

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 77-07382

Priority: August 26, 1999

Maximum Diversion Rate: 0.04 CFS

This is to certify, that BARBARA PYLE
77 SILVER FOX TR
MC CALL ID 83638

has 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	0.04 CFS

LOCATION OF POINT(S) 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, 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. Place of use is located within Lot 18, Copenhaver Subdivision.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
6. 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. If irrigation in connection with this domestic use is authorized by the lifting or modification of the Wilderness Areas Moratorium, it shall not exceed 1/2 acre.
7. This right does not grant any right-of-way or easement across the land of another.
8. 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 15th day of February, 2005.


For **KARL J DREHER**, Director

RECEIVED

SEP 29 2004

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

AMENDED

1. Name of Applicant Barbara G. Pyle Phone 208-634-2491
Mailing address 77 Silver Fox Tr. McCall, Idaho 83638
2. Source of water supply So. Fork Salmon River which is a tributary of Main Salmon River
3. Location of point of diversion is Township 23 N Range 8 E Sec. 6, in the — 1/4, NE 1/4, NE 1/4, Govt. Lot —, B.M., Idaho County; additional points of diversion if any: —
4. Water will be used for the following purposes: Domestic (internal ONLY) BP 8-17-04
 * Amount .04 cfs 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) .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 Pump + Pipe
—
—
 b. Height of storage dam — feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet
 c. Proposed well diameter is — inches; proposed depth of well is — feet
 d. Is ground water with a temperature of greater than 85° F being sought? —
 e. If well is already drilled, when? —; 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. —
 c. Municipal; show name of municipality. —
 d. Domestic; show number of households. —
 e. Other; describe fully. —

* Per applicant

9. Description of place of use: Cabin

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>N</u> 23	<u>E</u> 8	<u>6</u>	<u>X</u>																

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. 77-07380-

spring for internal domestic use

11. a. Who owns the property at the point of diversion? Self

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

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: plu AKA Lot 18, Copenhagen Subd.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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.

Barbara H. Pyle
Signature of Applicant (and title, if applicable)

Received by SB Date 8/20/99 Time 2:15 Preliminary check by CS/R 8/17/04
Fee \$ 50.00 Received by SB # W02544 Date 8/28/99
Publication prepared by sk Date 9-1-8-04 Published in Ed City Press Trib
Publication approved sk Date 9-20-04

T24N

36/31

T23N

1/6

BURGDORF SUMMIT JADRANGLE

IDAHO-IDAHO CO.

7.5-MINUTE SERIES (TOPOGRAPHIC)

R7E

R8E

Cherry Springs

614 32' 30"

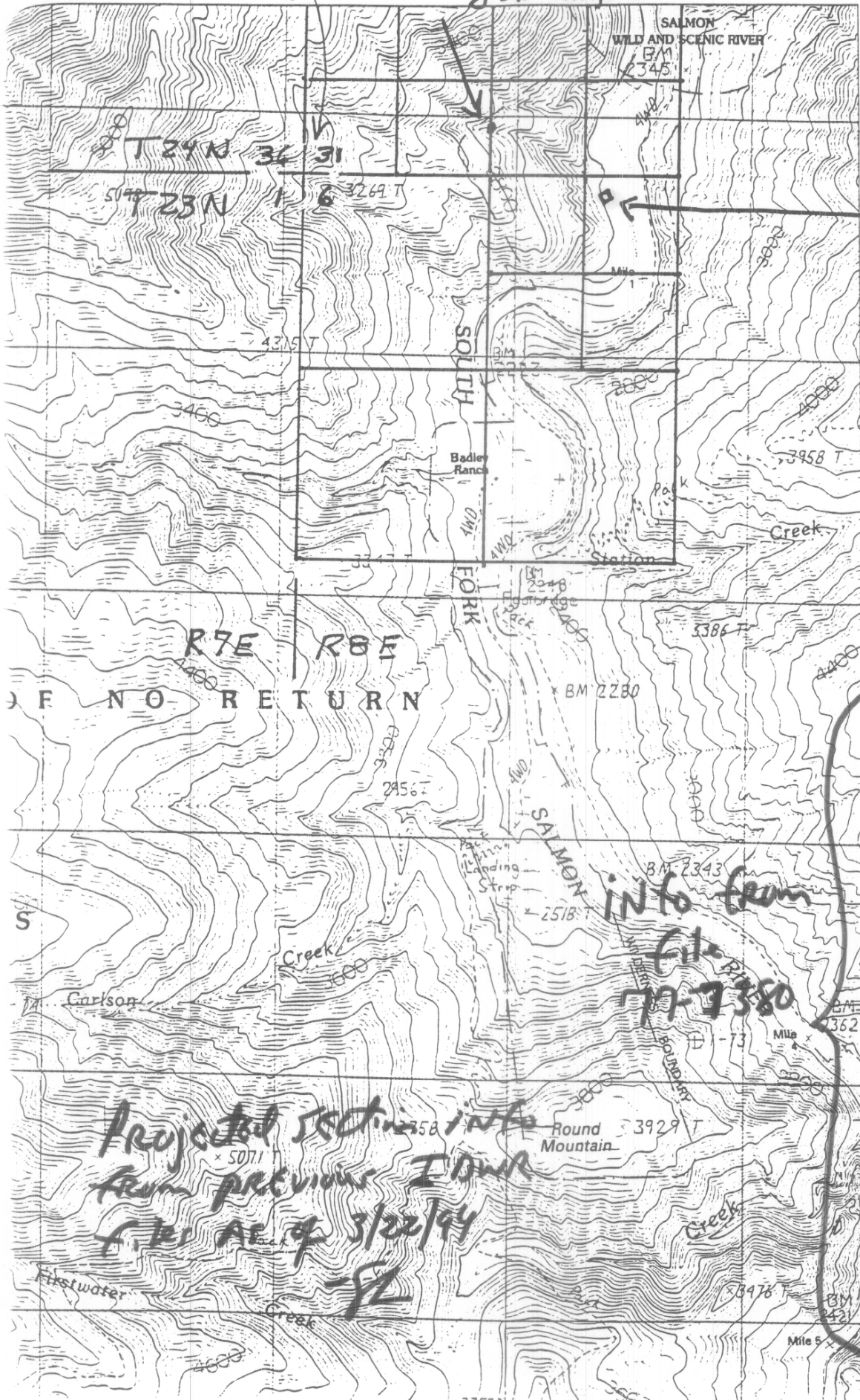
615

560 000 FEET

617

115° 30'

45° 22' 30"



Lot 18, Copenhagen
Subdivision

NENE S.6

T23N R8E

RIVER → cabin

77-7382

Gov Lts N/A

Un-Surveyed

T23N

R8E

Sec. 6

NENE

T24N

R8E

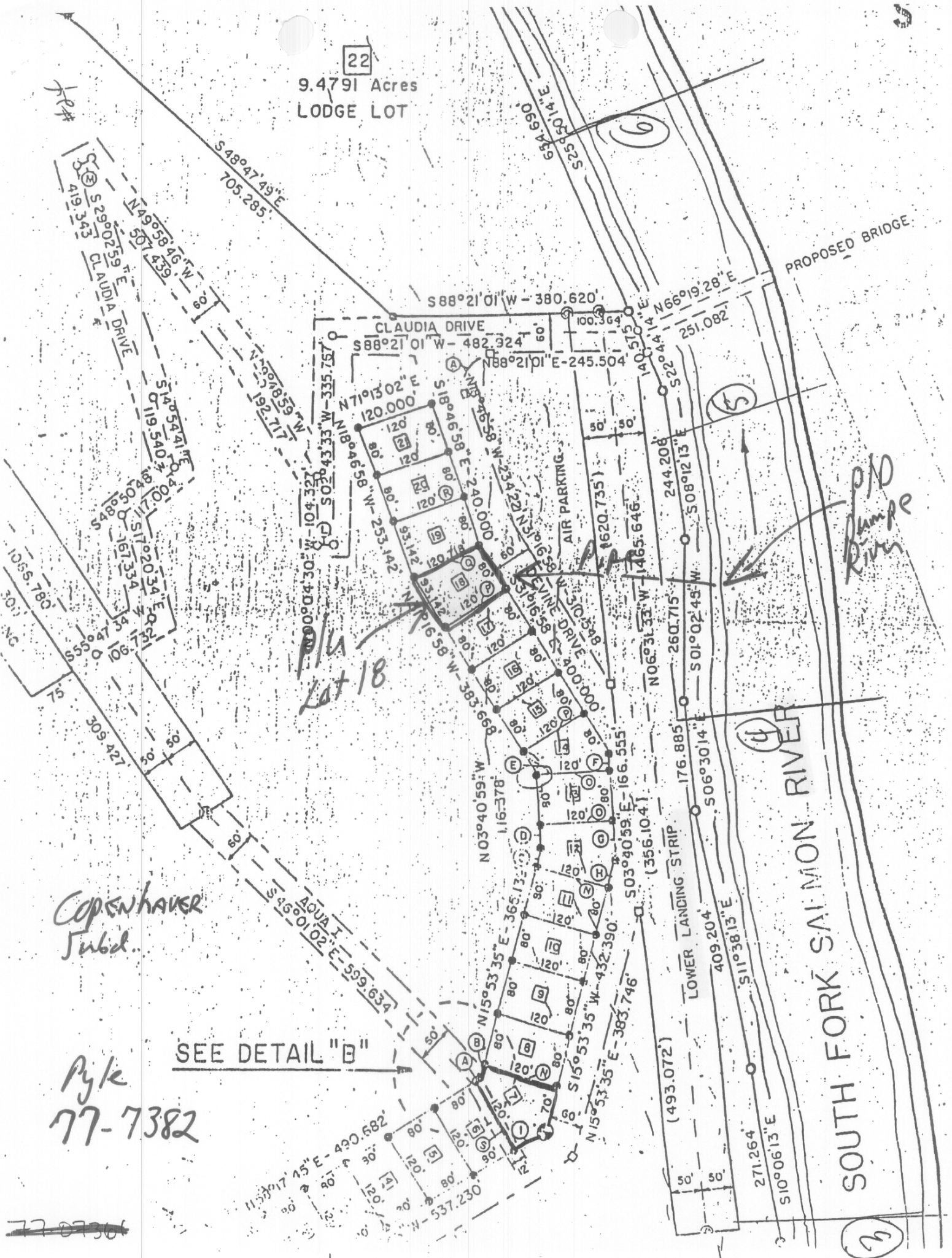
Sec. 31

NESESW, SESESW
NWSWSE, SWSWSE

~~77-07380~~

22

9.4791 Acres
LODGE LOT



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 15, 2005

BARBARA PYLE
77 SILVER FOX TR
MC CALL ID 83638

RE: Permit No. 77-7382

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.

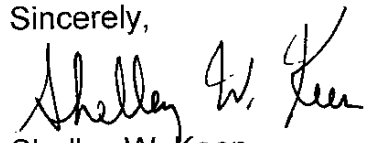
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 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,



Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

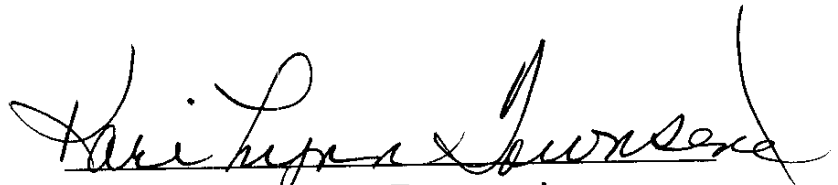
CERTIFICATE OF SERVICE

I hereby certify that on February 15, 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.

77-7382

**BARBARA PYLE
77 SILVER FOX TR
MC CALL ID 83638**



**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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 5, 2004

BARBARA PYLE
77 SILVER FOX TR.
MCCALL ID 83638

Re: Proposed New Water Right for Diversion from the South Fork
of the Salmon River

Dear Ms. Pyle:

The Director of the Idaho Department of Water Resources (IDWR) asked me to respond to your letter dated August 30, 2004.

In 1993, IDWR limited approvals of new water rights in the Salmon River Drainage by issuing an Amended Moratorium Order. The order prohibited approval of most new water applications proposing diversion of water from surface water in the Salmon and Clearwater Rivers but allowed consideration of the following applications: (1) domestic use as defined by Idaho Code § 42-111 (where there is a home, limits daily volume and limits irrigation to ½ acre); (2) nonconsumptive use; (3) water use development in place prior to November 1987; and (4) a use that will have no effect on migration of anadromous fish. The 1993 moratorium is still in effect today.

In 1999, the Idaho Supreme Court held that the designation of several Wilderness Areas Wild & Scenic Rivers in the Salmon River Basin resulted in a reserved water right in the name of the federal government. The ruling by the Idaho Supreme Court led the Director of IDWR to issue a more restrictive moratorium order on October 26, 1999. The second moratorium order prohibited all new appropriations of water within the Salmon River and Clearwater River Basins except the following applications could be approved: (1) the proposed use is nonconsumptive; or (2) the proposed use would have no effect on other water rights, including the reserved water rights of the federal government.

Parties opposed to the Supreme Court decision petitioned the court to reconsider its decision. In October 2000, the Idaho Supreme Court modified its original decision, holding that the designation of the Wilderness Areas did not create reserved water rights, but that the Wild and Scenic River designations created reserved water rights. The Idaho Supreme Court remanded the case back to the Snake River Basin Adjudication (SRBA) Court for determination of the water right quantities for the Wild and Scenic Rivers.

Ms. Pyle
October 5, 2004
Page 2

Over the 3-4 years following the Supreme Court decision, the state of Idaho, the federal government, and parties interested in these issues negotiated to quantify the water rights created by the Wild and Scenic River designations. During the summer of 2004, the parties signed an agreement that quantifies the streamflows in the Wild and Scenic Rivers.

The agreement allows for additional appropriations of water, but also requires actions by the state of Idaho and other signers of the document. IDWR is currently beginning some of the actions. The SRBA Court has not yet recognized the Wild and Scenic River water rights and the other portions of the agreement.

In short, even though the Idaho Supreme Court decision did not recognize the Wilderness Area water rights, the Idaho Supreme Court decision recognized water rights held by the federal government that were reserved by the Wild and Scenic River designations. These federal water rights must be protected. As a result, the two moratoriums remain in place until the agreement between the state of Idaho and the federal government is implemented, and the SRBA Court decrees the federal reserved water rights.

A direct diversion of water from the South Fork of the Salmon River would reduce flows protected by the moratorium orders. At the present time, IDWR could only consider a proposal to use water inside your home and for fire protection. The water could not be used for irrigation or for any other consumptive use.

As the agreement for recognition of the federal water rights for the Wild and Scenic Rivers is implemented, there may be additional water available for appropriation for consumptive use. I advise you to contact IDWR's Western Regional Office to discuss further details of your application. The Western Regional Office is located at 2735 Airport Way, Boise, ID 83705, telephone no. (208) 334-2190.

Sincerely,



Gary Spackman

C: John Westra, Western Regional Manager

LAFL
RECEIVED
SEP 07 2004
DEPARTMENT OF
WATER RESOURCES

August 30, 2004

Karl Dreher
Idaho Dept. of Water Resources
1301 Orchard
Boise, Idaho 83706

Dear Mr. Dreher:

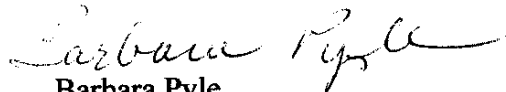
I am writing this letter regarding a water permit application I have submitted for domestic water use (internal and external), for our cabin, located on the South Fork of the Salmon River.

I understand the moratorium on granting water appropriation permits for outside use was reversed by our court. I also understand that the Dept. of Water Resources has not acknowledged the reversal and is currently not issuing permits for outside use.

We currently have a seasonal water system (summer), but would like winter water ability and that would be possible by pumping from the South Fork to our house. Also, water in the winter would provide some fire protection for us.

I am enclosing a copy of the permit I submitted and would appreciate your reviewing my application.

Thank you,


Barbara Pyle
77 Silver Fox Tr.
McCall, Idaho 83638
208-634-2491

Copy (Sent 11-27-04)
w/100.00

Ident. No. _____

etc.
ATT: Steve Lester

RECEIVED

SEP 07 2004

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Barbara G. Pyle Phone 208-634-2491
Mailing address 77 Silver Fox Tr.
2. Source of water supply So. FK. Salmon River which is a tributary of Main Salmon River
3. Location of point of diversion is Township 23 N Range 8 E Sec. 6, in the _____ 1/4,
NE 1/4, NE 1/4, Govt. Lot _____, B.M., Idaho County;
additional points of diversion if any: _____
4. Water will be used for the following purposes: internal
Amount .04 CFS for Domestic External 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) .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 Pump & Pipe
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; 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 _____ 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. _____
 - e. Other; describe fully. _____

3. Description of place of use: Cabin

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	
23 ^N	8 ^E	6	X																

Total number of acres to be irrigated 0

10. Describe any other water rights used for the same purposes as described above. 77-07380

Spring, for internal domestic use (Seasonal)

11. a. Who owns the property at the point of diversion? private

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

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: _____

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"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.

Barbara Ryle
Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by _____ # _____ Date _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Project *action corner*

C. 64 1989

*- 82
3/22/94*

T24N

36/31

T23N

1/6

BURGDORF SUMMIT QUADRANGLE
IDAHO-IDAHO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

R7E R8E

614 32' 30"

615

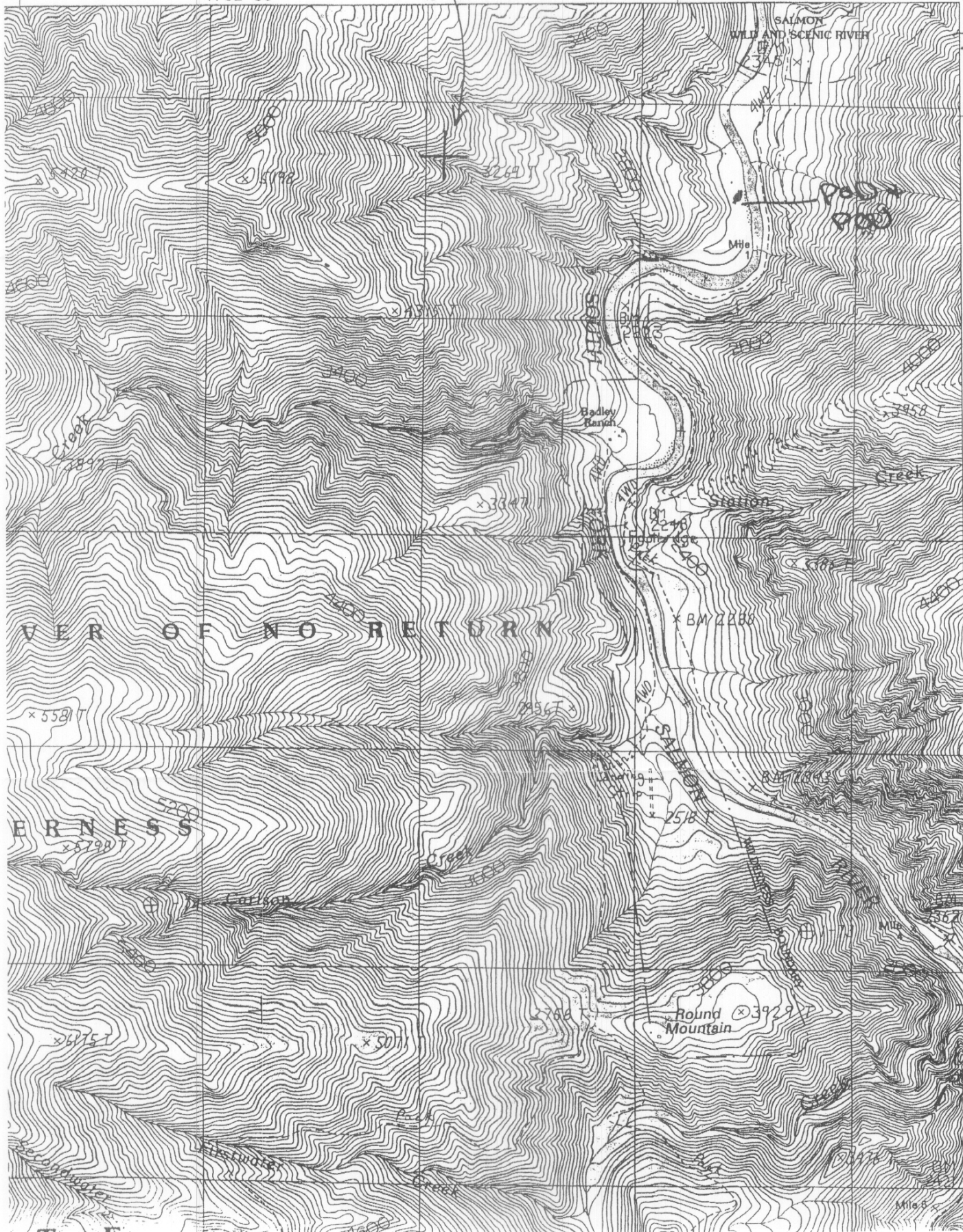
616

560 000 FEET

617

115° 30'

45° 22' 30"



*Burgdorf
9000*
1350 000
FEET

5024

5023

5022

5021

5020

VER OF NO RETURN

ERNESS

T F

Comment Report

77-7382

1. slester 8/17/2004 1:10:35 PM Special Administration Area Notes

Comment: Special Administration Areas : Salmon River Moratorium

Exempt: Y

Reason: Non-Consumptive Use

Doc Attached: N

Explanation: single internal &/or external domestic use exempted from moratorium

Special Administration Areas : Wilderness Moratorium

Exempt: Y

Reason: Non-Consumptive Use

Doc Attached: N

Explanation: amended for internal domestic use at single home

2. slester 8/17/2004 Comment/Analysis

Comment: Application amended without expansion 8/17/04 prior to processing, amendment fee n/a. Right 77-7380 from source locally known as Cherry Spring also provides internal water to same cabin. Unsurveyed area would be cause for non-fee licensing amendment to correct 1/4/ 1/4 if necessary.

3. slester 8/17/2004 Legal Notice Remarks

Comment: Proposes internal domestic use for 1 home in Copenhaver Subdivision.

4. kwalker 10/1/2004 Permit Review

Comment: In review of this application I found we could approve without limiting to in-house use only. Pursuant to guidance received on 9/1/2004 we can issue domestic permits that allows up to 1/2 acre of lawn and garden. Recommend approval for domestic use with up to 1/2 acre of irrigation.

RECEIVED

SEP 10 2004

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:

77-7382 ✓
BARBARA FYLE
77 SILVER FOX TR
MC CALL ID 83638
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 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 08/26/1999

Place Of Use: DOMESTIC

T23N R08E S6 NENE

Remark: Proposes internal domestic
use for 1 home in Copenhagen Subdivi-
sion.

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,

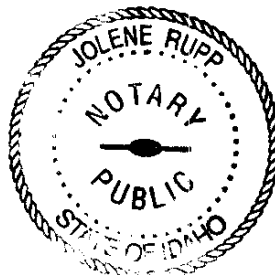
2735 Airport Way, Boise ID 83705 to-
gether with a protest fee of \$25.00 for
each application on or before
09/20/2004. The protestant must also
send a copy of the protest to the appli-
cant.

KARL J DREHER, Director
Published in the Idaho County Free
Press on September 1 and 8, 2004. \$1-8

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 1st
day of September, 2004; and the last publication on the 8th day
of September, 2004; and that the said legal notice was published
in the newspaper proper and not a supplement; that said news-
paper 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 8th day of September in the year of 2004, 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

Kreger (Taylor), Sue

To: eleitzin@idfg.state.id.us
Subject: comment letters

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

August 26, 2004

ERIC LEITZINGER, IDFG
PO BOX 25
BOISE ID 83707

Re: Applications for Permit

Dear Eric:

There are copies of two applications this 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 September 20, 2004.

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

Sincerely,

Sue Kreger
(208) 334-2190
Id Dept Water Resources
skreger@idwr.state.id.us



63-31981.pdf



77-7382.pdf

Photo of 77-7380 & 77-7382
p/u cabin *



* Extra photo from Exam 77-7380 (spring)

9-7-01

confirmed by Applicant c 8/17/04 office visit
to amend 77-7382.

-SL

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

August 25, 2004

Legal Notice Department
COTTONWOOD CHRONICLE
PO BOX 157
COTTONWOOD ID 83522

RE: Application for Permit No. 77-7382 and 78-12218

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 09/20/2004. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

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

August 25, 2004

Legal Notice Department
IDAHO COUNTY FREE PRESS
PO BOX 267
GRANGEVILLE ID 83530

RE: Application for Permit No. 77-7382 and 78-12218

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 09/20/2004. 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:

77-7382

BARBARA PYLE
77 SILVER FOX TR
MC CALL ID 83638

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 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 08/26/1999

Place Of Use: DOMESTIC

T23N R08E S6 NENE

Remark: Proposes internal domestic use for 1 home in Copenhagen Subdivision.

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 09/20/2004. 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 September 1 and 8, 2004.

Lester, Steve

From: Lester, Steve
Sent: Thursday, July 26, 2001 1:15 PM
To: Spackman, Gary
Cc: Graves, Lori; Nelson, Dan
Subject: Possible processing re "wilderness moratorium"

Gary:

We have 3 applications for permit in Basin 77 that people want us to process due to fire danger this year. One is for ground water not subject to the Salmon River moratorium but falls within the "wilderness moratorium." The other two are for the South Fork Salmon River and fall within both moratoriums.

The ground water filing (just received, not data entered) proposes a small fire protection pond from shallow ground water, an excavated pit. The application is for 2 af for a pond covering about 1/3 of an acre in Secesh Meadows Subdivision near Warren. Maybe this can be processed based on de minimus consumptive use having little or no bearing on the wilderness issue. Plus the applicant is very worried about fires this fall and thinks Secesh River is not close enough to the cabin to provide a rapid enough response to a fire.

The other applications are 77-7382 and 77-7386 and can be processed for single domestics at Copenhaver Subdivision within the Salmon River moratorium. But the wilderness issue would limit each use to internal domestic. Each applicant already has internal water from a spring under separate filings. Appears river water can be used to keep a green buffer around the cabins by sprinkling lawn &/or natural vegetation. The consumptive part of single domestic use has not been approved under the wilderness moratorium.

The 3 applicants hope to provide suitable fire protection asap. Immediate processing would allow approvals by about mid September, in time for maximum fire danger. Given the "backburner" status of the wilderness issue and these special circumstances, I hope we can process the applications right away.

Our next chance to send ads to the papers is August 8.

Thanks.

Steve

8/3/01
Left msg. for B. Pyle re 77-7382
- cannot process for ext./cons. use (per 8/2/01 S.O. m.f.)
- when returns call ... discuss existing systems to fight fires



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

December 2, 1999

Barbara G. Pyle
77 Silver Fox Tr.
McCall ID 83638

RE: Application For Permit

Dear Barbara:

Your applications for permit were received 8/26/1999. We are processing the application for the spring, application no. 77-07380 to be used for internal domestic use, however because of the latest Supreme Court decision regarding wilderness areas, we must hold the application for the South Fork of the Salmon River proposed for external domestic irrigation.

On October 1, 1999, the Supreme Court issued an opinion in the case of *Potlatch Corp. et al. V. United States of America* affirming the 1997 Snake River Basin Adjudication (SRBA) Reserved Rights Order granting the United States reserved water rights for all unappropriated water in the Frank Church-River of No Return, the Selway-Bitterroot, and the Gospel-Hump Wilderness Areas. Based upon this decision, all water in and tributary to the wilderness areas is fully appropriated.

As a result of the Court decision, the Department of Water Resources has established a moratorium on granting of new water appropriation permits for consumptive use of water within or tributary to the wilderness areas. The moratorium order does not apply to any application proposing non-consumptive use of water, which allows us to process your application for internal domestic use from the spring, but because no associated irrigation is allowed, we must hold your application from the South Fork of the Salmon River.

This application will be held pending future decisions on the moratorium. You will be notified of any changes. Delays related to department decisions do not affect the date of priority or seniority of your application.

If you have any questions, please feel free to contact me at 334-2190.

Sincerely,

Lori Graves
Water Allocations Agent