Form 42-217 Rev. 6/22

RECEIVED
JAN 26 2024
DEPT. OF WATER RESOURCES

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.	
Receipted By	
Date Receipted	1.29.24

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. 72-17019 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 Lyon Creek If Ground Water (well), Date Drilled mo. na / yr. na

Drilling Permit/Tag No. na Drilling Company's Name na

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

Domestic (No. households) na Irrigation (No. acres) na Stockwater (No. and stock type) na

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 (1-drum, 12"x6' bottle brush perf plate) fish screen to pipe; 10-inch fish bypass pipe from fish screen that provides safe passage fish fish entrained in ditch back to Lyon Creek; Paddle-wheel powered, locable 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*	RYAN HILTON - REGIONAL SUPERVISOR	1/21/24
	PRINTED NAME AND TITLE	DATE

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

Permit Number 72-17019

- Lyon Creek – 01 Fish Screen; Source: Lyon Creek
- .80 cfs, Fish Propagation (non-consumptive)



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



12-inch by 6-foot drum, Bottle brush

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 72-17019

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 : LYON 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	04/01 to 10/31	0.80 CFS

Location of Point(s) of Diversion
LYON CREEK NW¼ SE¼, Sec. 35, Twp 12N, Rge 18E, 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	
12N	18E	35													X				

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2024.**
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.72D.
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 Lyon 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.

SCANNED
MAR 02 2023

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 72-17019

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

Signed this 24th day of February, 2023.

JAMES BITZENBURG
Water Rights Supervisor

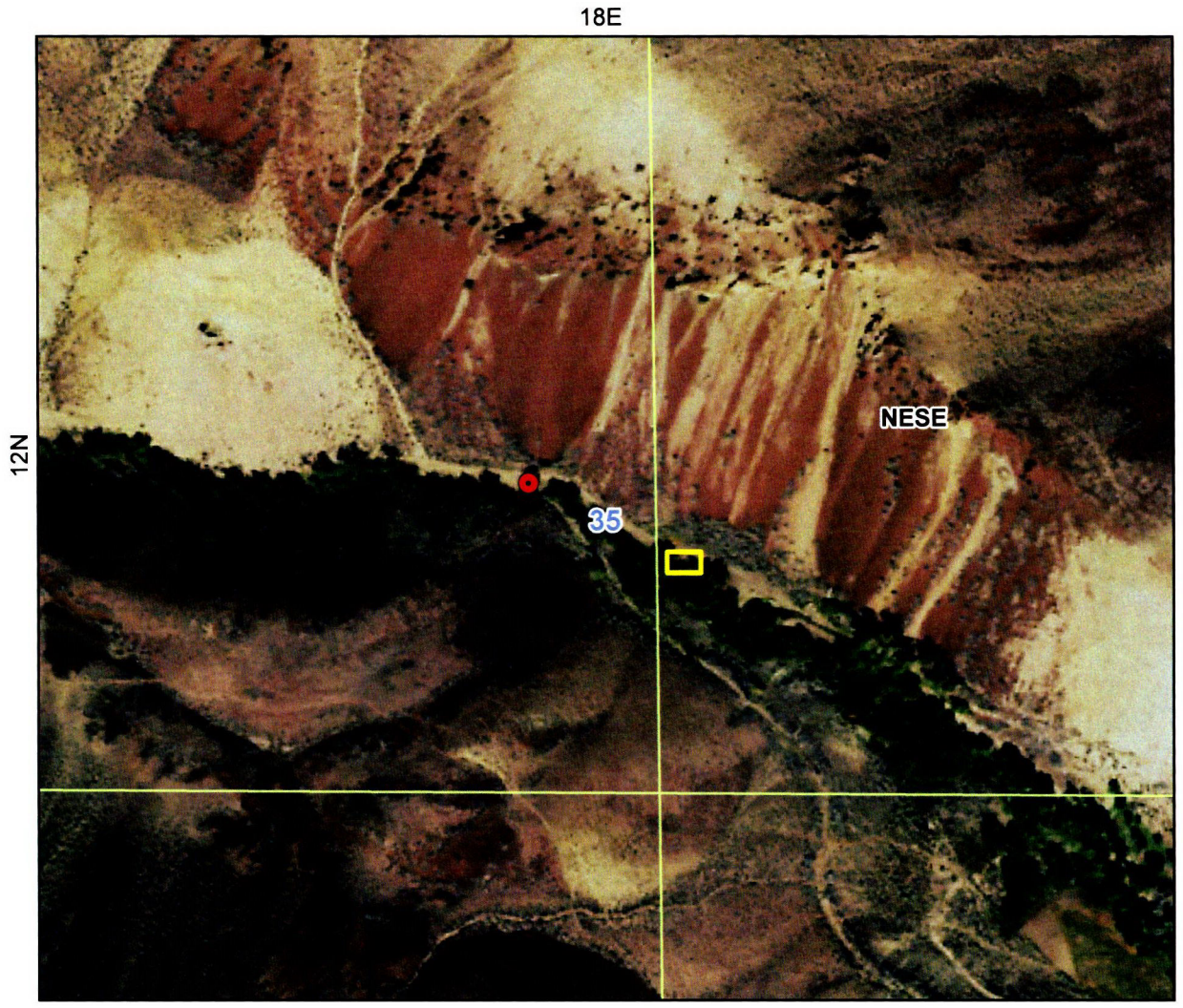
SCANNED
MAR 02 2023

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

72-17019

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.



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MAR 02 2023

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. 72-17019

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 Lyon 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 #
12N	18E	35			NW	SE	Custer	Lyon Creek	SLyC-01

5. Water will be used for the following purposes:
   Amount .80 (cfs or acre-feet per year) for Fish Propagation purposes from 4/1 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. Bottlebrush (12-inch dia. by 8-foot length) fish screen to pipe; paddle wheel 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- Receipted by InterAgency Receipt No. BILL0116301 Date _____

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SEP 09 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	
12N	18E	35													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? Bureau of Land Management
    b. Who owns the land to be irrigated or place of use? Bureau of Land Management
    c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: IDFG holds BLM ROW IDI #36144 & #37303 and recorded easement agreement from landowner.

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

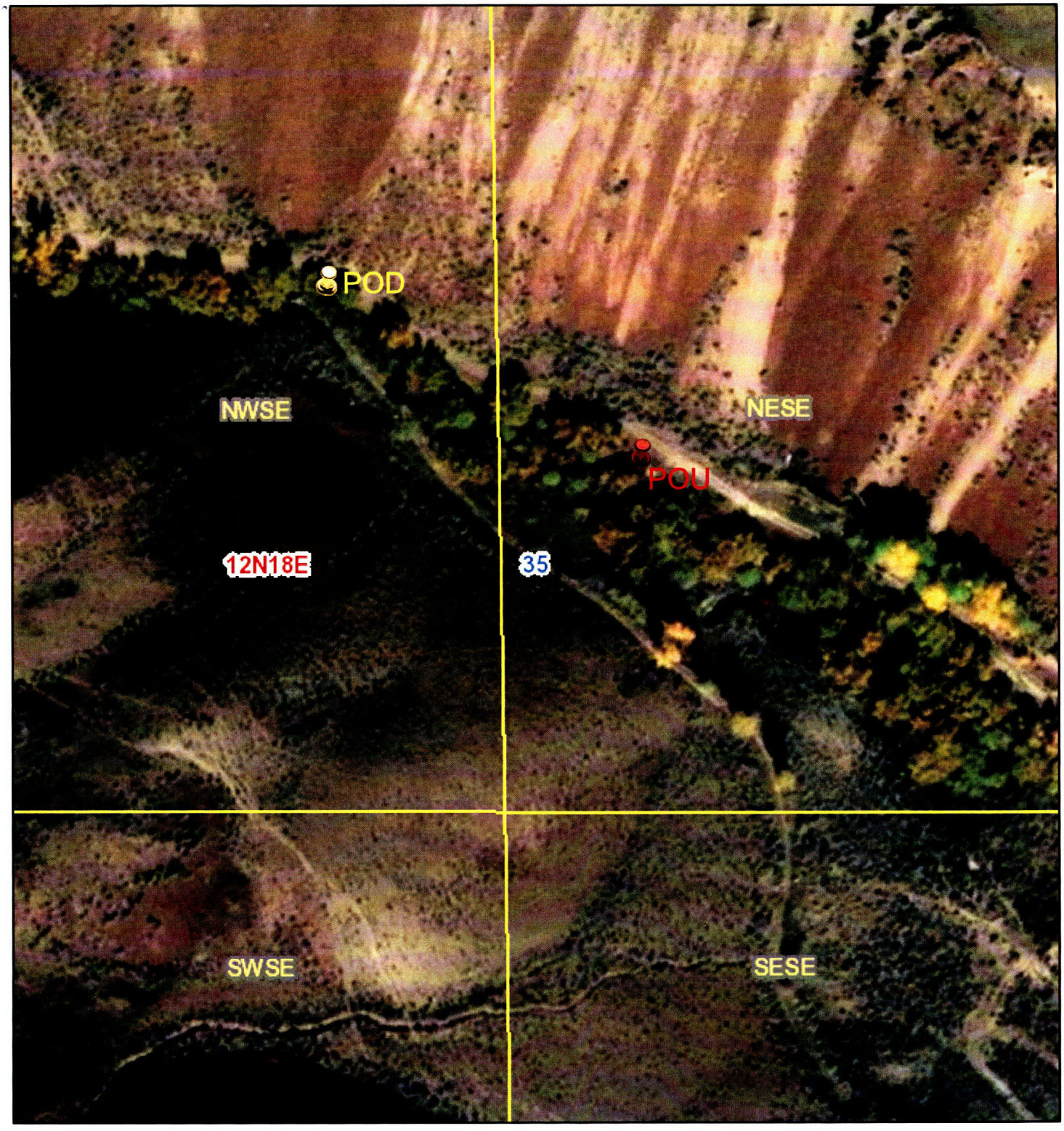
Tom Curet Regional Supervisor
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

SCANNED
SEP 09 2022

Application for Water Right; Lyon Creek-01



4/10/2020, 4:58:40 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

72-17019

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

SCANNED
SEP 09 2022
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 |

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

February 01, 2024

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

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 72-17017, 72-17018, and 72-17019

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)

c: STATE OF IDAHO

Beneficial Use Proof Evaluation

Permit Number: 72-17019 Reviewer: AVeibell Review Date: 2/1/2024

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: 1/26/2024
4) Proof Due Date: 3/1/2024
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 -- Yes
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? 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

Interagency billing initiated, proof received date will be input when interagency billing is received. Proof acknowledged.

Veibell, Amanda

From: Veibell, Amanda
Sent: Thursday, February 1, 2024 1:48 PM
To: IdwrPayable
Subject: Interagency billing IFG
Attachments: 20240201121425.pdf

Good Afternoon.

Please see the attached authorization to initiate interagency billing for $300. The fee is for 3 Statement of Completion For Submitting Proof of Beneficial Use for permits 72-17017, 72-17018, and 72-17019. IDWR receipting program outlines fees as **Fund 0229, Fund Detail 21, PCA 56104, SubObject 115**.

Please let me know if you have any 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.

RECEIVED
JAN 26 2024
DEPT. OF WATER RESOURCES

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

Brad Little / Governor
Jim Fredericks / Director

January 19, 2024

Idaho Department of Water Resources
322 E. Front Street, Suite 648
Boise, ID 83702

Dear Water Right Section:

Please initiate the Interagency billing process for three (3) "Statement of Completion for Submitting Proof of Beneficial Use" forms at $100.00 each. The fee is for water permits: 72-17017, 72-17018, and 72-17019. When processing these documents, please use the following LUMA coding:

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

Please send the billing documents to IDFG Headquarters Office, Attention: Tom Bassista, P.O. Box 25, Boise, ID 83707, or by email at thomas.bassista@idfg.idaho.gov.

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

Sincerely,

Mike Demick

Mike Demick
Easement Specialist

Enc: 3 "Statement of Completion for Submitting Proof of Beneficial Use" forms

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

December 29, 2023

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

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 72-17017, 72-17018, 72-17019

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 **March 01, 2024**. 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

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

March 2, 2023

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

RE: Permit No. 72-17018, 72-17019

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
MAR 02 2023

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,

James Bitzenburg
Water Rights Supervisor

Enclosure(s)

SCANNED
MAR 02 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2023, I served a true and correct copy of Permit to Appropriate Water No. 72-17018 and 72-17019 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 #72D
BRENT CUTLER (Watermaster)
45 BUCKBOARD LN
CHALLIS ID 83226-4998

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

Denise Maline

Denise Maline
Administrative Assistant 1

SCANNED
MAR 02 2023

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
MAR 02 2023

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
MAR 02 2023

THE CHALLIS Messenger

PROOF OF PUBLICATION
The Challis Messenger

RECEIVED
SEP 26 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 09/15/2022 last publication having been made on 09/22/2022, 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.

Collins Crapo

Subscribed and sworn to before me, on this 22nd day of September, 2022

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Beth Crossley

Notary Public
My commission expires:

_____ attached jurat _____

STATE OF IDAHO

ss.

COUNTY OF CUSTER

On this 22nd 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.

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

Beth Crossley

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

✓ DM 10/3/2022

280771

SCANNED
MAR 02 2023

AD# 280771AD#

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

71-11015
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25 BOISE, ID 83707-0025
Point of Diversion NWSW S17 T09N R14E CUSTER County Source GOLD 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 S17 NWSW
Application proposes the diversion of up to 0.80 cfs from Gold Creek for a fish screen / bypass located approximately 7.5 miles south and 3.8 miles east of the Highway 21 & Highway 75 intersection in Stanley. This application proposes the diversion and use of water from Gold Creek, a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

71-11017
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion SWSE S8 T09N R14E CUSTER County Source GOLD 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 S8 SWSE
Application proposes the diversion of up to 0.80 cfs from Gold Creek for a fish screen / bypass located approximately 6.9 miles south and 4.3 miles east of the Highway 21 & Highway 75 intersection in Stanley. This application proposes the diversion and use of water from Gold Creek, a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for non-consumptive purposes.

72-17017
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion SWNW S25 T15N R19E CUSTER County Source SALMON RIVER Tributary SNAKE 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
T15N R19E S24 L7 (SWSW)
Application for permit proposes diversion of up to 0.80 cfs from the Salmon River for use at a fish screen / bypass located approximately 6.7 miles north and 2.8 miles east of Challis. This application proposes the diversion and use of water from the Salmon River, a tributary of the Snake 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.

72-17018
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NESE S28 T09N R17E CUSTER County Source EAST FORK 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
T09N R17E S28 SENE
Application for permit proposes diversion of up to 0.80 cfs from Salmon River East Fork for use at a fish screen / bypass located approximately 12.3 miles south and 2.7 miles east of Clayton. This application proposes the diversion and use of water from East Fork Salmon River, 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.

72-17019
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NWSE S35 T12N R18E CUSTER County Source LYON 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 R18E S35 NESE
Application for permit proposes diversion of up to 0.80 cfs from Lyon Creek for use at a fish screen / bypass located approximately 4.5 miles north and 5.1 miles east of Clayton. This application proposes the diversion and use of water from Lyon 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 83301-5858 together with a protest fee of $25.00 for each application on or before **October 3, 2022.** The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: September 15, 22, 2022 (CM10591-280771)

✓ DK 10/3/2022 DM

SCANNED
MAR 02 2023

ADVERTISING RECEIPT

APG West Payment
Processing
PO Box 1570
Pocatello, ID 83204
Ph. (208) 542-6712

BILLING DATE:	ACCOUNT NO:
09/08/22	10591

12622

Christina Henman
IDWR EASTERN REGION PR/CM
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402

Denise Maline
IDWR SOUTHERN REGION
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
280771	The following applic	09/15/22	09/22/22	2	$329.90

Proof of legal notice received from Challis Messenger 9/8/2022.
*Account info needs fixed. E-mail sent 9/8/2022

DM

* Confirmation rec'd 9-21-2022.

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount

Discount:	**$0.00**
Surcharge:	**$0.00**
Credits:	**$0.00**

Gross:**$329.90**
Paid Amount:**$0.00**

Amount Due:**$329.90**

We Appreciate Your Business!

280771

SCANNED
MAR 02 2023

AD# 280771AD#

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

71-11015
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25 BOISE, ID 83707-0025
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IDAHO FISH & GAME COMMISSION
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IDAHO FISH & GAME COMMISSION
PO BOX 25
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72-17018
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NESE S28 T09N R17E CUSTER County Source EAST FORK Tributary SALMON RIVER
Use: FISH PROPAGATION 04/01 to 10/31 0.8 CFS
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Place Of Use: FISH PROPAGATION
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72-17019
STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE, ID 83707-0025
Point of Diversion NWSE S35 T12N R18E CUSTER County Source LYON 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 R18E S35 NESE
Application for permit proposes diversion of up to 0.80 cfs from Lyon Creek for use at a fish screen / bypass located approximately 4.5 miles north and 5.1 miles east of Clayton. This application proposes the diversion and use of water from Lyon 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.

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GARY SPACKMAN
Director

Published: September 15, 22, 2022 (CM10591-280771)

OK DW 9-8-2022

SCANNED
MAR 02 2023

[redacted] [redacted]

State of Idaho

Department of Water Resources

RECOMMENDATION FORM

RECEIVED
SEP 19 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Application for Permit No.72-17019

New Appropriation Applicant's Name: IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025

Watermaster's Recommendation:

a) _____ I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows:

c) X I oppose approval of this application for the following reasons:
they have water returning to the river at the traps. they don't need any more water, its not productive

d) _____ Additional comments:

Dated this 14 day of Sept, 2022

Water District 72D

Watermaster's Signature

Brent Cutler

Printed Name

SCANNED
MAR 02 2023

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 8, 2022

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

RE: Application for Permit No(s). 71-11015, 71-11017, 72-17017, 72-17018 & 72-17019

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 **CHALLIS MESSENGER on 9/15/2022 and 9/22/2022**. 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 **October 3, 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 09 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 8, 2022 4:33 PM
To: IWRB Water Use Reviews
Subject: Fish screen applications for F&G Commission
Attachments: 71-11017 F&G Commission.pdf; 72-17017 F&G Commission.pdf; 72-17018 F&G Commission.pdf; 72-17019 F&G Commission.pdf; 71-11015 F&G Commission.pdf

Good afternoon,

The department is currently processing the attached (5) water right applications located within the Stanly Basin. 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 09 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 8, 2022 4:18 PM
To: Graybill, David
Subject: Comment Letters for Fish & Game Commission applications
Attachments: Comment letter to WD170 for 71-11015, etc. F&G Commission.docx; 72-17017 F&G Commission.pdf; 72-17018 F&G Commission.pdf; 72-17019 F&G Commission.pdf; 71-11015 F&G Commission.pdf; 71-11017 F&G Commission.pdf

Hi David,

Attached are (5) applications that are currently being processed by the department. These applications are located within WD71, WD72D, WD72F / WD170. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact either Kent Aasa or Benny Walker.

Thank you in advance,

Denise

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 09 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 8, 2022

WATER DISTRICT 170
DAVID GRAYBILL
102 S WARPATH
SALMON ID 83467

RE: Application for Permit No(s). 71-11015, 71-11017, 72-17017, 72-17018 & 72-17019
(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 09 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 8, 2022

WATER DISTRICT 72D
BRENT CUTLER
45 BUCKBOARD LN
CHALLIS ID 83226-4998

RE: Application for Permit No(s). 72-17018 & 72-17019 (Fish & Game Commission)

Dear Brent:

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 09 2022

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 8, 2022 11:44 AM
To: Challis Messenger
Subject: LEGAL NOTICE - Challis Messenger
Attachments: Challis Messenger cover letter.docx; Challis Messenger ad.docx

Attached please find **(1)** legal notice being submitted for publication in the *Challis Messenger* on September 15th & 22nd, 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

SCANNED
SEP 09 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 8, 2022

LEGAL NOTICE DEPARTMENT
CHALLIS MESSENGER
PO BOX 405
CHALLIS, ID 83226-0405

RE: Application for Permit No(s). 71-11015, 71-11017, 72-17017, 72-17018 & 72-17019

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 October 3, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

SCANNED
SEP 09 2022

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

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SCANNED
SEP 09 2022

72-17018
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Point of Diversion NESE S28 T09N R17E CUSTER County Source EAST FORK Tributary SALMON RIVER
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Date Filed: 07-29-2022
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Place Of Use: FISH PROPAGATION
T12N R18E S35 NESE
Application for permit proposes diversion of up to 0.80 cfs from Lyon Creek for use at a fish screen / bypass located approximately 4.5 miles north and 5.1 miles east of Clayton. This application proposes the diversion and use of water from Lyon 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 83301-5858 together with a protest fee of $25.00 for each application on or before **October 3, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on September 15th & 22nd, 2022

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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 09 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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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

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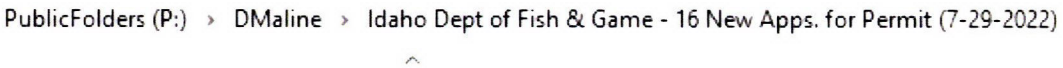
Maline, Denise

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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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)

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