

RECEIVED

FEB 29 2016

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 74-16042

RECEIVED

FEB 18 2016

RECEIVED

APR 01 2016

DEPARTMENT OF
WATER RESOURCES

1. Name of applicant(s) Gary R and Joan Jensen *JENSEN* Phone 208-756-7302 Resource: Eastern Region
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address: 55 Three Mile Lane *gjensen@centurytel.net* City Salmon
 State ID Zip 83467 Email: gjensen@centurytel.net
2. Source of water supply Lemhi which is a tributary of Slamon
3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
21N	22E	24			SE	SE	Lemhi	Lemhi River	L-6

4. Water will be used for the following purposes:

Amount 0.18 cfs for Irrigation purposes from 03/15 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.18 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. Water diverted down L-6 ditch into applicants ditch into a pipe then sprinkler irrigated.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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 _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____
- d. Domestic; show number of households _____
- e. Other; describe fully. _____

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	
21N	22E	23			9														9

Total number of acres to be irrigated: 9

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? 74-677A is owned by the applicant but irrigated different land.
10. a. Who owns the property at the point of diversion? Historical easement
- b. Who owns the land to be irrigated or place of use? Gary Jensen
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Propose to irrigate new lands for cattle
12. Time required for completion of works and application of water to proposed beneficial use is 5 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.

Gary R Jensen
 Signature of Applicant
GARY R JENSON
 Print Name (and title, if applicable)

Joan Jensen
 Signature of Applicant
Joan JENSON
 Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 100.⁰⁰ Received by [Signature] Receipt No. E041832 Date 2-18-2016

Warranty Deed

For Value Received

Christopher M Devore, a single person

the grantors, do hereby grant, bargain, sell and convey unto

Gary R Jenson and Joan Jenson, husband and wife

Whose current address is:

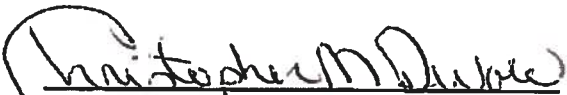
**55 Three Mile Ln
Salmon, ID 83467**

the grantee, the following described premises, to-wit:

See Attached Legal

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

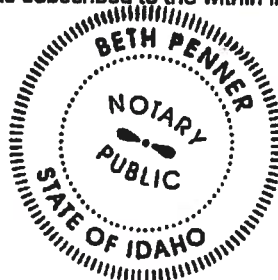
Dated: April ⁶ 2015


Christopher M Devore

STATE OF IDAHO)
) ss
COUNTY OF LEMHI)

On this 10th day of April, 2015, before me, a notary public in and for said State, personally appeared Christopher M Devore known to me or proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.


Notary Public
Residing at: Salmon, ID
Comm. Expires: July 24, 2019



16

Legal Description

A PARCEL OF LAND LOCATED IN THE SW1/4NE1/4, NW1/4SE1/4, SECTION 23, T. 21 N., R. 22 E., B.M., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23, A DISTANCE OF 2611.90 FEET ON A BEARING OF S. 45° 57' 26" W. TO THE SOUTH CORNER OF THE HILL PROPERTY AND THE REAL POINT OF BEGINNING.

THENCE N. 46° 31' 28" W., 277.50 FEET;

THENCE N. 50° 59' 52" W., 482.03 FEET;

THENCE S. 88° 08' 59" W., 178.22 FEET;

THENCE S. 00° 03' 08" E., 1556.69 FEET;

THENCE N. 35° 10' 14" E., 1306.69 FEET TO THE REAL POINT OF BEGINNING.

SUBJECT TO A 20 FOOT WIDE ACCESS EASEMENT BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY AND BEING THE REAL POINT OF BEGINNING.

THENCE N. 46° 31' 28" W., 277.50 FEET;

THENCE N. 50° 59' 52" W., 482.03 FEET;



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

RICK SAGER
WATER DISTRICT #74
985 HWY 28
SALMON ID 83467

RE: Application for Permit: 74-16042

Dear Watermaster:

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

If the application is 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 this application 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
Technical Records Specialist

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 13, 2016

IDAHO DEPARTMENT OF FISH & GAME
ATTN: TOM BASSISTA
4279 COMMERCE WAY
IDAHO FALLS ID 83401

RE: Application for Permit No. 74-16042

Dear Interested Party:

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

Enclosure(s)

c: Dept of Fish & Game- Salmon office



State of Idaho

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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,

A handwritten signature in cursive script that reads "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

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GARY SPACKMAN

Director

April 13, 2016

C.L. "BUTCH" OTTER

Governor

GARY JENSON
JOAN JENSON
55 THREE MILE LN
SALMON ID 83467

Application For Permit No. 74-16042

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,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist

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

Visosky, Steven

From: Visosky, Steven
Sent: Tuesday, April 12, 2016 8:22 AM
To: 'gjenson@centurytel.net'
Subject: RE: Application for permit - local public interest letter

Thank you, we will be advertising your application in the paper next week.

Steven Visosky

From: gjenson@centurytel.net [<mailto:gjenson@centurytel.net>]
Sent: Tuesday, April 12, 2016 8:20 AM
To: Visosky, Steven
Subject: Re: Application for permit - local public interest letter

Steven

We have nothing to add to this. Thank you,

Gary & Joan Jenson

From: "Steven Visosky" <Steven.Visosky@idwr.idaho.gov>
To: GJenson@Centurytel.net
Sent: Tuesday, April 12, 2016 8:16:54 AM
Subject: FW: Application for permit - local public interest letter

From: Visosky, Steven
Sent: Thursday, April 07, 2016 1:45 PM
To: 'GJenson@Centurytel.net'
Subject: Application for permit - local public interest letter

Dear Gary and Joan Jenson,

I recently received your amended application for permit for 9 acres of irrigation in Lemhi County. In the letter I sent, I included the local public interest letter in regards to applications to appropriate water in the Upper Salmon River Basin. Do you have any additional comments that you would like to submit with your application?

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

MEMORANDUM

Date: April 7, 2016
To: Water Right File 74-16042
From: Steven Visosky
Re: Application for Permit Review

Applicant

Application for permit 74-16042 was filed by Gary and Joan Jenson and received on 2-18-2016. The application was returned as it listed Gary and Joan Jenson on the applicant line and only had one signature. The signed application by both applicants was received on 4-1-2016 and the priority date should be set to 4-1-2016 to reflect the completed application.

According to 2-24-2016 taxlot information from Lemhi County, the land described on the application is owned by the applicant. The point of diversion (POD) for this application is the L-6 diversion on the Lemhi River. The applicant does not own the land at the POD however the applicant stated there is a "historical easement" for this diversion. The applicant is the owner of water right 74-677A that is currently being diverted through the same L-6 diversion.

Source & POD

The proposed source of water is surface water from the Lemhi River. This surface water 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 POD is the L-6 diversion on the Lemhi River. There is a Minimum Stream Flow right on the Lemhi River (74-14993) at the L-6 diversion location. The applicant will be sent an IDWR's additional local public interest information request.

Use

The proposed use of the application is irrigation of 9 acres. The applicant stated he proposes to irrigate new lands for cattle.

POU

The place of use (POU) for irrigation is land currently not being irrigated. Water right 74-677A also owned by the applicant is for irrigation of 3 acres of irrigation directly to the east of the proposed POU. The proposed POU is in water district 74 Lemhi River.

POU/POD overlap analysis

Application for permit 74-16042 does not overlap any other active water rights. There are ten other irrigation rights in the same QQ including 74-677A, however none of these rights overlap the proposed POU. The POD overlaps with all other water users on the L-6 diversion.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 24, 2016

GARY AND JOAN JENSON
55 THREE MILE LANE
SALMON ID 83467

RE: Application for Permit required information

Dear Gary and Joan,

The Department of Water Resources has received your water right application. Preliminary review of the application indicates that it is incomplete and cannot be accepted for processing. We are returning your application to allow you to complete the necessary items. Please return the original application to me at the address listed above. The required information is described below.

- The signature of Joan Jenson was not provided correctly (page 2)
- The spelling of your last name appears to be incorrect on the application (line #1.) Please correct and initial the change.
- Please indicate the correct name connector (below line #1) and initial the change.

I have included the local public interest letter that is included with any new application in the Upper Salmon River basin. Please let me know if you have any additional information to add to your application.

Please feel free to call me at 208-287-4933 if you have any questions related to your application requirements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Visosky'.

Steven Visosky
Water Resource Agent



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 24, 2016

GARY AND JOAN JENSON
55 THREE MILE LANE
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16042

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 24, 2016
To: Water Right File 74-16042
From: Steven Visosky
Re: Application for Permit Review

Applicant

Application for permit 74-16042 was filed by Gary Jensen and received on 2-18-2016. The priority date should be 2-18-2016 as the application was complete and the appropriate fee was submitted.

According to 2-24-2016 taxlot information from Lemhi County, the land described on the application is owned by the applicant. The point of diversion (POD) for this application is the L-6 diversion on the Lemhi River. The applicant does not own the land at the POD however the applicant stated there is a "historical easement" for this diversion. The applicant is the owner of water right 74-677A that is currently being diverted through the same L-6 diversion.

Source & POD

The proposed source of water is surface water from the Lemhi River. This surface water 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 POD is the L-6 diversion on the Lemhi River. There is a Minimum Streamflow right on the Lemhi River (74-14993) at the L-6 diversion location. The applicant will be sent an IDWR's additional local public interest information request.

Use

The proposed use of the application is irrigation of 9 acres. The applicant stated he proposes to irrigate new lands for cattle.

POU

The place of use (POU) for irrigation is land currently not being irrigated. Water right 74-677A also owned by the applicant is for irrigation of 3 acres of irrigation directly to the east of the proposed POU. The proposed POU is in water district 74 Lemhi River.

POU/POD overlap analysis

Application for permit 74-16042 does not overlap any other active water rights. There are ten other irrigation rights in the same QQ including 74-677A, however none of these rights overlap the proposed POU. The POD overlaps with all other water users on the L-6 diversion.