

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 74-16209

AMENDED

1. Name of applicant(s) Bodenhamer Family Trust Phone 208-756-2229
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 22 S Barracks Lane City Salmon
State ID _____ ZIP 83467 Email _____
2. Name of representative, if any Allen Bodenhamer Phone 208-756-2229
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 Spring which is a tributary of Sinks
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
20N	23E	5		NW	SW	SW	Lemhi	Spring	

5. Water will be used for the following purposes:
- Amount 0.05 for stockwater 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) 0.05 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. 6" perforated line in developed spring, to a single stock tank with float
- 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. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by [Signature]
Fee \$ 100.00 * Received by _____ Receipt No. C105951 Date 12/7/18

* Received with original application

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. 150 range cattle
 - 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	
20N	23E	5										S	S						

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? none
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. 750 gallon tank. Cattle have access to this and tanks under a companion application for permit. Tank may be in either SWSW or NWSW so both QQ are included. Grazing is occurring on private land and adjacent BLM allotment. Flow sinks at springhead and are not directly tributary to the Lemhi River; any surface flows are intercepted by the L13 canal.
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.

Allen J Bodenheimer
 Signature of Applicant
ALLEN BODENHAIMER
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

NESE

PNWSW

Place of Use (1 tank)

POD

20N23E

Amended 74-16209

6

5

SESE

SWSW

RECEIVED

Mon

FORM 2018 (Rev. 09/18) DEC 07 2018

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 74-16209

1. Name of applicant(s) BODENHAMER FAMILY TRUST Phone 208.756.2229
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 22 S BARRACKS LANE City SALMON
 State ID ZIP 83467 Email _____
2. Name of representative, if any Allen Bodenhamer Phone 208.756.2229
 Mailing address same 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 SPRINGS which is a tributary of SINKS
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
20N	23E	5		NE	SW	SW	LEMHI	SPRING	
~~20N~~	~~23E~~	~~5~~		~~NW~~	~~SW~~	~~SW~~	~~LEMHI~~	~~SPRING~~	

5. Water will be used for the following purposes:
- Amount 0.05 for STOCK WATER purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. two springs, each developed to flow into stock tanks
- 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 Av Date 12.7.18 Time 11:45 Preliminary check by _____
 Fee \$ 100 Receipted by Av Receipt No. C105951 Date 12.7.18

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. 150 range cattle
- 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	
20N	23E	5											S						

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? none

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. One spring fills 2 tanks, one spring fills one tank. All tanks 750 gallons and are on float systems. Cattle have access to both systems. Grazing is occurring on private land and adjacent BLM allotment. Springs are not directly tributary to the Lemhi River; any surface flows are intercepted by the L-13 canal. When tanks are full, flows sink at springheads.

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.

Allen S Bodenhamer

Signature of Applicant

ALLEN S BODENHAMER TRUSTEE

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

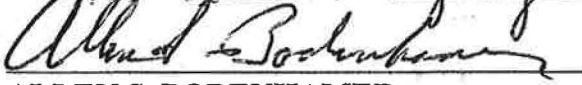
AFFIDAVIT

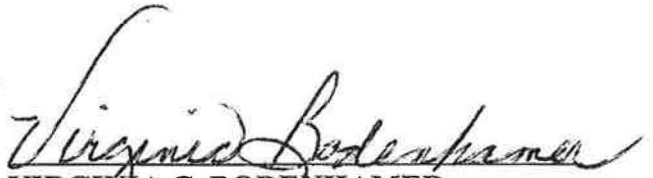
STATE OF IDAHO,)
(ss.
County of Lemhi.)

ALLEN BODENHAMER aka ALLEN S. BODENHAMER and VIRGINIA BODENHAMER aka VIRGINIA C. BODENHAMER, husband and wife, being first duly sworn, depose and state as follows:

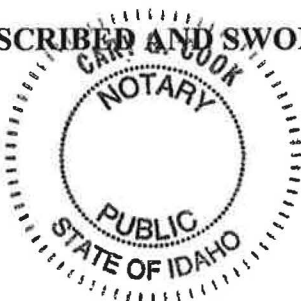
1. We make this Affidavit pursuant to Idaho Code Section 63-602G, and this Affidavit is based upon our own personal knowledge.
2. This Affidavit is made in relation to obtaining and preserving the homeowner's property tax exemption for our residence in Lemhi County, Idaho, located at 22 S. Barracks Lane, Salmon, ID 83467.
3. The record owners of said real property are Allen S. Bodenhamer and Virginia C. Bodenhamer (or their successors), as Co-Trustees of the Bodenhamer Family Trust, dated May 25, 2007, as it may be amended from time to time.
4. The names of the Trustors/Grantors of the Bodenhamer Family Trust are Allen S. Bodenhamer and Virginia C. Bodenhamer.
5. Said Trustors/Grantors of the Bodenhamer Family Trust are also the beneficiaries of said Trust.
6. The Bodenhamer Family Trust is revocable during the Trustors'/Grantors' joint lifetimes.
7. The said Grantors/Trustors are the owner/occupier of the subject residential property and they will use the property as their primary dwelling place and have done so since prior to January 1, 2007.
8. Attached to this Affidavit are true and correct copies of those portions of the Bodenhamer Family Trust which set forth the identity of the Trustors/Grantors, the identity of the Trustors/Grantors as Trust Beneficiaries, the revocable character of said Trust, and the signature page of said Trust.
9. Further your Affiants sayeth not.

DATED this 28th day of July, 2007.


ALLEN S. BODENHAMER


VIRGINIA C. BODENHAMER

SUBSCRIBED AND SWORN to before me this 28th day of July, 2007.




NOTARY PUBLIC FOR IDAHO
My Commission Expires: 9-5-09

RECEIVED

FORM 2017 (Rev. 09/10)
DEC 07 2018DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 74-16209

1. Name of applicant(s) BODENHAMER FAMILY TRUST Phone 208.756.2229
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 22 S BARRACKS LANE City SALMON
 State ID ZIP 83467 Email _____

2. Name of representative, if any Allen Bodenhamer Phone 208.756.2229
 Mailing address same 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.
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 (cfs or acre-feet per year)
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For Department Use

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Allen S Bodenhamer

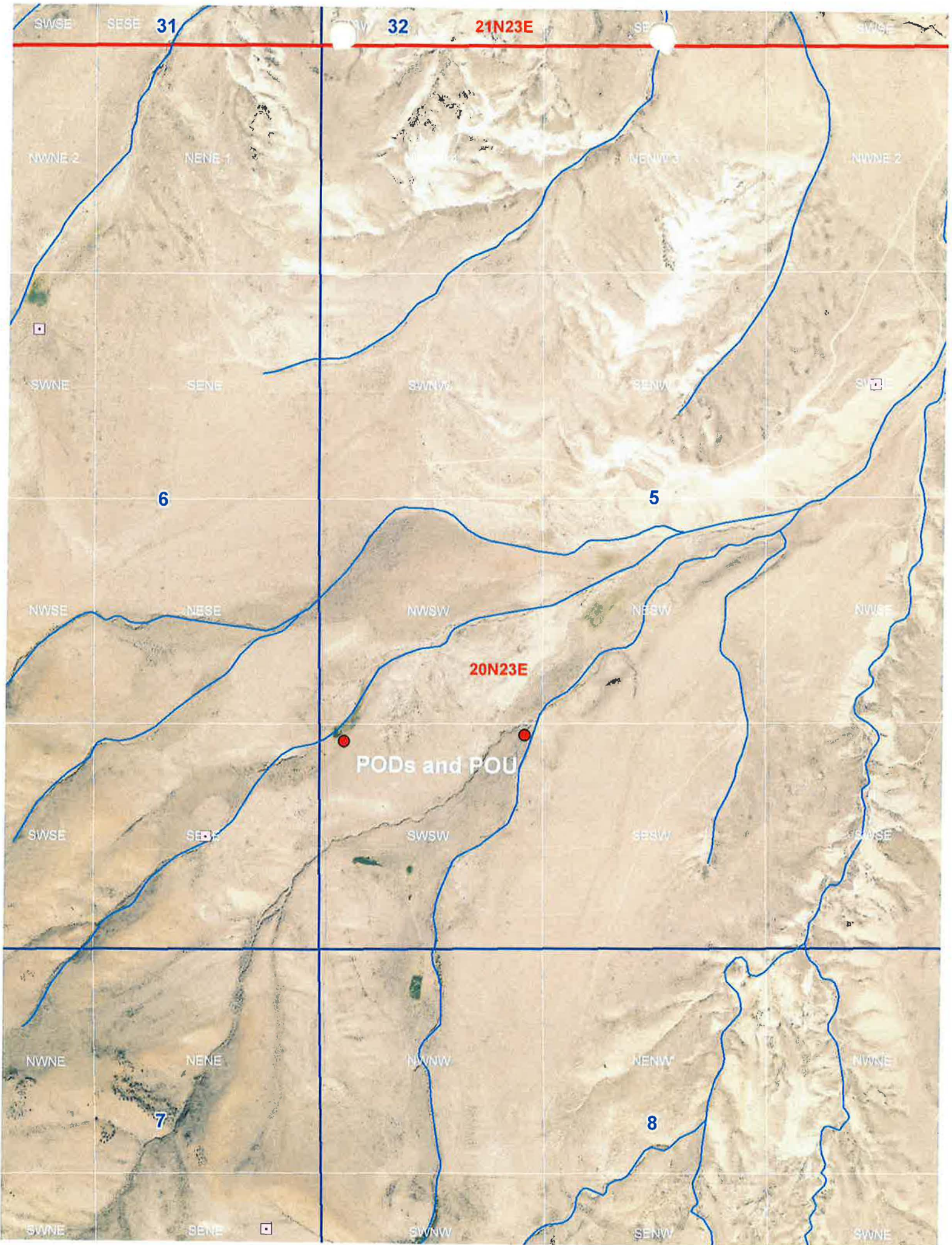
Signature of Applicant

ALLEN S BODENHAMER TRUSTEE

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)



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 June 24, 2019. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

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

74-16209

BODENHAMER FAMILY TRUST
22 S BARRACKS LN
SALMON, ID 83467-5406
Point of Diversion NWSWSW S5 T20N R23E LEMHI County
Source SPRINGS Tributary SINKS
Use: STOCKWATER
01/01 to 12/31
0.05 CFS
Total Diversion:
0.05 CFS
Date Filed: 12/7/2018
Place Of Use: STOCKWATER
T20N R23E S5 NWSW SWSW

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.

74-16218

BODENHAMER FAMILY TRUST
22 S BARRACKS LN
SALMON, ID 83467-5406
Point of Diversion NWNWNW S8 T20N R23E LEMHI County
Source SPRING Tributary SINKS
Use: STOCKWATER
01/01 to 12/31
0.05 CFS
Total Diversion:
0.05 CFS
Date Filed: 4/19/2019
Place Of Use: STOCKWATER
T20N R23E S5 SWSW
T20N R23E S8 NWNW

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.

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 6/24/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/6/2019 and 6/13/2019

Hersley, Jean

From: Hersley, Jean
Sent: Friday, May 31, 2019 8:47 AM
To: rhlegals@custertel.net
Subject: legal notice for your paper
Attachments: Recorder Herald.doc

Please publish the attached legal notice in your paper on the dates indicated. This is in addition to the legal notices sent to you yesterday. Please let me know if you have any questions.

*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

May 31, 2019

BODENHAMER FAMILY TRUST
22 S BARRACKS LN
SALMON, ID 83467-5406

Application For Permit No. 74-16209 & 74-16218

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 6/6/2019 and 6/13/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Jean Hersley
Technical Records Specialist



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 31, 2019

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

RE: Application for Permit No. 74-16209 & 74-16218

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,

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

May 31, 2019

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

RE: Application for Permit No. 74-16209 & 74-16218

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:

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

Sincerely,

A handwritten signature in black ink that reads 'Jean Hersley'. The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Friday, May 31, 2019 9:34 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Skoro, Emily
Subject: applications for permit 74-16209 & 74-16218

Here are two more applications that will be advertised on the 6th and 13th of June. Protest end date is June 24th. Please let me know if you have any comments or concerns. 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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 31, 2019

WATER DISTRICT #74
RICK SAGER
PO BOX 744
SALMON ID 83467-0744

via e-mail

RE: Application for Permit No. 74-16209 & 74-16218

Dear Rick:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for transfer. 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 water master, 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 regional 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 II

Enclosure(s)

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Application for Permit No.: 74-16209 & 74-16218

Transfer Applicant's Name: BODENHAMER FAMILY TRUST
22 S BARRACKS LN
SALMON ID 83467

Water master'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 _____, 2018

Water District No. 74

Water master's Signature

Printed Name

Hersley, Jean

From: Hersley, Jean
Sent: Friday, May 31, 2019 9:32 AM
To: 'RICK375@CENTURYTEL.NET'
Subject: Letter via email to watermaster-App for Permit
Attachments: Letter via email to watermaster-App for Permit.docx

See attached letter. Please let me know if you have any questions. Thank you.

RECEIVED

MAY 30 2019

DEPARTMENT OF
WATER RESOURCES

May 27, 2019

Mr. Scott Storms
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Application to Appropriate Water in the Upper Salmon river Basin 74-16209
and 74-16218

Dear Mr. Storms:

I am in receipt of two duplicate letters with reference to each one of our requests dated April 19, 2019, which were amended per our telephone conversation in March.

The fact is, with reference to the public's interest, I am doing nothing more than following what our very own public agencies have done for years—the BLM, U.S. Forestry and Wilderness set the example for me. For years past and present, they protect water sources such as springs and wet areas by piping water from these to water troughs on dryer remote areas so the animals do not destroy the source. That is exactly what I have done years ago on my 500 acres of dry land. There are no streams on this land or water flow going anywhere with the exception of evaporation caused by water lying in tracked up mud around the springs, which has basically been eliminated by the water troughs. Possibly, that could be because the BLM has 3 or 4 water troughs just like mine in every draw up the hill behind our property line for a mile and a half to water the range cattle. Unlike the BLM troughs, our water troughs have floats on them and shut off while those on the BLM do not.

Just for the sake of discussion, I wonder if you have ever considered what it would be like if you force all the thousands of cows in this valley onto private land next to the river. In the public interest, have you given any thought to the affects all the privately owned auto wrecking yards that are cropping up along the Lemhi River dripping gas, oil and antifreeze into the soil right below your million dollar fish habitat improvements are having on the fish?

I seriously question if we will ever win the water issue when every coastline is covered by asphalt parking lots coated with oil, timber companies spraying fertilizer and pesticides over much of their private land in the mountains, rivers dammed without fish ladders, major cities filling their pools and watering their golf courses and yards, while cities are requiring developers to put 5 to 7 houses per acre in their developments.

Maybe I'm just disappointed in myself for bringing attention to my past improvements, but rest assured I am very concerned about the country. I will, however, learn from this experience and if you restrict me from watering my cows and wildlife like everyone else, I will just have to bring them down on the river. I am not trying to hurt the public, but I will not forget this when Fish and Game come again to discuss digging up the river through my ranch or installing their fish counting monitor on my land.

Sincerely,

A handwritten signature in cursive script that reads "Allen Bodenhamer". The ink is dark and the handwriting is fluid.

Allen Bodenhamer, Trustee
Bodenhamer Family Trust

MEMORANDUM

Date: May 3, 2019
To: Application for Permit 74-16209
From: Scott Storms
Re: Application Review

Applicant

Application for permit of stock water use was received from Allen Bodenhamer on behalf of the Bodenhamer Family Trust, on December 07, 2018. The application is for stock water use in T20N R23E Sec 5 NWSWSW in Lemhi County. Total water to be appropriated is 0.05 cfs. The initial application did not include any documentation showing that Allen Bodenhamer is indeed a trustee of the Bodenhamer family trust.

The original application was also unclear as to whether or not the diversion works will all be connected or if it will be two separate systems sourced from two separate springs. A correspondence letter was sent on January 4, 2019 asking for more clarification and explaining that, if the intent is indeed to have two separate, unconnected systems, then there will need to be two permit applications (per App. Proc. Memo 58). This letter also included a request for proof that Allen Bodenhamer is a trustee of the Bodenhamer Family Trust.

On January 23, 2019 I received a call from Mr. Bodenhamer. He stated that there will indeed be two separate systems. He also stated he did not have access to documents showing him as a trustee and would not be able to obtain a copy until March. He said he would submit that document along with an amended application showing only one spring, and a second application for the other spring in March.

The amended application, along with a second application and the affidavit of the Bodenhamer Family Trust listing Allen Bodenhamer as a trustee, was received on April 19, 2019.

Source & POD

The original application stated the source to be two different springs located in the SWSW of T20N R23E sec.5 and that one spring fills two tanks, one spring fills one. The description was unclear as to whether or not the entire system would be connected or if it would be two separate systems sourced from two separate springs.

The amended application, received April 19, 2019, lists one spring as the source in the NWSWSW of T20N R23E sec.5. Water will be diverted with a 6 inch perforated line in the spring, to a single 750 gallon stock tank with a float, at a diversion rate of 0.05 cfs.

Water Use

Water from the spring will be used for 150 head of range cattle on the trust property and adjacent BLM grazing allotment. Per Application Processing Memo 3, 150 head of range cattle

requires a flow rate of 0.05 cfs. This is the amount applied for.

POU

The amended application states the tank may rest in either the NWSW or the SWSW quarter quarter (QQ) of T20N R23E sec. 5 and this is why both are listed on the application. The application also states that grazing will occur on private land as well as adjacent BLM allotment. Current IDWR parcel records show the land at the place of use (POU) owned by the Bodenhamer Family Trust. This information may not be current and is not a confirmation of ownership.

POU/POD overlap analysis

There are two stock water rights in adjacent quarter quarter SESE that are both held by the BLM, but no overlap exists.



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

May 3, 2019

BODENHAMER FAMILY TRUST
22 S BARRACKS LN
SALMON, ID 83467-5406

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16209

Dear Water Right Applicant:

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

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.

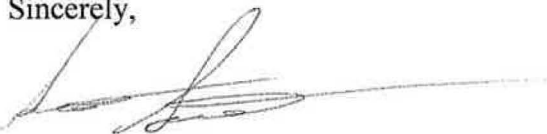
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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 208-287-4915, or email me at scott.storms@idwr.idaho.gov.

Sincerely,



Scott Storms
Senior Water Resource Agent

Enclosure: Copy of Application



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

January 9, 2019

ALLEN BODENHAMER
22 S BARRACKS LN
SALMON, ID 83467-5406

RE: Application for Permit 74-16209

Dear Mr. Bodenhamer

The Department of Water Resources received your Application for Permit on December 07, 2018 for the use of stockwater. Upon initial review of your application, there are a few matters that need to be addressed. They are as follows:

1. The application should include documentation showing that Allen Bodenhamer is a trustee to the Bodenhamer Family Trust.
2. Please provide clarification on the setup and design of the stockwater system. The application states that one spring fills 2 tanks, one spring fills one tank. Is the plan for two, non-connected systems where one spring will fill two tanks and the other spring fills another completely separate tank, or is the plan to have one spring fill one tank and the other fill the same tank and an additional tank? If you could provide more detail and perhaps a sketch or diagram of the system, that would be very helpful.
3. If the application is for two systems that are completely separate and the flow of water is not connected in any way, you will need to submit two separate permit applications. If this is the case, you will need to amend the current application, removing one of the systems, and submit a new, second application for the system removed from the original application. I am enclosing a copy of the original application. In order to make changes simply cross out the information with a single-line you wish to change, update the information and initial by the changes. If you need to submit a new application for two separate rights, there will be an additional \$100 fee for the second application.

Any further diagrams, sketches and/or descriptions can be included on separate sheets and enclose with the returned application.

Please provide the requested information by February 11, 2019. If you have any further questions regarding this matter feel free to contact me by email at scott.storms@idwr.idaho.gov or by phone at 208-287-4915.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Storms', with a long horizontal line extending to the right.

Scott Storms
Senior Water Agent

Enclosure:

Receipt #C105951

Copy of Application