

19 2013

RECEIVED

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 75-14776

JUG 30 2013

Department of Water Resources
Eastern Region

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Name of applicant(s) Robert and/or Linda Price Phone 435.632-4834Name connector (check one): ☐ and ☐ or ☒ and/orMailing address: 37 Wagon Wheel Rd. City SalmonState ID Zip 83467 Email: rlprice92@custer.net2. Source of water supply Waste Water which is a tributary of Lemhi 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 #
11N	22E	8		SW	SW	SW	Lemhi	Waste Water/Lemhi River	

4. Water will be used for the following purposes:

Amount 0.1 cfs for irrigation purposes from 04/01 to 10/31 (both dates inclusive)
(cfs or acre-feet per year)Amount .01 cfs for stock water purposes from 01/01 to 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)5. Total quantity to be appropriated is (a) .11 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. 6'x8' tarps, 3'x3' plywood

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. 3 equines, 2 cows

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. _____

75-14776

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	
21N	22E	7													4.5		4.5	RSP	4.5

Total number of acres to be irrigated: 4.5

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? _____

10. a. Who owns the property at the point of diversion? Jo Anne Demick
- b. Who owns the land to be irrigated or place of use? Robert and Linda Price
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Point of Diversion exists, other irrigators in area are using diversion
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See attached

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.

Robert S. Price
Signature of Applicant
Robert S. Price
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by SB Date 9/19/13 Time _____ Preliminary check by SB
Fee \$ 100 Received by SB Receipt No. 2039128 Date 9/20/13

Robert Price

← applicants hold

IDAHO Department of Water Resources
General Mapping Tool[Home](#)
[Contact Us](#)Pothole ditch
supplying water
for Irrigation

Pt. of Diversion

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above:

The land referred to as owned by Robert and Linda Price that this application refers to is described as follows: Lot 6 of Block 1, Wagon Wheel Ranchettes Subdivision, Lemhi County, Idaho according to the official plat, thereof filed for record in Book 4 of Plats at page 32.

The proposal re: this application is to flood irrigate approximately 4.5 acres of pasture at the owners above location. The yard surrounding the residence will not be irrigated from water obtained from this application, but will continue to be irrigated via the domestic well.

The irrigation infrastructure already exists on the property in the form of ditches, and culverts. The property was irrigated in the past, as evidenced by the existence of these structures. There will only be minor maintenance that will be required to irrigate, such as a small amount of ditch cleaning, vegetation removal from ditches, and the use of temporary "tarp dams".

With the above being said the financial resources will not exceed \$5000, and will indeed be much less than that.

It is not likely that this project will reduce the quality of water under the existing water rights and probably will improve the water quality by reducing undesirable erosion by maintaining a healthy productive pasture.

The water supply is more than sufficient for this small acreage. The local public interest in the public water resource will not be significantly affected.

The irrigation of the pasture will increase plant production which should benefit the soils, vegetation, and slow any undesirable runoff due to improved plant vigor, survival and production. The property value should be at least maintained and likely improved, which should benefit the community.

Refer to POD – Water Rights below for more information on the Point of Diversion:

75-14224 75-14251 75-14230 75-14260 75-14221 75-14220
75-10850

75 - 14776



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

September 26, 2013

C.L. "BUTCH" OTIER
Governor

GARY SPACKMAN
Director

Robert Price
Linda Price
37 WAGON WHEEL RD.
SALMON, ID 83467

Application For Permit No. 75-14776

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 October 3 and 10, 2013. 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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTIER
Governor

GARY SPACKMAN
Director

September 26, 2013

Idaho Department of Fish & Game
Attn: Tom Bassista
4279 Commerce Way
Idaho Falls ID 83401

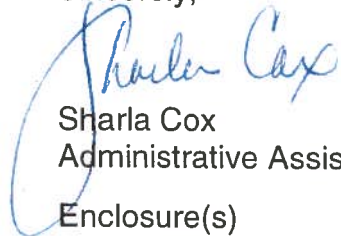
Application to Permit No. 75-14776

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)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTIER
Governor

GARY SPACKMAN
Director

September 26, 2013

Robert and/or Linda Price
37 Wagon Wheel Rd
Salmon ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-14776

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

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

Enclosure

JC:sc

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, September 26, 2013 10:23 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:

75-14776

Robert Price

Linda Price

37 WAGON WHEEL RD

SALMON, ID 83467

Point of Diversion

SWSWSW S8 T21N R22E

LEMHI County

Source WASTE WATER Tributary LEMHI RIVER

Use: IRRIGATION

04/01 to 10/31 0.1 CFS

Use: STOCKWATER

01/01 to 12/31 0.01 CFS

Total Diversion: 0.11 CFS

Date Filed: 9/13/2013

Place Of Use: IRRIGATION

T21N R22E S7 NESE

Total Acres: 4.5

This application proposes the diversion and use of water from waste water a tributary to the Lemhi River 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 .11 cfs and 4.5 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 October 21, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on October 3 and 10, 2013