

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 04 2017

WATER RESOURCES
WESTERN REGION

**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 Edward J. Kalinowski Phone 208 347-4440
Mailing address PO Box 127 New Meadows Email KALINOWSKI@hawaii.edu
2. Source of water supply three mile creek tributary to Little Salmon
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number ND
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot 3, NW 1/4 SW 1/4 _____ 1/4,
Section 9, Township 19N Range 02E, B.M.,
Adams County.
Ending point is in Gov't. Lot _____, NE 1/4 SE 1/4 _____ 1/4,
Section 8, Township 19N Range 02E, B.M.,
Adams County.
 - b) Alternate point of diversion is in Gov't. Lot 3, _____ 1/4 NW 1/4 SW 1/4,
Section 9, Township 19N Range 02E, B.M.,
Adams County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion gravity pipe to troughs
return pipe to creek
 - b) Describe the delivery system gravity flow to troughs.
overflow returned via pipe (PVC) to
creek
 - c) Describe the number, type and total capacity of troughs or tanks 718 gal.
galvanized troughs.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source continuous flow to avoid winter freeze or stagnation
- e) Describe how the system is designed to allow measurement of the rate of diversion measurement can be taken directly off intake pipe

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

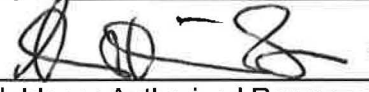
TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
19N	2E	9										X						
												23						

6. Priority date claimed or established MAY 1, 2014
7. Rate of diversion .02 cfs
8. Season of use: from 1/1 to 12/31
9. a) Who owns the property at the point of diversion? self
b) Who owns the property at the place of use? self
10. When will construction occur? Spring 2018
11. Comments (include number and type of stock) up to 4 cows, mix adult / calf
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 1 day of December, 2017



Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by BN Date 12/14/17 Preliminary check by AG
Fee: \$ 25.00 Receipted by BN Receipt No. W015880 Date 12/14/17
Water District No. _____ Entered into data base _____ By _____



SENE

SNNW 2

8

9

Ret.
TANK
19N00E



NESE

NWSW 3



Grimm, Angie

From: Spencer, Steven M -FS <sspencer@fs.fed.us>
Sent: Friday, December 22, 2017 11:58 AM
To: Grimm, Angie
Subject: RE: Notice of Diversion for Instream Stockwater Use - Kalinowski

Angie,

Thank you for letting me review this notice. The Kalinowski property is bounded on the north by National Forest System land (NFS), however the entire SW¼ of Section is private land. His property is properly described in Section 9 as being in Government Lot 3, which is the NWSW. It appears that this water use is intended to be entirely on the applicants private land and not involve any NFS land. I can see no concern the Forest Service might have with this use.

On a technical note it does appear that the ending point in the NESW Sec 8 might need to be changed to Lot 3 NWSW Sec 9 because the Kalinowski property is entirely in Lot 9. The property immediately west of Kalinowski's in Sec 8 is owned by Bradley Hoover according to Adams County Tax Parcel information.



If you have any questions about this information please contact me.

Thanks again,

Steve



Steven M. Spencer
Water Use Specialist
Idaho Water Right Coordinator

Forest Service
Intermountain & Northern Regions
p: 208-365-7055
sspencer@fs.fed.us

1805 Hwy 16 Rm 5
Emmett, ID 83617

www.fs.usda.gov



From: Grimm, Angie [mailto:Angie.Grimm@idwr.idaho.gov]
Sent: Tuesday, December 19, 2017 8:45 AM
To: Spencer, Steven M -FS <sspencer@fs.fed.us>
Subject: Notice of Diversion for Instream Stockwater Use - Kalinowski

Steve,

Good morning! Attached, for your information, is the above referenced notice. Please let me know if you have any questions. Happy Holidays!

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/19/2017

STEVE SPENCER
UNITED STATES FOREST SERVICE
VIA EMAIL: SSPENCER@FS.FED.US

RE: Water Right No. 78-12480 - Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

The Department of Water Resources received the enclosed Notice of Diversion as an Alternative to Instream Stockwater Use. This notice was submitted under Section 42-113(3), Idaho Code. This letter serves as notification in lieu of publication in the local newspaper. If you disagree that a right has been established, you may file an exception to this claim.

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

Please note that the diversion described in the 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 shall not exceed thirteen thousand (13,000) gallons per day.

Please feel free to contact this office if you have any questions.

Sincerely,

Angela M. Grimm
Water Rights Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

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19N	2E	9										X						
												23						

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Dated this 1 day of December, 20 17

[Signature]
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by RW Date 12/14/17 Preliminary check by AG
Fee: \$ 25.00 Receipted by RW Receipt No. W045880 Date 12/14/17
Water District No. _____ Entered into data base _____ By _____

SENE

SWNW 2

8

9

Ret. Tank 19N02E

NESE

NWSW 3

Grimm, Angie

From: Grimm, Angie
Sent: Wednesday, December 20, 2017 8:00 AM
To: 'Price, Fredric'
Subject: RE: Notice of Diversion for Instream Stockwater Use - Kalinowski

Fred,

Thank you for your review and comments.

In response to your aside, I.C. 42-113(3)(c) states this notice can substitute for filing a notice of claim to a water right pursuant to 42-243, Idaho Code. Therefore, if an underlying instream stockwater right has not been adjudicated or recorded/established in some other fashion, the notice serves as a statutory claim. Hope this insight is helpful. Happy Holidays!

Regards,
Angie

Angela M. Grimm, P.G.
Water Rights Supervisor
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax

From: Price, Fredric [mailto:fwprice@blm.gov]
Sent: Tuesday, December 19, 2017 4:44 PM
To: Grimm, Angie <Angie.Grimm@idwr.idaho.gov>
Cc: James Tarter <jtarter@blm.gov>; Kyle Paffett <kpaffett@blm.gov>; Gary Madenford <gmadenford@blm.gov>; Sandra McCreia <smccrea@blm.gov>
Subject: Fwd: Notice of Diversion for Instream Stockwater Use - Kalinowski

Angie,

RE: 78-12480 (Kalinowski), Notice of Instream Diversion

The notice involves a stretch of Threemile Creek on private land within NESE, S08 and Lot 3 (NWSW), S09, T19N, R02E. The beginning POD is described at the property boundary line between private land (Lot 3 (NWSW)) and federal land (Lot 2 (SWNW)), so does not include federal land. BLM does not have any concerns with this notice. Thank you for the opportunity to review.

As an aside, I have found it strange that the notice (I.C. 42-113(3)(c)) can be used to create the underlying instream stockwater use and affect the pseudo-transfer out of stream at the same time. When I read the statute, it appears to me that the instream stockwater claim would have to first be adjudicated (i.e. "established" (I.C. 42-113(3)(a))) before the notice could be used to divert the determined right out of the stream (in order to not run afoul of I.C. 42-222).

Fredric W. Price

Water Rights Specialist
BLM, Idaho State Office, ID-933b
1387 S. Vinnell Way, Boise, ID 83709
(208) 373-3831
fwprice@blm.gov

----- Forwarded message -----

From: **Grimm, Angie** <Angie.Grimm@idwr.idaho.gov>
Date: Tue, Dec 19, 2017 at 8:46 AM
Subject: Notice of Diversion for Instream Stockwater Use - Kalinowski
To: "fwprice@blm.gov" <fwprice@blm.gov>

Fred,

Good morning! Attached, for your information, is the above referenced notice. Please let me know if you have any questions. Happy Holidays!

Regards,

Angie

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/19/2017

FRED PRICE
USDI, BLM, IDAHO STATE OFFICE
VIA EMAIL: FWPRICE@BLM.GOV

RE: Water Right No. 78-12480 - Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

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- The water is diverted from a surface water source to a trough or tank through an enclosed water delivery system.
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- 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 shall not exceed thirteen thousand (13,000) gallons per day.

Please feel free to contact this office if you have any questions.

Sincerely,

Angela M. Grimm
Water Rights Supervisor

Enclosure

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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			
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19N	2E	9										X						
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6. Priority date claimed or established MAY 1, 2014
7. Rate of diversion .02 cfs
8. Season of use: from 1/1 to 12/31
9. a) Who owns the property at the point of diversion? Self
- b) Who owns the property at the place of use? Self
10. When will construction occur? Spring 2018
11. Comments (include number and type of stock) Up to 4 cows, mix adult & calf
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:

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Dated this 1 day of December, 2017



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Water District No. _____ Entered into data base _____ By _____



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C.L. "BUTCH" OTTER

Governor

12/19/2017

GARY SPACKMAN

Director

COPY

EDWARD J KALINOWSKI
PO BOX 127
NEW MEADOWS ID 83654

RE: Water Right No. 78-12480 - 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.

A copy of this notice will be sent to downstream water right holders on Threemile Creek. If exceptions to the notice are filed you will be sent a copy of the exceptions(s).

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

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

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- The amount of water diverted for watering of livestock shall not exceed thirteen thousand (13,000) gallons per day.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the notice for your records. Please feel free to contact this office if you have any questions.

Sincerely,

Angela M. Grimm
Water Rights Supervisor

Enclosure

COPY

78-12480

Ident No. _____

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I hereby assert the following:

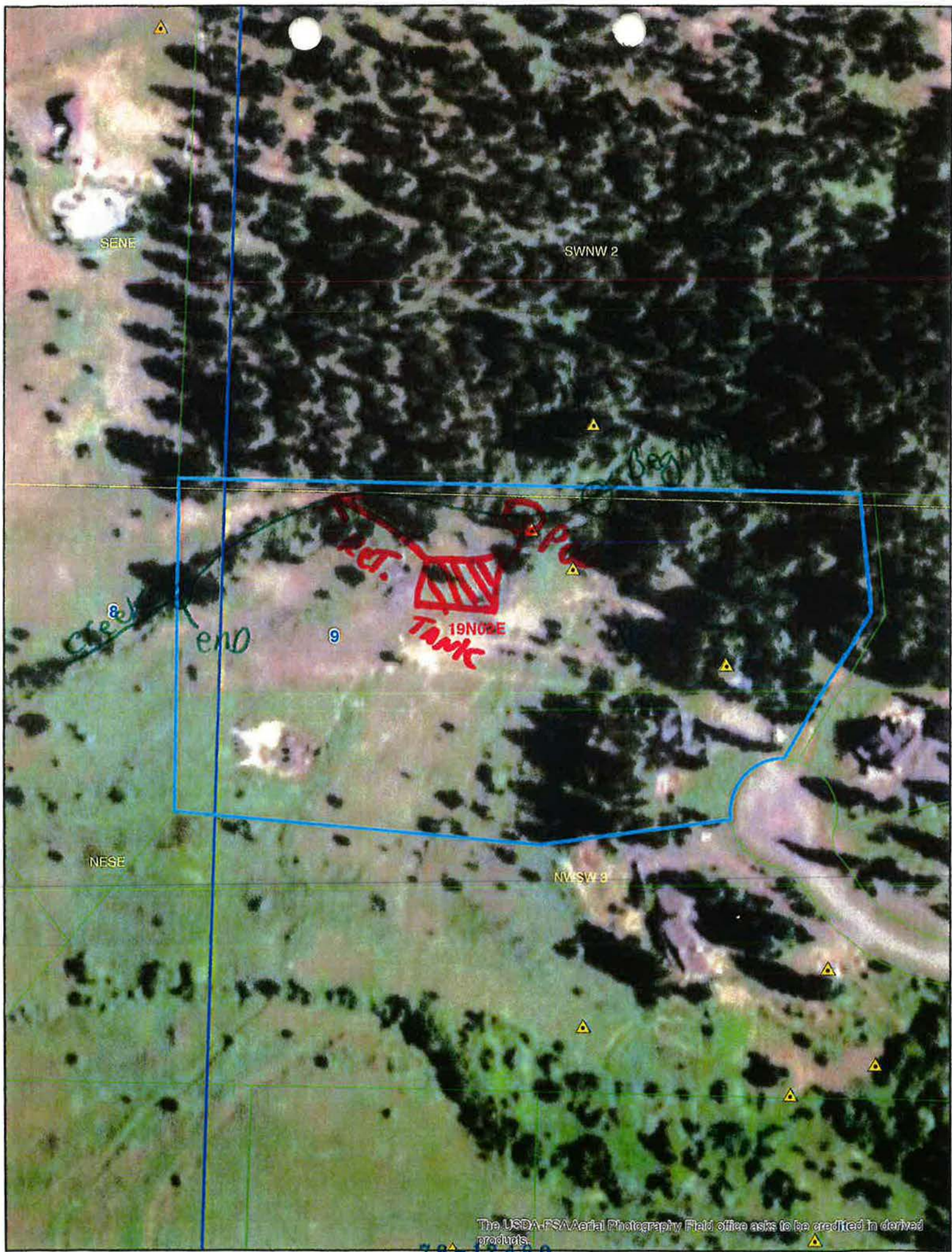
- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the 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 1 day of December, 20 17

[Signature]
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by BN Date 12/14/17 Preliminary check by AG
Fee: \$ 25.00 Received by BN Receipt No. W015880 Date 12/14/17
Water District No. _____ Entered into data base _____ By _____



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

78-12460



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/19/2017

DARRELL L OR DONNA MARIE CAMPBELL
3843 CAMPBELL RD
NEW MEADOWS ID 83654-5030

COPY

RE: Water Right No. 78-12480 - Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

The Department of Water Resources received the enclosed Notice of Diversion as an Alternative to Instream Stockwater Use for property upstream of your water right diversion from Threemile Creek. This notice was submitted under Section 42-113(3), Idaho Code. This letter serves as notification in lieu of publication in the local newspaper. If you disagree that a right has been established, you may file an exception to this claim.

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

Please note that the diversion described in the 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 shall not exceed thirteen thousand (13,000) gallons per day.

Please feel free to contact this office if you have any questions.

Sincerely,

Angela M. Grimm
Water Rights Supervisor

Enclosure

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident No. _____

78-12480

RECEIVED

DEC 04 2017

WATER RESOURCES
WESTERN REGION

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 Edward J. KALINOWSKI Phone 208 347-4440
Mailing address PO Box 127 New Meadows Email KALINOWSKI@hawaii.edu
2. Source of water supply three mile creek tributary to Little Salmon
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number NO
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot 3, NW 1/4 SW 1/4 _____ 1/4,
Section 9, Township 19N Range 02E, B.M.,
Adams County.
Ending point is in Gov't. Lot _____, NE 1/4 SE 1/4 _____ 1/4,
Section 8, Township 19N Range 02E, B.M.,
Adams County.
 - b) Alternate point of diversion is in Gov't. Lot 3, _____ 1/4 NW 1/4 SW 1/4,
Section 9, Township 19N Range 02E, B.M.,
Adams County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion gravity pipe to troughs
return pipe to creek
 - b) Describe the delivery system gravity flow to troughs
overflow returned via pipe (PVC) to
creek
 - c) Describe the number, type and total capacity of troughs or tanks 718 gal.
galvanized troughs.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source continuous flow to avoid winter freeze or stagnation
- e) Describe how the system is designed to allow measurement of the rate of diversion measurement can be taken directly off intake pipe

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
19N	2E	9										X						
												23						

6. Priority date claimed or established MAY 1, 2014
7. Rate of diversion .02 cfs
8. Season of use: from 1/1 to 12/31
9. a) Who owns the property at the point of diversion? self
b) Who owns the property at the place of use? self
10. When will construction occur? Spring 2018
11. Comments (include number and type of stock) up to 4 cows, mix adult / calf
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 1 day of December, 2017

[Signature]
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by BN Date 12/14/17 Preliminary check by AG
Fee: \$ 25.00 Received by BN Receipt No. W045880 Date 12/14/17
Water District No. _____ Entered into data base _____ By _____



SENE

SWNW 2

8

9

Ret.
Tank
19N02E

NESE

NWSW 3



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/19/2017

OSBORN RANCH INC
PO BOX 209
NEW MEADOWS ID 83654

COPY

RE: Water Right No. 78-12480 - Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

The Department of Water Resources received the enclosed Notice of Diversion as an Alternative to Instream Stockwater Use for property upstream of your water right diversion from Threemile Creek. This notice was submitted under Section 42-113(3), Idaho Code. This letter serves as notification in lieu of publication in the local newspaper. If you disagree that a right has been established, you may file an exception to this claim.

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

Please note that the diversion described in the 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 shall not exceed thirteen thousand (13,000) gallons per day.

Please feel free to contact this office if you have any questions.

Sincerely,

Angela M. Grimm
Water Rights Supervisor

Enclosure

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident No. _____

78-12480

RECEIVED

DEC 04 2017

WATER RESOURCES
WESTERN REGION

**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 Edward J. KALINOWSKI Phone 208 347-4440
Mailing address PO Box 127 New Meadows Email KALINOWSKI@hawaii.net
2. Source of water supply Three mile creek tributary to Little Salmon
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number NO
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot 3, NW 1/4 SW 1/4 _____ 1/4,
Section 9, Township 19N Range 02E, B.M.,
Adams County.
Ending point is in Gov't. Lot _____, NE 1/4 SE 1/4 _____ 1/4,
Section 8, Township 19N Range 02E, B.M.,
Adams County.
 - b) Alternate point of diversion is in Gov't. Lot 3, _____ 1/4 NW 1/4 SW 1/4,
Section 9, Township 19N Range 02E, B.M.,
Adams County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion gravity pipe to troughs
return pipe to creek
 - b) Describe the delivery system gravity flow to troughs
overflow returned via pipe (PVC) to
creek
 - c) Describe the number, type and total capacity of troughs or tanks 718 gal.
galvanized troughs.

- d) Describe the automatic shutoff or flow control mechanism or means of returning unused water to the source continuous flow to avoid winter freeze or stagnation
- e) Describe how the system is designed to allow measurement of the rate of diversion measurement can be taken directly off intake pipe

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
19N	2E	9										X						
												23						

6. Priority date claimed or established MAY 1, 2014
7. Rate of diversion .02 cfs
8. Season of use: from 1/1 to 12/31
9. a) Who owns the property at the point of diversion? self
b) Who owns the property at the place of use? self
10. When will construction occur? Spring 2018
11. Comments (Include number and type of stock) up to 4 cows, mix adult / calf
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 1 day of December, 20 17


Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by BN Date 12/14/17 Preliminary check by AG
Fee: \$ 25.00 Received by BN Receipt No. W045880 Date 12/14/17
Water District No. _____ Entered into data base _____ By _____

SENE

SWNW 2

8
Creek

end

9

Ret. Tank 19N02E

NESE

NW SW 3



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/19/2017

COPY

SCHAETZEL BIRCH TRUST
4040 STETSON AVE
ROSAMOND CA 93560

RE: Water Right No. 78-12480 - Notice of Diversion for Instream Stockwater Use

Dear Water Right Holder(s):

The Department of Water Resources received the enclosed Notice of Diversion as an Alternative to Instream Stockwater Use for property upstream of your water right diversion from Threemile Creek. This notice was submitted under Section 42-113(3), Idaho Code. This letter serves as notification in lieu of publication in the local newspaper. If you disagree that a right has been established, you may file an exception to this claim.

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

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- 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 shall not exceed thirteen thousand (13,000) gallons per day.

Please feel free to contact this office if you have any questions.

Sincerely,

Angela M. Grimm
Water Rights Supervisor

Enclosure

COPY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident No. _____

78-12480

RECEIVED

DEC 04 2017

WATER RESOURCES
WESTERN REGION

**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 Edward J. Kalinowski Phone 208 347-4440
Mailing address PO Box 127 New Meadows Email KALINOWSKI@hawaii.net
2. Source of water supply Three mile creek tributary to Little Salmon
3. Point of Diversion:
 - a) Is this notice based on an existing recorded instream stockwater right? If yes, provide the water right number NO
If no, describe the beginning and ending points for the instream stockwater use:
Beginning point is in Gov't. Lot 3, NW 1/4 SW 1/4, Section 9, Township 19N Range 02E, B.M., Adams County.
Ending point is in Gov't. Lot 4, NE 1/4 SE 1/4, Section 9, Township 19N Range 02E, B.M., Adams County.
 - b) Alternate point of diversion is in Gov't. Lot 3, 1/4 NW 1/4 SW 1/4, Section 9, Township 19N Range 02E, B.M., Adams County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion gravity pipe to troughs
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 - b) Describe the delivery system gravity flow to troughs
overflow returned via pipe (PVC) to creek
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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
19N	2E	9										X						
												23						

6. Priority date claimed or established MAY 1, 2014
7. Rate of diversion .02 cfs
8. Season of use: from 1/1 to 12/31
9. a) Who owns the property at the point of diversion? self
- b) Who owns the property at the place of use? self
10. When will construction occur? Spring 2018
11. Comments (Include number and type of stock) up to 4 cows, mix adult / calf
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:

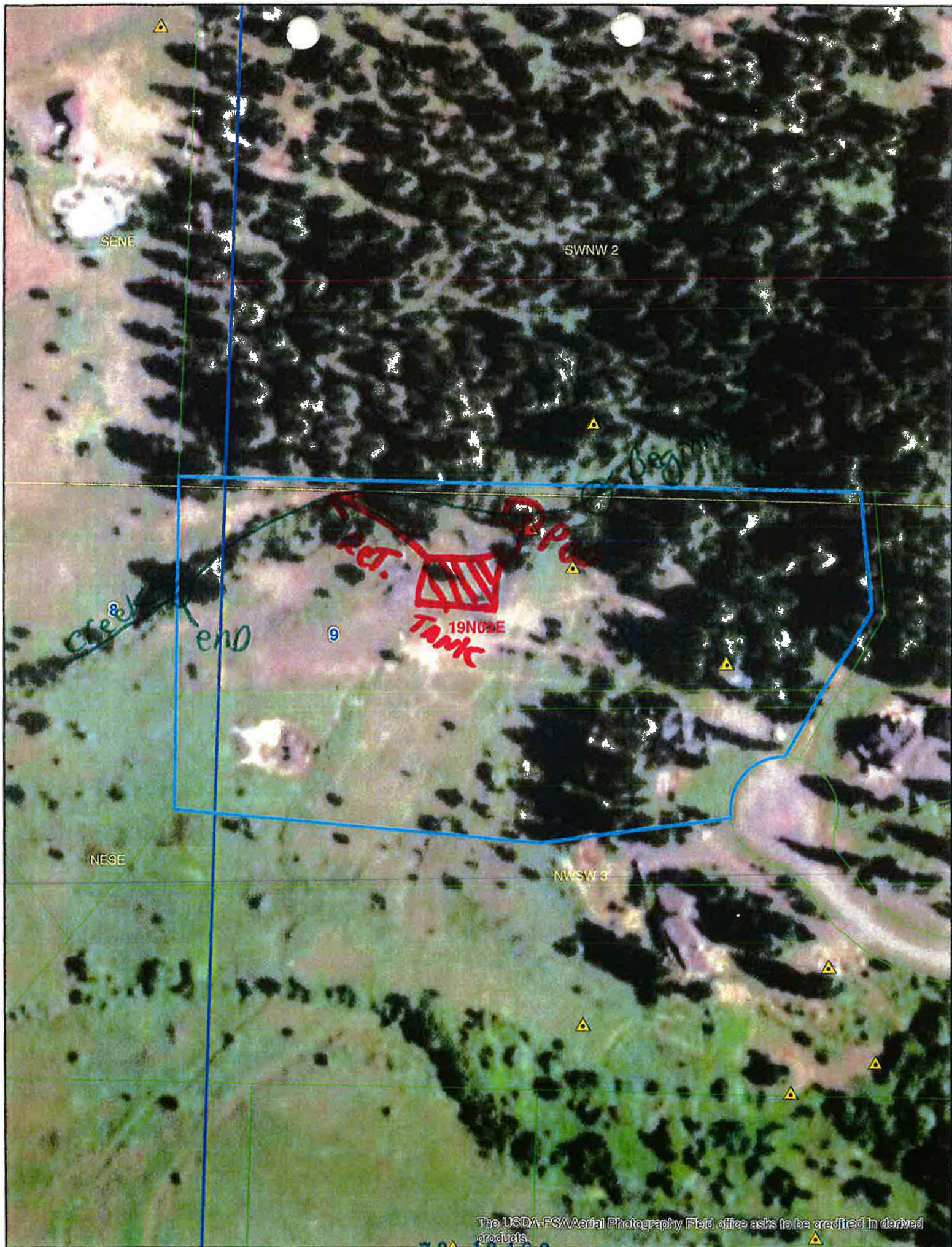
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Dated this 1 day of December, 20 17

[Signature]
Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by RN Date 12/14/17 Preliminary check by AG
Fee: \$ 25.00 Received by RN Receipt No. W045880 Date 12/14/17
Water District No. _____ Entered into data base _____ By _____



SENE

SWNW 2

9

19N02E
TANK

NESE

NW-SW 3

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

78-12480