

RECEIVED

FORM 202, Rev. 09/16

JUN 12 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. 75-14949

1. Name of applicant(s) Robert W Klich, Diane E Klich Phone 208.756.1179
Name connector (check one): ☐ and ☐ or ☒ and/or
Mailing address PO Box 1443 City Carmen
State ID ZIP 83462 Email dnklich@yahoo.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 East Fork Tower Creek which is a tributary of Tower 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 #
23N	22E	10			NE	NW	Lemhi	East Fork Tower Ck	

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. 2HP pump in creek, 1.5 inch discharge to two impact 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 AS Date 6/12/19 Time 11:47 Preliminary check by AS
Fee \$ 100 Receipted by AS Receipt No. 6166-107000 Date 6/12/19

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	
23N	22E	10					D												

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? No other rights; unrecorded domestic well.
This right will be used for irrigation around home and other associated purposes.
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. Total irrigation approximately 0.4 acre, total use will not exceed 13,000 gal per day.
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.

Robert W Klich
Signature of Applicant
Robert W Klich
Print Name (and title, if applicable)

Diane E Klich
Signature of Applicant
Diane E. Klich
Print Name (and title, if applicable)

SESW

3

E Fork Tower Creek Rd

Runnin Bear Rd

E Tower Creek Rd

East Fork Tower Creek

POU

23N22E

POD

NE1W

10

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 September 23, 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:

75-14949

ROBERT W KLICH
DIANE E KLICH
PO BOX 1443
CARMEN, ID 83462-1443
Point of Diversion NENW S10 T23N R22E LEMHI County
Source EAST FORK TOWER CREEK Tributary TOWER CREEK
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 6/12/2019
Place Of Use: DOMESTIC
T23N R22E S10 NENW

This application proposes the diversion and use of water from 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.

75-14952

BANE FAMILY TRUST
7083 W STRIBS POND RD
COEUR D ALENE, ID 83814-6401
Point of Diversion L12(SENWNW) S2 T23N R21E LEMHI County
Source SPRING Tributary NAPOLEON CREEK
Point of Diversion L12(NWNW) S2 T23N R21E LEMHI County
Source NAPOLEON CREEK Tributary SALMON RIVER
Use: DOMESTIC
01/01 to 12/31
0.02 CFS
Total Diversion:
0.02 CFS
Date Filed: 6/21/2019
Place Of Use: DOMESTIC
T24N R21E S35 SWSW

This application proposes the diversion and use of water from tributaries 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 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 9/23/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/5/2019 and 9/12/2019

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 29, 2019 8:27 AM
To: rhlegals@custertel.net
Subject: Legal Notice for your paper
Attachments: Recorder Herald.doc

Please publish the attached legal notice. If you have any questions, please contact me. Thank you.

*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

August 29, 2019

ROBERT W KLICH
DIANE E KLICH
PO BOX 1443
CARMEN, ID 83462-1443

Application For Permit No. 75-14949

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 9/5/2019 and 9/12/2019. 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,

A handwritten signature in dark ink, appearing to read 'Jean Hersley', is written over a horizontal line.

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

Phone: (208) 287-4800 • Fax: (208) 287-6700

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 29, 2019

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

RE: Application for Permit No. 75-14949 & 75-14952

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

August 29, 2019

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

RE: Application for Permit No. 75-14949 & 75-14952

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 29, 2019 8:27 AM
To: Jeff Richards
Subject: Applications for Permit 75-14949 & 75-14952
Attachments: Comment Letter to IDFG - Salmon.docx

Please see attached. Let me know if you have any questions. Thank you.

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

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, August 29, 2019 8:27 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Golden, Kala; Cassel, Amy
Subject: Applications for Permit

Applications for Permit 75-14949 & 75-14952 are being advertised on September 5th and 12th. The protest end date is September 23, 2019. Please let me know if you have any questions or comments. The documents will be scanned by the end of the day.

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

MEMORANDUM

Date: June 25, 2019
To: Application for Permit: 75-14949
From: Dave Betts
Re: Pre-Advertisement Application Review

Applicant

Robert W. Klich and/or Diane E. Klich submitted an application for permit that was received on June 12, 2019.

Source & Diversion System

The applicants propose to divert water from East Fork Tower Creek at a point where the stream crosses through their property. As represented in ArcGIS, the location of the proposed point of diversion (POD) appears to be outside of the property owned by the applicants. The Public Lands Survey is not complete in this region, and the Lemhi County tax parcel data appears to be offset in comparison to other GIS layers. It is possible that the proposed POD is within the boundaries of the property owned by the applicants.

The proposed diverting works are a 2 horsepower pump, with a 1.5 inch discharge to two impact sprinklers.

Water Use

The proposed beneficial use is domestic use, but the applicants are specifically requesting water for the irrigation of approximately 0.4 acres of the yard next to the home and "other associated uses". The requested use fits within the definition of domestic purposes because the number of acres for irrigation will not exceed 0.5 acres and the applicants are requesting a total use will not exceed 13,000 gallons per day (I.C. §42-111).

Additional Comments

The applicants state that there are no other rights at this location, and that there is "an unrecorded domestic well". Department records indicate that there is a water right that may be associated with the well and the property owned by the applicants. The proof report for water right 75-10575 (owner: John C. Rye, Jr.) authorizes domestic use for 1 home in parcel RP23N22E102403. The documents on file for this water right include an application for a change of address from November 22, 2000, which lists the street address of the same property (178 E Tower Creek Rd).

This application proposes the diversion and use of water from East Tower Creek, which is a tributary of the Salmon River Wild & Scenic River. Notifications will be sent to the Department of Fish and Game and the Department of Environmental Quality. Comments are also being sought from regional departmental staff.



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

June 17, 2019

ROBERT W. & DIANE E. KLICH
PO BOX 1443
SALMON IE 83462

RECEIVED
JUN 20 2019
DEPARTMENT OF
WATER RESOURCES

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14949

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

Enclosure: Copy of Application

We have no additional
information to add.

Thank you,

Robert & Diane Klich
Robert W Klich

Diane Klich