

RECEIVED

JUL 17 2017

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

74-16114

1. Name of applicant(s) R MARLENE SANTOS Phone 208.756.2892
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 651 LEMHI RD City SALMON
 State ID ZIP 83467 Email _____
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 SPRING which is a tributary of LEMHI RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
21N	23E	30		NE	SW	NE	LEMHI	SPRING	

5. Water will be used for the following purposes:
- Amount .05 for STOCKWATER 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) 0.05 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. warm spring collects in irrigation canal year round, cattle have access to canal
- 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 VC Date 7/17/17 Time 11:58am Preliminary check by _____
 Fee \$ 200 Received by VC Receipt No. C103839 Date _____

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

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. 150 range cattle
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. 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	
21N	23E	30		X	X	X									X	X			

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? incidental stockwater in canal

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. Spring water collects in canal year round and mingles with irrigation water in summer. In winter, water is warm enough that it never freezes.

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.

X Marlene Santos
Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)



Hersley, Jean

From: Hersley, Jean
Sent: Friday, September 01, 2017 9:38 AM
To: rhlegals@custertel.net
Subject: Legal Notice

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

208-756-2222 Page 1

September 1, 2017

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 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, PO Box 83720, Boise, Idaho, 83720-0098 before September 25, 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:

74-16114

R MARLENE SANTOS
651 LEMHI RD
SALMON, ID 83467
Point of Diversion NESWNE S30 T21N R23E LEMHI County
Source SPRING Tributary LEMHI RIVER
Use: STOCKWATER
01/01 to 12/31
0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 7/17/2017
Place Of Use: STOCKWATER
T21N R23E S30 NWNE SWNE SENE NESE NWSE

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 it is for stockwater purposes.

74-16115

R MARLENE SANTOS
651 LEMHI RD
SALMON, ID 83467

Point of Diversion NWNW S30 T21N R23E LEMHI County
Source UNNAMED STREAM Tributary LEMHI RIVER
Use: IRRIGATION
03/15 to 11/15
0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 7/17/2017
Place Of Use: IRRIGATION
T21N R23E S30 NWNE
Total Acres: 1

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 acre will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14867

JONATHAN SCHULER
RHONDA SCHULER
9119 DAISY RD
OAK HILLS, CA 92344
Point of Diversion NWSWNW S29 T24N R22E LEMHI County
Source SPRING Tributary FOURTH OF JULY CREEK
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 8/18/2017
Place Of Use: DOMESTIC
T24N R22E S29 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.

75-14868

JONATHAN SCHULER
RHONDA SCHULER
9119 DAISY RD
OAK HILLS, CA 92344
Point of Diversion
NWSWNW S29 T24N R22E LEMHI County
Source SPRING Tributary SINKS
Use: IRRIGATION
04/01 to 10/31
0.16 CFS
Total Diversion: 0.16 CFS
Date Filed: 8/18/2017
Place Of Use: IRRIGATION
T24N R22E S29 NWNW SWNW
Total Acres: 8

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/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 9/25/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/7/2017 and 9/14/2017



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

September 1, 2017

R MARLENE SANTOS
651 LEMHI RD
SALMON, ID 83467

Application For Permit No. 74-16114 & 74-16115

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 9/7/2017 and 9/14/2017. 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,

A handwritten signature in black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 1, 2017

RICK SAGER
WATER DISTRICT #74
985 HWY 28
SALMON ID 83467

RE: Application for Permit: 74-16114 & 74-16115

Dear Watermaster:

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 watermaster, 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 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

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 1, 2017

ROCKIE L WALKER
WATER DISTRICT #74A
569 HWY 28
SALMON ID 83467

RE: Application for Permit: 74-16114 & 74-16115

Dear Watermaster:

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 watermaster, 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.

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Sincerely,

Jean Hersley
Technical Records Specialist

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Friday, September 01, 2017 9:47 AM
To: Clark, Cynthia Bridge; Yenter, Cindy
Subject: Applications for permit 74-14114, 74-14115, 75-14867 and 75-14868

These applications will be advertised on September 7th and 14th. The protest end date is September 25, 2017. 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, September 01, 2017 9:47 AM
To: Jeff Richards
Subject: Applications for Permit No. 74-16114, 74-16115, 75-14867 and 75-14868

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

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

September 1, 2017

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

RE: Applications for Permit No. 74-16114, 74-16115, 75-14867 and 75-14868

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,

A handwritten signature in cursive script that reads "Jean Hersley". The signature is written in dark ink and is positioned above the printed name and title.

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

September 1, 2017

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

RE: Applications for Permit No. 74-16114, 74-16115, 75-14867 and 75-14868

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". The signature is written in dark ink and is positioned above the printed name and title.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

MEMORANDUM

Date: August 14, 2017
To: Water Right 74-16114
From: Sandra Thiel
Re: Application Review

Applicant

R Marlene Santos applied for two water rights. Application 74-16115 for irrigation and 74-16114 for stockwater. According to the Lemhi county parcel data from March 2017, Marlene Santos owns the property at both the point of diversion and the place of use.

Source & POD

According to the application, a warm spring collects in an irrigation canal year round. Cattle have access to the canal. Spring water mingles with canal water in the summer. During the winter the water remains warm enough not to freeze. The applicant did not include the temperature of the water. No other rights apparently divert from this specific spring. The spring identified on the application is located in T21N R23E Section 30 SWNE.

Water Use

The permit holder intends to use the water for 150 range cows.

The application requests 0.05 cfs.

According to application processing memo No. #3, 101-200 head of range cattle are allowed 0.05 cfs.

POU

Marlene Santos has Lemhi water right 74-15957 to irrigation 96 acres. Stockwater permit 74-16114 completely overlaps this irrigation right.

POU/POD overlap analysis

An existing water right from a spring in the SENE quarter quarter provides stock water for both the SWNE and SENE under right 74-516. This right belongs to Richard Santos.

Three domestic water rights 74-846, 74-512 and 74-10034 intersect the place of use. Each of the domestic rights belongs to someone other than the permit holder and all appear to be nominals. Right 74-1681 for fish propagation belongs to the State of Idaho. It also appears to be a nominal.

Irrigation right 74-15956 owned by Richard Santos falls within his property. Rights 74-1655 and 74-7328, owned by Robert Daniels for 20 acres and 1 acre respectively, appear to be nominal. There are no parcels within the quarter quarters that belong to Robert Daniels. Right 74-2047D owned by Dale and Mildred Jolley is appurtenant to their property. Two stockwater rights share the place of use quarter quarters. Right 74-10034 belongs to Robert Daniels. These Richard Santos owns right 74-516.

Conditions

This permit should include condition R05. The point of diversion falls within 74A. We require fish screen condition, 029.

Thiel, Sandra

From: Yenter, Cindy
Sent: Monday, August 07, 2017 12:57 PM
To: Thiel, Sandra
Subject: RE: Marlene Santos 74-16114, 16115

Not directly. There are springs and ditches everywhere up the Lemhi. If you need a field check I'm sure I could accommodate that..

From our discussion, I recall that the spring for 16115 (irrigation) was across or north of the road and flowed under in a culvert and then into the irrigation lateral from the Lemhi. Since she would divert it on her property (prior to its reaching the canal) and not at the springhead, I called the source unnamed stream. It is eventually trib to the Lemhi, via the canal system.

The spring for 16114 (stockwater) is a different spring which arises in the irrigation canal about ¼ mile upstream from her residence. The stock drink irrigation water in the summer, and the spring is only discernable separately during the off season when there are no irrigation deliveries. I thought she had specified the non-irrigation season only for the stockwater application but maybe not. If so please check the season of use dates on her Lemhi irrigation right to make sure there are no gap days (for instance Nov 1 to Nov 15) Even tho the irri season is 3/15 to 11/15, I swear I have seen some rights decreed 4/1 to 10/31. And I can never remember the standard season in the Lemhi so I probably got it wrong.

From: Thiel, Sandra
Sent: Monday, August 07, 2017 11:59 AM
To: Yenter, Cindy <Cindy.Yenter@idwr.idaho.gov>
Subject: RE: Marlene Santos 74-16114, 16115

Hello, Are you familiar with the source for Marlene Santos's applications? She applied for irrigation water from an unnamed stream. In her description she says that a spring flows into an unnamed stream.

Her application for Stockwater gives the source a spring that collects in an irrigation canal year around.

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: Yenter, Cindy
Sent: Monday, August 07, 2017 9:38 AM
To: Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov>
Subject: Marlene Santos 74-16114, 16115

Hi Sandy – Marlene received the public interest letter only. Attached is a signed reply (no comment). Please continue processing.

Cindy Yenter
Idaho Dept of Water Resources

Thiel, Sandra

From: Yenter, Cindy
Sent: Monday, August 07, 2017 9:38 AM
To: Thiel, Sandra
Subject: Marlene Santos 74-16114, 16115
Attachments: santos.pdf

Hi Sandy – Marlene received the public interest letter only. Attached is a signed reply (no comment). Please continue processing.

*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*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 27, 2017

RECEIVED

AUG 07 2017

DEPARTMENT OF
WATER RESOURCES

R MARLENE SANTOS
651 LEMHI RD
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16114 and 74-16115

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

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.

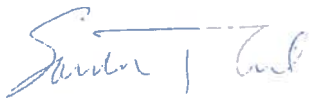
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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

Sincerely,



for Pamela Skaggs
Water Rights Supervisor

Enclosures: Copies of the applications

I have no further Comment.
Marlene Santes



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, 2017

R MARLENE SANTOS
651 LEMHI RD
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16114 and 74-16115

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.

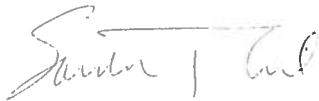
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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