

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 77-14216

Priority: June 29, 2005

Maximum Diversion Rate: 0.02 CFS

This is to certify, that US DEPT OF AGRICULTURE
FOREST SERVICE
161 E MALLARD STE A
BOISE ID 83706

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW¼ SE¼ Sec. 12, Twp 24N, Rge 02E, B.M. IDAHO County

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N 02E 12															X	X	
24N 02E 13		X															

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2008**.
2. Subject to all prior water rights.
3. Domestic use is for a public campground.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 29th day of September, 2005.


for KARL J DREHER, Director

RECEIVED

SEP 28 2005

Ident. No. 77-14216

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

JUN 29 2005

IDWR/North

1. Name of Applicant United States of America, USDA Forest Service Phone 208-983-1950
Post Office Address 1005 Highway 13, Grangeville, ID 83530
2. Source of water supply Groundwater which is a tributary of Sinks.
3. Location of point of diversion is Township 24N Range 2E Sec. 12, in the _____ $\frac{1}{4}$, _____ $\frac{1}{4}$, SWSE $\frac{1}{4}$, Govt. Lot _____, B.M., Idaho County; additional points of diversion, if any: _____.
4. Water will be used for the following purposes:
amount .02 for Domestic purposes from January 1 to December 31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
5. Total quantity to be appropriated is (a) .02 cubic feet per second and/or _____ acre-feet per annum.
6. Proposed diverting works:
 - a. Describe size and type of devices used to divert water from the source Well with pump to 2000 gal. storage tank.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet.
 - c. Proposed well diameter is 6 inches; proposed depth of well is 700 feet
 - d. Is groundwater with a temperature greater the 85°F being sought? ☐ Yes ☒ No
 - e. If well is already drilled, when? 10-16-2003; Drilling firm Stuivenga Vessey Drilling.
Well was drilled for (well owner) United States of America, USDA Forest Service; Drilling Permit No. 807806
7. Time required for completion of works and application of water to proposed beneficial use is 3 years (*minimum 1 year*)
8. Description of proposed uses (*if irrigation only, got to item 9*):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. Public Campground - USFS Spring Bar Campground.
 - e. Other; describe fully. _____

RECEIVED

JUL 05 2005

WATER RESOURCES
WESTERN REGION

9. Description and 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 ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
24 N	2E	12															D	D	
24 N	2E	13		D														L.I	

Total number of acres to be irrigated _____

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? United States of America
 - b. Who owns the land to be irrigated or the place of use? United States of America
 - c. If property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Remarks: _____
13. **MAP OF PROPOSED PROJECT REQUIRED** – Attach an 8 ½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle 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.

James Cottrell
Signature of Applicant (and title, if applicable)

Received by: SC Date 6/29/05
 Prelim. check by SC Fee \$ 100.00
 Receipted by SC # N017008
 Publication prepared by FE
 Published in Idaho County Free Press
 Publication Approved AK

Time 11:30a
 Date 6/29/05
 Date 8/31/05
 Date 9/7 & 14/05
 Date 9-26-05

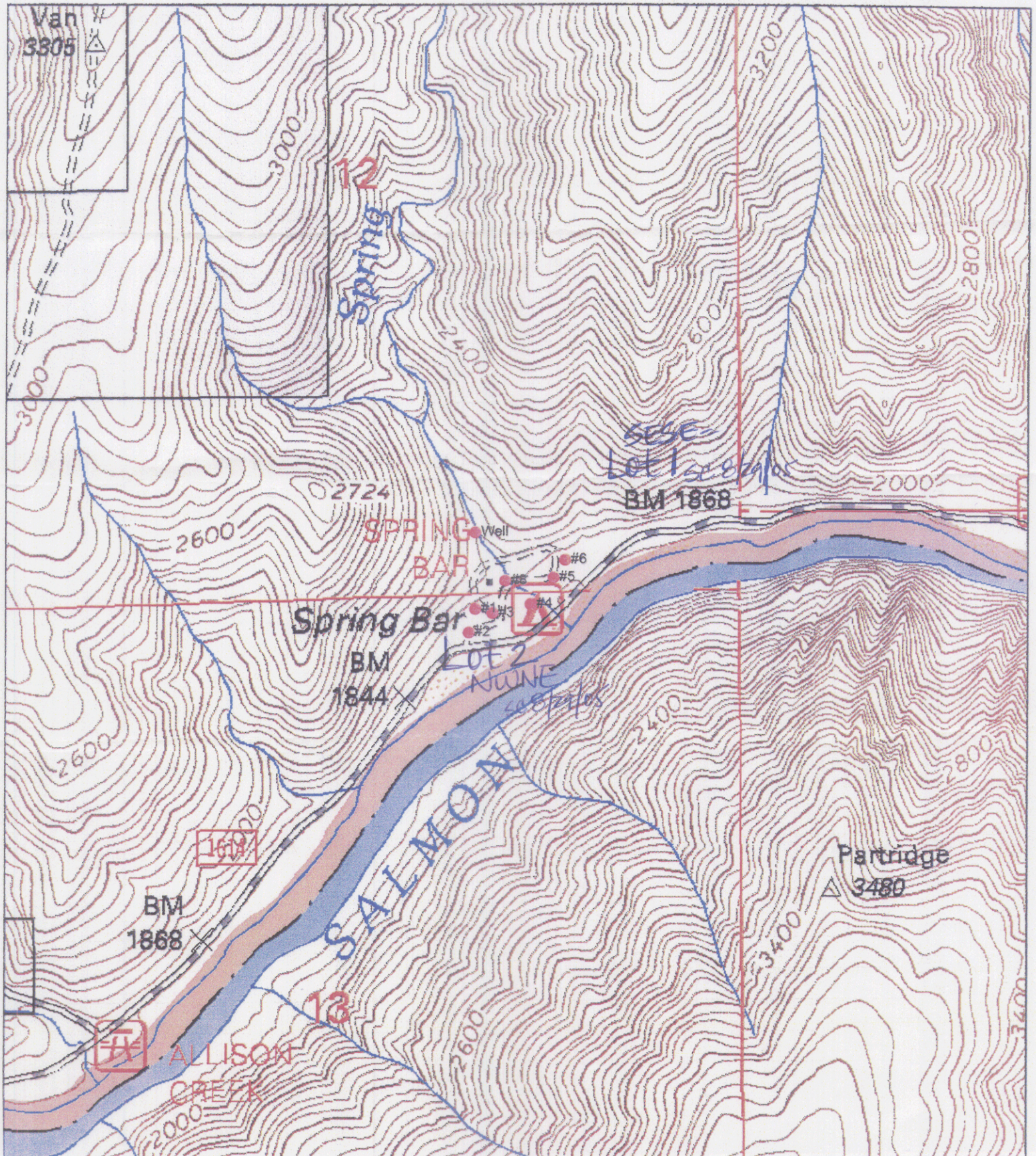
T24N, R2E,
Spring Bar
campground Well

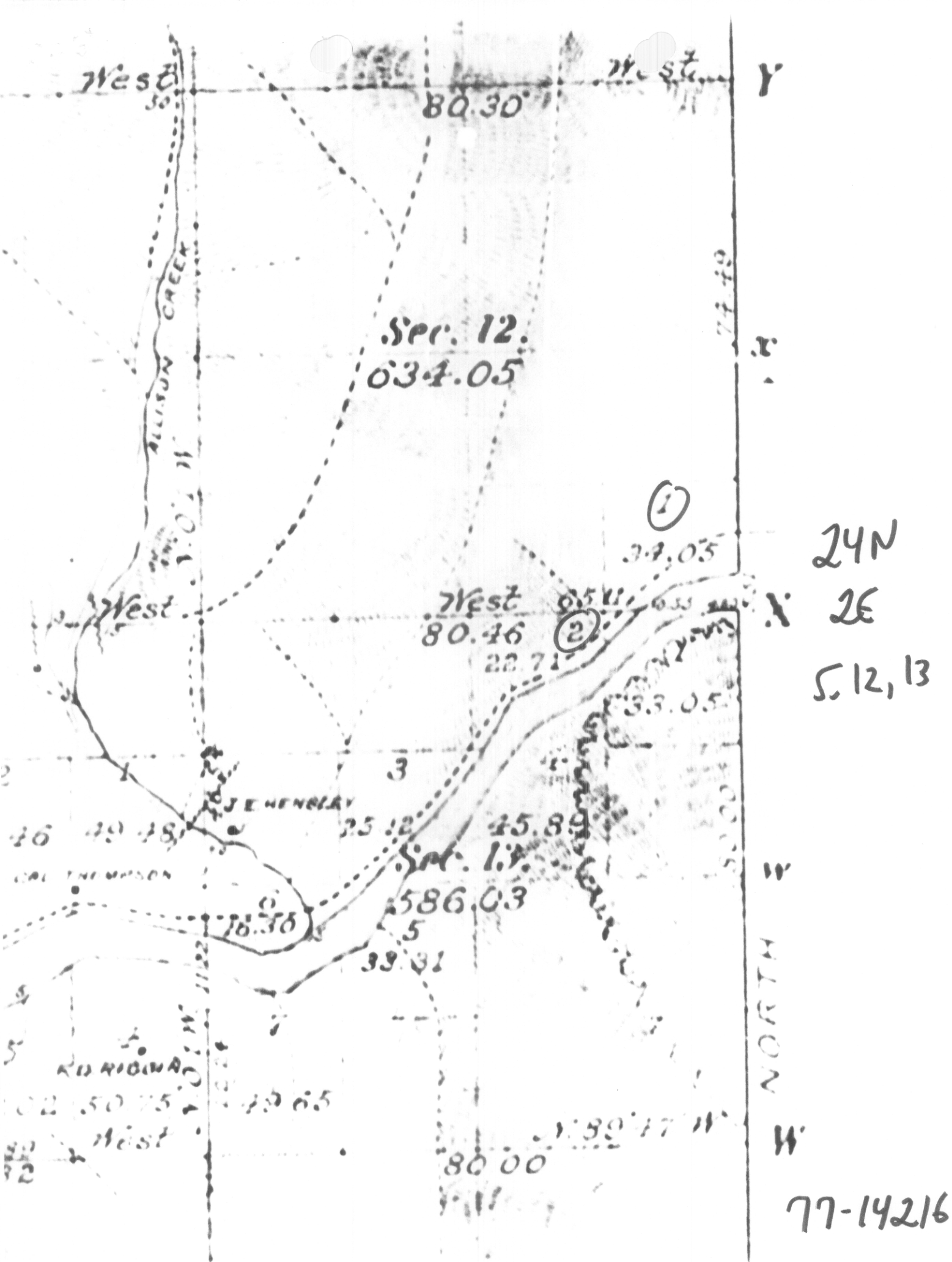
Nez Perce National Forest

GPS positions - NAD 83

1:10,000

77-14216





**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

September 29, 2005

US DEPT OF AGRICULTURE
FOREST SERVICE
161 E MALLARD STE A
BOISE ID 83706

RE: Permit No. 77-14216

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.

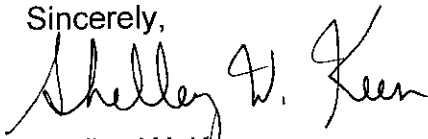
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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, reading "Shelley W. Keen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:kit

Enclosure(s)

cc: US DEPT OF AGRICULTURE

CERTIFICATE OF SERVICE

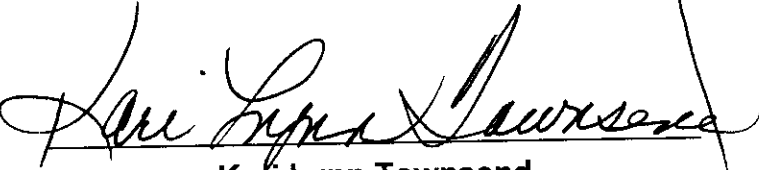
I hereby certify that on September 29, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

77-14216

**US DEPT OF AGRICULTURE
FOREST SERVICE
161 E MALLARD STE A
BOISE ID 83706**

**US DEPT OF AGRICULTURE
FOREST SERVICE
NEZ PERCE NATIONAL FOREST
RT 2 BOX 475
GRANGEVILLE ID**



**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.

M E M O R A N D U M

Date: September 28, 2005
To: Water Right File 77-14216
From: eretelle
Re: permit review

Salmon/CW moratorium area - exempt GW.

No water district.

No protests. PoU overlap with 77-10914. Couple of stock water rights in same QQ as well.

Recommend approval as suggested by IDWR Northern.

RECEIVED

SEP 22 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:

77-14216
US DEPT OF AGRICULTURE
FOREST SERVICE
161 E MALLARD STE A
BOISE ID 83706
Point(s) of Diversion SWSE S12 T24N
R02E IDAHO CountySource GROUND
WATER

Use: DOMESTIC-01/01 To 12/31 0.02
CFS

Total Diversion: 0.02 CFS

Date Filed: 06/29/2005

Place Of Use: DOMESTIC

T24N R02E S12 SWSE SESE

T24N R02E S13 NWNE

Remark: Place of use known as Spring
Bar Campground.

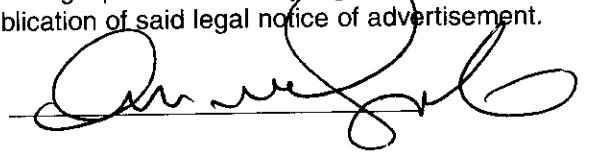
Permits will be subject to all prior water
rights. Protests may be submitted based
on the criteria of Sec 42-203A, Idaho
Code.

Any protest against the approval of this
application must be filed with the Direc-
tor, Dept. of Water Resource, Western
Region, 2735 Airport Wy, Boise ID
83705 together with a protest fee of
\$25.00 for each application on or before
09/26/2005. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J DREHER, Director
Published on 9/7 and 9/14/2005

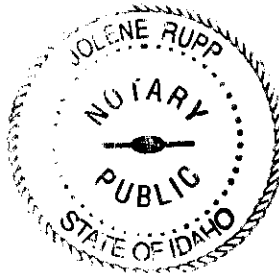
S7-14

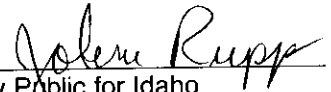
Andrew J. McNab, being first duly sworn, says he is the
Publisher of the IDAHO COUNTY FREE PRESS, a weekly news-
paper published and issued weekly at Grangeville, Idaho County,
State of Idaho, and is of general circulation in said county and
state, that the said legal notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks, being
published two times, the first publication being on the 7th
day of September, 2005; and the last publication on the 14th
day of September, 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 14th day of September 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: 7-29-07



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

September 1, 2005

STEVE RAE
ID DEPT ENVIRONMENTAL QUALITY
1445 N ORCHARD
BOISE ID 83706-2239

Re: Application No(s). 77-14216

Dear Mr. Rae:

Attached are copies of one or more applications that may be of interest to you and/or to a local District Health office should you choose to delegate review of the application(s) to that organization. Please contact the applicant(s) if your agency and/or District Health have concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency and/or a local District Health office desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by September 12, 2005.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

Lester, Steve

From: Lester, Steve
Sent: Wednesday, August 31, 2005 2:39 PM
To: 'ndonaldson@eaglenewspapers.com'
Subject: Legal Ads

Folks:

Attached is information for a legal notice to publish on September 7 and 14, 2005. Please confirm if everything looks ok to publish then.

Thanks.

Steve Lester
Water Rights Supervisor
IDWR Western Region
tel. 208-334-2190
steve.lester@idwr.idaho.gov



77-14216
letter.RTF



77-14216
ad.RTF

Legal notice 8/31/05

August 31, 2005

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

RE: Application for Permit No. 77-14216

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 09/26/2005. Your cooperation is appreciated.

Sincerely

 Steve Lester
Water Rights Supervisor

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

77-14216

US DEPT OF AGRICULTURE
FOREST SERVICE
161 E MALLARD STE A
BOISE ID 83706

Point(s) of Diversion SWSE S12 T24N R02E IDAHO County Source GROUND WATER

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

Total Diversion: 0.02 CFS

Date Filed: 06/29/2005

Place Of Use: DOMESTIC

T24N R02E S12 SWSE SESE

T24N R02E S13 NWNE

Remark: Place of use known as Spring Bar Campground.

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 Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/26/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 9/7 and 9/14/2005



United States
Department of
Agriculture

Forest
Service

Nez Perce National Forest

2005 Highway 13
Grangeville, ID 83530
208 983-1950
208 983-2280 TTY

File Code: 2540

Date: June 28, 2005

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd., Suite 210
Couer d'Alene, ID 83814

RECEIVED
JUN 29 2005
IDWR/North

RECEIVED
JUL 05 2005
WATER RESOURCES
WESTERN REGION

Greetings:

Please find enclosed an Application for Permit to appropriate waters for two domestic wells. One well is located at O'Hara Creek Campground near the Fenn Ranger Station and the other is at Spring Bar Campground located near Riggins. The wells have already been drilled under Drilling Permit No. 807055 and 807806.

Enclosed is a check for \$200.00 to cover the permit filing fees. If you have any questions regarding this application, please contact Patty Clark or Mike Shoup of this office at (208) 983-1950.

Sincerely,

Jane L. Cottrell
JANE L. COTTRELL
Forest Supervisor

Enclosures

Cc: Patty Clark

1 Northern (O'Hara Creek CG)
1 Western (Spring Bar CG)
-JL



Caring for the Land and Serving People

Printed on Recycled Paper



Idaho Department of Water Resources Receipt

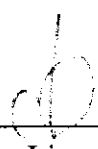
Receipt ID N017008

Payment Amount \$200.00 Date Received 6/29/2005 11:34:01 AM Region Northern Status ☐
Payment Type Check Check Number 1554

Payer USDA NEZ PERACE NATIONAL FOREST
Comment 2 WR PERMIT APP FEES - FOREST SERVICE - GROUNDWATER

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$200.00	PERMITS	0229	21	65103	1155


Signature Line (Dept. Representative)