

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 74-16215

Priority: February 05, 2019

Maximum Diversion Rate: 0.03 CFS

This is to certify that

BRUCE L MULKEY 25 MULKEY LN SALMON ID 83467-5167

has applied for a permit to appropriate water from:

Source : PRATT CREEK

Tributary: SANDY CREEK

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

Beneficial Use

STOCKWATER

Period of Use

01/01 to 12/31

Rate of Diversion

0.03 CFS

Location of Point(s) of Diversion

PRATT CREEK SE¼ NE¼, Sec. 11, Twp 20N, Rge 23E, B.M. LEMHI County

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
20N	23E	11								X										0.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2020**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Stockwater use is for 100 beef cattle.
5. 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.
6. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
7. The quantity of water under this right shall not exceed 13,000 gallons per day.

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

Signed this 30th day of May, 2019.



ANGELA GRIMM
Water Rights Section Manager

Attachment to Permit to Appropriate Water

74-16215

This map depicts the STOCKWATER 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 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 03, 2019

BRUCE L MULKEY
25 MULKEY LN
SALMON ID 83467-5167

RE: Permit No. 74-16215

Permit Approval Notice

Dear Permit Holder(s):

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 divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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) 287-4951.

Sincerely,

A handwritten signature in blue ink, appearing to read "Angela M. Grimm". The signature is fluid and cursive, with a large loop at the end.

Angela Grimm
Water Rights Section Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 04, 2019, I served a true and correct copy of Permit to Appropriate Water No. 74-16215 by U.S. Mail, postage prepaid, to the following:

BRUCE L MULKEY (Current Owner)
25 MULKEY LN
SALMON ID 83467-5167

UPPER SALMON BASIN WATERSHED PROGRAM (Representative)
ABBIE GONGLOFF
955 RIVERFRONT DR STE B
SALMON ID 83467



Darla Block
Technical Records Specialist 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.

NOTICE OF APPROPRIATION OF
PUBLIC WATERS

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

74-16208

LEADORE DEER PARK RANCH LLC
PO BOX 21

LEADORE, ID 83464-0021

Point of Diversion NWSW SWSW S23

T15N R24E LEMHI County

Source UNNAMED STREAM Tributary

BIGEIGHTMILE CREEK

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 12/3/2018

Place Of Use: STOCKWATER

T15N R24E S23 SWSW SESW

This application proposes the diver-
sion and use of water from a tributary to a
federally designated Salmon Wild & Sce-
nic River. The decreed minimum stream
flow rights for the federal Wild & Scenic
Rivers are subordinate to certain catego-
ries of water use and to specific amounts
of water use established after the mini-
mum stream flow. The water use pro-
posed in this application will benefit from
the subordination provision because it is
for stockwater purposes.

74-16213

DEE ANN CROFOOT

128 SANDY CREEK RD
SALMON, ID 83467-5230

Point of Diversion NENW S17 T20N R24E
LEMHI County

Source SANDY CREEK Tributary LEMHI
RIVER

Use: STOCKWATER

01/01 to 12/31

0.05 CFS

Total Diversion:

0.05 CFS

Date Filed: 1/28/2019

Place Of Use: STOCKWATER

T20N R24E S17 NWNW SWNW

T20N R24E S18 NENE SENE

This application proposes the diver-
sion and use of water from Sandy Creek
which is a tributary of the Salmon Wild &
Scenic River. The decreed minimum stream
flow rights for the federal Wild & Scenic
Rivers are subordinate to certain catego-
ries of water use and to specific amounts
of water use established after the mini-
mum stream flow. The water use pro-
posed in this application will benefit from
the subordination provision because it is

RECEIVED

APR 29 2019

ACCTS. PAYABLE

STATE OF IDAHO

County of Lemhi

SS.

Affidavit of Publication

RECEIVED

APR 29 2019

DEPARTMENT OF
WATER RESOURCES

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers
(printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County,
Idaho, and of general circulation therein. That the **NOTICE OF APPROPRIATION OF
PUBLIC WATERS**, to the margin hereof, has been and was correctly printed and published
in the regular and entire issue of every number of said newspaper and not in any supplement
thereof or thereto for **TWO(2)** consecutive issue(s), commencing with the issue dated
4-18-2019 and ending with the issue dated **4-25-2019**.

STATE OF IDAHO

County of Lemhi

SS.

On this **25th day of APRIL** in this year of 2019 before me, A Notary Public, personally
appeared RICKY G. HODGES, known or identified to me to be the person whose name
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.

Stephanie D. Taylor

Notary Public for Idaho

Residing At Salmon, Idaho



Publication Fee \$621.00

8-25-2019

SC

74-16215

BRUCE L MULKEY
25 MULKEY LN
SALMON, ID 83467-5167
Point of Diversion SENE S11 T20N R23E
LEMHI County
Source PRATT CREEK Tributary
SANDY CREEK
Use: STOCKWATER
01/01 to 12/31
0.03 CFS
Total Diversion:

0.03 CFS
Date Filed: 2/5/2019
Place Of Use: STOCKWATER
T20N R23E S11 SENW

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.

75-14923

RON DISHAW
31827 HWY 200
SANDPOINT, ID 83864
Point of Diversion SENE S16 T17N R21E
LEMHI County
Source MC KIM CREEK Tributary
SALMON RIVER
Use: AESTHETIC STORAGE
01/01 to 12/31
5 AF
Use: DIVERSION TO STORAGE
01/01 to 12/31
2 CFS
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Use: POWER
01/01 to 12/31
2 CFS
Total Diversion:
2 CFS
5 AF
Date Filed: 2/4/2019
Place Of Use: POWER DOMESTIC
AESTHETIC STORAGE
T17N R21E S16 SENE

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 power, domestic and aesthetic storage purposes.

75-14924

CASSIE DOLOUGHAN
898 LEMHI RD
SALMON, ID 83467
2 Points of Diversion L4(SWNE) S29
T22N R20E LEMHI County
Source UNNAMED STREAM Tributary
NAPIAS CREEK
Point of Diversion SENE S29 T22N R20E
LEMHI County
Source UNNAMED STREAM Tributary
NAPIAS CREEK
Use: DIVERSION TO STORAGE
01/01 to 12/31
1 CFS
Use: MINING
01/01 to 12/31
1 CFS
Use: MINING FROM STORAGE
01/01 to 12/31

100 AF
Use: MINING STORAGE
01/01 to 12/31
100 AF
Total Diversion:

1 CFS
100 AF
Date Filed: 10/15/2018
Place Of Use: MINING MINING STORAGE
MINING FROM STORAGE
T22N R20E S20 SENE SESE
T22N R20E S21 SWNE SENE NESW
SWSW SESW NWSE SWSE SESE
T22N R20E S28 NENE NWNE SWNE
SENE NESW SESW NWSE SWSE
T22N R20E S29 NENE L1(NWNE)
L4(SWNE) SENE L6(NESW) L7(SESW)
NESE L5(NWSE) SWSE SESE

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

75-14925

CASSIE DOLOUGHAN
898 LEMHI RD
SALMON, ID 83467-5147
Point of Diversion L7(SESW) S29 T22N
R20E LEMHI County
Source RABBIT CREEK Tributary
NAPIAS CREEK
Use: DIVERSION TO STORAGE
01/01 to 12/31
1 CFS
Use: MINING
01/01 to 12/31
1 CFS
Use: MINING FROM STORAGE
01/01 to 12/31
100 AF
Use: MINING STORAGE
01/01 to 12/31
100 AF
Total Diversion:
1 CFS
100 AF

Date Filed: 10/15/2018
Place Of Use: MINING MINING STORAGE
MINING FROM STORAGE
T22N R20E S20 SENE SESE
T22N R20E S21 SWNE SENE NESW
SWSW SESW NWSE SWSE SESE
T22N R20E S28 NENE NWNE SWNE
SENE NESW SESW NWSE SWSE
T22N R20E S29 NENE L1(NWNE)
L4(SWNE) SENE L6(NESW) L7(SESW)
NESE L5(NWSE) SWSE SESE

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 the diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14930

LUKE EVANS
RENE EVANS
2576 N MINK CREEK RD
POCATELLO, ID 83204
Point of Diversion SESE S26 T26N R21E
LEMHI County
Source NORTH FORK SALMON RIVER
Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.09 CFS
Total Diversion:
0.09 CFS
Date Filed: 11/16/2018
Place Of Use: IRRIGATION
T26N R21E S25 SWSW
T26N R21E S26 SESE
T26N R21E S35 NENE
T26N R21E S36 NWNW
Total Acres: 4.5

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 the diversion rate 0.09 cfs and 4.5 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 HYPERLINK "<https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>" <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. 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 5/06/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

4-18-2tc

Dalgleish, Alex

From: Yenter, Cindy
Sent: Thursday, April 25, 2019 12:55 PM
To: Hersley, Jean
Cc: Dalgleish, Alex
Subject: Application 74-16215 Mulkey

This is a deminimus stockwater filing, NOT administered by Pratt Ck WD74F.

WD Flag = EXC

No WD or measurement conditions. To the extent the right is diverted during the summer months it will be delivered along with the administered irrigation right. There is no required regulation in non-irrigation season.

*Cindy Yenter
Watermaster, Water District 170
IDWR Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*