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DEPARTMENT OF  
WATER RESOURCES

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**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF LICENSE NO. )  
51-13108 IN THE NAME OF ) **PETITION FOR RECONSIDERATION**  
UNITED STATES OF AMERICA )  
ACTING THROUGH USDI BUREAU )  
OF LAND MANAGEMENT )  
\_\_\_\_\_ )

On December 27, 2019, the Idaho Department of Water Resources ("IDWR") issued License No. 51-13108 to the applicant, The United States of America, Department of Interior, Bureau of Land Management ("BLM"). On December 30, 2019, IDWR issued a letter of issuance of License 51-13108 to BLM. BLM respectfully files this Petition for Reconsideration regarding issuance of License No. 51-13108 pursuant to the IDWR rules of procedure, IDAPA 37.01.01.730.02. BLM's amendment requests have been identified in bold below within this petition and are also on Attachment A (Petition for Amendment of License 51-13108).

On June 10, 2014, BLM filed an Amended Application for Permit with IDWR for the new Juniper Butte Range Complex (Air Force) and Fire Guard Station (BLM). The application sought Industrial Use (0.10 cfs) for firefighting training, washing fire trucks, control of prescribed burns, and wildfire suppression and Domestic Use (0.10 cfs) for 15 to 20 personnel. On September 22, 2014, IDWR issued a Permit for Domestic and Industrial Use with Condition

#5 stating “Industrial use includes firefighting training, washing fire trucks, control of prescribed burns, and wildlife (sic) suppression” (emphasis added). Where IDWR stated “wildlife”, the word “wildfire” was intended. On December 30, 2019, BLM received a letter of Issuance of License 51-13108. The issued License made changes to Conditions of Approval, such that Condition #3 now states “Industrial use includes firefighter training, washing fire trucks, and general facility operations”. The license drops the reference to “control of prescribed burns” and adds a reference to “general facility operations”. BLM is negatively affected by the removal of water use for prescribed burns from the License, as BLM’s fire program includes prescribed (aka “controlled”) burns. Historically, water use for fire prevention has been defined and recognized in different ways by the State, however currently a fire prevention purpose of use is limited to the use of water to extinguish active fires only. BLM would like to make it clear on the face of the License that water use for control burns is included under the Industrial Use component of the License. BLM does not hold any other right to use water for control burns from the well (described as SE1/4SW1/4, Sec. 35, T. 13S, R. 09E) under State law. Currently, 51-07375 (Fire Protection Use) is recognized by the State to fight only “active wildfires”.

The BLM respectfully requests that License Condition #3 be amended to read as follows:

**“Industrial use includes firefighter training, washing fire trucks, control of prescribed burns, and general facility operations.”**

BLM further requests that License 51-13108 quantity Maximum Diversion Volume and Annual Volumes be amended to ensure there is sufficient water for both the Industrial Use and Domestic Use components for the Juniper Butte Range Complex/ Fire Guard Station. IDWR issued License 51-13108 for Annual Volume of 0.3AF (Industrial Use) and 0.6 AF (Domestic Use), but the IDWR Beneficial Use Field Report suggests the Industrial Use should be 0.6 AF

and the Domestic Use should be 0.3 AF. Annual Volume calculations appear to have been switched at licensure. Also, water quantities for the control of prescribed burns are not identified on the IDWR field Report calculations sheet. BLM respectfully requests that water for the control of prescribed burns (30,000 gallons/ 0.09 AF) be included in License 51-13108. A representative calculation of Annual Volumes and Maximum Diversion Volume for License 51-13108 amendment is as follows:

**Industrial Use Annual Volume 0.7 AF**

Military Drills (11 military X 50 gallons X 365) +  
Truck Washing (20 weeks X 100 gallons) +  
Control of Prescribed Burns/ Fire Training (1 burn X 15 Trucks X 2,000 gallons per truck)  
= 200,750 + 2,000 + 30,000 = 232,750 gallons  
 $232,750 \text{ gal} \div 325,850 \text{ gallon per AF} = \underline{0.71 \text{ AF Industrial Use}}$

**Domestic Use Annual Volume 0.3 AF**

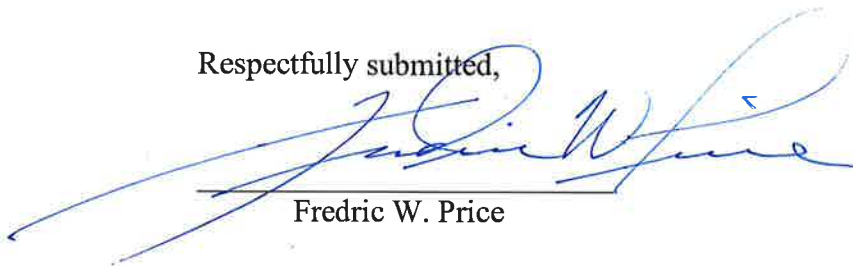
1 Fire Crew (5 People X 125 gallons X 152 days)  
 $95,000 \text{ gal} \div 325,850 \text{ gallon per AF} = \underline{0.29 \text{ AF Domestic Use}}$

**Maximum Diversion Volume 1.0 AF**

$0.71 \text{ AF} + 0.29 \text{ AF} = \underline{1.00 \text{ AF Maximum Diversion Rate}}$


This Petition is filed timely, within 14 days after the Service Date of Issuance of License (Notice Date December 30, 2019). BLM requests that amendments be made to License 51-13108 Condition #3 (to include water use for control of prescribed burns), Maximum Diversion Volume (1.0 AF), and Annual Volumes for Industrial Use (0.7 AF) and Domestic Use (0.3 AF). All other elements of the License should remain unchanged.

Respectfully submitted,

  
Fredric W. Price

Subscribed and sworn to before me this 13<sup>th</sup> day of January, 2020.  
Witnessed by my hand and official seal.



  
Sandra McCrea  
Notary Public in and for the State of Idaho  
Residing at: Ada County, Idaho  
My Commission Expires: June 9, 2023

## CERTIFICATE OF SERVICE

I HEARBY CERTIFY that on January 13, 2020, I served a true and correct copy of the foregoing **PETITION FOR RECONSIDERATION; LICENSE NO. 51-13108** by placing the document in the United States Mail in Boise, Idaho, postage paid, and addressed as follows:

Original to:

Shelly Keen, Bureau Chief, Water Allocation Bureau  
IDWR, State Office  
322 East Front Street  
P.O. Box 83720  
Boise, ID 83720-0098

Copies to:

Nick Miller, P. E., Regional Manager  
Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, Idaho 83705-5082

Lisa Claxton, Realty Specialist  
U.S., Department of the Interior  
Bureau of Land Management  
Jarbidge Field Office  
2878 Addison Avenue East  
Twin Falls, Idaho 83301-6812



Signature of Person Serving Documents

# Attachment A: Petition for Amendment of License 51-13108

Page 1

State of Idaho  
Department of Water Resources  
**Water Right License**  
Water Right No. 51-13108

Priority: June 10, 2014

Maximum Diversion Rate: 0.07 CFS  
Maximum Diversion Volume: ~~0.9 AF~~ **1.0 AF**

It is hereby certified that:

UNITED STATES OF AMERICA ACTING THROUGH ~~USDI BUREAU OF LAND MANAGEMENT~~  
1387 S VINNELL WAY BOISE ID 83709-1657

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 10, 2014, and has submitted Proof of Beneficial Use on May 05, 2016. An examination confirms water is diverted from:

Source: GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
INDUSTRIAL	01/01 to 12/31	0.07 CFS	<del>0.3 AF</del> <b>0.7 AF</b>
DOMESTIC	01/01 to 12/31	0.07 CFS	<del>0.6 AF</del> <b>0.3 AF</b>

**Location of Point(s) of Diversion**

GROUND WATER SE¼ SW¼, Sec. 35, Twp 13S, Rge 09E, B.M. OWYHEE County

Place of Use: INDUSTRIAL and DOMESTIC

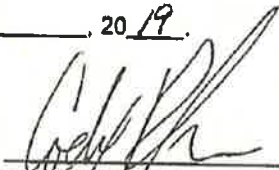
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	09E	35															X		

**Conditions of Approval**

1. Rights 51-13108, 51-7375, 51-12950 and 51-2356 when combined shall not exceed a total diversion rate of 0.07 cfs.
2. This right does not grant any right-of-way or easement across the land of another.
3. ~~Industrial use includes firefighter training, washing fire trucks, and general facility operations.~~
4. Domestic use is for the Juniper Butte Range Complex/Fire Guard Station compound and housing for personnel.

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 27<sup>th</sup> day of December, 2019.

  
CODY PARKER  
Water Rights Supervisor

**3. Industrial use includes firefighter training, washing fire trucks, control of prescribed burns, and general facility operations.**