

RECEIVED

SEP 22 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

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

Ident. No. 72-16915

- Name of applicant(s) MARK SHARER Phone 559-289-5133  
Mailing address 6062 N. BETHEL CLOVIS, CA 93619 Email Calstripe@yahoo.com  
Name connector (check one): ☐ and ☐ or ☐ and/or
- Name of representative, if any \_\_\_\_\_ Phone \_\_\_\_\_  
Mailing address \_\_\_\_\_ Email \_\_\_\_\_  
  - ☐ 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.
  - ☐ 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 providing authority to sign for the applicant.
- Source of water supply SALMON RIVER which is a tributary of SNAKE RIVER
- Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source       | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|--------------|---------------------|
| 12N | 19E | 19  | 1        |     | NE  | NW  | CUSTER | SALMON RIVER | Tunnel Rock Acres   |
|     |     |     |          |     |     |     |        |              |                     |
|     |     |     |          |     |     |     |        |              |                     |
|     |     |     |          |     |     |     |        |              |                     |

- Water will be used for the following purposes:  
 Amount .02 for irrigation purposes from 4/01 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)
- Total quantity to be appropriated is (a) .02 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).
- Proposed diverting works:
  - Describe type and size of devices used to divert water from the source. Portable Gas or Electric Pump 1/2hp-2hp
  - 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 11. 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
  - Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is N/A feet.
  - Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
  - If well is already drilled, when? \_\_\_\_\_; drilling firm \_\_\_\_\_; well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

For Department Use  
 Received by TF/DM Date 9-22-2016 Time 10:15AM Preliminary check by \_\_\_\_\_  
 Fee \$ 100- Received by DM Receipt No. 5035730 Date 9-22-2016

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 |        |
| 12N | 19E | 19  |    |    |    |    | 1  |    |    |    |    |    |    |    |    |    |    |    | 1      |
|     |     |     |    |    |    |    | L1 |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: 1

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? Future Domestic Well

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

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

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. I propose to irrigate my landscape and lawn with water requested.

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.

Mark Sharer

Signature of Applicant

MARK SHARER/ OWNER

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

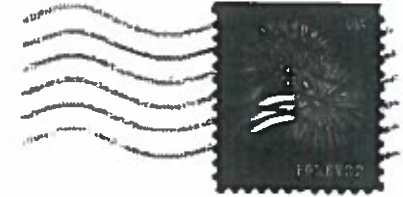
**POD / POU Lot 5 Block 1 Tunnel Rock Acres Subdivision (72-16915)**



M. SHARER  
6062 N. Bethel  
Clovis, CA 93619

FRESNO CA 936

19 SEP 2015 PM 2 L



RECEIVED

SEP 22 2016

DEPT OF WATER RESOURCES  
SOUTHERN REGION

IDWR  
650 Addison Ave. W, Suite 500  
TWIN FALLS, ID. 83301-5858

83301-585825

9/22

I left the envelope  
attached to application  
for address reference.

Applicant didn't list  
city - state - zip code.

I added it 9/22/2016.

DM

72-16915



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 10, 2016

MARK SHARER  
6062 N BETHEL  
CLOVIS, CA 93619

RE: Application For Permit No. 72-16915

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 **CHALLIS MESSENGER** on **11/17/2016** and **11/24/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **December 5, 2016**.

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 "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline  
Administrative Assistant

**Maline, Denise**

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**From:** Maline, Denise  
**Sent:** Thursday, November 10, 2016 2:43 PM  
**To:** Yenter, Cindy  
**Subject:** Comment Letter for 72-16915 - Mark Sharer  
**Attachments:** App for Permit 72-16915 (Mark Sharer).pdf

Hi Cindy,

Attached is a copy of an application for permit within WD170, which is currently being processed. Please review the information and provide any necessary comments within 21 days.

Thank you,

Denise



State of Idaho

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 10, 2016

CINDY YENTER  
WATER DISTRICT #170  
102 S WARPATH  
SALMON, ID 83467

*via e-mail*

RE: Application for Permit No. 72-16915

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 10, 2016

WATER DISTRICT #72D  
BRENT CUTLER  
PO BOX 208  
CHALLIS, ID 83226-0208

RE: Application for Permit No. 72-16915

Dear Brent:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unopposed application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 10, 2016

IDAHO DEPT OF FISH & GAME  
ATTN: JEFF RICHARDS  
99 HWY 93 N  
SALMON, ID 83467

RE: Application for Permit No. 72-16915

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department can publish notice of the application 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, or you may visit our website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Sincerely,

  
Denise Maline  
Southern Region

Enclosure(s)

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Thursday, November 10, 2016 12:10 PM  
**To:** Challis Messenger  
**Subject:** LEGAL NOTICE  
**Attachments:** Challis Messenger Cover Letter.docx; Challis Messenger Ad.doc

Attached please find (1) legal notice being submitted for publication on November 17<sup>th</sup> & 24<sup>th</sup>, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

*Denise Maline  
Administrative Assistant  
Idaho Dept of Water Resources, Southern Region  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)*



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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**C.L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Director

November 10, 2016

**LEGAL NOTICE DEPARTMENT**  
**CHALLIS MESSENGER**  
PO BOX 405  
CHALLIS, ID 83226

RE: Application For Permit No.(s): 72-16915

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 before December 5, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

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

**72-16915**

MARK SHARER

6062 N BETHEL

CLOVIS, CA 93619

Point of Diversion L1(NENW) S19 T12N R19E CUSTER County Source SALMON RIVER Tributary SNAKE RIVER

Use: IRRIGATION 04/01 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 9/22/2016

Place Of Use: IRRIGATION

T12N R19E S19 L1(NENW)

Total Acres: 1

Application proposes appropriating 0.02 cfs of water from the Salmon River to irrigate 1.0 acre of land within Lot 5, Block 1, Tunnel Rock Acres Subdivision located approximately 7.9 miles south and 2.9 miles west of the Highway 75 & 93 intersection south of Challis.

This application proposes the diversion and use of water tributary to a federally designated 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 0.02 cfs and 1.0 acre will be applied to the subordination amounts specified in the decree for the Salmon River Wild & Scenic River.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see [www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings](http://www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings). 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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before **December 5, 2016**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 17th & 24<sup>th</sup>, 2016

## Skinner, Corey

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**From:** Skinner, Corey  
**Sent:** Wednesday, November 09, 2016 4:37 PM  
**To:** Clark, Cynthia (Bridge)  
**Subject:** New Water Right Filing in Basin 72 from Salmon River (72-16915)

Cynthia,

We are forwarding a new application for permit, 72-16915, for advertising. This application will hit the papers in the next couple of weeks. The file will be scanned and available for viewing in the next few days. The application proposes appropriating 0.02 cfs of water from the Salmon River to irrigate 1.0 acre of land within Lot 5, Block 1, Tunnel Rock Acres Subdivision located approximately 7.9 miles south and 2.9 miles west of the Highway 75 & 93 intersection south of Challis.

Let me know if you have any questions or concerns,

Corey

**MARK SHARER  
6062 N. BETHEL  
CLOVIS, CA. 93619**

**DATE: 9-30-16**

**RECEIVED**

**OCT 03 2016**

**DEPT OF WATER RESOURCES  
SOUTHERN REGION**

**TO: IDWR  
ATTN: KENT L. AASA/ SHELLEY KEEN**

**RE: RESPONSE LETTER DATED 9-26-16 // ADDITIONAL INFORMATION REQUEST**

**Dear, IDWR**

***This letter is in response to a letter received dated 9-16-16. This letter requested additional information such as any invokes from the local public and concerns on the ESA species recovery issue.***

***I am not aware of any public interest concerns nor has any of the neighbors contacted me about any concerns. I also do not believe my water diversion will effect the ESA program. If you have any questions please feel free to call me at 559-289-5133***

**Sincerely,  
Mark Sharer**



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 26, 2016

Mark Sharer  
6062 N. Bethel  
Clovis, CA 93619

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

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

September 26, 2016

Page 2

A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model watersheds. Furthermore, the Snake River Water Rights Agreement of 2004 contemplates the development of additional conservation plans for other upper Salmon River basin watersheds. Accordingly, the draft Comprehensive State Water Plan under revision 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 Shelley Keen at 208-287-4947, or email him at [shelley.keen@idwr.idaho.gov](mailto:shelley.keen@idwr.idaho.gov). For applications in administrative basins 73-75, you may also contact IDWR's Eastern Region office in Idaho Falls at 208-525-7161. For applications in administrative basins 71 or 72, you may also contact IDWR's Southern Region office in Twin Falls at 208-736-3033.

Sincerely,



Kent L. Aasa  
Water Resource Agent