

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR PERMIT**

To appropriate the public water of the State of Idaho

RECEIVED

DEC 04 2015

DEPT OF WATER RESOURCES  
SOUTHERN REGION

1. Name: JUSTIN FARR  
PO BOX 1255  
CHALLIS ID 83226  
(208)879-2121

AND

PATRICIA FARR  
PO BOX 1255  
CHALLIS ID 83226  
(208)879-2121

2. Source: UNNAMED STREAM Tributary to: CHALLIS CREEK

3. Location of Point of Diversion:

#1 UNNAMED STREAM NE1/4NE1/4 Sec. 22, Twp 14N, Rge 19E, B.M.  
CUSTER County

4. Water will be used for the following purposes:

| <u>Purpose</u>     | <u>From</u> | <u>To</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|--------------------|-------------|-----------|--------------------------|----------------------|
| WILDLIFE STORAGE   | 01/01       | to 12/31  |                          | 17.8 AF              |
| RECREATION STORAGE | 01/01       | to 12/31  |                          | 17.8 AF              |
| AESTHETIC STORAGE  | 01/01       | to 12/31  |                          | 17.8 AF              |

5. Total quantity to be appropriated is: 17.8 AF

6. Proposed diverting works:

POINT OF DIVERSION #1

a. Type and size of devices used to divert water from the source: ON STREAM CHECK  
STRUCTURE AT NORTH END OF RESERVOIR AT CULVERT UNDER ROAD.

b. Height of storage dam \_\_\_\_\_ feet;

Active reservoir capacity 11.3 acre-feet;

Total reservoir capacity 11.3 acre-feet.

c. Proposed well diameter is \_\_\_\_\_ inches;

Proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 85F being sought?

e. If well is already drilled, when? \_\_\_\_\_;

Drilling Firm \_\_\_\_\_;

Drilling Permit No. \_\_\_\_\_.

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7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

8.

**PLACE OF USE:** WILDLIFE STORAGE

| 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  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE:** RECREATION STORAGE

| 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  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**PLACE OF USE:** AESTHETIC STORAGE

| 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  | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR PERMIT

## To appropriate the public water of the State of Idaho

Application proposes appropriating 17.8 acre-feet of water for an existing on stream reservoir. The reservoir has a surface area of 3.75 acres and an average depth of 3.0 feet for a total capacity of 11.25 acre-feet. University of Idaho data indicates that approximately 1.87 acre-feet of water per year will evaporate off of an acre of an open water-shallow system in the Challis area after accounting for precipitation (see attached). Using this 1.87 acre-feet per acre times the 3.75 acres of surface area indicates that annual evaporation loss from the reservoir would be about 7.0 acre-feet. Reservoir was constructed in a marshy area and numerous springs actually rise within the reservoir footprint. Therefore, there should be no seepage loss associated with this facility. The 17.8 acre-feet described on this application represents the sum of the reservoir capacity (11.25 acre-feet) plus the annual evaporative loss (7.0 acre-feet) minus 0.5 acre-feet covered by existing permit 72-7569 for the same facility. Point of diversion is an existing check structure on the north end of the reservoir at the outlet from the reservoir under the road. Placing check boards in this structure causes water to back up in the channel and form the reservoir. Applicants request a waiver of an upstream measuring device because water rises within the reservoir.

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Applicant



Applicant

Received by DM/TP Date 12.4.2015 Time 11:45 Preliminary check by \_\_\_\_\_  
Publication prepared by DM Date 1/13/2016 Published in Challis Messenger  
Publication approved \_\_\_\_\_ Date Jan. 21 & 28, 2016

Receipt No. 5035136 \$100.00  
Date: 12.4.2015  
Receipted by: DM

# ET<sub>Idaho</sub> 2012 -- Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to [robison@kimberly.uidaho.edu](mailto:robison@kimberly.uidaho.edu) Copyright 2012, University of Idaho.

## Challis (NWS -- 101663)

Statistics based on thirty year normal spans 1959 to 1996 years

For a different land cover or crop click on the above link.

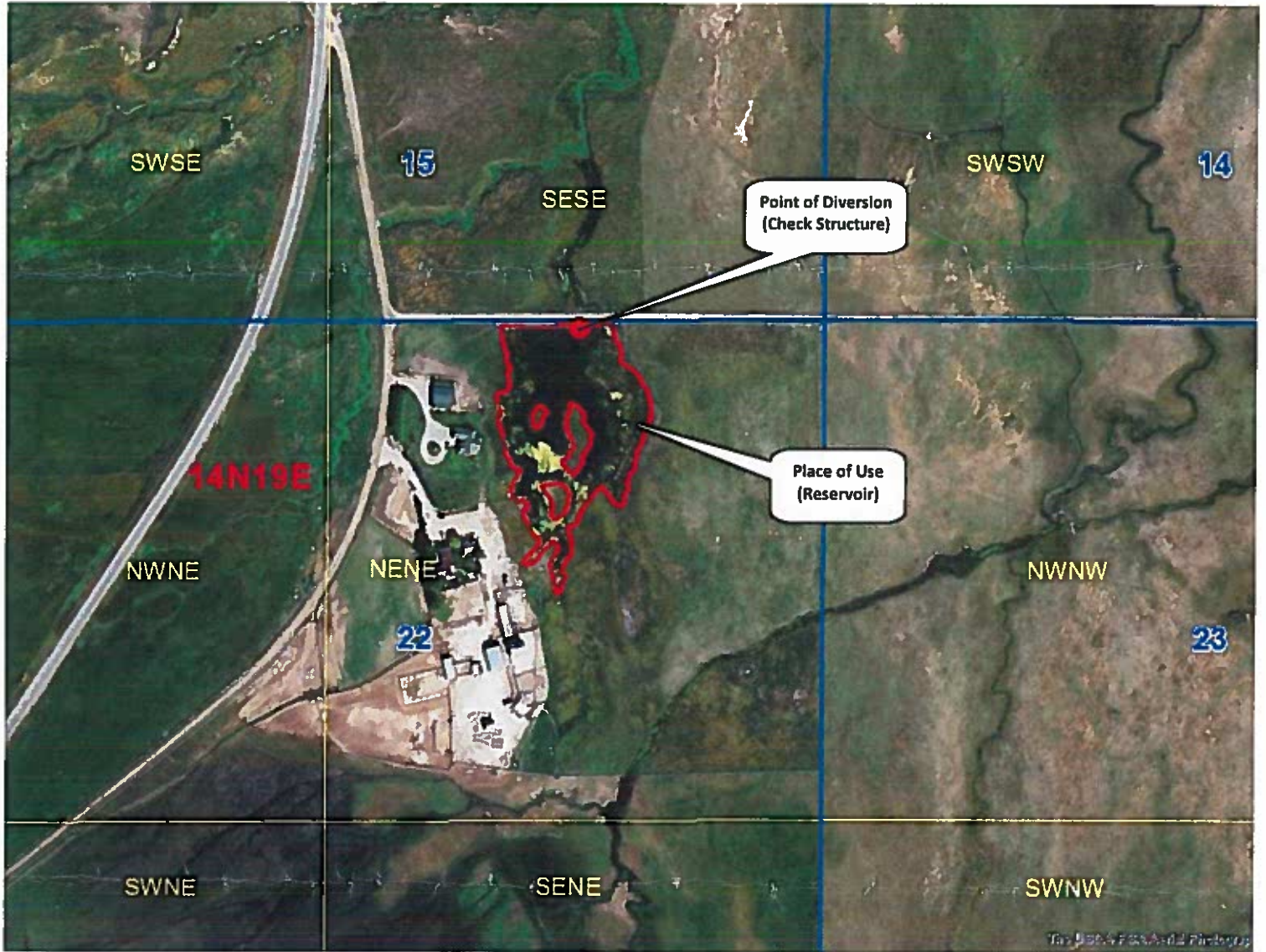
You can highlight this table and copy via the clipboard to a Microsoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

| Open water - shallow systems (ponds, streams)                  |        |      |      |      |      |      |      |      |      |      |       |       |                             |                                 |        |
|----------------------------------------------------------------|--------|------|------|------|------|------|------|------|------|------|-------|-------|-----------------------------|---------------------------------|--------|
| Precipitation Deficit <a href="#">(Click here for a graph)</a> |        |      |      |      |      |      |      |      |      |      |       |       |                             |                                 |        |
|                                                                | Jan    | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Nov   | Dec   | Growing Season <sup>a</sup> | Non Growing Season <sup>b</sup> | Annual |
| Mean <sup>j</sup>                                              | mm/day |      |      |      |      |      |      |      |      |      |       |       | mm                          |                                 |        |
| Monthly <sup>c</sup>                                           | -0.11  | 0.34 | 0.97 | 1.92 | 2.29 | 3.05 | 3.88 | 3.41 | 2.03 | 1.21 | 0.01  | -0.17 | 570                         | 0                               | 570    |
| 15-Day Moving Average <sup>d</sup>                             | -0.15  | 0.31 | 1.00 | 1.93 | 2.22 | 3.11 | 3.99 | 3.33 | 1.92 | 1.25 | 0.01  | -0.16 |                             |                                 |        |
| 7-Day Moving Average <sup>e</sup>                              | -0.14  | 0.32 | 0.99 | 1.89 | 2.27 | 3.07 | 3.92 | 3.36 | 1.97 | 1.23 | -0.02 | -0.16 |                             |                                 |        |
| 3-Day Moving Average <sup>f</sup>                              | -0.12  | 0.34 | 0.97 | 1.91 | 2.27 | 3.04 | 3.89 | 3.40 | 2.01 | 1.21 | 0.00  | -0.17 |                             |                                 |        |
| Standard Deviation <sup>k</sup>                                | mm/day |      |      |      |      |      |      |      |      |      |       |       | mm                          |                                 |        |
| Monthly <sup>c</sup>                                           | 0.51   | 0.23 | 0.58 | 0.59 | 1.20 | 0.87 | 1.23 | 1.09 | 0.87 | 0.53 | 0.47  | 0.48  | 82                          | 0                               | 82     |
| 15-Day Moving Average <sup>d</sup>                             | 0.52   | 0.33 | 0.49 | 0.76 | 1.09 | 1.12 | 1.08 | 0.99 | 1.22 | 0.45 | 0.55  | 0.42  |                             |                                 |        |
| 7-Day Moving Average <sup>e</sup>                              | 0.69   | 0.48 | 0.65 | 1.05 | 1.47 | 1.74 | 1.49 | 1.30 | 1.57 | 0.72 | 0.74  | 0.60  |                             |                                 |        |
| 3-Day Moving Average <sup>f</sup>                              | 0.92   | 0.66 | 1.00 | 1.43 | 2.08 | 2.37 | 1.98 | 1.64 | 2.07 | 1.05 | 0.98  | 0.87  |                             |                                 |        |
| 20% Exceedance <sup>l</sup>                                    | mm/day |      |      |      |      |      |      |      |      |      |       |       | mm                          |                                 |        |
| Monthly <sup>c</sup>                                           | 0.18   | 0.53 | 1.37 | 2.49 | 2.86 | 3.79 | 4.42 | 3.88 | 2.63 | 1.47 | 0.33  | 0.08  | 649                         | 0                               | 649    |
| 15-Day Moving Average <sup>d</sup>                             | 0.32   | 0.77 | 1.69 | 2.80 | 3.56 | 4.63 | 4.85 | 4.37 | 2.97 | 1.88 | 0.68  | 0.27  |                             |                                 |        |
| 7-Day Moving Average <sup>e</sup>                              | 0.47   | 1.04 | 2.02 | 3.26 | 4.36 | 5.03 | 5.15 | 4.58 | 3.48 | 2.36 | 0.83  | 0.41  |                             |                                 |        |
|                                                                |        |      |      |      |      |      |      |      |      |      |       |       |                             |                                 |        |

= 1.87 AF

# 72-16909 Application for Permit Map

## 2013 Aerial Photography





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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 13, 2016

JUSTIN FARR  
PATRICIA FARR  
PO BOX 1255  
CHALLIS, ID 83226

RE: Application For Permit No. 72-16909

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 **1/21/2016** and **1/28/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**February 8, 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:** Wednesday, January 13, 2016 10:37 AM  
**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 January 21<sup>st</sup> & 28<sup>th</sup>, 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 I  
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](mailto: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](http://www.idwr.idaho.gov)**

**C.L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Director

January 13, 2016

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

**RE: Application For Permit No.(s): 72-16909**

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 February 8, 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:

**72-16909**

JUSTIN FARR

PATRICIA FARR

PO BOX 1255

CHALLIS, ID 83226

Point of Diversion NENE S22 T14N R19E CUSTER County Source UNNAMED STREAM Tributary CHALLIS CREEK

Use: AESTHETIC STORAGE 01/01 to 12/31 17.8 AF

Use: RECREATION STORAGE 01/01 to 12/31 17.8 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 17.8 AF

Total Diversion: 17.8 AF

Date Filed: 12/4/2015

Place Of Use: WILDLIFE STORAGE, RECREATION STORAGE, AESTHETIC STORAGE

14N R19E S22 NENE

Application seeks to appropriate 17.8 acre-feet of water from an unnamed stream for uses associated with an existing on-stream reservoir. The reservoir is located approximately 2.0 miles north and 1.35 miles east of the Highway 93 & Main Street/Garden Creek Road intersection in 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 storage purposes.

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/#New\\_Listings](http://www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings). 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 February 8, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on January 21<sup>st</sup> & 28<sup>th</sup>, 2016



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

January 13, 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): 72-16909

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,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline  
Administrative Assistant

Enclosure(s)



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 13, 2016

RICK PHILPS  
WATER DISTRICT #72A  
25033 HWY 93  
CHALLIS, ID 83226

RE: Application For Permit No.(s): 72-16909

Dear Mr. Philps:

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)

## Skinner, Corey

---

**From:** Skinner, Corey  
**Sent:** Wednesday, January 06, 2016 12:03 PM  
**To:** Thiel, Sandra; Case, Morgan  
**Subject:** New water right filing in Basin 72

We have a new application for permit, 72-16909, that we will be advertising in the next couple of weeks. The application is not yet scanned, but I would suspect that it will be next week sometime.

The filing seeks to appropriate 17.8 acre-feet of water from an unnamed stream for uses associated with an existing on-stream reservoir. The reservoir is located approximately 2.0 miles north and 1.35 miles east of the Highway 93 & Main Street/Garden Creek Road intersection in Challis. The area is a marshy wetland area that drains towards Challis Creek, just before Challis Creek enters the Salmon River a couple of miles north of the reservoir site. Water actually bubbles up in multiple areas within the reservoir. The unnamed stream essentially starts at the approximate reservoir site.

The filing resulted from a licensing exam for permit 72-7569 (1999 priority) for the same reservoir. Permit 72-7569 allows for 0.5 acre-feet of water storage but the licensing exam indicated that the constructed reservoir was larger than the amount allowed by the permit. The reservoir has a surface area of approximately 3.75 acres and an average depth of about 3 feet resulting in a total estimated volume of 11.25 acre-feet. The estimated annual seepage loss for the reservoir is approximately 7.0 acre-feet. The 11.25 acre-feet + the 7.0 acre feet results in a volume of about 18.3 acre-feet. When the 0.5 acre-feet allowed by permit 72-7569 is subtracted off, you end up with the 17.8 acre-feet applied for under application for permit 72-16909.

I figured I would give you two a heads up that this application will be hitting the paper soon.

Let me know if you have any questions,

Corey



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 7, 2015

Justin & Patricia Farr  
PO Box 1255  
Challis, ID 83226

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

Dear Water Right Applicants:

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 Justin & Patricia Farr RE: Upper Salmon River Basin Water Right Applicants  
December 7, 2015  
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 Shelley Keen at 208-287-4947, or email him at [shelley.keen@idwr.idaho.gov](mailto: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,



Corey Skinner, PE  
Water Resource Engineer