



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

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.

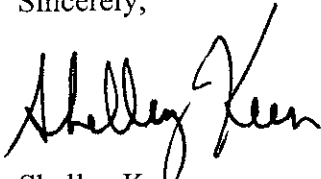
Please submit the information required by Water Appropriation Rules 40.05.c through 40.05.g to IDWR within 30 days. For your convenience, I have highlighted the portions of the rules that apply to your applications. If you need additional time to submit the required information,

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,

A handwritten signature in black ink, appearing to read "Shelley Keen". The signature is fluid and cursive, with the first name "Shelley" and last name "Keen" clearly distinguishable.

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