

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 77-14162

Priority: September 03, 2004

Maximum Diversion Rate: 0.02 CFS

This is to certify, that DAVID DEWEY And/Or CHRISTINE DEWEY
PO BOX 616
LAKE FORK ID 83635

have applied for a permit to appropriate water from:

Source: SOUTH FORK SALMON RIVER

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:

SOUTH FORK SALMON RIVER NE¼NE¼ Sec. 6, Twp 23N, Rge 08E, 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	
23N 08E 6	X																

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2006**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home and shall not include lawn, garden, landscape, or other types of irrigation until the Wilderness Areas Moratorium is lifted or modified to allow the consumptive use of water in connection with the diversion of water for domestic purposes.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. Place of use is located within Lot 16, Copenhaver Subdivision.
6. This right does not grant any right-of-way or easement across the land of another.
7. 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 8th day of February, 2005.


For KARL J DREHER, Director

RECEIVED

SEP 03 2004

WATER RESOURCES
FOR WESTERN REGION
12/99

RECEIVED

8 2005

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 77-14162

1. Name of Applicant David & Christine Dewey Phone 208 634-7784
Mailing address P.O. Box 666 Lakefork, ID 83635

2. Source of water supply South Fork Salmon which is a tributary of Main Salmon

3. Location of point of diversion is Township 23 N Range 8 E Sec. 6, in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot Idaho County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.02 for Domestic purposes from 1-1 to 12-31 (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) 0.02 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 horse pump and
1 inch line to house

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

c. Proposed well diameter is NA 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? NO; Drilling firm NA
Well was drilled for (well owner) NA; Drilling Permit No. 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. one
e. Other; describe fully. _____

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	
23N	8E	6	X																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 77-7377 Cherry Springs

11. a. Who owns the property at the point of diversion? Copenhaver Homeowners Assoc.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Owner is a member of Homeowner Assoc. and installing a

12. Remarks: Because of the Wilderness moratorium water will be used for internal domestic use only.

Water system is a permitted use across that property

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.

N. Dewey
Signature of Applicant (and title, if applicable)

Received by DB Date 12:45 Time 9-3-04 Preliminary check by 6
Fee \$ 100 - Received by AB # W032191 Date 9-3-04
Publication prepared by ak Date 1-5-05 Published in EP
Publication approved ak Date 1-24-05

77-14162

SALMON
WILD AND SCENIC RIVER

B.M.
2345

(No Gov lotg)

T23N R8E S6 NENE
P/U aka Lt 16,
Copenhaver Subdivision

P/U

P/D

Mile
1

SOUTH
HILLOS

B.M.
2343

Badley
Ranch

3958

Polk

Creek

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

February 9, 2005

DAVID DEWEY
CHRISTINE DEWEY
PO BOX 616
LAKE FORK ID 83635

RE: Permit No. 77-14162

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 a 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 style with a large, stylized 'S' and 'K'.

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

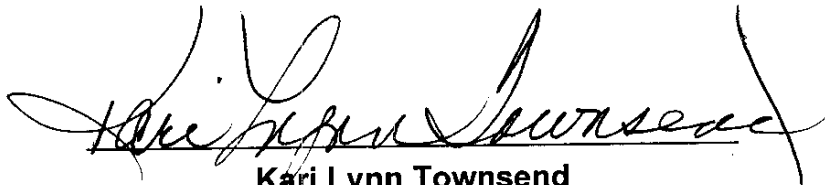
CERTIFICATE OF SERVICE

I hereby certify that on February 9, 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.

77-14162

**CHRISTINE DEWEY
DAVID DEWEY
PO BOX 616
LAKE FORK ID 83635**



**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.

MEMORANDUM

Date: February 08, 2005
To: Water Right File 77-14162
From: skeen *SUK*
Re: Wild and Scenic Rivers Processing

Application 77-14162 was processed under provision 10.b.(3) of SRBA decreed right 77-11941, which subordinates the minimum stream flow for the Wild and Scenic portion of the Salmon River to permits and water rights for domestic purposes not exceeding 13,000 gallons per day and not irrigating more than half an acre.

Comment Report

77-14162

1. Igraves 12/20/2004 Comment/Analysis

Comment: Applicants also use water from Cherry Spring for domestic use under right 77-7377. No other rights are used. Applicants are exempt from the Salmon and Wilderness Moratoriums because they propose internal domestic use only. P/U is aka lot 16, Copenhaver Subdivision

2. kwalker 1/31/2005 Permit Review

Comment: Application falls within Salmon Clearwater and Wilderness moratorium areas. Recommend approval limiting to in-house use only as applied for.

RECEIVED

JAN 20 2005

WATER RESOURCES
WESTERN REGION

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

77-14162
DAVID DEWEY
PO BOX 616

LAKEFORK ID 83635
CHRISTINE DEWEY
PO BOX 616

LAKE FORK ID 83635
Point(s) of Diversion NENE S6
T23N R08E IDAHO County
Source SOUTH FORK SALMON
RIVER

Tributary To SALMON RIVER
Use: DOMESTIC 01/01
To 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 09/03/2004

Place Of Use: DOMESTIC

T23N R08E S6 NENE

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 Re-
gion,

2735 Airport Wy, Boise ID 83705 togeth-
er with a protest fee of \$25.00 for each
application on or before 01/24/2005. The
protestant must also send a copy of the
protest to the applicant.

KARL J DREHER, Director P u b -
lished in the Idaho County Free Press on
January 5 and 12, 2005.

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

77-14163
DOUGLAS R MOORE
1018 13TH AVE
LEWISTON ID 83501

Point(s) of Diversion NWSNWS22
T26N R08E IDAHO County
Source SPRING

Tributary To CROOKED CREEK

Point(s) of Diversion SENWNWS22
T26N R08E IDAHO County

Source SPRING

Tributary To CROOKED CREEK

Point(s) of Diversion NWNENE S21
T26N R08E IDAHO County

Source SPRING

Tributary To CROOKED CREEK

Use: DOMESTIC 01/01

To 12/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 12/20/2004

Place Of Use: DOMESTIC

T26N R08E S22 NESW NWSE

Remark: Applicant agrees to mitigate
consumptive use in the future as needed.
Domestic use is for 3 homes for in-house
use.

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 Re-
gion,

2735 Airport Wy, Boise ID 83705 togeth-
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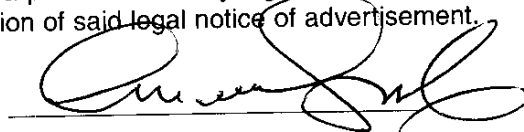
KARL J DREHER, Director P u b -
lished in the Idaho County Free Press on
January 5 and 12, 2005.

J5-12

AFFIDAVIT OF PUBLICATION

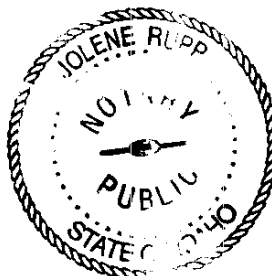
STATE OF IDAHO
County of Idaho - ss.

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 5th
day of January, 2005; and the last publication on the 12th day
of January, 2005; and that the said legal notice was published in
the newspaper proper and not a supplement; that said newspa-
per 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 12th day of January 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.



Jolene Rupp

Notary Public for Idaho

Residing at Grangeville, ID

My commission expires: 1-24-07

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

December 22, 2004

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

RE: Application for Permit No. 77-14162 and 77-14163

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices 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 notices 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 01/24/2005. 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:

77-14162

DAVID DEWEY
PO BOX 616
LAKE FORK ID 83635
CHRISTINE DEWEY
PO BOX 616
LAKE FORK ID 83635

Point(s) of Diversion NENE S6 T23N R08E IDAHO County Source SOUTH FORK SALMON RIVER

Tributary To SALMON RIVER

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

Total Diversion: 0.02 CFS

Date Filed: 09/03/2004

Place Of Use: DOMESTIC

T23N R08E S6 NENE

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 01/24/2005. 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 January 5 and 12, 2005.