

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

Ident. No. 75-14911**RECEIVED****AUG 13 2018**DEPARTMENT OF
WATER RESOURCES

1. Name of applicant(s) GREGORY P SCHOBY, WINDY N SCHOBY Phone 208.768.7919
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 25 SIOUX LN City CARMEN
 State ID ZIP 83462 Email windyowl1@gmail.com
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply TOWER 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 #
23N	22E	17			SW	NW	LEMHI	TOWER CK	

5. Water will be used for the following purposes:
- Amount 0.04 for DOMESTIC purposes from 01/01 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) 0.04 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. small pump in creek to sprinklers or drip lines for irrigation
- 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 [Signature] Date 8.13.18 Time 10:30 Preliminary check by [Signature]
 Fee \$ 100 Received by [Signature] Receipt No. 0105508 Date 8.13.18

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households 1
 - 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	
23N	22E	17							D										

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? unrecorded domestic well, not used for irrigation. This permit will be used for irrigation.
11. a. Who owns the property at the point of diversion? applicant
- 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. _____
13. Time required for completion of works and application of water to proposed beneficial use is 3 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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

Signature of Applicant

Greg Schoby
Print Name (and title, if applicable)

Signature of Applicant

Windy Schoby
Print Name (and title, if applicable)



Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 12, 2018 8:47 AM
To: rhlegals@custertel.net
Subject: Legal Notices for your paper

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
October 12, 2018

208-756-2222 Page 1

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 November 5, 2018. 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:

75-14911

GREGORY P SCHOBY
WINDY N SCHOBY
25 SIOUX LN
CARMEN , ID 83462

Point of Diversion SWNW S17 T23N R22E LEMHI County
Source TOWER CREEK Tributary SALMON RIVER

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 8/13/2018

Place Of Use: DOMESTIC

T23N R22E S17 SWNW

This application proposes the diversion and use of water from a tributary to the Salmon River 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 domestic purposes.

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 11/05/2018. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82740

HEIDI LEAVITT, PO BOX 48, MANHATTAN, NV 89022-0048; has filed Application No. 82740 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4016D. The purpose of the transfer is to change a portion of the above rights as follows: change the point of diversion from NESE, S12, T24N, R18E about ½ mile downstream to the applicant's property in SESW, S7, T24N, R19E located on Spring Creek Rd between National Forest Development Rds 038 & 042 in Lemhi County. For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 11/05/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/18/2018 and 10/25/2018



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

October 12, 2018

GREGORY P SCHOBY
WINDY N SCHOBY
25 SIOUX LN
CARMEN , ID 83462

Application For Permit No. 75-14911

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 10/18/2018 and 10/25/2018. 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 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

October 12, 2018

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

RE: Application for Permit No. 75-14911
Transfer No: 82740, Water right No: 75-4016D

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 that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)



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

October 12, 2018

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

RE: Application for Permit No. 75-14911
Transfer No: 82740 Water right No: 75-4016D

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 application.

Sincerely,

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 12, 2018 8:56 AM
To: Jeff Richards
Subject: Application for Permit 75-14911 and Transfer 82740

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 application.

Sincerely,

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

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 12, 2018 8:56 AM
To: Yenter, Cindy; Clark, Cynthia Bridge; Skoro, Emily
Subject: Application for permit 75-14911 and transfer 82740 (75-4016D)

The above applications will be advertised on October 18 and 25 with the protest end date of November 5, 2018. 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*

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 12, 2018 8:56 AM
To: Jeff Richards
Subject: Application for Permit 75-14911 and Transfer 82740

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 application.

Sincerely,

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

MEMORANDUM

Date: October 4, 2018
To: Water Right 75-14911
From: Sandra Thiel
Re: Application Review

Applicant On August 13, 2018, Gregory P. and Wendy N. Scoby submitted an application for permit. The Lemhi County assessor's website shows Greg Scoby as the owner of the place of use and point of diversion (see below).

Source & POD The applicant identified the source as Tower Creek tributary to the Salmon River. According to the application they intend to put a small pump into Tower Creek for sprinkler lines or irrigation.

Water Use & Quantity The applicants propose 0.04 cfs for domestic use for one household for irrigation.

POU The place of use includes two parcels, lots 3 and 4 in block 2 in the Tower Creek Prop Subdivision, Amended. Their application states that an unrecorded domestic well is not used for irrigation.

POU/POD overlap analysis Eleven water rights are identified in the quarter quarter. Irrigation rights: 75-2004A, 75-2004C, 75-2004H, 75-2004K and 75-2004L. Also stock and domestic rights: 75-10035, 75-10059, 75-10097, 75-10343, 75-10505 and 75-10936. Each of these rights appear to be appurtenant to other property. The Schobys do not hold any other rights within the SW NW quarter quarter.

Conditions recommended for permit:

This permit should include standard conditions for domestic use. The application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River so conditions pertinent to this will be added to the permit. The proposed point of diversion is not currently in a water district. However, the permit should include measuring device and watermaster control conditions in anticipation of a future water district.

Identify Results

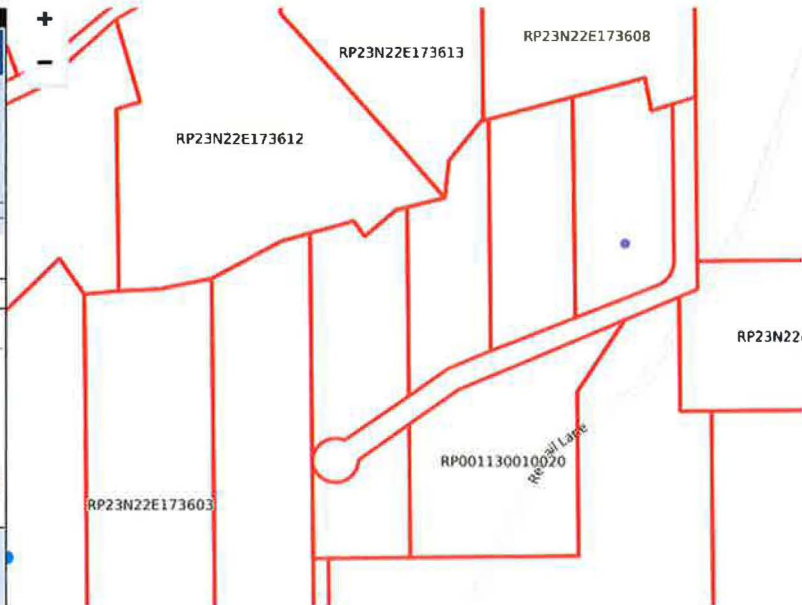
Features 1 Layers 2 Zoom to results

Details Assess Info Taxing Districts Google

Print Page

PIN: RP00113002004A

Site Address: 25 SIOUX LN
 Site Zipcode: 83462
 Homeowner Name: SCHOB, GREG
 Homeowner Address: 738 MOUNTAIN VIEW CIRCLE, No data/Contact County
 Homeowner State/ZIP: ID, 83467
 Land Categories: [15][32][37]
 Lat and Long of center: 45.3245313596644, -113.888508224673
 Deed(s): 20180530, 311992 WD, 271102 CO, 271088 CO, 271066 CO, 271066 CO



Identify Results

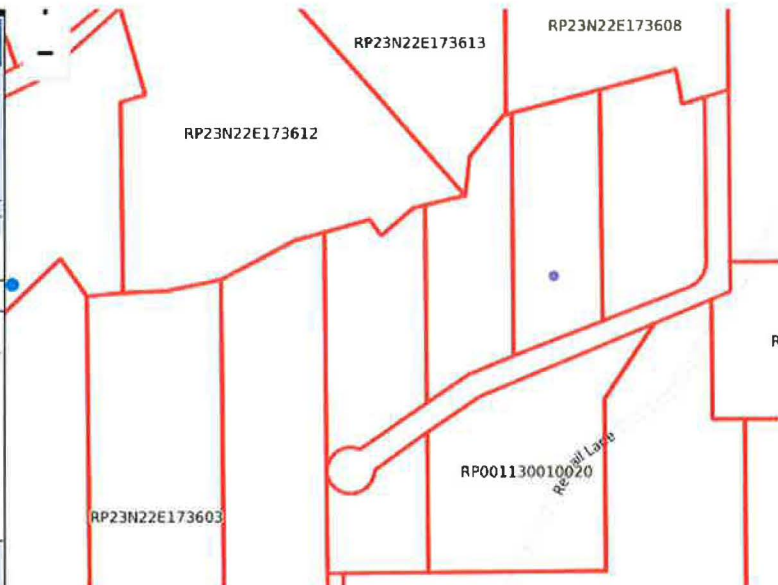
Features 1 Layers 2 Zoom to results

Details Assess Info Taxing Districts Google

Print Page

PIN: RP001130020030

Site Address: No data/Contact County
 Site Zipcode: 0
 Homeowner Name: SCHOB, GREG
 Homeowner Address: 738 MOUNTAIN VIEW CIRCLE, No data/Contact County
 Homeowner State/ZIP: ID, 83467
 Land Categories: [15]
 Lat and Long of center: 45.3244356091284, -113.889362129451
 Deed(s): 20180530, 311992 WD, 226981, 226982, 218484, 218484



Thiel, Sandra

From: windy davis <windyowl1@gmail.com>
Sent: Thursday, September 27, 2018 10:46 AM
To: Thiel, Sandra
Subject: Re: Application for permit 75-14911

Good morning Sandra. Our domestic well all goes through our house filtration system. We intend to use the permit to water to avoid putting all of our uses through the filtration system and to supplement for low well capacity as needed. We plan to use the water for domestic use such as outside pet and livestock water, trees and landscaping, and a garden. We do not intend to irrigate acres of pasture. We understand that the domestic water right only allows for 1/2 acre of use which would cover our small lawn (1/10 acre) and planned wildlife habitat shrub row.

I forgot to get you a letter regarding the beneficial use to the public.

Beyond the domestic use directly adjacent to our home we intend to plant native trees, shrubs, and pollinator species to improve wildlife and pollinator habitat, control weeds, and improve over winter habitat for wild turkeys. A wild turkey population was recently reestablished in our drainage and Idaho Department of Fish and Game has been seeking to improve wild turkey habitat on private lands in the area.

We have been in touch with IDFG about acquiring a fish screen for our pump and this would be readily available with an approved water right.

Please let me know if you have any questions.

Thank you,
Windy

On Thu, Sep 27, 2018 at 9:24 AM Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov> wrote:

Good morning, I am processing your application for permit. On the application you state that you have an unrecorded domestic well. Will you be using this new permit for any in house purposes? If this is just for irrigation, how much land will you be irrigating? If there are no domestic uses associated with this permit it may be necessary to amend the application to irrigation.

Sandra Beer Thiel

Idaho Department of Water Resources

322 East Front Street

Boise, Idaho 83720-0098

(208)287-4881

sandra.thiel@idwr.idaho.gov



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 17, 2018

GREGORY P SCHOBY
WINDY N SCHOBY
25 SIOUX LN
CARMEN, ID 83462

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14911

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.

Letter to Upper Salmon River Basin Water Right Applicants

Page 2

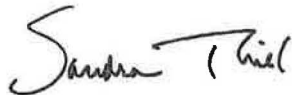
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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