Form 42-217 Rev. 6/22

RECEIVED
DEC 11 2023
Department of Water Resources
Eastern Region

RECEIVED
DEC 15 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 $	100.00
Receipt No.	B000001
Receipted By	CM
Date Receipted	IAB 12/15/23

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. 75-15091 Name of Permit Holder(s) Idaho Dept. of Fish & Game Commission

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

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

2. Source of Water North Fork Salmon River If Ground Water (well), Date Drilled mo. na / yr. na

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

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

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

Other Fish Propagation - non-consumptive

4. Total diversion rate or volume (storage only) for which proof is submitted 0.8 cfs OR _____ af

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

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

Steel modular, single-drum fish screen (24" x 6' perforated plate); 10-inch fish bypass pipe from fish screen that provides safe passage for fish entrained in ditch back to North Fork Salmon River. Paddle-wheel powered. Lockable headgate

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

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

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

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

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

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

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

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

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

SIGNATURE OF PERMIT HOLDER*	PRINTED NAME AND TITLE	DATE
[signature]	Ryan Hilton -FS	12/6/23

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

Permit Number 75-15091

- North Fork-06A Fish Screen; Source: North Fork Salmon River; Tributary of Salmon River
- .80 cfs, Fish Propagation (non-consumptive)



Fish screen with bypass pipe flow (.80 cfs) returning to North Fork Salmon River

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 75-15091

Priority: September 22, 2023 **Maximum Diversion Rate:** 0.80 CFS

This is to certify that

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83707-0025

has applied for a permit to appropriate water from:

Source : NORTH FORK SALMON RIVER **Tributary:** SALMON RIVER

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

Beneficial Use	**Period of Use**	**Rate of Diversion**
FISH PROPAGATION	04/01 to 11/01	0.80 CFS

Location of Point(s) of Diversion
NORTH FORK SALMON RIVER NW¼ NW¼, Sec. 22, Twp 25N, Rge 21E, B.M. LEMHI County

Place of Use: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
25N	21E	21	X															
25N	21E	22						X										

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2024.**
2. Subject to all prior water rights.
3. Fish propagation use is for fish protection through the installation of a deflection screen and a bypass pipe to provide passage for fish back to the North Fork Salmon River.
4. 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. 75F.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
7. Use of water under this right shall be non-consumptive.
8. Water is delivered through the SNF-06A diversion.
9. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

No. 75-15091

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

Signed this 29th day of November, 2023.

JAMES CEFALO
Eastern Regional Manager

FORM 202 Rev. 09/16

RECEIVED

SEP 2 2 2023

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No. 75-15091

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

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
25N	21E	22			NW	NW	Lemhi	North Fork Salmon River	SNF-06A

5. Water will be used for the following purposes:
   Amount .80 (cfs or acre-feet per year) for Fish Propagation purposes from 4/1 to 11/1 (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per year) for _____ purposes from _____ to _____ (both dates inclusive)
6. Total quantity to be appropriated is (a) .80 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
   a. Describe type and size of devices used to divert water from the source. Single rotary drum fish screen (24-inch dia. by 6-foot perf.plate), paddlewheel powered, 10-inch fish bypass pipe from screen to creek, lockable headgate.
   b. Height of storage dam na feet; active reservoir capacity na acre-feet; total reservoir capacity na acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☑ No
   c. Proposed well diameter is na inches; proposed depth of well is na feet.
   d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☑ No
   e. If well is already drilled, when? na; drilling firm na; well was drilled for (well owner) na; Drilling Permit No. na.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee $ 250.00 Receipted by CH Receipt No. B000001 Date 9/22/23

RECEIVED
OCT 10 2023
Department of Water Resources
Eastern Region

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

9. Description of place of use:

AMENDED

   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	
25N	21E	22	[illegible]					H											
25N	21E	21	H																
MD																			
10-10-2023																			

Total number of acres to be irrigated: 0

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Point of Diversion is shared with other water right holders. This is the only right for fish screen.

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

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To record a non-consumptive use of water for a fish screen/fish bypass pipe installed and currently operating. Note: The fish screen/bypass pipe (POU) is located near or on the section line between NWNW, Section 22 and NENE of Section 21, so both QQ's are listed in #9. chart above.

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

Ryan Hilman - R.S.
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Application for Water Right: Salmon/North Fork-06A



2/25/2021, 2:22:34 PM

1:1,128

0 0.01 0.01 0.02 mi

0 0.01 0.02 0.04 km

Points

Override 1

Override 2

Counties

Quarter Quarter

Section

Township/Range

Idaho Outline

Idaho Mask

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

Idaho Department of Water Resources

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

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

Brad Little / Governor
Ed Schriever / Director

RECEIVED
SEP 22 2023
Department of Water Resources
Eastern Region

September 5, 2023

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Dr. Suite A
Idaho Falls, ID 83402-1718

Dear IDWR:

Enclosed please find four (3) "Application for Permit" documents for non-consumptive water rights in Basin 75.

Please initiate the Interagency Billing Process for the $750.00 fee ($250.00 each). When processing these documents, please use the following LUMA coding:

Agency	260
Project	2601477102024
Org Cost Center	4770
Program	260C1NX
Appropriation	FGAA
Fund	16090
Location	260703

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

Please send copies of the approved transfers to IDFG, Attn: Mike Demick, 97 Hwy 93 N, Salmon, ID 83467. Please call or email me if you have any questions at 208-756-6022, mike.demick@idfg.idaho.gov.

Sincerely,

Mike Demick
Easement Specialist

Enc: Three (3) "Application for Permit" forms

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

9. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	21E	22	H					H											

SUPERCEDED

Total number of acres to be irrigated: 0

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Point of Diversion is shared with other water right holders. This is the only right for fish screen.

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

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. To record a non-consumptive use of water for a fish screen/fish bypass pipe installed and currently operating. Note: The fish screen/bypass pipe (POU) is located near or on the section line between NWNW, Section 22 and NENE of Section 21, so both QQ's are listed in #9. chart above.

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

Ryan Hilton - R.S.
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

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

January 03, 2024

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83707-0025

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 74-16617, 74-16620, 74-16630, 74-16631, 75-15089, 75-15090, 75-15091

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)

c: MICHAEL DEMICK

RECEIVED
DEC 15 2023
DEPARTMENT OF
WATER RESOURCES

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

Brad Little / Governor
Jim Fredericks / Director

December 6, 2023

RECEIVED
DEC 11 2023
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Dear Water Right Section:

Please initiate the Interagency billing process for seven (7) "Statement of Completion for Submitting Proof of Beneficial Use" forms at $100.00 each. The fee is for water permits: 74-16617, 74-16620, 74-16630, 74-16631, 75-15089, 75-15090, and 75-15091. When processing these documents, please use the following LUMA coding:

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

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

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

Sincerely,

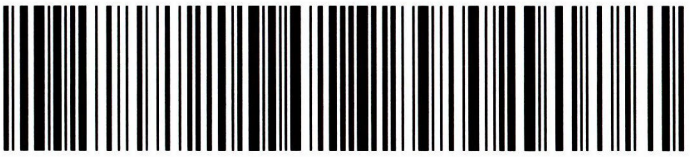
mike Demick

Mike Demick
Easement Specialist

Enc: 7 "Statement of Completion for Submitting Proof of Beneficial Use" forms

322 E FRONT ST
PO BOX 83720
BOISE ID 83720-0098

USPS CERTIFIED MAIL



9214 8901 9403 8342 9759 38

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

72-17017, 72-17018, 72-17019

IDAHO DEPARTMENT
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 Mathew Weaver

November 29, 2023

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83707-0025

RE: Permit No. 75-15091

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.

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,

James Cefalo
Eastern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2023, I served a true and correct copy of Permit to Appropriate Water No. 75-15091 by U.S. Mail, postage prepaid, to the following:

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83707-0025

MICHAEL DEMICK
97 HIGHWAY 93 N
SALMON ID 83467-5292

WATER DISTRICT #75F
JOEL GRIFFITH
PO BOX 87
CARMEN ID 83462-0087

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.

75-15091
STATE OF IDAHO DEPT OF • FISH AND GAME,
PO BOX 25, BOISE, ID 83707-0025
Point of Diversion NWNW S22 T25N R21E LEMHI County
Source SALMON RIVER Tributary SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 09-22-2023
Place Of Use: FISH PROPAGATION
T25N R21E S21
NENE
Place Of Use: FISH PROPAGATION
T25N R21E S22
NWNW

This application proposes the diversion and use of water from North Fork Salmon River 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 it is nonconsumptive.

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/WRApplicationResults/. 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 11/6/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on 10/19/2023 and 10/26/2023
10-19-2tc

APPLICATION FOR PERMIT
NO. 75-15089, 75-15090, 75-15091

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

75-15089

STATE OF IDAHO DEPT OF FISH AND GAME,
PO BOX 25, BOISE, ID 83707-0025

Point of Diversion NWSE S6 T22N R22E LEMHI County

Source SALMON RIVER Tributary SNAKE RIVER

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

Total Diversion:
0.8 CFS

Date Filed: 09-22-2023

Place Of Use: FISH PROPAGATION
T22N R22E S6
NWSE

This application proposes the diversion and use of water from 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 nonconsumptive.

75-15090

STATE OF IDAHO DEPT OF FISH AND GAME,
PO BOX 25, BOISE, ID 83707-0025

Point of Diversion SWNW S17 T23N R22E LEMHI County

Source TOWER CREEK Tributary SALMON RIVER

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

Total Diversion:
0.8 CFS

Date Filed: 09-22-2023

Place Of Use: FISH PROPAGATION
T23N R22E S17
SWNW

This application proposes the diversion and use of water from Tower Creek a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is nonconsumptive.

The Recorder Herald
208-756-2221
P.O. Box 310, Salmon, Idaho 83467

Affidavit of Publication

RECEIVED
OCT 30 2023
Department of Water Resources
Eastern Region

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. 75-15089, 75-15090,75-15091** 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 **10-19-2023** and ending with the issue dated **10-26-2023.**

STATE OF IDAHO
County of Lemhi } ss.

On this **26th day of October** 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.

Notary Public for Idaho

Residing at Salmon, Idaho

JAMIE JEAN KALB
NOTARY PUBLIC
MY COMMISSION EXPIRES 3-23-2029
STATE OF IDAHO
COMMISSION NUMBER 20231441

Publication Fee $246.60

State of Idaho

Department of Water Resources

Transfer of Water Right(s)

RECOMMENDATION FORM

RE: Application for Permit No. 75-15091

New Appropriation Applicant's Name:

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE, ID 83707-0025

Watermaster's Recommendation:

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

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

SEE COMMENTS ON PAGE 2

c) _____ I oppose approval of this application for the following reasons:

d) ___X___ Additional comments:

To date, IDFG has not paid their annual LTWD-75F assessment of $36.00. I recommend making payment of the assessment one of the conditions necessary for approval of this application.

Dated this _____ day of _____. ____

_____

Watermaster's Signature

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

This application is for a non-consumptive water right necessary for the operation of a fish screen that has been in place since 1995. IDFG installed the fish screen without securing the required water right. The existing fish screen is in a water district currently under an IDWR issued order to install IDWR approved measuring devices and head gates. Approval of this application should be contingent upon IDFG working with the water users on the common ditch to secure a location for an approved measuring device. If the measuring device is to be placed up stream of the fish screen, IDFG will pay their proportional share of the costs associated with the purchase and installation. To protect the water rights of water users on the ditch, after the installation of the required measuring device, IDFG should produce engineering documents proving the fish screen is designed for the flow rate of the combined water rights.

RECEIVED
OCT 30 2023
Department of Water Resources
Eastern Region

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

Brad Little / Governor
Ed Schriever / Director

October 24, 2023

State of Idaho Department of Water Resources - Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: Applications to Appropriate Water in the Upper Salmon River Basin; 75-15089, 75-15090 and 75-15091; non-consumptive fish propagation.

Dear IDWR:

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

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

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

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

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

Sincerely,

Ryan Hilton
Regional Supervisor

rh: md

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

October 12, 2023

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE, ID 83707-0025

RE: Application for Permit Nos. 75-15089, 75-15090, 75-15091

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, locate 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:

- Columbia Basin Water Transactions Program
- National Marine Fisheries Service Pacific Costal 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 o f 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
CC:
MICHAEL DEMICK
97 HIGHWAY 93 N
SALMON, ID 83467-5292

Henman, Christina

From: Henman, Christina
Sent: Thursday, October 12, 2023 1:29 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: 75-15089, 75-15090, 75-15091
Attachments: 75-15089 Application through Legal Notice.pdf; 75-15090 Application through Legal Notice.pdf; 75-15091 Application through Legal Notice.pdf

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 attached water right applications.

Legal notice has been prepared and will be published in the Recorder Herald on 10/19 & 10/26.

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 these applications, 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 applications.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

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

Henman, Christina

From: Henman, Christina
Sent: Thursday, October 12, 2023 1:27 PM
To: joel_griffith@hotmail.com; Graybill, David
Subject: Application for Permit of 75-15090, 75-15091
Attachments: tmpD19C.docx; tmpBC3.docx; 75-15090 Application through Legal Notice.pdf; 75-15091 Application through Legal Notice.pdf

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the attached water right applications. Please review the applications, then complete the enclosed recommendation forms and return them to this office within 21 days of the date of this letter.

If the applications are 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 these applications 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 applications and that you have no comments for IDWR to consider.

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

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 Mathew Weaver

October 12, 2023

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE, ID 83707-0025

RE: Application for Permit Nos. 75-15089, 75-15090, 75-15091

Dear Applicant:

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

A legal notice of the applications has been prepared and is scheduled for publication in the RECORDER HERALD on 10/19/2023 and 10/26/2023. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications 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 applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the permits.

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
MICHAEL DEMICK
97 HIGHWAY 93 N
SALMON, ID 83467-5292

Henman, Christina

From: Henman, Christina
Sent: Thursday, October 12, 2023 12:31 PM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 75-15089, 75-15090, 75-15091 Recorder Herald.docx

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

RE: Application for Permit No. 75-15089, 75-15090, 75-15091

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 11/6/2023. Your cooperation is appreciated

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

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:

75-15089

STATE OF IDAHO DEPT OF FISH AND GAME, PO BOX 25, BOISE, ID 83707-0025

Point of Diversion NWSE S6 T22N R22E LEMHI County
Source SALMON RIVER Tributary SNAKE RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 09-22-2023
Place Of Use: FISH PROPAGATION
T22N R22E S6
NWSE
This application proposes the diversion and use of water from 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 nonconsumptive.

75-15090

STATE OF IDAHO DEPT OF FISH AND GAME, PO BOX 25, BOISE, ID 83707-0025

Point of Diversion SWNW S17 T23N R22E LEMHI County
Source TOWER CREEK Tributary SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 09-22-2023
Place Of Use: FISH PROPAGATION
T23N R22E S17
SWNW
This application proposes the diversion and use of water from Tower Creek a tributary of the Salmon Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is nonconsumptive.

75-15091

STATE OF IDAHO DEPT OF FISH AND GAME, PO BOX 25, BOISE, ID 83707-0025

Point of Diversion NWNW S22 T25N R21E LEMHI County
Source SALMON RIVER Tributary SALMON RIVER
Use: FISH PROPAGATION
04/01 to 10/31
0.8 CFS
Total Diversion:
0.8 CFS
Date Filed: 09-22-2023
Place Of Use: FISH PROPAGATION
T25N R21E S21
NENE
Place Of Use: FISH PROPAGATION
T25N R21E S22
NWNW
This application proposes the diversion and use of water from North Fork Salmon River 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 it is nonconsumptive.

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/WRApplicationResults/. 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 11/6/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 10/19/2023 and 10/26/2023

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

INITIAL REVIEW BY JN DATE 10/2/23 APPLICATION NO. 75-15091

APPLICANT NAME: IDFG

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:
- N Overlapping rights at place of use
- Y 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: 75F, 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

RECEIVED

OCT 10 2023

Department of Water Resources
Eastern Region