

RECEIVED

MAY 10 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.

75-14863

1. Name of applicant(s) RUTH ANDERSEN Phone 801.573.4368
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 14 BEE HAVEN LN City SALMON
 State ID ZIP 83467 Email sageranchLLC@msn.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	34	8		SE	SW	LEMHI	SALMON RIVER	

5. Water will be used for the following purposes:
 Amount 0.15 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) 0.15 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. 5 HP pump to 4" mainlines to sprinklers
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by VC Date 5/10/17 Time 2:22 Preliminary check by _____
 Fee \$ 100 Received by VC Receipt No. C103533 Date 5/10/17

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. _____
- 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	
19N	21E	34												2.5			2.5		5
														L8					

Total number of acres to be irrigated: 5

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? there are three separate filings from three sources for the same 5 acres under a common system

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

b. Who owns the land to be irrigated or place of use? applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Pump from Salmon River to sprinkler system.

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

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

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

Signature of Applicant

Ruth Andersen
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)



Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 29, 2017 11:20 AM
To: rhlegals@custertel.net
Subject: Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
June 29, 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 July 24, 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:

74-16070

JUDITH A BAILEY JACKSON
CECIL T JACKSON
1705 LEMHI RD
SALMON, ID 83467
Point of Diversion NWSWSW S29 T20N R24E LEMHI County
Source SPRINGS Tributary KENNEY CREEK
Use: STOCKWATER
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 5/15/2017
Place of Use: STOCKWATER
T20N R24E S30 SESE

This application proposes the diversion and use of water from a spring tributary to Kenney Creek 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 stockwater purposes.

75-14861

RUTH ANDERSEN
14 BEE HAVEN LN
SALMON, ID 83467

Point of Diversion L8(SESW) S34 T19N R21E LEMHI County
Source GROUND WATER
Point of Diversion L8(SESW) S34 T19N R21E LEMHI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Use: IRRIGATION
04/01 to 10/31
0.15 CFS
Total Diversion:
0.19 CFS
Date Filed: 5/10/2017
Place of Use: IRRIGATION
T19N R21E S34 L8(SESW) L8(SWSE)
Place of Use: DOMESTIC
T19N R21E S34 L8(SESW)
Total Acres: 5

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.

75-14862

RUTH ANDERSEN
14 BEE HAVEN LN
SALMON, ID 83467
Point of Diversion L8(NWSWSE) S34 T19N R21E LEMHI County
Source SPRING Tributary SALMON RIVER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Use: IRRIGATION
04/01 to 10/31
0.15 CFS
Total Diversion:
0.19 CFS
Date Filed: 5/10/2017
Place of Use: IRRIGATION
T19N R21E S34 L8(SESW) L8(SWSE)
Place of Use: DOMESTIC
T19N R21E S34 L8(SESW)
Total Acres: 5

75-14863

RUTH ANDERSEN
14 BEE HAVEN LN
SALMON, ID 83467
Point of Diversion L8(SESW) S34 T19N R21E LEMHI County
Source SALMON RIVER Tributary SNAKE RIVER
Use: IRRIGATION
04/01 to 10/31
0.15 CFS
Total Diversion:
0.15 CFS
Date Filed: 5/10/2017
Place of Use: IRRIGATION
T19N R21E S34 L8(SESW) L8(SWSE)
Total Acres: 5

These applications propose 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.

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 7/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/6/2017 and 7/13/2017

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 81604

KERRIE N CHENEY, 27 CHENEY LN, SALMON, ID 83467; JANIS S CHENEY, 27 CHENEY LANE, SALMON, ID 83467; has filed Application No. 81604 for changes to the following water rights within LEMHI County(s): Right No(s). 74-16084; 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 change the place of use for 0.9 acres of irrigation use from the Salmon River to the existing location on the applicant's property in Lot 17, Bar Lazy V Ranch Subdivision located in the SESW, Sec 10, T21N R22E.

TRANSFER NO. 81518

PRATT CREEK RANCH LP, 178 PRATT CREEK RD, SALMON, ID 83467; has filed Application No. 81518 for changes to the following water rights within LEMHI County(s): Right No(s). 74-1857, 74-195, 74-196, 74-2019, 74-753, 74-754; 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:

The applicant proposes to consolidate and change the points of diversion for the rights to single pipeline intake located in L1(NENE), Sec 6, T20N, R24E and to change the place of use by creating a 188.2 acre permissible place of use within Sec 1, T20N, R23E and Sec 6, T20N, R24.

TRANSFER NO. 81674

ANTHONY F FIORI, 40 KELSEY RD, SALMON, ID 83467; has filed Application No. 81674 for changes to the following water rights within LEMHI County(s): Right No(s). 75-4024; 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 change the point of diversion from Rattlesnake Creek near the confluence with the Salmon River in L2(NENW) of Sec 34, T19N, R21E to a point on the Salmon River approximately 1/3 mile downstream in the SWSE of Sec 27, T19N, R21E.

For additional information concerning the property locations, 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 7/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/6/2017 and 7/13/2017



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

June 29, 2017

RUTH ANDERSEN
14 BEE HAVEN LN
SALMON, ID 83467

Application For Permit No. 75-14861, 75-14862 & 75-14863

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 7/6/2017 and 7/13/2017. 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

June 29, 2017

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

RE: Applications for Permit No. 74-16070, 75-14861, 75-14862 & 75-14863
Applications for Transfer No. 81604 (74-16084), 81674 (75-4024) & 81518 (74-195, 74-196,
74-753, 74-754, 74-1857 & 74-2019)

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 for permit and applications for transfer. You can find copies of the applications at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/> and
<https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>

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'.

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, June 29, 2017 11:56 AM
To: Yenter, Cindy; Clark, Cynthia (Bridge)
Subject: Applications for permit and transfer

Applications for Permit No. 74-16070, 75-14861, 75-14862 & 75-14863

Applications for Transfer No. 81604 (74-16084), 81674 (75-4024) & 81518 (74-195, 74-196, 74-753, 74-754, 74-1857 & 74-2019)

These applications will be advertised on July 6 and July 13. The files will be scanned by the end of the day. Please let me know if you have any comments or concerns. Thank you.

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

Thiel, Sandra

From: Ruth Andersen <sageranchllc@msn.com>
Sent: Tuesday, June 27, 2017 6:59 PM
To: Thiel, Sandra
Subject: Re: Water Right Applications for Permit

That area is always wet and cannot be planted. Down lower elevation by river.
So will not be irritated.

Sent from my iPhone

On Jun 27, 2017, at 9:29 AM, Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov> wrote:

Hello, The attached map shows a portion of your tax lot is outside of the place of use identified on your applications for permit. Do you intend to irrigate that area? It is approximately ½ an acre.

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

From: Thiel, Sandra
Sent: Monday, June 19, 2017 8:31 AM
To: 'Ruth Andersen' <sageranchllc@msn.com>
Subject: RE: Water Right Applications for Permit

Good morning Ruth, Thank you for responding

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

From: Ruth Andersen [<mailto:sageranchllc@msn.com>]
Sent: Saturday, June 17, 2017 7:49 PM
To: Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov>
Subject: Re: Water Right Applications for Permit

Sandra I received your email and am sending proof of ownership in form of a Trustees Deed.
For some reason it seems to take longer for transfer with the Assessor Office.
Also I do not have any comments regarding your letter so please
move forward unless I need to sign something,
if so please send via email as I can get back to you sooner. I appreciate your help in this
matter. Thank you.

-  Place of Use / Tax Lot
-  Quarter Quarters

The area identified in red is not in Lot 8(SWSE)
The tax parcel is 6.5 acres and the application is
for 5 acres. Should the area in red be included
in the place of use for the three applications for
permit? Will it be irrigated? The area is approximately
1/2 an acre.

SWSE

SESW

19N21E34

Lot 8
(SWSE)

Lot 8
(SESW)

MEMORANDUM

Date: June 20, 2017
To: Water Right File 75-14861, 75-14862 and 75-14863
From: Sandra Thiel
Re: Application for Permit Review

Applicant

According to available Lemhi County tax lot data, the Robinson Family Trust owns the place of use and points of diversion for the proposed applications listed above. On June 19th Ruth Andersen provided a trustees deed confirming her as the owner of the land.

On June 19, 2017 I sent the local public interest letter, both by post and email. Ruth Andersen responded via email that she had no comments regarding the letter and requested that we move forward.

Source & POD

The applicant filed three applications for permit from three sources. Ground water, a spring and the Salmon River will share a common system for the irrigation of 5 acres. Proposed right 75-14861 will use an existing 4 inch well and drill a larger diameter well. The applicant intends to test the existing well. If it is viable they will use it as a point of diversion.

Right 75-14862 is for a spring on the east side of the property. They intend to use a 2 inch pipe delivery system from an existing spring box for irrigation and possible domestic use under gravity pressure. The springs flow into the Salmon River via an existing ditch.

A 5 horse power pump will provide Salmon River water for proposed right 75-14863.

Water Use

The application proposes using the three sources to irrigate 5 acres.

POU

The taxlot parcel is 6.5 acres. The applicant intends to irrigate 5 acres.

POU/POD overlap analysis

There are no overlapping rights for the above points of diversions. There is no right associated with the existing well. The place of use shares quarter quarters with domestic, stock water and irrigation rights 75-7301, 75-10807, 75-10935, 75-10604, 75-4346 and 75-7307. Domestic ground water right 75-10935 overlaps the place of use. The point of diversion falls outside of the Andersen tax lot and the place of use appears to be a nominal.

Conditions

The proposed place of use and point of diversion are within water district 170. The permit will be conditioned with measuring device and watermaster control notifications.

Thiel, Sandra

From: Ruth Andersen <sageranchllc@msn.com>
Sent: Saturday, June 17, 2017 7:49 PM
To: Thiel, Sandra
Subject: Re: Water Right Applications for Permit
Attachments: Scan0001.jpg

Sandra I received your email and am sending proof of ownership in form of a Trustees Deed. For some reason it seems to take longer for transfer with the Assessor Office. Also I do not have any comments regarding your letter so please move forward unless I need to sign something, if so please send via email as I can get back to you sooner. I appreciate your help in this matter. Thank you.

Respectfully,
Ruth Andersen

From: Thiel, Sandra <Sandra.Thiel@idwr.idaho.gov>
Sent: Friday, June 16, 2017 10:25 AM
To: sageranchLLC@msn.com
Subject: Water Right Applications for Permit

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 19. 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. Upon receiving your comments, or after the 30 day period, your application will be forwarded for legal notice in the paper.

According to the application Ruth Andersen owns the place of use identified for irrigation and domestic uses. The March 2017 tax lot data for Lemhi County show that the land is owned by someone else. Please provide copies of documents that show the land is owned by the applicant. That can be conveyance documents such as a warranty deed, quitclaim deed, court decree or contract of sale. Thank you for your help with this process.

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

Trustees Deed

For Value Received

**Jerry L Robinson and Cynthia L Robinson as Trustees of the Robinson Family
Trust dated May 11, 2016**

the grantors, do hereby grant, bargain, sell and convey unto

Ruth Andersen, an unmarried woman

Whose current address is:

**14 Bee Haven Ln
Salmon, ID 83467**

the grantee, the following described premises, to-wit:

**Lot One (1) Omohundro Subdivision, as shown by the official Plat thereof filed in
Book 6 of Plats at Page 12, under Instrument No. 213033, Records of Lemhi
County, Idaho.**

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 4-25, 2017

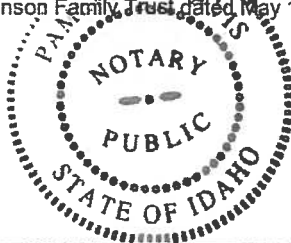
The Robinson Family Trust dated May 11, 2016

Jerry L. Robinson
By: **Jerry L Robinson, Trustee**

Cynthia L. Robinson
By: **Cynthia L Robinson, Trustee**

State of Idaho)
County of Valley) ss

On this 25th day of April, 2017, before me a notary public in the above referenced state, personally appeared **Jerry L Robinson and Cynthia L Robinson**, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument as Trustees of The Robinson Family Trust dated May 11, 2016, and acknowledged to me that they subscribed the name of The Robinson Family Trust dated May 11, 2016 thereto as principal, and their own names as Trustees.



Pamela S. Davis
Notary Public
Residing at: McCall, ID
My Commission Expires: 6/29/18



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 19, 2017

RUTH ANDERSEN
14 BEE HAVEN LN
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14861, 75-14862 and 75-14863

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.

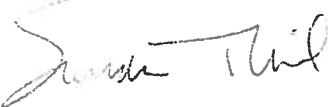
Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

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