

RECEIVED

SEP 18 2017

FORM 202 Rev. 09/16

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

Ident. No.

75-14876

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) JONATHAN N STICE, TRACY STICE Phone (914) 227-2338
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 17811 ROMELLE AVE City SANTA ANA
 State CA ZIP 92705 Email sticetracy@gmail.com
2. Name of representative, if any N/A 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 SPRING which is a tributary of FOURTH OF JULY CREEK
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
24N	22E	29		SW	SE	NW	LEMHI	SPRING	

5. Water will be used for the following purposes:
- Amount 0.20 cfs for IRRIGATION purposes from 04/01 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) 0.20 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. Pump TO 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 SB Date 9/18/17 Time 2:45 Preliminary check by _____
 Fee \$ 100 Received by SB Receipt No. C104144 Date 9/18/17

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	
24N	22E	29								10									10

Total number of acres to be irrigated: 10

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? 75-132 different springs used on same 10 acres. 75-131, 75-133 and 75-134 4th of July Ck used on or within same 10 acres. 75-10163 domestic well.
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. A separate spring on the property will be developed as a supplemental irrigation source.
13. Time required for completion of works and application of water to proposed beneficial use is 5 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

JONATHAN N. STICE

Print Name (and title, if applicable)

Signature of Applicant

TRACY STICE

Print Name (and title, if applicable)



Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 13, 2017 8:39 AM
To: rhlegals@custertel.net
Subject: Legal Notices

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
October 13, 2017

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 6, 2017. 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:

75-14869

COLLIN C OSGOOD
JESSIE ANN OSGOOD
1412 SHOUP ST
SALMON, ID 83467
Point of Diversion NESW S1 T19N R21E LEMHI County
Source UNNAMED STREAM Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31
0.16 CFS
Total Diversion:
0.16 CFS
Date Filed: 8/16/2017
Place Of Use: IRRIGATION
T19N R21E S1 L7(SWNW) L8(NWSW)
Total Acres: 8

This application proposes the diversion and use of water from a unnamed stream 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 acre will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14875

JONATHAN N STICE
TRACY M STICE
17811 ROMELLE AVE
SANTA ANA, CA 92705
Point of Diversion NESENW S29 T24N R22E LEMHI County
Source SPRING Tributary FOURTH OF JULY CREEK
Use: AESTHETIC
01/01 to 12/31
0.04 CFS
Use: AESTHETIC STORAGE
01/01 to 12/31
4 AF
Use: DIVERSION TO STORAGE
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS, 4 AF
Date Filed: 10/03/2017
Place Of Use: DIVERSION TO STORAGE, AESTHETIC STORAGE, AESTHETIC
T24N R22E S29 SENW

This application proposes the diversion and use of water from a spring 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 will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14876

JONATHAN N STICE
TRACY M STICE
17811 ROMELLE AVE
SANTA ANA, CA 92705
Point of Diversion SWSENW S29 T24N R22E LEMHI County
Source SPRING Tributary FOURTH OF JULY CREEK
Use: IRRIGATION
04/01 to 10/31
0.2 CFS
Total Diversion:
0.2 CFS
Date Filed: 9/18/2017
Place Of Use: IRRIGATION
T24N R22E S29 SENW
Total Acres: 10

This application proposes the diversion and use of water from a spring 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 acre will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14880

FORMATION CAPITAL CORP
812 SHOUP ST
SALMON, ID 83467
Point of Diversion NWNE S21 T21N R18E LEMHI County
Source GROUND WATER
Point of Diversion SWNE S21 T21N R18E LEMHI County
Source GROUND WATER
Use: COMMERCIAL
01/01 to 12/31
0.48 CFS
Total Diversion:
0.48 CFS
Date Filed: 9/12/2017
Place Of Use: COMMERCIAL
T21N R18E S21 NWNE SWNE

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 commercial 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/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 11/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/19/2017 and 10/26/2017

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81692

E DALE JOLLEY, 646 LEMHI RD, SALMON, ID 83467; has filed Application No. 81692 for changes to the following water rights within LEMHI County(s): Right No(s). 74-178A, 74-179A, 74-179B, 74-180A, 74-2047D, 74-844; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

to add a point of diversion from the Lemhi River known locally as L-8A to five of the rights and to create a 272.1 acre permissible place of use located NE of Lemhi Road between Geertson Creek Road & Reese Lane within Sections 19, 20 and 29 of T21N, R23E.

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 11/6/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/19/2017 and 10/26/2017



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 13, 2017

JONATHAN N STICE
TRACY M STICE
17811 ROMELLE AVE
SANTA ANA, CA 92705

Application For Permit No. 75-14875 & 75-14876

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 10/19/2017 and 10/26/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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

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

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

Sincerely,

Jean Hersley
Technical Records Specialist

Hersley, Jean

From: Hersley, Jean
Sent: Friday, October 13, 2017 9:03 AM
To: Yenter, Cindy; Clark, Cynthia Bridge
Subject: Applications for Permit No. 75-14869, 75-14875, 75-14876 & 75-14880 & Transfer No. 81692

These applications will be advertised on October 19 & 26. The protest end date is November 6, 2017. 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 13, 2017 9:03 AM
To: Jeff Richards
Subject: Applications for Permit No. 75-14869, 75-14875, 75-14876 & 75-14880 & Transfer No. 81692

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.

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



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 13, 2017

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

RE: Applications for Permit No. 75-14869, 75-14875, 75-14876 & 75-14880
Transfer No. 81692

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

October 13, 2017

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

RE: Applications for Permit No. 75-14869, 75-14875, 75-14876 & 75-14880
Transfer No. 81692

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,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Thiel, Sandra

From: tracy <sticetracy@gmail.com>
Sent: Friday, September 22, 2017 6:47 PM
To: Thiel, Sandra
Subject: Re: Applications for Permit 75-14875 and 75-14876

Sandra,

Thank you for the email, we have reviewed it and agree to move forward with the permitting. Is there a way you could inform us of what month it will be in the paper? And how can we get a copy of that particular month edition.

Thank you,
Jonathan and Tracy Stice.

Sent from my iPad

On Sep 21, 2017, at 12:41 PM, "Thiel, Sandra" <Sandra.Thiel@idwr.idaho.gov> wrote:

Hello,

Your applications for permit are under review at the Department of Water Resource's office in Boise. I am emailing you a copy of a letter that will be mailed tomorrow, September 22. The letter provides you with additional time for response. It is sent to all applicants in your area. We will withhold your application from processing for 30 days or until you respond to the letter. You may also respond to this email. Upon receiving your comments, or after the 30 day period, your application will be forwarded for legal notice in the paper

Sandra Beer Thiel

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

<LocalPublicInterestLetter_Stice.pdf>

MEMORANDUM

Date: September 25, 2017
To: Water Right 75-14876
From: Sandra Thiel
Re: Application Review

Applicant According to the 2017 Lemhi County parcel data Jonathan N. Stice owns the property at the place of use for both applications. Jonathan and Tracy Stice signed the application for this permit and permit 75-14875 for a pond on their property.

Source & POD The spring identified on the application appears to be separate from the two other springs on the Stice's property.

Water Use & Quantity The proposed use is 0.2 cfs to irrigate 10 acres.

POU The application identified the irrigation place of use as fully within the Stice property. The proposed place of use is not currently within a water district

POU/POD overlap analysis

There are no apparent overlapping water rights for the point of diversion. There are other springs within the quarter quarter that supply the Stices spring right 75-132 for irrigation. However, that spring appears to be in a different location. The Stices also own Fourth Of July Creek rights 75-131 and 75-134 for irrigation. Additionally they own right 75-133 from Fourth Of July Creek for stock water storage and recreation. The place of use is a second pond on their property.

Conditions recommended for permit:

x35 Rights 75-131, 75-132, 75-134 and 75-14876 when combined shall not exceed a total diversion rate of 0.2 cfs and the irrigation of 10 acres.

R63 limiting the rate and volume

029 standard fish screen requirement

026 standard timeline condition

Conditions 01H, 196, 197 and 198 address a lockable device, measuring devices and water master authority.



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

September 22, 2017

JONATHAN N STICE
TRACY M STICE
17811 ROMELLE AVE
SANTA ANA, CA 92705

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14875 and 75-148⁷⁶~~60~~

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

Enclosures: Copies of the applications