

ORIGINAL

FORM 202 Rev. 09/16

RECEIVED

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. 73-12269

1. Name of applicant(s) Idaho Power Phone (208) 388-2602
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address C/O Kresta Davis Butts, PO Box 70 City Boise
 State Idaho ZIP 83707 Email kdavis-butts@idahopower.com
2. Name of representative, if any John Simpson, Barker Rosholt and Simpson LLP Phone (208) 336-0700
 Mailing address 1010 W. Jefferson St, Suite 102 City Boise
 State ID ZIP 83702 Email jks@idahowaters.com
- 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 Pahsimeroi River which is a tributary of Salmon river
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
16N	20E	36		NW	NE		Lemhi	Pahsimeroi River	

5. Water will be used for the following purposes:
- Amount 0.05 cfs for Irrigation purposes from 4/15 to 10/15 (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) 0.05 cubic feet per second (cfs) and/or (b) 10 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Water is diverted into a short canal from the Pahsimeroi River by an existing stop log structure. Two pumps are used to divert water from the canal.
- b. Height of storage dam N/A 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 N/A 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 10:30 Preliminary check by AD
 Fee \$ 100 Receipted by [Signature] Receipt No. C101766 Date 8/23/19

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	
16N	20E	25															2.42		
16N	20E	36		0.08															

Total number of acres to be irrigated: 2.5

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? Water Right 73-10124 is a domestic right diverted from ground water, however no irrigation of lawns occurs under this right.
11. a. Who owns the property at the point of diversion? Idaho Power
b. Who owns the land to be irrigated or place of use? Idaho Power
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. Water will be used to irrigate lawns and landscaping at the Lower Pahsimeroi Fish Hatchery. Water will be pumped from the existing canal from water diverted for hatchery operations.
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.

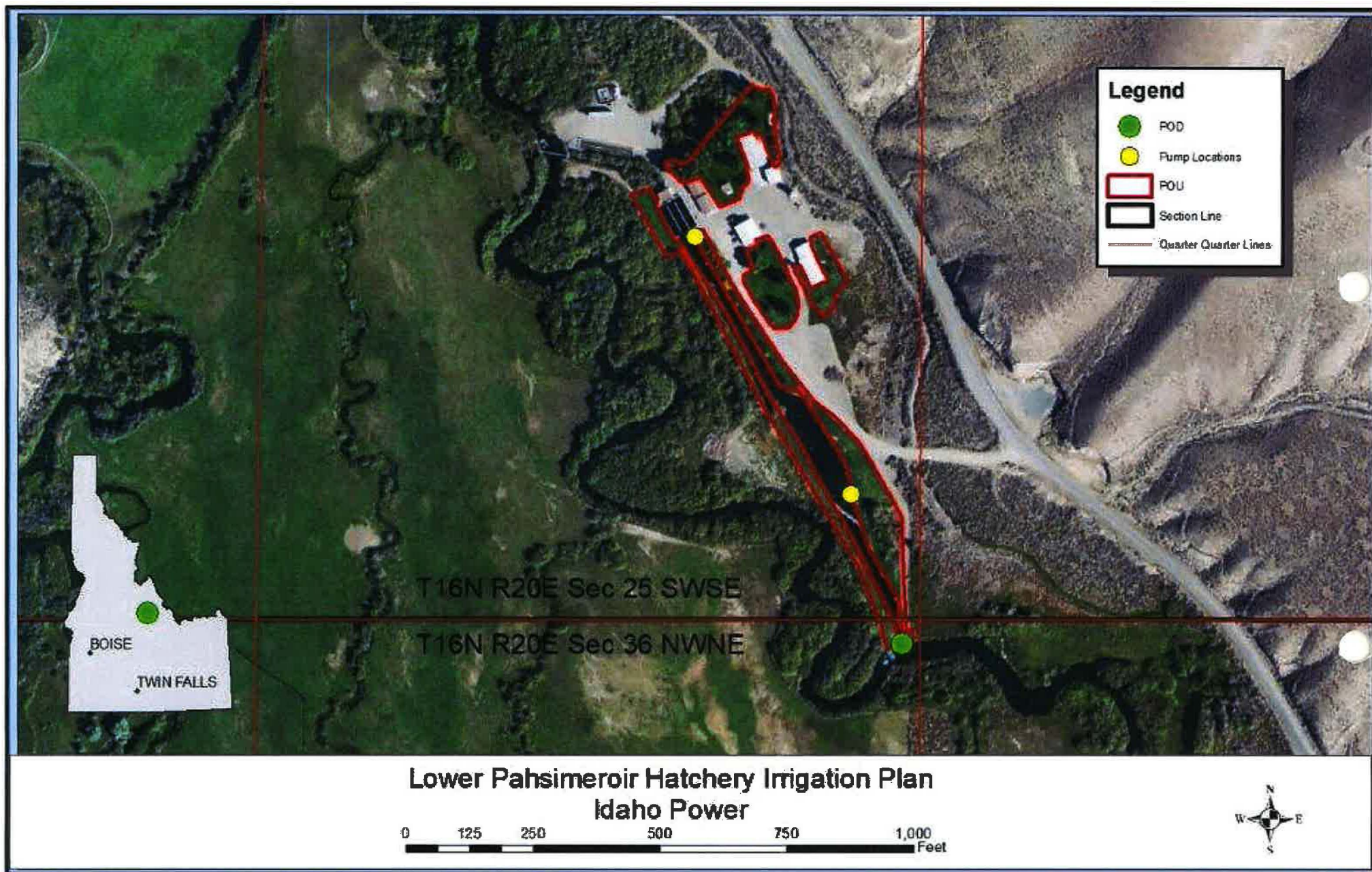
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)



SPECIAL POWER OF ATTORNEY

Idaho Power Company, an Idaho Corporation, hereby appoints the attorneys of Barker Rosholt & Simpson LLP, 1010 W. Jefferson St., Ste. 102, Boise, Idaho 83702 as its true and lawful attorneys for the purpose of signing on its behalf the following forms for submission with the Idaho Department of Water Resources:

- 1) Request for Extension of Time to Provide Additional Time in Which to Submit Proof of Beneficial Use for a Water Right Permit;
- 2) Notice of Change of Water Right Ownership;
- 3) Application for Amendment of Permit to Appropriate the Waters of the State of Idaho;
- 4) Notice of Protest;
- 5) Application for Transfer of a Water Right;
- 6) Proof of Beneficial Use;
- 7) Application for Exchange of Water;
- 8) Application for Extension of Time to Avoid Forfeiture of a Water Right;
- 9) Application to Sell or Lease a Water Right to the Water Supply Bank;
- 10) Application for Temporary Approval of a Water Application;
- 11) Application for Permit to Appropriate the Waters of the State of Idaho;
- 12) Any other document in support or furtherance of any of the above.

All may rely on such authority. This Special Power of Attorney shall be effective until revoked in writing by Idaho Power Company.

IN WITNESS WHEREOF, I have signed this special power of attorney effective this 6th day of August, 2019.

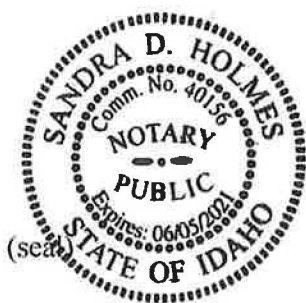


Sarah W. Higer
Senior Counsel, Idaho Power Company

STATE OF IDAHO)
) ss.
County of Ada)

On this 6th day of August, 2019, before me, Sandra D. Holmes, a
Notary Public in and for said State, personally appeared Sarah W. Higer, known
or identified to me to be the person who executed said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.



Notary Public for Idaho Sandra D. Holmes
Residing at Boise
My commission expires 6-5-2021

Lower Pahsimeroi Hatchery Water Use

Background

The Pahsimeroi Fish Hatchery is located in Lemhi County, Idaho, approximately 25 miles from the town of Challis on the Pahsimeroi River, a tributary of the Salmon River. The hatchery complex consists of fish production facilities (a lower facility and an upper facility) owned by Idaho Power and operated by the Idaho Department of Fish and Game (IDFG). Both facilities are operated as mandated by the Federal Energy Regulatory Commission to mitigate impacts to anadromous fish associated with the construction and operation of Brownlee, Oxbow and Hells Canyon dams on the Snake River. At present, the lower facility functions as an adult trapping and spawning facility while the upper facility is a juvenile Chinook rearing facility. Fish production goals for Idaho Power's Pahsimeroi complex are set forth in the 1980 Hells Canyon Settlement Agreement (HCSA). With regard to the Pahsimeroi complex, the HCSA states that Idaho Power is responsible for providing facilities capable of rearing one million summer Chinook smolts and providing spawning and incubation facilities capable of supplying sufficient eggs to produce 200,000 pounds of steelhead smolts annually.

Idaho Power currently holds two non-consumptive surface water rights (73-2168, 73-7051) totaling 20 cubic feet per second (cfs) to operate the upper facility. Idaho Power also holds two non-consumptive surface water rights (73-7006, 73-7055) of 40 cfs to operate the lower facility.

The lower facility intake canal contains a concrete broad crested weir for flow measurement, which is located approximately 30 feet downstream of the intake headworks. A recording flow meter was installed at the broad crested weir in 2010. Idaho Power maintains the current flow meter and downloads the flow data four to six times per year.

Water diverted to the lower hatchery is non-consumptive in nature. Water from the trap and holding ponds returns to the Pahsimeroi River at two locations. The upper bypass line returns water to the river near the upper holding ponds. The lower discharge returns water to the river at a point below both holding ponds.

Current Operations

Lower facility operations are seasonal, and the water right is used for fish production at two distinct times during the year. In the spring the water is used from February through mid-May for steelhead trapping and holding and again from June through October for summer Chinook trapping and holding.

Over the past four years water usage has fluctuated at the lower facility between approximately 20 and 75 cfs (Figure 1). In the spring months as flows in the Pahsimeroi River increase, hatchery staff occasionally increase flows into the intake canal to relieve pressure on the adjacent river banks to prevent flooding and bank erosion. These flow increases often are 10 to 20 cfs above Idaho Power's water right of 40 cfs.

During the summer operating period at the lower facility, flows are managed to ensure adequate flows are maintained in the trapping and holding ponds. To manage hourly fluctuations in Pahsimeroi River flows related to changes in upstream landowner irrigation changes, the hatchery staff increases flows in the intake channel to ensure adequate flows in the holding ponds. Any water not needed is bypassed back to the Pahsimeroi River prior to flowing through the holding and trapping facility.

Increased water temperatures in the summer months and the associated low oxygen conditions and increased bacterial load also require the hatchery staff to use more than 40 cfs to maintain quality fish health conditions for adult salmon held at the lower facility.

Due to these operational needs, the current diversions from the Pahsemroi River into the intake canal exceeds Idaho Power's water rights of 40 cfs at the lower facility.

Water Use Plan

The current flow measuring device does not allow for real-time remote monitoring. Idaho Power plans to add telemetry to the existing gauge to allow anyone to view real-time flow data via the Idaho Power streamflow website. The access to real-time data will allow hatchery staff to more effectively manage water diversions from the Pahsimeroi River. An additional non-consumptive water right of 30 cfs is needed for successful hatchery operation. The additional water will allow hatchery staff to effectively manage water during the irrigation season to account for frequent changes in stream flows related to upstream irrigation diversions and mitigation for high summer water temperatures. The higher diversion rate will also allow for increased diversion during periods of high flows to help reduce streambank erosion near the point of diversion on the Pahsimeroi River.

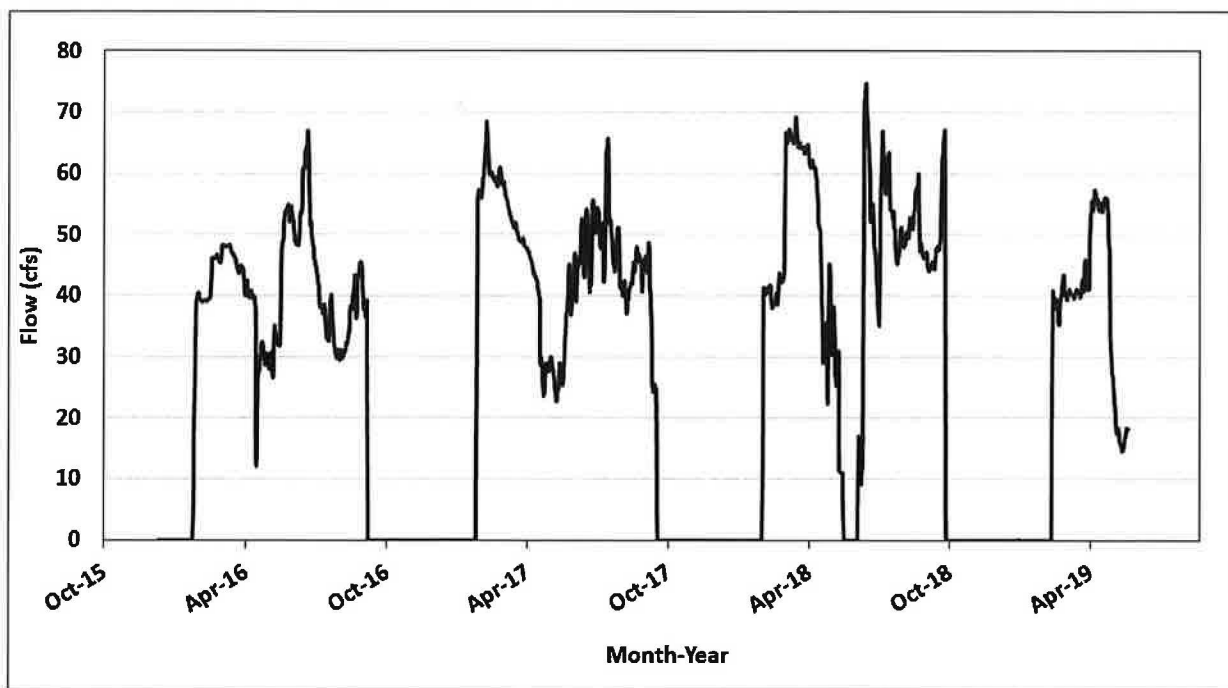


Figure 1. Monthly water use at the Lower Pahsimeroi Fish Hatchery

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 7, 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:

73-12268

IDAHO POWER CO
C/O KRESTA DAVIS-BUTTS
PO BOX 70
BOISE, ID 83707
Point of Diversion NWNE S36 T16N R20E LEMHI County
Source PAHSIMEROI RIVER Tributary SALMON RIVER
Use: FISH PROPAGATION
01/01 to 12/31
30 CFS
Total Diversion:
30 CFS
Date Filed: 8/23/2019
Place Of Use: FISH PROPAGATION
T16N R20E S25 SWSE

This application proposes the diversion and use of water from the Pahsimeroi 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 it is for fish propagation purposes.

73-12269

IDAHO POWER CO
C/O KRESTA DAVIS-BUTTS
PO BOX 70
BOISE, ID 83707
Point of Diversion NWNE S36 T16N R20E LEMHI County
Source PAHSIMEROI RIVER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.05 CFS
Total Diversion:
0.05 CFS
10 AF
Date Filed: 8/23/2019
Place Of Use: IRRIGATION
T16N R20E S25 SWSE
T16N R20E S36 NWNE

Total Acres: 2.5

This application proposes the diversion and use of water from the Pahsimeroi 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.

75-14954

BRYAN A YENTER

CYNTHIA J YENTER

662 HIGHWAY 93 N

CARMEN, ID 83462-4505

Point of Diversion L7(NESE) S31 T23N R22E LEMHI County

Source GROUND WATER

Use: IRRIGATION

04/01 to 10/31

0.1 CFS

Total Diversion:

0.1 CFS

Date Filed: 7/17/2019

Place Of Use: IRRIGATION

T23N R22E S31 L7(NESE)

Total Acres: 5

This application proposes the diversion and use of water from ground water tributary to 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 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 10/07/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/19/2019 and 9/26/2019



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 12, 2019

IDAHO POWER CO
C/O KRESTA DAVIS-BUTTS
PO BOX 70
BOISE, ID 83707

Application For Permit No. 73-12268 & 73-12269

Dear Applicant(s):

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

A legal notice of application for permit 73-12268 has been prepared and is scheduled for publication in the RECORDER HERALD, IDAHO STATESMAN, LEWISTON TRIBUNE, POST REGISTER, TIMES NEWS on 9/19/2019 and 9/26/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

A legal notice of application for permit 73-12269 has been prepared and is scheduled for publication in the RECORDER HERALD on 9/19/2019 and 9/26/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications 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 applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the permits.

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

Sincerely,

Jean Hersley
Technical Records Specialist

CC: JOHN K SIMPSON
BARKER ROSHOLT & SIMPSON

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 12, 2019 10:31 AM
To: Yenter, Cindy
Subject: Watermaster Comments for Transfer 83336, Applications for Permit 73-12268 & 73-12269

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. The documents for each file will be scanned by the end of the day.

FYI- the application for you and Bryan will be advertised on the 19th and 26th of September. I'm not sure we need comments from you on this application!

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 12, 2019 10:34 AM
To: Clark, Cynthia Bridge; Cassel, Amy; Golden, Kala
Subject: Comments

Applications for permit 73-12268, 73-12269 and 75-14954 and application for transfer 83336 will be advertised in the next two weeks with the protest end date of October 7, 2019. Please let me know if you have any comments or concerns by October 7, 2019.

*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

September 12, 2019

WATER DISTRICT #73
TED ONEAL
11 O NEAL LN
MAY ID 83253

RE: Applications for Permit: 73-12268 & 73-12269
Application for Transfer: 83336

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. You can find a copy of the application at: <http://www.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's 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,

Jean Hersley
Technical Records Specialist

Enclosure(s)

State of Idaho
Department of Water Resources
Application for Transfer

RECOMMENDATION FORM

Application No.: 73-12268

Applicant's Name: IDAHO POWER
C/O KRESTA DAVIS BUTTS
PO BOX 70
BOISE ID 83707

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 73

Watermaster's Signature _____

Printed Name: _____

State of Idaho
Department of Water Resources
Application for Transfer

RECOMMENDATION FORM

Application No.: 73-12269

Applicant's Name: IDAHO POWER
C/O KRESTA DAVIS BUTTS
PO BOX 70
BOISE ID 83707

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 73

Watermaster's Signature _____

Printed Name: _____

State of Idaho
Department of Water Resources
Application for Transfer

RECOMMENDATION FORM

Application No.: 83336

Applicant's Name: D & J HOLDINGS
PO BOX 67
ELLIS ID 83235

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) _____ I do not oppose approval of this application if it is conditioned as follows:
- c) _____ I oppose approval of this application for the following reasons:
- d) _____ Additional comments:

Dated this _____ day of _____, 2019

Water District No. 73

Watermaster's Signature _____

Printed Name: _____

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 12, 2019 10:31 AM
To: Yenter, Cindy
Subject: Watermaster Comments for Transfer 83336, Applications for Permit 73-12268 & 73-12269

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. The documents for each file will be scanned by the end of the day.

FYI- the application for you and Bryan will be advertised on the 19th and 26th of September. I'm not sure we need comments from you on this application!

*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

September 12, 2019

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

RE: Applications for Permit No. 75-14954, 73-12268 & 73-12269
Application for Transfer No. 83336

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 that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

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 12, 2019

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

RE: Applications for Permit No. 75-14954, 73-12268 & 73-12269
Application for Transfer No. 83336

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 and title.

Jean Hersley
Technical Records Specialist II

MEMORANDUM

Date: 9/5/19
To: 73-12269
From: Alex Dalglish
Re: Pre-Advertisement Application Review

Applicant

On August 23, 2019, the Department received this application for permit from Idaho Power. John Simpson from Barker Rosholt and Simpson LLC signed the application on behalf of Idaho Power. An attached power of attorney was included, authorizing attorneys of Barker Rosholt and Simpson LLP to sign for Idaho Power Company.

Source, Diversion System & Water Use

The application proposes to divert 0.05 cfs from the Pahsimeroi River to irrigate 2.5 acres of land. The application states that water will be used to irrigate lawns and landscaping at the Lower Pahsimeroi Fish Hatchery. Water will be pumped from the existing canal by a stop log structure from water diverted for hatchery operations.

The application proposes to divert water in the NWNE quarter-quarter Sec. 36, Township 16N, Range 20E and also irrigate 0.08 acres at this location. An additional 2.42 acres will be irrigated in the SWSE quarter-quarter Sec. 25, Township 16N, Range 20E.

The rate of 0.05 requested by the applicant, divided by 2.5 acres equates to 0.02 cfs/acre. This is consistent with Wild & Scenic standards. As explained in Administrative Memo #17, a rate of 0.03/acre is acceptable when irrigation occurs on 5 acres or less. I left representative Mike Simpson a voicemail on 9/5/19 regarding the possibility to change the diversion rate to 0.075 cfs. No response was received.

Additional Comments

The application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The proposed point of diversion is in water districts 73 and 170. Comments were requested from the watermasters of those districts on 9/5/19. Ted O Neal, watermaster of district 73 did not have an issue with the proposed use.

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Thursday, September 5, 2019 4:52 PM
To: Yenter, Cindy
Subject: Application for Permit 73-12269
Attachments: 73-12269 Application and supporting documents .pdf

Cindy,

I know you are out of the office for the next week. When you get a chance, please let me know your thoughts on this application for permit from Idaho Power.

It requests to divert .05 cfs from the Pahsimeroi River for irrigation of 2.5 acres around the Pahsimeroi Fish Hatchery.

I have attached relevant documents relating to application for permit 73-12269

Ted O Neal and he did not have an issue with the possible diversion and use of water.

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

September 6, 2019

IDAHO POWER
C/O KRESTA DAVIS BUTTS
PO BOX 70
BOISE ID 83707

RE: Application to Appropriate Water in the Upper Salmon River Basin 73-12268, 73-12269

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

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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.

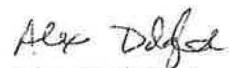
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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
Water Resource Agent

Cc: Barker Rosholt and Simpson LLP C/O John Simpson