

04/11/2014

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

RIGHT NUMBER: 61-7417

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.100 AFY

The capacity of the pond 1.25 AF.

The quantity of water under ~~this~~ Right Nos. 61-7417 and
61-12296 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/26/1950

POINT OF
DIVERSION:

T01N R06E S34 SESE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER FROM STORAGE	06/01 11/30	0.10 AFY
STOCKWATER STORAGE	01/01 12/31	0.10 AFY

PLACE OF
USE:

STOCKWATER FROM STORAGE in ELMORE County

T01N R06E S34 SESE

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 is
not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 61-12296 is an enlargement of this right pursuant to Section 42-1426,
Idaho Code.

Parcel No. RP01N06E340020

04/11/2014

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

RIGHT NUMBER: 61-7417

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 0.100 AFY

The capacity of the pond 1.25 AF.

The quantity of water under Right Nos. 61-7417 and
61-12296 shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/26/1950

POINT OF
DIVERSION:

T01N R06E S34 SESE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER FROM STORAGE	06/01 11/30	0.10 AFY
STOCKWATER STORAGE	01/01 12/31	0.10 AFY

PLACE OF
USE:

STOCKWATER FROM STORAGE in ELMORE County

T01N R06E S34 SESE

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 is
not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 61-12296 is an enlargement of this right pursuant to Section 42-1426,
Idaho Code.

Parcel No. RP01N06E340020

04/30/2013

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

RIGHT NUMBER: 61-7417
NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE ID 83720-0050

SOURCE: SPRING

TRIBUTARY: UNNAMED STREAM

QUANTITY: 1.250 AFY

The quantity of water under this right shall not exceed
13,000 gallons per day.

PRIORITY DATE: 09/26/1950

POINT OF
DIVERSION:

T01N R06E S34 SESE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

STOCKWATER FROM STORAGE

06/01 11/30

STOCKWATER STORAGE

01/01 12/31

QUANTITY

1.25 AFY

1.25 AFY

PLACE OF
USE:

STOCKWATER FROM STORAGE in ELMORE County

T01N R06E S34 SESE

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

The quantity of water decreed for this water right is
not a determination of historical beneficial use.

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

*Rejected by Court
Pending Receipt & Approval
of Amended Claim
* Re-submit in Fall 2013
Dir. Rep. per Court Order
12/20/13 scc*

*Legal preview prevents
exceeding Lic. Quantity
- Limited by Lic.*

*OK per
Beneficial Use
AMENDMENT*

61-7417

3/15/13 son

(Pond ID AS #028 in exam of LIC.)

ADD: 0.1 AFA

Remark: N13

Source & Trib appear to Conflict
w/ 61-7416 which says source upstream
of this is trib. to Crown Creek (61-7416)
Aerial photos show this to be intermittent
flow and is dry below the pond.

POD - pond is clearly visible in Aerial maps.

USES: STOCKWATER CLAIMED.

ACTUAL USE IS STORAGE.

Pond $\approx$ 0.3 ACRES SURFACE (MAYBE 0.2 AC.)

LIMITED by LIC to 0.1 AFA

* Appears to Exceed LIC, Rate

4/12/13 PREPARE AMENDED CLAIM

GIS Meas. of pond = 0.25 ACRE surface
Depth by IDL = 4-5 ft.

Pond size appears to vary during the Season,

Allow 5 ft depth * 0.25 AC = 1.25 AFA

(Doesn't exceed daily std rate for 200 head
of 2.7 AFA)

Clelland, Steve

From: Nelson, Tyson [tyson.nelson@ag.idaho.gov]
Sent: Wednesday, March 27, 2013 1:25 PM
To: Clelland, Steve
Subject: RE: some issues on Basin 61 claims
Attachments: 1950 pond identified.pdf; 1969 pond identified.pdf; 1979 pond identified.pdf; 1950.pdf; 1969.pdf; 1979.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Steve,

I discussed the issues raised in your 3/15/13 email with IDL staff. Here is additional information.

61-7417:

IDL staff found aerial photos from 1950, 1969, and 1979 that show the pond in T1N, R6E, Section 34, SESE. The aerial photos are attached to this email. It can be difficult to find the pond in the photos. I asked IDL staff to identify the location of the pond on the photos, and a separate PDF for each photo is attached noting the pond location. The pond is clearly visible in the 1969 and 1979 photos. Please let me know what you think? If you concur with this information, IDL would like to amend claim 61-7417 to a beneficial use claim and claim the greater volume uses you noted in your email below. Will this amendment be considered de minimis for purposes of using the SF-5 for amending stockwater claims? Do you need any additional information from IDL at this point?

You may remember we discussed looking at USGS topo maps for evidence of the pond prior to 1971. I only could find a topo map from 1990.

61-7416: ✓

Last week, you and I discussed this claim. The POD should be in T1N, R6E, Section 34, NWSE. IDL staff told me a small pond is in this location (see the green area south of the road in NWSE). We discussed recommending this POD as an accomplished transfer.

Thanks for your assistance with these claims. Please let me know if you have any questions.

Tyson K. Nelson

Deputy Attorney General
Natural Resources Division
Office of the Attorney General
P.O. Box 83720
Boise, ID 83720-0010
Phone: (208) 334-4549
Fax: (208) 854-8072
tyson.nelson@ag.idaho.gov

From: Clelland, Steve [<mailto:Steve.Clelland@idwr.idaho.gov>]
Sent: Friday, March 15, 2013 12:26 PM
To: Nelson, Tyson
Cc: Courtney, Andrea
Subject: some issues on Basin 61 claims

Hi Tyson,

I have run across some questions regarding 2 of the basin 61 late claims for IDL. If you could shed some light on them I would appreciate it.

61-7416 appears to be unclear as to what is being claimed. The source says Lucas Spring trib. to Crown Creek but there is no Lucas Spring shown on the USGS topo map. I tried to locate the POD based on the map in the license backfile and it places the POD out on a small hill; no appearance of a spring of any type. I will attach a screen shot of what I am looking at and that may show it better. If it really is trib. to Crown Creek it conflicts with the next right/claim – 61-7417 which appears to be downstream from -7416 but doesn't claim to be trib. of Crown Creek. (confusing!) As a note, I am trying to identify the actual location of these Basin 61 stock uses and the POD's. Otherwise they show up as a very generic location as the QQ square and the POD in the center; this is our best chance to estimate a better location of the uses. So far the license backfile and permit documents have shown the locations on maps.

61-7417: claimed and licensed as "Stockwater" use. However the use appears to be a pond. Again I will attach a screen shot which is very clear. This raises the problem of uses and volume. I could convert the use and recommend it as Stockwater Storage/Stockwater From Storage but the pond is about 0.2-0.3 acres in size. The License limits the volume to 0.1 AFA (acre feet per annum). Therefore, even if the pond was 1" deep it would exceed the license limit; my guess is the pond is deeper than that. I estimate the pond stores almost 1.0 AFA.

Options? Keep the right as licensed and claimed and recognize the storage is an un-claimed, deferred use. The other (perhaps better) option: amend the claim (can be done via the SF5 for de minimis rights) to a beneficial use right that predates 1971 and claim the greater volume uses found. We can discuss this further if you wish.

Look forward to hearing from you. In the mean time I will move on to the next claim...
Steve

Steve Clelland
steve.clelland@idwr.idaho.gov
(208) 287-4913

1950

DLG-46-84



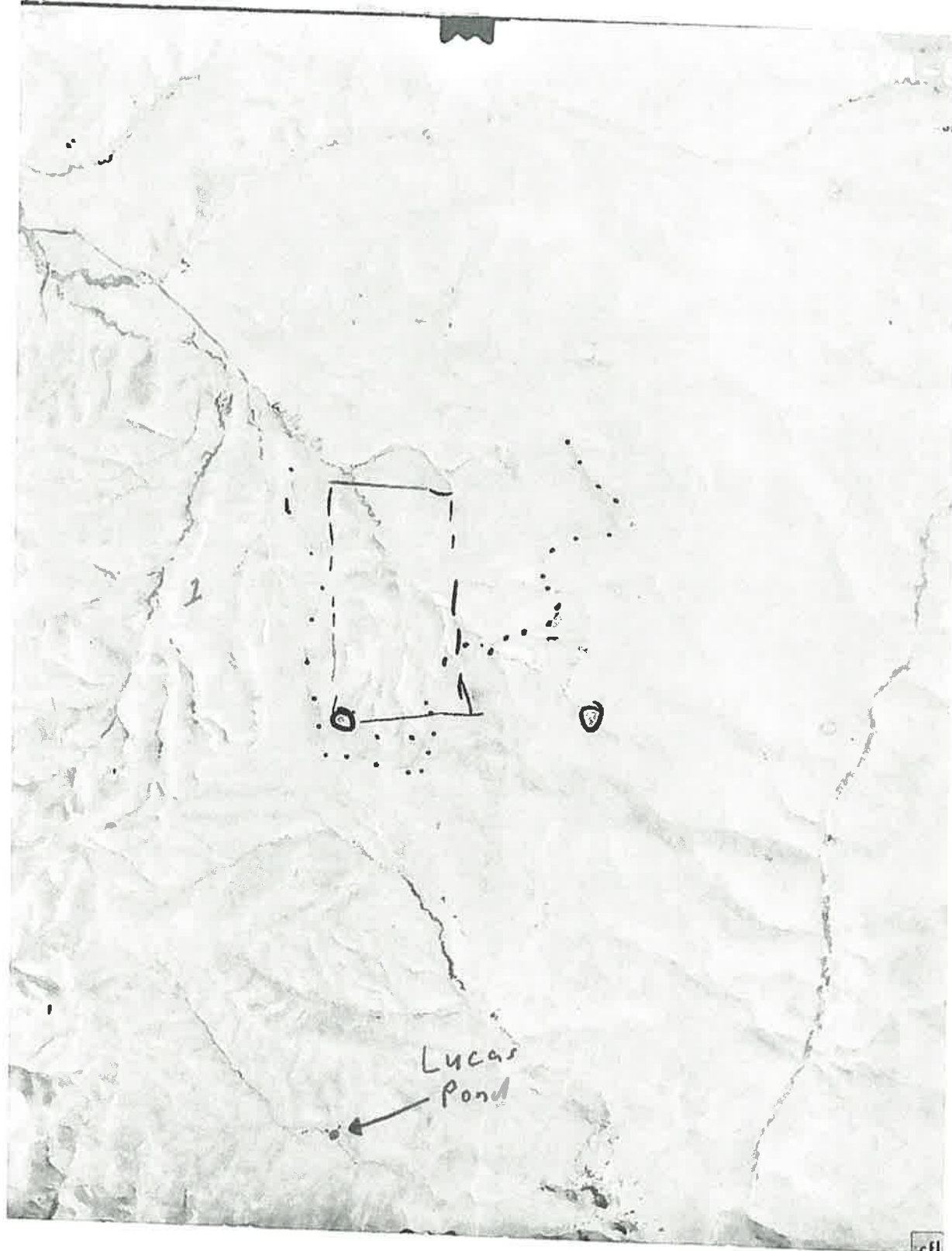
IDL NOTE

61-7417



61-7417

1969

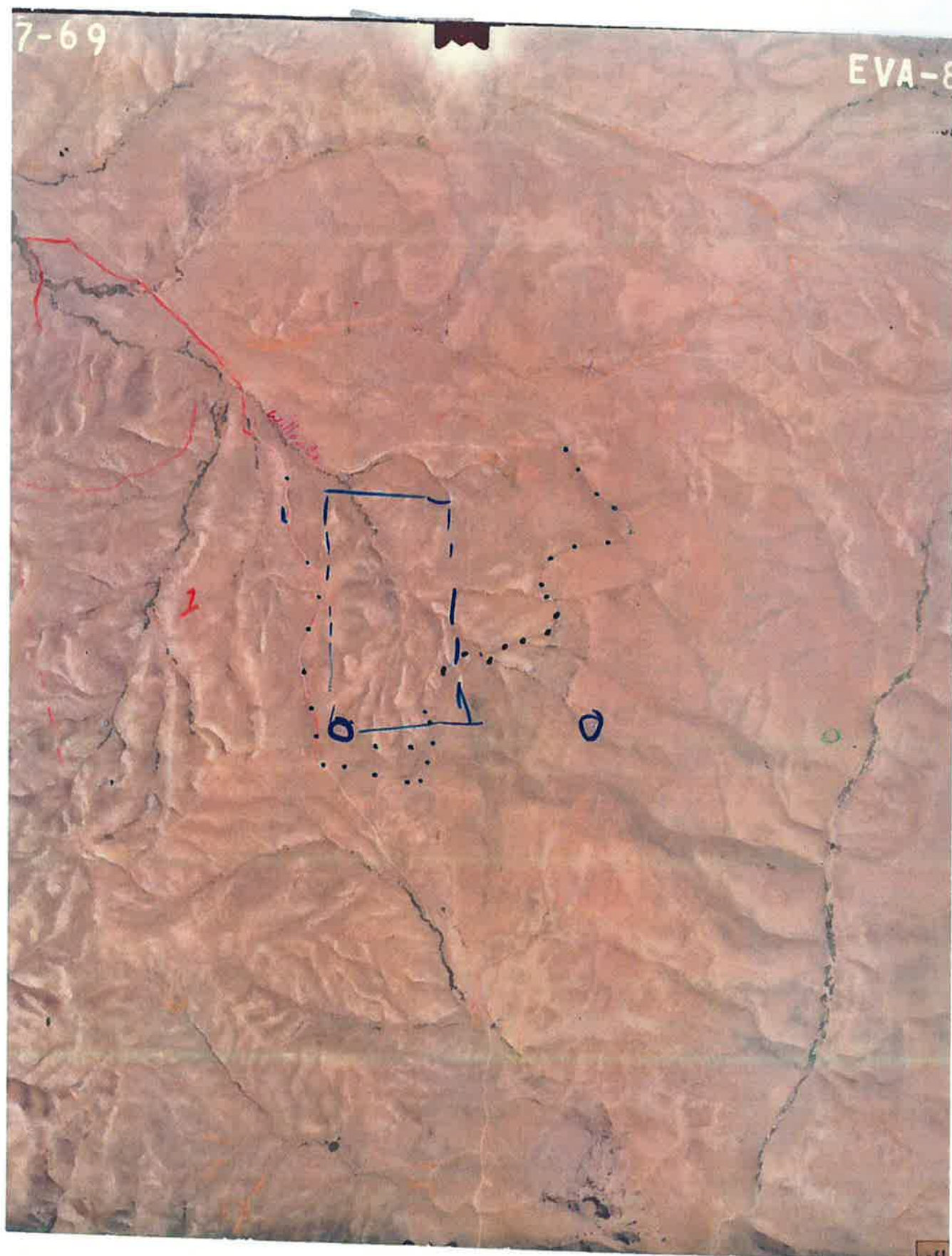


IDL NOTE

61-7417

7-69

EVA-8



61-7417

1979

24-79

USDA

16 614020

479-87



IDL NOTE

61-7417

24-79

USDA

16 614020

479-87

2020

2020

61-7417

MESE

SESE
S.34

01N05E

SWIMS

most probable POD

61-7417

61-7417
POD

Source: Esri, DigitalGlobe, GeoEye, USDA, USGS, Aero
graph, Aero

4-5'
Deep