



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 17, 2014

Mr. Gary L. Rencehausen  
2413 8<sup>th</sup> Avenue  
Lewiston, Idaho 83501

Re: Surface Water Permit No. S3-30495

Dear Mr. Rencehausen:

On, August 6, 2014 this office notified you that your Water Application Number S3-30495 would be rejected unless you returned the *Statement of Intent Form ECY 070-424* within 30 days.

Since we received no response to that notice, your application is hereby **rejected**.

**YOUR RIGHT TO APPEAL**

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

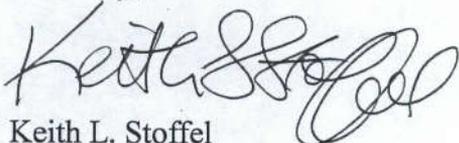


Mr. Rencehausen  
S3-30495  
Page 2  
September 17, 2014

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov> .  
To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,



Keith L. Stoffel  
Section Manager  
Water Resources Program  
Eastern Regional Office

KLS/DT:md

Enclosure: *Your Right to Be Heard*

**By certified mail:** 7008 0500 0000 2256 6207

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Total P **Mr. Gary L. Rencehausen**  
**2413 8th Avenue**  
**Lewiston, Idaho 83501**

Sent To \_\_\_\_\_  
 Street, A. or PO Box \_\_\_\_\_  
 City, State \_\_\_\_\_

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Mr. Gary L. Rencehausen**  
**2413 8th Avenue**  
**Lewiston, Idaho 83501**

2. Article Number  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Gary L. Rencehausen*  Agent  Addressee

B. Received by (Printed Name) *Gary Rencehausen*  Addressee

C. Date of Delivery *9-18*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, February 2004

7008 0500 0000 2256 6207

Domestic Return Receipt

102595-02-M-1540



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 6, 2014

Gary Rencehausen  
2413 8<sup>th</sup> Avenue  
Lewiston, Idaho 93501

Re: GW/SW Application No. S3-30495

Dear Mr. Rencehausen:

**NOTICE - WATER RIGHT APPLICATION STATUS**

The Department of Ecology (Ecology) has updated information on water availability for new water right applications within the Pataha Creek drainage of the Middle Snake River Basin, WRIA 35.

The Department of Fish and Wildlife recommend denial of your application since it will increase degradation to the stream and existing, functional fish and wildlife habitat. In addition, your proposed diversion is located upstream of an area that was adjudicated. This adjudication essentially claimed all the water of Pataha Creek within the lower portion of the basin for existing rights. This means any new water uses would negatively impact these rights. **Therefore, it appears that your application for a new water right will in all likelihood be denied.**

**Please complete the enclosed form and return it to this office within thirty days from the date of this letter.** To be clear, the form only applies to applications for new water rights and will not affect existing rights.

Your options are:

1. Mail the enclosed form back to us with the "NO LONGER INTERESTED" box checked. In this case, your application will be rejected and Ecology will close the file and remove it from the waiting list.
2. Mail the enclosed form back to us with the "PROCEED (Requesting Formal Decision)" box checked. In this case, Ecology must go through the lengthy process of making a formal decision (which could incur costs to you) and issuing a formal report recommending denial of the application, which is an appealable action pursuant to Chapter 43.21B310 RCW.
3. Do not return the form within 30 days. In this case, Ecology will issue a formal order rejecting the application, which is an appealable action pursuant to Chapter 43.21B310 RCW. We will then close the file and remove it from the waiting list.

*reject application  
no response to  
this letter  
OT 9/15/2014*



Mr. Rencehausen  
S3-30495  
Page 2  
August 6, 2014

This letter of notification is not an administrative order of Ecology pursuant to RCW 43.27A.190, nor is issuance of this letter an appealable action pursuant to RCW 43.21B.310. However, if you fail to respond to this letter, Ecology will issue you an Administrative Order rejecting your application. That Order would be a formal decision by Ecology that you may appeal to the state's Pollution Control Hearings Board.

If you have any questions or need additional information, please contact me at 509 329-3526 or [dtol461@ecy.wa.gov](mailto:dtol461@ecy.wa.gov).

Sincerely,



Dan Tolleson  
Water Resources Program  
Eastern Regional Office

DT:md

Enclosure: *Statement of Intent form ECY 070-424,  
Copy of WDFW Letter*

**By CERTIFIED MAIL:** 7012 3460 0002 8017 9635

7012 3460 0002 8017 9635

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City, State,

Gary Rencehausen  
2413 8th Avenue  
Lewiston, Idaho 93501

PS Form 3800, August 2006

See Reverse for Instructions

### SENDER: COMPLETE THIS SECTION

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gary Rencehausen  
2413 8th Avenue  
Lewiston, Idaho 93501

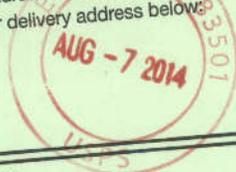
### COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 *Gary Rencehausen*  Addressee

B. Received by (Printed Name)  
**GARY L. RENCEHAUSEN**

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No



3. Service Type

Certified Mail  Express Mail

Registered  Return Receipt for Merchandise

Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

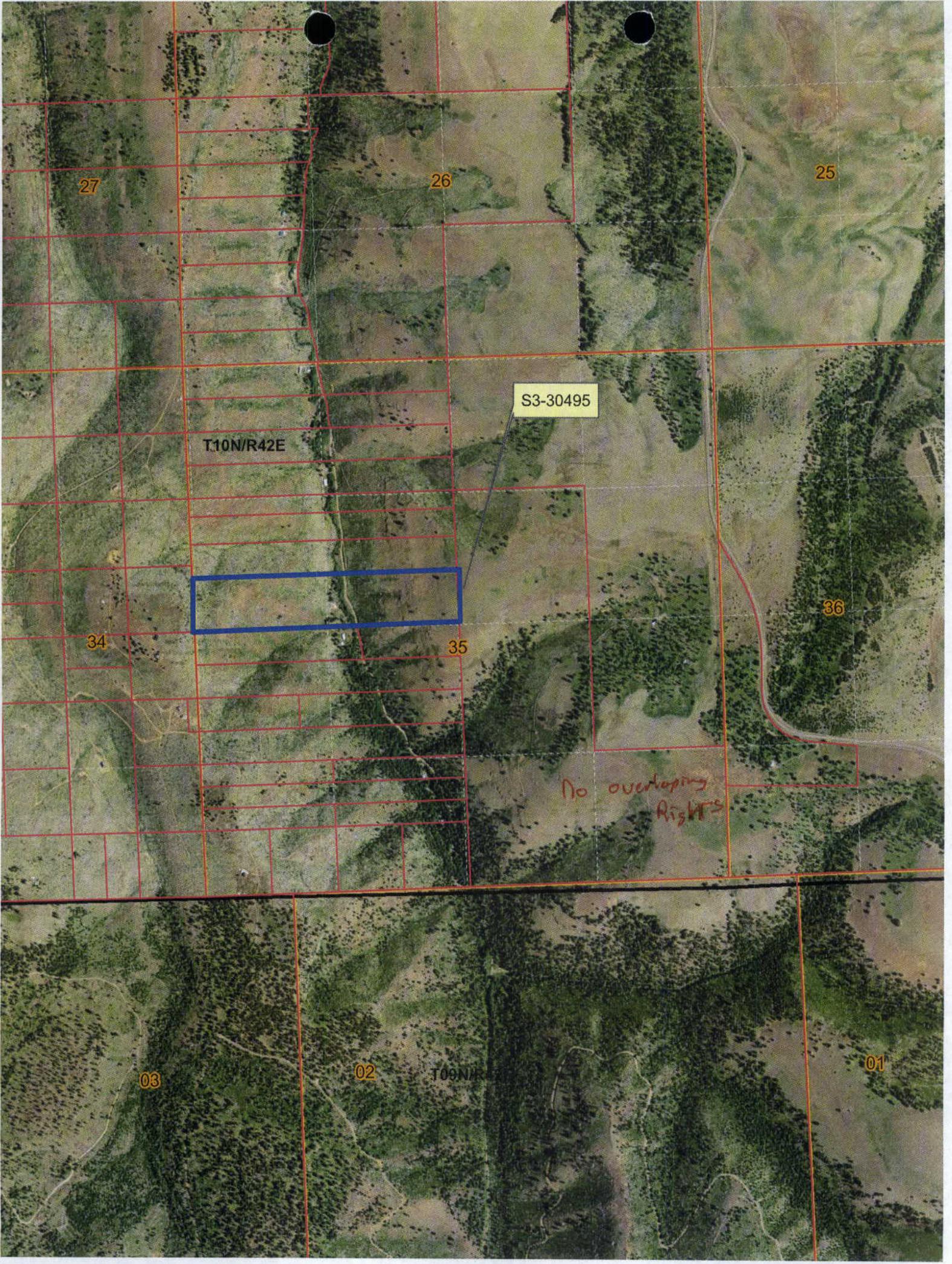
2. Article Number  
(Transfer from service label)

7012 3460 0002 8017 9635

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



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26

25

S3-30495

T10N/R42E

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No overlapping Rights

03

02

T09N/R42E

01

**Tolleson, Daniel F. (ECY)**

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**From:** Tolleson, Daniel F. (ECY)  
**Sent:** Thursday, June 26, 2014 1:53 PM  
**To:** Boessow, Steven N (DFW)  
**Subject:** WRIA 35 \_ new applications  
**Attachments:** Rencehausen S3-30495.pdf; Parkman S3-29361.pdf; WDFW S3-29491.pdf; Eaton S3-30327.pdf; Flerchinger S3-30258.pdf; Scott S3-30125.pdf; Waldher S3-30416.pdf

I am currently working on new surface water applications within WRIA 35, that do not propose to divert water directly from the Snake River. I have attached a copy of each application that needs a comment from WDFW. Thank you.

Dan Tolleson  
Water Resources Program  
4601 N Monroe Street  
Spokane, WA 99205-1295  
(509)329-3562



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

May 5, 2014

Mr. Gary Rencehausen  
2413 8th Avenue  
Lewiston, ID 83501

Dear Mr. Rencehausen:

Re: Application No. S3-30495

**NOTICE - WATER RIGHT APPLICATION STATUS**

The Department of Ecology (Ecology) is currently in the process of reviewing applications we have on file for new water rights within the Middle Snake Basin, Water Resource Inventory Area (WRIA) 35. This letter is intended to give you the opportunity to inform Ecology whether or not you are still interested in pursuing your application(s) for a new water right in the Middle Snake Basin.

Please contact me at your earliest convenience if you are still interested in pursuing your application(s). Provide any updated contact information including phone number(s), email address and any alternate mailing addresses.

**If we do not receive a response within 30 day of the date of this letter, it will be assumed that you no longer have any interest in the application(s). At which time the rejection process will begin for your application(s).**

If you have any questions or need information please contact me at (509) 329-3526 or [dtol461@ecy.wa.gov](mailto:dtol461@ecy.wa.gov). My mailing address is Department of Ecology, 4601 N. Monroe Street, Spokane, Washington, 99205-1295.

Sincerely,

Dan Tolleson  
Water Resources Program  
Eastern Regional Office

DT:md

Enclose *Copy of Application*

*Continue to process  
per Mr Rencehausen  
DT 5/7/2014*



27

26

25

T10N/R42E

S3-30495

2011 Aerial Photo  
Wed Jul 06  
Sat Aug 27

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03

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T09N/R42E

01

