

RECEIVED

NOV 16 2023

DEPARTMENT 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.
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. 74-16266 Name of Permit Holder(s) Midway Properties LLC
Telephone No. 208-940-0379 Email nelsonangus ranch@yahoo.com
Mailing Address 74 Lemhi Rd City Salmon State ID Zip 83467

2. Source of Water Well If Ground Water (well), Date Drilled mo. Aug / yr. 2022
Drilling Permit/Tag No. Drilling Company's Name

3. Extent of use(s) completed as authorized by the water right permit:
Domestic (No. households) Irrigation (No. acres) <1 Stockwater (No. and stock type) 150 head Beef Cattle
Other Irrigate 10 trees + Stock water @ 1560 gallons per day for 50 days

4. Total diversion rate or volume (storage only) for which proof is submitted 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.)
Submersible pump in the well with small pressure tank and distribution lines to stock tanks & trees.

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 \$ 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: Steve Herbst Telephone No. 208-940-0379 Email
Mailing Address 74 Lemhi Rd 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: Steve Herbst
Printed Name and Title: Steve Herbst
Date: 11-10-2023

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

State of Idaho  
 Department of Water Resources  
**Permit to Appropriate Water**  
 No. 74-16266

**Priority:** August 11, 2022

**Maximum Diversion Rate:** 0.04 CFS

This is to certify that

MIDWAY PROPERTIES LLC  
 74 LEMHI RD  
 SALMON ID 83467

has applied for a permit to appropriate water from:

**Source :** GROUND WATER

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
DOMESTIC	01/01 to 12/31	0.03 CFS
STOCKWATER	01/01 to 12/31	0.01 CFS

**Location of Point(s) of Diversion**

GROUND WATER L4 ( SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>), Sec. 19, Twp 17N, Rge 25E, B.M. LEMHI County

**Place of Use: DOMESTIC**

Twp	Rng	Sec	NE				NW				SW				SE							
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
17N	24E	24																				X
17N	25E	19									X	X	X	X								

**Place of Use: STOCKWATER**

Twp	Rng	Sec	NE				NW				SW				SE							
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
17N	25E	19											X	X								

**Conditions of Approval**

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2024**.
2. Subject to all prior water rights.
3. Domestic use is for a cabin and RV/camp sites.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Stockwater use is for 200 cattle.
6. The quantity of water under this right shall not exceed 13,000 gallons per day.
7. 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. 74Q.

SCANNED  
 DEC 17 2022

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 74-16266

8. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
9. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
10. This right does not grant any right-of-way or easement across the land of another.

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

Signed this 12<sup>th</sup> day of December, 2022.



---

JAMES CEFALO  
Eastern Regional Manager

SCANNED  
DEC 12 2022

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho  
No. 74-16266

**RECEIVED**

AUG 11 2022

Department of Water Resources  
Eastern Region

**1. Applicant(s)**

MIDWAY PROPERTIES LLC  
74 LEMHI RD  
SALMON ID 83467  
208-940-0379,  
NELSONANGUSRANCH@YAHOO.COM

**2. Representative(s) N/A**

**3. Source of Water Supply:**

Source : GROUND WATER

**4. Location of Point(s) of Diversion:**

Heading	Point of Diversion # 1
Source	GROUND WATER
Tributary of	
Township	17N
Range	25E
Section	19
Govt. Lot	4
QQQ/QQ/Quarter	SW $\frac{1}{4}$ SW $\frac{1}{4}$
County	LEMHI
Diversion Type	
Local name or Tag#	
Type and size of devices	Water is to be delivered with a 1-2 horse electric submersible pump from a 220 foot well
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	6 inches / 220 feet
Water Temp > 85°F?	No
Drilled Date	
Drilling firm	
Property Owner	Applicant
Access Arrangement Description	N/A

**5. Water will be used for the following purposes:**

Purposes	Season	Rate	Volume	Description
STOCKWATER	1 /1 to 12/31	0.01 CFS		Livestock: 200 Cattle
DOMESTIC	1 /1 to 12/31	0.03 CFS		N/A Home(s)

**6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) Not Stated acre-feet / year (af).**

**7. Proposed diverting works:**

a. If an existing well, who was the well drilled for? Drilling Permit No.

**8. Describe other proposed water uses : N/A**

For Department Use

Received by \_\_\_\_\_ Date 8/11/22 Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 100 Received by \_\_\_\_\_ Receipt No. 7113659 Date 8/11

74-16266

**SCANNED**  
OCT 26 2022

**9. Description of place of use:**

**Place of Use:** STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
17N	25E	19											X L4	X						

**Place of Use:** DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
17N	24E	24																	X	
17N	25E	19								X	X L3	X L4	X							

**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?**

- 11.**
- a. **Who owns the land to be irrigated or place of use?** Applicant.
  - b. **If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:**

**12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.**  
 Stockwater on lot 196003; domestic & irrigation of trees garden less than .5 acres total on all three lots identified.

**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

Signature of Applicant

\_\_\_\_\_  
 MIDWAY PROPERTIES LLC

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho  
No. 74-16266

**1. Applicants**

Steven Herbst  
74 Lemhi Rd  
Salmon ID 83467  
2089400379  
nelsonangusranch@yahoo.com

Midway Properties LLC  
74 Lemhi Rd  
Salmon ID 83467  
2089400379  
nelsonangusranch@yahoo.com

Janna Herbst  
74 Lemhi Rd  
Salmon ID 83467  
2089401379  
anna Herbst@gmail.com

**2. Representatives**

Submitter is one of the applicants

**3. Source of Water Supply**

Source : GROUND WATER

**4. Location of Point(s) of Diversion**

POD #	Source	Tributary Of	Diversion Type	Township	Range	Section	Govt Lot	QQ/Q/Q/Q	County
1	GROUND WATER			17N	25E	19	4	/SW/SW	LEMHI

**5. Water will be used for the following purposes:**

Purposes	Season	Rate	Volume	Description
STOCKWATER	01/01 to 12/31	0.01 cfs	0.00 afa	Stockwater contained drinking troughs
DOMESTIC	01/01 to 12/31	0.03 cfs	0.00 afa	Use is for a cabin/residence/campers and irrigation of yard/trees no more than .5 acres combined.

**6. Total quantity to be appropriated is (a) 0.04 cfs and/or 0 afa**

**7. Proposed Diverting Works:**

POD No :1  
Description: Water is to be delivered with an 1-2 horse electric submersible pump from a 220 foot well  
Well Depth :220.00  
Well Diameter :6.00  
Geothermal Water :False  
Water Bearing Zone Start:198.00  
Water Bearing Zone End:210.00

**8. Description of Place Of Use:**

STOCKWATER								
Township	Range	Section	QQ	Q	County	Govt Lot	Acres	
17N	25E	19	SW	SW	LEMHI	4		
17N	25E	19	SE	SW	LEMHI			
DOMESTIC								
Township	Range	Section	QQ	Q	County	Govt Lot	Acres	
17N	25E	19	NW	SW	LEMHI	3		
17N	25E	19	SW	SW	LEMHI	4		
17N	24E	24	SE	SE	LEMHI			
17N	25E	19	NE	SW	LEMHI			
17N	25E	19	SE	SW	LEMHI			

**9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping.**  
NONE

**10. Land Ownership**

- o Who owns the land to be irrigated or place of use? Applicant
- o Who owns the land at the point of diversion? Applicant

**12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.**

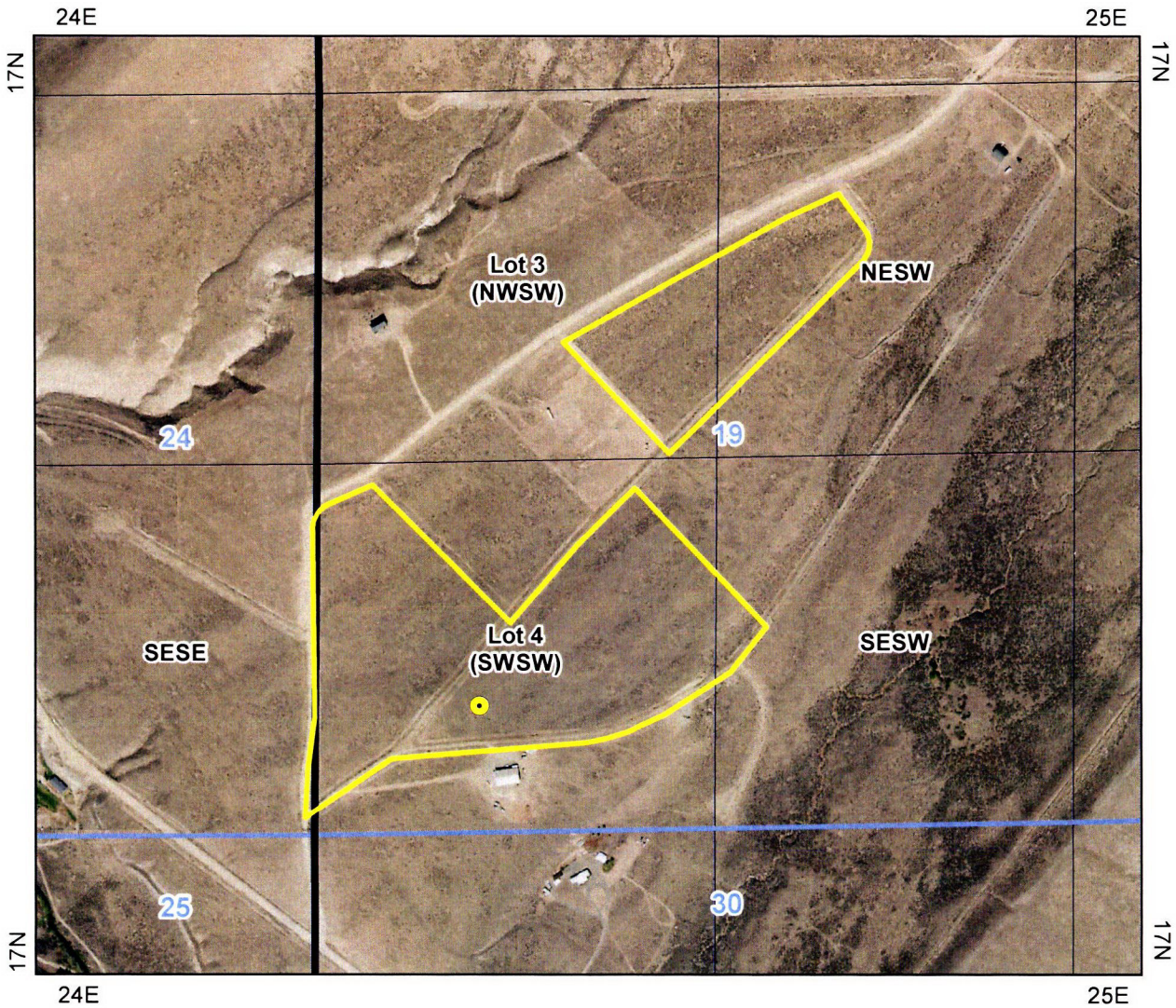
Stockwater on lots 196003, domestic c, & irrigation of trees garden less than .5 acres total on all three lots identified.






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

SCANNED  
OCT 26 2022

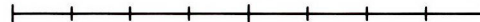
74-16266

State of Idaho  
Department of Water Resources  
**Application For Permit**  
74-16266



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

0 0.075 0.15 0.3 Miles

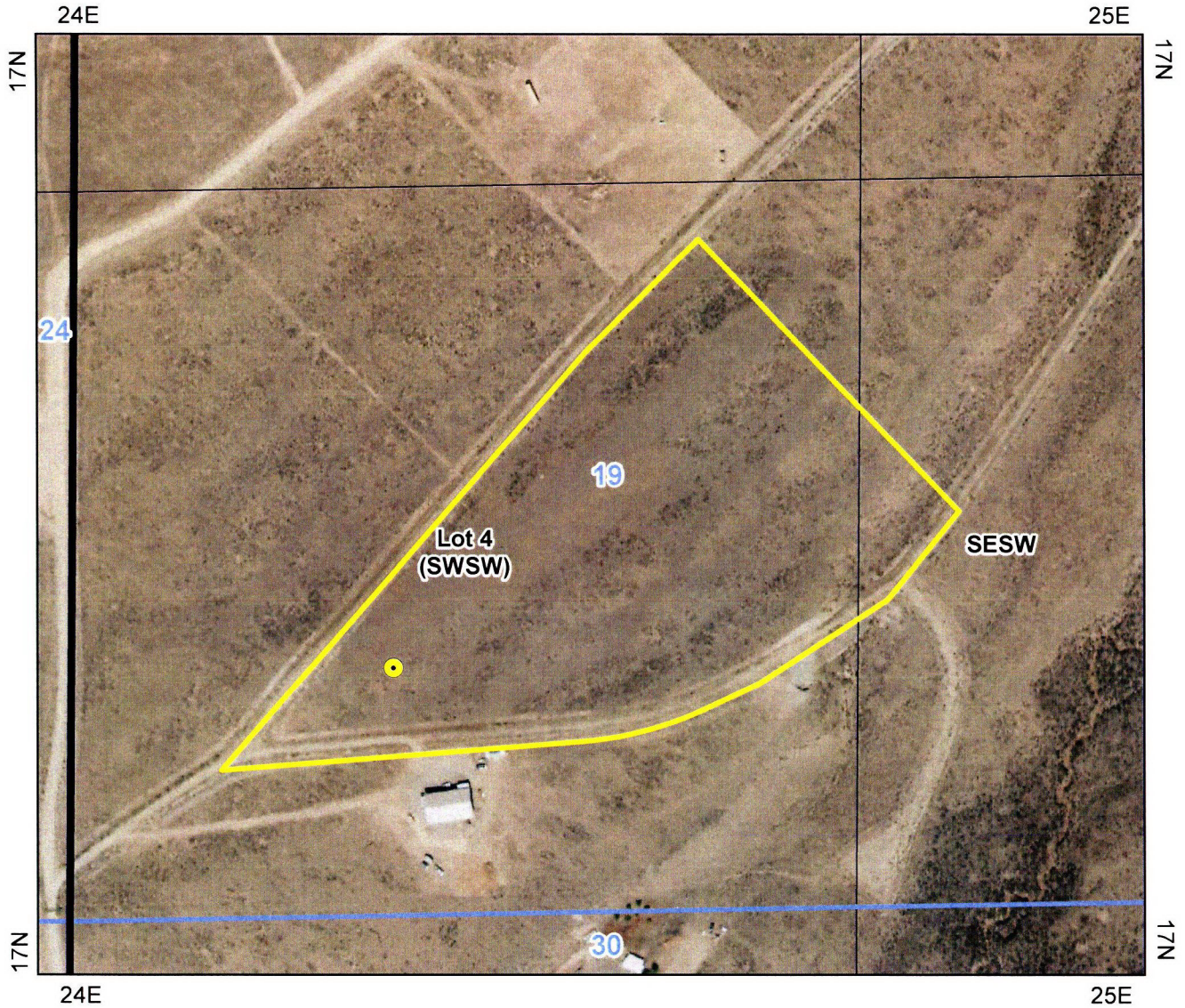







Prepared By: Web User

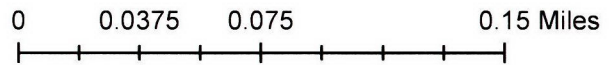
74-16266

SCANNED  
OCT 26 2022

State of Idaho  
Department of Water Resources  
**Application For Permit**  
74-16266



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



SCANNED  
OCT 26 2022



0004498234



**STATE OF IDAHO**  
*Office of the secretary of state, Lawrence Denney*  
**ANNUAL REPORT**  
 Idaho Secretary of State  
 PO Box 83720  
 Boise, ID 83720-0080  
 (208) 334-2301  
 Filing Fee: \$0.00

*For Office Use Only*  
**-FILED-**  
 File #: 0004498234  
 Date Filed: 11/15/2021 8:36:40 PM

Entity Name and Mailing Address:

Entity Name: MIDWAY PROPERTIES LLC  
 The file number of this entity on the records of the Idaho Secretary of State is: 0000443076  
 Address: 74 LEMHI RD  
 SALMON, ID 83467-5139

Entity Details:

Entity Status: Active-Existing  
 This entity is organized under the laws of: IDAHO  
 If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W145500

The registered agent on record is:

Registered Agent: JANNA HERBST  
 Registered Agent  
 Physical Address: 74 LEMHI RD  
 SALMON, ID 83467  
 Mailing Address:

Limited Liability Company Managers and Members

Name	Title	Business Address
Janna Herbst	Manager	74 LEMHI RD SALMON, ID 83467
<input checked="" type="checkbox"/> Steven Herbst	Member	74 LEMHI RD SALMON, ID 83467

The annual report must be signed by an authorized signer of the entity.  
 Job Title: Manager

*Janna Herbst* \_\_\_\_\_ 11/15/2021  
 Sign Here Date

B0663-0169 11/15/2021 8:36 PM Received by ID Secretary of State Lawrence Denney

74-16266

SCANNED  
OCT 26 2022

December 21, 2023

GARY PRUITT  
SHARON PRUITT  
18417 N ABIGAIL LN  
SPOKANE WA 99208-8266

### PROOF DEFICIENCY LETTER

**RE: Lapsed Permit No. 96-9811**

Dear Permit Holders:

On December 18, 2023, the Department received a Statement of Completion for filing proof of beneficial use (proof) without the required license examination fee for permit 96-9811 (permit). According to Department records, the permit lapsed because the appropriate proof or a Request for Extension of Time for filing proof of beneficial use (extension) was not received on or before the proof of beneficial use due date of **August 01, 2021**.

On August 5, 2021, the Department sent a Lapse Notice to the permit holder of record providing a 60-day period to file either a proof or extension for this permit that would allow for reinstatement of the lapsed permit. Because your proof statement was received by the Department after the 60-day period it cannot be processed without additional requirements. I am returning your proof form to you.

**This letter is to provide you with information for reinstatement of a permit more than 60 days after notice of lapsing. Also, to inform you the priority date of the permit will be advanced to the date an acceptable proof is filed that complies with all of the requirements of Idaho Code § 42-218a(3), which reads:**

In connection with a proof of beneficial use statement submitted more than sixty (60) days after such notice of lapsing, the director shall require all of the following items to be submitted to the Department: **(a)** A report prepared by a certified water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved. The report shall be on the form or forms specified by the director and shall provide the information specified in section 42-217, Idaho Code, for confirming beneficial use and such other information as may be required by the director. **(b)** A statement of reasonable cause for filing a late proof of beneficial use. **(c)** A reinstatement fee of two hundred fifty dollars (\$250). Upon finding that beneficial use had occurred during the authorized period and upon a

showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

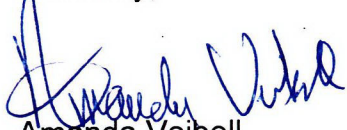
The field report required by Idaho Code § 42-218a(3)(a) must clearly confirm and establish the extent of the beneficial use of water during the authorized development period of the permit from July, 24, 2020 to August 1, 2021. The Request to Reinstate a Permit Lapsed more than Sixty Days form required under Idaho Code § 42-218a(3)(b) must provide reasonable cause for filing proof late and be accompanied by a \$250.00 reinstatement application fee required under Idaho Code § 42-218a(3)(c).

**Permit 96-9811 remains lapsed and is of no force nor effect.**

If you cannot meet the requirements explained above to reinstate this permit, you may be able to apply for a new water right permit or seek other remedies. Please contact our regional office in your area for information related to new appropriations or other options. Department forms are available from any Department office or at the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

If you have any questions regarding this permit, please contact me at (208) 287-4945.

Sincerely,



Amanda Veibell  
Technical Records Specialist

Enclosure

RECEIVED  
DEC 18 2023  
IDWR / NORTH

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**RETURNED**  
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 an Assignment of Permit 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. 96-9811 Name of Permit Holder(s) Gary and Sharon Pruitt

Telephone No. 425-891-8056 Email sharonmpruitt@gmail.com

Mailing Address 18417 N Abigail Ln City Spokane State Wa Zip 99208

2. Source of Water Pend Oreille River If Ground Water (well), Date Drilled mo. \_\_\_\_\_ / yr. \_\_\_\_\_

Drilling Permit/Tag No. \_\_\_\_\_ Drilling Company's Name \_\_\_\_\_

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

Domestic (No. households) Yes Irrigation (No. acres) 1 Stockwater (No. and stock type) \_\_\_\_\_

Other Period of use: 04/01 to 10/31 Rate of diversion .04CFS

4. Total diversion rate or volume (storage only) for which proof is submitted \_\_\_\_\_ 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.)

Pump We just now found that the contractor did not file this form

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

All are no.

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 \$ \_\_\_\_\_ 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: See above Telephone No. \_\_\_\_\_ Email \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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.

Gary E Pruitt  
SIGNATURE OF PERMIT HOLDER\*

Gary Pruitt  
PRINTED NAME AND TITLE

12/05/23  
DATE

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

RECEIVED  
DEC 18 2023  
IDWR / NORTH

RECEIVED  
DEC 21 2023  
DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES  
**STATEMENT OF COMPLETION**

SUBMITTING PROOF OF BENEFICIAL USE

<b>FOR OFFICE USE ONLY</b>	
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 an Assignment of Permit 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. 96-9811 Name of Permit Holder(s) Gary and Sharon Pruitt  
Telephone No. 425-891-8056 Email sharonmpruitt@gmail.com  
Mailing Address 18417 N Abigail Ln City Spokane State Wa Zip 99208

2. Source of Water Pend Oreille River If Ground Water (well), Date Drilled mo. \_\_\_\_\_ / yr. \_\_\_\_\_  
Drilling Permit/Tag No. \_\_\_\_\_ Drilling Company's Name \_\_\_\_\_

3. Extent of use(s) completed as authorized by the water right permit:  
Domestic (No. households) Yes Irrigation (No. acres) 1 Stockwater (No. and stock type) \_\_\_\_\_  
Other Period of use: 04/01 to 10/31 Rate of diversion .04CFS

4. Total diversion rate or volume (storage only) for which proof is submitted \_\_\_\_\_ 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.)  
Pump We just now found that the contractor did not file this form

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

All are no.

7. Fee Enclosed \$ \_\_\_\_\_ 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: See above Telephone No. \_\_\_\_\_ Email \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**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.**

Gary E Pruitt \_\_\_\_\_ Gary Pruitt \_\_\_\_\_ 12/05/23 \_\_\_\_\_  
SIGNATURE OF PERMIT HOLDER\* PRINTED NAME AND TITLE DATE

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



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

December 07, 2023

MIDWAY PROPERTIES LLC  
74 LEMHI RD  
SALMON ID 83467

**PROOF ACKNOWLEDGEMENT LETTER**

**RE: Permit No. 74-16266**

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](http://www.idwr.idaho.gov).**

If you have any questions concerning the field examination, please contact the Eastern Region Office of the Department located in Idaho Falls at (208) 525-7161.

Sincerely,

Amanda Veibell

Technical Records Specialist

Enclosure(s)

# Memo

**To:** 74-16266

**From:** Jean Hersley 

**Date:** 12/07/2023

**Re:** In-office exam

---

The Department received a Statement of Completion on November 16, 2023 for this permit. The permit qualified for an in-office exam. After looking at imagery from ArcMap (2021), Lemhi County (2023) and Google Earth (2023), there wasn't enough evidence of development. This will go in the queue for the regional office to conduct an on-site field exam.

# Beneficial Use Proof Evaluation

---

Permit Number: 74-16266 Reviewer: AVeibell Review Date: 11/21/2023

## 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: 11/16/2023
- 4) Proof Due Date: 1/1/2024
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 1
- 7) Number of days late: -47
- 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 --No
  - c. Fish Screen -- No
- 3) Are the required items installed? Yes
  - a. Measuring Device -- No
  - b. Lockable Device --No
  - c. Fish Screen -- No
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number: 906593
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? Yes
- 8) Is proof accepted? Yes

## Fees

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

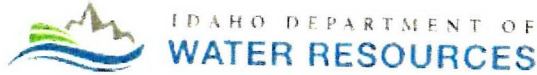
## Receipt IDs

T113659

## Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.

*Returned to queue for an on site exam.*



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Mathew Weaver

October 31, 2023

MIDWAY PROPERTIES LLC  
74 LEMHI RD  
SALMON ID 83467

### NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 74-16266

**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 **January 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,

A handwritten signature in blue ink that reads "Amanda Veibell".

Amanda Veibell  
Technical Records Specialist

Enclosure(s)



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

December 12, 2022

MIDWAY PROPERTIES LLC  
74 LEMHI RD  
SALMON ID 83467

RE: Permit No. 74-16266

### Permit Approval Notice

Dear Permit Holder:

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](http://idwr.idaho.gov) for more information about these programs.

SCANNED  
DEC 12 2022

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

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,



James Cefalo  
Eastern Regional Manager

Enclosure(s)

**CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2022, I served a true and correct copy of Permit to Appropriate Water No. 74-16266 by U.S. Mail, postage prepaid, to the following:

MIDWAY PROPERTIES LLC  
74 LEMHI RD  
SALMON ID 83467



---

Christina Henman  
Administrative Asst. I

## **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.

## Lafortune, Thomas

---

**From:** Steve Herbst <nelsonangusranch@yahoo.com>  
**Sent:** Wednesday, November 30, 2022 12:58 PM  
**To:** Lafortune, Thomas  
**Subject:** Re: Utility Easement

**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

---

I sent you the documents. Please acknowledge receipt thank you

Sent from my iPhone

On Nov 30, 2022, at 11:10 AM, Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov> wrote:

Hi Steve,

You can reply to this email with a copy of the easement whenever you have a chance.

Thank you,

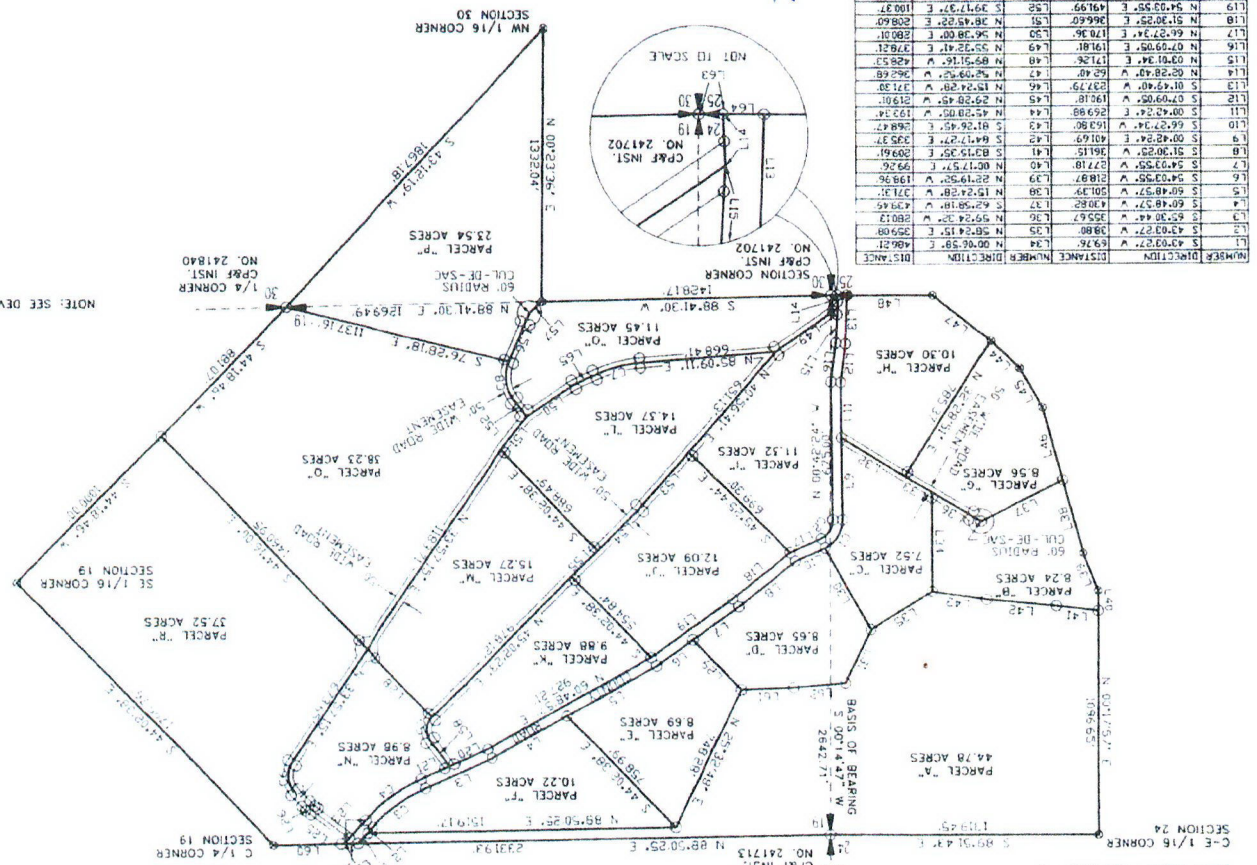
Thomas Lafortune  
Water Resources Agent  
*Idaho Department of Water Resources*  
Phone: (208) 497-3779

SCANNED

LOT	SPLITS REMAINING
1	0
2	0
3	0
4	0
5	0
6	0
7	0
8	0
9	0
10	0
11	0
12	0
13	0
14	0
15	0
16	0
17	0
18	0
19	0
20	0
21	0
22	0
23	0
24	0
25	0
26	0
27	0
28	0
29	0
30	0
31	0
32	0
33	0
34	0
35	0
36	0
37	0
38	0
39	0
40	0
41	0
42	0
43	0
44	0
45	0
46	0
47	0
48	0
49	0
50	0
51	0
52	0
53	0
54	0
55	0
56	0
57	0
58	0
59	0
60	0
61	0
62	0
63	0
64	0
65	0
66	0
67	0
68	0
69	0
70	0
71	0
72	0
73	0
74	0
75	0
76	0
77	0
78	0
79	0
80	0
81	0
82	0
83	0
84	0
85	0
86	0
87	0
88	0
89	0
90	0
91	0
92	0
93	0
94	0
95	0
96	0
97	0
98	0
99	0
100	0

Part of  
Section 24, T 17 N, R 24 E and of  
Sections 19 & 30, T 17 N, R 25 E, B.M.,  
Lemhi County, Idaho.

NOTE: SEE RECORD OF SURVEY INSTRUMENT NUMBER 242121  
ALL COMMON LOT LINES HAVE A UTILITY EASEMENT 10 FEET ON BOTH SIDES OF SAID LINES.  
ALL LOTS LINES HAVE A TEN-FOOT WIDE UTILITY EASEMENT ADJOINING ALL ROAD CASEMENTS.



NUMBER	DELTA ANGLE	RADIUS	TANGENT	ARC LENGTH	CHORD LENGTH
C1	67.0958°	192.20	99.28	175.00	165.15
C2	67.0958°	99.28	65.92	116.35	109.84
C3	22.2717°	837.87	165.32	328.37	345.74
C4	22.2717°	887.87	176.24	347.97	366.27
C5	81.1412°	90.85	77.92	128.81	118.29
C6	81.1412°	112.50	91.53	153.17	142.00
C7	20.2537°	648.56	116.85	231.22	230.00
C8	62.2347°	183.68	111.23	200.03	190.29

I-675  
1144  
L-651  
688

**LOT SPLIT PLAN**

**KARI TELFER**  
Sec. 24, T 17 N, R 24 E, B.M.  
Sec. 19 & 30, T 17 N, R 25 E, B.M.

**TAYLOR MOUNTAIN SURVEYING**  
PROFESSIONAL LAND SURVEYING  
301 WALKER STREET  
COON VALLEY, IDAHO 83417  
(208) 754-1371

DATE: 05-17-07  
SHEET: 02-11-02

**LEGEND**

- Section corner control
- Placed 1/2" x 24" Rubber with a plastic cap marked TMS LS 8348.
- Found 5/8" Rubber with a plastic cap marked WLS 5080.
- POINT OF BEGINNING

NOTE: SEE DEVELOPMENT AGREEMENTS FILED AS INSTRUMENT NUMBER 271350 & 271618

**SURVEYORS CERTIFICATE**

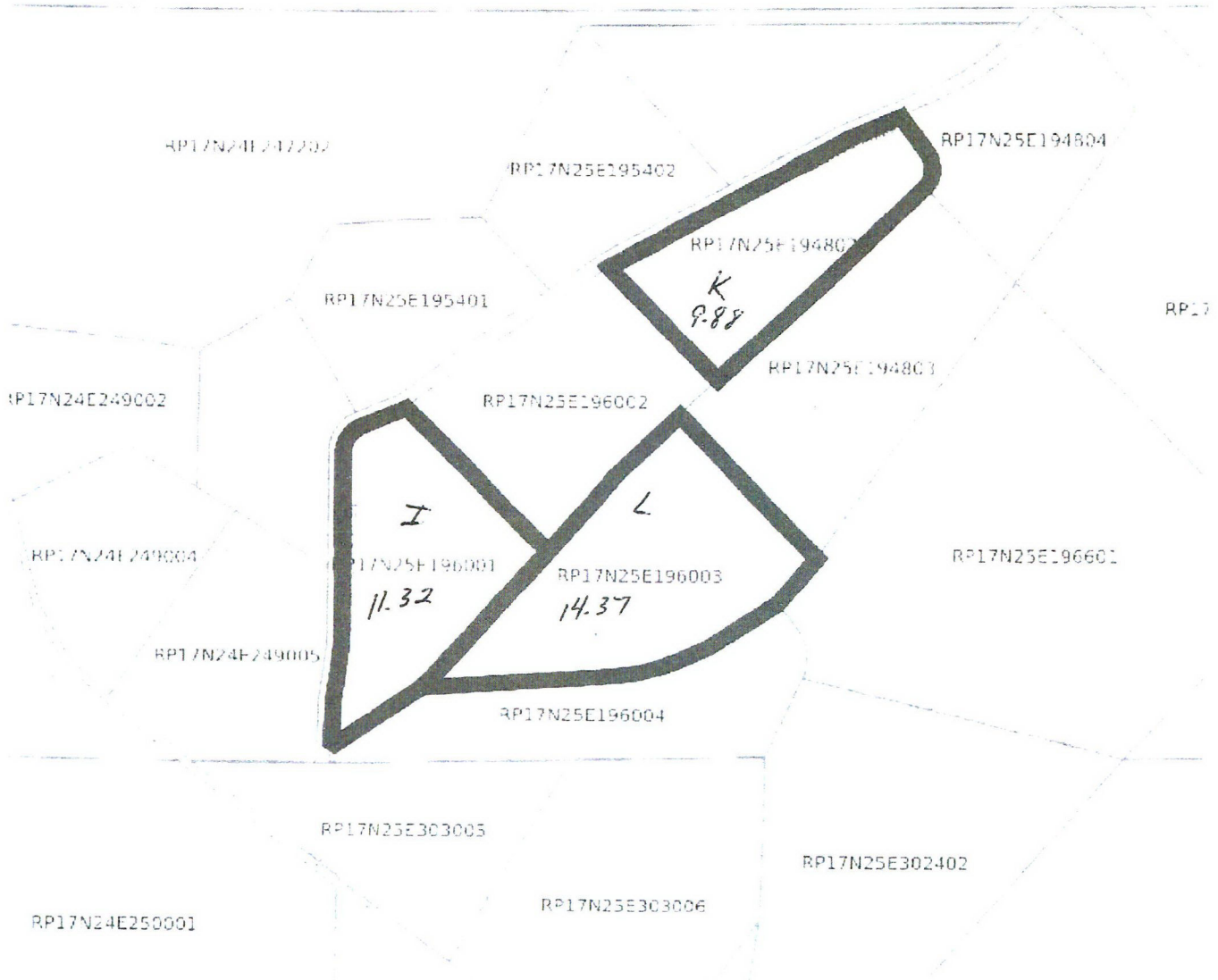
I, Thomas Taylor, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey computed and by subscription the survey completed.

Thomas Taylor  
REGISTERED PROFESSIONAL LAND SURVEYOR  
STATE OF IDAHO  
8348  
T. Taylor  
5/17/07

Time: 5:01 Date: 23 Month: May Year: 2007  
Book: 4 Page: 42 Instrument No: 271618  
Recorder: James J. Maxson  
By: Chynna Jordan

Scale 1" = 400'

APPROVED  
MAY 17 2007



This Plat is Approximate and Informational Only as per Lemhi County, Idaho tax parcel mapping system.

T- 17N, 25E See 19

APPLICATION FOR PERMIT  
NO. 74-16266, 75-15057

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

74-16266

MIDWAY PROPERTIES LLC, 74  
LEMHI RD, SALMON, ID 83467

Point of Diversion L4( SWSW) S19  
T17NR25E LEMHI County

Source GROUND WATER Tributary

Use: STOCKWATER

1 /1 to 12/31

0.01 CFS

Use: DOMESTIC

1 /1 to 12/31

0.03 CFS

Total Diversion:

0.04 CFS

Date Filed: 08-11-2022

Place Of Use: DOMESTIC

T17N R24E S24

SESE

Place Of Use: DOMESTIC

T17N R25E S19

L3(NWSW),L4(SWSW),NESW,SESW

Place Of Use: STOCKWATER

T17N R25E S19

L4(SWSW),SESW

This application proposes the diver-  
sion and use of water from ground water  
tributary to 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 sub-  
ordination provision because the diver-  
sion rate will be applied to the subordina-  
tion amounts specified in the decree for  
the Wild & Scenic River listed above.

75-15057

MATT & KIM SHEPPARD, 16 ELI  
LN, SALMON, ID 83467-5094

Point of Diversion SESW S8 T21N  
R22E LEMHI County

Source WASTE WATER Tributary  
SALMONRIVER

Point of Diversion SESW S8 T21N  
R22E LEMHI County

Source WASTE WATER Tributary  
SALMONRIVER

Use: IRRIGATION

4 /1 to 10/31

0.13 CFS

Total Diversion:

0.13 CFS

NOV 25 2022  
SCANNED

SMC

RECEIVED

NOV 14 2022

Department of Water Resources  
Eastern Region

# Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-  
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and  
of general circulation therein. That the APPLICATION FOR PERMIT NO. 74-16266, 75-  
15057 a true printed copy of which is attached to the margin hereof, has been and was  
correctly printed and published in the regular and entire issue of every number of said  
newspaper and not in any supplement thereof or thereto for TWO (2) consecutive issue(s),  
commencing with the issue dated 11-03-2022 and ending with the issue dated 11-10-2022.

STATE OF IDAHO

County of Lemhi

ss.

On this 10th day of November in this year of 2022 before me, A Notary Public, personally  
appeared RICKY G. HODGES, known or identified to me to be the person whose name  
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 executed the same.

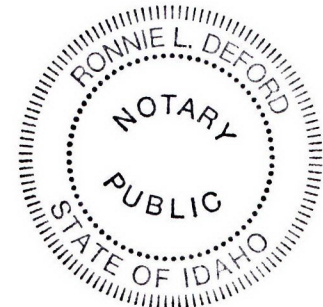
Notary Public for Idaho

Residing At Salmon, Idaho

Commission expires 04-10-2023

Publication Fee \$214.20

OK CH  
63100



Date Filed: 09-14-2022  
Place Of Use: IRRIGATION  
T21N R22E S8  
SESW  
Total Acres: 4.2

This application proposes the diversion and use of water from waste water tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 11/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on 11/3/2022 and 11/10/2022

11-03-2tc

SCANNED  
NOV 25 2022



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

October 26, 2022

TIM AMONSON  
14 ZEPH CREEK RD  
LEADORE, ID 83464-5045

RE: Application for Permit No. 74-16266

Dear Watermaster:

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,

A handwritten signature in blue ink, appearing to read "CH", is written over a faint, illegible typed name.

Christina Henman  
Administrative Asst. I

Enclosure(s)

SCANNED

OCT 29 2022

## Henman, Christina

---

**From:** Henman, Christina  
**Sent:** Wednesday, October 26, 2022 4:10 PM  
**To:** Graybill, David  
**Subject:** Application for Permit of 75-15057, 74-16266  
**Attachments:** tmp7D16.docx; tmp68A0.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. 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 unopposed 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.

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

## Henman, Christina

---

**From:** Henman, Christina  
**Sent:** Wednesday, October 26, 2022 4:15 PM  
**To:** IWRB Water Use Reviews; Cassel, Amy; Clark, Cynthia Bridge; Alex Bell; Richards, Jeff  
**Subject:** Notice of Application Within Wild and Scenic River; Permits: 74-16266, 75-15057

Dear Idaho Water Resource Board, Department of Environmental Quality, and Idaho Department of Fish & Game,

The Idaho Department of Water Resources (IDWR) is providing notice to your organization regarding the above referenced water right applications. You can find a complete copy of the application(s) at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

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

Thank You,



Christina Henman  
Administrative Assistant  
IDWR, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 525-7161

SCANNED  
NOV 25 2022



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

October 26, 2022

MIDWAY PROPERTIES LLC  
74 LEMHI RD  
SALMON, ID 83467

RE: Application for Permit No. 74-16266

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the RECORDER HERALD on 11/3/2022 and 11/10/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Henman".

Christina Henman  
Administrative Assistant

SCANNED  
OCT 26 2022



October 26, 2022

MIDWAY PROPERTIES LLC  
74 LEMHI RD  
SALMON, ID 83467

RE: Application for Permit No. 74-16266

Dear Applicant:

The Idaho Department of Water Resources (IDWR) has received your 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 total 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 resources.” 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. Improving condition in flow-limited river reaches and streams is a fundamental component of the Lemhi plan. In addition to IDWR, numerous state agencies, including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Idaho Soil and Water Conservation Commission and the Idaho Department of Lands, have committed and continue to commit significant resources toward this objective under the following programs:

SCANNED  
OCT 26 2022

- 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 another 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.

Sincerely,



Christina Henman  
Administrative Assistant

SCANNED  
OCT 26 2022

**Henman, Christina**

---

**From:** Henman, Christina  
**Sent:** Wednesday, October 26, 2022 3:51 PM  
**To:** rhlegals@custertel.net  
**Subject:** Legal Notice for Recorder Herald  
**Attachments:** 75-15057, 74-16266 Recorder Herald.docx

LEGAL NOTICE DEPARTMENT  
RECORDER HERALD  
PO BOX 310  
SALMON, ID 83467

RE: Application for Permit No. 74-16266, 75-15057

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 11/21/2022. Your cooperation is appreciated.

Thank You,



Christina Henman  
Administrative Assistant  
IDWR, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 525-7161

SCANNED  
OCT 26 2022

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

**74-16266**

**MIDWAY PROPERTIES LLC, 74 LEMHI RD, SALMON, ID 83467**

Point of Diversion L4( SWSW) S19 T17N R25E LEMHI County

Source GROUND WATER Tributary

Use: STOCKWATER

1 /1 to 12/31

0.01 CFS

Use: DOMESTIC

1 /1 to 12/31

0.03 CFS

Total Diversion:

0.04 CFS

Date Filed: 08-11-2022

Place Of Use: DOMESTIC

T17N R24E S24

SESE

Place Of Use: DOMESTIC

T17N R25E S19

L3(NWSW),L4(SWSW),NESW,SESW

Place Of Use: STOCKWATER

T17N R25E S19

L4(SWSW),SESW

This application proposes the diversion and use of water from ground water tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

**75-15057**

**MATT & KIM SHEPPARD, 16 ELI LN, SALMON, ID 83467-5094**

Point of Diversion SESW S8 T21N R22E LEMHI County

Source WASTE WATER Tributary SALMON RIVER

Point of Diversion SESW S8 T21N R22E LEMHI County

Source WASTE WATER Tributary SALMON RIVER

Use: IRRIGATION

4 /1 to 10/31

0.13 CFS

Total Diversion:

0.13 CFS

Date Filed: 09-14-2022

Place Of Use: IRRIGATION

T21N R22E S8

SESW

Total Acres: 4.2

This application proposes the diversion and use of water from waste water tributary to the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 11/21/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/3/2022 and 11/10/2022

SCANNED  
OCT 26 2022

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY JL DATE 10/13 APPLICATION NO. 74-16266

APPLICANT NAME: Midway Properties LLC

REQUIRED INFORMATION:

- Name (business entities must show proof of organization, check Sec. of State website)
- Address
- Source (See USGS Quad for names of water sources)
- Point of Diversion (QQQ for springs, lot & block description for subdivisions)
- County
- Quantity (flow and/or volume)
- Period of Use
- Nature of proposed use (including a description of the proposed use)
- Description of diverting works
- Place of use (for subdivisions, include lot and block description)
- Time required for beneficial use of water
- Signature (if applicant is corporation, partnership, or municipality, title of signer is required)
- Map
- Fee

REGULATORY CHECKS:

- None Overlapping rights at place of use
- None Other rights diverted at proposed point of diversion
- N Critical Ground Water Area?
- N Ground Water Management Area?
- N Dam Safety Notice
- N Power Use? - Is residency affidavit attached?
- N Trust Water

Water District: 74Q

SEND NOTICE OF APPLICATION TO:

- Id Dept of Environmental Quality
- Id Dept of Fish & Game
- Id Dept of Lands
- Adjudication Bureau Unit
- U.S. BLM
- U.S. Forest Service
- Other IWRB