

RECEIVED

MAY 05 2016

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee \$	50.00
Receipt No.	0101976
Received By	SKG
Date Received	5/5/16

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 77-14361 Telephone No. 208-865-2375
 2. Name of Permit Holder(s) Salmon River Tours Co.
 3. Mailing Address PO Box 7 City North Fork
 State ID Zip 83466 Email info@salmonrivertours.com / rcb@racinelaw.net
 4. Source of Water Lemhi Creek If **GROUND WATER** (well), Date Drilled mo. ____ / yr. ____
 Well Driller _____ Drilling Permit Number _____

5. Extent of use(s) completed as authorized by the water right permit:
 Domestic (No. of households) _____ Stockwater (No. and type of stock) _____
 Irrigation (No. of acres) 0.2 Other Three Cabins, Lodge, bathrooms
 6. Total rate of diversion or storage volume for which proof is submitted 0.11 cfs OR _____ acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
 Refer to the approval conditions on your permit and respond accordingly.

The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes ☐	No ☒
	If yes, has the measuring device been installed?	Yes ☐	No ☒
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☐	No ☒
	If yes, has the lockable device been installed?	Yes ☐	No ☒
Fish Screen	Is a fish screen required?	Yes ☒	No ☐
	If yes, has the fish screen been installed?	Yes ☒	No ☐

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Conditions 8, 9: See Attachments A and B Completed? Yes ☒ No ☐

8. Fee Enclosed \$ 50.00 or not applicable ☐. See fee schedule on page 2 of the instructions.
 Proof statements filed without an appropriate fee, will be considered incomplete.
 9. Person to contact to accompany the Department representative during field examination of the water system.
 Name Brenda Baugh, Office Manager Telephone Number 208-628-3737
 Mailing Address PO Box 1459 City Riggins
 State ID Zip 83549 Email salmonrivertours@gmail.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder Russell C. Budge, Attorney (See POA) Date 5/3/16
 (Include your title, if on behalf of company or organization)

EXHIBIT A

IDAHO DEPARTMENT OF FISH AND GAME
February 4, 2016 Letter



copy

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

C.L. "Butch" Otter / Governor
Virgil Moore / Director

February 4, 2016

IDWR
Panie Merriman
2735 Airportway
Boise, ID 83705

Mike McLain
P.O. Box 7
North Fork, ID 83466

RE: Water Right Application No. 77-14361 (Salmon River Tours)

Dear Paine Merriman and Mike McLain:

The Idaho Department of Fish and Game (Department) has reviewed the application for permit no. 77-14361 submitted by Randy Budge on behalf of Mike McLain (Applicant). The Applicant seeks to appropriate 0.11cfs of public water from Lemhi Creek. The proposed beneficial uses are for irrigation of approximately ¼ acre yard, commercial building (lodge) and three cabins. Water distribution would be accomplished by using a screened four inch pipe charged at the POD that then splits into two one inch pipes which serves the buildings with irrigation from portable hoses to sprinklers.

The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on fish and wildlife and their associated habitat and how any adverse effects might be avoided, minimized, or mitigated. It is not the purpose of the Department to support or oppose the water right application. The Department and Idaho Fish and Game Commission are expressly charged with statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho. I.C. § 36-103(a). In fulfillment of our statutory charge and direction as provided by the Idaho Legislature, we offer the following comments and recommendations.

Lemhi Creek is a tributary of the main Salmon River and may provide habitat for fish species listed as endangered or threatened under the Endangered Species Act, caution is necessary to ensure that new appropriations of water do not undermine the substantial state, private, and federal efforts to restore and protect ESA-listed fish species and other public values in the state's rivers and streams. The main stem of

Keeping Idaho's Wildlife Heritage

the Salmon River is just downstream of the proposed water right, which is utilized by four ESA- listed species (Steelhead, Bull Trout, Chinook and Sockeye Salmon, respectively). It also contains resident populations of Rainbow Trout, Westslope Cutthroat Trout, Mountain Whitefish and White Sturgeon.

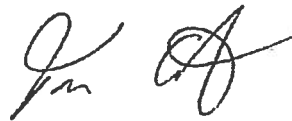
Based on your original letter submitted to the Department a screen is in place and since installing a flange on the rear of the screen, you feel it is sufficient for proper protection of fish that may utilize Lemhi Creek. You also stated that if we felt that additional screening or a screen from the Department was required, you would be more than willing to have the Department work with you to make those adjustments.

Based on whether your fish screen was constructed prior to the establishment of the NMFS (National Marine Fisheries Service) 2011 criteria, approval of your screen may be considered providing that all six of the following conditions are met:

1. The entire screen facility must function as designed.
2. The entire screen facility has been maintained and is in good working condition.
3. When the screen material wears out, it must be replaced with screen material meeting the current criterion stated in this document (NMFS 2011). To comply with this condition, structural modifications may be required to retrofit an existing facility with new screen material.
4. No mortality, injury, entrainment, impingement, migrational delay, or other harm to anadromous fish has been noted being caused by the facility.
5. No emergent fry are likely to be located in the vicinity of the screen, as agreed to by NMFS and/or Department biologist familiar with the site.
6. When biological uncertainty exists, access to the diversion site by NMFS and/or Department personnel is permitted by the diverter for verification of the above criteria.

Based on our findings this water withdrawal should not negatively impact fish or aquatic resources. We appreciate the opportunity to review this application and provide comments. If you need additional assistance, please contact the Region's Environmental Staff Biologist, Jeff Richards at (208) 756-2271.

Sincerely,



Tom Curet
Regional Supervisor

Literature Cited

NMFS (National Marine Fisheries Service). 2011. Anadromous Salmonid Passage Facility Design. NMFS, Northwest Region, Portland, Oregon.

Keeping Idaho's Wildlife Heritage

EXHIBIT B

STATEMENT RE: PERMIT CONDITION NO. 9

Salmon River Tours Co. submitted on or about April 6, 2016 to the Forest Service an *Application for Special Use Permit* to obtain authorization necessary to access the point of diversion to convey water to the place of use. The diversion and pipeline delivery system has been in existence and use since at least 1974 and will continue to be used in its current configuration. The Forest Service conducted a field examination on April 27, 2016 as a part of the administrative processing and it is anticipated the permit will be issued. The contact person with the Forest Service is as follows:

Molly Puchlerz
Land Special Use Program Coordinator
U.S. Forest Service
192 Powell Rd
Lolo, Montana 59847
Phone: 208- 942-0303
Email: mpuchlerz@fs.fed.us

EXHIBIT C

DURABLE POWER OF ATTORNEY

SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS

The undersigned hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, my/our true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and to allow them to receive all information, opinions, and records regarding water rights, and to sign and submit applications and other filings on my/our behalf.

DATED this 6th day of May, 2015.

SALMON RIVER TOURS CO.

By: _____

Name: Mike McLain

Title: President

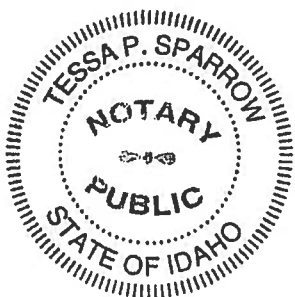
STATE OF IDAHO)

:ss

County of Bannock)

On this 6th day of May, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Mike McLain, known or identified to me to be the President of the company that executed the instrument or the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
Commission expires: 10/05/15



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 05, 2016

SALMON RIVER TOURS CO
PO BOX 7
NORTH FORK ID 83466

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 77-14361

Dear Permit Holder(s):

The department acknowledges receipt of the Proof of Beneficial Use ("proof") form and license examination fee submitted for the above referenced permit.

Condition(s) of this permit may not have been complied with according to the information you have provided on your proof form.

Condition no. 4 of this permit states:

"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 suitable control of the diversion."

You must comply with the above mentioned condition of the permit without delay and prior to the field examination. I have enclosed a copy of this permit for your information. If you feel the condition is unnecessary you may submit a written request to the department asking the requirement be waived. If your permit is subject to a water district you must also provide a written agreement from the watermaster that the requirement may be waived. The department will consider your request and the watermaster's comments, and may issue an order waiving the requirement at this time.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office or at the department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Western Region Office of the Department located in Boise at (208) 334-2190.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

c: RACINE OLSON NYE BUDGE & BAILEY CHTD



RANDALL C. BUDGE
rcb@racinelaw.net

May 2, 2016

Idaho Department of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

RECEIVED

MAY 05 2016

DEPARTMENT OF
WATER RESOURCES

Re: Salmon River Tours Co. – Permit No. 77-14361

To Whom It May Concern:

Enclosed please find the following for filing and processing:

1. Original and two copies of Statement of Completion/Proof of Beneficial Use with attachments A, B, and C.
2. Check in the amount of \$50.00 for filing fees.
3. Stamped and addressed return envelopes to me and Applicant.

Please file and process the original Statement of Completion and conform stamp and return the extra copies to the Applicant and me in the stamped and addressed return envelopes enclosed.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Randall C. Budge', is written over the printed name.

RANDALL C. BUDGE

RCB:ts
Enclosures

c: Salmon River Tours Co., c/o Mike McLlain

A small, red, rectangular wax seal is visible at the bottom of the letter, partially obscured by the signature area.