

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-14097

Priority: July 29, 2004

Maximum Diversion Rate: 0.04 CFS

This is to certify, that DONALD SICKELS And/Or CHARLOTTE SICKELS
PO BOX 6
WHITE BIRD ID 83553

have applied for a permit to appropriate water from:

Source: WHITE BIRD CREEK

Tributary: SALMON 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>
STOCKWATER	03/15 to 10/31	0.02 CFS
DOMESTIC	03/15 to 10/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

WHITE BIRD CREEK SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 28N, Rge 01E, B.M., IDAHO County

PLACE OF USE: STOCKWATER & 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	
28N 01E 14												X					

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2007**.
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. Domestic use is for external use for 1 home.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
6. Lawn irrigation under this right is authorized only in connection with a home.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
8. Stockwater use is for 5 range cattle.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
10. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 10th day of May, 2005.


for **KARL J DREHER, Director**

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m
9

FORM 202
12/99

JUL 29 2004

WATER RESOURCES
WESTERN REGION

RECEIVED
Telephone: 208-333-2222

Ident. No. 79-14097

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant DONALD & CHARLOTTE SICKELS Phone 208-839-2653
Mailing address PO BOX 6 WHITE BIRD ID 83553 208-983-1050 ext 100 wk
2. Source of water supply WHITE BIRD CREEK which is a tributary of SALMON RIVER
3. Location of point of diversion is Township 28N Range 1E Sec. 14 in the SW $\frac{1}{4}$,
SW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot _____, B.M., IDAHO County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .02 for Stock W purposes from 3/15 to 11/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 .02 for Domestic purposes from 3/15 to 10/31 (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)
5. Total quantity to be appropriated is (a) .09 .04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source _____
1 1/2 HP Pump, 1 1/2 line to yard and livestock water tank
 - b. Height of storage dam 0 feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
 - c. Proposed well diameter is 0 inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? 0; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 2 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. _____
 - b. Stockwatering; list number and kind of livestock. 1 to 5 beef stock
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. 1 yard
 - e. Other; describe fully. _____

we agree to the following
application changes.
2-14-05 Date

Charlotte Sickels

RECEIVED

MAR 14 2005

WATER RESOURCES
WESTERN REGION

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	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	14											P/2						1/2 Domestic
28N	1E	14											S						

Total number of acres to be irrigated 1/2 Domestic

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? STATE OF IDAHO CITY OF WHITEBIRD
- b. Who owns the land to be irrigated or place of use? Don & Charlotte Sickels
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: None

12. Remarks: DOMESTIC USE IS FOR LAWN IRRIGATION ONLY, NOT TO EXCEED 1/2 ACRE.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"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.

Charlotte Sickels
Signature of Applicant (and title, if applicable)

Received by KL Date 7/29/04 Time 7:11:46 Preliminary check by G
 Fee \$ 230.00 Received by KL # W032065 Date 7/29/04
 Publication prepared by sk Date 4-6-13-05 Published in FP
 Publication approved sk Date 4-26-05

White

ph-x

ph

625

T28N R1E S14
SWSW SE5W

200

Dennis L. Albers

ATTORNEY AT LAW
P.O. BOX 314
GRANGEVILLE, IDAHO 83530

KAMIAH OFFICE
Phone (208) 936-2161

GRANGEVILLE OFFICE
401 W. NORTH
Phone (208) 983-2310
Fax (208) 983-1401

10 March, 2005

RECEIVED

MAR 14 2005

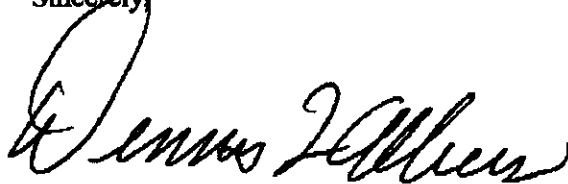
WATER RESOURCES
WESTERN REGION

Don and Charlotte Sickels
White Bird, Idaho

Dear Mr. and Mrs. Sickels:

This letter will provide you with written confirmation that I have been generally authorized by the White Bird City Council to create a right of way document allowing you to cross certain city streets and alleys with piping, which will allow you to transport irrigation water to your property from White Bird Creek. I need some more specific detail from the City Clerk and you to describe the exact route, but I do know that the City wants the pipes buried to a depth of 2 feet and as soon as we clear up the exact route the Council has already authorized the execution of a formal document. I hope this is sufficient for your purposes at the current time.

Sincerely,



DENNIS L. ALBERS
White Bird City Attorney

DLA:law

**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

May 11, 2005

DONALD SICKELS
CHARLOTTE SICKELS
PO BOX 6
WHITE BIRD ID 83553

RE: Permit No. 79-14097

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.

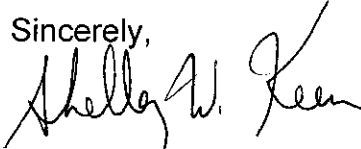
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

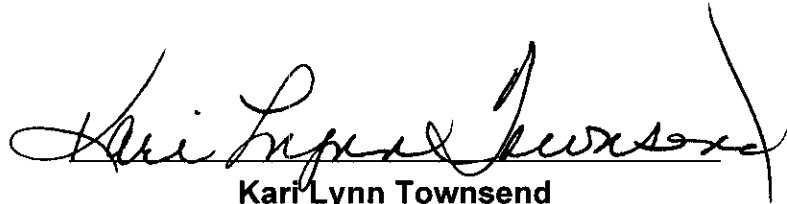
CERTIFICATE OF SERVICE

I hereby certify that on May 11, 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.

79-14097

**CHARLOTTE SICKELS
DONALD SICKELS
PO BOX 6
WHITE BIRD ID 83553**



**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.

Comment Report

79-14097

1. kwalker 5/4/2005 POD

Comment: Updated shape

2. kwalker 5/4/2005 POU

Comment: Updated Shape

3. kwalker 5/4/2005 POU

Comment: Updated Shape

4. Igraves 3/15/2005 Comment/Analysis

Comment: The uses listed on this application are exempt from the Salmon River Moratorium. The proposed p/d is on City property. Applicants obtained authorization from City Council for the proposed diversion. A confirmation letter from the Whitebird City Attorney is attached. Municipal water is used for internal domestic use. Year around use was not proposed because applicants stated that they plan to pull their pump in the fall to avoid damage from frost.

5. kwalker 5/4/2005 Permit Review

Comment: Made place of use shape based on tax lot info rather than entire 40 acre tract. Application is in Salmon Clearwater moratorium area but is exempt so can be processed. Recommend approval.

RECEIVED

APR 18 2005

WATER RESOURCES
WESTERN REGION

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

79-14097

DONALD SICKELS
PO BOX 6
WHITE BIRD ID 83553
CHARLOTTE SICKELS
PO BOX 6
WHITE BIRD ID 83553
Point(s) of Diversion SWSW S14T28N
R01E IDAHO County Source WHITE
BIRD CREEK

Tributary To SALMON RIVER
Use: STOCKWATER 03/15 To 10/31
0.02 CFS
Use: DOMESTIC 03/15 To 10/31
0.02 CFS

Total Diversion: 0.04 CFS
Date Filed: 07/29/2004
Place Of Use: STOCKWATER
T28N R01E S14 SWSW
Place Of Use: DOMESTIC
T28N R01E S14 SWSW

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
04/25/2005. 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 April 6 and 13, 2005.

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

78-12226

CLIFF MEAD
PO BOX 367
RIGGINS ID 83549
MARSHA MEAD
PO BOX 367
RIGGINS ID 83549
Point(s) of Diversion SENWNE S17
T24N R01E IDAHO County Source
SPRING

Tributary To SQUAW CREEK
Use: STOCKWATER 01/01 To 12/31
0.02 CFS

Total Diversion: 0.02 CFS
Date Filed: 10/07/2004
Place Of Use: STOCKWATER
T24N R01E S17 NWNE

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
04/25/2005. 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 April 6 and 13, 2005.

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

79-14115

RICK L ALLEY
PO BOX 51
WHITE BIRD ID 83554
Point(s) of Diversion SESW S14 T28N
R01E IDAHO County Source WHITE
BIRD CREEK
Tributary To SALMON RIVER
Use: DOMESTIC 01/01 To 12/31
0.02 CFS

Total Diversion: 0.02 CFS
Date Filed: 02/22/2005
Place Of Use: DOMESTIC
T28N R01E S14 SESW
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
04/25/2005. 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 April 6 and 13, 2005.

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AFFIDAVIT OF PUBLICATION

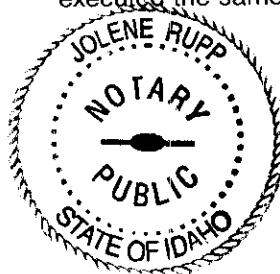
STATE OF IDAHO
County of Idaho - ss.

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 6th
day of April, 2005; and the last publication on the 13th day of
April, 2005; and that the said legal notice was published 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.

Andrew J. McNab

STATE OF IDAHO)
COUNTY OF IDAHO)

On this 13th day of April in the year of 2005, before me a Notary
Public personally appeared Andrew J. McNab, known or identi-
fied to me to be the person whose name subscribed to the with-
in instrument, and being by me first duly sworn, declared that the
statements therein are true, and acknowledged to me that he
executed the same.



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

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Monday, April 04, 2005 10:56 AM
To: 'eleitzin@idfg.state.id.us'
Subject: comment letters

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

April 4, 2005

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

I have quite a few again so I will try half at a time. 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 April 25, 2005.

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

Sincerely,



67-14496.pdf



71687.pdf



78-12226.pdf



79-14097.pdf



79-14115.pdf

Kreger (Taylor), Sue

From: Kreger (Taylor), Sue
Sent: Monday, April 04, 2005 10:59 AM
To: 'eleitzin@idfg.state.id.us'
Subject: comment letters (page 2)



61-12062.pdf



63-32066.pdf



65-22941.pdf



65-22942.pdf

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

March 30, 2005

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

RE: Application for Permit No. 79-14097, 79-14115 and 78-12226

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 04/25/2005. 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:

79-14097

DONALD SICKELS
PO BOX 6
WHITE BIRD ID 83553
CHARLOTTE SICKELS
PO BOX 6
WHITE BIRD ID 83553

Point(s) of Diversion SWSW S14 T28N R01E IDAHO County Source WHITE BIRD CREEK
Tributary To SALMON RIVER

Use: STOCKWATER 03/15 To 10/31 0.02 CFS

Use: DOMESTIC 03/15 To 10/31 0.02 CFS

Total Diversion: 0.04 CFS

Date Filed: 07/29/2004

Place Of Use: STOCKWATER

T28N R01E S14 SWSW

Place Of Use: DOMESTIC

T28N R01E S14 SWSW

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 04/25/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

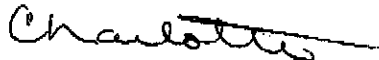
Published in the Idaho County Free Press on April 6 and 13, 2005.

Date: 3/10/2005
To: Lori Graves, Dept Water Resources
Cc: [Click here and type names]
From: Charlotte Sickels
RE: Water Permit

We have received permission to go through the alley and cross Main Street in White Bird. The White Bird City Council gave permission and we are now waiting for the City's lawyer to put it in writing. Dennis Albers (city lawyer) has been ill but is now back at work. The city has a council meeting tonight and we are hoping to get the letter to attach with the revised permit.

If you have any questions regarding this matter, please contact me. 208-983-1050 Ext 100

Thank you,


Charlotte Sickels

PO Box 6

White Bird, ID 83554

208-839-2653

Thanks



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 10, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Donald and Charlotte Sickles
PO Box 6
White Bird ID 83553

Re: Application for Permit 79-14097

Dear Applicants:

This office recently received your Application for Permit seeking a new water right. Your proposal involves a point of diversion on public land administered by the State of Idaho. Apparently you do not have the necessary approval from that State of Idaho to operate on public land.

Typically in the past, public land management agencies have protested new applications involving public land. The agencies have done this to ensure that their requirements under federal and/or state law have been satisfied (special use permit, right-of-way etc.). Typically these agencies have withdrawn protests once those requirements have been met or, in some cases, once sufficient progress in that regard has been achieved.

To avoid a lengthy and sometimes costly application protest process in your case, the Idaho Department of Water Resources (IDWR) suggests you contact the State of Idaho to obtain approval to operate on public land.

Please provide written confirmation from the State of Idaho that you have either:

1. Obtained written approval from that State of Idaho to legally enter the public land for the purposes stated in your application; or
2. Made sufficient progress in obtaining that approval to allow the State of Idaho to forego protesting your application.

IDWR will process your application upon receiving the above referenced confirmation. This should avoid a protest based on State of Idaho land ownership or land access concerns. IDWR will process your application even without receiving the confirmation, although that option practically ensures a protest will be filed.

12/10/04

Page 2

Based on telephone conversations with Charlotte, clarifications have been made to your application. Please initial and date the bottom left corner on the enclosed original application where indicated to confirm the changes. Also indicate on the attached "blown up" topo map where the place of use and point of diversion are proposed.

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. Please submit your written response including the requested information, or a request for more time to seek the information along with the initialed original application within ninety (90) days of the date of this letter.

Please call me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Lori Graves

Sr. Water Resource Agent

Enclosure: Original Application/Topo Maps