

RECEIVED

FEB 04 2021

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Marian, Donald Lane Phone 208-358-1478
 Mailing address PO Box 534 City Fairfield
 State ID ZIP 82327 Email marianlane11@hotmail.com
 Name connector (check one): ☐ and ☐ or ☒ and/or
2. Name of representative, if any NA 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 Salmon River which is a tributary of Snake 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 #
11N	17E	28			SE	NW	Custer	River	River Pump

5. Water will be used for the following purposes:
 Amount 0.06 for irrigation purposes from 05.01 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) 0.06 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. pump - single horsepower
- 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 SG Date 2/4/21 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by SG Receipt No. 5038377 Date 2/4/21

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households _____
 - Other; describe fully. _____

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	
11N	17E	28								0.4									0.4
11N	17E	28									2.6								2.6

Total number of acres to be irrigated: 3.0

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? _____

11. a. Who owns the property at the point of diversion? Salmon River ~ State of Idaho
 b. Who owns the land to be irrigated or place of use? Applicants, Don & Marian Lane
 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. The purpose of water diversion is to pump from the river to irrigate the property

13. Time required for completion of works and application of water to proposed beneficial use is 5 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]
 Signature of Applicant
Marian Lane
 Print Name (and title, if applicable)

[Signature]
 Signature of Applicant
Donald Lane
 Print Name (and title, if applicable)

Map for Permit Application





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

March 17, 2021

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

RE: Application for Permit No. 72-16989

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: Yenter, Cindy
Sent: Wednesday, March 17, 2021 1:01 PM
To: Maline, Denise
Cc: Mills, Bill
Subject: RE: Comment Letter for 72-16989

This application is within WD72D and WD170. WD Flag = 72D, Admin = Yes. Please also solicit comment from Brent Cutler.

Because the irrigated acreage is less than 5, the diversion will be waived from measurement under the applicable order. Suggested conditions 01H,196, 197, 198.

From: Maline, Denise
Sent: Wednesday, March 17, 2021 11:52 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: Comment Letter for 72-16989

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

Thank you,

Denise



State of Idaho

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Brad Little
Governor

Gary Spackman
Director

March 12, 2021

DONALD LANE
MARIAN LANE
PO BOX 534
FAIRFIELD, ID 83327-0534

RE: Application for Permit No. 72-16989

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 3/18/2021 and 3/25/2021**. 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 **April 5, 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



State of Idaho

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Brad Little
Governor

Gary Spackman
Director

March 12, 2021

WATER DISTRICT #170
CINDY YENTER
102 S WARPATH
SALMON ID 83467

RE: Application for Permit No. 72-16989 (Donald & Marian Lane)

Dear Cindy:

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)



State of Idaho

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Brad Little
Governor

Gary Spackman
Director

March 12, 2021

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

RE: Application(s) for Permit: 72-16989 (Donald & Marian Lane)

Dear Jeff:

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 April 5, 2021**).

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: Taylor Winger <twinger@postregister.com>
Sent: Friday, March 12, 2021 2:38 PM
To: Maline, Denise
Subject: Re: LEGAL NOTICE - CHALLIS MESSENGER
Attachments: IDWRSOUTHE-10-82105-1.pdf

Denise - Hope all is well. Challis Messenger has moved back to Thursday publication days. I've scheduled for the next two Thursday dates.

Taylor Winger

Legal Notice Representative
208-716-8112

Bingham News Chronicle • Challis Messenger • Idaho State Journal • Post Register • Standard Journal • Teton Valley News



ADAMS PUBLISHING GROUP LLC

APG is not responsible for any obligations imposed by law. Concerns should be directed to appropriate legal counsel.

Clients are asked to review attachments to ensure their accuracy.

Tuesday's deadline is 5 p.m. Friday, Wednesday's deadline is 5 p.m. Monday, Friday's deadline is 5 p.m. Wednesday, and Sunday's deadline is 5 p.m. Thursday.

The Teton Valley News deadlines at 4:30 p.m. Friday for their weekly Wednesday editions.

The Challis Messenger deadlines at 4:30 p.m. Monday for their weekly Thursday editions. The Standard Journal publishes only Tuesday and Friday.

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Friday, March 12, 2021 9:40 AM
To: Challis Legals <legals@challismessenger.com>
Subject: LEGAL NOTICE - CHALLIS MESSENGER

!!! CAUTION !!! This email originated from outside the organization. **Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Attached please find (1) legal notice being submitted for publication in the Challis Messenger on March 17th & 24th, 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 I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 293-9908
denise.maline@idwr.idaho.gov

Maline, Denise

From: Maline, Denise
Sent: Friday, March 12, 2021 9:40 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 March 17th & 24th, 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 I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 293-9908
denise.maline@idwr.idaho.gov



Brad Little
Governor

State of Idaho

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Gary Spackman
Director

March 12, 2021

LEGAL NOTICE DEPARTMENT

CHALLIS MESSENGER

PO BOX 405

CHALLIS, ID 83226-0405

RE: Application for Permit No. 72-16989

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 **April 5, 2021**. 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:

72-16989

DONALD LANE

MARIAN LANE

PO BOX 534

FAIRFIELD, ID 83327-0534

Point of Diversion SENW S28 T11N R17E CUSTER County Source SALMON RIVER Tributary SNAKE RIVER

Use: IRRIGATION 05/01 to 10/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 02-04-2021

Place Of Use: IRRIGATION

T11N R17E S28 NESW, SENW

Application proposes to divert up to 0.06 cfs from the Salmon River for the irrigation of 3.0 acres. Place of use and Point of diversion are located approximately 3.3 miles west and 0.4 to 0.5 miles south of Clayton. This application proposes the diversion and use of water from 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

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 **April 5, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 17th & 24th, 2021

*** Will publish on the 18th & 25th, per e-mail received from Challis Messenger. They have switched back to Thursday publications.*

Mills, Bill

From: Mills, Bill
Sent: Wednesday, March 10, 2021 1:21 PM
To: Clark, Cynthia Bridge
Subject: Wild & Scenic Application for Permit

Cynthia,

Just a heads up concerning an application for permit, 72-16989 seeking to divert water from the Salmon river. The following is part of the legal (without the wild and scenic language that will be included) that will be advertised in the next couple of weeks:

Application proposes to divert up to 0.06 cfs from the Salmon River for the irrigation of 3.0 acres. Place of use and Point of diversion are located approximately 3.3 miles west and 0.4 to 0.5 miles south of Clayton.

Let me know if you have any questions.

Sincerely,

Bill Mills

Senior Water Resource Agent
Idaho Dept. of Water Resources
Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 9, 2021

Donald & Marian Lane
PO BOX 534
FAIRFIELD ID 83327

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

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

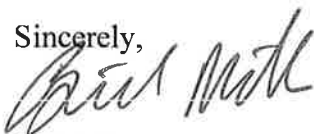
A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model 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 draft Comprehensive State Water Plan under revision 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 Angie Grimm at 208-287-4951, or email her at angie.grimm@idwr.idaho.gov. For applications in administrative basins 73-75, you may also contact IDWR's Eastern Region office in Idaho Falls at 208-525-7161. For applications in administrative basins 71 or 72, you may also contact IDWR's Southern Region office in Twin Falls at 208-736-3033.

Sincerely,



Bill Mills

Water Resource Agent, Senior