FORM 202 1/13

RECEIVED
FEB 2 2 2016
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 75-14825

RECEIVED
FEB 1 6 2016
Department of Water Resources
Eastern Region

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 Carmen 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 #
23N	22E	24		NE	SE	SW	Lemhi	Carmen Creek	SCC-13

4. Water will be used for the following purposes:

   Amount .80 (cfs or acre-feet per year) for Fish Return 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

   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	
23N	22E	24												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? Tom McFarland

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

    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 _____

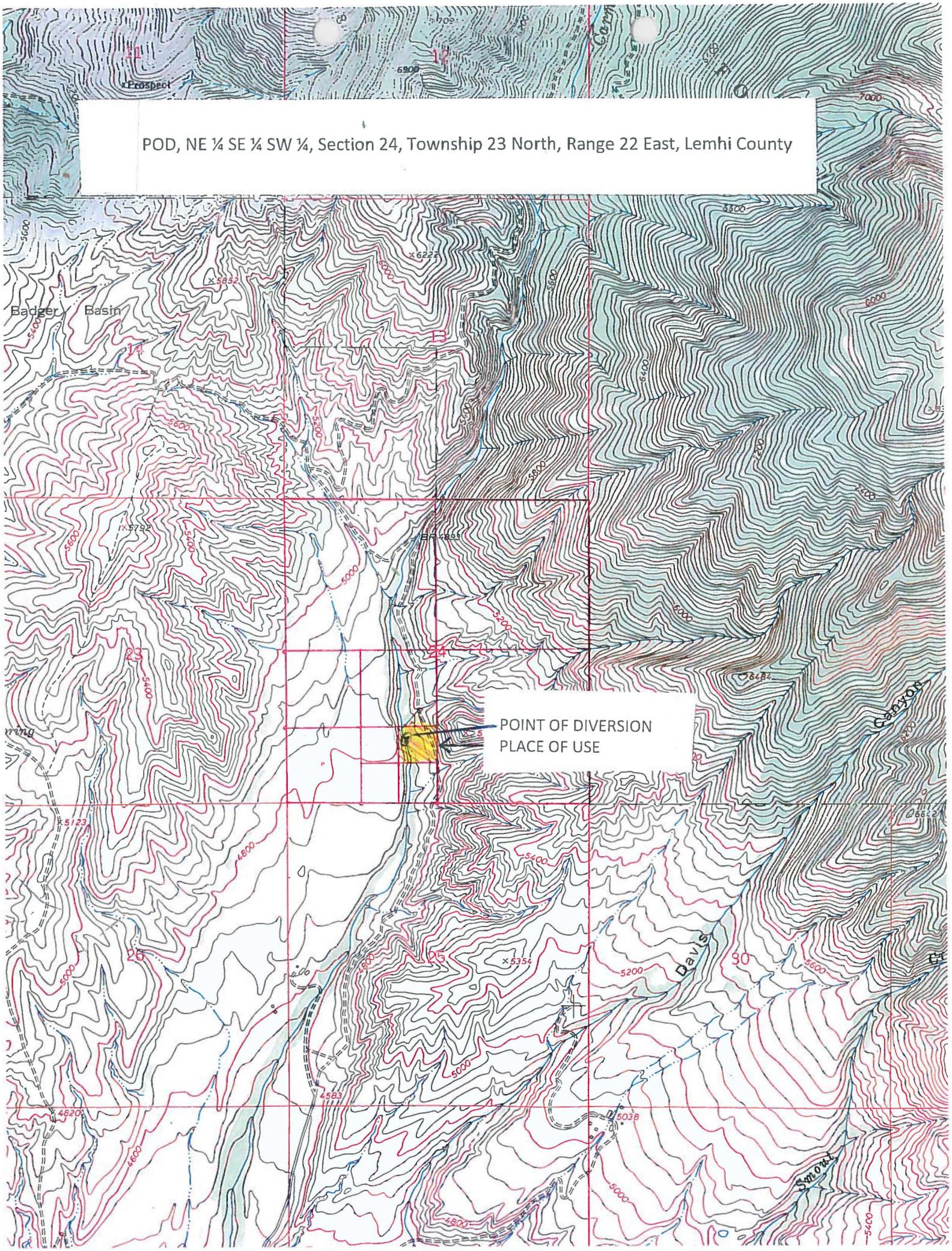
Fee $ _____ Receipted by _____ Receipt No. BILL05140 Date 2/26/16

RECEIVED
MAR 01 2016
DEPT OF WATER RESOURCES

MAP submitted by Larry Weeks 2/29/16 on 75-14825 (SCC-13)

SL 3-1-16

POD, NE ¼ SE ¼ SW ¼, Section 24, Township 23 North, Range 22 East, Lemhi County



Instrument # 294477 # Pages: 2
LEMHI COUNTY, Idaho
Oct 01, 2013 9:30:27 am Fee: $
For: STATE OF IDAHO-DEPT FISH AND G
TERRI J. MORTON, Recorder
EDWARDS Deputy

Landowner SCC-13

JLM

EASEMENT AGREEMENT
SALMON, CARMEN CREEK- 13

THIS INDENTURE, made and entered into this 17th day of July, 2013, by and between Thomas L. McFarland, and Seth A. McFarland, hereinafter called Landowners, and the STATE OF IDAHO for the use and benefit of the Idaho Fish and Game Commission, hereinafter called the Commission,

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR ($1.00), cash in hand paid by the Commission to the Landowners, receipt whereof is hereby acknowledged, the Landowners have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Commission a permanent easement for the purpose of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and thereto on, within, and across a canal or ditch known as the Salmon, Carmen Creek-13, or SCC-13,and located in Lemhi County, upon lands of the Landowners at a point within, SE ¼ SW ¼, Section 24, Township 23 North, Range 22 East, B.M, Together with the right of ingress and egress for personnel of the Commission, the Department of Fish and Game or its authorized agents on and over property of the Landowners for the purposes herein designated, together with rights of way along the canal channel to provide for removal of debris, logs, log jams, mud or gravel bars that may accumulate in the canal channel or ditch immediately above or below the fish screen and which have been caused to accumulate by installation of said fish screen.

In the event of any future alterations in the line or grade of the canal channel, ditch, or stream course necessitating changes in or relocation of the Commission's installations, due to a change in irrigation practices, the Landowners, by these presents, also grant, bargain and sell to the Commission an easement as herein first above granted to relocate its installations in said canal channel or ditch or stream course still located on the lands of the Landowners, their heirs or assigns.

Upon completion of the installation of the fish screen, the Commission will rehab the disturbed areas and re-seed with native grass.

All such installations placed on, within and across said canal or ditch by the Commission shall remain the property of the Commission and may be removed by the Commission at any time.

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 13, 2016

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

RE: Applications for Permit: 75-14824, 75-14825, 75-14826, 75-14827, 75-14828, 75-14829, 75-14830, 75-14831, 75-14832, 75-14833, 75-14834, 75-14835 and 75-14836

Dear Watermaster:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right applications for permit. You can find copies of the applications at: http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the applications, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the applications are approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to these applications should be specifically addressed in your recommendation.

IDWR's offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Jean Hersley

Jean Hersley
Technical Records Specialist

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

April 13, 2016

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

RE: Applications for Permit No: 74-16042, 75-14824, 75-14825, 75-14826, 75-14827, 75-14828, 75-14829, 75-14830, 75-14831, 75-14832, 75-14833, 75-14834, 75-14835 and 75-14836

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right 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 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

April 13, 2016

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

Applications For Permit No. 75-14824, 75-14825, 75-14826, 75-14827, 75-14828, 75-14829,75-14830, 75-14831, 75-14832, 75-14833, 75-14834, 75-14835 AND 75-14836

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 4/21/2016 and 4/28/2016. 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
Technical Records Specialist

c: State of Idaho Fish & Game-Salmon Office

Legal Notice Department
Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ads for your paper

Dear LEGAL NOTICE DEPARTMENT:

Please publish the enclosed legal notice 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 before 5/9/2016. 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:

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 25
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

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 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 5/9/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/21/2016 and 4/28/2016

RECEIVED
APR 08 2016
DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

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

April 5, 2016

State of Idaho Department of Water Resources
ATTN: Pamela Skaggs, Water Right Supervisor
322 East Front Street
P.O. Box 83720
Boise, ID 83720

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14824, 75-14825, 75-14826, 75-14827, 75-14829, 75-14830, 75-14831, 75-14832, and 75-14833

Dear Pamela:

To answer IDWR request for additional information on how our proposal for the above mentioned Water Rights (WRs) invokes any local public interest concerns for ESA species recovery the Idaho Department of Fish and Game (IDFG) submits the following:

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. IDFG works collectively with the Upper Salmon River Basin Watershed Technical Team to coordinate and prioritize projects that are implemented in the basin. Over the past 30 years our program has installed over 265 fish screens to prevent ESA-listed fish species from being entrained in irrigation ditches. In order to safely return the fish from the fish screen back to the river or stream, from which they were diverted; a bypass flow is required. The application for WRs represents a non-consumptive use. Where the water is diverted at the headgate, travels a short distance downstream to the fish screen (usually less than 100 yards), and is then returned to the river via a bypass pipe. The bypass is designed to transfer the fish back to the river or stream. Without the critical bypass flow the fish would become stranded at the face of the fish screens and would not be reverted to the river. 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.

If you have any questions or need additional assistance, please contact the Region's Environmental Staff Biologist, Jeff Richards at 208-756-2271.

Sincerely,

Tom Curet
Regional Supervisor

tc: jr

RECEIVED
MAR 3 1 2016
DEPARTMENT OF
WATER RESOURCES

RECEIVED
MAR 2 3 2016
Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

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

March 18, 2016

Idaho Department of Water Resources
Attn: Steve Visosky
900 North Skyline
Idaho Falls, Idaho 83402

Dear Steve Visosky:

I have nothing further to add to my water right applications on Carmen Creek.

Sincerely,

Tom Curet
Salmon Region
Regional Supervisor

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

March 21, 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 75-14824, 75-14825, 75-14826, 75-14827, 75-14829, 75-14830, 75-14831, 75-14832, and 75-14833

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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Boise, Idaho 83720-0098

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Fish & Game no longer uses
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Main office address is
99 Hwy 93 North
Salmon ID 83467

Larry Weeks address is
97 Hwy 93 North

TOM CURET
IDAHO DEPARTMENT OF FISH AND GAME
PO BOX 1336
SALMON ID 83

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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

March 9, 2016

TOM CURET
IDAHO DEPARTMENT OF FISH AND GAME
PO BOX 1336
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14824, 75-14825, 75-14826, 75-14827, 75-14829, 75-14830, 75-14831, 75-14832, and 75-14833

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

MEMORANDUM

Date: March 3, 2016
To: Water Right File 75-14825
From: Steven Visosky
Re: Application for Permit Review

Applicant

Application for permit 75-14825 was filed by State of Idaho, Department of Fish and Game (Fish and Game) for fish propagation on Carmen 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 $250 fee associated with this application for permit 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 described in the permit. According to 1-20-2015 tax lot information from Lemhi County, the land is owned by Thomas L. McFarland. Fish and Game has submitted an easement agreement with Thomas McFarland to construct and maintain fish screens on this property.

Source & POD

The proposed source of water is Carmen Creek, which is tributary to the Salmon River. This surface water is within Water district 75D Carmen Creek and the Wild and Scenic Watersheds of the Salmon River. Carmen Creek is listed as a minimum streamflow stream however no water rights are associated with this minimum streamflow. 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 will be sent an IDWR's additional local public interest information letter.

The POD is the headgate where water is diverted from Carmen Creek. 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. This POD and fish screen will be a new diversion along Carmen Creek as it will be replacing the current downstream diversion known as the "Brandon Lower Ditch" that serves as a POD for four water rights. The fish screen is being proposed upstream in order for it to function properly. This permit evaluation did not evaluate nor does it approve the change in location of the existing "Brandon Lower Ditch" headgate as a transfer may be required.

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 season of use dates of this permit were adjusted by one day (4/1-10/31) to reflect the standard irrigation season of use dates for this area.

POU

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

POU/POD overlap analysis

Application for permit 75-14825 proposes to share the same POD as the "Brandon Lower Ditch" diversion" also known as the SCC-13 diversion by the Fish and Game. There are four existing water rights that list this diversion as a POD. There are no other water rights in the QQ with the same fish propagation use.

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Department of Water Resources
Eastern Region

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
P.O. Box 1336
Salmon, Idaho 83467

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

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FEB 22 2016
DEPARTMENT OF
WATER RESOURCES

February 10, 2016

Idaho Department of Water Resources
900 North Skyline
Idaho Falls, Idaho 83402

Dear IDWR:

Enclosed please find 13 "Application for Permit" for new water rights in Basin 75. Please initiate the Interagency Billing Process for the $250.00 fee for each of these applications. When processing these applications, use PCA 35794, and code B6RA. Please send the billing documents to IDFG Headquarters Office, Attention: Walt Poole, P.O. Box 25, Boise, ID 83707.

Please send a copy of the approved permit to IDFG, Attn: Larry Weeks, 97 Hwy 93 N, Salmon, Idaho 83467. Please call me if you have any questions at 208-756-6022.

Sincerely,

Larry Weeks

Larry Weeks
Easement Specialist

Enc: Twelve (13) "Application for Permit" forms