22, 2006

Billy Mayer
P.O. Box 37A
Kooskia, ID 83539

RE: Water Right Application 81-11986

Dear Mr. Mayer:

DEQ has received your letter requesting our comments and concurrence on the approval of your application to draw water from the Middle Fork Clearwater River at Mile Post 86.4 on Highway 12, Clearwater County. 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 included in water body ID 17060304CL001_05 and is currently listed in Section 3 of the Idaho 2002 Integrated Report as not assessed. Water body ID 17060304CL001_05 is protected for cold water and salmonid spawning aquatic life, primary contact recreation, drinking water supply, and special resource water.

We agree that the Middle Fork Clearwater River flow in this section is significant enough that the removal of 0.14 cfs of water for year round fire protection, and for irrigation of 7 acres from March 15 to November 15 should not impact the water quality of the river.

If impacts to water quality or the river channel occur such as an increase in river turbidity or petroleum sheen, we expect the applicant to modify the withdrawal as is appropriate to address the observed impacts.

Listed below are recommendations that will help reduce the potential for water quality impacts as a result of your proposed water withdrawal:

1. The withdrawal will not cause adverse flow or habitat alterations to the river.
2. Any channel or bank disturbances must be stabilized immediately.
3. Best Management Practices (BMPs) for erosion control shall be implemented to prevent and control the discharge of sediment to the river. The BMPs shall be maintained and monitored for effectiveness. BMPs shall be replaced or augmented if they are not effective. At no time will your actions result in an increase of river turbidity greater than 50 NTU over background.
4. Equipment should not be fueled nor fluids changed within 100 feet of the river. Any equipment operated adjacent to the river shall be maintained in a good state of repair and

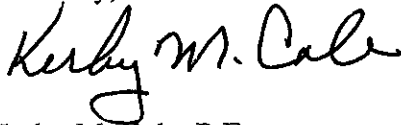
RECEIVED
MAY 30 2006
IDWR/North

SCANNED
MAY 25 2006

shall have no damaged hoses, fittings, lines, tanks, etc...that release or may release pollutants into the river. Waste oil and waste fluids shall not be stored at the site. If any such material is released to the river, 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.

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, reading "Kerby M. Cole". The signature is fluid and cursive, with the first name "Kerby" being more prominent than the last name "Cole".

Kerby M. Cole, P.E.
Regional Administrator

KC/cb

CC: Ray Hennekey, IF&G
Shelley Keen, IDWR
Marti Bridges, IDEQ

SCANNED

MAY 25 2008



IDAHO TRANSPORTATION DEPARTMENT

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

(208) 799-5090
itd.idaho.gov

May 19, 2006

TRANSPORTATION BOARD

Charles Winder
Chairman

John X. Combo
Vice Chairman
District 6

John McHugh
District 1

Bruce Sweeney
District 2

Monte McClure
District 3

Gary Blick
District 4

Neil Miller
District 5

David Ekern, P.E.
Director

Sue Higgins
Board Secretary

Mr. Billy E. Mayer
HC 75, Box 37A
Kooskia, ID 83539

Re: Right-of-Way Use Permit No. 02-06-139

Dear Mr. Mayer:

Thank you for submitting the referenced permit for the Permits Committee to review.

Enclosed is a Right-of-Way Use Permit to install a temporary 2-inch water line and electrical cable in an existing 18-inch Idaho Transportation Department culvert on U.S. Highway 12 at Milepost 86.498. This is a temporary seasonal installation which shall not be placed in the culvert any earlier than May 1, and must be removed no later than September 30, of each year.

If the Maintenance Foreman noted in the Special Provisions of the permit cannot be contacted for permission to commence work, please contact the Maintenance section in Lewiston at 799-5090.

If I may be of further service, please advise.

Sincerely,

DAVID P. COUCH, P.E.
District Traffic Engineer

DPC:SN:kfm/Z:\Admin\OM\WRD\FILES\ADM\BillyMayer\Waterline.doc
Enclosures

RECEIVED

JUN 15 2006

IDWR/North

SCANNED
MAY 19 2006

IDAHO COUNTY COMMISSIONERS

Alice Mattson, First District
Kooskia, Idaho

Randy Doman, Second District
Grangeville, Idaho

Jim Rehder, Third District
Cottonwood, Idaho

Phone (208) 983-2751

320 W. Main – Grangeville, ID 83530

FAX Number (208) 983-1428

May 22, 2006

Billy E Mayer
HC 75 Box 37A
Kooskia, Id 83539

RECEIVED
JUN 05 2006
IDWR/North

Dear Billy E Mayer:

Idaho County at this time does not have any concerns with you watering your 7 acres of property using water from the Middle Fork Clearwater River. We will support the decision made by the State of Idaho Department of Water Resources concerning your application for water withdrawal...

Sincerely,



Randy K. Doman
Idaho County Commissioner

SCANNED
JUN 05 2006



United States
Department of
Agriculture

Forest
Service

Lochsa Ranger District

Rt 1 Box 398
Kooskia, Idaho 83539
208/926-4274
Fax: 208/926-6450

File Code: 5440

Date: MAY 25 2006

Bill Mayer
Middle Fork Tract 310A
HC 75 Box 37A
Kooskia, ID 83539

RECEIVED
JUN 05 2006
IDWR/North

Dear Mr. Mayer,

I have received your proposal to install a pump and irrigation system on your Middle Fork property at the 07 Ranch. Scenic Easement Administrator, Heather Berg met with you at your property May 12, the date the proposal was received.

The proposal includes placing an electric submersible pump into the Middle Fork Clearwater. No platforms or pump house is proposed. The pump would be attached to water line feed through an existing culvert under US Highway 12. Power for the pump would be buried and come from the existing power pedestal near the shop. The power line would run through the same culvert as the water line.

Depending on pump performance an above ground or buried irrigation distribution system will be installed to irrigate approximately 7 acres of pasture on the lower portion of the property.

The activities proposed are in full compliance with the Scenic Easement which encumbers this property. Specifically item 1c which allows the easement area to be used for *general crop and livestock farming* and item 2i which requires *no permission to drill wells or to lay, operate, maintain, repair, or remove water and sewer pipelines, conduits, or drains below the surface of the easement area insofar as such activities do no permanently impair or ruin the natural beauty of said easement area.*

Prior to implementing the pumping and irrigation system valid water rights must be obtained from the Idaho Department of Water Resources and an Encroachment Permit must be obtained from the Idaho Department of Transportation.

Please contact Heather Berg at this office if you have questions regarding this letter.

Sincerely,

Benita G. Weddle

for CYNTHIA A. LANE
District Ranger

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Caring for the Land and Serving People



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IDWR/North

IDAHO ADMINISTRATIVE CODE
Department of Water Resources

IDAPA 37.03.08
Water Appropriation Rules

(7-1-93)

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. (7-1-93)

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows: *The 0.14 CFS will not make any impact on the flow of the river* (7-1-93)

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. (7-1-93)

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. (7-1-93)

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: *Ag irrigation is for my own use & I own the property* (7-1-93)

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. (7-1-93)
Have flow from Idaho Trans Dept

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. (7-1-93)
Have notice project with county with wild

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: *See Easement of Forest Service* (7-1-93)

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. *This project is Snake and very affordable and I have finance to complete* (7-1-93)

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. (7-1-93)

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. (7-1-93)
See IAH

h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water. (7-1-93)

Billy E. Mayne
BTW

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81-11986

Project Plan

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