

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 79-14115

Priority: February 22, 2005

Maximum Diversion Rate: 0.02 CFS

This is to certify, that RICK L ALLEY
PO BOX 51
WHITE BIRD ID 83554

has 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>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT OF DIVERSION:

WHITE BIRD CREEK SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Twp 28N, Rge 01E, 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	
28N 01E 14													X				

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for external use for 1 home.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. 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.

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.


KARL J DREHER, Director

RECEIVED

RECEIVED

FORM 202
12/99

FEB 22 2005

APR 28 2005

Ident. No. 79-14115

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
Department of Water Resources

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Rick L. Alley Phone 839-9404
Mailing address P.O. Box 51 White Bird Id. 83554 839-2293 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 SE SW Govt. Lot Idaho County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .02 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 1/2 horse pump
1/2 HP pump 1 1/2 pipe to yard
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 1 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. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. 1 yard
e. Other; describe fully. _____

AMENDED

✓
RECEIVED

MAR 16 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	14											D	D					Domestic

Total number of acres to be irrigated 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? Water for in house use is city water

b. Who owns the land to be irrigated or place of use? Rick Alley

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: Domestic Use is for house irrigation only
not to exceed 1/2 ac

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.

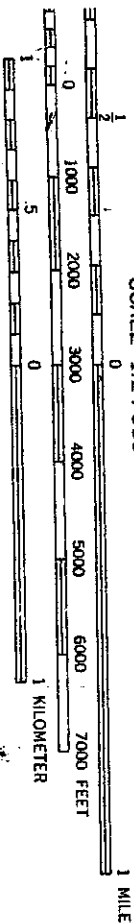
X Rick Alley

Signature of Applicant (and title, if applicable)

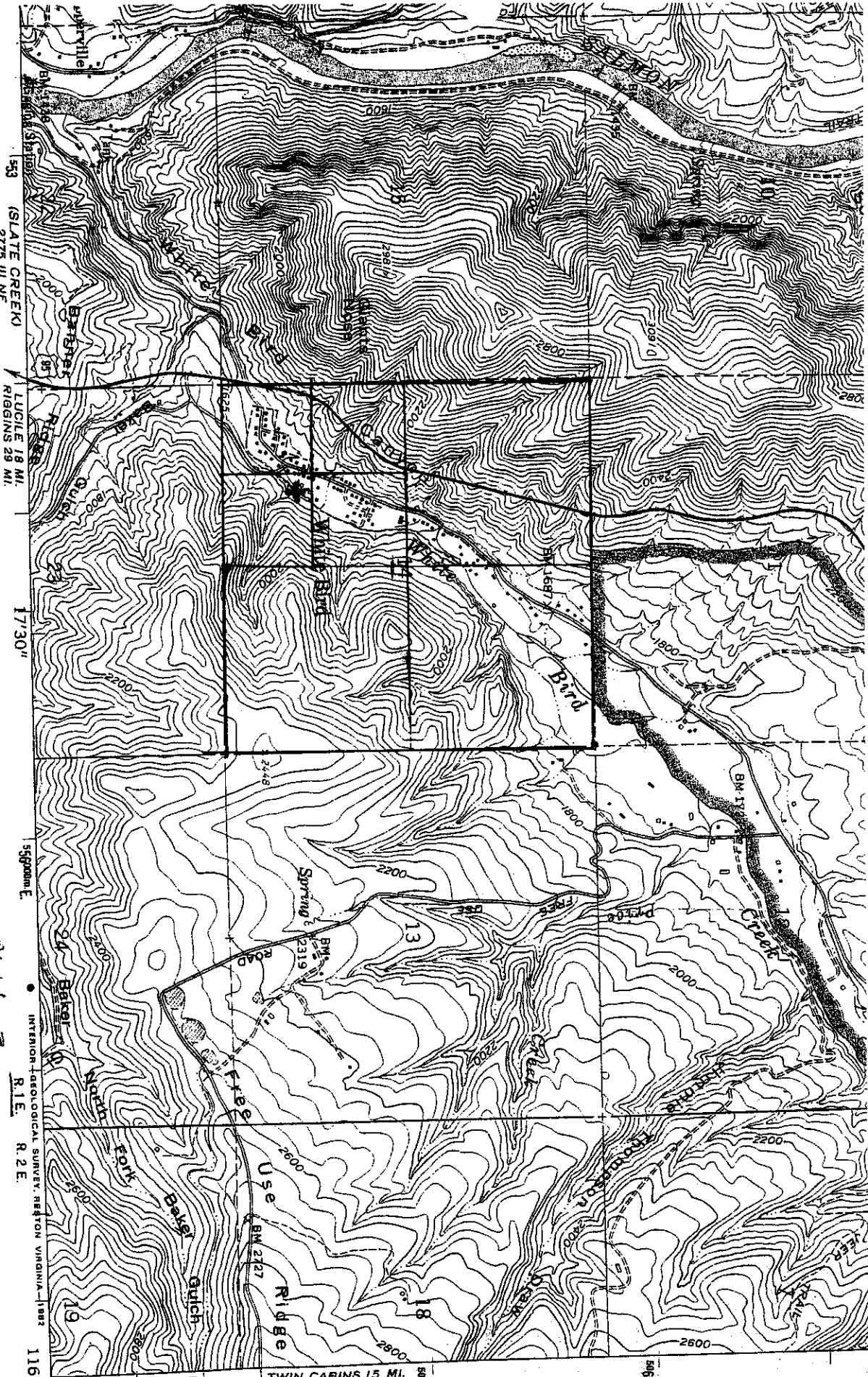
Received by AD Date 2-22-05 Time 1:30 pm Preliminary check by DAN
Fee \$ 250- Receipted by AD # W0326/4 Date 2-22-05
Publication prepared by AK Date 4-6-05 Published in Pf
Publication approved AK Date 4-26-05

THIS MAP PLIES WITH NATIONAL MAP ACCURACY STANDARDS
 U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 OR RESTON VIRGINIA 22092

CONTOUR INTERVAL 40 FEET
 DOTTED LINES CROSSING RIVERS REPRESENT 20-FOOT CONTOURS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



SCALE 1:24 000



QUADRANGLE LOCATION

visions shown in purple compiled from aerial
 photographs taken 1979 and other source data. This

ROAD CLASSIFICATION
 Medium-duty
 Unimproved dirt
 Light-duty
 U.S. Route
 Heavy-duty

WHITE BIRD, IDAHO

N4545-W1-77.5

1043

79-14115

**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

RICK L ALLEY
PO BOX 51
WHITE BIRD ID 83554

RE: Permit No. 79-14115

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.

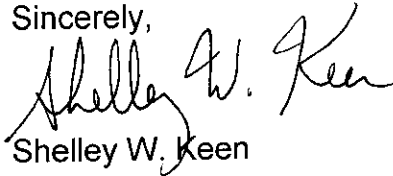
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

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)

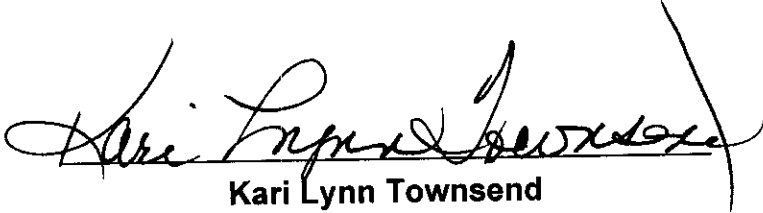
CERTIFICATE OF SERVICE

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.

79-14115

**RICK L ALLEY
PO BOX 51
WHITE BIRD ID 83554**



**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

79-14115

1. kwalker 5/5/2005 POD

Comment: Updated shape

2. kwalker 5/5/2005 POD

Comment: Updated PLS

3. kwalker 5/5/2005 POU

Comment: Updated Shape

4. dnelson 3/23/2005 Comment/Analysis

Comment: This application proposes to divert water from White Bird Creek to irrigate the applicants domestic lawn under ½ acre. There are no significant overlapping water rights, and the City of White Bird supplies the in-house water needs. This application is in the Salmon River moratorium area, but it is an exempt domestic use.

5. kwalker 5/5/2005 Permit Review

Comment: Application falls within Salmon Clearwater moratorium area but is for domestic use and is exempt from being held. 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.

A6-13

✓ sk

AFFIDAVIT OF PUBLICATION

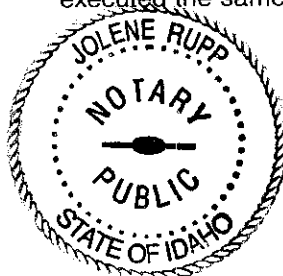
STATE OF IDAHO
County of Idaho - ss.

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:

79-14115

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 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.

Nelson, Dan

From: Graham, Bill
Sent: Monday, March 28, 2005 10:27 AM
To: Nelson, Dan
Subject: RE: Application for Permit on White Bird Creek

Dan - Thanks for the opportunity to review. Glad you are keeping an eye on the MSFs being set through the Nez Perce Agreement. This will have a minimum stream flow under the Nez Perce Agreement following Tribal sign-off. However, at this time it is not yet implemented. Therefore, no special conditions are currently necessary.

Regards - BG

-----Original Message-----

From: Nelson, Dan
Sent: Thursday, March 24, 2005 9:58 AM
To: Graham, Bill
Subject: Application for Permit on White Bird Creek

Hello Bill,

I have an application for a domestic irrigation use, for yard irrigation on White Bird Creek. The point of diversion is just over a mile upstream from the Salmon River. It is also in the town White Bird. Please let me know if you have any comments.

Thank you << File: rick alley app_1.jpg >> << File: rick alley app_2.jpg >> << File: rick alley app_3.jpg >>

Dan Nelson
Western Region

ROUTING SLIP

DISTRIBUTION	PROVIDED FOR YOUR:	
DATE: March 17, 2005	INFORMATION	
TO: FISCAL DEBBIE ALLEN	COMMENTS	
FROM: DANIEL A. NELSON WESTERN REGION	APPROVAL	YES
	SIGNATURE	
SPECIAL NOTES: Debbie could you please refund this receipt. The applicants filed an application for transfer and then withdrew it. Thank you Dan Nelson Western		

MEMORANDUM

TO: IDWR FISCAL DEPT. - ATTN: DEBBIE ALLEN

FROM: DANIEL A. NELSON - SENIOR AGENT

DATE: March 17, 2005

SUBJECT: REFUND OF APPLICATION FOR PERMIT FEE

Please refund \$ 150.00 of the \$ 250.00 received for receipt number W032614 paid by Silver Dollar Bar/ Rick Alley for an application for permit. The application for permit is for domestic use for 0.02 cfs, which requires a \$100.00 fee. The applicant paid \$250.00 for this application, which is much more than is required for this diversion rate.

The following is the necessary information.

RECEIPT -- # W032614 (Copy of receipt included)

AMOUNT OF REFUND -- \$ 150.00

ADDRESS -- RICK L ALLEY
PO BOX 51
WHITE BIRD, IDAHO 83554

The receipt should read as follows:

Description	Fund	FD	PCA	Obj	Subsid	Amount
Application for Permit	229	21	62103	1155		100.00
Total Amount						100.00

Thank you for your time and effort. If you have any questions please contact me at the Western Office of IDWR.

Sincerely,

DATE

Daniel A. Nelson
Senior Agent

Idaho Department of Water Resources Receipt

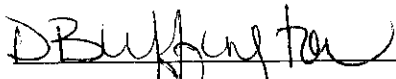
Receipt ID W032614

Payment Amount \$250.00 Date Received 2/22/2005 2:52:51 PM Region Western Status 
Payment Type Check Check Number 3157

Payer SILVER DOLLAR BAR / RICK ALLEY
Comment APPLICATION FOR PERMIT: RICK ALLEY 


Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$250.00	PERMITS	0229	21	62103	1155



Signature Line (Dept. Representative)

I was told that the
fee was \$250 so that is
what I sent. If it is only
\$100 then I would like
a refund please.

Rich Lilley

RECEIVED

MAR 16 2005

WATER RESOURCES
WESTERN REGION



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

March 9, 2005

RICK L. ALLEY
PO BOX 51
WHITE BIRD ID 83554

RE: APPLICATION FOR PERMIT TO WATER FROM WHITE BIRD CREEK

Dear Mr. Alley:

Your application for permit for domestic use from White Bird Creek was received on 2/22/2005. My initial review of the application revealed that several components were not completed and some clarification of the information is needed. The following issues need to be clarified:

- 1.) You neglected to include the 40-acre tract legal description in Section 3 of the application. This would include a $\frac{1}{4}$ $\frac{1}{4}$ definition. Judging from the map you supplied and our mapping capabilities, it appears that your point of diversion would be located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14. Please place the place the correct legal description where indicated on the application.
- 2.) The county designation was not included on your application. It appears that you live in Idaho County. Please include the county in the proper place.
- 3.) In Section 9, you list the place or use or the place where the irrigation will occur as being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14. However, your map and our tax lot information places your property in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14. This is the same location as your point of diversion.
- 4.) In section 10, you state that there are no other domestic rights serving your in-home use. It seems from the application you are not seeking to divert the water for in-house use. Therefore, please let us know how you get water for you use inside the home.
- 5.) You listed a diversion rate of 0.02 cfs, which is the maximum amount allowed for domestic irrigation in connection with a home. However, you paid an application fee of \$250.00, which is needed for a larger irrigation or commercial use diverting between 0.21 cfs and 1.00 cfs. The fee for a small domestic use of 0.02 cfs is \$100.00. Was this fee intended for some other purpose, or was the over payment an oversight. If the payment was an oversight, we will refund the \$150.00 overpayment. We will need a written request for a refund if the fee was paid in error.

Page 2
Alley Let
3/9/2005

Please initial and date any changes made to the application and return the application as soon as possible. If the fee was paid in error, please send a letter requesting the \$150.00 refund.

The Department will hold further processing of your application for 30 days to allow submittal of the required information. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if adequate information is not received, the Department will issue a preliminary order to reject or deny the application.

If you have any questions or concerns please contact me at the above address.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel A. Nelson", followed by a horizontal line.

Daniel A. Nelson
Sr. Water Right Agent