

RECEIVED**OCT 14 2015****WATER RESOURCES
WESTERN REGION****STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Sandra and/or Patrick Keller Phone 208 628-3304
 Name connector (check one) ☐ and ☐ or ☒ and/or
 Mailing address PO Box 367 City Lucile
 State ID Zip 83542 Email whitetailranch@aol.com
 2. Source of water supply Salmon River which is a tributary of Snake river
 3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
25N	01E	11			SE	SW	Idaho	Salmon River	

4. Water will be used for the following purposes:
 Amount 300 cfs for mining purposes from Oct 1/1 to April 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)
 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) .67 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. pump to highbanker
 b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A 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 N/A 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? N/A; drilling firm N/A; well was drilled for (well owner) N/A; 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. N/A
 c. Municipal; complete and attach the Municipal Water Right Application Checklist.
 d. Domestic; show number of households N/A
 e. Other; describe fully. mining highwater

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	
25N	01E	11												X					
														X					
														GL					

Total number of acres to be irrigated: N/A

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?

79-4083 79-14223 Stock, irrigation and
79-4086 79-14224 domestic

10. a. Who owns the property at the point of diversion? Applicant
 b. Who owns the land to be irrigated or place of use? Applicant
 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.

Occ. use of highbanker
Had temp water right approved 300 gal/min

12. Time required for completion of works and application of water to proposed beneficial use is 1 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.

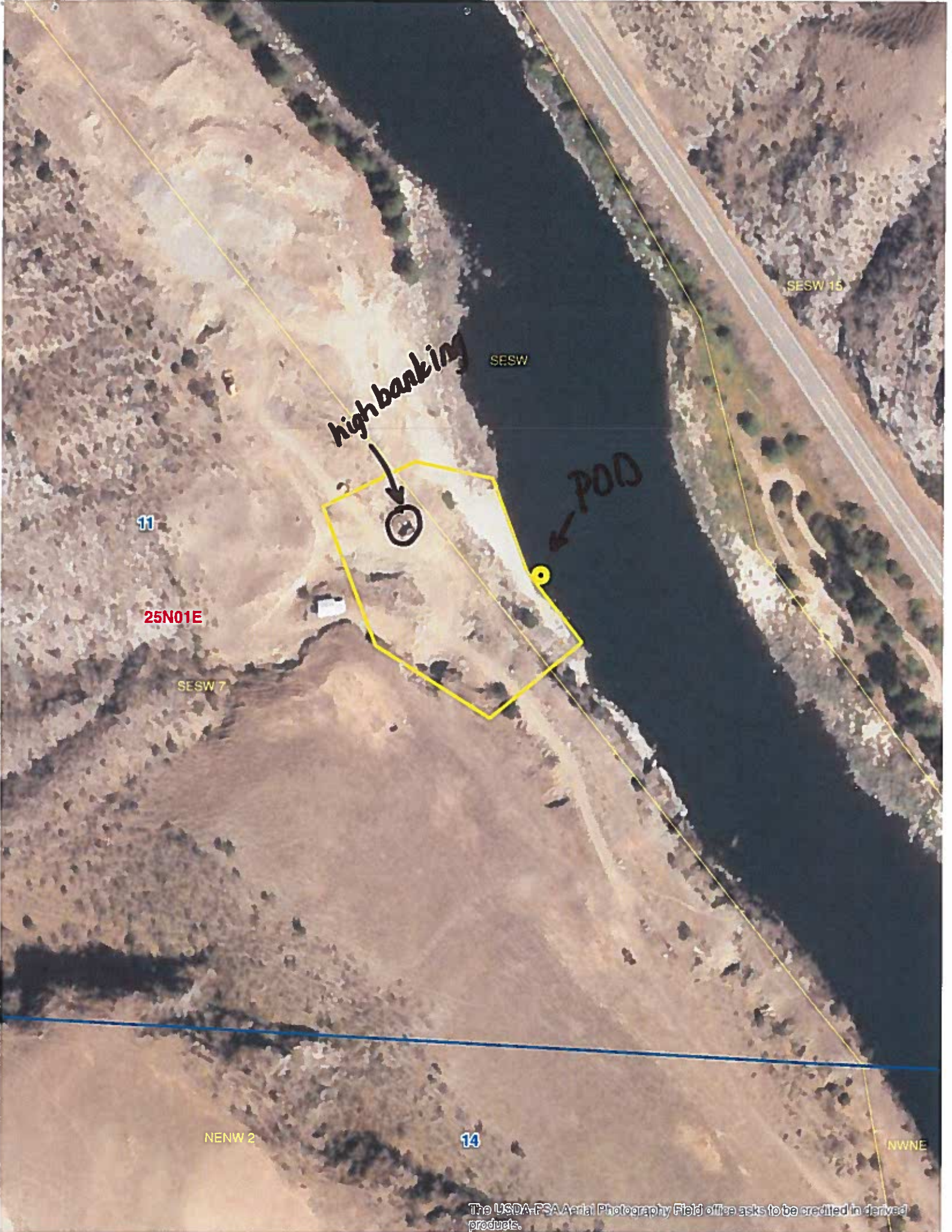
Sandra Keller
 Signature of Applicant

Sandra Keller
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

Received by AS Date 10/14/15 Time 2:30 Preliminary check by DM
 Fee \$ 250 Received by AS Receipt No. W043590 Date 10/14/15





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 31, 2015

PATRICK J KELLER
SANDRA E KELLER
PO BOX 367
LUCILE, ID 83542

Application for Permit No. 79-14263

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 IDAHO COUNTY FREE PRESS on 1/6/2016 and 1/13/2016. 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 black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, December 31, 2015 2:26 PM
To: 'rick.ward@idfg.idaho.gov'
Subject: Applications for Permit No.'s 63-34106, 3-10280, & 79-14263
Attachments: IDFG Recommendation Form.docx; Application for Permit No. 63-34106.pdf; Application for Permit No. 3-10280.pdf; Application for Permit No. 79-14263.pdf

December 31, 2015

STATE OF IDAHO
DEPT OF FISH & GAME
ATTN: RICK WARD
3101 S POWERLINE RD
NAMPA, ID 83686

RE: Applications for Permit No.'s 63-34106, 3-10280, & 79-14263

Dear Mr. Ward:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from your agency regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of January 25, 2016.

If your agency desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, December 31, 2015 2:25 PM
To: Thiel, Sandra
Subject: Applications for Permit No.'s 79-14263, 77-14359, & 78-12434
Attachments: Agency Recommendation Form.docx; Application for Permit No. 79-14263.pdf; Application for Permit No. 77-14359.pdf; Application for Permit No. 78-12434.pdf

December 31, 2015

STATE OF IDAHO
DEPT OF WATER RESOURCES
PLANNING BUREAU
ATTN: SANDRA THIEL

RE: Applications for Permit No.'s 79-14263, 77-14359, & 78-12434

Dear Ms. Thiel:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendation(s) from the Planning Bureau regarding the above referenced water right application(s). Copy(s) of the application(s) are enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of January 25, 2016.

If the Planning Bureau desires to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline.

IDWR will assume your agency does not object to this application if a timely response is not received. Please contact me if you have any questions regarding the application. Thank you for your help.

Sincerely,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, December 31, 2015 8:58 AM
To: 'IFP Legals'
Subject: Idaho Legal Ads
Attachments: Idaho Cover Letter.docx; Idaho Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 1/6/16 & 1/13/16.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

December 31, 2015

LEGAL NOTICE DEPARTMENT
IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE, ID 83530

RE: Application for Permit No. 79-14263
 Application for Permit No. 79-14262
 Application for Permit No. 77-14359
 Application for Permit No. 78-12434

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 1/25/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

79-14263

PATRICK J KELLER
SANDRA E KELLER
PO BOX 367
LUCILE, ID 83542

Point of Diversion L7(SESW) S11 T25N R01E IDAHO County Source SALMON RIVER Tributary SNAKE RIVER
Use: MINING 01/01 to 12/31 0.67 CFS
Total Diversion: 0.67 CFS
Date Filed: 10/14/2015
Place of Use: MINING
T25N R01E S11 L7(SESW)

79-14262

WALTER O LINDSEY
13654 HWY 95 S
WHITEBIRD, ID 83554

Point of Diversion NESE S10 T27N R01E IDAHO County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 5/18/2015
Place of Use: DOMESTIC
T27N R01E S10 L8(SESE)

77-14359

CHERYLYN ROE MURPHY
STEVE MURPHY
CORINNA RUPERT
3817 W PALOUSE ST
BOISE, ID 83705

Point of Diversion L3(SENW) S14 T22N R05E IDAHO County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 3/26/2015
Place of Use: DOMESTIC
T22N R05E S14 SENW NESW

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 use.

78-12434

BILL RICE
PO BOX 2162
MC CALL, ID 83638

Point of Diversion NWSE S24 T24N R01W IDAHO County Source PAPOOSE CREEK Tributary SQUAW CREEK
Use: IRRIGATION 04/01 to 10/31 0.03 CFS
Total Diversion: 0.03 CFS
Date Filed: 8/24/2015
Place of Use: IRRIGATION
T24N R01W S24 NWSE
Total Acres: 2.5

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 1/25/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 1/6/2016 and 1/13/2016

MEMORANDUM

TO: Application No. 79-14263

FROM: D. Merriman

DATE: 12-10-15

RE: Salmon-Clearwater Processing, Basins 77-79 Western Region

This application proposes .67 cfs (300 gpm) of water to be diverted for mining. Water will be pumped directly from the Salmon River to a high banker

The proposed system will be located on the West Side of the Salmon River in Township 25 N, Section 1 E, the SESW and SESW government lot 7 corner, approximately 1.8 miles south of Lucille, Idaho.

Wild & Scenic River (WSR) Processing

General Information - WSR processing applies to portions of Bs 77 and 78 but not to Bs 79. It is rarely expected in Bs 78 since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.¹

Typically WSR issues would be in Bs 77 upstream from Long Tom Bar on the Salmon River, WSR right 77-11941.² This also incorporates the entire Middle Fork Salmon River drainage, MSR right 77-13844.³

WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application - WSR processing is not required because the proposed source/diversion are downstream from any WSR rights.

Minimum Streamflow Rights (MSF)

General Information - MSF analysis applies to all surface water upstream⁴ from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results (7/8/09 telephone conference).

Downstream MSF right 3-8 on the Snake River⁵ is not subordinate to "future dcmi" uses or "future non-dcmi (with cfs limits)" uses. Downstream Salmon River MSF right 79-14119⁶ is subordinated to future dcmi uses but not to future non-dcmi uses.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses.

¹ POD = T23N-R1W-S12.

² POD = T25N-R5E-S31.

³ POD = T23N-R16E-S33.

⁴ Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

⁵ POD = T31N-R5W-S10.

⁶ From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application – MSF analysis is required for the proposed source and use upstream from MSF rights 3-8 and 79-14119.

This leads to the following MSF conclusions for this application:

- Senior MSF right 3-8 will not be subordinated to the proposed use(s).
- Senior MSF right 79-14119 will not be subordinated to the proposed non-dcmi use.

The attached MSF spreadsheet shows the application meets the criteria for MSF rights in the same basin.

Discussion

No comment letters were requested per Salmon and Clearwater Basin Water Right Application Review Process Flow Chart.

Application in Basin 71-75? **NO**

└ Domestic use as defined under I.C. 42-111? **NO**

└ Pumping less than 2.01 cfs from main Salmon R. downstream of E. Fork Salmon R.? **YES**

└ *No comment letters required, fish screen condition required. Will send IDFG a comment letter at advertising, even though applicant isn't required to seek comments.*

No Rule 40 information was requested.

Conditions of Approval

In addition to typical standard conditions (004, 121 etc.), use the following standard, modified &/or unique conditions for Basins 77-79.

Per IDFG comments, use the following:

- **029 standard** - Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

