

RECEIVED

DEC 22 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Ident. No. 71-11007

To appropriate the public waters of the State of Idaho

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 ID _____ 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 ID _____ 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 Champion 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 #
08N	14E	23			NW	NW	Custer	Champion Creek	SChC-01A

5. Water will be used for the following purposes:
- Amount .80 for Fish Propagation purposes from May 1 to Oct 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. Steel modular, single-bay fish screen (18" x 10' perforated plate) powered by paddlewheel, 10-inch bypass pipe back to creek, lockable controlling 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 A. SKINNER Date 12/22/2020 Time NOON Preliminary check by _____
 Fee \$ \$250 Received by N/A Receipt No. BILLO429 Date 2/23/2021

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. A non-consumptive use that enables fish entrained in ditch to safely return to stream through a bypass pipe that runs from the screen to the stream, eliminating fish mortality while ensuring user's water rights.
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	
08N	14E	23						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 holders. This is the only right for fish screen.
11. a. Who owns the property at the point of diversion? US Forest Service (SNRA)
- b. Who owns the land to be irrigated or place of use? US Forest Service (SNRA)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: IDFG holds SUP Auth.# NRA630802 & recorded easement to operate/maintain fish screen and bypass.
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 an existing fish screen and bypass 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
Tom Cret Regional Supervisor
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

Application for Water Right



12/16/2020, 11:52:53 AM

Points



Override 1



Override 2



Counties



Quarter Quarter



Section

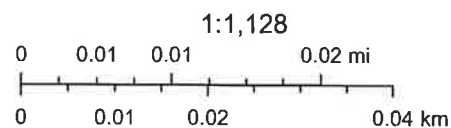


Township/Range



Idaho Outline

Idaho Mask



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

71-11007



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 7, 2021

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

RE: Application for Permit No. 71-11007

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 7/15/2021 and 7/22/2021**. 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 **August 2, 2021**.

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 1

c: Idaho Dept of Fish & Game, Salmon Office

Maline, Denise

From: Maline, Denise
Sent: Wednesday, July 7, 2021 5:16 PM
To: Morgan Miller (WD 71)
Subject: Comment Letter for 71-11007
Attachments: 71-11007.pdf; Comment letter to WD71 for 71-11007.docx

Hi Morgan,

Attached is an application for permit currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

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



State of Idaho

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Brad Little
Governor

Gary Spackman
Director

July 7, 2021

WATER DISTRICT 71
MORGAN MILLER
3594 HOT SPRINGS RD
CHALLIS ID 83226

RE: Application for Permit No. 71-11007

Dear Morgan:

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: Wednesday, July 7, 2021 5:13 PM
To: Whitney, Rob; Visosky, Steven
Subject: Comment Letter for 71-11007
Attachments: Comment Letter to WD170 for 71-11007.docx; 71-11007.pdf

Rob & Steve,

Attached is an application for permit within WD170, currently being processed by the department. Please review the application and provide any necessary comments within 21 days. Comments have also been solicited from WD71.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

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



State of Idaho

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Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 7, 2021

WATER DISTRICT 170
c/o ROB WHITNEY
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit No. 71-11007 (State of Idaho, Fish & Game Commission)

Dear Rob:

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.

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Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Wednesday, July 7, 2021 4:52 PM
To: Challis Messenger
Subject: LEGAL NOTICE FOR 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 July 15th & 22nd, 2021. 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



Brad Little
Governor

State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

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Gary Spackman
Director

July 7, 2021

LEGAL NOTICE DEPARTMENT

CHALLIS MESSENGER

PO BOX 405

CHALLIS, ID 83226-0405

RE: Application for Permit No. 71-11007

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 August 2, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

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

71-11007

STATE OF IDAHO

FISH AND GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWNW S23 T08N R14E CUSTER County Source CHAMPION CREEK Tributary SALMON RIVER

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

Total Diversion: 0.8 CFS

Date Filed: 12-22-2020

Place Of Use: FISH PROPAGATION

T08N R14E S23 NWNW

Application for permit proposes diversion of 0.80 cfs from Champion Creek for use at a fish screen / bypass located approximately 14.0 miles south and 6.8 miles east of Stanley. This application proposes the diversion and use of water from Champion 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 the Southern office at (208)736-3033; 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, 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 **August 2, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 15th & 22nd, 2021

Maline, Denise

From: Taylor Winger <twinger@postregister.com>
Sent: Thursday, July 1, 2021 12:51 PM
To: Maline, Denise
Subject: Re: LEGAL NOTICE

Copy for:
71-11007

They transitioned publication days as of March 1. I'll await the new ad. Sorry for the inconvenience!

Taylor Winger

Legal Notice Representative
208-716-8112

IDAHO: Bingham News Chronicle • Challis Messenger • Idaho State Journal • News Examiner • Preston Citizen • Post Register • Standard Journal •

Teton Valley News

UTAH: Herald Journal • The Leader

APG

ADAMS PUBLISHING GROUP LLC

HOLIDAY LEGAL NOTICE DEADLINE CHANGES - 4th of July

The Tuesday, July 6, editions of the Bingham News Chronicle, Idaho State Journal, Post Register and Standard Journal will deadline at 5 p.m. Thursday, July 1.

The Teton Valley News will deadline at 5 p.m. Thursday, July 1, for Wednesday, July 7.

The Challis Messenger will deadline at 11 a.m. Friday for Thursday, July 8.

We will be unable to accommodate late submissions and adjustments due to press deadlines.

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Thursday, July 1, 2021 12:48 PM
To: Taylor Winger <twinger@postregister.com>
Subject: RE: LEGAL NOTICE

CAUTION, this email originated from outside the organization.

Is this something that changed recently? I'll have to modify my publication, because of our Idaho Statutes and Rules regarding dates of publication. I'll send a modified publication within the next couple of hours.

Thank you.

From: Taylor Winger [mailto:twinger@postregister.com]
Sent: Thursday, July 1, 2021 12:46 PM
To: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Subject: Re: LEGAL NOTICE

Challis has moved publication days to Thursday. I've adjusted to the 8th and 15th

Taylor Winger

Legal Notice Representative
208-716-8112

IDAHO: Bingham News Chronicle • Challis Messenger • Idaho State Journal • News Examiner • Preston Citizen • Post Register • Standard Journal •

Teton Valley News

UTAH: Herald Journal • The Leader

APG

ADAMS PUBLISHING GROUP LLC

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71-11007

STATE OF IDAHO FISH AND GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWNW S23 T08N R14E CUSTER County Source CHAMPION CREEK Tributary
SALMON RIVER

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

Total Diversion: 0.8 CFS

Date Filed: 12-22-2020

Place Of Use: FISH PROPAGATION

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**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84976**

SAWTOOTH MOUNTAIN RANCH LLC, 2725 E TABLE ROCK RD, BOISE, ID 83712-7569 has filed Application No. 84976 for changes to the following water rights within CUSTER County(s): Right No(s). 71-10190, 71-6, 71-7. Application proposes adding a new point of diversion (POD) on Goat Creek for three water rights as an authorized POD for the irrigation of 831.9 acres. The new POD will be located 0.13 miles south of Hwy 21 approximately 1.2 miles west of the Hwy 75 and Hwy 21 intersection at the City of Stanley. The new POD and the existing PODs may divert up to 17.6 cfs for irrigation use.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) 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 **July 26, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published in Challis Messenger on July 7th & 14th; and Times News, Idaho Statesman, Post Register & Lewiston Tribune on July 8th & 15th, 2021

**** After submitting this ad to the newspapers; I received notification that the Challis Messenger has switched back to Thursday publications.**

71-11007 will now publish on July 15th & 22nd, 2021.

DM
7-1-2021

Bitzenburg, James

From: Cassel, Amy
Sent: Monday, June 28, 2021 3:04 PM
To: Bitzenburg, James; Clark, Cynthia Bridge
Subject: RE: Application for Permit 71-11007, Fish Propagation

Hi Jim,

I have no concerns or comments. Thanks for bringing it to my attention.

Amy Cassel | Program Manager
Idaho Water Transactions Program
Idaho Department of Water Resources
102 S. Warpath | Salmon, ID 83467
tel: (208) 742-0656 cell: (208) 577-1565

From: Bitzenburg, James
Sent: Wednesday, June 23, 2021 9:51 AM
To: Clark, Cynthia Bridge <Cynthia.Clark@idwr.idaho.gov>
Cc: Cassel, Amy <Amy.Cassel@idwr.idaho.gov>
Subject: Application for Permit 71-11007, Fish Propagation

Cynthia-

I'm submitting for advertising an Application for Permit (71-11007) for Fish Propagation on Champion Creek, south of Stanley. It is for an existing fish screen/bypass and Denise will likely have it scanned and available for viewing this week. We'd like to get your comments on the application. Let me know if you have any questions and thank you for your help.

Jim

Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov

Bitzenburg, James

From: Bitzenburg, James
Sent: Wednesday, June 23, 2021 9:51 AM
To: Clark, Cynthia Bridge
Cc: Cassel, Amy
Subject: Application for Permit 71-11007, Fish Propagation

Cynthia-

I'm submitting for advertising an Application for Permit (71-11007) for Fish Propagation on Champion Creek, south of Stanley. It is for an existing fish screen/bypass and Denise will likely have it scanned and available for viewing this week. We'd like to get your comments on the application. Let me know if you have any questions and thank you for your help.

Jim

Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov



IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

Brad Little / Governor
Ed Schriever / Director

June 15, 2021

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

RECEIVED

JUN 21 2021

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

RE: Application to Appropriate Water in the Upper Salmon River Basin 71-11007

Dear Jim:

To answer IDWR's request for additional information on how our proposal for the above mentioned Water Right (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 that are 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 application for WR 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 via a bypass pipe. The bypass 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

Bitzenburg, James

RECEIVED

JUN 15 2021

From: Demick, Mike <mike.demick@idfg.idaho.gov>
Sent: Tuesday, June 15, 2021 8:51 AM
To: Bitzenburg, James
Subject: RE: Fish Propagation App for Permit on Champion Creek
Attachments: ESA, Public Interest letter to IDWR.pdf

DEPT OF WATER RESOURCES
SOUTHERN REGION

Jim: Sorry for the delay. Fishing Henry's Lake. Dry over there too, as several creeks that are normally full of snow melt in June – are actually dusty.

Attached is a public interest letters signed by our regional supervisor. Hardcopy will be in the mail to you shortly.

Thanks for all the help.

Mike

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Sent: Thursday, June 10, 2021 11:29 AM
To: Demick, Mike <mike.demick@idfg.idaho.gov>
Subject: Fish Propagation App for Permit on Champion Creek

Mike-

I am processing the Application for Permit for Fish Propagation (Fish Screen and Bypass) on Champion Creek which was filed back in December of 2020 (the number assigned to the permit is 71-11007). We are required to send out a letter (see attached) requesting additional information to assist in evaluating and determining the local public interest in new water applications in the Upper Salmon Basin. I have sent paper copies to the Fish and Game Commission in Boise and to you, but if you'd like for me to continue processing the application without any further information from you, you can let me know now by email, and I will move forward.

I am also processing the Application for Transfer for the fish screen/bypass for right 72-10529 on Eddie Baker Jr's place. The transfer number on that one is 85008, and I gave it to Denise Maline to place into advertising yesterday.

Let me know what you'd like to do on the Application for Permit on Champion Creek, and thanks for your assistance.

Jim

Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.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

June 10, 2021

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

RE: Application to Appropriate Water in the Upper Salmon River Basin 71-11007

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
Senior Water Resource Agent

Enclosure: Copy of Application

CC: Mike Demick

FEE MEMORANDUM

Date: June 10, 2021
To: State of Idaho, Fish and Game Commission- Application for Permit 71-11007 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This Application for Permit was filed on December 22, 2020 and the interagency billing was completed on February 23, 2021. The permits seeks 0.8 cfs for fish propagation (fish screen and bypass) near Stanley. The fee is based on the 0.8 cfs flow rate, and is \$250.00. The fee was paid on the day the interagency billing was completed, February 23, 2021, interagency billing number BILL0429.

Skinner, Corey

From: Skinner, Corey
Sent: Wednesday, May 26, 2021 5:22 PM
To: Marston, Sascha
Subject: RE: Interagency Billing Request

Can you give me a call when you get a chance on this? I have a question (or two).

From: Marston, Sascha
Sent: Thursday, May 20, 2021 11:31 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Interagency Billing Request

The code is BILL0429.

From: Skinner, Corey
Sent: Thursday, May 20, 2021 11:27 AM
To: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Subject: RE: Interagency Billing Request

Benny indicated that IDF&G got this taken care of. Do we have a Billing code (receipt # thing, with the weird prefix)?

From: Skinner, Corey
Sent: Monday, February 22, 2021 11:18 AM
To: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Subject: RE: Interagency Billing Request

That's the one. Thanks for the update! We'll just keep waiting.

From: Marston, Sascha
Sent: Monday, February 22, 2021 10:54 AM
To: Corbett, Brenda <Brenda.Corbett@idwr.idaho.gov>; Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Interagency Billing Request

I believe this one was for \$250.00 for a water right in Basin 71. It was issued on 12/23/20 but it has not been paid yet.

Sascha

From: Corbett, Brenda
Sent: Monday, February 22, 2021 10:52 AM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>; Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Subject: RE: Interagency Billing Request

Hi Corey,

If this was for the Joint Application for Permit fee that was \$20.00 then it was paid last week.

* PER 3/28/2021
TELECOM WITH
SASCHA, INTERAGENCY
BILLING ACTUALLY
COMPLETED ON
2/23/2021
Corey Skinner

Thanks and have a good day,
Brenda

From: Skinner, Corey
Sent: Monday, February 22, 2021 10:42 AM
To: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Cc: Corbett, Brenda <Brenda.Corbett@idwr.idaho.gov>
Subject: RE: Interagency Billing Request

I was wondering if we have heard anything on this yet?

From: Skinner, Corey
Sent: Wednesday, December 23, 2020 11:24 AM
To: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Subject: Interagency Billing Request

Attached interagency billing request from IDF&G. The PCA on our end is 64003.



RECEIVED

DEC 22 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

IDAHO DEPARTMENT OF FISH AND GAME

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

Brad Little / Governor
Ed Schriever / Director

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

Dear IDWR:

Enclosed please find one (1) "Application for Permit" for a new water right in Basin 71.

Please initiate the Interagency Billing Process for the \$250 application fee, using PCA 35796 and code CINX. Please send the billing documents to the attention of Kim Rau, IDFG Headquarters, P.O. Box 25, Boise ID 83707.

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

Sincerely,

A handwritten signature in blue ink that reads "Mike Demick".

Mike Demick
Easement Specialist

Enc: one (1) "Application for Permit" form, Champion Creek

Keeping Idaho's Wildlife Heritage

Equal Opportunity Employer • 208-334-3700 • Fax: 208-334-2114 • Idaho Relay (TDD) Service: 1-800-377-3529 • <https://idfg.idaho.gov>