

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

Ident. No.

74-16113**RECEIVED****JUN 30 2017**DEPARTMENT OF
WATER RESOURCES

1. Name of applicant(s) Bruce Mulkey Phone 208-303-0165
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 25 Mulkey Lane City Salmon
 State ID ZIP 83467 Email mulkeycircle1ranch@gmail.com
2. Name of representative, if any Abbie Gongloff Phone 208-756-6322
 Mailing address 955 Riverfront Dr, Ste B City Salmon
 State ID ZIP 83467 Email abbie.gongloff@osc.idaho.gov
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Groundwater which is a tributary of NA

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
20N	23E	11		NW	NE	SW	Lemhi	Groundwater	

5. Water will be used for the following purposes:

Amount 0.04 for Stockwater purposes from 1/1 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) 0.04 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. A submersible pump will be installed in a new well to pump about 15 gpm. Water will be conveyed by 1-1/2 inch plastic pipe to six troughs. See plans.
- 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 5-6 inch inches; proposed depth of well is 160 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 6/26/2017; drilling firm Teton Drilling;
 well was drilled for (well owner) Bruce Mulkey; Drilling Permit No. _____

For Department Use

Received by VC Date 6/30/17 Time 3:18 pm Preliminary check by _____
 Fee \$ 100 Received by VC Receipt No. 103791 Date 06/30/17

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. 150 beef 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	
20N	23E	11								S	S								

Total number of acres to be irrigated: 0

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

11. a. Who owns the property at the point of diversion? Bruce Mulkey

b. Who owns the land to be irrigated or place of use? Bruce Mulkey, Brent Mulkey

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Bruce owns most, and leases property from Brent where one stockwater trough will be installed.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This stockwater system is being developed to replace stockwater which was formerly obtained from Pratt Creek and irrigation ditches. Bruce Mulkey has participated in an irrigation efficiency project which eliminated his access to open ditches for stockwater, and will participate in a 2018 Trout Unlimited restoration project, which will limit his access to one emergency watergap on Pratt Creek for stockwater.

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. SEE SHEETS 2&3 OF PLANS.

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.

Bruce L Mulkey

Signature of Applicant

BRUCE L MULKEY

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

BRUCE MULKEY STOCKWATER SYSTEM

CONSTRUCTION NOTES:

Sheet List Table	
Sheet Number	Sheet Title
1	Title Sheet
2	Site Location
3	Site Plan
4	Trough Details - Plan
5	Trough Details - Profile
6	Waterer Installation Details
7	Appurtenance Details
8	Corral Pipeline Profile
9	North Trough Pipeline Profile
10	South Troughs Pipeline Profile
11	Well Details
12	Well House Detail

1. ALL CONSTRUCTION SHALL CONFORM TO REQUIREMENTS OF THESE DRAWINGS AND THE NATURAL RESOURCES CONSERVATION SERVICE (NRCS) SPECIFICATIONS ID-533, ID-516, ID-561, ID-614 AND ID-642.
2. IT IS THE OWNER/OPERATOR'S RESPONSIBILITY TO LOCATE AND PROTECT ALL UNDERGROUND AND OVERHEAD UTILITIES PRIOR TO CONSTRUCTION.
3. DURING INSTALLATION, PARTICULAR ATTENTION SHALL BE PAID TO THE PRESENCE OF CULTURAL RESOURCES. IF CULTURAL RESOURCES ARE ENCOUNTERED, ALL WORK SHALL CEASE AND AN NRCS REPRESENTATIVE SHALL BE CONTACTED.
4. WELL PUMP IS TO BE A GRUNDFOS SP SUBMERSIBLE PUMP WITH CU331SP CONTROLLER AND TANK OR EQUAL. PUMP TDH TO BE DETERMINED AFTER WELL DRILLING AND TESTING IS COMPLETE. Q WILL BE 15 GPM AND IT IS ESTIMATED THE TDH WILL BE NO GREATER THAN 160 FEET.
5. PIPE IS TO BE ASTM D2239, MATERIAL PE3408, 160 PSI RATING. ALL JOINTS TO BE DOUBLE Banded WITH STAINLESS STEEL BANDS
6. CONTINUOUS ACTING COMBINATION AIR VENT AND VACUUM RELIEF VALVES ARE REQUIRED AT ALL PIPE SUMMITS. DRAINS ARE NOT REQUIRED AT ALL PIPE LOW POINTS BECAUSE THIS IS WINTER WATER AND INSTALLED BELOW FROST.
7. THE STOCKWATER SYSTEM IS DESIGNED TO SUPPLY WATER TO APPROXIMATELY 150 HEAD WITH A PEAK DAILY WATER REQUIREMENT OF 15 GPD PER HEAD TO SIX DIFFERENT TROUGH LOCATIONS.
8. THE WATER TROUGHS ARE PLANNED TO BE L & L POLE BARNS, LLC ICE-FREE STOCK WATERER TROUGHS. SEE INSTALLATION INSTRUCTIONS.
9. CONCRETE IS TO BE 3000 PSI COMPRESSIVE STRENGTH AND REINFORCED WITH REBAR

REVIEW AND ACCEPTANCE

Practice Standards ID-533, ID-516, ID-561, ID-614 and ID-642
Design Prepared For: **Bruce Mulkey**

This is a Job Class II project. (70 psi at start of pipeline)

DESIGNED BY: _____ DATE: _____

APPROVED BY: _____ DATE: _____

I have received and reviewed plans for this project. I have reviewed the design drawings, construction specifications, inspection plan (if developed), and operation and maintenance requirements for this design. I agree to construct this project or to have it constructed in accordance with these plans. Construction shall follow the inspection plan (if developed) and shall be in accordance with the design drawings, NRCS construction specifications, and all pertinent federal, state, or local requirements. Construction specifications included in these plans are: Practice ID-533 (Mar 2012), Practice ID-516 (Mar 2012) Livestock Pipeline, Practice ID-561 (July 2010) Heavy Use Area Protection and Practice ID-614 (Mar 2012) Watering Facility, Practice ID-642 (March 2012) Water Well.

I will ensure that required permits or easements are obtained prior to construction. I will ensure all underground and overhead public utilities within the work area(s) are located and protected.

I agree to operate and maintain this project as required by the plans and any applicable program requirements.

If any changes to these approved plans and specifications are proposed, I agree to obtain approval from an NRCS representative prior to construction/installation. I understand that any deviation(s) from these approved design drawings, construction specifications, inspection plan (if developed), or operation and maintenance requirements without prior NRCS approval may result in my becoming ineligible for incentive payments.

COOPERATOR: _____ DATE: _____

NRCS REPRESENTATIVE: _____ DATE: _____



Know what's below.
Call before you dig.

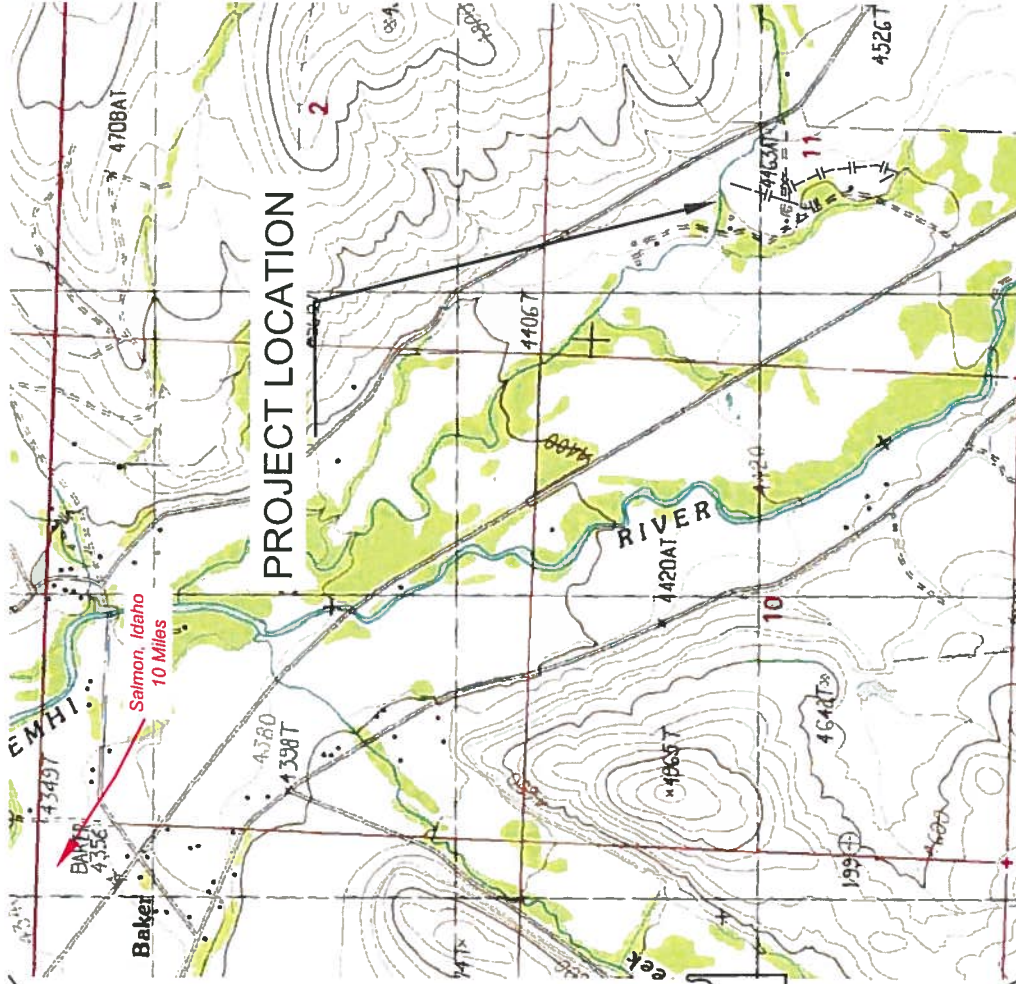
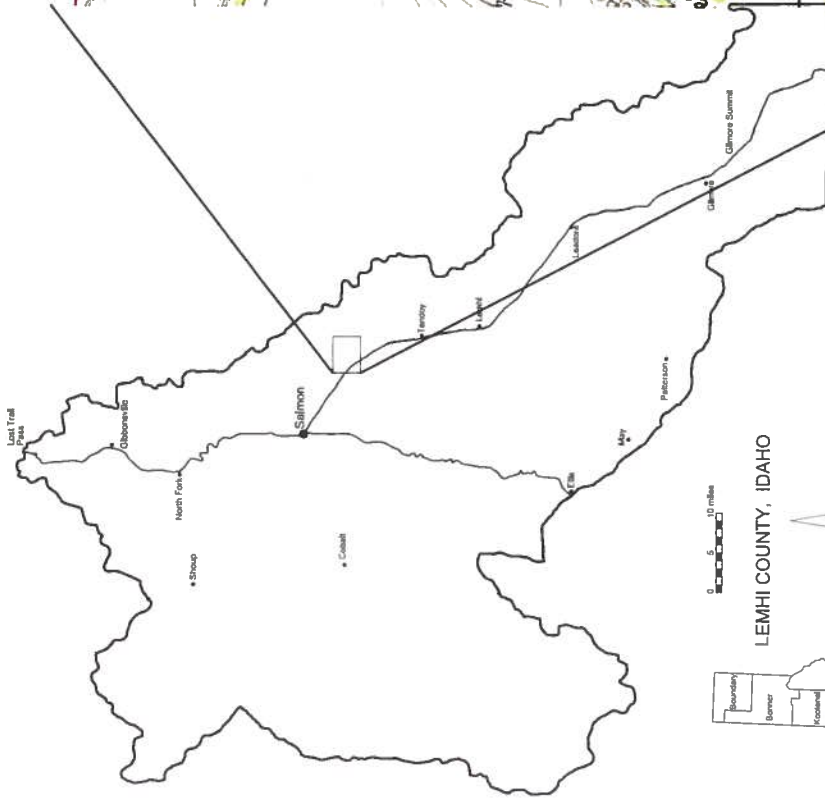
BRUCE MULKEY STOCKWATER SYSTEM
TITLE PAGE

Designed	TED	06/09/2017
Drawn	TED	06/09/2017
Checked		
Approved		

File Name	
Drawing Name	Bruce Mulkey Stock Water.dwg
Sheet	1 of 12

Current as of 6/9/2017, 8:44:AM
ALL EARLIER VERSIONS OBSOLETE

BRUCE MULKEY STOCKWATER PROJECT SITE LOCATION



SECTION 11 T20N R23E LEMHI COUNTY, IDAHO
7.5 MIN TOP: BAKER IDAHO



1" = 2000'

BRUCE MULKEY STOCKWATER PROJECT
PROJECT LOCATION

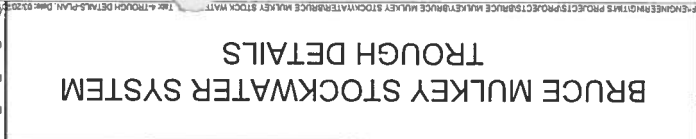


Rev. # and Date
#2 12/02/2015
Drawing Name
Bruce Mulkey Stock
Water.dwg
Sheet 2 of 12

Designed TED
Drawn TED
Checked
Date 03/20/2017

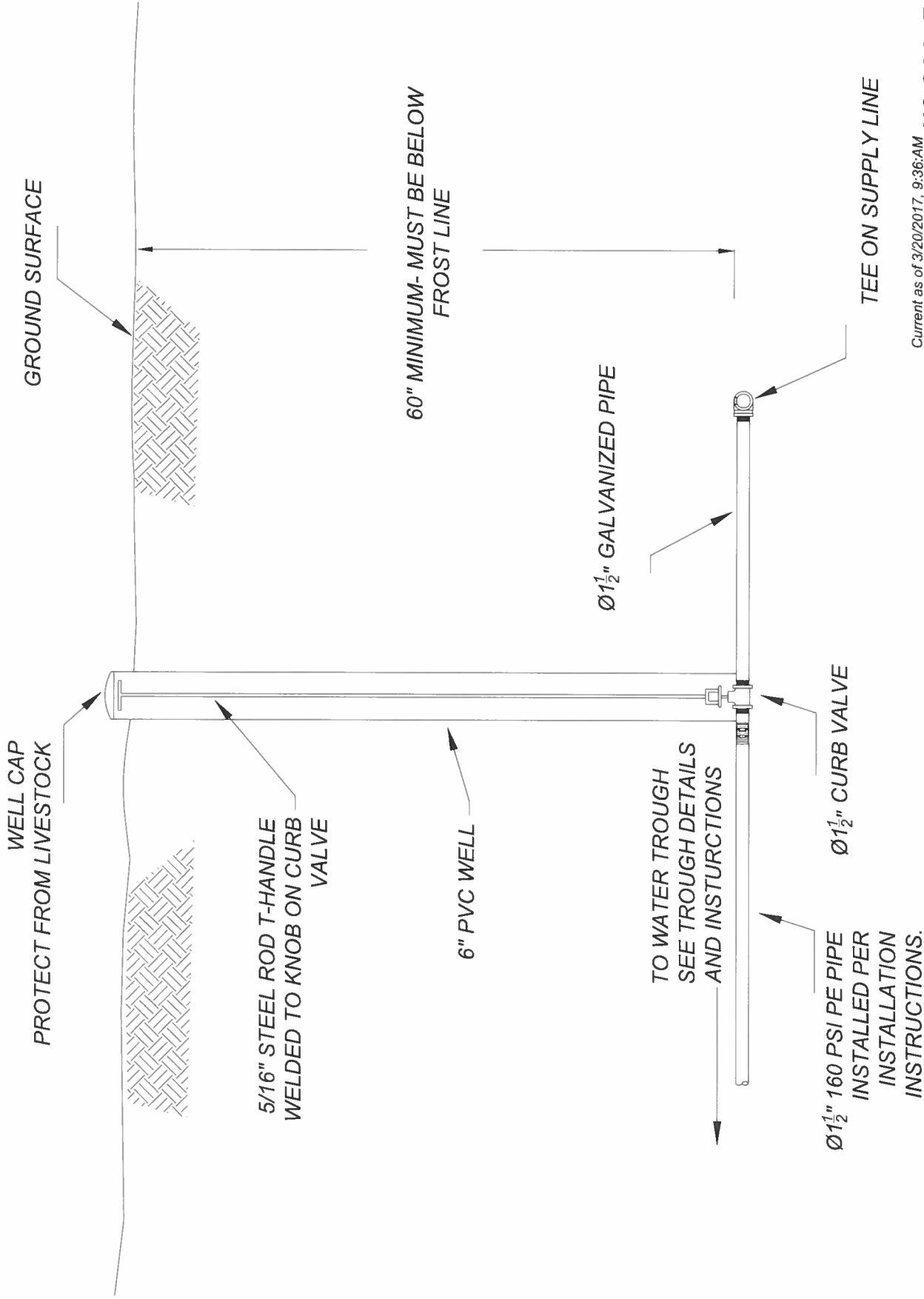


Desigined	TED	03/20/2017
Drawn	TED	03/20/2017
Checked		
Approved		



BRUCE MULKEY STOCKWATER SYSTEM TROUGH DETAILS

SECTION VIEW WATERER INSTALLATION

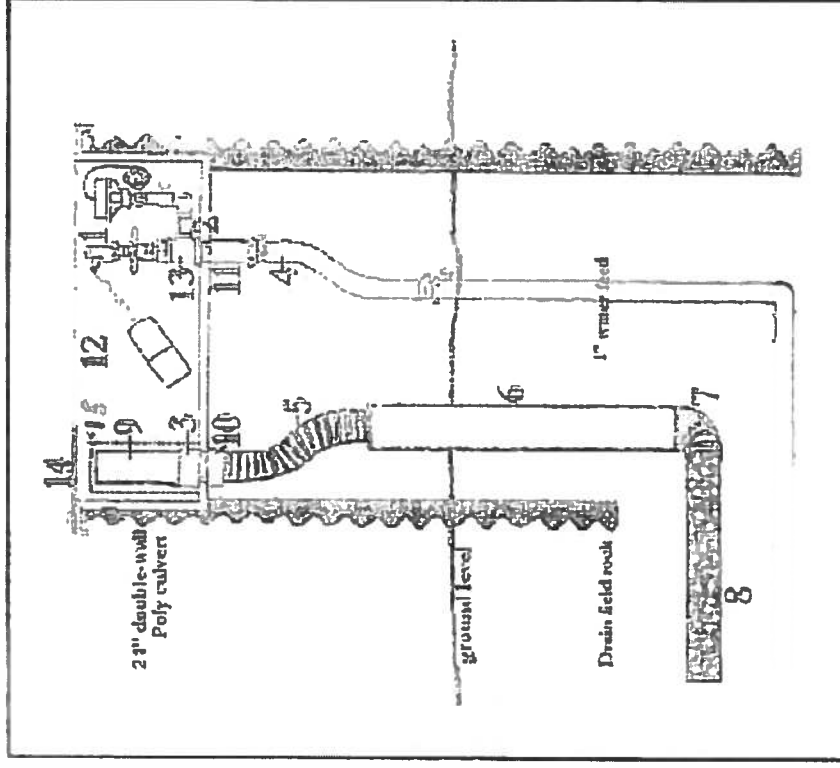


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ALL EARLIER VERSIONS OBSOLETE **NO SCALE**

BRUCE MULKEY STOCKWATER SYSTEM TROUGH DETAILS

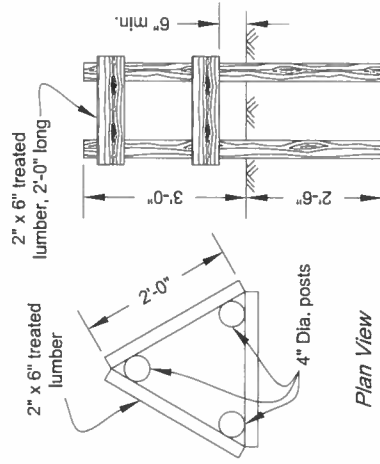
SECTION VIEW WATERER INSTALLATION

- 1 - 1" Ice Preventer Master Combo
- 2 - 1" Poly Bulk Head Adaptor
- 3 - 1 1/4" Poly Bulk Head Adaptor
- 4 - 1" Food Grade 160-lb Hose
- 5 - 1 1/4" Flex Hose
- 6- 4" Solid Sewer Pipe
- 7 - 4" Sewer 90#
- 8 - 4" Sewer Perforated
- 9 - Removable 1 1/4" Overflow
- 10 - 1 1/4" Poly MPT X Insert Adaptor
- 11 - 1" Galvanized MPT X Insert Adaptor
- 12 - 24" Diameter x 10" Deep Fiberglass Pan
- 13 - 1" Valve
- 14 - Stainless Steel Cover
- 15 - Pre-screen on Overflow (removes for cleaning)

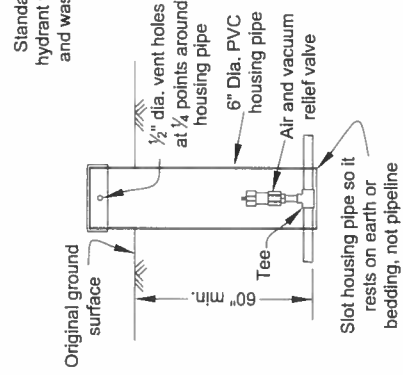


**Drawing Source = L&L Instructions for Installing the Ice Free Stock Waterer

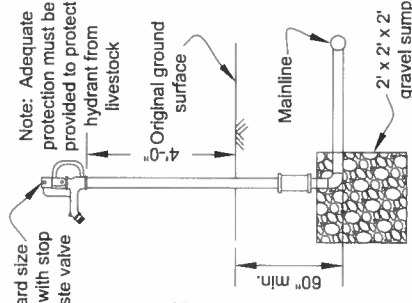
BRUCE MULKEY STOCKWATER SYSTEM APPURTENANCE DETAILS



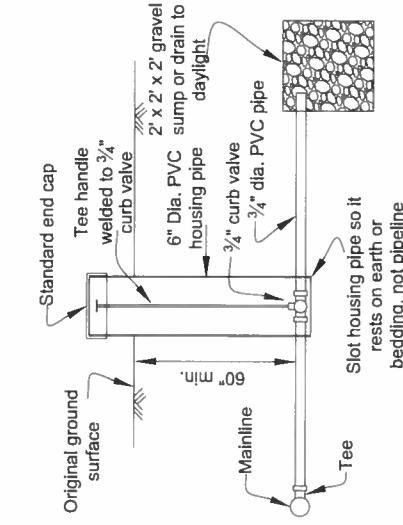
GUARD POST ASSEMBLY



AIR AND VACUUM RELIEF VALVE DETAIL



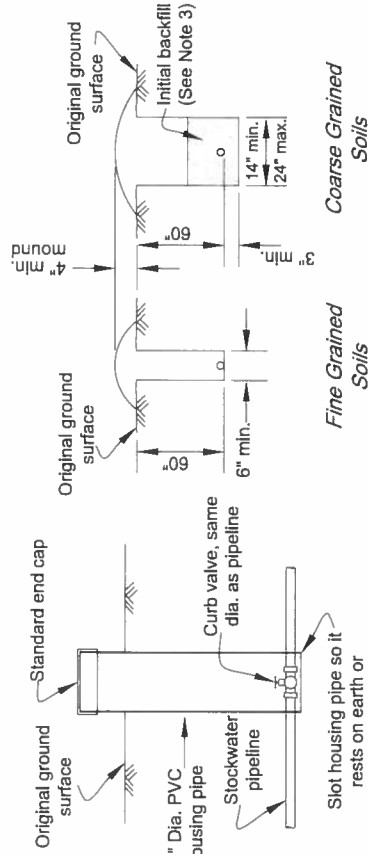
HYDRANT DETAIL



PIPELINE DRAIN DETAIL

NOTES:

- Where special bedding is required, the minimum trench width shall be fourteen (14) inches. The maximum trench width shall be twenty-four (24) inches.
- Where the bottom of the trench is not free from rock or boulders, bedding shall be provided. The trench shall be over excavated a minimum of three (3) inches below grade. The bedding material used to establish the final grade shall be fine gravel or fine graded stable soil finer than $\frac{1}{2}$ ".
- Backfill materials placed within the first six (6) inches over the pipeline shall be finer than $\frac{1}{2}$ ". The backfill shall be mounded for four (4) inches above the natural ground line.
- Earthen water bars shall be provided where necessary to divert excess water runoff away from the trench.
- Areas disturbed by construction activity shall be revegetated.
- Drains will be installed at the lower end of each pipeline. Because this is winter water and is to be installed below frost line, Drains are not required at every low point. Positive grade will be provided from all drain locations.
- Vents for removing air should be located at all summits. An air release valve shall be located at the first summit from the water source. Special care shall be taken during the layout of the pipeline to eliminate grade changes that cause minor high points between the air vents. In no case shall the air vents be more than one (1) mile apart.
- Automatic vacuum relief valves shall be designed for pipelines subject to extreme surge flow conditions such as pumping, fluctuating flow, or high velocity flow.
- Guard posts shall be installed at all appurtenances which have above ground housing pipes.



CURB VALVE DETAIL

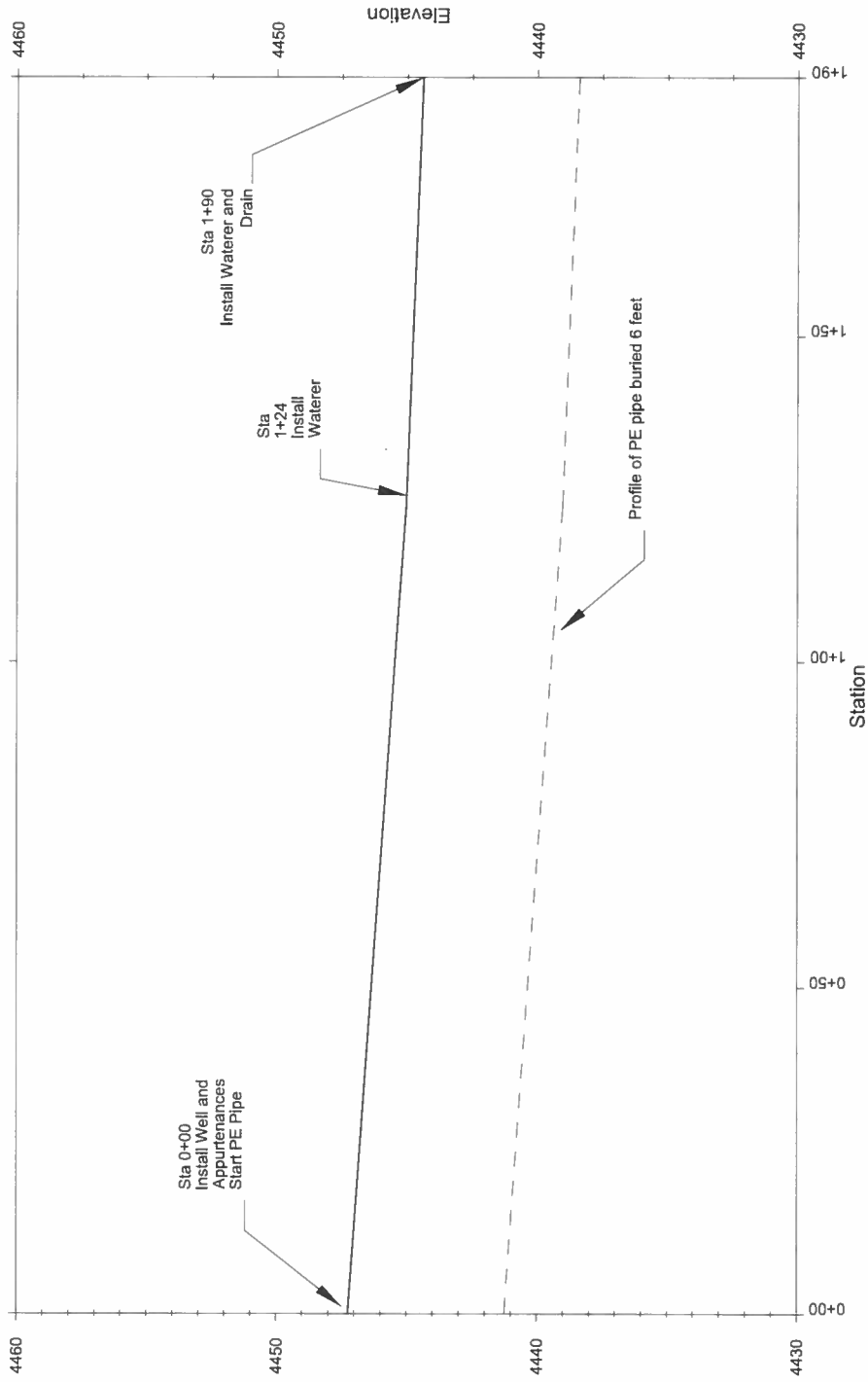
TRENCH DETAILS

BRUCE MULKEY STOCKWATER SYSTEM
CORRAL PIPELINE PROFILE



Current as of 3/20/2017, 9:41:AM
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PV - Corral Troughs Line

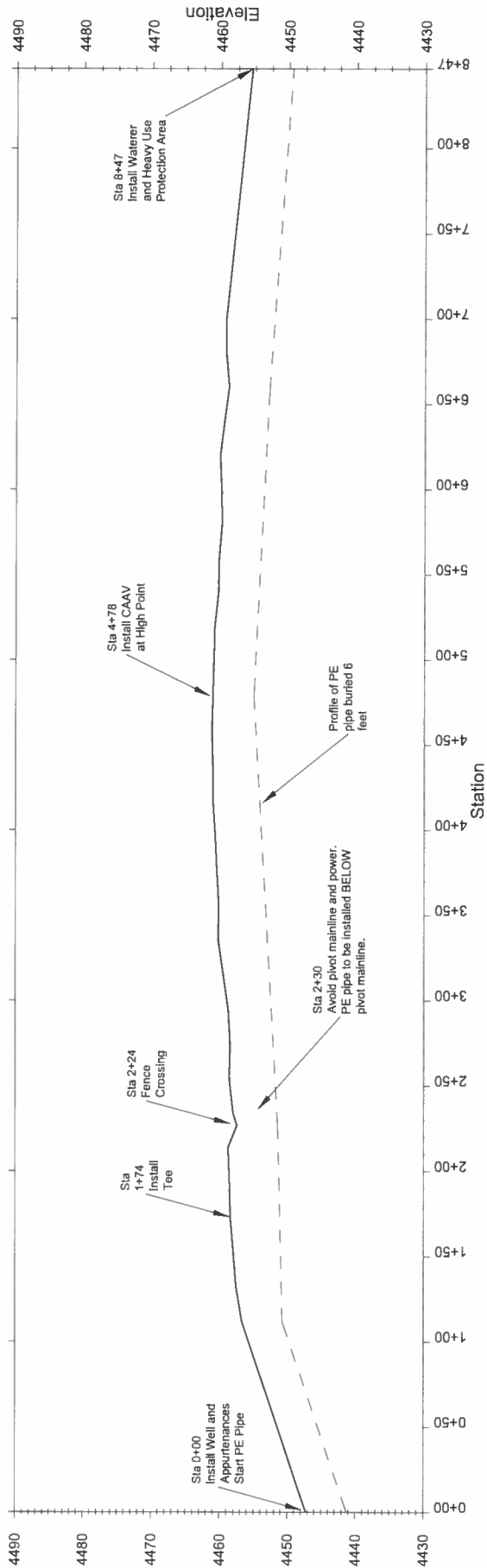


BRUCE MULKEY STOCKWATER SYSTEM
CORRAL PIPELINE PROFILE



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 ALL EARLIER VERSIONS OBSOLETE

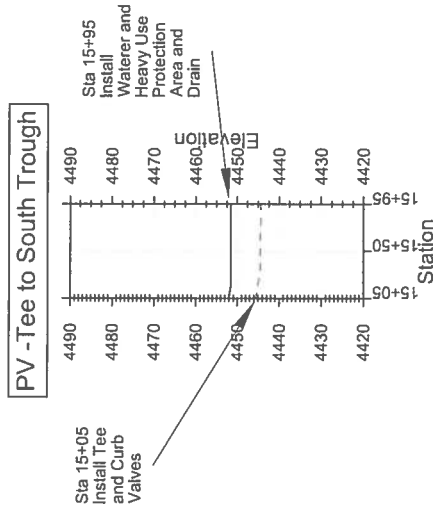
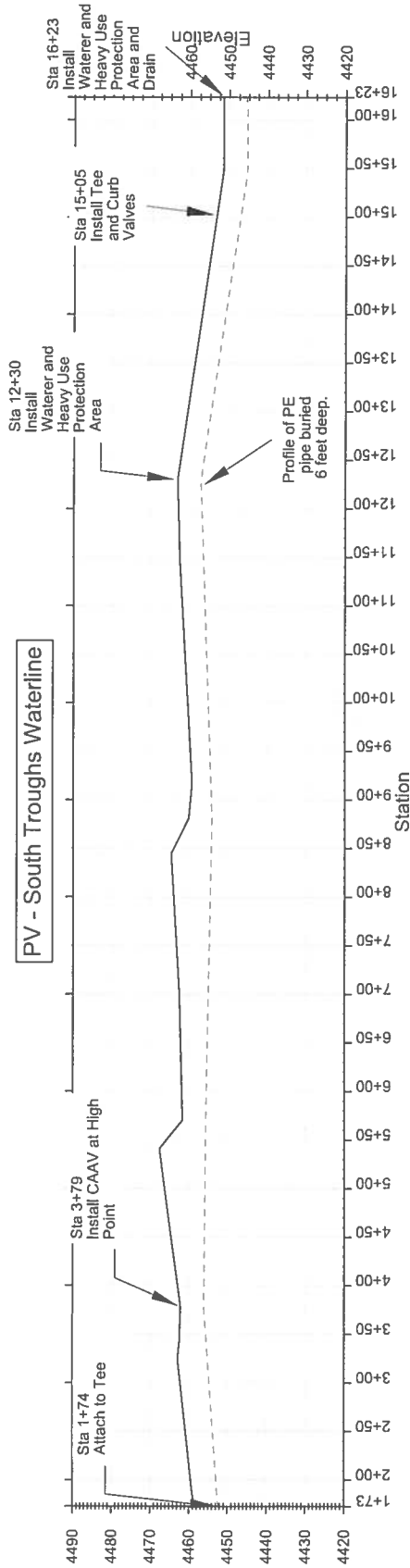
PV - North Trough Waterline



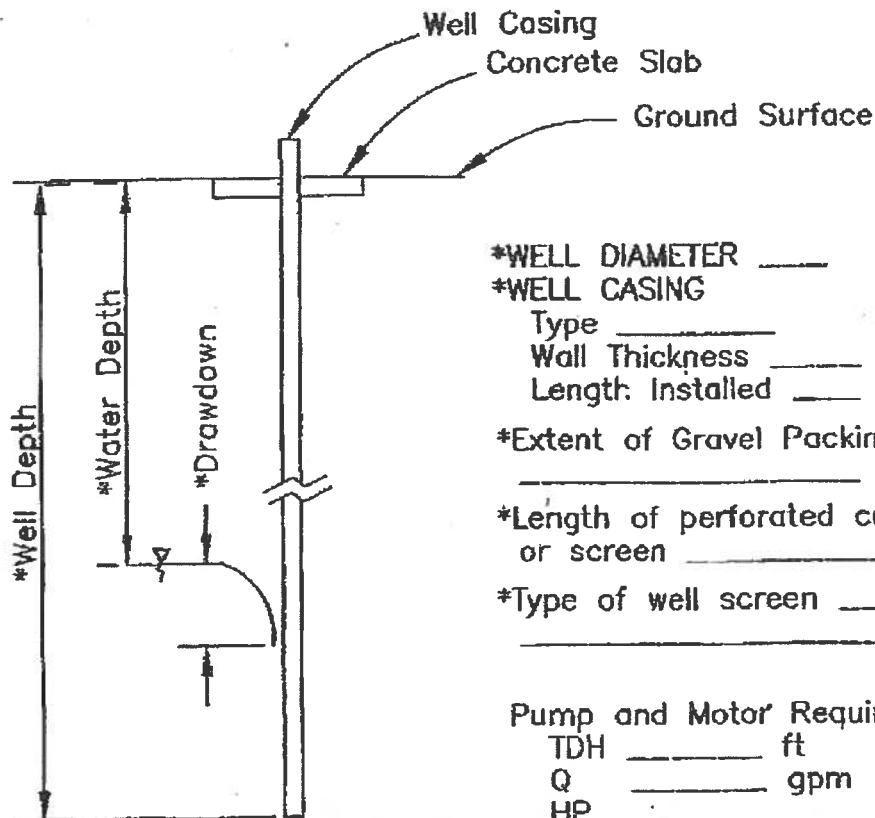
BRUCE MULKEY STOCKWATER SYSTEM SOUTH TROUGHS PIPELINE PROFILE



Current as of 3/20/2017, 9:44 AM
 ALL EARLIER VERSIONS OBSOLETE



BRUCE MULKEY STOCKWATER SYSTEM WELL DETAILS



*WELL DIAMETER _____
 *WELL CASING
 Type _____
 Wall Thickness _____
 Length Installed _____
 *Extent of Gravel Packing _____
 *Length of perforated casing
 or screen _____
 *Type of well screen _____

Pump and Motor Requirements
 TDH _____ ft
 Q _____ gpm
 HP _____
 Power Source _____

NOTES:

1. Installation of the well shall be in accordance with Idaho Construction Specification 642 and State of Idaho "Well Construction Standards, Rules and Regulations."
2. Well driller shall provide information for items noted with an "*" following installation of the well.
3. NRCS technician will determine final requirements of TDH and flow for the pump and motor hp after well is constructed.
4. Installation of the pump and motor shall be in accordance with Idaho Construction Specification 533

Job Class _____

LIVESTOCK WELL

U. S. DEPARTMENT OF AGRICULTURE
 NATURAL RESOURCES CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn _____	Title _____	
Typed _____	Check _____	Working No. _____
Checked _____	By _____	

Current as of 3/20/2017, 9:40:AM
 ALL EARLIER VERSIONS OBSOLETE **NO SCALE**

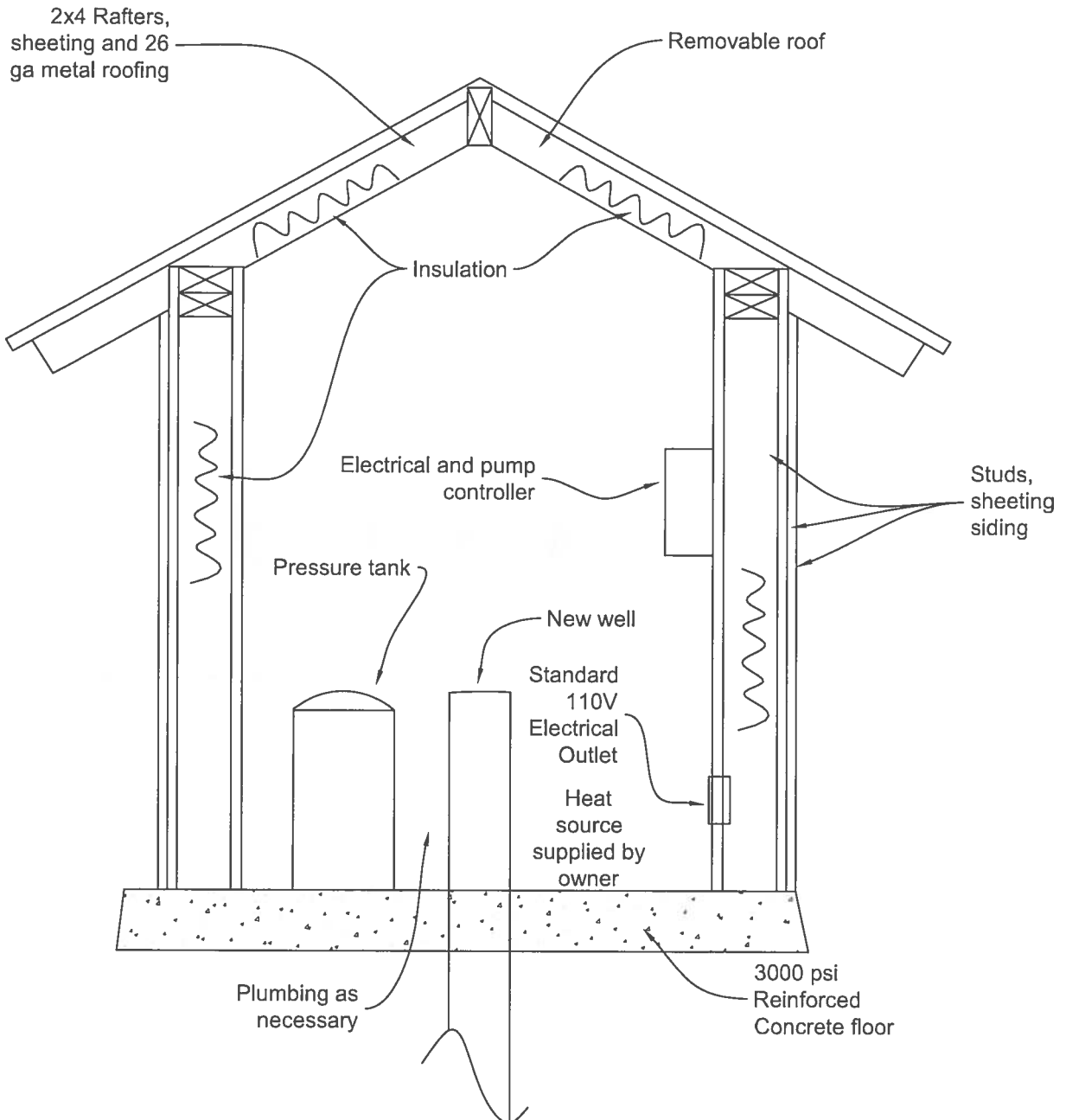


BRUCE MULKEY STOCKWATER SYSTEM WELL DETAILS

Designed	TED	Date	03/20/2017
Drawn	TED	Date	03/20/2017
Checked			
Approved			

BRUCE MULKEY STOCKWATER SYSTEM WELL HOUSE DETAILS

Approximate dimensions
are 4' wide, 4' long and 6'
high with an access door.



Current as of 3/20/2017, 9:40:AM
ALL EARLIER VERSIONS OBSOLETE **NO SCALE**

Sheet 12 of 12

Drawing Name
Bruce Mulkey Stock
Water DWG



BRUCE MULKEY STOCKWATER SYSTEM WELL DETAILS

F:\ENGINEERING\TIM'S PROJECTS\PROJECTS\BRUCE MULKEY\BRUCE MULKEY STOCKWATER\BRUCE MULKEY STOCK WATER DWG, T&E, 12-WELL HOUSE DETAILS, Date: 03/20/2017

	Designated	Date
Designed	TED	03/20/2017
Drawn	TED	03/20/2017
Checked		
Approved		

Hersley, Jean

From: Hersley, Jean
Sent: Friday, July 28, 2017 8:31 AM
To: rhlegals@custertel.net
Subject: Recorder Herald
Attachments: Recorder Herald.doc

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 June 19, 2017. Your cooperation is appreciated.

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

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 June 19, 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:

74-16092

DEBBIE LYNN LINGER
WILLIAM FLOYD LINGER
PO BOX 51
TENDON, ID 83468
Point of Diversion NWNW S28 T18N R24E LEMHI County
Source LEMHI RIVER Tributary SALMON RIVER
Use: IRRIGATION
03/15 to 11/15
0.6 CFS
Total Diversion:
0.6 CFS
Date Filed: 3/29/2017
Place Of Use: IRRIGATION
T19N R24E S28 L3(NWSW) L4(SWSW)
T19N R24E S33 L1(NWNW)
Total Acres: 30

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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

74-16111

LEADORE LAND PARTNERS LP
PO BOX 16025
MISSOULA, MT 59808
Point of Diversion NWSE S26 T16N R26E LEMHI County
Source GROUND WATER
Use: STOCKWATER
01/01 to 12/31
0.02 CFS
Total Diversion:
0.02 CFS
Date Filed: 5/12/2017
Place Of Use: STOCKWATER

T16N R26E S26 SWNE NWSW NWSE

T16N R26E S35 NWNW

This application proposes the diversion and use of water from ground 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 it is for stockwater purposes.

74-16113

BRUCE L MULKEY

25 MULKEY LN

SALMON, ID 83467-5167

Point of Diversion NESW S11 T20N R23E LEMHI County

Source GROUND WATER

Use: STOCKWATER

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 6/30/2017

Place Of Use: STOCKWATER

T20N R23E S11 SENW NESW

This application proposes the diversion and use of water from ground 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.

75-14865

JANET M HERMAN

5 PEACOCK LN

SALMON, ID 83467

Point of Diversion SWSE S34 T19N R21E LEMHI County

Source SALMON RIVER Tributary SNAKE RIVER

Use: IRRIGATION

04/01 to 10/31

0.09 CFS

Total Diversion:

0.09 CFS

Date Filed: 5/22/2017

Place Of Use: IRRIGATION

T19N R21E S34 L5(NWSE) L8(SWSE)

Total Acres: 3

This application proposes the diversion and use of water from 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 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 8/21/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/3/2017 and 8/10/2017



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

July 28, 2017

BRUCE L MULKEY
25 MULKEY LN
SALMON, ID 83467-5167

Application For Permit No. 74-16113

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 8/3/2017 and 8/10/2017. 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".

Jean Hersley
Technical Records Specialist

CC: STATE OF IDAHO
OFFICE OF SPECIES CONSERVATION
UPPER SALMON BASIN WATERSHED PROGRAM
955 RIVERFRONT DR STE B
SALMON, ID 83467

Hersley, Jean

From: Hersley, Jean
Sent: Friday, July 28, 2017 8:52 AM
To: Clark, Cynthia (Bridge)
Subject: applications for permit and transfer

Applications for Permit 74-16092, 74-16111, 74-16113, 75-14865 and 73-12258 and Transfer 81600 will be advertised on August 3 and 10. The protest end date is August 21, 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, July 28, 2017 8:53 AM
To: Yenter, Cindy
Subject: Comment Letter to Watermaster for application for permit 73-12258 and transfer 81600
Attachments: Comment Letter to Watermaster.docx

We are also advertising water rights 74-16092, 74-16111, 74-16113 & 75-14865. Please let me know if you have concerns about these applications.

Jean

Hersley, Jean

From: Hersley, Jean
Sent: Friday, July 28, 2017 8:53 AM
To: Jeff Richards
Subject: Applications for Permit No. 73-12258, 74-16092, 74-16111, 74-16113 & 75-14865 and Transfer No. 81600 (Water Rights 73-192, 73-7041 & 73-10055)

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

July 28, 2017

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

RE: Applications for Permit No. 73-12258, 74-16092, 74-16111, 74-16113 & 75-14865
Transfer No. 81600 (Water Rights 73-192, 73-7041 & 73-10055)

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", is written over a horizontal line.

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 28, 2017

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

RE: Applications for Permit No. 73-12258, 74-16092, 74-16111, 74-16113 & 75-14865
Transfer No. 81600 (Water Rights 73-192, 73-7041 & 73-10055)

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, reading "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)

MEMORANDUM

Date: July 18, 2017
To: Water Right File 74-16113
From: Sandra Thiel
Reason: Application Review

Applicant On June 30, 2017 the Department received an application for permit from Bruce Mulkey. According to the application Abbie Gongloff of the Office of Species Conservation represents Mr. Mulkey.

Source & POD The proposed source is ground water. The application point of diversion is within a Wild and Scenic area and subject to those processing steps.

Spatial data ID 510569 represents the point of diversion for application 74-16113. According to the Lemhi County taxlot data the point of diversion falls within legal description SW4 LESS T-2530 or parcel RP20N23E114801.

Water Use Application 74-16113 proposes to use of ground water to develop a stock water system. The application included detailed schematics and construction notes. These documents were produced by the NRCS. The new system will replace water from Pratt Creek and irrigation ditches. Mr. Mulkey participated in an irrigation efficiency project that eliminated his access to open ditches for stock water. In 2018 he will participate in a Trout Unlimited restoration project that will eliminate access to Pratt Creek.

POU The application includes T20N R23E Section 11 SENW and NESW. Bruce Mulkey owns the NESW. According to the application he leases the portion in the SENW from Brent Mulkey. The application states that Bruce owns most of the property and the only one stock water trough will be installed on Brent's property. On July 14, 2017, I sent an email to Ms. Gongloff requesting a copy of the lease. On July 18, 2017, Bruce Mulkey sent an email that stated that he has a verbal agreement allowing Brent Mulkey to graze cattle on his property.

POU/POD overlap analysis A new well was drilled on June 26, 2017, to supply stock water. There is no overlapping water right for the point of diversion.

There are several overlapping water rights at the place of use.

SENW: Brent Mulkey owns right 74-467 for domestic use, 74-192 and 74-16040 for irrigation from Pratt Creek, and 74-468 for irrigation from Sandy Creek.

NESW: Bruce Mulkey owns ground water right 74-10015 for domestic and stock water. This right is limited to 25 cattle and 10 horses.

Loah Mulkey has Lemhi River rights 74-469 and 74-469A for irrigation. Doyle and Loah Mulkey owns spring right 74-405 for irrigation.

Conditions The permit does not fall within a water district that includes ground water. Standard wild and scenic and right-of-way conditions will apply.

On June 13, 2017, the Department sent a Local Public Interest Letter to the applicants and their representative by mail and email. The letter offered them an additional 30 days to submit information on behalf of their applications. On July 14, 2017, Abbie Gongloff responded with additional information. She requested that the application move forward and not wait the additional 30 days.

Thiel, Sandra

From: bmulkey@centurytel.net
Sent: Tuesday, July 18, 2017 6:08 AM
To: Abbie Gongloff
Cc: Thiel, Sandra; Bruce Mulkey (mulkeycircle1ranch@gmail.com)
Subject: RE: application 74-16113

To whom it may concern. Bruce Mulkey and I (Brent Mulkey) have a verbal agreement that he grazes his cattle on my property.

----- Original Message -----

From: Abbie Gongloff <Abbie.Gongloff@osc.idaho.gov>
To: Sandra Thiel <Sandra.Thiel@idwr.idaho.gov>
Cc: bmulkey@centurytel.net, Bruce Mulkey (mulkeycircle1ranch@gmail.com) <mulkeycircle1ranch@gmail.com>
Sent: Mon, 17 Jul 2017 17:50:58 -0400 (EDT)
Subject: RE: application 74-16113

Hi Brent,

I explained to Sandra that you and Bruce do not have a formal lease for Bruce to graze on your property. Could you please reply all to this email and let her know that what you have is a verbal agreement? She can then put that in the IDWR file and move forward with Bruce's stockwater right application.

Thank you!

Abbie Gongloff

Project Planner

Upper Salmon Basin Watershed Program

955 Riverfront Drive, Suite B

Salmon, ID 83467

Phone: (208) 756-6322

Fax: (208) 756-6376

Email: Abbie.Gongloff@osc.idaho.gov

Thiel, Sandra

From: Abbie Gongloff <Abbie.Gongloff@osc.idaho.gov>
Sent: Friday, July 14, 2017 8:18 AM
To: Thiel, Sandra
Cc: Bob Minton
Subject: RE: application 74-16113
Attachments: WR 74-16113_Public Interest.docx

Good morning Sandra,

I attached a document addressing the letter requesting public interest information. Please move forward with processing the application as we will not provide anything further within the 30-day allowance.

Thank you,

Abbie Gongloff
Project Planner
Upper Salmon Basin Watershed Program
955 Riverfront Drive, Suite B
Salmon, ID 83467

Phone: (208) 756-6322
Fax: (208) 756-6376

Email: Abbie.Gongloff@osc.idaho.gov

From: Thiel, Sandra [mailto:Sandra.Thiel@idwr.idaho.gov]
Sent: Wednesday, July 12, 2017 4:43 PM
To: mulkeycircle1ranch@gmail.com
Cc: Abbie Gongloff <Abbie.Gongloff@osc.idaho.gov>
Subject: RE: application 74-16113

Hello,

Your application for permit is 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, Thursday, July 13. The letter provides you with additional time for response. It is sent to all applicants in your areas. 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

**Well Stockwater Right Application
74-16113**

Bruce Mulkey waters his cattle out of an existing water gap on Sandy Creek, as well as on open sections of Pratt and Sandy Creeks, and in a spring complex. The landowner has lost some access to these live watering sources due to the Lower Pratt Access and Flow Enhancement (a Lemhi Soil and Water Conservation (LSWCD) project implemented in fall 2016), and will lose his remaining sources during the 2018 Pratt Creek Channel Restoration Project being implemented by Trout Unlimited (TU). A groundwater well stockwater system consisting of six livestock water troughs will be installed to accommodate the loss of these live water sources.

The goals of the LSWCD and TU projects are to address the primary limiting habitat factors for steelhead and Chinook salmon in Pratt Creek in order to improve stream function and aquatic resources.

Stockwater implementation is being sponsored by LSWCD, with assistance from the Natural Resources Conservation Service (NRCS) and the Upper Salmon Basin Watershed Program (USBWP). The USBWP convenes monthly with a "Technical Team" of professionals from federal, state, and local agencies, as well as non-profit organizations and tribal representation from the Shoshone-Bannock Tribe. This group prioritizes anadromous fish projects with a ranking process that evaluates individual projects based on their biological benefits to ESA-listed fish species and their habitat in the Upper Salmon Basin. This project was reviewed and approved by the USBWP Technical Team on December 7, 2016, and received a "medium" ranking. Funding is provided by the Bonneville Power Administration.

This project was presented in detail to the USBWP Advisory Committee on January 5, 2017 and the group received project updates in their March and May 2017 public meetings. It was presented to the LSWCD to request sponsorship at their January 12, 2017 public meeting, and this group has received monthly project updates since that date. No comments from the public have been received in any of these public meetings to date.



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 13, 2017

BRUCE MULKEY
25 MULKEY LANE
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16113

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.

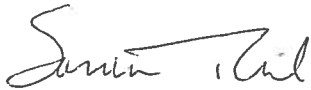
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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

Enclosure: Copy of Application

C: Abbie Gongloff via email: abbie.gongloff@osc.idaho.gov

JC:sc