

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 FWAED 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,

*- met briefly w/ Pam Skaggs 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*

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✓ Respond via email 7/24/13

63-9479

06/04/2013

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

RIGHT NUMBER: 63-9479
NAME AND ADDRESS: STATE OF IDAHO
DEPT OF LANDS
300 N 6TH ST STE 103
PO BOX 83720
BOISE ID 83720-0050
SOURCE: SPRING
QUANTITY: 0.100 AFY
TRIBUTARY: WILLOW CREEK

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 S28 SWNE Within ELMORE County
PURPOSE AND
PERIOD OF USE:

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

PLACE OF
USE: STOCKWATER FROM STORAGE in ELMORE County
T01N R06E S28 SWNE

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

IDL 61 & 63 Late claims update

5/30/13

Added NWSW

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	SENW
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
63-9657			Head Box - POD	T01N R06E Sec 11	SENE
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	SENW
63-9590	43.39292622	-115.71071374	Stock Tank - POU	T01N R06E Sec 26	SENW
63-9590	43.39276797	-115.70992769	Head Box - POD	T01N R06E Sec 26	SENW
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

est. GPS collection dates 5/22/13

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
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-made; 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 collator 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

0.2 AC
surface
pond

< GIS-shape = 0.2 AC pond size

$$\text{claim } \frac{65' \times 90' \times 8'}{43560'} = 1.07 \text{ AFA}$$

$$0.2 \text{ AC} \times 8' = 1.6 \text{ AFA}$$

$$\text{Slope Adjustment } 1.6 \times 0.4 = \underline{0.64 \text{ AFA}}$$

GIS

63-9479

4/24/13 su

License indicates pipeline to trough -
Clearly shows evidence of a pond on
the Stream. IS it developed or Natural?

As of Today - follow the indications of the Lic.
POD located per Backfile notes.

<email concern of pond to Tyson N. later>

6/4/13 update from IDL - GPS point for POD
Confirmed pond is the use of this WR.

Lic. volume limit is 0.1 AC-ft/year

Pond is actually = 1.6 AFA MAXIMUM
Adjusted for slopes = 0.64 AFA

* Contact IDL/attny to Amend claim for beneficial use
pre-dating 1971 for increase in volume.

6/5/13 Spoke w/ Tyson Nelson - ponds were enlarged
by lessee after 1971 and require permit.
Should be allowed since this is De Minimis use.

Post-review follow up issues for IDL claims in basins 61 and 63.

The rights outlined below need some additional information from IDL staff to clarify a better location of the Points of Diversion and/or the Places of Use (POD/POU). Most of the conflicts found are due to the lack of mapping accuracy available at the time the licenses were filed. With the aerial mapping available today, a more precise point can be identified for each claim filed by IDL.

The rights have an attached map/photo showing conflicts found and identified by the water right claim numbers.

61-7418

This claim file actually had a POD located on the claim map – the exception to these late claims. It conflicts with the point located in the Backfile map. The two points are marked on separate USGS Topo maps: the claim is marked on the bottom of the Danskin Peak topo while the Backfile is shown on the top of Syrup Creek topo. Based on the cows shown in the aerial photo it would look like the lower diversion point is more accurate – a very scientific method. Perhaps IDL could confirm a more exact location to further resolve this POD. Otherwise it can be recommended as prepared. <See photo and rec'd>

61-7419

This claim file also had a POD located on the claim map. The POD and POU do not appear to be located in section 21 but might be better described in section 20 where a source of water is more likely found; based on the aerial photo. <See photo for better illustration of the issue.>

63-9465 & 63-9657

IDL submitted almost identical claims (and identical maps) for these two rights. It appears 63-9465 (IDL #102) is for a trough diversion and 63-9657 (IDL #99) is for a "spring w/excavated pond" for 503 cattle. (Note: the IDL numbers above are noted on the Backfile map and may not be numbers assigned by IDL but are good references on the maps.) On the USGS topo there are two springs marked in the SENE but I have no way to link which spring goes to the trough or the pond – nor do I know where the trough or pond are located. Although at first review of 63-9465, it looked as if the trough was clearly seen in the photo and it wasn't until I reviewed 63-9657 that there was an overlap. If two systems are claimed here please give more details as to where they are located and how the systems exist. <See photo and copy of Backfile map>

63-9479

This right may not have an issue at all. License says it is a spring to a trough and I was able to approximate the POD location from the Backfile map and could easily recommend as claimed. However, there is a large pond very near the POD location and IDL has already amended a claim to correct a pond use. Is the pond a man-made diversion for this right? Is this the actual use for this source and claim? Just want to double check with IDL given what the photo shows. <See photo>

63-9577

The plotted POD in the Backfile map (SWSE) does not appear to be located at a source of water. It appears there may be an error and the actual location of the POD/POU for this right should be moved to the SESE tract to the east. <See photo>

63-9587

This claim is unique as it involves the distribution through a pipeline system to two troughs from a spring over ½ mile away. The Backfile map is poor to scale for this description. Very little appears in the photo to indicate a POD spring. The same can be said for the POU troughs. I had hoped to use the pipeline length information in the Backfile to better estimate these locations. Unfortunately the pipeline numbers were of little help. The Backfile states there are 3400 feet of pipe between the spring and the first trough (IDL#064) and 900 feet of pipe to the second trough (IDL#062). I doubt the pipeline traveled in a truly straight line but it was a guide worth considering. Using GIS mapping to incorporate this info, I was unable to estimate where any of these points are located. The attached photo includes some lines to scale in the photo to help illustrate the distances mentioned. <See photo>

63-9588 & 63-9590

It looked as though 63-9588 was easily located on the aerial photos as claimed. There is a clearly visible pond site in the SENW (Sec. 26) which seems to match the claim and license. In the draft recommendation I have converted the purpose of use for this right to a storage type use based on the pond development. However, when beginning the review for 63-9590 I found that both these claims appear to be located in the same area. Although 63-9590 is claimed and licensed in the NESW, there doesn't appear to be any type of water source in that tract (QQ). It looks to be incorrectly described as to its location. I will need further information from IDL to explain how these two rights relate to the water sources found on the maps of the area. The right 63-9588 is for IDL#094 and 63-9590 is for the IDL#068 as identified on the Backfile map. <See photo and rec'd for 63-9588>

63-9591

This claim/license appears to have been incorrectly described in the QQ locations. It appears the spring might be located in a fenced off area in (SW)NWNE while the trough is across the quarter line in the (NW)SWNE. The claim has been recommended based on the photos and that assumption. I would like confirmation from IDL that this is correct or an explanation of the actual system in place here. <See photo and rec'd>

Review notes for recommendations of late claims filed by IDL.
Sent as an attachment with email to IDL attorney, Tyson Nelson.
Steve Clelland – May 1, 2013



Are the troughs found here,
lower down the stream channel?

63-9479 backfile location of POD

Is the pond man-made?

Is the pond the actual right
described by license 63-9479?

cows are found here
near the water source.

63-9479