

RECEIVED
FORM 202 Rev. 09/16
AUG 23 2019
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. 75-14965

1. Name of applicant(s) Don R Bellamy, Consuelo Bellamy Phone 208-865-2002
Name connector (check one): ☐ and ☐ or ☒ and/or
Mailing address PO Box 1031 City Salmon
State ID ZIP 83467 Email don.bellamy56@gmail.com, dcjbellamy@gmail.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 Spring which is a tributary of Cottonwood Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
24N	22E	20		SE	NE	SW	Lemhi	Spring	

5. Water will be used for the following purposes:
- Amount 0.02 for irrigation purposes from 04/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 0.02 for stock water 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) 0.04 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. developed spring to ditch to flood irrigation and 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 [Signature] Date 8/23/19 Time 10:50 Preliminary check by [Signature]
Fee \$ 100 Receipted by [Signature] Receipt No. 812519 Date 8/24/19

RECEIVED

SEP 1 2019

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WATER RESOURCESSTATE OF IDAHO
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Ident. No. 75-14965

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Don R Bellamy, Consuelo Bellamy Phone 208-865-2002
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address PO Box 1031 City Salmon
 State ID ZIP 83467 Email don.bellamy56@gmail.com, dcjbellamy@gmail.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 Spring which is a tributary of Cottonwood Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
24N	22E	20		SE	NE	SW	Lemhi	Spring	

5. Water will be used for the following purposes:
- Amount 0.02 .03 for irrigation purposes from 04/01 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.02 for stock water 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) 0.04 .05 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. developed spring to ditch to flood irrigation and 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 [Signature] Date 8/23/19 Time 1050 Preliminary check by [Signature]
 Fee \$ 100 Received by [Signature] Receipt No. 8/25/19 Date 8/24/19

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. 50 range cattle
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- 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	
24N	22E	20									1								
24N	22E	20									S								

Total number of acres to be irrigated: 1

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 75-119 irrigation from Fourth of July Creek.
This right will provide supplemental irrigation water for this 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. _____

13. Time required for completion of works and application of water to proposed beneficial use is 3 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)



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 November 25, 2019. 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:

74-16222

TIMOTHY V HUNT
EVA A BROWN HUNT
1284 E BOGIE DR
POST FALLS, ID 83854-6500
Point of Diversion NWNW S33 T21N R23E LEMHI County
Source LEMHI RIVER Tributary SALMON RIVER
Use: IRRIGATION
03/15 to 11/15
0.01 CFS
Total Diversion:
0.01 CFS
Date Filed: 9/23/2019
Place Of Use: IRRIGATION
T21N R22E S12 SWSW
Total Acres: 0.5

This application proposes the diversion and use of water from the Lemhi River 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14965

DON R BELLAMY
CONSUELO BELLAMY
PO BOX 1031
SALMON, ID 83467-1031
Point of Diversion SENESW S20 T24N R22E LEMHI County
Source SPRING Tributary COTTONWOOD CREEK
Use: IRRIGATION
04/01 to 10/31
0.02 CFS
Use: STOCKWATER
01/01 to 12/31
0.02 CFS
Total Diversion:

0.04 CFS

Date Filed: 8/23/2019

Place Of Use: IRRIGATION & STOCKWATER

T24N R22E S20 NESW

Total Acres: 1

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. Some of the water use proposed in this application will benefit from the subordination provision because it is for de minimus stockwater purposes. The irrigation water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the 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 11/25/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/7/2019 and 11/14/2019

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, October 31, 2019 10:49 AM
To: rhlegals@custertel.net
Subject: Legal Notice for your paper
Attachments: Recorder Herald.doc

Please see attached legal notice.

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



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

October 31, 2019

GARY SPACKMAN

Director

DON R BELLAMY
CONSUELO BELLAMY
PO BOX 1031
SALMON, ID 83467-1031

Application For Permit No. 75-14965

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 11/7/2019 and 11/14/2019. 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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, October 31, 2019 12:28 PM
To: Yenter, Cindy; Clark, Cynthia Bridge; Cassel, Amy; Golden, Kala
Subject: Applications for Permit and Application for Transfer

Applications for permit 74-16222 & 75-14965 will be published on November 7 and 14 with the protest end day of November 25.

Application for Transfer 83534 will not be published. This transfer was filed to update the legal description of the point of diversion (POD) that has historically been used. Your comments are appreciated.

Documents will be scanned by the end of the day.

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



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

October 31, 2019

IDAHO DEPT FISH AND GAME
ATTN: JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Application for Permit No. 74-16222 & 75-14965
Application for Transfer No. 83534
Water Right Nos. 75-14313 & 75-14641

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find a copy of the application at:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of application 74-16222 & 75-14965 as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency 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.

Application for Transfer 83534 will not be published. This transfer was filed to update the legal description of the point of diversion (POD) that has historically been used. Your comments are appreciated.

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

Sincerely,

Jean Hersley
Technical Records Specialist II



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

October 31, 2019

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS ID 83402

RE: Applications for Permit No. 74-16222 & 75-14965
Application for Transfer No. 83534

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find copies of the applications at:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of these applications, 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.

Application for Transfer 83534 will not be published. This transfer was filed to update the legal description of the point of diversion (POD) that has historically been used. Your comments are appreciated.

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

Sincerely,

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, October 31, 2019 12:02 PM
To: Jeff Richards
Subject: Comments for Applications

Application for Permit No. 74-16222 & 75-14965
Application for Transfer No. 83534
Water Right Nos. 75-14313 & 75-14641

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find a copy of the application at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of application 74-16222 & 75-14965 as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency 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.

Application for Transfer 83534 will not be published. This transfer was filed to update the legal description of the point of diversion (POD) that has historically been used. Your comments are appreciated.

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

Sincerely,

Jean Hersley
Technical Records Specialist II

MEMORANDUM

Date: October 8, 2019
To: WR No. 75-14965
From: Scott Storms
Re: Pre-Advertisement Application Review

Applicant

The original application for permit was received on August 13, 2019. Initial review of the permit revealed the applicants had applied for 0.02 cfs of irrigation on 1 acre however, per application processing memo 17, because the irrigation is for less than 5 acres, they are allowed to apply for up to 0.03 cfs per acre. I contacted the applicants via email on September 6, 2019 and explained this and they responded the same day via voice message and email, to confirm they would like to increase the rate to 0.03 cfs for irrigation. The amended application was received on September 13, 2019, and because the amendment included an increase in rate, the priority date was advanced to the receive date of the amendment (September 13, 2019). This application also includes 0.02 cfs of stockwater at the same place of use as the irrigation.

On September 20, 2019, I received an email from the applicant requesting to revert the irrigation rate back to 0.02 cfs. He stated that, after discussion with Cindy Yenter, he had concerns about the application receiving protest if it was at a rate greater than one inch per acre (0.02 cfs). The amended app was stamped as superseded and the original application reinstated. Because the application had not yet been advertised and the rate was reduced back to that of the original application, I did not request a signed amendment and I reinstated the original priority date of August 23, 2019.

The application was originally being held to be processed along with transfer applications 83656, 83657, and 83658, also submitted by the same applicant, however some of these transfers required amendments, therefore slowing the processing time. On October 4, 2019, I emailed the applicant about the transfer amendments, and also asked if he would still like me to hold back on processing the new permit application or just move forward, since it was not directly tied to the transfers. He responded that he would like me to continue moving forward with the permit application.

Source & Diversion System

The source is a spring, tributary to Cottonwood Creek. The diversion system is described as a developed spring to a ditch to flood irrigation and stockwater. The uses are for 0.02 cfs of irrigation on one acre of land, and for 0.02 cfs of stockwater on the same place of use as the irrigation, for 50 head of range cattle. The application also states that water diverted from Fourth of July Creek under right 75-119 will provide supplemental irrigation water for this acre.

Storms, Scott

From: Storms, Scott
Sent: Monday, September 23, 2019 2:23 PM
To: 'Don Bellamy'; Bellamy, Don; scott.storms@idwr.gov; Yenter, Cindy
Cc: Consuelo Bellamy (dcjbellamy@gmail.com)
Subject: RE: Water Right Applications Change

Hi Don,

Sounds good. I will move forward with the 0.02 cfs and because this had not yet gone to advertising, we should be able to go ahead with the original priority date of August 23, 2019 as well.

Scott

From: Don Bellamy [mailto:don.bellamy56@gmail.com]
Sent: Friday, September 20, 2019 8:21 PM
To: Bellamy, Don <Don.Bellamy@northwestfcs.com>; scott.storms@idwr.gov; Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Cc: Storms, Scott <Scott.Storms@idwr.idaho.gov>; Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>
Subject: Re: Water Right Applications Change

Hi Scott,

After visiting with Cindy Yenter here at the IDWR office in Salmon, by changing our application from .02 cfs to .03 cfs for irrigation we basically insure the application will be protested given we are exceeding an inch to the acre. We prefer to minimize the opportunity for protest so please change our application back to the .02 cfs form irrigation originally applied for. The stock water component it unchanged.

Thank you for you help and me know if I can answer any questions.

Don Bellamy

Sent from my iPad

On Sep 6, 2019, at 2:38 PM, Bellamy, Don <Don.Bellamy@northwestfcs.com> wrote:

Hi Scott,

Per my VM, we would be interested in increasing the amount from .02 cfs to .03 cfs. Could you attach our application so I can make those pen and ink changes you suggest below?

Thanks. Don Bellamy

From: Consuelo Bellamy <consuelo.bellamy@salmon291.org>
Sent: Friday, September 6, 2019 2:23 PM

Storms, Scott

From: Storms, Scott
Sent: Monday, October 7, 2019 4:20 PM
To: 'Bellamy, Don'
Cc: Consuelo Bellamy (dcjbellamy@gmail.com); Don Bellamy (don.bellamy56@gmail.com)
Subject: RE: Water Right Applications
Attachments: Amended Transfer App 83537.pdf; Amended Transfer App 83538.pdf; POU Map 75-119.pdf; POU Map 75-120 & 125.pdf; Bellamy-Dougherty 4th of July.pdf

Okay Don, attached are amended transfer applications for 75-119 (application 83538) and 75-120 & 75-125 (application 83537), along with associated maps and a copy of Cindy's review memo. Please take a look over all these to make sure they look rights. If all looks good, please print out the applications, sign, and return to the State office ATTN: Scott Storms.

Also, in order to save you the ink, you don't have to print off the maps, unless you need to make some sort of changes.

Feel free to call me with any other questions.

Scott

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

From: Bellamy, Don [<mailto:Don.Bellamy@northwestfcs.com>]
Sent: Friday, October 4, 2019 4:38 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>; Don Bellamy (don.bellamy56@gmail.com) <don.bellamy56@gmail.com>; Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: Re: Water Right Applications

Thanks, Scott. Send what you need us to sign for the transfers plus attachments. Yes, go ahead with the processing of the new permit for the spring.

Don

Sent from my iPhone

On Oct 4, 2019, at 3:16 PM, Storms, Scott <Scott.Storms@idwr.idaho.gov> wrote:

Hello again Don,

Cindy Yenter recently submitted to me a full review of everything she found regarding your transfer applications and it looks like we will need a couple of amendments to the applications in order to

correctly describe a couple of the places of use. In order to make those amendments, I will need your signature on what will essentially be a new application. I can make these changes and send you a completed application and all you will need to do is review them, sign them, and return to me at the State office. I believe Cindy has been in contact with you on all these updates but if you'd like, I can enclose a copy of her review memo when I send the amended applications.

My main question for you is, do you still want me to hold back on processing your new permit application while we work through these transfer amendments, or should I just move forward with processing it so we can get the permit application advertised?

Let me know what you think.

Scott

From: Bellamy, Don [<mailto:Don.Bellamy@northwestfcs.com>]
Sent: Friday, September 6, 2019 3:22 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>; Don Bellamy (don.bellamy56@gmail.com) <don.bellamy56@gmail.com>
Subject: RE: Water Right Applications

AOK. Will do.

Thanks.

Don

From: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Sent: Friday, September 6, 2019 2:56 PM
To: Bellamy, Don <Don.Bellamy@northwestfcs.com>
Cc: Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>; Don Bellamy (don.bellamy56@gmail.com) <don.bellamy56@gmail.com>
Subject: RE: Water Right Applications

Hello Don,

I got your message. What I actually meant is that there will be a copy enclosed in the letter you receive. The attached email letter was more for reference however, either way we are dealing with a copy of the original app so I've attached a copy to this email that you can print out. That way we can keep things moving forward and you don't have to wait for the letter to come in the mail. I will need you to actually mail back the new amended application with your written initials next to the changes. Unfortunately I cannot accept a scanned, emailed copy of that.

Let me know if you have any more questions.

Scott

From: Bellamy, Don [<mailto:Don.Bellamy@northwestfcs.com>]
Sent: Friday, September 6, 2019 2:38 PM
To: Storms, Scott <Scott.Storms@idwr.idaho.gov>
Cc: Consuelo Bellamy (dcjbellamy@gmail.com) <dcjbellamy@gmail.com>; Don Bellamy

(don.bellamy56@gmail.com) <don.bellamy56@gmail.com>

Subject: FW: Water Right Applications

Hi Scott,

Per my VM, we would be interested in increasing the amount from .02 cfs to .03 cfs. Could you attach our application so I can make those pen and ink changes you suggest below?

Thanks. Don Bellamy

From: Consuelo Bellamy <consuelo.bellamy@salmon291.org>

Sent: Friday, September 6, 2019 2:23 PM

To: Bellamy, Don <Don.Bellamy@northwestfcs.com>

Subject: Fwd: Water Right Applications

Begin forwarded message:

From: "Storms, Scott" <Scott.Storms@idwr.idaho.gov>

Subject: FW: Water Right Applications

Date: September 6, 2019 at 1:44:56 PM MDT

To: "dcjbellamy@gmail.com" <dcjbellamy@gmail.com>

From: Storms, Scott

Sent: Friday, September 6, 2019 1:44 PM

To: 'don.bellamy56@gmail.com' <don.bellamy56@gmail.com>; 'dcjbellamy@gamil.com' <dcjbellamy@gamil.com>

Subject: Water Right Applications

Don and Consuelo,

I have been assigned the review of your water right transfer applications and your application for a new water right. As part of formality with a new application in an area tributary to the Salmon Wild and Scenic River, I have sent out a Letter of Public Interest, and have attached a copy of that letter to this email. The letter basically outlines some of the common issues and concerns that come up during the processing and advertising of new water rights in this area. The purpose of this letter is to provide you the opportunity to supply us with any further information you think might be helpful in the processing of your application and help prevent protests during the protest period. We allow 30 day to respond to this letter, however if you feel you have nothing further to add, you can simply let me know by calling or responding to this email, and I will continue processing.

One thing I did notice in reviewing your application is that you applied for a flow rate of 0.02 cfs for irrigation on one acre of land. According to Idaho Code, you are allowed to apply for up to 0.03 cfs per acre on irrigation of anything 5 acres or less. I just want to

be sure you are aware of that, and that you could apply for a flow rate of 0.03 cfs for that one acre. Enclosed with the letter of public interest is a copy of your application. If you would like to increase the rate to 0.03 cfs for irrigation, you can make that change on that copy, initial next to those changes, and return the amended application to our office. Note that the change would need to take place in section 5 of the application, and the total rate in section 6 would go from 0.04 to 0.05 cfs. One thing to also keep in mind is that, an increase in flow rate will cause an advance in the priority date for your water right to the date that we receive the amended application. Right now your Priority Date is August 23, 2019. If you amend the application to increase to 0.03 cfs for irrigation, your priority date will advance to the day we receive that amended application here in our office (likely a date in September).

Please feel free to call or email me if you have any further questions.

Scott Storms
Senior Water Resource Agent
Idaho Department of Water Resources
208-287-4915
Scott.Storms@idwr.idaho.gov

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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

September 6, 2019

Don and Consuelo Bellamy
PO Box 1031
Salmon, ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14965

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.

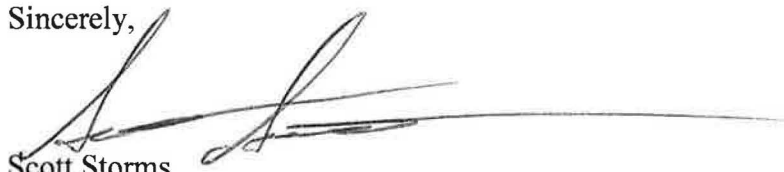
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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,

A handwritten signature in dark ink, appearing to read 'Scott Storms', followed by a long horizontal line extending to the right.

Scott Storms
Water Resource Agent, Senior

Enclosure: Copy of Application
Receipt C107467