

RECEIVED

JUN 03 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 \$	50.00
Receipt No.	2118411
Received By	KM
Date Received	6.3.24

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use 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.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

- Permit No. 75-15080 Telephone No. 949-244-0736
- Name of Permit Holder(s) Kort Living Trust
- Mailing Address 516 Main Street, #377 City Salmon
State ID _____ Zip 83467 Email grksa13@gmail.com
- Source of Water Spring If **GROUND WATER** (well), Date Drilled mo. _____ / yr. _____
Well Driller _____ Drilling Permit Number _____
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. of households) 1 Stockwater (No. and type of stock) _____
Irrigation (No. of acres) _____ Other _____
- Total rate of diversion or storage volume for which proof is submitted _____ cfs OR _____ acre-feet.
- Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
Refer to the approval conditions on your permit and respond accordingly.
The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes ☐	No ☒
	If yes, has the measuring device been installed?	Yes ☐	No ☐
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☒	No ☐
	If yes, has the lockable device been installed?	Yes ☒	No ☐
Fish Screen	Is a fish screen required?	Yes ☐	No ☒
	If yes, has the fish screen been installed?	Yes ☐	No ☒

Other Conditions of Permit
Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.
_____ Completed? Yes ☐ No ☒

8. Fee Enclosed \$ _____ or not applicable ☐. See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Gil Kort Telephone Number 949-244-0736
Mailing Address 516 Main Street, #377 City Salmon
State ID _____ Zip 83467 Email grksa13@gmail.com

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 a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder Bethed Kort, Trustee of the Kort Living Trust Date May 29, 2024
(Include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 75-15080

Priority: May 30, 2023

Maximum Diversion Rate: 0.04 CFS

This is to certify that

KORT LIVING TRUST
516 MAIN ST # 377
SALMON ID 83467-4219

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: LAKE CREEK

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

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SPRING NE¼ SW¼ NE¼, Sec. 2, Twp 19N, Rge 21E, 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
19N	21E	2		X L2														

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2024**.
2. Subject to all prior water rights.
3. Rights 75-14748 and 75-15080 in combination provide domestic use for one home and shall not exceed a total diversion volume of 13,000 gallons per day.
4. Domestic use is for one home and does not include lawn, garden, landscape, or other types of irrigation.
5. 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. 170.
6. 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 under this right from the shared spring box.
7. Point of diversion is located within Lot 13, Blk. 8, Lake Creek Subdivision 1st Add.
8. Place of use is located within Lots 14-21, Blk. 8, Lake Creek Subdivision 1st Add.

SCANNED
AUG 07 2023

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 75-15080

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

Signed this 4th day of August, 2023.



JAMES CEFALO
Eastern Regional Manager

SCANNED
AUG 07 2023

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Print Single Sided Only

FORM 202 Rev. 10/16 MAY 30 2023

Ident. No. 75-15080

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Kort Family Trust Phone (208)756-1609
 Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address 516 Main Street, #377 City Salmon
 State ID _____ ZIP 83467 Email grksa13@gmail.com

2. Name of representative, if any Gilbert R. Kort or Kathleen D. Kort Phone (949)244-0736
 Mailing address 516 Main Street, #377 City Salmon
 State ID _____ ZIP 83467 Email grksa13@gmail.com

- 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 Spring which is a tributary of Lake Creek

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
19N	21E	2		NE	SW	NE	Lemhi	Spring	Lake Creek Spring

5. Water will be used for the following purposes:

Amount .04 cfs for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) .04 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. Flint & Walling Constant Pressure Variable Speed Drive System. Pump is 230v, hz 60, 1.5hp, rpm 3450, Amp 5.0, Max Amp 5.9,
 b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 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 _____ inches; proposed depth of well is _____ feet.
 d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
 e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by axh Receipt No. E049233 Date 5/30/23

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75-15080

JUN 08 2023

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
- d. Domestic; show number of households One
- e. Other; describe fully. _____

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	
19N	21E	2		D															
				L2															

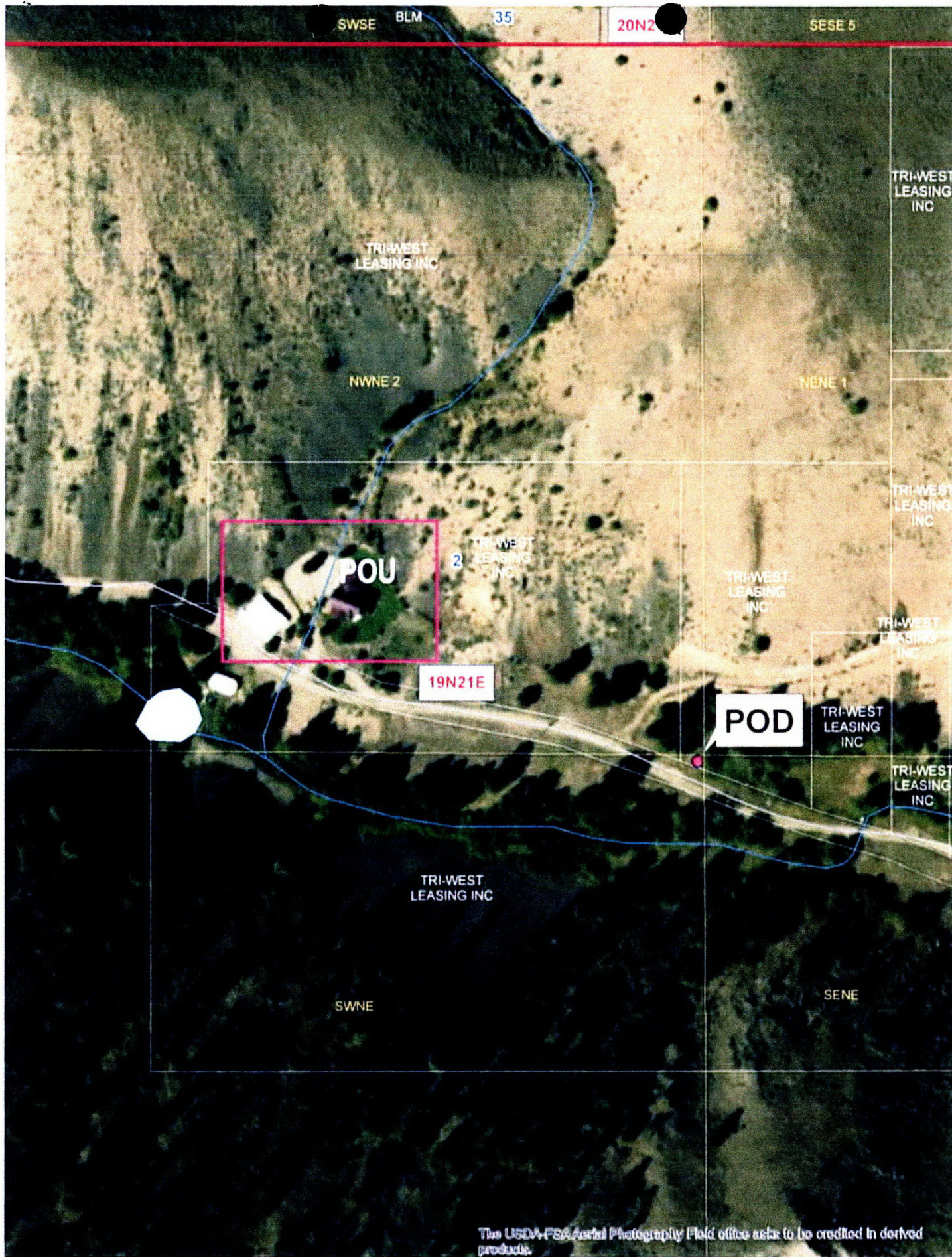
Total number of acres to be irrigated: _____

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? This is the only water right we will have for the uses of domestic water. This water right will supply domestic water to our home and four water spigots for miscellaneous. Lawns, gardens and orchards are irrigated from a well.
11. a. Who owns the property at the point of diversion? The Kort Family Trust
- b. Who owns the land to be irrigated or place of use? The Kort Family Trust
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. Applicate and all previous owner have been receiving domestic water from the source at the point of diversion identified in this application since at least 2012. The pump is located 59" below the surface of the water when the cistern is full. Applicants losses water prior to reaching the pump. The cistern hold 10,000 gallons.
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
Gilbert R. Kort, Trustee
Print Name (and title, if applicable)

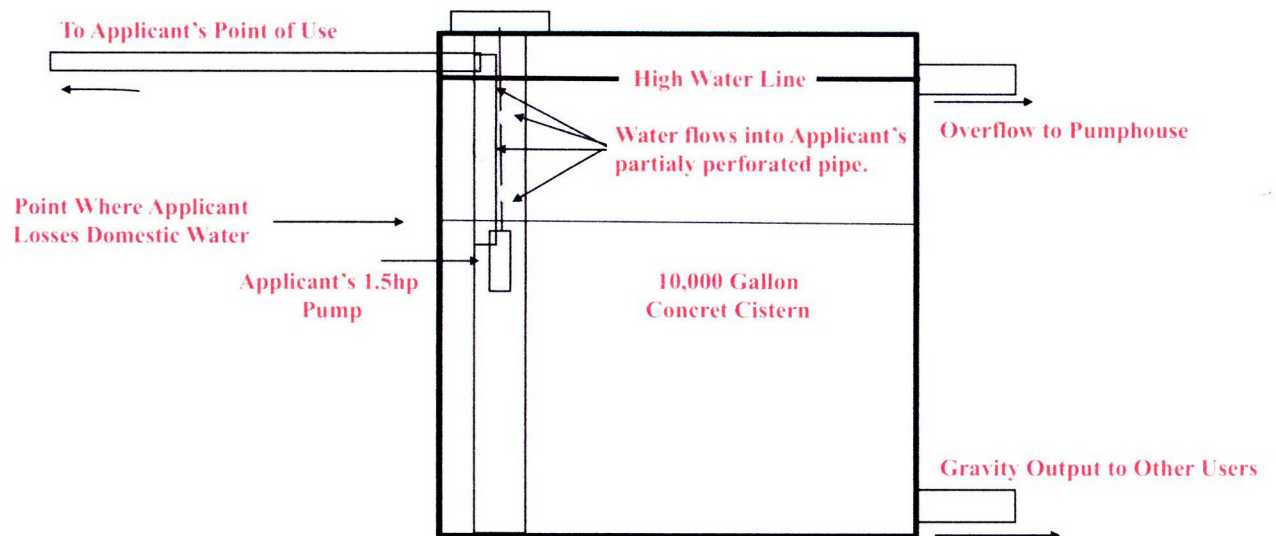

Signature of Applicant
Kathleen D. Kort, Trustee
Print Name (and title, if applicable)



75-15080

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JUN 08 2023

Operation of Lake Creek Cistern*



*This drawing of the Lake Creek Cister is for the purpose of showing the operational use of the cistern only.

Recording Requested by:
Newport Law Group
610 Newport Center Dr., Ste. 840
Newport Beach, CA 92660

Instrument # 331682 **# Pages:** 3
LEMHI COUNTY, Idaho
Feb 21, 2023 9:44:55 am **Fee:** \$ 15.00
For: NEWPORT LAW GROUP, APC
BRENDA ARMSTRONG, Recorder
CMORSE, Deputy

When Recorded Mail To:
TRI-WEST LEASING, INC.
P.O. BOX 747
BALBOA, CA 92661

Warranty Deed

FOR NO CONSIDERATION,

TRI-WEST LEASING, INC., a California corporation ("Grantor"), does hereby GRANT, BARGAIN, TRANSFER and CONVEY to GILBERT R. KORT and KATHLEEN DIANE KORT, as Co-Trustees of the KORT LIVING TRUST, established August 17, 2010 ("Grantee"), whose current address is 3419 Via Lido #643, Newport Beach, CA 92663 the following real property in the County of Lemhi, State of Idaho, further described as:

SEE EXHIBIT "A" attached hereto and incorporated herein by reference.

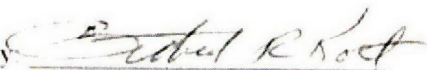
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

75-15080

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JUN 08 2023

Dated: January 12, 2023

TRI-WEST LEASING, INC.,
a California corporation

By 
Gilbert R. Kort, President

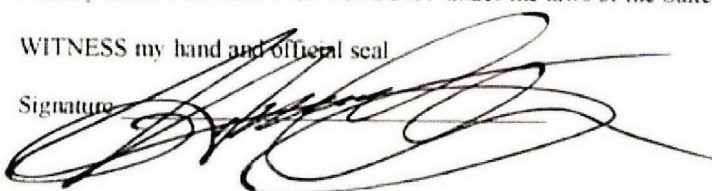
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF ORANGE

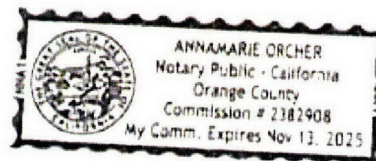
On January 12, 2023, before me, Annamarie Orcher, a notary public, personally appeared Gilbert R. Kort, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature 

(Seal)



75-15080

SCANNED
JUN 08 2023

EXHIBIT "A"

325803

Lots 1, 8, 9 and the easterly 14 feet of Lot 10 in Block 6; Lots 1 through 19 in Block 7; Lots 1 through 8 and Lots 10 through 21 in Block 8; Lots 5, 7, 8 and 9 in Block 9 of First Addition to Lake Creek Subdivision No. 1, according to the official plat thereof filed in Book 2 of Plats at Page 19, Records of Lemhi County, Idaho.

Also including:

All that portion of Lots 1 and 2 and the South Half of the North East Quarter of Section 2, Township 19 North, Range 21 East, Boise Meridian, Lemhi County, Idaho, lying South and Westerly of Lake Creek Subdivision No. 1 and the First Addition of Lake Creek Subdivision.

Excepting therefrom the following:

A parcel of land situated within Section 2, Township 19 North, Range 21 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at a Brass Cap Monument marking the closing corner of Sections 1 and 2, Township 19 North, Range 21 East, Boise Meridian, Thence along the east line of Section 2 S. 00° 11' 10" E., 1022.61 feet to a BLM Monument marking the Southeast Corner of Government Lot 1, Section 2; Thence S. 35° 41' 39" W., 632.26 feet to a point on the west line of Lake Creek Subdivision No. 1, which is the point of beginning, Thence along the west line of said Subdivision S. 00° 04' 29" E., 872.88 feet; Thence N. 81° 54' 54" W., 223.93 feet; Thence N. 07° 55' 36" E., 498.58 feet; Thence N. 10° 11' 32" W., 303.83 feet; Thence N. 45° 39' 00" E., 80.37 feet; Thence S. 87° 03' 36" E., 148.47 feet to the point of beginning.



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

June 05, 2024

KORT LIVING TRUST
516 MAIN ST # 377
SALMON ID 83467-4219

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 75-15080

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 Eastern Region Office of the Department located in Idaho Falls at (208) 525-7161.

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosure(s)



Governor Brad Little

Director Gary Spackman

August 04, 2023

KORT LIVING TRUST
516 MAIN ST # 377
SALMON ID 83467-4219

RE: Permit No. 75-15080

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 for more information about these programs.

SCANNED

AUG 07 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) 497-3784.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written over a horizontal line.

James Cefalo
Eastern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 04, 2023, I served a true and correct copy of Permit to Appropriate Water No. 75-15080 by U.S. Mail, postage prepaid, to the following:

KORT LIVING TRUST
GILBERT R KORT
KATHLEEN D KORT
516 MAIN ST # 377
SALMON ID 83467-4219

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



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.

APPLICATION FOR PERMIT
NO. 75-15080

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

75-15080

KORT LIVING TRUST

516 MAIN ST # 377

SALMON, ID 83467-4219

Point of Diversion NESWNE S2 T19N

R21E LEMHI County

Source SPRING Tributary LAKE
CREEK

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 05-30-2023

Place Of Use: DOMESTIC

T19N R21E S2

L2(NWNE)

This application proposes the diversion and use of water from 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 domestic purposes.

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 7/3/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on 6/15/2023 and 6/22/2023
6-15-2tc

The Recorder Herald

208-756-2221

P.O. Box 310, Salmon, Idaho 83467

Affidavit of Publication

STATE OF IDAHO }
County of Lemhi } ss.

RICK G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **APPLICATION FOR PERMIT NO. 75-15080** 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 **6-15-2023** and ending with the issue dated **6-22-2023**.

STATE OF IDAHO }
County of Lemhi } ss.

On this **22nd day of JUNE** in this year of 2023 before me, A Notary Public, personally appeared RICK 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.

Residing at Salmon, Idaho

Notary Public for Idaho

Publication Fee \$117.00

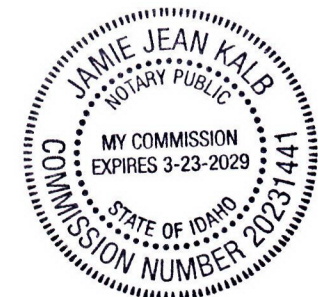
OK CK
63100

RECEIVED

JUN 26 2023

Department of Water Resources
Eastern Region

SCANNED
JUL 13 2023



Henman, Christina

From: Henman, Christina
Sent: Thursday, June 8, 2023 8:46 AM
To: IWRB Water Use Reviews; Cassel, Amy; Clark, Cynthia Bridge; Alex Bell; Richards, Jeff
Subject: Notice of Application Within Wild and Scenic River; Permit: 75-15080

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 application. 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



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

June 06, 2023

KORT FAMILY TRUST
516 MAIN ST # 377
SALMON ID 83467-4219

RE: Application to Appropriate Water in the Upper Salmon River Basin 75-15080

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, 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

SCANNED
JUL 13 2023

- 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)497-3779, or email me at Thomas.Lafortune@idwr.idaho.gov.

Sincerely,



Thomas Lafortune
Water Resource Agent

Enclosure: Copy of Application

SCANNED
JUL 13 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

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 • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 7, 2023

KORT LIVING TRUST
516 MAIN ST # 377
SALMON, ID 83467-4219

RE: Application for Permit No. 75-15080

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 6/15/2023 and 6/22/2023. 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,

Christina Henman
Administrative Assistant

CC:
GILBERT R KORT
KATHLEEN D KORT
516 MAIN ST # 377
SALMON, ID 83467-4219

SCANNED

JUN 08 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 7, 2023 3:25 PM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 75-15080 Recorder Herald.docx

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

RE: Application for Permit No. 75-15080

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 7/3/2023. 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

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

75-15080

KORT LIVING TRUST

516 MAIN ST # 377

SALMON, ID 83467-4219

Point of Diversion NESWNE S2 T19N R21E LEMHI County

Source SPRING Tributary LAKE CREEK

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 05-30-2023

Place Of Use: DOMESTIC

T19N R21E S2

L2(NWNE)

This application proposes the diversion and use of water from 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 domestic purposes.

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 7/3/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 6/15/2023 and 6/22/2023

SCANNED
JUN 08 2023

Lafortune, Thomas

From: Gilbert Kort <grksa13@gmail.com>
Sent: Wednesday, June 7, 2023 8:46 AM
To: Lafortune, Thomas
Subject: Re: Kort New Water Right

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.

Good Morning Tom,

Yes, the correct name is the Kort Living Trust. Sorry, about that we Kathy and always call the Family Trust, but Kort Living Trust is the legal name of the Trust.

Gil

On Tue, Jun 6, 2023 at 9:49 AM Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov> wrote:

Thank you Gil,

Just to confirm, the name of the trust on the deed is "Kort Living Trust" but on your application it says "Kort Family Trust." Is Kort Living Trust the correct name of the entity? If so, I can change the name in our database.

Tom

From: Gilbert Kort <grksa13@gmail.com>
Sent: Tuesday, June 6, 2023 9:15 AM
To: Lafortune, Thomas <Thomas.Lafortune@idwr.idaho.gov>
Subject: Re: Kort New Water Right

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.

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

INITIAL REVIEW BY TL DATE 6/6/23 APPLICATION NO. 75-15080

APPLICANT NAME: Kort Family Trust

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:

- ☒ Overlapping rights at place of use 75-14748 Domestic from spring that doesn't exist
- ☒ Other rights diverted at proposed point of diversion or doesn't supply potable water
- N/A Critical Ground Water Area? Several rights in Lake Creek Subdivision
- N/A Ground Water Management Area?
- N/A Dam Safety Notice
- N/A Power Use? - Is residency affidavit attached?
- N/A Trust Water

Water District: Exc 170

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