Form 42-217 Rev. 6/22

FOR OFFICE USE ONLY
Amt. of Fee $ _____
Receipt No. _____
Receipted By _____
Date Receipted _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 71-11018 Name of Permit Holder(s) Idaho Dept. of Fish & Game Commission

Telephone No. 208-334-3700 Email thomas.bassista@idfg.idaho.gov

Mailing Address P.O. Box 24, 600 S. Walnut City Boise State ID Zip 83707

2. Source of Water Smiley Creek If Ground Water (well), Date Drilled mo. n/a / yr. n/a

Drilling Permit/Tag No. n/a Drilling Company's Name n/a

3. Extent of use(s) completed **as authorized by the water right permit**:

Domestic (No. households) n/a Irrigation (No. acres) n/a Stockwater (No. and stock type) n/a

Other Fish Propagation - non-consumptive

4. Total diversion rate or volume (storage only) for which proof is submitted 0.80 cfs OR _____ af

If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Concrete, single rotary drum fish screen (18-inch x 10-foot perf. plate) with 10-inch fish bypass pipe that provides safe passage for fish entrailed in ditch back to Smiley Creek. Paddle-wheel powered. Lockable headgate.

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required?	Yes	No	(If "Yes", attach required data, evidence of compliance, or evidence of installation)
☐	☐	☑	Ground water level data, pumping information, or other diversion data
☐	☐	☑	Mitigation plan
☑	☑	☐	Lockable controlling works
☐	☐	☑	Measuring device
☑	☑	☐	Fish screen
☐	☐	☑	Other requirements of the water right permit _____
	☐	☑	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed $100.00 or ☐ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Mike Demick Telephone No. 208-756-6022 Email mike.demick@idfg.idaho.gov

Mailing Address 97 Highway 93 North City Salmon State ID Zip 83467

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE
	Ryan Hilton - R.S.	9-18-23

*Attach power of attorney if completing on behalf of permit holder.

SCANNED
SEP 29 2023

Permit Number 71-11018

- Smiley Creek -01 Fish Screen; Source: Smiley Creek; Tributary of Salmon River
- .80 cfs, Fish Propagation (non-consumptive)





Fish screen with bypass pipe flow (0.80 cfs) returning to Smiley Creek

SCANNED SEP 29 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 71-11018

Priority: July 29, 2022 **Maximum Diversion Rate:** 0.80 CFS

This is to certify that

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

has applied for a permit to appropriate water from:

Source : SMILEY CREEK **Tributary:** SALMON RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use	**Period of Use**	**Rate of Diversion**
FISH PROPAGATION	05/01 to 10/31	0.80 CFS

Location of Point(s) of Diversion
SMILEY CREEK NE¼ SE¼, Sec. 27, Twp 07N, Rge 14E, B.M. BLAINE County

Place of Use: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	14E	27													X				

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2023.**
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 71.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
6. Use of water under this right shall be non-consumptive.
7. This right does not grant any right-of-way or easement across the land of another.
8. Fish propagation use is for fish protection through the installation of a screen and bypass pipe to provide passage for fish back to Smiley Creek

SCANNED
NOV 25 2022

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 71-11018

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 10th day of November, 2022.

COREY SKINNER
Southern Regional Manager

SCANNED
NOV 25 2022

State of Idaho
Department of Water Resources

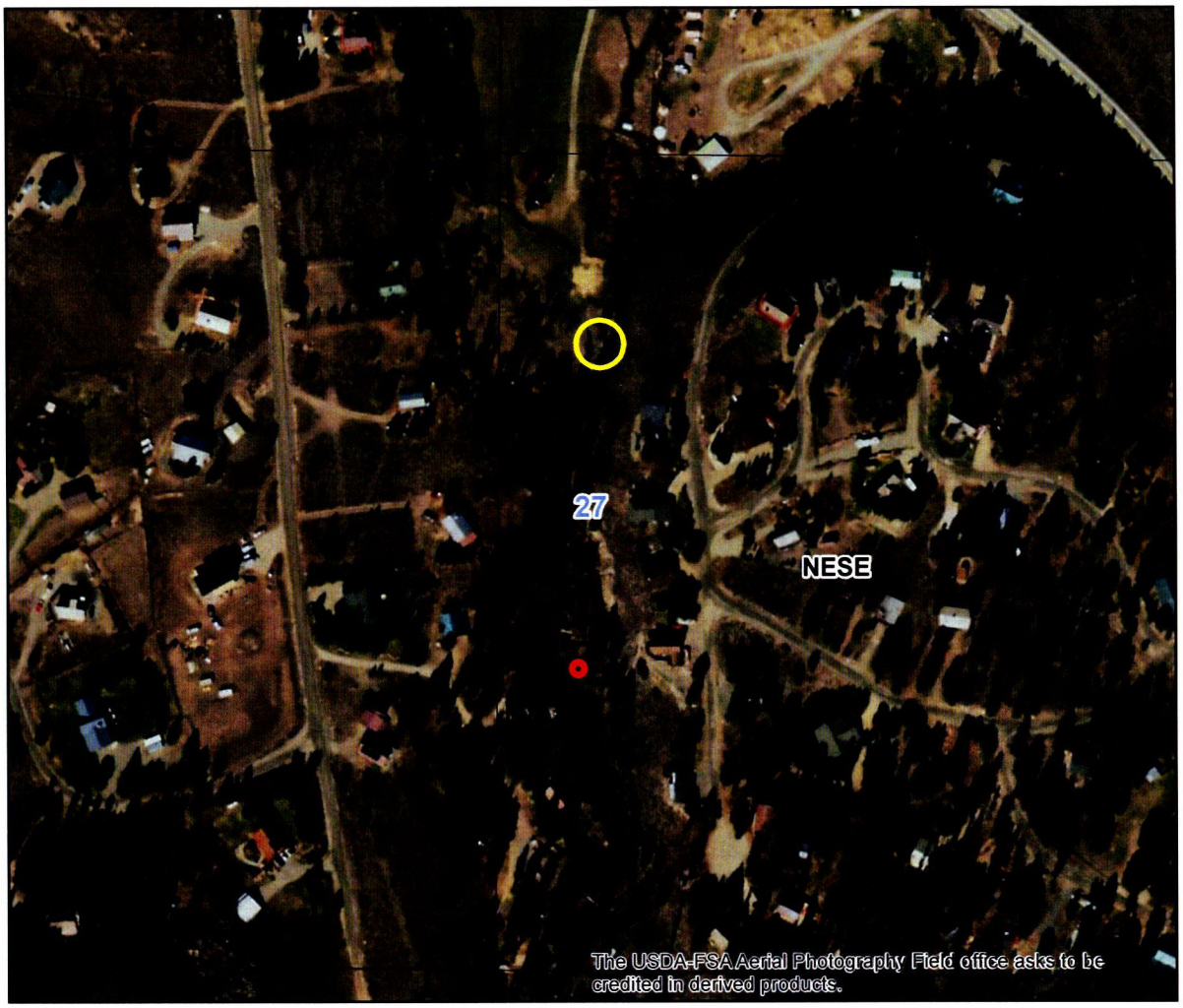
Attachment to Permit to Appropriate Water

71-11018

This map depicts the FISH PROPAGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

14E

07N



Place Of Use Boundary
Townships
PLS Sections
Quarter Quarters
Point of Diversion

0 0.035 0.07 0.14 Miles

N

SCANNED
NOV 25 2022

FORM 202 Rev. 09/16

RECEIVED
JUL 29 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 71-11018

1. Name of applicant(s) STATE OF IDAHO, Idaho Fish and Game Commission Phone 208-334-3700
   Name connector (check one): ☐ and ☐ or ☐ and/or
   Mailing address P.O. Box 25 City Boise
   State ID ZIP 83707 Email
2. Name of representative, if any Mike Demick - Easement Specialist Phone 208-756-6022
   Mailing address 97 Highway 93 North City Salmon
   State ID ZIP 83467 Email mike.demick@idfg.idaho.gov
   a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
      ☑ Send original correspondence to the applicant and copies to the representative.
   b. ☑ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
      ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Smiley Creek which is a tributary of Salmon River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
07N	14E	27			NE	SE	Blaine	Smiley Creek	SSmC-01

5. Water will be used for the following purposes:
   Amount .80 (cfs or acre-feet per year) for Fish Propagation purposes from 5/01 to 10/31 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) .80 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. Single rotary drum fish screen (18-inch dia. x 10-foot perf. plate), paddlewheel powered, drop well,10-inch fish bypass pipe to creek, lockable headgate.
   b. Height of storage dam na feet; active reservoir capacity na acre-feet; total reservoir capacity na acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a 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 na inches; proposed depth of well is na feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☑ No
   e. If well is already drilled, when? na; drilling firm na;
      well was drilled for (well owner) na; Drilling Permit No. na.

For Department Use

Received by DM Date 7-29-2022 Time 1:20 PM Preliminary check by _____
Fee $ 250- Receipted by InterAgency Receipt No. BILL0116501 Date _____

SCANNED
SEP 01 2022

8. Description of proposed uses (if irrigation only, go to item 9):
   a. Hydropower; show total feet of head and proposed capacity in kW. na
   b. Stockwatering; list number and kind of livestock. na
   c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
   d. Domestic; show number of households na
   e. Other; describe fully. This is a non-consumptive use that enables fish entrained in ditch to return to stream through a fish bypass pipe that runs from the screen to the stream.

9. 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	
07N	14E	27													H				

Total number of acres to be irrigated: 0

10. 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? Point of Diversion is shared with other water right holder. This is the only right for fish screen.

11. a. Who owns the property at the point of diversion? Salmon Falls Land and Livestock, Inc.
    b. Who owns the land to be irrigated or place of use? Salmon Falls Land and Livestock, Inc.
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: IDFG has a recorded easement for ingress/egress to construct/operate/maintain fish screen on property

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To record a non-consumptive use of water for a fish screen/fish bypass pipe installed and currently operating.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

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.

Tom

Signature of Applicant

Tom Curet Road Supervisor

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

SCANNED
SEP 0 1 2022

Application for Water Right; Smiley Creek-01



4/13/2020, 3:05:31 PM

1:2,257

0 0.01 0.03 0.05 mi

0 0.02 0.04 0.08 km

Points

Override 1

Override 2

Counties

Quarter Quarter

Section

Township/Range

Idaho Outline

Idaho Mask

71-11018

SCANNED

SEP 0 1 2022

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water

Idaho Department of Water Resources

Maxar | Created by NRCS from 1:24,000 scale USGS topographic maps. | Idaho Department of Water Resources | USDA,Natural Resources Conservation Services | Esri, HERE, iPC |

Beneficial Use Proof Evaluation

Permit Number: 71-11018 Reviewer: AVeibell Review Date: 9/29/2023

Acceptability

1) Is the contact on the request the current permit holder? Yes
2) Does the address of record need to be updated? No
3) Proof Submitted Date: 9/27/2023
4) Proof Due Date: 11/1/2023
5) Days added for weekend due date? 0
6) Days added for holiday due date? 0
7) Number of days late: -35
8) Proof received timely? Yes

Analysis

1) Are the water uses correct? Yes
2) Are one of the following items required?
    a. Measuring Device -- No
    b. Lockable Device --Yes
    c. Fish Screen -- No
3) Are the required items installed? Yes
    a. Measuring Device -- No
    b. Lockable Device --Yes
    c. Fish Screen -- No
4) Is there a request to waive the required items? No
5) Drilling Permit Number:
6) Is a drilling permit upgrade needed? No
7) Was a well drillers report filed? No
8) Is proof accepted? Yes

Fees

1) Is a licensing exam fee required? Yes
2) Was proof submitted with an exam report from a CWE? No
3) Filing fee due: $100.00
4) Filing fee submitted: $100.00
5) Remaining fee or (refund): $0.00

Receipt IDs

Comments

Proof Acknowledged.

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 29, 2023

STATE OF IDAHO IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 71-11010, 71-11012, 71-11013, 71-11014, 71-11015, 71-11017, 71-11018, 72-17012, 72-17013, 72-17014, 72-17015, 72-17016

Dear Permit Holder(s):

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov .

If you have any questions concerning the field examination, please contact the Southern Region Office of the Department located in Twin Falls at (208) 736-3033.

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

cc. Mike Demick, IDFG
Tom Bassista, IDFG

SCANNED
SEP 29 2023

Veibell, Amanda

From: Veibell, Amanda
Sent: Wednesday, September 27, 2023 2:12 PM
To: IdwrPayable
Subject: Interagency Billing with Fish and Game
Attachments: 20230927140402.pdf

Good Morning.

Please initiate an Interagency billing with Fish and Game for $300.00; see the attached letter. IDWR PCA is 56104 (beneficial use). The Fish and Game Billing info is:

Agency – 260
Project 2603579202023
Org Cost Center – 4770
Program – 260C1NX
Appropriation - FGAA
Fund – 16090
Location - 260703

Please let me know if you have any other questions.

Amanda Veibell
Technical Records Specialist I
IDAHO DEPARTMENT OF WATER RESOURCES
PO Box 83720 Boise ID 83720-0098
208-287-4945

If you would like to submit documents electronically, they must be emailed to file@idwr.idaho.gov per IDAPA 37.01.01.053 in PDF form. Please note, the documents will not be considered complete until the required payment is received. The Department is not able to process payments over the phone or via the internet at this time.

SCANNED
SEP 29 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

August 31, 2023

STATE OF IDAHO IDAHO
FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 71-11015, 71-11017 & 71-11018

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **November 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a $50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

c: STATE OF IDAHO

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 14, 2022

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

RE: Permit No. 71-11018

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

SCANNED
NOV 25 2022

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

SCANNED
NOV 25 2022

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2022, I served a true and correct copy of Permit to Appropriate Water No. 71-11018 by U.S. Mail, postage prepaid, to the following:

STATE OF IDAHO (Current Owner)
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

STATE OF IDAHO (Representative)
DEPT OF FISH AND GAME
MIKE DEMICK
97 HIGHWAY 93 N
SALMON ID 83467-5292

WATER DISTRICT #71
MORGAN V MILLER (Watermaster)
3594 HOT SPRINGS RD
CHALLIS ID 83226-4960

WATER DISTRICT #170
DAVID GRAYBILL (Watermaster)
102 S WARPATH
SALMON ID 83467-4435

Denise Maline

Denise Maline
Administrative Assistant 1

SCANNED
NOV 25 2022

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
NOV 25 2022

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

(a) The petition for reconsideration is disposed of; or
(b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
NOV 25 2022

AFFIDAVIT of PUBLICATION

State of Idaho
County of Blaine

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 7 day of September, 20 22, and the date of the last publication was on the 14 day of September, 2022

Pam Morris

Subscribed and sworn to before me this 14 day of Sept., 20 22.

Connie N Johnson
NOTARY PUBLIC

CONNIE N. JOHNSON NOTARY PUBLIC Comm. No. 12378 STATE OF IDAHO

RECEIVED
SEP 19 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2024

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 82

Number of Insertions 2

	Lines tabular at		9.0 cents/pica
82	Lines straight at	$75.44	8.0 cents/pica
82	Subsequent lines at	$66.01	7.0 cents/pica
	TOTAL COST	$141.45	

COPY OF NOTICE

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF
IDWR

BILL TO

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
71-11018
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NESE S27 T07N R14E BLAINE County Source SMILEY CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION T07N R14E S27 NESE
Application for permit proposes diversion of up to 0.80 cfs from Smiley Creek for use at a fish screen / bypass located approximately 21.7 miles south and 6.7 mile east of Stanley. This application proposes the diversion and use of water from Smiley Creek, a tributary of the Salmon River, a 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 non-consumptive purposes.

✓ OK DM 9-21-2022

SCANNED
NOV 25 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 86626

KATHY NOBLE, 86 FREEDOM LOOP, BELLEVUE, ID 83313-5012 has filed Application No. 86626 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22253. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the POD for an irrigation ground water right (0.18 cfs and 9.0 acres) located on an adjacent parcel to an existing well on the applicant's parcel. The currently recorded and proposed locations are located approximately 3.0 miles south and 0.8 miles east of the Highway 75 & Gannet Road intersection in Bellevue.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **September 26, 2022.** The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7 & 14, 2022

✓ DMW 9-21-2022

SCANNED
NOV 25 2022

and designation of centers and site survey fees.

16-0219-2201, Idaho Food Code. (*PH) ZBR Chapter Rewrite protects public health by regulating food establishments through licensing, inspection, plan review, employee restriction, and license suspensions.

16-0302-2201, Skilled Nursing Facilities. (Temp & Prop) Allows Certified Medication Assistants (MA-C) to administer medications in facilities facing staffing challenges.

16-0319-2201, Certified Family Homes. ZBR Chapter Rewrite sets requirements for paid care providers living with an adult in need of personal assistance who is elderly, has a developmental or physical disability, or mental illness.

16-0418-2201, Children's Agencies and Residential Licensing. New chapter moves provisions from existing rule chapter IDAPA 16.06.02 in order to clarify licensing and operating requirements for all care facilities, camps, therapeutic outdoor programs, and substance abuse treatment facilities that benefit children in Idaho.

16.06.01 – Child and Family Services.

16-0601-2201, (Temp & Prop) Changes increase reimbursement to family alternate care providers / foster parents.

16-0601-2202, Outlines requirements that define when a family qualifies for the use of federal funds to prevent at-risk children from entering foster care, clarifying contract rates paid to private agencies for prevention and community support services.

****16-0602-2201, Child Care and Foster Care Licensing.*** (*PH) ZBR Chapter Rewrite establishes licensing and operating requirements for foster homes as well as centers, family homes, and group facilities related to daycare.

****16-0733-2201, Adult Mental Health Services.*** (*PH) ZBR Chapter Rewrite sets Department standards to provide adult mental health services.

IDAPA 17 – INDUSTRIAL COMMISSION
11321 W Chinden Blvd, Boise, ID 83714

17-0101-2202, Administrative Rules Under the Worker's Compensation Law. (Temp & Prop) Adjusts implementation date for updating the electronic claim reporting standard.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS
Timber Management Bureau – 3284 West Industrial Loop, Coeur d'Alene, ID 83815
Resource Protection and Assistance Bureau – PO Box 83720, Boise, ID 83720-0050

20-0214-2201, Rules for Selling Forest Products on State-Owned Endowment Lands. ZBR Chapter Rewrite governs the selling of forest products from state endowment lands, to include auctions, bonding, and cancellation or termination of sale requests.

20-0317-2201, Rules Governing Leases On State-Owned Navigable Waterways. ZBR Chapter Rewrite governs leases issued by the department on navigable waterways owned by the state, to include application and assignment fees.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES
11341 W Chinden Blvd, Bldg #4, Boise, ID 83714

****24-3501-2201, Rules of the Outfitters and Guides Licensing Board.*** (*PH) ZBR Chapter Rewrite implements statute by establishing licensing standards for outfitted and guided activities to ensure the protection of the public and recreational resources in Idaho. Comment by 10\5\2022

****24-3910-2201, Rules of the Idaho Electrical Board.*** (*PH) ZBR Chapter Rewrite prescribes criteria and fees for electrical licenses, permits, and inspections; details practice standards and civil penalties; and adopts and amends the National Electrical Code. Comment by 10\5\2022

****24-3930-2201, Rules of Building Safety (Building Code Rules).*** (*PH) ZBR Chapter Rewrite details permitting process and plan review fees for the integrated design and commissioning of public school facilities; and adopts / amends the Idaho Building Code. Comment by 11\15\2022

IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION
5657 Warm Springs Ave, Boise, ID 83716

26-0130-2201, Idaho Safe Boating Rules. (Temp & Prop) Chapter repealed as a result of legislative action.

IDAPA 38 – DEPARTMENT OF ADMINISTRATION
650 W State St, Rm 100, Boise, ID 83702

38-0406-2201, Rules Governing Use of State Property in the Capitol Mall, Multi-Agency Facilities, and Other State Properties. ZBR Chapter Rewrite contains provisions for the general public use of the Capitol Mall Office Properties, Capitol Annex, Parking Facilities, Other State Properties, and certain Multi-agency Facilities.

38-0407-2201, Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities. ZBR Chapter Repeal – necessary provisions included in companion docket 38-0406-2201.

38-0408-2201, Rules Governing Use of Idaho State Capitol. ZBR Chapter Rewrite governs interior and exterior use of the Idaho State Capitol.

38-0409-2201, Rules Governing Use of the Chinden Office Complex. ZBR Chapter Repeal – necessary portions moved to docket 38-0406-2201.

38-0501-2201, Rules of the Division of Purchasing. ZBR Chapter Rewrite outlines requirements for state agencies to acquire property through competitive solicitation, and includes the contested case hearing process.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
11331 W Chinden Blvd, Bldg 8, Boise, ID 83714

****39-0343-2201, Rules Governing Utilities on State Highway Right-of-Way.*** (*PH) Updates Utility Accommodation Policy incorporated edition.

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD
1299 N Orchard St Ste#110, Boise, ID 83706

57-0101-2201, Rules of the Sexual Offender Management Board. ZBR Chapter Rewrite details qualifications, standards, and fees for psychosexual evaluators, treatment providers, and polygraph examiners.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N Hilton St, Boise, ID 83706

****58-0101-2101, Rules for the Control of Air Pollution in Idaho.*** (*PH) ZBR Chapter Rewrite provides for the control of air pollution in Idaho. Comment by 10-11-2022

58-0105-2201, Rules and Standards for Hazardous Waste. Updates federal regulations for hazardous waste incorporated by reference.

58-0117-2201, Recycled Water Rules. ZBR Chapter Rewrite devises process to issue and maintain pollution source permits for reuse facilities.

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
PO Box 83720, Boise, ID 83720-0078

59-0101-2201, Rules for the Public Employee Retirement System of Idaho (PERSI). Removes invalid and unnecessary definition portions and reclassifies a school employee as not being a General Member of PERSI.

NOTICE OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13-0104-2203, Rules Governing Licensing

NOTICE OF PROCLAMATION

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13-0000-2200P5, Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho

Please refer to the Idaho Administrative Bulletin **September 7, 2022, Volume 22-9**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management, PO Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900;
Email: adminrules@dfm.idaho.gov

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7, 2022

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
71-11018
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NESE S27 T07N R14E BLAINE County Source SMILEY CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION T07N R14E S27 NESE
Application for permit proposes diversion of up to 0.80 cfs from Smiley Creek for use at a fish screen / bypass located approximately 21.7 miles south and 6.7 mile east of Stanley. This application proposes the diversion and use of water from Smiley Creek, a tributary of the

NOTICE OF PUBLIC HEARING BEFORE THE BELLEVUE COMMON COUNCIL TO AMEND THE BUDGET FOR FISCAL YEAR 2021-2022

NOTICE IS HEREBY GIVEN that a Public Hearing, pursuant to Idaho Code 50-1002, for consideration of an amendment to the budget for fiscal year beginning October 1, 2021, and ending September 30, 2022, will be held at the Bellevue City Hall located at 115 Pine Street, Bellevue, Idaho, and via telecommunication on Monday, September 12, 2022, beginning at 5:30 p.m. Please check the City website, www.bellevueidaho.us, for instructions for telecommunication meeting access. All interested persons are invited to attend this public hearing in person or using telecommunication devices and shall be given an opportunity to comment on the proposed amended budget or may submit written comment to the City of Bellevue, PO Box 825, Bellevue, Idaho 83313 prior to 5:00 p.m. Wednesday, September 7, 2022. The Council will consider appropriation of additional monies.

	Actual FY2021	Budget FY 2022	AMENDED Budget FY2022
EXPENDITURES			
General Fund			
Administrative	311,486	359,747	359,747
Community Development/P&Z	187,596	235,265	270,449
Parks	30,865	43,611	43,611
Fire	174,597	237,514	349,169
Library	62,629	72,728	72,728
Marshal	480,246	647,577	647,577
Buildings and Grounds	35,365	43,061	43,061
Streets	146,083	360,943	360,943
Development Impact Fees	0	0	0
Total General Fund	1,428,867	2,000,446	2,147,285
Enterprise Funds			
Water Fund	389,829	995,980	995,980
Sewer Fund	1,427,737	2,322,967	2,322,967
Grand Total All Funds-EXPENDITURES	3,246,433	5,319,393	5,466,231
REVENUES			
General Fund			
Property Taxes	570,968	742,000	742,000
Franchises, Licenses, Permits	159,399	156,300	187,994
Intergovernmental	475,156	424,929	424,929
Fees, Charges for Services	32,697	47,450	68,088
Development Impact Fees	27,697	66,168	66,168
Other General Fund Revenues/Carryover	411,372	629,767	735,544
Total General Fund	1,677,289	2,066,614	2,224,723
Enterprise Funds			
Water Fund	679,593	995,980	995,980
Sewer Fund	1,427,737	2,322,967	2,322,967
Grand Total All Funds-REVENUES	3,784,619	5,385,561	5,543,669

Any person needing special accommodations to participate in the above noticed meeting should contact Bellevue City Hall, 115 Pine St., Bellevue, ID 83313 or telephone 208-788-2128 at least twenty-four (24) hours prior to the meeting. Marian Edwards, Bellevue Clerk/Treasurer.

PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 31 & SEPTEMBER 7, 2022

ORDINANCE NO. 570
ANNUAL APPROPRIATION ORDINANCE FOR THE CITY OF SUN VALLEY, IDAHO FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022

AN ORDINANCE TITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE CITY OF SUN VALLEY, IDAHO FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, APPROPRIATING THE SUM OF ELEVEN MILLION, FOUR HUNDRED NINETEEN THOUSAND, TWO HUNDRED AND FIFTY-THREE DOLLARS ($11,419,253) TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF SUN VALLEY FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY,AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

WHEREAS, the City of Sun Valley is a unit of local government organized and existing pursuant to Title 50 of the Idaho Code; and

WHEREAS, pursuant to Idaho Code Section 50-1001, the City of Sun Valley fiscal year begins on the first day of October; and

WHEREAS, pursuant to Idaho Code Section 50-1003, the City Council shall adopt an annual appropriation ordinance prior to the commencement of each fiscal year, which in no event shall be greater than the amount of the tentative budget; and

WHEREAS, the annual appropriation ordinance is prepared in accordance with Idaho Code Title 50 Chapter 10 governing finances; and

WHEREAS, the Sun Valley City Council considered said budget and has conducted a public hearing thereon and determined that said budget should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, COUNTY OF BLAINE, STATE OF IDAHO, AS FOLLOWS:

SECTION 1: That the sum of Eleven Million, Four Hundred Nineteen Thousand, Two Hundred and Fifty-three dollars ($11,419,253) be, and the same is appropriated to defray the necessary expenses and liabilities of the City of Sun Valley, Blaine County, Idaho, for the fiscal year beginning October 1, 2022.

SECTION 2: The objects and purposes for which such appropriation is made, and the amount of each object and purpose is as follows:

General Fund	7,153,031
Fixed Asset Fund	941,795
Debt Service Fund	1,387,296
Capital Improvement Fund	790,000
Workforce Housing Fund	180,531
1% Local Option Tax Fund	716,600
Street & Path Fund	250,000
2018 Bond Construction Fund	0
Grand Total – All Funds	**11,419,253**

SECTION 3: That a general tax levy on all taxable property within the City of Sun Valley be levied in an amount allowed by law for the general purposes for said City, for the fiscal year beginning October 1, 2022.

SECTION 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in full force upon its passage, approval and publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF SUN VALLEY AND APPROVED BY THE MAYOR THIS 25th DAY OF AUGUST 2022.

/s/Peter M. Hendricks, Mayor

ATTEST: Nancy Flannigan, City Clerk

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7, 2022

Proof of legal notice received from Idaho Mtn Express 9/2/2022 (2 pgs) 9-2-2022 ✓ DMC

SCANNED NOV 25 2022

Salmon River, a 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 non-consumptive purposes.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 86626

KATHY NOBLE, 86 FREEDOM LOOP, BELLEVUE, ID 83313-5012 has filed Application No. 86626 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22253. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the POD for an irrigation ground water right (0.18 cfs and 9.0 acres) located on an adjacent parcel to an existing well on the applicant's parcel. The currently recorded and proposed locations are located approximately 3.0 miles south and 0.8 miles east of the Highway 75 & Gannet Road intersection in Bellevue.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **September 26, 2022.** The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7 & 14, 2022

NOTICE OF PUBLIC MEETING BEFORE THE KETCHUM PLANNING AND ZONING COMMISSION

Meeting Date: September 27th, 2022
Meeting Time: 4:30 PM, or thereafter as the matter can be heard.
Meeting Location: City Hall Council Chambers, 191 5th Street W, Ketchum, Idaho. The meeting will be livestreamed at www.ketchumidaho.org/meetings. Public comment may be given remotely, when the public comment portion of the meeting for this item is opened. The link to join the webinar for the meeting is: https://ketchumidaho-org.zoom.us/j/85077883433. This information can also be found on the meeting agenda.
Project Name: 4th & Walnut Mixed-Use Building
Project Location: 580 E 4th Street (Ketchum Townsite: Block 44: Lot 7A)
Zoning: Community Core – Sub District 2 – Mixed Use (CC-2)
Representatives: Morley Golden John Montoya, Resin Design
Property Owner: Walnut & 4th LLC
Application Types: Design Review Amendment P20-046A
Project Description: The Commission will consider and take action on proposed modifications to the project plans for the 4th & Walnut Mixed-Use Building approved by the Planning & Zoning Commission on September 15th, 2020 through Design Review Application File No. P20-046. The project was issued a building permit (Application File No. B21-009) on June 22nd, 2021 and is currently under construction. The Design Review Amendment Application File No. P20-046A proposes to modify the uses within the mixed-use building and proposes modifications to the exterior of the mixed-use building, including removing the chimney from the north elevation and changing the material for the upper-level balcony guardrails.

A copy of the Staff Report will be available on the City website at the following link https://ketchumidaho.org/meetings. The meeting will be livestreamed with the video feed accessible at the same link at 4:30 p.m. the day of the meeting.

NOTICE IS FURTHER GIVEN that, at the aforementioned time, all interested persons shall be given an opportunity to comment on the matter stated above. Comments and questions prior to the hearing may be directed to the Ketchum Department of Planning and Building, P.O. Box 2315, Ketchum, Idaho, 83340, or via email to **participate@ketchumidaho.org**. Written comments received by 5:00 PM, seven (7) days prior to the hearing will be included as an attachment to the staff report. For additional information, please call (208) 726-7801.

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7, 2022

NOTICE OF PUBLIC MEETING BEFORE THE KETCHUM PLANNING AND ZONING COMMISSION

Meeting Date: September 27th, 2022
Meeting Time: 4:30 PM, or thereafter as the matter can be heard.
Meeting Location: City Hall Council Chambers, 191 5th Street W, Ketchum, Idaho. The meeting will be livestreamed at www.ketchumidaho.org/meetings. Public comment may be given remotely, when the public comment portion of the meeting for this item is opened. The link to join the webinar for the meeting is: https://ketchumidaho-org.zoom.us/j/85077883433. Webinar ID: 8507 788 3433. This information can also be found on the meeting agenda.
Project Name: McGavick Residence (File No. P22-048)
Project Location: 307 Garnet Street (Lot 2, Block 1, Esmeralda South Subdivision)
Representative: Jim McLaughlin, McLaughlin & Associates
Property Owner: Gaelynn and Mike McGavick
Architect: Jim McLaughlin
Application Type: Pre-Application Mountain Overlay Design Review
Project Description: The Ketchum Planning & Zoning Commission will conduct a public meeting to review the Pre-Application Mountain Overlay Design Review application for the McGavick Residence. The project proposes to develop a new 18,756 gross-square-foot single family residence on a 6-acre vacant property located at 307 Garnet St in the Limited Residential (LR) zone district. The property is located at the far east end of Garnet St within the Esmeralda South Subdivision. The proposed residence is a 5 bedroom, 6 bath residence with an attached three car garage and pool house.

A copy of the Staff Report will be available on the City website at the following link https://ketchumidaho.org/meetings. The meeting will be livestreamed with the video feed accessible at the same link at 4:30 p.m. the day of the meeting.

NOTICE IS FURTHER GIVEN that, at the aforementioned time, all interested persons shall be given an opportunity to comment on the matter stated above. Comments and questions prior to the hearing may be directed to the Ketchum Department of Planning and Building, P.O. Box 2315, Ketchum, Idaho, 83340, or via email to **participate@ketchumidaho.org**. Written comments received by 5:00 PM, seven (7) days prior to the hearing will be included as an attachment to the staff report. For additional information, please call (208) 726-7801.

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7, 2022

LEGAL NOTICE
BLAINE COUNTY PLANNING AND ZONING COMMISSION
September 22, 2022 at 6:00 p.m.

On Thursday, September 22, 2022, the Blaine County Planning and Zoning Commission will hold a public meeting beginning at 6:00 p.m. upstairs in the main meeting room in the Old County Courthouse located at 206 First Ave. So., in Hailey. Its agenda includes the following:

ACTION ITEM: Public hearing and consideration of an application by House of Angels Foundation for a conditional use permit to have up to 6 spiritual retreats per year on 983, 985 and 987 W. Warm Springs Rd. 5 seasonal teepees are proposed. The parcels are zoned Rural Remote (RR-40), Seasonal Use, Floodplain Overlay, Riparian Setback Districts and a small area of Mountain Overlay District. The 3 subject parcels, also known as Tax Lots 8529, 3645, 3831, 1797 and Lot 2, Hayward-Strand Sub., are located approximately 5 miles southwest of Ketchum

This meeting is open to the public and the public may attend in person or by web access. If attending in person, please observe posted COVID-related protocols (if any). The meeting agenda will be posted to the Blaine County website at https://www.co.blaine.id.us/AgendaCenter by the Tuesday prior to the hearing. Please check the meeting agenda for further instructions for digital web access.

The materials associated with this meeting will be available for review at least 15 days prior to the hearing at Land Use and Building Services located in the Blaine County Annex at 219 First Avenue South, Suite 208 in Hailey and on the Blaine County web page at www.blainecountv.org. To receive adequate consideration, written comment in excess of one page should be forwarded to Blaine County at least 4 days prior to public hearing by mail, e-mail to pzcounter@co.blaine.id.us, or by fax to (208)788-5576.

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7, 2022

LEGAL NOTICE OF ADVERTISEMENT FOR SALE AT PUBLIC AUCTION

The public is notified that a sale of certain personal property shall occur as provided pursuant to Idaho Code Section 55-2306(3) to satisfy a lien claim based on an obligation owed by JOHN SCHERER whose last known address is 4431 NORTH McKENZIE LANE - BOISE, ID 83703

The sale shall occur at 10:00 o'clock a.m. on the 17TH day of SEPTEMBER, 2022, at Valley Self Store, 1041 Airport Way, Hailey, Idaho 83333.

The property to be sold is the contents of a storage unit at Valley Self Store and is generally described as: personal effects.

DATED this 1st day of SEPTEMBER, 2022

VALLEY SELF STORE

/s/Bonnie Leighton
Lien Claimant

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7 & 14, 2022

LEGAL NOTICE OF ADVERTISEMENT FOR SALE AT PUBLIC AUCTION

The public is notified that a sale of certain personal property shall occur as provided pursuant to Idaho Code Section 55-2306(3) to satisfy a lien claim based on an obligation owed by PATRICIA CARDOSO QUIROZ AND RYAN GUZAN whose last known address is PO BOX 335 HAILEY, ID 83333.

The sale shall occur at 10:00 o'clock a.m. on the 17TH day of SEPTEMBER, 2022, at Valley Self Store, 1041 Airport Way, Hailey, Idaho 83333.

The property to be sold is the contents of a storage unit at Valley Self Store and is generally described as: personal effects.

DATED this 1st day of SEPTEMBER, 2022

VALLEY SELF STORE

/s/Bonnie Leighton
Lien Claimant

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7 & 14, 2022

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF

JEFFREY LANGDALE BRAY, aka JEFFREY L. BRAY,
Deceased.

CASE NO. CV07-22-00447
NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN that BONNIE JEAN BRAY, aka BONNIE S. BRAY, has been appointed Personal Representative of the above-named estate. All persons having claims against the said decedent are required to present their claims within four (4) months after the date of the first publication of this notice or said claims will be forever barred. Claims must be presented to the firm Coleman, Ritchie & Jacobson, 156 2nd Avenue West, P. O. Box 525, Twin Falls, Idaho 83303-0525, and filed with the Court.

DATED this 1st day of September, 2022.

COLEMAN, RITCHIE & JACOBSON

/s/V. LANE JACOBSON
Attorneys for Personal Representative

PUBLISH
IDAHO MOUNTAIN EXPRESS
SEPTEMBER 7, 14 & 21 2022

NOTICE OF TRUSTEE'S SALES

NOTICE OF TRUSTEE'S SALE

To be sold for cash at a Trustee's Sale on December 15, 2022, 11:00 AM at the Blaine County Courthouse Front Steps, Old Building, 206 1st Avenue South, Hailey, ID 83333, the following described real property situated in Blaine County, State of Idaho ("Real Property"): Lots 5 and 6 in Block 12 of the City of Hailey, according to the Official Plat thereof, on file in the Office of the County Recorder, records of Blaine County, Idaho Commonly known as: 511 South 4th Avenue, Hailey, ID 83333 Brian D. Watts, as Trustor conveyed Real Property via a Trust Deed dated December 2, 2008, in favor of Mortgage Electronic Registration Systems, Inc., as Beneficiary, as nominee for M&T Bank, its successors and assigns as Beneficiary, in which First American Title was named as Trustee. The Trust Deed was recorded in Blaine County, Idaho, on December 8, 2008, as Instrument No. 563317, and modified pursuant to the Modification recorded February 6, 2017, as Instrument No. 641371, and modified pursuant to the Modification recorded on November 1, 2019, as Instrument No. 664524, of Official Records. The Deed of Trust was assigned for value as follows: Assignee: Assignee: U.S. Bank Trust National Association as Trustee of FW-BKPL Series I Trust Assignment Dated: January 28, 2021 Assignment Recorded: February 10, 2021 Assignment Recording Information: Instrument No. 679154 Shelly M. Casares is the Successor Trustee pursuant to a Substitution of Trustee recorded in the office of the Clerk and Recorder of Blaine, State of Idaho on July 1, 2022 as Instrument No. 694731, of Official Records. The Beneficiary has declared a default in the terms of said Deed of Trust due to Trustor failure to make monthly payments beginning September 1, 2020, and each month subsequent, which monthly installments would have been applied on the principal and interest due on said obligation and other charges against the property or loan. By reason of said default, the Beneficiary has declared all sums owing on the obligation secured by said Trust Deed immediately due and payable. The total amount due on this obligation is the principal sum of $167,023.00, interest in the sum of $11,867.77, escrow advances of $4,747.01, other amounts due and payable in the amount of $2,877.94, for a total amount owing of $186,515.72, plus accruing interest, late charges, and other fees and costs that may be incurred or advanced. The Beneficiary anticipates and may disburse such amounts as may be required to preserve and protect the property and for real property taxes that may become due or delinquent, unless such amounts of taxes are paid by the Trustor. If such amounts are paid by the Beneficiary, the amounts or taxes will be added to the obligations secured by the Deed of Trust. Other expenses to be charged against the proceeds of this sale include the Trustee's fees and attorney's fees, costs and expenses of the sale, and late charges, if any. Beneficiary has elected, and has directed the Trustee to sell the above described property to satisfy the obligation. The sale is a public sale and any person, including the Beneficiary, may bid at the sale. The bid price must be paid immediately upon the close of bidding by certified funds (valid money orders, certified checks or cashier's checks). The conveyance will be made by Trustee's Deed, without any representation or warranty, including warranty of title, express or implied, as the sale is made strictly on an as-is, where-is basis, without limitation, the sale is being made subject to all existing conditions, if any, of lead paint, mold or other environmental or health hazards. The Trustor, successor in interest to the Trustor, or any other person having an interest in the property, or any person named in IRC § 45-1506, has the right, at any time prior to the Trustee's Sale, to pay to the Beneficiary, or the successor in interest to the Beneficiary, the entire amount then due under the Deed of Trust and the obligation secured thereby (including costs and expenses actually incurred and attorney's fees) other than such portion of the principal as would not then be due had no default occurred and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and Deed of Trust with Successor Trustee's and attorney's fees. In the event that all defaults are cured the foreclosure will be dismissed and the foreclosure sale will be canceled. The scheduled Trustee's Sale may be postponed by public proclamation up to 30 days for any reason. If the Trustee is unable to convey title for any reason, the successful bidder's sole and exclusive remedy shall be the return of monies paid to the Successor Trustee and the successful bidder shall have no further recourse. The above Trustor are named to comply with IRC § 45-1506(4)(a). No representation is made that they are, or are not, presently responsible for this obligation. This is an attempt to collect a debt and any information obtained will be used for that purpose. Dated this 5th day of August, 2022. Shelly M. Casares Substitute Trustee 376 East 400 South, Suite 300, Salt Lake City, UT 84111 Telephone: 801-355-2886 Office Hours: Mon.-Fri., 8AM-5PM (MST) File No. ID10553

PUBLISH
IDAHO MOUNTAIN EXPRESS
AUGUST 17, 24, 31 & SEPTEMBER 7, 2022



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NOV 25 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 1, 2022

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025

RE: Application for Permit No. 71-11018

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 **IDAHO MOUNTAIN EXPRESS on 9/7/2022 and 9/14/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of $25.00 for each application, on or before **September 26, 2022**.

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,

Denise Maline

Denise Maline
Administrative Assistant 1

c: Mike Demick, Idaho Dept of Fish & Game, Salmon, Idaho

SCANNED
SEP 0 1 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 1, 2022 3:02 PM
To: IWRB Water Use Reviews
Subject: Fish screen application for permit 71-11018
Attachments: 71-11018.pdf

Good afternoon,

The attached application is located within the Stanly Basin, and is currently being processed and advertised. Any comments or input you may have is greatly appreciated.

Thank you in advance,

Denise Maline, IDWR Southern Region

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

SCANNED
SEP 0 1 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 1, 2022 2:19 PM
To: Graybill, David
Subject: Comment Letter for App. for Permit No. 71-11018 Fish & Game Commission
Attachments: App. for Permit 71-11018 (Fish & Game Commission.pdf; Comment letter to WD170 for 71-11018 F&G Commission.docx

Hi David,

Attached is an application that is currently being processed by the department, located within WD71 / WD170. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Benny Walker at our office.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

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SEP 0 1 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
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Governor Brad Little

Director Gary Spackman

September 1, 2022

WATER DISTRICT 170
DAVID GRAYBILL
102 S WARPATH
SALMON ID 83467

RE: Application for Permit No(s). 71-11018 (Fish & Game Commission)

Dear David:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. 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.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR 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. 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.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
SEP 0 1 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 1, 2022 12:45 PM
To: Morgan Miller (WD71)
Subject: Comment Letter for App. for Permit No. 71-11018 Fish & Game Commission
Attachments: Comment letter to WD71 for 71-11018 F&G Commission.docx; App. for Permit 71-11018 (Fish & Game Commission.pdf

Hi Morgan,

Attached is an application that is currently being processed by the department, located within WD71. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Benny Walker at our office.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

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IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

September 1, 2022

WATER DISTRICT 71
MORGAN MILLER
3594 HOT SPRINGS RD
CHALLIS ID 83226-4960

RE: Application for Permit No(s). 71-11018 (Fish & Game Commission)

Dear Morgan:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. 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.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR 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. 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.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
SEP 0 1 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 1, 2022 2:21 PM
To: Richards,Jeff
Subject: Comment Letter for App. for Permit No. 71-11018 Fish & Game Commission
Attachments: App. for Permit 71-11018 (Fish & Game Commission.pdf; Comment letter to F&G for 71-11018 F&G Commission.docx

Hi Jeff,

Attached is an application that is currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Benny Walker at our office.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

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Governor Brad Little **Director Gary Spackman**

September 1, 2022

IDAHO DEPT OF FISH & GAME
JEFF RICHARDS
99 HWY 93 N
SALMON ID 83467

RE: Application for Permit No(s). 71-11018 (Fish & Game Commission)

Dear Mr. Richards:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization 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 **(on or before September 26, 2022)**.

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
SEP 0 1 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 1, 2022 12:21 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express cover letter.docx; Idaho Mountain Express ad.docx

Attached please find **(1)** legal notice being submitted for publication on September 7th & 14th, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

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SEP 0 1 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little Director Gary Spackman

September 1, 2022

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340-0990

RE: Application for Permit No. 71-11018

RE: Transfer No. 86626
Water Right No(s). 37-22253

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 September 26, 2022. Your cooperation is appreciated.

Sincerely,
Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

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SEP 0 1 2022

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
71-11018
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NESE S27 T07N R14E BLAINE County Source SMILEY CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION 05/01 to 10/31 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 07-29-2022
Place Of Use: FISH PROPAGATION
T07N R14E S27 NESE
Application for permit proposes diversion of up to 0.80 cfs from Smiley Creek for use at a fish screen / bypass located approximately 21.7 miles south and 6.7 mile east of Stanley. This application proposes the diversion and use of water from Smiley Creek, a tributary of the Salmon River, a 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 non-consumptive purposes.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86626

KATHY NOBLE, 86 FREEDOM LOOP, BELLEVUE, ID 83313-5012 has filed Application No. 86626 for changes to the following water rights within BLAINE County(s): Right No(s). 37-22253. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the POD for an irrigation ground water right (0.18 cfs and 9.0 acres) located on an adjacent parcel to an existing well on the applicant's parcel. The currently recorded and proposed locations are located approximately 3.0 miles south and 0.8 miles east of the Highway 75 & Gannet Road intersection in Bellevue.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see https://research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **September 26, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on September 7th & 14th, 2022

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SEP 0 1 2022

RECEIVED
AUG 16 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

IDAHO DEPARTMENT OF FISH AND GAME
SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

Brad Little Governor
Ed Schriever Director

August 15, 2022

State of Idaho Department of Water Resources
ATTN: Jim Bitzenburg, Senior Water Resource Agent
650 Addison Ave W. Ste 500
Twin Falls, ID 83301

RE: Applications to Appropriate Water in the Upper Salmon River Basin 71-11010, 71-11011, 71-11012, 71-11013, 71-11014, 71-11015, 71-11017, 71-11018, 72-17012, 72-17013, 72-17014, 72-17015, 72-17016, 72-17017, 17-17018, 72-17019 – Fish Propagation (fish screens/fish bypass)

Dear Jim:

For additional information on how our proposal for the above mentioned Water Rights (WR) invokes any local public interest concerns for ESA species recovery, the Idaho Department of Fish and Game (IDFG) submits the following:

The IDFG Anadromous Fish Screen and Habitat Program has been an integral part of improving conditions to support recovery of ESA-listed fish species - Chinook salmon, steelhead, and bull trout in the Upper Salmon Basin. IDFG works collectively with the Upper Salmon River Basin Watershed Technical Team to coordinate and prioritize projects implemented in the basin.

Over the past 60 years, our program has installed over 281 fish screens to prevent ESA-listed fish species from being entrained in irrigation ditches. In order to safely return the fish from the fish screen back to the river or stream, from which they were diverted, a bypass flow is required.

The applications for WR's represents a non-consumptive use. Where the water is diverted at the headgate, travels a short distance downstream to the fish screen (usually less than 100 yards), and is then returned to the river or stream via a bypass pipe. The bypass pipe is designed to transfer the fish back to the river or stream. Without the critical bypass flow the fish would become stranded at the face of the fish screen and would not be reverted to the river. Fish screens and the bypass flows protect irrigators from illegal take of ESA-listed species and provide a benefit to the community by protecting and enhancing ESA-listed species populations for future generations.

If you have any questions or need additional assistance, please contact the Region's Easement Specialist, Mike Demick at 208-756-2271.

Sincerely,

Tom Curet
Regional Supervisor

tc: md

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SEP 0 1 2022

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 10, 2022

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

STATE OF IDAHO
DEPT OF FISH AND GAME
MIKE DEMICK
97 HIGHWAY 93 N
SALMON ID 83467-5292

RE: Applications to Appropriate Water in the Upper Salmon River Basin 71-11010, 71-11011, 71-11012, 71-11013, 71-11014, 71-11015, 71-11017, 71-11018, 72-17012, 72-17013, 72-17014, 72-17015, 72-17016, 72-17017, 72-17018, 72-17019 - Fish Propagation (fish screens/fish bypass)

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,

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SEP 0 1 2022

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 Comprehensive State Water Plan revised 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) 293-9909, or email me at james.bitzenburg@idwr.idaho.gov.

Sincerely,

Jim Bitzenburg
Water Rights Supervisor

SCANNED
SEP 0 1 2022

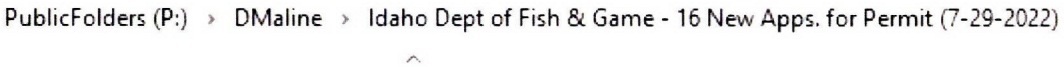
Maline, Denise

From: Maline, Denise
Sent: Friday, July 29, 2022 3:55 PM
To: IdwrPayable
Cc: Skinner, Corey; Bitzenburg, James; George, Suzanne
Subject: Interagency billing for Dept of Fish & Game
Attachments: Cover letter requesting interagency billing process.pdf

Good afternoon,

The Dept of Fish & Game filed 16 new applications for permit and are requesting Interagency Billing process be initiated. I've attached the cover letter with the billing information. Rather than attach each application to this e-mail, I have scanned them into my P: folder (see below).

Please let me know if you need anything else from me.



Thank you in advance,

Denise @ Southern

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov

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SEP 0 1 2022

IDAHO DEPARTMENT OF FISH AND GAME
600 S Walnut / P.O. Box 25
Boise, Idaho 83707

Brad Little / Governor
Ed Schriever / Director

RECEIVED
JUL 29 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

July 25, 2022

Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858

Dear IDWR:

Enclosed please find 16 "Application for Permit" forms for new water rights in Basin 71 & 72.

Please initiate the Interagency Billing Process for the $250 application fee for each of these applications, using PCA 31804 and code CINX. Please send the billing documents to IDFG Headquarter's Office, Attention: Tom Bassista, P.O. Box 25, Boise ID 83707. Tom can also be reached at 208-287-2773 or Thomas.bassista@idfg.idaho.gov.

Please send copies of the approved permits to IDFG Salmon Region, Attention: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call me if you have any questions at 208-756-6022.

Sincerely,

Mike Demick
Easement Specialist

Enclosed: Sixteen (16) "Application for Permit" forms

(Bypass WR for Fish Screens: S-22, SBaC-01, SBaC-03, SchaC-09, SChaC-11, SGaC-01, SEF-19, SGC-02/03, SGC-04, SLyC-01, SSmC-01, SVCGC-06/07, SVCSLC-01, SWC-01/02, SWmC-02/03, & SWmC-04)

SCANNED
SEP 01 2022