

RECEIVED

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NOV 20 2018

FORM 202 Rev. 09/16

NOV 09 2018

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

Ident. No.

75-14929

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) RICHARD HELTSLEY Phone 208-865-1165
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO BOX 4 City NORTH FORK
 State IDAHO ZIP 83466 Email RHELTSLEY@CENTURYTEL.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 SHEEP CREEK 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 #
25N	21E	14		SE	NW		LEMHI	SHEEP CREEK	

5. Water will be used for the following purposes:
 Amount .04 cfs for IRRIGATION purposes from 4-1 to 11-1 (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) .04 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 3/4 HP TRP2 JACUZZI
ELECTRIC PUMP (PICTURES INCLUDED) 5 SPRINKLERS
- 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 AK Date 11/9/2018 Time 1:40 pm Preliminary check by _____
 Fee \$ 100.00 Received by AK Receipt No. W046934 Date 11/9/2018

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	
25N	21E	14								1									1
25N	21E	14			2														2

Total number of acres to be irrigated: 3

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? REF. WATER RIGHT

NO. 75-07572 FOR EQUIPMENT AND METHOD USE.

11. a. Who owns the property at the point of diversion? APPLICANT RICHARD HELTSLEY

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. THE THREE ACRES I INTEND TO WATER ARE

RIPARIAN AREAS THAT CONTAIN THE SHEEP CREEK. THIS
WILL PROVIDE ENVIRONMENTAL BENEFITS FOR THE CREEK AND
FOREST FIRE ABATEMENT FOR THE LOCAL RESIDENTS.

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.

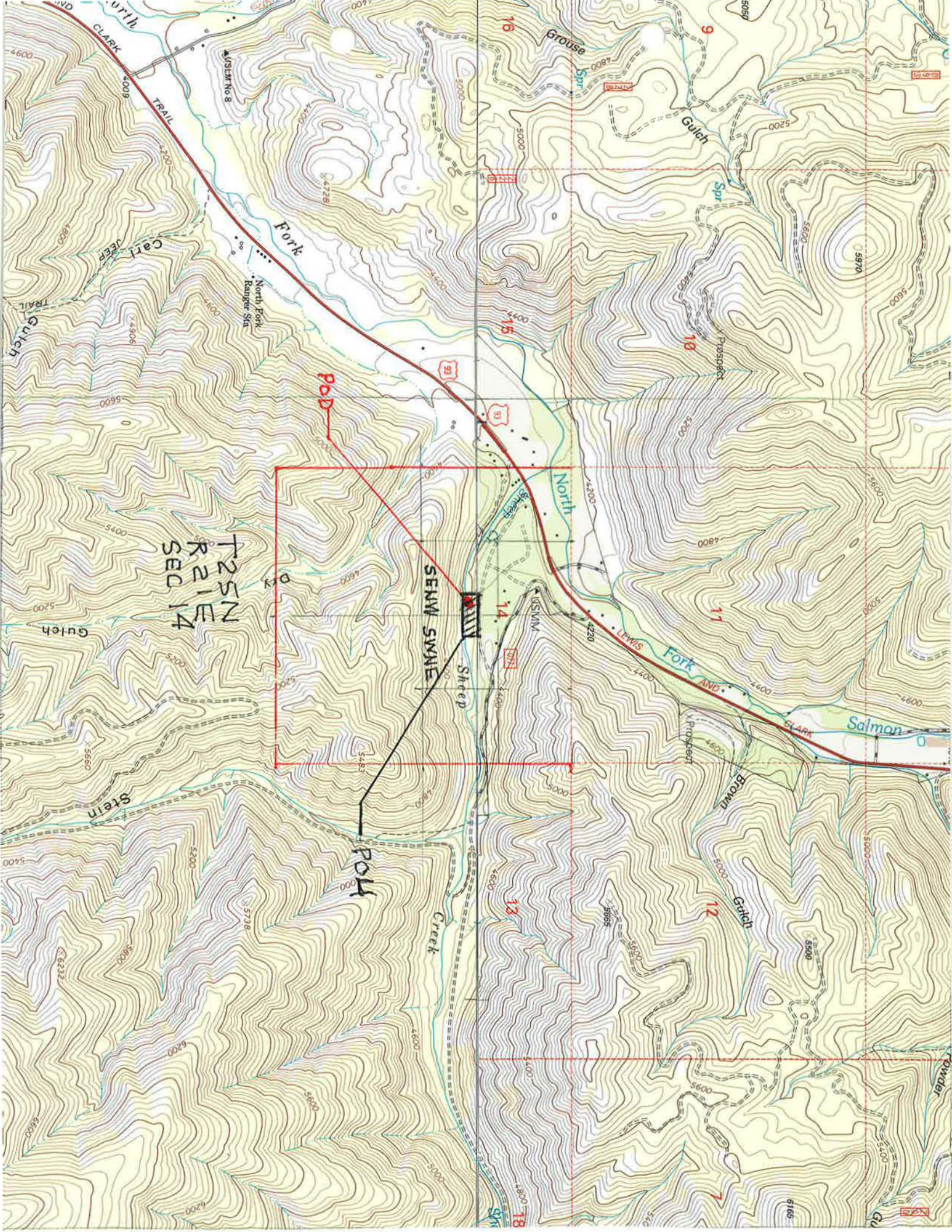
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Richard Heltsley
Signature of Applicant

RICHARD HELTSLEY
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)





SANDBERG, DARRELL D
RP25N21E111809
SANDBERG, DARRELL D
RP25N21E111810
SANDBERG, DARRELL D
RP25N21E111801

KAALES, REINDERT
RP25N21E1118401
KAALES, REINDERT
RP25N21E1116602

JENSEN, MICHAEL T
RP25N21E116601

JENSEN, MICHAEL T
RP25N21E116600
NORTON, GARY
RP25N21E116603

SMITH, PETER
RP25N21E142401
BERGER, MICHAEL FORREST
RP001050000670

BERGER, MICHAEL FORREST
RP001050000660

EVANS, LUKE
RP0010500000AA

WERNER, PAUL F
RP25N21E116005

WARD, DONALD
RP25N21E116001

KEITH, THEODORE F
RP25N21E109002

HIGHWAY 93 N

21 SHEEP CREEK LOOP
27 SHEEP CREEK LOOP
29 SHEEP CREEK LOOP
32 SHEEP CREEK LOOP
18 SHEEP CREEK LOOP

SHEEP CREEK RD

AMMEN, TIPTON
RP00105000054B

SHEEP CREEK LOOP

7 SHEEP CREEK LOOP
39 SHEEP CREEK RD

51 SHEEP CREEK LOOP

DOUGHTY, PHILLIP A
RP00105000050A

TROST, TERRY J
RP001050000430

WELLSLEY, RICHARD C
RP00105000088B

SALMON ESTATES, LLP
RP00105000012A

E SHEEP CREEK LOOP

JUSTICE, JERRY A AND JUDY A
RP25N21E143603

TROST, TERRY J
RP001050000470

BRIDGE RD

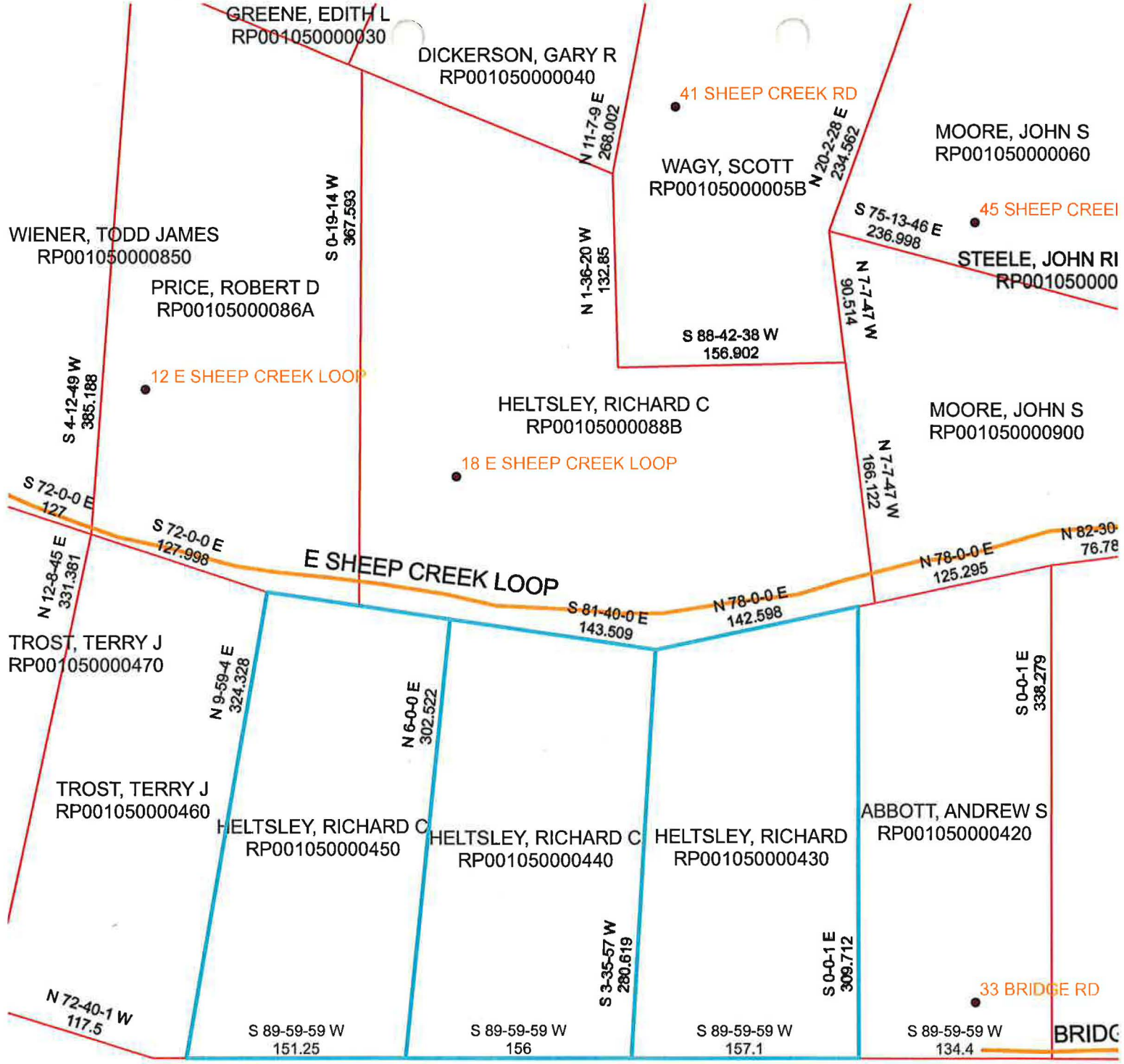
WATERS, LYLE
RP001050000380

5 BRIDGE RD
S 82-28-37' 265.64

S 47-55-32 E
889.29

MOORE, GARY L
RP25N21E151807

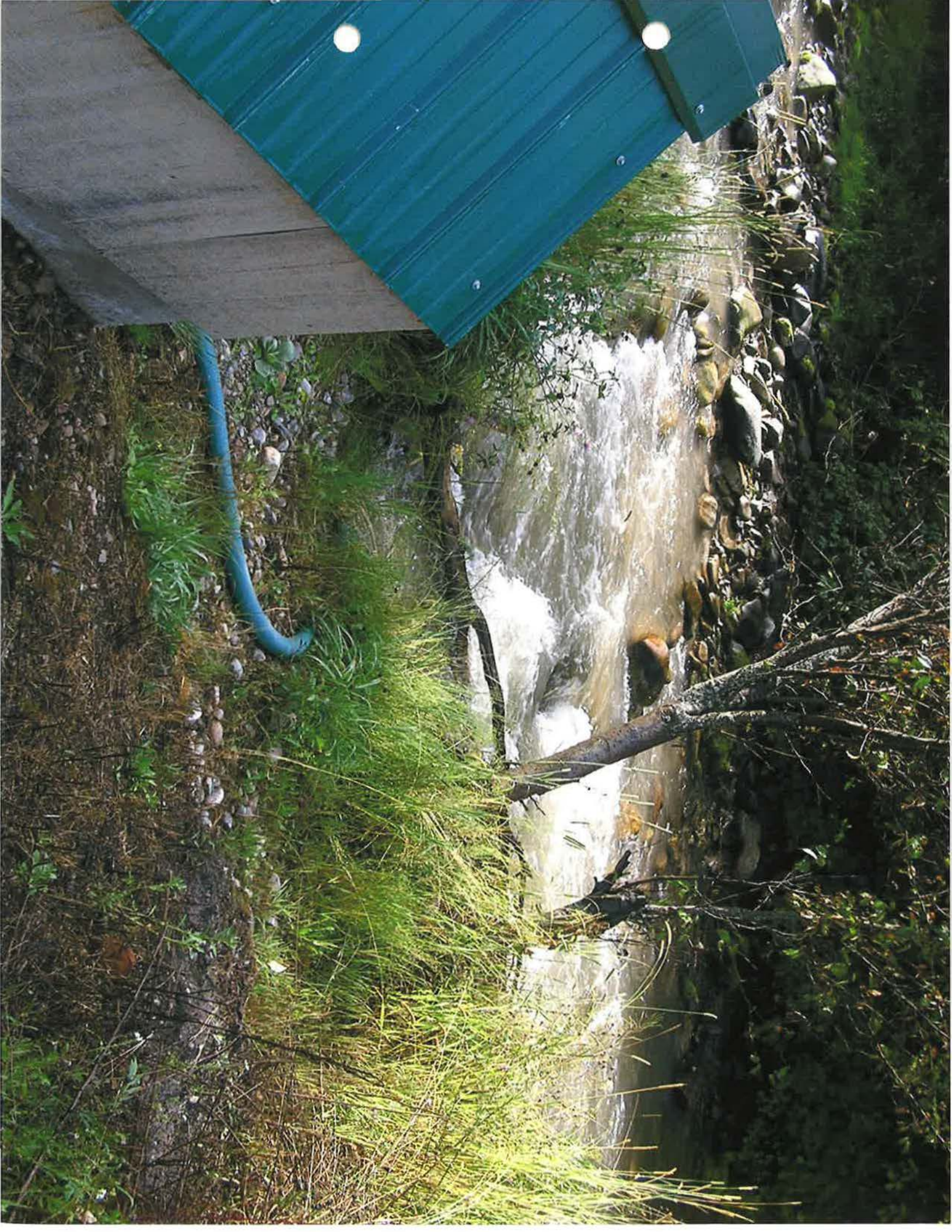
S 66-03-00





5000 11/10 P106
11/10 P106
ORDER NO. 11/10 P106
NO. DECORATION
DATE 11/10 P106
JACUZZI
LITTLE ROCK, AR USA





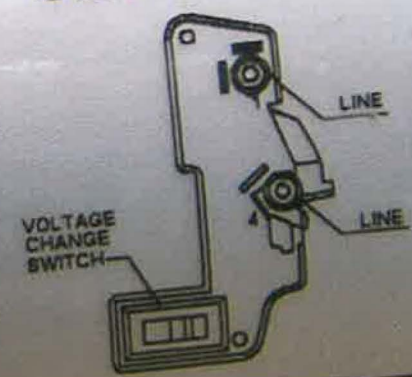


MOTOR COMPANY
ST. LOUIS, MO. U.S.A.

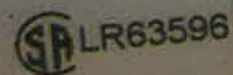
JET PUMP
DUTY

MODEL C55CXHAA-3900	CAT	SF 1.5
VOLTS	115/230	HZ 60
HP 3/4	RPM 3450	DUTY CONT
AMPS	12.8/6.4	INS CLASS B
SF AMPS	14.8/7.4	AMB 40°C
HP	RPM	CODE M PH 1
AMPS		MFG NO MK00C
SF AMPS		FRAME

CONNECTIONS



THERMALLY PROTECTED AUTO



MOTOR IS NON-REVERSIBLE
CCW ROTATION SHAFT END



WARNING: MOTOR MUST BE GROUNDED IN ACCORDANCE
WITH LOCAL AND NATIONAL ELECTRIC CODES
COMPONENT COVER MUST BE IN PLACE BEFORE OPERATING TO PREVENT
ELECTRICAL SHOCK OR INJURY





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 February 4, 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:

74-16206

RUBY MILLER
JOHN W MILLER
176 RED ROCK STAGE RD
SALMON, ID 83467-5201
Point of Diversion SESE S10 T20N R23E LEMHI County
Source WASTE WATER Tributary LEMHI RIVER
Use: IRRIGATION
03/15 to 11/15
0.2 CFS
Total Diversion:
0.2 CFS
Date Filed: 11/29/2018
Place Of Use: IRRIGATION
T20N R23E S10 NESE SESE
T20N R23E S15 NENE
Total Acres: 10

This application proposes the diversion and use of water 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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the applicable Wild & Scenic River.

75-14887

GREGORY A FLANDERS
PO BOX 2012
BUCKLEY, WA 98321
Point of Diversion NENW S21 T24N R21E LEMHI County
Source SALMON RIVER Tributary SNAKE RIVER
Use: IRRIGATION
04/01 to 10/31
0.1 CFS
Total Diversion:
0.1 CFS
Date Filed: 12/4/2017
Place Of Use: IRRIGATION
T24N R21E S21 NWNE NENW
Total Acres: 5

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

75-14929

RICHARD HELTSLEY

PO BOX 4

NORTH FORK, ID 83466-0004

Point of Diversion SENW S14 T25N R21E LEMHI County

Source SHEEP CREEK Tributary SALMON RIVER

Use: IRRIGATION

04/01 to 10/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 11/9/2018

Place Of Use: IRRIGATION

T25N R21E S14 SWNE SENW

Total Acres: 3

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

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right(s), please see

<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 2/04/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/17/2019 and 1/24/2019

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, January 10, 2019 1:02 PM
To: rhlegals@custertel.net
Subject: Legal Notice
Attachments: Recorder Herald.doc

Please publish the attached Legal Notice. If you have any questions, please contact me. 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

January 10, 2019

RICHARD HELTSLEY
PO BOX 4
NORTH FORK, ID 83466-0004

Application For Permit No. 75-14929

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 1/17/2019 and 1/24/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Jean Hersley
Technical Records Specialist



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 11, 2019

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

RE: Applications for Permit No. 74-16206, 75-14887 & 75-14929

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find copies of the applications at:

<http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the applications as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of 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 cursive script, appearing to read 'Jean Hersley', is written over a horizontal line.

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, January 10, 2019 1:16 PM
To: Jeff Richards
Subject: Applications for Permit

January 11, 2019

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

RE: Applications for Permit No. 74-16206, 75-14887 & 75-14929

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications. You can find a copy of the application at: <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

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, January 10, 2019 1:30 PM
To: Yenter, Cindy; Clark, Cynthia Bridge; Skoro, Emily; Cassel, Amy
Subject: Applications for Permit

Applications for Permit 74-16206, 75-14887 & 75-14929 will be advertised on January 17 & 24, with a protest end date of February 4. Please let me know if you have any comments or concerns. Documents will be scanned by the end of the day.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

MEMORANDUM

Date: December 10, 2018
To: Water Right File 75-14929
From: Ashley Ritter
Re: Application Review

Applicant: Richard Heltsley applied for a permit to appropriate water that was received on November 9, 2018. According to available Lemhi County tax lot information, the place of use (POU) and point of diversion (POD) are on property owned by the applicant, Richard Heltsley.

Source & POD: The proposed source of the water is surface water from Sheep Creek a tributary of Salmon River, located in T25N, R21E, Sec 14, SE1/4, NW1/4. It is within a Wild and Scenic area and subject to those processing steps.

Water Use: The proposed use of the application is irrigation of three (3) acres.

POU: The planned POU is two (2) acres located in T25N, R21E, Sec 14, SW1/4, NE1/4 and one (1) acre within the same described location as the POD (T25N, R21E, Sec 14, SE1/4, NW1/4).

POU/POD overlap analysis: Water Right 75-14837 in the name of Edith L Greene and Shawn P Greene and Water Right 75-7572 in the name of Richard Heltsley appears to be sourced from the same POD designated by this permit. Both are irrigation rights with different POU's as the permit above. The permit application provides the same photos showing method of use and equipment that are on file for Water Right 75-7572. This supports that this permit uses the same POD as Water Right 75-7572 and Water Right 75-14837.

Overlapping of the POD was found as described above, however the overlapping POD occurs on land owned by the applicant and one of the two overlapping water rights is also owned by the applicant.

Conditions: The POD for this permit is sourced from Sheep Creek, a tributary to the Wild and Scenic Salmon River, and overlaps with the POD for water right 75-14837 and Water Right 75-7572. The POU is not currently located within an active water district. Standard wild and scenic measuring devices, fish screen and irrigation overlap conditions will be applied.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

December 7, 2018

Richard Heltsley
P.O. Box 4
North Fork, ID 83466

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14929

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 208-287-4951, or email me at pam.skaggs@idwr.idaho.gov.

Sincerely,



for

Pamela Skaggs
Water Rights Supervisor

11-3-2018

DEAR IDWR,

HEREIN, PLEASE FIND THE
INFORMATION YOU HAVE REQUESTED.
YOU WILL FIND SEVEN PICTURES OF
MY WATER SYSTEM. FROM A $1\frac{1}{4}$ "
BLACK PLASTIC PIPE, I FEED 5
SPRINKLERS THAT PRODUCE
.0062 CFS EACH. THE POINT OF
DIVERSION IS FROM THE SHEEP
CREEK, WHICH HAS A LAT/LONG
READING OF N45°29.966' W113°56.707'
AT A ELEVATION 4252 FEET.
THE EQUIPMENT AND METHOD USED
IS THE SAME AS USED IN WATER
LICENCE NO. 75-07572

SINCERELY,
Richard Heltaley

P.S. THE THREE ACRES OF USE ARE
LOTS 43, 44 & 45 OF THE NORTH
SALMON ESTATES IN LEMHI COUNTY.