

RECEIVED

JAN 30 2018

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of IdahoIdent. No. 75-14895

1. Name of applicant(s) KELLY GARSIDE, PATRICIA GARSIDE Phone 208.742.1399  
 Name connector (check one): ☐ and ☐ or ☒ and/or  
 Mailing address PO BOX 1405 City SALMON  
 State ID ZIP 83467 Email kellygarside@yahoo.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 WASTE WATER 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 # |
|------------|------------|-----------|----------|-----|-----------|-----------|--------------|--------------------|---------------------|
| 22N        | 22E        | 18        | 9        |     | SE        | SE        | LEMHI        | WASTE WATER        |                     |
| <u>22N</u> | <u>22E</u> | <u>18</u> | <u>9</u> |     | <u>SE</u> | <u>SE</u> | <u>LEMHI</u> | <u>WASTE WATER</u> |                     |
|            |            |           |          |     |           |           |              |                    |                     |
|            |            |           |          |     |           |           |              |                    |                     |

5. Water will be used for the following purposes:
- Amount 0.10 for IRRIGATION purposes from 4/01 to 10/31 (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) 0.10 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. 3-5 HP gas pump with 2" discharge
- 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 TE Date 1/30/2018 Time 10:30 Preliminary check by TE  
 Fee \$ 100.00 Receipted by TE Receipt No. CID4590 Date 1/30/2018

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 |        |
| 22N | 22E | 18  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 5  |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | L9 |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: 5

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NONE

11. a. Who owns the property at the point of diversion? 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. Water will be drawn from a buried drain which collects waste water from the County Fairgrounds and conveys it away and to the river. The drain crosses my property approx 30 inches below grade. County Commissioners did not object to me tying into the line. Pipe usually does not flow full and a hot tap will be installed and brought above ground.

13. Time required for completion of works and application of water to proposed beneficial use is 2 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.

Kelly Garside

Signature of Applicant

Kelly Garside

Print Name (and title, if applicable)

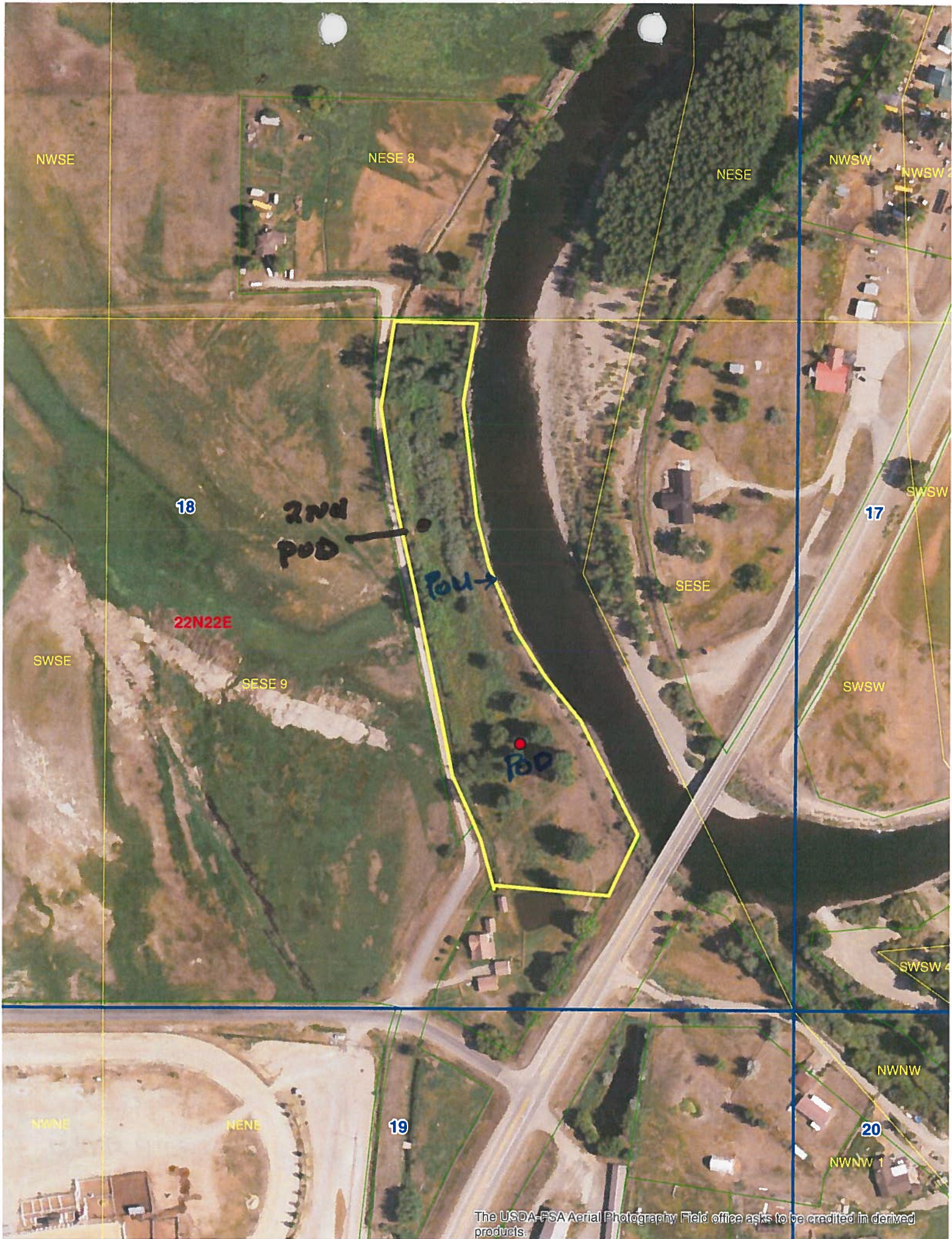
OWNER

Patricia Garside

Signature of Applicant

Patricia Garside

Print Name (and title, if applicable)



**Lemhi County Commissioners**  
**Brett Barsalou, Chairman -- Richard Snyder-Ken Miner**  
**206 Courthouse Drive**  
**Salmon, Id. 83467**  
**(208)756-2815, x 1665**



January 22, 2018

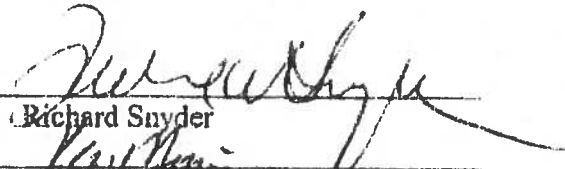
Kelly & Patricia Garside  
1 Webb Lane  
Salmon, Idaho 83467

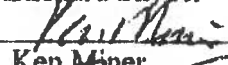
Re: Waste Water

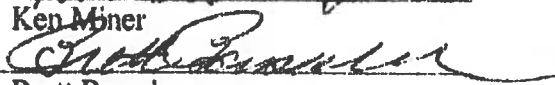
Dear Mr. & Mrs. Garside,

Please be advised that Lemhi County Board of Commissioners acknowledge and agree that any and all waste water that travels from the Lemhi County Fair Grounds drainage system onto and through the Garside real property located at 1 Webb Lane may be used for whatever beneficial purposes the Garside's deem appropriate.

Lemhi County Board of Commissioners

  
Richard Snyder

  
Ken Miner

  
Brett Barsalou

Attest: , Clerk

**Hersley, Jean**

---

**From:** Hersley, Jean  
**Sent:** Friday, February 09, 2018 1:15 PM  
**To:** rhlegals@custertel.net  
**Subject:** Legal Notices

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean  
February 9, 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 March 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:

**75-14889**

WARD WM WITTE

PO BOX 282

SALMON, ID 83467

Point of Diversion NESWNE S21 T19N R18E LEMHI County

Source SPRING Tributary SINKS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.06 CFS

Date Filed: 1/2/2018

Place Of Use: DOMESTIC

T19N R18E S21 SWNE

Place Of Use: STOCKWATER

T19N R18E S21 NWNE SWNE

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 domestic and stockwater purposes.

75-14895

KELLY G GARSIDE  
PATRICIA A GARSIDE  
PO BOX 1405  
SALMON, ID 83467  
2 Points of Diversion L9(SESE) S18 T22N R22E  
LEMHI County  
Source WASTE WATER Tributary SALMON RIVER  
Use: IRRIGATION  
04/01 to 10/31  
0.1 CFS  
Total Diversion:  
0.1 CFS  
Date Filed: 1/30/2018  
Place Of Use: IRRIGATION  
T22N R22E S18 L9(SESE)  
Total Acres: 5

This application proposes the diversion and use of water from a tributary of 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 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/WRAApplicationResults/>. 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 **3/5/2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/15/2018 and 2/22/2018



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](http://www.idwr.idaho.gov)

GARY SPACKMAN

Director

C.L. "BUTCH" OTTER

Governor

February 9, 2018

KELLY G GARSIDE  
PATRICIA A GARSIDE  
PO BOX 1405  
SALMON, ID 83467

Application For Permit No. 75-14895

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 2/15/2018 and 2/22/2018. 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,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley  
Technical Records Specialist

## Hersley, Jean

---

**From:** Hersley, Jean  
**Sent:** Friday, February 09, 2018 1:31 PM  
**To:** Yenter, Cindy; Clark, Cynthia Bridge  
**Subject:** Applications for Permit 75-14889 and 75-14895

These applications will be advertised on February 15 & 22. The protest end date is March 5. Please let me know if you have any comments or concerns. Thank you.

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

**Hersley, Jean**

---

**From:** Hersley, Jean  
**Sent:** Friday, February 09, 2018 1:30 PM  
**To:** Jeff Richards  
**Subject:** Comments for Applications for Permit 75-14889 & 75-14895

February 9, 2018

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

RE: Applications for Permit No. 75-14889 & 75-14895

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



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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

February 9, 2018

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

RE: Applications for Permit No. 75-14889 & 75-14895

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

## Smith, Rachael

---

**From:** Yenter, Cindy  
**Sent:** Tuesday, February 06, 2018 11:48 AM  
**To:** Smith, Rachael  
**Subject:** response to 75-14895. Garside  
**Attachments:** DOC048.pdf

Rachael – attached is a copy of the W&S letter you sent to applicants which is signed by Mr. Garside (pg 2) stating that he has no additional comments. I am presuming this copy is sufficient. If you need the original returned to you I will phone Mr. Garside and he will send it.

*Cindy Yenter  
Idaho Dept of Water Resources  
Salmon Field Office  
102 S Warpath, Salmon ID 83467  
cindy.yenter@idwr.idaho.gov  
208-742-0655  
208-731-0901 cell*

Letter to Upper Salmon River Basin Water Right Applicants

Page 2

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

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

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

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

If you have any questions, please call me at 208-287-4912, or email me at [Rachael.Smith@idwr.idaho.gov](mailto:Rachael.Smith@idwr.idaho.gov).

Sincerely,



Rachael Smith  
Water Resource Agent, Sr.

*NO Additional Comments*

*Shelly Sumrell 2-6-18*

Enclosures: Copy of Application  
Receipt

# MEMORANDUM

**Date:** February 1, 2018  
**To:** Application for Permit 75-14895 Garside  
**From:** Rachael Smith  
**Re:** Application Review

---

## **Applicant**

Kelly and Patricia Garside submitted an application for permit on January 30, 2018. The applicants own the land that will be used at the point of diversion (POD) and place of use (POU).

## **Source & POD**

The application identifies that the source of water is waste water tributary of Salmon River. The applicant proposes that water will be drawn from a buried drain that crosses their property which collects waste water from the County Fairgrounds and conveys it away to the river. A tap will be installed in the drain line and brought above ground. The two points of diversion are located in the SESE corner of Section 18 T2N R22E Government Lot 9.

The Lemhi County Board of Commissioners provided a letter to the applicants allowing waste water from the Lemhi County Fair Grounds drainage system to be used for beneficial purposes by the Garsides.

## **Water Use**

The application proposes use of the waste water for irrigation purposes. The proposed diversion rate is 0.10 cfs to irrigate 5 acres. This diversion rate is within allowed limits.

## **POU**

The POU is 5 acres within the SESE corner of Section 18 T2N R22E Government Lot 9.

## **POU/POD overlap analysis**

POU overlap exists with water right 75-10162. This right is a domestic groundwater right owned by Kelly and Patricia. No POD overlaps were found.

It appears that the POD for water right 75-4211 is located downstream of this application's POD and has the same source of waste water. Water right 75-4211 diverts at a rate of 0.10 cfs.

## **Conditions**

The applicant proposes to divert waste water from an unnamed drain. The water right should include a condition addressing the fact that the right is subject to the right of the original appropriator.

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.

A condition will be added addressing the overlap with domestic water right 75-10162.



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](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

February 1, 2018

KELLY G GARSIDE  
AND/OR PATRICIA A GARSIDE  
PO BOX 1405  
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14895

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 208-287-4912, or email me at [Rachael.Smith@idwr.idaho.gov](mailto:Rachael.Smith@idwr.idaho.gov).

Sincerely,



Rachael Smith  
Water Resource Agent, Sr.

Enclosures: Copy of Application  
Receipt