

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

Ident. No. 74-16109
RECEIVED
MAY 25 2017

1. Name of applicant(s) SCOTT T NELSON, CARLA J NELSON Phone 208.795.2155
Name connector (check one): ☐ and ☐ or ☒ and/or
Mailing address 54 GEERTSON CREEK RD City SALMON
State ID ZIP 83467 Email nelson5@custertel.net

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 SINKS

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
21N	23E	19		SW	SE	SW	LEMHI	SPRING	

5. Water will be used for the following purposes:

Amount 0.04 for DOMESTIC purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 0.02 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)

6. Total quantity to be appropriated is (a) .06 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 installed in a shared spring box, pump to home, hydrants, irrigation system
- 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 5/25/17 Time 11:14am Preliminary check by _____
Fee \$ 100 Receipted by VC Receipt No. 003625 Date 5/25/17

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. 4 horses
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households 1
- 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	19												S					
														D					

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? domestic water will be used to irrigate approximately 0.4 lawn and garden

11. a. Who owns the property at the point of diversion? V Shawn Olson

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: Deeded easement

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Spring is used by two neighboring properties, both using gravity pipeline from same collection box.

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.

Scott T. Nelson
Signature of Applicant
Scott T. Nelson
Print Name (and title, if applicable)

Carla J. Nelson
Signature of Applicant
Carla J. Nelson
Print Name (and title, if applicable)

WARRANTY DEED

For Value Received ALTA MAY ALLSWORTH, A SINGLE PERSON

the grantor , do es hereby grant, bargain, sell and convey unto

SCOTT T. NELSON AND CARLA J. NELSON, HUSBAND AND WIFE

the grantees , the following described premises, in LEMHI County Idaho, towit:

SEE ATTACHED EXHIBIT "A"

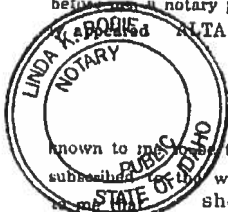
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^s,
their heirs and assigns forever. And the said Grantor do^s hereby covenant to
and with the said Grantee^s, that^s he is the owner in fee simple of said premises; that they
are free from all incumbrances

and that s he will warrant and defend the same from all lawful claims whatsoever.

Dated: APRIL 1, 2002

Alta May Allsworth
ALTA MAY ALLSWORTH

STATE OF IDAHO, COUNTY OF LEMHI
On this 1ST day of APRIL 2002⁹,
before me, a notary public in and for said State, personal-
ly appeared ALTA MAY ALLSWORTH



known to me to be the person whose name is
subscribed within instrument, and acknowledged
that she executed the same.

Residing at SALMON
Comm. Expires 10-6-05

Notary Public
, Idaho

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for re-
cord at the request of Lemhi Title

at twenty minutes past Four o'clock p.m.,
this 1st day of April 2002
in my office, and duly recorded in Book
of Deeds at page

Teri J. Morton
Ex Officio Recorder

By K. Baumer Deputy,
Fees \$ 6.00
Mail to:

INSTRUMENT NO. 250165



250165

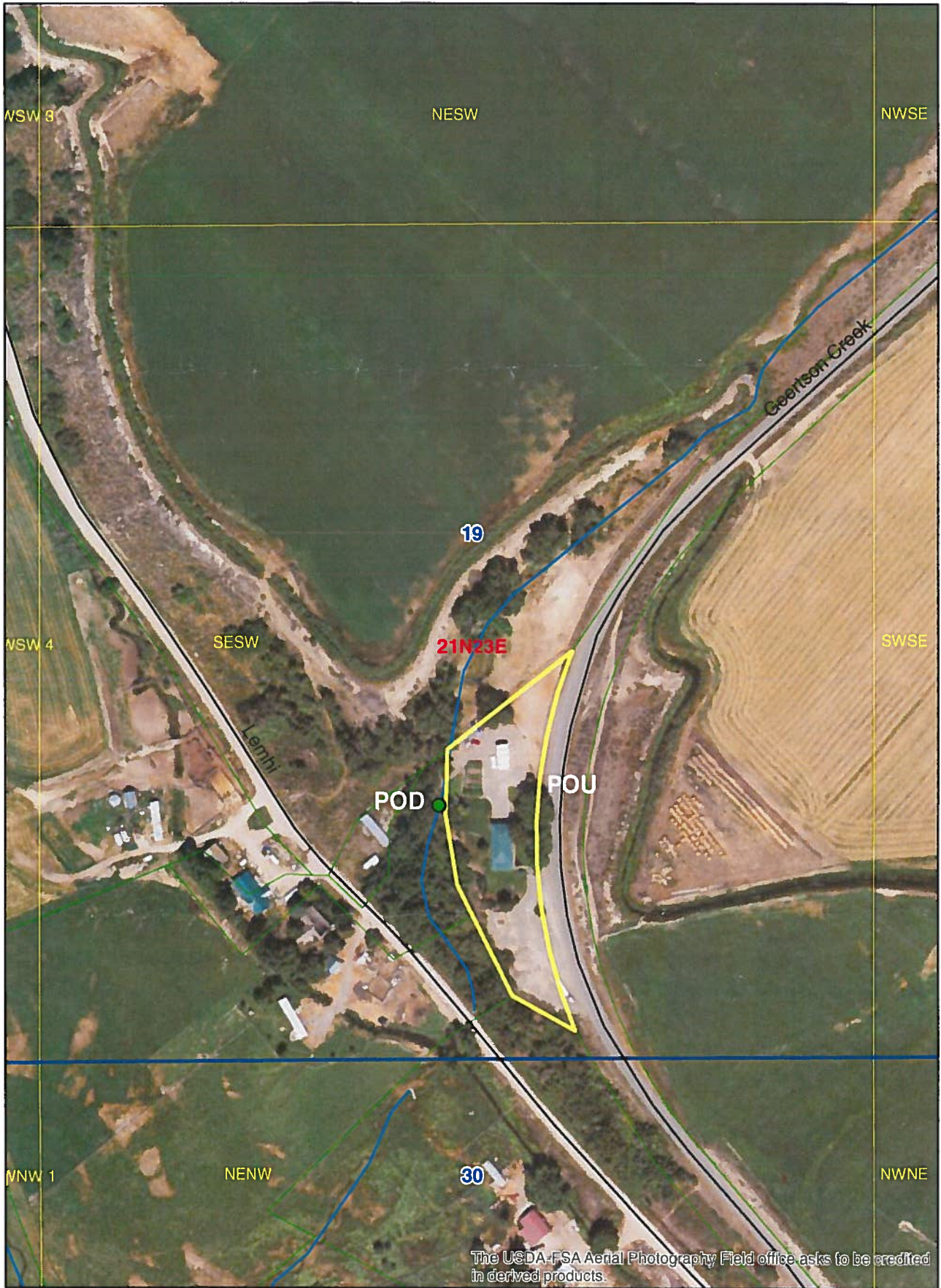
EXHIBIT "A"

A PARCEL OF GROUND LOCATED IN THE SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 19, T. 21 N., RANGE 23 E., B.M., LEMHI COUNTY, IDAHO, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 19, A DISTANCE OF 461.77 FEET ON A BEARING OF N.85°25'01"W., TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE GEERTSON CREEK ROAD AND BEING THE REAL POINT OF BEGINNING.

THENCE N.61°14'10"W., 113.92 FEET; THENCE N.26°29'25"W., 196.29 FEET; THENCE N.9°24'28"W., 114.18 FEET; THENCE N.1°33'44"E., 102.74 FEET; THENCE N.51°50'11"E., 251.57 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE GEERTSON CREEK ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY 616.82 FEET ALONG A CURVE CONCAVE THE THE SOUTHEAST HAVING A RADIAL OF S.68°11'19"E., 791.22 FEET AND A CENTRAL ANGLE OF 44°40' TO THE REAL POINT OF BEGINNING.

TOGETHER WITH: A PERPETUAL RIGHT TO USE THE EXISTING SPRING LOCATED ON THE ADJACENT PROPERTY FOR DOMESTIC AND IRRIGATION USE. TOGETHER WITH AN EASEMENT FOR A PIPELINE.





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

August 11, 2017

SCOTT T NELSON
CARLA J NELSON
54 GEERTSON CREEK RD
SALMON, ID 83467

Application For Permit No. 74-16109

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 8/17/2017 and 8/24/2017. 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 cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist

Hersley, Jean

From: Hersley, Jean
Sent: Friday, August 11, 2017 3:19 PM
To: rhlegals@custertel.net
Subject: Applications for permit

Please ignore the previous email sent a few minutes ago. I made a correction, in red, near the end of the notice. Please let me know if you receive this update to the protest end date. Thank you.

August 11, 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 4, 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:

74-16109

SCOTT T NELSON
CARLA J NELSON
54 GEERTSON CREEK RD
SALMON, ID 83467
Point of Diversion SWSESW S19 T21N R23E 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: 5/25/2017
Place Of Use: DOMESTIC TOCKWATER
T21N R23E S19 SESW

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.

74-16112

JANIS S CHENEY
KERRIE N CHENEY
27 CHENEY LANE
SALMON, ID 83467
Point of Diversion SESW S10 T21N R22E LEMHI County
Source WASTE WATER Tributary LEMHI RIVER
Use: IRRIGATION
04/01 to 12/31
1.43 CFS
Total Diversion:
1.43 CFS
Date Filed: 6/12/2017
Place Of Use: IRRIGATION
T21N R22E S10 NESW NWSW SESW
Total Acres: 71.4

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

75-14859

LOIS BLACKADAR
PO BOX 321
SALMON, ID 83467
Point of Diversion L4(SWSW) S31 T22N R22E LEMHI County
Source WASTE WATER Tributary SINKS
Use: IRRIGATION
04/01 to 10/31
0.2 CFS
Total Diversion:
0.2 CFS
Date Filed: 5/8/2017
Place Of Use: IRRIGATION
T22N R22E S31 L4(SWSW)
Total Acres: 10

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

75-14860

LOIS BLACKADAR
PO BOX 321
SALMON, ID 83467
Point of Diversion L4(SWSW) S31 T22N R22E LEMHI County
Source WASTE WATER Tributary SINKS
Use: IRRIGATION
04/01 to 10/31
0.15 CFS
Total Diversion:
0.15 CFS
Date Filed: 5/8/2017
Place Of Use: IRRIGATION
T22N R22E S31 L4(SWSW)
Total Acres: 5

This application proposes the diversion and use of water from waste water tributary to 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 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 www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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 9/5/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/17/2017 and 8/24/2017

Hersley, Jean

From: Hersley, Jean
Sent: Friday, August 11, 2017 2:17 PM
To: rhlegals@custertel.net
Subject: Applications for Permit 74-16109, 74-16112, 75-14859, 75-14860

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
August 11, 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:

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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

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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: 5/25/2017
Place Of Use: DOMESTIC TOCKWATER
T21N R23E S19 SESW

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.

74-16112

JANIS S CHENEY
KERRIE N CHENEY
27 CHENEY LANE
SALMON, ID 83467

Point of Diversion SESW S10 T21N R22E LEMHI County
Source WASTE WATER Tributary LEMHI RIVER

Use: IRRIGATION

04/01 to 12/31

1.43 CFS

Total Diversion:

1.43 CFS

Date Filed: 6/12/2017

Place Of Use: IRRIGATION

T21N R22E S10 NESW NWSW SWSW SESW

Total Acres: 71.4

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75-14859

LOIS BLACKADAR
PO BOX 321

SALMON, ID 83467

Point of Diversion L4(SWSW) S31 T22N R22E LEMHI County

Source WASTE WATER Tributary SINKS

Use: IRRIGATION

04/01 to 10/31

0.2 CFS

Total Diversion:

0.2 CFS

Date Filed: 5/8/2017

Place Of Use: IRRIGATION

T22N R22E S31 L4(SWSW)

Total Acres: 10

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

75-14860

LOIS BLACKADAR
PO BOX 321

SALMON, ID 83467

Point of Diversion L4(SWSW) S31 T22N R22E LEMHI County

Source WASTE WATER Tributary SINKS

Use: IRRIGATION

04/01 to 10/31

0.15 CFS

Total Diversion:

0.15 CFS

Date Filed: 5/8/2017

Place Of Use: IRRIGATION

T22N R22E S31 L4(SWSW)

Total Acres: 5

This application proposes the diversion and use of water from waste water tributary to 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 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 www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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 9/4/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/17/2017 and 8/24/2017

*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

August 11, 2017

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

RE: Application for Permit: 74-16109

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,

A handwritten signature in black ink, appearing to read 'Jean Hersley', is written over a horizontal line.

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 11, 2017

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

RE: Applications for Permit No. 74-16109, 74-16112, 75-14859 & 75-14860

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 black ink, appearing to read "Jean Hersley". The signature is fluid and cursive, with the first name "Jean" and last name "Hersley" clearly distinguishable.

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 11, 2017

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

RE: Applications for Permit No. 74-16109, 74-16112, 75-14859 & 75-14860

Dear Interested Party:

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

Sincerely,

A handwritten signature in black ink that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Friday, August 11, 2017 2:47 PM
To: Jeff Richards
Subject: Applications for Permit 74-16109, 74-16112, 75-14859 & 75-14860

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

RE: Applications for Permit No. 74-16109, 74-16112, 75-14859 & 75-14860

Dear Interested Party:

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Sincerely,

Jean Hersley
Technical Records Specialist II

Hersley, Jean

From: Hersley, Jean
Sent: Friday, August 11, 2017 2:47 PM
To: Clark, Cynthia Bridge; Yenter, Cindy
Subject: Applications for Permit 74-16109, 74-16112, 75-14859 & 75-14860

These applications will be advertised on August 17 and 24. Please let me know if you have any comments or concerns. The files will be scanned by end of day, Monday, August 14, 2017.

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

RECEIVED

AUG 07 2017

DEPARTMENT OF
WATER RESOURCES

Pamela Skaggs (Water Rights Supervisor),

On this the 28th day of July 2017 we wanted to respond to the letter that you have sent us concerning an application for water rights.

We have no comment, and encourage you to proceed with the processing of our application for our water rights request.

Thank you for the time and effort on our behalf.

Thank you,

Scott & Carla Nelson

54 Geertson Creek Road

Salmon, Idaho 83467

208-756-2155

MEMORANDUM

Date: August 7, 2017
To: Water Right File 74-16109
From: Manuel Rauhut
Re: Application for Permit Review

Applicant

According to available Lemhi County taxlot information, the POU is property owned by Scott T Nelson. Scott T Nelson and Carla J. Nelson signed the application. The POD and possibly a portion of the conveyance system to the POU are located on property owned by Vergil Shawn Olson. The application states that a "deeded easement" exists between the POD and the POU and the warranty deed with a perpetual right to use the spring and an easement for a pipeline was submitted with the application.

The applicant responded to IDWR's local public interest letter by a letter which was received Oct August 7, 2017. The applicant had no additional comments and requested that the application will be processed.

Source & POD

The application specifies that the POD is associated with a spring that is not tributary to a creek. Based on the USGS Quad map the POD overlaps with an unnamed stream, which appears to be tributary to the Lemhi River. The tributary will be identified as Lemhi River as first named source.

The spring is within a Wild and Scenic area and subject to those processing steps. The POU and POD were created by the time I started the review of this application. They match what is shown on the application map.

Water Use

The application proposes use of spring water for domestic and stockwater use. The application further specifies that stockwater is for 4 horses and that irrigation will be for approximately 0.4 acres of lawn and garden. The rates are as follows: 0.04 cfs for domestic and 0.02 cfs for stockwater, for a combined diversion rate of 0.06 cfs.

Based on Administrative Memo 22 a diversion rate of 0.04 cfs is appropriate for domestic use and based on Administrative Memorandum 3, 0.02 cfs is a reasonable amount for 0-10 head of stock.

POU

The taxlot parcel is 1.4 acres. Aerial photography shows distinct areas of lawn around the house. The remaining areas appear to be mostly gravel and sand. Based on GIS the area of currently irrigated land within this taxlot is approximately 0.4 acres, which is the same amount of irrigation specified on the application.

POU/POD overlap analysis

Based on ArcGIS water right 74-1805, 74-1805A, and 74-606 overlap with the POU of this water

right. These water rights are in the same QQ. The taxlots of the water right owners on record are directly adjacent to the Nelson taxlot for this application. The POD is also used by V Shawn Olson under water right license 74-16009, which is also for domestic and stockwater use.

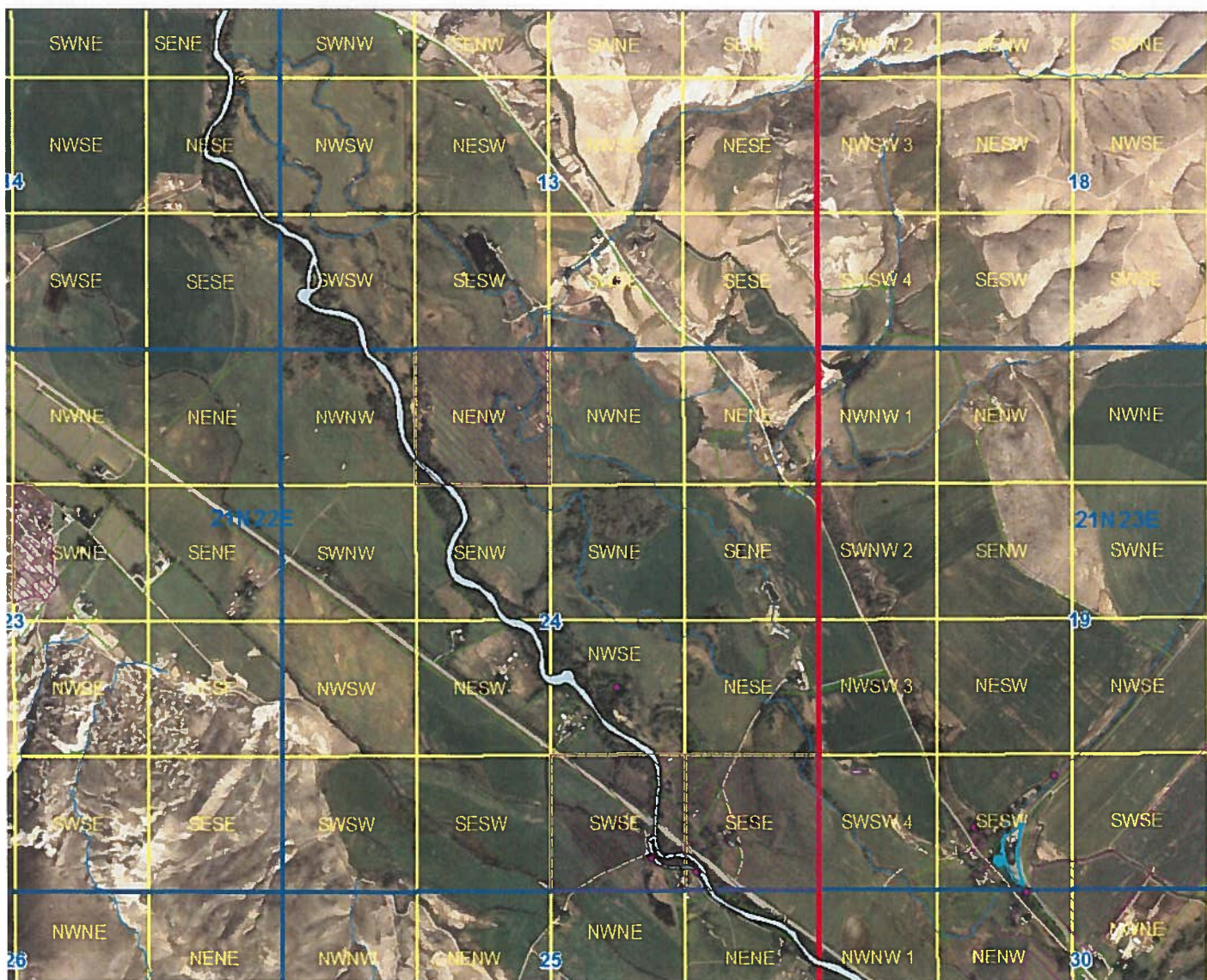
Conditions

The proposed POU and POD are currently located within water district 74. The Geertsen water district, 74A is also located in this area. Geertson Creek is located to the east of the Nelson Property. The permit will be conditioned with measuring device and watermaster control notifications.



Application for Permit 74-16109 Nelson

POD on NHDFlowline leading directly to Lemhi River.





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 21, 2017

SCOTT T NELSON
AND/OR
CARLA J. NELSON
54 GEERTSON CREEK RD
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16109

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.

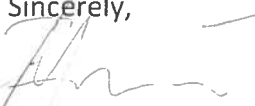
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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,


Pamela Skaggs
Water Rights Supervisor

Enclosure: Copy of Application

JC:sc