

\$100

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

Ident. No. 72-16979

RECEIVED

NOV 01 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of applicant(s) ROBERT C CHESLEY Phone 541-620-2224
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 32 IRIS LN City SALMON
 State ID ZIP 83467 Email cleve.chesley@hotmail.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 Ground Water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
14N	18E	14			NW	SE	Custer	ground water	D0048890

5. Water will be used for the following purposes:

Amount 0.08 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) 0.08 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. existing well, pump, pods or sprinklers

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 11/1/19 Time 1:16 Preliminary check by _____
 Fee \$ 100 Received by SG Receipt No. 5037614 Date 11/1/19

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households _____
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	18E	14				0.2									2.7	1.1			4.0

Total number of acres to be irrigated: 4.0

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? 72-28 from Mill Creek. This right will overlap and supplement a portion of the Mill Creek right.
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. Existing well will be used to irrigate when Mill Creek rights are not in priority. Supplemental drill permit fees have been submitted along with application fee. (\$125)
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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


Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

SWNE

SENE

POU

14 14N18E 72

POD

NWSE

NESE

Mill Creek

72-16979

SWSE

SESE

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

POST REGISTER
AD INSERTION ORDER

Salesperson: TAYLOR WINGER

Printed at 11/15/19 07:26 by twing-cy

Acct #: 69104

Ad #: 175872

Status: New

IDAHO DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301

Start: 11/20/2019 Stop: 11/27/2019
Times Ord: 2 Times Run: ***
ILEG 1.00 X 51.00 Words: 323
Total ILEG 51.00
Class: 9000 LEGALS
Rate: LEGL
Affidavits: 1

Contact: DENISE MALINE

Phone: (208)736-3033

Fax#:

Email: denise.maline@idwr.idaho.gov

Agency:

Ad Descrpt: 72-16979

Given by: DENISE.MALINE@IDWR.IDAHO.GOV

P.O. #:

Created: twing 11/15/19 07:18

Last Changed: twing 11/15/19 07:26

PUB ZONE EDT TP RUN DATES
CM A 95 S 11/20,27

(CONTINUED ON NEXT PAGE)

Challis Messenger

Proof of legal notice received
from Challis Messenger 11/15/2019

✓ *Dm 11-15-2019*

POST REGISTER
AD INSERTION ORDER (CONTINUED)

Salesperson: TAYLOR WINGER

Printed at 11/15/19 07:26 by twing-cy

Acct #: 69104

Ad #: 175872

Status: New

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

72-16979

ROBERT C CHESLEY

32 IRIS LN

SALMON, ID 83467-5137

Point of Diversion NWSE S14 T14N R18E

CUSTER County Source GROUND WATER

Tributary

Use: IRRIGATION 04/01 to 10/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 11/1/2019

Place Of Use: IRRIGATION

T14N R18E S14 SENE NESE NWSE

Total Acres: 4

Application for permit proposes diversion of up to 0.08 cfs for irrigation purposes from an existing well located approximately 2.5 miles north and 3.8 miles west of the intersection of Main Street and Highway 93 in Challis. The irrigation will occur on 4.0 acres of ground in the immediate vicinity of the well. This application proposes the diversion and use of water tributary to the Salmon River, a Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see research.idwr.idaho.gov. 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 December 9, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published: 11/20, 11/27, 2019(175872-69104)

✓ Dm 11-15-2019

Maline, Denise

From: Maline, Denise
Sent: Friday, November 15, 2019 9:21 AM
To: Cindy Yenter
Subject: Comment Letter 72-16979 Chesley
Attachments: Comment letter to WD170 for 72-16979.docx; 72-16979 Chesley.pdf

Hi Cindy,

Attached is an application for permit, currently being processed within your Water District. Please review the information and provide any necessary comments within 21 days.

This application will be published on November 20 & 27, 2019. Protest deadline will be Monday December 9, 2019.

Feel free to contact our office if you have any questions regarding this application.

Thank you in advance,

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



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

November 15, 2019

WATER DISTRICT #170 *via e-mail*
CINDY YENTER
102 S WARPATH
SALMON ID 83467

RE: Application for Permit No. 72-16979

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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 water master, 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's regional offices 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
Administrative Assistant

Enclosure(s)



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 • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 14, 2019

ROBERT C CHESLEY
32 IRIS LN
SALMON, ID 83467-5137

Re: Application For Permit No. 72-16979

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 **11/20/2019 and 11/27/2019**. 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 **December 9, 2019**.

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,

A handwritten signature in blue ink that reads "Denise Maline".

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, November 14, 2019 11:28 AM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger cover letter.docx; Challis Messenger ad.doc

Attached please find **(1)** legal notice being submitted for publication on November 20th & 27th, 2019. 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 • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 14, 2019

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

RE: Application For Permit No.(s): 72-16979

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 December 9, 2019. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

72-16979

ROBERT C CHESLEY

32 IRIS LN

SALMON, ID 83467-5137

Point of Diversion NWSE S14 T14N R18E CUSTER County Source GROUND WATER Tributary

Use: IRRIGATION 04/01 to 10/31 0.08 CFS

Total Diversion: 0.08 CFS

Date Filed: 11/1/2019

Place Of Use: IRRIGATION

T14N R18E S14 SENE NESE NWSE

Total Acres: 4

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Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see research.idwr.idaho.gov. 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 **December 9, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 20th & 27th, 2019

Bitzenburg, James

From: Bitzenburg, James
Sent: Wednesday, November 13, 2019 1:23 PM
To: Clark, Cynthia Bridge
Subject: Application for Permit 72-16979 - tributary to the Salmon River

Cynthia-

We are submitting a new Application for Permit, 72-16979, into advertising soon. Here is the informational portion of the legal notice:

Application for permit proposes diversion of up to 0.08 cfs for irrigation purposes from an existing well located approximately 2.5 miles north and 3.8 miles west of the intersection of Main Street and Highway 93 in Challis. The irrigation will occur on 4.0 acres of ground in the immediate vicinity of the well.

The file will be scanned and available to view in a few days. Let me know if you need any more information and thank you for your assistance.

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov

Bitzenburg, James

From: Cleve Chesley <cleve.chesley@hotmail.com>
Sent: Monday, November 11, 2019 10:30 AM
To: Bitzenburg, James
Subject: Re: Wild and Scenic letter

Good morning Jim, I have no further input on the issue and would be fine with proceeding with the application.
Thanks, Cleve

Get [Outlook for iOS](#)

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Sent: Tuesday, November 5, 2019 9:05:15 AM
To: cleve.chesley@hotmail.com <cleve.chesley@hotmail.com>
Subject: Wild and Scenic letter

Robert-

I am emailing you to let you know that you will soon receive a letter from our office giving you the opportunity to provide information on how your application invokes public interest concerns for endangered species recovery. I will cease processing of the application until I receive the information from you, or until I receive a response from you letting me know you have no input and you would like for me to continue processing the application. If I hear nothing, I will wait 30 days, and assume you have no input. At that point I will continue processing of the application.

Thanks for your assistance,

Jim

Jim Bitzenburg
Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-736-3033
Fax (208)-736-3037
james.bitzenburg@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 4, 2019

ROBERT C CHESLEY
32 IRIS LN
SALMON ID 83467-5137

RE: Application to Appropriate Water in the Upper Salmon River Basin 72-16979

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 71 or 72, you may also contact IDWR's Southern Region office in Twin Falls at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bitzenburg", with a stylized flourish at the end.

Jim Bitzenburg
Water Resource Agent