

RECEIVED

FORM 202 Rev. 09/10

JUL 29 2022

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 72-17014

1. Name of applicant(s) STATE OF IDAHO, Idaho Fish and Game Commission Phone 208-334-3700
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address P.O. Box 25 City Boise
 State Idaho ZIP 83707 Email _____
2. Name of representative, if any Mike Demick, Easement Specialist Phone 208-756-6022
 Mailing address 97 Highway 93 North City Salmon
 State Idaho ZIP 83467 Email mike.demick@idfg.idaho.gov
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Bayhorse Creek which is a tributary of Salmon River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12N	19E	07			NE	SW	Custer	Bayhorse Creek	SBaC-03

5. Water will be used for the following purposes:
 Amount .80 for Fish Propagation purposes from April 1 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .80 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Single rotary drum fish screen (18-inch dia. by 4-foot long, perf. plate), paddlewheel powered, 10-inch fish bypass pipe from screen to creek, lockable headgate.
- b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is NA inches; proposed depth of well is NA feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? NA; drilling firm NA;
 well was drilled for (well owner) NA; Drilling Permit No. NA

For Department Use

Received by DM Date 7-29-2022 Time 1:20 PM Preliminary check by _____
 Fee \$ 250- Received by Inter. Agency Receipt No. BILL015501 Date _____

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. NA
 - Stockwatering; list number and kind of livestock. NA
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households NA
 - Other; describe fully. This is a non-consumptive use of water that enables fish entrained in ditch to return to the stream through a bypass pipe that runs from the fish screen to the stream.
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	
12N	19E	7									H								

Total number of acres to be irrigated: 0

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Point of Diversion is shared with other water right holder. This is the only right for the fish screen.
11. a. Who owns the property at the point of diversion? Petersen, Don E & Clarence S; Trustees of Trust Agreement
b. Who owns the land to be irrigated or place of use? Petersen, Don E & Clarence S; Trustees of Trust Agreement
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: IDFG has a recorded easement for ingress/egress to operate/maintain fish screen/bypass on property.
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To record a non-consumptive use of water for a fish screen/fish bypass pipe installed and currently operating.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

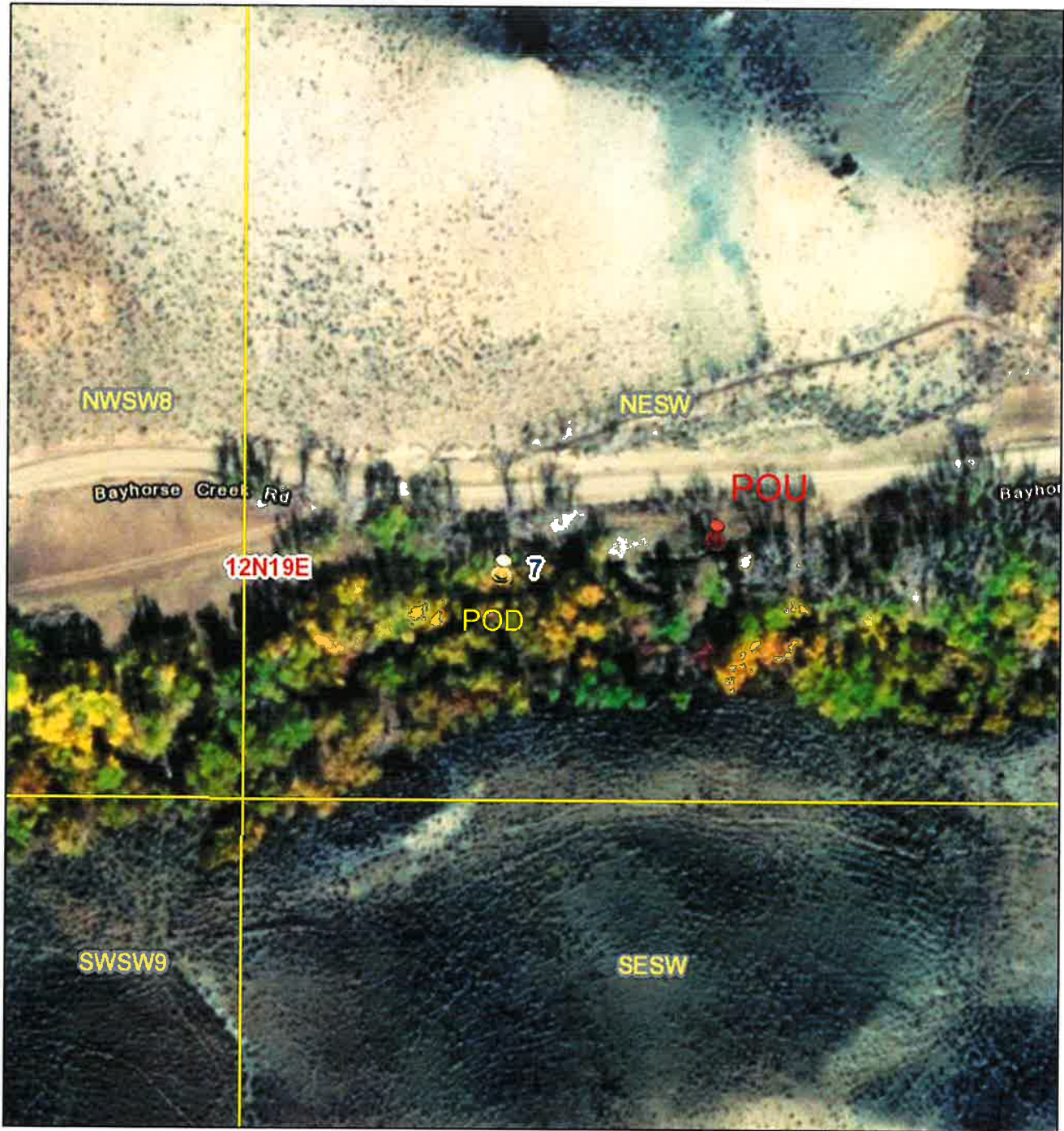
Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

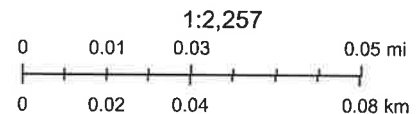
Print Name (and title, if applicable)

Application for Water Right: Bayhorse Creek-03



12/27/2021, 1:59:58 PM

- Points
 - Quarter Quarter
 - Section
 - Township/Range
- Override 1
- Override 2
- Counties
 - Idaho Outline
 - Idaho Mask



Maxar, Microsoft, Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, iPC, Idaho Department of Water Resources

Idaho Department of Water Resources
Maxar, Microsoft | Created by NRCS from 1:24,000 scale USGS topographic maps. | Idaho Department of Water Resources | USDA, Natural Resources Conservation Services | Esri, HERE, iPC |

72-17014



THE JEFFERSON
STAR

THE CHALLIS
Messenger

ADVERTISING RECEIPT

APG West Payment
Processing
PO Box 1570
Pocatello, ID 83204
Ph. (208) 542-6712

BILLING DATE:	ACCOUNT NO:
08/25/22	12622

Denise Maline
IDWR SOUTHERN REGION TWIN FALLS
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
276335	The following applic	09/01/22	09/08/22	2	\$1,269.20

Application for Permit No(s). 71-11010, 71-11011, 71-11012, 71-11013,
71-11014, 72-17012, 72-17013, 72-17014, 72-17015, 72-17016

Proof of legal notice received from Challis Messenger 8/25/2022 (2 pgs)

✓ DM
8-26-2022

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$1,269.20
Paid Amount: \$0.00

Amount Due: \$1,269.20

We Appreciate Your Business!

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

71-11010
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion S25W S21 T08N R14E CUSTER County Source WARM CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 0501 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T08N R14E S21 S25W
 Application proposes the diversion of up to 0.80 cfs from Warm Creek for use at a fish screen / bypass located approximately 14.8 miles south and 4.6 miles east of Stanley. This application proposes the diversion and use of water from Warm Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11011
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NWNW S17 T10N R13E CUSTER County Source GOAT CREEK Tributary VALLEY CREEK
Use: FISH PROPAGATION 0501 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T10N R13E S17 NWNW
 Application for permit proposes diversion of up to 0.80 cfs from Goat Creek for use at a fish screen / bypass located approximately 2.0 miles west and 1.0 mile south of Stanley. This application proposes the diversion and use of water from Goat Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11012
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NWNW S26 T11N R12E CUSTER County Source STANLEY LAKE CREEK Tributary VALLEY CREEK
Use: FISH PROPAGATION 0401 to 11/01 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T11N R12E S26 NWNW
 Application for permit proposes diversion of up to 0.80 cfs from Stanley Lake Creek for use at a fish screen / bypass located approximately 4.8 miles west and 3.0 miles north of Stanley. This application proposes the diversion and use of water from Stanley Lake Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11013
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NWSW S20 T09N R14E CUSTER County Source WILLIAMS CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 0501 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T09N R14E S20 NWSW
 Application for permit proposes diversion of up to 0.80 cfs from Williams Creek for use at a fish screen / bypass located approximately 8.5 miles south and 4.2 miles east of Stanley. This application proposes the diversion and use of water from Williams Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11014
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NESW S20 T09N R14E CUSTER County Source WILLIAMS CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 0501 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T09N R14E S20 NESW
 Application for permit proposes diversion of up to 0.80 cfs from Williams Creek for use at a fish screen / bypass located approximately 8.5 miles south and 4.1 miles east of Stanley. This application proposes the diversion and use of water from Williams Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17092
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NWSW S2 T14N R18E CUSTER County Source CHALLIS CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 0401 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T14N R18E S2 NWSW
 Application proposes the diversion of up to 0.80 cfs from Challis Creek for use at a fish screen / bypass located approximately 4.5 miles north and 3.5 miles west of Challis. This application proposes the diversion and use of water from Challis Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17093
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion SWNW S4 T14N R18E CUSTER County Source CHALLIS CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 0401 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T14N R18E S4 SWNW
 Application proposes the diversion of up to 0.80 cfs from Challis Creek for use at a fish screen / bypass located approximately 4.6 miles north and 5.9 miles west of Challis. This application proposes the diversion and use of water from Challis Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17094
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NESW S7 T12N R19E CUSTER County Source BAYHORSE CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 0401 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T12N R19E S7 NESW
 Application proposes the diversion of up to 0.80 cfs from Bayhorse Creek for use at a fish screen / bypass located approximately 8.4 miles south and 1.4 miles west of Challis. This application proposes the diversion and use of water from Bayhorse Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17015
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion L10 (SWSE) S7 T12N R19E CUSTER County Source BAYHORSE CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 0401 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T12N R19E S7 L10 (SWSE)
 Application proposes the diversion of up to 0.80 cfs from Bayhorse Creek for use at a fish screen / bypass located approximately 8.5 miles south and 1.4 miles west of Challis. This application proposes the diversion and use of water from Bayhorse Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17016
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NENE S31 T14N R19E CUSTER County Source GARDEN CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 0401 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T14N R19E S32 NWNW
 Application proposes the diversion of up to 0.80 cfs from Garden Creek for use at a fish screen / bypass located approximately 1.5 miles west of the intersection of Main St and Hwy 93 in Challis. This application proposes the diversion and use of water from Garden Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033, or for a full description of the right(s), please see <https://research.idaho.gov>. Protestants may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before September 19, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 25, 2022

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025

RE: Application for Permit No(s). 71-11010, 71-11011, 71-11012, 71-11013, 71-11014, 72-17012, 72-17013, 72-17014, 72-17015, 72-17016

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **CHALLIS MESSENGER on 9/1/2022 and 9/8/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 19, 2022**.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

c: Mike Demick, Idaho Dept of Fish & Game, Salmon, Idaho

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 25, 2022 3:49 PM
To: Graybill, David
Subject: Comment Letter(s) for Fish & Game Commission applications
Attachments: Comment letter to WD170 for 71-11010, etc. F&G Commission.pdf; 72-17013.pdf; 72-17014.pdf; 72-17015.pdf; 72-17016.pdf; 72-17012.pdf

Hi David,

Attached are (5) more applications that are currently being processed by the department. These applications are located within WD72A, WD72D, WD170. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact either Jim Bitzenburg or Bill Mills.

Thank you in advance,

Denise

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 25, 2022

WATER DISTRICT 170
DAVID GRAYBILL
102 S WARPAT
SALMON ID 83467

RE: Application for Permit No(s). 71-11010, 71-11011, 71-11012, 71-11013, 71-11014, 72-17012, 72-17013, 72-17014, 72-17015, 72-17016 (Fish & Game Commission)

Dear David:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 25, 2022

WATER DISTRICT 72D
BRENT CUTLER
45 BUCKBOARD LN
CHALLIS ID 83226-4998

RE: Application for Permit No(s). 72-17014 & 72-17015 (Fish & Game Commission)

Dear Brent:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 25, 2022 3:52 PM
To: Richards,Jeff
Subject: Comment Letter(s) for Fish & Game Commission - Custer County
Attachments: Comment letter to F&G for 71-11010, etc. F&G Commission.docx; 71-11013.pdf; 71-11014.pdf; 71-11010.pdf; 71-11011.pdf; 71-11012.pdf; 72-17013.pdf; 72-17014.pdf; 72-17015.pdf; 72-17016.pdf; 72-17012.pdf

Hi Jeff,

Attached are (10) applications that are currently being processed by the department. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact either Jim Bitzenburg or Bill Mills.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF

WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

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Governor Brad Little

Director Gary Spackman

August 25, 2022

IDAHO DEPT OF FISH & GAME
JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Application for Permit No(s). 71-11010, 71-11011, 71-11012, 71-11013, 71-11014,
72-17012, 72-17013, 72-17014, 72-17015, 72-17016 (Fish & Game Commission)

Dear Mr. Richards:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:*
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization 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 (**on or before September 19, 2022**).

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 25, 2022 10:53 AM
To: Challis Messenger
Subject: LEGAL NOTICE - Challis Messenger
Attachments: Challis Messenger cover letter.docx; Challis Messenger ad.docx

Attached please find (1) legal notice being submitted for publication *in the Challis Messenger* on September 1st & 8th, 2022. Note, this is a large ad for (10) applications. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 25, 2022

LEGAL NOTICE DEPARTMENT

CHALLIS MESSENGER

PO BOX 405

CHALLIS, ID 83226-0405

RE: Application for Permit No(s). 71-11010, 71-11011, 71-11012, 71-11013, 71-11014,
72-17012, 72-17013, 72-17014, 72-17015, 72-17016

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 September 19, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

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

71-11010

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion SESW S21 T08N R14E CUSTER County Source WARM CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T08N R14E S21 SESW

Application proposes the diversion of up to 0.80 cfs from Warm Creek for use at a fish screen / bypass located approximately 14.8 miles south and 4.6 miles east of Stanley. This application proposes the diversion and use of water from Warm Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11011

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWNW S17 T10N R13E CUSTER County Source GOAT CREEK Tributary VALLEY CREEK

Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T10N R13E S17 NENW, NWNW

Application for permit proposes diversion of up to 0.80 cfs from Goat Creek for use at a fish screen / bypass located approximately 2.0 miles west and 1.0 mile south of Stanley. This application proposes the diversion and use of water from Goat Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11012

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWNE S26 T11N R12E CUSTER County Source STANLEY LAKE CREEK Tributary VALLEY CREEK

Use: FISH PROPAGATION 04/01 to 11/01 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T11N R12E S26 NWNE

Application for permit proposes diversion of up to 0.80 cfs from Stanley Lake Creek for use at a fish screen / bypass located approximately 4.8 miles west and 3.0 miles north of Stanley. This application proposes the diversion and use of water from Stanley Lake Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11013

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWSE S20 T09N R14E CUSTER County Source WILLIAMS CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T09N R14E S20 SENW

Application for permit proposes diversion of up to 0.80 cfs from Williams Creek for use at a fish screen / bypass located approximately 8.5 miles south and 4.2 miles east of Stanley. This application proposes the diversion and use of water from Williams Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11014

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NESW S20 T09N R14E CUSTER County Source WILLIAMS CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T09N R14E S20 SENW, NESW

Application for permit proposes diversion of up to 0.80 cfs from Williams Creek for use at a fish screen / bypass located approximately 8.5 miles south and 4.1 miles east of Stanley. This application proposes the diversion and use of water from Williams Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17012

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWSE S2 T14N R18E CUSTER County Source CHALLIS CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T14N R18E S2 NWSE

Application proposes the diversion of up to 0.80 cfs from Challis Creek for use at a fish screen / bypass located approximately 4.5 miles north and 3.5 miles west of Challis. This application proposes the diversion and use of water from Challis Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17013

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion SWNW S4 T14N R18E CUSTER County Source CHALLIS CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T14N R18E S4 SWNW

Application proposes the diversion of up to 0.80 cfs from Challis Creek for use at a fish screen / bypass located approximately 4.6 miles north and 5.9 miles west of Challis. This application proposes the diversion and use of water from Challis Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17014

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NESW S7 T12N R19E CUSTER County Source BAYHORSE CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T12N R19E S7 NESW

Application proposes the diversion of up to 0.80 cfs from Bayhorse Creek for use at a fish screen / bypass located approximately 8.4 miles south and 1.8 miles west of Challis. This application proposes the diversion and use of water from Bayhorse Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17015

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion L10 (SWSE) S7 T12N R19E CUSTER County Source BAYHORSE CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T12N R19E S7 L10 (SWSE)

Application proposes the diversion of up to 0.80 cfs from Bayhorse Creek for use at a fish screen / bypass located approximately 8.5 miles south and 1.4 miles west of Challis. This application proposes the diversion and use of water from Bayhorse Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17016

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NENE S31 T14N R19E CUSTER County Source GARDEN CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T14N R19E S32 NWNW

Application proposes the diversion of up to 0.80 cfs from Garden Creek for use at a fish screen / bypass located approximately 1.5 miles west of the intersection of Main St and Hwy 93 in Challis. This application proposes the diversion and use of water from Garden Creek, a tributary of the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 19, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 1st & 8th, 2022

Mills, Bill

From: Mills, Bill
Sent: Wednesday, August 17, 2022 10:37 AM
To: IWRB Water Use Reviews
Subject: IDF&G Fish Screen Applications for Permit
Attachments: 71-11010.pdf; 72-17012.pdf; 72-17013.pdf; 72-17014.pdf; 72-17015.pdf; 72-17016.pdf

I will be submitting the six attached applications for permit to advertising this week. The six applications for permit are for fish screens, one is in the Stanley area and the other five are in the Challis area. If you have any comments or concerns regarding these applications, please let me know. Your time and comments are greatly appreciated.

Sincerely,

Bill Mills

Senior Water Resource Agent

IDWR Southern Region



RECEIVED

AUG 16 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION

99 Highway 93 North

Salmon, Idaho 83467

Brad Little / Governor

Ed Schriever / Director

August 15, 2022

State of Idaho Department of Water Resources
ATTN: Jim Bitzenburg, Senior Water Resource Agent
650 Addison Ave W. Ste 500
Twin Falls, ID 83301

RE: Applications to Appropriate Water in the Upper Salmon River Basin 71-11010, 71-11011, 71-11012, 71-11013, 71-11014, 71-11015, 71-11017, 71-11018, 72-17012, 72-17013, 72-17014, 72-17015, 72-17016, 72-17017, 72-17018, 72-17019 – Fish Propagation (fish screens/fish bypass)

Dear Jim:

For additional information on how our proposal for the above mentioned Water Rights (WR) invokes any local public interest concerns for ESA species recovery, the Idaho Department of Fish and Game (IDFG) submits the following:

The IDFG Anadromous Fish Screen and Habitat Program has been an integral part of improving conditions to support recovery of ESA-listed fish species - Chinook salmon, steelhead, and bull trout in the Upper Salmon Basin. IDFG works collectively with the Upper Salmon River Basin Watershed Technical Team to coordinate and prioritize projects implemented in the basin.

Over the past 60 years, our program has installed over 281 fish screens to prevent ESA-listed fish species from being entrained in irrigation ditches. In order to safely return the fish from the fish screen back to the river or stream, from which they were diverted, a bypass flow is required.

The applications for WR's represents a non-consumptive use. Where the water is diverted at the headgate, travels a short distance downstream to the fish screen (usually less than 100 yards), and is then returned to the river or stream via a bypass pipe. The bypass pipe is designed to transfer the fish back to the river or stream. Without the critical bypass flow the fish would become stranded at the face of the fish screen and would not be reverted to the river. Fish screens and the bypass flows protect irrigators from illegal take of ESA-listed species and provide a benefit to the community by protecting and enhancing ESA-listed species populations for future generations.

If you have any questions or need additional assistance, please contact the Region's Easement Specialist, Mike Demick at 208-756-2271.

Sincerely,

Tom Curet
Regional Supervisor

tc: md

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-756-2271 • Fax: 208-756-6274 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 10, 2022

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

STATE OF IDAHO
DEPT OF FISH AND GAME
MIKE DEMICK
97 HIGHWAY 93 N
SALMON ID 83467-5292

RE: Applications to Appropriate Water in the Upper Salmon River Basin 71-11010, 71-11011, 71-11012, 71-11013, 71-11014, 71-11015, 71-11017, 71-11018, 72-17012, 72-17013, 72-17014, 72-17015, 72-17016, 72-17017, 72-17018, 72-17019 - Fish Propagation (fish screens/fish bypass)

Dear Water Right Applicant:

The Department of Water Resources' (IDWR) records show you filed an application to establish a new use of water in the upper Salmon River basin. Idaho Code § 42-203A(5) requires IDWR to determine whether each water right application satisfies all the criteria necessary for appropriating water in Idaho. One statutory criterion requires IDWR to determine the local public interest relative to the proposed water use. Idaho Code § 42-202B(3) defines the local public interest as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." The local public interest has many facets, including the effects of a proposed water use on aquatic habitat for fish and wildlife resources.

The upper Salmon River basin is home to stocks of chinook salmon, sockeye salmon, steelhead trout, and bull trout, all of which are listed as threatened or endangered under the Endangered Species Act (ESA). Since the early 1990s, local water users, conservation districts, and federal and state agencies have cooperated to implement conservation measures intended to protect and restore habitat for ESA-listed species in the upper Salmon River watershed. For example, at the request of local water users the Idaho Legislature directed the Idaho Water Resource Board (IWRB) to establish a minimum stream flow in the lower Lemhi River for fish passage. The minimum stream flow is maintained through a water supply bank and temporary or permanent acquisition of additional water supplies by willing buyers from willing sellers.

Pursuant to the Snake River Water Rights Agreement of 2004, Idaho has been developing a long term conservation plan for the benefit of ESA-listed species in the Lemhi River basin. Improving conditions in flow-limited river reaches and streams is a fundamental component of the Lemhi plan. In addition to IDWR, numerous state agencies, including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho Department of Environmental Quality,

Idaho Soil and Water Conservation Commission, and Idaho Department of Lands, have committed and continue to commit significant resources toward this objective under the following programs:

- Columbia Basin Water Transactions Program
- National Marine Fisheries Service Pacific Coastal Salmon Recovery Fund
- U. S. Fish & Wildlife Service Aquatic Species Conservation Fund
- Salmon and Clearwater River Basins Habitat Fund
- 2008 Columbia Basin Fish Accords

A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model watersheds. Furthermore, the Snake River Water Rights Agreement of 2004 contemplates the development of additional conservation plans for other upper Salmon River basin watersheds. Accordingly, the Comprehensive State Water Plan revised by the IWRB contains policies for the Salmon River basin that focus on the protection and restoration of instream habitat for ESA-listed species through voluntary participation in conservation programs.

Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

Pursuant to Rule 40.04.c of the Water Appropriation Rules (IDAPA 37.03.08.040.04.c), the applicant has the ultimate burden of persuasion regarding the items that must be evaluated in connection with each water right application. Before proceeding further with your application, IDWR requests you submit additional information about how your proposal invokes any local public interest concerns for ESA species recovery.

Within 30 days, please submit any additional information you believe IDWR may need to evaluate and determine the local public interest in the water you propose to divert and use. If IDWR has not received a response from you within 30 days, IDWR will assume you have no comment regarding the local public interest, and processing of your application will resume with the information currently on file. Processing will include public notice and the potential for formal protests by other interested parties. Applications that are not in the local public interest will be denied. If you wish to withdraw your application before it is processed, please notify IDWR in writing.

If you have any questions, please call me at (208) 293-9909, or email me at james.bitzenburg@idwr.idaho.gov.

Sincerely,



Jim Bitzenburg
Water Rights Supervisor

Maline, Denise

From: Maline, Denise
Sent: Friday, July 29, 2022 3:55 PM
To: IdwrPayable
Cc: Skinner, Corey; Bitzenburg, James; George, Suzanne
Subject: Interagency billing for Dept of Fish & Game
Attachments: Cover letter requesting interagency billing process.pdf

Good afternoon,

The Dept of Fish & Game filed 16 new applications for permit and are requesting Interagency Billing process be initiated. I've attached the cover letter with the billing information. Rather than attach each application to this e-mail, I have scanned them into my P: folder (see below).

Please let me know if you need anything else from me.

PublicFolders (P:) > DMaline > Idaho Dept of Fish & Game - 16 New Apps. for Permit (7-29-2022)

^

Thank you in advance,

Denise @ Southern

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF FISH AND GAME

600 S Walnut / P.O. Box 25
Boise, Idaho 83707

Brad Little / Governor
Ed Schriever / Director

July 25, 2022

Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

RECEIVED

JUL 29 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

Dear IDWR:

Enclosed please find 16 "Application for Permit" forms for new water rights in Basin 71 & 72.

Please initiate the Interagency Billing Process for the \$250 application fee for each of these applications, using PCA 31804 and code CINX. Please send the billing documents to IDFG Headquarter's Office, Attention: Tom Bassista, P.O. Box 25, Boise ID 83707. Tom can also be reached at 208-287-2773 or Thomas.bassista@idfg.idaho.gov.

Please send copies of the approved permits to IDFG Salmon Region, Attention: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call me if you have any questions at 208-756-6022.

Sincerely,

Mike Demick
Easement Specialist

Enclosed: Sixteen (16) "Application for Permit" forms

(Bypass WR for Fish Screens: S-22, SBaC-01, SBaC-03, SchaC-09, SchaC-11, SGaC-01, SEF-19, SGC-02/03, SGC-04, SLyC-01, SSmC-01, SVCGC-06/07, SVCSLC-01, SWC-01/02, SWmC-02/03, & SWmC-04)

Keeping Idaho's Wildlife Heritage