



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

July 19, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

John A and/or Susan I Simpson
774 Lemhi Rd
Salmon ID 83467

RE: Application for Permit

Dear Mr. Simpson:

This letter to give you the full explanation of the Moratorium you are under for your Application for Permit. Below are the two moratoriums where you are:

Salmon Clearwater Moratorium:

Applies to surface water only. The Moratorium does not apply to domestic uses as defined in Section 42-111, Idaho Code. (The statutory exemption for domestic use is interpreted to apply only to groundwater; however, for moratorium purposes, surface water will also be exempt.) Non-consumptive use exempt. Storage - permitted if non-consumptive use and reservoir surface area does not exceed 1/2 acre.

Wilderness Area:

See the November 5, 1999, guidance memo from Norm Young to Water Management Division staff and also the 9/1/2004 note below. Applications seeking to appropriate water within the above described areas can be filed with the department. The department will receipt the properly filed applications to allow a priority date to be established, but processing of all applications will be suspended until the moratorium is lifted or modified.

The moratorium order does not apply to any application proposing only a non-consumptive use of water. Prior to 9/1/2004 IDWR authorized domestic use only if there will be no associated irrigation or other consumptive components. Because the stipulated agreement for the Wild and Scenic River claim on the Salmon River leaves a large block of water to be developed, IDWR will now issue permits for domestic use including up to half an acre of irrigation.

The moratorium provides that an application that otherwise would not be processed under terms of the moratorium order may be considered on a case-by-case basis if the Director determines that use of the water pursuant to the application would have no effect on other water rights due to the location of use or the effect on other water rights would be offset through mitigation. Careful consideration will be given before processing an application under this provision because of the apparent lack of any unappropriated water and

Page 2
John A Simpson

because the moratorium covers the entire basin upstream from the lower end of the wilderness areas.

I have data entered your application into our database and will place your file in the Moratorium hold file. If the moratorium is lifted, your application would be processed with the priority date of March 28, 2005.

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

Sincerely,

Sharla Cox
Administrative Assistant