

RECEIVED**NOV 02 2015****DEPT OF WATER RESOURCES**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

Ident. No.

75-14816**RECEIVED****OCT 26 2015**Department of Water Resources
Eastern Region

1. Name of applicant(s) Martha J. Newton / James R. Newton Phone 208-865-2110
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address 1 Pentland Rd City Gibbonsville
 State Idaho Zip 83463 Email jnewton1931@gmail.com
2. Source of water supply North Fork Salmon River which is a tributary of Salmon 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 #
26N	21E	26			NE	NW	LEMHI	North Fork Salmon River	NF-13

4. Water will be used for the following purposes:
 Amount 0.12 for IRRIGATION purposes from 4/1 to 10/31 (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) 0.12 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. headgate, ditches, pipelines to place of use
- 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; complete and attach the Municipal Water Right Application Checklist.
- 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	
26N	21E	25											0.2						0.2
		26													2.8			1.2	4.0
																			4.2

Total number of acres to be irrigated: 4.2

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?
existing domestic well (unrecorded)

10. a. Who owns the property at the point of diversion? Doug Westfall
- 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:
existing community shared ditch

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

Previous owner (Gary Grance) died in Nov 2014 and was unable to respond to a IDWR ltr (April, 2015) requesting confirmation of use. His water permit was # 75-14529 and has expired due to no response. We purchased the property in Sept, 2015 and have already improved the property with trees, lawn, a pasture (under construction), and bushes. We will continue to add and improve the property with additional landscaping, grass, bushes and trees.

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.

Martha J Newton
Signature of Applicant

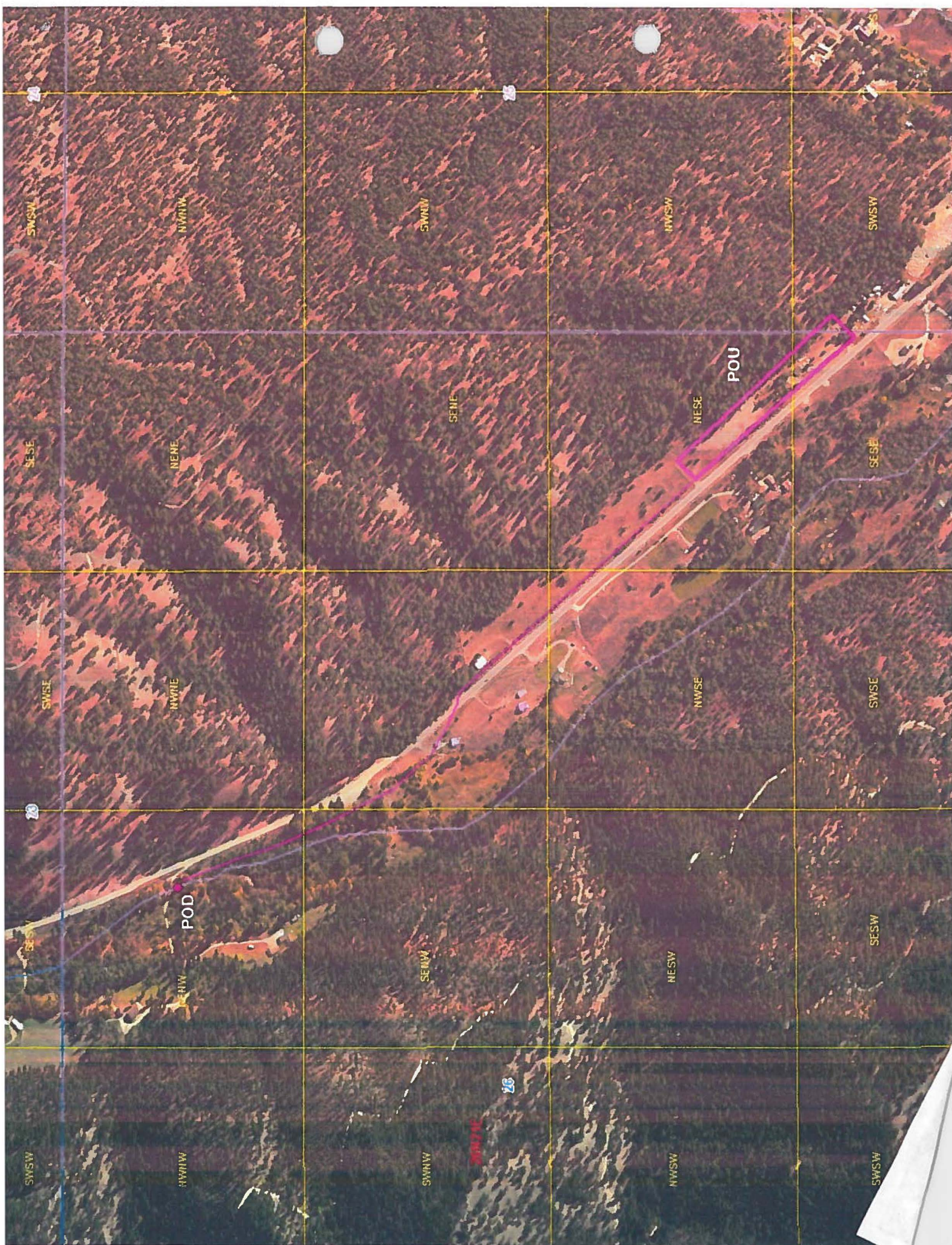
Martha J Newton
Print Name (and title, if applicable)

James R Newton
Signature of Applicant

James R Newton
Print Name (and title, if applicable)

For Department Use:

Received by 100 Date 5C Time 041571 Preliminary check by 10/26/15
Fee \$ 100 Receipt by 5C Receipt No. 0041571 Date 10/26/15





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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 10, 2015

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

RE: Application for Permit No. 75-14813, 75-14815, 75-14816 and 75-14817

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. I have enclosed a copy of the applications for your reference.

This office can publish notice of the application and transfer 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 black ink that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist II

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 10, 2015

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

RE: Applications for Permit 75-14813, 75-14815, 75-14816 and 75-14817

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced and applications for permit. I have enclosed a copies of the applications for your reference.

This office can publish notice of the application and transfer 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

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0008

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

CEL. BUTCH OFFER
Governor

GARY SPACKMAN
Director

December 9, 2015

JAMES R NEWTON
MARTHA J NEWTON
1 PENTLAND RD
GIBBONSVILLE, ID 83463-4903

Application For Permit No. 75-14816

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 12/17/2015 and 12/24/2015. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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, PO Box 83720, Boise, Idaho, 83720-0098 before January 4, 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:

75-14813

CACHE MORSE
ANITRA NEWCOMB
372 W ELKHORN ROAD
SALMON, ID 83467
Point of Diversion L9(NWSW) S10 T18N R21E LEMHI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Use: IRRIGATION
04/01 to 10/31
0.05 CFS
Total Diversion:
0.09 CFS
Date Filed: 10/23/2015
Place Of Use: IRRIGATION DOMESTIC
T18N R21E S10 L9(NWSW)
Total Acres: 1.7

This application proposes the diversion and use of water from ground water tributary to 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.

75-14815

LIVING TRUST OF ROSS E BROWN & LOIS L BROWN
3204 HWY 93N
GIBBONSVILLE, ID 83463
Point of Diversion SESE S26 T26N R21E LEMHI County
Source GROUND WATER
Use: IRRIGATION
04/01 to 10/31

0.03 CFS

Total Diversion:

0.03 CFS

Date Filed: 10/26/2015

Place Of Use: IRRIGATION

T26N R21E S26 NESE SESE

Total Acres: 1

This application proposes the diversion and use of water from ground water tributary to 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 acre will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14816

JAMES R NEWTON
MARTHA J NEWTON
1 PENTLAND RD
GIBBONSVILLE, ID 83463-4903
Point of Diversion NENW S26 T26N R21E LEMHI County
Source NORTH FORK SALMON RIVER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31

0.12 CFS

Total Diversion:

0.12 CFS

Date Filed: 10/26/2015

Place Of Use: IRRIGATION

T26N R21E S25 SWSW

T26N R21E S26 NESE SESE

Total Acres: 4.2

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.

75-14817

DARRELL SANDBERG
DIANELLE SANDBERG
3185 HWY 93 N
GIBBONSVILLE, ID 83463
Point of Diversion NENW S26 T26N R21E LEMHI County
Source NORTH FORK SALMON RIVER Tributary SALMON RIVER
Use: IRRIGATION
04/01 to 10/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 10/30/2015

Place Of Use: IRRIGATION

T26N R21E S25 SWSW

Total Acres: 1.5

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.

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 1/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/17/2015 and 12/24/2015

MEMORANDUM

Date: December 7, 2015
To: Water Right File 75-14816
From: Michele Edl
Re: Application Review

Applicant

According to available Lemhi County taxlot information, the POD is on property owned by Doug Westfall.

The applicant did not respond to IDWR's local public interest letter.

Source & POD

The source of the water will be the North Fork of the Salmon River which tributary to the Salmon River. It is within a Wild and Scenic area and subject to those processing steps.

A headgate for a shared ditch diverts water from the North Fork of the Salmon River. The water is conveyed down the ditch and to the applicant's property. The proposed diversion will be a small pump for delivery of water to sprinklers.

POD is located in Lot 15 Lost Trail Lodge Subdivision. I created the POD shape based on existing spatial data point 374237, which is also identified as NF-13.

Water Use

The application proposes use of surface water for irrigation of the property.

POU

The place-of- use is the entire property which is 4.2 acres.

I created the POU shape based on the taxlot and application layers.

POU/POD overlap analysis

The applicants have an existing but unrecorded domestic well. The application map did not exclude any acreage which is already irrigated under the domestic use. Instead, the application map shows the entire property so there is some overlapping irrigation and domestic use.

This right is intended to mimic lapsed permit 75-14529. The permit was issued without protest. The holder of that permit passed away a few months before proof was expected.

Other water rights are diverted from the headgate/POD.

Conditions

The proposed POU and use are not currently located within a water district however, IDWR anticipates that they will be. The permit is conditioned with measuring device and watermaster control notifications.

Skaggs, Pam

From: jnewton1931@gmail.com
Sent: Monday, November 30, 2015 4:04 PM
To: Skaggs, Pam
Subject: Application - Upper Salmon River Basin 75-14816

Thank you for your response to our application for water rights #75-14816.

Regarding your letter dated 6 November, I am requesting an extension because we have been out of town and unable to respond with the information you are requesting.

To provide interim information, our water right is at the end of an existing ditch and the current ditch already has fish screens which prevent endangered species from entering our ditch, thereby complying with the ESA (Endangered Species Act).

Our need for the water right is to enhance the growth of pasture grass, trees, shrubs, lawn grass, and vegetation that reduce erosion of the ground on our 4 acres. We have already planted grass and planted over 12 trees that will further enhance the ability for animals and birds to exist in this geographic area.

As a minimum, I am requesting an extension if the information I have provided is not sufficient to approve our request.

Thanks for your help and support.

James & Martha Newton
1 Pentland Rd
Gibbonsville, Idaho 83463

E: jnewton1931@gmail.com
H: 208-865-2110



This email has been sent from a virus-free computer protected by Avast.
www.avast.com

November 6, 2015

Martha J Newton / James R Newton
1 Pentland Rd
Gibbonsville ID 83463

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14816

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 Upper Salmon River Basin Water Right Applicants
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 208-287-4951, or email me at pam.skaggs@idwr.idaho.gov.

Sincerely,

Pamela Skaggs
Water Rights Supervisor

Enclosure: Copy of Application

State of Idaho
Department of Water Resources
Application For Permit
75-14816

