

SEP 10 2012

FORM 202-03/10 Print form as a 2 page, single-sided document

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. 74-159941. Name of applicant(s) City of Salmon Phone 208-756-3214
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address: 200 Main Street City SalmonState ID Zip 83467 Email: mgbenton@centurytel.net2. Source of water supply Ground Water which is a tributary of _____

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	22E	9		SE	NW		Lemhi	Well	D0020729

4. Water will be used for the following purposes:

Amount .05 CFS for Irrigation purposes from 3/15 to 11/15 (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) .05 cubic feet per second (cfs) and/or (b) 8.8 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. _____

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 ☐ Noe. If well is already drilled, when? May 2005; drilling firm Harber Drilling Company;Well was drilled for (well owner) City of Salmon; Drilling Permit No. D0020729

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	22E	9							0.1	1.4									1.5

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? 74-15608

10. a. Who owns the property at the point of diversion? City of Salmon
b. Who owns the land to be irrigated or place of use? City of Salmon
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. We would like to use 1.5 acres from water right 74-644 for mitigation purposes. This right is already located in the water supply bank for mitigation for water right 74-15043. According to Dan Nelson with the Idaho Department of Water Resources, there are approximately 11.5 acres of water available under water right 74-644 for mitigation purposes. Please see Mr. Nelson's July 17, 2012 letter.

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.

Mary Benton
Signature of Applicant

Mary Benton, City Clerk
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Received by M. HOLLIDAY Date 9/10/2012 Time _____ Preliminary check by _____
Fee \$ _____ Received by SCOX Receipt No. E037993 Date 9/10/2012

74-15994



Acreage We
Need To Add



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

C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

July 17, 2012

City of Salmon
Attn: Mary Benton
200 Main St.
Salmon, ID 83467

RE: Water Right Permit 74-15043 and 74-15608

Dear Ms. Benton;

This letter is to inform you that I have completed my Field Examination Report, and have submitted water right permits 74-15043 and 74-15608 for Licensing. During my field examination, I found a couple of issues that will require immediate attention by the City of Salmon. These issues include the need to file a recreational storage application for permit for the pond used on the golf course under water right 74-15043 and the 1.2 to 1.5 additional acres of irrigation you have been irrigating under water right 74-15608. I have discussed these issues with you, but per our discussions, I felt it would be in your best interests if I sent a formal letter describing these issues.

In the filing of water right 74-15043, the City of Salmon requested the irrigation of 120 acres with a diversion rate of 3.56 cfs. With a diversion rate of 3.56 cfs, you were able to fill and empty a pond of 7.1 af within a 24 hour period, which consider part of the irrigation system according to Idaho Code. Unfortunately, you were only able to develop 68.5 acres with a diversion rate of 1.37 cfs. This limits the size of the pond that you are allowed to have as part of the irrigation system to 2.5 acre feet. According to my field examination, the volume of the pond is approximately 6.5 acre feet. If the water right was fully developed, then this pond would have been legal, however, since only a portion of the original permit will be licensed, the pond will need a water right to maintain its current volume capacity.

In the filing of water right 74-15608, the City of Salmon requested the irrigation of 2.5 acres. During my field exam I found that an additional 1.2 to 1.5 acres were being irrigated. The additional acres being irrigated were the lands west of the main Sacajawea Center compound. These are lands around the house and along the western border and the highway on the western side.

Fortunately, the water right used to mitigate 74-15043 provided 80 acres of irrigation mitigation. This water right is water right 74-644. Water right 74-15043 only used 68.5 acres of that mitigation right, therefore, there are an additional 11.5 acres that can be used to mitigate the additional pond volume required and the additional 1.5 acres of irrigation.

74-15994

I recommend that you file the needed applications bring these two issues into compliance as soon as possible. Please don't hesitate to include this letter with the new applications for permit fillings. This letter should help to explain the current situation to Idaho Department of Water Resource staff that will be processing these new applications for permit. If you have any questions, please don't hesitate to contact me.

Thank you for your patience.

Respectfully,



Daniel A. Nelson

Staff Hydrologist

Idaho Department of Water Resources

Telephone # (208) 287-4856

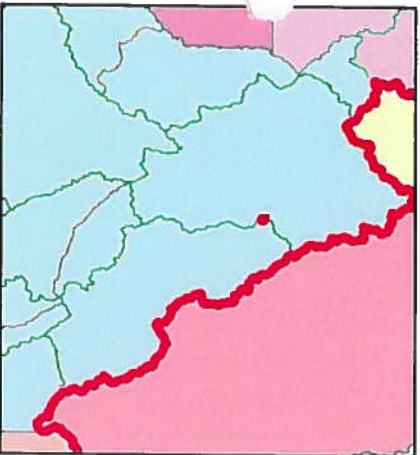
Fax (208) 287-6700 (C/O Dan Nelson)



Idaho Department of Water Resources

Application
74-15994
(IRRIGATION)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 74

Prepared by Kidman, Denise

2009 Aerial Photography





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

May 8, 2013

CITY OF SALMON
200 MAIN ST
SALMON, ID 83467

Application For Permit No. 74-15994

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 May 16 and 23, 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

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, May 08, 2013 10:12 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 Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

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

74-15994

CITY OF SALMON

200 MAIN ST

SALMON, ID 83467

Point of Diversion

SENW S9 T21N R22E

LEMHI County

Source GROUND WATER Tributary

Use: IRRIGATION

03/15 to 11/15 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 9/10/2012

Place Of Use: IRRIGATION

T21N R22E S9 SWNW SENW

Total Acres: 1.5

This application proposes the diversion and use of water from 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 from 1.5 acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

75-14732

KATHRYN BARRINGTON

61 SHEEP CREEK ROAD

NORTH FORK, ID 83466

Point of Diversion

SWNE S14 T25N R21E

LEMHI County

Source SHEEP CREEK Tributary NORTH FORK SALMON RIVER

Use: IRRIGATION

04/01 to 10/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 6/6/2012

Place Of Use: IRRIGATION

T25N R21E S14 SWNE

Total Acres: 1

This application proposes the diversion and use of water from Sheep Creek 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 .02 cfs for 1 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 June 3, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on May 16 and 23, 2013



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

February 27, 2013

City of Salmon
200 Main Street
Salmon ID 83467

RE: Application to Appropriate Water in the Upper Salmon River Basin 74-15994

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:jj