

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 73-12256

Priority: March 28, 2016

Maximum Diversion Rate: 0.80 CFS

This is to certify, that STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

has applied for a permit to appropriate water from:

Source: PAHSIMEROI RIVER**Tributary:** SALMON RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
FISH PROPAGATION	04/01 to 10/31	0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER NE1/4SW1/4 Sec. 35, Twp 14N, Rge 22E, B.M. LEMHI County

PLACE OF USE: FISH PROPAGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N 22E 35										X							

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2017**.
2. Subject to all prior water rights.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
6. Use of water under this right shall be non-consumptive.

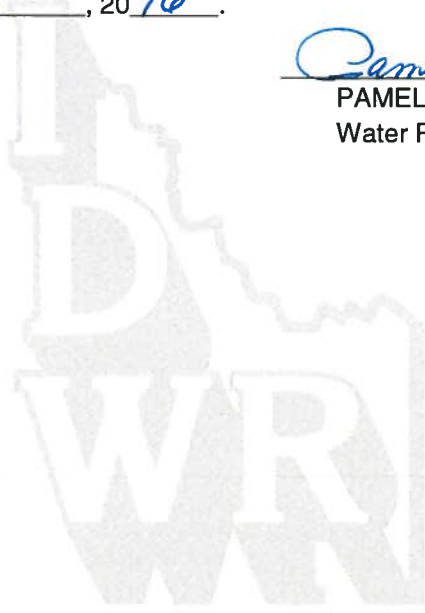
State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 73-12256

7. This right does not grant any right-of-way or easement across the land of another.
8. Fish propagation use is for fish protection through the installation of a deflection screen and a bypass pipe to provide passage for fish back to the Pahsimeroi River.
9. Point of diversion is also identified by Idaho Department of Fish and Game as P-16.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

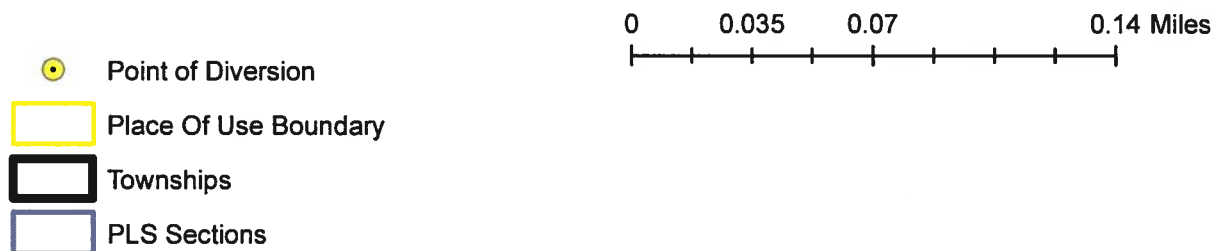
Signed this 8th day of June, 20 16.


PAMELA S. SKAGGS
Water Rights Supervisor



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
73-12256

This map depicts the FISH PROPAGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.





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 13, 2016

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

RE: Permit Nos.: 73-12256, 75-14838, 75-14839, 75-14840 & 75-14841

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permits authorizing you to establish new water rights. Please be sure to thoroughly review the conditions of approval and remarks listed on your permits.

The permits are PRELIMINARY ORDERS issued by the Department pursuant to Section 67-5243, Idaho Code. They can and will become final orders without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop these permits into licensed water rights. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your projects are already completed, you should complete and submit this form for each immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,



Pamela Skaggs
Water Rights Supervisor

Enclosure(s)

c: LARRY WEEKS STATE OF IDAHO DEPT OF FISH & GAME
TED ONEAL WATER DISTRICT #73

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2016, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Permits) to the person(s) listed below:

RE: WATER RIGHT NOS. 73-12256, 75-14838, 75-14839, 75-14840 & 75-14841

**STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707**

**LARRY WEEKS
STATE OF IDAHO
DEPT OF FISH & GAME
97 HWY 93 N
SALMON ID 83467**

**TED ONEAL
WATER DISTRICT #73
81 FUREY LN
MAY ID 83253**



**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

THE FOLLOWING APPLICATION(S)
HAVE BEEN FILED TO APPROPRIATE
THE PUBLIC WATERS OF
THE STATE OF IDAHO:

73-12256

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion NESW S35 T14N
R22E LEMHI County
Source PAHSIMEROI RIVER Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 3/28/2016
Place Of Use: FISH PROPAGATION
T14N R22E S35 NESW

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the Salmon 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 non-consumptive fish propagation purposes.

75-14819

DAHLES REDEMIX INC
522 S RIVER ST
SALMON, ID 83467
Point of Diversion L4(SWSW) S7 T20N
R22E LEMHI County
Source GROUND WATER
Point of Diversion L4(SWSW) S7 T20N
R22E LEMHI County
Source GROUND WATER
Use: AESTHETIC STORAGE
01/01 to 12/31
80.8 AF
Use: INDUSTRIAL
01/01 to 12/31
1 CFS
Use: IRRIGATION
04/01 to 10/31
0.07 CFS
Total Diversion: 1.07 CFS
80.8 AF
Date Filed: 2/8/2016
Place Of Use: INDUSTRIAL, AESTHETIC STORAGE, IRRIGATION
T20N R22E S7 L4(SWSW)
T20N R22E S18 L4(NWNW)
Total Acres: 1.4

This application proposes the diversion and use of water from ground water tributary to the Salmon Wild & Scenic River.

RECEIVED

MAY 31 2016

DEPARTMENT OF
WATER RESOURCES

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **THE FOLLOWING APPLICATIONS**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **5-19-2016** and ending with the issue dated **5-26-2016**.

STATE OF IDAHO

County of Lemhi

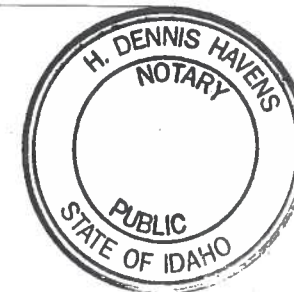
ss.

On this **26th day of May** in this year of 2016 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 11-30-2018



Publication Fee \$649.80

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.

75-14820

DAHLES REDE MK/INC
522 S RIVER ST
SALMON, ID 83461

Point of Diversion L1(NWNE) L6(SWNE)
L6(SENE) L1(NENE) S31 T23N R22E LEMHI
County

Source GROUND WATER
Use: AESTHETIC STORAGE
01/01 to 12/31
607.1 AF
Use: INDUSTRIAL
01/01 to 12/31
1 CFS
Use: IRRIGATION
04/01 to 10/31
0.1 CFS
Total Diversion: 1.1 CFS
607.1 AF
Date Filed: 4/13/2016

Place Of Use: INDUSTRIAL, AESTHETIC
STORAGE IRRIGATION
T23N R22E S31 L1(NENE) L1(NWNE)
L6(SWNE) L6(SENE)
Total Acres: 2

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.

75-14838

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

Point of Diversion L1(NWNW) S7 T18N
R21E LEMHI County

Source IRON CREEK Tributary
SALMON RIVER

Use: FISH PROPAGATION
03/15 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 3/28/2016

Place Of Use: FISH PROPAGATION
T18N R21E S7 L1(NWNW)

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive fish propagation purposes.

75-14839

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

Point of Diversion SWSE S1 T18N R20E
LEMHI County

Source IRON CREEK Tributary
SALMON RIVER

Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 3/28/2016
Place Of Use: FISH PROPAGATION
T18N R20E S1 SWSE

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive fish propagation purposes.

75-14840

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

Point of Diversion NESW S1 T18N R20E
LEMHI County

Source IRON CREEK Tributary
SALMON RIVER

Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 3/28/2016
Place Of Use: FISH PROPAGATION
T18N R20E S1 NESW

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive fish propagation purposes.

75-14841

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707

Point of Diversion NENW S23 T18N
R21E LEMHI County

Source POISON CREEK Tributary
SALMON RIVER

Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 3/28/2016
Place Of Use: FISH PROPAGATION
T18N R21E S23 NENW

This application proposes the diversion and use of water from a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive fish propagation purposes.

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 6/6/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**NOTICE OF PROPOSED CHANGE OF
WATER RIGHT**

TRANSFER NO. 80850

MICHELLE M YOUNG and WILLIAM YOUNG, PO BOX 98, HOPE, ID 83836-0098; has filed Application No. 80850 for changes to the following water rights within LEMHI County(s): Right No(s). 74-7363; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Transfer proposes to change the POD to a location 1/4 mile upstream on Meadow Creek.

TRANSFER NO. 80861

EAGLE VALLEY RANCH LLC, 446 BOHANNON CREEK RD, SALMON, ID 83467; has filed Application No. 80861 for changes to the following water rights within LEMHI County(s): Right No(s). 74-745; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Transfer on right 74-745 proposes to change the point of diversion to LA-8 and the place of use to another Eagle Valley Ranch field.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm> 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 6/6/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director