

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 84-12178

Priority: August 31, 2004

Maximum Diversion Volume: 3.2 AF

This is to certify, that GARY D JOHNSON
HCR 11 BOX 39A
KAMIAH ID 83536

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** CLEARWATER RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
WILDLIFE STORAGE	01/01 to 12/31	3.2 AF

LOCATION OF POINT OF DIVERSION:

UNNAMED STREAM SE¼NE¼ Sec. 4, Twp 34N, Rge 03E, B.M., IDAHO County

PLACE OF USE: WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34N 03E 4				X													

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2006**.
2. Subject to all prior water rights.
3. The total surface area of the pond established under this right is limited to 0.4 acre.
4. Water shall not be diverted under this right when flows in the Clearwater River are below established minimum flow amounts.
5. Permit holder must provide adequate fish passage as required by the Idaho Department of Fish and Game. When proof of beneficial use is submitted, permit holder must also submit information to the Department verifying consultation with and construction according to recommendations from 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 4th day of March, 2005.



FOR KARL J DREHER, Director

RECEIVED

JAN 31 2005

Department of Water Resources

71516
STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 84-12178

RECEIVED

AUG 31 2004

IDWR/North

1. Name of Applicant GARY D. JOHNSON Phone (208) 935-0469
Mailing address HCR 11 Box 39A KAMIAH, ID 83536
2. Source of water supply UNNAMED STREAM which is a tributary of UNNAMED STREAM THEN CORRAL LCK,
3. Location of point of diversion is Township 34N Range 3E Sec. 4, in the SE $\frac{1}{4}$,
NE $\frac{1}{4}$, Govt. Lot PARCEL 6, B.M., IDAHO County;
additional points of diversion if any:
4. Water will be used for the following purposes:
Amount 3.2 for STORAGE FOR WILDLIFE 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) _____ and/or (b) 3.2
cubic feet per second acre feet per annum
6. Proposed diverting works: ON STREAM POND
a. Describe type and size of devices used to divert water from the source 0.4 ACRE POND
b. Height of storage dam 7' feet; active reservoir capacity 3.2 acre-feet; total
reservoir capacity 3.2 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 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. _____
e. Other; describe fully. WILDLIFE, STORAGE POND

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	
34N	3E	4				W									W				

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? GARY D. JOHNSON
- b. Who owns the land to be irrigated or place of use? GARY D. JOHNSON
- 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: THIS PROJECT IS BEING CARRIED OUT IN CONJUNCTION WITH THE NATURAL RESOURCES CONSERVATION SERVICE, (NRCS) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM. THE PURPOSE OF THE PROJECT IS TO ENHANCE WILDLIFE HABITAT.

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.


Signature of Applicant (and title, if applicable)

Received by db Date 8/31/04 Time 1:20 P Preliminary check by JB
 Fee \$ 100.00 Received by db # N016528 Date 8/31/04
 Publication prepared by db Date 9/8/04 Published in Idaho Free Press 9/15 & 22/04
 Publication approved db Date 9/23/04

J. Bruegeman, Deputy



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

March 7, 2005

GARY D JOHNSON
HCR 11 BOX 39A
KAMIAH ID 83536

RE: Permit No. 84-12178

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.

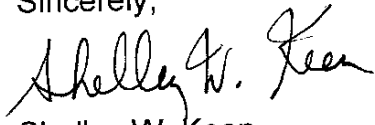
Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should 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 fluid and cursive, with the first letters of each name being capitalized and prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

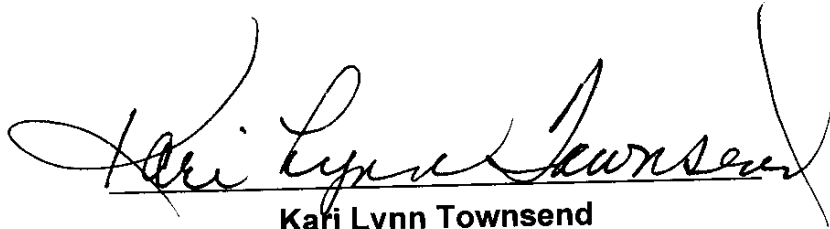
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 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. 84-12178

**GARY D JOHNSON
HCR 11 BOX 39A
KAMIAH ID 83536**



**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

84-12178

1. dball 9/28/2004 3:11:48 PM Comment Letter Notes
Comment: WHO: IDF&G -Mary Terra-Berns, Environmental Staff Biologist
RESPONSE: Not Recommended
DATE RECEIVED: 9/28/2004

We recommend against permitting construction of on stream pond. Small perennial and intermittent streams serve many important biological functions that deserve protection. Instream impoundment may contribute to elevated stream temps, impede migrations of amphibians and have other potentially adverse impacts on water quality and stream function.

We recommend applicant be required either to withdraw water from the creek on as needed basis or install storage off-stream.

Application indicates 7 ft dam - a dam at this height creates a fish barrier; therefore, if IDWR does permit in-stream impoundment applicants should be made aware that any structure intended to impound water must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. No dam designs, including fish passage structures, were provided.

If applicant intends to stock pond with fish, permit is required prior to stocking. Unless fish to be stocked are delivered by a commercial hatchery (required for trout) applicant must acquire fish transport permit to bring fish to pond. Both permits are available from IDF&G.

Water intakes should be screened with maximum mesh size of 0.25 inches to prevent entrainment of fish; approach velocities not to exceed 0.5 ft per second to prevent losses of juvenile fish.

2. kwalker 2/24/2005 Permit Review
Comment: Application source was advertised as being an unnamed stream trib. to an unnamed stream. This is not acceptable in data entry standards. Pulled topo L60 and found the next named source was Clearwater River. The source of this application is a direct tributary to MSF on Clearwater River but appears to be intermittent so have added condition WB9 to protect minimum flow right. Have updated data base to show tributary correction.

Did not add fish screen and velocity limits to permit since there will no pump involved with this diversion.

RECEIVED

JAN 31 2005

Department of Water Resources

Memornadum

To: Keen

From: Haynes, Beardslee

Date: January 27, 2005

RE: Application for Permit 84-12178

Northern Region has reviewed a letter from Mary Terra-Berns, Idaho Fish and Game Department, Coeur d'Alene Office, and respond accordingly:

We have been in contact with Mr. Johnson regarding this pond and he said that he was working with the Natural Resource Conservation Service, to enlarge an existing wildlife pond. Since Mr. Johnson's property is located within the Lewiston Region of Fish and Game, we suggested that he contact that office and seek direction from them regarding the enlargement of his wildlife pond.

We also encourage Fish and Game Department to deal directly with Mr. Johnson regarding their design issues.

No protest was received against this filing.

Northern Region recommends that this file be approved.



IDAHO FISH AND GAME

2750 Kathleen Avenue
Coeur d'Alene, Idaho 83815

Dirk Kempthorne/Governor
Steven Huffaker/Director

September 28, 2004

Idaho Department of Water Resources
Northern Region
1910 Northwest Blvd, S 210
Coeur d'Alene, ID 83814

Via email to Dianne Ball:

REFERENCE: #84-12178 GARY D. JOHNSON

We have reviewed the above named application to withdraw 3.2 acre feet from an unnamed stream, which is a tributary to Corra Creek for wildlife storage. The map provided did not indicate the location of the stream or the pond.

We recommend against permitting construction of a pond on the stream. Small perennial and intermittent streams serve many important biological functions that deserve protection. An in-stream impoundment may contribute to elevated stream temperatures, impede migrations of amphibians and have other potentially adverse impacts on water quality and stream function. We recommend that the applicant should be required either to withdraw water from the creek on an as-needed basis or install storage off-stream. Water intakes should be screened to prevent entrainment or impingement of fish. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second to prevent losses of juvenile fish.

The application indicates that a seven foot dam would be constructed. A dam at this height creates a fish barrier; therefore, if IDWR does permit an in-stream impoundment, the applicants should be made aware that any structure intended to impound water must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. No dam designs, including fish passage structure(s), were provided with the enclosed material; consequently we are unable to comment on fish passage design.

Finally, if the applicant intends to stock the pond with fish, a permit is required prior to stocking. In addition, unless the fish to be stocked are delivered by a commercial hatchery (required for trout), the applicant must acquire a fish transport permit to bring fish to the pond. Both permits are available from Idaho Department of Fish and Game.

Thank you for the opportunity to comment.

Mary Terra-Berns
Environmental Staff Biologist

C: IDFG NRPB, Boise; File

RECEIVED

SEP 23 2004

IDWR/North

AFFIDAVIT OF PUBLICATION

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

84-12176

ANDREA M FOSTER

PHILLIP V FOSTER

RT 1 BOX 82

KAMIAH ID 83536

Point(s) of Diversion L3 (SWNW)

S6 T33N R04E

IDAHO County

Source GROUND WATER

Use: IRRIGATION 03/15

To 11/15 0.15 CFS

Use: STOCKWATER 01/01

To 12/31 0.02 CFS

Use: DOMESTIC 01/01

To 12/31 0.04 CFS

Total Diversion: 0.20 CFS

Date Filed: 05/24/2004

Place Of Use: DOMESTIC

T33N R04E S6 SWNW Lot 3

Place Of Use: STOCKWATER

and IRRIGATION same as DOMESTIC

Number of Acres 5

Remark: Domestic use is for 1 home.

Stockwater use is for 6 horses.

84-12178

GARY D JOHNSON

HCR 11 BOX 39A

KAMIAH ID 83536

Point(s) of Diversion SENE S4

T34N R03E IDAHO County

Source UNNAMED STREAM Tributary

To UNNAMED STREAM

Use: WILDLIFE STORAGE

01/01 To 12/31 3.2 AFA

Total Diversion: 3.2 AFA

Date Filed: 08/31/2004

Place Of Use: W I L D L I F E

STORAGE T34N R03E S4

SENE

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, Northern Region, 1910 Northwest Blvd, Suite 210, Coeur D'Alene ID 83814 together with a protest fee of \$25.00 for each application on or before 10/04/2004. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 15 and 22, 2004.

S15-22

STATE OF IDAHO

County of Idaho - ss.

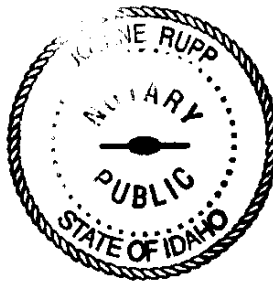
Andrew J. McNab, being first duly sworn, says he is the Publisher of the IDAHO COUNTY FREE PRESS, a weekly newspaper published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state, that the said legal notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 15th day of September, 2004; and the last publication on the 22nd day of September, 2004; 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.



STATE OF IDAHO)

COUNTY OF IDAHO)

On this 22nd 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: 1-29-07



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615

(208) 769-1450

Fax (208) 769-1454

September 08, 2004

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY D JOHNSON
HCR 11 BOX 39A
KAMIAH ID 83536

RE: Application for Permit No 84-12178

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Idaho County Free Press on September 15 and 22, 2004. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an unprotested application is about eight to twelve weeks.

~~Preliminary review of the application indicates that additional information is required. The attached sheet(s) provide details regarding the required information. The information must be submitted within 30 days of the date of this letter. Failure to submit the required information within the time period allowed may be cause for the Department to void the application. The Department may grant an extension of time to submit the information upon written request and a showing of good cause.~~

*Talked
to Gary-
Omit AP*

Please feel free to contact this office if you have any questions.

Sincerely,

Allen Beardslee
Senior Water Resource Agent

Enclosure(s) - Receipt No. N016528



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 08, 2004

NONA DONALDSON
LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE ID 83530

e-mailed to ndonaldson@eaglenewspapers.com
9/8/04

RE: Application for Permit No. 84-12176 and 84-12178

Dear Nona:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated, September 15 and 22, 2004, (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 10/04/2004. Your cooperation is, as always, GREATLY appreciated.

Sincerely

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 08, 2004 12:01 PM
To: Legal Notices-ID CO Free Press (E-mail)
Subject: Legal Notice for publication on September 15 and 22, 2004

Good day to you, Nona,

Attached you will find copy of our cover letter requesting publication of a legal notice on September 15 and 22, 2004. The legal notice is also attached.

If you have any problems opening these up, please call me at 208-769-1450. I can always fax them as a last resort.

PLEASE FAX A PROOF PRIOR TO PUBLICATION. Sometimes tabs to crazy things when doing a copy and paste, but **at least the copy and paste process eliminates you having to type out the legal from scratch.**

Thank you VERY much, and have a simply glorious day.

Dianne

Dianne Ball, Administrative Assistant
Idaho Department of Water Resources
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814
Phone 208-769-1450 FAX 208-769-1454

9/8/2004

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

84-12176

ANDREA M FOSTER

PHILLIP V FOSTER

RT 1 BOX 82

KAMIAH ID 83536

Point(s) of Diversion L3 (SWNW) S6 T33N R04E IDAHO County

Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.15 CFS

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

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.20 CFS

Date Filed: 05/24/2004

Place Of Use: DOMESTIC T33N R04E S6 SWNW Lot 3

Place Of Use: STOCKWATER and IRRIGATION same as DOMESTIC

Number of Acres 5

Remark: Domestic use is for 1 home.

Stockwater use is for 6 horses.

84-12178

GARY D JOHNSON

HCR 11 BOX 39A

KAMIAH ID 83536

Point(s) of Diversion SENE S4 T34N R03E IDAHO County

Source UNNAMED STREAM Tributary To UNNAMED STREAM

Use: WILDLIFE STORAGE 01/01 To 12/31 3.2 AFA

Total Diversion: 3.2 AFA

Date Filed: 08/31/2004

Place Of Use: WILDLIFE STORAGE T34N R03E S4 SENE

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, Northern Region, 1910 Northwest Blvd,
Suite 210, Coeur D' Alene ID 83814 together with a protest fee of \$25.00 for
each application on or before 10/04/2004. The protestant must also send a
copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 15 and 22, 2004.



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 02, 2004

MARY TERRA-BERNS
STATE OF IDAHO
DEPT OF FISH & GAME
2750 KATHLEEN AVE
COEUR D ALENE, ID 83814

FAXED 9/2/04 - 4 pages total

Application to Permit No. 84-12178

Dear Mary:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

You may send comments by e-mail to dball@idwr.state.id.us. We will appreciate comments by September 15, 2004 if you are not planning to protest this application.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Dianne'.

Dianne Ball
Administrative Assistant

Enclosure(s)

for reference

JOINT APPLICATION FOR PERMITS
U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. **Route Uses:** Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant Information pamphlet provides instructions and a checklist for completing the drawings.

1. Corps of Engineers # _____ Date Received _____	2a. Department of Water Resources # _____ Date Received <u>8/31/04</u> ☒ Fee Rec'd By: _____ Receipt # _____	2b. Department of Lands # _____ Date Received _____ Fee Rec'd By: _____ Receipt # _____
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PLEASE TYPE OR PRINT

- ✓ 3. a. Applicant GARY D. JOHNSON
b. Mailing Address HR 11 Box 39A
KAMIAH, ID 83536
c. Work Phone (208) 935-0469 Home (208) 935-0469
d. Fax Number _____
e. Email Address gary@camasnet.com
4. a. Authorized Agent _____
b. Mailing Address _____
c. Work Phone () _____ Home () _____
d. Fax Number _____
e. Email Address _____
5. Location where proposed activity exists or will occur.
a. Waterway Unnamed waterway
9 miles to Kamiah IDAHO, IDAHO
b. Distance/Direction from nearest city or town County/State
83536 IDAHO COUNTY
c. Zip Code Local jurisdiction (city or county)
d. Directions to the site NORTH ON WOODLAND Road From Kamiah

6. a. Describe Project (Work below the ordinary high water mark or in wetlands).
The dam that will be constructed will impact a semi-wet meadow & intermittent stream. Approximate Fill below OHWM = 3 cu. yds. Area of semi-wet meadow having fill placed on it = 0.07 acres. Wetland inundated by water from constructed pond = 0.2 acres. The pond is being constructed to enhance wildlife habitat.
b. Construction methods and equipment A track dozer will be used to remove vegetation and stockpiled in an upland area. The dozer will then be used to construct the embankment from material excavated from the semi-wet meadow.
c. Length of project along the stream or extension into lake or reservoir: 160 feet
d. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.)
Drainage area: Feeding pond = 0.42 sq. mi.

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

7. a. Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? 3 cu. yds
(cubic yards)
b. Will fill be placed in wetlands? yes If yes, area: 0.22 (acres) Type of fill material: loam soil
(i.e. sand, rock, clay, concrete, etc.)
c. Will dredging be required waterward of the ordinary high water mark or in wetlands? ✓ If yes, volume 160 cu yds (cubic yards)
d. Type of dredged material: Dredge material is soil from semi-wet meadow used to construct embankment
e. Disposal site for dredged material: embankment of pond Method of dredging: track dozer
f. Method to control turbidity and sedimentation: _____
g. Is project located in a mapped floodway? no If yes, complete the Engineering "No-Rise" certification form.

8. a. Purpose and intended use: Commercial _____ Public _____ Private ☒ Other _____ Describe _____
b. Reason for project Diversify wildlife habitat
9. Proposed Starting Date Sept 21, 2004 Estimated Duration 4 days
10. List portions of the project that are complete with month and year of completion Will finish in Sept. 2005
Label this work on your drawings.

☒ 11. Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.
PHIL PUCKETT HCR 11 Box 39 KAMIAH, ID 83536 (208) 935-2366

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

12. LEGAL OWNER IF OTHER THAN APPLICANT

a. Name _____ d. Phone Work () _____
b. Mailing Address _____ Home () _____
c. City, State, Zip Code _____

13. List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
✓ _____	_____	_____	_____	_____
_____	_____	_____	_____	_____

14. Has any agency denied approval for the proposed activity? Yes _____ No ☒ (If "Yes" explain)

15. Other comments/information:

This project is being carried out in conjunction with
the Natural Resources Conservation Service Environmental Quality
Incentives Program (NEQS). The purpose of the project is to
enhance wildlife habitat by diversifying wetlands, (creation of
open water) establishing native sedges, grasses and fencing off the area.

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed and completed work.

X [Signature] X GARY D. JOHNSON X 08/16/04
Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) Printed Name Date

17. If you wish to designate an authorized agent, complete item 4, item 16 and the following information.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Original Signature of Authorized Agent	Date	Original Signature of Applicant	Date
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18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

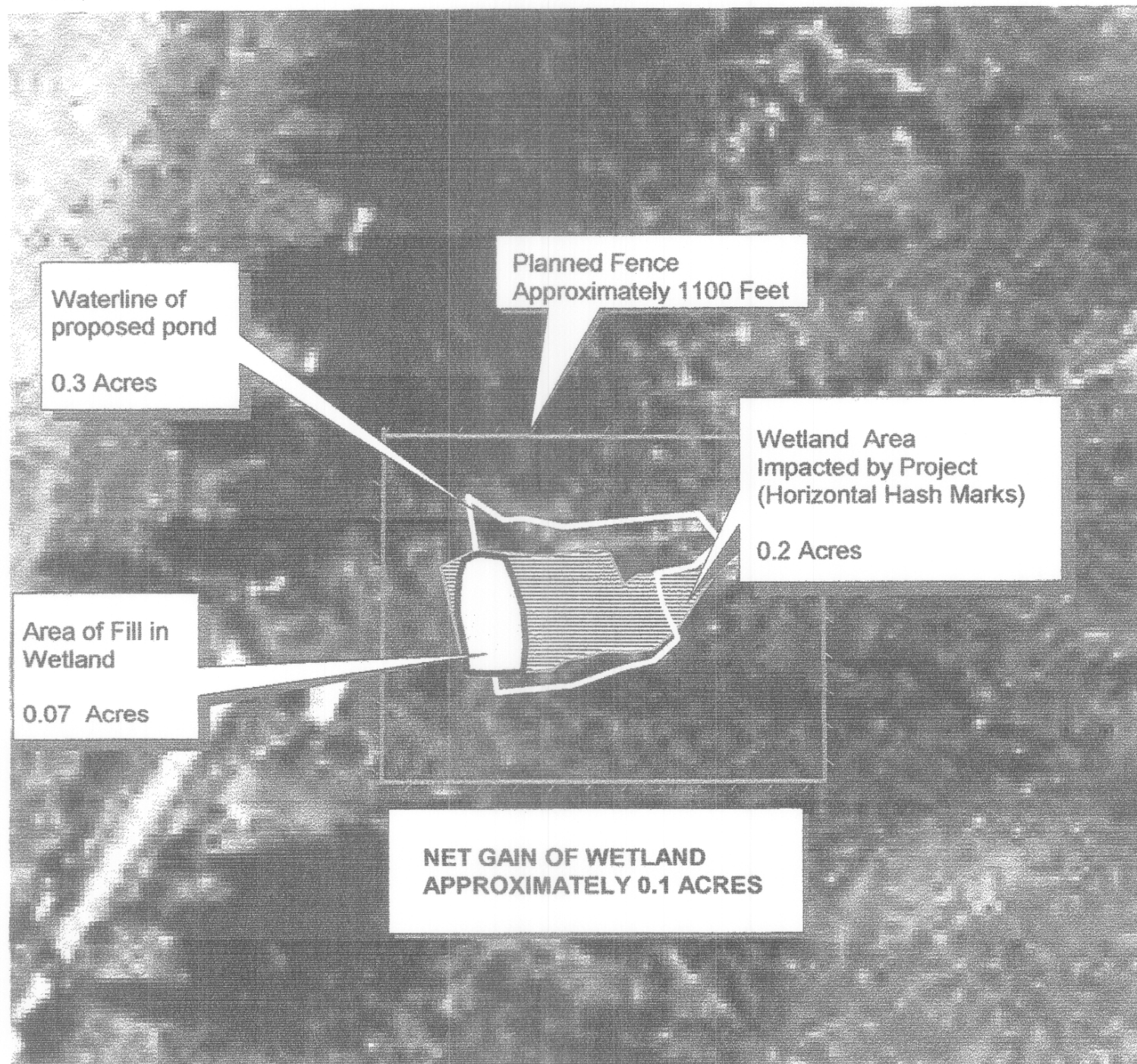
DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION

WETLAND IMPACT AREA

MR GARY JOHNSON

Date: 08/17/2004



Legend

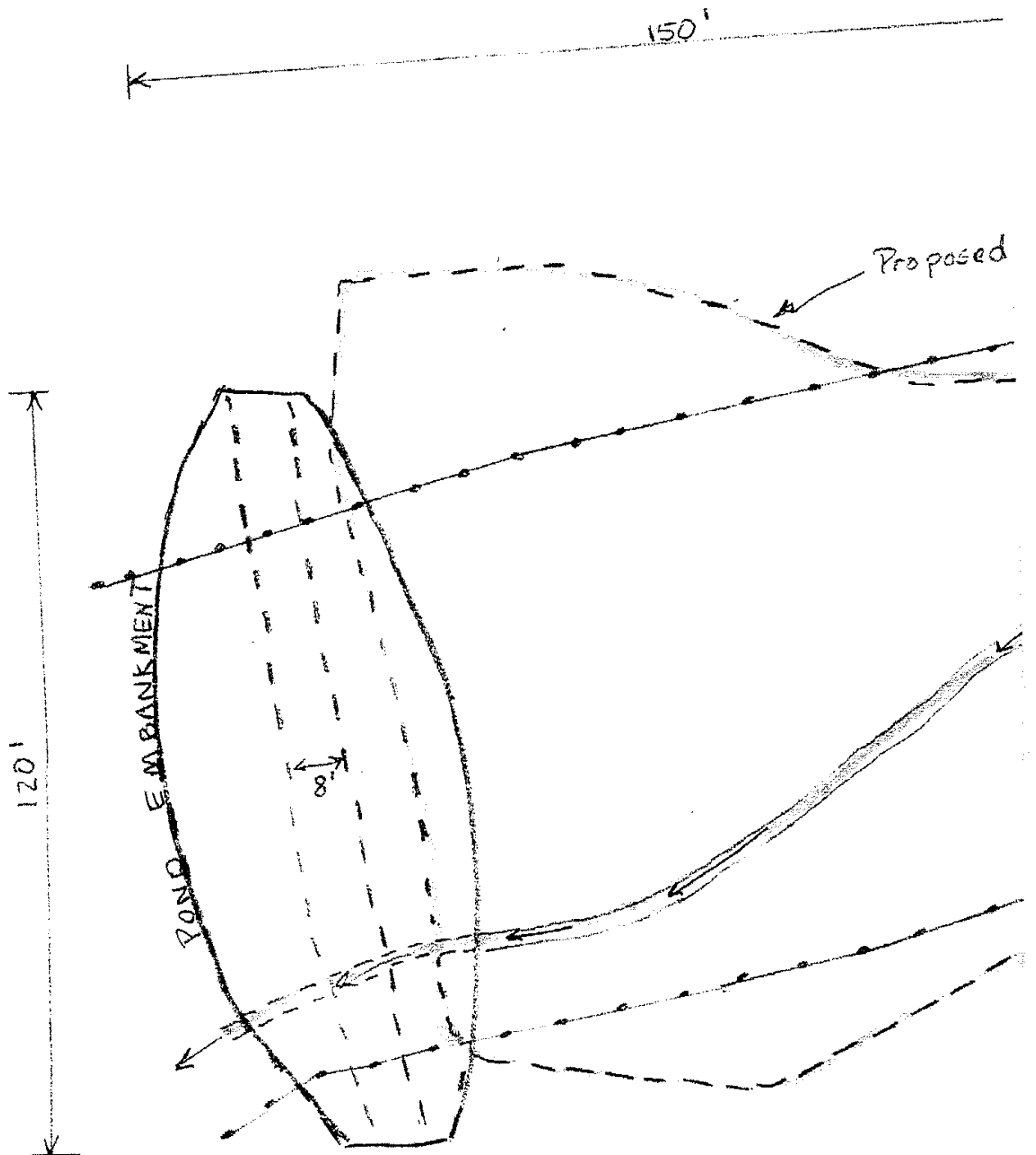
- embankment
- Planned Fence
ponlayout2
- Resource Inventory (polygons)
- Waypnt1.shp



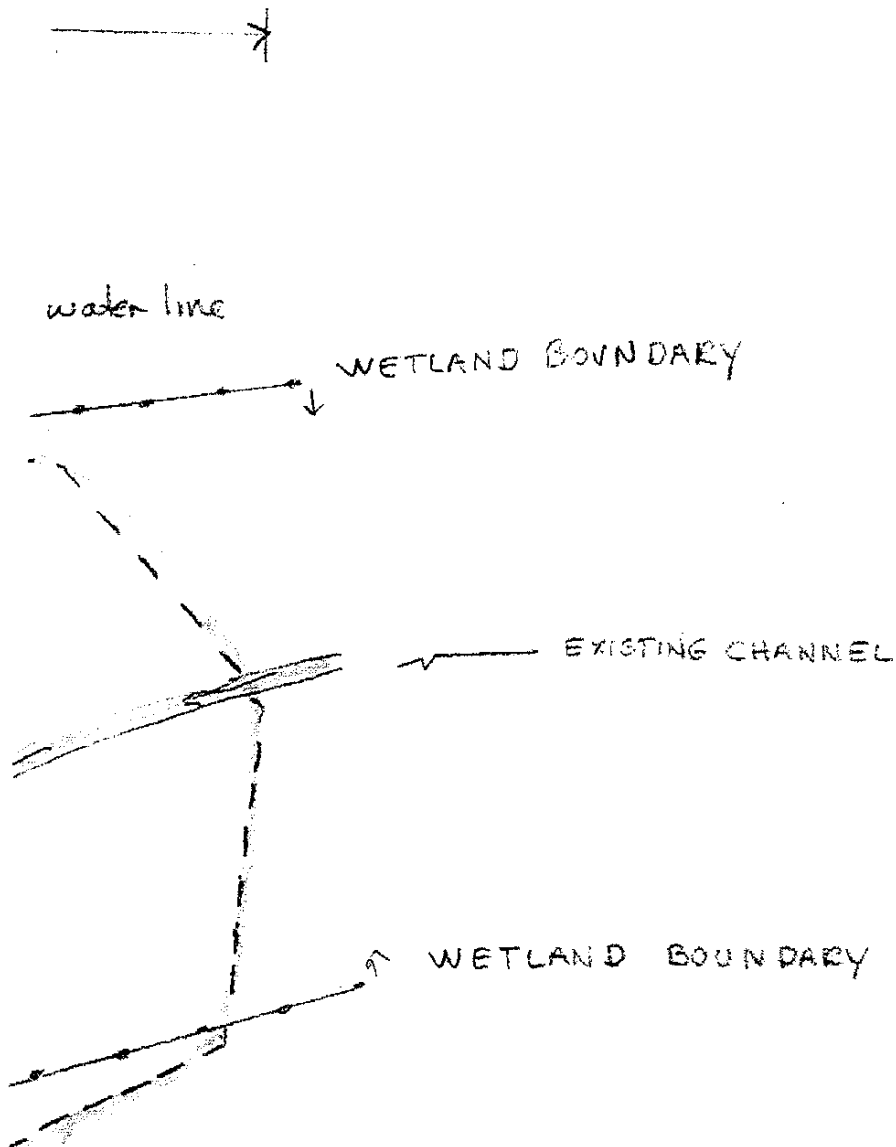
100 0 100 200 Feet



PLAN, VIEW OF



POND



GARY JOHNSON
WILDLIFE POND

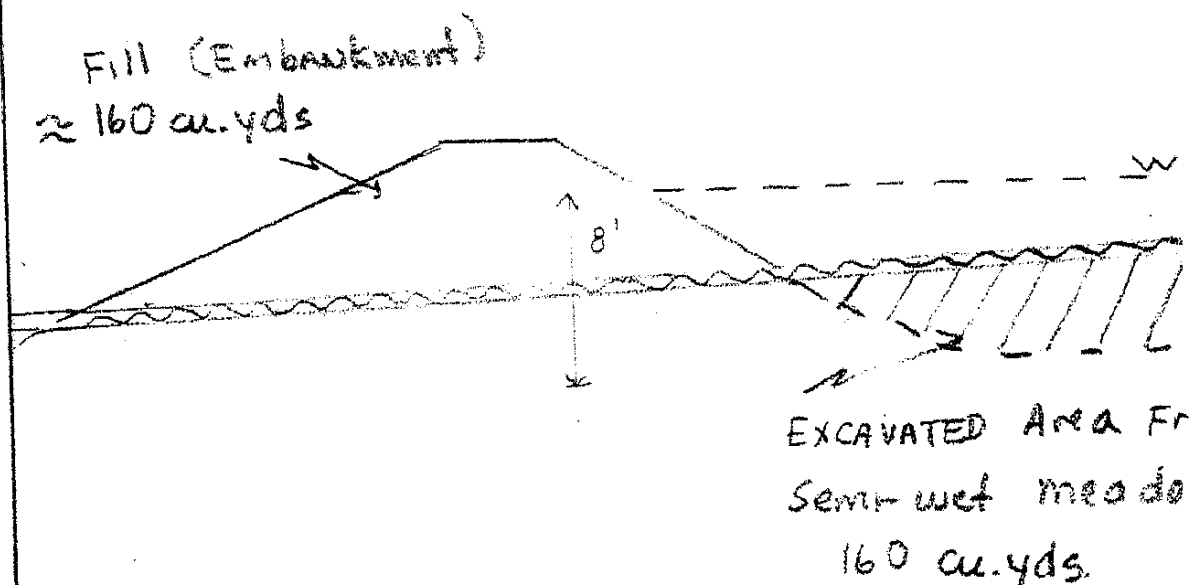


U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date		Approved by.....	
Designed.....		Title.....	
Drawn.....		Title.....	
Traced.....		Sheet	Drawing No
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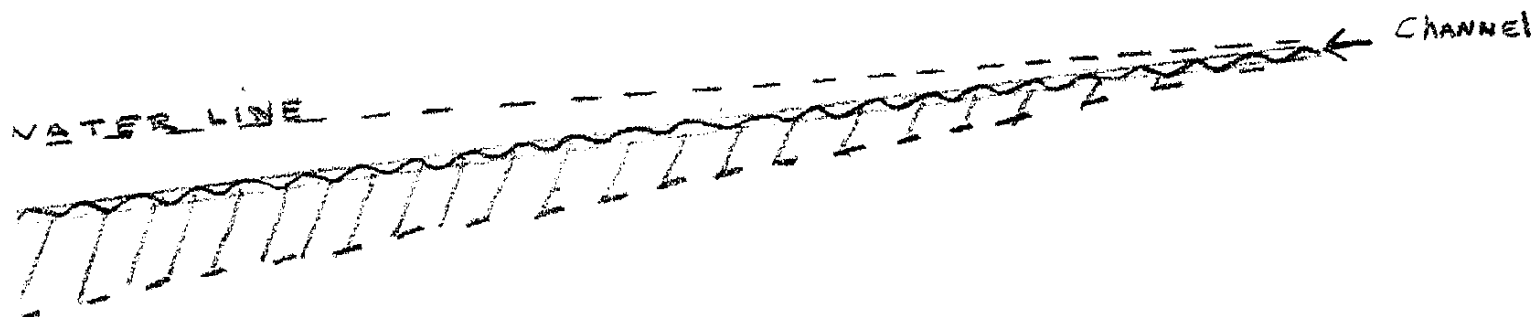
Gary:

Cr



Johnson Wildlife Pond

255 section view



From

low

NOT TO SCALE

GARY Johnson
Wildlife Pond

 U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by	
Drawn		Title	
Traced		Title	
Checked		Sheet No. of	Drawing No.

SCS-ENG-313A RE