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FEB 13 2006

DEPARTMENT OF  
WATER RESOURCES

51498

STATE OF IDAHO

Ident. No. 85-1515Form 202  
6/85DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard J. and/or Leslie R. McCormick Phone (208) 743-2636  
Post office address 1619 G. Street, Lewiston, Idaho 83501
2. Source of water supply Unnamed Stream  
Spring per Rich which is a tributary of Jacks Creek
3. Location of point of diversion is NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of           $\frac{1}{4}$ , Govt. Lot           
Sec. 11 Township 36N Range 2W B.M. Nez Perce County; additional  
points of diversion if any: T.36N, R.2W, Sec.11, SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  from map 82
4. Water will be used for the following purposes:  
Diversion to  
Amount .08 CFS for Storage purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum) Irrigation Storage  
Amount 10. AFA for Stockwater " purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum) Irrigation Farm  
Amount 10. AFA for Storage " purposes from Mar 1 to Nov 30 (both dates inclusive)  
(cfs or acre-feet per annum) Stockwater Farm  
Amount 1.4 AFA for Storage " purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .08 CFS and/or (b) 10.0 AFA  
cubic feet per second acre feet per annum
6. Proposed diverting works:
  - a. Description of ditches, flumes, pumps, headgates, etc. Pond presently in place - refer to  
seperate water rights permit.
  - b. Height of storage dam 12 feet; active reservoir capacity 8 acre-feet; total  
reservoir capacity 8 acre-feet; period of year when water will be diverted to storage:  
Jan 1 to Dec 31 inclusive.
  - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
  - d. Is ground water with a temperature of greater than 90°F being sought? N/A
7. Time required for the completion of the works and application of the water to the 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. N/A
- b. Stockwatering; list number and kind of livestock. Anticipated future usage - 2-4 horses, 5-10 head of cattle.
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. Irrigation

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.

*per T.C. McCormick*

| TWP | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 36N | 2W    | 11   | 2   |     |     |     | 2   |     |     |     |     |     |     |     |     |     |     |     | 2      |
|     |       | 11   | 5   |     |     |     | 5   |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
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|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 2

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

11. a. Who owns the property at the point of diversion? Robert G. & Ramona A. Proctor
- b. Who owns the land to be irrigated or place of use? Richard J. & Leslie R. McCormick
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Purchase of water rights - Richard J. & Leslie R. McCormick hold deed granting water rights.

12. Remarks:

# 85-7575

## T36N R2W Section 11



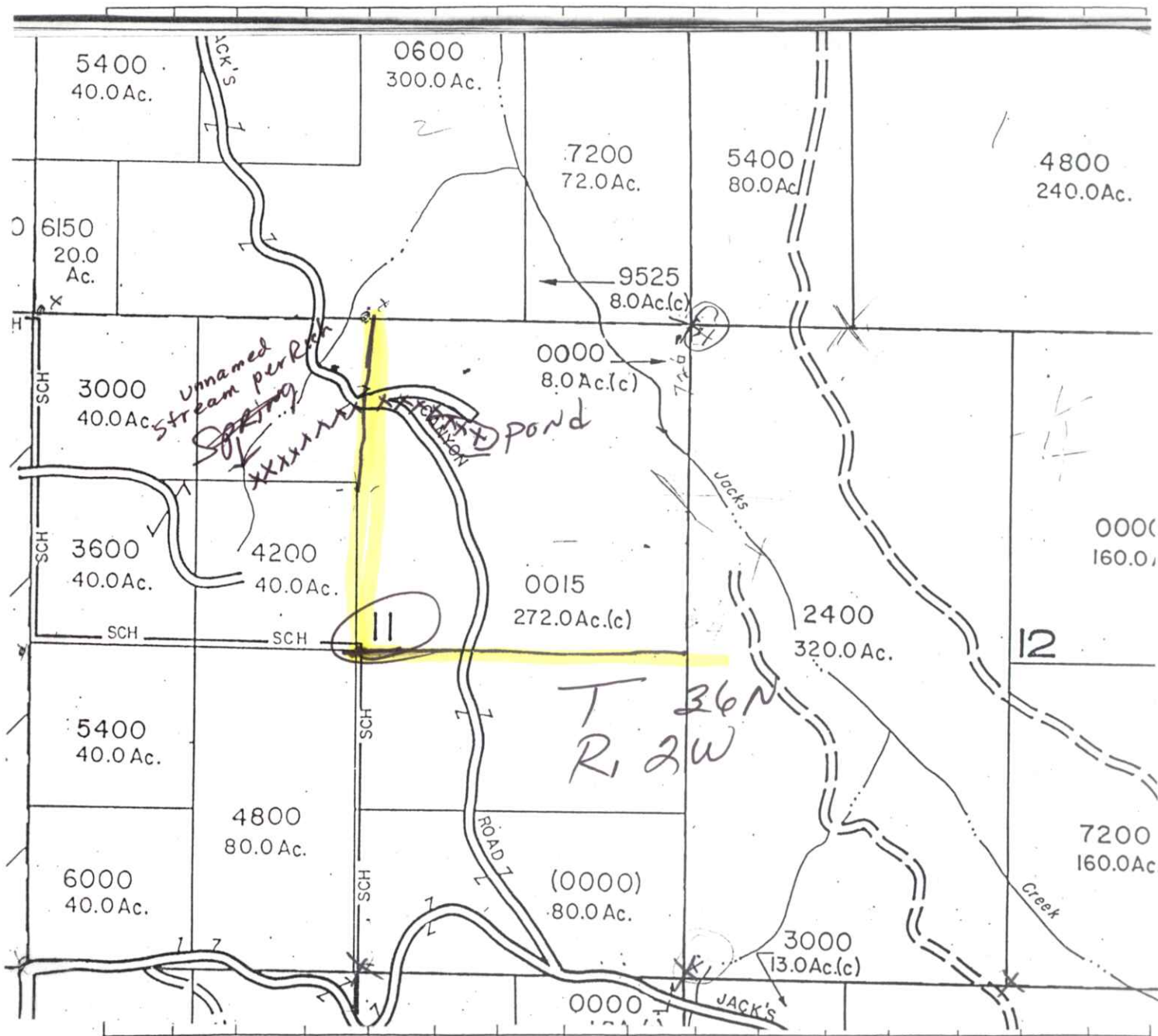
Place of Use



Point of Diversion



13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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

*Richard J. McCormick*  
(Applicant)

Received by LDF Date Aug 4 1992 Time 12:30 pm Preliminary check by AB  
Fee \$ 30.00 Received by Prms # N-5607 Date 6/24/92  
Publication prepared by [Signature] Date 1/11/06 Published in Idaho State Tribune 1/19 & 26/06  
Publication approved [Signature] Date 1/27/06

### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. \_\_\_\_\_, and said application is hereby \_\_\_\_\_.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before \_\_\_\_\_, 19 \_\_\_\_.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

WARRANTY DEED

THIS INDENTURE, made this 14th day of September 1990, between George J. Hasenoehrl and Nina M. Hasenoehrl, husband and wife, and Bryan G. Hasenoehrl and Nancy L. Hasenoehrl, husband and wife, hereinafter referred to as Grantors, and Richard J. McCormick and Leslie R. McCormick, husband and wife, whose address is 1619 G Street, Lewiston, Idaho 83501.

WITNESSETH:

That the Grantors, for and in consideration of the sum of Ten Dollars (\$10) and other good and sufficient consideration to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, and convey to the Grantees, their heirs and assigns, forever, all that tract or parcel of land situate in the County of Nez Perce, State of Idaho, more particularly described as follows, to wit:

That portion of the Northeast Quarter of the Northwest Quarter and of the North 2350 feet of the Northeast Quarter of Section 11, Township 36 North, Range 2 West of the Boise Meridian lying Easterly of Canyon Road; EXCEPTING THEREFROM that portion of the Northeast Quarter lying Northeasterly of Jack's Creek.

TOGETHER with easements of record.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all

DEED GRANTING WATER RIGHTS

We, George J. Hasenoehrl and Nina M. Hasenoehrl, husband and wife, and Bryan G. Hasenoehrl and Nancy L. hasenoehrl, husband and wife, hereinafter referred to as Grantors, owners of the N1/2NW1/4, Section 11, Township 36 North, Range 2 West of the Boise Meridian, in consideration of the sum of One Dollar (\$1) and other good and sufficient consideration, hereby grant to Richard J. McCormick and Leslie R. McCormick, husband and wife, hereinafter referred to as Grantees, a perpetual right to the exclusive use of the water running across the hereinbefore-described property, which water originates in a spring situate on property adjacent to the above-described real property currently owned by Pea and Dau Company; and Grantors further grant to Grantees the right to come upon the hereinbefore-described property for the purpose of maintaining the water supply.

This grant is of water rights and the right to come upon the hereinbefore-described property for the purpose of maintaining the water supply and shall not be considered as granting any other rights or privileges whatsoever.

IN WITNESS WHEREOF, Grantors have executed this instrument the 14th day of September 1990.

\_\_\_\_\_  
GEORGE J. HASENOEHRL

\_\_\_\_\_  
BRYAN G. HASENOEHRL

\_\_\_\_\_  
NINA M. HASENOEHRL

\_\_\_\_\_  
NANCY L. HASENOEHRL

→ Rights to overflow from Spring diverted to storage pond - Rights purchased from George & Bryan Hasenocher.

**NOW  
STARTING  
RIGHT  
SIDE OF  
FILE**



**IDAHO FISH & GAME**

CLEARWATER REGION  
1540 Warner Avenue  
Lewiston, Idaho 83501-5699

**Dirk Kempthorne** / Governor  
**Steven M. Huffaker** / Director

January 17, 2006

**RECEIVED**  
JAN 19 2006  
IDWR/North

Mr. Robert Haynes  
Idaho Department of Water Resources  
Northern Region  
1910 Northwest Blvd, S 210  
Coeur d'Alene, ID 83814

*Can computer  
1/19/06*

Dear Mr. Haynes:

REFERENCE: #85-7575 McCORMICK WATER RIGHT APPLICATION

Richard J. and/or Leslie R. McCormick have requested 0.08 cfs and/or 10 AFA for storage for irrigation, and livestock from an unnamed tributary to Jack's Creek, a tributary to Clearwater River. We have no objection to issuing this water right as long as your calculations have determined that this withdrawal, alone or in combination with other permitted withdrawals, will not reduce flows below those needed to support fish and other aquatic species and to support riparian habitat in the unnamed tributary and in Jack's Creek. Jack's Creek provides spawning and rearing habitat for federally ESA-listed steelhead. Water right allocations for Jack's Creek and tributary streams should be calculated to ensure that adequate flows will be maintained to support steelhead spawning and rearing.

Water intakes for the diversion should be screened to prevent entrainment or impingement of fish. 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.

Sincerely,

Cal Groen  
Clearwater Regional Supervisor

CG/rh/ss

c: Tracey Trent

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

## LEGAL ADVERTISING INVOICE

SOLD TO: ID DEPT. OF WATER RESOURCES  
1910 NORTHWEST BLVD. STE 210  
COEUR D'ALENE ID 83814

Date 01/26/2006 INVOICE NO. 414134  
Account No. 964750  
Description 414134 The following ap  
Times 2 Lines 30

RECEIVED Tab. Lines \_\_\_\_\_

JAN 27 2006 \$ 89.70

IDWR/North PO# 85-7575

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

## AFFIDAVIT OF PUBLICATION

The following application(s) have been filed to appropriate the public waters of the State of Idaho: <sup>414134</sup> 85-7575

RICHARD J MC CORMICK  
LESLIE R MC CORMICK  
1619 G ST

LEWISTON ID 83501  
Point(s) of Diversion NENW S11 T36N R02W NEZ PERCE County  
Source UNNAMED STREAM - Tributary To JACKS CREEK  
Use: IRRIGATION STORAGE 01/01 To 12/31 10 AFA  
Use: IRRIGATION FROM STORAGE 03/01 To 11/30 10 AFA  
Use: STOCKWATER STORAGE 01/01 To 12/31 10 AFA  
Use: STOCKWATER FROM STORAGE 01/01 To 12/31 1.4 AFA  
Use: DIVERSION TO STORAGE 01/01 To 12/31 0.08 CFS  
Total Diversion: 0.08 CFS

Date Filed: 08/04/1992

Place Of Use: IRRIGATION STORAGE & STOCKWATER STORAGE  
T36N R02W S11 NWNE  
Place Of Use: STOCKWATER FROM STORAGE, & IRRIGATION  
FROM STORAGE T36N R02W S11 NWNE  
Number of Acres 2

Remark: Stockwater use is for 15 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, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 02/06/2006. The protestant must also send a copy of the protest to the applicant.  
KARL J DREHER, Director Published January 19 & 26, 2006

Karen Lewis, being duly sworn, deposes and says, I am the Legal Clerk of the Tribune Publishing Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho and under and by virtue of the laws of the State of Washington, paper of general circulation published at Lewiston, Nez Perce County, Idaho; That the said Lewiston Morning Tribune is an established newspaper and has been published regularly and issued regularly at least once a day for more than 105 consecutive years next immediately preceding the first publication of this notice, and has been so published uninterrupted for said period; that the 414134 The follo attached hereto and which is made a part of this affidavit was published in the said Lewiston Morning Tribune, 2 time(s). Publication being on 01/19, or once a WEEK for 2 consecutive WEEK, the first publication thereof being on the 01/19/2006, and the last publication thereof being on the 01/26/2006, and said 414134 The follo was so published in the regular and entire issue of said newspaper and was not in a supplement thereof and was so published in every issue and number of the said paper, during the period and times of publication as set forth above.

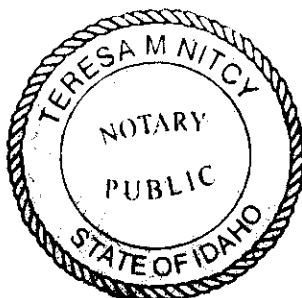
Karen J Lewis

State of Idaho

S.S.

County of Nez Perce

On this 26 day of Jan in the year of 2006, before me, a Notary Public, personally appeared Karen J Lewis, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



T M Nitty  
Notary Public in and for the State of Idaho,  
residing at Lewiston, therein  
Commission Expires 1/23/2010

**Ball, Dianne**

**From:** Ball, Dianne  
**Sent:** Friday, January 13, 2006 10:12 AM  
**To:** Legal Notices-Lewiston Morning Tribune (E-mail)  
**Subject:** Hi Karen - Let's try again - CoverLetter + legal notice text for Water Right No. 85-7575 to publish 1/19 & 26/2006

DEPARTMENT OF WATER RESOURCES  
1910 NORTHWEST BLVD., SUITE 210  
COEUR D'ALENE ID 83814  
Phone 208-769-1450 - FAX - 208-769-1454

January 11, 2006

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

RE: Application for Permit No. 85-7575

*Please FAX proof copy before this goes to press, to 208-769-1454*  
*Thanks, Dianne*

**Dear Karen:**

Below you will find a legal notice which we wish to have published in your newspaper on the dates Indicated, January 19 and 26, 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 02/06/2006. Your cooperation is, as always, GREATLY appreciated. It's always a pleasure to work with you.

Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

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

85-7575

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LESLIE R MC CORMICK

1619 G ST

LEWISTON ID 83501

Point(s) of Diversion NENW S11 T36N R02W NEZ PERCE County

Source UNNAMED STREAM - Tributary To JACKS CREEK

Use: IRRIGATION STORAGE 01/01 To 12/31 10 AFA

Use: IRRIGATION FROM STORAGE 03/01 To 11/30 10 AFA

Use: STOCKWATER STORAGE 01/01 To 12/31 10 AFA

Use: STOCKWATER FROM STORAGE 01/01 To 12/31 1.4 AFA

Use: DIVERSION TO STORAGE 01/01 To 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 08/04/1992

Place Of Use: IRRIGATION STORAGE & STOCKWATER STORAGE

T36N R02W S11 NWNE

Place Of Use: STOCKWATER FROM STORAGE,

1/13/2006

&amp; IRRIGATION FROM STORAGE

T36N R02W S11

NWNE

Number of Acres

2

Remark: Stockwater use is for 15 head of mixed stock.

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KARL J DREHER, Director

Published January 19 &amp; 26, 2006

DEPARTMENT OF WATER RESOURCES  
1910 NORTHWEST BLVD., SUITE 210  
COEUR D'ALENE ID 83814  
Phone 208-769-1450 - FAX - 208-769-1454

January 11, 2006

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

*Karen:  
saved for  
clarification  
only. (2 Pages)  
Thx Dianne*

RE: Application for Permit No. 85-7575

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Administrative Assistant

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& IRRIGATION FROM STORAGE T36N R02W S11 NWNE

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KARL J DREHER, Director Published January 19 & 26, 2006

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KARL J DREHER, Director Published January 19 & 26, 2006

DEPARTMENT OF WATER RESOURCES  
1910 NORTHWEST BLVD., SUITE 210  
COEUR D'ALENE ID 83814  
Phone 208-769-1450 - FAX - 208-769-1454

January 11, 2006

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

RE: Application for Permit No. 85-7575

*Please FAX proof copy before this goes to press, to 208-769-1454*  
*Thanks, Dianne*

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Sincerely

*Dianne*

Dianne Ball  
Administrative Assistant

DEPARTMENT OF WATER RESOURCES  
1910 NORTHWEST BLVD., SUITE 210 ~ COEUR D'ALENE ID 83814  
Phone 208-769-1450 - FAX - 208-769-1454



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](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 11, 2006

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

RE: Application for Permit No 85-7575

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Lewiston Morning Tribune on January 19 and 26, 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,

A handwritten signature in black ink, appearing to read 'Gregory J. Taylor', is written over a horizontal line.

Gregory J. Taylor  
Senior Water Resource Agent



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](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 30, 2005

RAY HENNEKEY  
IDAHO DEPARTMENT OF FISH & GAME  
1540 WARNER  
LEWISTON, ID 83501

FAXED TO RAY 12/30/05  
6 paged total

Re: Water Permit Application No. 85-7575

Dear Ray:

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 **February 3, 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.

You may send comments by regular mail to the address above, by FAX to 769-1454, or by e-mail to [Dianne.Ball@idwr.idaho.gov](mailto:Dianne.Ball@idwr.idaho.gov).

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

Sincerely,

Dianne Ball  
Administrative Assistant



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](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 21, 2005

RICHARD OR LESLIE MC CORMICK  
1619 G ST  
LEWISTON ID 83501

RE: Application for Permit No. 85-7575

Dear Mr. & Mrs. McCormick:

While reviewing the application referenced above, a couple of issues came up that we need to clarify before we send this application to advertising.

The data that was entered by you on the original application said the place of use is in the NE1/4NW1/4, Section 11. However, using the aerial photo it appears that the pond and irrigation are actually in the NWNE Section 11. Would you please confirm this. Would you also confirm that the point of diversion is correct on the aerial photo.

*Correct per Rich McCormick  
12-28-05*

It also appears that the actual source of the water is an unnamed stream that is tributary to Jacks Creek. I understand that the creek is fed by a spring, but if your diversion is from the stream and not at the spring source, the source should be Unnamed Stream.

Please call me if you have any questions or if you wish to discuss this application. If you agree with my assessment we should be able to make the changes by phone and then send to advertising.

Sincerely,

Gregory J. Taylor  
Sr. Water Resource Agent

RICHARD J. McCORMICK, CPA  
1619 G STREET • LEWISTON, IDAHO 83501

CERTIFIED MAIL



7001 1940 0003 5142 3798



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U.S. POSTAGE  
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LEWISTON, ID.  
83501  
DEC 01, '05  
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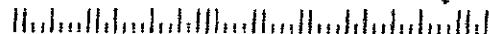
\$4.42  
00063921-07

RETURN RECEIPT  
REQUESTED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
322 EAST FRONT STREET  
P.O. BOX 83720  
BOISE, ID 83720-0098

RETURN RECEIPT  
REQUESTED

83720+0098



N  
RICHARD J. MCCORMICK, CPA

1619 G STREET  
LEWISTON, IDAHO 83501

RECEIVED

DEC 06 2005

743-2636  
DEPARTMENT OF  
WATER RESOURCES

RECEIVED  
DEC 12 2005  
IDWR/North

December 1, 2005

State of Idaho  
Department of Water Resources  
322 East Front Street  
P.O. Box 83720  
Boise, Id 83720-0098

Re: Application to Appropriate Water no. 85-7575

Dear Sir or Madam:

This letter is in response to Mr. Gary Spackman's letter dated November 21, 2005.

Please proceed with the application to appropriate water under permit number 85-7575 for Richard J. McCormick and Leslie R. McCormick.

Please give me a call if you have any questions or require additional information.

Sincerely,

*Richard J. McCormick*  
*Leslie R. McCormick*

Richard J. McCormick  
Leslie R. McCormick

RECEIVED  
DEC 12 2005  
IDWR/North

November 21, 2005

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

Re: Application to Appropriate Water no. 85-7575

Dear Applicant:

The records of the Idaho Department of Water Resources (the Department) show that you filed an application to appropriate water no. 85-7575 with the Department proposing diversion of water from a water source in the Salmon River Basin or the Clearwater River Basin. In April 1993, a moratorium order signed by the Director of the Department prohibited processing and approval of most new permits to appropriate water proposing to divert and use water from surface water sources in the Salmon River and Clearwater River Basins. In October 1999, a second moratorium order signed by the Director of the Department prohibited processing and approval of most new permits to appropriate water proposing to divert and use water from surface water and ground water sources within and upstream of designated wilderness areas in the Salmon River and Clearwater River Basins. Recently, the Director of the Department issued an order rescinding both moratoriums.

**Enclosed is the order titled *Order Rescinding Salmon-Clearwater Basin Moratorium and Wilderness Moratorium*.** The order directs Department staff to begin processing applications to appropriate water that were held during the moratoriums. Applications will be processed in the approximate order of the Department's receipt of the applications. A reasonable number of applications will be processed each month considering other duties assigned to Department staff. A document attached to the order titled "Statement of Available Procedures and Applicable Time Limits" explains possible actions you might take should you disagree with the order.

Because of the passage of time since you filed your application for permit to appropriate water, ownership of land, desire to use water, or other circumstances may have changed. **This letter requests that you inform the Department in writing, at the address in the letterhead, of your continuing interest in applying for a permit to appropriate water. This letter is a request for additional information under Idaho Code § 42-204. If the requested written statement of continuing interest is not received by the Department within thirty (30) days of the date of this letter, the Department will assume you are no longer interested in**

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DEC 12 2005

November 21, 2005

Page 2

**applying for a permit to appropriate water, and will void your application pursuant to Idaho Code § 42-204. If you wish to voluntarily withdraw your application, please complete the enclosed withdrawal form and return it to this office.**

If you have questions, please call the Department at (208)287-4952.

Sincerely,

A handwritten signature in black ink, reading "Gary Spackman". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Gary Spackman, Chief  
Water Allocations Bureau

Enclosures (2)

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

|                                     |                             |
|-------------------------------------|-----------------------------|
| IN THE MATTER OF APPLICATIONS AND ) | <b>ORDER RESCINDING</b>     |
| PERMITS FOR THE DIVERSION AND USE ) | <b>SALMON - CLEARWATER</b>  |
| OF SURFACE WATER AND GROUND )       | <b>BASIN MORATORIUM AND</b> |
| WATER IN THE SALMON RIVER AND )     | <b>WILDERNESS</b>           |
| CLEARWATER RIVER BASINS )           | <b>MORATORIUM</b>           |
| _____ )                             |                             |

**FINDINGS OF FACT**

**Salmon - Clearwater Basin Moratorium**

1. On May 15, 1992, the Director of the Department of Water Resources ("Director" or "Department") issued a *Moratorium Order* enjoining the processing of most applications to appropriate surface water sources within the Salmon and Clearwater River Basins. On April 30, 1993, the Director issued an *Amended Moratorium Order* ("Salmon - Clearwater Order"), again enjoining the processing of most applications to appropriate water.

2. The Salmon - Clearwater Order stated:

This moratorium shall be in effect on and after the date it is entered until withdrawn or modified by further order of the Director. A future decision to continue or rescind the moratorium will consider all efforts being made within the region toward the recovery of the salmon.

3. Since the issuance of the Salmon - Clearwater Order, significant efforts have been undertaken in the Salmon River and Clearwater River Basins for the recovery of salmon. These activities include:

- Protection of instream flows in streams and rivers to benefit anadromous fish habitat;
- A process for re-establishment of flows in dewatered anadromous fish streams by delivery of rented or acquired water rights to the dewatered reaches;
- Screening and control of irrigation diversions;
- Consolidation of irrigation diversions;

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APR 11 1994

- Riparian habitat improvement projects; and
- Administration of water rights following creation of the Upper Salmon River Water District (creation anticipated at the end of 2005).

### **Wilderness Moratorium**

4. On October 26, 1999, the Director issued a *Moratorium Order* ("Wilderness Order") enjoining further processing and development of pending applications and permits for the diversion and use of surface and ground water in and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church River of No Return Wilderness Area.

5. The Director issued the Wilderness Order in response to an Idaho Supreme Court decision titled *United States v. City of Challis*, 133 Idaho 525, 988 P.2d 1199 (1999). The *City of Challis* decision affirmed a 1997 Snake River Basin Adjudication (SRBA) District Court decision that the United States is entitled to reserved water rights to all unappropriated water within the Selway-Bitterroot, the Gospel-Hump, and the Frank Church River of No Return Wilderness areas. The Director determined the recognition of the federal reserved water rights to include all unappropriated water within and upstream of the wilderness areas.

6. The Wilderness Order affected all water permits and applications for permit for which proof of beneficial use had not been filed with the Department in the Salmon River Basin upstream from the location where the Salmon River leaves the Gospel-Hump Wilderness Area in Section 3, Township 24 North, Range 4 East, Boise Meridian, and in the Clearwater River Basin upstream from the location where the Selway River leaves the Selway-Bitterroot Wilderness in Section 7, Township 31 North, Range 10 East, Boise Meridian.

7. The Wilderness Order required all water permit holders to cease development authorized by the permits. Some permit holders submitted proof of beneficial use for the beneficial use completed as of the date of the Wilderness Order. Other permit holders ceased development, and the requirement for filing proof of beneficial use was stayed until the Wilderness Order was amended or lifted to allow additional development.

8. The Idaho Supreme Court granted a petition for rehearing of the *City of Challis* decision, and, on October 27, 2000, the Idaho Supreme Court issued another decision titled *Potlatch Corp. v. United States of America*, 134 Idaho 916, 12 P.3d 1260 (2000). The Court reversed its previous decision in *United States v. City of Challis* and held the Wilderness Act and associated wilderness designations did not create federal reserved water rights for the Frank Church River of No Return, the Selway-Bitterroot, and the Gospel-Hump Wilderness Areas.

## **Wild and Scenic Rivers**

9. In the case of *Poilatch Corp. and Hecla Mining v. United States*, 134 Idaho 912, 12 P.3d 1256 (2000), the Idaho Supreme Court determined that federal designation of Wild and Scenic Rivers in Idaho reserved water rights for the federal government to satisfy the intent of the designation. The Idaho Supreme Court remanded the case to the SRBA District Court for quantification of the reserved water rights for the Wild and Scenic Rivers.

10. On November 16, 2004, the SRBA District Court entered an Amended Order Approving Stipulation and Entry of Partial Decrees in SRBA Case No. 39576 (Consolidated Subcase No. 75-13316 Wild & Scenic Act Claims). The amended order and the associated partial decrees define federal reserved water rights nos. 75-13316, 77-11941, 77-13844, 78-11961, 81-10472, 81-10513, and 81-10625 in Wild and Scenic Rivers in the Salmon and Clearwater River basins. A stipulated agreement (hereafter referred to as the "Wild & Scenic Agreement") between the United States and parties to the original subcases prior to consolidation forms the framework for the partial decrees issued by the SRBA District Court. The Wild & Scenic Agreement and the partial decrees defining the federal reserved water rights set forth subordination provisions under which the federal reserved water rights are subordinate to other existing and future water rights, describe limitations on appropriation and beneficial use under existing and future water rights to which the federal reserved water rights are subordinate, and provide specific requirements for the administration of water rights within the Salmon and Clearwater River basins.

## **CONCLUSIONS OF LAW**

1. In issuing the Salmon - Clearwater Order and the Wilderness Order, the Director relied on Idaho Code § 42-1805(7). The subsection grants the Director the authority:

After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of the minimum flow provisions of the state water plan.

2. The Salmon - Clearwater Order was issued after the Director found and concluded that further appropriations of surface water at the time would not be in the local public interest and would not be consistent with conservation of the waters of the State of Idaho.

3. Enhancements to streamflows, other improvements to anadromous fish habitat, the execution of the Wild & Scenic Rivers Agreement, and the determination of related federal reserved water rights, have addressed the underlying basis upon which the *Amended Moratorium Order* was issued.

4. The prohibition of new water right appropriations by the Director's Salmon – Clearwater Order dated April 30, 1993, can be rescinded and processing of applications to appropriate surface water in the Salmon River and Clearwater River Basins can be allowed.

5. The Wilderness Order was issued following the initial Idaho Supreme Court decision of *United States v. City of Challis*, 133 Idaho 525, 988 P.2d 1199 (1999). Based on the Court's decision, the Director determined there was no additional water available for appropriation. Upon reconsideration, the subsequent Idaho Supreme Court decision, *Potlatch Corp. v. United States of America*, 134 Idaho 916, 12 P.3d 1260 (2000), determined that the wilderness designations did not reserve water rights for the wilderness. As a result of the latest Supreme Court decision in *Potlatch*, the Wild and Scenic Rivers Agreement, and related federal reserved water rights, there is additional water available for appropriation within the limitations described by the Wild & Scenic Agreement and the partial decrees for related federal reserved water rights.

6. The prohibition of new water right appropriations and development authorized by permits to appropriate water by the Director's Wilderness Order dated October 26, 1999, can be rescinded and processing of applications to appropriate water and continued development authorized under existing permits to appropriate water can be allowed.

7. Permit holders who were prohibited from completing application of water for the beneficial use authorized under existing permits are entitled to additional time to complete application of water for beneficial use. For each permit, the additional time granted for completing development should be equal to the number of days from the date the Wilderness Order was issued to the date proof of beneficial use was originally due under the permit. The Department should issue an order subsequent to this order establishing the additional time to complete development delayed by the Wilderness Order and specifying the revised date for filing proof of beneficial use for each permit.

## ORDER

IT IS HEREBY ORDERED that the *Amended Moratorium Order*, issued on April 30, 1993, prohibiting appropriations of surface water in the Salmon and Clearwater River Basins, is **RESCINDED**.

IT IS FURTHER ORDERED that the *Moratorium Order*, issued on October 26, 1999, prohibiting appropriations of surface and ground water and development of permits for the use of surface water or ground water in and tributary to the Selway-Bitterroot Wilderness Area, the Gospel-Hump Wilderness Area, and the Frank Church River of No Return Wilderness Areas, is **RESCINDED**.

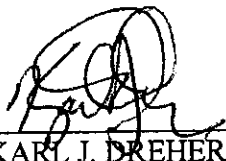
IT IS FURTHER ORDERED that permit holders who were prohibited from completing beneficial use of water authorized under existing permits by the *Moratorium Order* issued on October 26, 1999, are granted additional time for completing the beneficial use authorized. For

each permit, the additional time granted for completing development shall be equal to the number of days from the date the Wilderness Order was issued to the date proof of beneficial use was originally due for the permit. The Department shall issue an order subsequent to this order allowing additional time for completion of beneficial use delayed by the Wilderness Order and specifying a date for filing proof of beneficial use for each permit.

IT IS FURTHER ORDERED that appropriations of ground water and surface water within the Salmon River Basin may resume subject to the requirements of the Wild and Scenic Agreement and the federal reserved water rights decreed in accordance with that stipulated agreement.

IT IS FURTHER ORDERED that Department staff shall process new applications to appropriate water generally in the chronological order of the receipt of the applications. Department staff shall also process a reasonable number of applications per month considering all other duties assigned to Department staff.

Dated this 9<sup>th</sup> day of November, 2005.



KARL J. DREHER  
Director

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
FINAL ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **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 67-5246(4), Idaho Code.

**REQUEST FOR HEARING**

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

**APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter 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.

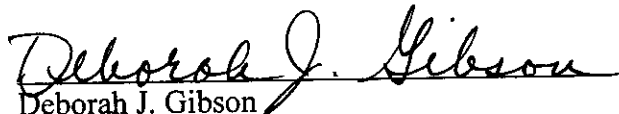
The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21<sup>st</sup> day of November, 2005, a true and correct copy of the above and foregoing documents described below were served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order Rescinding Salmon-Clearwater Basin Moratorium and Wilderness  
Moratorium  
Explanatory Information to Accompany a Final Order

See attached service list.

  
Deborah J. Gibson  
Administrative Assistant

| Name                                              | Address                                                            | City          | State | Postal Code |
|---------------------------------------------------|--------------------------------------------------------------------|---------------|-------|-------------|
| PATRICK W LEE                                     | C/O JOHN T BROWN<br>PO BOX 61                                      | SUN VALLEY    | ID    | 83353       |
| STANLEY SEWER ASSN                                | PO BOX 71                                                          | STANLEY       | ID    | 83278       |
| SALMON RIVER HEREFORD RANCH                       | HC 63 BOX 1760                                                     | CHALLIS       | ID    | 83226       |
| ELINOR J CORRIGAN                                 | PO BOX 569                                                         | CHALLIS       | ID    | 83226       |
| MOUNTAIN SPRINGS WATER INC                        | PO BOX 628                                                         | CHALLIS       | ID    | 83226       |
| US DEPT OF INTERIOR                               | BUREAU OF LAND MANAGEMENT<br>SALMON DISTRICT<br>1206 S CHALLIS ST  | SALMON        | ID    | 83467       |
| ROBERT A PIVA                                     | HC 63 BOX 1641                                                     | CHALLIS       | ID    | 83226       |
| DANA C HURLESS                                    | HC 67 BOX 621                                                      | CLAYTON       | ID    | 83227       |
| TRENT J ROMAN                                     | HC 82 BOX 4023-4                                                   | CHALLIS       | ID    | 83226       |
| PARKINSON FOUNDATION SEED FARM                    | C/O BOB PARKINSON<br>PO BOX 65                                     | ELLIS         | ID    | 83235       |
| THOMPSON CREEK MINING CO                          | PO BOX 62                                                          | CLAYTON       | ID    | 83227       |
| CHALLIS IRRIGATION CO                             | PO BOX 71                                                          | CHALLIS       | ID    | 83226       |
| TAIT P JOHNSON                                    | 1317 N 141ST AVE                                                   | OMAHA         | NE    | 68154       |
| ARCHIE SHERWOOD                                   | PO BOX 163                                                         | CLAYTON       | ID    | 83227       |
| L & W STONE CORP                                  | PO BOX 789                                                         | CHALLIS       | ID    | 83226       |
| DON M ONEAL                                       | 8 ONEAL LN                                                         | MAY           | ID    | 83253-2003  |
| US DEPT OF INTERIOR                               | BUREAU OF LAND MANAGEMENT<br>SALMON DISTRICT<br>1206 S CHALLIS ST  | SALMON        | ID    | 83467       |
| RICHARD L TYLER                                   | 796 LEE CREEK RD                                                   | LEADORE       | ID    | 83464       |
| ERNEST GEORGE HOLSCHER                            | BOX 96                                                             | LEADORE       | ID    | 83464       |
| ROBERT L THOMAS                                   | 12 REBA LN                                                         | SALMON        | ID    | 83467       |
| EDWARD M SNOOK                                    | 1205 HWY 28                                                        | SALMON        | ID    | 83467       |
| STEPHANIE SNOOK                                   | 505 W WINDSOR CT                                                   | COEUR D ALENE | ID    | 83815       |
| HARRY L COLEMAN                                   | PO BOX 70                                                          | LEADORE       | ID    | 83464-0070  |
| SHIRLEY R COLEMAN                                 | 435 TEE CIR                                                        | ST GEORGE     | UT    | 84770       |
| JAMES KRUCKEBERG                                  | 411 EIGHTEEN MILE RD                                               | LEADORE       | ID    | 83464-5030  |
| GERALD R MORPHEY                                  | PO BOX 625                                                         | SALMON        | ID    | 83467-0625  |
| ALBERT D ANDERSON                                 | 5425 BUNDY AVE NORTH                                               | KEISER        | OR    | 97303       |
| JERRY G BLACKBURN                                 | PO BOX 41                                                          | LEADORE       | ID    | 83464       |
| VELMA MAHAFFEY                                    | PO BOX 14                                                          | LEMHI         | ID    | 83465       |
| DALE A PETERSON                                   | PO BOX 67                                                          | LEADORE       | ID    | 83464       |
| WILLIAMS LAKE RECREATIONAL WATER & SEWER DISTRICT | PO BOX 82                                                          | SALMON        | ID    | 83467       |
| E J SCHWARZENBERGER                               | PO BOX 146                                                         | UCON          | ID    | 83454       |
| MERRIDEE S OVERACKER                              | 1510 HWY 93 N                                                      | SALMON        | ID    | 83467       |
| MICHAEL J OVERACKER                               | 162 HIGHWAY 93 N                                                   | SALMON        | ID    | 83467-5301  |
| LEWIS E ROSS                                      | HC 10 BOX 112                                                      | GIBBONSVILLE  | ID    | 83463       |
| THOMAS CHARLES PIKE                               | 3478 SALMON RIVER RD                                               | SHOUP         | ID    | 83469-6506  |
| J REX TOLMAN                                      | 41 CORBETT LN                                                      | SALMON        | ID    | 83467       |
| SALMON RIVER PROPERTIES INC                       | PO BOX 774                                                         | SALMON        | ID    | 83467       |
| DONALD L HAWKINS                                  | 14429 WATKINS DR                                                   | LA MIRADA     | CA    | 90638       |
| DIXIE GRAVES                                      | PO BOX 963                                                         | SALMON        | ID    | 83467       |
| GUY M CARLSON                                     | PO BOX 319                                                         | RIGGINS       | ID    | 83549       |
| JOE B SCOTT                                       | 380 E PARKCENTER BLVD<br>STE 100                                   | BOISE         | ID    | 83706       |
| WELLS LIVESTOCK INC                               | 512 N BROADWAY                                                     | BUHL          | ID    | 83316       |
| JACK A WALKER                                     |                                                                    | YELLOW PINE   | ID    | 83677       |
| SALMON RIVER TOURS CO                             | PO BOX 779                                                         | NORTH FORK    | ID    | 83466       |
| KENNETH D CASPER                                  | 812 7TH ST S                                                       | NAMPA         | ID    | 83651       |
| DALE J LACRONE                                    | BOX 63                                                             | NEW PLYMOUTH  | ID    | 83655       |
| UNIVERSITY OF IDAHO REGENTS                       | C/O GERARD BILLINGTON<br>FINANCE & ADMINISTRATION<br>PO BOX 443162 | MOSCOW        | ID    | 83844-3162  |
| BARBARA G PYLE                                    | 77 SILVER FOX TR                                                   | MC CALL       | ID    | 83638       |
| STEVE M WRIGHT                                    | PO BOX 1450                                                        | MCCALL        | ID    | 83638       |
| RICHARD L PULLEN                                  | STAR RT                                                            | POLLOCK       | ID    | 83547       |
| ROBERT J KYRK                                     | HC75 BOX 3546                                                      | NEW MEADOWS   | ID    | 83654       |
| THOMAS D MEES                                     | 1882 POLE CREEK RD                                                 | COUNCIL       | ID    | 83612       |
| WAYNE H REDENBAUGH                                | PO BOX 275                                                         | POLLOCK       | ID    | 83547       |
| RAYMOND K STOLTEY                                 | HC 75 BOX 3556                                                     | NEW MEADOWS   | ID    | 83654       |

|                            |                                                                        |               |    |            |
|----------------------------|------------------------------------------------------------------------|---------------|----|------------|
| DELBERT M WELCH            | PO BOX 962                                                             | VALDEZ        | AK | 99686      |
| PAUL SAND                  | PO BOX 16                                                              | WHITE BIRD    | ID | 83554      |
| JAMES E BONATO             | PO BOX 350                                                             | LUCILE        | ID | 83542      |
| BONNIE E KANNADA           | PO BOX 55                                                              | WHITE BIRD    | ID | 83554      |
| EUGENE H TENNIES           | HCR 75 BOX 32                                                          | KOOSKIA       | ID | 83539      |
| RUSSELL C TRAINOR          | HCR 75 BOX 38 A                                                        | KOOSKIA       | ID | 83539      |
| USDA FOREST SERVICE        | NEZ PERCE NATIONAL FOREST □<br>SUPERVISORS OFFICE □<br>1005 HIGHWAY 13 | GRANGEVILLE   | ID | 83530      |
| US DEPT OF AGRICULTURE     | US FOREST SERVICE □<br>CLEARWATER NATIONAL FOREST □<br>12730 HWY 12    | OROFINO       | ID | 83544 9333 |
| FRANK CAPITO               | PO BOX 2545                                                            | COEUR D ALENE | ID | 83816      |
| GARY BOWLING               | 3366 N CROFT WAY                                                       | EAGLE         | ID | 83616      |
| AHSAHKA WATER & SEWER DIST | PO BOX 37                                                              | AHSAHKA       | ID | 83520      |
| IDAHO WATER RESOURCE BOARD | PO BOX 83720                                                           | BOISE         | ID | 83720-0098 |
| DON R BERRY                | PO BOX 424                                                             | LEWISTON      | ID | 83501      |
| CITY OF KOOSKIA            | PO BOX 126                                                             | KOOSKIA       | ID | 83539-0126 |
| MARK LADOUX                | PO BOX 149                                                             | PECK          | ID | 83545-0149 |
| JOSEPH SCHNELL             | RR 2 BOX 311A                                                          | GRANGEVILLE   | ID | 83530      |
| CITY OF KENDRICK           | PO BOX 195                                                             | KENDRICK      | ID | 83537      |
| PORT OF LEWISTON           | 1626 6TH AVE N                                                         | LEWISTON      | ID | 83501      |



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

October 7, 1992

Mr. and Mrs. Richard McCormick  
1619 G Street  
Lewiston, Id. 83501

Re: Moratorium Order on All Water Right Applications and Permits for the  
Diversion and Use of Water within the Clearwater River Basin.

Dear Mr. and Mrs. McCormick:

In response to the listing of the Sockeye and Chinook Salmon populations under the Endangered Species Act, the below normal stream flows in the Clearwater River Basin due to the drought conditions across Idaho, and the need for positive action by the State to assist in the protection of anadromous fish, the Director of the Department of Water Resources has established a moratorium on the processing of applications and permits to appropriate surface water resources within the Clearwater River Basin. A copy of the Moratorium Order is attached. This moratorium applies to your recent filing for an application for permit.

However, this moratorium does not apply to applications for minor stockwatering or domestic purposes as defined in Section 42-111, Idaho Code, as follows:

42-111. Domestic purposes defined. - ...the phrase "domestic purposes" or "domestic uses" means:

A. the use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land if the total use is not in excess of thirteen thousand, (13,000) gallons per day, or

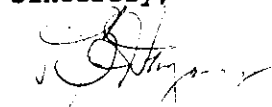
B. any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second AND a diversion volume of twenty-five hundred (2,500) gallons per day.

The Department will also consider, on a case-by-case basis, processing an application for permit where the use is non-consumptive. If you believe your proposed use qualifies under the above "domestic use" exemption OR if you believe your use is non-consumptive, you must notify the Department by letter stating your reasons. If the Department does not receive any explanation letter from you, your application will be held without action until the moratorium is lifted. If you return an explanation letter but the use does not qualify, the Department will notify you that the application will be held without further processing until the moratorium is lifted.

Mr. and Mrs. Richard J. McCormick  
Page Two / 85-7575  
October 7, 1992

If you have any questions on this matter, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Haynes", is written over the typed name.

ROBERT G. HAYNES, P.E.  
Regional Manager

RGH/pms

Enc. - Moratorium Order



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615  
(208) 765-4639 • Fax (208) 765-2088

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

August 13, 1992

Mr. and Mrs. Richard McCormick  
1619 G Street  
Lewiston, Id. 83501

Re: 85-7574, 85-7575, and 85-7576

Dear Mr. and Mrs. McCormick:

The Idaho Department of Water Resources hereby acknowledges receipt of the above referenced Application For Permit To appropriate the Public Waters Of The State Of Idaho. To assist us in providing you with prompt, accurate service, please refer to the above referenced number in all future matters concerning this water right application.

Your appropriation application is currently being prepared for advertising in the county newspaper. This advertisement will be published for two consecutive weeks followed by a waiting period of ten days to allow for the submittal of protests.

If the application is not protested it will be forwarded to Boise to be considered for approval by the Director. However, if the application is protested during this waiting period, you will be sent a copy of the protest and instructions to aid you in resolving the protest without a hearing. However all protests must be resolved before approval of the application can be made, so if the protestant does not voluntarily withdraw the protest, this department will conduct a conference and/or hearing on the matter.

If your application is for groundwater and unless you are using a well that was constructed prior to July 1, 1987, it will be necessary for you to apply for a well drilling permit upon approval of the appropriation application. Well drilling permits can be issued by this office only to holders of approved appropriation permits.

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,

Allen Beardslee  
Sr. Water Resource Agent

July 14, 1992

Mr. Richard McCormick  
1619 G St  
Lewiston, ID 83501

RE: Water Rights.

Dear Sir:

We are returning your four Applications for Permit along with Receipt Number N005607 for the amount of \$120.00.

As we discussed earlier, I have made the following modifications to your water right filings:

1. Combined the two filings associated with the diversion from the spring on Hasenoehrl's property onto one Application for Permit form.
2. Listed the legal description for your well to the nearest 10 acre tract, the Place of Use to a 40 acre tract and changed the diversion rate to 0.04 CFS (18 GPM).
3. Filed a Snake River Basin Adjudication Claim to represent the historical in-stream stockwater use dating back to 06/01/1900, instead of the Application for Permit.

The fee for the Snake River Basin Adjudication Claim is \$75.00 (\$25.00 filing fee and \$50.00 late fee). The two Applications for Permit are \$30.00 each. The total filing fee is \$135.00.

Please review all of the information on these filings, make any necessary changes, sign the Snake River Basin Adjudication Claim before a Notary Public and send them back to this office with \$15.00 to cover the filing fees.

Your Application for Permit for Springs tributary to Jacks Creek will be placed on hold until the Clearwater Moratorium for new water rights is lifted.

If I can be of further assistance, please feel free to contact me at this office.

Thank you,

ALLEN BEARDSLEE  
SR. WATER RESOURCE AGENT

Enclosures: 4 Applications for Permit & 1 Snake River Basin Adjudication Claim.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Northern Region Office

1910 Northwest Blvd. \* Suite 210 \* Coeur d'Alene, Id. \* 83814 \* (208) 765-4639

---

Cecil D. Andrus  
Governor

R. Keith Higginson  
Director

December 26, 1990

Mr. Richard McCormick  
1619 G St.  
Lewiston, Id. 83501

Dear Mr. McCormick:

I have enclosed the appropriation applications we discussed on the telephone today. Item #4 is completed differently on the pond application than is shown in the instructions.

Water will be used for the following purposes:

Amt 0.04 cfs for Diversion to Storage fm 1/1 to 12/31 (both dates inclusive)  
Amt 0.08 cfs for Irrigation purposes fm 4/1 to 11/1 (both dates inclusive)  
Amt 2.0 AF for Storage for Irrigation fm 1/1 to 12/31 (both dates inclusive)  
Amt 2.0 AF for Irrigation fm storage fm 4/1 to 11/1 (both dates inclusive)  
Amt 2.0 AF for Storage for Stockwater fm 1/1 to 12/31 (both dates inclusive)

The preceding example indicates that:

1). Water will be taken from spring A and placed into storage at the rate of 0.04 cfs, this water will be diverted from January through December of each year. Since Spring B is in the pond there is no diversion to storage from that spring.

2). Water will be taken from spring A and B and used for irrigation at the rate of 0.04 cfs for each spring. This water will be diverted from April through November of each year.

3). The water will also be diverted at a rate of 0.02 cfs for Stockwater storage purposes from January through December of each year.

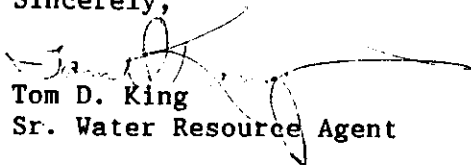
2.0 acre feet of the water will be stored from January through December of each year for irrigation purposes.

2.0 acre feet of the water may be removed from storage from April until November of each year for irrigation purposes.

Mr. McCormick  
Page Two  
December 26, 1990

If you have any questions or if I can be of any assistance please feel free to contact me at this office.

Sincerely,



Tom D. King  
Sr. Water Resource Agent

Enc: App (3)  
Inst.

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR PERMIT**

**To appropriate the public waters of the State of Idaho**

1. Name of applicant Richard J. and/or Leslie R. McCormick Phone (208) 743-2636  
Post office address 1619 G Street, Lewiston, ID 83501

2. Source of water supply Spring S which is a tributary of Jacks Creek

3. Location of point of diversion is SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_  
Sec. 11 Township 36N Range 2W B.M. Nez Perce County; additional  
points of diversion if any: T. 36 N., R. 2 W., SEC. 11, SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$

4. Water will be used for the following purposes:

Amount: 0.08 CFS for DIVERSION TO STORAGE (Both dates inclusive)  
Purposes from Jan.1 to Dec.31

Amount: 10.0.0 AFA for IRRIGATION STORAGE Purposes from Jan.1 to Dec.31  
STOCKWATER STORAGE Purposes from Jan.1 to Dec.31

Amount: 0.08 CFS for IRRIGATION Purposes from Jan.1 to Dec.31  
0.04 CFS STOCKWATER Purposes from Jan.1 to Dec.31

Amount: 10.0 AFA for IRRIGATION FROM STORAGE Purposes from Mar.1 to Nov.30  
1.4 AFA STOCKWATER FROM STORAGE Purposes from Mar.1 to Nov.30

5. Total Quantity to be appropriated is: 0.08 CFS and 10.0 AFA

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pond presently in place - 1 to 1 $\frac{1}{2}$  H.  
pump to be installed

b. Height of storage dam 12 feet; active reservoir capacity 8 acre-feet; total  
reservoir capacity 8 acre-feet; period of year when water will be diverted to storage:  
01/01 to 12/31 inclusive.

c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.

d. Is ground water with a temperature of greater than 90°F being sought? N/A

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

DEED GRANTING WATER RIGHTS

We, George J. Hasenoehrl and Nina M. Hasenoehrl, husband and wife, and Bryan G. Hasenoehrl and Naacy L. hasenoehrl, husband and wife, hereinafter referred to as Grantors, owners of the N1/2NW1/4, Section 11, Township 36 North, Range 2 West of the Boise Meridian, in consideration of the sum of One Dollar (\$1) and other good and sufficient consideration, hereby grant to Richard J. McCormick and Leslie R. McCormick, husband and wife, hereinafter referred to as Grantees, a perpetual right to the exclusive use of the water running across the hereinbefore-described property, which water originates in a spring situate on property adjacent to the above-described real property currently owned by Pea and Dau Company; and Grantors further grant to Grantees the right to come upon the hereinbefore-described property for the purpose of maintaining the water supply.

This grant is of water rights and the right to come upon the hereinbefore-described property for the purpose of maintaining the water supply and shall not be considered as granting any other rights or privileges whatsoever.

IN WITNESS WHEREOF, Grantors have executed this instrument the 14th day of September 1990.

\_\_\_\_\_  
GEORGE J. HASENOEHRL

\_\_\_\_\_  
BRYAN G. HASENOEHRL

\_\_\_\_\_  
NINA M. HASENOEHRL

\_\_\_\_\_  
NANCY L. HASENOEHRL

WARRANTY DEED

THIS INDENTURE, made this 14th day of September 1990, between George J. Hasenoehrl and Nina M. Hasenoehrl, husband and wife, and Bryan G. Hasenoehrl and Nancy L. Hasenoehrl, husband and wife, hereinafter referred to as Grantors, and Richard J. McCormick and Leslie R. McCormick, husband and wife, whose address is 1619 G Street, Lewiston, Idaho 83501.

WITNESSETH:

That the Grantors, for and in consideration of the sum of Ten Dollars (\$10) and other good and sufficient consideration to them in hand paid by the Grantees, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, and convey to the Grantees, their heirs and assigns, forever, all that tract or parcel of land situate in the County of Nez Perce, State of Idaho, more particularly described as follows, to wit:

That portion of the Northeast Quarter of the Northwest Quarter and of the North 2350 feet of the Northeast Quarter of Section 11, Township 36 North, Range 2 West of the Boise Meridian lying Easterly of Canyon Road; EXCEPTING THEREFROM that portion of the Northeast Quarter lying Northeasterly of Jack's Creek.

TOGETHER with easements of record.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Richard L. McCormick  
(Applicant)

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. N/A
- b. Stockwatering; list number and kind of livestock. Anticipated future Usage - 2 horses, 5-10 head of cattle
- c. Municipal; show name of municipality. N/A
- d. Domestic; show number of households. N/A
- e. Other; describe fully. Irrigation

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 | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|     |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
| 36N | 2W    | 11   |     |     |     |     | 2   |     |     |     |     |     |     |     |     |     |     |     | 2      |
|     |       | 11   |     |     |     |     | S   |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

\* Four acres total will be irrigated from pond

Total number of acres to be irrigated 2\*

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

11. a. Who owns the property at the point of diversion? George and Bryan Hasenoehr
- b. Who owns the land to be irrigated or place of use? Richard J. and Leslie R. McCormick
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Purchase of water rights - Richard J. & Leslie R. McCormick hold deed granting water rights.

12. Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Received by                      Date 6/23/92 Time 11:15am Preliminary check by                       
Fee \$ 30.00 Receipted by                      # N 5607 Date 6/24/92  
Publication prepared by                      Date                      Published in                       
Publication approved                      Date                     

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### **ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No.                     , and said application is hereby                     .

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before                     , 19             .

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

Idaho Department Of Water Resources  
Receipt Maintenance - Select Receipt(s)

Date: 06/21/93  
Time: 14:34:07

| Sel | Rec.No. | From Payer                  | Date             | Total Fees | A.R.NO. | STATUS |
|-----|---------|-----------------------------|------------------|------------|---------|--------|
|     | N004416 | MC CORMICK, DON             | 04/08/1991       | 30.00      |         | / /A   |
| -   | C015632 | MC CORMICK, JAMES           | 03/15/1990       | 25.00      |         | W/ /A  |
| -   | W014104 | MC CORMICK, KATHLEEN        | 02/05/1992       | 30.00      |         | / /A   |
| -   | N003801 | MC CORMICK, LESLIE R.       | 05/30/1990       | 10.00      |         | / /A   |
| -   | W005270 | MC CORMICK, O. F.           | 08/30/1989       | 25.00      |         | W/ /A  |
| -   | W013934 | MC CORMICK, O. F.           | 12/06/1991       | 30.00      |         | / /A   |
| -   | N005607 | MC CORMICK, RICHARD - - - - | 06/24/1992 - - - | 120.00     |         | / /A   |
| -   | N004385 | MC CORMICK, RICHARD J.      | 03/25/1991       | 30.00      |         | / /A   |
| -   | N005788 | MC CORMICK, RICHARD J.      | 08/04/1992       | 100.00     |         | /R/A   |
| -   | M000891 | MC CORMICK, W. E. & DORIS   | 08/08/1988       | 25.00      |         | W/ /A  |

(Enter=Select & Continue)

(GOLD7=Return to Selection)

(Menu \_\_\_\_\_)

RECEIPT IS FROM THE STATE FILE  
Idaho Department of Water Resources  
Receipt Entry

Date: 06/21/93  
Time: 14:44:03

Receipt No: N005788 AR No: \_\_\_\_\_ Date: 08/04/1992 Payoff Part of Acct? N  
From: MC CORMICK, RICHARD J. \_\_\_\_\_ Payment Type: CK CHECK Doc No: 2550 \_\_\_\_\_  
Remarks: \_\_\_\_\_ REFUNDED 80.00

| Description                              | Fund  | FD    | PCA   | Obj   | Subsid |        |
|------------------------------------------|-------|-------|-------|-------|--------|--------|
| BALANCE OF FEE FOR W/R APPLICATION _____ | 229   | 21    | 65102 | 1155  | _____  | 20.00  |
| OVERPAYMENT _____                        | 229   | 21    | 65102 | 1155  | _____  | 80.00  |
| _____                                    | _____ | _____ | _____ | _____ | _____  | _____  |
| _____                                    | _____ | _____ | _____ | _____ | _____  | _____  |
| Total Amount:                            |       |       |       |       |        | 100.00 |

(Enter=Inq) (GOLD1=Add/Print) (GOLD2=Change) (GOLD3=Void) (GOLD5=Laser Print)  
(GOLD6=Print 2nd Copy) (GOLD7=Enter WR Nos) (GOLD8=Cancel) (Menu \_\_\_\_\_)

RECEIPT IS FROM THE STATE FILE  
Idaho Department of Water Resources  
Receipt Entry

Date: 06/21/93  
Time: 14:45:14

Receipt No: N004385 AR No: \_\_\_\_\_ Date: 03/25/1991 Payoff Part of Acct? N  
From: MC CORMICK, RICHARD J. \_\_\_\_\_ Payment Type: CK CHECK Doc No: 2045 \_\_\_\_\_  
Remarks: \_\_\_\_\_

| Description                          | Fund  | FD    | PCA     | Obj   | Subsid |       |
|--------------------------------------|-------|-------|---------|-------|--------|-------|
| 1 W/R APPLICATION - LESLIE MC CORMIC | 1238  | ___   | 550199_ | 6390  | _____  | 30.00 |
| _____                                | _____ | _____ | _____   | _____ | _____  | _____ |
| _____                                | _____ | _____ | _____   | _____ | _____  | _____ |
| _____                                | _____ | _____ | _____   | _____ | _____  | _____ |
| Total Amount:                        |       |       |         |       |        | 30.00 |

(Enter=Inq) (GOLD1=Add/Print) (GOLD2=Change) (GOLD3=Void) (GOLD5=Laser Print)  
(GOLD6=Print 2nd Copy) (GOLD7=Enter WR Nos) (GOLD8=Cancel) (Menu \_\_\_\_\_)

RECEIPT IS FROM THE STATE FILE  
Idaho Department of Water Resources  
Receipt Entry

Date: 06/21/93  
Time: 14:44:38

Receipt No: N005607 AR No: \_\_\_\_\_ Date: 06/24/1992 Payoff Part of Acct? N  
From: MC CORMICK, RICHARD \_\_\_\_\_ Payment Type: CK CHECK Doc No: 2502\_\_  
Remarks: \_\_\_\_\_

| Description        | Fund  | FD    | PCA   | Obj   | Subsid |        |
|--------------------|-------|-------|-------|-------|--------|--------|
| 4 W/R APPLICATIONS | 229   | 21    | 65102 | 1155  |        | 120.00 |
| _____              | _____ | _____ | _____ | _____ | _____  | _____  |
| _____              | _____ | _____ | _____ | _____ | _____  | _____  |
| _____              | _____ | _____ | _____ | _____ | _____  | _____  |
| Total Amount:      |       |       |       |       |        | 120.00 |

(Enter=Inq) (GOLD1=Add/Print) (GOLD2=Change) (GOLD3=Void) (GOLD5=Laser Print)  
(GOLD6=Print 2nd Copy) (GOLD7=Enter WR Nos) (GOLD8=Cancel) (Menu \_\_\_\_\_)

|                        |                                                               |                              |                         |
|------------------------|---------------------------------------------------------------|------------------------------|-------------------------|
| WR-NUMBER:<br>85-07574 | CURRENT OWNER:<br>LESLIE R MC CORMICK<br>RICHARD J MC CORMICK | PRIORITY DATE:<br>08/04/1992 | STAGE:<br>PERMIT        |
| COUNTY: NEZ PERCE      | TRIBUTARY:                                                    | DIVERSION RATE:              | DIVERSION VOLUME:       |
| SOURCE: GROUNDWATER    |                                                               |                              | PERIOD FROM: PERIOD TO: |
| WATER USE:             |                                                               |                              | 03/01 11/30             |
| IRRIGATION             |                                                               | 0.040                        | 01/01 12/31             |
| DOMESTIC               |                                                               | 0.040                        |                         |
| TOTAL:                 |                                                               | 0.040                        |                         |

CONDITIONS: 26A - 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 permit holder had no control.  
 03A - The rate of diversion of water for irrigation under this right  
 - and all other water rights on the same land shall not exceed 0.02  
 - cubic feet per second for each acre of land.

REMARKS: Domestic use is for 1 home.

*N-5607*

|                         |                                                               |                              |                         |
|-------------------------|---------------------------------------------------------------|------------------------------|-------------------------|
| WR-NUMBER:<br>85-07575  | CURRENT OWNER:<br>RICHARD J MC CORMICK<br>LESLIE R MC CORMICK | PRIORITY DATE:<br>08/04/1992 | STAGE:<br>APPLICATION   |
| COUNTY: NEZ PERCE       | TRIBUTARY: JACKS CREEK                                        | DIVERSION RATE:              | DIVERSION VOLUME:       |
| SOURCE: SPRING          |                                                               |                              | PERIOD FROM: PERIOD TO: |
| WATER USE:              |                                                               |                              | 01/01 12/31             |
| IRRIGATION STORAGE      |                                                               | 10.00                        | 03/01 11/30             |
| IRRIGATION FROM STORAGE |                                                               | 10.00                        | 01/01 12/31             |
| STOCKWATER STORAGE      |                                                               | 10.00                        | 01/01 12/31             |
| STOCKWATER FROM STORAGE |                                                               | 1.40                         | 01/01 12/31             |
| DIVERSION TO STORAGE    | 0.080                                                         |                              | 01/01 12/31             |
| TOTAL:                  | 0.080                                                         |                              |                         |

REMARKS: Stockwater use is for 10 range cattle and 4 horses.  
 Application being held pending withdrawal of drought moratorium.

*N-5607*

|                         |                                                               |                              |                         |
|-------------------------|---------------------------------------------------------------|------------------------------|-------------------------|
| WR-NUMBER:<br>85-07576  | CURRENT OWNER:<br>RICHARD J MC CORMICK<br>LESLIE R MC CORMICK | PRIORITY DATE:<br>08/04/1992 | STAGE:<br>PERMIT        |
| COUNTY: NEZ PERCE       | TRIBUTARY: SINKS                                              | DIVERSION RATE:              | DIVERSION VOLUME:       |
| SOURCE: SPRING          |                                                               |                              | PERIOD FROM: PERIOD TO: |
| WATER USE:              |                                                               |                              | 03/01 11/30             |
| IRRIGATION              |                                                               | 0.060                        | 01/01 12/31             |
| IRRIGATION STORAGE      |                                                               |                              | 03/01 11/30             |
| IRRIGATION FROM STORAGE |                                                               |                              | 01/01 12/31             |
| STOCKWATER              |                                                               | 0.040                        | 01/01 12/31             |
| STOCKWATER FROM STORAGE |                                                               |                              | 01/01 12/31             |
| TOTAL:                  | 0.060                                                         |                              |                         |

*in pond*

SPRING IN POND

spring diverted to pond - Jack  
Acute

=====

WR-NUMBER: 85-07576 (cont'd)

- CONDITIONS: 26A - 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 permit holder had no control.
- 057 - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed
  - 0.03 cubic feet per second for each acre of land.

REMARKS: Stockwater use is for 4 horses and 10 range cattle.

N-5788

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END OF REPORT