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APR 22 2010

WATER RESOURCES
WESTERN REGION

AMENDED

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

Ident. No. 77-14333

1. Name of applicant(s) United States of America, USDA Forest Service Phone 208-756-5100
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 1206 S Challis Street City Salmon
State Idaho Zip 83467 Email: briefenberger@fs.fed.us

2. Source of water supply Unnamed Stream which is a tributary of Salmon River

3. Location of point(s) of diversion:

Sms 11/16/10

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
25N	12E	22		SW	SE	~~SW~~ ~~NW~~	Idaho	Unnamed Stream	Smith Gulch

4. Water will be used for the following purposes:

Amount 0.04 cfs for Domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per year)

Sms 11/16/10
Amount 0.04 cfs for Commercial purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per year)

Sms 11/16/10
Amount 0.04 cfs for Irrigation purposes from Mar 1 to Oct 31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.04 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. Headbox in Smith Gulch with 1120 feet of plastic pipe to the lodge and cabins.

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 One lodge and four cabins.

e. Other; describe fully. Outfitter on National Forest System land under special use permit from the USDA Forest Service.

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APR 09 2010

Department of Water Resources
Eastern Region

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.

SMS 11/16/10

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	12E	27						D											
~~25N~~	~~12E~~	~~27~~																	~~1.0~~

SMS
11/16/10

Total number of acres to be irrigated: 1.0

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? None.

10. a. Who owns the property at the point of diversion? United States of America
- b. Who owns the land to be irrigated or place of use? United States of America
- 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 is at the River of No Return Lodge aka Smith Gulch Lodge on National Forest System land under special use permit from the USDA Forest Service. Occupancy is up to 24 people at on time. Irrigation is for landscaping around the cabins.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Jeanne A Evenden

Signature of Applicant

Jeanne Evenden, Director of Lands and Minerals

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

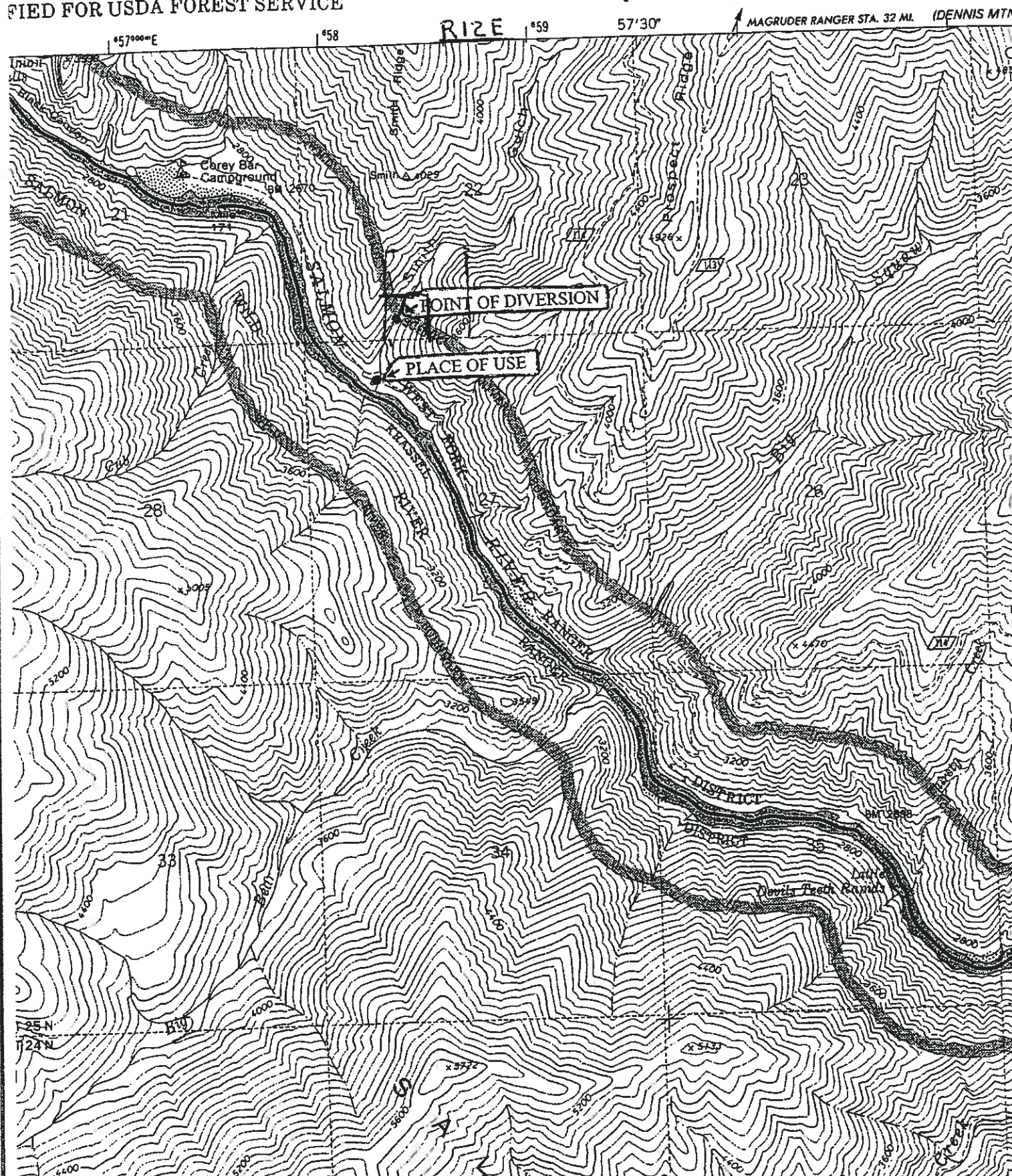
Received by Eastern Date 4/9/2010 Time _____ Preliminary check by VLM

Fee \$ 100.00 Received by Blaque Receipt No. E035748 Date 4/16/2010

57°00'00"E 58 R12E 59 57°30' MAGRUDER RANGER STA. 32 MI. (DENNIS MTN.)



UNITED STATES
PARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
FIELD FOR USDA FOREST SERVICE



Buffington, Denise

From: Buffington, Denise
Sent: Thursday, February 10, 2011 9:23 AM
To: Thiel, Sandra
Subject: COMMENT LETTER
Attachments: Comment Letter to Planning.Doc; 77-14333 APP.pdf

Attached is a cover letter and copy of an Application(s), for your review &/or comments. If you have any questions regarding the attached information, please feel free to contact our office.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

February 10, 2011

IDAHO DEPT OF WATER RESOURCES
ATTN: SANDRA THIEL, PLANNING BUREAU
322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit: 77-14333

Dear Ms. Thiel:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s). In addition, you may refer to the current Review Memo, which can be found in Power Docs, listed under the water right number referenced above.

Please submit any comments you may have to this office within 21 days of the date of this letter. Regional review of unprotested applications can be completed as soon as the final protest period is past; your prompt response to this request is appreciated so that your recommendation can be considered during regional review.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure

WorkCentre 7345 Transmission Report

G3 ID

Date/Time: 02/09/2011: 12:33PM
Page: 1 (Last Page)

Local Name
Logo

Document has been sent.
Document Size 8.5X11"SEF

FAX Transmittal Cover Sheet

State of Idaho
Department of Water Resources
Western Region
Boise, ID
PH. (208) 334-2190
FAX NO. (208) 334-2348

Number of total pages: 3

Date: February 9, 2011
To: Idaho County Free Press, Attn: Nona Donaldson
From: Denise Buffington
Fax: (208) 983-1336

Attached please find (1) legal notice being submitted for publication. If you have any questions about the attached information; or if you are not able to run the notice on the dates requested, please contact me immediately. This information was also sent via e-mail earlier today.

Thank you in advance,

Denise

Denise Buffington
Administrative Assistant I

Total Pages Scanned: 3 Total Pages Sent : 3

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	1211	2089831336	2- 9:12:32PM	30s	3/ 3	SG3		CP

Note:
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

FAX Transmittal Cover Sheet

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Thank you in advance,



Denise Buffington
Administrative Assistant I

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, February 09, 2011 11:05 AM
To: Idaho County Free Press
Subject: LEGAL NOTICE
Attachments: Idaho County Ad - Cover Letter.Doc; Idaho County Ad.Doc

Attached please find (1) legal notice being submitted for publication. Please contact me immediately if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*

February 9, 2011

LEGAL NOTICE DEPARTMENT

IDAHO COUNTY FREE PRESS
PO BOX 690
GRANGEVILLE, ID 83530

RE: Application For Permit No(s): 77-14333

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 3/7/2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

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

77-14333

US DEPT OF AGRICULTURE
FOREST SERVICE

SALMON-CHALLIS NATIONAL FOREST

1206 S CHALLIS ST

SALMON, ID 83467

Point of Diversion SWSESW S22 T25N R12E IDAHO County Source UNNAMED STREAM Tributary SALMON RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 4/9/2010

Place Of Use: DOMESTIC

T25N R12E S27 NWNW

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/the diversion rate will be applied to the subordination amounts specified in the decree for the applicable Wild & Scenic River.

For a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Permits will be subject to all prior water rights. 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, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before March 7, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 2/16 & 2/23/2011

MEMORANDUM

TO: Application No. 77-14333

FROM: Vicky Music

DATE: January 24, 2011

RE: Salmon-Clearwater Processing, Basins 77-79 Western Region

The application proposes a de minimus domestic use from an unnamed stream tributary to the mainstem of the Salmon River. The use is for a lodge and 4 cabins. The applicant is the USDA Forest Service.

The site is located in the Salmon River Breaks Primitive Area of the Bitterroot National Forest.

Contact person for the applicant is Steve Spencer, USFS.

Wild & Scenic River (WSR) Processing

General Information - WSR processing applies to portions of Bs 77 and 78 but not to Bs 79 WSR processing will rarely be required in Bs 78 since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.¹

Typically WSR issues would be in Bs 77 upstream from Long Tom Bar on the Salmon River, WSR right 77-11941.² This also incorporates the entire Middle Fork Salmon River drainage, MSR right 77-13844.³

WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application - WSR processing is required because the proposed source/diversion are upstream from and hydraulically connected to WSR right 77-11941. Workflow/Wild & Scenic was updated, and the WSR legal notice remark was added to the database.

Minimum Streamflow Rights (MSF)

General Information - MSF analysis applies to all surface water upstream⁴ from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results (7/8/09 telephone conference).

¹ POD = T23N-R1W-S12.

² POD = T25N-R5E-S31.

³ POD = T23N-R16E-S33.

⁴ Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

Downstream MSF right 3-8 on the Snake River⁵ is not subordinate to “future dcmi” uses or “future non-dcmi (with cfs limits)” uses. Downstream Salmon River MSF right 79-14119⁶ is subordinated to future dcmi uses but not to future non-dcmi uses.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses. None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application –MSF analysis is required for the proposed source (unnamed stream) and the proposed domestic use upstream from MSF rights 3-8 and 79-14119. There are no other MSF rights pertinent to this application.

This leads to the following MSF conclusions for this application:

- Senior MSF right 3-8 will not be subordinated to the proposed use.
- Senior MSF right 79-14119 will be subordinated to the proposed dcmi use.

The attached MSF spreadsheet shows the application meets the criteria for MSF rights in the same basin.

Discussion

Effect on Existing Water Rights: Due to the location of this site in a primitive area and the de minimus quantity, there should be no effect on existing rights.

Sufficiency of Water Supply: The USFS is very familiar with this area and has determined that the source of water, an unnamed stream, is sufficient for the de minimus quantity proposed in this application.

Good Faith, Delay or Speculative Purposes: The application was filed in good faith. There is already some development at the proposed location and no evidence of delay or speculation.

Financial Resources: This information is not needed for this de minimus domestic use.

Local Public Interest: There are no apparent public interest issues.

Conditions of Approval

In addition to typical standard conditions (004, 112, x01, 187, 041), use the following standard, modified &/or unique conditions for Basins 77-79.

⁵ POD = T31N-R5W-S10.

⁶ From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

Use the following:

- **029 standard** - Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Per WSR processing, part of Basin 77 & 78, no water district currently planned, use the following:

42-111 any source

199 standard - Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.

BS 77 MINIMUM STREAMFLOW RIGHTS -- QUERY 12/1/2009

Basin	Sequence	Priority	Source	Subordinate to Future DCMI	Subordinate to Future Non-DCMI (CFS Limit)	Non-DCMI CFS Approved Since 4/1/2005
77	14167	4/1/2005	BARGAMIN CREEK	YES	1.2	0
77	14209	4/1/2005	BEAR VALLEY CREEK	YES	4.7	0
77	14178	4/1/2005	BIG CREEK - downstream	YES	12.8	0
77	14182	4/1/2005	BIG CREEK - upstream	YES	0.5	0
77	14202	4/1/2005	BLACKMARE CREEK	YES	0.4	0
77	14191	4/1/2005	BRUSH CREEK	YES	0.6	0
77	14195	4/1/2005	BUCKHORN CREEK	YES	1	0
77	14204	4/1/2005	BURNTLOG CREEK	YES	0.7	0
77	14198	4/1/2005	CAMAS CREEK	YES	9	0
77	14171	4/1/2005	CHAMBERLAIN CREEK	YES	4.8	0
77	14170	4/1/2005	CHAMBERLAIN CREEK WEST FK	YES	0.3	0
77	14199	4/1/2005	DYNAMITE CREEK	YES	0.4	0
77	14211	4/1/2005	ELK CREEK	YES	1.9	0
77	14188	4/1/2005	FITSUM CREEK	YES	0.5	0
77	14173	4/1/2005	FRENCH CREEK	YES	2.3	0
77	14172	4/1/2005	HORSE CREEK	YES	3.6	0
77	14200	4/1/2005	INDIAN CREEK	YES	1.9	0
77	14194	4/1/2005	JOHNSON CREEK	YES	4.1	0
77	14212	4/1/2005	LAKE CREEK	YES	0.4	0
77	14183	4/1/2005	LICK CREEK	YES	0.6	0
77	14180	4/1/2005	LOGAN CREEK	YES	0.4	0
77	14203	4/1/2005	LOON CREEK	YES	8.1	0
77	14201	4/1/2005	MARBLE CREEK	YES	2.8	0
77	14210	4/1/2005	MARSH CREEK	YES	3.5	0
77	14179	4/1/2005	MONUMENTAL CREEK	YES	2.1	0
77	14205	4/1/2005	PISTOL CREEK	YES	2.6	0
77	14176	4/1/2005	PORPHYRY CREEK	YES	0.6	0
77	14187	4/1/2005	PROFILE CREEK	YES	0.4	0
77	14186	4/1/2005	QUARTZ CREEK	YES	0.3	0
77	14207	4/1/2005	RAPID RIVER	YES	2.5	0
77	14184	4/1/2005	RUSH CREEK	YES	1.5	0
77	14190	4/1/2005	SALMON RIVER EAST FK SOUTH FK	YES	8.2	0
77	14174	4/1/2005	SALMON RIVER SOUTH FK - downstream	YES	20.6	0
77	14192	4/1/2005	SALMON RIVER SOUTH FK - upstream	YES	7.7	0
77	14175	4/1/2005	SECESH RIVER - upstream	YES	2.3	0
77	14181	4/1/2005	SECESH RIVER - downstream	YES	4	0
77	14168	4/1/2005	SHEEP CREEK - trib Salmon R.	YES	0.8	0
77	14185	4/1/2005	SHEEP CREEK - trib South FK Salmon R.	YES	0.9	0
77	14197	4/1/2005	SHEEP CREEK - trib Middle FK Salmon R.	YES	0.5	0
77	14196	4/1/2005	SILVER CREEK	YES	1.1	0
77	14177	4/1/2005	SMITH CREEK	YES	0.4	0
77	14193	4/1/2005	SUGAR CREEK	YES	0.3	0
77	14208	4/1/2005	SULPHUR CREEK	YES	1.2	0
77	14189	4/1/2005	TAMARACK CREEK	YES	0.3	0
77	14206	4/1/2005	WARM LAKE CREEK	YES	0.4	0
77	14169	4/1/2005	WIND RIVER	YES	0.9	0

DCMI APPL OK, NON-DCMI APPL OK WITHIN ALLOWABLE PARAMETERS. SEE "PROCEDURE" BELOW.

PROCEDURE: DCMI APPL ok for all msf rights in Bs 77 as noted in review memo. **NON-DCMI CONSUMPTIVE USE APPL:** See if within drainage with msf right. For that msf right, if column G (last) is less than column F (2nd to last), ok to process appl. Note in review memo that senior msf right will be subordinate to junior application under the future non-dcmi clause. Do not need to repeat for msf rights downstream from the msf right you are actively checking since the downstream future non-dcmi rates are higher for those bigger sources. Satisfying the smaller upstream rate test satisfies the larger downstream rate test. For the msf right you are actively checking, if column G (last) is equal to or greater than column F (2nd to last), consult supervisor for next step.

EXAMPLE: Appl 77-14234 for 0.14 cfs irrigation, future non-dcmi consumptive use, unnamed streams trib to Johnson Creek. Johnson Creek msf right with 4/1/2005 priority is subordinate to 4.1 cfs future non-dcmi use, zero approved since 4/1/2005. Process appl and note review memo that senior msf rights will be subordinated to this junior application. Updates to this spreadsheet will eventually show 0.14 of the 4.1 future non-dcmi cfs has been approved for Johnson Creek.

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salmon
R. MCF*



United States
Department of
Agriculture

Forest
Service

Salmon-Challis
National Forest
Supervisor's Office

1206 S. Challis
Salmon, ID 83467
208 756-5100

File Code: 2540-1

Date: April 7, 2010

Ernest Carlsen
Water Resources Program Manager
Idaho Department of Water Resources
900 N. Skyline Drive
Suite A
Idaho Falls, ID 83402

Dear Mr. Carlsen,

Attached are four Applications for Permit for proposed water developments on the Salmon-Challis National Forest. Enclosed is a check for \$400 to cover the \$100 application fee for each permit application. If you have any questions about these permits applications please call me at (208) 756-5108.

Sincerely,


Betsy Rieffenberger
Hydrologist

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APR 09 2010

Department of Water Resources
Eastern Region

*Could you please send a receipt for
the check to: Mardi Rhodes
1206 S. Challis St.
Salmon, Id. 83467*

