

Nebeker, Jake

From: Terri Bartz <terribartz@gmail.com>
Sent: Thursday, June 16, 2022 7:05 AM
To: 'Schade, Kelly - FS'
Cc: Nebeker, Jake
Subject: MacArthur Water Rights
Attachments: Forestry doc signed.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kelly:
Attached is the signed document. Thank you again for working with us.

Terri MacArthur

From: Schade, Kelly - FS <kelly.schade@usda.gov>
Sent: Monday, June 13, 2022 12:32 PM
To: terri Bartz <terribartz@gmail.com>
Subject: Updated!

Thank you!



Kelly Larkin Schade
Fisheries Biologist and
Diversion Special Uses

Forest Service
Salmon-Challis National Forest

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STANDARD FORM 299
APPLICATION FOR TRANSPORTATION, UTILITY SYSTEMS, TELECOMMUNICATIONS AND FACILITIES
ON FEDERAL LANDS AND PROPERTY

FORM APPROVED
OMB Control Number: 0596-0249
Expiration Date: 02/28/2023

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application for an authorization (easement, right-of-way, lease, license or permit), the applicant should completely review this package, including instructions, and schedule a pre-application meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the pre-application meeting.

Application Number
75-15032

Date Filed
March 10, 2022

1. Name and address of applicant

Teresa and Michael MacArthur
3 W. Cameron Rd.
North Fork, ID 83466

2. Name and address of authorized agent if different from item 1

3. Applicant telephone number and email:

208-865-2369
terribartz@gmail.com

Authorized agent telephone number and email:

4. As applicant are you? (check one)

- a. ☒ Individual
- b. ☐ Corporation*
- c. ☐ Partnership/Association*
- d. ☐ State Government/State Agency
- e. ☐ Local Government
- f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☒ New authorization
- b. ☐ Renewing existing authorization number
- c. ☐ Amend existing authorization number
- d. ☐ Assign existing authorization number
- e. ☐ Existing use for which no authorization has been received *
- f. ☐ Other*

* If checked, provide details under item 7

6. If an individual, or partnership, are you a citizen(s) of the United States? ☒ Yes ☐ No

7. Project description (describe in detail): (a) Type of use or occupancy, (e.g., canal, pipeline, road, telecommunications); (b) related structures and facilities; (c) physical specifications (Length, width, grading, etc.); (d) term of days/years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for activity/construction (Attach additional sheets, if additional space is needed.)

Operation and maintenance of the existing Sheep Creek 1 diversion and 400 feet of ditch on NFS lands. Maintenance of headgate, measuring device, and ditch on NFS lands. Diversion is used to irrigate private lands (4.6 acres) in the Mountain Glen Estates subdivision, lots 5&6. No construction is needed, only maintenance operations.

8. Attach a map covering area and show location of project proposal.

9. State or Local government approval: ☐ Attached ☒ Applied for ☐ Not Required

10. Nonrefundable application fee: ☐ Attached ☐ Not required ☒ To be determined by agency

11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

We, along with the other water users, we conduct maintenance annually on the ditches serving our properties. Very little maintenance is done on NFS lands at the point of diversion or small section of ditch on NFS. That is handled by the ditch master.

13a. Describe other alternative locations considered.

No other alternative locations were considered. This ditch has served these properties since at least 1895 with the Sheep Creek placer claim.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to use or occupy Federal assets (lands or buildings).

The ditch and diversion have existed on NF lands since at least 1898 according to the water right priority date for other water users on the ditch.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

In order to receive IDWR water right, an application to the USFS is required in order to show good faith for access.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

None

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability; and, (g) historic or archaeological resources or properties.

None, ditch and diversion have existed for over 100 years.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plant life, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

Little to none, water right being applied for is .09 cfs, a fraction of the water available in Sheep Creek and the diversion is screened with an IDFG fish screen.

19. State whether any hazardous material, as defined in this paragraph, would be used, produced, transported or stored on or in a federal building or federal lands or would be used in connection with the proposed use or occupancy. "Hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include (or in the case of approval provided after this permit is issued, shall be amended to include) specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

None

20. Name all the Federal Department(s)/Agency(ies) where this application is being filed.

USDA Forest Service

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

 

Date

5/15/22

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.