

RECEIVED

STATE OF IDAHO

Ident. No.

74-16010

AMENDED

JAN 22 2014

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern Region

APPLICATION FOR PERMIT

AMENDED

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Lamar Cockrell and Sons LLC Phone (208)303-0332
 Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 237 Lemhi Road City Salmon

State ID _____ Zip 83467 Email: o.cockrell@hotmail.com

2. Source of water supply Springs which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
21N	23E	29		NE	SW	SE	Lemhi	Springs	
21N	23E	29		NE	SE	SE	Lemhi	Springs	
21N	23E	29		SE	SE	SE	Lemhi	Springs	
21N	23E	29		SW	SE	SE	Lemhi	Springs	

4. Water will be used for the following purposes:

Amount 2.24 cfs for Irrigation purposes from 03/15 to 11/15 (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)

5. Total quantity to be appropriated is (a) 2.24 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Springs flow is intercepted by the L-9 ditch. The L-9 ditch flows to the proposed place of use.

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 11.

For dams 10 feet or more in height OR reservoirs with a total 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. _____

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

74-16010

8. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	11						22.1											22.1
21N	22E	10	11.1		7.1	15.3													33.5
21N	22	3													17.6	1.6			19.2

Total number of acres to be irrigated: 74.8

9. 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? 74-2047L is also used to partially irrigate the proposed place of use.
10. a. Who owns the property at the point of diversion? Eagle Valley Ranch
- b. Who owns the land to be irrigated or place of use? LaMar Cockrell and Sons
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The spring water we wish to use already flows into the L-9 ditch. The spring has no way to flow back to the river. We would like to have a right on this water, where it is intercepted by the L-9 ditch and has always been used.
12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Orie Cockrell
Signature of Applicant

Orie Cockrell member
Print Name (and title, if applicable)

Signature of Applicant

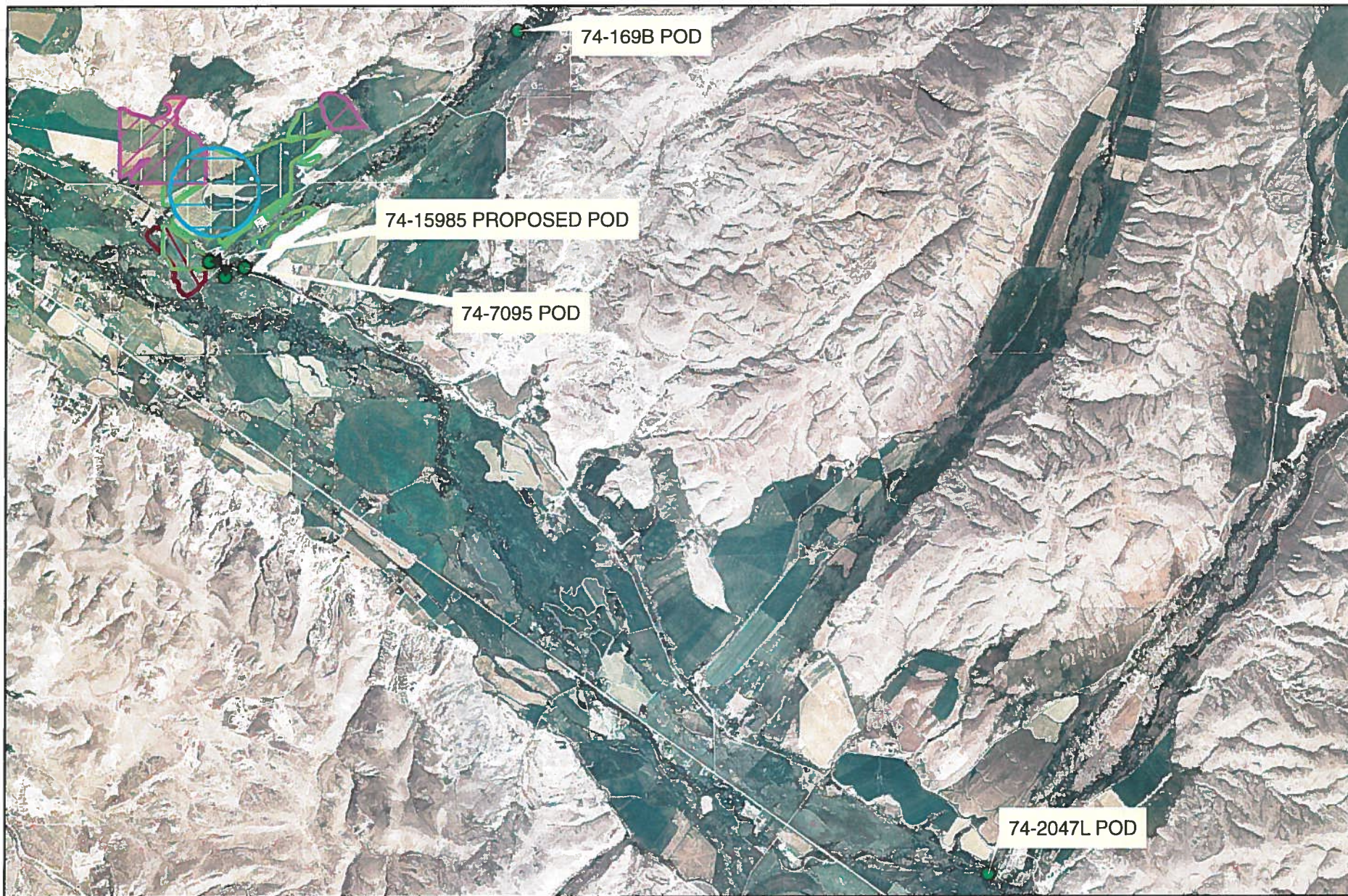
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ _____ Receipted by _____ Receipt No. E039434 Date 12-16-13

74-16010



74-169B

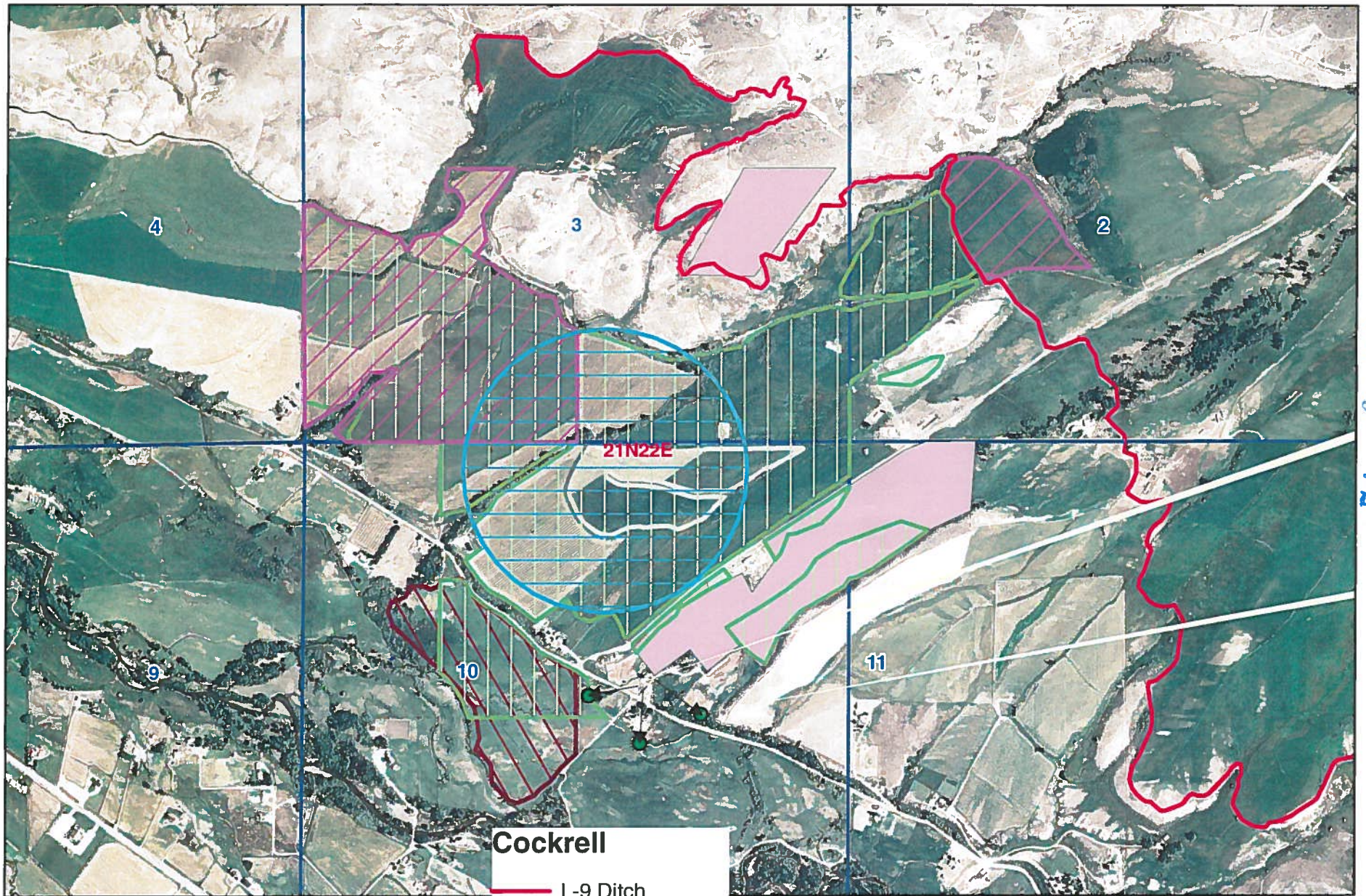


Existing

Cockrell

-  74-15985 - Water Application
-  74-169B
-  74-2047L
-  74-7095_POU

0 0.5 1 2 Miles
Exhibit 121



74-1601A

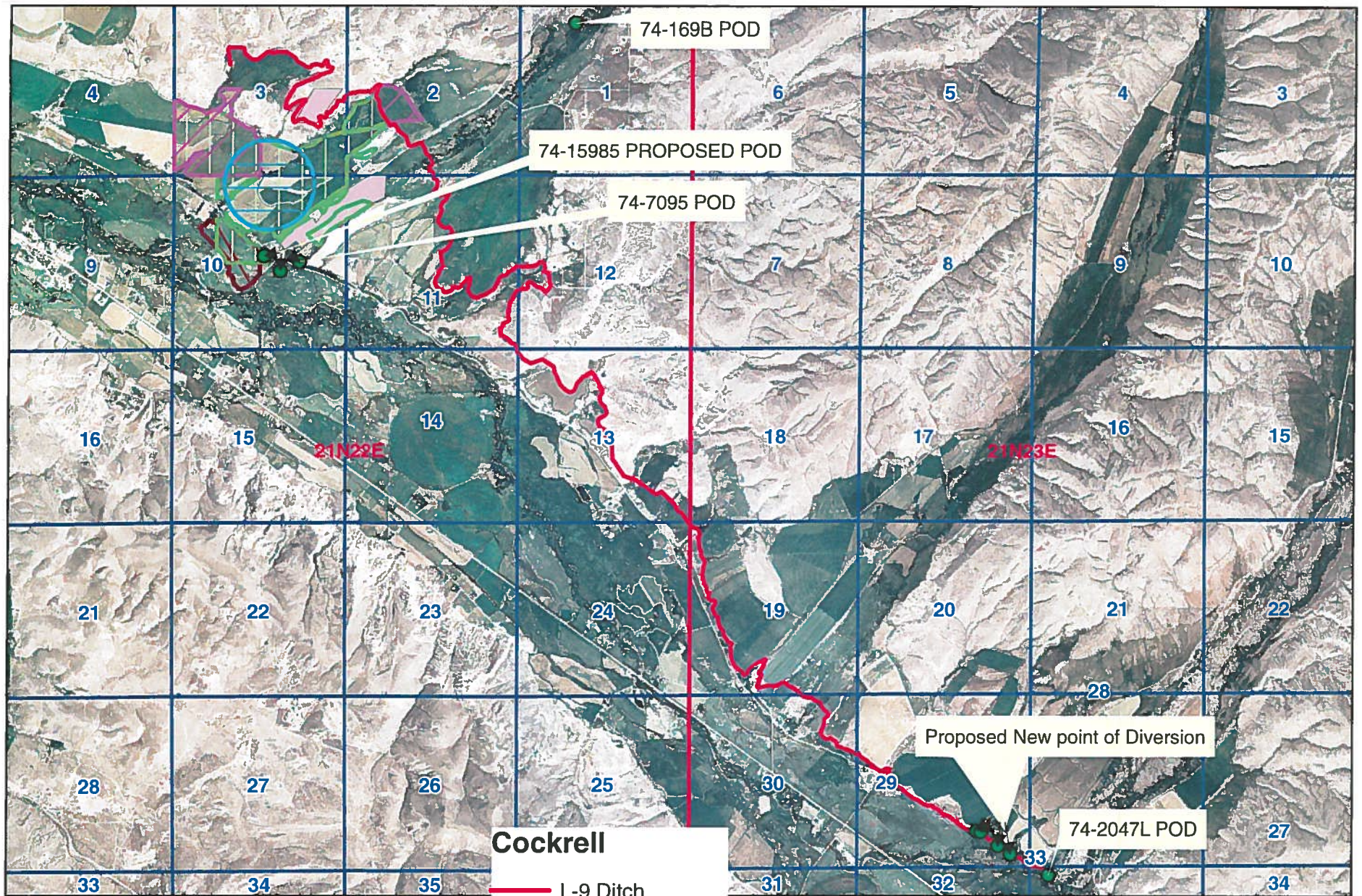
Cockrell

- L-9 Ditch
- 74-15985 - water application
- 74-169B
- 74-2047L
- 74-7095_POU
- New Place of Use

Proposed



0 0.15 0.3 Exhibit 121 0.6 Miles



Cockrell

- L-9 Ditch
- 74-15985 - water application
- 74-169B
- 74-2047L
- 74-7095_POU
- New Place of Use

Proposed New point of Diversion

74-2047L POD



Proposed

0 0.475 0.95 Exhibit 121 1.9 Miles

RECEIVED
DEC 17 2013
Department of Water Resources
Eastern Region

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

Ident. No. _____

1. Name of applicant(s) LaMar Cockrell and Sons Phone 208-303-0332
Name connector (check one) ☐ and ☐ or ☐ and/or

Mailing address: 237 Lemhi Rd City Salmon
State ID Zip 83467 Email: l.cockrell@hotmail.com

2. Source of water supply springs which is a tributary of Sinks in ditch

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
21	23	29		SE	SE		Lemhi	Springs	
21	23	29		SW	SE				

4. Water will be used for the following purposes:

Amount 2.24 cfs for Irrigation purposes from Mar 15 to Nov 15 (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)

5. Total quantity to be appropriated is (a) 2.24 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. These springs naturally flow into our irrigation ditch.

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 11.

For dams 10 feet or more in height OR reservoirs with a total 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. _____

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

SUPERCEDED

8. 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	
21 ^N	22	11						22.13											22.13
21	22	10	11.11		7.07	15.27													33.45
21	22	3													17.6	1.6			19.2

Total number of acres to be irrigated: 74.78

9. 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 is a right that is used to irrigate some of the same ground listed above in Sec 10 and 11 water right No 74-20476
10. a. Who owns the property at the point of diversion? Eagle Valley Ranch
- b. Who owns the land to be irrigated or place of use? LaMar Cockrell and Sons
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. The spring water we wish to use already flows in our L-9 irrigation ditch. The spring has no way to flow back to the river. We would like to have a right on this water, where it naturally comes in the ditch and has always been used.
12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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.

Oris Cockrell
Signature of Applicant

Oris Cockrell member
Print Name (and title, if applicable)

Signature of Applicant

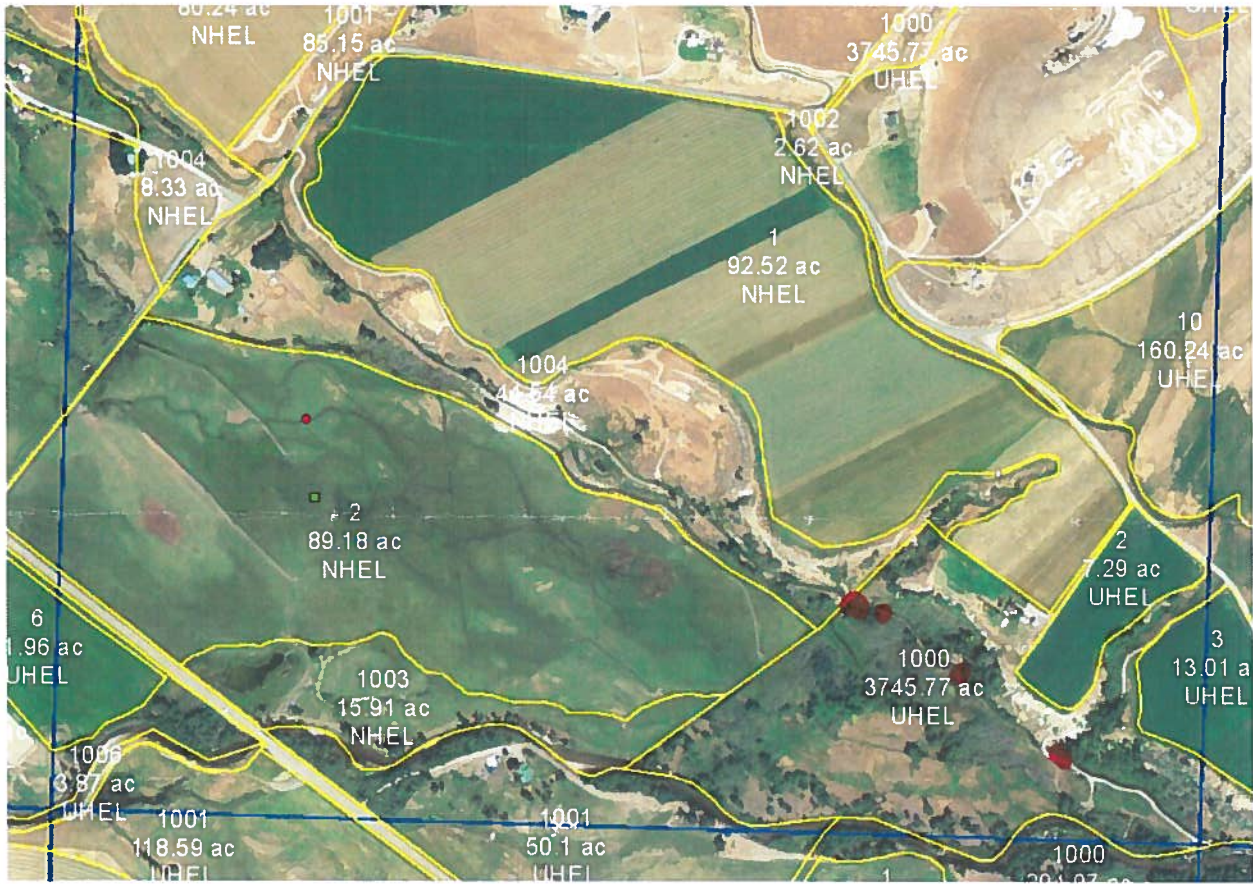
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 330.00 Receipted by _____ Receipt No. E039434 Date 12-16-13

74-16010



point of diversion in red →

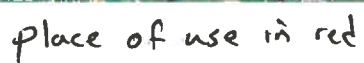
Township 21 Section 29 Range 23 SE 1/4

74-16010

An aerial photograph of a landscape, likely a wetland or marsh area, with a blue parallelogram outline drawn over a central portion. The terrain is a mix of light brown and green, with winding paths or waterways. Handwritten annotations in black ink are present. Two punch holes are visible at the top of the page.

↗
place of use

TWP 21 RGE 22 SEC 3



33.45 acres

22.13 acres

Exhibit 121



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 29, 2014

LAMAR COCKRELL & SONS LLC
237 LEMHI RD
SALMON, ID 83467

Application For Permit No. 74-16010

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 February 6 and 13, 2014. 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,

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, January 29, 2014 9:37 AM
To: 'Recorder Herald (rhlegals@custertel.net)'
Subject: Legal Notice for your paper
Attachments: Recorder Herald.doc

Contacts: Recorder Herald

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

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

74-15964

MARY STEPHENSON
GORDON STEPHENSON
30 N BAKER RD
SALMON, ID 83467-5170
Point of Diversion
SWSW S34 T21N R23E
LEMHI County
Source GROUND WATER Tributary
Point of Diversion
NWNW S34 T20N R23E
LEMHI County
Source WASTE WATER Tributary
Use: AESTHETIC
03/15 to 11/15 0.05 CFS
Use: AESTHETIC STORAGE
01/01 to 12/31 24 AF
Use: DIVERSION TO STORAGE
03/15 to 11/15 0.05 CFS
Use: FISH PROPAGATION
03/15 to 11/15 0.05 CFS
Use: FISH PROPAGATION STORAGE
01/01 to 12/31 24 AF
Use: RECREATION
03/15 to 11/15 0.05 CFS
Use: RECREATION STORAGE
01/01 to 12/31 24 AF
Total Diversion: 0.05 CFS
24 AF

Date Filed: 1/25/2012

Place Of Use: RECREATION, FISH PROPAGATION STORAGE, AESTHETIC STORAGE, FISH PROPAGATION, AESTHETIC, RECREATION STORAGE

T20N R23E S3 NWNW
T21N R23E S34 SWSW

This application proposes the diversion and use of water from waste water and ground water 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 .05 cfs and for diversion to storage, aesthetic storage, recreation storage and fish propagation will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

74-16010

LAMAR COCKRELL & SONS LLC
237 LEMHI RD
SALMON, ID 83467
Point of Diversion
NESWSE S29 T21N R23E
SESESE S29 T21N R23E
SWSESE S29 T21N R23E
NESESE S29 T21N R23E
LEMHI County
Source SPRING Tributary
Use: IRRIGATION
03/15 to 11/15 1.5 CFS
Total Diversion: 1.5 CFS
Date Filed: 12/17/2013
Place Of Use: IRRIGATION
T21N R22E S3 NESE NWSE
T21N R22E S10 NENE SWNE SENE
T21N R22E S11 NWNW
Total Acres: 74.8

This application proposes the diversion and use of water from springs 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 2.24 cfs and 74.8 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 22, 2014

Eagle Valley Ranch LLC
446 Bohannon Creek Rd
Salmon ID 83467

Application to Permit No. 74-16010

Mr. Howser:

The Department of Water Resources is seeking written comment and/or recommendations regarding the above referenced water right application. A copy of the application is enclosed for your reference.

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

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is written in a cursive style with a large, looping 'S' at the beginning.

Sharla Cox
Administrative Assistance

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 22, 2014

Idaho Department of Fish & Game
PO Box 1336
Salmon, ID 83467

Application to Permit No. 74-16010 and 74-15964

IDF&G:

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 contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is written in a cursive, flowing style.

Sharla Cox
Administrative Assistance

Enclosure(s)

cc: Idaho Department of Fish & Game
Tom Bassista
4279 Commerce Circle
Idaho Falls ID 83401



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 22, 2014

Water Resource Board
PO Box 83720
Boise ID 83720

Application to Permit No. 74-16010 and 74-15964

Water Resource Board:

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 contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistance

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 22, 2014

Lamar Cockrell and Sons LLC
237 Lemhi Rd
Salmon ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16010

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

Letter to Upper Salmon River Basin Water Right Applicants
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 me at 208-525-7161, or email me at james.cefalo@idwr.idaho.gov.

Sincerely,



James Cefalo
Water Resources Program Manager

Enclosure

JC:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 17, 2014

Lamar Cockrell and Sons
237 Lemhi Road
Salmon ID 83467

RE: Application for Permit

Dear Mr. Cockrell:

The Department has received your application to appropriate waters of the State. In reviewing the application it was found to contain several errors. I have included an amended application, please look over the application and maps. If this amended application accurately shows your intentions, please sign and return.

Also, to let you know the Department will not issue a new water right for greater than .02cfs per acre. Your original application and the amended application still list 2.24 cfs (.03 cfs/acre). If this application is approved the total amount will be reduced to 1.5 cfs which is .02cfs per acre.

If you have any questions, please let me know.

Thank you,

A handwritten signature in black ink, appearing to read 'Kerrie Mathews'.

Kerrie Mathews
Sr. Water Resource Agent/Stream Channel Specialist