

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

Ident. No. 72-16987
RECEIVED
SEP 08 2020

AMENDED

DEPT OF WATER RESOURCES
SOUTHERN REGION
(208) 838-2303

1. Name of applicant(s) Randy Somerville Phone (208) 838-2303
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 250 Ramey Creek City Stanley
 State Idaho ZIP 83278 Email yankeeforker1@yahoo.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 Ramey Creek which is a tributary of Yankee Fork 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 #
12N	15E	32			SE	SE	Custer	Ramey Creek	

5. Water will be used for the following purposes:
- Amount 0.02 cfs for irrigation purposes from 04/01 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) 0.02 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. 1/4 hp electric pump
- 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 S.G. Date 9-8-2020 Time _____ Preliminary check by _____
 Fee \$ _____ Receipted by see original Receipt No. _____ Date _____

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

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

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	
12N	15E	32																1	1

Total number of acres to be irrigated: 1

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? Randy Somerville
- b. Who owns the land to be irrigated or place of use? same
- 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. Would like to pump out of Ramey Creek for irrigation.

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.

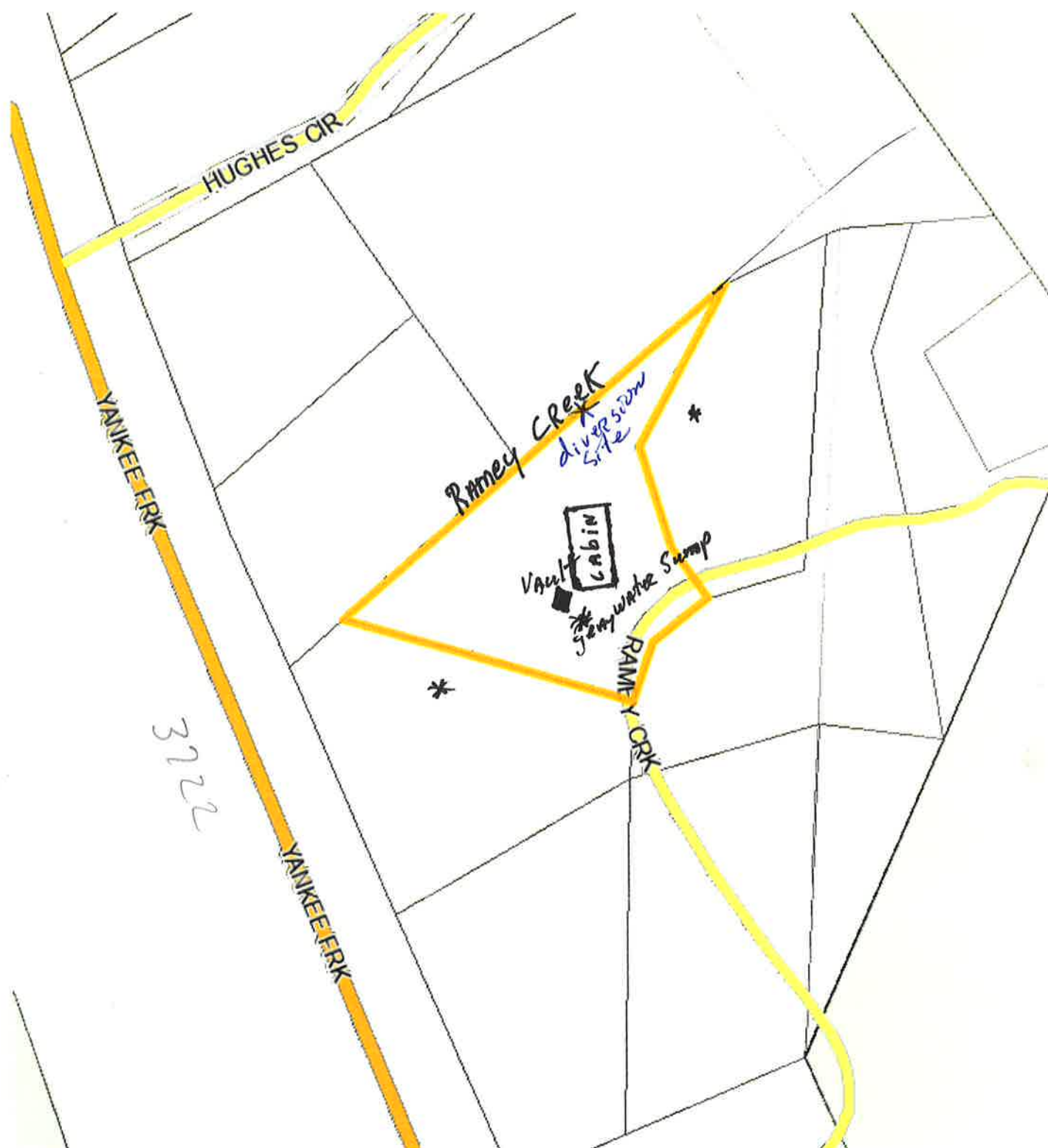
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Randy M. Somerville
Signature of Applicant

Randy M. Somerville
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

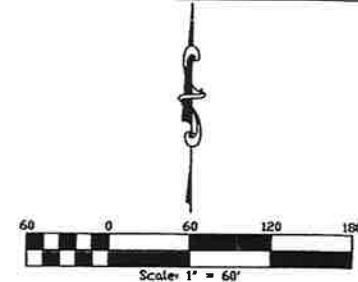


Part of the Tract 39 and
the Idaho Placer M.S. 2406,
Section 32, T 12 N, R 15 E, BM
Custer County, Idaho.

AP. 3 TRACT 39
COR. 5 IDAHO PLACER M.S. 2406
C.P.& F. INST.
NO.

NUMBER	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	104°51'24"	63.91	85.67	120.62	N 14°32'09" E	104.48
C2	29°35'23"	117.37	31.00	60.62	N 18°57'22" W	59.94
C3	37°09'37"	86.27	29.00	55.95	N 14°25'08" E	54.98
C4	41°42'43"	79.09	30.13	57.57	N 53°51'17" E	56.31
C5	30°01'14"	77.62	20.81	40.67	N 83°08'07" E	40.21
C6	08°48'12"	106.27	8.18	16.33	S 00°14'25" W	16.31
C7	26°37'50"	137.37	32.51	63.85	S 17°28'46" E	63.28
C8	29°35'23"	127.37	33.64	65.78	N 18°57'22" W	65.05
C9	07°36'51"	96.27	6.41	12.79	N 00°21'16" W	12.78

AP. 5 TRACT 39
C.P. & F. INST.
NO.



COUNTY RECORDER'S CERTIFICATE

Time: Date: Month: 2012.
Book: Page: Instrument No.
Recorder:
By:

SURVEYORS CERTIFICATE

I, Thomas Taylor, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plot is an accurate representation of the survey completed under my supervision.



LEGEND

- Section corner control
- Placed 1/2" X 24" Rebar with a plastic cap marked "TMS LS 8348".
- Found 1/2" Rebar with a plastic cap marked "TMS P.L.S. 3618".
- Found 1/2" Rebar.
- Found "P.K." Nail
- Calculated point nothing found or set.
- P.O.L. POINT ON LINE.
- P.O.B. POINT OF BEGINNING.



RECORD OF SURVEY
SEPTIC EASEMENT

RANDY SOMERVILLE
Sec. 32, T. 12 N., R. 15 E., B.M.

TAYLOR MOUNTAIN SURVEYING
PROFESSIONAL LAND SURVEYING
301 MILLER STREET
BOZEMAN, IDAHO 83725
(208) 353-4551

DATE	REVISION	CHECKED
APRIL 27, 12	1	1
CHECKED BY:		
DATE:		

NUMBER	DIRECTION	DISTANCE
L13	N 74°04'51" W	17.13'
L14	N 74°04'51" W	10.22'
L15	S 04°09'41" E	1.08'
L16	S 60°04'25" W	7.07'
L17	S 29°53'35" E	15.00'
L18	N 33°45'04" W	8.60'
L19	N 04°09'41" W	1.08'

NUMBER	DIRECTION	DISTANCE
L1	N 23°20'45" E	34.28'
L2	N 02°40'00" E	46.22'
L3	N 02°40'00" E	14.42'
L4	N 63°51'45" E	13.50'
L5	N 04°09'41" W	1.08'
L6	N 32°59'55" E	23.61'
L7	N 74°42'38" E	74.10'
L8	N 66°05'32" E	60.00'
L9	N 72°52'17" E	44.00'
L10	N 68°07'30" E	86.08'
L11	S 81°51'16" E	7.00'
L12	N 17°00'03" E	16.78'

RECEIVED

AUG 26 2020

FORM 202 Rev. 09/16

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO

Ident. No. 72-16987

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Randy Somerville Phone 208-838-2303
 Mailing address 250 Ramey Creek City Stanley
 State IDAHO ZIP 83278 Email YANKEEFORKER1@yahoo.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 Ramey Creek which is a tributary of Yankee Fork
of the 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 #
<u>12N</u>	<u>15E</u>	<u>32</u>	<u>1</u>	<u>SE</u>	<u>SE</u>	<u>SESE</u>	<u>Luster</u>	<u>Ramey Creek</u>	

5. Water will be used for the following purposes:
 Amount 4 cfs for irrigation/prevention purposes from March to Oct. (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) 4 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. 1/4 h.p. electric pump
- 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 8/20/20 Time _____ Preliminary check by 8/20/20
 Fee \$ 1100.00 Received by SG Receipt No. 5038091 Date 8/20/20

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. Free protection / aesthetic
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	5E	32																.2	1
																		F/A	

Total number of acres to be irrigated: 1

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? Randy Somerville
- b. Who owns the land to be irrigated or place of use? same
- 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. would like to pump out of Ramey Creek for ~~keeping down~~ fire protection.
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.

Randy Somerville
 Signature of Applicant
Randy Somerville
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)



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

October 16, 2020

RANDY M SOMERVILLE
250 RAMEY CRK
STANLEY, ID 83278-5500

RE: Application for Permit No. 72-16987

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 10/21/2020 and 10/28/2020**. 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 **November 9, 2020**.

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
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Friday, October 16, 2020 4:35 PM
To: Cindy Yenter
Subject: Comment Letter for 72-16987 - Somerville
Attachments: Comment Letter to WD170 for 72-16987.docx; 72-16987 Somerville.pdf

Hi Cindy,

Attached is an application for permit currently being processed by the Department. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions regarding this application.

Thank you,

Denise



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

October 16, 2020

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

RE: Application for Permit No. 72-16987 (Randy Somerville)

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)

Maline, Denise

From: Maline, Denise
Sent: Friday, October 16, 2020 4:34 PM
To: Jeff Richards
Subject: Comment Letter for 72-16987 - Randy Somerville
Attachments: 72-16987 Somerville.pdf; Comment Letter to F&G for 72-16987.docx

Hi Jeff,

Attached is an application for permit currently being processed by the Department. Please review the information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions regarding this application.

Thank you,

Denise

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

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

Gary Spackman
Director

October 16, 2020

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

RE: Application(s) for Permit: 72-16987 (Randy Somerville)

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 November 9, 2020**).

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, October 15, 2020 5:23 PM
To: Challis Messenger
Subject: LEGAL NOTICE
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 October 21st & 28th, 2020. 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



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

October 15, 2020

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Application for Permit No. 72-16987

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 November 9, 2020. 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:

72-16987

RANDY M SOMERVILLE

250 RAMEY CRK

STANLEY, ID 83278-5500

Point of Diversion SESE S32 T12N R15E CUSTER County Source RAMEY CREEK Tributary YANKEE FORK

Use: IRRIGATION 04/01 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 08-20-2020

Place Of Use: IRRIGATION

T12N R15E S32 SESE

Total Acres: 1

Application proposes to divert 0.02 cfs from Ramey Creek for the irrigation of 1.0 acre. The proposed POD and POU are located approximately 7.2 miles north and 10.5 miles east of the Highway 21 & Highway 75 intersection in Stanley. This application proposes the diversion and use of water from Ramey Creek tributary to the Salmon River 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 of 0.02 cfs and 1.0 acre 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 **November 9, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on October 21st & 28th, 2020

Aasa, Kent

From: Aasa, Kent
Sent: Tuesday, October 06, 2020 3:09 PM
To: Clark, Cynthia Bridge
Subject: Application for Permit in Basin 72

Hi Cynthia,

We are forwarding a new application for permit, 72-16987, for advertising. The application will be in the papers in the next couple of weeks and the file will be scanned and available in a few days. Application proposes to divert 0.02 cfs from Ramey Creek, tributary to Yankee Fork, for the irrigation of 1.0 acre. The proposed POD and POU are located approximately 7.2 miles north and 10.5 miles east of the Highway 21/Highway75 intersection in Stanley.

Please let me know if you have any questions or concerns.

Respectfully,

Kent Aasa
Water Resource Agent
Southern Region/Twin Falls
(208) 736-3033

Aasa, Kent

From: Aasa, Kent
Sent: Wednesday, August 26, 2020 10:47 AM
To: 'yankeeforker1@yahoo.com'
Subject: Water Permit Application Edits and W&S Letter
Attachments: application-for-permit_RandySomerville.pdf; WildAndScenic_30day_Letter_RandySomerville.docx

Hi Randy,

I forgot to mention that I would also send you what I call the Wild and Scenic Letter. It is basically a letter informing applicants about local public interest topics that you may want to comment on that were not part of the application. The letter basically gives an applicant 30 days to respond. If we do not receive a response in 30 days we assume you have no comments and we then proceed to process the application. We must advertise the application in the local paper for two consecutive weeks and then there is a 10-day period of time for anyone to protest the application. The two weeks and the 10 day time period add up to almost 30 days so if you don't have a response for the letter it only slows the process for a few days.

I made the changes to the application form that we talked about. So look it over and let me know if you want any other changes. Sign it and date it for that day (We will officially use August 20, 2020 which was the day we received the original form and the \$100.00 fee that was receipted).

Respectfully,

Kent Aasa
Water Resource Agent
Southern Region/Twin Falls
(208) 736-3033

P.S. our mailing address is:

**Idaho Department of Water Resources
650 Addison Ave W. Suite 500
Twin Falls, Id. 83301**



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

August 26, 2020

RANDY SOMERVILLE
250 RAMEY CREEK
STANLEY ID 83278

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,



Kent L. Aasa
Water Resource Agent, Senior