RECEIVED
JAN 29 2020
DEPT OF WATER RESOURCES

FORM 202 Rev. 09/16
RECEIVED
DEC 20 2019
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 74-16226

APPLICATION FOR PERMIT

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 Pratt Creek which is a tributary of Lemhi River
4. Location of point(s) of diversion:

MD 1-29-2020

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
20N	24E	6	1		NE	NE	Lemhi	Pratt Creek	LPC-02

5. Water will be used for the following purposes:
   Amount .80 (cfs or acre-feet per year) for Fish Propagation purposes from season to of use (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
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. Single-bay, rotary drum, modular screen (36-inch x 6-foot perf. plate), paddlewheel, 10-inch fish bypass pipe from screen to creek, lockable 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 _____ Date 12-20-19 Time _____ Preliminary check by Jma
Fee $ _____ Receipted by _____ 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. na
   b. Stockwatering; list number and kind of livestock. na
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households na
   e. Other; describe fully. This is a non-consumptive use that enables fish entrained in ditch to return to stream through a bypass pipe that runs from the screen to the stream.

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.

MD 1-29-2020

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	24E	06	H																
lot #		1																	

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 holder. This is the only right for fish screen.

11. a. Who owns the property at the point of diversion? Pratt Creek Ranches, LP
    b. Who owns the land to be irrigated or place of use? Pratt Creek Ranches, LP
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: IDFG has an easement for ingress and egress to construct and maintain a fish screen on this property.

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 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.

Tom Curet
Signature of Applicant

Tom Curet Regional Supervisor
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

FORM 202 Rev. 09/16

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DEC 20 2019

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. 74-16226

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   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
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4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
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SUPERCEDED

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. Single-bay, rotary drum, modular screen (36-inch x 6-foot perf. plate), paddlewheel, 10-inch fish bypass pipe from screen to creek, lockable 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
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   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 _____ Date 12-20-19 Time _____ Preliminary check by _____

Fee $ _____ Receipted by _____ Receipt No. _____ Date _____

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   b. Stockwatering; list number and kind of livestock. na
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households na
   e. Other; describe fully. This is a non-consumptive use that enables fish entrained in ditch to return to stream through a bypass pipe that runs from the screen to the stream.

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	
20N	24E	06	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 holder. This is the only right for fish screen.

SUPERCEDED

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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.

Tom Curet
Signature of Applicant

Tom Curet Regional Supervisor
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Application for Water Righ

7/25/2018 7:01:46 AM

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Points

Override 1

Override 2

Counties

Quarter Quarter

Section

Township/Range

Idaho Outline

Idaho Mask

Esri, HERE, Garmin, © OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Idaho Department of Water Resources

DigitalGlobe | Created by NRCS from 1:24,000 scale USGS topographic maps. | USDA,Natural Resources Conservation Services | Esri, HERE, iPC |

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean 208-756-2222 Page 1
March 12, 2020

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 April 6, 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

****

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83622

EAGLE VALLEY RANCH LLC, 446 BOHANNON CREEK RD, SALMON, ID 83467-5045 has filed Application No. 83622 for changes to the following water rights within LEMHI County(s): Right No(s). 74-15740, 74-15891, 74-173, 74-179C, 74-215, 74-2348; 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:
This transfer application proposes adding a diversion of water from Bohannon Creek a tributary of the Lemhi River located in Twp 21N, Rge 23E, Sec 15, SE1/4SE1/4, commonly known as LBC-6 to exisitng surface water irrigation rights 74-15740, 74-173, 74-2348, 74-179C, & 74-15891.

TRANSFER NO. 83682

JOEL BENDER and NANCY BENDER, 633 FISH HATCHERY RD, HAMILTON, MT 59840 has filed Application No. 83682 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4409; 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:
move the point of diversion for 0.08 cfs from Indian Creek approximately 0.75 miles upstream to a point near the power plant owned by Vessey Fishing & Trading Co. The transfer is for the purpose of getting elevation for an irrigation efficiency project. The project would close an unscreened ditch and install a fish screen on a closed system pipeline.

TRANSFER NO. 83683

RICK DUANE BROWN and KIMBERLY FAYE BROWN, 3585 E 200 N, RIGBY, ID 83442 has filed Application No. 83683 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4379B; 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:
move the point of diversion for 0.08 cfs from Indian Creek approximately 0.5 miles upstream to a point near the power plant owned by Vessey Fishing & Trading Co. The transfer is for the purpose of getting elevation for an irrigation efficiency project. The project would close an unscreened ditch and install a fish screen on a closed system pipeline.

TRANSFER NO. 83684

JOHN F HARRINGTON and DEBRA SUE HARRINGTON, 54 WAGON SPRINGS RD, GARDEN VALLEY, ID 83622 has filed Application No. 83684 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14244; 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:
move the point of diversion for 0.13 cfs from Indian Creek approximately 0.5 miles upstream for the purpose of getting elevation for an irrigation efficiency project. The project will close an unscreened ditch and install a fish screen on a closed system pipeline.

TRANSFER NO. 83685

ROBERTA MEADVILLE and RONALD W MEADVILLE, 60 INDIAN CREEK RD
PO BOX 55, NORTH FORK, ID 83466 has filed Application No. 83685 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14245; 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:
move the point of diversion for 0.10 cfs from Indian Creek approximately 0.5 miles upstream to a point near the power plant owned by Vessey Fishing & Trading Co. The transfer is for the purpose of getting elevation for an irrigation efficiency project. The project would close an unscreened ditch and install a fish screen on a closed system pipeline.
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 4/6/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director Published on 3/19/2020 and 3/26/2020

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

75-14971
ROBERT SHIVELY
LISA SHIVELY
1037 E 1700 N
TERRETON, ID 83450-5057
Point of Diversion SWSE S12 T24N R19E LEMHI County
Source INDIAN CREEK Tributary SALMON RIVER
Use: DOMESTIC
04/01 to 10/31
0.02 CFS
Total Diversion:
0.02 CFS
Date Filed: 10-16-2019
Place Of Use: DOMESTIC
T24N R19E S13 SWSE
This application proposes the diversion and use of water from a tributary of 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 it is for domestic purposes.

74-16224
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NWSW S24 T16N R26E LEMHI County
Source CANYON CREEK Tributary LEMHI RIVER
Use: WILDLIFE
03/15 to 11/15
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 12-20-2019
Place Of Use: WILDLIFE
T16N R26E S24 NWSW
This application proposes the diversion and use of water from Canyon Creek a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is a non-consumptive use.

74-16225
STATE OF IDAHO
FISH AND GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion L4(SWSW) S7 T15N R27E LEMHI County
Source EIGHTEENMILE CREEK Tributary LEMHI RIVER
Use: WILDLIFE
03/15 to 11/15
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 12-20-2019
Place Of Use: WILDLIFE
T15N R27E S7 L4(SWSW)
This application proposes the diversion and use of water from Eighteen Mile Creek tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is a non-consumptive use.

74-16226
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion L1(NENE) S6 T20N R24E LEMHI County
Source PRATT CREEK Tributary LEMHI RIVER
Use: WILDLIFE
03/15 to 11/15
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 12-20-2019
Place Of Use: WILDLIFE
T20N R24E S6 L1(NENE),
This application proposes the diversion and use of water from Pratt Creek tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is a non-consumptive use.

74-16227
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NWSW S32 T21N R24E LEMHI County
Source PRATT CREEK Tributary LEMHI RIVER
Use: WILDLIFE
03/15 to 11/15
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 12-20-2019
Place Of Use: WILDLIFE
T21N R24E S32 NWSW
This application proposes the diversion and use of water from Pratt Creek a tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is a non-consumptive use.
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 4/6/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Published on 3/19/2020 and 3/26/2020

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 12, 2020 8:11 AM
To: rhlegals@custertel.net
Subject: Legal Ad 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 April 6, 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
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

March 12, 2020

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

RE: Application for Permit No. 74-16224, 74-16225, 74-16226 & 74-16227

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 3/19/2020 and 3/26/2020. 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

Jean Hersley
Technical Records Specialist

CC: USDI-BLM
STATE OF IDAHO-DEPT OF FISH & GAME, SALMON REGION

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 12, 2020 11:41 AM
To: Yenter, Cindy
Subject: Comments or Concerns

Big day for advertising!

Please let me know if you have comments or concerns about the following applications.

Applications for Permit: 74-16224, 74-16225, 74-16226, 74-16227 & 75-14971
Transfers: 83682, 83683, 83684, 83685 & 83622

The applications will be advertised on March 19 & 26, 2020 with the protest end date of April 6, 2020. The documents will be scanned by end of day **tomorrow.**

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

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

March 12, 2020

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS, ID 83402

RE: Application for Permit No. 74-16224, 74-16225, 74-16226, 74-16227, 75-14971

Dear Interested Party:

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 copy of the application 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 revieweing 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.

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

Sincerely,

Jean Hersley

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

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

March 12, 2020

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
1206 S CHALLIS ST
SALMON, ID 83467

RE: Application for Permit 74-16224 through 74-16227

Dear Interested Party:

The Department of Water Resources is notifying you of applications for permit that may be of interest to you. A full description concerning property location may be found at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

If you desire to file a formal protest against approval of the application, a written protest along with the $25 protest fee for each application protested must be received by April 6, 2020

Please contact me at (208) 287-4942 if you have any questions regarding the applications.

Sincerely,

Jean Hersley

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, March 12, 2020 11:49 AM
To: 'prattcreekranch71@yahoo.com'
Subject: Application for Permit of 74-16226 & 74-16227
Attachments: RecommendationForm New Appropriation1.docx; Recommendation Form for 74-16227.docx

Watermaster:

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.

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, March 12, 2020 11:11 AM
To: Clark, Cynthia Bridge; Golden, Kala
Cc: Cassel, Amy
Subject: Applications being advertised

Application for Permit 74-16224-74-16227, 75-14971, 84-12302
Transfer No. 83682, 83683, 83684, 83685 & 83622

These applications will be advertised either on March 18 & 25 or March 19 & 26. The protest end date is April 6, 2020. Please let me know if you have any comments or concerns. Documents will be scanned by the end of the day.

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

MEMORANDUM

Date: 2/18/2020

To: WR No. 74-16224, 74-16225, 74-16226, 74-16227

From: Alex Dalgleish

Re: Pre-Advertisement Application Review

Applicant

On 12/20/2019, the Department received applications for permit 74-16224, 74-16225, 74-16226 and 74-16227 from the State of Idaho, Fish and Game Commission. The applications were all signed by Tom Curet, the Salmon Regional Supervisor for the Idaho Fish and Game. Additionally, Mike Demick, easement specialist at the Fish and Game, is listed as the representative on all applications.

The applications propose to divert water though fish screens in order to prevent fish from entering irrigation canals. Water is diverted at the appropriate headgate where it subsequently enters the fish screen before it is diverted back to the creek/stream by a bypass pipe. Of the four applications, there is one fish screen/bypass on Canyon Creek, one on Eighteen Mile Creek and two on Pratt Creek at different locations. The applications propose a non-consumptive use of water.

The beneficial use listed on all applications is fish propagation. However, I believe the water use is intended to be wildlife due to the fact that the use is indeed not for rearing of commercial fish. I will not be requesting the applicant to change the beneficial use from fish propagation to wildlife on the applications. Rather, I will record the use as wildlife for the applications but the physical application files will list fish propagation.

Under item 5 on all applications, the period of water use is listed as "season of use". According to Mike Demick, he was directed by the Department of Water Resources to list "season of use" which is meant to align with the local standard irrigation season of use. All four applications will have a season of use from 03/15 to 11/15. Similar to the beneficial use change, I will not request the applications to list the specific irrigation season. The season of use from 03/15 to 11/15 will be recorded and data entered for the applications but the paper files will list "season of use".

On applications, 74-16225 and 74-16226, the place of use (POU) and point of diversion (POD) descriptions did not match the PLSS locations on the maps included with the applications. Specifically, the associated Government Lot for the POU and POD was missing on the applications. I called Mike Demick on 1/29/2020 to explain and discuss this discrepancy. I followed up with an email to him the same day which included copies of the applications in order to add the Government lots. He returned the completed applications by email the same day, on 1/29/2020. The priority date of 74-16225 and 74-16226 will be advanced to 1/29/2020 to reflect the date that the Department received completed applications.

Source, Diversion System & Water Use

Application 74-16224 proposes to use water from Canyon Creek. According to the application, water runs through a modular closed drum fish screen which has a 16 inch x 4 foot perforated plate and is powered by a paddle wheel. A 10 inch bypass pipe flows water and fish from the

fish screen to the creek. The POU and POD are in the NWSW QQ of Sec. 24 Twp. 16N Rge. 26E.

Application 74-16225 requests to use water from Eighteen Mile Creek. Item 7 on the applications lists a modular closed drum fish screen (with an 18 inch by 4.5 inch perforated plate), powered by a paddlewheel. A 10 inch bypass pipe from the screen flows water and fish back to the creek. The POD and POU are in the SWSW QQ Govt. Lot 4 of Sec. 07 Twp. 15N Rge. 27E.

Application 74-16226 proposes to use water from Pratt Creek. The application states that water will flow through a single-bay, rotary drum with a single screen (with dimensions of 36 inch by 6 foot perforated plate). A Paddlewheel with a 10 inch bypass pipe flows from the screen to Pratt Creek. The POD and POU are in the NENE QQ Govt. Lot 1 of Sec. 6 Twp. 20N Rge. 24E.

Application 74-16227 also proposes to use water from Pratt Creek. Item 7 on the application lists the diversion works as a double-bay, rotary drum screen (with dimensions of 36 inch by 12 inch and a 6 foot perforated plate) powered by a paddlewheel. A 10 inch bypass screen allows fish to bypass from the screen to Pratt Creek. The POU and POD are in the NWSW QQ of Sec. 32 Twp. 21N Rge. 24E.

All applications state that a lockable headgate is in place as part of the diversion works and that the use of water enables fish entrained in the relative ditch to return to the appropriate stream though a bypass pipe that runs from the fish screen to the stream/creek. Furthermore, item 10 claims that the POD for each application is shared with right holder(s) but this proposed use is the only right for a fish screen.

The beneficial use would occur under these applications because the 0.8 cfs proposed for each application is in addition to water diverted to a canal by irrigators. The water goes through the fish screen and flows back to the stream and not to the canal. According to Mike Demick, the fish screens need a certain amount of water flowing though in order to operate. The 0.8 cfs requested comes from National Oceanic and Atmospheric Administration (NOAA) guidelines.

Item 12 on all applications states that the applications are being submitted to the Department in order to record a non-consumptive use of water for an existing fish screen installed and currently operating.

Additional Comments

All four applications propose to use water from tributaries to the Lemhi River, which is tributary to the Salmon Wild and Scenic River. Therefore, all are subject to wild and scenic processing steps.

The applications were understood to meet the description of a non-consumptive use as described in the partial decree for minimum streamflow (MSF) right 75-13316. Therefore, the applications will be advertised with the remark that the proposed use will benefit from the subordinate provision because it is a non-consumptive use.

The applicant stated in Section 11 of all four applications that they do not own the property at the location of the POD or POU. However, the applications state that there is an easement, right of way or agreement with the respective property owner. Legal access to the project sites is not a concern at this time.

RECEIVED
FEB 10 2020
DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

February 4, 2020

State of Idaho Department of Water Resources
ATTN: Alex Dalgleish, Water Resource Agent
322 East Front Street
P.O. Box 83720
Boise, ID 83720

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16224, 74-16225, 74-16226 and 74-16227

Dear Alex:

To answer IDWR request for additional information on how our proposal for the above mentioned Water Rights (WRs) 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 30 years our program has installed over 270 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 WRs 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 screens 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

Dalgleish, Alex

From: Demick,Mike <mike.demick@idfg.idaho.gov>
Sent: Wednesday, January 29, 2020 1:29 PM
To: Dalgleish, Alex
Subject: RE: Govt. Lot Follow up
Attachments: 74-16225.pdf; 74-16226.pdf

Thank you Alex: Here you go.

In the future, I'll make a note to include dates for Season of Use and a W for wildlife. Let me know if you want me to amend these by including the dates and W.

Mike

From: Dalgleish, Alex <Alex.Dalgleish@idwr.idaho.gov>
Sent: Wednesday, January 29, 2020 12:38 PM
To: Demick,Mike <mike.demick@idfg.idaho.gov>
Subject: Govt. Lot Follow up

Mike,

One thing that may help with adding the Govt. lot to the POU description- because there is no defined space for the Govt. Lot # under item 9 on the application, you can simply list the Lot # in the second row of the grid box.

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@idwr.idaho.gov

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Wednesday, January 29, 2020 12:35 PM
To: 'mike.demick@idfg.idaho.gov'
Subject: Applications for Permit 74-16225 & 74-16226
Attachments: 74-16225 Application.pdf; 74-16226 Application.pdf

Hey Mike,

Please see the attached applications for permit 74-16225 and 74-16226. They were scanned in as PDF's and I was unable to save them in an editable version.

After talking to my supervisor, the **Government lots need to be added to the point of diversion (POD) and place of use (POU) description on the applications.**

Application for permit 74-16225 needs Govt. lot 4 added to the POD description under item 4 as well as the POU description under item 9.

Application for permit 74-16226 needs Govt. lot 1 added to the POD description and the POU description.

Again, if you could list your initials and date in the left margin at item 4 and item 9, that would be helpful.

Contact me if you have any questions.

Thanks,

Alex Dalgleish
Water Resource Agent
Phone (208) 287-4913
alex.dalgleish@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

January 29, 2020

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

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16224, 74-16225, 74-16226, 74-16227

Dear Water Right Applicant:

The Department of Water Resources' (IDWR) records show you filed applications to establish new uses 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 208-287-4913, or email me at alex.dalgleish@idwr.idaho.gov.

Sincerely,

Alex Dalgleish

Alex Dalgleish
Water Resource Agent

Cc: Mike Demick
97 HWY 93 North
SALMON ID 83467

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

December 16, 2019

RECEIVED
DEC 20 2019
DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Dear IDWR:

Enclosed please find four (4) "Application for Permit" for new water rights in Basin 74. Please initiate the Interagency Billing Process for the $250.00 fee for each of these applications. When processing, use PCA 35794, and code C1NX. Please send the billing documents to IDFG Headquarters Office, Attention: Paul Kline, P.O. Box 25, Boise, ID 83707.

Please send copies of the approved permits to IDFG, Attention: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call me if you have any questions at 208-756-6022.

Sincerely,

Mike Demick

Mike Demick
Easement Specialist

Enc: Four (4) "Application for Permit" forms