

RECEIVED

AMENDED

FORM 202 Rev. 09/16

DEC 14 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No.

74-16255
74-16254

APPLICATION FOR PERMIT

Department of Water Resources
Eastern Region

1. Name of applicant(s) McFarland Livestock CO. INC. Phone 208-303-0318
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address PO Box 50 City Lemhi
State Idaho ZIP 83465 Email Kauer10@live.com
2. Name of representative, if any _____ Phone _____
Mailing address _____ City _____
State _____ ZIP _____ Email _____
- 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 Hawley Creek which is a tributary of Eighteenmile Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
16N	27E	31			NE	NW	Lemhi	Hawley Creek	Beginning
16N	27E	31	1		NW	NW	Lemhi	Hawley Creek	Ending

5. Water will be used for the following purposes:
- Amount .02 for Stockwater purposes from 01/01 to 12/31 (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) .02 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. _____
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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 _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 100.00 Received by C# Receipt No. E047590 Date 12/2/21

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8. Description of proposed uses (if irrigation only, go to item 9):

Department of Water Resources
Eastern Region

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. 1000 Range Cattle
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

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	
16N	27E	31					S	S											
								L1											

Total number of acres to be irrigated: N/A

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? N/A

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Instream Stockwater.

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.

Thayne Kauer
Signature of Applicant

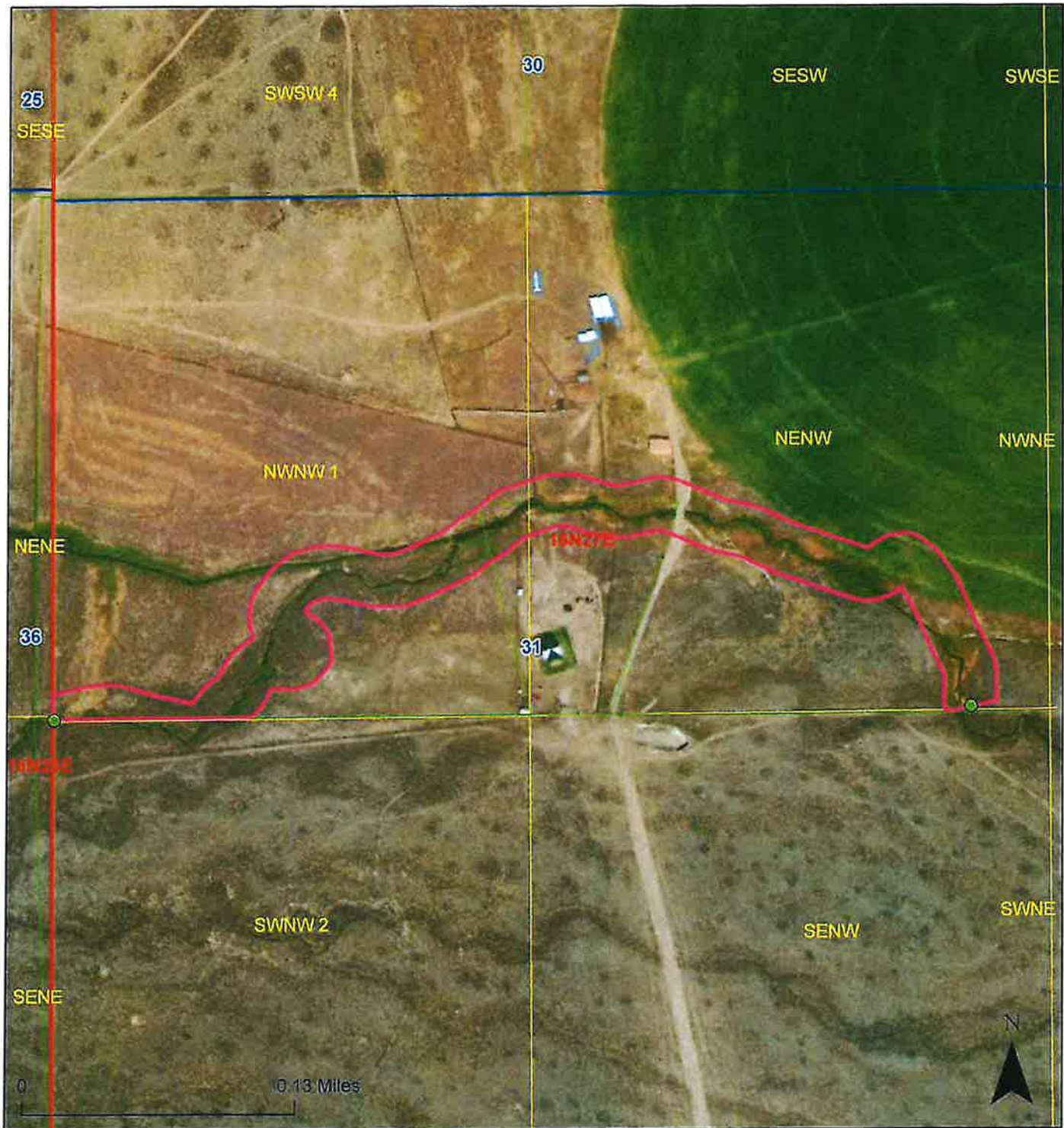
Thayne Kauer VP
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

74-16255

McFarland Livestock Co. Inc.

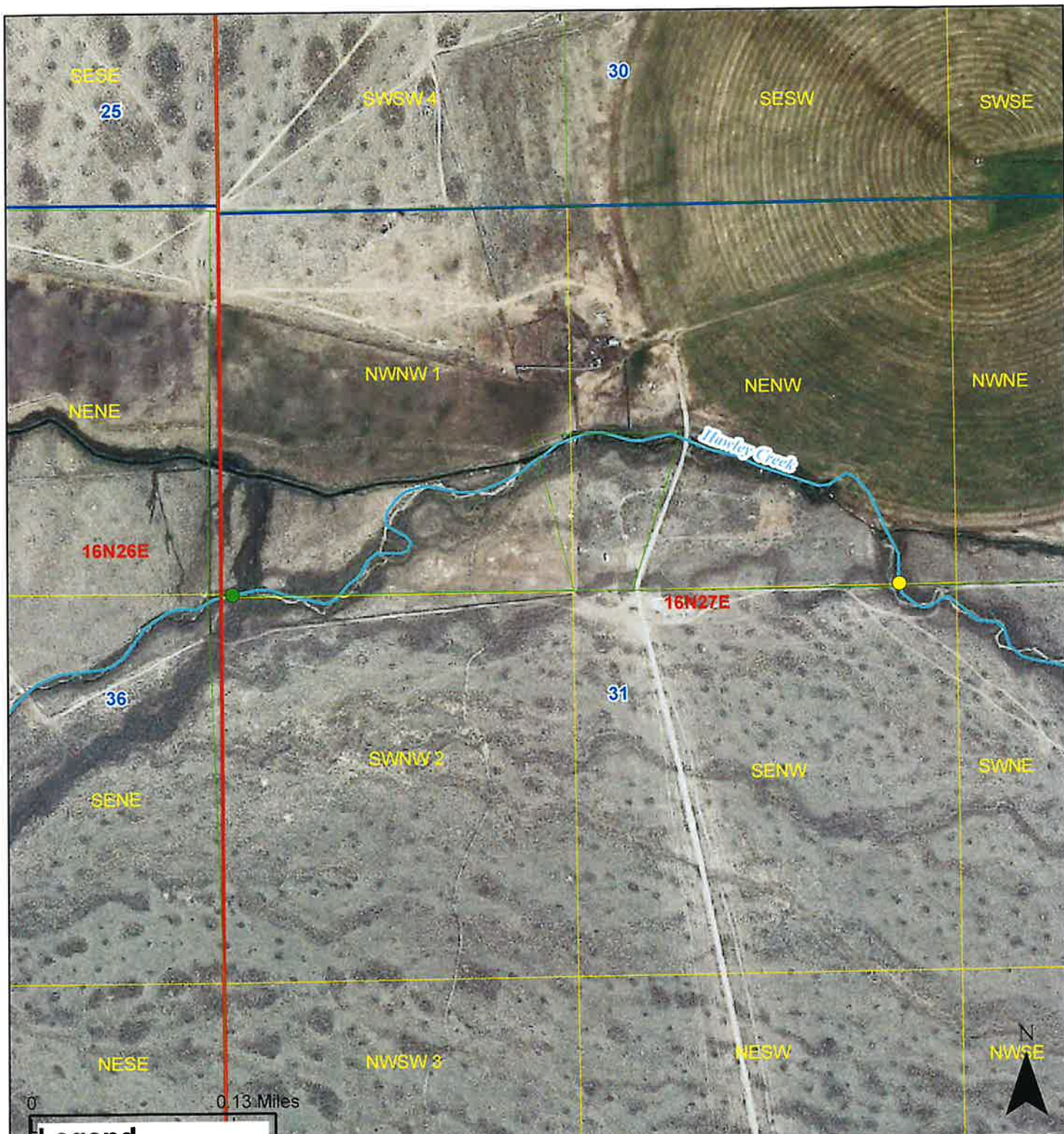


Legend

- POU
- Township/Range
- Sections
- QQ



74-16255



Legend

- Point of Beginning
- Point of Ending
- Township/Range
- Sections
- QQ

74-16255



IDAHO DEPARTMENT OF
WATER RESOURCES

December 4, 2021

To whom it may concern,

I Sheldon Jones, give McFarland Livestock Inc. permission for an easement intended for a stock water right to include my property adjacent to theirs at 338 Hawley Creek.

Sincerely,

Sheldon Jones

74-16255

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DEC 02 2021

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. _____

SUPERCEDED

Department of Water Resources

1. Name of applicant(s) McFarland Livestock Co. Inc. Phone 208-303-0318

Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address PO Box 50 City Lemhi

State Idaho ZIP 83465 Email kaver10@live.com

2. Name of representative, if any _____ Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

- 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.

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3. Source of water supply Hawley Creek which is a tributary of Lemhi River

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16N	27E	31	1		NW	NW	LEMHI	HAWLEY CK	ENDING

5. Water will be used for the following purposes:

Amount .02 for Stockwater purposes from Jan 1 to Dec 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)
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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? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 100.00 Received by CDH Receipt No. E047590 Date 12/2/21

74-16255

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TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	27E	31					S	S	S										

Total number of acres to be irrigated: N/A

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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.

Thayne Karver
 Signature of Applicant
Thayne Karver Vice President
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

74-16255



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 29, 2021

MCFARLAND LIVESTOCK CO INC
PO BOX 50
LEMHI, ID 83465-0050

RE: Application for Permit No. 74-16255

Dear Applicant:

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 RECORDER HERALD on 1/6/2022 and 1/13/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Christina Henman
Administrative Assistant



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

December 29, 2021

MCFARLAND LIVESTOCK CO INC
PO BOX 50
LEMHI, ID 83465-0050

RE: Application for Permit No. 74-16255

Dear Applicant:

The Idaho Department of Water Resources (IDWR) has received your 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 total 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 resources.” 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. Improving condition 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 the 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.

Sincerely,



Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 29, 2021 12:31 PM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 74-16255, 75-15030, 85117 Recorder Herald.docx

LEGAL NOTICE DEPARTMENT
RECORDER HERALD
PO BOX 310
SALMON, ID 83467

RE: Application for Permit No. 75-15030, 74-16255

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 1/24/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

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

75-15030

TIMOTHY & VALERIE ONEILL, PO BOX 1452, CARMEN, ID 83462-1452

Point of Diversion NWNE S17 T23N R22E LEMHI County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 11-22-2021

Place Of Use: DOMESTIC

T23N R22E S17

NWNE

This application proposes the diversion and use of water from ground water tributary to the Salmon 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 Domestic purposes.

74-16255

MCFARLAND LIVESTOCK CO INC, PO BOX 50, LEMHI, ID 83465-0050

Point of Diversion NENW S31 T16N R27E LEMHI County

Source HAWLEY CREEK Tributary EIGHTEENMILE CREEK

Point of Diversion L1(NWNW) S31 T16N R27E LEMHI County

Source HAWLEY CREEK Tributary EIGHTEENMILE CREEK

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 12-02-2021

Place Of Use: STOCKWATER

T16N R27E S31

NENW,L1(NWNW)

This application proposes the diversion and use of water from Hawley Creek a tributary of the Salmon 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 stockwater purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. 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, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 1/24/2022. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85117

ANDREW M and KATHLEEN M KNIGHT, PO BOX 71, LEMHI, ID 83465-0071 has filed Application No. 85117 for changes to the following water rights within LEMHI County(s): Right No(s). 74-1078; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. The proposed point of diversion is in NENWNW Sec 28 T18N R24E for 0.96 cfs from Lemhi River.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 1/24/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/6/2022 and 1/13/2022

Nebeker, Jake

From: Thayne Kauer <kauer10@live.com>
Sent: Tuesday, December 14, 2021 2:23 PM
To: Nebeker, Jake
Subject: Re: Water Permit Amendment
Attachments: image001.png; image002.png; image002.png; 20211213133652.pdf

Hey Jake, The application looks good let's move forward with submitting it. I have faxed the signature page back to the office, and approve the application.

Thayne Kauer VP

Sent from my iPhone

On Dec 13, 2021, at 1:39 PM, Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov> wrote:

Thayne,

After our phone call this morning, I did as we discussed and made an amended map and page two for you. I've attached them to this email. Give them a look over and let me know if they are adequate for your needs.

Thanks,

Jake Nebeker

Water Resource Agent

Office. (208) 525-7161

Fax. (208) 525-7177

Email. jake.nebeker@idwr.idaho.gov

900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718