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FORM 202 Rev. 09/16 JUN 27 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. _____

AMENDED

1. Name of applicant(s) Ronald E. Byers Phone 208-303-0315
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address 1044 Lemhi Rd City Salmon
State ID ZIP 83467 Email rb57-47@hotmail.com

2. Name of representative, if any _____ Phone _____
Mailing address _____ City _____
State _____ ZIP _____ Email _____

- 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 Wimpy Creek which is a tributary of Lemhi River

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
21N	23E	34			SW	SE	Lemhi	Wimpy Creek	

5. Water will be used for the following purposes:

Amount .06 cfs for IRRIGATION purposes from 03/15 to 11/15 (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) .06 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. Headgate from the creek
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 \$ _____ Receipted by _____ Receipt No. _____ Date _____

74-16468

RECEIVED

Print Single Sided Only

FORM 202 Rev. 09/16

MAY 25 2023

STATE OF IDAHO

Ident. No. _____

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources
Eastern Region

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) RONALD E BYERS Phone 208-303-0315

Mailing address 1044 LEMHI RD City SALMON

State ID ZIP 83467 Email rd57-47@hotmail.com

2. Name of representative, if any _____ Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

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 WIMPY CREEK which is a tributary of LEMHI RIVER

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>21N</u>	<u>23E</u>	<u>34</u>			<u>SE</u>	<u>SE</u>	<u>Lemhi</u>	<u>Wimpy Creek</u>	<u>LWMP10W location</u>

5. Water will be used for the following purposes:

Amount 0.06 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

6. Total quantity to be appropriated is (a) _____ 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. THIS SHARED POD IS DIVERTED WITH A STANDARD TOP DOWN HEADGATE WITH A WHEEL

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 CEH Receipt No. E049214 Date 5/25/23

(#200 check)

74-16468

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	
21N	23E	34											0.1				2.2		2.3

Total number of acres to be irrigated: 2.3

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? WATER RIGHT 74-210A IS ALSO ON THE PROPERTY (SEE LETTER)
11. a. Who owns the property at the point of diversion? PRATT CREEK RANCH LIMITED
- b. Who owns the land to be irrigated or place of use? _____
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: I CURRENTLY HAVE A WATER RIGHT FROM THIS POD THE PROPERTY OWNER APPLIES
12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. SEE LETTER
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.

Ronald E. Byers
Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

Dear IDWR,

Currently water right 74-210A covers the same POU of this application. A mistake was made during the SRBA proceeding resulting in a false POU shape being created leading me to believe for many years that I had a valid water right on one of my properties (PIN RP20N23E030602). If you look at the POU for water right 74-2183A you will see the false water right shape on the property. Before I was aware of the circumstance, I sold the property and am now facing an expensive litigation because it turns out that there is no water right associated with the property that I sold. As part of potential settlement, I plan to transfer 74-734A onto the property that I sold. If the settlement and transfer are successful, I will not have water rights on my current residence and that is why I am applying for additional water rights at this time. Debbi Judd and David Graybill are familiar with the details of the problems that I now face.

Thank you,

Ron Byers



4/1/23

Ron Byers Application for Permit - North Acres



Legend

- POD_for_North_Acres
- ▨ POU_for_North_Acres
- ▭ Township/Range
- ▭ Sections



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

July 12, 2023

RONALD E BYERS
1044 LEMHI RD
SALMON, ID 83467-5148

RE: Applications for Permit Nos. 74-16468, 74-16469

Dear Applicant:

The Department of Water Resources has received your water right applications. Please refer to the numbers 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 7/20/2023 and 7/27/2023. 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 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 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



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

July 12, 2023

RONALD E BYERS
1044 LEMHI RD
SALMON, ID 83467-5148

RE: Applications for Permit Nos. 74-16468, 74-16469

Dear Applicant:

The Idaho Department of Water Resources (IDWR) has received your applications to establish a new use of water in the upper Salmon River Basin. Idaho Code 42-203A(5) requires IDWR to determine whether each water right application satisfies all the criteria necessary for appropriating water in Idaho. One statutory criterion requires IDWR to determine the total public interest relative to the proposed water use. Idaho Code 42-202B(3) defines the local public interest as "the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public resources." The local public interest has many facets, including the effects of a proposed water use on aquatic habitat for fish and wildlife resources.

The upper Salmon River basin is home to stocks of chinook salmon, sockeye salmon, steelhead trout and bull trout, all of which are listed as threatened or endangered under the Endangered Species Act (ESA). Since the early 1990s, local water users, conservation districts, and federal and state agencies have cooperated to implement conservation measures intended to protect and restore habitat for ESA-listed species in the upper Salmon River watershed. For example, at the request of local water users the Idaho Legislature directed the Idaho Water Resource Board (IWRB) to establish a minimum stream flow in the lower Lemhi River for fish passage. The minimum stream flow is maintained through a water supply bank and temporary or permanent acquisition of additional water supplies by willing buyers from willing sellers.

Pursuant to the Snake River Water Rights Agreement of 2004, Idaho has been developing a long term conservation plan for the benefit of ESA-listed species in the Lemhi River. Improving condition in flow-limited river reaches and streams is a fundamental component of the Lemhi plan. In addition to IDWR, numerous state agencies, including the Office of Species Conservation, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Idaho Soil and Water Conservation Commission and the Idaho Department of Lands, have committed and continue to commit significant resources toward this objective under the following programs:

- Columbia Basin Water Transactions Program
- National Marine Fisheries Service Pacific Coastal Salmon Recovery Fund
- U.S. Fish & Wildlife Service Aquatic Species Conservation Fund
- Salmon and Clearwater River Basins Habitat Fund
- 2008 Columbia Basin Fish Accords

A myriad of habitat restoration projects are being constructed / implemented another parts of the upper Salmon River basin. These projects have been coordinated with the local communities and water users through the Upper Salmon River Basin Watershed Program and predecessor programs, including the model watersheds. Furthermore, the Snake River Water Rights Agreement of 2004 contemplates the development of additional conservation plans for other upper Salmon River basin watersheds. Accordingly, the Comprehensive State Water Plan revised by the IWRB contains policies for the Salmon River basin that focus on the protection and restoration of instream habitat for ESA-listed species through voluntary participation in conservation programs.

Because of the ESA-listed species recovery efforts in the upper Salmon River basin, IDWR must determine on a case-by-case basis whether it is in the local public interest to authorize proposed water uses that would further deplete flow-limited stream reaches.

Pursuant to Rule 40.04.c of the Water Appropriation Rules (IDAPA 37.03.08.040.04.c), the applicant has the ultimate burden of persuasion regarding the items that must be evaluated in connection with each water right application. Before proceeding further with your application, IDWR requests you submit additional information about how your proposal invokes any local public interest concerns for ESA species recovery.

Within 30 days, please submit any additional information you believe IDWR may need to evaluate and determine the local public interest in the water you propose to divert and use. If IDWR has not received a response from you within 30 days, IDWR will assume you have no comment regarding the local public interest, and processing of your application will resume with the information currently on file. Processing will include public notice and the potential for formal protests by other interested parties. Applications that are not in the local public interest will be denied.

Sincerely,



Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, July 12, 2023 12:34 PM
To: rhlegals@custertel.net
Subject: Legal Notice for Recorder Herald
Attachments: 75-15085, 75-15086; 74-16468, 74-16469 Recorder Herald.docx

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

RE: Application for Permit No. 74-16468, 74-16469, 75-15085, 75-15086

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 8/7/2023. 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:

74-16468

RONALD E BYERS, 1044 LEMHI RD, SALMON, ID 83467-5148

Point of Diversion SWSE S34 T21N R23E LEMHI County

Source WIMPEY CREEK Tributary LEMHI RIVER

Use: IRRIGATION

03/15 to 11/15

0.06 CFS

Total Diversion:

0.06 CFS

Date Filed: 06-27-2023

Place Of Use: IRRIGATION

T21N R23E S34

SESW,SWSE

Total Acres: 2.3

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

74-16469

RONALD E BYERS, 1044 LEMHI RD, SALMON, ID 83467-5148

Point of Diversion L2(NWNE) S3 T20N R23E LEMHI County

Source WIMPEY CREEK Tributary LEMHI RIVER

Use: IRRIGATION

03/15 to 11/15

0.09 CFS

Total Diversion:

0.09 CFS

Date Filed: 06-27-2023

Place Of Use: IRRIGATION

T20N R23E S3

L2(NWNE)

Total Acres: 4.5

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

75-15085

WILLIAM L MONTERO, 62 MOORE CREEK RD, SALMON, ID 83467-5402

Point of Diversion L1(NWNW) S30 T22N R22E LEMHI County

Source GROUND WATER Tributary

Use: IRRIGATION

04/01 to 10/31

0.12 CFS

Total Diversion:

0.12 CFS

Date Filed: 06-09-2023

Place Of Use: IRRIGATION

T22N R22E S30

L1(NWNW)

Total Acres: 6

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

75-15086

SAMUEL LEE JONES & MARY KURTZ CROW, 5133 GROVETON FLAT PRAIRIE RD, GROVETON, TX 75845-3563

Point of Diversion SESE S26 T26N R21E LEMHI County

Source NORTH FORK Tributary SALMON RIVER

Use: IRRIGATION

04/01 to 10/31

0.1 CFS

Total Diversion:

0.1 CFS

Date Filed: 06-09-2023

Place Of Use: IRRIGATION

T26N R21E S26

SESE

Total Acres: 5

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 the diversion rate and acres will be applied to the subordination amounts specified in the decree for the Wild & Scenic River listed above.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>.

Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 8/7/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/20/2023 and 7/27/2023