

RECEIVED

AUG 28 2023

DEPARTMENT OF

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ _____

Receipt No. _____

Received By _____

Date Received _____

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. 71-11010 Name of Permit Holder(s) Idaho Dept. of Fish and Game Commission

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

Mailing Address P.O.Box 25, 600 S. Walnut City Boise State ID Zip 83707

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

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 .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.)
Steel modular, single rotary drum fish screen (24-inch x 6-foot perf. plate) with 10-inch fish bypass pipe
that provides safe passage for fish entrained in ditch back to Warm 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

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

FRAN HILTON REGIONAL SUPERVISOR 8/9/23

SCANNED

SEP 29 2023

Permit Number 71-11010

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



Fish screen with bypass pipe flow
(.80 cfs) returning to Warm Creek.

SCANNED
SEP 29 2023

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 71-11010

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 : WARM CREEK

Tributary: SALMON RIVER

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

Beneficial Use

FISH PROPAGATION

Period of Use

05/01 to 10/31

Rate of Diversion

0.80 CFS

Location of Point(s) of Diversion

WARM CREEK SE¼ SW¼, Sec. 21, Twp 08N, Rge 14E, B.M. CUSTER 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	
08N	14E	21												X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 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. Fish propagation use is for fish protection through the installation of a screen and bypass pipe to provide passage for fish back to Warm Creek.
7. Use of water under this right shall be non-consumptive.
8. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 71-11010

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

Signed this 28th day of September, 2022.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

71-11010

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

08N



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

0 0.035 0.07 0.14 Miles



SCANNED

OCT 03 2022

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. 71-11010

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 Warm Creek which is a tributary of Salmon River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
08N	14E	21			SE	SW	Custer	Warm Creek	SWC-01/02

5. Water will be used for the following purposes:
- Amount .80 for Fish Propagation purposes from 5/01 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
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 (24-inch dia. by 6-foot perf. plate), paddlewheel powered, 10-inch fish bypass pipe from screen 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- Received by Inter Agency Receipt No. BILL016701 Date _____

SCANNED

AUG 26 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 fish 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	
08N	14E	21												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.

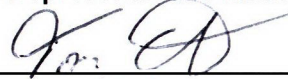
11. a. Who owns the property at the point of diversion? James Mizer & Lydia Godinho
- b. Who owns the land to be irrigated or place of use? James Mizer & Lydia Godinho
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: IDFG has a recorded easement for ingress/egress to operate/maintain the screen/bypass 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.


Signature of Applicant
John Cost Regional Supervisor
Print Name (and title, if applicable)

Signature of Applicant

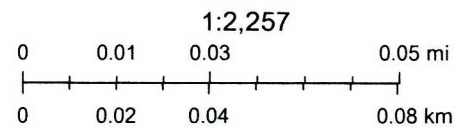
Print Name (and title, if applicable)

Application for Water Right: Warm Creek 01/02



2/24/2021, 11:10:24 AM

- Points
 - Quarter Quarter
 - Section
 - Township/Range
- Override 1
- Override 2
- Counties
- Idaho Outline
- Idaho Mask



GeoEye, Maxar, Microsoft, Created by NRCS from 1:24,000 scale USGS topographic maps., Esri, HERE, iPC, Idaho Department of Water Resources

71-11010

SCANNED

2022



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

Beneficial Use Proof Evaluation

Permit Number: 71-11010 Reviewer: AVeibell Review Date: 8/30/2023

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: 8/28/2023
- 4) Proof Due Date: 10/1/2023
- 5) Days added for weekend due date? 2
- 6) Days added for holiday due date? 0
- 7) Number of days late: -36
- 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 -- Yes
- 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?

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.

Veibell, Amanda

From: Veibell, Amanda
Sent: Tuesday, August 29, 2023 10:00 AM
To: IdwrPayable
Subject: Interagency Billing with Fish and Game
Attachments: 20230829095458.pdf

Good Morning.

Please initiate an Interagency billing with Fish and Game for \$900.00; see the attached letter. IDWR PCA is 56104 (beneficial use). Fish and Game's PCA code is 35792, with code C1NX.

Please let me know if you have any other questions.

Amanda Veibell

Technical Records Specialist I



PO Box 83720 Boise ID 83720-0098
208-287-4945

SCANNED

SEP 29 2023



RECEIVED
AUG 28 2023
DEPARTMENT OF
WATER RESOURCES

IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
Salmon, Idaho 83467

Brad Little / Governor
Jim Fredericks / Director

August 14, 2023

Idaho Department of Water Resources
Water Right Section
322 E Front St
PO Box 83720
Boise, ID 83720-0098

Dear Water Right Section:

Please initiate the Interagency billing process for nine (9) "Statement of Completion for Submitting Proof of Beneficial Use" forms at \$100.00 each. The fee is for water rights: 71-11010, 71-11012, 71-11013, 71-11014, 72-17012, 72-17013, 72-17014, 72-17015, & 72-17016.

When processing these forms, please use PCA 35792 and code to C1NX.

Please send the billing documents to IDFG Headquarters Office, Attention: Tom Bassista (thomas.bassista@idfg.idaho.gov), P.O. Box 25, Boise, ID 83707. Also, please send copies to IDFG Salmon Region, Attention: Mike Demick, 97 Highway 93 North, Salmon, ID 83467.

Please call or email me if you have any questions at 208-756-6022 or mike.demick@idfg.idaho.gov.

Sincerely,

Mike Demick
Easement Specialist

SCANNED
SEP 29 2023

Enc: 9 "Statement of Completion for Submitting Proof of Beneficial Use" forms

Keeping Idaho's Wildlife Heritage



Governor Brad Little

Director Gary Spackman

July 31, 2023

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

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 71-11010, 71-11012, 71-11013, 71-11014

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 **October 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,

Water Right Section

Enclosure(s)

c: STATE OF IDAHO



SCANNED
AUG 02 2023



October 2, 2022

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

RE: Permit No. 71-11010, 71-11011, 71-11012, 71-11013, 71-11014

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.

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)

CERTIFICATE OF SERVICE

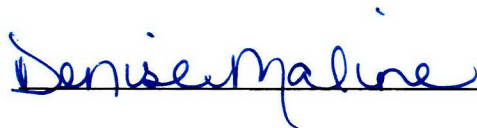
I hereby certify that on October 2, 2022, I served a true and correct copy of Permit to Appropriate Water No. 71-11010, 71-11011, 71-11012, 71-11013, 71-11014 by U.S. Mail, postage prepaid, to the following:

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
Administrative Assistant 1

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.

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.



PROOF OF PUBLICATION The Challis Messenger

RECEIVED
SEP 12 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

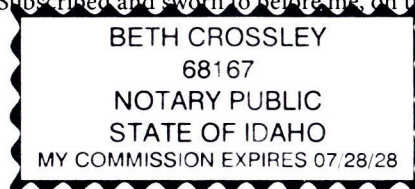
State of Idaho
County of Custer

I, ~~Dawn Giannini~~, or Collins Crapo first being duly sworn, depose and say: That I am the ~~Classified Manager~~, or Processing Clerk employed by Adams Publishing Group of the Rockies LLC, publishers of The Challis Messenger, a newspaper of general circulation, published 1 day, Thursday at Challis, Idaho.

That the notice, of which a copy is hereto attached and made a part of this affidavit, was published in said The Challis Messenger for 2 day(s), first publication having been made on 09/01/2022 last publication having been made on 09/08/2022, and that the said notice was published in the regular and entire issue of said paper on the respective dates of publication, and that such notice was published in the newspaper and not in a supplement.

[Signature]

Subscribed and sworn to before me, on this 8th day of September, 2022



[Signature]

Notary Public
My commission expires:

attached jurat

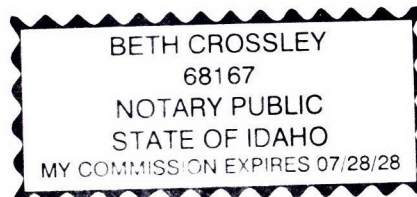
STATE OF IDAHO

ss.

COUNTY OF CUSTER

On this 8th day of September, 2022 before me, the undersigned, a Notary public for said state, personally appeared ~~Dawn Giannini~~ or Collins Crapo, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she/they executed the same,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for APG of the Rockies
Residing: Idaho Falls, Idaho
Commission expires:

✓ DM
9-20-2022

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

71-11010

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion SESW S21 T08N R14E CUSTER County Source WARM 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

T08N R14E S21 SESW

Application proposes the diversion of up to 0.80 cfs from Warm Creek for use at a fish screen / bypass located approximately 14.8 miles south and 4.6 miles east of Stanley. This application proposes the diversion and use of water from Warm 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.

71-11011

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWNW S17 T10N R13E CUSTER County Source GOAT CREEK Tributary VALLEY CREEK

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

T10N R13E S17 NENW, NWNW

Application for permit proposes diversion of up to 0.80 cfs from Goat Creek for use at a fish screen / bypass located approximately 2.0 miles west and 1.0 mile south of Stanley. This application proposes the diversion and use of water from Goat 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.

71-11012

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWNE S26 T11N R12E CUSTER County Source STANLEY LAKE CREEK Tributary VALLEY CREEK

Use: FISH PROPAGATION 04/01 to 11/01 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T11N R12E S26 NWNE

Application for permit proposes diversion of up to 0.80 cfs from Stanley Lake Creek for use at a fish screen / bypass located approximately 4.8 miles west and 3.0 miles north of Stanley. This application proposes the diversion and use of water from Stanley Lake 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.

71-11013

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWSE S20 T09N R14E CUSTER County Source WILLIAMS 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

T09N R14E S20 SENW

Application for permit proposes diversion of up to 0.80 cfs from Williams Creek for use at a fish screen / bypass located approximately 8.5 miles south and 4.2 miles east of Stanley. This application proposes the diversion and use of water from Williams 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.

71-11014

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NESW S20 T09N R14E CUSTER County Source WILLIAMS 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

T09N R14E S20 SENW, NESW

Application for permit proposes diversion of up to 0.80 cfs from Williams Creek for use at a fish screen / bypass located approximately 8.5 miles south and 4.1 miles east of Stanley. This application proposes the diversion and use of water from Williams 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.

72-17012

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NWSE S2 T14N R18E CUSTER County Source CHALLIS CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T14N R18E S2 NWSE

Application proposes the diversion of up to 0.80 cfs from Challis Creek for use at a fish screen / bypass located approximately 4.5 miles north and 3.5 miles west of Challis. This application proposes the diversion and use of water from Challis 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.

72-17013

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion SWNW S4 T14N R18E CUSTER County Source CHALLIS CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T14N R18E S4 SWNW

Application proposes the diversion of up to 0.80 cfs from Challis Creek for use at a fish screen / bypass located approximately 4.6 miles north and 5.9 miles west of Challis. This application proposes the diversion and use of water from Challis 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.

72-17014

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NESW S7 T12N R19E CUSTER County Source BAYHORSE CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T12N R19E S7 NESW

Application proposes the diversion of up to 0.80 cfs from Bayhorse Creek for use at a fish screen / bypass located approximately 8.4 miles south and 1.8 miles west of Challis. This application proposes the diversion and use of water from Bayhorse 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.

72-17015

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion L10 (SWSE) S7 T12N R19E CUSTER County Source BAYHORSE CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T12N R19E S7 L10 (SWSE)

Application proposes the diversion of up to 0.80 cfs from Bayhorse Creek for use at a fish screen / bypass located approximately 8.4 miles south and 1.4 miles west of Challis. This application proposes the diversion and use of water from Bayhorse 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.

72-17016

STATE OF IDAHO

IDAHO FISH & GAME COMMISSION

PO BOX 25

BOISE, ID 83707-0025

Point of Diversion NENE S31 T14N R19E CUSTER County Source GARDEN CREEK Tributary SALMON RIVER

Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS

Total Diversion: 0.8 CFS

Date Filed: 07-29-2022

Place Of Use: FISH PROPAGATION

T14N R19E S32 NWNW

Application proposes the diversion of up to 0.80 cfs from Garden Creek for use at a fish screen / bypass located approximately 1.5 miles west of the intersection of Main St and Hwy 93 in Challis. This application proposes the diversion and use of water from Garden 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.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see <https://research.idwr.idaho.gov/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, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5658 together with a protest fee of \$25.00 for each application on or before September 19, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 1st & 8th, 2022 (CM12622-276335)

✓ OK DM
9-20-2022

SCANNED

OCT 03 2022