

AMENDEDIdent. No. 72-16910**RECEIVED****JAN 25 2016**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. Name of applicant(s) Heart of Idaho Animal Sanctuary Phone 208-741-2588
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address PO Box 175 City Challis
State ID Zip 83226 Email bmorgan@custertel.net

2. Source of water supply Ground Water which is a tributary of N/A

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
14N	19E	22			SW	SW	Custer	Ground Water	

4. Water will be used for the following purposes:

Amount 0.20 cfs for Irrigation purposes from 04/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 0.04 cfs for Stockwater purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount 0.04 cfs for Domestic purposes from 01/01 to 12/31 (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) 0.24 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. Proposed Well

b. Height of storage dam N/A 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 6 - 8 inches; proposed depth of well is max. 160 feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? N/A; 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. N/A

b. Stockwatering; list number and kind of livestock. 8 horses

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households _____

e. Other; describe fully. Animal shelter housing 20 dogs/20 cats and 8 horses. Irrigation for 8 acre horse pasture, 2 acres dog runs & lawn. Domestic use: 2 bathrooms; dishwasher; washing machine; dog bath & kennel cleaning.

AMENDED

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	
14N	19E	22											9.9						9.9
14N	19E	21															0.1		0.1
* 14N	19E	22											D/S						
																			10.0

Total number of acres to be irrigated: 10.0

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?

None- this well will be the only source of water.

10. a. Who owns the property at the point of diversion? Heart of Idaho Animal Sanctuary
- b. Who owns the land to be irrigated or place of use? Heart of Idaho Animal Sanctuary
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:
N/A

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

See 7e - This water will be used for an animal shelter. the building is 42' x 64'. The lot is 10 acres and will be irrigated for horse pasture and dog runs. Phase 1 will be the shelter and 2 acres of lawn + dog runs. Phase 2 will be horse fencing + shelters and irrigation of pasture.

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 8 1/2" 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.

Rebecca Morgan
Signature of Applicant

Rebecca Morgan, Chairperson of the Board
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Received by DM Date 1-25-2016 Time 12:00 pm Preliminary check by _____

Fee \$ See Original Received by _____ Receipt No. _____ Date _____

* per email dated 1/31/2016

No coordinates were entered by user.

Drilling restrictions may apply to the following areas:



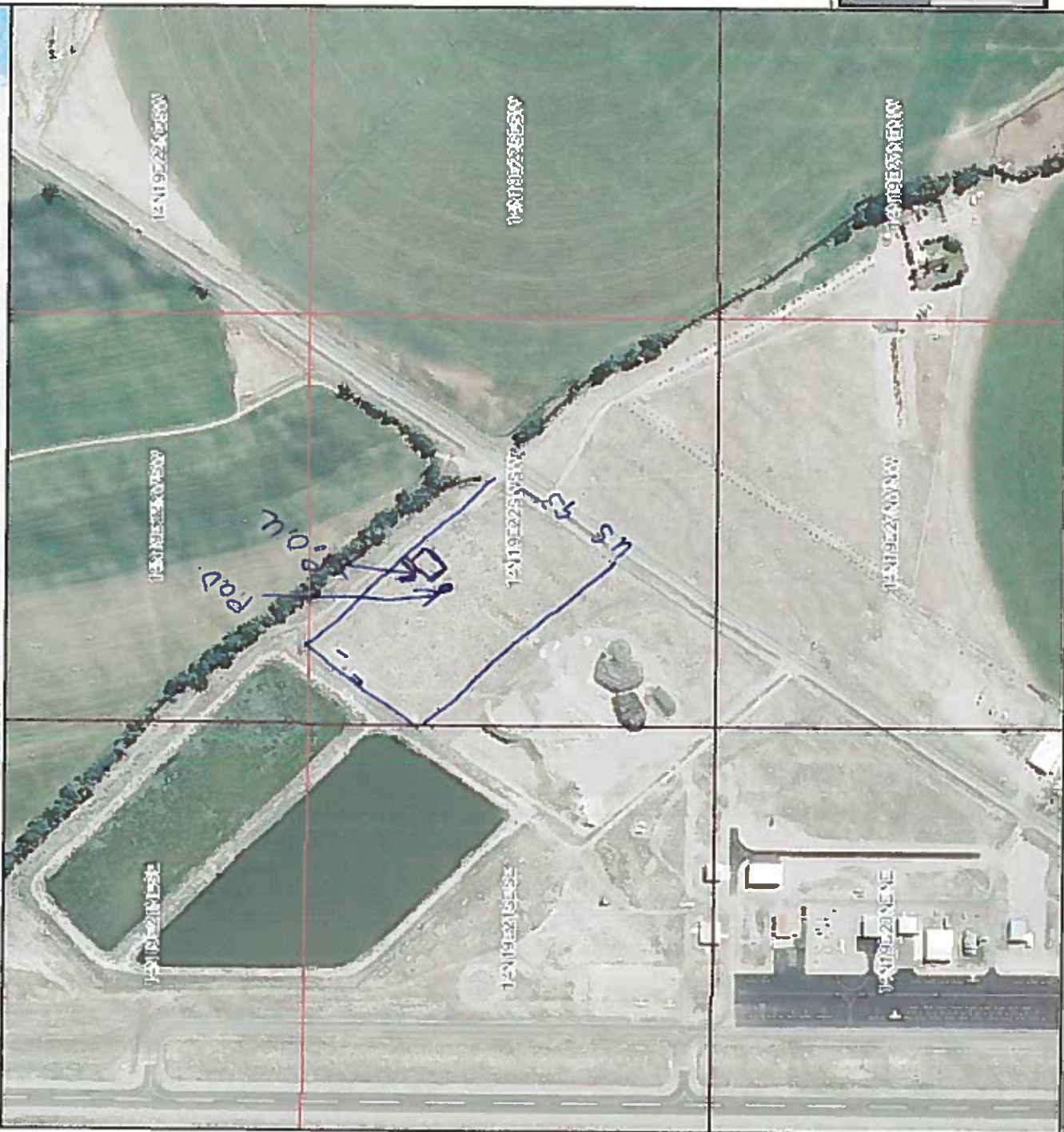
Ground Water Management Areas

Critical Ground Water Areas

Nitrate Priority Areas

Contamination Areas

Areas Drilling Concern



**State of Idaho
Department of Water
Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 28-4800
Fax: (208) 287-6700**



Scale: 1" = 1391 feet



RECEIVED

JAN 14 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Officers

CEO	Tirzah Stuart, HC67 Box553, Clayton, Id. 83227
Board Chairperson	Rebecca Morgan, 100 Watts Bridge Lane, Challis, Id 83226
Secretary	Kelli Banyai, PO Box 937, Challis, Id 83226
Treasurer	Nancy White, PO Box 940, Challis, Id 83226

RECEIVED

JAN 14 2016

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 72-16910

1. Name of applicant(s) Heart of Idaho Animal Sanctuary Phone _____
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address PO Box 175 City Challis
 State Id Zip 83226 Email bmorgan@custertel.net
2. Source of water supply Ground which is a tributary of NA
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
14N	19E	22	X	SW	SW		Custer	Ground water	

4. Water will be used for the following purposes:
- Amount .2 cfs for irrigation purposes from 5/1 to 10/1 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount .002 cfs for stock watering purposes from 9/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount .4 cfs for building use/maintenance purposes from 1/1 to 12/31 (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) .602 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. well
- 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 6-8 inches; proposed depth of well is max. 160 ft 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. NA
- b. Stockwatering; list number and kind of livestock. 8 horses
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. Animal shelter designed to house 20 dogs/20 cats and 8 horses. Irrigation for 8 acre horse pasture and 2 acres of dog runs and a lawn. Building use includes 2 bathroom, dishwasher, washing machine, 1 dog bath + kennel cleaning.

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	
14N	19E	22											106						

Total number of acres to be irrigated: 10

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?

none - This will be only source of water

10. a. Who owns the property at the point of diversion? Heart of Idaho Animal Sanctuary
- b. Who owns the land to be irrigated or place of use? Heart of Idaho Animal Sanctuary
- 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.

See 7e - This water will be used for an animal shelter. The building is 42'x64'. The lot is 10 acres and will be irrigated for horse pasture and dog runs. Phase 1 will be the shelter and 2 acres of lawn + dog runs. Phase 2 will be horse fencing + shelters and irrigation of pasture.

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.

Rebecca Morgan
Signature of Applicant

Chairperson of the Board
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by DM Date 1-14-2016 Time 12:45pm Preliminary check by _____
Fee \$ 250- Received by DM Receipt No. 5035207 Date 1-14-2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 11, 2016

HEART OF IDAHO ANIMAL SANCTUARY
PO BOX 175
CHALLIS, ID 83226

RE: Application For Permit No. 72-16910

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 **CHALLIS MESSENGER** on **2/18/2016** and **2/25/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**March 7, 2016**).

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,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 11, 2016 1:08 PM
To: Challis Messenger
Subject: LEGAL NOTICE
Attachments: Challis Messenger Cover Letter.docx; Challis Messenger Ad.doc

Attached please find (1) legal notice being submitted for publication on February 18th & 25th, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 11, 2016

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226

RE: Application For Permit No.(s): 72-16910

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 March 7, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

72-16910

HEART OF IDAHO ANIMAL SANCTUARY

PO BOX 175

CHALLIS, ID 83226

Point of Diversion SWSW S22 T14N R19E CUSTER County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Use: STOCKWATER 01/01 to 12/31 0.04 CFS

Total Diversion: 0.24 CFS

Date Filed: 1/14/2016

Place Of Use: DOMESTIC, STOCKWATER

T14N R19E S22 SWSW

Place Of Use: IRRIGATION

T14N R19E S21 SESE

T14N R19E S22 SWSW

Total Acres: 10

Application for permit proposes the diversion of 0.24 cfs of ground water from a proposed well for the irrigation of 10 acres and for domestic and stockwater use at a non-profit animal rescue facility. Place of use and point of diversion will be located approximately 1.1 to 1.3 miles north and 0.8 to 1.0 miles east of the city center of Challis. This application proposes the diversion and use of water tributary to a federally designated 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 domestic and stockwater purposes, and the 0.20 cfs irrigation of 10 acres will be applied to the subordination amounts specified in the decree for the applicable Wild & Scenic River (Salmon River).

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. 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, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before March 7, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 18th & 25th, 2016



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 11, 2016

CINDY YENTER
WATER DISTRICT #170
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

via hand-delivery

RE: Application For Permit No.(s): 72-16910

Dear Cindy:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, 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 regional 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,


Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 11, 2016

IDAHO DEPT OF FISH & GAME
99 HWY 93 N
SALMON, ID 83467

RE: Application For Permit No.(s): 72-16910

Dear Fish & Game:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days.

The Department 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 this application, 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 (on or before March 7, 2016).

Please contact this office if you have any questions regarding the application, or you may visit our website at www.idwr.idaho.gov.

Sincerely,

Denise Maline
Southern Region

Enclosure(s)

cc: Tom Bassista, IDFG Idaho Falls

Mills, William

From: Case, Morgan
Sent: Tuesday, February 09, 2016 4:40 PM
To: Mills, William
Subject: RE: New Appropriation in Basin 72

Thanks for the heads up, Bill.

Morgan

From: Mills, William
Sent: Tuesday, February 09, 2016 3:38 PM
To: Case, Morgan; Thiel, Sandra
Subject: New Appropriation in Basin 72

Just a heads up concerning an application for permit in basin 72:

The application for permit that I'm currently processing, 72-16910, will be advertised in the next couple weeks. The application is seeking to appropriate 0.24 cfs from ground water from a proposed well for the irrigation of 10 acres (0.20cfs) and also stockwater/domestic use (0.04 cfs) at a non-profit animal rescue. The facility will be located approximately 1.1 to 1.3 miles north and 0.8 to 1.0 miles east of the city center of Challis.

If you have any additional questions let me know,

Thanks

Bill Mills

PO Box 175
Challis, Id. 83226
February 4, 2016

IDWR
650 Addison Ave. West
Suite 500
Twin Falls, Id. 83301

RECEIVED

FEB 09 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Beneficial Use Statement

Heart of Idaho Animal Sanctuary proposed water use to sustain an animal shelter is for the benefit of Custer County and its residents. There is presently no animal shelter in Custer County. The Planning and Zoning board has signed off on this use of the property.

We will provide shelter for and spay/neuter stray dogs and cats, particularly the large population of feral cats in the county. This will help protect livestock and indigenous bird, fish and rodent populations from predation by these animals. These animals will also not be scavenging for food wherever they can find it. In addition, the residents of the county will have a place to have lost animals safely housed until they can be reunited with their owners and to have their animals safely cared for if they can no longer do so themselves. Instead of abandoning horses in Spar Canyon with the wild horse herd, where they will be rejected and starve, they can be safely housed on pasture until a suitable placement can be found for them.

We intend to use the requested water in a way that will maximize the productiveness and usefulness of our property and allow us to maintain a clean and healthy facility. This will be to the benefit of both human and non-human residents of the county.

Sincerely,

Rebecca Morgan
Chairperson
Heart of Idaho Animal Sanctuary

Mills, William

From: Becky [bmorgan@custertel.net]
Sent: Sunday, January 31, 2016 8:01 PM
To: Mills, William
Subject: Re: Application for Permit for Heart of Idaho Animal Sanctuary (#72-16910)

Sorry it took so long to get back to you. I was away last week. That would be great if you could just add it. I also noticed when I looked over the application that the total cfs should, I think, be .28. If I am right about that, can you also change that? Thanks for your help. – B. Morgan

From: [Mills, William](#)
Sent: Wednesday, January 27, 2016 1:56 PM
To: bmorgan@custertel.net
Subject: Application for Permit for Heart of Idaho Animal Sanctuary (#72-16910)

Ms. Morgan,

Thank you for returning the updated application for permit so quickly.

As I was reviewing the permit, I realized that a crucial detail had still been overlooked, there was a place of use listed for the irrigation but not one for the stockwater and domestic use which would be the same as the 9.9 acre portion of the 10 acres of irrigation in the SWSW of Section 22, Township 14N and Range 19E. If you reply with an email indicating you would like me to add the place of use for the stockwater and domestic use, then I can add them to the application without have to have you sign another application.

I apologize for missing this important detail.

Sincerely,

Bill Mills

Senior Water Resource Agent

Southern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 25, 2016

Heart of Idaho Animal Sanctuary
C/O Ms. Rebecca L. Morgan
PO Box 175
Challis, ID 83226

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

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

Letter to Heart of Idaho Animal Sanctuary RE: Upper Salmon River Basin Water Right Applicants
January 25, 2016
Page 2

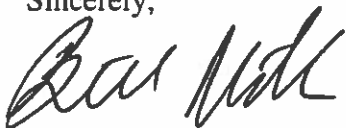
A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model 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 208-287-4947, or email me at shelley.keen@idwr.idaho.gov. For applications in administrative basins 73-75, you may also contact IDWR's Eastern Region office in Idaho Falls at 208-525-7161. For applications in administrative basins 71 or 72, you may also contact IDWR's Southern Region office in Twin Falls at 208-736-3033.

Sincerely,



Bill Mills
Senior Water Resource Agent