

07/24/2013

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

RIGHT NUMBER: 63-9457

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: CHERRY GULCH CREEK

QUANTITY: 0.100 AFY

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

PRIORITY DATE: 09/26/1980

POINT OF
DIVERSION:

T01N R06E S8 SESE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER STORAGE	01/01 12/31	0.10 AFY
STOCKWATER FROM STORAGE	06/01 10/31	0.10 AFY

PLACE OF
USE:

STOCKWATER FROM STORAGE in ELMORE County

T01N R06E S08	SESE	T01N R06E S17	NENE
---------------	------	---------------	------

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

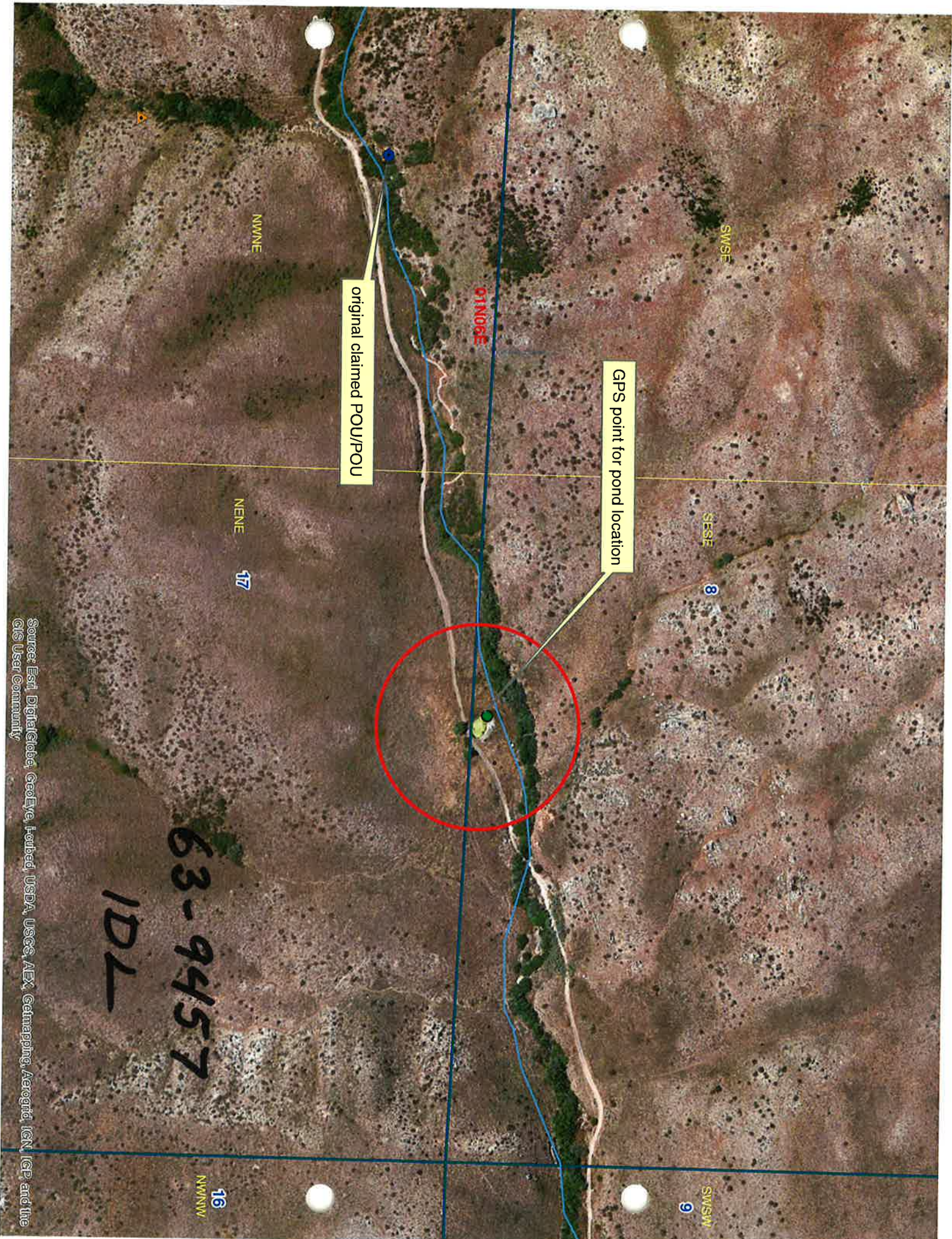
This partial decree is subject to such general
provisions necessary for the definition of the rights
or for the efficient administration of the water rights
as may be ultimately determined by the Court at a point
in time no later than the entry of a final unified
decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in purpose of use
pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use
pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion
pursuant to Section 42-1425, Idaho Code.



Source: Esri, DigitalGlobe, GeoEye, iSat, USDA, USGS, AEX, GeoMapping, AeroGRID, IGN, IGP, and the
GIS User Community

Clelland, Steve

From: Nelson, Tyson [tyson.nelson@ag.idaho.gov]
Sent: Thursday, June 27, 2013 11:19 AM
To: Clelland, Steve
Subject: IDL Claims in Basin 63
Attachments: 63-9457 Rec.pdf; 63-9462 Rec.pdf; 63-9479 Rec.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Steve,

I reviewed the recommendations for IDL's claims in the Spring 2013 Director's Report. Thanks for your good work. I have a few questions for three recommendations.

63-9457: I would like to discuss with you the POD and POU location. See the attached PDF for this recommendation with my notes.

OBJ FWAFA 7/22/13

63-9462 and 63-9479. I would like to follow up with you on a previous conversation we had about these claims. During our previous conversation we discussed the quantity element and whether IDL will need to file a permit application to add a quantity greater than 0.10 AFA, but you mentioned new permits have not been approved in Basin 63. I believe you were going to ask other IDWR staff about this issue. Were you able to obtain clarification on this issue? On another issue, a new storage use was recommended, but the recommendations do not have a remark for an accomplished change in purpose of use. Is such a remark needed? If so, is that something IDWR can add without an objection?

no OBJ filed.

Please feel free to call me to discuss these questions. I appreciate your help.

Thanks,

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

*- met briefly w/ Pzm Skaygs to confirm
a permit is possible for these 2 ponds.
= as de minimis it should be allowed.
Submit to get more detailed review.
7/24/13
su*

✓ Respond via email 7/24/13

63-9457

06/12/2013

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

RIGHT NUMBER: 63-9457 ✓

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: CHERRY GULCH CREEK ✓

QUANTITY: 0.10 AFY

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

PRIORITY DATE: 09/26/1980

POINT OF
DIVERSION:

T01N R06E S17 NWNE Within ELMORE County (incorrect)

PURPOSE AND
PERIOD OF USE:

S8 SESE (correct)

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER STORAGE (included)	01/01 12/31	0.10 AFY
STOCKWATER FROM STORAGE	06/01 10/31	0.10 AFY

PLACE OF USE: STOCKWATER FROM STORAGE in ELMORE County

T01N R06E S17 NWNE Add T01N R06E S8 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in purpose of use pursuant to Section 42-1425, Idaho Code.

Need change in POD & POB accomplished transfer
remote?

POD ~~point~~ point Lat. 43°25'43.56" N
Long. 115°45'35.72" W

06/05/2013

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

RIGHT NUMBER: 63-9457
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: CHERRY GULCH CREEK
QUANTITY: 0.100 AFY
The quantity of water under this right shall not exceed
13,000 gallons per day.
PRIORITY DATE: 09/26/1980
POINT OF
DIVERSION: T01N R06E S17 NWNE Within ELMORE County
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER STORAGE	01/01 12/31	0.10 AFY
STOCKWATER FROM STORAGE	06/01 10/31	0.10 AFY

PLACE OF
USE: STOCKWATER FROM STORAGE in ELMORE County
T01N R06E S17 NWNE

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

This partial decree is subject to such ge
provisions necessary for the definition o
or for the efficient administration of th
as may be ultimately determined by the Co
in time no later than the entry of a fina
decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in pur
pursuant to Section 42-1425, Idaho Code.

Pond
1.02 AC size

* 4 ft = .08 AF

slope adj. 1.4 factor

.08 * 1.4 = .03 AF

WR = 0.10

IDL 61 & 63 Late claims update

5/30/13

Added NWSW

conflicts w/ claim & backfile.

no supporting data for changes in use: through to pond.

- Appears to increase quantity diverted & used.

it did not.

6/4/13

est. GPS collection dates 5/22/13

WR Number	Latitude	Longitude	Type	TRS	QQ
61-7418	43.37471612	-115.70811971	Head Box - POD	T01N R06E Sec 35	NESW
61-7418	43.37464311	-115.70739618	Stock Tank - POU	T01N R06E Sec 35	NESW
61-7419	43.40320847	-115.75652956	Stock Tank - POU	T01N R06E Sec 21	SWSW
61-7419	43.40333797	-115.75613653	Head Box - POD	T01N R06E Sec 21	NWSW
63-9457					
63-9462	43.40891663	-115.71178629	Stock Pond - POD/POU	T01N R06E Sec 17	NENE
63-9465	43.43931871	-115.69993864	Stock Pond - POD/POU	T01N R06E Sec 23	SENN
63-9465	43.43949180	-115.69940304	Stock Tank - POU	T01N R06E Sec 11	SENE
63-9465	43.43838682	-115.69874858	Stock Tank - POU	T01N R06E Sec 11	SENE
63-9465			Head Box - POD	T01N R06E Sec 11	SENE
63-9657					
63-9479	43.39439481	-115.74274267	Stock Pond - POD/POU	T01N R06E Sec 28	SWNE
63-9577	43.40042685	-115.69926633	Stock Pond - POD/POU	T01N R06E Sec 23	SESE
63-9587	43.40504880	-115.69293447	Stock Tank - POU	T01N R06E Sec 24	NWSW
63-9587	43.40519322	-115.69257279	Head Box - POD	T01N R06E Sec 24	NWSW
63-9588	43.39452876	-115.70988796	Stock Pond - POD/POU	T01N R06E Sec 26	SENN
63-9590	43.39292622	-115.71071374	Stock Tank - POU	T01N R06E Sec 26	SENN
63-9590	43.39276797	-115.70992769	Head Box - POD	T01N R06E Sec 26	SENN
63-9591	43.39607874	-115.70662907	Stock Tank - POU	T01N R06E Sec 26	SWNE
63-9591	43.39644679	-115.70660954	Head Box - POD	T01N R06E Sec 26	NWNE
63-9804	43.43315064	-115.70676033	Stock Tank - POU	T01N R06E Sec 11	SESW
63-9804	43.43350226	-115.70638223	Head Box - POD	T01N R06E Sec 11	NWSE

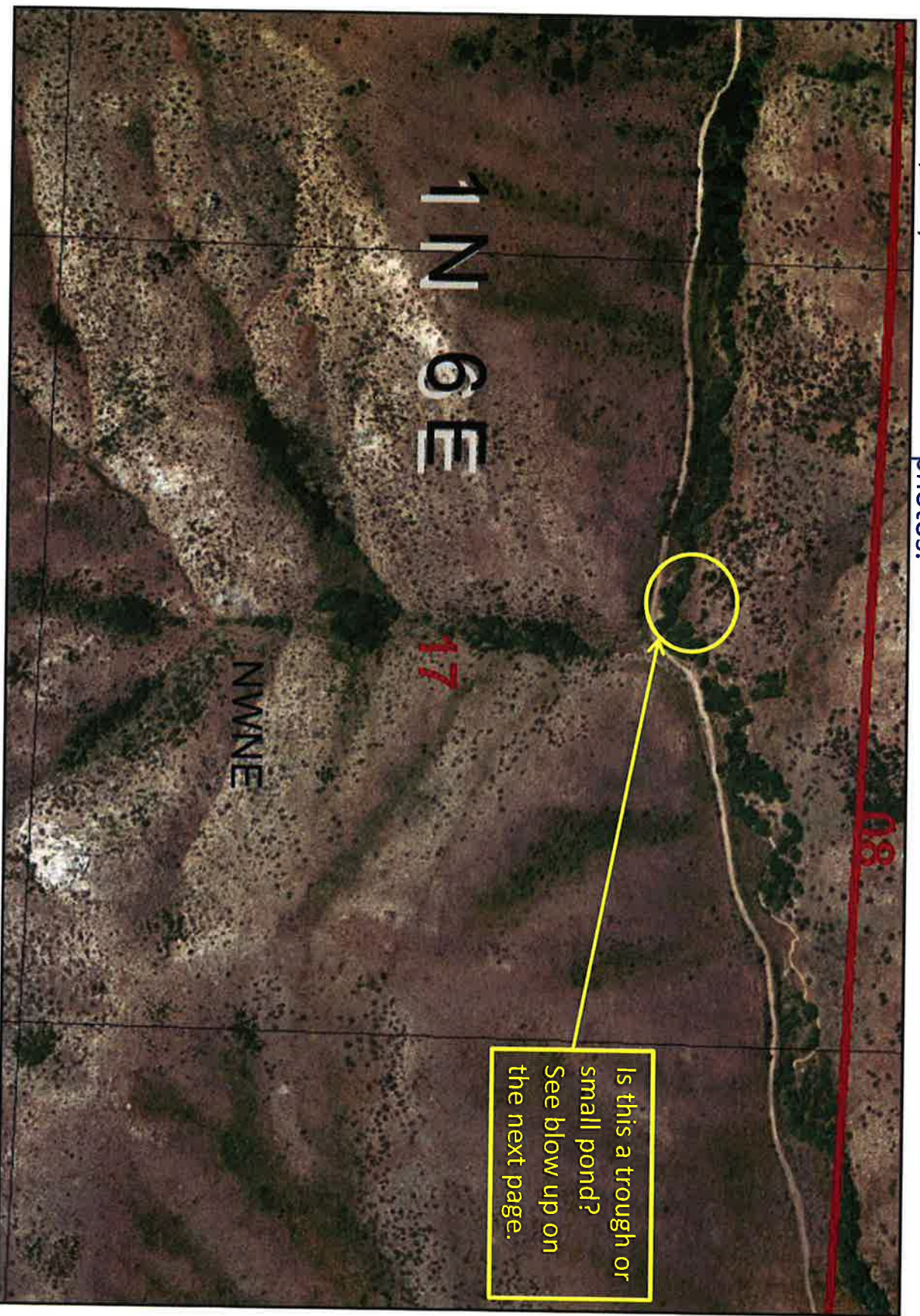
WR Number	Field Work Notes
61-7418	
61-7418	
61-7419	Stock tank found in Sec. 21 SWSW in thick willow (very little use)
61-7419	Spring source found in Sec. 21 NWSW (cows watering at spring source)
* 63-9457	Pond size is 15'x15'; 4-5' deep; old stock tank was removed and replaced with pond approx. 6 yrs ago = .025 AC-FT.
63-9462	Pond size is 50'x60'; 8' high dam; approx. 3.5' of water currently in pond
63-9465	Water system consists of two stock tanks north of the road
63-9465	This GPS point is not accurate; the tanks are in the same location
63-9465	Spring source is south of the road
63-9657	This claim is for a pond from a spring. The pond does not exist. The spring is the POD for 63-9465.
63-9479	The pond is the actual use for this source; pond is man-mand; pond size is 65'x90'; 8' high dam
63-9577	The lessee removed the stock tank and built a stock pond at the spring location
63-9587	Two stock tanks in Sec. 23 have been removed; the old pipeline has been abandoned; a new stock tank is in Sec. 24
63-9587	IDL believes the head box has always been in Sec. 24 NWSW, and the original claim location in SWNW is a mapping error
63-9588	There are 4 small ponds along a stream channel north of the road
63-9590	Water system consists of four stock tanks south of the road
63-9590	Consists of a colloter system at spring sources south of the road
63-9591	
63-9591	The head box is located in the fenced enclosure
63-9804	Water system consist of two stock tanks in Sec. 11, SESW; IDL did not find any other tanks in Sec. 14
63-9804	IDL did not find any other head boxes in Sec. 14

Claimed

POD: T01N, R06E, S17, NWNE
POU: T01N, R06E, S17, NWNE

We can't see where a trough/pond
is located when examining aerial
photos.

63-09457

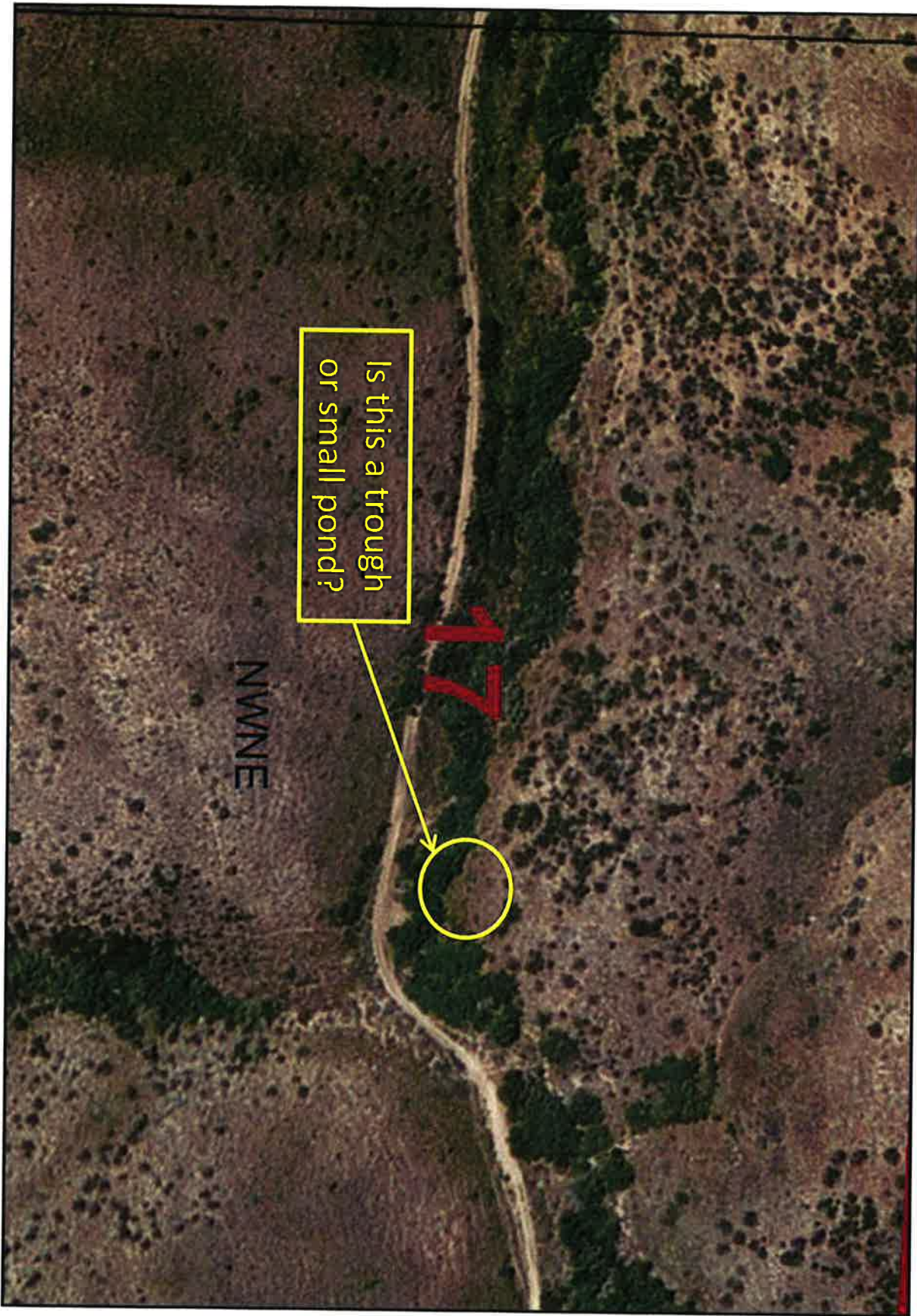


The application for permit describes a headbox in a spring piping water to a trough. The claim was also licensed with 0.10 AF of storage suggesting that perhaps this might actually be a pond/reservoir.

Claimed

POD: T01N, R06E, S17, NWNE
POU: T01N, R06E, S17, NWNE

63-09457



63-9457

4/19/13 su

Conflicting POD locations w/ Lic Back file.
Claim has Nominal shapes.

* Best estimated POD
from Backfile.

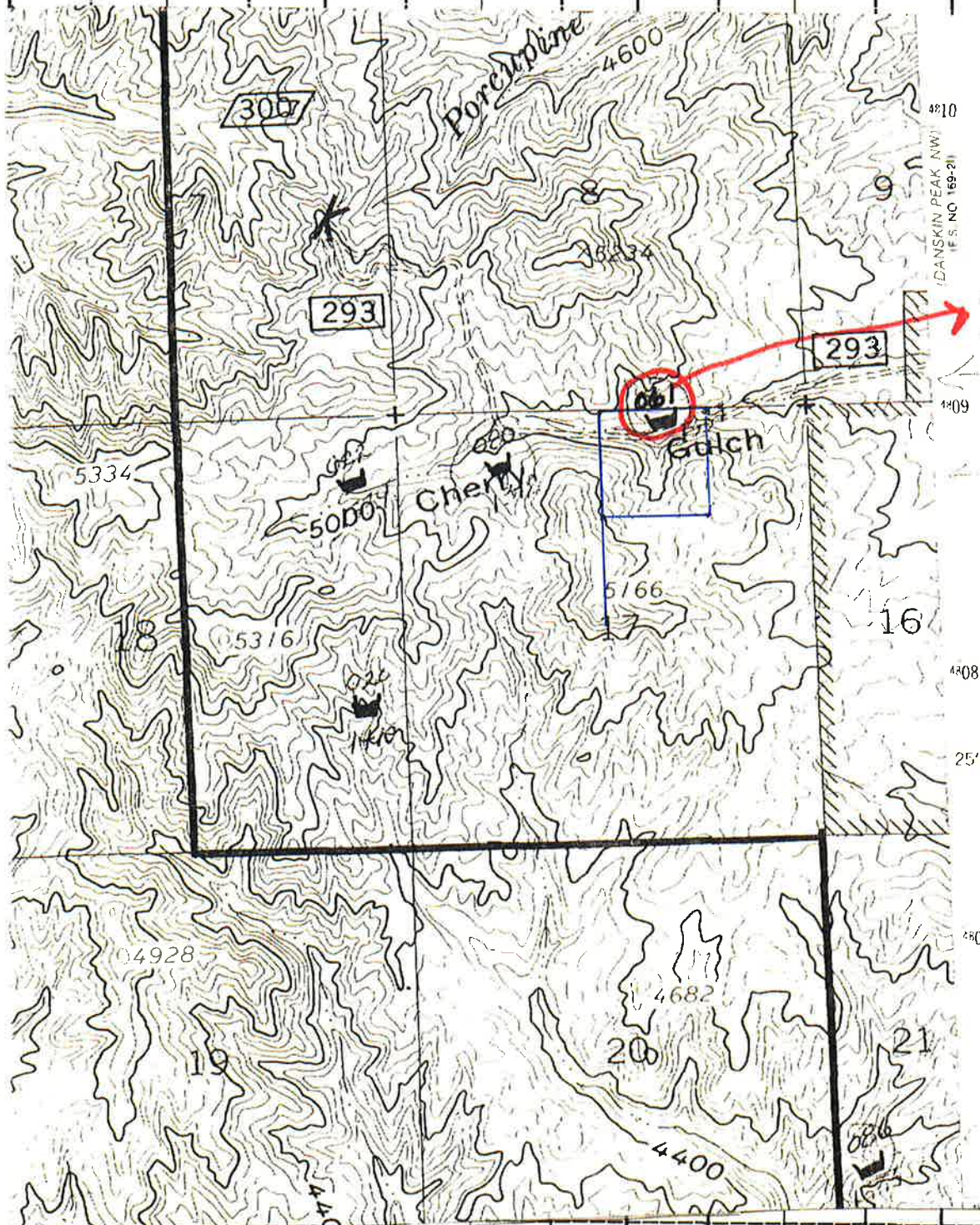
Source/Trib = ok

ADD: Vol. 0.1 AFA
Remark: N13

6/5/13 update by IDL only mentions
Conversion to a pond. 15'x15'x5'
would only store 0.03 AF - this
does not exceed the volume allowed
by the License of 0.10 AFA.
∴ No change to the Rec'd of this Right.

~~Did not convert to Storage uses
since it is smaller than licensed.~~

6/5/13 Conv. w/ Tyson N
since this is converted to pond
storage we agreed to Rec'd as Storage.
(C04 Air use.)



NW 1/4
Sec 17
T 6 N
R 6 E

Backfile
Copy

63-9457

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.