

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

Ident. No. 73-12263

1. Name of applicant(s) STATE OF IDAHO, Idaho Fish and Game Commission Phone 208-334-3700
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address P.O. Box 25 City Boise
 State Idaho ZIP 83707 Email _____
2. Name of representative, if any Mike Demick, Easement Specialist Phone 208-756-6022
 Mailing address 97 Highway 93 North City Salmon
 State Idaho ZIP 83467 Email mike.demick@idfg.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 Sulphur Creek which is a tributary of Pahsimeroi 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 #
14N	21 E	13			NW	SE	Custer	Sulphur Creek	PSC-01

5. Water will be used for the following purposes:
- Amount .80 for Fish Propagation purposes from April 1 to Oct 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) .80 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. Closed gravity system with a bottle brush fish screen, lockable controlling headgate, flow meter, and 10-inch fish bypass pipe back to creek.
- b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA 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 NA inches; proposed depth of well is NA feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? NA; drilling firm NA;
 well was drilled for (well owner) NA; Drilling Permit No. NA

For Department Use

Received by AV Date 7-23-18 Time _____ Preliminary check by _____
 Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

Interagency Billing -

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

- Hydropower; show total feet of head and proposed capacity in kW. NA
- Stockwatering; list number and kind of livestock. NA
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households NA
- Other; describe fully. This is a non-consumptive use of water that enables fish to return to stream though a bypass pipe than runs from the screen to the stream.

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	
14N	21E	13														H			

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? Point of diversion is shared with other water right holders. This is the only right for the fish screen.

- Who owns the property at the point of diversion? D and J Holdings LLC and Doug Parkinson
- Who owns the land to be irrigated or place of use? D and J Holdings LLC and Doug Parkinson
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: IDFG has an easement for ingress and egress to construct and maintain a fish screen on this property.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To record a non-consumptive use of water for an existing fish screen.

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.

Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Application for Water Right



7/2/2018 9:23:44 AM

Points



Override 1



Override 2



Counties



Quarter Quarter



Section



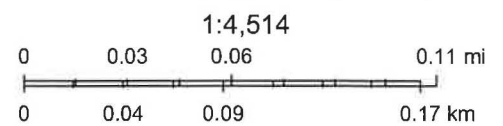
Township/Range



Idaho Outline



Idaho Mask



Esri, HERE, Garmin, © OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Idaho Department of Water Resources

USDA FSA, DigitalGlobe, GeoEye | Created by NRCS from 1:24,000 scale USGS topographic maps. | USDA, Natural Resources Conservation Services | Esri, HERE, iPC |

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 13, 2018 10:32 AM
To: 'info@challismessenger.com'
Subject: Legal Notice for your paper

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean

208-879-5276 Page 1

September 13, 2018

Legal Notice Department

Challis Messenger
PO Box 405
Challis ID 83226

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 before October 9, 2018. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

73-12263

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWSE S13 T14N R21E CUSTER County

Source SULPHUR CREEK Tributary PAHSIMEROI RIVER

Use: FISH PROPAGATION

04/01 to 10/31

0.8 CFS

Total Diversion:

0.8 CFS

Date Filed: 7/23/2018

Place Of Use: FISH PROPAGATION

T14N R21E S13 NWSE

This application proposes the diversion and use of water from Sulphur Creek tributary to Pahsimeroi River 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 non-consumptive.

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 10/09/2018. The protestant must also send a copy of the protest to the applicant.



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

September 13, 2018

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025

Applications For Permit No. 73-12263, 74-16174, 74-16175 & 74-16176

Dear Applicant(s):

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

A legal notice of the applications has been prepared and is scheduled for publication in the RECORDER HERALD (74-16174, 74-16175 & 74-16176) & CHALLIS MESSENGER (73-12263) on 9/20/2018 and 9/27/2018. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications 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 applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications is approved, the Department will send you a copy of the permits.

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

c:State of Idaho-Dept. Fish & Game, Salmon Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2018

WATER DISTRICT #170
CINDY YENTER
102 S WARPATH
SALMON ID 83467

via e-mail

RE: Application for Permit No. 73-12263, 74-16174, 74-16175, 74-16176

Dear Cindy:

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.: 73-12263, 74-16174, 74-16175, 74-16176

Transfer Applicant's Name: STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83407

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. 170

Water master's Signature

Printed Name



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 • PO BOX 83720 • BOISE ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2018

WATER DISTRICT #73
TED O'NEAL
11 ONEAL LN
MAY ID 83253

RE: Application for Permit No. 73-12263

Dear Ted:

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.: 73-12263

Applicant's Name: STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83407

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. 73

Water master's Signature

Printed Name

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, September 13, 2018 10:29 AM
To: Yenter, Cindy
Subject: WM Comments for Applications and Transfer
Attachments: Letter via email to watermaster 170.docx; Letter via email to watermaster 170.docx

I have attached letters and recommendation forms for Applications for Permit 73-12263, 74-16174, 74-16175 & 74-16176 and transfer 82523 for your comments and/or recommendations. Please let me know if you have any questions. 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: Thursday, September 13, 2018 10:26 AM
To: Clark, Cynthia Bridge; Skoro, Emily
Subject: Applications for Permit and Application for transfer

Applications for permit 73-12263, 74-16174, 74-16175 & 74-16176 and Application for Transfer 82523, Water rights 74-1865, 74-15534 & 74-15536 will be advertised on Sept. 20 & 27. The protest end date is October 9. 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*



RECEIVED

AUG 13 2018

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

August 7, 2018

State of Idaho Department of Water Resources
ATTN: Pamela Skaggs, Water Right Supervisor
322 East Front Street
P.O. Box 83720
Boise, ID 83720

**RE: Application to Appropriate Water in the Upper Salmon River Basin 73-12263,
74-16174, 74-16175 and 74-16176**

Dear Pamela:

To answer IDWR request for additional information on how our proposal for the above mentioned Water Rights (WRs) invokes any local public interest concerns for ESA species recovery the Idaho Department of Fish and Game (IDFG) submits the following:

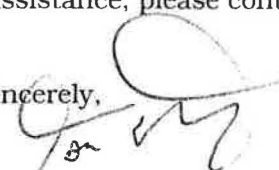
The IDFG Anadromous Fish Screen and Habitat Program has been an integral part of improving conditions to support recovery of ESA-listed fish species Chinook salmon, steelhead, and bull trout in the Upper Salmon Basin. IDFG works collectively with the Upper Salmon River Basin Watershed Technical Team to coordinate and prioritize projects that are implemented in the basin.

Over the past 30 years our program has installed over 265 fish screens to prevent ESA-listed fish species from being entrained in irrigation ditches. In order to safely return the fish from the fish screen back to the river or stream, from which they were diverted; a bypass flow is required.

The application for WRs represents a non-consumptive use. Where the water is diverted at the headgate, travels a short distance downstream to the fish screen (usually less than 100 yards), and is then returned to the river via a bypass pipe. The bypass is designed to transfer the fish back to the river or stream. Without the critical bypass flow the fish would become stranded at the face of the fish screens and would not be reverted to the river. Fish screens and the bypass flows protect irrigators from illegal take of ESA-listed species and provide a benefit to the community by protecting and enhancing ESA-listed species populations for future generations.

If you have any questions or need additional assistance, please contact the Region's Easement Specialist, Mike Demick at 208-756-2271.

Sincerely,


Tom Curet
Regional Supervisor

tc: md

Keeping Idaho's Wildlife Heritage

Thiel, Sandra

From: Demick, Mike <mike.demick@idfg.idaho.gov>
Sent: Monday, August 06, 2018 11:22 AM
To: Thiel, Sandra
Subject: RE: applications for permit and easements

Hello Sandra: According to Walt Poole in our HQ office, the applications to hold the water rights is "State of Idaho, Idaho Fish and Game Commission".

I'm very new and would like to visit with you about the whole WR application process (applications, billing, timeline, etc). I just want to make sure you receive what you need from me. When would be a good time to call you?

Mike

From: Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov>
Sent: Monday, August 6, 2018 9:51 AM
To: Demick, Mike <mike.demick@idfg.idaho.gov>
Subject: RE: applications for permit and easements

Good morning, According to the application State of Idaho, Idaho Fish and Game Commission is the applicant. The Commission will hold the right and not Department of Fish and Game?

Sandra Beer Thiel

Idaho Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
(208)287-4881
sandra.thiel@idwr.idaho.gov

From: Demick, Mike [<mailto:mike.demick@idfg.idaho.gov>]
Sent: Friday, July 27, 2018 11:29 AM
To: Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov>
Cc: Skaggs, Pam <Pam.Skaggs@idwr.idaho.gov>
Subject: RE: applications for permit and easements

Hello Sandra: Here are access easements for Hawley 02 & Hawley 03, and Sulphur Creek 01. Someone in our office must have the Eighteen Creek 01 file. I will try and get you the access agreement next week.

Please let me know if you have questions. Thank you.

Mike

From: Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov>
Sent: Thursday, July 26, 2018 5:02 PM
To: Demick, Mike <mike.demick@idfg.idaho.gov>
Subject: applications for permit and easements

MEMORANDUM

Date: August 3, 2018
To: Application for Permit 73-12263
From: Sandra Thiel
Re: Application Review

Applicant

On July 23, 2018, Idaho Fish and Game Commission easement specialist Mike Demick submitted four applications for permit 73-12263, 74-16174, 74-16175 and 74-16176. Region supervisor Tom Curet signed the applications.

Source & Point of Diversion

The proposed point of diversion for this permit from Sulfur Creek, tributary to the Pahsimeroi River, falls in T14N R21E Section 13 NWSE. Both the point of diversion and the proposed place of use are on land owned by D & J Holdings LLC & Doug Parkinson. On July 26 I requested copies of the easements granting Fish and Game access to the point of diversion and place of use. On July 27 Mike Demick sent an email copy of the Sulphur Creek Easement Agreement signed by Michael Page of Big Springs Ranch and Virgil Moore secretary for the Idaho Fish and Game Commission in September 2013. According to the Custer County parcel data D & J Holdings LLC & Doug Parkinson are the current land owners.

Water Use

The beneficial use listed on the application is fish propagation, rate 0.80 cfs. Fish and Game intends to build a fish screen that will enable fish to return to the stream through a bypass pipe that runs from the screen to the stream. The system is closed gravity with a bottle brush fish screen, lockable controlling headgate, flow meter and a 10-inch bypass pipe back to the creek. The use is non-consumptive.

Place of Use

The proposed place of use falls within the same quarter-quarter as the point of diversion.

Place of Use / Point of Diversion overlap analysis

The places of use for D & J Holdings LLC's rights 73- 2141, 73- 2153, 73- 7124, and 73- 12251 fall within NWSE quarter quarter. Rights 73- 2141 and 73-7124 are from ground water for irrigation. Big Creek is the irrigation source for right 73-2153. Sulphur Creek right 73-12251 is for stockwater.

Right 73-2A is the only authorized point of diversion within the NWSE quarter quarter. Roy Hoffman Jr. holds this right from Sulphur Creek for irrigation.

Recommended Conditions

Recommend the following conditions:

R05 The point of diversion falls within water districts 73 and 170

027 This right is non-consumptive

004 The Fish and Game Commission does not own the land at the point of diversion or place of use

Wild and Scenic conditions apply to this permit:

01H for water master control

198 addressing possible future reporting of water diverted

Fish screen condition:

Fish propagation use is for fish protection through the installation of a bottle brush fish screen and a bypass pipe to provide passage for fish back to Sulphur Creek.

247936

Custer County Rec. of

State of Idaho Fish & Game

Time 3:21 P.M. Date 9/24/2013

Barbara C. Tierney, Clerk

Christy Fair \$0
Deputy

For Recorder Use Only

Sulphur Creek (PSC-01)

SULPHUR CREEK EASEMENT AGREEMENT

THIS INDENTURE, made and entered into this 17th day of September, 2013, by and between, Big Creek Ranch LLC, hereinafter called Landowners, and the STATE OF IDAHO for the use and benefit of the Idaho Fish and Game Commission, hereinafter called the Commission,

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR(\$1.00), cash in hand paid by the Commission to the Landowners, receipt whereof is hereby acknowledged, the Landowners have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Commission a permanent road easement for access for construction, operation, maintenance, alteration, renewal of self-cleaning fish screen thereto on, within, the Sulphur Creek drainage located in the, East Half of Section 13, Township 14 North, Range 21 East, B.M., Custer County.

Together with the right of ingress and egress for Department personnel or its authorized agent or agents over a 30 foot wide access easement for the construction and maintenance of a fish screen, bypass pipe, and appurtenant structures, 15 ft. either side of the following centerline, located in the E1/2, Section 13, T. 14 N., R. 21 E., Boise Meridian, Custer County, Idaho, more particularly described as follows.

Commencing at the NE Corner of said Section 13 from which the N1/4 of said Section 13 bears S 89°58'40" W 2640.96 ft., the Basis Of Bearing of this description, run thence S 62°59'51" W a distance of 1668.81 ft. to a point on the centerline of Custer Road and the POINT OF BEGINNING;
Thence S 27°01'57" W a distance of 2191.71 ft.;

W

Thence S 13°03'51" W a distance of 582 ft. (more or less) to Sulphur Creek and the
POINT OF TERMINUS.

In the event of any future alterations in the line or grade of the canal channel, ditch, or stream course necessitating changes in or relocation of the Commission's installations, due to a change in irrigation practices, the Landowners, by these presents, also grant, bargain and sell to the Commission an easement as herein first above granted to relocate its installations located on the lands of the Landowners, their heirs or assigns.

All such installations placed on, within and across said property by the Commission shall remain the property of the Commission and may be removed by the Commission at any time. All expenditures to be made by the Commission under the provisions of the agreement shall be subject to appropriations being available for the purpose.

IN WITNESS WHEREOF, the parties have hereunto executed their signature below.

Landowners

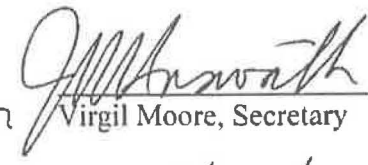
Big Creek Ranch LLC, an Idaho limited liability company



Michael Page, Managing Member

Date: September 17, 2013

Idaho Fish and Game Commission

for 
Virgil Moore, Secretary

Date: 9/23/13

247936

Sulphur Creek (PSC-01)

STATE OF IDAHO)
) S.S.
 COUNTY OF BLAINE)

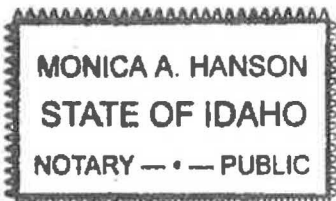
On this 17th day of September, in the year 2013, before me,

Monica A. Hanson, a notary public, personally appeared,

Michael Page, personally

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he(she)(they) executed the same.

S
E
A
L



Monica A. Hanson
 Notary Public

My Commission Expires 11/28/2018

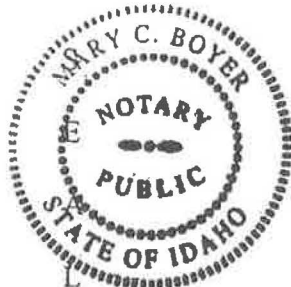
STATE OF IDAHO)
) S.S.
 COUNTY OF Ada)

On this 23rd day of September, in the year 2013, before me,

Mary C. Boyer, a notary public, personally appeared,

James Unsworth, personally

known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he(she)(they) executed the same.



Mary C. Boyer
 Notary Public

My Commission Expires _____ My Commission Expires
August 31, 2017



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

July 27, 2018

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025

RE: Application to Appropriate Water in the Upper Salmon River Basin 73-12263, 74-16174, 74-16175 and 74-16176

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

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, July 24, 2018 8:19 AM
To: Pline, Treva
Cc: Marston, Sascha
Subject: Interagency billing
Attachments: 20180724081535

Please initiate interagency billing with Fish & Game for the attached Applications for Permit. Please let me know when we receive the funds because I can't advertise these until we have the money. Thank you.

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



RECEIVED

JUL 23 2018

DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

July 13, 2018

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Dear IDWR:

Enclosed please find four (4) "Application for Permit" for new water rights in Basin's 73 and 74. Please initiate the Interagency Billing Process for the \$250.00 fee for each of these applications. When processing, use PCA 35746, and code C1NX. Please send the billing documents to IDFG Headquarters Office, Attention: Walt Poole, P.O. Box 25, Boise, ID 83707.

Please send copies of the approved permits to IDFG, Attn: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call me if you have any questions at 208-756-6022.

Sincerely,

A handwritten signature in blue ink that reads "Mike Demick".

Mike Demick
Easement Specialist

Enc: Four (4) "Application for Permit" forms