RECEIVED
JAN 28 2019
DEPARTMENT OF WATER RESOURCES

FORM 202 Rev. 09/16

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 74-16213

1. Name of applicant(s) Dee Ann Crofoot Phone 208.303.0268
   Name connector (check one): ☐ and ☐ or ☐ and/or
   Mailing address 128 Sandy Creek Rd City Salmon
   State ID ZIP 83467 Email dcrofoot@centurylink.net
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 Sandy Creek which is a tributary of Lemhi River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
20N	24E	17		SW	NE	NW	Lemhi	Sandy Creek	

5. Water will be used for the following purposes:
   Amount 0.05 (cfs or acre-feet per year) for Stockwater purposes from 01/01 to 12/31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) 0.05 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. Existing irrigation ditch from Sandy Ck.
   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
   e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by AV Date 1.28.19 Time 2:10 Preliminary check by AP
Fee $ 100 Receipted by AV Receipt No. C106192 Date 1.28.19

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. 175
   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	24E	17						S	S										
20N	24E	18	S			S													

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 74-199 and 74-762 divert at same diversion.

11. a. Who owns the property at the point of diversion? Bart Crofoot
    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 consent, attached

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Stockwater diversions in an existing irrigation ditch to winter cattle pasture and calving corrals. Cattle will drink from ditches in pasture; there are troughs in corrals.

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.

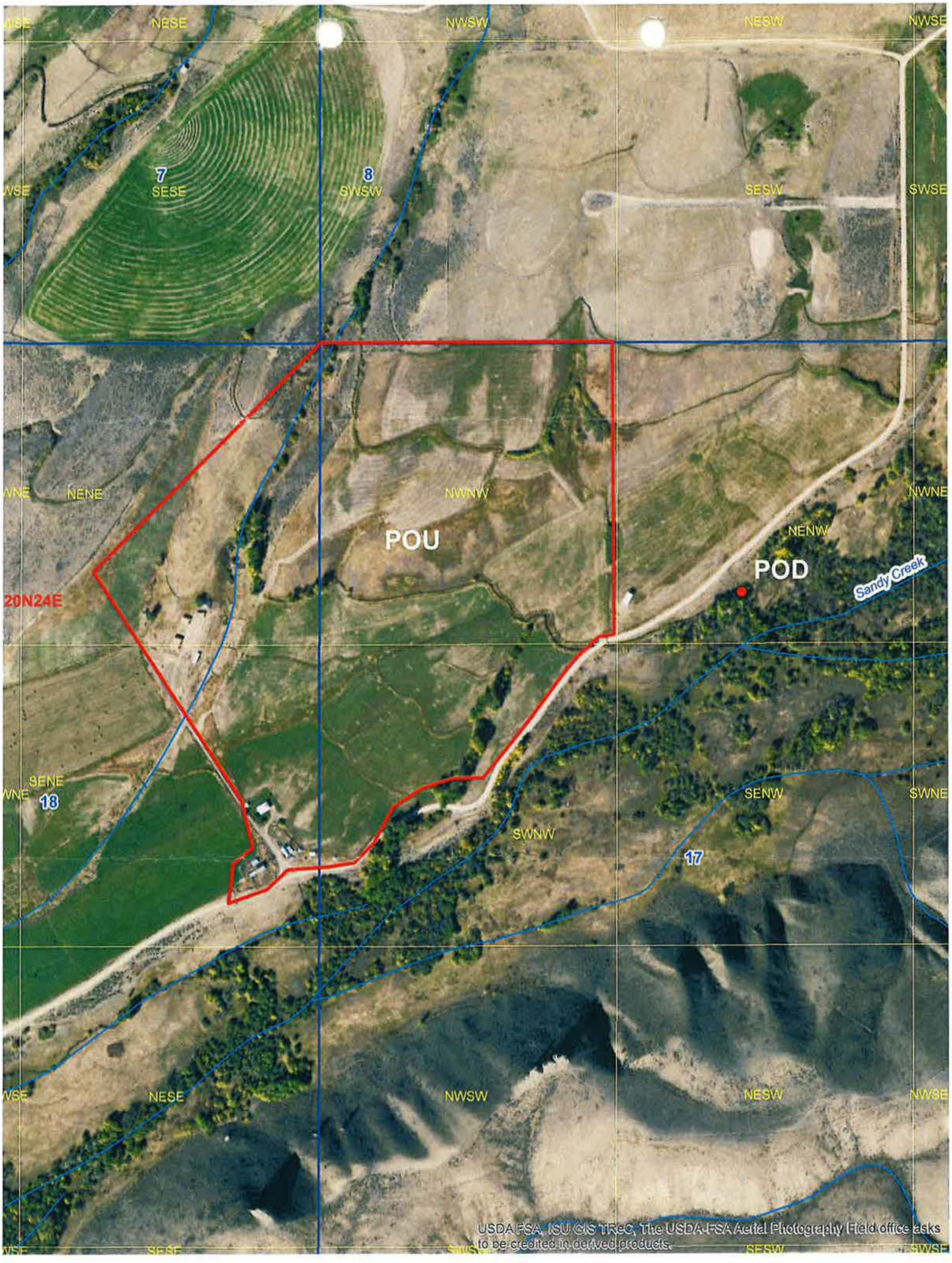
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Dee Ann Crofoot
Signature of Applicant

DEE Ann Crofoot
Print Name (and title, if applicable)

_____
Signature of Applicant

_____
Print Name (and title, if applicable)


NESE
NWSW
NESW
NWSE
7
SESE
8
SWSW
SESW
SWSE
NENE
NWNW
NWNE
POU
NENW
POD
Sandy Creek
20N24E
SENE
18
SENW
SWNE
SWNW
17
NESE
NWSW
NESW
NWSE
USDA FSA, ISU GIS TReC. The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

January 1st, 2019

To Whom it may concern:

I Bart Crofoot, give consent to develop water right(s) from Dee Ann Crofoots existing diversion on my owned property.

Signature: Bart Crofoot Date: 01/24/2019

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

DEE ANN CROFOOT
128 SANDY CREEK RD
SALMON, ID 83467-5230

Application For Permit No. 74-16213

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

BART CROFOOT
33 RED ROCK STAGE RD
SALMON ID 83467

RE: Application for Permit 74-16213 in the name of Dee Ann Crofoot

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,

Jean Hersley

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 11, 2019

WATER DISTRICT #74G
CURTIS FAYLE
1412 SHOUP
SALMON ID 83467

RE: Application for Permit: 74-16213

Dear Watermaster:

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 watermaster, 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 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

Enclosure(s)

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION FORM

Application No.: 74-16213

Applicant's Name: DEE ANN CROFOOT
128 SANDY CREEK RD
SALMON ID 83467

Watermaster'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 _____. 2019

Water District No. 74G

Watermaster's Signature_____

Printed Name: _____

MEMORANDUM

Date: April 9, 2019

To: Water Right File 74-16213

From: Alex Dalgleish

Reason: Application for Permit Review

Applicant: On January 28, 2019, Dee Ann Crofoot submitted an application for permit to the Department. The applicant requests 1 year for development and completion of diversion works.

Source & POD: The proposed source is Sandy Creek, which is tributary to the Lemhi River. Department records indicate that Bart Crofoot is the owner of the property at the POD. An agreement between Dee Ann and Bart authorizing the use of the POD was included with the application. The application point of diversion is from a tributary to the Salmon Wild and Scenic River and subject to those processing steps.

Water Use: The application proposes to divert .05 cfs from Sandy Creek for stockwater use. A proposed season of 01/01 to 12/31 is desired. According to the application, an existing irrigation ditch will divert water to winter cattle pasture and calving corrals. The applicant has 175 cattle that will drink from the existing ditches in the pasture and troughs in the corrals.

POU: Dee Ann Crofoot owns the property at the POU according Department records.

POU/POD overlap analysis: Water rights 74-199 and 74-762 share the proposed POD on Sandy Creek. They also overlap the proposed POU in the SWNW quarter-quarter of Section 17 and the SENE quarter-quarter of Section 18. Both are owned by Dee Ann Crofoot and divert water for irrigation with a limit of 131.4 total acres.
The POU also overlaps with rights 74-763 and 74-372. Right 74-763 diverts water from Sandy Creek for irrigation with overlap in the NWNW quarter-quarter of Section 18 and the NENE quarter-quarter of Section 17. Water right 74-372 diverts water from a spring using .02cfs for stockwater and .04 cfs for domestic purposes. This right overlaps the proposed POU in the SENW quarter-quarter of Section 18. All overlapping rights at the proposed POU are owned by Dee Ann Crofoot.

Additional Comments: The application for permit falls within Water District 74G (Sandy Creek). Comments were submitted to watermaster Curtis R. Fayle and James Cefalo at Eastern Region. No response was received to indicate concern. Wild and scenic conditions will apply if the permit is approved.

Dalgleish, Alex

From: Dalgleish, Alex
Sent: Monday, April 1, 2019 10:20 AM
To: Cefalo, James
Subject: Application for Permit 74-16213 Comments
Attachments: 74-16213 Review Memo.rtf; 74-16213 application Map.pdf

James,

I have application for permit 74-16213. It proposes to divert .05 cfs from Sandy Creek for stockwater use. Please respond within 7 days with comments/recommendations. If no response is received, I will presume there are no concerns.

Thanks,

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

February 19, 2019

Mr. Fayle,

I am seeking comments/recommendations regarding application for permit 74-16213. Please respond within 7 business days.

Please contact me at alex.dalgleish@idwr.idaho.gov or 208-287-4913 with questions or concerns.

Thank you,

Alex Dalgleish

Water Resource Agent

IDWR State Office

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 19, 2019

DEE ANN CROFOOT
128 SANDY CREEK RD
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16213

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

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