

FORM 202 Rev. 09/16
RECEIVED
FEB 05 2019

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

Ident. No. 74-16215

DEPARTMENT OF
WATER RESOURCES

1. Name of applicant(s) Bruce Mulkey Phone 208-303-0165
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 25 Mulkey Lane City Salmon
State ID _____ ZIP 83467 Email mulkeycircle1ranch@gmail.com
2. Name of representative, if any Abbie Gongloff Phone 208-756-6322
Mailing address 955 Riverfront Dr, Ste B City Salmon
State ID _____ ZIP 83467 Email abbie.gongloff@osc.idaho.gov
- 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 Pratt Creek which is a tributary of Sandy Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
20N	23E	11			SE	NE	Lemhi	Pratt Creek	

5. Water will be used for the following purposes:
- Amount 0.03 for Stockwater purposes from 1/1 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) 0.03 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. Water will be gravity fed through a 3" screened pipeline for WR 74-16038 to a tie in pipeline that will gravity feed to one stockwater tank.
- 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 [Signature] Date 2/5/19 Time 3:47 Preliminary check by AD
Fee \$ 200 Receipted by [Signature] Receipt No. C106230 Date 2/5/19

For Department Use

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. 100 beef cattle
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	11								S									

Total number of acres to be irrigated: 0

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? Fred Snook

b. Who owns the land to be irrigated or place of use? Brent Mulkey

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Bruce leases property from his brother Brent, and will use his sister Julana's pipeline. See attachments.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This stockwater tank will replace stockwater which was formerly obtained from an open irrigation ditch. Bruce Mulkey and his sister Julana Mulkey, have participated in a fish habitat restoration and irrigation efficiency project which converted flood irrigation to sprinkler. A measuring device is installed at the POD. Tim Dodds, NRCS, will design the stockwater system to NRCS specs.

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.

Bruce L Mulkey

Signature of Applicant

BRUCE L MULKEY

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Bruce Mulkey stockwater right application
Pratt Creek
Township 20N, Range 23E, Section 11
January 2019

NENW

NESE

NWNE

NESE

NWNW

LEMHI ROAD

new stockwater tank

Point of Diversion

SESW

SWNE

SENE

SWNW

Sandy Creek

36

Pratt Creek

PRATT CREEK ROAD

NESW

NWSE

NESE

NWSW



Brent Mulkey
1008 Hwy 28
Salmon, ID 83467

January 17, 2019

IDWR State Office
322 East Front Street, 6th floor
Boise, ID 83720-0098

Subject: Bruce Mulkey Stockwater Right Application

Dear IDWR Staff,

I am aware of Bruce Mulkey's effort to gain a stockwater right using Pratt Creek water on my private property, at approximately 45.081127, -113.701676. Bruce currently leases my property and I have no concerns about installation of a stockwater tank or his water right on my property.

Sincerely,

A handwritten signature in cursive script that reads "Brent Mulkey". The signature is written in dark ink and is positioned below the word "Sincerely,".

Brent Mulkey

Julana Hedt
1024 Triumph Drive
Middleton, ID 83644

January 17, 2019

IDWR State Office
322 East Front Street, 6th floor
Boise, ID 83720-0098

Subject: Bruce Mulkey Stockwater Right Application

Dear IDWR Staff,

I am aware of Bruce Mulkey's effort to gain a stockwater right using the same POD and pipeline that delivers my irrigation water right 74-16038 from Pratt Creek. I understand he will tie into my irrigation pipeline at approximately 45.081127, -113.701676, and that the fish screen at the Point of Diversion (POD) and the pipeline are adequately sized to accommodate his stockwater. Bruce currently leases my property and I have no concerns about the additional water right being delivered through my POD and pipeline.

Sincerely,

A handwritten signature in cursive script that reads "Julana Hedt". The ink is dark and the signature is fluid, with the first and last names being clearly legible.

Julana Hedt

Fred Snook
44 Cemetery Lane
Salmon, ID 83467

January 17, 2019

IDWR State Office
322 East Front Street, 6th floor
Boise, ID 83720-0098

Subject: Bruce Mulkey Stockwater Right Application

Dear IDWR Staff,

I am aware of Bruce Mulkey's effort to gain a stockwater right using Pratt Creek water from the Point of Diversion (POD) and pipeline located on my private property. This POD is located at approximately 45.080474, -113690904, and is used to divert water for Julana Hedt's water right, 74-16038. It's my understanding that there will not be any additional disturbance on my property if IDWR grants the stockwater right, and that Mr. Mulkey will tie into Ms. Hedt's irrigation pipeline near the Lemhi Back Road on Brent Mulkey's property. As such, I have no concerns about an additional water right being taken out of the POD and being transported through the pipeline on my property.

Sincerely,



Fred Snook

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

BRUCE L MULKEY
25 MULKEY LN
SALMON, ID 83467-5167

Application For Permit No. 74-16215

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

CC:UPPER SALMON BASIN WATERSHED PROGRAM
ABBIE GONGLOFF
955 RIVERFRONT DR STE B
SALMON, ID 83467

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

BRENT MULKEY
1008 HWY 28
SALMON ID 83467

RE: Application for Permit 74-16215 in the name of Bruce Mulkey

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced application for permit. A full description concerning property location may be found at: www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

Please note, you are receiving this notice because you own the property where the place of use is located. The Department has documented that the right holder obtained authorization from you to access the point of diversion or place of use or to convey water across private land.

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 you desire 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 application.

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

April 12, 2019

FRED SNOOK
SNOOK LAW OFFICE
44 CEMETARY LN
SALMON ID 83467

RE: Application for Permit 74-16215 in the name of Bruce Mulkey

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced application for permit. A full description concerning property location may be found at: www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp.

Please note, you are receiving this notice because you own the property where the point of diversion is located. The Department has documented that the right holder obtained authorization from you to access the point of diversion or place of use or to convey water across private land.

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 you desire 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 application.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

Jean Hersley
Technical Records Specialist II



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

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,

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



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

WATER DISTRICT #74F
PHIL MOULTON
178 PRATT CREEK RD
SALMON ID 83467

via e-mail

RE: Application for Permit No. 74-16215

Dear Kevin:

The Department of Water Resources is seeking written comment and/or recommendations from you regarding the above referenced water right application for permit. 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.: 74-16215

Applicant's Name: BRUCE MULKEY
25 MULKEY 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. 74F

Water master's Signature

Printed Name

Hersley, Jean

From: Hersley, Jean
Sent: Friday, April 12, 2019 9:07 AM
To: Phil Moulton (prattcreekbranch71@yahoo.com)
Subject: comment letter for application for permit 74-16215
Attachments: Letter via email to watermaster-App for Permit.docx

Please see the 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*

MEMORANDUM

Date: April 1, 2019
To: Water Right File 74-16215
From: Alex Dalgleish
Reason: Application for Permit Review

Applicant: On February 5, 2019, Bruce Mulkey submitted an application for permit to the Department to develop stockwater use. Abbie Gongloff is listed as representative of the applicant. The applicant will add a stockwater tank replacing stockwater previously obtained from an open irrigation ditch. According to the application, a measuring device is installed at the POD and Tim Dodds, of the NRCS, will design the stockwater system to NRCS specs.

Source & POD: The proposed source is Pratt Creek, tributary to Sandy Creek. The proposed point of diversion from a tributary to Salmon Wild and Scenic River and subject to those processing steps.

Water Use: The application proposes to divert .03 cfs from Pratt Creek for stockwater use from 01/01 to 12/31. According to the application, water will be gravity fed through a 3 inch screened pipeline currently used for irrigation water right number 74-16038. It will tie into another pipeline and will gravity feed to one stock tank for 100 beef cattle.

POU: According to Department records, Brent W. Mulkey owns the land at the POU. Bruce (the applicant) leases the property from his brother Brent. An agreement was included with the application showing his acknowledgement of Bruce Mulkey's effort to gain a water right for stockwater use on his property.

POU/POD overlap analysis: Domestic right number 74-467 and stockwater right number 74-16113 overlap at the POU. The domestic and stockwater both consume .04 cfs each. Right number 74-467 is owned by Brent Mulkey and right 74-16113 is owned by Bruce Mulkey.

As mentioned above, the proposed POD is also used by irrigation water right 74-16038 which is owned by Julana and Paul Hedt. Submitted with the application is an agreement from Julana Hedt stating that she is aware of Bruce Mulkey's intent to divert water through the same POD and pipeline and has no concerns. According to Mrs. Hedt, Bruce Mulkey leases her property. The POD and pipeline used in right number 74-16038 are located on property owned by Fred Snook. Also included with the application was an agreement from Mr. Snook. He has no concerns with Bruce Mulkey's application for stockwater use or additional water being taken out of the POD and being transported in the pipeline across his property.

Conditions: The application is within Water District (WD) 74F (Pratt Creek). Comments/recommendations will be requested from Watermaster of WD 74F and IDWR Eastern Region. Request for comment was sent on 3/22/19 and no response was received. Standard wild and scenic processing will apply to the permit if approved.

Dagleish, Alex

From: Dagleish, Alex
Sent: Friday, March 22, 2019 11:10 AM
To: Cefalo, James; 'prattcreekbranch71@yahoo.com'
Subject: FW: Application for Permit 74-16215
Attachments: Application Map.pdf; Application 74-16215 Review Memo.rtf

Gentlemen,

Attached is an application for permit to divert water from Pratt Creek for stockwater use. Please respond with recommendations within 7 days. If I do not receive a reply, I will assume you have no concerns.

Thank you,

Alex Dagleish
Water Resource Agent
Phone (208) 287-4913
alex.dagleish@idwr.idaho.gov

MEMORANDUM

TO: Sascha Marston
FROM: Alex Dalglish
DATE: 3/22/19
RE: Refund

Lemhi Soil Conservation District paid \$200 for an application for permit on 2/5/19. The application was overpaid on 2/5/19 which reduced the required processing fee. A partial refund should be issued.

Please issue a \$100 refund as follows:

TO

LEMHI SOIL CONSERVATION DISTRICT

TEL. 208-756-3211

RECEIPT

Receipt no. C106230

Copy: app # 74-16215

Dalgleish, Alex

From: Abbie Gongloff <agongloff@ics.idaho.gov>
Sent: Wednesday, February 27, 2019 3:00 PM
To: Dalgleish, Alex
Cc: Bruce Mulkey
Subject: Pratt Creek Stockwater Right Application 74-16215
Attachments: WR 74-16215_Public Interest.docx

Alex,

Please see the attached document detailing the public outreach and purpose of the water right application submitted by Mr. Mulkey.

Thank you,

Abbie Gongloff
Project Planner
Upper Salmon Basin Watershed Program
955 Riverfront Drive, Suite B
Salmon, ID 83467

Phone: (208) 756-6322
Fax: (208) 756-6376
Email: Abbie.Gongloff@osc.idaho.gov

Pratt Creek Stockwater Right Application
74-16215

Re: Public Interest

The installation of a stockwater system out of Pratt Creek (tributary to Sandy Creek) is a part of the Pratt Creek Channel Rehabilitation Project sponsored by Trout Unlimited on the private property of Fred Snook and Bruce Mulkey. The restoration part of the project was completed in fall 2018, and relocated lower Pratt Creek to more closely align with its historical channel. An irrigation component of the project will relocate a POD and convert a flood system to sprinkler in April 2019. Through the project, TU was able to maximize instream habitat for juvenile Chinook and steelhead rearing, and adult steelhead spawning in this section of Pratt Creek.

Mr. Mulkey previously watered his cattle out of the open ditch fed by Pratt Creek. To accommodate the loss of the live water source, a stockwater system consisting of one water trough will be tied into the irrigation pipeline. The stockwater system was designed by Natural Resources Conservation Service, with assistance from the Upper Salmon Basin Watershed Program and sponsored by the Lemhi Soil and Water Conservation District (LSWCD). Funding for the stockwater is provided by an Idaho Department of Environmental Quality 319 grant.

The Pratt Creek Channel Rehabilitation Project was reviewed and approved by the Upper Salmon Basin Watershed Program (USBWP) Technical Team on September 6, 2017, and received a ranking of high priority. The USBWP convenes monthly with a "Technical Team" of professionals from federal, state, and local agencies, as well as non-profit organizations. This group prioritizes anadromous fish projects with a ranking process that evaluates individual projects based on their biological benefits to ESA-listed fish species and their habitat in the Upper Salmon Basin.

The project was also presented in detail during the public USBWP Advisory Committee on October 5, 2017 and the group has received quarterly project updates henceforth. Likewise, the project was presented to the LSWCD at their public board meeting on 6/8/2017, and that group has continued to receive updates at their monthly meeting. No comments from the public have been received in either of these public meetings to date.



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

February 20, 2019

BRUCE MULKEY
25 MULKEY LN
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16215

Dear Water Right Applicant:

The Department of Water Resources' (IDWR) records show you filed applications to establish new uses of water in the upper Salmon River basin. Idaho Code § 42-203A(5) requires IDWR to determine whether each water right application satisfies all the criteria necessary for appropriating water in Idaho. One statutory criterion requires IDWR to determine the local public interest relative to the proposed water use. Idaho Code § 42-202B(3) defines the local public interest as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource." The local public interest has many facets, including the effects of a proposed water use on aquatic habitat for fish and wildlife resources.

The upper Salmon River basin is home to stocks of chinook salmon, sockeye salmon, steelhead trout, and bull trout, all of which are listed as threatened or endangered under the Endangered Species Act (ESA). Since the early 1990s, local water users, conservation districts, and federal and state agencies have cooperated to implement conservation measures intended to protect and restore habitat for ESA-listed species in the upper Salmon River watershed. For example, at the request of local water users the Idaho Legislature directed the Idaho Water Resource Board (IWRB) to establish a minimum stream flow in the lower Lemhi River for fish passage. The minimum stream flow is maintained through a water supply bank and temporary or permanent acquisition of additional water supplies by willing buyers from willing sellers.

Pursuant to the Snake River Water Rights Agreement of 2004, Idaho has been developing a long term conservation plan for the benefit of ESA-listed species in the Lemhi River basin. Improving conditions in flow-limited river reaches and streams is a fundamental component of the Lemhi plan. In addition to IDWR, numerous state agencies, including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Idaho Soil and Water Conservation Commission, and Idaho Department of Lands, have committed and continue to commit significant resources toward this objective under the following programs:

- Columbia Basin Water Transactions Program

- National Marine Fisheries Service Pacific Coastal Salmon Recovery Fund
- U. S. Fish & Wildlife Service Aquatic Species Conservation Fund
- Salmon and Clearwater River Basins Habitat Fund
- 2008 Columbia Basin Fish Accords

Letter to Upper Salmon River Basin Water Right Applicants

Page 2

A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model watersheds. Furthermore, the Snake River Water Rights Agreement of 2004 contemplates the development of additional conservation plans for other upper Salmon River basin watersheds. Accordingly, the Comprehensive State Water Plan revised by the IWRB contains policies for the Salmon River basin that focus on the protection and restoration of instream habitat for ESA-listed species through voluntary participation in conservation programs.

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

Pursuant to Rule 40.04.c of the Water Appropriation Rules (IDAPA 37.03.08.040.04.c), the applicant has the ultimate burden of persuasion regarding the items that must be evaluated in connection with each water right application. Before proceeding further with your application, IDWR requests you submit additional information about how your proposal invokes any local public interest concerns for ESA species recovery.

Within 30 days, please submit any additional information you believe IDWR may need to evaluate and determine the local public interest in the water you propose to divert and use. If IDWR has not received a response from you within 30 days, IDWR will assume you have no comment regarding the local public interest, and processing of your application will resume with the information currently on file. Processing will include public notice and the potential for formal protests by other interested parties. Applications that are not in the local public interest will be denied. If you wish to withdraw your application before it is processed, please notify IDWR in writing.

If you have any questions, please call me at 208-287-4913, or email me at alex.dalgleish@idwr.idaho.gov.

Sincerely,

Alex Dalgleish
Water Resource Agent

Enclosure: Receipt