

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)

RECEIVED

MAY 05 2020

Department of Water Resources
Eastern Region

1. Name of right holder USDA Forest Service Phone 208-557-5783
Mailing address 1405 Hollipark Drive Email Louis.wasniewski@usda.gov
2. Source of water supply Potter Creek tributary to Marsh Creek
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number 29-12424
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot , 1/4 1/4 1/4,
Section , Township Range , B.M.,
 County.
Ending point is in Gov't. Lot , 1/4 1/4 1/4,
Section , Township Range , B.M.,
 County.
 - b) Alternate point of diversion is in Gov't. Lot , 1/4 1/4 1/4,
Section , Township Range , B.M.,
 County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion A spring box will be installed at the spring head that forms the start of perennial waters of Potter Creek
 - b) Describe the delivery system A 1 1/4 inch pipeline will tie into the spring box and deliver water to a trough placed several hundred feet away from Potter Creek.
 - c) Describe the number, type and total capacity of troughs or tanks One 500 gallon trough

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source A float shutoff valve will be installed at the trough along with a return overflow pipeline, as a backup, which will return flows to Potter Creek if necessary.
- e) Describe how the system is designed to allow measurement of the rate of diversion Water will be accessible from the in/out flow on the trough to measure the flow rates.

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
11S	36E	18									X							

6. Priority date claimed or established 5/1/1889
7. Rate of diversion 0.02 cfs
8. Season of use: from 6/01 to 9/30
9. a) Who owns the property at the point of diversion? United States of America
b) Who owns the property at the place of use? United States of America
10. When will construction occur? May-June 2020
11. Comments (include number and type of stock) 147 cow/calf pair turn out 6/1 with a 35 day stay limit in pasture
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.

North Elkhorn Allotment Permittee signature as consent

Cris Davis

Date

- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this

1st

day of

May

, 20²⁰

Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by

C+H

Date

5/5/2020

Preliminary check by

AN

Fee: \$

25.00

Received by

C+H

Receipt No.

E045873

Date

5/5/2020

Water District No.

Entered into data base

By

Potter Springs Water Right NO. 29-12424

North Elkhorn

Proposed Trough Location
UTMs 12T 0393156E 4702207N

Potter Creek,
Beginning of Stream Flow

Legend

● PotterCreekTrough

● KEYarea

Improvements

■ cowcamp

● pond

✱ spring

● trough

MGMT AGENCY

BLM

PRIVATE

STATE

USFS

Wrights Creek

South Elkhorn

Reference USGS Quad: Wakley Pe

Created March 2020 By C.Raukan

0.5 0 0.5 Miles

Department of Water Resources

Name of Right Holder: USDA FOREST SERVICE

Initial Review By: A. GRIMM Date: 6/3/2020

Based on prior recorded instream stockwater right? Yes ☐ No ☒

If yes, right number: 29-12424

Also, if right was claimed in SRBA, this notice will amend claim.

If no, enter as statutory claim.

[illegible]

Name & address

Date of Priority

Source

Period of use

Point of diversion (limited to 1 diversion) - SEE MAP ATTACHED TO NOTICE

Location of use

Signature

\$25.00 filing fee

Receipt No. E 045873

Water District 29 H

Amount of Water

Description of diversion/delivery system.

Publish? Yes ☐ No ☒ (Regional Determination*)

2	1	1
2	1	1

Copy of notice sent to federal land manager (BLM, USFS, BOR, etc.)

Review Complete

By: ANGIE GRIMM

Date: 10/3/2020

*Generally **not** advertised unless determined to be necessary by Regional Manager.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 4, 2020

LOUIS WASNIEWSKI
C/O USDA FOREST SERVICE
1405 HOLLIPARK DR
IDAHO FALLS ID 83401-2100

RE: Water Right No. 29-12424
Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

The Department of Water Resources acknowledges receipt of the water right notice you submitted under Section 42-113(3), Idaho Code. Please refer to the above referenced number in all future correspondence regarding this notice.

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.

Sincerely,

Angela M. Grimm, P.G.
Water Rights Section Manager

Cc. Kristin Evans, Water District 29H Watermaster (via email)
Michael Holiday, IDWR Eastern Region (via email)