

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

Ident. No. 74-160116

*Card Clark made the
credits seen on this form
(phone confirm 7/28/14)*

1. Name of applicant(s) THE CLARK FAMILY TRUST Phone 208-756-1988Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 893 LEMHI RD City SALMONState ID Zip 83467 Email: dosamigos@centurylink.net2. Source of water supply LEMHI 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 #
21N	23E	33			NE	NW	LEMHI	LEMHI RIVER	RECEIVED JUL 21 2014 Department of Water Resources Eastern Region

4. Water will be used for the following purposes:

Amount 0.04 cfs for Garden, landscape & lawn irrigation purposes from MARCH 15 to NOV 15 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 0.04 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. electric pump w/1 1/2" inlet & outlet, Rainbird type sprinklers

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

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

e. If well is already drilled, when? _____; drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____.

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	33					1												
21N	23E	33					0.5												

Total number of acres to be irrigated: 0.5

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? THIS WATER

10. a. Who owns the property at the point of diversion? Clark Family Trust
b. Who owns the land to be irrigated or place of use? Clark Family Trust
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. Use of electric pump to provide water to irrigate lawn, garden & landscaping around residence. Domestic ground water well does not provide enough water for 1/2 acre lawn. Filing under 42-111.

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 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.

Ben S. Clark
Signature of Applicant
BEN S. CLARK
Print Name (and title, if applicable)

Carol L. Clark
Signature of Applicant
CAROL L. CLARK
Print Name (and title, if applicable)

For Department Use:

Received by CF Date 7/21/14 Time 12:47 Preliminary check by _____
Fee \$ 250 ~~100~~ % Received by Se Receipt No. E040065 Date 7/21/14

RP21N23E332412
ENGLAND, VERNON L

RP21N23E332410
DOLOUGHAN LIVING TRUST, THE

RP21N23E332409
DOLOUGHAN, RORY

RP21N23E332413
WATSON, DAVID E

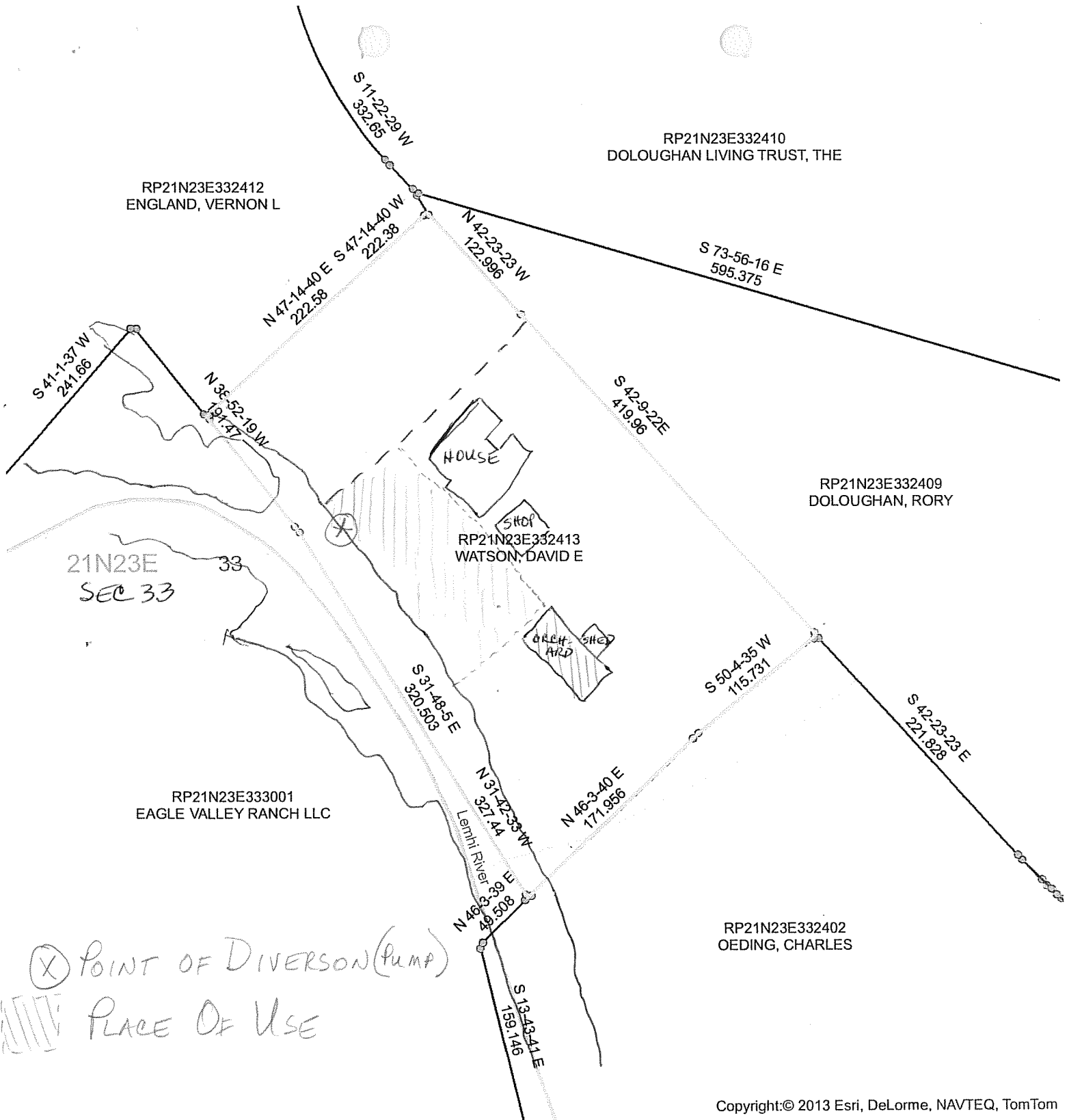
RP21N23E333001
EAGLE VALLEY RANCH LLC

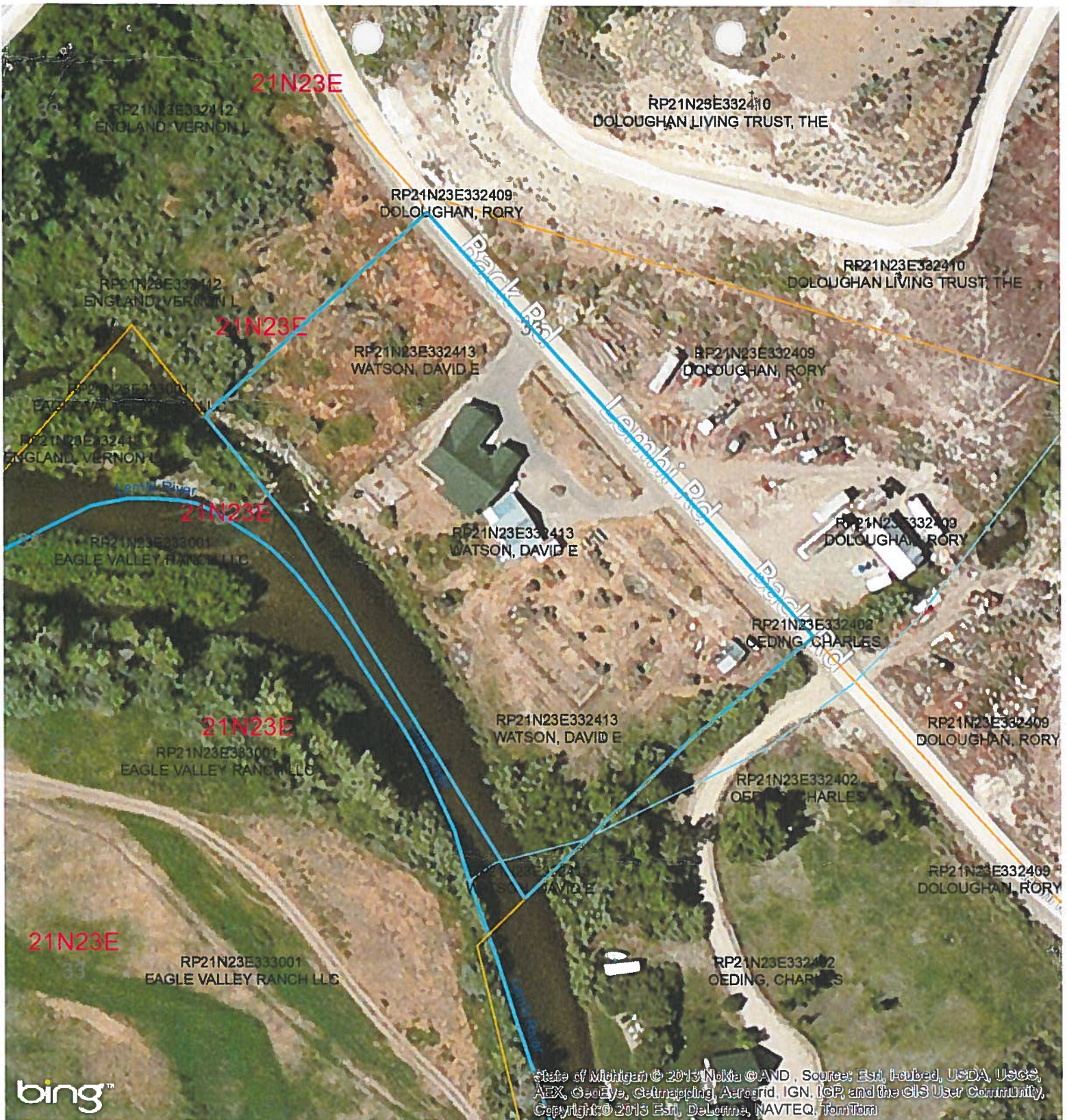
RP21N23E332402
OEDING, CHARLES

21N23E
SEC 33

(X) POINT OF DIVERSION (PUMP)

PLACE OF USE





bing™

State of Michigan © 2013 Nokia © AND . Source: Esri, Imagery, USDA, USGS, AEX, GeoEye, Geotraping, Aerogrid, IGN, IGP, and the GIS User Community, Copyright © 2013 Esri, DeLorme, NAVTEQ, TomTom

TAX DESCRIPTION

Tax Number:	Sec. #:	Twp. #:	Rge. #:	Seller: David E Watson and Janet L Watson
5699	33	21	23	Buyer: David E Watson and Janet L Watson

Date: 2/6/2013

Instrument #: 292415

Discription:

A parcel of land located in the NW1/4 of Section 33, T.21 N., R. 23 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows;

Commencing at the N1/4 Corner of said Section 33, from which the NE Corner of said section bears S 89°43'56"E a distance of 2631.13 ft., the Basis of Bearing of this description, run thence S 42°22'09"W a distance of 813.76 ft. to a point on the westerly right-of-way of the Lemhi County Road and the POINT OF BEGINNING;

Thence S 42°09'22"E a distance of 419.96 ft. along said right-of-way;

Thence S 49°51'15"W a distance of 117.34 ft.;

Thence S 45°44'18"W a distance of 170.80 ft. to a point on the centerline of the Lemhi River;

Thence the following courses along said centerline;

N 31°42'33"W 327.44 ft.; N 38°38'17"W 97.96 ft.;

Thence N 47°14'40"E a distance of 222.58 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 2.4 ACRES +OR-

RECORDING REQUESTED BY:

Neil A. Harris, Esq.
Stewart Humpherys Burchett & Molin, LLP
3120 Cohasset Road, Suite 10
Chico, California 95973

WHEN RECORDED MAIL TO:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CERTIFICATE OF TRUST

THE CLARK FAMILY TRUST

THIS DOCUMENT IS A TRUSTEE'S CERTIFICATION OF TRUST AND COMPLIES WITH THE TERMS OF CALIFORNIA PROBATE CODE §18100.5. ANY PERSON MAKING A DEMAND FOR THE ACTUAL TRUST DOCUMENTS IN ADDITION TO THIS CERTIFICATION OF TRUST TO PROVE FACTS SET FORTH HEREIN SHALL BE LIABLE FOR THE DAMAGES INCURRED BY THE TRUSTEE AS A RESULT OF THAT REFUSAL TO ACCEPT THIS CERTIFICATION.

We, the undersigned, do hereby declare under penalty of perjury under the laws of the State of California that the following is true and correct:

1. On the date below written, BENJAMIN S. CLARK and CAROL L. CLARK, as Settlers and initial Co-Trustees, signed a Declaration of Trust which established a revocable living family trust designated as, "THE CLARK FAMILY TRUST ("the Trust")."
2. This Certificate is a true and correct representation of the terms of the Trust instrument.
3. Under the terms of the Trust, BENJAMIN S. CLARK and CAROL L. CLARK are to serve as first or initial Co-Trustees. BENJAMIN S. CLARK and CAROL L. CLARK have agreed to serve as Co-Trustees and are, in fact, now currently serving in that capacity.
4. In the event that either BENJAMIN S. CLARK or CAROL L. CLARK fails to qualify or ceases to act as a Co-Trustee, then the remaining above-named initial Co-Trustee shall continue to serve alone as first successor sole Trustee with all the rights, powers, titles, and

immunities specified within the Trust(s). In the event that both BENJAMIN S. CLARK and CAROL L. CLARK fail to qualify or cease to act in any capacity as Trustee, then JEANETTE A. MORTON and GARY J. CLARK shall thereafter serve together as second successor Co-Trustees with all the rights, powers, titles, and immunities specified within the Trust(s). In the event that either JEANETTE A. MORTON or GARY J. CLARK fails to qualify or ceases to act as a successor Trustee, then BRETT M. CLARK shall take the place of the failed successor Trustee and thereafter serve with the remaining above-named person as next successor Co-Trustees with all the rights, powers, titles, and immunities specified within the Trust(s). Where only one (1) of the above-named persons is able and willing to serve as Trustee, that person shall serve alone as next successor sole Trustee with all the rights, powers, titles, and immunities specified within the Trust(s). During any period in which a Trustee serves as sole Trustee of any Trust under this instrument, that Trustee, hereinafter referred to as "the appointing Trustee," shall have the power to appoint an additional Trustee to act as Special or Co-Trustee with the appointing Trustee for any Trust or in regard to any asset of any Trust. The appointing Trustee shall retain the right to remove any Special or Co-Trustee without cause and, at the option of the appointing Trustee appoint a new Special or Co-Trustee. Any such appointment and/or removal shall be made in a written instrument signed by the appointing Trustee and delivered to the designated or removed Special or Co-Trustee. The appointed Special or Co-Trustee shall cease to act upon the appointing Trustee's failure to continue to serve as Trustee. Whenever Co-Trustees are then-serving, it shall be permissible for the Co-Trustees to agree that a particular action may be taken with only the signature of one of the two Co-Trustees. Where the Co-Trustees do not so agree, however, all actions shall require the signature of both then-serving Co-Trustees. An example of the above is the authorization on the signature card of a particular bank account that either Co-Trustee may deposit and/or withdraw from that account.

5. The term "fails to qualify or ceases to act as Trustee" as used in the Trust, shall include the decision of any Trustee not to serve as Trustee no matter for what reason made, and shall also include the incapability of any Trustee to serve as Trustee by reason of death or otherwise. The next named Trustee is directed to accept as evidence of such incapability to serve the written determination of such fact presented to them by the then regular doctor of such Trustee. Such determination shall be valid and accepted by the Trustee until the Trustee who is so declared to be incapable to serve files a petition disputing said fact with the Superior Court of the State of California.

6. The Trust is not of record in any court of law and has not been recorded in the real property records of any county.

7. Other than described herein, the Trust has not been revoked, modified, or amended in any manner which would cause the representations contained herein to be incorrect.

8. During the joint lives of BENJAMIN S. CLARK and CAROL L. CLARK, the Trust remains fully revocable and amendable by both BENJAMIN S. CLARK and CAROL L. CLARK acting together as to their community property and alone as to that acting person's separate property.

9. BENJAMIN S. CLARK and CAROL L. CLARK, as the Settlers, are the current Income and Principal Beneficiaries of the Trust.

10. Title to assets of the Trust should be taken in substantially the following form:

"BENJAMIN S. CLARK and CAROL L. CLARK, Co-Trustees, THE CLARK FAMILY TRUST, dated Dec. 23, 2009."

11. The Trust identification number is the Settlor's Social Security Numbers.

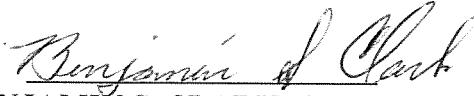
12. Under the terms of the Trust, the Trustee's powers include those powers and authority granted to trustees under the California Probate Code, as amended from time to time.

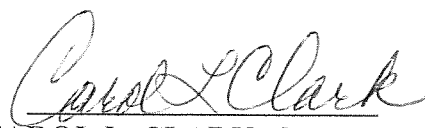
13. The Trustees' powers include authority to sell, encumber, lease or otherwise enter into transactions concerning the real property more particularly described in Exhibit A attached hereto and incorporated herein by reference.

14. This Certificate is intended to serve as a "Certification of Trust" under California Probate Code §18100.5, as amended. Its purposes is to certify the existence of the Trust, the identity and powers of the Trustee, the manner of taking title to assets, and to summarize some of the more important provisions of the Trust so that the Trustee can deal with third parties, such as financial institutions, stock transfer agents, brokerage houses, title companies, insurance companies, and others, without disclosing the entire Trust, which is a private and confidential document.

15. All third parties dealing with the Trustee may rely on this Certificate as a true statement of the provisions of the Trust described herein as of the date this Certificate is presented to such third party (regardless of the date of execution of this Certificate), unless the third party has actual knowledge that the representations contained herein are incorrect. The Trustee is expressly authorized to sue a third party who fails to rely on this Certificate and demand damages, including punitive damages, on Settlor's behalf for such non-reliance.

EXECUTED on this 23rd day of Dec., 2009, at Chico, California.


BENJAMIN S. CLARK, Co-Trustee
THE CLARK FAMILY TRUST
Dated Dec. 23, 2009


CAROL L. CLARK, Co-Trustee
THE CLARK FAMILY TRUST
Dated Dec. 23, 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 26, 2014

THE CLARK FAMILY TRUST
893 LEMHI RD
SALMON, ID 83467

Application For Permit No. 74-16016

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 9/4/2014 and 9/11/2014. 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 that reads "Jean Hersley". The signature is written in a cursive, flowing style.

Jean Hersley
Technical Records Specialist

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

74-16015

USDI BLM

C/O FREDRIC W PRICE

IDAHO STATE OFFICE

1387 S VINNELL WAY

BOISE, ID 83709-1657

Point of Diversion: NWNWNW S17 T18N R23E LEMHI County Source SPRING Tributary BULL CREEK

Use: STOCKWATER

01/01 to 12/31

0.03 CFS

Total Diversion:

0.03 CFS

Date Filed: 7/1/2014

Place Of Use: STOCKWATER

T18N R23E S16 SWSW

T18N R23E S17 NWNE NWNW SENW

T18N R23E S20 NENE

T18N R23E S21 NWSE

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 stockwater purposes of 0.03 cfs will be applied to the subordination amounts specified in the decree for the Salmon River.

74-16016

THE CLARK FAMILY TRUST

893 LEMHI RD

SALMON, ID 83467

Point of Diversion NENW S33 T21N R23E LEMHI County Source LEMHI RIVER Tributary SALMON RIVER

Use: DOMESTIC

03/15 to 11/15

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 7/21/2014

Place Of Use: DOMESTIC

T21N R23E S33 NENW

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 purposes.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the State Office at (208) 287-4800 or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, State Office, PO Box 83720, 322 E Front St, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 9/22/2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/4/2014 and 9/11/2014

Hersley, Jean

From: Hersley, Jean
Sent: Tuesday, August 26, 2014 8:39 AM
To: 'rhlegals@custertel.net'
Subject: Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean
August 26, 2014

208-756-2222 Page 1

Legal Notice Department

Recorder Herald
PO Box 310
Salmon ID 83467

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

My name is Jean Hersley and I work in the Idaho Dept of Water Resources State Office. The State Office staff is taking over the review and approval of Applications for Permit and Transfers of Water Right in the Lemhi Basin. I will be responsible for the advertising. The affidavits and bills need to be sent to this office, attention: Jean. If you have any questions please contact me at the number below.

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 before September 22, 2014. Your cooperation is appreciated.

Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 – telephone
208-287-6700 – Fax
jean.hersley@idwr.idaho.gov

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

74-16015

USDI BLM

C/O FREDRIC W PRICE

IDAHO STATE OFFICE

1387 S VINNELL WAY

BOISE, ID 83709-1657

Point of Diversion: NWNWNW S17 T18N R23E LEMHI County Source SPRING Tributary BULL CREEK

Use: STOCKWATER

01/01 to 12/31

0.03 CFS

Total Diversion:

0.03 CFS

Date Filed: 7/1/2014

Place Of Use: STOCKWATER

T18N R23E S16 SWSW

T18N R23E S17 NWNE NWNW SENW

T18N R23E S20 NENE

T18N R23E S21 NWSE

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 stockwater purposes of 0.03 cfs will be applied to the subordination amounts specified in the decree for the Salmon River.

74-16016

THE CLARK FAMILY TRUST

893 LEMHI RD

SALMON, ID 83467

Point of Diversion NENW S33 T21N R23E LEMHI County Source LEMHI RIVER Tributary SALMON RIVER

Use: DOMESTIC

03/15 to 11/15

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 7/21/2014

Place Of Use: DOMESTIC

T21N R23E S33 NENW

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GARY SPACKMAN, Director

Published on 9/4/2014 and 9/11/2014

Transmission Report

Date/Time
Local ID 1

08-26-2014
2082876700

08:15:44 a.m.

Transmit Header Text
Local Name 1

Water Resource Boise #507

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

Hersley, Jean

To: rhlegals@custartel.net
Subject: Legal Notice

A COPY WILL BE FAXED TO YOU ALSO. Thank you. Jean August 26, 2014 208-756-2222 Page 1

Legal Notice Department
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PO Box 310
Salmon ID 83467

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Sincerely

Jean Hersley
Idaho Department of Water Resources
320 E Front St
PO Box 83720
Boise ID 83720-0098
208-287-4942 -- telephone
208-287-6700 -- Fax
jean.hersley@idwr.idaho.gov

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Date Filed: 7/1/2014
Place Of Use: STOCKWATER
T18N R23E S16 SWSW
T18N R23E S17 NWNE NWNW SENW
T18N R23E S20 NENE
T18N R23E S21 NWSE

1

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	510	2087562222	08:14:48 a.m. 08-26-2014	00:00:22	2/2	1	EC	HS	CP24000

Abbreviations:

HS: Host send
HR: Host receive
WS: Waiting send

PL: Polled local
PR: Polled remote
MS: Mailbox save

MP: Mailbox print
RP: Report
FF: Fax Forward

CP: Completed
FA: Fail
TU: Terminated by user

TS: Terminated by system
G3: Group 3
EC: Error Correct



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 26, 2014

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

Application to Permit No. 74-16015 and 74-16016

Dear Interested Party:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of 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.

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

Sincerely,

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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 26, 2014

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

Application to Permit No. 74-16015 and 74-16016

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

Sincerely,

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

Jean Hersley
Technical Records Specialist II

Enclosure(s)

MEMORANDUM

Date: August 19, 2014
To: Water Right File 74-16016
From: Michele Edl
Re: Application Review

Applicant

I confirmed by a phone call that the edits that had been made to the application had been done by Carol Clark during a visit to Eastern Region office.

According to available Lemhi County taxlot information, the POD and the POU are on property owned by the applicant.

Source & POD

The source of the water will be the Lemhi River which is in a Wild and Scenic area and subject to those processing steps. The applicant has responded to IDWR additional information request.

The proposed diversion will be a pump in the river.

Water Use

The application proposes use of surface water for external irrigation. The applicant's existing, unrecorded domestic well is not providing sufficient water to irrigate the lawn and garden areas. The use qualifies as domestic under §42-111 1b. and will be limited to 13,000 gpd.

POU

The place-of- use is less than ½ acre within the applicant's property.

The POU shape is a copy of the application shape created by Eastern Region personnel.

POU/POD overlap analysis

An unrecorded domestic well supplies water to the interior of the residence.

The nominal shape for WR #74-4029 (Eagle Valley Ranch LLC) for stockwater use from springs overlaps the POU shape. However the use and source are different so they are not true overlaps.

No other water rights are diverted from the POD.

Conditions

The proposed use is in Water District 74 and the permit will be conditioned with the measuring device notification. Watermaster comments will be requested.

The applicant has consulted with regional IDF&G personnel and they will be contacted for comment.

The permit will be conditioned to require compliance with pump screening requirements of that agency.

The Clark Family Trust
Ben & Carol Clark
893 Lemhi Road
Salmon, ID 83467

August 7, 2014

State of Idaho
Dept. of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED
AUG 12 2014
DEPARTMENT OF
WATER RESOURCES

Attention: Pamela Skaggs, Water Rights Supervisor

Dear Ms. Skaggs,

In reference to your letter of July 29, 2014, we would like to provide more information to be added to our application for water appropriation #74-16016 from the Lemhi River for the purpose of domestic irrigation of our yard.

We have contacted the Idaho Dept. of Fish & Game concerning our application to pump .04 cfs of water from the river. They are currently reviewing the matter and discussed with us the efforts that have been made to restore the water flows in the Lemhi during the summer months. They also informed us of the requirement of a screen on the suction hose of the pump, which they will provide for a small fee for materials.

Our usage of this river water will be sporadic with usage of approximately 18 gpm only every 7 to 10 days for about 24 hours. Our shrubs, trees, and vegetable garden would be on a drip system to minimize water usage. We believe that with vegetation in our back yard, it would help with erosion of the river bank also.

Any time we are using our house heating or cooling system, we are returning approximately 5 gpm to the river from our well. We would not be applying for this permit if our domestic well produced enough water (only 8.5 gpm) to maintain any landscaping and provide for our household needs.

Your consideration of this application is appreciated and we will be waiting to hear from you.

Yours truly,



Ben Clark



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

July 29, 2014

THE CLARK FAMILY TRUST
893 LEMHI RD
SALMON ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-16016

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

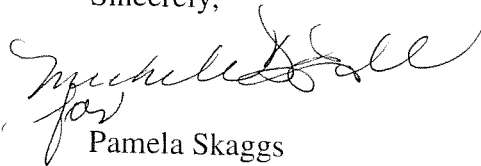
A myriad of habitat restoration projects are being constructed/implemented in other parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model 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,

A handwritten signature in cursive script, appearing to read "Pamela Skaggs", with a small "for" written below it.

Pamela Skaggs
Water Rights Supervisor

Enclosure: Copy of Application