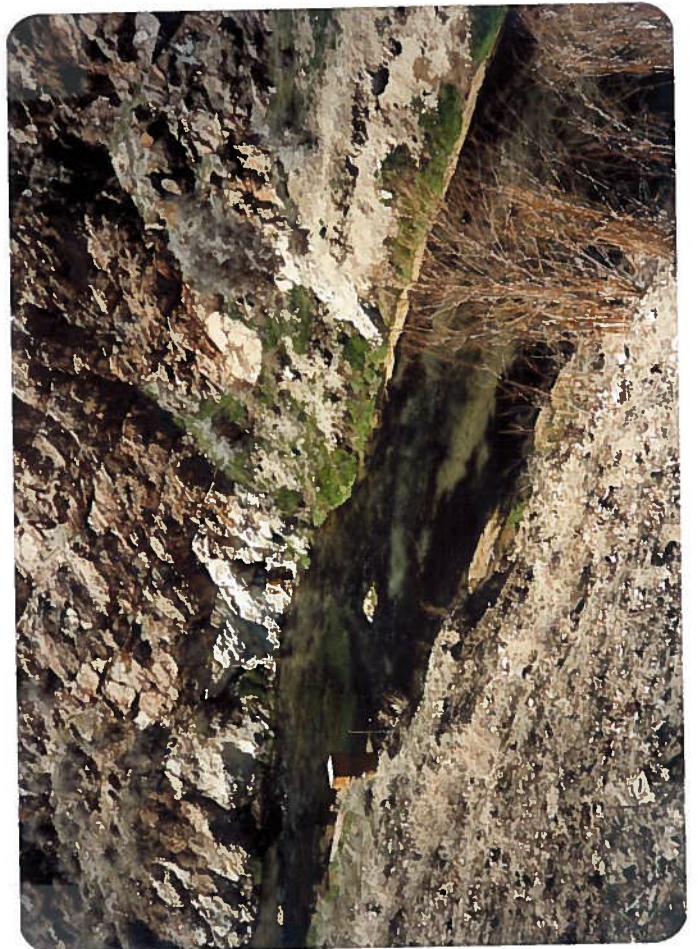
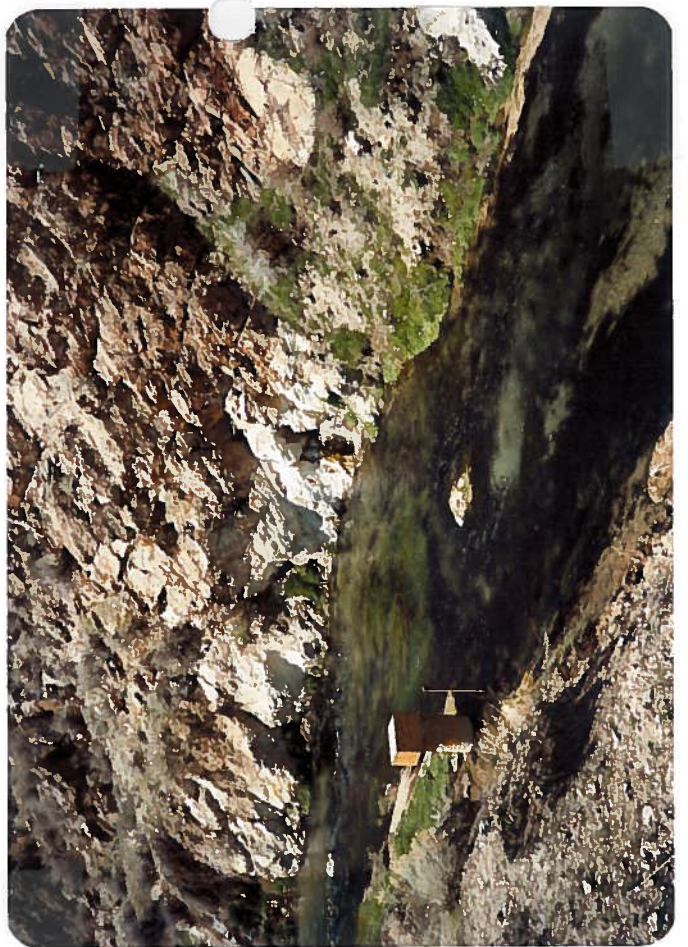




WARM SPRING, CR.
4-16-84

1-17-89 ICE CAUSED Flooding on W. FK Warm Springs cr



ys Cr



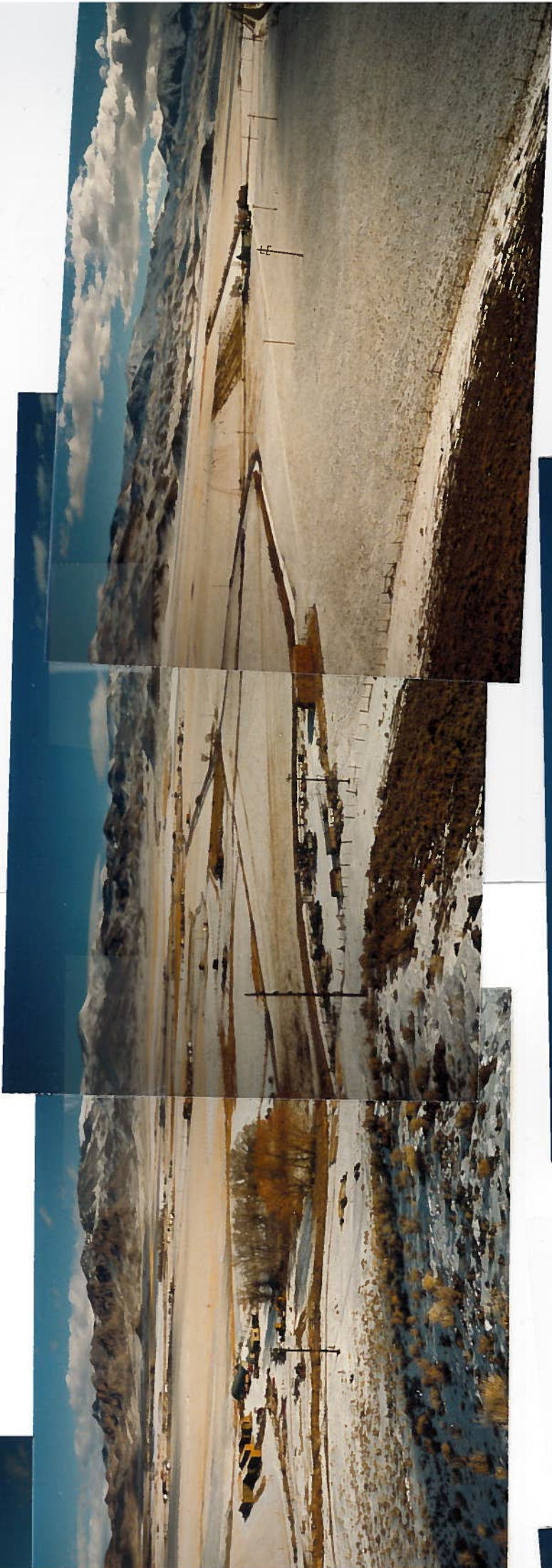
rys cr













WARM SPRING, CO.
4/16/84



WARM SPRING CR.
4/16/04



WARM SPRINGS Cr.
4/16/84



WARM SPRING CR.
4/16/84



Warm Spring
CA. 4/16/84



WARM SPRING CR.
4-16-84



WARM SPRING CR.
4-16-84

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I DID MAKE ONE MINOR CORRECTION to
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02/28 15:55
AJ SO
00:04:42
21
OK
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ECM

DATE, TIME
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DURATION
PAGE(S)
RESULT
MODE

TIME : 02/28/2001 15:00
NAME : IDWR SOUTHERN REGION
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TRANSMISSION VERIFICATION REPORT

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MODE POD CORRECTIONS TO: 10141, 42, 43
16597 & 16598

No change: 16599 & 16600

03/01 17:19
AJ SO
00:03:39
16
OK
STANDARD
ECM

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TIME : 03/01/2001 17:23
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT

In Re SRBA	)	SUBCASE NO: 72-16598
	)	(formerly 72-10144)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

To resolve the objection, water right 72-10144 was split into two water rights and renumbered as 72-16597 and 72-16598. The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

Larry Brown Date
U.S. Department of Justice, Attorney for BLM

Nicholas Spencer (As to Form) _____ Date _____
Attorney for IDWR

In Re SRBA	)	SUBCASE NO: 72-16597
	)	(formerly 72-10144)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

To resolve the objection, water right 72-10144 was split into two water rights and renumbered as 72-16597 and 72-16598. The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

Larry Brown Date
U.S. Department of Justice, Attorney for BLM

Nicholas Spencer (As to Form) _____ Date _____
Attorney for IDWR

In Re SRBA	)	SUBCASE NO: 72-10143
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

Larry Brown Date
U.S. Department of Justice, Attorney for BLM

Nicholas Spencer (As to Form) _____ Date _____
Attorney for IDWR

In Re SRBA) SUBCASE NO: 72-10142
)
Case No. 39576) STANDARD FORM 5
)
) STIPULATED ELEMENTS OF A
) WATER RIGHT

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

Larry Brown
U.S. Department of Justice, Attorney for BLM

Nicholas Spencer (As to Form) _____ Date _____
Attorney for IDWR

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

SUBCASE NO: 72-10141

Case No. 39576

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

ATTORNEY FOR CLAIMANT:

OBJECTOR:

Bruce Smith
Attorney for Lois Von Morganroth

Date

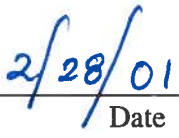
Larry Brown
U.S. Department of Justice, Attorney for BLM

Date

IDWR CONCURRENCE:



Steve Clelland
Senior Water Rights Agent, IDWR



Date

Nicholas Spencer (As to Form)
Attorney for IDWR

Date

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: **72-10141**

NAME AND ADDRESS: LOIS VON MORGANROTH
1223 MONTANA AVE
SANTA MONICA, CA 90403

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

SCC

QUANTITY: 8 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/01/1877

POINT OF DIVERSION:	T12N R20E S4	NESENW	Within CUSTER County
	T12N R20E S4	SESESW	Within CUSTER County
	T12N R20E S10	NENWSW	Within CUSTER County
	T12N R20E S10	SENWSW	Within CUSTER County
	T13N R20E S18	SESESW	Within CUSTER County
	T13N R20E S19	NWNWSE	Within CUSTER County
	T13N R20E S32	NWNWNE	Within CUSTER County
	T13N R20E S32	SENWNE	Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	8.00 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County			
T12N R20E S10		SWNW	3.8
T12N R20E S4	LOT 3	NENW	9.7
T12N R20E S4		NESW	3.5
T12N R20E S4		NWSE	33
T12N R20E S9		NENE	7.6
T12N R20E S9		SENE	8.8
T13N R19E S12		NWSE	36
T13N R19E S12		SESE	40
T13N R19E S13		NWNE	38
T13N R19E S13		SENE	40
T13N R19E S13		NESE	25
T13N R20E S18		NWNE	9.2
T13N R20E S18		NENW	38
T13N R20E S18	LOT 2	SWNW	38
T13N R20E S18		NESW	40
T13N R20E S18	LOT 4	SWSW	11
T12N R20E S4		SWNE	26
T12N R20E S4		SENW	4.9
T12N R20E S4		SESW	0.1
T12N R20E S4		SWSE	25
T12N R20E S9		NWNE	2.7
T13N R19E S12		NESE	34
T13N R19E S12		SWSE	36
T13N R19E S13		NENE	40
T13N R19E S13		SWNE	38
T13N R19E S13		SENW	13
T13N R19E S13		NWSE	5.3
T13N R20E S18		SWNE	22
T13N R20E S18	LOT 1	NWNW	38
T13N R20E S18		SENW	40
T13N R20E S18	LOT 3	NWSW	38
T13N R20E S18		SESW	34

T13N R20E S18	NWSE	28	T13N R20E S19	NWSE	2.3
T13N R20E S19	SWSE	26	T13N R20E S19	SESE	18
T13N R20E S29	NWNW	28.1	T13N R20E S29	SWNW	24
T13N R20E S29	SENW	22	T13N R20E S29	NESW	28
T13N R20E S29	NWSW	38	T13N R20E S29	SWSW	40
T13N R20E S29	SESW	29	T13N R20E S29	NWSE	16
T13N R20E S29	SWSE	32	T13N R20E S30	NENE	36
T13N R20E S30	NWNE	30	T13N R20E S30	SENE	38
T13N R20E S30	NESE	40	T13N R20E S30	SESE	40
T13N R20E S31	NENE	30	T13N R20E S31	SENE	16
T13N R20E S32	NENE	20	T13N R20E S32	NWNE	13
T13N R20E S32	SENE	24	T13N R20E S32	NWNW	40
T13N R20E S32	NESE	0.2	T13N R20E S33	NWSW	20.4
T13N R20E S33	SWSW	4.9	T13N R20E S33	SESW	9.7

STOCKWATER Use same as IRRIGATION

1472.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 640 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1472.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-10142, 72-10143, 72-16597 & 72-16599.

See

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 72-00138 & 72-00139 STOCKWATER, 2000 HEAD INSTREAM USE

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: **72-10142**

NAME AND ADDRESS: LOIS VON MORGANROTH
1223 MONTANA AVE
SANTA MONICA, CA 90403

see

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 11.4 CFS

PRIORITY DATE: 03/01/1878

POINT OF DIVERSION:	T12N R20E S4	NESENW	Within CUSTER County
	T12N R20E S4	SESESW	Within CUSTER County
	T12N R20E S10	NENWSW	Within CUSTER County
	T12N R20E S10	SENWSW	Within CUSTER County
	T13N R20E S18	SESESW	Within CUSTER County
	T13N R20E S19	NWNWSE	Within CUSTER County
	T13N R20E S32	NWNWNE	Within CUSTER County
	T13N R20E S32	SENWNE	Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-01 10-31

QUANTITY
11.40 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T12N R20E S10		SWNW	3.8	T12N R20E S4		SWNE	26
T12N R20E S4	LOT 3	NENW	9.7	T12N R20E S4		SENE	4.9
T12N R20E S4		NESW	3.5	T12N R20E S4		SESW	0.1
T12N R20E S4		NWSE	33	T12N R20E S4		SWSE	25
T12N R20E S9		NENE	7.6	T12N R20E S9		NWNE	2.7
T12N R20E S9		SENE	8.8	T13N R19E S12		NESE	34
T13N R19E S12		NWSE	36	T13N R19E S12		SWSE	36
T13N R19E S12		SESE	40	T13N R19E S13		NENE	40
T13N R19E S13		NWNE	38	T13N R19E S13		SWNE	38
T13N R19E S13		SENE	40	T13N R19E S13		SENE	13
T13N R19E S13		NESE	25	T13N R19E S13		NWSE	5.3
T13N R20E S18		NWNE	9.2	T13N R20E S18		SWNE	22
T13N R20E S18		NENW	38	T13N R20E S18	LOT 1	NWNW	38
T13N R20E S18	LOT 2	SWNW	38	T13N R20E S18		SENE	40
T13N R20E S18		NESW	40	T13N R20E S18	LOT 3	NWSW	38
T13N R20E S18	LOT 4	SWSW	11	T13N R20E S18		SESW	34
T13N R20E S18		NWSE	28	T13N R20E S19		NWSE	2.3
T13N R20E S19		SWSE	26	T13N R20E S19		SESE	18
T13N R20E S29		NWNW	28.1	T13N R20E S29		SWNW	24
T13N R20E S29		SENE	22	T13N R20E S29		NESW	28
T13N R20E S29		NWSW	38	T13N R20E S29		SWSW	40
T13N R20E S29		SESW	29	T13N R20E S29		NWSE	16
T13N R20E S29		SWSE	32	T13N R20E S30		NENE	36
T13N R20E S30		NWNE	30	T13N R20E S30		SENE	38
T13N R20E S30		NESE	40	T13N R20E S30		SESE	40

T13N R20E S31	NENE	30	T13N R20E S31	SENE	16
T13N R20E S32	NENE	20	T13N R20E S32	NWNE	13
T13N R20E S32	SENE	24	T13N R20E S32	NWNW	40
T13N R20E S32	NESE	0.2	T13N R20E S33	NWSW	20.4
T13N R20E S33	SWSW	4.9	T13N R20E S33	SESW	9.7

1472.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 440 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1472.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-10141, 72-10143, 72-16597 & 72-16599

see

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 72-00140A, 72-00141 & 72-00145

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: **72-10143**

NAME AND ADDRESS: LOIS VON MORGANROTH
1223 MONTANA AVE
SANTA MONICA, CA 90403

SCC

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 3.9 CFS

PRIORITY DATE: 01/26/1911

POINT OF DIVERSION:	T12N R20E S4	NESENW	Within CUSTER County
	T12N R20E S4	SESESW	Within CUSTER County
	T12N R20E S10	NENWSW	Within CUSTER County
	T12N R20E S10	SENWSW	Within CUSTER County
	T13N R20E S18	SESESW	Within CUSTER County
	T13N R20E S19	NWNWSE	Within CUSTER County
	T13N R20E S32	NWNWNE	Within CUSTER County
	T13N R20E S32	SESNWNE	Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-01 10-31

QUANTITY
3.90 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T12N R20E S10		SWNW	3.8	T12N R20E S4		SWNE	26
T12N R20E S4	LOT 3	NENW	9.7	T12N R20E S4		SESW	4.9
T12N R20E S4		NESW	3.5	T12N R20E S4		SWSE	0.1
T12N R20E S4		NWSE	33	T12N R20E S4		NWNE	25
T12N R20E S9		NENE	7.6	T12N R20E S9		NESE	2.7
T12N R20E S9		SENE	8.8	T13N R19E S12		SWSE	34
T13N R19E S12		NWSE	36	T13N R19E S12		NENE	36
T13N R19E S12		SESE	40	T13N R19E S13		SWNE	40
T13N R19E S13		NWNE	38	T13N R19E S13		SESW	13
T13N R19E S13		SENE	40	T13N R19E S13		NWSE	5.3
T13N R19E S13		NESE	25	T13N R19E S13		SWNE	22
T13N R20E S18		NWNE	9.2	T13N R20E S18		NWNW	38
T13N R20E S18		NENW	38	T13N R20E S18	LOT 1	SESW	40
T13N R20E S18	LOT 2	SWNW	38	T13N R20E S18		NWSE	38
T13N R20E S18		NESW	40	T13N R20E S18	LOT 3	SESE	34
T13N R20E S18	LOT 4	SWSW	11	T13N R20E S18		NWSE	2.3
T13N R20E S18		NWSE	28	T13N R20E S19		SESE	18
T13N R20E S18		SWSE	26	T13N R20E S19		SWNW	24
T13N R20E S19		NWNW	28.1	T13N R20E S29		NESW	28
T13N R20E S29		SESW	22	T13N R20E S29		SWSW	40
T13N R20E S29		NWSE	38	T13N R20E S29		NWSE	16
T13N R20E S29		SESE	29	T13N R20E S29		NENE	36
T13N R20E S29		SWSE	32	T13N R20E S30		SESE	38
T13N R20E S30		NWNE	30	T13N R20E S30		SESE	40
T13N R20E S30		NESE	40	T13N R20E S30		SENE	16
T13N R20E S31		NENE	30	T13N R20E S31			

T13N R20E S32	NENE	20	T13N R20E S32	NWNE	13
T13N R20E S32	SENE	24	T13N R20E S32	NWNW	40
T13N R20E S32	NESE	0.2	T13N R20E S33	NWSW	20.4
T13N R20E S33	SWSW	4.9	T13N R20E S33	SESW	9.7

1472.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 195 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1472.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-10141, 72-10142, 72-16597 & 72-16599.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

SCC

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 72-02007 & 72-02008 & 72-02027.

02/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-16597

NAME AND ADDRESS: LOIS VON MORGANROTH
1223 MONTANA AVE
SANTA MONICA, CA 90403

SC

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 6.58 CFS

PRIORITY DATE: 06/13/1977

POINT OF DIVERSION:	T12N R20E S4	NESENW	Within CUSTER County
	T12N R20E S4	SESESW	Within CUSTER County
	T12N R20E S10	NENWSW	Within CUSTER County
	T12N R20E S10	SENWSW	Within CUSTER County
	T13N R20E S18	SESESW	Within CUSTER County
	T13N R20E S19	NWNWSE	Within CUSTER County
	T13N R20E S32	NWNWNE	Within CUSTER County
	T13N R20E S32	SENWNE	Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
6.58 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T12N R20E S10		SWNW	3.8	T12N R20E S4		SWNE	26
T12N R20E S4	LOT 3	NENW	9.7	T12N R20E S4		SENW	4.9
T12N R20E S4		NESW	3.5	T12N R20E S4		SESW	0.1
T12N R20E S4		NWSE	33	T12N R20E S4		SWSE	25
T12N R20E S9		NENE	7.6	T12N R20E S9		NWNE	2.7
T12N R20E S9		SENE	8.8	T13N R19E S12		NESE	34
T13N R19E S12		NWSE	36	T13N R19E S12		SWSE	36
T13N R19E S12		SESE	40	T13N R19E S13		NENE	40
T13N R19E S13		NWNE	38	T13N R19E S13		SWNE	38
T13N R19E S13		SENE	40	T13N R19E S13		SENW	13
T13N R19E S13		NESE	25	T13N R19E S13		NWSE	5.3
T13N R20E S18		NWNE	9.2	T13N R20E S18		SWNE	22
T13N R20E S18		NENW	38	T13N R20E S18	LOT 1	NWNW	38
T13N R20E S18	LOT 2	SWNW	38	T13N R20E S18		SENW	40
T13N R20E S18		NESW	40	T13N R20E S18	LOT 3	NWSW	38
T13N R20E S18	LOT 4	SWSW	11	T13N R20E S18		SESW	34
T13N R20E S18		NWSE	28	T13N R20E S19		NWSE	2.3
T13N R20E S19		SWSE	26	T13N R20E S19		SESE	18
T13N R20E S29		NWNW	28.1	T13N R20E S29		SWNW	24

T13N R20E S29	SENW	22	T13N R20E S29	NESW	28
T13N R20E S29	NWSW	38	T13N R20E S29	SWSW	40
T13N R20E S29	SESW	29	T13N R20E S29	NWSE	16
T13N R20E S29	SWSE	32	T13N R20E S30	NENE	36
T13N R20E S30	NWNE	30	T13N R20E S30	SENE	38
T13N R20E S30	NESE	40	T13N R20E S30	SESE	40
T13N R20E S31	NENE	30	T13N R20E S31	SENE	16
T13N R20E S32	NENE	20	T13N R20E S32	NWNE	13
T13N R20E S32	SENE	24	T13N R20E S32	NWNW	40
T13N R20E S32	NESE	0.2	T13N R20E S33	NWSW	20.4
T13N R20E S33	SWSW	4.9	T13N R20E S33	SESW	9.7

1472.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 357 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1472.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-10141, 72-10142, 72-10143 & 72-16599.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

SC

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 72-07054A, 72-07054B & 72-07059.

02/26/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-16598

NAME AND ADDRESS: BLM
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

SCC

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.31 CFS

PRIORITY DATE: 06/13/1977

POINT OF DIVERSION:	T12N R20E S4	NESENW	Within CUSTER County
	T12N R20E S4	SENESEW	Within CUSTER County
	T12N R20E S10	NENWSW	Within CUSTER County
	T12N R20E S10	SENWSW	Within CUSTER County
	T13N R20E S18	SESESW	Within CUSTER County
	T13N R20E S19	NWNESE	Within CUSTER County
	T13N R20E S32	NWNWNE	Within CUSTER County
	T13N R20E S32	SENWNE	Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.31 CFS

PLACE OF USE:

<u>IRRIGATION Within CUSTER County</u>			
T13N R20E S18	SWSE	8	T13N R20E S29
T13N R20E S33	SWNW	6.9	NENW

17.1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 72-16600 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 17.1 ACRES IN A SINGLE IRRIGATION
SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY

DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 72-07054A, 72-
07054B & 72-07059.

SCC

In Re SRBA	)	SUBCASE NO: 72-16599
	)	(formerly 72-04096)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

To resolve the objection, water right 72-04096 was split into two water rights and renumbered as 72-16599 and 72-16600. The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

Larry Brown
U.S. Department of Justice, Attorney for BLM

Nicholas Spencer (As to Form) _____ Date _____
Attorney for IDWR

02/28/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-16599

NAME AND ADDRESS: LOIS VON MORGANROTH
1223 MONTANA AVE
SANTA MONICA, CA 90403

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 194.1 AFY

PRIORITY DATE: 01/01/1950

POINT OF DIVERSION: T13N R20E S19 NWNWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	03-01 11-01	194.10 AFY
IRRIGATION FROM STORAGE	04-01 10-31	194.10 AFY
STOCKWATER STORAGE	03-01 11-01	18.00 AFY
STOCKWATER FROM STORAGE	03-01 11-01	18.00 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within
CUSTER County

T13N R19E S12	NESE	34	T13N R19E S12	NWSE	36
T13N R19E S12	SWSE	36	T13N R19E S12	SESE	40
T13N R19E S13	NENE	40	T13N R19E S13	NWNE	38
T13N R19E S13	SWNE	38	T13N R19E S13	SENE	40
T13N R19E S13	SENE	13	T13N R19E S13	NESE	25
T13N R19E S13	NWSE	5	T13N R20E S18	NWNE	9
T13N R20E S18	SWNE	21	T13N R20E S18	NENW	38
T13N R20E S18 LOT 1	NWNW	38	T13N R20E S18 LOT 2	SWNW	38
T13N R20E S18	SENE	40	T13N R20E S18	NESW	40
T13N R20E S18 LOT 3	NWSW	38	T13N R20E S18 LOT 4	SWSW	11
T13N R20E S18	SESW	34	T13N R20E S18	NWSE	28

STOCKWATER FROM STORAGE Use
same as IRRIGATION FROM STORAGE

680.0 ACRES TOTAL

SCC

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 262 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1472.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-10141, 72-10142, 72-10143 & 72-16597.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 2000 HEAD INSTREAM USE

See

In Re SRBA	)	SUBCASE NO: 72-16600
	)	(formerly 72-04096)
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

To resolve the objection, water right 72-04096 was split into two water rights and renumbered as 72-16599 and 72-16600. The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

OBJECTOR:

Larry Brown
U.S. Department of Justice, Attorney for BLM

Nicholas Spencer (As to Form) _____ Date _____
Attorney for IDWR

02/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-16600

NAME AND ADDRESS: BLM
BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE, ID 83706

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 5.9 AFY

PRIORITY DATE: 01/01/1950

POINT OF DIVERSION: T13N R20E S19 NWNWSE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	03-01 11-01	5.90 AFY
IRRIGATION FROM STORAGE	04-01 10-31	5.90 AFY

PLACE OF USE:

IRRIGATION FROM STORAGE Within
CUSTER County
T13N R20E S18 SWSE 8

8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 72-16598 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 17.1 ACRES IN A SINGLE IRRIGATION
SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

see

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

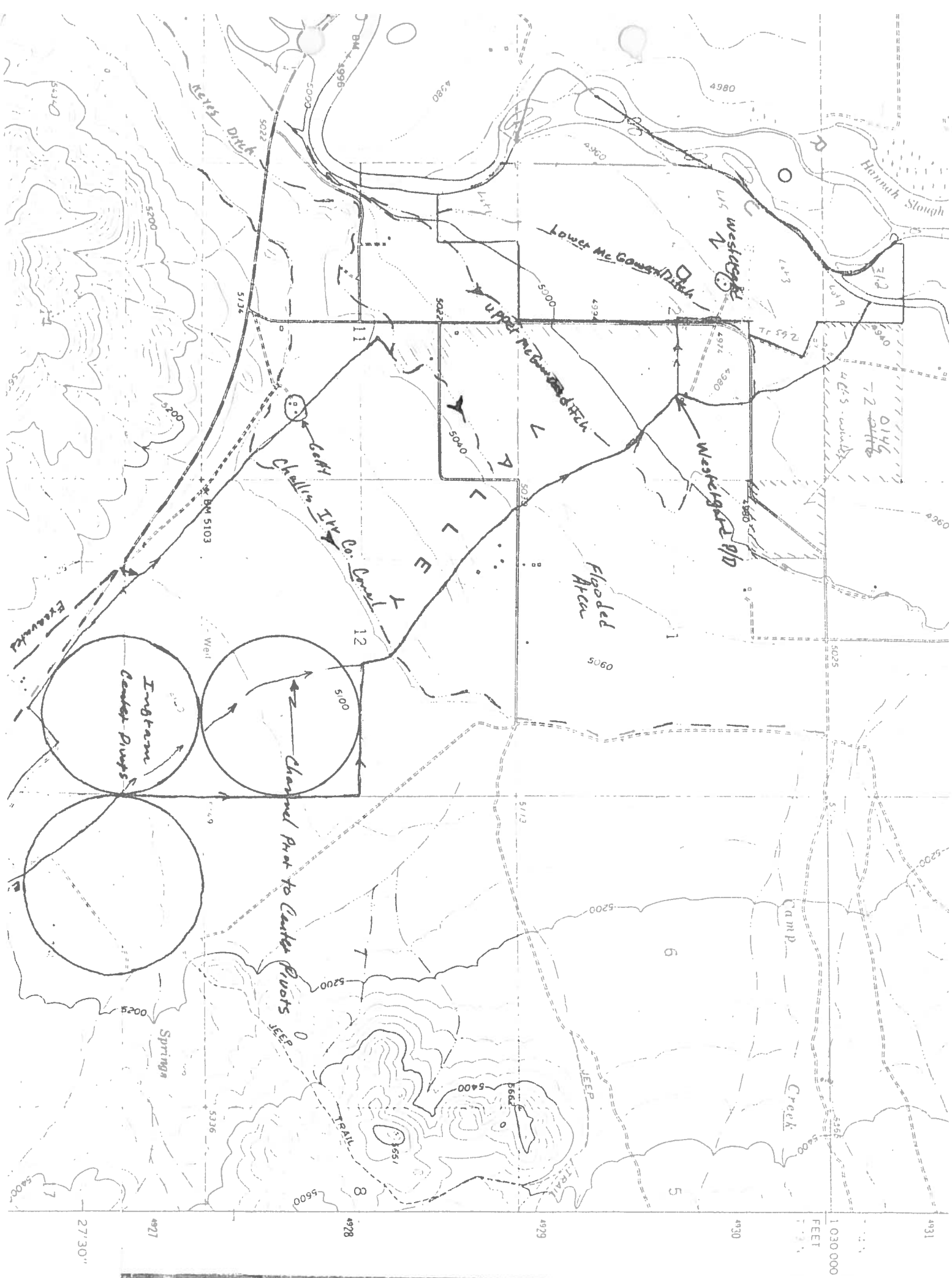


Table 1.—Chemical analyses of water from thermal and selected nonthermal springs—Continued

Spring No. or name	Date of collection	Flow rate ¹ (gal/min)	Specific conductance (µmho)	pH	Water temperature ² (°C)	Hardness as CaCO ₃	Noncarbonate hardness	Calcium (Ca)	Magnesium (Mg)	Sodium (Na)	Percent sodium	Sodium-adsorption ratio (SAR)	Potassium (K)	Bicarbonate ³ (HCO ₃)	Carbonate ³ (CO ₃)	Alkalinity as CaCO ₃	Sulfate (SO ₄)	Chloride (Cl)	Fluoride (F)	Silica (SiO ₂)	Dissolved solids (calculated)	Nitrite plus nitrate as N (NO ₂ +NO ₃)	Phosphorus, total as P	Arsenic (As) (µg/L)	Boron (B) (µg/L)	Lithium (Li) (µg/L)	Mercury (Hg) (µg/L)
18N-66-17DCCIS	6-6-80	40	262	9.7	51.0	3	0	1.2	<0.1	57	97	14	0.8	29	46	100	4.6	2.2	2.6	68	196	0.03	<0.01	9	4	40	0.1
18N-10E-24BBIS	6-25-80	300e	270	9.5	49.0	8	0	2.6	.3	55	93	8.6	1.0	10	30	58	36	5.9	17	54	207	1.2	<0.01	7	60	30	<0.01
29DBAIS	6-24-80	60e	282	9.4	50.0	5	0	2.0	<1	63	95	12	1.2	29	31	75	31	6.9	15	65	229	1.1	<0.01	2	60	50	<0.01
Loon Creek Hot Springs	7-30-79	500e	345	9.3	65.0	5	0	2.0	.1	70	96	13	1.5	35	31	80	43	8.7	15	74	262	<0.01	.02	2	120	70	.1
Hot Creek Hot Springs	7-30-79	80e	395	9.1	60.0	6	0	2.5	<1	89	96	16	1.5	61	20	83	52	9.9	17	65	287	.04	.02	1	240	100	<0.01
Shower Bath Hot Springs	7-30-79	300e	321	9.3	53.0	5	0	2.1	<1	70	96	13	.9	41	24	74	36	7.1	17	61	238	<0.01	.02	1	170	60	<0.01
18N-25E-80DBIS ⁴	8-5-80	1,000e	332	8.0	23.5	120	0	29	11	19	25	.8	3.8	150	0	123	32	9.9	.8	20	199	.28	.02	19	160	40	<0.01
18N-26E-21CBIS	6-2-80	500e	465	9.1	88.5	4	0	1.7	<1	95	98	20	.4	63	29	100	41	15	16	100	329	.01	<0.01	1	120	90	.5
14N-6E-11DBIS	—	—	—	—	26.5 to 43.5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sulfur Creek Hot Springs ¹	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dagger Creek Hot Springs	6-24-80	10e	277	9.9	42.0	5	0	2.1	<1	59	95	11	.8	15	26	56	32	8.5	14	58	208	1.1	<0.01	0	60	40	<0.01
14N-19E-23DBIS	9-13-79	783	996	7.1	50.0	170	0	44	15	160	72	5	20	440	0	361	150	21	4.3	31	662	.11	.01	20	420	100	<0.01
Bear Valley Hot Springs	8-1-79	200e	365	9.5	65.0	5	0	2.0	<1	76	96	15	1.6	17	41	82	54	12	15	77	287	<0.01	.02	0	90	60	<0.01
12N-11E-20DBIS	9-4-80	60e	387	9.6	37.0	4	0	1.4	.1	82	98	18	.3	22	41	86	39	8.7	22	61	266	<0.01	.01	0	40	60	—
12N-20E-10CBIS	9-13-79	2,710	698	7.4	35.0	280	46	66	27	42	24	1.1	14	280	0	232	150	8.6	1.7	26	474	.05	<0.01	4	220	90	<0.01
11N-13E-25DCCIS ⁴	9-14-79	20	—	—	55.0 to 60.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
36ARBIS	9-14-79	40e	—	—	59.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
36BARIS	9-14-79	40e	326	9.4	59.0	4	0	1.6	<1	70	97	15	1.2	22	41	86	31	8.3	17	76	257	<0.01	<0.01	1	60	130	.2
11N-14E-22CCIS	9-14-79	4e	—	—	57.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
29MAIS	9-14-79	5e	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sunbeam Hot Springs	9-14-79	440	400	9.1	77.5	4	0	1.6	<1	89	96	19	2.6	65	31	105	50	15	16	89	326	<0.01	<0.01	1	180	60	.1
Robinson Bar Hot Springs	9-13-79	45	351	9.4	56.0	5	0	1.9	<1	74	95	15	2.4	32	43	98	50	15	9.4	93	304	<0.01	.01	0	140	50	.1
11N-17E-27DBIS	9-13-79	50	1,070	7.1	41.0	160	0	46	9.9	170	67	5.9	19	580	0	476	28	55	3.7	39	656	<0.01	.01	1	1,500	320	.2
10N-13E-30CBIS ⁴	7-12-72	110	293	41.0	41.0	6	0	2.2	.1	60	95	11	.5	30	28	71	31	5	14	55	211	.05	.01	—	—	—	—
State Creek Hot Springs	9-13-79	185	443	8.6	50.0	24	0	9.8	<1	76	84	6.7	4.8	110	12	112	81	24	9.2	79	351	<0.01	<0.01	1	250	60	.2
9N-14E-19BAIS	9-12-79	50	277	9.4	47.0	7	0	2.7	<1	57	94	9.6	.7	22	34	75	34	6.5	11	54	211	.13	.01	1	50	60	<0.01
8N-14E-27DBAIS	9-12-79	5e	—	—	29.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
27DBIS	9-12-79	330e	243	9.3	42.0	7	0	2.6	.1	51	93	8.4	1.1	41	24	74	32	3.9	6.1	55	196	<0.01	<0.01	2	40	60	<0.01
8N-17E-31CBIS	8-7-80	50e	562	8.5	52.5	85	0	24	6.2	80	64	3.8	10	180	7	159	120	13	9.3	47	405	<0.01	.01	1	540	120	—
32BCAIS	8-7-80	50e	643	8.5	52.5	71	0	20	5.1	110	72	5.7	16	230	17	217	83	39	10	41	454	.23	.01	1	790	160	.1

¹Flow rate is for entire spring complex (e - estimated)²Water temperature is highest temperature at spring vents or temperature of sampled vent³Total alkalinity distributed as carbonate and bicarbonate at the spring temperature and pH⁴Water temperature is lower at point of discharge⁵Reported water temperature⁶Analyses taken from Young and Mitchell (1973)

WARM SPRING CREEK & TRIBUTARIES
SUMMARY OF MEASUREMENTS
5/15/89

DATE MEASURED (AGENCY)	WARM SPRING AT HEADWATERS		WARM SPRING CREEK BELOW HIGHWAY 93		GRANDVIEW CANYON	
	Flow cfs	Temp °C	Flow cfs	Temp °C	Flow cfs	Temp °C
9/18/79 (USGS)	6	35				
11/21/83 (IDWR)	26	33.5	35	14		
1/10/84 (IDWR)			66	--		
3/5/84 (IDWR)			72	--		
4/16/84 (IDWR)	48	32	74	23	8	8.5
4/29/85 (IDWR)	40	29	50	26.5		
5/4/89 (IDWR)	24	--	17	--		

-J- 200
 1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date 4/16, 1981 DISCHARGE MEASUREMENT NOTES
Unmeasured Above Confluence
 (Confluence 500 YDS) River at W/way to SPS

[illegible]

-J- 200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

DATE 4/16, 1924 DISCHARGE MEASUREMENT NOTES
WATSON SPRINGS River at flood waters

[illegible]LJ-200
1-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Date 11/21, 1983 DISCHARGE MEASUREMENT NOTES
West Ditch from Watson Springs Cr. RIVOT at _____

[illegible]

9-275
January 1952

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

Date _____, 19__ DISCHARGE MEASUREMENT NOTES

... River at

[illegible]

No. _____ of _____ Sheets, Comp. by _____ Chk. by _____

79-227275

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2371275

9-275
January 1952

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

Date _____, 19__ DISCHARGE MEASUREMENT NOTES

- River at.

Angle coef-	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjust- ed for hor. angle or -----	Area	Discharge
							At point	Mean in vertical			
	12.0	1	2.6		10	50		.472		2.6	1.227
	13	1	2.6		7	45		.374		2.6	.972
	14	1	2.5		7	45		.374		2.5	.935
	15	1	2.5		7	40		.417		2.5	1.043
©	16	1	2.5		7	42		.398		2.5	.995
	17	1	2.5		7	41		.407		2.5	1.0175
	18	1	2.5		7	40		.417		2.5	1.043
	19	1	2.5		7	41		.407		2.5	1.018
	20	1	2.4		7	40		.417		2.4	1.001
	21	1	2.4		10	51		.433		2.4	1.039
	2	1	2.4		7	40		.417		2.4	1.001
	2	1	2.3		7	42		.398		2.3	.9154
	24	1	2.3		7	42		.398			.9154

No. _____ of _____ Sheets. Comp. by 23 Chk. by _____

.0	.10	.20	.30	.40	.50	.60	.70	.75
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U. S. GOVERNMENT PRINTING OFFICE 16-28078-4

9-275
January 1962

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

Date _____, 19____ DISCHARGE MEASUREMENT NOTES

River at _____

Angle coef. Disch.	Dist. from initial point	Width	Depth	Observed depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or vertical	Discharge
							At point	Mean in ver- tical		
	13	1	0.1		7	44		.316		.7 0.2212
	14	1	0.6		7	48		.332		.6 0.1999
	15	1	0.5		5	42		.293		.5 0.147
	16	1	0.3		3	41		.300		.3 0.09
	17	.5	0.1		—	—				0
	18									16.81
	19									
	20									
	21									
	22									
	23									
	24									

No. _____ of _____ Sheets, Comp. by _____ Chk. by _____

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U. S. GOVERNMENT PRINTING OFFICE 16-28076-4

9-275
January 1962

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES DIVISION

Date _____, 19____ DISCHARGE MEASUREMENT NOTES

River at _____

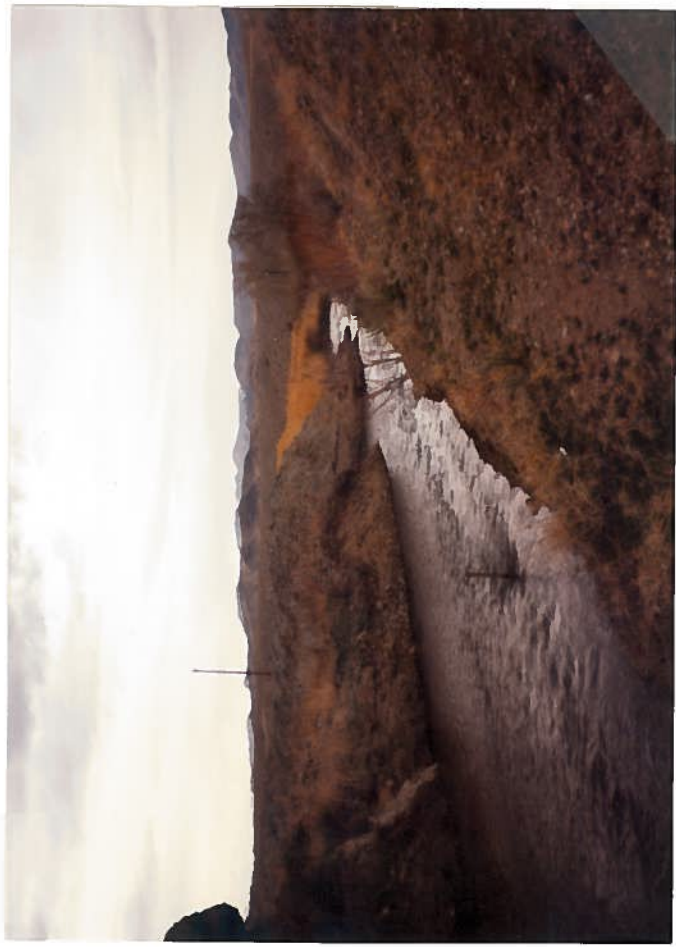
Angle coef. Disch.	Dist. from initial point	Width	Depth	Observed depth	Revo- lutions	Time in sec- onds	VELOCITY		Adjust- ed for hor. angle or vertical	Area	Discharge
							At point	Mean in ver- tical			
	1	.5	0.8		15	50		.693		.8 0.655	
	2	1	0.8		15	50		.932		1.2 1.12	
	3	1	1.2		20	44		1.082		1.4 1.515	
	4	1	1.4		20	42		1.11		1.3 1.44	
	5	1	1.3		20	41		1.29		1.5 1.94	
	6	1	1.5		25	44		1.65		1.2 1.98	
	7	1	1.2		30	41		2.04		1.1 2.244	
	8	1	1.1		40	44		1.83		1.1 2.013	
	9	1	1.1		40	44		1.54		1.0 1.54	
	10	1	1.0		30	44		1.26		0.8 1.008	
	11	1	0.8		25	45		.991		0.8 0.79828	
	12	1	0.8		20	46					

No. _____ of _____ Sheets, Comp. by _____ Chk. by _____

.0 .10 .20 .30 .40 .50 .60 .70 .75
U. S. GOVERNMENT PRINTING OFFICE 16-28076-4

MEASUREMENT LOCATION NEAR SPRING ABOVE DIVERSION LEGAL DESCRIPTION NW/4 SEC 10 TWP 12N RND 20E
MEASURED BY ADM & DL ON 4/29/85
 $V = 2.190N + .020$ FOR $N < 1$
 $V = 2.170N + .030$ FOR $N > 1$

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY		DISCHARGE
					FT/SEC	SEC	
2.000	.000	.000	0	.000	.000	.000	.000
3.000	.400	.600	20	35.200	1.224	.734	.734
4.000	.550	.550	10	14.700	1.501	.827	.827
5.000	.450	.450	10	15.400	1.349	.687	.687
6.000	.500	.500	10	13.000	1.697	.849	.849
7.000	.350	.350	10	13.200	1.672	.585	.585
8.000	.450	.450	10	12.000	1.937	.827	.827
9.000	.500	.500	10	10.500	2.096	1.048	1.048
10.000	.500	.500	10	10.000	2.200	1.100	1.100
11.000	.550	.550	10	10.600	2.077	1.142	1.142
12.000	.600	.600	10	11.300	1.949	1.169	1.169
13.000	.700	.700	10	10.400	2.116	1.481	1.481
14.000	.800	.800	10	9.300	2.353	1.890	1.890
15.000	.850	.850	10	9.300	2.644	2.247	2.247
16.000	1.050	1.050	10	8.000	2.743	2.800	2.800
17.000	1.200	1.200	10	7.200	3.044	3.553	3.553
18.000	1.300	1.300	10	5.200	3.530	4.509	4.509
19.000	1.250	1.250	10	7.000	3.130	3.913	3.913
20.000	1.150	1.150	10	7.500	3.132	3.561	3.561
21.000	1.050	1.050	10	9.000	3.083	3.712	3.712
22.000	1.100	1.100	10	7.500	3.323	3.315	3.315
23.000	.900	.900	10	17.000	3.302	1.172	1.172
24.000	.500	.750	5	15.000	.422	.622	.622
25.000	.000	.000	0	.000	.000	.000	.000
TOTALS		17.150				40.323	



Temp - 29°C



MEASUREMENT FOR WASH SPRING CREEK

MEASUREMENT LOCATION DOWNSTREAM OF HWY BRIDGE
MEASURED BY ADH & DL ON 4/23/85

LEGAL DESCRIPTION NEMM SEC 19 TWP 13N RND 20E
V = 2.180N + .020 FOR N <= 1
V = 2.170N + .030 FOR N > 1

DISTANCE FROM INITIAL POINT	DEPTH	AREA	REVOLUTIONS	TIME	VELOCITY	DISCHARGE
	FEET	SQ. FT.		SEC	FT/SEC	CFS
17.700	.000	.000	0	.000	.000	.000
17.000	.600	-.720	10	14.400	1.534	-1.104
16.000	1.100	-1.100	10	11.100	1.984	-2.182
15.000	1.100	-1.100	20	12.800	3.421	-3.763
14.000	1.300	-1.300	20	15.200	2.885	-3.750
13.000	1.200	-1.200	20	13.900	3.152	-3.782
12.000	1.200	-1.200	20	13.800	3.175	-3.810
11.000	1.150	-1.150	20	12.300	3.558	-4.092
10.000	1.150	-1.150	20	12.300	3.558	-4.092
9.000	1.150	-1.150	20	13.100	3.343	-3.844
8.000	1.200	-1.200	20	11.500	3.604	-4.555
7.000	1.200	-1.200	20	12.500	3.502	-4.202
6.000	1.000	-1.000	20	13.900	3.172	-3.152
5.000	.500	-.900	10	7.400	3.962	-2.666
4.000	.800	-.800	10	9.500	3.314	-1.851
3.000	.700	-.700	10	10.800	3.039	-1.427
2.000	.600	-.900	10	11.700	1.933	-1.695
1.000	.000	.000	0	.000	.000	.000
TOTALS						-49.977

above the Canal diversion
#1

Asr
#20
Temp 14°C
29°C

sta	depth	Rev/sec
Left 2'		
Bank 5'		
3'	0.40	20/36.2
4'	0.55	10/14.7
5'	0.45	10/16.4
6'	0.50	10/13.0
7'	0.35	10/13.2
8'	0.45	10/12.0
9'	0.50	10/10.5
10'	0.50	10/10.0
11'	0.55	10/10.6
12'	0.60	10/11.3
13'	0.70	10/10.4
14'	0.80	10/9.3
15'	0.85	10/8.3
16'	1.05	10/8.0
17'	1.20	10/7.2
18'	1.30	10/6.2
19'	1.25	10/7.0
20'	1.15	10/7.5
21'	1.05	10/8.5
22'	1.1	10/7.5
23'	0.9	10/17.0
24'	0.5	3/16
Right Bank 25'		

2 downstream

Temp

H₂O 26.5°C

Air 14.0°C

3

Temp

H₂O 25°C

Air 14°C

Left
Bank

Depth

Rev/sec

17.0

0.6

17

0.6

10/14.4

16

1.1

10/11.1

15

1.1

20/12.8

14

1.3

20/15.2

13

1.2

20/13.9

12

1.2

20/13.8

11

1.15

20/12.3

10

1.15

20/12.3

9

1.15

20/13.1

8

1.2

20/11.5

7

1.2

20/12.5

6

1.0

20/13.9

5

0.9

10/7.4

4

0.8

10/9.5

3

0.7

10/10.8

2

0.6

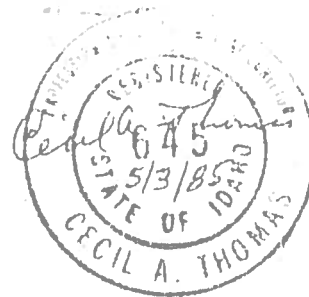
~~10/9.6~~ 10/11.7

Right Bank 1

0.5

Cecil A. Thomas
Consulting Hydrologist, Civil Engineer, Land Surveyor
Idaho License No. 645

3775 N. Locust Grove
Meridian, ID 83642
Ph. (208) 888-3087



LOWERING OF WATER TEMPERATURES BY POWER DEVELOPMENT ON
WARM SPRINGS CREEK NEAR CHALLIS, IDAHO

Several sets of temperatures have been observed on Warm Springs Creek. The following were observed by me and Will Ingram on April 29 & 30, 1985:

<u>Location</u>	<u>April 29</u>		<u>Wind</u>	<u>Time</u>
	<u>Temperatures, F</u> <u>air</u>	<u>water</u>		
Vent of spring	81°	95°	0	3:20pm
Cool inflow on right bank	81°	78°	0	3:25 "
150 feet below spring (mix)	80°	89°	0	3:35 "
Opposite upper power plant	79°	83°	0	3:50 "
Highway 93 crossing	76°	80°	0	4:30 "
Lower power site	75°	78°	0	5:10 "
Hot Spring Road crossing	72°	75°	0	5:30 "
<u>April 30</u>				
150 feet below spring (mix)	34°	86°	0	7:30 am
Existing power plant	34°	76°	0	7:10 am
Highway 93 crossing	35°	71.6°	0	6:50 am
Lower power plant site	36°	70°	0	6:35 am

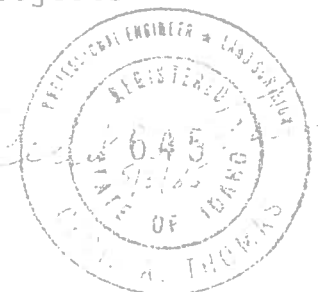
Average of 13 discharge measurements made by U. S. Geological Survey below the springs in 1984, after the earthquake is 52 cfs. This flow would fill the constructed canal to a depth of 3.0 feet at a water surface width of 12.0 feet, assuming a canal side slope of 1:1 and a slope of 0.0008.

On April 29, 1985, the temperature of the water in the channel was 89° below the side stream just below the springs and 78° at the proposed lower power plant, about 11.4 miles below the springs. Air temperature ranged from 72° to 81°. On April 30, water temperature was 86° at the upper site and 70° at the lower site when air temperatures were 34° to 36°. Readings April 29 were in the afternoon and in the morning on April 30 as shown above. No winds were blowing.

Water temperatures in Warm Springs Creek, N. Md.

The data above in addition to considerable data gathered by Richard G. Allen, P. E., are sufficient to define effects of power development as proposed on the water temperatures. In his report "Report on Increased Cooling and Flooding of Warm Springs Creek Resulting from Catfish Development" Allen shows temperatures computed using a computerized model of the Warm Springs channel below the springs are within a few degrees of observed temperatures. Using observed and computed temperatures which appear to be credible, diversion of the stream into canals and ponds affects temperatures only a few degrees at water temperatures above 32°. In several scenarios assumed or recorded, water temperatures reached near 32°. However, in all of these instances, not much heat was lost after the water temperature of 32° was reached. This is significant.

As water loses heat it lowers in temperature, one degree centigrade for each calorie lost per kilogram of water. This applies for water between boiling temperature (100°C) and freezing temperature (32°F, 0°C). However, when water continues to lose heat after it reaches freezing temperature, it does not freeze until it loses 80 more calories per kilogram of water. This amount of heat loss necessary to change a kilogram of water at 32°C from water to ice is known as the latent heat of melting. The water at the spring at 94° loses 62°F (34.5°C) during some of the coldest weather in the natural and some of the proposed canal or structures. However, to freeze after it reaches freezing temperature, the water must lose an amount sufficient to lower liquid water 144°F or 80°C. This latent heat is more than twice as much as the heat loss in severe weather from the spring to the lower end of the power projects. It appears obvious that if reasonable channel conditions are maintained, no difficulty from the proposed projects should result in ditches downstream.



CERTIFICATE OF MAILING

I hereby certify that on the 6th day of May, 1985, I sent, by Certified-Registered mail, a copy of the foregoing technical reports for the Ingram Warm Springs Ranch Hydro-power Project, properly addressed with postage prepaid, to the following parties:

Senator James A. McClure
Attn: Rita Scott
U.S. Senate
Washington, DC 20510

Office of Senator James A. McClure
c/o Mike Fields
250 S. 4th Avenue
Pocatello, Idaho 83201

Senator Steve Symms
Attn: Glen Youngblood
U.S. Senate, Senate Hart Bldg.
Washington, DC 20510

Mr. Kenneth F. Plumb, Secretary
Office of Electric Power Regulation
FEDERAL ENERGY REGULATORY COMMISSION
825 N. Capitol Street, NE
M.S. 208 R.B.
Washington, DC 20426

Mr. William F. Kopfler
Regional Engineer
FEDERAL ENERGY REGULATORY COMMISSION
333 Market St. - 6th Floor
San Francisco, CA 94105

U.S. Army Corps of Engineers
Building 602
City/County Airport
Walla Walla, WA 99362

Mr. Donald L. Smith
Challis Area Manager
Bureau of Land Management
P.O. Box 430
Salmon, ID 83467

Jack E. Griswold, Forest Supervisor
CHALLIS NATIONAL FOREST
P.O. Box 404
Challis, ID 83226

Mr. James N. Hawkins
Extension Agricultural Agent
P.O. Box 160
Challis, ID 83226

Mr. Frank Maraffio, Chairman
CUSTER COUNTY BOARD OF COMMISSIONERS
P.O. Box 385
Challis, ID 83226

Mr. John P. Wolflin, Field Supervisor
FISH & WILDLIFE SERVICE (U.S.)
Ecological Services
4620 Overland Road, Room 209
Boise, ID 83705

Mr. Ralph L. Swift, Dist. Conservationist
SOIL CONSERVATION SERVICE (U.S.)
Salmon, ID 83467

Mr. Keith Axline
Challis Chapter
IDAHO CONSERVATION LEAGUE
P.O. Box 733
Challis, ID 83226

NATIONAL MARINE FISHERIES SERVICE
Environmental Division
847 NE 19th Avenue, Suite 350
Portland, OR 98232

Mr. Loren Holmes
IDAHO DEPARTMENT OF WATER RESOURCES
1041 Blue lakes Blvd., N.
Twin Falls, ID 83301

Mr. Larry L. Koenig
Manager, Source Control
IDAHO DEPARTMENT OF HEALTH & WELFARE
Division of Environment
Statehouse Mail
Boise, ID 83720

Helen Chenoweth
Helen Chenoweth
Consulting Associates, Inc.

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226

RECEIVED

JAN 30 1991

Department of Water Resources
Southern Region Office

(208) 879-4488

January 28, 1991

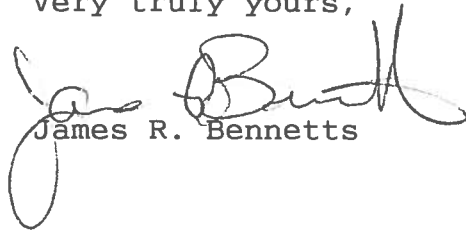
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

Dear Sirs:

The parties signing the enclosed letter are landowners along the west channel of Warm Springs Creek. The problem primarily has to do with the question of cooler water temperatures and icing up since the upstream ditching of the water has occurred.

I am involved along with the other parties as an owner of land adjoining the channel. Our interests are not all identical. Accordingly, I have not agreed to represent the other owners. I am interested in the outcome, of course, but I suggest that your response be directed to Ryan Hunt, P. O. Box 719, Challis, ID 83226, (208) 879-4213.

Very truly yours,


James R. Bennetts

JRB:jab
Enclosure

RECEIVED

JAN 30 1991

Department of Water Resources
Southern Region Office

January 18, 1991

Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

Dear Sirs:

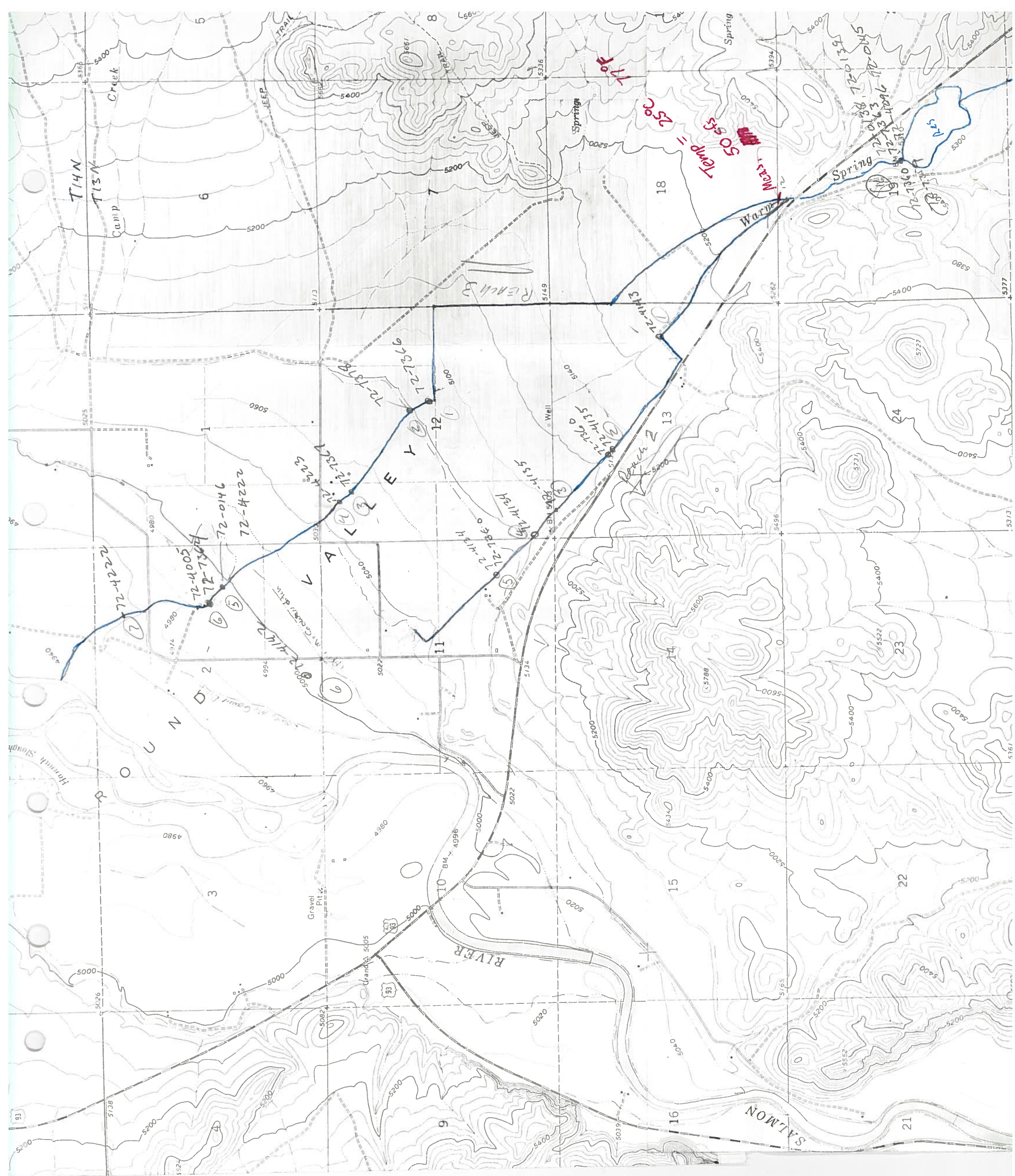
We, the undersigned, respectfully request that the Department of Water Resources investigate the present problems related to freezing and flooding of the west channel of Warm Springs Creek in Custer County, Idaho.

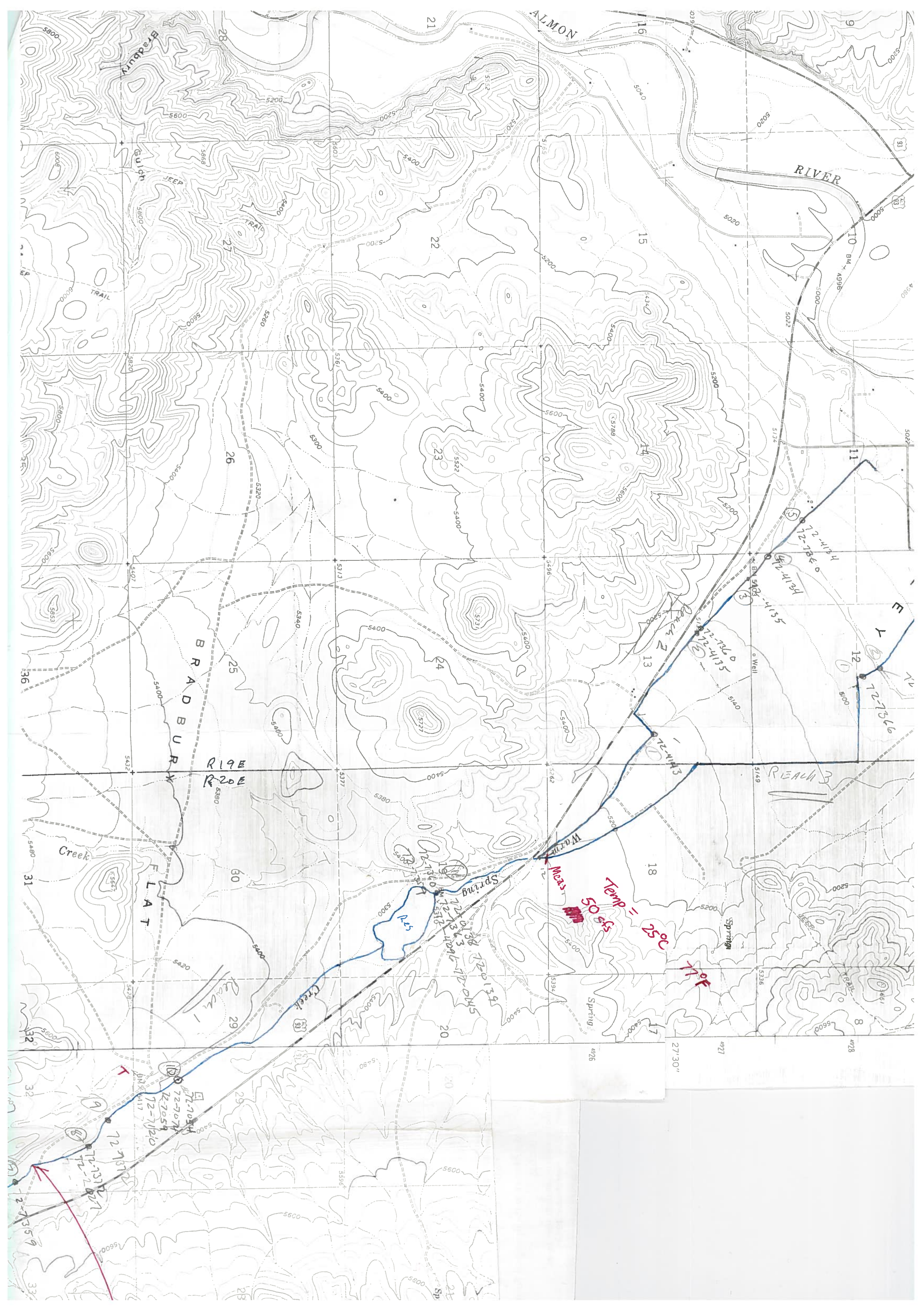
Currently, a considerable amount of damage and expense has been caused by particular conditions existing along the channel. We suggest that steps should be taken to determine the cause of the problems and to establish a course of action to alleviate the damage being caused.

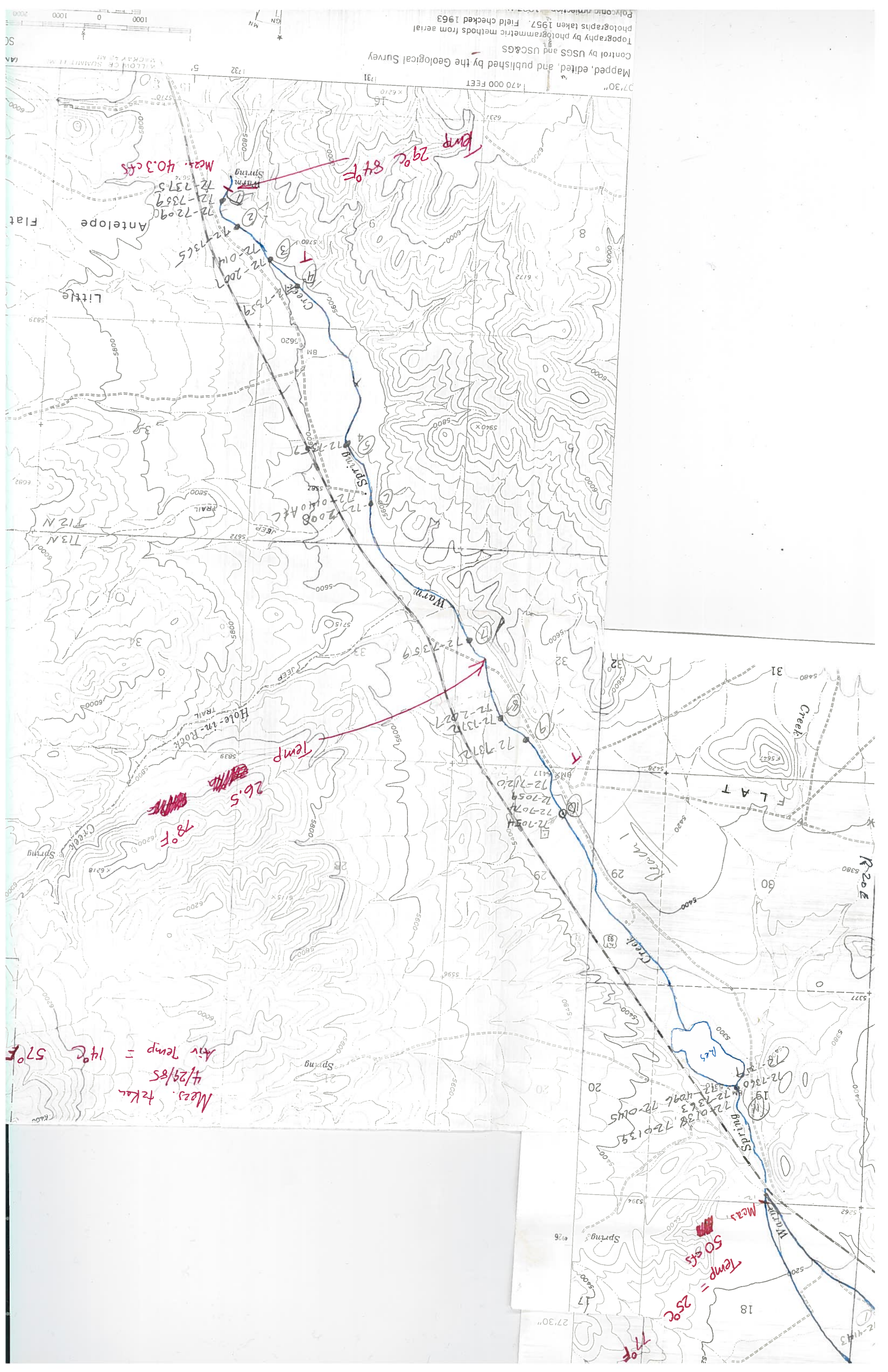
We think it is important that this matter be given full consideration in the very near future.

Respectfully submitted,

Doug Luffich
Fred M. Winter
Ryan N. Hunt
Alfred Crane
Ted Malone
L. Matt Swan 1-20-91









STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3576

January 28, 1983

Allen Getty
Challis,
Idaho 83226

Re: Warm Spring Creek

Dear Mr. Getty:

This office has reviewed available records to determine what authority exists for the diversion of the flows of Warm Spring Creek. The Department can authorize the diversion of the water only on the basis of existing rights.

The only recorded water right authorizing diversion of water from Warm Spring Creek in winter is a decreed right for 4 cfs of water to be diverted from the east channel near its mouth.

No recorded rights exist for diversion into the west channel in winter, although some rights have probably been established by diversion and beneficial use.

In order for users to have authority to divert water into the west channel in winter they must file claims to water rights (or applications for permit if the user started after May 20, 1971) to properly record the rights.

Claims must be filed before June 30, 1983 to be considered valid.

Without a valid water right, diversion from the east channel is not authorized. Management of water distribution cannot be done by a watermaster or the Department except in times of shortage.

Because much of Warm Spring Creek downstream from the Ingram Reservoir is not distinguishable from man-made irrigation works, stream alteration permits will not be required for work in this reach.

Any work done in the channel such as channel cleaning or installation of structures must be done so that damage to property will not result due to flooding or erosion. Application for permit No. 72-7700 is currently being held in this office pending

Page -2-
Warm Spring Creek
Jan. 28, 1983

the receipt of additional information from the applicant regarding the impact of the proposed developement on local public interest associated with Warm Spring Creek.

If you have questions, please feel free to contact this office.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

cc: Allen Getty
Golden Westergard
Morgan Haroldsen
Glen Hunt
Tim Ingram
Hon. Ray Infanger
Norm Young



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

17-May-1989

Gary Rogers
HC 63 Box 1794
Challis, ID 83226

Re: Warm Spring Creek

Dear Mr. Rogers:

Enclosed are reports of water rights on Warm Spring Creek and flow measurements which have been made.

On May 4, 1989, a discharge of 24 cfs was measured at the spring and 17 cfs was measured at the outlet of the lower Ingram power plant.

The enclosed tabulation of summer consumptive water rights shows that the flow of the spring is enough to fill water rights with priorities to 1908. Of course, this does not take into account return flows from irrigation or inflow from other sources.

If you have any further questions, please let us know.

Very Truly yours,

A handwritten signature in cursive script, reading "Loren O. Holmes".

Loren O. Holmes, P. E.
Southern Region Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

September 20, 1985

Ingram Warm Springs Ranch
HC 61 Box 3020
Challis, ID 83226

Gentlemen:

Re: Permit No. 72-7372

Enclosed is a copy of the approved Application for Permit No. 72-7372 along with the a copy of the Proposed Memorandum Decision and Order and Order Adopting Proposed Memorandum Decision and Order. I direct your attention to the conditions of approval as set forth in the proposed order.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port, or to provide a certified measurement or computation of flow based upon the design of the system to be prepared by a professional engineer.

If this office can be of any assistance to you, please feel free to contact us.

Sincerely,

L. GLEN SAXTON

Chief, Operations Bureau

LGS:rf

Enclosures

cc: Golden C. Westergard
Rich and Sue Rogers

RECEIVED

SEP 25 1985

Department of Water Resources
Southern District Office

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 72-7372

INGRAM WARM SPRINGS RANCH,
Applicant,

GOLDEN C. WESTERGARD;
RICH AND SUE ROGERS,
Protestants.

SOURCE: Warm Spring Creek

COUNTY: Custer

RECEIVED

SEP 25 1985

Department of Water Resources
Custer District Office

RESPONSE TO EXCEPTIONS AND
ADOPTION OF PROPOSED DECISION AND FINAL DECISION
APPROVING APPLICATION FOR PERMIT NO. 72-7372

The Proposed Memorandum Decision and Order approving Application for Permit No. 72-7372 was issued on July 12, 1985. Exception to the Proposed Decision was filed with the department by protestant Westergard. The required copy of the exception was not sent to the other parties by Mr. Westergard as required by the July 12 order, but was sent by the department on August 12 and the parties were allowed until August 28 to submit reponses. The applicant, Ingram Warm Springs Ranch, submitted a response on August 27 which raised the issue of whether the exception could be considered since copies were not sent to the other parties. This deficiency is sufficent to cause the exception to not be considered but in this instance, a discussion of the exceptions is worthwhile and the conclusion reached to issue the permit is the same.

Therefore, the exception by Mr. Westergard will be considered and each issue raised will be discussed in the same order it was raised.

Issue No. 1.

Exception is taken to identifying in Finding of Fact No. 1, the places where the water flows as the "two channels of Warm Springs Creek". In answer,

the water in Warm Springs Creek however divides and flows year-around in the two man-made ditches or channels. Since all of the water of Warm Springs Creek flows in these ditches they have been replaced and become the channels of Warm Springs Creek.

Issue No. 2.

Exception is taken to Conclusion of Law No. 8 and requiring more than 2.0 cfs (100 miner's inches) of water to flow in the irrigation ditch. In answer, we assume this exception is to Finding of Fact No. 8 which identifies the water rights decreed or claimed to be diverted into the ditch. There is no requirement to divert the amount into the ditch, but unless the amount on which a right has been established is run in the ditch to prevent freezing, then there is no basis to complain when freezing occurs.

Issue No. 3.

Exception is taken to dates of priority identified in Finding of Fact No. 8. In answer, the priorities are matters of record and a re-check of the priority of decreed right No. 72-0146 and claimed right No. 72-4005 show the priority dates are correct as identified in the Proposed Decision.

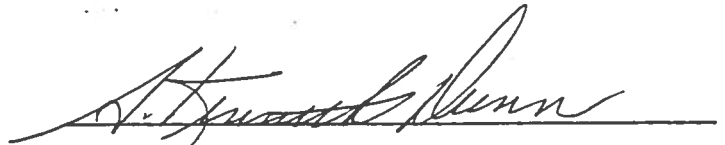
Issue No. 4.

Exception is taken to Finding of Fact No. 10 that the length of the power ditch will be 20,000 feet. In answer, the length was established by unrefuted testimony during the hearing and appears to be reasonable when the length of conveyance system is compared to the length of the channel where the water presently flows. The length of the conveyance system is 29,000 feet (20,000 power canal plus 9,000 pipeline) compared to 25,000 feet length of the existing channel.

The issues raised by protestant Westergard in his exception are not sufficient to cause a change in the July 12, 1985 Proposed Decision. Therefore,

the changes requested in the exception are denied and the Proposed Memorandum Decision and Order dated July 12, 1985 is ADOPTED as the final Decision with the conditions that proof of construction of works and application of water to a beneficial use is due on or before September 1, 1990.

Dated this 18th of September, 1985.

A handwritten signature in cursive script, reading "A. Kenneth Dunn", is written over a horizontal line.

A. KENNETH DUNN, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT
NO. 72-7372 IN THE NAME OF INGRAM WARM
SPRINGS RANCH

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this the 20th day of September, 1985, a true and correct copy of the foregoing RESPONSE TO EXCEPTION AND ADOPTION OF PROPOSED DECISION AND FINAL DECISION APPROVING APPLICATION FOR PERMIT NO. 72-7372 was mailed postage prepaid to:

Ingram Warm Springs Ranch
HC 61 Box 3020
Challis, ID 83226

Golden C. Westergard
HC 63, Box 1760
Challis, ID 83226

Rich and Sue Rogers
Box 1145
Challis, ID 83226



RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 72-7372

INGRAM WARM SPRINGS RANCH,

Applicant,

GOLDEN C. WESTERGARD;
RICH AND SUE ROGERS,

Protestants.

SOURCE: Warm Spring Creek

COUNTY: Custer

PROPOSED MEMORANDUM DECISION AND ORDER
APPROVING APPLICATION FOR PERMIT NO. 72-7372

BY HEARING OFFICER BOBBY D. FLEENOR

Ingram Warm Springs Ranch (applicant) having filed with the Department of Water Resources Application for Permit No. 72-7372 to appropriate unappropriated water; protests having been received from Golden C. Westergard and Rich and Sue Rogers; a conference and hearing having been held; the Department finds and concludes as follows:

FINDINGS OF FACT

Background

1. Warm Spring Creek originates from a series of springs located near the mouth of Grand View Canyon Sec. 10, Twp. 12N, Rge. 20E. The creek flows to the northwest for approximately 6 miles through ranch property owned by the applicant to a point where it divides into two man-made channels.

The larger of the two channels flows down the easterly side of Round Valley to the Salmon River. The smaller channel flows along the westerly side of the valley. Water reaching the end of the westerly channel discharges into the upper McGowan Ditch which flows northeast and rejoins the easterly channel of Warm Spring Creek. The water will be diverted into the canal above the point where the diversion into the two channels occurs.

In November, 1982, ice jams in the east and west channels of the creek caused flooding of low-lying areas. Later than usual storage of water in a reservoir just upstream from the diversion was likely a factor in cooling the water.

Following the Mt. Borah earthquake on October 28, 1983, the flow of Warm Spring Creek increased from its historic flow of 12 to 15 cubic feet per second (cfs) to over 70 cfs.

The increased flow caused severe channel erosion and headcutting along Warm Spring Creek. The Corps of Engineers enlarged the channel on the lower end of the creek and the water from the proposed power plant would discharge into the improved channel.

Application and Project

2. On April 19, 1984, the applicant filed with the Department of Water Resources, Application for Permit No. 72-7372 to divert 100 cfs of water from Warm Spring Creek, located in Custer County, a tributary of the Salmon River for the purpose of producing hydroelectric power. The applicant proposed to divert the water within the NW1/4 NE1/4 or NE1/4 NE1/4, Sec. 32, Twp. 13N, Rge. 20E, and convey it through a ditch and penstock to a power plant located in the NW1/4 SE1/4, Sec. 12, Twp. 13N, Rge. 19E, B.M.

3. Based on hearing testimony, the project is designed to have a capacity of 80 cubic feet per second. A ditch 20,000 feet long and a buried

steel penstock 9,000 feet long will be used to convey the water from the point of diversion to the power plant. Water would be discharged into the easterly channel of the creek downstream from the diversion.

Protests

4. Notice of the application was published in the Challis Messenger on June 7 and 14, 1984.

5. Protests against the granting of the application were received from Golden C. Westergard and from Rich and Sue Rogers on June 25, 1984.

The protestants raised the following objections to the project:

- a) The project will injure winter stockwatering and domestic rights by reducing water temperatures and thus, increasing the danger of freezing.
- b) The project is not in the local public interest because it will increase the potential for flooding due to ice jams downstream from the power plant.
- c) The power plant may produce excessive noise and disturbance which will affect the value of the home of Rich and Sue Rogers approximately 140 feet from the proposed location of the power plant.

6. At an informal conference conducted on March 13, 1985, Rich and Sue Rogers withdrew their protest, provided the applicant could satisfy their concerns about the noise created by the proposed power plant. The concern had not been satisfied as of May 10, 1985, the date of hearing.

Hearing

7. A hearing before the Department of Water Resources was held in Challis on May 10, 1985. The applicant was represented by William E. Ingram and Vernon Ravenscroft, consultant. Protestants Rich Rogers and Golden C. Westergard were present and represented themselves.

Additional Findings

8. Protestant Westergard diverts water from the easterly channel of Warm Spring Creek approximately 2 miles downstream from the discharge of the proposed project under the following water rights:

Number	Priority Date	Amount	Basis of Right
72-0146	Nov. 1, 1885	4.0 cfs	Decree
72-4005	Nov. 1, 1917	2.0 cfs	Statutory Claim

Both rights are for domestic and stockwater uses between November 1 and March 31 each year. Based on testimony, the maximum amount diverted under these rights is 250 miner's inches (5.0 cfs). Westergard also has Salmon River water rights which are delivered through the upper McGowan Ditch.

9. Flooding, caused by ice jams, occurred prior to the Mt. Borah earthquake when a lesser quantity of water flowed in Warm Spring Creek, but no flooding, caused by the freezing of the creek, has occurred since the earthquake even though air temperatures have fallen to -20° F on several occasions and was about -10° F for a period of eight days last winter.

10. Several factors will affect the amount of heat lost in the proposed canal and pipeline. Factors that will decrease the heat loss are: a) 9,000 feet of penstock will be buried, b) The canal dimensions and grade are constant which causes the flow to be non-turbulent with less surface being exposed to the air temperature. A factor that could increase the amount of heat lost is the time required for the water to travel in the natural stream. The difference in travel time is shortened, however, because the natural stream is longer than the canal. The canal is about 20,000 feet long and the natural stream is about 25,000 feet long. The respective travel times can be calculated by dividing the length of the channel by the velocity. The velocity in the canal is designed to be 2.0 feet per second, which is derived by dividing the Q(80 cfs) by the cross

sectional area of the canal, 40 square feet. The velocity in the natural stream can be calculated using Mannings equation:

$$V = \frac{1.486}{n} r^{2/3} s^{1/2}$$

where

V = velocity

n = Reynold's number = 0.045 from 4th edition, Civil Engineering Handbook by Urquhart

r = Hydraulic radius, assume the same configuration as the canal

s = Slope = head/length = 336 ft. ÷ 25,000 = 0.0134

$$V = \frac{1.486}{0.045} 0.66557 \times 0.0134^{1/2} = 2.55 \text{ feet per second}$$

The travel time in the canal would be:

$$T = \frac{\text{length}}{\text{velocity}} = \frac{20,000 \text{ ft.}}{2.0 \text{ ft./sec.}} = 9,804 \text{ sec.} = 167 \text{ min.} = 2.78 \text{ hrs.}$$

The travel time in the stream channel would be:

$$T = \frac{\text{length}}{\text{velocity}} = \frac{25,000 \text{ ft.}}{2.55 \text{ ft./sec.}} = 9,804 \text{ sec.} = 163 \text{ min.} = 2.72 \text{ hrs.}$$

11. There are uses of water that occur on the west channel. Other than Mr. Ingram's own 2.0 cfs claim, there is one permit, No. 72-7360, for the diversion of 6.0 cfs of water during the summer months and again, besides Mr. Ingram's claim, there are three claims for stockwater use during the winter months.

CONCLUSIONS OF LAW

1. Protestant Westergard has prior rights for the use of Warm Spring Creek water during the winter months.

2. Occasional freezing of Warm Spring Creek prior to the Mt. Borah earthquake has caused flooding.

3. Changes in flow and in the condition of the channel of Warm Spring Creek since the earthquake have lessened the potential for freezing.

4. Water temperature will not change because of the project any more than it would change naturally in the existing channel.

5. The addition of the applicant's project to the Warm Spring Creek system will not increase the potential for freezing to an unacceptable degree and most likely will decrease the likelihood of freezing.

6. The present design of the power house is probably adequate to reduce turbine noise to an acceptable level, but if not the applicant has agreed with protestants Rich and Sue Rogers to modify the design of the power plant to limit noise to an acceptable level.

7. The rate of diversion must be reduced to 80 cfs.

8. The water rights on the west channel must be satisfied by either releasing sufficient water past the point of diversion to the power canal or by supplying water to satisfy the rights in some other way. Either way the water must be supplied in a manner that eliminates icing of the channel.

ANALYSIS

Based on the increased flow in Warm Spring Creek since the earthquake, flooding that occurred because of ice jams before the earthquake is not a good indicator that flooding will occur in the future. The stream channel has been modified from its original condition to accommodate the greater flows and the greater quantity of water tends to retain heat for a greater distance.

The addition of power plants to the stream will further alter the conditions which control water temperatures. No exact estimates of water temperature at the Westergard point of diversion have been made. However, an analysis of the travel time indicates that the time the water would be exposed to air would be only about four minutes longer and, therefore, would have essentially no impact on the potential for freezing.

Power plant noise can be contained within a properly designed power house. The applicant has agreed to review existing power plant installations

PROPOSED MEMORANDUM DECISION AND ORDER - Page 6

with protestants Rich and Sue Rogers and to construct a power house which will limit noise to an acceptable level.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 72-7372 be APPROVED subject to the following limitations and conditions:

1. Diversion of water under this permit is subject to all prior water rights.
2. The rate of diversion shall not exceed 80 cfs.
3. The water right acquired under this permit shall be junior and subordinate to all other rights for the use of water, other than hydropower within the state of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against future rights to the use of water, other than hydropower, within the state of Idaho initiated later in time than the priority of this permit.
4. This permit is subject to the provision of Section 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
5. This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
6. The diversion and use of water under this permit and any subsequent license will be subject to review by the Director at a future date. That date to be set as soon as possible after considering among other factors: a) the term of the power purchase contract, b) the policy of the Idaho Public Utilities Commission and c) the term of any Federal Energy Regulatory Commission license granted. No water shall be diverted by the permit holder until the information needed by the Director on the above factors is supplied by the permit holder and the Director has established the term of this permit and subsequent license.

7. The permit holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer.

8. Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the final order.

Dated this 12th day of July, 1985.


BOBBY D. FLEENOR
Hearing Officer

CONVERSATION MEMORANDUM

DATE 1-13-89FILE WARM Springs CR BSN. 72NAME OF PARTY Lynn JohnsonEMPLOYEE TERRY BlauRE: Icing up + flooding of Lower reaches of the West Channel of Warm Springs Creek.

Mr. Johnson called to complain of ice filling the lower portion of the West Channel of Warm Springs Creek after it flows ^{under} the Canal. He thought the problem was due to water running across Ingram's meadow below the Upper Power Plant.

- Called Will Ingram 1-13-89. He acknowledged that water is leaking from the ditch that takes water to the lower Power Plant + runs across a meadow to the channel of Warm Springs Cr. He has as yet been able to seal the leak in the ditch which is causing the problem. He sounded in favor of running a pipeline to supply stockwater users in the West Channel of Warm Springs Cr. He suggested tapping a spring which rises on BLM above his place. He thought it would be best if someone from this office approached the other users w/ the pipeline alternative. He would be willing to pay the cost if it was a small pipeline under 2". He will be leaving for a month on the 19th so we will try to get up there before he leaves.
- Called Lynn Johnson back - He will be gone now. Will plan to go on Tue.

Field Notes of Investigation of Ice + Flooding West channel of Warm Springs

1/17/89 WARMSprings Temps

At Source Small spr 12°C
Large 34°C

Outside Air Temp 11°C

After Springs Combine 33°C - 91.4

Where rd goes on canal bank 30° 86'

where Canal crosses Hwy 21°C

Discharge into channel below lower power plant $23^{\circ}\text{C} = 73.4^{\circ}\text{F}$

Temp at Control Box in Ingram field $10^{\circ}\text{C} = 50^{\circ}\text{F}$

Temp below Lower Power plant $= 14.5^{\circ}\text{C} = 58^{\circ}\text{F}$

1/18/89 @ 9:45 Am " " " " 14.0°C Air T. 4°C

1/18/89

TOOK Photos of upper McGowan Ditch

ICE Formed by water flowing across pasture from Keyes Ditch to Upper McGowan. Caused by undersized pipe to carry water under Keyes ditch. Photos of Pt where water flows under Keyes Ditch, overflow from Warm Spr. Ditch into Keyes Ditch. Water flowing down Keyes ditch flows across fields cooling to freezing causing water to freeze in Upper McGowan Ditch. Has been controlled by cutting bank of Keyes Ditch. at point where pipeline goes under ditch to prevent water from flowing down Keyes Ditch. Ted Malone who is leasing Keyes Place will have that done as soon as the person who does his backhoe work gets back in town.

Photo Series from hill overlooking the lower west channel above Gollys Honor

Ted Malone Leasing Keyes Place

Mervin Winters Owner

Packer - ~~the~~ House surrounded by ice. Above Keyes ditch

Iceing Problem this time was primarily due to water seepage from Ingram's Lower Hydro Canal flowing across meadows back into Warm Springs channel & cooling the flows in the channel. Ingram has corrected problem by discharging water into the warm springs channel below upper power plant.

To permanently resolve problems Will Ingram has agreed to pay the cost of laying a pipeline from his penstock to the west channel. & divert all of the natural flow down East channel.

FEMA pulls the plug on Warm Springs project

by MOLLY O'LEARY-HOWARD

A memo written Friday, as part of a Disaster Survey Report, has recommended a shut down on the Warm Springs flood abatement project. The report by LaRue Bevington, a Public Assistance Specialist with the Federal Emergency Management Agency, was written following an inspection of the project to determine if additional work would qualify for federal funds.

On January 19 Army Corps of Engineers specialist Tom Tate surveyed the project and recommended re-excavation of a seven-tenths of a mile section of the channel along with placement of an additional 1000 feet of rip-rap.

Re-excavation on the stretch of the project that crosses the Gary Rogers and Will Ingram ranches has been completed, widening the ditch to conform to the overall design of a 14 foot wide, flat-bottomed watercourse. Approval for the additional rip-rap, however, was denied as a result of last Friday's inspection by Bevington.

Immediate threat eliminated

According to Bevington's report, "The immediate threat to the houses in the area and the road system appears to be alleviated."

Imminent flooding danger to the homes and county roads, from the increased flow of the warm springs that head on the Will Ingram ranch, was the basis for the county sponsored flood abatement project. The project has been funded jointly by federal (75%), state (15%), and county (10%) monies under a FEMA Emergency Protective Measures program.

Can't justify expense

The cost of the project to date, according to County Clerk Ethel Peck, is approximately \$183,000. According to Peck, Bevington stated that he could not justify spending another \$20,000 on the project for 1,000 feet of additional rip-rap needed to protect a seven-tenths of a mile stretch of ranch land. The EPM project

was intended to prevent imminent flooding danger to homes, Peck said, and land used for agricultural purposes is specifically excluded by law.

"Additional rip-rap has been requested to prevent erosion and is no doubt needed," Bevington stated in his memo. "It is my belief that this does not fall within the guidelines established by Federal Code for the Federal Emergency Management Agency at this time."

"I am recommending," Bevington continued, "that if any additional help be needed that the request by the landowners be channeled to the Department of Agriculture or the Corps of Engineers."

State concurs with analysis

According to Peck, Jim Blake, acting as a disaster assessment representative for the state concurred with Bevington's analysis of the situation. The county did not agree, Peck said, leaving the door open for possible further work should flooding recur following the spring thawing of an above average snowpack.

Although Bevington recommends a shut-down on the project, he also recommends that two irrigation diversions removed during the project, one by mistake and another to prevent flooding, be replaced. Peck said if their replacement is approved by FEMA, they will be installed with no determination made as to the diversion of the water.

"That," she emphasized, "is a matter for the State Water Resources Board to decide."

Weather Report

Date
Jan. 23
Jan. 24
Jan. 25
Jan. 26
Jan. 27
Jan. 28
Jan. 29
periods for
0800 AM to 08
Report Cou

Lorain Holmes

RECEIVED

FEB 14 1984

Department of Water Resources
Southern District Office

Lorain Holmes

FROM Loten Holmes

DATE 2/11/83

TO Norm Young

SUBJECT Warm Spring Creek

Following my letter to Warm Spring Creek users, Will Ingram made us aware of the attached letter sent in 1975.

In further digging in the files, I found that SCA Permits 72-S-48 & 49 were issued in 1973 & 74 for the channel relocation & cleaning done by Ingram.

The claim mentioned in Flowerden's letter is 72-4005, which I also did not discover in my research of the water rights.



SIGNATURE



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

SOUTHERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 7, 1975

RECEIVED

FEB 8 1983

Department of Water Resources
Southern District Office

Mr. Will Ingrams
Star Route
Challis, Idaho 83226

Dear Mr. Ingrams:

As a result of my visit to Round Valley in the company of yourself, Lynn Johnson, and Garth Chivers, I found the following conditions to exist:

1. The main channel of Warm Springs Creek is conveying the maximum flow without damage to your property and others downstream.
2. Siltation and debris is collecting in the Challis and Upper McGowan ditch.
3. The old Joe Rodgers ditch below the Challis ditch is handling maximum carrying capacity and check boards are installed in the cement diversion to keep from exceeding this capacity.
4. Visual observation of Mr. Westergard's ditch would indicate it was not carrying two feet of water and could not carry that amount without some maintenance, which it appears has not occurred recently.
5. Mr. Johnson and Mr. Chivers indicated to me that the channel of Warm Springs Creek, below the Rodgers ditch diversion, is carrying as much flow as it always has in past years. The old Rodgers ditch is set up as it has been in past years, however, there is increased flow in Warm Springs Creek which makes it necessary to divert additional water into the Rodgers ditch due to the carrying capacity of Warm Springs Creek downstream of the Rodgers ditch diversion.

The following comments are with regard to the above numbered conditions as I understand the situation on Warm Springs Creek and possible solutions to the problems.

1. In order to remove some of the flow from the Rodgers ditch, it would be necessary for you and some downstream owners to do some channel maintenance, and in some areas, increase the channel carrying capacity to accommodate the increased flow.

2. I believe it is fairly safe to say that debris and silt was in the lower end of the valley and was occurring prior to the installation of the Challis and Upper McGowan ditches. This is a naturally occurring evolution on most streams and Warm Springs Creek does not appear to lack the characteristics of transporting sediment and debris to its lower reaches.

3. The amount of water which empties into the ditch for the Keyes Ranch is apparently controlled by them with check boards which dictates the flow to them and the amount of water which flows down the Challis ditch and ultimately mixes with the waters of the natural channel of Warm Springs Creek as it discharges from the ditch.

It is my understanding that any fluctuations in Warm Springs Creek above the Rodgers ditch diversion would be transmitted to this point, and all points in the whole system. One solution to this problem would be to encourage the Keyes Ranch to increase the size of their ditch to handle all the waters coming into and along Challis ditch that is now being conveyed back to the natural channel.

4. As you are aware, I did not personally measure the water in Mr. Westergards ditch. However, I feel there may have been in the neighborhood of one foot of water flowing through his ditch. Sections 42-701, 42-1203, and 42-1204 of the Idaho Code indicates that the appropriators of waters and owners of ditches shall maintain their works and ditches so as not to waste water and cause damage to others. It would appear that Mr. Westergards ditch is not being maintained to a size that will convey two feet of water, particularly during the winter months since there was evidence that during ice formations in the ditch it had overflowed on adjacent lands. It would seem reasonable that if the ditch was adequately sized to carry two feet of water and have allowable room for some surface icing, the increase flow may deliver the desired temperature water he is seeking.

5. Based on the comments of Mr. Johnson and Mr. Chivers, that the system is set up as it has been for many years, it would appear that the natural channel is carrying maximum flow. You certainly have no control over the natural elements causing the changes in the rise and fall of Warm Springs Creek.

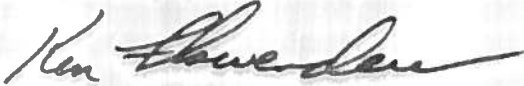
72-4005 Mr. Westergards water right is a use right that was filed by Mr. Burstedt on May 19, 1971, based on an old permit which was not proven up on and the Department of Water Resources cancelled it for failure to file proof. The Claim to a Water Right filed with us claims a priority of November 1, 1917. As I indicated to you during our discussion, all of your decreed rights for irrigation have an earlier priority than 1917; therefore, it is not necessary for you to wait until April 1 to divert the stream onto your lands and put the water to beneficial use. The decree does not place any calendar restrictions on your rights to the use of water. The court decree does not mention anywhere a requirement for the maintenance of temperature for the use of other parties. There may be some case history in Idaho that has awarded a party a right to a specified temperature. To my knowledge, in Idaho laws and regulations, there is no mention of guaranteeing an appropriator the right to any temperature of water.

Page 3
March 7, 1975
Mr. Will Ingrams

It is my understanding that an appropriator would have the right to install a conveyance system to reduce the temperature loss and so obtain the temperature of water to which he is accustomed.

I discussed your proposed change of the channel of Warm Springs Creek with the District Engineer. Ensure you submit an application for permit describing your proposed change.

Very truly yours,



Ken Flowerdew
Water Resource Technician II
Southern District

KF:cc

INTER-DEPARTMENT MEMO — 1

FROM Ray C. Blau

DATE 12-7-82

TO File 72-7209

SUBJECT Local concern about temp. loss in Warm Springs Cr.

On Nov. 30 and Dec. 1 I met with approx. 20 local people in Challis concerning flooding in lower Warm Springs Creek. During the meeting several people voiced concern about the temperature of Warm Springs Creek being lowered by damming the lower Warm Springs Creek. Most of the long-time residents of the area stated that the temperature gets below 20 to 25 degrees below zero in the winter in the lower Warm Springs Creek. The damming of the lower Warm Springs Creek would result in the water in the lower Warm Springs Creek being kept above 20 to 25 degrees below zero in the winter. This would result in the water in the lower Warm Springs Creek being kept above 20 to 25 degrees below zero in the winter. This would result in the water in the lower Warm Springs Creek being kept above 20 to 25 degrees below zero in the winter.

Regional news

B-2

Idaho Falls, Idaho, Tuesday, December 7, 1982

Custer ranchers end dispute over water rights to creek

By TOM LaROCQUE
Post-Register

Central Idaho staff writer

CHALLIS — About 25 Challis area ranchers and homeowners ended a dispute over water rights on Warm Springs Creek, at least temporarily with a tentative agreement.

The dispute was centered around the relative amounts of water to be diverted into the creek's eastern and western channels. At a meeting moderated by Terry G. Blau of the Idaho Department of Water Resources, the two parties agreed that the western channel would receive close to four cubic feet per second (cfs) of water, roughly one-quarter of the creek's total volume.

Excessive water flow in the western channel, which runs through ranches and a small housing subdivision east of U.S. Highway 93 near Challis Hot Springs Road, has resulted in flooding in the past. As recently as Nov. 27 rancher George Hays filed a complaint against his upstream neighbor, Golden Wetergard, for what Hays thought to be negligence on the part of Wetergard, causing his property to be flooded.

Many causes

But the causes of flooding, both recently and in the past, proved to be the result of many causes. A rancher who temporarily impounds water in a holding pond can chill it excessively during cold weather, causing it to freeze sooner than expected further downstream. An ice-filled streambed can then cause big problems because subsequent stream flow can't follow its natural course. According to some ranchers, it runs off onto surrounding land.

Similarly, a rancher who neglects to keep his channels cleaned and unobstructed by debris can cause icing, since water tends to freeze at stationary obstacles. A landowner who fails to keep the water contained in a narrow, well-maintained channel might also cause problems, because water which is permitted to spread out freezes more rapidly than water in a narrow channel. An ice jam upstream can cause a burst of water downstream later, ranchers maintain.

Recognizing the complexity of water problems, Custer County Sheriff Morgan Haroldsen

directed Hays' complaint to the attention of the Department of Water Resources shortly after receiving it. Blau arrived in Challis last week and conducted an introductory discussion before joining the landowners for a tour of the affected areas. The group then met again to hash out a solution to the problem.

Limiting flow

Limiting stream flow in the western channel in order to avoid flooding was only one concern. It had to be balanced against the need to supply ranchers with enough water to irrigate during the summer, and provide drinking water for cattle year round. Similar concerns existed along the eastern channel.

The sometimes thankless responsibility of controlling the flow of water into each channel has been taken by rancher Will Ingram, who presently owns the land on which the creek splits into two channels. Ingram says he has usually divided the creek roughly in half by means of floodgates, since he began controlling its flow about 12 years ago.

"I think it's being handled as well as possible right now," he said. The creek carries from 13 to 17 cfs of water under normal conditions, by most ranchers' estimates.

Abnormal conditions

But it is abnormal conditions, such as the occasional cloud-bursts at nearby Bradbury Flat, which cause real headaches for landowners in the area, Blau said. These approximately once-per-year occurrences result in Warm Springs Creek swelling to the point where there is too much water for either channel to dispose of effectively. The two channels reconvene, sometimes after passing through basements and over grazing land, and end up in the Salmon River.

One proposal for controlling the bursts of water from Bradbury Flat would involve constructing a dam in that area. According to Glen Hunt of the federal Soil Conservation Service's local chapter, the \$30,000 earthen dam could be built only with BLM approval. It might be funded through the federal Resource Conservation and Development (RC&D) program, if local land owners can

convince administrators of the need for such a project.

But stream flow under normal conditions remained the main topic at the meeting. Landowner Allen Getty of Challis repeatedly insisted upon an agreement such as the one which was eventually reached, in order that he could prepare his channel of the western diversion for a specified amount of flow. "I have to know if I'm expected to carry the Salmon River, or just what I'm carrying now," he said.

Temporary plan

The decision to divert approximately four cfs to the western channel will apply only until June 30, 1983, when the Department of Water Resources will begin formulating a permanent water plan for the area. By that date, all Idaho water users are expected to file claims for any private use of public water. The final plan will take these claims into account in deciding how much water should go where, according to Blau.

Among the problems cited throughout both channels of Warm Springs Creek was the installation of culverts which are too small to handle heavy stream flow. Blau suggested that all culverts should be at least 36 inches in diameter, but acknowledged that land owners were understandably reluctant to replace inadequate culverts until a final water plan is reached.

Another problem has been the failure of some land owners to clean the channels adequately. Ranchers agreed that all efforts to maintain the Warm Springs Creek channels would have to be executed.