FORM 202 11/13

RECEIVED
MAR 28 2016
DEPT OF WATER RESOURCES

RECEIVED
MAR 31 2016
DEPARTMENT OF WATER RESOURCES

Ident. No. 75-14840

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) STATE OF IDAHO, Idaho Fish and Game Commission Phone (208)334-3700
   Name connector (check one): ☐ and ☐ or ☐ and/or
   Mailing address P.O. Box 25 City Boise
   State Idaho Zip 83707 Email larry.weeks@idfg.idaho.gov
2. Source of water supply Iron Creek which is a tributary of Salmon River
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
18N	20E	01		SW	NE	SW	Lemhi	Iron Creek	SIC-09

4. Water will be used for the following purposes:
   Amount .80 (cfs or acre-feet per year) for Fish Propogation purposes from 04/01 to 11/01 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) .80 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. The fish screen located downstream from the headgate has a 10" bypass pipe with a 4" inlet orifice for fish return
   b. Height of storage dam NA feet; active reservoir capacity NA acre-feet; total reservoir capacity NA 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 NA inches; proposed depth of well is NA feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☑ No
   e. If well is already drilled, when? NA; drilling firm NA; well was drilled for (well owner) NA; Drilling Permit No. NA.
7. Description of proposed uses (if irrigation only, go to item 8):
   a. Hydropower: show total feet of head and proposed capacity in kW. NA
   b. Stockwatering: list number and kind of livestock. NA
   c. Municipal: complete and attach the Municipal Water Right Application Checklist.
   d. Domestic: show number of households NA
   e. Other: describe fully. This is a non-consumptive use of water that enables fish to return to the stream through a bypass pipe that runs from the fish screen to the stream.

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	
18N	20E	01									H								

Total number of acres to be irrigated: 0

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 are over 250 fish screens in Lemhi, Custer, and Blaine Counties that have non-consumptive water rights that are held by the State of Idaho Fish and Game Commission. 74-1692; 74-1693; 74-1696

10. a. Who owns the property at the point of diversion? BLM

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

    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing
    IDFG has a easement for ingress and egress to construct and maintain fish screens on this property

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

12. Time required for completion of works and application of water to proposed beneficial use is 1 year 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.

Signature of Applicant

Signature of Applicant

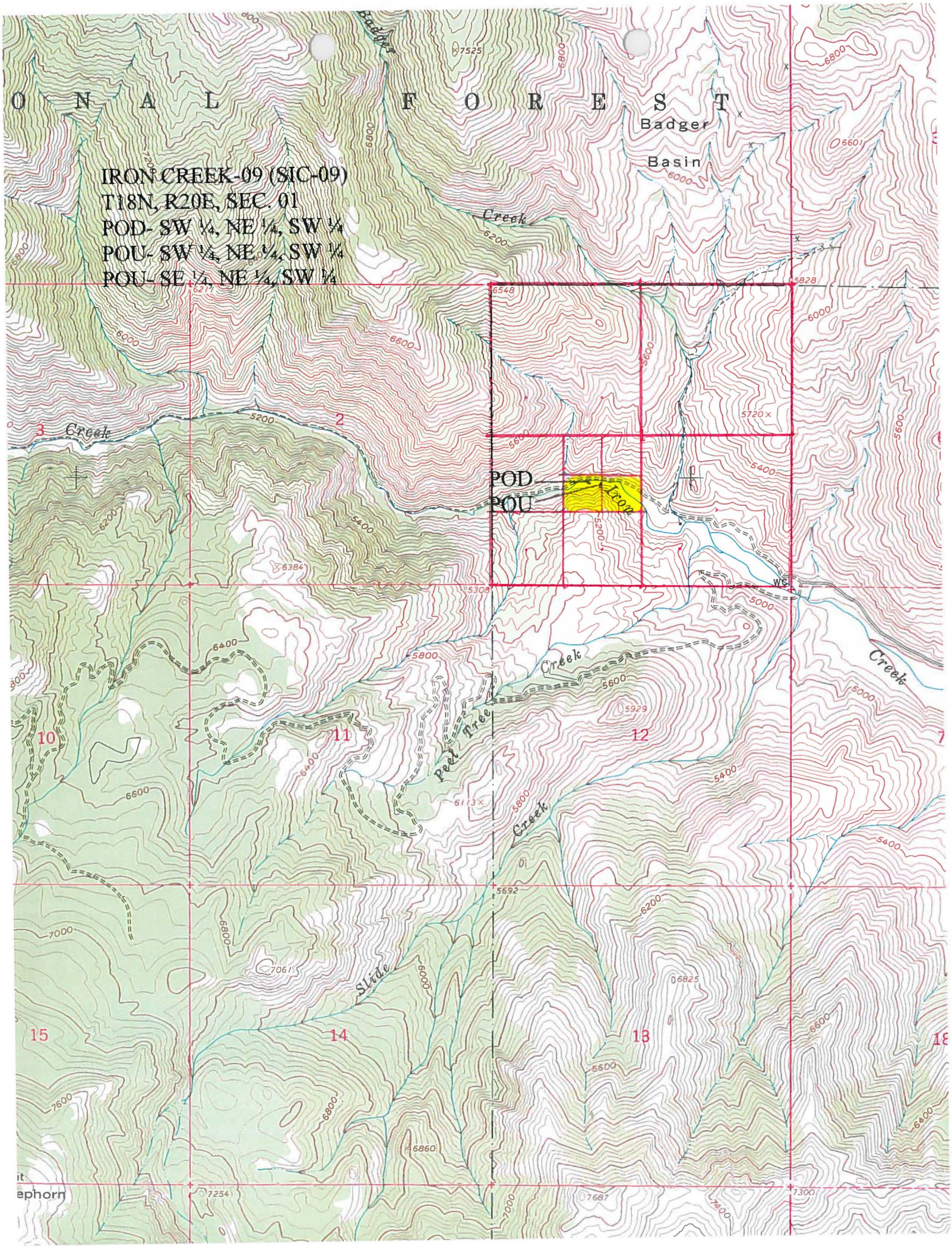
Print Name (and title, if applicable)

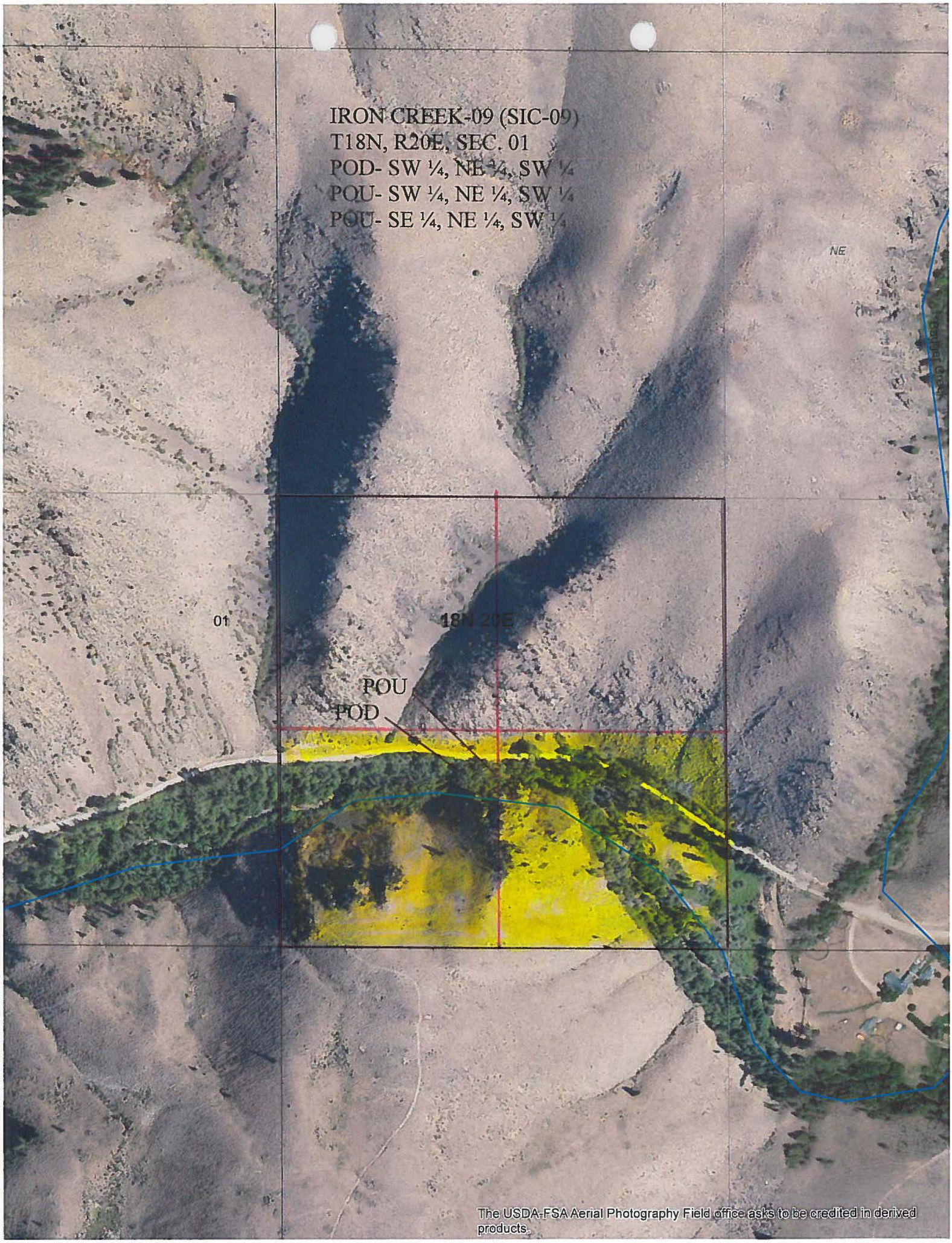
Tom Curet, Regional Supervisor
Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee $ _____ Receipted by _____ Receipt No. _____ Date _____


IRON CREEK-09 (SIC-09)
T18N, R20E, SEC. 01
POD- SW ¼, NE ¼, SW ¼
POU- SW ¼, NE ¼, SW ¼
POU- SE ¼, NE ¼, SW ¼
O N A L F O R E S T
Badger
Basin
Creek
POD
POU
Iron
Creek
Peel Tree
Creek
Slide
Creek
3
2
10
11
12
15
14
13
ephorn


IRON CREEK-09 (SIC-09)
T18N, R20E, SEC. 01
POD- SW ¼, NE ¼, SW ¼
POU- SW ¼, NE ¼, SW ¼
POU- SE ¼, NE ¼, SW ¼
NE
01
18N 20E
POU
POD
The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Google earth

feet 500

meters 100

FORM 2800-14
(August 1985)

Issuing Office
Salmon Field Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER IDI-35944

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1. A right-of-way for IDI-35094 is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

   a. By this instrument, the holder:

      Idaho Department of Fish and Game
      P.O. Box 1336
      Salmon, Idaho 83467

      receives a right to construct, use, maintain, and terminate a 12 inch buried water pipeline crossing public lands described as follows:

      T. 18 N., R. 20 E., section 1, NE¼SW¼;

      Lemhi County, Boise Meridian.

   b. The right-of-way or permit area granted herein is 20' x 20' wide for the screen structure and two track access road, 12' x 164'. The total facility contains .06 acres, more or less.

   c. This instrument shall terminate 30 years from the effective date of this grant, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

   d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, May 11, 2016 8:54 AM
To: Yenter, Cindy; Clark, Cynthia (Bridge)
Subject: Applications for permit and Transfers

Applications for Permit 73-12256, 75-14819, 75-14820, 75-14838, 75-14839, 75-14840 and 75-14841 and Transfers 80850 and 80861 have been sent for advertising. The documents will be scanned and available for review by the end of the day. Please submit any comments or concerns you may have by June 6, 2016.

Cynthia, if the IWRB would like to protest any of these applications, the protest end date is also June 6, 2016.

Please let me know if you have any questions. Thank you.

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

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

May 11, 2016

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY
900 NORTH SKYLINE SUITE B
IDAHO FALLS, ID 83402

RE: Application for Permit No.: 73-12256, 75-14819, 75-14820, 75-14838, 75-14839, 75-14840 and 75-14841 and Transfer No. 80850 (74-7363) & 80861 (74-745)

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right transfers and applications for permit. You can find copies of the applications at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

This office can publish notice of the applications and transfers 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 these applications, 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,

Jean Hersley

Jean Hersley
Technical Records Specialist II

Enclosure(s)

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

May 11, 2016

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

RE: Transfer No. 80850 in the name of William and Michelle Young
Application for Permit No. 73-12256 and 75-14840 in the name of the State of Idaho, Dept of Fish and Game

Dear Interested Party:

The Department of Water Resources is notifying you of an application for transfer that may be of interest to you. A full description concerning property location may be found at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx.

If you desire to file a formal protest against approval of the application, a written protest along with the $25 protest fee for each application protested must be received by June 6, 2016.

Please contact this office at (208) 287-4800 if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, May 11, 2016 7:49 AM
To: rhlegals@custertel.net
Subject: Legal Notices

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean 208-756-2222 Page 1
May 11, 2016

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 June 6, 2016. 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:

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 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.

75-14819
DAHLES RED E MIX 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. 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.

75-14820
DAHLES RED E MIX INC
522 S RIVER ST
SALMON, ID 83467
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 Published on 5/19/2016 and 5/26/2016

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 Published on 5/19/2016 and 5/26/2016

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

May 10, 2016

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

Application For Permit No. 73-12256, 75-14838, 75-14839, 75-14840 and 75-14841

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 5/19/2016 and 5/26/2016. 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,

Jean Hersley

Jean Hersley
Technical Records Specialist

c: Fish & Game- Salmon Office

MEMORANDUM

Date: April 27, 2016
To: Water Right File 75-14840
From: Steven Visosky
Re: Application for Permit Review

Applicant
Application for permit 75-14840 was filed by State of Idaho, Department of Fish and Game (Fish and Game) for fish propagation on Iron Creek in Lemhi County. The application was signed by Fish and Game Region 7 Supervisor Tom Curet and was submitted by Fish and Game easement specialist Larry Weeks. The application was received on 3-28-2016 and the $250 fee associated with the application will be paid through the Interagency Billing Process.

The applicant does not own the land associated with the place of use (POU) or the point of diversion (POD) described in the permit. According to 2-24-2016 tax lot information from Lemhi County, the land associated with the POU and the POD is owned by the BLM. Fish and Game has submitted an easement agreement to construct and maintain fish screens on this property.

Source & POD
The proposed source of water is Iron Creek which is tributary to the Salmon River. Iron Creek is listed as a "Minimum Streamflow" however there is no water right associated with the "Minimum Streamflow" classification. This surface water is not within a water district however it is within the Wild and Scenic Watersheds of the Salmon River. According to Application Processing Memo No. 70, Water delivery No. 3, all surface water rights and ground water rights diverted from hydraulically connected to the Wild and Scenic River reaches upstream from the ending points will be recorded, tracked, and administered as anticipated under the provisions of the Wild and Scenic Agreement. The applicant was sent an IDWR's additional local public interest information letter.

The POD is the headgate on Iron Creek that is shared with one other water right. Water travels down a conveyance ditch to a fish screen and then is diverted from the fish screen through a bypass pipe back to the source. The point where water is diverted back into Iron Creek has been identified on a map submitted by Larry Weeks.

Use
The proposed use of the application is for fish propagation. This is a non-consumptive use of water that enables fish to return to the stream through a bypass pipe. The requested season of use was adjusted by one day to match the season of use of the existing water right being diverted through this POD.

POU
The POU for fish propagation is the 10" bypass pipe that runs from the fish screen back to Iron Creek.

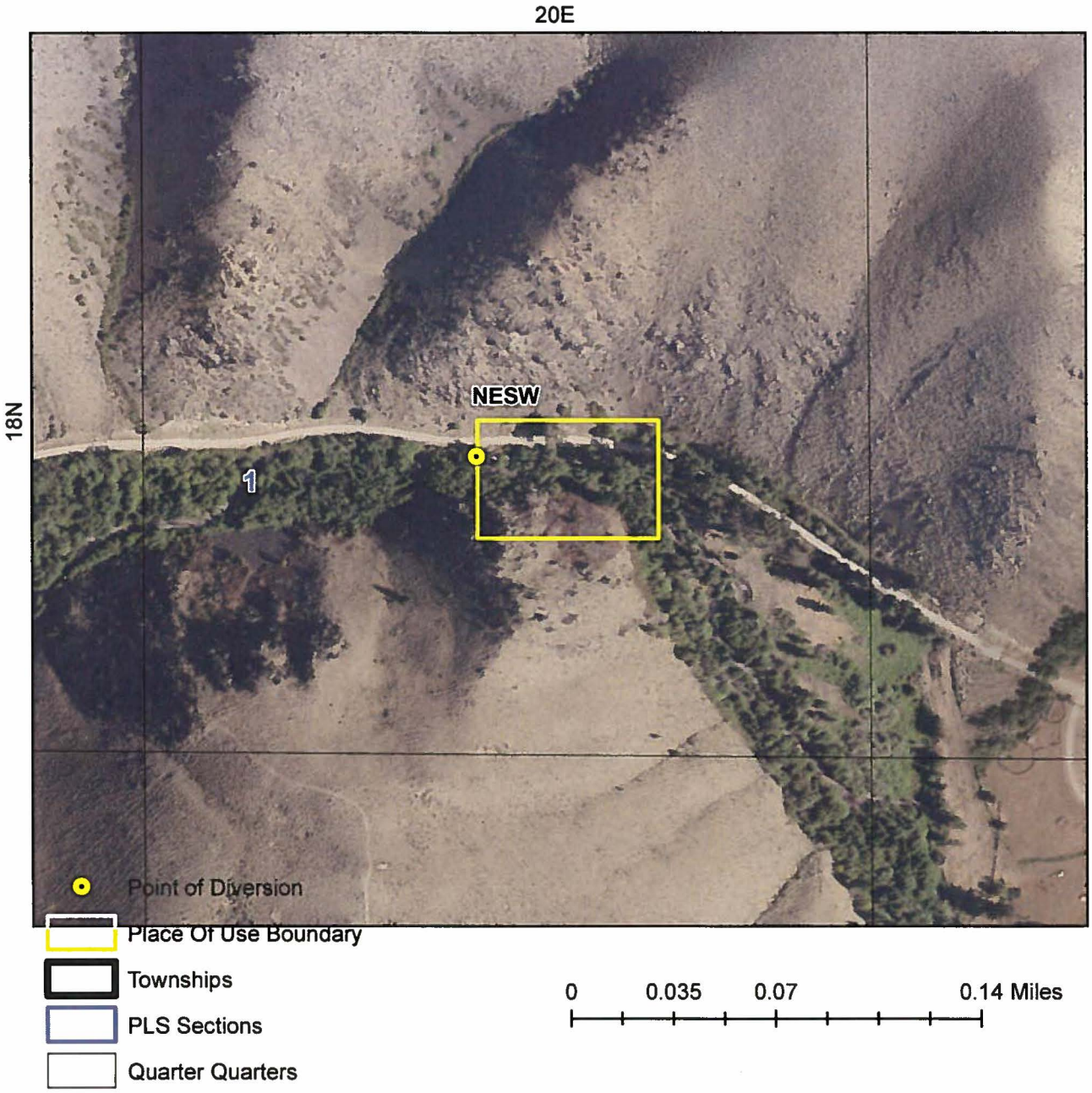
POU/POD overlap analysis

Application for permit 75-14840 proposes to share the same POD diversion with one other water right on the diversion known as the "SIC-09" diversion. There are no other water rights in the QQ with the same fish propagation use.

State of Idaho
Department of Water Resources

Application For Permit

75-14840



Prepared By:Visosky, Steven

Visosky, Steven

From: Curet,Tom [tom.curet@idfg.idaho.gov]
Sent: Tuesday, April 12, 2016 9:33 AM
To: Visosky, Steven
Cc: Weeks,Larry
Subject: RE: Local public interest letter

Steven - The IDFG Anadromous Fish Screen and Habitat Program has been an integral part of improving conditions to support recovery of ESA-listed fish species Chinook salmon, steelhead, and bull trout in the Upper Salmon Basin. Fish screens and the bypass flows protect irrigators from illegal take of ESA-listed species and provide a benefit to the community by protecting and enhancing ESA-listed species populations for future generations. The Department certainly supports the approval of these water rights. Please let me know if you have any other needs. Thanks Tom Curet

---

From: Weeks,Larry
Sent: Thursday, April 07, 2016 12:29 PM
To: Curet,Tom
Cc: Steven.Visosky@idwr. idaho. gov
Subject: FW: Local public interest letter

Tom,
I have been asked to forward this to you for your comment.
Larry

From: Visosky, Steven [mailto:Steven.Visosky@idwr.idaho.gov]
Sent: Thursday, April 07, 2016 12:09 PM
To: Weeks,Larry
Subject: Local public interest letter

Dear Larry,

Attached is the local public interest letter that we are required to send in regards to the 9 applications for permit that you submitted. Four are from your original application packet that you amended and 5 are new applications. Sources included in these application include Carmen Creek, Freeman Creek, Pahsimeroi River, Iron Creek, and Poison Creek.

I spoke with my supervisor and as we have been communicating via email, it would be OK for Tom to email me his response instead of writing a formal signed letter when responding. We are looking to see if he has anything further to add to his application in regards to the attached letter. Could you please share this information with Tom.

Please let me know if you have any questions.

Steven Visosky
Water Resource Agent
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4933
Fax (208) 287-6700
steven.visosky@idwr.idaho.gov

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

April 7, 2016

TOM CURET
IDAHO DEPARTMENT OF FISH AND GAME
99 HWY 93 NORTH
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14828, 75-14834, 75-14835, 75-14836, 73-12256, 75-14838, 75-14839, 75-14840, 75-14841.

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 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 208-287-4951, or email me at pam.skaggs@idwr.idaho.gov.

Sincerely,

For Pamela Skaggs
Water Rights Supervisor