

RECEIVED

APR 24 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.

15-14858

1. Name of applicant(s) RICHARD R CALKINS JR, BRENDA S CALKINS Phone 208.559.7569
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 1203 GEORGESON LOOP City SITKA
 State AK ZIP 99835 Email brenda.calkins.2010@gmail.com
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply SALMON RIVER which is a tributary of SNAKE RIVER
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
19N	21E	27	8		SW	SE	LEMHI	SALMON RIVER	

5. Water will be used for the following purposes:
- Amount 0.13 for IRRIGATION purposes from 04/01 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.13 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 FROM RIVER, MAINLINE AND POD SPRINKLERS
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by VC Date _____ Time _____ Preliminary check by _____
 Fee \$ 100 Receipted by VC Receipt No. C103421 Date 4/24/17

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

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

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	21E	27															4.4		4.4
																	L8		

Total number of acres to be irrigated: 4.4

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 well on property will not be used for irrigation purposes

- Who owns the property at the point of diversion? applicant
- Who owns the land to be irrigated or place of use? applicant
- 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. No irrigation rights were ever developed or were not claimed for this property.

13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Richard R. Calkins Jr.
 Signature of Applicant
Richard R Calkins Jr
 Print Name (and title, if applicable)

Brenda S. Calkins
 Signature of Applicant
Brenda S Calkins
 Print Name (and title, if applicable)



Hersley, Jean

From: Hersley, Jean
Sent: Friday, July 14, 2017 9:28 AM
To: rhlegals@custertel.net
Subject: Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
July 14, 2017

208-756-2222 Page 1

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal 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 August 7, 2017. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

.....
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

75-14858

RICHARD R CALKINS JR
BRENDA S CALKINS
1203 GEORGESON LOOP
SITKA, AK 99835
Point of Diversion L8(SWSE) S27 T19N R21E LEMHI County
Source SALMON RIVER Tributary SNAKE RIVER
Use: IRRIGATION
04/01 to 10/31
0.13 CFS
Total Diversion:
0.13 CFS
Date Filed: 4/24/2017
Place Of Use: IRRIGATION
T19N R21E S27 L8(SWSE)
Total Acres: 4.4

This application proposes the diversion and use of water from the Salmon River 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.

NOTICE OF CORRECTION

Notice is hereby given that Application for Permit **74-16102** in the name of PRATT CREEK RANCH LP, 178 PRATT CREEK RD, SALMON ID 83467, was advertised incorrectly on June 15 and June 22, 2017. The place of use was omitted in the description. Place Of Use: STOCKWATER T21N R23E S34 SESE, T21N R23E S35 NESW NWSW SWSW.

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 <http://www.idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID 83720 together with a protest fee of \$25.00 for each application on or before 8/7/2017. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81519

PRATT CREEK RANCH LP, 178 PRATT CREEK RD, SALMON, ID 83467; has filed Application No. 81519 for changes to the following water rights within LEMHI County(s): Right No(s). 74-193, 74-194, 74-195, 74-196, 74-197, 74-2119, 74-230, 74-530, 74-753, 74-754, 74-757; to see a full description of these rights and the proposed transfer, please see <http://www.idwr.idaho.gov/water-rights/transfers/search.html>. The purpose of the transfer is to change a portion of the above rights as follows: to consolidate and change the points of diversion for the rights to single diversion located in NWSW, Sec 32, T21N, R24E and to change the place of use by creating a 839.5 acre permissible place of use within T20N, R23E and R24E and T21N, R23E and R24E located east of the confluence of Wimpey Creek with the Lemhi River.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 8/7/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/20/2017 and 7/27/2017



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 14, 2017

RICHARD R CALKINS JR
BRENDA S CALKINS
1203 GEORGESON LOOP
SITKA, AK 99835

Application For Permit No. 75-14858

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 7/20/2017 and 7/27/2017. 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



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 14, 2017

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

RE: Applications for Permit No. 74-16102 (correction notice) 75-14858
Application for Transfer No. 81519
Water Right No. 74-193, 74-194, 74-195, 74-196, 74-197, 74-2119, 74-230, 74-530, 74-753,
74-754, 74-757

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 copies of the applications at: <http://www.idwr.idaho.gov/water-rights/transfers/search.html> and <http://www.idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>

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 these applications, 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, reading 'Jean Hersley', written in dark ink.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

MEMORANDUM

Date: July 5, 2017
To: Water Right File 75-14858
From: Sandra Thiel
Re: Application Review

Applicant

According to the Lemhi County tax lot data from March 2017, the Ballard Family Trust owns the place of use. On June 16th I sent an email requesting clarification about the land ownership. On June 19th Brenda Calkins sent a copy of the warranty deed granting ownership to her and Richard Calkins.

Source & POD

The Calkins intend to divert water from the Salmon River using a pump.

Water Use

Water use is for irrigation. They requested 0.13 cfs or 0.03 cfs per acre for the irrigation of 4.4 acres.

POU

The place of use is correctly described in the application. It corresponds to the Calkins' property.

POU/POD overlap analysis

This will be a new point of diversion so there are no overlaps.

The owners of the parcel directly north of the place of use filed application for permit 75-14780 for irrigation and stock water. The source is also the Salmon River. The permit holders filed proof of beneficial use in March 2017. Several water rights share T19N R21E Section 27 SWSE. Domestic rights 75-4023 (spring), 75-7264 and 75-10405 (ground water). Irrigation right 75-7404 (Salmon River) is appurtenant to land south of the permit place of use. Irrigation right 75-7263 (Salmon River) is for a parcel north of the POU. Right 75-4024 is for irrigation on the west side of the Salmon River, across from the current proposed place of use.

According to the application there is a domestic well on the property. The applicants do not intend to use it for irrigation.

Letter Of Intent Response

The local public interest letter was mailed on June 26, 2017 and sent via email on the previous Friday, June 23. On June 30 the Calkins responded that they have no comment regarding the letter.

Conditions

This permit should include the standard conditions for applications in the Wild and Scenic regulatory area. These conditions are 196, 197, 198, 029, and R63. The permit will also include conditions X59 and X60 describing the place of use and point of diversion.

The following advertising comment will also be included:

This application proposes the diversion and use of water from the Salmon River tributary to the Salomon 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.

Thiel, Sandra

From: Brenda Calkins <brenda.calkins.2010@gmail.com>
Sent: Friday, June 30, 2017 4:23 PM
To: Thiel, Sandra
Subject: Re: Application for permit

Ms. Thiel,

We have no comment regarding local public interest as stated in the attached letter.

Thank you for consideration in our application for water rights.

Sincerely,

Richard and Brenda Calkins
1203 Georgeson Loop
Sitka, AK 99835
(208)559-7569

On Jun 23, 2017, at 1:44 PM, Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov> wrote:

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 on Monday, June 26. 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

<LocalPublicInterestLetter.pdf>



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

June 26, 2017

RICHARD CALKINS
BRENDA CALKINS
1203 GEORGESON LOOP
SITKA AK 99835

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14858

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.

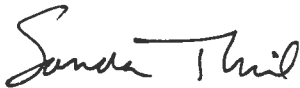
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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

JC:sc

Thiel, Sandra

From: brenda.calkins.2010 <brenda.calkins.2010@gmail.com>
Sent: Monday, June 19, 2017 3:00 PM
To: Thiel, Sandra
Subject: Fwd: 346228: 2 Rose Lane, Salmon, ID 83467: Richard R. Calkins, Jr. and Brenda S. Calkins, Co-Trustees of The Richard R Calkins Jr. and Brenda S. Calkins Revocable Trust dated September 26, 2016: Recorded Warranty Deed
Attachments: wd_Recorded.pdf

Here is the recorded deed. Will this work?

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Heidi Semmler <heidi_semmler@alliancetitle.com>
Date: 6/19/17 12:58 PM (GMT-09:00)
To: ", Richard R. Calkins, Jr. and Brenda S. Calkins, Co-Trustees of The Richard R Calkins Jr. and Brenda S. Calkins Revocable Trust dated September 26, 2016" <brenda.calkins.2010@gmail.com>
Subject: 346228: 2 Rose Lane, Salmon, ID 83467: Richard R. Calkins, Jr. and Brenda S. Calkins, Co-Trustees of The Richard R Calkins Jr. and Brenda S. Calkins Revocable Trust dated September 26, 2016: Recorded Warranty Deed

Heidi Semmler | Escrow Officer | Alliance Title & Escrow Corp. 610 Main St. | Salmon, ID | 83467 (208)756-4231 | Fax - (208)756-4232 <http://www.alliancetitle.com> Online Ordering | Online Tools | Find an Office Near You Proudly recognized as one of the top 10 "Best Places to Work" in Idaho – 2010 & 2012!

*****CONSUMER PROTECTION ALERT: Please call our branch and verify wire transfer instructions verbally with your escrow officer prior to wiring funds.*****

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.: 346228

FOR VALUE RECEIVED

Ivan L. Ballard and Patricia K. Ballard, Trustees of the Ballard Family Trust dated 07/02/01

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

Richard R. Calkins, Jr. and Brenda S. Calkins, Co-Trustees of The Richard R Calkins Jr. and Brenda S. Calkins Revocable Trust dated September 26, 2016

whose current address is

**2 Rose Lane
Salmon, ID 83467**

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

Lot 2, Bridge Point Subdivision, according to the official plat thereof, filed in Book 5 of Plats at Page(s) 19 Official Records of Lemhi County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

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

Dated:

21/11/17

Ivan L. Ballard and Patricia K. Ballard, Trustees of the Ballard Family Trust dated 07/02/01

Ivan L. Ballard

Ivan L. Ballard, Trustee

Patricia K. Ballard

Patricia K. Ballard, Trustee

State of ID} ss.
County of Lemhi}

On this 11th day of April, 2017 before me, the undersigned, a Notary Public in and for said state, personally appeared Ivan L. Ballard and Patricia K. Ballard, Trustees of the Ballard Family Trust, known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustees of the Ballard Family Trust, and acknowledged to me that they executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dud Simon
Notary Public for the State of ID

Residing at: Salmon

Commission Expires: 5/19/21

