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JAN 17 2022

IDWR/NORTH

July 20, 2021

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 10059

To whom it may concern,

Thank you for the returned comments regarding our water rights adjudication submitted for statutory claim sequence no. 10059 (UIEF Fire Pond 3). We apologize for incorrectly listing the source as Flat Creek tributary to the Palouse River. While the pond does not appear to clearly connect to an immediate stream with defined bed and bank, it is more appropriate to describe the source as IDWR has suggested, as an unnamed stream tributary to Flat Creek.

Additional 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 clearly shows the Fire Pond 3 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 as of that priority date. Current (2020, 2021) photographs show that we have previously constructed and maintained a gravel-surfaced road system (UIEF Roads 12.541 and 12.541.P3) 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 protection is of very high importance to our activities for safety purposes, and this use extends well beyond emergency use. 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-

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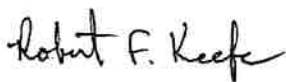
STATEWIDE RESEARCH AND EXTENSION

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 firefighter (FFT2) qualifications or higher maintained in the Idaho Incident Qualification System (IQS) for prescribed fire work on the UIEF.

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 a variety of conditions in three forest stands spanning approximately 70 acres total, but separated at 3 distinct locations spanning over 2 miles of driving distance. Currently, two large installations funded by the National Science Foundation, including one utilizing water from Pond 3 at Flat Creek, 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-based databases of published literature such as Google Scholar using the search term '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 at Flat Creek 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. As evidence, a recent picture of goats from 2021 is shown; these are a small number of animals from a herd of over 700.

Please let me know if you have additional questions about sequence 10059 and I will be happy to provide further information as needed.



Robert F. Keefe
Forest Manager and Director
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Additional Evidence of Use – Sequence 10059



Figure 1: 2021 image of Fire Pond 3 showing well maintained, graded access road and approach. Evidence of current wildlife and grazing use is clear in the well-worn, current animal path encircling the pond.



Figure 2: 1933 black and white aerial photo documenting construction (priority date) of Fire Pond 3, sequence 10059.

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.

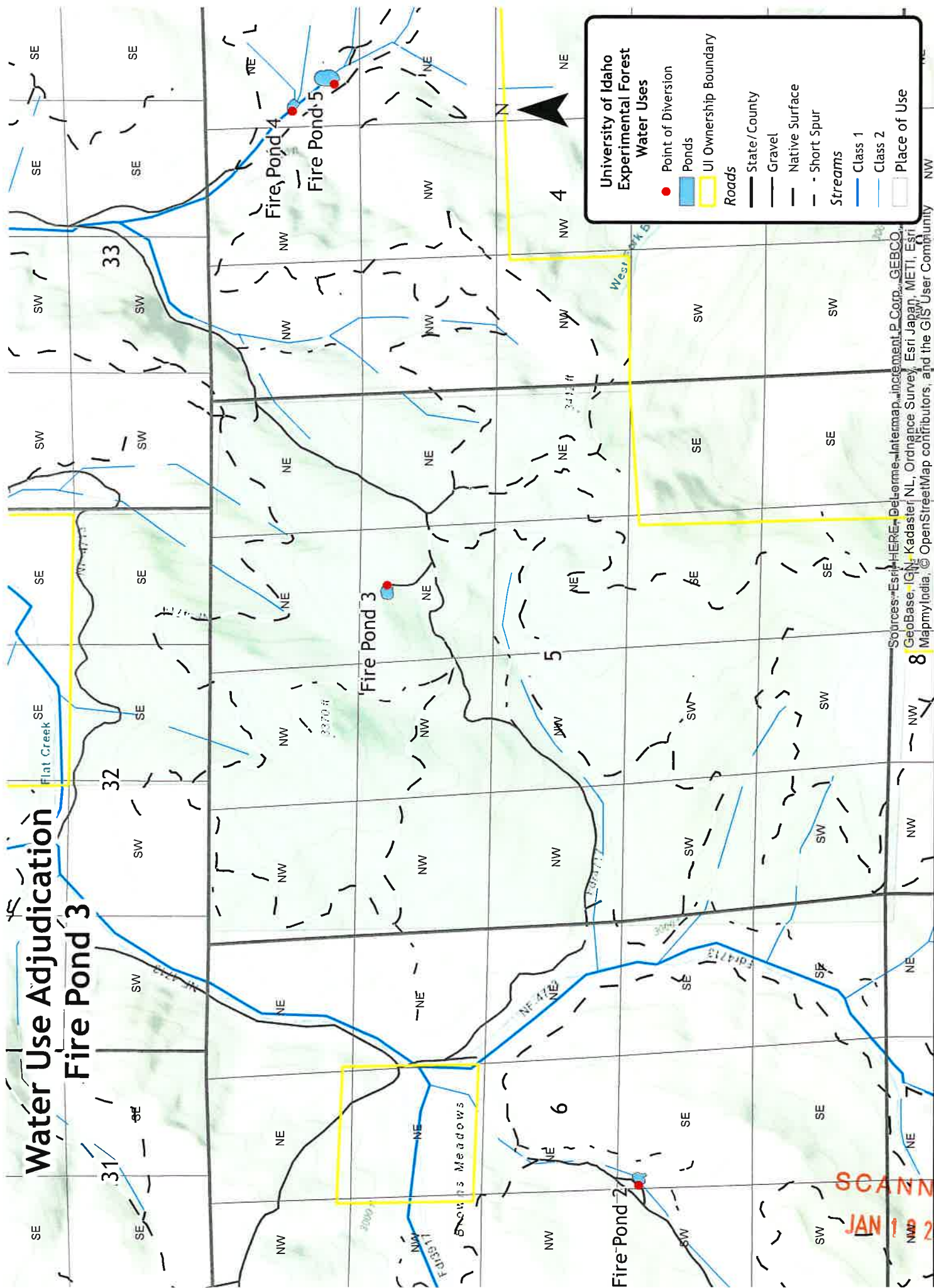
The allotment has an estimated capacity of 306 animal units for 4 months.

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

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Water Use Adjudication

Fire Pond 3



University of Idaho
Experimental Forest

Water Uses

- Point of Diversion
- Ponds
- UI Ownership Boundary

Roads

- State/County
- Gravel
- Native Surface
- Short Spur

Streams

- Class 1
- Class 2
- Place of Use

Sources: Esri, HERE, DeLorme, Intermap, P Corp., GEBCO, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri India, Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

1 in = 1,167 feet

1:14,000

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