



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

July 6, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

RICHARD J MC CORMICK
LESLIE R MC CORMICK
1619 G STREET
LEWISTON ID 83501

RE: Application to Appropriate Water 85-7575

Dear Mr. and Mrs. McCormick:

The Idaho Department of Water Resources (IDWR) is reviewing your application to appropriate water from an unnamed tributary of Jacks Creek for irrigation storage and stockwater storage 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, IDWR can require water right applicants to submit additional information in connection with their applications. The enclosed sheet describes the additional information required to support your application.

Please submit the additional information to IDWR within 30 days. If you need additional time to submit the required information, please submit a written request.

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 85-15599 V1

WATER RIGHT NUMBER: 85-15599 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STATE OF IDAHO IDAHO WATER RESOURCE BOARD 322 E FRONT ST PO BOX 83720 BOISE, ID 83720-0098 (208)287-4800

Priority Date: 04/01/2005

Basis: Statute

Status: Active

<u>Source</u>	<u>Tributary</u>
JACKS CREEK	CLEARWATER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINIMUM STREAM FLOW	1/1 to 1/31	2.200 CFS	
MINIMUM STREAM FLOW	2/1 to 2/28	5.300 CFS	
MINIMUM STREAM FLOW	3/1 to 3/31	9.400 CFS	
MINIMUM STREAM FLOW	4/1 to 4/30	8.200 CFS	
MINIMUM STREAM FLOW	5/1 to 5/31	6.700 CFS	
MINIMUM STREAM FLOW	6/1 to 6/30	2.500 CFS	
MINIMUM STREAM FLOW	7/1 to 7/31	1.100 CFS	
MINIMUM STREAM FLOW	8/1 to 8/31	0.500 CFS	
MINIMUM STREAM FLOW	9/1 to 9/30	0.700 CFS	
MINIMUM STREAM FLOW	10/1 to 10/31	1.100 CFS	
MINIMUM STREAM FLOW	11/1 to 11/30	1.600 CFS	
MINIMUM STREAM FLOW	12/1 to 12/31	2.300 CFS	
	<u>Total Diversion:</u>	9.400 CFS	

Location of Point(s) of Diversion

JACKS CREEK	L9 (NE1/4)NW1/4SW1/4)	Sec. 35, Twp 37N, Rge 02W, B.M.
Nez Perce County	(Ending of Reach)	

Place of Use

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 85-15599 V1

1. 150 While the instream flow and the future allocation for non-DCMI uses and base flows are to be decreed in cubic feet per second (cfs), such quantities are intended to reflect the percentages of the unimpaired exceedence flows at the quantification point described in this water right. The unimpaired exceedence flows were estimated using regional regression equations developed by the United States Geological Service. Upon further finding and order of the director that gaging stations are required to maintain the approved minimum flows under this right, such measuring devices shall be permanently installed and maintained as specified by the director. If actual flow data become available, the quantities in this water right will be adjusted as necessary to give effect to the exceedence assumption stated above. Such adjustments do not result in a material change to the water right and are not subject to the notice and hearing requirements set forth in this partial decree, but shall comply with the notice and consultation requirements of Section 42-1507(4), Idaho Code.
2. 148 The purpose of this instream flow is to preserve fish and wildlife, scenic, and recreational values and to protect and enhance water quality, and is equivalent to the unimpaired monthly 50 percent exceedence flows.
3. 149 This water right is subordinated to future non-Domestic-Commercial-Municipal-Industrial ("non-DCMI") development in an amount up to 0.1 cfs based on 25 percent of the lowest unimpaired median monthly flow or the amount available above a base flow which is equivalent to the unimpaired monthly 80% exceedence flow whichever is less. The 80% monthly exceedence flows are as follows: Jan - 1.5 cfs, Feb - 2.5 cfs, Mar - 4.8 cfs, Apr - 3.9 cfs, May - 3.4 cfs, Jun - 1.6 cfs, Jul - 0.6 cfs, Aug - 0.3 cfs, Sep - 0.5 cfs, Oct - 0.7 cfs, Nov - 1.1 cfs, and Dec - 1.5 cfs.
4. 144 This water right shall be subordinated to all future DCMI uses.
5. 151 There are no diversions associated with this minimum stream flow water right. The quantification point for this instream flow water right is at the above location.
6. 091 Use of water under this right shall recognize and allow the continued beneficial diversion of water under any prior existing water right established by diversion and application to beneficial use or by an application, permit, or license on file or issued by the director under the provisions of Chapter 2, Title 42, Idaho Code, with a priority of water right date earlier than the date of priority of this right.
7. 154 When this water right is not capable of being maintained using existing flows, Idaho Code Section 42-1507 authorizes the Idaho Water Resource Board to maintain the flow through operation of the water supply bank authorized by Section 42-1761 through 42-1765, Idaho Code, and by other available methods consistent with Idaho Law.
8. 027 Use of water under this right shall be non-consumptive.
9. 152 The Idaho Water Resource Board, upon receiving a request, or upon its own initiative, may petition the Director for an amendment to this water right after complying with the notice and consultation procedures of Section 42-1507(4), Idaho Code. The petition must set forth any significant change in circumstances and evidence of the public interest supporting the proposed amendment. The Director will notify the general public and specific persons or notify interested parties of the proposed change, and conduct a hearing for the purpose of determining whether the water right should be amended in the public interest.
10. 153 This water right was established by Chapter 150, 2005 Idaho Session Laws (codified as Section 42-1507, Idaho Code). In accordance with such law, this water right will not become effective until the governor issues a proclamation certifying that all conditions for the effectiveness of the Snake River Water Rights Agreement of 2004 have been satisfied.
11. Future non-DCMI = 0.1
12. 146 The place of use for this water right is the reach above the quantification point.

Remarks:Comments:

1. mcase 4/25/2005 POD
 Comment: Updated shape

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Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: