

Cefalo, James

From: Cefalo, James
Sent: Tuesday, January 25, 2022 3:13 PM
To: Wilson, Frank S; TJ Budge; Rob Harris
Cc: hank.povey@gmail.com; Ball, Gary; Esralew, Rachel; Jirak, Jeremy M; Wallis, Joanne V; Pilson, Stephen; Jeletic, Michael P
Subject: Revised Draft Permit
Attachments: Draft Permit 13-8081.pdf

Attached is a revised draft permit, incorporating the changes we discussed during the status conference last week. I moved the language about the non-irrigation season into a separate condition and shifted it ahead of the irrigation season condition. I incorporated much of the language proposed by Rob Harris but made some revisions. I also changed the irrigation season condition to refer to water flowing over the diversion dam rather than water flowing through the emergency spillway.

Please review the revised draft and respond to this email with any questions, comments, or edits. Let's set a deadline of February 11th for emailing comments or edits. Based on the feedback from the group, I will decide whether we need to pull together another status conference.



IDAHO DEPARTMENT OF
WATER RESOURCES

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State of Idaho
Department of Water Resources

1/25/22 Draft Permit to Appropriate Water

No. 13-8081

Priority: July 28, 2021

Maximum Diversion Volume: 1,200.0 AF

This is to certify that

US DEPT OF INTERIOR
FISH & WILDLIFE SERVICE
911 NE 11TH AVE
PORTLAND OR 97232-4181

has applied for a permit to appropriate water from:

Source : OXFORD SLOUGH

Tributary: DEEP CREEK

and a permit is APPROVED for development of water as follows:

Beneficial Use

WILDLIFE STORAGE

Period of Use

01/01 to 12/31

Annual Volume

1,200.0 AF

Location of Point(s) of Diversion

OXFORD SLOUGH L10 (NE¼ NW¼), Sec. 2, Twp 14S, Rge 38E, B.M. FRANKLIN County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13S	38E	26							X L3	X	X L2	X L2	X	X L1				
13S	38E	26							X L4	X	X L2	X L4		X L5				
13S	38E	26									X L4			X L1				
13S	38E	26												X L5				
13S	38E	27			X L2	X L1				X	X L3			X L5	X L8	X L2	X	X
13S	38E	27				X L8					X L6					X L7		
13S	38E	34	X	X	X	X	X		X L11	X	X	X L10	X L9	X L8	X	X	X L7	X L7
13S	38E	35					X	X	X		X	X	X	X				
14S	38E	2					X L10	X L11	X									
14S	38E	3	X L9															

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2024**.
2. Subject to all prior water rights.
3. The reservoir established by the storage of water under this right shall not exceed a total capacity of 1,200 acre-feet or a total surface area of 836 acres.

State of Idaho
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4. To prevent injury to downstream storage water rights during the non-irrigation season, the right holder shall adhere to the following plan of operations: The right holder may capture and store water in the reservoir authorized by this right up to a maximum elevation of 4745.5 feet above sea level. If the holder of a downstream storage right on Deep Creek notifies the right holder of an intent to divert water for storage, the right holder shall document the water surface elevation on the day of the notice and provide the elevation reading to the downstream storage right holder. The right holder may maintain the reservoir at the documented water surface elevation but shall adjust the diversion structure(s) to allow water in excess of such water elevation to flow downstream into Deep Creek. Upon notice that the downstream storage right holder is no longer diverting water to storage or on May 1, whichever is earlier, the right holder may resume storing water under this right. At any time during the non-irrigation season, even after notice is provided by a downstream storage right holder, the right holder may store any water in excess of the quantity of water needed to satisfy the downstream storage rights on Deep Creek.
5. To prevent injury to downstream water rights during the irrigation season (4/20 – 9/30), the right holder shall adhere to the following plan of operations: The right holder may capture and store water in the reservoir authorized by this right up to a maximum elevation of 4745.5 feet above sea level. Each year, at the time irrigation rights are curtailed on the Bear River in the state of Idaho or when a call for water is made by the holder of a senior irrigation right on Deep Creek, but not earlier than April 20th, the right holder shall remove one or two 4-foot by 6-inch pressure boards from the dike, allowing the reservoir to empty slowly to an elevation of 4745.0 feet above sea level. The removal of the top pressure boards is based solely on the first day of curtailment of irrigation rights on the Bear River or a call for irrigation water on Deep Creek and is not contingent on zero flow past the diversion dam. There may be years when the top pressure boards are removed at the same time water is already flowing over the diversion dam. Once the reservoir reaches equilibrium at an elevation of 4745.0 feet above sea level, the natural channel below the reservoir dike will dry up and the reservoir will eventually become disconnected from Deep Creek, thereby reflecting the natural hydrologic conditions in mid- to late-summer.
6. After specific notification by the Department, the right holder shall install a suitable measuring device on the Oxford Slough channel below the diversion dam to quantify the amount of water released from the reservoir authorized by this right.
7. Prior to diversion of water under this right, the right holder shall permanently install and maintain a staff gage, measuring device, and data logger near the diversion dam which can be used to measure and record the water surface elevation of the water stored behind the dam.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this _____ day of _____, 20____.

JAMES CEFALO
Regional Manager