

JUL 02 2020

DEPARTMENT OF
WATER RESOURCES

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

Ident. No. 75-14989

1. Name of applicant(s) WARD W WITTE Phone 208-940-0154
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address PO BOX 282 City SALMON

State ID ZIP 83467 Email _____

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 Springs which is a tributary of Sinks

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
19N	18E	21		NE	SW	NE	Lemhi	Springs	

5. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 0.02 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)

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. 4" collection to 3" pipe to 1000 gal cistern.
1 1/4" delivery to cabin site. Cistern overflow is collected in small pools for stock water.

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. _____.

Received by Ku Date 7-2-2020 Time 10:45 am Preliminary check by HA
Fee \$ 100 Received by Ku Receipt No. C108995 Date 7/13/2020

For Department Use

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. 15 horses
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 1
- 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	
19N	18E	21			D														
19n	18E	21		S	S														

Total number of acres to be irrigated: _____

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? System will be used for irrigation around cabin, not to exceed 1/2 acre.

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. Springs always sink well before reaching Panther Creek

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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

Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 30, 2020

WARD WM WITTE
PO BOX 282
SALMON, ID 83467-0282

RE: Application for Permit No. 75-14989

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 RECORDER HERALD on 8/6/2020 and 8/13/2020. 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,

Jean Hersley
Technical Records Specialist

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before August 24, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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

75-14989

WARD WM WITTE

PO BOX 282

SALMON, ID 83467-0282

Point of Diversion NESWNE S21 T19N R18E LEMHI County

Source SPRINGS Tributary SINKS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.06 CFS

Date Filed: 07-02-2020

Place Of Use: DOMESTIC

T19N R18E S21 SWNE

Place Of Use: STOCKWATER

T19N R18E S21 NWNE, SWNE

This application proposes the diversion and use of water from 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 domestic and de minimis stockwater purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see

<https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. 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, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 8/24/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/6/2020 and 8/13/2020

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83870

BEYELER RANCHES LLC, 4861 LEMHI RD, LEADORE, ID 83464-5039 has filed Application No. 83870 for changes to the following water rights within LEMHI County(s): Right No(s). 74-158, 74-159, 74-160, 74-2289; 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:

Replace two existing points of diversion (PODs) on Canyon Creek with a single POD approximately 100 yards upstream from the original PODs. The proposed POD is 1.7 miles northeast of Leadore, in the SWSW of Sec. 23, Township 16N, Range 26E. The purpose of this transfer is to remove unscreened diversions and allow for the placement of a fish screen on the diverting works.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800. 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, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 8/24/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/6/2020 and 8/13/2020

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, July 30, 2020 8:59 AM
To: rhlegals@custertel.net
Subject: Legal Notice for your paper
Attachments: Recorder Herald.doc

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before August 24, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Brad Little
Governor

Gary Spackman
Director

July 30, 2020

STATE OF IDAHO
DEPT OF FISH & GAME
99 HIGHWAY 93 N
SALMON, ID 83467-5292

RE: Application for Permit 75-14989
Application for Transfer No. 83870, Water Rights 74-158, 74-159, 74-160 & 74-2289

Dear Interested Party:

The 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 copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

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 of the final publication.

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

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, July 30, 2020 8:59 AM
To: 'jeff.richards@idfg.idaho.gov'
Subject: Application for Transfer No. 83870 & Application for Permit 75-14989

Dear Interested Party:

The 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 copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

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 of the final publication.

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

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, July 30, 2020 8:59 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Steimke, Amy; Golden, Kala
Subject: Application for Permit 75-14989 & Application for Transfer 83870

Dear Interested Party:

The 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 copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

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

*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*

Hersley, Jean

From: Mail Delivery System <MAILER-DAEMON@esa-iab.idaho.gov>
To: tbeke@fs.fed.us
Sent: Thursday, July 30, 2020 8:59 AM
Subject: Undeliverable: Application for Permit of 75-14989

Delivery has failed to these recipients or groups:

tbeke@fs.fed.us

A problem occurred during the delivery of this message to this e-mail address. Try sending this message again. If the problem continues, please contact your helpdesk.

The following organization rejected your message: [104.47.64.110].

Diagnostic information for administrators:

Generating server: esa-iab.idaho.gov

tbeke@fs.fed.us

[104.47.64.110] #<[104.47.64.110] #5.0.0 smtp; 5.3.0 - Other mail system problem 550-'5.4.1 All recipient addresses rejected : Access denied. AS(201806271) [BLOGGCC02FT005.eop-gcc02.prod.protection.outlook.com]' (delivery attempts: 0)> #SMTP#

Original message headers:

Authentication-Results: esa-iab.idaho.gov; spf=Pass
smtp.mailfrom=Jean.Hersley@idwr.idaho.gov; dkim=none (message not signed) header.i=none;
dmarc=pass (p=none dis=none) d=idaho.gov
X-IronPort-AV: E=Sophos;i="5.75,414,1589263200";
d="scan'208,217";a="98217919"
Received: from unknown (HELO dwrboimb03.dwrprod.idaho.gov) ([10.220.11.42])
by esa-iab.idaho.gov with ESMTP/TLS/AES256-GCM-SHA384; 30 Jul 2020 08:58:46
-0600
Received: from DWRBOIMB03.dwrprod.idaho.gov ([10.220.11.42]) by
DWRBOIMB03.dwrprod.idaho.gov ([10.220.11.42]) with mapi id 14.03.0319.002;
Thu, 30 Jul 2020 08:58:45 -0600
From: "Hersley, Jean" <Jean.Hersley@idwr.idaho.gov>
To: "tbeke@fs.fed.us" <tbeke@fs.fed.us>
Subject: Application for Permit of 75-14989
Thread-Topic: Application for Permit of 75-14989
Thread-Index: AdZmf/foll3h8+x8TK6QbWsq0gPuEw==
Date: Thu, 30 Jul 2020 14:58:44 +0000
Message-ID: <AD9993FB474D0B48A777E33A1B5DAA251BC172E7@DWRBOIMB03.dwrprod.idaho.gov>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
x-originating-ip: [10.220.9.30]

Content-Type: multipart/alternative;

boundary="_000_AD9993FB474D0B48A777E33A1B5DAA251BC172E7DWRBOIMB03dwrpr_"

MIME-Version: 1.0

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, July 30, 2020 8:59 AM
To: 'tbeke@fs.fed.us'
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*Jean Hersley
Technical Records Specialist II
Idaho Dept Water Resources
(208) 287-4942*



State of Idaho

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Brad Little
Governor

Gary Spackman
Director

July 30, 2020

US DEPT OF AGRICULTURE
FOREST SERVICE
1206 S CHALLIS ST
SALMON, ID 83467

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Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)



State of Idaho

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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

July 10, 2020

Scanned to Scott Storms
7.20.20

WARD W. WITTE
PO BOX 282
SALMON, ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14989

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 208-287-4915, or email me at scott.storms@idwr.idaho.gov

Sincerely,



Scott Storms
Water Resource Agent, Senior

Enclosure: Copy of Application
Receipt C108995

no additional comments
Paul R. White

M E M O R A N D U M

Date: July 10, 2020
To: WR No. 75-14989
From: Scott Storms
Re: Pre-Advertisement Application Review

Applicant

Application for permit was received from Ward W. Witte on July 02, 2020. Examination of tax lot data available to the Department of Water resources (Department) at the time the application was received indicated that Ward Witte owns the land at the described place of use (POU) and at the location of the point of diversion (POD).

Source & Diversion System

The source for the application was described as a spring, tributary to sinks. The applicant indicated that the spring always sinks well before reaching Panther Creek. Diversion system was described as a 4" collection to a 3" pipe to a 1000 gallon cistern and then a 1 1/4" pipe to the cabin. Cistern overflow is collected in small pools for stockwater

Water Use (can be combined with previous section)

Uses applied for were domestic and stockwater. The domestic use was described as for 1 cabin and for irrigation around the cabin, not to exceed ½ acre. The stockwater use was described as for 15 horses.

The POU for domestic use would consist of the cabin and no more than a ½ acre of irrigation surrounding the cabin all located in the SWNE of Sec. 21, T19N, R18E. The stockwater POU would consist of two pools located down slope of the cistern and fed by overflow from the cistern. One pool located in the NWNE and the other in the SWNE of Sec. 21, T19N, R18E.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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July 10, 2020

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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:

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If you have any questions, please call me at 208-287-4915, or email me at scott.storms@idwr.idaho.gov

Sincerely,

Scott Storms
Water Resource Agent, Senior

Enclosure: Copy of Application
Receipt C108995