

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 75-14929

Priority: November 09, 2018

Maximum Diversion Rate: 0.04 CFS

This is to certify that

RICHARD HELTSLEY PO BOX 4 NORTH FORK ID 83466-0004

has applied for a permit to appropriate water from:

Source : SHEEP CREEK

Tributary: SALMON RIVER

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

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SHEEP CREEK SE¼ NW¼, Sec. 14, Twp 25N, Rge 21E, B.M. LEMHI 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	
25N	21E	14			2.0					1.0									3.0

Total Acres: 3.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **April 01, 2020**.
2. Subject to all prior water rights.
3. 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.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.
6. Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
7. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
9. The point of diversion does not include federal land.

State of Idaho
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No. 75-14929

- 10. The place of use does not include federal land.
- 11. Point of diversion is located within Lot 45, North Salmon Estates Subdivision.
- 12. Place of use is located within Lots 43, 44, and 45, North Salmon Estates Subdivision.
- 13. The point of diversion and place of use are located in Mineral Survey No. 1133.

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

Signed this 28th day of MARCH, 20 19.



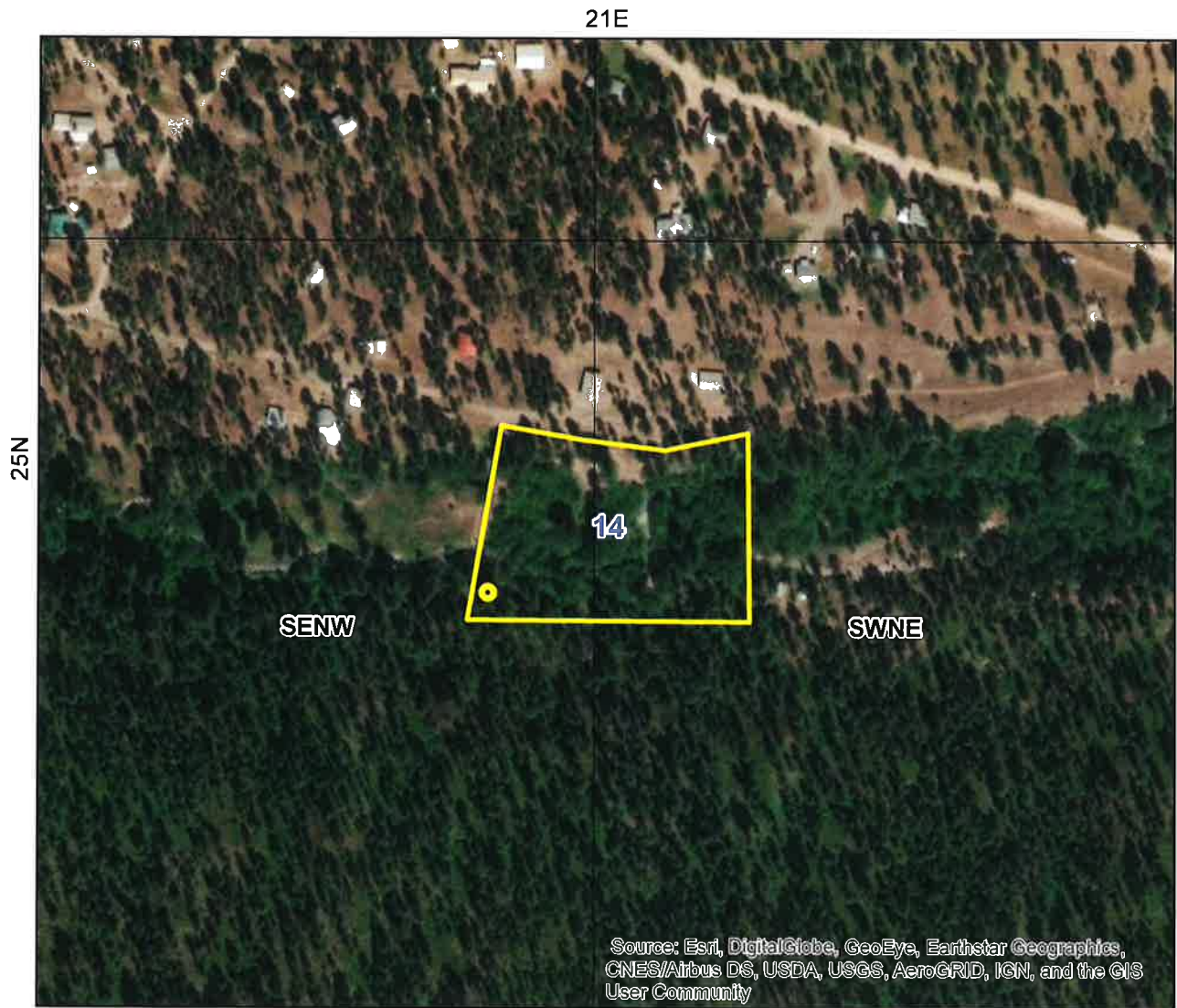
ANGELA GRIMM
Water Rights Section Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

75-14929

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

0 250 500 1,000 Feet





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

April 03, 2019

RICHARD HELTSLEY
PO BOX 4
NORTH FORK ID 83466-0004

RE: Permit No. 75-14929

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) 287-4910.

Sincerely,



Clay Webster
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 09, 2019, I served a true and correct copy of Permit to Appropriate Water No. 75-14929 by U.S. Mail, postage prepaid, to the following:

RICHARD HELTSLEY (Current Owner)
PO BOX 4
NORTH FORK ID 83466-0004



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.

MEMORANDUM

DATE: 2/13/2019

TO: Water Right File 75-14929

FROM: Ashley Ritter

RE: Phone Conversation with Richard Heltsley

On February 13, 2019, I called Richard Heltsley to confirm that the pump and POD proposed for use in the application for permit # 75-14929 was the same pump used for water right 75-7572 and 75-14837. Richard Heltsley confirmed that the same pump will be used for both water rights and the new water permit, once approved.

Ritter, Ashley

From: Ritter, Ashley
Sent: Wednesday, February 13, 2019 10:19 AM
To: Yenter, Cindy
Subject: 75-14929 questions

Cindy,

I called Richard Heltsley to confirm that the pump and POD proposed for use in the application for permit # 75-14929 was the same pump used for water right 75-7572 and 75-14837. Richard Heltsley confirmed that the same pump will be used for both water rights and the new water permit, once approved. Please let me know if you have any other questions.

Ashley M. Ritter, E.I.T., G.I.T.
Associate Engineer
IDWR-State Office
(208) 287-4907

Ritter, Ashley

From: Spencer, Steven M -FS <sspencer@fs.fed.us>
Sent: Thursday, January 31, 2019 3:23 PM
To: Ritter, Ashley
Cc: Grimm, Angie; Macfarlane, William A -FS
Subject: Application 75-14929 Heltsley
Attachments: BLM MTP T25N R21E Sec 14.pdf; T25N R21E Sec 14 FS Land Status Map.pdf; MS 1133 Plat.pdf

Ashley,

Thank you for talking with me earlier this afternoon about Application for Permit 75-14929. The Forest Service is not opposed to this water right. From my review of this application it is apparent that it is intended that the POD and POU will be on private land. As we discussed my interest in this is that there is also National Forest System (NFS) land in the SENW Sec 14 T25N R21E and the actual legal description of the private land is that it is part of Mineral Survey 1133. The three attachments may aide you in better seeing and understanding the situation and my concern.

The first attachment is an enlarged portion of the BLM MTP for T25N R21E showing Mineral Survey 1133. I've drawn a red circle that includes the Heltsley property.

The second attachment is from the Forest Service land status viewer showing that the irregularly shaped private land parcels are surrounded by darker green land that is NFS land. Again the Heltsley property is in the red circle.

The third attachment is a copy of the 1895 Plat for Mineral Survey 1133.

In order to assure there is no confusion about the location of the water right I'm requesting that a couple of conditions be included on the permit and subsequent license. The language that has been used in previous similar situations is something like:

The POD and POU are on Mineral Survey 1133, or this water right is entirely on Mineral Survey 1133.

The second condition would be that: This water right does not include any federal land.

Including these two conditions better describes the location of the water right and will hopefully be a little clearer for questions that may arise sometime in the future.

If you have any questions about this matter please contact me.

Steve



Steven M. Spencer
Water Use Specialist
Idaho Water Right Coordinator
Forest Service
Intermountain & Northern Regions
p: 208-365-7055
sspencer@fs.fed.us

or

Steven.Spencer@usda.gov

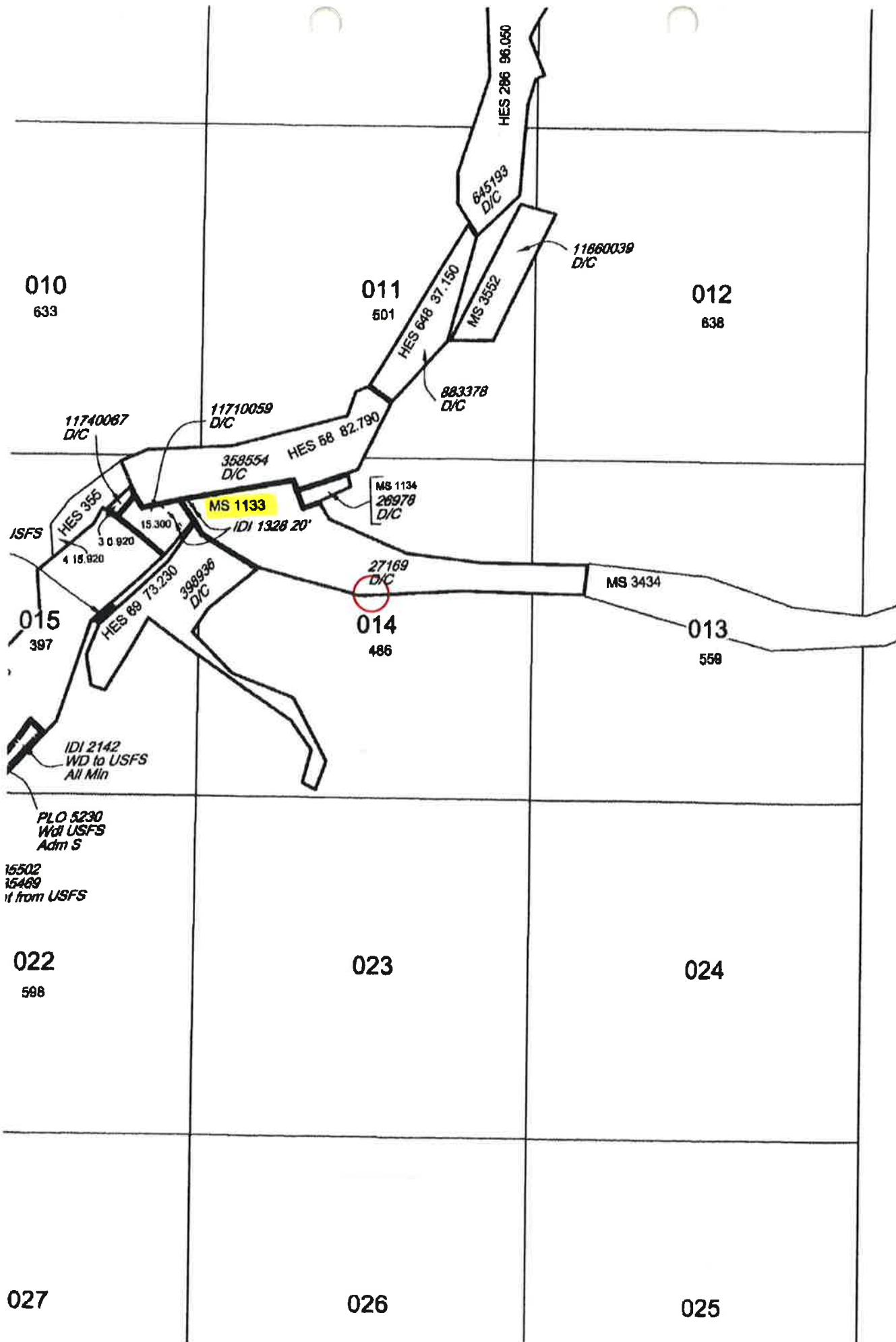
1805 Hwy 16 Rm 5
Emmett, ID 83617

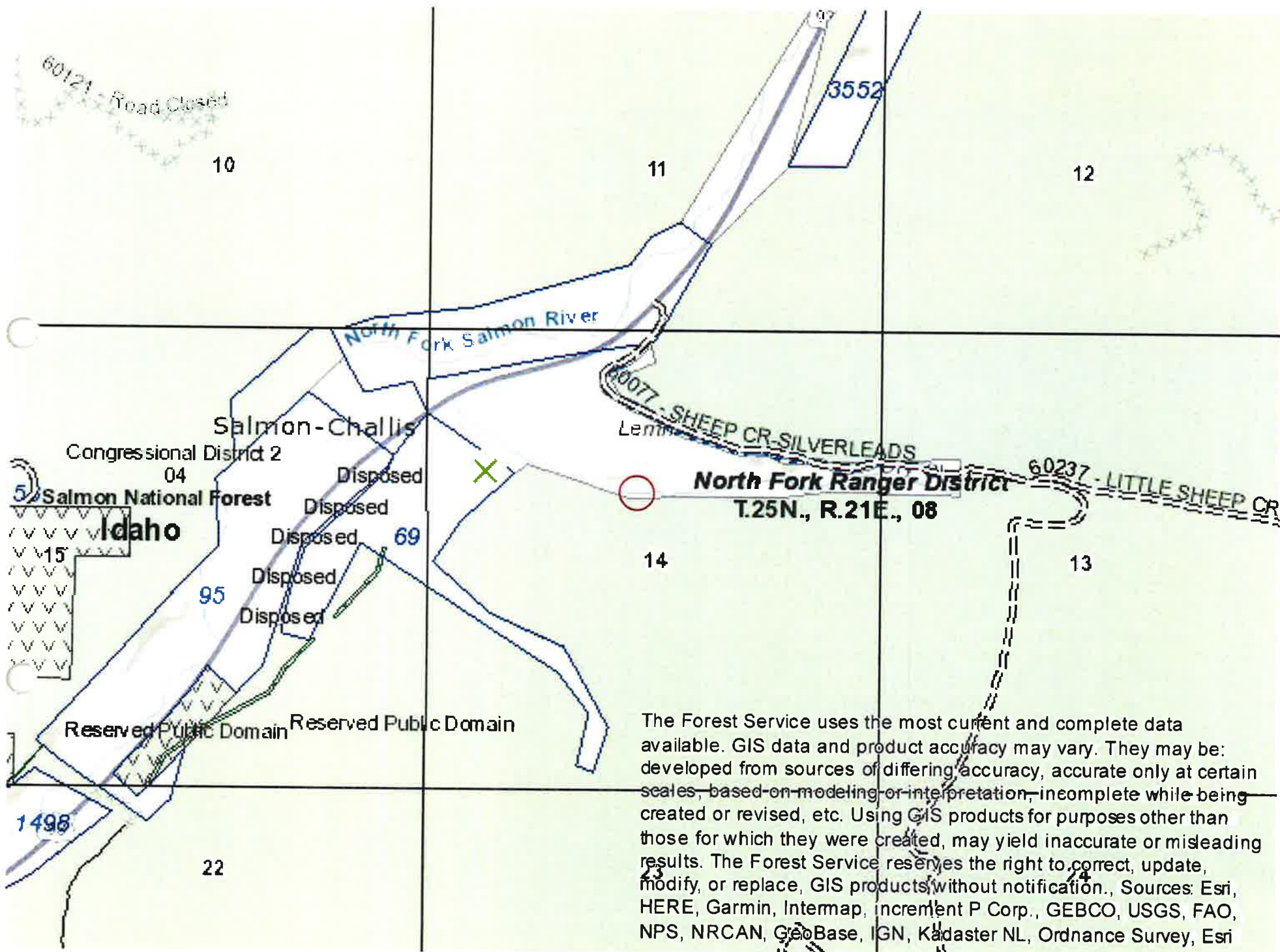
www.fs.usda.gov



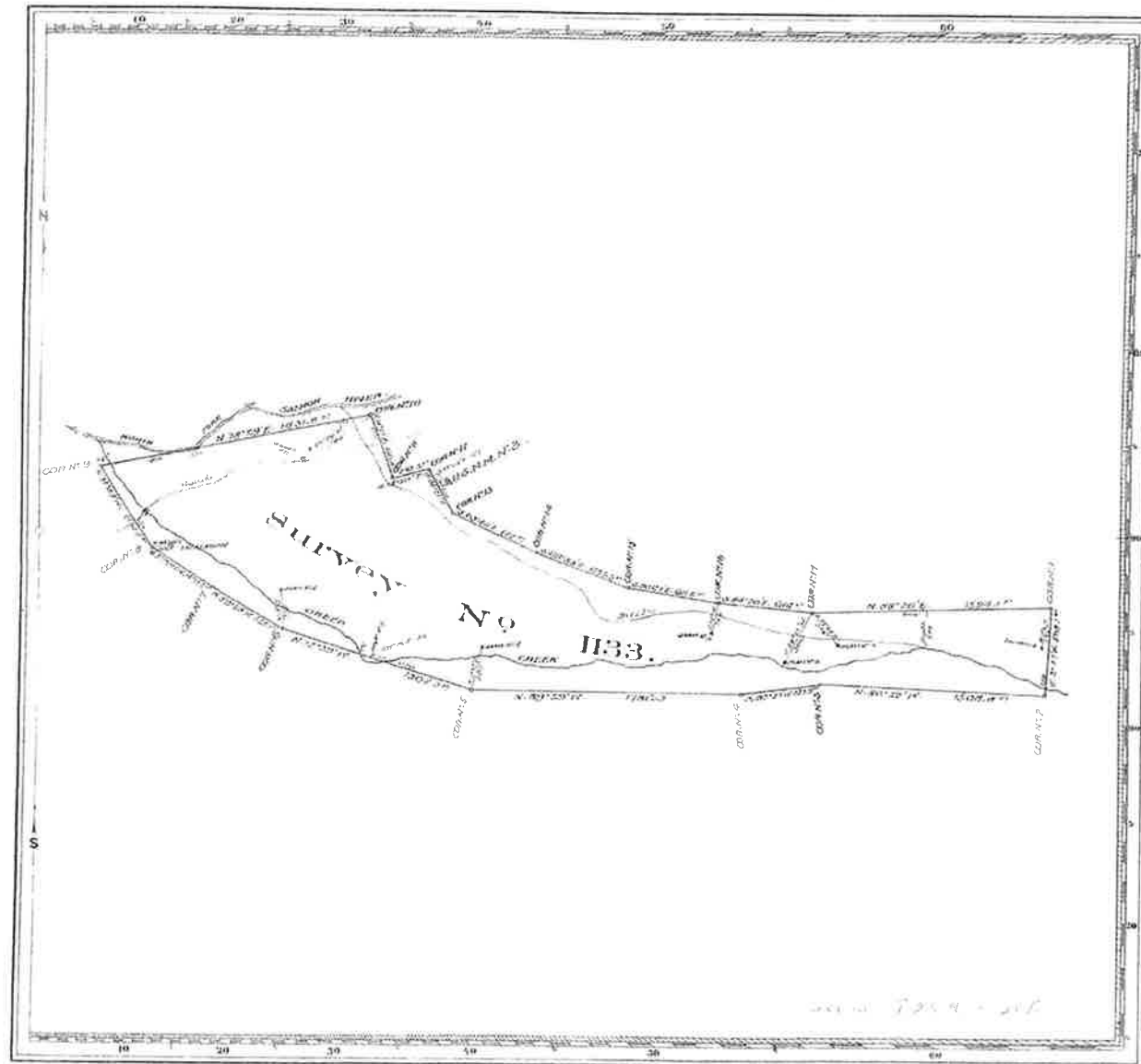
Caring for the land and serving people

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(K-675)



Claim Located June 12th 1894 1894
Mineral Survey No. 1133
Lot No. 9 Land District,
PLAT
OF THE CLAIM OF
American Development & Mining Co.
KNOWN AS THE
SHEEP CREEK PLACER
In Pablonega Mining District,
County of Elko, State of Idaho
Containing an Area of 116.531 Acres.
Scale of 500 feet to the inch.
Platted 10th 1895
ATTENDED BY DEED 4-8-95 1895
David A. Meeson U.S. Deputy Mineral Surveyor.
The Original Field Notes of the Survey of the Mining Claim of
American Development & Mining Co.
known as the
Sheep Creek Placer
from which this plat has been made under my direction
have been examined and approved, and are on file in this office,
and I hereby certify that they furnish such an accurate descrip-
tion of said Mining Claim as well, if incorporated into a patent,
will fully identify the premises, and that such reference
is made therein to natural objects or permanent monuments
as will perpetuate and fix the corners thereof.
I further certify that Five Hundred Dollars worth of labor has
been expended or improvements made upon said Mining
Claim by claimant or his grantors, and that
said improvements remain of full value, as appears by the re-
port of the Deputy Surveyor with the tes-
timony of two disinterested witnesses,
that the location of said improvements is correctly shown
upon this plat, and that no portion of said labor or im-
provements has been included in the estimate of expendi-
tures upon any other claim.
And I further certify that this is a correct plat of said Mining
Claim made in conformity with said original field notes of the
survey thereof, and the same is hereby approved.
U.S. Surveyor General's Office Joseph C. Staughlin
 Boise City, Idaho, U.S. Surveyor General for
July 1895, 1895 Idaho

Hersley, Jean

From: Yenter, Cindy
Sent: Tuesday, January 29, 2019 9:38 AM
To: Hersley, Jean
Subject: FW: IDFG Fish Screen Requirements WR 75-14929 (Richard Heltsley)

This is not appropriate for the permit conditions, but the message should be placed in the file. The standard screen condition is sufficient. Particularly at proof filing we will need to assure the condition is satisfied.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*

From: Richards,Jeff [mailto:jeff.richards@idfg.idaho.gov]
Sent: Tuesday, January 29, 2019 8:55 AM
To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>
Cc: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: IDFG Fish Screen Requirements WR 75-14929 (Richard Heltsley)

Jean:

Tom Curet my regional supervisor asked me to request that a IDFG fish screen and the phone number for the IDFG Screen Shop (208-756-6022) be added to the permit conditions. Sheep Creek is known to have bull trout and he wants to make sure that the pump is properly screened.

Sincerely,

Jeff Richards
Idaho Department of Fish and Game
Environmental Staff Biologist, Salmon Region
99 Highway 93 N.
Salmon, ID 83467
208-756-2271
Cell 724-422-3273



**NOTICE APPLICATION OF WATER
APPROPRIATION**

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

74-16206

RUBY MILLER

JOHN W MILLER

176 RED ROCK STAGE RD

SALMON, ID 83467-5201

Point of Diversion SESE S10 T20N R23E

LEMHI County

Source WASTE WATER Tributary

LEMHI RIVER

Use: IRRIGATION

03/15 to 11/15

0.2 CFS

Total Diversion:

0.2 CFS

Date Filed: 11/29/2018

Place Of Use: IRRIGATION

T20N R23E S10 NESE SESE

T20N R23E S15 NENE

Total Acres: 10

This application proposes the diver-
sion and use of water tributary to a feder-
ally designated 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 sub-
ordination provision because the diver-
sion rate and acres will be applied to the
subordination amounts specified in the de-
cree for the applicable Wild & Scenic River.

75-14887

GREGORY A FLANDERS

PO BOX 2012

BUCKLEY, WA 98321

Point of Diversion NENW S21 T24N R21E

LEMHI County

Source SALMON RIVER Tributary

SNAKE RIVER

Use: IRRIGATION

04/01 to 10/31

0.1 CFS

Total Diversion:

0.1 CFS

Date Filed: 12/4/2017

Place Of Use: IRRIGATION

T24N R21E S21 NWNE NENW

Total Acres: 5

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and
of general circulation therein. That the **NOTICE OF WATER APPROPRIATION** a true printed
copy of which is attached 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 **01-17-**
2019 and ending with the issue dated **01-24-2019**

STATE OF IDAHO

County of Lemhi

ss.

On this **24th day of JANUARY** 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 sub-
scribed 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 \$266.40

RECEIVED

JAN 28 2019

DEPARTMENT OF
WATER RESOURCES



RECEIVED

JAN 28 2019

FISCAL

AN

This application proposes the diversion and use of water from the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14929

RICHARD HELTSLEY

PO BOX 4

NORTH FORK, ID 83466-0004

Point of Diversion SENW S14 T25N R21E

LEMHI County

Source SHEEP CREEK Tributary

SALMON RIVER

Use: IRRIGATION

04/01 to 10/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 11/9/2018

Place Of Use: IRRIGATION

T25N R21E S14 SWNE SENW

Total Acres: 3

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

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see HYPERLINK "<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 2/04/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 1-17-2tc

Hersley, Jean

From: Yenter, Cindy
Sent: Wednesday, January 23, 2019 9:37 AM
To: Hersley, Jean
Subject: comments 75-14929 Heltsley

I have no objections to this application but I do have some questions –

Is the pump and POD the same used for 75-7572? This POD also identifies right 75-14837 in the name of Greene – does it also use the pump?

No WD.

*Cindy Yenter
Idaho Dept of Water Resources
Salmon Field Office
102 S Warpath, Salmon ID 83467
cindy.yenter@idwr.idaho.gov
208-742-0655
208-731-0901 cell*