

RECEIVED

FORM 202 Rev. 09/16

AUG 22 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. 75-14964

1. Name of applicant(s) Stanley W Poteet, Donna J Poteet Phone 619-548-5556

Name connector (check one): ☐ and ☐ or ☒ and/or

Mailing address 456 Nickman St City Chula Vista

State CA ZIP 91911 Email stanley.poteet@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 Williams Lake which is a tributary of Lake 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 #
20N	21E	34			SW	NW	Lemhi	Williams Lake	

5. Water will be used for the following purposes:

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

Amount _____ 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) 0.04 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. 1.5 HP pump from lake, 30 ft lift to lawn 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. _____

Received by [Signature] Date 8/12/19 Time 11:35 Preliminary check by [Signature]
Fee \$ 100 Receipted by [Signature] Receipt No. C107450 Date _____

For Department Use

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 1
 - 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	
20N	21E	34							X										

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 75-7052 and 75-7589 held by Williams Lake Recreational Water & Sewer District. Home receives culinary water under 75-7589 but does not receive irrigation water.
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: property boundary is the ordinary high water mark of Williams Lake
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Place of use AKA Lot 69 and E 1/2 Lot 70, Williams Lake Sub #2
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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


 Signature of Applicant
Stanley W. Poteet
 Print Name (and title, if applicable)


 Signature of Applicant
Donna J. Poteet
 Print Name (and title, if applicable)



20N21E

POU

POD

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 October 21, 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:

74-16220

EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON, ID 83467-5045
Point of Diversion NWNENW S28 T21N R23E LEMHI County
Source SPRING Tributary BOHANNON CREEK
Point of Diversion SWNENW S28 T21N R23E LEMHI County
Source SPRING Tributary BOHANNON CREEK
Point of Diversion SENWNW S28 T21N R23E LEMHI County
Source SPRING Tributary BOHANNON CREEK
Use: STOCKWATER
01/01 to 12/31
0.07 CFS
Total Diversion:
0.07 CFS
Date Filed: 8/16/2019
Place Of Use: STOCKWATER
T21N R23E S28 NWNE SWNE NENW NWNW SWNW SENW NESW NWSW SWSW
T21N R23E S29 NESE

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for Stockwater purposes.

75-14948

DAVID PARMENTER
JEFFREY PARMENTER
LAYNE PARMENTER
JAN PARMENTER
MICHELLE LIDDIARD
139 CEMETERY LN
SALMON, ID 83467-5058
Point of Diversion SENE S17 T21N R22E LEMHI County
Source WASTE WATER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.34 CFS

Total Diversion:

0.34 CFS

Date Filed: 5/20/2019

Place Of Use: IRRIGATION

T21N R22E S17 SENE

Total Acres: 17

This application proposes the diversion and use of waste from wastewater, which is 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.

75-14964

STANLEY W POTEET

DONNA J POTEET

456 NICKMAN ST

CHULA VISTA, CA 91911-1911

Point of Diversion SWNW S34 T20N R21E LEMHI County

Source WILLIAMS LAKE Tributary LAKE CREEK

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 8/22/2019

Place Of Use: DOMESTIC

T20N R21E S34 L1(SWNW)

This application proposes the diversion and use of water from Williams Lake 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.

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 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/3/2019 and 10/10/2019

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83533

CHARLES W MUALEM, 74 SAVAGE RANCH RD, SALMON, ID 83467; has filed Application No. 83533 for changes to the following water rights within LEMHI County(s): Right No(s). 75-14551, 75-14552; The purpose of the transfer is to change a portion of the above rights as follows:

to add a point of diversion on the Salmon River in the NWNE, Sec. 6, T22N, R22E. This is approximately 1.0 mile downstream from the existing point of diversion on Wallace Creek.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

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 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/3/2019 and 10/10/2019



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 26, 2019

STANLEY W POTEET
DONNA J POTEET
456 NICKMAN ST
CHULA VISTA, CA 91911-1911

Application For Permit No. 75-14964

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 10/3/2019 and 10/10/2019. 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 26, 2019

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

RE: Applications for Permit No. 74-16220, 75-14948, 75-14965
Application for Transfer No. 83533

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.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jean Hersley', is written in black ink.

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

September 26, 2019

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

RE: Applications for Permit No. 74-16220, 75-14948, 75-14965
Application for Transfer No. 83533

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 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 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 applications.

Sincerely,

A handwritten signature in cursive script that reads 'Jean Hersley'. The signature is written in dark ink and is positioned above the printed name.

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 26, 2019 9:36 AM
To: Jeff Richards
Subject: Comment Request

Applications for Permit: 74-16220, 75-14948 & 75-14964 and Application for Transfer 83533
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 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 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 applications.

Sincerely,

Jean Hersley
Technical Records Specialist II

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 26, 2019 9:36 AM
To: rhlegals@custertel.net
Subject: legal notices 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 October 21, 2019. Your cooperation is appreciated.

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

MEMORANDUM

Date: September 17, 2019
To: Application for Permit No. 75-14964
From: Dave Betts
Re: Pre-Advertisement Application Review

Applicant

Stanley W. and/or Donna J. Poteet filed an application for permit that was received on August 22, 2019.

Source & Diversion System

The applicants propose diverting from Williams Lake using a 1.5 horsepower pump connected to sprinklers. The proposed point of diversion places the pump directly in Williams Lake at a point near the boundary of the property identified as the proposed place of use (POU).

Water Use

The applicants propose domestic use for 1 home on a tax parcel identified as Lot 69 and E ½ 70 of the Williams Lake Subdivision #2. Although the applicants are requesting domestic water use, the proposed diverting works appear to be intended for irrigation only.

Additional Comments

This application proposes the diversion of surface water that is tributary to the Salmon River Wild & Scenic River. Requests for comments will be sent to the Department of Environmental Quality, the Department of Fish and Game, planning and regional staff (IDWR).

According to a phone conversation with Cindy Yenter (Salmon – IDWR), the applicants are seeking domestic use to provide irrigation water because of the limitations on irrigation within the Salmon River Wild & Scenic River Basin. New permits for irrigation have generally been limited to diversion rates of 0.02 cfs per acre, even when the number of acres is small enough that the Department could otherwise authorize 0.03 cfs per acre. The tax parcel of the proposed POU is approximately 0.2 acres. The applicants would be unable to install a pump that would be efficient enough to divert water to irrigate with a diversion rate of 0.02 cfs per acre for 0.2 acres (approximately 1.8 gallons per minute).

The proposed place of use overlaps with the service areas of two municipal water rights, but there does not appear to be an overlap in use. 75-7589 diverts from a spring and is limited to in-house or potable water use. 75-7052 authorizes irrigation use, but according to Cindy Yenter, the diverting works for 75-7052 do not reach the proposed POU for this application.

Betts, David

From: Stanley Poteet <stanley.poteet@gmail.com>
Sent: Monday, September 16, 2019 6:30 PM
To: Betts, David
Subject: Re: Local Public Interest - Application for Permit 75-14964

Dear Dave,

After reading your letter and reviewing our application we have no additional information or questions at this time.

If you need anything regarding our application don't hesitate to contact us. Thank you for your time.

Sincerely,

Stanley and Donna Poteet

On Mon, Sep 16, 2019 at 3:33 PM Betts, David <David.Betts@idwr.idaho.gov> wrote:

Dear Applicants:

I have attached a copy of the letter that is being sent tomorrow, Sept. 17, regarding your Application for Permit (75-14964). Because of the various interests in the water use in your region, your response to this letter is an opportunity for you to provide any additional information on how your requested water use is a benefit to the local public interest. The intent of the letter is to help with the review your applications in a timely and efficient manner. I have included a copy of your application for your reference.

The request for your input is an additional step in the review process because of your location within the Wild and Scenic Watershed of the Salmon River. There is a 30 day waiting period in order to give applicants time to submit any additional information they choose. If the Department receives a response from you before the 30 days are over, your application will continue through the review process from that point in time.

After reading the letter, if you have any questions feel free to contact me directly.

Respectfully,

Dave Betts

Water Resource Agent

Water Rights Section

Idaho Department of Water Resources

322 East Front St., PO Box 83720

Boise, ID 83720-0098

Phone: (208) 287-4826

Fax: (208) 287-6700



State of Idaho

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 17, 2019

STANLEY W & DONNA J POTEET
456 NICKMAN ST
CHULA VISTA CA 91911

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14964

Dear Water Right Applicants:

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

Letter to Upper Salmon River Basin Water Right Applicants
Page 2

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.

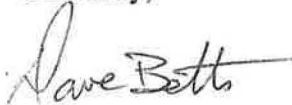
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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 208-287-4826, or email me at david.betts@idwr.idaho.gov.

Sincerely,



Dave Betts
Water Resource Agent, Senior

Enclosure: Copy of Application