

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 78-12512

Priority: April 15, 2019

Maximum Diversion Rate: 0.03 CFS

This is to certify that

RICHARD STILES 152 E SHINGLE CREEK RD RIGGINS ID 83549 AND/OR
LISA MCCONNELL 152 E SHINGLE CREEK RD RIGGINS ID 83549

has applied for a permit to appropriate water from:

Source : SHINGLE CREEK

Tributary: RAPID RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use

IRRIGATION

Period of Use

02/15 to 11/30

Rate of Diversion

0.03 CFS

Location of Point(s) of Diversion

SHINGLE CREEK SW¼ NE¼, Sec. 1, Twp 23N, Rge 01W, B.M. IDAHO County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	01W	1													1.0				1.0

Total Acres: 1.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2024**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
5. This right does not grant any right-of-way or easement across the land of another.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 78-12512

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 3rd day of September, 2019.



NICK MILLER
Western Regional Manager

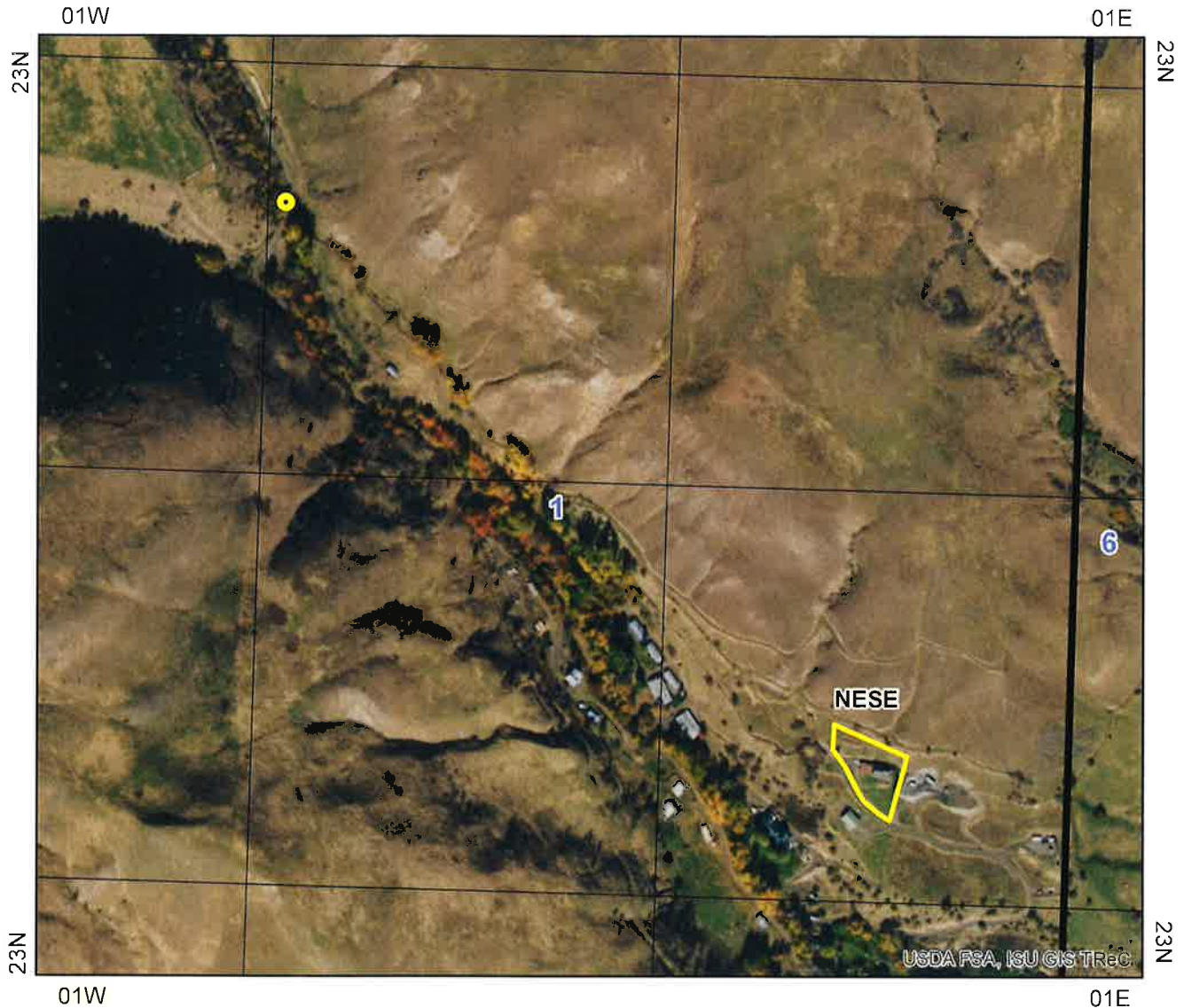


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

78-12512

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 03, 2019

LISA MCCONNELL
RICHARD STILES
152 E SHINGLE CREEK RD
RIGGINS ID 83549

RE: Permit No. 78-12512

Permit Approval Notice

Dear Permit Holders:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,


For Anna Kaiser/
Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on September 03, 2019, I served a true and correct copy of Permit to Appropriate Water No. 78-12512 by U.S. Mail, postage prepaid, to the following:

LISA MCCONNELL (Current Owner)
RICHARD STILES (Current Owner)
152 E SHINGLE CREEK RD
RIGGINS ID 83549



Anna Kaiser
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Process	Basin Sequence	Draft	Owner	Source	POD	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESE	NWSE	SWSE	SESE	Total Acres
Water Right	78-10625	N	UNITED STATES OF AMERICA ACTING THROUGH	SHINGLE CREEK	POU	ADMINISTRATIVE			X										
Water Right	78-7303	N	YOUTH WITH A MISSION IDAHO	GROUND WATER	POU	DOMESTIC											X		
Water Right	78-12512	N	RICHARD STILES, LISA MCCONNELL	SHINGLE CREEK	POU	IRRIGATION									1				1
Water Right	78-12240	N	BOYER, PAUL S	SHINGLE CREEK	POU	IRRIGATION													
Water Right	78-12241	N	BOYER, PAUL S; TRAVIS, GAIL C; TRAVIS, ROY M	SHINGLE CREEK	POU	IRRIGATION													
Water Right	78-12331	N	UNITED STATES OF AMERICA ACTING THROUGH	SHINGLE CREEK	POU	IRRIGATION			3										
Water Right	78-2070	N	DE VENY, BETTY G; DE VENY, WILLIS D	SHINGLE CREEK	POU	IRRIGATION				14	11	2	10						
Water Right	78-4173	N	DE VENY, BETTY G; DE VENY, WILLIS D	SHINGLE CREEK	POU	IRRIGATION				15	5	1	8						
Water Right	78-7158	N	DE VENY, BETTY G; DE VENY, WILLIS D	NORTH FORK SHINGLE CREEK	POU	POWER													
Water Right	78-7277	N	DE VENY, BETTY G; DE VENY, WILLIS D	NORTH FORK SHINGLE CREEK	POU	POWER													
Water Right	78-7157	N	DE VENY, BETTY G; DE VENY, WILLIS D	SHINGLE CREEK	POU	POWER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	ATKIN SPRING	POU	STOCKWATER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	ALDER SPRING	POU	STOCKWATER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	BLUE GULCH SPRING	POU	STOCKWATER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	CANNON BALL SPRING	POU	STOCKWATER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	CHAIN SPRING	POU	STOCKWATER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	CLYDE SPRING	POU	STOCKWATER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	COTTONWOOD SPRING	POU	STOCKWATER													
Water Right	78-12116	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	DUTCH OVEN CREEK	POU	STOCKWATER				X									
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	HOWARD SPRING	POU	STOCKWATER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	LOG TROUGH SPRING	POU	STOCKWATER													
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	MORRISON RIDGE SPRING	POU	STOCKWATER													
Water Right	78-12116	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	RAPID RIVER	POU	STOCKWATER				X									
Water Right	78-12112	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	SHINGLE CREEK	POU	STOCKWATER													
Water Right	78-12116	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	SHINGLE CREEK	POU	STOCKWATER				X									
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	SPRING	POU	STOCKWATER				X									
Water Right	78-4205	N	UNITED STATES OF AMERICA ACTING THROUGH	SPRING	POU	STOCKWATER													
Water Right	78-10341	N	DE VENY, BETTY G; DE VENY, WILLIS D	SPRINGS	POU	STOCKWATER				X									
Water Right	78-10341	N	DE VENY, BETTY G; DE VENY, WILLIS D	UNNAMED STREAMS	POU	STOCKWATER													
Water Right	78-12116	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	WYANT CREEK	POU	STOCKWATER				X									

Process	Basin Sequence	Draft	Owner	Source	POD	Use	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESE	NWSE	SWSE	SESE	Total Acres
Water Right	78-12512	N	RICHARD STILES, LISA MCCONNELL	SHINGLE CREEK	POD				X										
Water Right	78-10338	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	SHINGLE CREEK	POD														
Water Right	78-10625	N	UNITED STATES OF AMERICA ACTING THROUGH	SHINGLE CREEK	POD	ADMINISTRATIVE			X										
Water Right	78-13302	N	UNITED STATES OF AMERICA TRUSTEE	SILVERS UNIT SPRING	POD					X									
Water Right	78-12054	N	UNITED STATES OF AMERICA TRUSTEE	SPRING	POD														
Water Right	78-12112	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	SHINGLE CREEK	POD														
Water Right	78-12116	N	DE VENY, BETTY G; DE VENY, WILLIS D; SHINGLE CREEK LL	SHINGLE CREEK	POD														
Water Right	78-12240	N	BOYER, PAUL S	SHINGLE CREEK	POD														
Water Right	78-12241	N	BOYER, PAUL S; TRAVIS, GAIL C; TRAVIS, ROY M	SHINGLE CREEK	POD	IRRIGATION			X										
Water Right	78-12331	N	UNITED STATES OF AMERICA ACTING THROUGH	SHINGLE CREEK	POD	IRRIGATION			X										
Water Right	78-4059	N	CROSS O RANCH INC; DE VENY, BRYAN G; DE VENY, SAND	SHINGLE CREEK	POD	IRRIGATION			X										
Water Right	78-4205	N	UNITED STATES OF AMERICA ACTING THROUGH	SHINGLE CREEK	POD														
Water Right	78-7303	N	YOUTH WITH A MISSION IDAHO	GROUND WATER	POD												X		

Overlap POD for Administrative

Overlap POD for Irrigation

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, STEVE A. WHERRY, being first duly sworn, depose and say that I am Publisher of the COTTONWOOD CHRONICLE, a weekly newspaper, published and issued weekly at Cottonwood, Idaho County, State of Idaho, which is of general circulation in said county and state, that the said notice, of which the hereto attached is a true copy, was published in said newspaper for

2 weeks, being published 2 times, the

first publication being on the 20th day of

June, 2019, and the last publication on the

27th day of June, 2019; and that

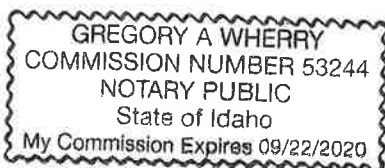
the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight (78) consecutive weeks prior to the first publication of said notice or advertisement.

Steve A. Wherry

STATE OF IDAHO, }
County of Idaho, }

On this 5th day of July in the year of 2019, before me, a Notary Public, personally appeared Steve A. Wherry,

know or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true and acknowledged to me that he executed the same.



Gregory A. Wherry
Notary Public for Idaho
Residing at Cottonwood, ID
My commission expires: 9/22/2020

RECEIVED

JUL 10 2019

WATER RESOURCES
WESTERN REGION

Notice

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

78-12512 JOL AK 7/12/2019
RICHARD STILES
LISA MCCONNELL
152 E SHINGLE CREEK RD
RIGGINS, ID 83549
Point of Diversion SWNE S1
T23N R01W IDAHO County
Source SHINGLE CREEK
Tributary RAPID RIVER
Use: IRRIGATION 02/15 to
11/30 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 4/15/2019
Place Of Use: IRRIGATION
T23N R01W S1 NESE
Total Acres: 1

79-14269 JOL AK 7/12/2019
MALCOLM T PORTER
RHONDA J BARKER
227 DEASY RD
WHITE BIRD, ID 83554-5057
Point of Diversion SENE S23
T27N R01E IDAHO County
Source SALMON RIVER Tribu-
tary SNAKE RIVER
Use: FIRE PROTECTION
01/01 to 12/31 0.07 CFS
Use: IRRIGATION 02/15 to
11/30 0.02 CFS
Total Diversion: 0.07 CFS
Date Filed: 1/30/2019
Place Of Use: IRRIGATION,
FIRE PROTECTION
T27N R01E S23 L7(NESE)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights, please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the applications must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 7/8/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published in the Cottonwood Chronicle on 6/20/2019 and 6/27/2019

Bradbury, Allen

From: Sujata.Connell@deq.idaho.gov
Sent: Friday, June 14, 2019 4:49 PM
To: richard.stiles@usda.gov
Cc: zachary.swearingen@idfg.idaho.gov; Bradbury, Allen
Subject: RE: Comment needed on Water Right Application

Follow Up Flag: Follow up
Flag Status: Flagged

Richard,

I have reviewed water right application #78-12512. Assuming all federal, state, and local permits have been obtained, regulations met, and reviews completed we offer the following comment. Shingle Creek is listed in Idaho's 2014 Integrated Report as fully supporting the beneficial uses of cold water aquatic life and salmonid spawning. Flow data indicate that there is adequate flow to accommodate the withdrawal but at no time should the proposed action be allowed to impair existing beneficial uses when stream flow is adequate to sustain existing aquatic life. Feel free to give me a call or email with any questions.

Thanks,
Sujata



Sujata Connell | Water Quality Manager
Idaho Department of Environmental Quality
1118 F Street, Lewiston, ID 83501
Office: (208) 799-4370
<http://www.deq.idaho.gov/>

From: Swearingen,Zachary [mailto:zachary.swearingen@idfg.idaho.gov]
Sent: Friday, June 14, 2019 3:33 PM
To: Stiles, Richard L -FS
Cc: Allen.Bradbury@idwr.idaho.gov; Sujata Connell
Subject: RE: Comment needed on Water Right Application

Hello Richard,

I have reviewed your water right application # 78-12512. I am good with the application as is and do not see any issues. I'm also pleased to hear the diversion is screened. If this application is modified before final approval I will need to review the modifications.

Thank you,

Zach Swearingen
Staff Biologist
Idaho Department of Fish and Game - Clearwater Region
3316 16th St
Lewiston, ID 83501
208-799-5010



From: Stiles, Richard L -FS <richard.stiles@usda.gov>

Sent: Thursday, June 06, 2019 3:31 PM

To: Swearingen, Zachary <zachary.swearingen@idfg.idaho.gov>; sujata.connell@deq.idaho.gov

Subject: Comment needed on Water Right Application

I have received the email content below from the Idaho Department of water resources. They told me to get ahold of both of you for comment but failed to send the application for water permit to you for comment. They sent it to me in an effort to potentially expedite the process.

Any questions please give me call Richard Stiles at 208-839-7713 cell or 208-839-2141 work. Thanks for your attention on this matter.

Dear Mr. Stiles and Ms. McConnell,

I am writing you in regards to our phone conversation yesterday. In answer to your question about contacting the Idaho Department of Fish and Game and Department of Environmental Quality. Water Resources will be sending each agency a comment letter, however we cannot finish processing your application until we receive written comment back from them. Those letters will go out near the end of next week. In the meantime, to facilitate a quicker response from these agencies, I would encourage you to send them a copy of your application. I took the liberty of making an electronic copy of your application for you to email to them. Hopefully, this will speed up our total processing time. Thanks for your attention to this matter. Please contact me at 208-334-2190 if you have any other questions.

Allen Bradbury

Water Resource Agent, Sr.

IDWR-Western Region

Allen.Bradbury@idwr.idaho.gov

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the

law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

MEMORANDUM

TO: Application No. 78-12512

FROM: Allen Bradbury

DATE: 5/24/2019

RE: Evaluation of Sufficiency of Information Submitted for Salmon-Clearwater Processing, Basins 77, 78, & 79 for Western Region

The application proposes irrigation from Shingle Creek for 1 acre. The site is on the northeast bank of the creek about 0.4 miles upstream from the confluence with the Rapid River.

The place of use is located within the Rapid River Ranch Estates Subdivision, Lot 5. The point of diversion is located about 1 mile upstream of the confluence with Rapid River on Nez Perce-Clearwater National Forest land.

Contacts for the application are Richard L Stiles & Lisa M McConnell.

Summary of Information Submitted

On June 14, 2019, Rule 40 information was provided. Zach Swearingen, Staff Biologist for IDFG-Clearwater Region said that he did "...not see any issues ... also pleased to hear the diversion is screened." Sujata Connell, Water Quality Manager, IDEQ provided these comments: "Shingle Creek is listed in Idaho's 2014 Integrated Report as fully supporting the beneficial uses of cold water aquatic life and salmonid spawning. Flow data indicate that there is adequate flow to accommodate the withdrawal but at no time should the proposed action be allowed to impair existing beneficial uses when stream flow is adequate to sustain existing aquatic life." This information is included in the water permit folder.

Effect on Existing Water Rights: Impacts on other rights are not expected for the limited amount requested for this remote area.

Sufficiency of Water Supply: Comments provided by IDEQ indicate that Shingle Creek has sufficient supply of water for the small amount requested.

Good Faith, Delay or Speculative Purposes: This application is filed in good faith as evidenced by a conveyance system that is already in place.

Financial Resources: The project will be using an existing POD and delivery infrastructure and the applicant owns the place of use. The pipeline borders the property and is expected to have minimal implementation costs.

Local Public Interest: Both IDFG and IDEQ provided favorable comments. The application is in the local public interest by providing a reliable source of water to improve the site.

Wild & Scenic River (WSR) Processing

General Information - WSR processing applies to portions of Bs 78, though it is rarely expected since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.¹ The confluence of Shingle Creek with the Rapid River is near the Rapid River Fish Hatchery just downstream from the raceways. The Wild and Scenic River boundary is upstream of the confluence of Shingle Creek. WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application - WSR processing is not required because the proposed source/diversion are downstream from Rapid River WSR rights.

Minimum Streamflow Rights (MSF)

General Information - MSF analysis applies to all surface water upstream² from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results.

Downstream MSF right 3-8 on the Snake River³ is not subordinate to “future dcmi” uses or “future non-dcmi (with cfs limits)” uses. Downstream Salmon River MSF right 79-14119⁴ is subordinated to future dcmi uses but not to future non-dcmi uses.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses. None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application – MSF analysis is required for the proposed source and use upstream from MSF rights 3-8 and 79-14119.

This application also involves MSF right 79-14124.

This leads to the following MSF conclusions for this application:

- Senior MSF right 79-14119 will not be subordinated to the proposed non-dcmi use.
- Senior MSF right 78-12362 will not be subordinated to the proposed non-dcmi use.

The attached MSF spreadsheet shows the application meets the criteria for MSF rights in the same basin.

¹ POD = T23N-R1W-S12.

² Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

³ POD = T31N-R5W-S10.

⁴ From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

Conditions of Approval

R68 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

004 This right does not grant any right-of-way or easement across the land of another.

26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.