

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 75-14834

Priority: February 16, 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: FREEMAN CREEK**Tributary:** CARMEN CREEK

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:

FREEMAN CREEK NW1/4SW1/4 Sec. 36, Twp 23N, 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		
23N	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. 75D.
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.

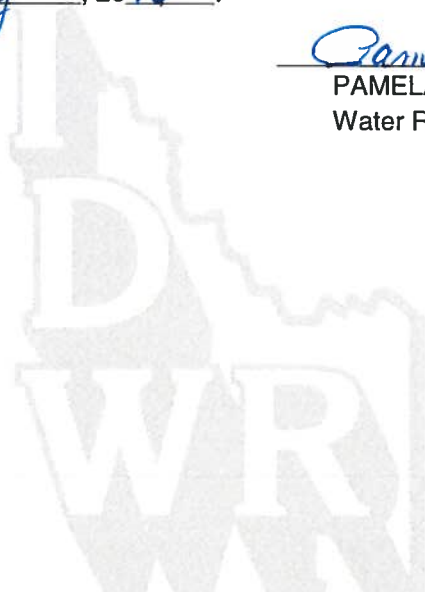
State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 75-14834

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 Freeman Creek.
9. Point of diversion is also identified by Idaho Department of Fish and Game as SCCFC-01.

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

Signed this 12th day of May, 20 16.


PAMELA S. SKAGGS
Water Rights Supervisor



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
75-14834

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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles





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

May 13, 2016

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

RE: Permit Nos. 75-14824, 75-14825, 75-14826, 75-14827, 75-14828, 75-14829,
75-14830, 75-14831, 75-14832, 75-14833, 75-14834, 75-14835 & 75-14836

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 any of your projects are already completed, you should complete and submit this form for each immediately.

Please note that separate stream channel alteration permits 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,

A handwritten signature in blue ink, appearing to read "Pamela Skaggs". The signature is fluid and cursive, with the first name "Pamela" written in a larger, more prominent script than the last name "Skaggs".

Pamela Skaggs

Water Rights Supervisor

Enclosure(s)

c: WATER DISTRICT #75D

LARRY WEEKS

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 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. 75-14824, 75-14825, 75-14826, 75-14827, 75-14828, 75-14829, 75-14830, 75-14831, 75-14832, 75-14833, 75-14834, 75-14835 & 75-14836

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

**LARRY WEEKS
97 HWY 93 N
SALMON ID 83467**

**WATER DISTRICT #75D
BRIAN KELLER
PO BOX 253
CARMEN ID 83462**



**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:

74-16042

GARY R JENSON

JOAN JENSON

55 THREE MILE LN

SALMON, ID 83467

Point of Diversion SESE S24 T21N R22E

LEMHI County

Source LEMHI RIVER Tributary

SALMON RIVER

Use: IRRIGATION

03/15 to 11/15

0.18 CFS

Total Diversion: 0.18 CFS

Date Filed: 4/1/2016

Place Of Use: IRRIGATION

T21N R22E S23 SWNE

Total Acres: 9

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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14824

STATE OF IDAHO

DEPT OF FISH & GAME

PO BOX 26

BOISE, ID 83707

Point of Diversion NENW S24 T23N

R22E LEMHI County

Source CARMEN CREEK Tributary

SALMON RIVER

Use: FISH PROPAGATION

04/01 to 11/15

0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 2/16/2016

Place Of Use: FISH PROPAGATION

T23N R22E S24 NENW

2
5-3-16

RECEIVED RECEIVED

MAY 02 2016

MAY 02 2016

FISCAL

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 TO APPROVE PUBLIC WATERS**, 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 **4-21-2016** and ending with the issue dated **4-28-2016**.

STATE OF IDAHO

County of Lemhi

ss.

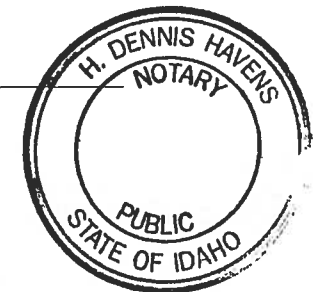
On this **28th day of April** in this year of 2016 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

H. Dennis Havens

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 11-30-2018



Publication Fee \$604.80

75-14825

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion SESW S24 T23N
R22E LEMHI County
Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T23N R22E S24 SESW
75-14826
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion SWNW S25 T23N
R22E LEMHI County

Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T23N R22E S25 SWNW
75-14827
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion NENE S35 T23N R22E
LEMHI County

Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 11/15
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T23N R22E S35 NENE
75-14828
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion L3(NENW) S2 T22N
R22E LEMHI County

Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T22N R22E S2 L3(NENW) L4(NWNW)

75-14829

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion SWNW S2 T22N
R22E LEMHI County
Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T22N R22E S3 SENE NESE
75-14830
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion NESW S3 T22N R22E
LEMHI County

Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T22N R22E S3 NESW SESW
75-14831
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion NWNE S9 T22N R22E
LEMHI County

Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 11/15
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T22N R22E S9 NWNE SWNE
75-14832
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion SENW S9 T22N R22E
LEMHI County

Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 11/01
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T22N R22E S9 SENW

75-14833

STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion NWSW S9 T22N
R22E LEMHI County
Source CARMEN CREEK Tributary
SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T22N R22E S9 NWSW SWSW
75-14834
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion NWSW S36 T23N
R22E LEMHI County
Source FREEMAN CREEK Tributary
CARMEN CREEK

Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T23N R22E S35 NESE
75-14835
STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE, ID 83707
Point of Diversion NESE S36 T23N R22E
LEMHI County
Source FREEMAN CREEK Tributary
CARMEN CREEK
Use: FISH PROPAGATION
04/01 to 11/15
0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T23N R22E S36 NESE

75-14836

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

Point of Diversion NWSE S31 T23N
R23E LEMHI County
Source FREEMAN CREEK Tributary
CARMEN CREEK
Use: FISH PROPAGATION
04/01 to 11/15
0.8 CFS

Total Diversion: 0.8 CFS
Date Filed: 2/16/2016
Place Of Use: FISH PROPAGATION
T23N R23E S31 NESW

These applications filed by the Dept of Fish and Game propose 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 these applications will benefit from the subordination provision because it is for non-consumptive fish production purposes.

These applications 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/VRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-103A. 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 5/9/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

4-21-21c