

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-14139

Priority: April 01, 2005

Maximum Diversion Rate: 0.03 CFS

This is to certify, that ALFRED HOLDEN And ANNE B HOLDEN
HC 01 BOX 24
WHITE BIRD ID 83554

have applied for a permit to appropriate water from:

Source: SALMON RIVER

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 10/31	0.03 CFS

LOCATION OF POINT OF DIVERSION:

SALMON RIVER L8 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 22, Twp 28N, Rge 01E, B.M., IDAHO County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	01E	22																	.3
																			L 8

Total Acres: 0.3

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2011**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This right when combined with all other rights shall provide no more than 0.03 cfs nor more than 1.2 afa at the field headgate for irrigation of the land described above.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and bypass requirements of the Idaho Department of Fish and Game.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12th day of January, 2006.


KARL J DREHER, Director

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JAN 11 2006

Ident. No. 79-14139

DEPARTMENT OF
WATER RESOURCES

DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- Name of Applicant ALFRED + ANNE B. HOLDEN Phone 208-839-2700
Mailing address HC 01, BOX 24, WHITE BIRD, IDAHO 83554
- Source of water supply SALMON RIVER which is a tributary of SNAKE RIVER
- Location of point of diversion is Township 28 N Range 1 E Sec. 22, in the SE $\frac{1}{4}$,
S.W $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 8, B.M., IDAHO County;

additional points of diversion if any: _____

- Water will be used for the following purposes:

Amount .03 for IRRIGATION purposes from 3/15 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

- Total quantity to be appropriated is (a) .03 and/or (b) _____
cubic feet per second acre feet per annum

- Proposed diverting works:

a. Describe type and size of devices used to divert water from the source PUMP, PIPELINES,
SPRINKLERS + DRIP SYSTEM

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

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

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

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

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WESTERN REGION

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APR 01 2005

WATER RESOURCES
WESTERN REGION

3. Description of place of use:

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

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28N	1E	22											D						

Total number of acres to be irrigated .25

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? ALFRED & ANNE B. HOLDEN
 b. Who owns the land to be irrigated or place of use? ALFRED & ANNE B. HOLDEN
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

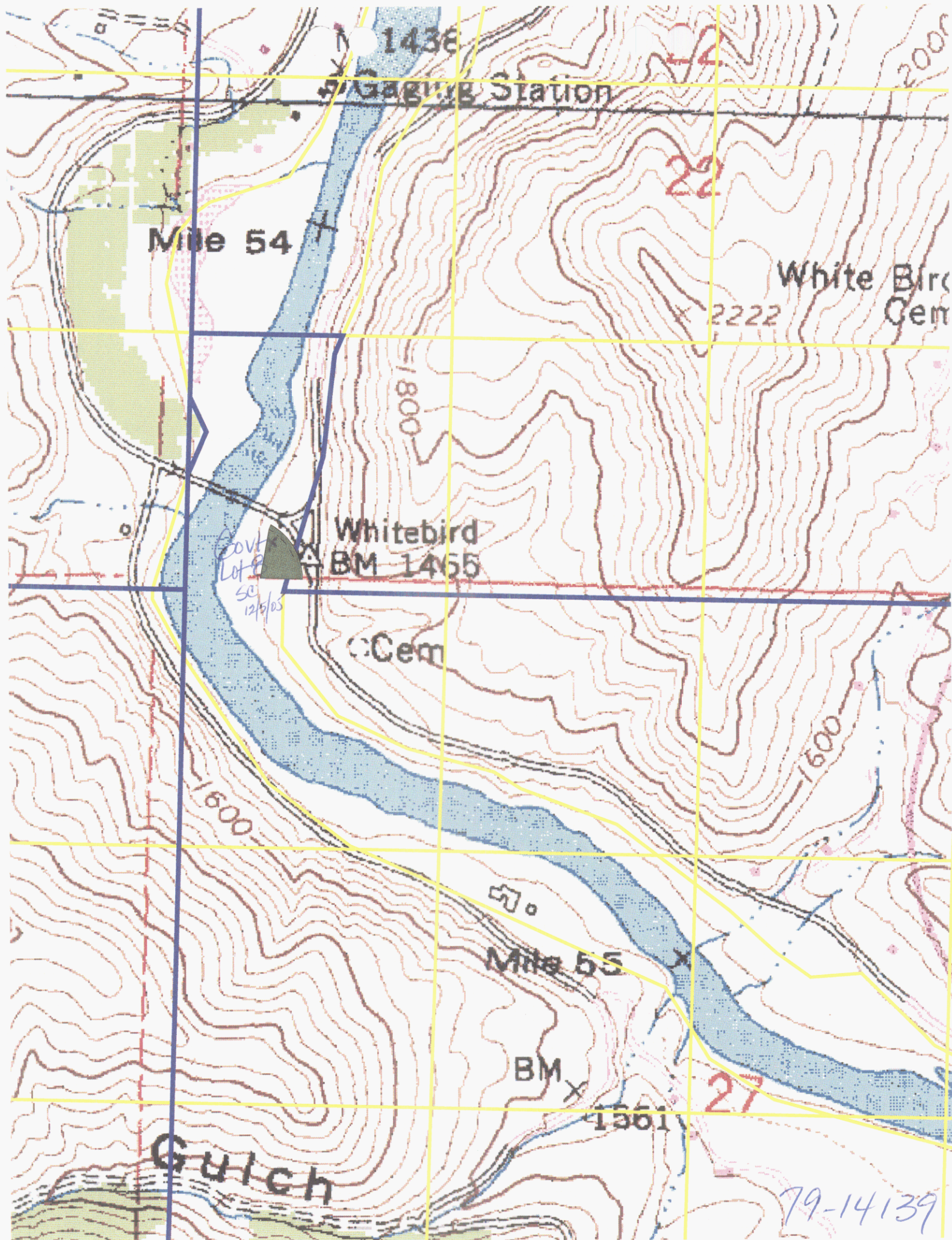
12. Remarks: LESS THAN 2,500 GALLONS/DAY IS REQUIRED TO IRRIGATE ORNAMENTAL & SHADE TREES AND SOME GRASSY CAMPGROUND AREAS NO GREATER THAN 25% OF AN AREA COMPRISING ONE ACRE.

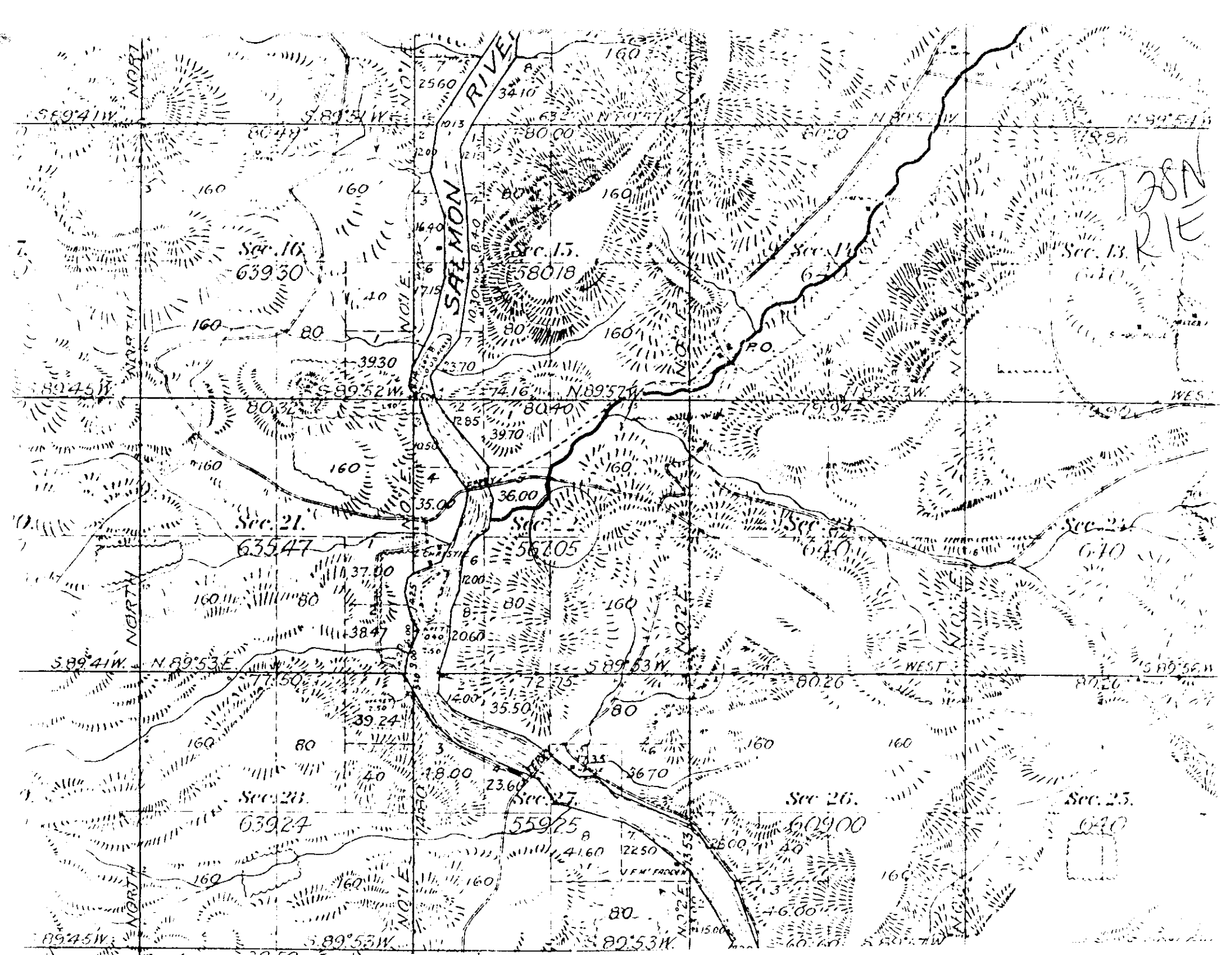
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Alfred Holden
 Signature of Applicant (and title, if applicable)

Received by DB Date 4-1-05 Time 11:00 am Preliminary check by SC
 Fee \$ 100- Receipted by DB # W032751 Date 4-1-05
 Publication prepared by AK Date 12-21-25-05 Published in EP
 Publication approved AK Date 1-9-06





REQUEST TO PROCESS

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DEC 02 2005

WATER RESOURCES
WESTERN REGION

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant

ALFRED & ANNE B. HOLDEN

Mailing Address

HC 01, BOX 24
WHITE BIRD, ID 83554

Application No.
(if known)

___ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

___ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Alfred Holden

Date

11-27-05

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 13, 2006

ALFRED HOLDEN
ANNE B HOLDEN
HC 01 BOX 24
WHITE BIRD ID 83554

RE: Permit No. 79-14139

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

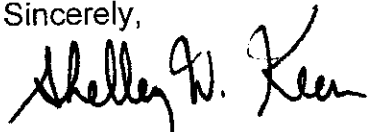
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive, flowing style.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

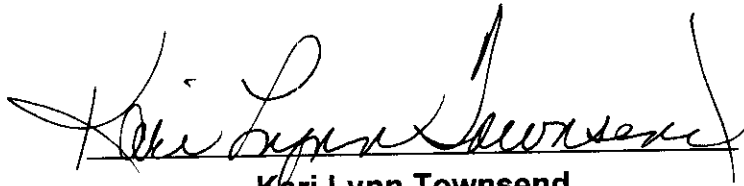
CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2006 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

79-14139

**ALFRED HOLDEN
ANNE B HOLDEN
HC 01 BOX 24
WHITE BIRD ID 83554**

A handwritten signature in black ink, appearing to read 'Kari Lynn Townsend', written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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DEC 30 2005

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Idaho - ss.

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

79-14139

ALFRED HOLDEN
HC 01 BOX 24
WHITEBIRD ID 83554
ANNE B HOLDEN
HC 01 BOX 24
WHITE BIRD ID 83554
Point(s) of Diversion L8 (SESWSW)
S22 T28N R01E IDAHO County
Source SALMON RIVER
Tributary To SNAKE RIVER
Use: IRRIGATION 03/15 To 10/15
0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 04/01/2005

Place Of Use: IRRIGATION

T28N R01E S22 SWSW Lot 8
Number of Acres 0.3

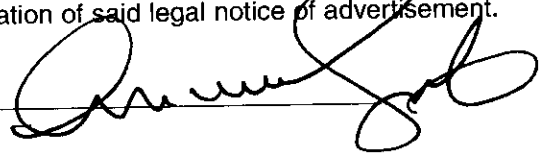
Remark: Applicant agrees to mitigate
consumptive use in the future as needed.
Permits will be subject to all prior water
rights. Protests may be submitted based
on the criteria of Sec 42-203A, Idaho
Code.

Any protest against the approval of this
application must be filed with the Direc-
tor, Dept. of Water Resource, Western
Region, 2735 Airport Way, Boise ID
83705 together with a protest fee of
\$25.00 for each application on or before
01/09/2006. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J DREHER, Director
Published in the Idaho County Free
Press on December 21 and 28, 2005.

D21-28

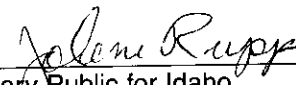
Andrew J. McNab, being first duly sworn, says he is the
Publisher of the IDAHO COUNTY FREE PRESS, a weekly news-
paper published and issued weekly at Grangeville, Idaho County,
State of Idaho, and is of general circulation in said county and
state, that the said legal notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks, being
published two times, the first publication being on the 21st
day of December, 2005; and the last publication on the 28th
day of December, 2005; and that the said legal notice was pub-
lished in the newspaper proper and not a supplement; that said
newspaper has been continuously and uninterruptedly published
in said county during a period of seventy-eight consecutive weeks
prior to the publication of said legal notice of advertisement.



STATE OF IDAHO)
COUNTY OF IDAHO)

On this 28th day of December in the year of 2005, before me a
Notary Public personally appeared Andrew J. McNab, known or
identified to me to be the person whose name subscribed to the
within instrument, and being by me first duly sworn, declared that
the statements therein are true, and acknowledged to me that he
executed the same.




Notary Public for Idaho
Residing at Grangeville, ID
My commission expires: 1-29-07

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Thursday, December 15, 2005 9:55 AM
To: 'eleitzinger@idfg.idaho.gov'
Subject: comment letters

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

December 15, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit Nos. 65-22998, 65-22999, 65-23001, 65-23002, 79-14139 and 2-10292

Dear Eric:

Attached is a copy(s) of one or more applications that may be of interest to your agency. Please review the application(s) and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of any of these applications, your written protest along with the \$25.00 protest fee for each application protested, must be received in this office by January 9, 2006.

If you have any questions regarding these applications, please contact this office at 334-2190.

Sincerely,



65-22998.pdf



65-22999.pdf



65-23001.pdf



65-23002.pdf



79-14139.pdf



2-10292.pdf

Anne and Alfred Holden
P.O. Box 150
White Bird, ID 83554

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DEC 02 2005
WATER RESOURCES
WESTERN REGION

November 30, 2005

State of Idaho
Dept of Water Resources
2735 Airport Way
Boise, ID 83705-5082

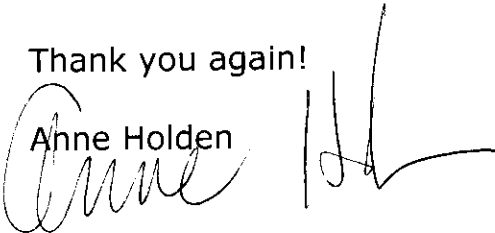
Attn: Sue Kreger and Steve Lester

I spoke with Sue today regarding the fact that the documents I mailed yesterday, within the 30 day time limit for the requested information, contained **copies**, rather than the originals sent to us from Mr. Lester. Sue was very kind, and we both agreed the originals should be sent to your office, and not kept in our files.

Consequently, attached with this letter are originals as follows:

- Application for Permit – 2 pages
- Map, in color
- Request to Process
- Idaho Department of Water Resources Receipt.

Thank you again!

Anne Holden 

Alfred & Anne B Holden
HC 01 Box 24
White Bird, ID 83554

November 27, 2005

State of Idaho
Department of Natural Resources
Western Region
2735 Airport Way,
Boise, ID 83705-5082

RE: Application of Permit

Mr. Steve Lester:

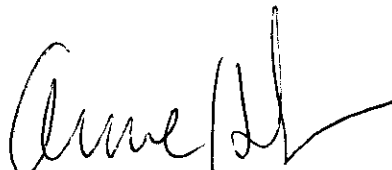
We have completed the intital processing steps including the corrections for the following items.

- 1) We have adjusted the flow rate in items 4 and 5 accordingly.
- 2) We have identified the proposed point of diversion and place of use as listed in item 13, a parcel in Section 22.
- 3) We have enclosed the Request to Process form and have marked, signed and returned the amended application.

We appreciate your remarks and notations and have entered the amended documents to your office for evaluation. Thanks for addressing these changes and we look forward to your response.

Cordially,

Alfred Holden



Anne Holden



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 2, 2005

ALFRED & ANNE B HOLDEN
HC 01 BOX 24
WHITE BIRD ID 83554

RE: Application for Permit

Dear Mr. and Mrs. Holden:

Your recent application for permit regarding Salmon River for irrigation is being processed. To assist this office in completing the initial processing steps, please address the following items.

- 1) The normal maximum rate of diversion for irrigation of 5 acres or less is 0.03 cfs per acre. Please adjust the rate in items 4 and 5 accordingly.
- 2) A map identifying the proposed point of diversion and place of use is required as listed in item 13. I am enclosing a map that identifies the parcel in Section 22 that the Idaho County Assessor's office indicates is owned by you. You will find a note on the map that outlines what you need to do in this regard. If this is not the property you are describing in the application, please make the necessary adjustments to the application and include a new map clearly identifying the point of diversion and place of use.
- 3) The enclosed Request to Process form must be marked, signed and returned to us along with the amended application.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information must be received within thirty (30)-days of the date of this letter. The application will be voided or removed from our records without a timely reply.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosures: Original Application w/ map
Request to Process Form & Explanation

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

December 14, 2005

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

RE: Application for Permit No. 79-14139

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (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 01/09/2006. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

79-14139

ALFRED HOLDEN
HC 01 BOX 24
WHITEBIRD ID 83554
ANNE B HOLDEN
HC 01 BOX 24
WHITE BIRD ID 83554

Point(s) of Diversion L8 (SESWSW) S22 T28N R01E IDAHO County Source SALMON RIVER

Tributary To SNAKE RIVER

Use: IRRIGATION 03/15 To 10/15 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 04/01/2005

Place Of Use: IRRIGATION

T28N R01E S22 SWSW Lot 8

Number of Acres 0.3

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

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, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/09/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho County Free Press on December 21 and 28, 2005.