

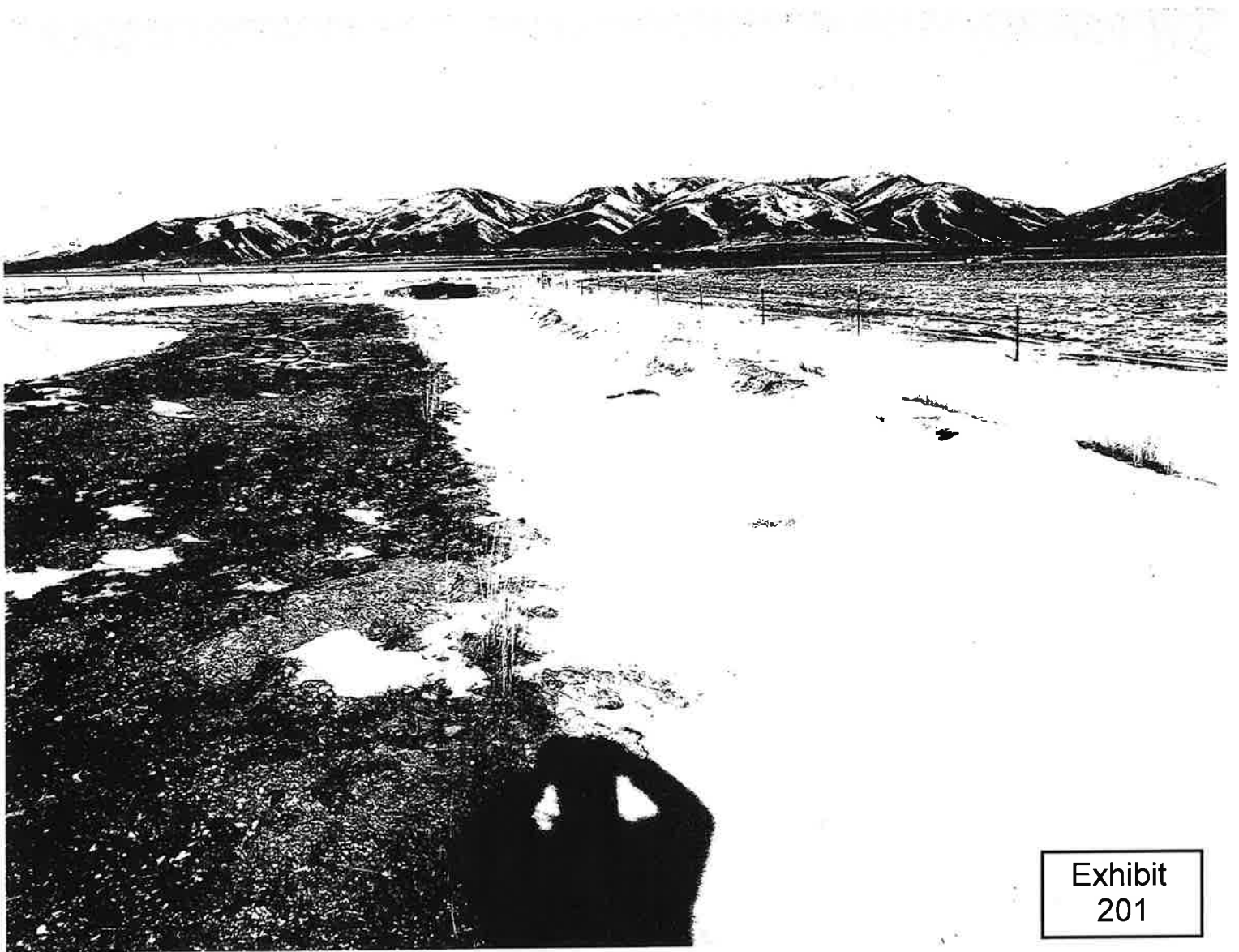


Exhibit
201

Fish Screen 18-Mile 1/27/2022
Notice break in ice, with cover of
Snow.

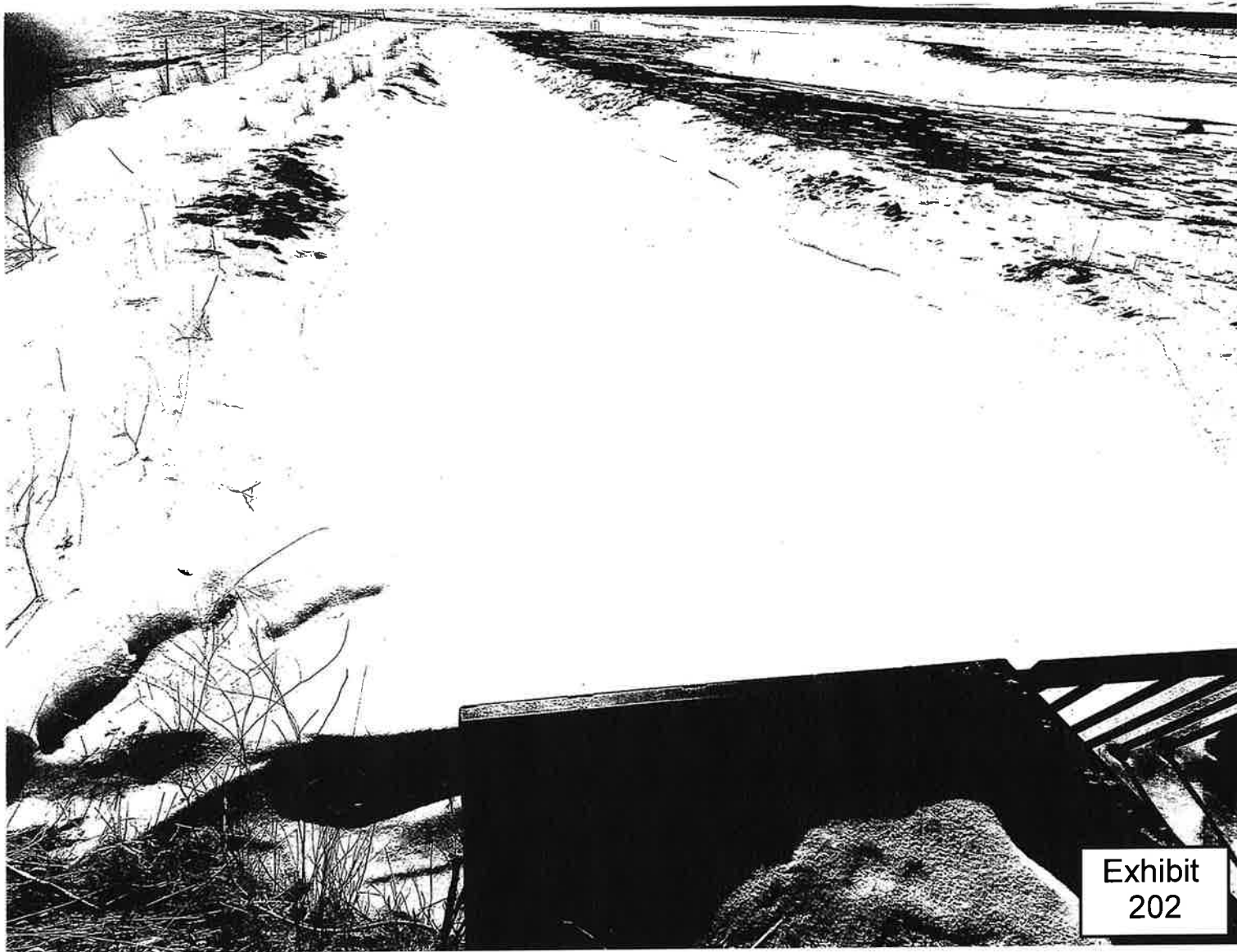


Exhibit
202

Screen full of ice on 18-Mile 1/27/2022

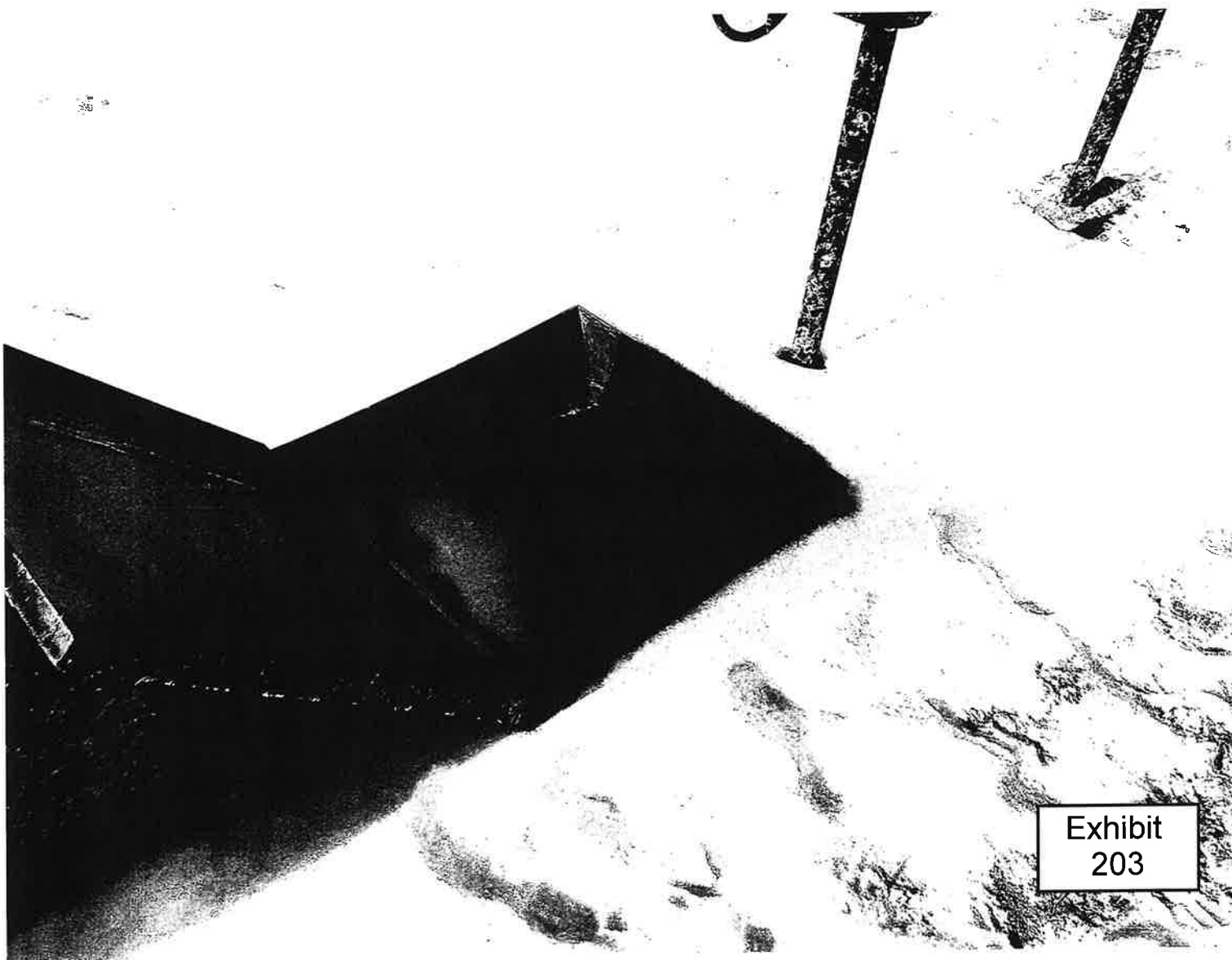


Exhibit
203

Screen-Mainline head box 18-Mile
full of ice 1/27/2022

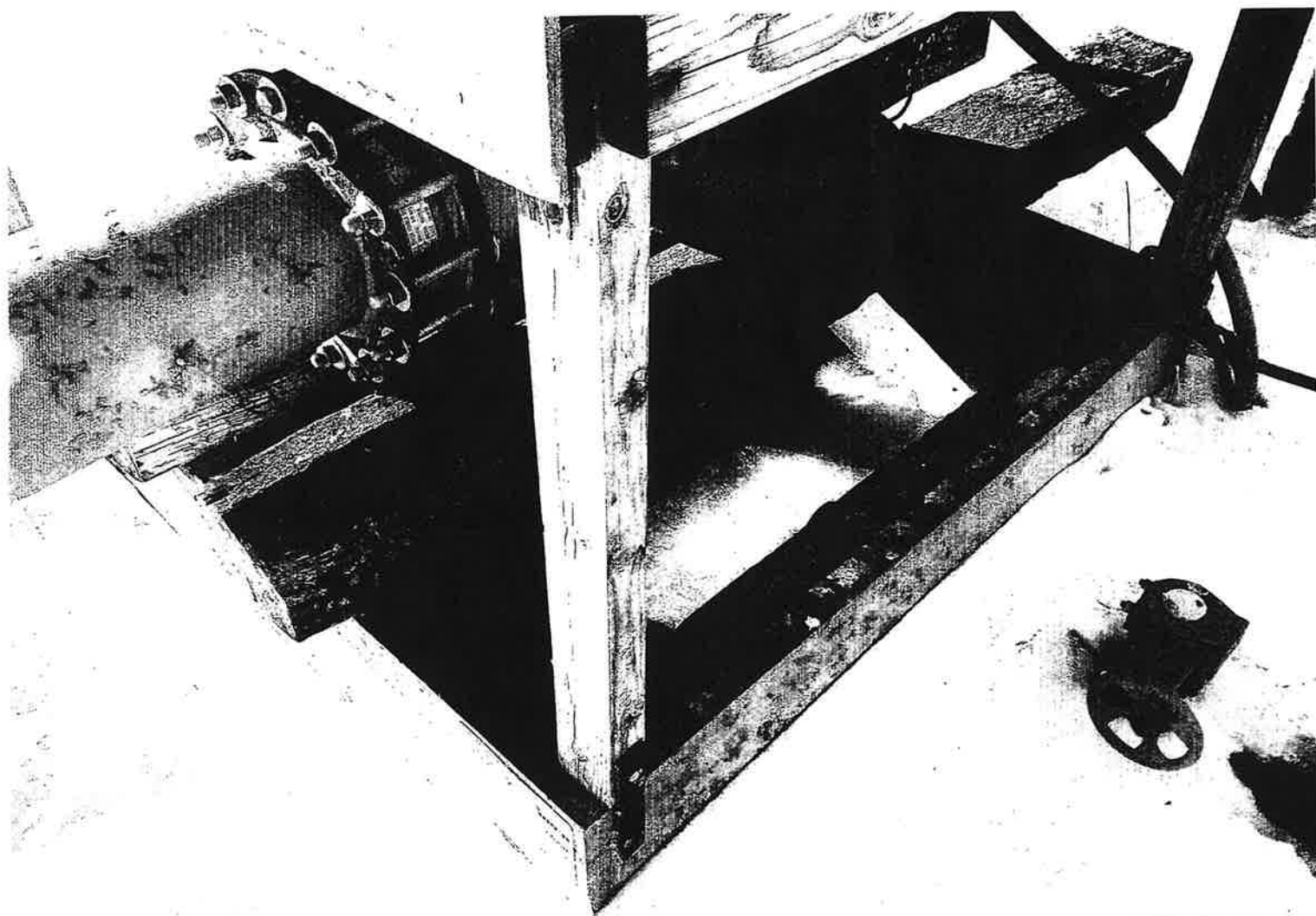


Exhibit
204

Pump And surface water chamber
full of ice, along with mainline
And screen connecting line 1/27/2022



Exhibit
205

7/14/2021 HAWLEY + 18-Mile Courthouse



Exhibit
206

7/26/2021 Confluence of Hawley Creek +
18-Mile Both Dry



Exhibit
207

Hawley Creek-18-Mile CONVERGENCE 10/17/2021



Exhibit
208

18-Mile-Hawley Creek- Beyerle Diversion 12/7/21
It's been dry since JUNE



Exhibit
209

Oxbow main residence, only
been lived in, short period
one summer, since pur-
chased by Carl Tyler 10/17/61,

COPY

LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

HARRIET A. HENSLEY (ISB# 5235)
Deputy Attorney General
700 W. State Street, 2nd Floor
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-2400
Facsimile: (208) 854-8072

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Subcase No. 74-15051, et al.
	)	("High Flow" Claims)
	)	
Case No. 39576	)	STATE OF IDAHO'S MOTION FOR PARTIAL
	)	SUMMARY JUDGMENT
_____	)	

Comes now the State of Idaho, by and through its undersigned counsel, pursuant to Rule 56 of the Idaho Rules of Civil Procedure, and hereby moves for partial summary judgment on the following three (3) issues:

1. That *res judicata* does not preclude parties to the Lemhi Decree from having high flow water rights adjudicated in the Snake River Basin Adjudication because high flow water rights were not individually decreed in the Lemhi adjudication.

2. That high flow water rights are consistent with state law, and partial decrees should be issued for high flow water rights where claimants are able to meet the statutory standards set forth in Idaho Code § 42-1411(2).
3. No legal basis has been shown for subordinating partial decrees for high flow water rights in Basin 74 to non-diversionary water rights or uses within or outside the Lemhi River Basin.

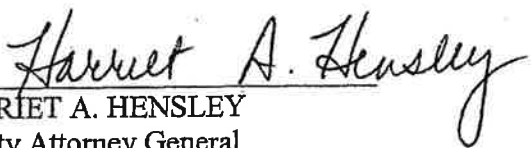
The State of Idaho's motion for partial summary judgment is based on this motion, the supporting memorandum and affidavit accompanying this motion, and other arguments and evidence presented to the Court in this proceeding.

The State of Idaho requests oral argument on this motion.

Respectfully submitted this 30th day of January 2009.

STATE OF IDAHO
LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division


HARRIET A. HENSLEY
Deputy Attorney General
Natural Resources Division



Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 42

IRRIGATION AND DRAINAGE – WATER RIGHTS AND RECLAMATION

CHAPTER 6

DISTRIBUTION OF WATER AMONG APPROPRIATORS

42-605A. NONCONSUMPTIVE WATER RIGHTS – ASSESSMENTS – VOTING. (1) Notwithstanding other provisions of this chapter, the setting of annual water district assessments and the voting of permitted, licensed and decreed water rights administered by the watermaster solely for nonconsumptive purposes shall be determined in accordance with the provisions of this section. For purposes of this chapter, a water right is nonconsumptive if so designated by provisions of the permit or license issued by the department of water resources, or otherwise so designated by the director, or by decree of the court allowing use of the right to continue when the diversion of earlier priority water rights from the same source has been reduced or stopped by action of the watermaster.

(2) A nonconsumptive water right is subject to the provisions of this section if water is taken into man-made facilities for beneficial use whether or not the water leaves the river or stream channel. Instream flow water rights held in the name of governmental entities or agencies for the protection of fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, transportation and navigation values, and water quality shall be exempt from the payment of assessments and the rights shall not be voted. The procedure for collection and payment of the assessments shall be the same as used for consumptive water rights under this chapter.

(3) In preparing the next year's budget, the watermaster shall determine an assessment for the ensuing year for each water right used solely for nonconsumptive purposes. The assessment shall be sufficient to pay the additional costs and expenses for watermaster services for data collection, water measurement, delivery of water, and record keeping directly attributable to delivery of the water right.

(4) The assessment shall not become final until adopted as part of the water district budget at the annual meeting of water users in accordance with section 42-612, Idaho Code. The assessment shall not exceed an amount necessary to pay for watermaster services associated with the nonconsumptive right. Nothing in this section shall affect the right, under section 42-612, Idaho Code, of the water users at the annual meeting to provide by resolution for a minimum charge for watermaster services, except as to those instream flow rights exempt from the payment of assessments under this section.

(5) The holder of a water right assessed under the provisions of this section who desires to contest the amount of an assessment for a nonconsumptive water right shall file a written petition with the director of the department of water resources stating the grounds for contesting the assessment and requesting a hearing. The petition must be filed with the director within thirty (30) days after the billing is mailed to the holder of the water right as provided in section 42-613, Idaho Code. The hearing

before the director and any judicial review thereof shall be in accordance with the provisions of section 42-1701A, Idaho Code. The filing of a petition under this section shall not relieve the holder of a nonconsumptive water right from the obligation to pay the assessment when due and payable. The amount of any excessive or deficient assessment determined by a final order of the director shall be credited or collected in the succeeding year in the manner provided under section 42-606, Idaho Code.

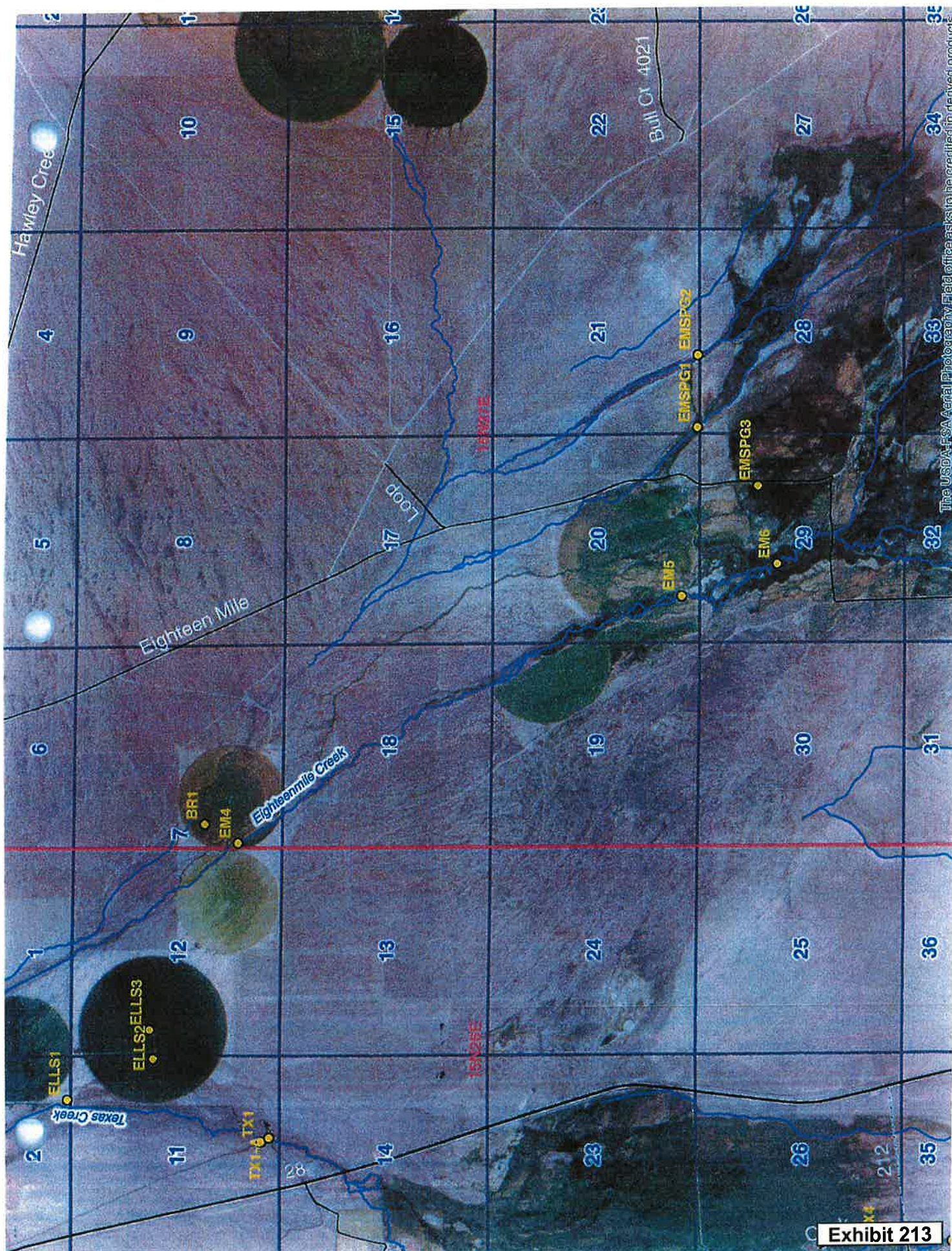
(6) At water district meetings, each person present holding a water right used solely for nonconsumptive purposes shall be entitled to a number of votes equal to the average dollar amount and any fraction thereof assessed in accordance with subsection (3) of this section for that person's qualifying nonconsumptive water right for the previous five (5) years, or such lesser number of years as the right has been assessed in accordance with subsection (3) of this section. If a nonconsumptive right has not been assessed in previous years using subsection (3) of this section, a person present owning or having the use of the right for the ensuing season shall be entitled to a number of votes equal to the dollar amount and any fraction thereof which the right is assessed under subsection (3) of this section for the ensuing season.

History:

[42-605A, added 1991, ch. 101, sec. 2, p. 227; am. 1992, ch. 339, sec. 7, p. 1019; am. 2020, ch. 52, sec. 2, p. 126.]

How current is this law?

Search the Idaho Statutes and Constitution



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

Exhibit 213

James Malcolm
482 18 mile Rd
Leadore, ID
83464

To whom it may concern

I leased the 18 mile ranch
from 2002 thru 2004. In the
three years that I leased the
ranch the creek was dried up
more than 50 percent of the time
when I was using the water
on the upper end of the ranch.
After July 1 there was not enough
water to fill all water rights on
the creek.

James C Malcolm
11/26/08

18 Mile Water Decrees

Name	ID	Priority	CFS
Whittaker	74-2006	11-14-1904	3.10
Drake	74-2017	12-11-1906	2.06
Wilson	74-2030 (home place)	12-5-1908	1.20
Drake	74-2039	5-15-1909	1.20
Drake	74-0934	4-1-1910	1.56
State	74-1646	4-1-1910	1.28
Whittaker	74-2091A	5-24-1910	1.04
Whittaker	74-2091B	5-24-1910	1.00
Wilson	74-2116B (home place)	11-25-1910	2.80
Drake	74-0909	4-1-1911	1.50
Whittaker	74-2124	4-29-1911	0.64
Whittaker	74-2125	6-26-1912	0.70
Drake	74-2169	4-30-1914	1.80
Wilson	74-1623 (upper)	1-1-1918	5.73
Whittaker	74-1772	4-1-1918	1.61
Whittaker	74-1771	4-1-1919	1.36
Wilson	74-1625 (home place)	4-1-1920	6.47
Tyler (school house)	74-0998	7-2-1923	1.20
Wilson	74-1624	4-1-1932	4.50
Kauer	74-1557	6-1-1940	0.10
Drake	74-2290	6-17-1944	3.90
Tyler	74-2291	11-6-1944	1.20
Ellsworth	74-2320	11-8-1957	2.30
Tyler	74-2322	12-1-1958	1.76

50.01 cfs

RECEIVED
DEC 13 2016

Department of Water Resources
Eastern Region

Name	wr#	18 Mile	May, 2016	1	2	3	4	5	6	7	8	9	10	11
Whittaker	74-2006	3.1		3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1
Wilson	74-2030	Home 1.2		1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Breshears	74-2039	1.2		1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Breshears	74-0934	1.56		1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56
Whittaker	74-15061	IRR/STW. 1.04		0	0	0	0	0	0	0	0	0	0	0
Whittaker	74-2019A/B	1		1	1	1	1	1	1	1	1	1	1	1
Wilson	74-2116B	Home Place 2.8		0	0	0	0	0	0	0	0	0	0	0
Whittaker	74-2124	1.64		0	0	0	0	0	0	0	0	0	0	0
Breshears	74-2169	1.8		0	0	0	0	0	0	0	0	0	0	0
Wilson	74-1623	Upper 5.73		0	0	0	0	0	0	0	0	0	0	0
Whittaker	74-1772	1.61		0	0	0	0	0	0	0	0	0	0	0
Whittaker	74-1771	1.36		0	0	0	0	0	0	0	0	0	0	0
Wilson	74-1625	6.47 Home Place		0	0	0	0	0	0	0	0	0	0	0
Tyler	74-0998	1.2		0	0	0	0	0	0	0	0	0	0	0
Wilson	74-1624	Upper 4.5		0	0	0	0	0	0	0	0	0	0	0
Kauer	74-1557	STW. .1		0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Breshears	74-2290	3.9		0	0	0	0	0	0	0	0	0	0	0
Tyler	74-2291	1.2		0	0	0	0	0	0	0	0	0	0	0
Ellsworth	74-2320	2.3		0	0	0	0	0	0	0	0	0	0	0
Tyler	74-2322	1.76		0	0	0	0	0	0	0	0	0	0	0

Notes some water was not called for or water was not available

Name	wr#	18 Mile	June, 2016								
Whittaker 74-2006			1	2	3	4	5	6	7	8	9
Wilson 74-2030			3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1
Breshears 74-2039			1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Breshears 74-0934			1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Whittaker 74-15061 IRR./STW.			1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56
Whittaker 74-2019A/B			0	0	0	0	0	0	0	0	0
Wilson 74-2116B			1	1	1	1	1	1	1	1	1
Whittaker 74-2124			2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Breshears 74-2169			0	0	0	0	0	0	0	0	0
Wilson 74-1623			0	0	0	0	0	0	0	0	0
Whittaker 74-1772			0	0	0	0	0	0	0	0	0
Whittaker 74-1771			0	0	0	0	0	0	0	0	0
Wilson 74-1625			0	0	0	0	0	0	0	0	0
Tyler 74-0998			0	0	0	0	0	0	0	0	0
Wilson 74-1624			0	0	0	0	0	0	0	0	0
Kauer 74-1557 STW.			0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Breshears 74-2290			0	0	0	0	0	0	0	0	0
Tyler 74-2291			0	0	0	0	0	0	0	0	0
Ellsworth 74-2320			0	0	0	0	0	0	0	0	0
Tyler 74-2322			0	0	0	0	0	0	0	0	0

Notes

Name	wr#	18 Mile	July, 2016								
Whittaker	74-2006		1	2	3	4	5	6	7	8	9
Wilson	74-2030		3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1	3.1
Breshears	74-2039		1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Breshears	74-0934		1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Whittaker	74-15061	IRR./STW.	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56
Whittaker	74-2019A/B		0	0	0	0	0	0	0	0	0
Wilson	74-2116B		1	1	1	1	1	1	1	1	1
Whittaker	74-2124		2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8	2.8
Breshears	74-2169		0	0	0	0	0	0	0	0	0
Wilson	74-1623		0	0	0	0	0	0	0	0	0
Whittaker	74-1772		0	0	0	0	0	0	0	0	0
Whittaker	74-1771		0	0	0	0	0	0	0	0	0
Wilson	74-1625		0	0	0	0	0	0	0	0	0
Tyler	74-0998		0	0	0	0	0	0	0	0	0
Wilson	74-1624		0	0	0	0	0	0	0	0	0
Kauer	74-1557	STW.	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Breshears	74-2290		0	0	0	0	0	0	0	0	0
Tyler	74-2291		0	0	0	0	0	0	0	0	0
Ellsworth	74-2320		0	0	0	0	0	0	0	0	0
Tyler	74-2322		0	0	0	0	0	0	0	0	0

Notes

	23	24	25	26	27	28	29	30	Total
	3.1	3.1	3.1	3.1	3.1	2	2	2	89.7
	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	36
	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	36
	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	46.8
	0	0	0	0	0	0	0	0	0
	1	1	1	1	1	1	1	1	30
	2.3	2.3	2.3	2.3	2.3	1.6	1.6	1.6	72.4
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	3
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0

Name	wr#	18 Mile									
Aug. 2016											
Whittaker 74-2006 Wilson 74-2030 Breshears 74-2039 Breshears 74-0934 Whittaker 74-15061 IRR./STW. Whittaker 74-2019A/B Wilson 74-21168 Whittaker 74-2124 Breshears 74-2169 Wilson 74-1623 Whittaker 74-1772 Whittaker 74-1771 Wilson 74-1625 Tyler 74-0998 Wilson 74-1624 Kauer 74-1557 STW. Breshears 74-2290 Tyler 74-2291 Ellsworth 74-2320 Tyler 74-2322	1	2	3	4	5	6	7	8	9		
	2	2	2	2	2	2	2	2	2	2	
	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	
	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	
	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	
	0	0	0	0	0	0	0	0	0	0	
	1	1	1	1	1	1	1	1	1	1	
	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	
	0	0	0	0	0	0	0	0	0	0	
	0	0	0	0	0	0	0	0	0	0	
	0	0	0	0	0	0	0	0	0	0	
	0	0	0	0	0	0	0	0	0	0	
0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	
0	0										

Notes

		Total									
23	24	25	26	27	28	29	30	31			
2	2	2	2	2	2	2	2	2	62		
1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	37.2		
1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	37.2		
1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	48.36		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	15		
1	1	1	1	1	1	1	1	1	40		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	3.1		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		
0	0	0	0	0	0	0	0	0	0		

Name	wr#	18 Mile	Sep.2016								
Whittaker	74-2006		1	2	3	4	5	6	7	8	9
Wilson	74-2030		2	2	2	2	2	2	2	2	2
Breshears	74-2039		1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Breshears	74-0934		1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Whittaker	74-15061	IRR./STW.	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56
Whittaker	74-2019A/B		0	0	0	0	0	0	0	0	0
Wilson	74-2116B		0	0	0	0	0	0	0	0	0
Whittaker	74-2124		1	1	1	1	1	1	1	1	1
Breshears	74-2169		0	0	0	0	0	0	0	0	0
Wilson	74-1623		0	0	0	0	0	0	0	0	0
Whittaker	74-1772		0	0	0	0	0	0	0	0	0
Whittaker	74-1771		0	0	0	0	0	0	0	0	0
Wilson	74-1625		0	0	0	0	0	0	0	0	0
Tyler	74-0998		0	0	0	0	0	0	0	0	0
Wilson	74-1624		0	0	0	0	0	0	0	0	0
Kauer	74-1557	STW.	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Breshears	74-2290		0	0	0	0	0	0	0	0	0
Tyler	74-2291		0	0	0	0	0	0	0	0	0
Ellsworth	74-2320		0	0	0	0	0	0	0	0	0
Tyler	74-2322		0	0	0	0	0	0	0	0	0

Notes

Exhibit 216
Page 13

		Total									
23	24	25	26	27	28	29	30				
2	2	2	2	2	2	2	2	60			
1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	36			
1.2	1.2	1.2	1.2	1.2	1.2	1.2	1.2	36			
1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	46.8			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
1	1	1	1	1	1	1	1	30			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	3			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			
0	0	0	0	0	0	0	0	0			

Total		
30	31	
3.1	3.1	96.1
1.2	1.2	37.2
1.2	1.2	37.2
1.56	1.56	48.36
0	0	0
1	1	31
2.8	2.8	14
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0.1	0.1	3.1
0	0	0
0	0	0
0	0	0
0	0	0

BEYELER WATER

HOME PLACE

CANYON CREEK	74-0160	7/1/1877	.5CFS	15.5 ACRES
CANYON CREEK	74-2289	3/7/1944	.74CFS	35.6 ACRES
HAWLEY CREEK	74-2326	4/11/1960	1.36CFS	26.7 ACRES
SPRINGS	74-0871	8/9/1948	1.80CFS	90.4 ACRES
GROUND WATER	74-7185	5/31/1983	2.00CFS	240.0 ACRES
74-871 AND 74-7185 LIMITED TO 240 ACRES				317.8 ACRES

MCREA PLACE BOUGHT 1988

CANYON CREEK	74-0158	7/1/1876	5.0CFS	189.2ACRES
CANYON CREEK	74-0159	7/1/1876	.5CFS	— 39.0ACRES
				228.2ACRES

A PPU WAS DONE, ON THE ABOVE TOTALLING 573 ACRES.

TIMBER CREEK	74-0031	6/1/1884	1.4CFS	88.2 ACRES
--------------	---------	----------	--------	------------

CONCLUSION

1. FOUR OUT FIVE HOME PLACE RIGHTS ARE VERY JUNIOR, INCLUDING WELL.
2. MCREA PLACE BOUGHT IN 1988, HAD EARLY RIGHTS.
3. IDWR AND BEYELER PERPETRATED SRBA BY DOING A PPU ON THE PROPERTY, AS THEY DIDN'T EVEN OWN THE RANCH IN 1987.
4. ALL WATERS, INCLUDING 74-0031, NOW GO THROUGH SPRINKLERS.
5. NO CHANCE FOR RECHARGE ON CANYON, HAWLEY, BIG TIMBER CREEK, AND 18-MILE.
6. WELLS ARE NOW DEPLETING UPSTREAM DRAINAGES, AND DOWN STREAM JUNIOR WATER RIGHTS.
7. WATER TRANSACTIONS CONTINUE ON L-5, WHILE LOTS OF US GO WITHOUT, EVEN THOUGH WE'RE PAST THE INTIAL OBJECTIVES FOR MINIMUM STREAM FLOW.
8. THE WATER AT HIGHWAY 29, (LEADORE) IS NEARLY NONEXISTANT NOW.
9. BEYELER HASN'T BEEN ABLE TO GET ANY WATER FROM HAWLEY, 18-MILE (SPRINGS) FOR SOME TIME, CANYON WAS DOWN TO 4.2 CFS 8/28/2021 AT UPPER FLUME.
10. SEVERE LACK OF TRANSPARENCY ON BEYELERS PROJECTS AND ALL MODEL WATER SHEDS PROJECTS.
11. ALL WATER DIVERSIONS LACK EASY CONTROL, OR MEASURING SYSTEMS.
12. ~~THEY ASSUME HE'S BEEN~~

June 11/21

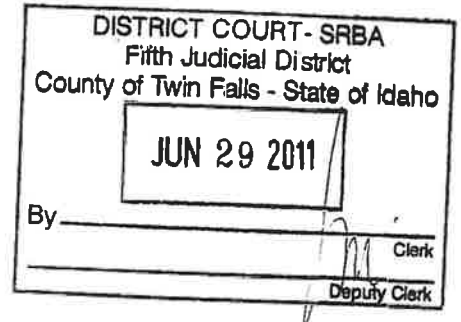
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 74-00159



NAME AND ADDRESS:

BEYELER RANCHES LLC
C/O MERRILL AND SHARAL BEYELER
PO BOX 62
LEADORE, ID 83464

SOURCE:

CANYON CREEK TRIBUTARY: LEMHI RIVER
LEMHI RIVER TRIBUTARY: SALMON RIVER

QUANTITY:

0.50 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE:

07/01/1876

POINT OF DIVERSION:

T16N R26E S22 SWSE Within Lemhi County
SESE
S28 NENW

The right holder shall provide a means of measurement acceptable to the department for measuring the flow in Canyon Creek at the original points of diversion and at the point of diversion from the Lemhi River.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.50 CFS

PLACE OF USE:

Irrigation	Within Lemhi County
T16N R26E S21	NESW 31.6 SESW 13.6 NESE 33.5 NWSE 40.0 SWSE 39.3 SESE 29.9 SWNE 31.1 SNNW 33.2 SENW 40.0 NESW 37.0 NWSW 28.3
S27	NWNE 40.0 SENE 40.0 NWNW 3.6 SENW 19.1
S28	NESE 30.1
573.3 Acres Total	

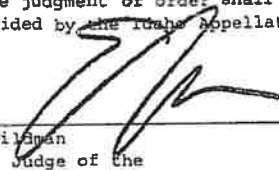
This right is limited to the irrigation of 39.0 acres within the authorized place of use in a single irrigation season. Rights 74-31, 74-158, 74-159, 74-160, 74-871, 74-2289, 74-2326 and 74-7185 when combined shall not exceed the irrigation of 573.3 acres.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Eric J. Wilgman
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

DEC 13 2016

Names	W/R#	Canyon Creek		Department of Water Resources																							
		May, 2016	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23		
M. Beyeler	74-158		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
M. Beyeler	74-159		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
M. Beyeler	74-160		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
K. Tyler	74-161		0	0	0	0	0	0	0	0	0	0	0	0	0	0	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54		
K. Tyler	74-162		0	0	0	0	0	0	0	0	0	0	0	0	0	0	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02		
K. Tyler	74-163		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
K Tyler	74-164		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Remarks	Water right numbers not on this sheet were not called for or delivered or no water was available																										

[illegible]

[illegible]

22	23	24	25	26	27	28	29	30	Total
5	5	5	5	5	5	5	5	5	85
0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	8.5
0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	8.5
1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	1.54	46.2
1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	30.6
1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	30.6
0	0	0	0	0	0	0	0	0	0

Names	WR#	Canyon Creek	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
M. Beyeler	74-158	July, 2016	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
M. Beyeler	74-159		0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
M. Beyeler	74-160		0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
K. Tyler	74-161		1.54	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56	1.56
K. Tyler	74-162		1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
K. Tyler	74-163		1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
K. Tyler	74-164		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Remarks	Water right numbers not on this sheet were not called for or delivered or no water was available																						

	22	23	24	25	26	27	28	29	30	31	Total
	5	5	5	5	5	5	5	5	5	5	155
	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	15.5
	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	15.5
	1.56	1.56	1.56	1.56	1.56	1.56	0	0	0	0	42.1
	1.02	1.02	1.02	1.02	1.02	0	0	0	0	0	26.52
	0	0	0	0	0	0	0	0	0	0	20.4
	0	0	0	0	0	0	0	0	0	0	0

Names	WR#	Canyon Creek	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
M. Beyeler	74-158	AUG. 16	1	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
M. Beyeler	74-159		0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
M. Beyeler	74-160		0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
K. Tyler	74-161		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
K. Tyler	74-162		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
K. Tyler	74-163		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
K. Tyler	74-164		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Remarks	Water right numbers not on this sheet were not called for or delivered or no water was available																					

21	22	23	24	25	26	27	28	29	30	31	Total
5	5	5	5	5	5	5	5	5	5	5	155
0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	15.5
0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	15.5
0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0

21	22	23	24	25	26	27	28	29	30	Total
5	5	5	5	5	5	5	5	5	5	150
0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	15
0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	15
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0

Names	WR#	Canyon Creek				2016				Total
		May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	
M. Beyeler	74-158		0	85	155	155				545
M. Beyeler	74-159		0	8.5	15.5	15.5				54.5
M. Beyeler	74-160		0	8.5	15.5	15.5				54.5
K. Tyler	74-161	26.18		46.2	42.1	0				114.48
K. Tyler	74-162	17.34		30.6	26.52	0				74.46
K. Tyler	74-163	0	0	30.6	20.4	0				51
K. Tyler	74-164		0	0	0	0				0

WITNESSES

Jim Malcom

Merritt Udy

Dan Smith- Past Water Master

James Whittaker

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 74-16176

Priority: July 23, 2018

Maximum Diversion Rate: 0.80 CFS
Maximum Diversion Volume: 390.0 AF

It is hereby certified that:

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83707-0025

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 23, 2018, and has submitted Proof of Beneficial Use on November 13, 2018. An examination confirms water is diverted from:

Source : EIGHTEENMILE CREEK

Tributary: LEMHI RIVER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
FISH PROPAGATION	03/15 to 11/15	0.80 CFS	390.0 AF

Location of Point(s) of Diversion

EIGHTEENMILE CREEK SE¼ NE¼, Sec. 34, Twp 16N, Rge 26E, B.M. LEMHI County

Place of Use: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
16N	26E	34				X												

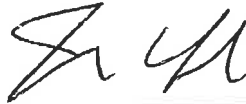
Conditions of Approval

1. Fish propagation use is for fish protection through the installation of a deflection screen and a bypass pipe to provide passage for fish back to Eighteenmile Creek.
2. Point of diversion is also identified by Idaho Fish and Game Commission as LEM-01.
3. Use of water under this right shall be non-consumptive.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74W.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.
7. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 74-16176

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 9th day of March, 2020.



JAMES CEFALO
Eastern Regional Manager



Photo 3: Close-up of fish screen structure



Photo 4: Fish bypass and overflow returning to Eighteen Mile Creek

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 74-16176
Exam Date: 6/17/2019

1. Current Owner:
STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE, ID 83707-0025
2. Accompanied by: MIKE DEMICK
Phone No: 208-756-6022
Address: 97 HIGHWAY 93 NORTH
SALMON, ID 83467
Relationship to permit Holder: IDFG Easement Specialist

3. **SOURCE:**
EIGHTEENMILE CREEK

Tributary
LEMHI RIVER

Method of Determination: Field exam and GIS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No overlap at POU
2. Other water rights with the same point-of-diversion:

Water Right No.	Source	Purpose of Use	Basis
74-871	Springs	Irrigation	Decreed
74-2326	Hawley Creek	Irrigation	Decreed

Comments: The purpose of this fish propagation right is to allow IDFG to provide a screened diversion with fish bypass to satisfy the water rights listed above.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
EIGHTEENMILE CREEK SE¼ NE¼, Sec. 34, Twp 16N, Rge 26E, B.M. LEMHI County

Method of Determination: Field exam and GIS

PLACE OF USE: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	26E	34				X													

Method of Determination: Field exam and GIS

D. FLOW MEASUREMENTS

1. Measurements: None taken. The configuration of this diversion does not allow for the direct measurement of only the Fish Propagation portion of the water being diverted.

E. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

The following equation has been used historically by IDWR for similar IDFG fish bypass structures:

$$Q = C_d A_o \sqrt{2gh}$$

Where:

Q = flowrate (cfs)

 C_d = coefficient of discharge A_o = Area of orifice opening (ft²)g = gravitational acceleration $\left(32.2 \frac{\text{ft}}{\text{s}^2}\right)$

h = Measured head above center of orifice opening (ft)

The orifice diameter for this structure is 6 inches, which results in $A_o = 0.2 \text{ ft}^2$.

The measured height of water above the orifice center at the time of the field exam was 1.6 ft.

The standard coefficient of discharge used by IDWR for similar IDFG diversion structures is 0.67.

$$Q = 1.4 \text{ cfs}$$

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A

2. Volume Calculations for Other Uses: $0.8 \text{ cfs} \times 1.9835 \text{ AF/cfs/day} \times 246 \text{ days/season} = 390 \text{ AF/season}$

G. NARRATIVE/REMARKS/COMMENTS

This diversion structure is similar to many other diversions built by Fish & Game throughout the Lemhi and Salmon River basins to protect fish from entering the irrigating works. The calculated flowrate for the structure exceeds the permitted rate.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual volume</u>
FISH PROPAGATION	03/15 to 11/15	0.80 CFS	390 AF

Totals: 0.80 CFS

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

I. AUTHENTICATION Brian Normandeau - Engineer-in-Training

Field Examiner's Name: Brian Normandeau & Jeff Nield Date: 2/7/2020

Reviewer James Cefalo Date 3/9/2020

Water Permit 74-16176 Beneficial Use Exam Map



Legend

- Water Permit POD
-  Water Permit POU
-  Township/Range
-  Sections
-  QQ

0 120 240 480 Feet

1 inch = 250 feet



Exhibit 220
Page 7



Photo 1: Diversion on Eighteen Mile Creek



Photo 2: Fish screen/bypass approach



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 09, 2020

STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE ID 83707-0025

RE: License No. 74-16176

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 74-16176
Exam Date: 6/17/2019

1. Current Owner:
STATE OF IDAHO
DEPT OF FISH AND GAME
PO BOX 25
BOISE, ID 83707-0025
2. Accompanied by: MIKE DEMICK
Phone No: 208-756-6022
Address: 97 HIGHWAY 93 NORTH
SALMON, ID 83467
Relationship to permit Holder: IDFG Easement Specialist

3. **SOURCE:**
EIGHTEENMILE CREEK

Tributary
LEMHI RIVER

Method of Determination: Field exam and GIS

B. OVERLAP REVIEW

1. Other water rights with the same place of use: No overlap at POU
2. Other water rights with the same point-of-diversion:

Water Right No.	Source	Purpose of Use	Basis
74-871	Springs	Irrigation	Decreed
74-2326	Hawley Creek	Irrigation	Decreed

Comments: The purpose of this fish propagation right is to allow IDFG to provide a screened diversion with fish bypass to satisfy the water rights listed above.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
EIGHTEENMILE CREEK SE¼ NE¼, Sec. 34, Twp 16N, Rge 26E, B.M. LEMHI County

Method of Determination: Field exam and GIS

PLACE OF USE: FISH PROPAGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	26E	34				X													

Method of Determination: Field exam and GIS

D. FLOW MEASUREMENTS

1. Measurements: None taken. The configuration of this diversion does not allow for the direct measurement of only the Fish Propagation portion of the water being diverted.

E. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

The following equation has been used historically by IDWR for similar IDFG fish bypass structures:

$$Q = C_d A_o \sqrt{(2gh)}$$

Where:

Q = flowrate (cfs)

C_d = coefficient of discharge

A_o = Area of orifice opening (ft^2)

g = gravitational acceleration ($32.2 \frac{\text{ft}}{\text{s}^2}$)

h = Measured head above center of orifice opening (ft)

The orifice diameter for this structure is 6 inches, which results in $A_o = 0.2 \text{ ft}^2$.

The measured height of water above the orifice center at the time of the field exam was 1.6 ft.

The standard coefficient of discharge used by IDWR for similar IDFG diversion structures is 0.67.

$$Q = 1.4 \text{ cfs}$$

F. VOLUME CALCULATIONS

1. Volume Calculations for irrigation: N/A
2. Volume Calculations for Other Uses: $0.8 \text{ cfs} \times 1.9835 \text{ AF/cfs/day} \times 246 \text{ days/season} = 390 \text{ AF/season}$

G. NARRATIVE/REMARKS/COMMENTS

This diversion structure is similar to many other diversions built by Fish & Game throughout the Lemhi and Salmon River basins to protect fish from entering the irrigating works. The calculated flowrate for the structure exceeds the permitted rate.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS**1. Recommended Amounts**

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual volume</u>
FISH PROPAGATION	03/15 to 11/15	0.80 CFS	390 AF

Totals: 0.80 CFS

2. Recommended Amendments

____ Change P.D. as reflected above ____ Add P.D. as reflected above x None

____ Change P.U. as reflected above ____ Add P.U. as reflected above x None

I. AUTHENTICATION

Brian Normandeau - Engineer-in-Training

Field Examiner's Name: Brian Normandeau & Jeff Nield

Date: 2/7/2020

Reviewer James Cefalo Date 3/9/2020

Water Permit 74-16176 Beneficial Use Exam Map



The USDA-FSA Aerial Photography Field office asks to be credited in derived products

Legend

- Water Permit POD
-  Water Permit POU
-  Township/Range
-  Sections
-  QQ

0 120 240 480 Feet



1 inch = 250 feet





Photo 1: Diversion on Eighteen Mile Creek



Photo 2: Fish screen/bypass approach



Photo 3: Close-up of fish screen structure



Photo 4: Fish bypass and overflow returning to Eighteen Mile Creek