

RECEIVED

JAN 29 2014

AMENDED
Regional Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMITIdent. No. 74-15964

To appropriate the public waters of the State of Idaho

AMENDED

1. Name of applicant(s) Gordon Stephenson Mary Stephenson Phone 208.756.4109
Name connector (check one): ☐ and ☐ or ☒ and/orMailing address: 30 N BAKER ROAD City SALMONState ID Zip 83467-5170 Email: _____2. Source of water supply GROUND WATER & WASTE WATER which is a tributary of LEMHI RIVER

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
20N	23E	3		NE	NW	NW	LEMHI	WASTE WATER	
21N	23E	34		SE	SW	SW	LEMHI	GROUND WATER	

4. Water will be used for the following purposes:

Amount .05 cfs for diversion to storage purposes from 03/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)Amount 24 ac-ft for aesthetic storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 24 ac-ft for recreation storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 24 ac-ft for fish propogation purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) .05 cubic feet per second (cfs) and/or (b) 24.00 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. A gravel pit was dug in 2001 to use on lemhi road work, the pit was not filled in. The pit filled with sub-water and waste water, waste water is from neighbor's ditch.

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 ☒ Noc. Proposed well diameter is n/a inches; proposed depth of well is n/a feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? n/a; drilling firm _____;

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

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

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

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. The pond is stocked with fish, grandchildren and applicants fish, canoe and generally enjoy the pond. Idaho Fish and Game screened the outlet, and authorized the fish stocking.X Gordon Stephenson

74-15964

RECEIVED

JAN 25 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 74-159641. Name of applicant(s) Gordon Stephenson Mary Stephenson Phone 208.756.4109
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20N	23E	3		NE	NW	NW	LEMHI	WASTE WATER	
21N	23E	34		SE	SW	SW	LEMHI	GROUND WATER	
<u>20N</u>	<u>23E</u>	<u>3</u>			<u>SE</u>	<u>NW</u>	<u>LEMHI</u>	<u>Lemhi River</u>	

4. Water will be used for the following purposes:

Amount 03 cfs for diversion to storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 24 ac-ft for aesthetic pond purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 24 ac-ft for recreation pond purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount 24 ac-ft for fish propogation purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)5. Total quantity to be appropriated is (a) 03 cubic feet per second (cfs) and/or (b) 24.00 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. A gravel pit was dug in 2001 to use on lemhi road work, the pit was not filled in. The pit filled with sub-water and waste water, waste water is from neighbor's ditch.

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 ☒ Noc. Proposed well diameter is n/a inches; proposed depth of well is n/a feet.d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ Noe. If well is already drilled, when? n/a; drilling firm _____;

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

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

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

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. The pond is stocked with fish, grandchildren and applicants fish, canoe and generally enjoy the pond. Idaho Fish and Game screened the outlet, and authorized the fish stocking.

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	
20N	23E	3		J&R															
20N	23E	3		H															
21N	23E	34											J						
21N	23E	34											R						
21N	23E	34											H						

Total number of acres to be irrigated: _____

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? N/A

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: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. In 2001 a gravel pit was dug by a contractor to use product on road construction in the area. The pit was not filled in. The pond is approximately 2 acres and fills with subwater to the same level as the Lemhi River, the rest of the water is waste water from the neighbors ditch. Lemhi River elevation is 4350', pond elevation is 4351' the majority of water is subwater approximately 22 ac-ft. The balance is waste water approximately 2 ac-ft. The pond is stocked with fish and used for recreational and aesthetic purposes. Idaho Fish and Game has installed a fish screen on the outlet of the pond to the Lemhi River, and authorized the stocking of fish. Average depth of the pond is 10'.

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.

Jordan Stephenson
Signature of Applicant
Jordan Stephenson
Print Name (and title, if applicable)

Jordan Stephenson
Signature of Applicant
Jordan Stephenson
Print Name (and title, if applicable)

For Department Use:

Received by Km Date 1-25-2012 Time _____ Preliminary check by Km
Fee \$ 250.00 Received by Km Receipt No. E037269 Date 1-25-2012



Stephenson Pond

0 0.025 0.05 0.1 Miles

74-15964

ET_{Idaho} 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison@kimberly.uidaho.edu Copyright 2010, University of Idaho.

Salmon (NWS --108076)

Statistics based on thirty

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 (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	0.33	0.08	1.01	1.87	2.03	2.77	3.50	3.20	1.69	0.78	0.23	0.49	487	0	487
15-Day Moving Average ^d	0.34	0.01	1.03	1.86	1.99	2.72	3.57	3.18	1.65	0.81	0.21	0.46			
7-Day Moving Average ^e	0.34	0.04	1.01	1.85	1.98	2.73	3.54	3.19	1.65	0.80	0.24	0.46			
3-Day Moving Average ^f	0.33	0.07	1.00	1.87	2.01	2.75	3.51	3.21	1.67	0.78	0.24	0.49			
Standard Deviation	mm/day												mm		
Monthly	0.38	0.35	0.48	0.65	1.24	0.92	1.18	0.84	0.71	0.75	0.43	0.64	72	0	72
15-Day Moving Average	0.43	0.47	0.45	0.85	1.33	1.13	1.10	0.89	1.03	0.66	0.56	0.60			
7-Day Moving Average	0.64	0.62	0.66	1.16	1.80	1.69	1.48	1.15	1.35	0.98	0.80	0.81			
3-Day Moving Average	0.88	0.83	0.99	1.62	2.42	2.34	2.15	1.52	1.81	1.36	1.15	1.14			
20% Exceedance	mm/day												mm		
Monthly	0.07	0.37	1.33	2.32	2.86	3.63	4.21	3.66	2.12	1.14	0.08	0.06	540	0	538
15-Day Moving Average	0.15	0.51	1.79	2.95	3.88	4.40	4.70	4.17	2.78	1.68	0.43	0.10			
7-Day Moving Average	0.25	0.70	2.22	3.58	4.44	4.84	4.97	4.45	3.14	2.02	0.69	0.18			
3-Day Moving															

ET *Idaho* 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu Copyright 2010, University of Idaho.

Salmon (NWS --108076)

Statistics based on thirty

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.

Grass - Turf (lawns) - Irrigated															
Precipitation Deficit (Click here for a graph)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	0.09	0.02	0.13	1.34	3.23	4.38	5.23	4.69	2.57	0.58	0.37	0.25	676	-18	658
15-Day Moving Average ^d	0.08	0.00	0.11	1.30	3.26	4.33	5.30	4.63	2.62	0.60	0.33	0.22	* .00328084		
7-Day Moving Average ^e	0.08	0.01	0.11	1.32	3.23	4.35	5.27	4.67	2.58	0.59	0.36	0.23			
3-Day Moving Average ^f	0.09	0.02	0.12	1.34	3.22	4.35	5.24	4.69	2.57	0.58	0.37	0.25			
Standard Deviation	mm/day												mm		
Monthly	0.21	0.08	0.25	0.83	1.39	0.97	1.27	0.96	0.82	1.00	0.29	0.28	82	12	83
15-Day Moving Average	0.17	0.10	0.22	0.93	1.37	1.17	1.14	1.00	1.06	0.81	0.37	0.27			
7-Day Moving Average	0.22	0.18	0.35	1.15	1.87	1.70	1.49	1.24	1.43	1.12	0.60	0.39			
3-Day Moving Average	0.32	0.28	0.56	1.49	2.49	2.41	2.20	1.70	1.93	1.52	0.92	0.56			
20% Exceedance	mm/day												mm		
Monthly	0.00	0.10	0.25	1.93	4.09	5.28	6.00	5.15	3.18	1.32	0.11	0.02	762	-6	743
15-Day Moving Average	0.06	0.15	0.45	2.74	5.61	6.08	6.55	5.76	3.91	2.16	0.06	0.02			
7-Day Moving Average	0.09	0.31	0.62	3.65	6.10	6.77	6.93	6.26	4.54	2.80	0.18	0.06			
3-Day Moving															



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 29, 2014

MARY STEPHENSON
GORDON STEPHENSON
30 N BAKER RD
SALMON, ID 83467-5170

Application For Permit No. 74-15964

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 February 6 and 13, 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,

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, January 29, 2014 9:37 AM
To: 'Recorder Herald (rhlegals@custertel.net)'
Subject: Legal Notice for your paper
Attachments: Recorder Herald.doc

Contacts: Recorder Herald

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

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

74-15964

MARY STEPHENSON
GORDON STEPHENSON
30 N BAKER RD
SALMON, ID 83467-5170
Point of Diversion
SWSW S34 T21N R23E
LEMHI County
Source GROUND WATER Tributary
Point of Diversion
NWNW S34 T20N R23E
LEMHI County
Source WASTE WATER Tributary
Use: AESTHETIC
03/15 to 11/15 0.05 CFS
Use: AESTHETIC STORAGE
01/01 to 12/31 24 AF
Use: DIVERSION TO STORAGE
03/15 to 11/15 0.05 CFS
Use: FISH PROPAGATION
03/15 to 11/15 0.05 CFS
Use: FISH PROPAGATION STORAGE
01/01 to 12/31 24 AF
Use: RECREATION
03/15 to 11/15 0.05 CFS
Use: RECREATION STORAGE
01/01 to 12/31 24 AF
Total Diversion: 0.05 CFS
24 AF

Date Filed: 1/25/2012

Place Of Use: RECREATION, FISH PROPAGATION STORAGE, AESTHETIC STORAGE, FISH PROPAGATION, AESTHETIC, RECREATION STORAGE

T20N R23E S3 NWNW
T21N R23E S34 SWSW

This application proposes the diversion and use of water from waste water and ground water 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 .05 cfs and for diversion to storage, aesthetic storage, recreation storage and fish propagation will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

74-16010

LAMAR COCKRELL & SONS LLC
237 LEMHI RD
SALMON, ID 83467
Point of Diversion
NESWSE S29 T21N R23E
SESESE S29 T21N R23E
SWSESE S29 T21N R23E
NESESE S29 T21N R23E
LEMHI County
Source SPRING Tributary
Use: IRRIGATION
03/15 to 11/15 1.5 CFS
Total Diversion: 1.5 CFS
Date Filed: 12/17/2013
Place Of Use: IRRIGATION
T21N R22E S3 NESE NWSE
T21N R22E S10 NENE SWNE SENE
T21N R22E S11 NWNW
Total Acres: 74.8

This application proposes the diversion and use of water from springs 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 2.24 cfs and 74.8 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 Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before February 24, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 6 and 13, 2014



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 22, 2014

Idaho Department of Fish & Game
PO Box 1336
Salmon, ID 83467

Application to Permit No. 74-16010 and 74-15964

IDF&G:

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

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

Sincerely,

Sharla Cox
Administrative Assistance

Enclosure(s)

cc: Idaho Department of Fish & Game
Tom Bassista
4279 Commerce Circle
Idaho Falls ID 83401



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 22, 2014

Water Resource Board
PO Box 83720
Boise ID 83720

Application to Permit No. 74-16010 and 74-15964

Water Resource Board:

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

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

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is written in a cursive style with a large, looping 'S' at the beginning.

Sharla Cox
Administrative Assistance

Enclosure(s)

RECEIVED

FEB 21 2012

Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources
Application for Permit

RECOMMENDATION OF WATERMASTER

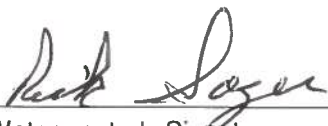
Application for Permit No 74-15964
Applicant's Name: MARY STEPHENSON and/or
GORDON STEPHENSON
30 N BAKER RD
SALMON ID 83467-5170

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional Comment:

Dated this 17 day of Feb 2012,

Water District No: 74


Watermaster's Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

January 31, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RICK SAGER
Water District 74
985 HWY 28
SALMON, ID 83467

RE: Application for Permit No 74-15964

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

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 during regional review. 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.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

January 31, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Gordon Stephenson and / Mary Stephenson
30 N Baker Rd
Salmon ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-15964

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 208-525-7161, or email me at james.cefalo@idwr.idaho.gov.

Sincerely,

James Cefalo
Water Resources Program Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER

Governor

Gary Spackman

Interim Director

July 14, 2011

Gordon & Coral Stephenson
30 N Baker RD
Salmon ID 83467

RE: Unauthorized Diversion of Water to Pond, Violation of Idaho Code §42-351

Dear Property Owner:

The Idaho Department of Water Resources (IDWR) recently reviewed water rights in the Wimpey Creek area. During that review, we found that water is being used to fill and maintain a pond located on your property without a valid water right.

The property is located in Section 34, Township 21N, Range 23E. I have included maps with 2006 and 2009 aerial photography showing the pond in question. It is not clear from the photography whether the pond is filled and maintained with surface water or ground water seepage. In either case, there are no water rights associated with this pond. Diversion of water to the pond, storing water in the pond, and/or diverting water from the pond would constitute an unauthorized diversion pursuant to Idaho Code §42-351.

Under Idaho Code §42-1701B, the Director of IDWR may commence an administrative enforcement action against an unauthorized diversion of water, which may include civil penalties. IDWR is not commencing such an action against you at this time. However, we ask that you take steps to obtain a water right for the pond or remove the pond altogether.

In addition, it appears that you may have altered the Lemhi River to divert water into the pond. The alteration of a stream channel without a permit constitutes a violation of Idaho Code §42-3803.

Until a valid water right is obtained for the pond, you are instructed to **cease and desist diverting water to or storing water in the pond**. We also ask that you obtain a permit for any alteration made to the Lemhi River.

Please contact our office within 14 days to discuss options for resolving the unauthorized diversion and alteration.

Thank you for your prompt attention in this matter.

Sincerely,

Kerrie Mathews
Water Resource Agent