

RECEIVED

FORM 202 Rev. 09/16

NOV 16 2018

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. 75-14930
RECEIVED
NOV 23 2018
Department of Water Resources
Eastern Region

1. Name of applicant(s) LUKE EVANS, RENE EVANS Phone 208.251.8697
Name connector (check one): ☐ and ☐ or ☒ and/or
Mailing address 2576 N MINK CREEK RD City POCATELLO
State ID ZIP 83204 Email revans@gatecityrealestate.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 SALMON RIVER NORTH FORK which is a tributary of SALMON RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
26N	21E	26		SE	SE	SE	LEMHI	N F SALMON RIVER	

5. Water will be used for the following purposes:
- Amount 0.09 for IRRIGATION purposes from 04/01 to 10/31 (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) 0.09 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. Existing ditch from river. Headgate and fish screen in place. Will use pump from ditch.
- 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 11-16-18 Time 12:02 Preliminary check by LL
Fee \$ 120 Receipted by AS Receipt No. C105886 Date 11-16-18

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. _____
 - 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	
26N	21E	25											0.1						0.1
		26																0.7	0.7
		35	1.2																1.2
		36						2.5											2.5

Total number of acres to be irrigated: 4.5

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? 75-11621 spring right for a portion of the same pou. POD and ditch will be shared with 75-10615, 75-4358, 75-10502, 75-4373.
11. a. Who owns the property at the point of diversion? Samuel Jones
- 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: written agreements, attached
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. An existing ditch enters our property below the access road, travels through the fish screen and is split. We will pump along the north branch of the ditch. Requesting full five years for development as this is a recreational property.
13. Time required for completion of works and application of water to proposed beneficial use is 5 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.


 Signature of Applicant
Luke Evans
 Print Name (and title, if applicable)


 Signature of Applicant
Rene Evans
 Print Name (and title, if applicable)

11/8/18

I, Sam Jones, hereby grant permission to Luke Evans the use of existing irrigation ditch that commences on my property located at 1 Pentland Road Gibbonsville, ID 83463 to supply water from the North Fork of the Salmon River.

 11-11-2018
Sam Jones Date

 11-14-2018
Luke Evans Date

SESE

26

SW/SW

25

Lewis and Clark

POD

POU

26N21E

NENE

35

36

NWNW

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 May 6, 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:

74-16208

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 BIG EIGHTMILE 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 diversion and use of water from a tributary to a federally 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 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 diversion 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 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.

74-16215

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 <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 5/06/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/18/2019 and 4/25/2019

Hersley, Jean

From: Hersley, Jean
Sent: Friday, April 12, 2019 8:37 AM
To: rhlegals@custertel.net
Subject: Legal Notice for your paper
Attachments: Recorder Herald.doc

Please publish the attached legal notices on the dates indicated. 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

April 12, 2019

LUKE EVANS
RENE EVANS
2576 N MINK CREEK RD
POCATELLO, ID 83204-7260

Application For Permit No. 75-14930

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 4/18/2019 and 4/25/2019. 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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, April 12, 2019 9:28 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Skoro, Emily; Cassel, Amy
Subject: Applications for Permit and Transfer

Applications for Permit 74-16208, 74-16213, 74-16215, 75-14923, 75-14924, 75-14925 & 75-14930 will be advertised on April 18 & 25 with the protest end date of May 6. Please let me know if you have any comment or concerns with the applications.

Application for Transfer 83014, water right 75-10031 is not being advertised. The physical location of the POU and POD are not changing, just the legal description. Please let me know if you have any comments or concerns with this transfer application.

All documents will be scanned by the end of the day.

*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

April 12, 2019

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

RE: Applications for Permit No. 74-16208, 74-16213, 74-16215, 75-14923, 75-14924,
75-14925, 75-14930
Application for Transfer No. 83014 Water right 75-10031

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 application 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 black ink, appearing to read 'Jean Hersley', is written over a horizontal line.

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Friday, April 12, 2019 9:12 AM
To: Jeff Richards
Subject: Comment Letter to IDFG - Salmon
Attachments: Comment Letter to IDFG - Salmon.docx

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

April 12, 2019

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

RE: Applications for Permit No. 74-16208, 74-16213, 74-16215, 75-14923, 75-14924,
75-14925, 75-14930
Application for Transfer No. 83014 Water right 75-10031

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 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 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,

Jean Hersley
Technical Records Specialist II

M E M O R A N D U M

Date: April 1, 2019
To: Application for Permit 75-14930
From: Scott Storms
Re: Application Review

Applicant

Luke and Rene Evans submitted application for permit on November 16, 2018. The permit was for irrigation on 4.5 acres located in T26N R21E in the corners of sections 35, 36, 25 and 26 in Lemhi County.

Total water to be appropriated was 0.09 cfs for a use period of 04/01 to 10/31

On February 1, 2019 I received an email from Rene Evans including an attached letter in response to the standard Letter of Personal Interest sent to the applicants on January 3, 2019. This letter essentially stated they understand there are concerns about water use in the area, especially as related to flow levels and fish and they believe all the proper protections are already in place to prevent harm to fish and flows. This letter has been placed in the water rights file.

Source & POD

The source is the North Fork Salmon River, tributary to the Salmon River. The point of diversion (POD) is an already existing ditch from the river and the applicant stated that a headgate and fish screen are already installed at the river and they plan to pump from the ditch. The application describes the POD down to the 10 acre tract, however IDWR standards only describe sources of springs down to the 10 acre, all others are described to the quarter-quarter and therefore is only described as such in the database.

Water Use

The stated use is for irrigation on 4.5 acres of property owned by the applicants.

POU

The applicants indicated on the application they own the property at the proposed POU. Records currently available to IDWR confirm this statement, however IDWR cannot make a full determination of ownership with this information.

POU Analysis

75-11621 is an irrigation right also owned by the applicants. This right is for 0.03 cfs on 1.7 acres and is sourced from a spring. This entire POU is direct overlap.

75-10955 is a right owned by the State of Idaho which authorizes 0.8 cfs from the North Fork Salmon River for fish propagation. This appears to be a right simply for a fish screens structure.

75-13708, 75-10947, 75-10946, 75-10171, 75-10172, 75-10613 & 75-10614 are all domestic rights with nominal quarter quarter POU shapes. No true overlap exists.

75-4358 is an irrigation right for 0.40 cfs with a priority date of 5/4/1917. There is only a small piece of this right's POU overlapping the proposed POU of this application, in the corner of section 36, NENE quarter quarter. There are several owners listed on this right but the POU shape roughly follows the shape of a property boundary owned by Joseph A Proksch who is also one of the owners listed on the water right. I believe this was a rough outline drawn for the POU and is not a true overlap with the applicant POU.

POD Analysis

The proposed POD is located on property that may not be owned by the applicant. The applicant submitted with the application, written permission from Mr. Sam Jones to access the POD and diversion ditch. According to information provided in the application, the POD already has a proper fish screen and existing infrastructure from the POD to divert water through a ditch across the property. The application proposes to pump water from this ditch for irrigation. Water rights 75-10615, 75-4358, 75-1052 and 75-4373 also utilize this POD and ditch.

Processing Comments

Because the proposed POU overlaps the POU for 75-11621, if this application is approved, irrigation should be limited to 0.03 cfs per acre when use in conjunction with 75-11621. Also, consideration will need to be taken into account as to the applicant's legal access to the location of the proposed POD.

Storms, Scott

From: Rene Evans <reneevans@gatecityrealestate.com>
Sent: Friday, February 1, 2019 12:27 PM
To: Storms, Scott
Subject: Upper Salmon River Basin 75-14930
Attachments: Letter to IDWR-PublicInterest_1.24.2019.pdf

Hi Scott,

Please refer to the attached letter, as a response to the letter we received from you, requesting more information regarding the water right application we've submitted.

Please send an acknowledgment of receipt.

Thank you, let me know if you need anything further.

Rene' Evans

208-251-8697



January 24, 2019

RMEA 19-0012

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Additional information regarding Application 75-14930, Gibbonsville, ID

Dear Agent,

Luke and Rene Evans recently submitted an application to develop a new water right from the North Fork of the Salmon River for the irrigation of 4.5 acres of land near Gibbonsville, ID. They received a letter dated January 3, 2019 indicating they may need to submit additional information that could be used to determine local public interest. In this area of the North Fork of the Salmon River, the public interest lies heavily in protecting endangered fish species.

The Application for Permit that was submitted describes the diversion works as an existing ditch from the river. No new diversion will be created if this application is granted. The existing ditch is currently used to divert water rights for neighbors for the purpose of irrigation. A fish screen is already installed in the ditch, upstream of any existing pumps or diversions from the ditch and upstream of the location where a new pump would be installed upon approval.

In addition, applicant recognizes that additional diversion from the North Fork of the Salmon River may raise concerns regarding the minimum stream flow. This application for permit, if approved, will have a priority date of November 2018, which is the same as subordination. It is expected that during low flows, the proposed water right may be curtailed and not be available for diversion. Applicant anticipates that the proposed water right will not be available during a portion of the season in order to maintain the minimum stream flow currently being enjoyed by senior water right holders.

The purpose of this water right will be for the irrigation of a privately owned recreational land to maintain native grasses and expel the weeds and other invasive species that currently cover the land. It is certainly in the public interest to control the spread of weeds and invasive species that can grow without proper management. An irrigation water right will assist in maintaining healthy land cover, even if the water is not available during a portion of the season due to curtailment and minimum stream flow requirements.

Thank you,

Kristin Moore

Kristin Moore
Senior Water Rights Analyst



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: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 3, 2019

LUKE AND RENE EVANS
2576 N MINK CREEK RD
POCATELLO, ID 83204-7260

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14930

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
Receipt C105886