

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**NOTICE OF DIVERSION AS AN ALTERNATIVE TO
INSTREAM STOCKWATER USE**

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder Kelly Canyon Winter Park LLC Phone 208-604-0640
Mailing address PO Box 367 Ririe, ID 83443 Email berthmarble@gmail.com
2. Source of water supply Kelly Canyon Creek tributary to Snake River
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot _____, _____ 1/4 NE 1/4 NE 1/4,
Section 34, Township 4N Range 41E, B.M.,
Madison County.
Ending point is in Gov't. Lot _____, _____ 1/4 NW 1/4 SE 1/4,
Section 28, Township 4N Range 41E, B.M.,
Jefferson County.
 - b) Alternate point of diversion is in Gov't. Lot _____, _____ 1/4 SE 1/4 SW 1/4,
Section 27, Township 4N Range 41E, B.M.,
Madison County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion Infiltrator to pipe to stock tank
See attached documents
 - b) Describe the delivery system Infiltrator - concrete perf barrel to pipe to
4 x 12 water trough
 - c) Describe the number, type and total capacity of troughs or tanks 1 to 2 tanks
4' x 12' 700 gallons each

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source overflow goes into a culvert and back into stream
- e) Describe how the system is designed to allow measurement of the rate of diversion
Measurement is by # of cattle using trough per day 450 AVM

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

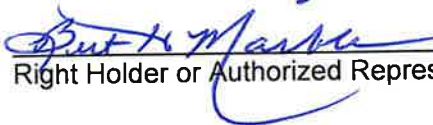
TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
4N	41E	27												X				

6. Priority date claimed or established June 1, 1892
7. Rate of diversion 0.02 cfs
8. Season of use: from March 1 to November 1
9. a) Who owns the property at the point of diversion? Forest Service
b) Who owns the property at the place of use? Forest Service
10. When will construction occur? 2021
11. Comments (include number and type of stock) 475 head of stock cows
12. Map of project required - Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this 13 day of July, 20 21


Right Holder or Authorized Representative

FOR DEPARTMENT USE

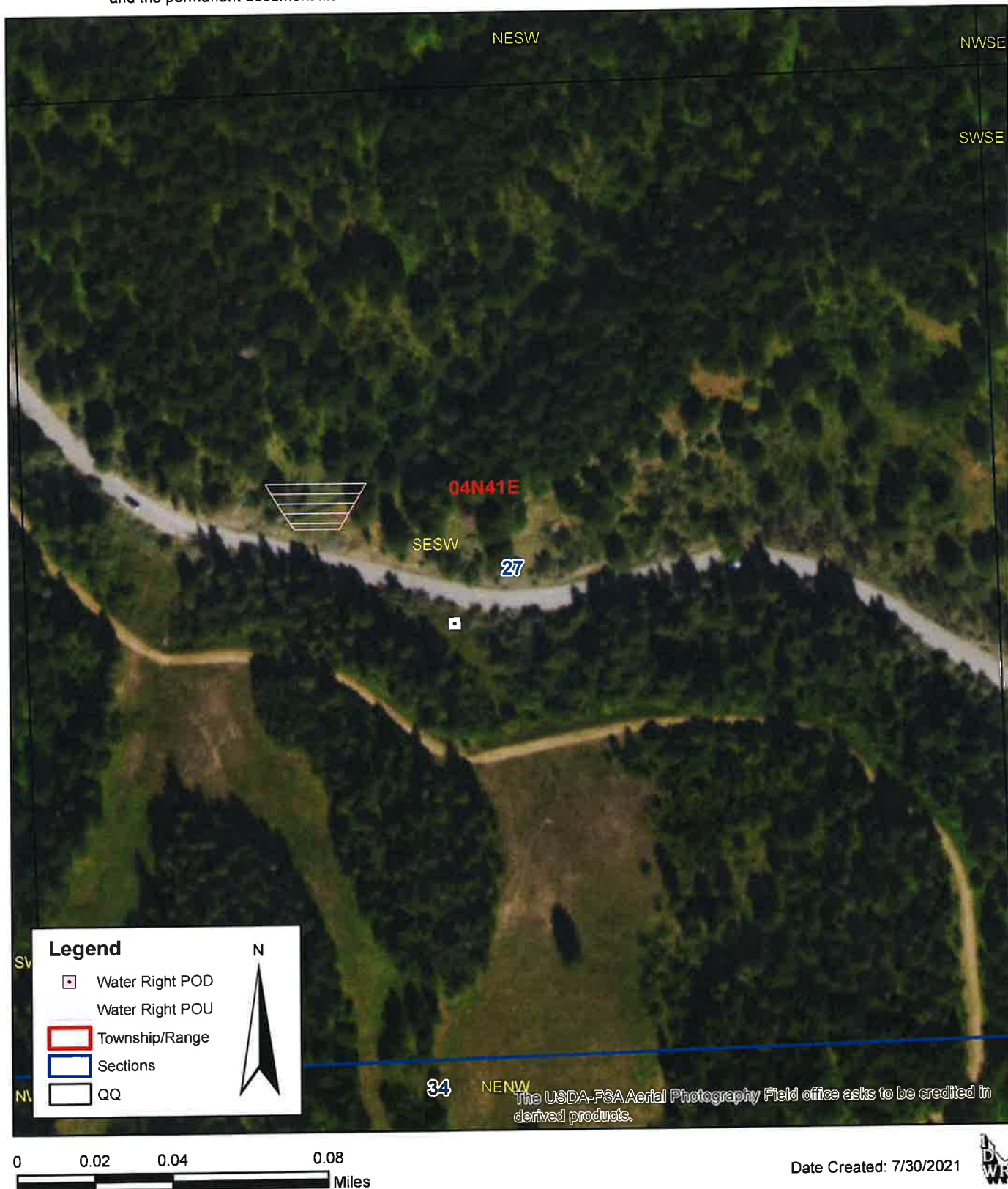
Received by _____ Date _____ Preliminary check by _____
Fee: \$ 25.- Received by JB Receipt No. E0471165 Date 7/13/2021
Water District No. _____ Entered into data base _____ By _____

Notice of Diversion as an Alternative to Instream Stockwater Use

23-11498

Stockwater

The map depicts the place of use for the water use listed above and the point(s) of diversion of this right as currently derived from the interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Site map

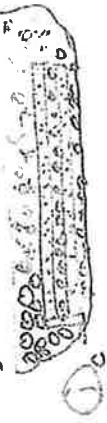
#1 has 3 options A B & C

① A Perforated Concrete barrel or slab 2' x 4'

Infiltrator Bedded in Round Rock



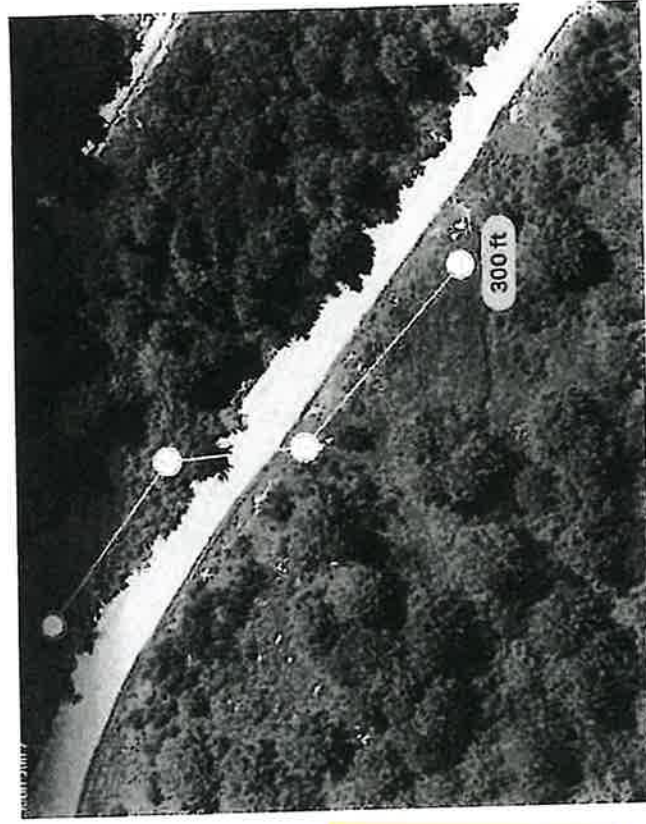
② Perforated 4" pipe bedded in Round Rock



③ Perforated 4" pipe bedded in Round Rock

↓
North
water trough on North side of road, spring on south side of road.

④ Perforated 4" pipe bedded in Round Rock

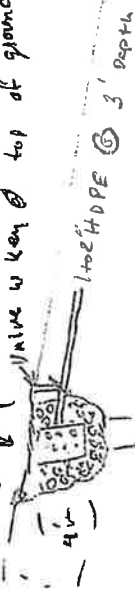


A B or C

Round Rock

Section View

1) Low spot at edge of stream for water to enter infiltration
Valve w key @ top of ground but outside infiltration area.

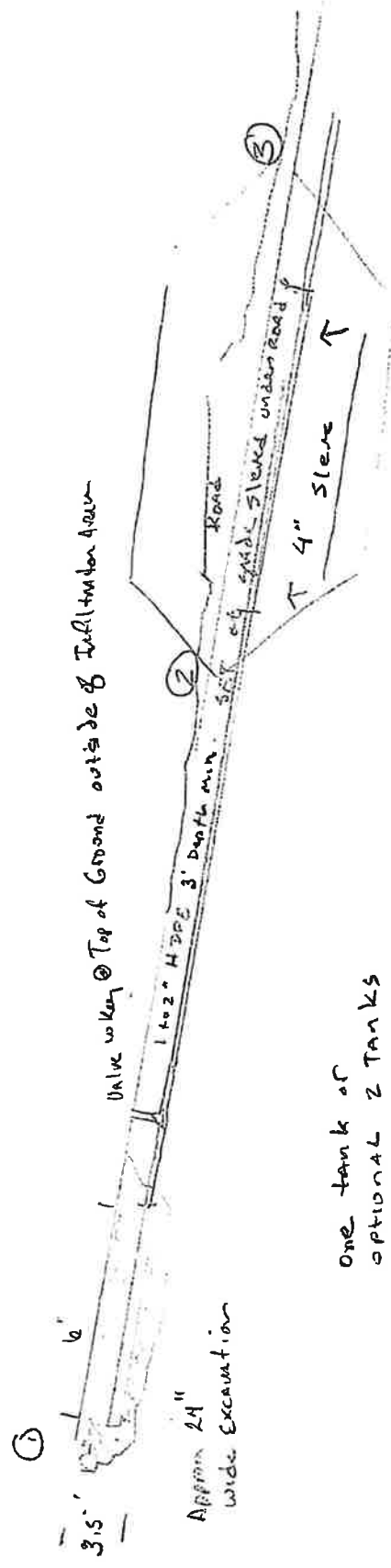


Approx 24" wide Excavation

2) Valve w key @ top of ground but outside infiltration area



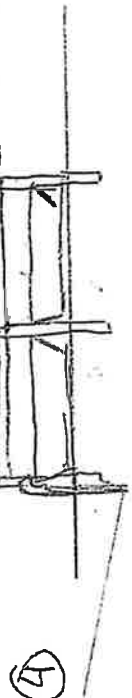
Approx. 24" wide excavation



Approx 24" wide Excavation

one tank or optional 2 tanks

Post & Pole Tank guard

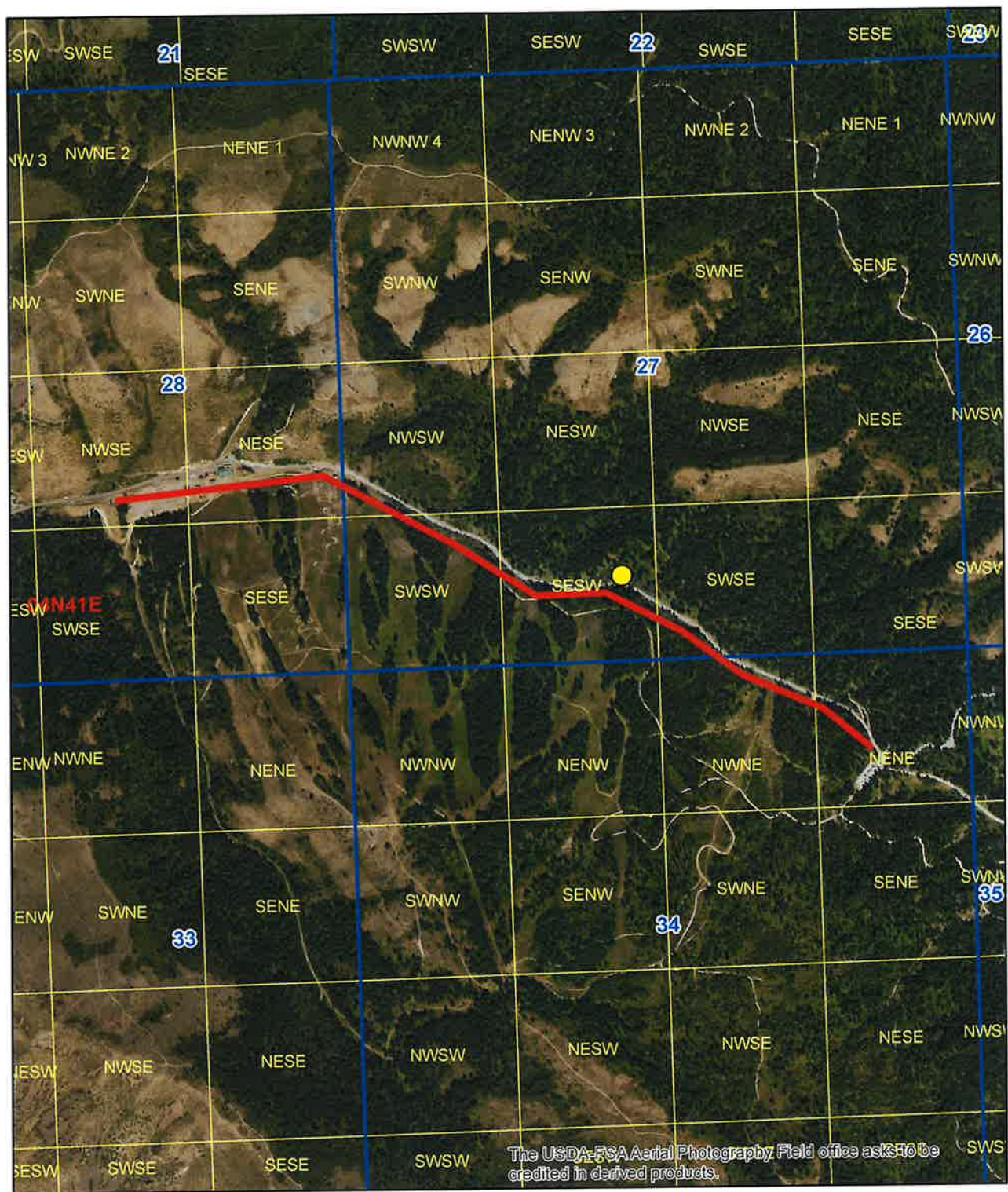


12' x 4'

Excess water flows out of tank and through existing Road culvert back into Kelly stream



This area



- PROPOSED POD
- CURRENT POD



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 20, 2021

Kelly Canyon Winter Park LLC
PO Box 367
Ririe, ID 83443

RE: Notice of Diversion for Instream Stockwater Use 23-11498

Dear Water Right Holder:

The Department of Water Resources acknowledges receipt of the Notice of Diversion for Instream Stockwater you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice. Your notice will be retained in our files and will be available for reference at any time.

The filing of the notice does not confirm the validity of the water right. It will serve to record and preserve the information regarding the notice.

Please note that the diversion described in your notice may occur only if the following conditions are met:

- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
- The water delivery system is equipped with an automatic shutoff or flow control mechanism or includes a means for returning unused water to the surface water source through an enclosed delivery system, and the system is designed and constructed to allow the rate of diversion to be measured.
- The diversion is from a surface water source to which the livestock would otherwise have access and the watering tank or trough is located on land from which the livestock would have access to the surface water source from which the diversion is made.
- The diversion of water out of the stream in this manner does not injure other water rights.
- The use of the water diverted is for watering livestock.
- The bed and banks of the source shall not be altered as that term is defined in section 42-3802, Idaho Code, except that an inlet conduit may be placed into the source in a manner that does not require excavation or obstruction of the stream channel, unless additional work is approved by the director of the department of water resources.
- The amount of water diverted for watering of livestock in accordance with this subsection shall not exceed thirteen thousand (13,000) gallons per day per diversion.

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. Contact any regional office or visit us online at idwr.idaho.gov to obtain the proper forms and instructions.

Enclosed is a printout of your Notice of Diversion for Instream Stockwater Use for your records. If you have questions, please call the department at (208) 525-7161.

Yours truly,



Christina Henman
Administrative Assistant

Enclosure

Copy: United States Forest Service
USDI, BLM, Idaho State Office

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/20/2021

Water Right 23-11498

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KELLY CANYON WINTER PARK LLC PO BOX 367 RIRIE, ID 83443-0367 (208) 523-0862

Priority Date: 6/1/1892

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
KELLY CANYON CREEK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	03/01	11/01	0.020 CFS	
	<u>Total Diversion</u>		0.020 CFS	

Source and Point(s) of Diversion

KELLY CANYON CREEK	SESW	Sec. 27, Twp 04N, Rge 41E, MADISON County
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Place Of Use

STOCKWATER within MADISON County

T04N R41E S27	SESW
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Conditions of Approval:

1. 107 This notice was filed in accordance with Idaho Code § 42-113(3). Diversion and use of water in accordance with this notice shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

Dates and Other Information

State or Federal: S

Water District Number: 01

Mitigation Plan: False



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 21, 2021

STEVEN SPENCER
UNITED STATES FOREST SERVICE
161 EAST MALLARD DR., STE 110
BOISE, ID 83706

FRED PRICE
USDI, BLM, IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709

RE: Notice of Diversions for Instream Stockwater Use 29-14387, 32-13399, & 23-11498

Dear Interested Party:

The Department of Water Resources has received the enclosed Notices of Diversion for Instream Stockwater, submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced numbers in all future correspondence regarding these notices. These notices will be retained in our files and will be available for reference at any time.

If you have questions, please call the department at (208) 525-7161.

Thank You,

Christina Henman
Administrative Assistant

Enclosure



United States
Department of
Agriculture

Forest
Service

Palisades Ranger District

3659 East Ririe Highway
Idaho Falls, ID 83401
208-523-1412
Fax: 208-523-1418

File Code: 2720
Date: August 18, 2020

Dave Stoddard
Kelly Canyon Winter Park, LLC
PO Box 367
Ririe, Idaho 83443

Dear Dave,

Within the last three years the Kelly Canyon Resort has built and opened a system of mountain biking trails on their private land and within the Resort permit boundary on National Forest. In order to provide a safe experience for mountain bikers within the Resort and to reduce conflicts, the Resort has proposed building and maintaining a fence to keep cows off the existing bike trails within their permit area. The grazing permittees will maintain the fenced area within the Resort boundary as a pasture within their Lookout Mountain grazing permit, however, that pasture will not be used at this time. Monitoring of grazing use across the allotment will continue and be evaluated to determine possible effects from not grazing this pasture.

After several months of discussion about a fence location, the following describes the decision to move forward with the fence:

- Kelly Canyon will build a barbed wire fence near the communication site at the top of Kelly Mountain that will tie in with the Forest/BLM boundary fence near the Stinking Springs/Leaning Fir trail. Fence construction can begin immediately. See attached maps.
- The Resort will use temporary electric fencing from the end of the barbed wire fence near the communication site just below the top of Kelly Mountain to the Y junction, following closely to the location on the attached map. Fence construction can begin immediately.
- For the 2020 grazing season, the Resort will tie into the electric fence near the Y junction with electric fencing that will follow the traverse trail to the Forest Boundary. This fence will be on the south side of FS Rd 218 and the stream, in order to provide a water source for grazing cattle. This fence construction can begin immediately.
- All new fence construction will have sufficient gates included that allows for access to move cows through as needed.
- All fence maintenance will be the responsibility of Kelly Canyon Resort.
- For the 2021 grazing season, the Resort will be able to install a barbed wire fence from the Y junction along the north side of FS Rd 218 to the Forest Boundary (as shown on map). This barbed wire fence can only be installed once sufficient supply of water for cows is created on the north side of FS Rd 218. In general, the location on the north side of FS Rd 218 will follow the road, however, the exact location will be dependent on the final location of the water troughs for cows.
- The Resort may make necessary, minor clearing for the new fence location along FS Rd 218 immediately, in preparation for the fence installed in 2021, but only with a FS employee on site to work with the crew. The need for a FS employee on site is to assure everyone is of the same



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understanding about what minor, necessary clearing means. The intent is to provide a suitable location for a fence with as little ground disturbance as needed. This will need to be coordinated with the District prior to any work beginning. To avoid having to relocate fence posts, it may make more sense to install this section of fence once the water source and troughs are in place.

- The Forest Service will build and install a cattle guard on FS Rd 218 near the Y junction to be functional in 2021.
- The Forest Service will clean out the existing cattle guard at the Forest boundary as soon as possible.

As an optional water source, the Resort has proposed to pump water to a trough from the resorts well. The trough would only be filled when cattle were scheduled to be on the West Wolverine unit. This trough would be located north of FS Rd 218 near the Forest boundary. We still need to determine the pumping capabilities and the actual need for an additional water source for cattle. This would be a second site and may be necessary in low water years. Again, water sources for cattle need to be in place and functioning before fencing north of the 218 road is installed.

We will meet with you on site on Thursday, August 20 first thing in the morning and can discuss this then. We will also provide fence construction specs that are standard for fencing on National Forest.

Sincerely,

Tracy Hollingshead

TRACY HOLLINGSHEAD
District Ranger



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700
Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 12, 2021

Bert H Marble
Kelly Canyon Ski Resort
PO Box 367
Ririe, ID 83443

RE: Joint Application for Permit No. S23-20102
Kelly Spring – Water Diversion

Dear Mr. Marble:

The Idaho Department of Water Resources (IDWR) has reviewed your attached Joint Application for Permits, received July 2, 2021, for The Cattle Water Project. Project activities include constructing a diversion along Kelly Springs for stockwater. Your proposed project is located in Section 28, Township 04 North, Range 41 East, Boise Meridian, Jefferson County, Idaho. It has been determined that an IDWR Stream Channel Alteration Permit will not be required for this activity as provided for within Section 42-3806, Idaho Code. Water rights and the point of diversion must be approved and listed in the department's database before in-water work begins.

This does not relieve you of the responsibility to obtain any other local, state or federal permits that may be required, such as those required under the Clean Water Act or local ordinances required to meet federal flood insurance guidelines.

Please contact Cass Jones (208) 287-4897 or cass.jones@idwr.idaho.gov if you have any questions regarding this matter.

Sincerely,

Cass Jones
Stream Channel Protection
Idaho Department of Water Resources

cc: Kevin Hathaway, Jefferson County
Troy Saffle, Idaho Department of Environmental Quality, Idaho Falls
Jacob Gray, Idaho Department of Fish and Game, Idaho Falls
Pat Brown, Idaho Department of Lands, Idaho Falls
U.S. Army Corps of Engineers, Idaho Falls
Aaron Golart, Department of Water Resources, Boise

Received 7/2/2021
JMB

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY									
USACE NWW-		Date Received: 7/2/2021		☐ Incomplete Application Returned		Date Returned:			
Idaho Department of Water Resources No. 523-20102		Date Received: 7/2/2021		☐ Fee Received DATE:		Receipt No.:			
Idaho Department of Lands No.		Date Received:		☐ Fee Received DATE:		Receipt No.:			
INCOMPLETE APPLICANTS MAY NOT BE PROCESSED									
1. CONTACT INFORMATION - APPLICANT Required:					2. CONTACT INFORMATION - AGENT:				
Name: BERT H MARBLE					Name:				
Company: Kelly Canyon Ski Resort					Company:				
Mailing Address: P O Box 367					Mailing Address:				
City: Ririe		State: ID		Zip Code: 83443		City:		State: Zip Code:	
Phone Number (include area code): 208-604-0640		E-mail: bert.h.marble@gmail.com		Phone Number (include area code):		E-mail:			
3. PROJECT NAME or TITLE: CATTLE WATER					4. PROJECT STREET ADDRESS:				
5. PROJECT COUNTY: Jefferson		6. PROJECT CITY: Ririe		7. PROJECT ZIP CODE:		8. NEAREST WATERWAY/WATERBODY: Kelly Spring			
9. TAX PARCEL ID#:		10. LATITUDE: 46° 38' 39" N LONGITUDE: 111° 37' 00" W		11a. 1/4: 11b. 1/4: 11c. SECTION: 26		11d. TOWNSHIP: 04N		11e. RANGE: 41E	
12a. ESTIMATED START DATE:		12b. ESTIMATED END DATE:		13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? ☐ NO ☐ YES Tribe:					
13b. IS PROJECT LOCATED IN LISTED ESA AREA? ☐ NO ☐ YES				13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? ☐ NO ☐ YES					
14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. Proceed East Past Kelly Canyon Resort 1/2 way to Y Junction where The road goes left & there is a low spot off of the L.H. Shoulder									
15. PURPOSE and NEED: ☐ Commercial ☐ Industrial ☐ Public ☐ Private ☒ Other Describe the reason or purpose of your project; Include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project. Forest Service Cattle water Improve the way stock water is taken from the stream									

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

USE Excavator. Install an infiltrator near stream to divert water into a pipe, pit & sleeve under the Road install pipe in sleeve then down hill 200' or so and install 2 Forest Service approved tanks. Run pipe into tanks excess water will flow out of tanks under the Road through existing Culvert back into same stream.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

- No Mitigation Plan
- 1- Very small job only NEAR stream @ Infiltrator Install
 - 2- No stream diversion necessary -
 - 3- Short duration of excavation

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: _____ cubic yards
 Dredged Material: _____ cubic yards
 Clean Sand: _____ cubic yards
 Clay: _____ cubic yards
 Gravel, Rock, or Stone: _____ cubic yards
 Concrete: _____ cubic yards
 Other (describe): _____ : _____ cubic yards
 Other (describe): _____ : _____ cubic yards

TOTAL: _____ cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: _____ acres _____ sq ft _____ cubic yards
 Backfill & Bedding: _____ acres - 50 sq ft 2 cubic yards
 Land Clearing: _____ acres _____ sq ft _____ cubic yards
 Dredging: _____ acres - 50 sq ft 2 cubic yards
 Flooding: _____ acres _____ sq ft _____ cubic yards
 Excavation: _____ acres - 50 sq ft 2 cubic yards
 Draining: _____ acres _____ sq ft _____ cubic yards
 Other: _____ : _____ acres _____ sq ft _____ cubic yards

TOTALS: _____ acres - 50 sq ft 2 cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? ☒ NO ☐ YES If yes, describe ALL work that has occurred including dates.

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

0

23. ☐ YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands ? Forest Service USDA

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: _____ Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☐ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a. WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.
See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

- ☐ NO ☐ YES Is applicant willing to assume that the affected waterbody is high quality?
☐ NO ☐ YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
☐ NO ☐ YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMPs): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

SMALL Excavation next to the stream then let the stream move over the Excavation to infiltrate so that we don't disrupt the stream

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
Catch Water	Kelly Spring	Intermittent	Low Area Next to Stream	25'
TOTAL STREAM IMPACTS (Linear Feet):				

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
TOTAL WETLAND IMPACTS (Square Feet):				

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT: Provide contact information of ALL adjacent property owners below.

Name: <u>Forest Service</u> Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____	Name: _____ Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____
Name: _____ Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____	Name: _____ Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____
Name: _____ Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____	Name: _____ Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____
Name: _____ Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____	Name: _____ Mailing Address: City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____

30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant: Burt D. Marble Date: July 1 2021

Signature of Agent: _____ Date: _____

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".

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JUL 13 2021

Form 113
12/07

Ident No. 23-11498

Department of Water Resources
Eastern Region
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF DIVERSION AS AN ALTERNATIVE TO INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks as an alternative to instream use for the watering of livestock)

1. Name of right holder Kelly Canyon Phone 208-604-0040
Mailing address Po box 367 Email besthmarble@gmail.com
2. Source of water supply Kelly Creek tributary to Snake River
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number _____
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot ____, ____, 1/4 NE 1/4 NE 1/4,
Section 34, Township 4N Range 41E, B.M.,
Jefferson County.
Ending point is in Gov't. Lot ____, ____, 1/4 NW 1/4 SE 1/4,
Section 28, Township 4N Range 41E, B.M.,
Jefferson County.
 - b) Alternate point of diversion is in Gov't. Lot ____, ____, 1/4 SE 1/4 SW 1/4,
Section 27, Township 4N Range 41E, B.M.,
Jefferson County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion Infiltrator to Pipe to Stock tank
SEE Attached Documents
 - b) Describe the delivery system Infiltrator - Concrete port barrel
to pipe to 4x12 water trough.
 - c) Describe the number, type and total capacity of troughs or tanks 1x02 tanks
4'x12' 700 gallons ea

SUPERCEDED

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source over flow goes into a culvert
& back into stream
- e) Describe how the system is designed to allow measurement of the rate of diversion measurement is by # of cattle using trough per day
450 AUM.

5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
4N	41E	27												X				

6. Priority date claimed or established 1892
7. Rate of diversion 22 cfs
8. Season of use: from March 1 to Nov 1
9. a) Who owns the property at the point of diversion? Forest Service
b) Who owns the property at the place of use? Forest Service
10. When will construction occur? 2021
11. Comments (include number and type of stock) 475 head of stock cows
12. Map of project required - Attach an 8½"x11" map clearly identifying the location of the instream stockwater use and the locations of the alternative point(s) of diversion and stock trough(s). A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.