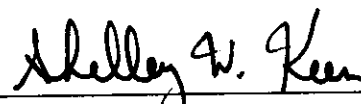


State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 84-12236

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2011**.
2. Subject to all prior water rights.
3. Stockwater use is for 5 head of mixed stock.
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.
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 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 2nd day of April, 20 07.


for DAVID R. TUTHILL, JR., Interim Director

RECEIVED
APR 10 2006
IDWR/North

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

Ident. No. 84-12236

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant CLARENCE L. OR CAROLYN LAGE JR. Phone (208) 435-4845
Mailing address 3056 LARSON RD WEIPPE ID 83553
2. Source of water supply Unnamed stream which is a tributary of J.M. FORD CREEK
3. Location of point of diversion is Township 35N Range 4E Sec. 26, in the 1/4,
SW 1/4, NE 1/4, Govt. Lot _____, B.M., CLEAR WATER County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 8.0 for Irrigation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 8.0 for Stockwater Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 8.0 for Irrigation from Stor. purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 8.0 for Stockwater from Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.15 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.17 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source Dug pond w/ berm as
dam
b. Height of storage dam 9.9 feet; active reservoir capacity 8 acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
d. Is ground water with a temperature of greater than 85°F being sought? _____
e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 4 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. 5 MIXED
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35N	4E	26			5/5														5
					*														

Total number of acres to be irrigated 5

10. Describe any other water rights used for the same purposes as described above. 84-10235 (Stockwater)

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: * All items listed in Item #4 have same place of use

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.

Clarence Loge

Signature of Applicant (and title, if applicable)

Received by db Date 4/14/05 Time 1:40 P Preliminary check by _____
 Fee \$ 100.00 Receipted by db # NO16839 Date 4/14/05
 Publication prepared by db Date 11/8/06 Published in Chamberlain Trib 11/16" 23/06
 Publication approved db Date 12/4/06

84-12236



0.1 0 0.1 0.2 Miles

-  Clearwater taxlots
-  GCDB35N04E GCDB
-  Recommendation POD
-  Application POD
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



NENW

NWNE

NENE

SENW

SWNE

SENE



Scale: 1" = 660 Ft
Date : 04/11/05

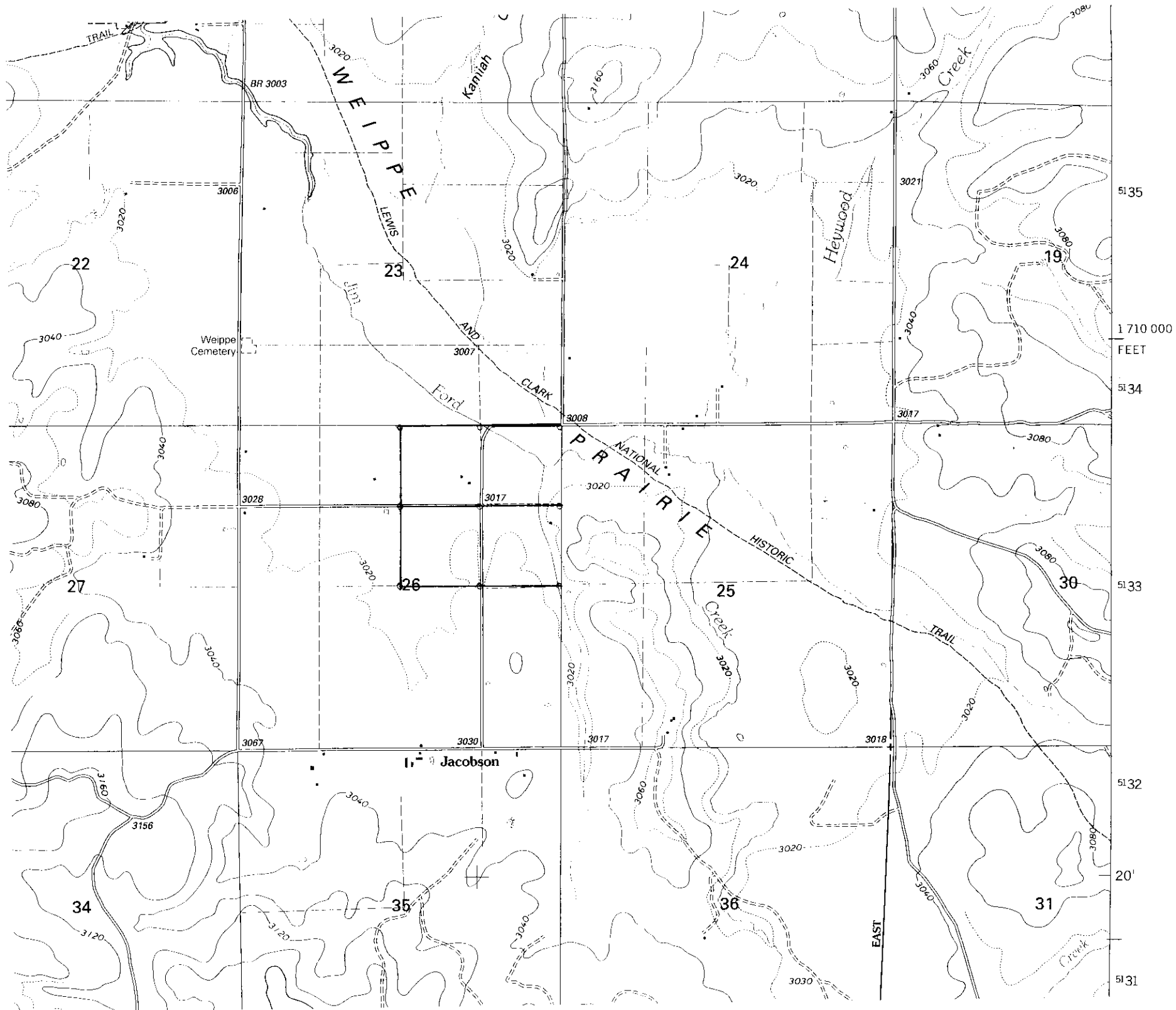
Orthophoto

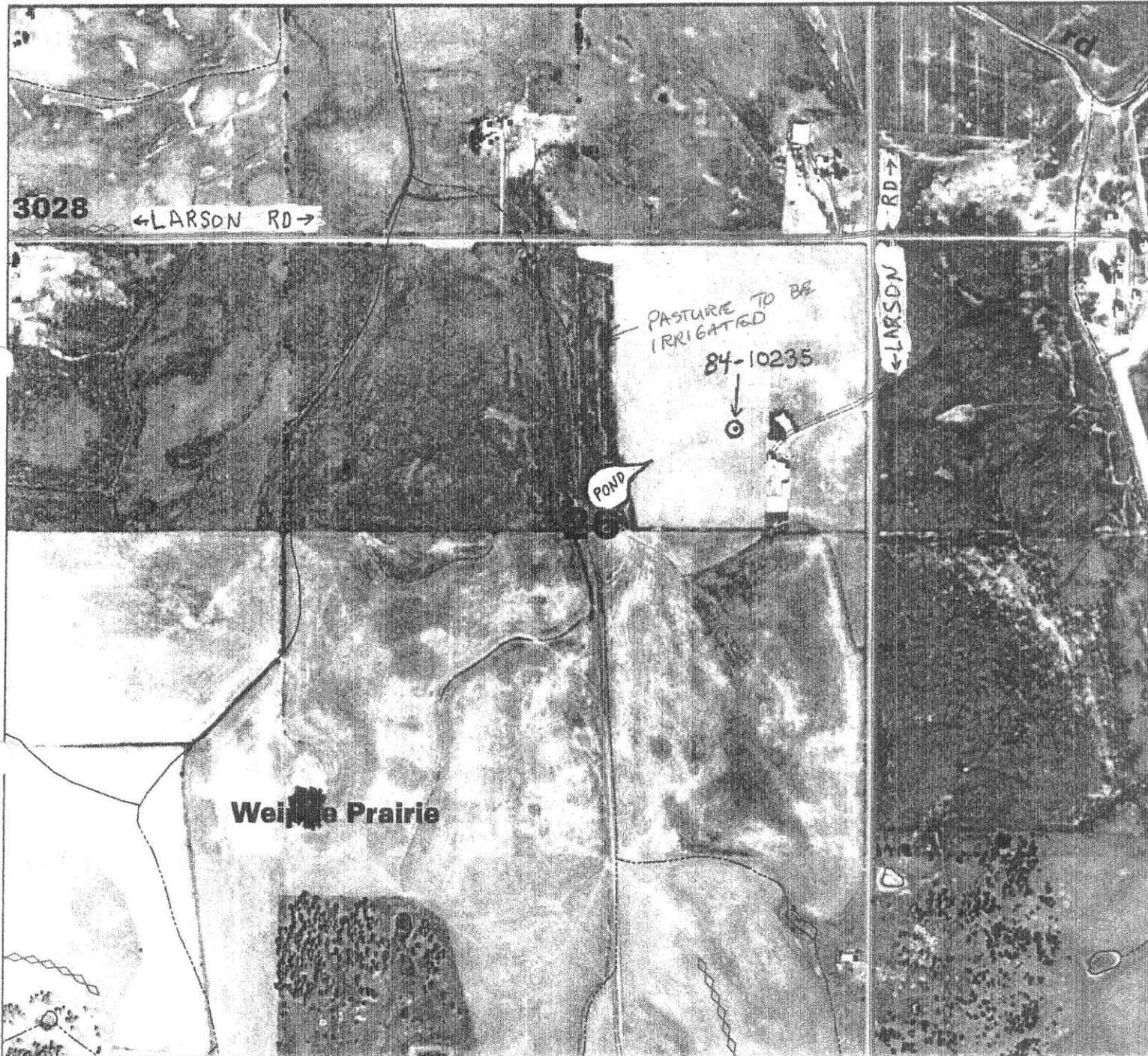
THE APPLICATION FOR
A WATER ^{PERMIT} ~~RIGHT~~ IS
FOR USE OF WATER
OUT OF THE POND.

COMMENTS
=====

TOWNSHIP: t35nr4e SECTION: 26

Potlatch





LEGAL DESCRIPTION MAP

ATTRIBUTES
=====

Scale: 1" = 660 Ft
Date : 04/11/05

Orthophoto

THE APPLICATION FOR
A WATER RIGHT IS
FOR USE OF WATER
OUT OF THE POND

COMMENTS
=====

TOWNSHIP: t35nr4e SECTION: 26

Potlatch

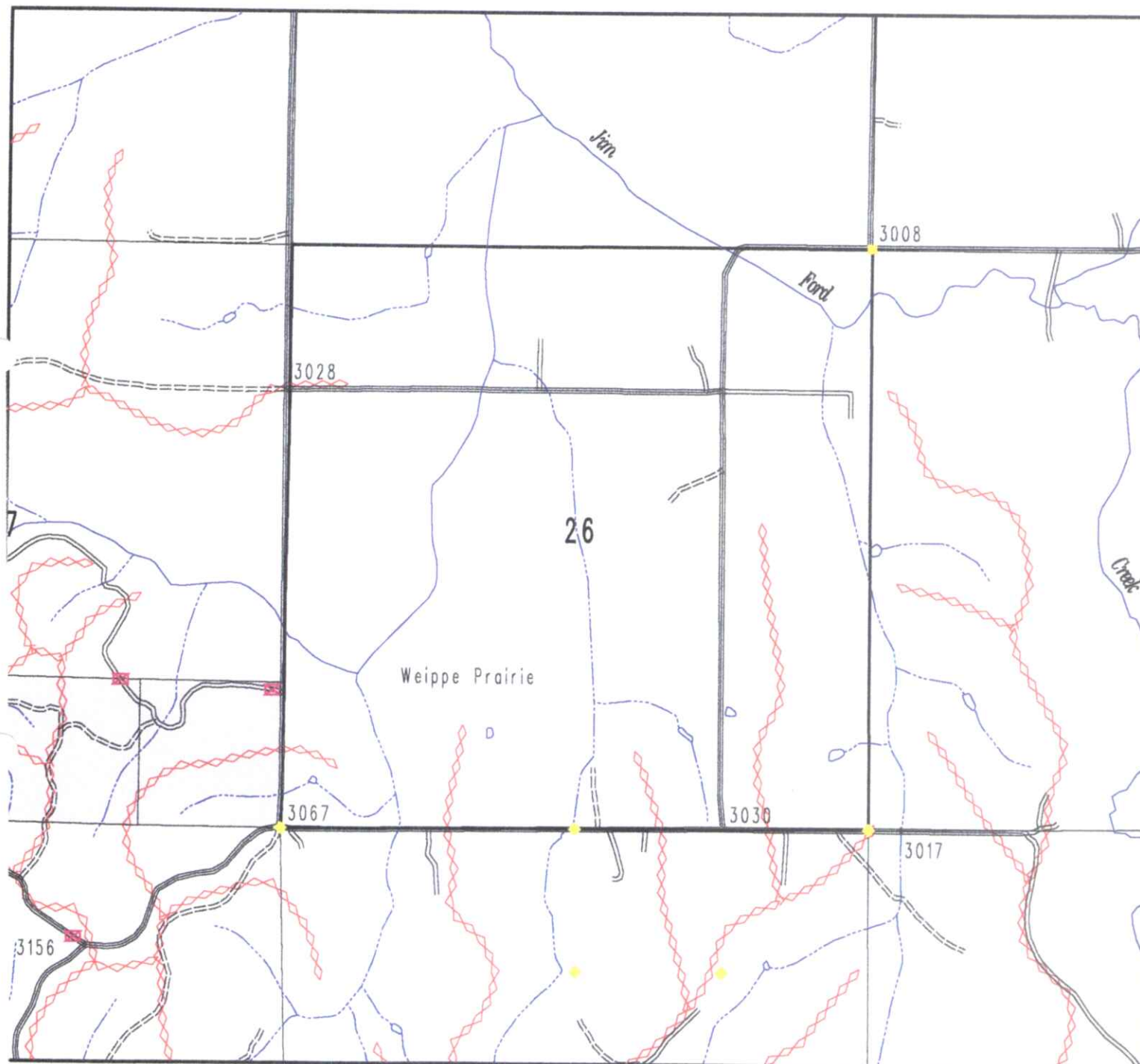
LEGAL DESCRIPTION MAP

ATTRIBUTES
=====

Scale: 1" = 1320 Ft
Date : 04/11/05

Planimetric

COMMENTS
=====



TOWNSHIP: t35nr4e SECTION: 26

Potlatch

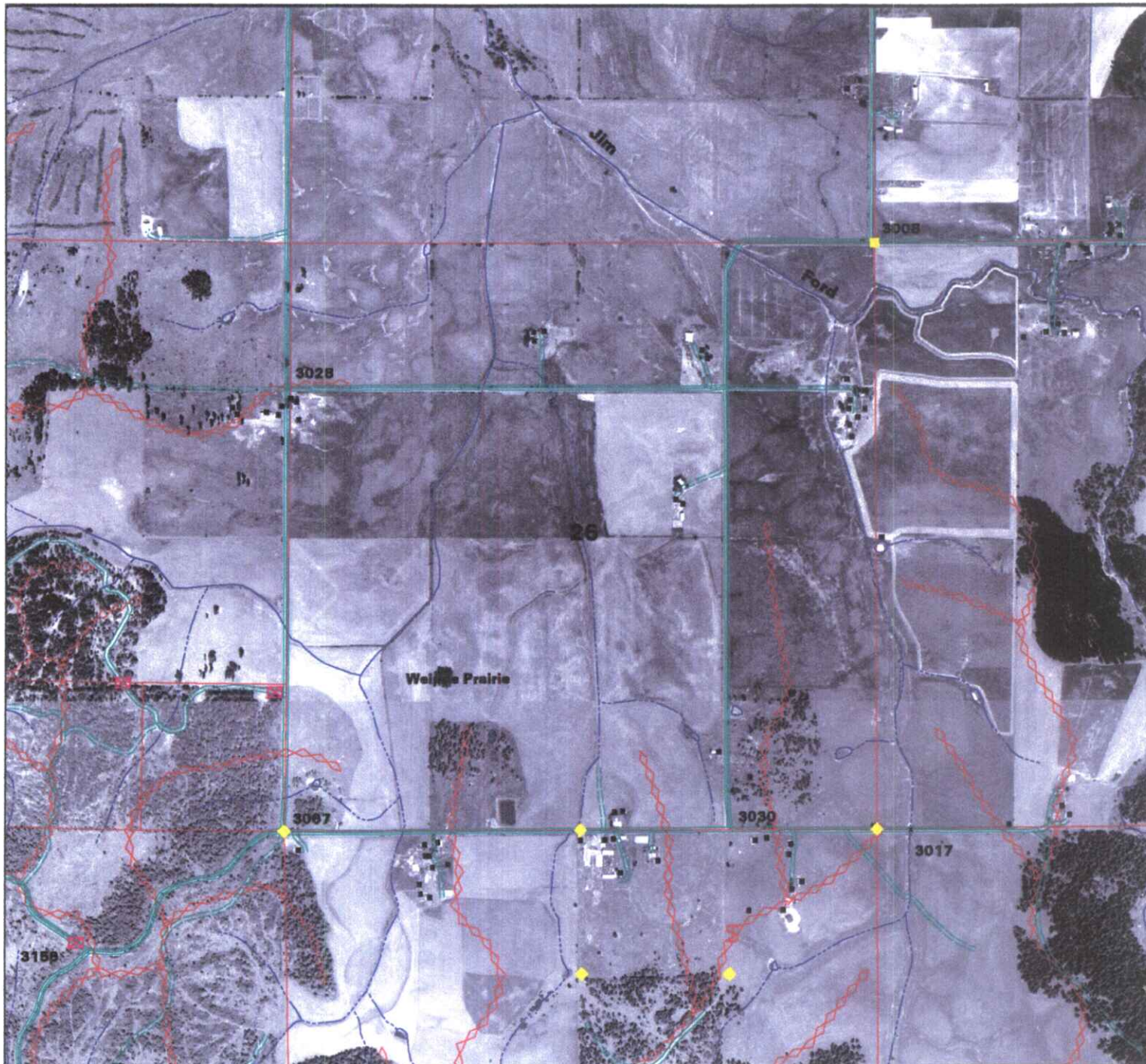
LEGAL DESCRIPTION MAP

ATTRIBUTES
=====

Scale: 1" = 1320 Ft
Date : 04/11/05

Orthophoto

COMMENTS
=====



TOWNSHIP: t35nr4e SECTION: 26

Potlatch

Feed
WARRANTY

JAY WESLEY JACOBSON
and
HELEN JACOBSON

TO

CLARENCE L. LAGE, JR.
and
CAROLYN D. LAGE

1977
December

LAW OFFICES OF
Nick Chenoweth
P. O. BOX 1422
T. OROFINO, IDAHO 83544

128626

RECEPTION ☒
INDEXED ☒
FILMED ☒
DELIVERED ☒
MAILED ☒

This Indenture

Made the 20th day of December
Nineteen Hundred and Seventy Seven

COPY

Between

JAY WESLEY JACOBSON and HELEN JACOBSON, husband and wife,
of Weippe, Clearwater County, Idaho

parties of the first part, and
CLARENCE L. LAGE, JR. and CAROLYN D. LAGE, husband and
wife, of Star Route, Pierce, Clearwater County, Idaho

parties of the second part,

Witnesseth that the parties of the first part, in consideration of

TEN Dollar (\$10.00)

lawful money of the United States,

paid by the parties of the second part, do hereby grant and release unto the parties
of the second part,

and assigns forever, all the following described real property, situate
and being in the County of Clearwater, State of Idaho, to wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, Township 35N. Range 4 East of Boise Meridian.

Together with the appurtenances and all the estate and rights of the parties of the first part in and to said premises,

To have and to hold the premises herein granted unto the parties of the second part, and assigns forever.

And said Parties of the first part

covenant as follows:

First That the parties of the second part shall quietly enjoy the said premises;

Second That said Parties of the first part

will forever Warrant the title to said premises.

In Witness Whereof, the parties of the first part have hereunto set their hands and seals the day and year first above written.

In Presence of

* Jay Wesley Jacobson
Jay Wesley Jacobson

* Helen Jacobson
Helen Jacobson

State of Idaho
County of Lewis

} ss.

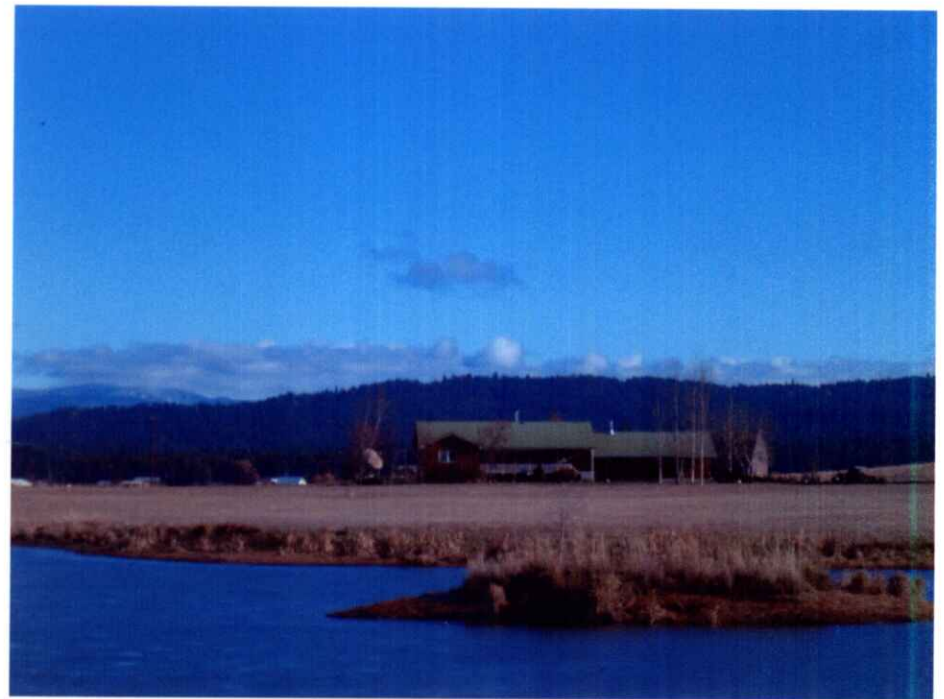
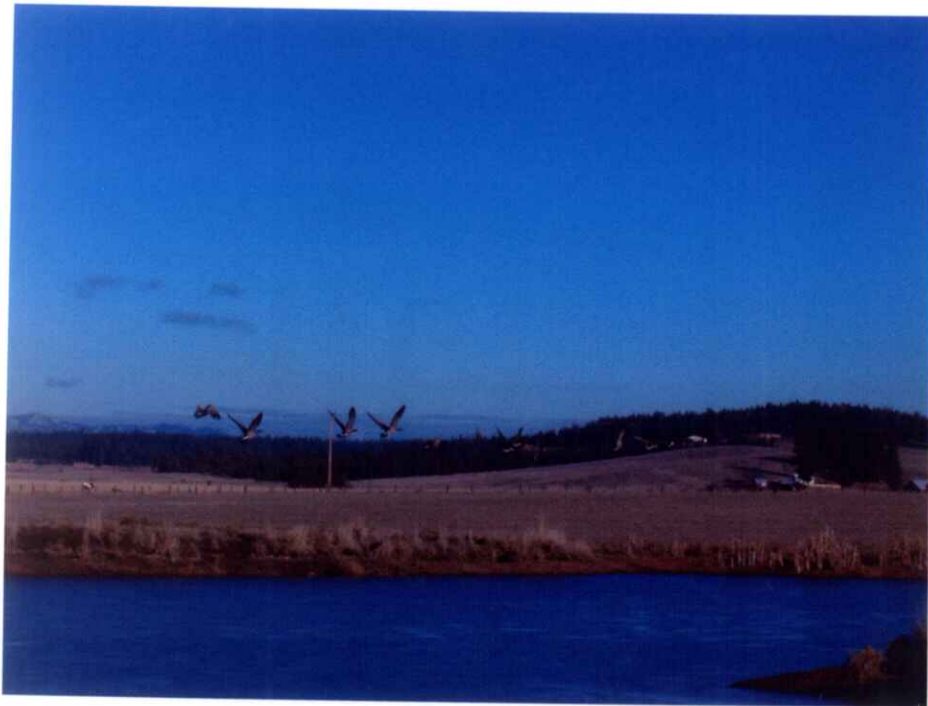
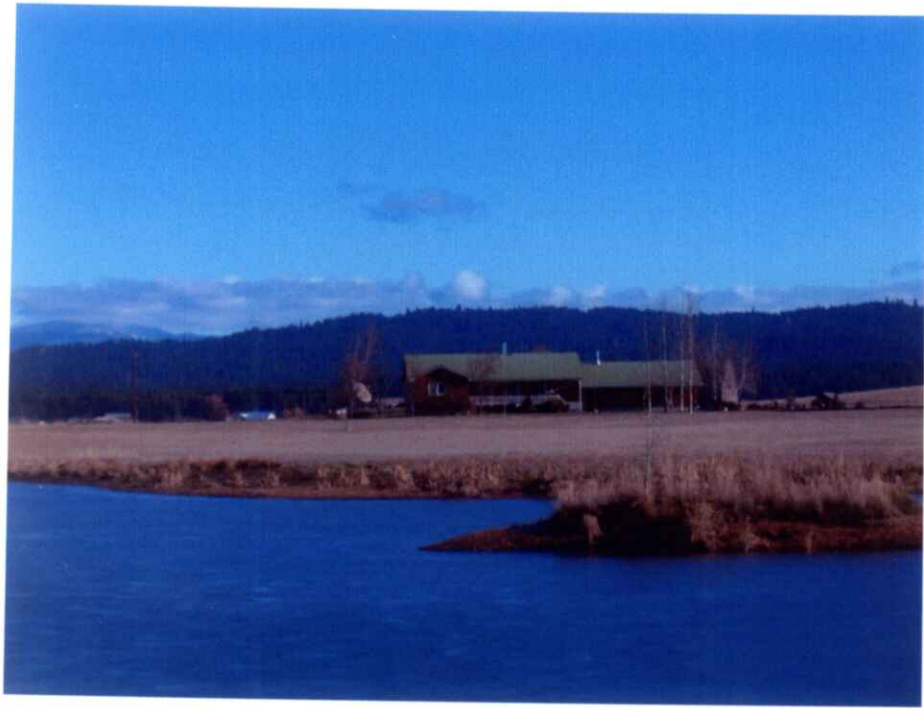
On this 20th day of December
Nineteen Hundred and Seventy Seven

before me, the subscriber, personally appeared

JAY WESLEY JACOBSON and HELEN JACOBSON

to me personally known and known to me to be the same persons described in and who executed the within Instrument, and they acknowledged to me that they executed the same.









RECEIVED

OCT 26 2006

IDWR/North

**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

April 4, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

CLARENCE L LAGE JR
CAROLYN LAGE
3056 LARSON RD
WEIPPE ID 83553

RE: Permit No. 84-12236

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.

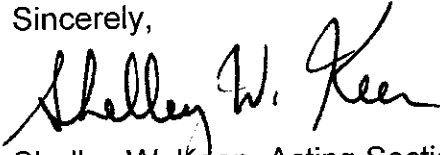
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 letters of each name being capitalized and prominent.

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

Enclosure(s)

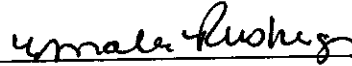
CERTIFICATE OF SERVICE

I hereby certify that on April 4, 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.

84-12236

**CAROLYN LAGE
CLARENCE L LAGE JR
3056 LARSON RD
WEIPPE ID 83553**

A handwritten signature in cursive script, reading "Emalee Rushing", is written over 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: April 02, 2007
To: Water Right File 84-12236
From: eretelle
Re: permit review

No WD

No moratorium

Application is OUTSIDE Wild & Scenic area. No special advertising or conditions required. F&G and DEQ comments received. Excavated/on-stream pond that is already there.

No protests

No PoD overlap

84-10235 PoU overlap for stockwater.

Irrigation season adjusted to standard.

Recommend approval as suggested by IDWR Northern

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Clearwater)

MARCIE STANTON

being first duly sworn in, on oath, deposes and says:

That I am and at all times herein mentioned have been a citizen of the United States and of the State of Idaho, over 21 years of age, and that I am not a party to nor interested in the above entitled proceeding; that I am and at all times herein mentioned have been the Editor, Foreman, of THE CLEARWATER TRIBUNE; that said Clearwater Tribune is a newspaper of general circulation, printed and published weekly at Orofino, in the County of Clearwater and State of Idaho; that the Clearwater Tribune has been continuously and uninterruptedly published in Clearwater County, Idaho, during the period of seventy-eight consecutive weeks prior to the first publication of attached copy of:

Idaho Department of Water Resources

LAGE NOTICE

of which the annexed is a full, true and correct printed copy, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for a full consecutive period of two weeks, commencing on the 16th day of November 2006 and ending on the 23rd day of November 2006.

STATE OF IDAHO)
)
COUNTY OF CLEARWATER)

On this 23rd day of November in the year of 2006, before me, a Notary Public, personally appeared

Marcie Stanton

known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same. Pamela A. Jones

Notary Public for Idaho
Resident at Orofino, Idaho
My commission expires: 11-20-07

RECEIVED
DEC 04 2006
IDWR/North

NOTICE

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

84-12236

CLARENCE L LAGE JR

CAROLYN LAGE

3056 LARSON RD

WEIPPE ID 83553

Point(s) of Diversion SWNE S26 T35N R04E CLEARWATER County

Source UNNAMED STREAM - Tributary To JIM FORD CREEK

Use: IRRIGATION 03/15 To 11/15 0.15 CFS

Use: IRRIGATION STORAGE 01/01 To 12/31 8 AFA

Use: IRRIGATION FROM STORAGE 03/15 To 11/15 8 AFA

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Use: STOCKWATER STORAGE 01/01 To 12/31 8 AFA

Use: STOCKWATER FROM STORAGE 01/01 To 12/31 8 AFA

Total Diversion: 0.17 CFS

Date Filed: 04/14/2005

Place Of Use: IRRIGATION

T35N R04E S26 SWNE

Number of Acres 5

All other uses same location as IRRIGATION

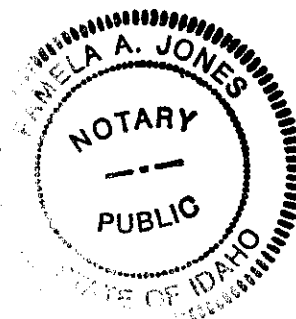
Remark: Stockwater use is for 5 head of mixed stock.

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 12/04/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

11-16/23-06c



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

84-12236

CLARENCE L LAGE JR

CAROLYN LAGE

3056 LARSON RD

WEIPPE ID 83553

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Use: IRRIGATION FROM STORAGE	03/15 To 11/15	8 AFA
Use: STOCKWATER	01/01 To 12/31	0.02 CFS
Use: STOCKWATER STORAGE	01/01 To 12/31	8 AFA
Use: STOCKWATER FROM STORAGE	01/01 To 12/31	8 AFA

Total Diversion: 0.17 CFS

Date Filed: 04/14/2005

Place Of Use: IRRIGATION

T35N R04E S26 SWNE

Number of Acres 5

All other uses same location as IRRIGATION

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KARL J DREHER, Director Published Nov. 16 and 23, 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 08, 2006

MARCIE STANTON
LEGAL NOTICE DEPARTMENT
CLEARWATER TRIBUNE
PO BOX 71
OROFINO ID 83544

*Please FAX proof copy before this goes to press, to 762-2819
Thanks, Dianne*

RE: Application for Permit No. 84-12236

Dear Marcie:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, November 16 and 23, 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 12/04/2006. Your cooperation is always greatly appreciated.

Thanks for all your help.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, November 08, 2006 3:04 PM
To: Legal Notices-Clearwater Tribune (E-mail)
Subject: Legal notice for publication Nov. 16 and 23, 2006 WR Application 84-12236

Good afternoon, Marcie,

I hope your day has been as nice as it has been in Coeur d'Alene. After several days of pouring rain, it was great to see the sun again.

Attached is our cover letter requesting publication of a legal notice on November 16 and 23, 2006. Also attached is the legal notice.

If you have ANY questions, please call me at 208-762-2800. Also I will greatly appreciate a PROOF copy prior to publication so I might double check to make sure I didn't miss something.

Thanks for all you help. It's always a pleasure to work with you.

Too blessed to be stressed.

Dianne

*Dianne Ball
Administrative Assistant
Idaho Dept of Water Resources
7600 Mineral Drive Suite 100
Coeur d'Alene, ID 83815
Phone (208)762-2800 FAX (208)762-2819*



CoverLetter
.1-08-06 CT e-mail..



LegalNotice
.1-08-06 CT e-mail..



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 08, 2006

CLARENCE L LAGE JR
CAROLYN LAGE
3056 LARSON RD
WEIPPE ID 83553

RE: Application for Permit No 84-12236

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 Clearwater Tribune on November 16 and 23, 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 to twelve weeks.

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

Sincerely,

Keith B. Franklin
Senior Water Resource Agent

Franklin, Keith

From: Keen, Shelley
Sent: Sunday, October 29, 2006 10:11 AM
To: Franklin, Keith
Subject: RE: Water Right Application #84-12236

Keith,

I appreciate your work ethic. Quite a few of us are working weekends also.

The information supporting Application 84-12236 looks fine. Go ahead and advertise it.

FYI -- Because we're working on SRBA recommendations, we're not issuing permits at all, except in emergencies. They're going into a drawer, and we'll issue them when the SRBA work is done.

Shelley

-----Original Message-----

From: Franklin, Keith
Sent: Saturday, October 28, 2006 12:02 PM
To: Keen, Shelley
Subject: Water Right Application #84-12236

Shelley,

I'm going to start coming into the office on Saturday and work on pending permit applications, so I don't get too far behind, while we're working on adjudication claims during the week.

I believe sensitive basin application # 84-12236 is ready for advertising. We have received favorable comments from DEQ and F&G and I believe the applicant has adequately all that is required under Rule 40.05 c through g.

Attached is my recommendation memo along with DEQ and F&G comment letters.

When you get a chance, would you review the attachments as part of the parallel processing procedure and if everything looks satisfactory, let me know so I can get the application to advertising.

Thanks. Keith.

<< File: 20061028104639378.pdf >>

M E M O R A N D U M

To: Water Right Application # 84-12236

From: Keith E. Franklin

Date: October 28, 2006

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 towards the applicant utilizing 0.17 cfs from an unnamed stream, for the purpose of stock water, stock water storage, irrigation and irrigation storage. The source for the unnamed stream is mainly storm runoff. The area of land proposed to be irrigated is 5 acres.

Good Faith, Delay, or Speculative Information.

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

Financial Resources Information.

The pond was constructed approximately 5 years ago and the additional resources required to complete the project are minimal. The applicant appears to have adequate means by which to see the project through.

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 they are not apposed to the applicant's proposal and see no adverse impact to fish, wildlife or habitat.

Injury to Other Water Rights.

There isn't any foreseen potential to impact area water right holders or impact the Clearwater River below the point of diversion.

Recommendation.

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



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

James E. Risch/Governor

Steven M. Huffaker/Director

October 10, 2006

RECEIVED
OCT 13 2006
IDWR/North

Clarence L. Lage, Jr. and Carolyn Lage
3056 Larson Road
Weippe, Idaho 83553

Dear Mr. and Mrs. Lage:

RE: Water Right Application

IDFG has reviewed your draft application to Idaho Department of Water Resources to withdraw 0.12 cfs from a man-made pond on private property for irrigation and stock water. The application is after-the-fact; the pond was constructed about 5 years ago. In addition to providing a copy of the application, Carolyn Lage discussed the proposed development with us by phone. Based on our telephone conversation with Carolyn Lage, the pond is fed entirely by surface runoff; overflow from the pond would go to a vegetated swale.

IDFG does not anticipate that your proposed withdrawal will have a significant effect on flows in the Clearwater River or any tributaries thereof. 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, we have no objection to your application.

When we spoke on the phone, you noted that the pond had attracted waterfowl and other wildlife. Consistent with that benefit, please consider our recommendation for you to request of IDWR an appropriation of 8 acre-feet for wildlife, in addition to your current proposal for the pond.

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
Keith Franklin
Cindy Robertson
Tracey Trent

Keeping Idaho's Wildlife Heritage



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

September 25, 2006

Clarence and Carolyn Lage
3056 Larson Road
Weippe, ID 83553

RECEIVED
SEP 29 2006
IDWR/North

Dear Mr. and Mrs. Lage,

We received your request for our comments and concurrence on the approval of your application to draw water from a man-made pond that has been constructed on your private property. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

The source of the water supply is rain, snowmelt, and runoff that collect in a man-made waterway (pond) that has no connection to surface water or ground water. In the Idaho Water Quality Standards non-designated surface waters section 58.01.02.101:
101.02: **man-made waterways** are to be protected for the beneficial use for which they were developed; and 101.03: **private waters** (ponds, pools, streams and springs) outside public lands but located wholly and entirely upon a person's land are not protected specifically or generally for any beneficial use. Withdrawals from this water source therefore will not impact waters of the state.

Thank you for requesting our review and comment of your activity.

Sincerely,

A handwritten signature in black ink, reading "Kerby M. Cole". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kerby M. Cole, P.E.
Regional Administrator

KC/cb

CC: John Cardwell, IDEQ
Ray Hennekey, IF&G
Keith Franklin, IDWR
Marti Bridges, IDEQ



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

September 8, 2006

Clarence L. Lage Jr.
3056 Larson Rd.
Weippe, ID 83553

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

Dear Mr. Lage:

Earlier this year you submitted an application for a permit to appropriate public waters for a recreational pond. On April 11, 2006, I sent you a letter confirming receipt of your application and a brief explanation of the processing time, since your application falls within a sensitive water basin.

The Department of Water Resources (IDWR) has since developed a system by which applications are processed that fall within the Salmon-Clearwater River Basins. The source you are proposing to divert water from, an unnamed stream tributary to Jim Ford Creek, is in a river basin that has Endangered Species Act (ESA) listed fish species. Each application within this sensitive area must undergo close scrutiny to ensure the Department is not negatively impacting those species.

I have attached a copy of an information sheet that outlines additional information the applicant will be required to supply the Department, along with a list of the agency contacts. For your convenience, I have highlighted the portions of the rules that would apply to your application.

The additional information will be needed before further processing of you application can take place. If you should have any questions, don't hesitate to contact me at our new office location, 7600 Mineral Drive, Ste.100, Coeur d' Alene, Idaho 83815 or 208-762-2800.

Sincerely,

C O P Y

Keith E. Franklin
Senior Water Resources Agent

Encl/kf

IDAHO DEPARTMENT OF WATER RESOURCES

Applying for a Permit to Appropriate Water in the Salmon and Clearwater River Basins

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 applicant's financial resources
- 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 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.

The additional information requirement is usually waived for applications proposing the appropriation of 5.0 cfs or less or the storage of 500 af or less. Because the waters of the Salmon River and Clearwater River drainages are habitat for fish species listed as endangered or threatened under the federal Endangered Species Act, 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 basins' rivers and streams. IDWR is, therefore, 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. Only certain applications for small domestic and stockwater uses and applications to divert ground water for domestic use in multiple homes are exempt from the additional information requirement. A copy of Water Appropriation Rules 40.05.c-g is printed on the back of this page.

Please submit the information required by Water Appropriation Rules 40.05.c-g to IDWR within 30 days from the date you are notified that it is required. IDWR will hold your application until you have submitted the additional information. If you believe that a particular piece of information is not relevant to your application, please explain why. If you do not respond within 30 days, IDWR may void 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."

The following are agency representatives who will help you respond to the local public interest requirement of Rule 40.05.g. Please contact these agency representatives at least 15 days prior to the end of your 30-day response period.

IDFG contact list for water right applications:

Panhandle Region: Mary Terra-Berns at 208-769-1414	Clearwater Region: Ray Hennekey at 208-799-5010
McCall Subregion: Dale Allen at 208-634-8137	Southwest Region: Eric Leitzinger at 208-465-8465
Salmon Region: Tom Curet at 208-756-2271	

IDEQ contact list for water right applications:

Lewiston: Kerby Cole at 208-769-4370 (Clearwater or lower Salmon River basins)
Cascade: Leslie Freeman at 208-382-6808 (South Fork Salmon River basin)
Idaho Falls: Troy Saffle at 528-2650 (Upper Salmon, Lemhi, Pahsimeroi basins)

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.
- 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 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. *1 USER - map of property included in packet*
- 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. *EXISTING*

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. *AT 20 FT / SEC.*
- 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. *STORAGE 8 ACRE FEET, USE 8 ACRE FEET SOURCE OF INF*

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. *COPY OF DEED ATTACHED IN PACKET*
- 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. *NONE*

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. *CONSTRUCTED, OWN LAND TO IRRIGATE*
- 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. *Map enclosed of LAYOUT OF LAND*

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.

MEET THESE PEOPLE
statements given - letters received.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 11, 2006

Clarence L. Lage Jr.
3056 Larson Rd.
Weippe, Idaho 83553

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

Dear Mr. Lage:

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. The watercourse you have identified as the source for your project is tributary to Jim Ford Creek, which is in turn tributary to the Clearwater River.

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. Also, as part of the Nez Perce Water Rights Settlement Agreement, a minimum stream flow designation was placed on Jim Ford Creek, which complicates the possibility of acquiring a new appropriation or water right.

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