

July 20, 2021

RECEIVED

JAN 17 2022

IDWR/NORTH

Idaho Department of Water Resources
Idaho Water Center
322 E Front St. Ste 648
Boise ID, 83702-7371



Subject: Palouse River Basin Adjudication Water Rights Sequence 4064

To whom it may concern,

Thank you for the returned comments regarding our water rights adjudication submitted for statutory claim sequence no. 4064. As noted, the POD GPS coordinates placing the POD in NWSE is correct and the originally claimed NESW was a mistake on the application. The pond and all points of diversion are located solely in 40N03W6NWSE. The maximum depth of this pond is 15 feet. Evidence regarding the year of pond construction and the beneficial use of the pond is provided in the attached, published 1975 University of Idaho Experimental Forest (UIEF) Map, which shows the Fire Pond 2 location. This map was developed from 1972 aerial photos. I have further included a 2013 UIEF map to document continued use of the pond, as well as a 1933 aerial photo documenting construction and use at that priority date. Current (2020, 2021) photographs show that we have previously constructed and maintained a gravel-surfaced road system (UIEF Road 12.645 and 12.645.P2) with annual road grading and vegetation management to access and utilize water from this pond.

By signing this letter, I am verifying use by the University for the recent period 2012-2021, during which time I have served as Forest Manager and Director of the UIEF. Over this period, we have had a well-documented public access and hunting permit program (wildlife use) and specifically included various wildlife management objectives in our Forest Management Plan as part of the Idaho Tree Farm System (ITFS). We have conducted very active forest management and conducted dozens of state, private, and federally funded research projects with over \$20,000,000 in associated sponsored research funding (industrial use). The Experimental Forest has a globally recognized, 90+ year history of active prescribed fire use, teaching, and research. Relative to land size, the University actively uses prescribed fire in forest management at a higher frequency than most private and state forest landowners in the region. For this reason, fire storage is of very high importance to our activities for safety purposes. The UIEF maintains and regularly uses two Type VI wildland fire engines funded by the Idaho legislature via the Forest Utilization Research (FUR) program, a 1000-gallon water tender, numerous portable storage tanks, approximately 2 miles of hose lay and fittings, and several mobile pump systems in order to safely conduct prescribed fire management, research and teaching on a regular basis. At any time, we have between 6 and 10 staff with Type 2

SCANNED

JAN 19 2022

MOSCOW

BOISE

COEUR D'ALENE

IDAHO FALLS

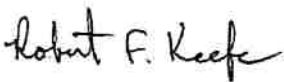
STATEWIDE RESEARCH AND EXTENSION

firefighter (FFT2) qualifications or higher maintained in the Idaho Incident Qualification System (IQS) for prescribed fire work on the UIEF. It is hard to overstate the importance of stored having water and use to be able to safely serve our core mission as the Experimental Forest serving Idaho's Land Grant University. A recent (2018-2019) study in the immediate vicinity of Pond 2 that utilized this water source was carried out by graduate student Katie Eldredge. Katie was an archeology master's student studying effects of fireline construction and fire on archeological artifacts. She staged artifacts approximately 0.5 miles from Pond 2. The artifacts were mapped and then evaluated as fireline was constructed with a bulldozer and a 120+ acre prescribed burn was used to simulate wildland fire effects. Water use is documented in Katie's graduate thesis and our B3 Prescribed Burn Plan approved by Idaho Dept. of Lands.

Other research projects utilizing water intensively on the UIEF have included some of the following projects, provided only as illustrative examples. From the mid-1940s to 1960s, over 800-acres of the East Hatter management area was maintained as a fenced wildlife enclosure used for manipulative game, browsing, and predation research funded by the University, the US Fish and Wildlife Service, and Idaho Fish and Game. From 2015-2019, a large, Joint Fire Sciences Program (JFSP) project was conducted that used water regularly to manipulate fuel moistures and to manage prescribed fire use safely in order to study wildland fire behavior in three forest stands over 2 miles apart. Currently, two large installations funded by the National Science Foundation, including one utilizing water from Pond 2, are evaluating water use in intermediate and mature forests. Dr. Tara Hudiburg received the Presidential Early Career Science Award from the White House for this research in 2019. Numerous, similar published studies evaluating seedling physiology and growth have required irrigating forest seedlings to study survival, growth and yield for periods from 1 to 25 years, as evident by searching on web science applications like Google Scholar for 'University of Idaho Experimental Forest'.

Evidence of regular grazing use includes a general description of early uses written previously by former UIEF Forest Manager Harold Osborne. More recent grazing use from 2012-2021 has included, at different times, over 500 sheep, 100+ cows associated with the Vandal Meats program, and 700-1100 goats from 2019-2021 used for fuels mitigation and fire behavior research.

Please let me know if you have additional questions about sequence 4064 and I will be happy to provide further information as needed.



Robert F. Keefe
Forest Manager and Director
University of Idaho Experimental Forest
University of Idaho
875 Perimeter Drive
Moscow, ID 83844-1133

SCANNED
JAN 19 2022

Additional Evidence of Use – Sequence 4064



Figure 1: 2021 image of Fire Pond 2 showing well maintained, graded access road and approach.

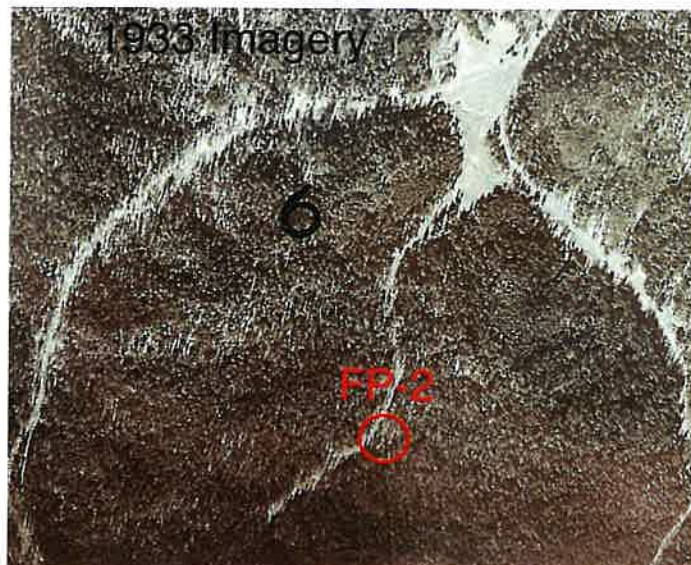


Figure 2: Black and white 1933 image of Fire Pond 2 documenting earliest known construction date (priority use).

SCANNED
JAN 19 2022

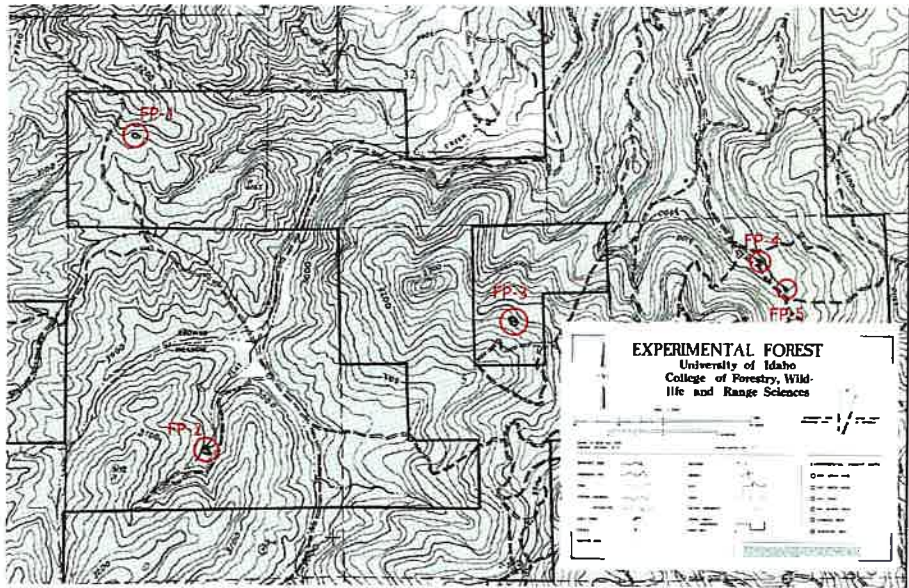


Figure 3: Published 1975 University of Idaho Experimental Forest Administrative Map showing Fire Pond 2 (lower left) location, then on USFS land subsequently acquired by the University. A copy of the legend has been pasted on the map clipping to save space. Legend text indicates that the map was developed from 1972 aerial imagery.

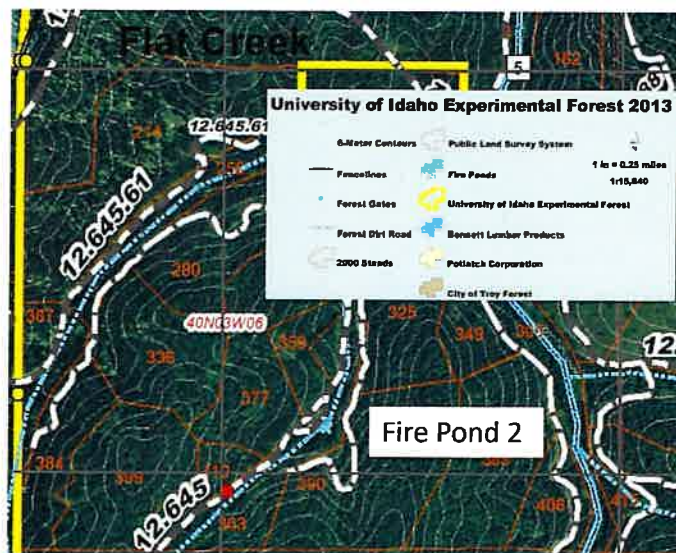


Figure 4: Clipped image of 2013 UIEF Forest Administrative Map showing location of Pond 2. Additional label ('Fire Pond 2') and copy of original (2013) Legend scheme showing University use have been pasted on the image to save space.

April 1981

The U. of I. Experimental Forest

Livestock Use History

by

Harold Osborne, Forest Manager

Our records of the range use are sketchy. The old timers in our area recall cattle, sheep and horses grazing the Flat Creek and Hatter Creek drainages around 1910. Sheep use was probably prevalent in the 1920's when such names as High Sheep Camp came about. More recently correspondence in old Experimental Forest files shed some light on the range use.

Henry Peters of Asotin, Washington applied and was granted a permit to graze 1000 head of ewes with lambs between June 15 and August 15, 1943 in the East Fork of Hatter Creek and the Flat Creek drainages. Fee was \$.10 per head.

Ernest P. Klewene of Clarkston, Washington -- 1200 head of ewes with lambs from June 15 to August 15, 1944 in the East Fork of Hatter Creek and the Flat Creek drainages.

February 9, 1944 -- Formation of the Hatter Creek Cattleman's Association later known as the Flat Creek-Hatter Creek Cattleman's Association. My records indicate 21 members.

1946 -- 280 head on permit for 5 months.

1949 -- 284 head (+ calves), 20 different owners for a period of 5 months (May 15 - October 15). No division fences were present.

1950-mid 1960's -- 250-300 head, two-thirds of which are on the Flat Creek side of the range for a 5 month period.

1960's to mid 1970's -- my records are sketchy for this period. The Palouse District of the USFS evidently took over the management of the range during this period. Numbers and period of use and distribution were not much different than for the 1950's.

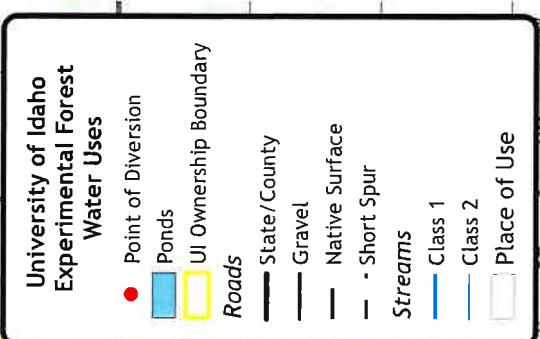
1975-1978 -- reduction in numbers. The U-I range was estimated to provide forage for 160 animal units. An effort was made to develop a 2 pasture system in the Flat Creek area. Grazing season of May 15 to September 15. Livestock did remain on the range though until mid-October.

The allotment has an estimated capacity of 306 animal units for 4 months.

1979-1980 -- construction of 2 pasture division fences (2 miles). 175 cows with calves, May 15 - September 15.

SCANNED
JAN 19 2022

Fire Pond 2



SCANNED
JAN 19 2022

1:23,000